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# Presidential Documents

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Proclamation 10837 of October 11, 2024

The President

National School Lunch Week, 2024

By the President of the United States of America

## A Proclamation

America's children deserve every opportunity to live fulfilling and healthy lives, and nutritious meals are key components in building those lives. During National School Lunch Week, we reaffirm that the health and well-being of our Nation's children are a national priority. We recommit to doing everything we can to end child hunger. And we celebrate school nutrition professionals, who do the critical work of planning, preparing, and serving nutritious school meals to more than 30 million students each day.

Healthy school lunches benefit our Nation's students and their families. Fueled by a good lunch, students can better focus in the classroom and be set up for success throughout the rest of their day. Free and reduced-price school meals provide families with some breathing room. And for families that live in areas where there are no grocery stores with healthy food options nearby, school meals can be a lifeline—offering children reliable, nutritious meals.

My Administration is committed to putting a healthy school lunch within reach of all our Nation's children, no matter their family's income. That is why we are giving more schools the option to make free school meals available to every student, and we published a final rule updating nutrition standards for school meals to improve children's health. For the first time since 1975, we modernized the Thrifty Food Plan, making a healthy diet more affordable for the millions of families with Supplemental Nutrition Assistance Program benefits. These actions are a part of our national strategy to end hunger and reduce diet-related diseases by 2030. That plan includes the goal of expanding access to healthy, free school meals to nine million more kids—working toward a future where every kid has access to one. We also hosted the first White House Conference on Hunger, Nutrition, and Health in over 50 years. Since then, we have galvanized over \$10 billion in external commitments dedicated to ending hunger and reducing diet-related diseases in children and families across the country. Furthermore, we are giving schools the resources they need to purchase food from local farmers and ranchers and cook meals from scratch—giving kids healthier options and powering our rural economy.

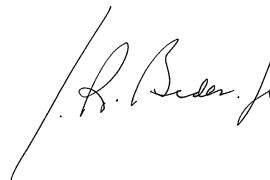
My Administration is taking steps to ensure our Nation's children and families do not go hungry and can afford healthy food. This year my Administration launched SUN Bucks—also referred to as Summer Electronic Benefits Transfer—to provide families with money to buy groceries when school is out, reaching an estimated 21 million children. My American Rescue Plan expanded the Child Tax Credit, slashing child poverty by nearly 50 percent and helping keep food on the table for millions of families during the pandemic. I continue to call on the Congress to restore the enhanced Child Tax Credit to ensure families have the money they need to feed and care for their kids.

During National School Lunch Week, we recognize how important school lunches are to kids and families alike and recommit to expanding access to healthy, free school meals to support the health of the next generation.

And we thank all the school staff, school nutrition professionals, educators, and school leaders, whose tireless work nourishes the future leaders of our Nation.

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 October 13 through October 19, 2024, as National School Lunch Week. I call upon all Americans to recognize and commemorate all those who operate the National School Lunch Program with activities that raise awareness of the steadfast efforts in support of the health and well-being of our Nation's children.

IN WITNESS WHEREOF, I have hereunto set my hand this eleventh day of October, 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", with a long, sweeping horizontal line extending to the left.



## Presidential Documents

**Proclamation 10838 of October 11, 2024**

### **Columbus Day, 2024**

**By the President of the United States of America**

#### **A Proclamation**

Today, we celebrate the proud heritage of Italian Americans in our Nation, whose contributions and character have shaped our country's soul.

I believe we are the only Nation in the world with a heart and soul that draws from old and new. For some Italian-American families, the stories they share about their ancestors' lives in this country stretch back generations. They are stories about immigrants who left everything behind to sail across an ocean and chase the American Dream for the hope of a brighter future. They are stories about ancestors who helped build this country and found America's middle class—and their traditions and recipes still bring joy to their families today. They are stories of Italian-American artists, laborers, lawmakers, and leaders who never gave up on the idea of America. And for many Italian Americans, the story of Christopher Columbus' voyage crossing the Atlantic from the Spanish port of Palos de la Frontera on behalf of Queen Isabella I and King Ferdinand II remains a source of pride. But no matter if their families arrived here centuries ago or only recently, Italian Americans' courage, strength, and character are woven into the rich tapestry of our country.

For many Italian Americans, the lives of their ancestors in this country were not always easy. In addition to the challenges of starting life in a new land, they also faced discrimination. Columbus Day was founded by President Benjamin Harrison in 1892 in response to the horrific, xenophobic attack that took the lives of 11 Italian Americans the year before. In the face of hate, Italian Americans persisted—advancing our Nation and challenging us to live up to our highest values.

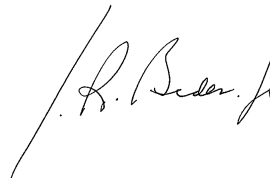
My Administration also recognizes that Italian Americans are a source of strength in our country's unshakeable alliance, strategic partnership, and deep friendship with Italy. The ties between our countries are founded on our shared values and principles: democracy, freedom, and respect for human rights. Both of our nations take pride in standing with the brave people of Ukraine as they defend themselves against Russia's illegal aggression.

Today, may we honor the history and heritage of Italian Americans and all that they have done to help realize the full promise of America for generations.

In commemoration of Christopher Columbus' historic voyage 532 years ago, the Congress, by joint resolution of April 30, 1934, and modified in 1968 (36 U.S.C. 107), as amended, has requested the President proclaim the second Monday of October of each year as "Columbus Day."

NOW, THEREFORE, I, JOSEPH R. BIDEN JR., President of the United States of America, do hereby proclaim October 14, 2024, as Columbus Day. I direct that the flag of the United States be displayed on all public buildings on the appointed day in honor of our diverse history and all who have contributed to shaping this Nation.

IN WITNESS WHEREOF, I have hereunto set my hand this eleventh day of October, 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.

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## Presidential Documents

**Proclamation 10839 of October 11, 2024**

### **Indigenous Peoples' Day, 2024**

**By the President of the United States of America**

#### **A Proclamation**

On Indigenous Peoples' Day, we honor Indigenous peoples' strength, courage, and resilience. We celebrate the vast contributions of Indigenous communities to the world. And we recommit to respecting Tribal sovereignty and self-determination and working to usher in a new era of our Nation-to-Nation relationships.

The history of America's Indigenous peoples is marked by perseverance, survival, and a deep commitment to and pride in their heritage, right to self-governance, and ways of life. Since time immemorial, Indigenous peoples have built and sustained powerful Tribal Nations, cultivated rich cultures, and established vibrant communities. And their discoveries and knowledge still benefit us today. But because of our Nation's failed policies of the past, generations of Native peoples have faced cruelty, violence, and intimidation. They were forced to leave their homelands, prohibited from speaking their own languages and practicing their sacred traditions, and forced into assimilation. Indigenous lives were lost, livelihoods were ripped away, and communities were fundamentally altered. Despite the trauma and turmoil, Indigenous peoples have persisted and survived. Their stories are testaments to the bravery and resolve of generations to preserve their heritage, cultures, and identities for those to come after them.

Today, Indigenous peoples lead in every way, share their histories, and strengthen their communities. They are also stewarding lands and waters, growing our shared prosperity, and celebrating the good of our Nation while pushing us to tell the full truth of our history. Indigenous peoples have long served in the United States military, fighting for democracy. And Indigenous communities continue to be an integral part of the fabric of the United States, contributing so much to our shared prosperity.

I remain committed to writing a new and better chapter in our history. To make this new era of self-determination a reality, we must honor the solemn promises the United States made to fulfill our trust and treaty obligations to Tribal Nations and work together to rebuild Tribal economies and institutions.

From day one, I have worked to include Indigenous voices at the table in all we do. I have appointed Native Americans to lead across the Federal Government, including the Secretary of the Interior, Deb Haaland—America's first Native American Cabinet secretary—and so many others serving in key roles in my Administration. I was proud to re-establish the White House Council on Native American Affairs to help coordinate policy. Together, we have taken historic steps to improve the consultation process between Federal agencies and Tribal Nations.

I also believe that Tribal Nations know best what is right for their communities, and they do better when they make their own decisions. That is why I signed an Executive Order to respect the Nation-to-Nation relationship by ensuring Federal agencies respect the autonomy of tribes, cutting red tape so Tribal leaders can deliver for their communities. At the same time, we are strengthening the Buy Indian Act so that Federal agencies get more goods and services from Native-owned businesses. These initiatives will

help grow Tribal economies while respecting Tribal sovereignty and Tribal Nations' right to build a future on their own terms.

Since I came into office, the Federal Government has made record investments in Tribal Nations. My American Rescue Plan—the largest direct Federal investment in Tribal Nations ever—helped provide COVID-19 vaccinations to Tribal communities and got our economy going again. My Bipartisan Infrastructure Law is the single biggest investment in Tribal roads, bridges, water, high-speed internet, electricity, irrigation, environmental cleanup, and more. My Inflation Reduction Act is the biggest investment in fighting climate change ever, anywhere in the history of the world. It is helping Tribal communities lead in the transition to clean energy and mitigate the impact of droughts, wildfires, and rising sea levels that threaten Native lives and precious homelands. My Administration has also provided increased resources to fight the opioid epidemic and expand access to crisis care in Tribal communities. Given that Native American women are two times more likely to die of pregnancy-related causes than White women, my Administration has taken significant steps to improve maternal health. And my Administration also secured the first-ever advance funding for the Indian Health Service so hospitals can plan ahead, order supplies, and hire doctors.

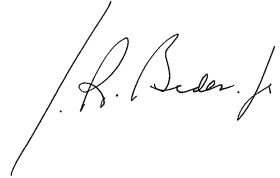
When my Administration reauthorized the Violence Against Women Act in 2022, we included historic provisions to reaffirm Tribal sovereignty and expand Tribal jurisdiction in cases where outside perpetrators harm members of their Nation. And recognizing the ties of Indigenous peoples across North America, I supported a Trilateral Working Group with Canada and Mexico to ensure Indigenous women and girls in all three countries can live free from violence.

My Administration is also preserving important ancestral Tribal lands and waters. I have protected and conserved more than 42 million acres of our Nation's lands and waters. I established, expanded, or restored 11 national monuments—including Bears Ears National Monument, Grand Staircase-Escalante National Monument, Avi Kwa Ame National Monument, Baaj Nwaavjo I'tah Kukveni-Ancestral Footprints of the Grand Canyon National Monument, Berryessa Snow Mountain National Monument, and others containing sites considered sacred to Tribal Nations. We are advancing the proposed Chumash Heritage National Marine Sanctuary, which stretches along 116 miles of California coastline and has been home to coastal, ocean-going Tribal Nations and Indigenous peoples for tens of thousands of years. My Administration has also signed over 190 co-stewardship or co-management agreements with Tribes, and we are working to sign more.

On Indigenous Peoples' Day, we recognize that it is hard work to heal the wrongs of the past and to change course and move forward, but together, nothing is beyond our capacity. May we take pride in the progress we have made to establish a new era of Tribal sovereignty and Indigenous self-determination—one grounded in dignity, respect, and friendship.

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 October 14, 2024, as Indigenous Peoples' Day. I call upon the people of the United States to observe this day with appropriate ceremonies and activities. I also direct that the flag of the United States be displayed on all public buildings on the appointed day in honor of our diverse history and the Indigenous peoples who contribute to shaping this Nation.

IN WITNESS WHEREOF, I have hereunto set my hand this eleventh day of October, 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 "J. R. Biden Jr.", is written over a horizontal line.

## Presidential Documents

**Proclamation 10840 of October 11, 2024**

### **Blind Americans Equality Day, 2024**

**By the President of the United States of America**

#### **A Proclamation**

This Blind Americans Equality Day, we honor the immense contributions of blind and low vision Americans, who help power our economy and push our Nation forward. And we recommit to ensuring every blind and low vision person in this country has a fair shot at the American Dream.

Throughout my decades in public service, I have strived to build an America that works for all Americans. It is why I was proud to co-sponsor the landmark Americans with Disabilities Act—a civil rights law that banned discrimination against people with disabilities in many areas of public life. I remain proud of its lasting legacy today. However, there is still more to do to ensure that blind and low vision Americans have the resources and opportunities they need to thrive. From transportation to online job applications, public services are too often designed in ways that are inaccessible for people with disabilities. And less than half of blind or low vision Americans are employed.

My Administration is committed to ensuring blind and low vision Americans have equal opportunities. To that end, I signed an Executive Order to prioritize diversity, equity, inclusion, and accessibility in the Federal Government and to identify the barriers faced by job applicants and employees with disabilities. We are also requiring Federal agencies to prioritize website accessibility so the Government can truly deliver for all Americans. These are important steps toward making the Federal Government the gold standard for fair, accessible, and decent practices in the workplace. Furthermore, my Administration is ensuring that blind and low vision Americans hired by the Federal Government are paid a fair wage. That is why we ended the use of unfair sub-minimum wages in Federal contracts. At the same time, we are working to increase hiring for people with disabilities in every sector by helping governments, businesses, and nonprofits access Federal funds to hire more disabled Americans.

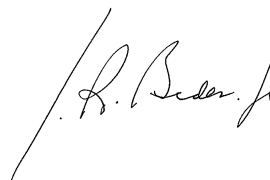
I am also working to make public spaces more accessible for blind and low vision Americans. Through my Bipartisan Infrastructure Law, we are investing \$1.75 billion—the largest amount ever—in making transit and rail stations more accessible. The General Services Administration also adopted the United States Access Board's new guidelines to ensure people with disabilities have access to the over 300,000 Federal Government buildings. And the National Institutes of Health designated people with disabilities as a population with health disparities, opening up new research opportunities that will focus on health issues and unmet needs for blind and low vision Americans.

This Blind Americans Equality Day, may we recommit to advancing accessibility and opportunities for blind and low vision Americans, who do so much for our Nation and deserve every opportunity to thrive.

By joint resolution approved on October 6, 1964 (Public Law 88–628, as amended), the Congress authorized October 15 of each year as “White Cane Safety Day,” which is recognized today as “Blind Americans Equality Day,” to honor the contributions of blind and low vision Americans.

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 October 15, 2024, as Blind Americans Equality Day. I call upon all the people of the United States—including all government officials, educators, and volunteers—to mark this day with appropriate programs, ceremonies, and activities.

IN WITNESS WHEREOF, I have hereunto set my hand this eleventh day of October, 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", with a long, sweeping horizontal line extending to the left.

# Rules and Regulations

Federal Register

Vol. 89, No. 201

Thursday, October 17, 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.

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

## DEPARTMENT OF ENERGY

### 10 CFR Part 430

[EERE-2019-BT-STD-0039]

RIN 1904-AF60

### Energy Conservation Program: Energy Conservation Standards for Dishwashers

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

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

**SUMMARY:** The U.S. Department of Energy (“DOE”) published a direct final rule to establish new energy conservation standards for dishwashers in the **Federal Register** on April 24, 2024. DOE has determined that the comments received in response to the direct final rule do not provide a reasonable basis for withdrawing the direct final rule. Therefore, DOE provides this document confirming the effective and compliance dates of those standards. This document also clarifies the introductory notes to the appendices for the dishwasher test procedure to conform with the amended standards promulgated by direct final rule published on April 24, 2024. This document also corrects an error in the amended regulatory text as it appeared in the direct final rule published on April 24, 2024.

**DATES:** The technical correction in this document is effective October 17, 2024.

The effective date of August 22, 2024, for the direct final rule published April 24, 2024 (89 FR 31398) is confirmed. Compliance with the standards established in the direct final rule will be required on April 23, 2027.

**ADDRESSES:** The docket for this rulemaking, which includes **Federal**

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

The docket web page can be found at [www.regulations.gov/docket/EERE-2019-BT-STD-0039](http://www.regulations.gov/docket/EERE-2019-BT-STD-0039). The docket web page contains instructions on how to access all documents, including public comments, in the docket.

For further information on how to submit a comment or review other public comments and the docket, contact the Appliance and Equipment Standards Program staff at (202) 287-1445 or by email:

[ApplianceStandardsQuestions@ee.doe.gov](mailto:ApplianceStandardsQuestions@ee.doe.gov).

#### FOR FURTHER INFORMATION CONTACT:

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#### I. Authority

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

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

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



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

II. Dishwashers Direct Final Rule

A. Background

In a direct final rule published on May 30, 2012 ("May 2012 Direct Final Rule"), DOE adopted the current energy conservation standards for dishwashers manufactured on or after May 30, 2013. 77 FR 31918. These standards are set forth in DOE's regulations at title 10 of the Code of Federal Regulations ("CFR") section 430.32(f).

The current standards are defined in terms of maximum estimated annual energy use ("EAEU") in kilowatt hours per year ("kWh/yr") and maximum per cycle water consumption in gallons per cycle ("gal/cycle") as measured according to DOE's dishwasher test procedure codified at 10 CFR part 430, subpart B, appendix C1 ("appendix C1").

In a final determination published on December 13, 2016 ("December 2016 Final Determination"), DOE concluded that amended energy conservation standards would not be economically justified at any level above the standards established in the May 2012 Direct Final Rule, and therefore determined not to amend the standards. 81 FR 90072.

On January 18, 2023, DOE published a final rule ("January 2023 TP Final Rule") amending the test procedure at appendix C1 and establishing a new test procedure at 10 CFR part 430, subpart B, appendix C2 ("appendix C2"). 88 FR 3234. The new appendix C2 specifies updated annual cycles and low-power mode hours, both of which are used to calculate the EAEU metric, and introduces a minimum cleaning

performance threshold to validate the selected test cycle. 88 FR 3234, 3236. On May 19, 2023, DOE published a NOPR ("May 2023 NOPR") proposing to amend the current standards for dishwashers, defined in terms of EAEU and per-cycle water consumption as measured according to appendix C2. 88 FR 32514.

On September 25, 2023, DOE received a joint statement ("Joint Agreement") recommending standards for dishwashers that was submitted by groups representing manufacturers, energy and environmental advocates, consumer groups, and a utility.<sup>2</sup> In addition to the recommended standards for dishwashers, the Joint Agreement also included separate recommendations for several other covered products.<sup>3</sup> The amended standard levels recommended in the Joint Agreement for dishwashers are presented in Table II.1, expressed in terms of EAEU and per-cycle water consumption as measured according to the newly established test procedure contained in appendix C2. Details of the Joint Agreement recommendations for other products are provided in the Joint Agreement posted in the docket for this rulemaking.<sup>4</sup>

TABLE II.1—RECOMMENDED AMENDED ENERGY CONSERVATION STANDARDS FOR DISHWASHERS

Product class	Maximum estimated annual energy use (kWh/year)	Maximum per-cycle water consumption (gal/cycle)	Compliance date
Standard-Size Dishwasher (≥8 place settings plus 6 serving pieces).	223	3.3	3 years after publication of the direct final rule.
Compact-Size Dishwasher (<8 place settings plus 6 serving pieces).	174	3.1	

After carefully considering the recommended energy conservation standards for dishwashers in the Joint Agreement, DOE determined that these recommendations were in accordance with the statutory requirements of 42 U.S.C. 6295(p)(4) for the issuance of a direct final rule and published a direct final rule on April 24, 2024 ("April 2024 Direct Final Rule"). 89 FR 31398. DOE evaluated whether the Joint Agreement satisfies 42 U.S.C. 6295(o), as

applicable, and found that the recommended standard levels would, among other things, result in significant energy savings and are technologically feasible and economically justified. *Id.* at 89 FR 31471–31478. Accordingly, DOE adopted the recommended efficiency levels for dishwashers as the amended standard levels in the April 2024 Direct Final Rule. *Id.* The maximum EAEU and maximum water consumption standards adopted

in the April 2024 Direct Final Rule apply to product classes listed in Table II.2 and that are manufactured in, or imported into, the United States starting on April 23, 2027. The April 2024 Direct Final Rule provides a detailed discussion of DOE's analysis of the benefits and burdens of the amended standards pursuant to the criteria set forth in EPCA. *Id.*

<sup>2</sup> The signatories to the Joint Agreement include the Association of Home Appliance Manufacturers (AHAM), American Council for an Energy Efficient Economy, Alliance for Water Efficiency, Appliance Standards Awareness Project, Consumer Federation of America, Consumer Reports, Earthjustice, National Consumer Law Center, Natural Resources Defense Council, Northwest Energy Efficiency Alliance, and Pacific Gas and Electric Company. Members of AHAM's Major Appliance Division that make the affected products include: Alliance Laundry Systems, LLC; Asko Appliances AB; Beko

US Inc.; Brown Stove Works, Inc.; BSH Home Appliances Corporation; Danby Products, Ltd.; Electrolux; Elicamex S.A. de C.V.; Faber; Fotile America; GE Appliances, a Haier Company; L'Atelier Paris Haute Design LLC; LG Electronics; Liebherr USA, Co.; Midea America Corp.; Miele, Inc.; Panasonic Appliances Refrigeration Systems (PAPRSA) Corporation of America; Perlick Corporation; Samsung Electronics America, Inc.; Sharp Electronics Corporation; Smeg S.p.A.; Sub-Zero Group, Inc.; The Middleby Corporation; U-

Line Corporation; Viking Range, LLC; and Whirlpool Corporation. <sup>3</sup> The Joint Agreement contained recommendations for six covered products: refrigerators, refrigerator-freezers, and freezers; clothes washers; clothes dryers; dishwashers; cooking products; and miscellaneous refrigeration products. <sup>4</sup> The Joint Agreement is available in the docket at: [www.regulations.gov/comment/EERE-2019-BT-STD-0039-0055](http://www.regulations.gov/comment/EERE-2019-BT-STD-0039-0055).

TABLE II.2—AMENDED ENERGY CONSERVATION STANDARDS FOR DISHWASHERS  
[Compliance Starting April 23, 2027]

Product class	Estimated annual energy use (kWh/year)	Per-cycle water consumption (gal/cycle)
Standard-size <sup>1</sup> (≥8 place settings plus 6 serving pieces) <sup>2</sup> .....	223	3.3
Compact-size (<8 place settings plus 6 serving pieces) <sup>2</sup> .....	174	3.1

<sup>1</sup> The energy conservation standards in this table do not apply to standard-size dishwashers with a cycle time for the normal cycle of 60 minutes or less.

<sup>2</sup> Place settings are as specified in AHAM DW-1–2020 (which is incorporated by reference, see § 430.3) and the test load is as specified in section 2.4 of appendix C2 to subpart B of part 430.

As required by EPCA, DOE also simultaneously published a NOPR proposing the identical standard levels contained in the April 2024 Direct Final Rule. 89 FR 31096. DOE considered whether any adverse comment received during the 110-day comment period following the publication of the April 2024 Direct Final Rule provided a reasonable basis for withdrawal of the

direct final rule under the provisions in 42 U.S.C. 6295(p)(4)(C).

### III. Comments on the Direct Final Rule

As discussed in section I of this document, not later than 120 days after publication of a direct final rule, DOE shall withdraw the direct final rule if: (1) DOE receives one or more adverse public comments relating to the direct final rule or any alternative joint recommendation; and (2) based on the

rulemaking record relating to the direct final rule, DOE determines that such adverse public comments or alternative joint recommendation may provide a reasonable basis for withdrawing the direct final rule. (42 U.S.C. 6295(p)(4)(C)(i))

DOE received comments in response to the April 2024 Direct Final Rule from the interested parties listed in Table III.1.<sup>5</sup>

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

Commenter(s)	Abbreviation	Comment number in the docket	Commenter type
Association of Home Appliance Manufacturers .....	AHAM .....	76	Trade Association.
Appliance Standards Awareness Project, Alliance for Water Efficiency, American Council for an Energy-Efficient Economy, Consumer Federation of America, Consumer Reports, Earthjustice, National Consumer Law Center, Natural Resources Defense Council, Northwest Energy Efficiency Alliance, and Pacific Gas and Electric Company.	ASAP <i>et al.</i> .....	74	Advocacy Organizations.
Consumer Federation of America, Consumer Reports, Green Energy Consumers Alliance, National Consumer Law Center, and U.S. Public Interest Research Group.	CFA <i>et al.</i> .....	75	Advocacy Organizations.
Chris Bruno .....	Bruno .....	70	Individual.
Clean Future .....	Clean Future .....	71, 72	Advocacy Organization.
Bill Word and David Daquin .....	Word and Daquin ..	* 68, 69	Individual.

\* Comments No. 68 and 69 are identical. DOE cites comment 68 in this document.

A parenthetical reference at the end of a comment quotation or paraphrase provides the location of the item in the public record.<sup>6</sup> The following sections discuss the substantive comments DOE received on the April 2024 Direct Final Rule as well as DOE's determination that the comments do not provide a reasonable basis for withdrawal of the direct final rule.

#### A. General Comments

AHAM and ASAP *et al.* supported the April 2024 Direct Final Rule for dishwashers because it establishes standards that are consistent with recommendations submitted in the Joint Agreement. (AHAM, No. 76 at p. 1;

ASAP *et al.*, No. 74 at pp. 1–2) AHAM commented that it finds DOE has satisfied all EPCA criteria for issuing the April 2024 Direct Final Rule because the recommended energy conservation standards were designed by the Joint Stakeholders (including manufacturers of various sizes as well as consumer, environmental, and efficiency advocacy groups; a utility; and some States) to achieve the maximum improvement in energy efficiency that is technologically feasible and economically justified in accordance with the provisions of 42 U.S.C. 6295(o); and because DOE issued the April 2024 Direct Final Rule with a proposed rule identical to the standard established in the April 2024 Direct

Final Rule and allowed 110 days for public comment, which is consistent with EPCA requirements. AHAM agreed with DOE's determination that the amended energy and water conservation standard levels in the April 2024 Direct Final Rule can be reached through technology options DOE identified in its direct final rule or through other pathways. (AHAM, No. 76 at pp. 4, 5–6)

AHAM further commented that DOE satisfactorily responded to AHAM's comments and concerns regarding dishwasher performance, the economic value of water, consideration of low-income consumers, new Energy Information Administration's ("EIA's")

<sup>5</sup> Table III.1 excludes one comment received from Clean Future that is not directly related to this rulemaking.

<sup>6</sup> The parenthetical reference provides a reference for information located in the docket of DOE's rulemaking to develop energy conservation standards for dishwashers. (Docket No. EERE–

2019–BT–STD–0039, which is maintained at: [www.regulations.gov](http://www.regulations.gov)). The references are arranged as follows: (commenter name, comment docket ID number at page of that document).

Residential Energy Consumption Survey (“RECS”) 2020 data, consideration of well and septic system users, and cumulative regulatory burden. (AHAM No. 76 at pp. 2–3) AHAM stated that the compliance timeline reduces the cumulative regulatory burden of this rulemaking and those for other major appliances. (AHAM, No. 76 at p. 6)

CFA *et al.* supported the April 2024 Direct Final Rule, which they noted is one of many completed and pending efficiency standards that will together significantly reduce consumer costs and climate pollution, as well as reduce emissions of nitrogen oxides, which can cause health issues. (CFA *et al.*, No. 75 at pp. 1–2)

Clean Future supported the proposed regulations, in particular the detailed outline of new environmental guidelines that demonstrate a forward-looking approach to combating climate change and its effects. (Clean Future, No. 71 at p. 1) Clean Future also commented that the revised standards will yield significant energy savings, are technologically feasible, and are economically justified. (Clean Future, No. 72 at p. 1)

DOE received a comment from one individual commenter who expressed support for the standards promulgated in the April 2024 Direct Final Rule. (Bruno, No. 70 at p. 1)

As discussed in more detail below, DOE has determined that these comments do not provide a reasonable basis to withdraw the April 2024 Direct Final Rule.

#### B. Authority To Regulate Water Use

DOE received comments regarding DOE’s statutory authority to regulate the water use of dishwashers.

Word and Daquin commented that DOE has gone beyond its statutory authority in increasing water efficiency standards of certain consumer appliances without lawful authority. Word and Daquin asserted that DOE lacks the authority to increase the stringency of water use standards for products other than showerheads, faucets, water closets, and urinals. (Word & Daquin, No. 68 at p. 1)

Word and Daquin also commented that based on the history of EPCA and the recent ruling of the Fifth Circuit Court of Appeals, DOE does not have the authority to regulate the water use of dishwashers. Word and Daquin commented the Fifth Circuit recognized that “No part of [EPCA] indicates Congress gave DOE power to regulate water use for energy-using appliances.” *Louisiana v. United States Dep’t of Energy*, 90 F.4th 461, 471 (5th Cir. 2024). Word and Daquin also noted that

according to the Fifth Circuit, “EPCA does not appear to contemplate overlap between the products subject to ‘energy’ regulation and those subject to ‘water’ regulation,” noting that this is because the statute authorized DOE to regulate “energy use, or, [ . . . ] water use,” and “[t]he word ‘or’ is almost always disjunctive.” *Id.* at 470–471 (quoting *Encino Motorcars, LLC v. Navarro*, 584 U.S. 79, 80 (2018)). (Word & Daquin, No. 68 at pp. 1–4)

AHAM commented that a dishwasher is a holistic system that is optimized by being able to manipulate both water levels and electricity levels to get the best performance with the least amount of energy, and that DOE’s regulation of energy efficiency and water use together supports manufacturers’ ability to create high performing and highly efficient wash systems. AHAM stated that it had supported the Energy Independence and Security Act of 2007, which it described as providing DOE with the authority to regulate water use for dishwashers because water use is intricately linked to energy usage. AHAM added that disconnecting these authorities would significantly increase regulatory burden and would make designing products more difficult if authority to set water standards rested with individual states. (AHAM, No. 76 at p. 5)

As discussed in the April 2024 Direct Final Rule, EPCA prescribed energy conservation standards with both energy and water use requirements for dishwashers. 89 FR 31398, 31406. In establishing energy conservation standards with both energy and water use performance standards for dishwashers manufactured after 2010, Congress also directed DOE to “determin[e] whether to amend” those standards. (42 U.S.C. 6295(g)(10)(B)) Congress’s directive, in section 6295(g)(10)(B), to consider whether “to amend the standards for dishwashers” refers to “the standards” established in the immediately preceding section, 6295(g)(10)(A), where Congress established energy conservation standards with both energy and water use performance standards for dishwashers. Indeed, the energy and water use performance standards for dishwashers (both standard-size and compact-size) are each contained within a single subparagraph. *See id.* Accordingly, DOE’s authority, under section 6295(g)(10)(B), includes consideration of amended energy and water use performance standards for dishwashers.

Similarly, DOE’s authority under 42 U.S.C. 6295(m) to amend “standards” for covered products includes amending both the energy and water use

performance standards for dishwashers. Neither section 6295(g)(10)(B) nor section 6295(m) limit their application to “energy use standards.” Rather, they direct DOE to consider amending “the standards,” 42 U.S.C. 6295(g)(10)(B), or simply “standards,” *Id.* section 6295(m)(1)(B), which may include both energy and water use performance standards.

#### C. Economic Justification

DOE must follow specific statutory criteria for prescribing new or amended standards for covered products, including dishwashers. Any new or amended standard for a covered product must be designed to achieve the maximum improvement in energy efficiency that the Secretary determines is technologically feasible and economically justified. (42 U.S.C. 6295(o)(2)(A)) In deciding whether a proposed standard is economically justified, DOE must determine whether the benefits of the standard exceed its burdens. (42 U.S.C. 6295(o)(2)(B)(i)) DOE must make this determination after receiving comments on the proposed standard, and by considering, to the greatest extent practicable, the following seven statutory factors:

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

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

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

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

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

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

(7) Other factors the Secretary considers relevant.

(42 U.S.C. 6295(o)(2)(B)(i)(I)–(VII))

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

##### 1. Consumer Impacts

AHAM commented that under the standards adopted in the April 2024 Direct Final Rule, only 3 percent of consumers would experience a net cost. (AHAM, No. 76 at p. 4)

ASAP *et al.* commented that the amended standards will particularly benefit low-income consumers, who spend three times more of their income on energy costs compared to non-low-income households. ASAP *et al.* commented that the standards will also benefit renters, whose landlords might not otherwise purchase energy-saving dishwashers. (ASAP *et al.*, No. 74 at p. 2)

CFA *et al.* commented that many dishwashers on the market today do not use up-to-date technology for water and energy efficiency, and that most dishwashers on the market that do not currently meet the standards could do so through improved control strategies, requiring no incremental cost to consumers. CFA *et al.* commented that renters, who are disproportionately low-income households, are often unable to choose their dishwasher yet must pay the utility bills, creating a split-incentive problem particularly acute in multifamily housing, for which nearly 90 percent of households are renters. CFA *et al.* noted that the amended standards will reduce energy use by about 15 percent relative to the least efficient dishwashers sold today while cutting water waste, with a payback period for standard-size dishwashers of 1.6 years. (CFA *et al.*, No. 75 at p. 1)

DOE did not receive any adverse comments in relation to consumer impacts. DOE reiterates its determination from the April 2024 Direct Final Rule that the standards adopted in the direct final rule are economically justified. 89 FR 31398, 31477–31478.

## 2. Product Reliability

ASAP *et al.* commented that they did not expect the standards in the April 2024 Direct Final Rule to have any impact on product reliability because the amended standards can be met with simple design changes that have already been incorporated in many models on the market today. ASAP *et al.* presented a figure of historical data from EIA's RECS showing that the distribution of dishwasher age remained largely unchanged between 2005 and 2020, as dishwasher efficiency improved. (ASAP *et al.*, No. 74 at pp. 2, 3–4)

AHAM commented that the recommended standards are economically justified as required by 42 U.S.C. 6295(o)(2)(B)(i)(I) and will not result in lessening of utility, reliability, performance, or availability of dishwashers considered under 42 U.S.C. 6295(o)(2)(B)(i)(IV). (AHAM, No. 76 at p. 4)

DOE did not receive any adverse comments in relation to product

reliability. DOE reiterates its determination from the April 2024 Direct Final Rule that the standards adopted in the direct final rule will not lessen the utility or performance of dishwashers. 89 FR 31398, 31464–31467.

## 3. Repair and Maintenance Costs

An individual recommended that DOE factor the repairability and maintenance of an appliance into its economic and environmental impact. (Bruno, No. 70 at p. 1)

DOE did take into account the cost of repair associated with each analyzed efficiency level in the April 2024 Direct Final Rule. As discussed in the April 2024 Direct Final Rule, DOE determined that routine maintenance costs would not vary with increased efficiency. See 89 FR 31398, 31430.

## D. Significant Conservation of Energy

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

AHAM noted that DOE's analysis found significant energy and water savings, as required under EPCA. (AHAM, No. 76 at p. 4)

ASAP *et al.* commented that as estimated by the Joint Stakeholders, the new standards for dishwashers will cost-effectively reduce energy consumption by 15 percent relative to the current standards while also cutting water waste. ASAP *et al.* added that on a national level, the Joint Stakeholders estimate the standards will save 0.31 quadrillion British thermal units ("Btu") of energy and 240 billion gallons of water over 30 years of shipments and cut carbon dioxide emissions by 9.5 million metric tons. (ASAP *et al.*, No. 74 at p. 2)

In summary, DOE did not receive any adverse comments in relation to the significant conservation of energy. DOE reiterates its determination from the April 2024 Direct Final Rule that the energy savings from the standard levels adopted in this direct final rule are "significant" within the meaning of 42 U.S.C. 6295(o)(3)(B). 89 FR 31398, 31405, 31413.

## E. Unavailability of Performance Characteristics

EPCA specifies the Secretary may not prescribe an amended or new standard if interested persons have established by a preponderance of the evidence that the standard is likely to result in the unavailability in the United States in any covered product type (or class) of performance characteristics (including reliability), features, sizes, capacities,

and volumes that are substantially the same as those generally available in the United States. (42 U.S.C. 6295(o)(4))

Word and Daquin commented that they are harmed by the April 2024 Direct Final Rule because their choice of preferred dishwasher would be eliminated by the rule. Word and Daquin recommended that DOE repeal the April 2024 Direct Final Rule and withdraw the proposed rule. (Word & Daquin, No. 68 at p. 10)

DOE notes that Word and Daquin did not provide any specifics regarding the dishwasher features that would be eliminated by the April 2024 Direct Final Rule or why these features and products would be eliminated by amended standards.

In contrast, ASAP *et al.* commented that the standards adopted in the April 2024 Direct Final Rule will not negatively impact drying performance, will not require an increase in cycle time, and combined with the cleaning performance requirements specified in Appendix C2, will ensure new dishwashers provide good cleaning performance. ASAP *et al.* noted that according to DOE, standard-size dishwashers of efficiencies up to efficiency level 3 ("EL 3") can achieve the specified cleaning index threshold, while DOE only adopted EL 2 as the amended standard level. ASAP *et al.* also stated that nearly 500 standard-size dishwasher models meet the more stringent (*i.e.*, EL 3) ENERGY STAR Version 7.0 specification,<sup>7</sup> demonstrating a wide availability of dishwashers that both meet the amended standards and provide good cleaning performance. (ASAP *et al.*, No. 74 at pp. 2–3) ASAP *et al.* also noted that the test procedures used only the normal cycle, so manufacturers will continue to be able to offer short-cycle options, which will not be impacted by the standards. (ASAP *et al.*, No. 74, at p. 3)

ASAP *et al.* further commented that there is no evidence that the frequency of behaviors such as prerinsing, handwashing, or running multiple cycles has increased or will increase due to the amended standards. ASAP *et al.* cited RECS data that indicates the average number of cycles per year has declined over time and a Consumer Reports article that states most modern, efficient dishwashers work better without prerinsing. (ASAP *et al.*, No. 74 at p. 3)

<sup>7</sup> ENERGY STAR Version 7.0 Program Requirements available at: [https://www.energystar.gov/sites/default/files/asset/document/ENERGY%20STAR%20Version%207.0%20Residential%20Dishwasher%20Final%20Specification\\_1.pdf](https://www.energystar.gov/sites/default/files/asset/document/ENERGY%20STAR%20Version%207.0%20Residential%20Dishwasher%20Final%20Specification_1.pdf).

AHAM commented that the energy conservation standards adopted in the April 2024 Direct Final Rule will not result in significant lessening of utility, reliability, performance, or availability of the covered products as prohibited under the so-called “safe harbor” exception of 42 U.S.C. 6295(o)(2)(B)(IV). (AHAM, No. 76 at pp. 4–5) AHAM stated that products on the market have demonstrated capability of achieving the standards while retaining consumer satisfaction with a range of performance considerations; and more than 400 dishwasher models are currently certified to the more stringent ENERGY STAR Version 7.0 level. AHAM noted that DOE’s test procedure, confirmatory testing data, confidential interviews, and ENERGY STAR’s performance requirements reinforce that the amended standards will not negatively impact dishwasher performance. (AHAM, No. 76 at pp. 1–2)

DOE reiterates its determination from the April 2024 Direct Final Rule that the amended standards will not result in the unavailability of products that are substantially the same as those currently available in the United States, and the amended standards will not reduce the utility or performance of dishwashers. 89 FR 31398, 31413, 31464–31468. Therefore, DOE has determined that the comment provided by Word and Daquin do not provide a reasonable basis for withdrawal of the April 2024 Direct Final Rule.

#### *F. Stakeholder Representation*

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

AHAM commented that the stakeholders who submitted the Joint Agreement are representative of a wide range of expert and relevant points of view—including manufacturers of various sizes representing nearly 100 percent of the market for dishwashers; consumer, environmental, and efficiency advocacy groups; a utility; and several States that participated in the negotiation discussions and filed comments in support of the agreement. AHAM concluded that the April 2024 Direct Final Rule benefits both the manufacturers and consumers that these organizations represent. (AHAM, No. 76 at p. 3)

DOE did not receive any adverse comments with regard to stakeholder representation. DOE reaffirms its

determination that the Joint Agreement was submitted by interested persons that are fairly representative of relevant points of view.

#### *G. Conforming Updates to Test Procedure Introductory Notes*

The test procedures at appendix C1 and appendix C2 contain introductory notes that specify the dates of applicability of each test procedure. Among other details, these introductory notes currently specify the following:

- Since January 23, 2024, manufacturers must use results of testing under appendix C1 to determine compliance with the relevant standard from 10 CFR 430.32(f)(1) as it appeared in the January 1, 2023 edition of 10 CFR parts 200–499.
- Manufacturers must use the results of testing under appendix C2 to determine compliance with any amended standards for dishwashers provided in 10 CFR 430.32(f)(1) that are published after January 1, 2023.

The April 2024 Direct Final Rule codified the amended standards promulgated by the April 2024 Direct Final Rule at 10 CFR 430.32(f)(2).

Accordingly, in this document, DOE updates the introductory notes to both appendices C1 and appendix C2 to specify that use of appendix C2 is required to demonstrate compliance with the amended standards codified at 10 CFR 430.32(f)(2).

#### **IV. Impact of Any Lessening of Competition**

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

In its letter responding to DOE, DOJ concluded that, based on its review, the direct final rule standards for dishwashers are unlikely to have

significant adverse impact on competition.

#### **V. Conclusion**

In summary, based on the previous discussion, DOE has determined that the comments received in response to the direct final rule for new energy conservation standards for dishwashers do not provide a reasonable basis for withdrawal of the direct final rule. As a result, the energy conservation standards set forth in the direct final rule became effective on August 22, 2024. Compliance with these standards is required on and after April 23, 2027.

#### **List of Subjects in 10 CFR Part 430**

Administrative practice and procedure, Confidential business information, Energy conservation, Household appliances, Imports, Intergovernmental relations, Reporting and recordkeeping requirements, and Small businesses.

#### **Signing Authority**

This document of the Department of Energy was signed on October 10, 2024, by Jeffrey Marootian, Principal Deputy Assistant Secretary for Energy Efficiency and Renewable Energy, pursuant to delegated authority from the Secretary of Energy. That document with the original signature and date is maintained by DOE. For administrative purposes only, and in compliance with requirements of the Office of the Federal Register, the undersigned DOE Federal Register Liaison Officer has been authorized to sign and submit the document in electronic format for publication, as an official document of the Department of Energy. This administrative process in no way alters the legal effect of this document upon publication in the **Federal Register**.

Signed in Washington, DC, on October 10, 2024.

**Treena V. Garrett,**

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

For the reasons set forth in the preamble, DOE amends part 430 of chapter II, subchapter D, of title 10 of the Code of Federal Regulations, to read as set forth below:

#### **PART 430—ENERGY CONSERVATION PROGRAM FOR CONSUMER PRODUCTS**

- 1. The authority citation for part 430 continues to read as follows:

**Authority:** 42 U.S.C. 6291–6309; 28 U.S.C. 2461 note.

■ 2. Amend appendix C1 to subpart B of part 430 by revising the introductory note to read as follows:

**Appendix C1 to Subpart B of Part 430—Uniform Test Method for Measuring the Energy Consumption of Dishwashers**

**Note:** Manufacturers must use the results of testing under this appendix to determine compliance with the relevant standards provided at § 430.32(f)(1).

Manufacturers must use the results of testing under appendix C2 to this subpart to determine compliance with the amended standards for dishwashers provided at § 430.32(f)(2). Manufacturers may use appendix C2 to certify compliance with the standards provided at § 430.32(f)(2) prior to the applicable compliance date for those standards.

Any representations related to energy or water consumption of dishwashers must be made in accordance with the appropriate appendix that applies (*i.e.*, appendix C1 or appendix C2) when determining compliance with the relevant standards.

The regulation at 10 CFR 429.19(b)(3) provides instructions regarding the combination of detergent and detergent dosing, specified in section 2.5 of this appendix, used for certification.

\* \* \* \* \*

■ 3. Amend appendix C2 to subpart B of part 430 by revising the introductory note to read as follows:

**Appendix C2 to Subpart B of Part 430—Uniform Test Method for Measuring the Energy Consumption of Dishwashers**

**Note:** Manufacturers must use the results of testing under this appendix to determine compliance with the relevant standards provided at § 430.32(f)(2). Manufacturers may use this appendix to certify compliance with the standards provided at § 430.32(f)(2) prior to the applicable compliance date for those standards.

Any representations related to energy or water consumption of dishwashers must be made in accordance with the appropriate appendix that applies (*i.e.*, appendix C1 or appendix C2) when determining compliance with the relevant standards.

\* \* \* \* \*

**Note:** The following appendix will not appear in the Code of Federal Regulations.

**Appendix A**

June 21, 2024

Ami Grace-Tardy  
Assistant General Counsel for Legislation,  
Regulation and Energy Efficiency  
U.S. Department of Energy  
*Ami.Grace-Tardy@hq.doe.gov*

Re: Energy Conservation Standards for  
Dishwashers Docket EERE-2019-BT-STD-  
0039

Dear Assistant General Counsel Grace-Tardy:

I am responding to your April 24, 2024 letter seeking the views of the Attorney General about the potential impact on competition of proposed energy conservation standards for dishwashers.

Your request was submitted under Section 325(o)(2)(B)(i)(V) of the Energy Policy and Conservation Act, as amended (EPCA), 42 U.S.C. 6295(o)(2)(B)(i)(V) and 42 U.S.C. 6316(a), which requires the Attorney General to make a determination of the impact of any lessening of competition that is likely to result from the imposition of proposed energy conservation standards. The Attorney General's responsibility for responding to requests from other departments about the effect of a program on competition has been delegated to the Assistant Attorney General for the Antitrust Division in 28 CFR 0.40(g). The Assistant Attorney General for the Antitrust Division has authorized me, as the Policy Director for the Antitrust Division, to provide the Antitrust Division's views regarding the potential impact on competition of proposed energy conservation standards on his behalf.

In conducting its analysis, the Antitrust Division examines whether a proposed standard may lessen competition, for example, by substantially limiting consumer choice or increasing industry concentration. A lessening of competition could result in higher prices to manufacturers and consumers.

We have studied in detail the Notice of Proposed Rulemaking regarding dishwashers, as well as the Technical Support Document (TSD) that accompanied it, both of which you transmitted to us under cover of your April 24 letter. We also have reviewed the one public comment and reviewed the docket.

Based on this review, our conclusion is that the proposed energy conservation standards for dishwashers are unlikely to have a significant adverse impact on competition.

Sincerely,  
David G.B. Lawrence,  
*Policy Director.*

[FR Doc. 2024-23908 Filed 10-16-24; 8:45 am]

**BILLING CODE 6450-01-P**

**DEPARTMENT OF TRANSPORTATION**

**Federal Aviation Administration**

**14 CFR Part 25**

[Docket No. FAA-2024-0988; Special  
Conditions No. 25-869-SC]

**Special Conditions: Northwest  
Aerospace Technologies, Inc (NAT),  
Boeing Model 787-9 Airplane;  
Installation of High Wall Suites**

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

**ACTION:** Final special conditions.

**SUMMARY:** These special conditions are issued for the Boeing Model 787-9 series airplanes. These airplanes, as modified by NAT, will have a novel or unusual design feature when compared to the state of technology envisioned in the airworthiness standards for

transport category airplanes. This design feature is the installation of high wall suites in the passenger cabin. The applicable airworthiness regulations do not contain adequate or appropriate safety standards for this design feature. These special conditions contain the additional safety standards that the Administrator considers necessary to establish a level of safety equivalent to that established by the existing airworthiness standards.

**DATES:** Effective October 17, 2024.

**FOR FURTHER INFORMATION CONTACT:**  
Artiom Kostiouk, Cabin Safety, AIR-624, Technical Policy Branch, Policy and Standards Division, Aircraft Certification Service, Federal Aviation Administration, 800 Independence Ave. SW, Washington, DC 20591; telephone and fax (202) 267-5446; email *artiom.m.kostiouk@faa.gov*.

**SUPPLEMENTARY INFORMATION:**

**Background**

NAT has applied for an amended supplemental type certificate for the installation of suites in the passenger cabin in Boeing Model 787-9 series airplanes. The Boeing Model 787-9 airplane, currently approved under Type Certificate No. T00021SE, is a twin-engine transport category airplane, with a maximum seating capacity for 420 passengers, and a maximum take-off weight of 553,000 pounds.

**Type Certification Basis**

Under the provisions of 14 CFR 21.101, NAT must show that the Boeing Model 787-9 airplane, as changed, continues to meet the applicable provisions of the regulations listed in Type Certificate No. T00021SE or the applicable regulations in effect on the date of application for the change, except for earlier amendments as agreed upon by the FAA.

If the Administrator finds that the applicable airworthiness regulations (*i.e.*, 14 CFR part 25) do not contain adequate or appropriate safety standards for the Boeing Model 787-9 airplane because of a novel or unusual design feature, special conditions are prescribed under the provisions of § 21.16.

Special conditions are initially applicable to the model for which they are issued. Should the applicant apply for a supplemental type certificate to modify any other model included on the same type certificate to incorporate the same novel or unusual design feature, these special conditions would also apply to the other model under § 21.101.

In addition to the applicable airworthiness regulations and special

conditions, the Boeing Model 787–9 airplane must comply with the exhaust-emission requirements of 14 CFR part 34, and the noise-certification requirements of 14 CFR part 36.

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

### Novel or Unusual Design Features

The Boeing Model 787–9 airplane will incorporate the following novel or unusual design feature:

Single-passenger suites with high walls that diminish occupant's awareness of their surroundings in emergency situations. These suites are considered a novel design for transport category airplanes and were not considered when applicable airworthiness standards were created.

### Discussion

For the Model 787–9 airplane, NAT has proposed a customer option for the installation of six high wall suites (HWS) arranged in two rows of three suites each in a 1–1–1 configuration. The characteristics of this HWS design are unique such that the suite walls are higher than conventional mini-suites with partial height surroundings. While the walls for these suites do not extend fully up from the floor to the ceiling, such as those found in traditional “high wall” suites, their wall height of 60 inches is greater than the eye level of a 5th percentile female, impeding visual awareness and egress. These suites are also not remote from the main cabin (such as overhead crew rests). Additionally, the design of these suites is novel in the inclusion of berths that are accessible to the occupant of the suite during flight, unlike previous high wall suite designs.

Part 25 in its current form does not have regulations that address suite installations in the cabin with walls of height that reduce occupant visibility and situational awareness.

Due to the novel design features of these HWS, suitable passenger alerting, supplemental oxygen, and firefighting equipment and procedures are needed for this configuration to ensure occupant awareness in emergency situations. Furthermore, the proposed suite design necessitates the development of additional special conditions, including, but not limited to crew procedures for managing hazards and suite occupants, as well as maintaining cabin-egress route dimensions after deformation of the walls and seats.

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

### Discussion of Comments

The FAA issued Notice of Proposed Special Conditions No. 25–24–03–SC for the Boeing Model 787–9 series airplane, which was published in the **Federal Register** on August 6, 2024 (89 FR 63845).

The FAA received three comments from Boeing.

Boeing requests to change the description of the suites to remove the single criterion of impending visual awareness and egress of a 5th percentile female. Instead, Boeing requests FAA to use multifaceted criteria (*i.e.*, oxygen masks, smoke detection, and firefighting), which would categorize the suites as mini-suites instead of high wall suites. Boeing further asserts that a height of 60 inches to demarcate between high wall suites and mini-suites is not consistent with industry, FAA, or European Union Aviation Safety Agency (EASA) practice. The FAA disagrees that the proposed suites are mini-suites. These suites are described as high wall suites because the height of the walls, in this case 60 inches, exceeds the eye height of shorter stature occupants such that they are unable to see the emergency exits from within the suites, which increases safety risk associated with actions expected of the occupants in an emergency. This description is consistent with the FAA Grant of Exemption 17635B, issued to The Boeing Company for high wall suites installed on Model 777 airplanes which states, “In most previous approvals, the low-wall mini-suite door did not obscure the passenger's view of the airplane's emergency exit. However, in this case, the high walls create long corridors that could obscure view of the emergency exits, and impede the overall egress capability of the cabin, creating a new safety risk.” This description is also consistent with discussion of high wall suites at industry meetings where the FAA has maintained the position discussed in the noted exemption.

Boeing also proposes to change the discussion section regarding part 25 which states that part 25 does not specifically address suites with walls that reduce occupant visibility and situational awareness. Boeing asserts that commercial aircraft commonly include architectural elements that are addressed by existing regulations that may also potentially reduce visibility and situational awareness. The FAA

infers that Boeing is maintaining that existing regulations already address suites with high walls, and the FAA disagrees with Boeing's comment. While current regulations are sufficient to address a high wall architectural element such as a partition, they do not address the safety risk posed by surrounding an occupant with high walls. The discussion section is intended to convey that part 25 did not previously consider safety factors associated with high walls surrounding seats that were previously installed in an open seating environment. Among these factors is the safety risk associated with walls that diminish visibility of emergency exits and awareness of emergency conditions, which must be addressed by special conditions.

Finally, Boeing proposes to remove conditions 1, 2, 3, 4, 6, and 7, which are associated with high wall suites, and place condition 5 which relates to berths, in an exemption regarding mini-suites. The FAA disagrees with Boeing's proposal since the suites in question are not mini-suites but high wall suites. Furthermore, incorporating beds into the suites requires conditions specific to decompression alerting and maintaining availability of supplemental oxygen for bed occupants to mitigate the safety risk associated with diminished situational awareness.

The special conditions are adopted as proposed.

### Applicability

As discussed above, these special conditions are applicable to the Boeing Model 787–9 airplane. Should Northwest Aerospace Technologies, Inc. apply at a later date for a supplemental type certificate to modify any other model included on Type Certificate No. T00021SE to incorporate the same novel or unusual design feature, these special conditions would apply to that model as well.

Under standard practice, the effective date of final special conditions would be 30 days after the date of publication in the **Federal Register**. However, as the certification date for the Boeing Model 787–9, as modified by Northwest Aerospace Technologies, Inc., is imminent, the FAA finds that good cause exists to make these special conditions effective upon publication.

### Conclusion

This action affects only a certain novel or unusual design feature on one model of airplane. It is not a rule of general applicability and affects only the applicant who applied to the FAA for approval of these features on the airplane.



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

Aircraft, Aviation safety, Reporting and recordkeeping requirements.

**Authority Citation**

The authority citation for these special conditions is as follows:

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

**The Special Conditions**

■ Accordingly, pursuant to the authority delegated to me by the Administrator, the following special conditions are issued as part of the type certification basis for Boeing Model 787–9 series airplanes, as modified by NAT.

The suites must have the following features:

1. A supplemental oxygen system with the following:
  - a. Oxygen masks for each seat and berth installed in the suite that meet the same 14 CFR part 25 regulations as the supplemental oxygen system for the main passenger-cabin occupants.
  - b. An aural and visual alert system to warn occupants and to indicate the need to don oxygen masks in the event of decompression. The aural alert must activate concurrently with the deployment of the oxygen masks in the main passenger cabin and must be loud enough to be heard and clearly understood from each suite berth and seat location.
  - c. When an occupant needs to locate and don a deployed oxygen mask, sufficient levels of lighting to perform this task must be automatically activated within the suite.
  - d. Automatic presentation of oxygen for occupants lying in the berth.
  - e. If a chemical oxygen generator is used as the oxygen supply source, the suite oxygen installation must meet §§ 25.795(d) and 25.1450 at amendment 25–138 or higher.
2. The design approval holder must provide operating procedures to move suite occupants when smoke is present, or firefighting is occurring near or in the suites, for incorporation into the operator's training programs and appropriate operational manuals:
  - a. A limitation must be included in the airplane flight manual (AFM) requiring that crewmembers be trained in the operating procedures related to the suites.
3. The design of each suite, and the location of the firefighting equipment where suites are installed, must allow the crewmembers to conduct effective firefighting in the suite. For a manual, hand-held extinguishing system (designed as the sole means to fight a fire) for the suite:

- a. A limitation must be included in the AFM requiring that crewmembers be trained in the firefighting procedures.

- b. Each suite design must allow crewmembers equipped for firefighting to have unrestricted access to all parts of the suite compartment.

4. Approved procedures describing the methods for searching the suite compartment for fire sources must be established. These procedures should include a drawing or photo clearly indicating the location of the stowage drawer and other potential sources of smoke (e.g., the monitor). They must be transmitted to the operator for incorporation into their training programs and appropriate operations manuals.

5. If a berth is installed, occupancy of each suite is limited to a single passenger.

- a. Each berth installed in the suite must incorporate a safety belt that meets § 25.785(f).

- b. Each berth must be placarded to indicate the appropriate orientation of the occupant's head direction.

- c. Each berth cushion must meet § 25.853(c).

6. If waste-disposal receptacles are fitted in the suite, the suite must be equipped with an automatic fire-extinguishing system that meets the performance requirements of § 25.854(b).

7. The design of each suite must:

- a. Maintain minimum main aisle(s), cross aisle(s), and passageway(s) required by 14 CFR part 25 requirements when subjected to the ultimate inertia forces listed in § 25.561(d).

- b. Prevent structural failure or deformation of components that could block access to the available evacuation routes (e.g., seats, doors, contents of stowage compartments, etc.).

8. In addition to the requirements of § 25.562 for seat systems, which are occupiable during taxi, takeoff, and landing, the suite structure must be designed for the additional loads imposed by the seats as a result of the conditions specified in § 25.562(b).

Issued in Kansas City, Missouri, on October 11, 2024.

**Patrick R. Mullen,**

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

[FR Doc. 2024–23936 Filed 10–16–24; 8:45 am]

**BILLING CODE 4910–13–P**

**DEPARTMENT OF COMMERCE****Bureau of Industry and Security****15 CFR Part 764**

[Docket No. 240911–0236]

RIN 0694–AJ84

**Administrative and Enforcement Provisions; Correction**

**AGENCY:** Bureau of Industry and Security, Department of Commerce.

**ACTION:** Final rule; correction.

**SUMMARY:** On September 16, 2024, the Bureau of Industry and Security (BIS) published a final rule amending administrative and enforcement provisions in the Export Administration Regulations (EAR). The rule contained an error in an amendatory instruction. This document corrects that error.

**DATES:** This correction is effective October 17, 2024.

**FOR FURTHER INFORMATION CONTACT:** For general questions, contact Tracy Martin, Office of Export Enforcement, Bureau of Industry and Security, U.S. Department of Commerce at (202) 482–1208 or by email: [Tracy.Martin@bis.doc.gov](mailto:Tracy.Martin@bis.doc.gov).

**SUPPLEMENTARY INFORMATION:** BIS published a final rule entitled “Administrative and Enforcement Provisions” in the **Federal Register** on September 16, 2024, at 89 FR 75477, which contained an error in instruction number 2 amending 15 CFR 764.5. The instruction cited revisions to paragraphs (a) and (b) through (f), as well as adding paragraph (g). However, the intended revisions should have been to paragraphs (a) and (c) through (f) and adding a paragraph (g). Paragraph (b) was not intended to be revised. This document corrects instruction 2 for the record.

**Correction**

In FR Doc. No. 2024–21013, appearing on page 75477 in the **Federal Register** of Friday, September 16, 2024, make the following correction:

**§ 764.5 [Corrected]**

■ 1. On page 75482, in the third column, instruction 2 reading “2. Section 764.5 is amended by revising paragraphs (a) and (b) through (f) and adding paragraph (g) to read as follows:” is corrected to read “2. Section 764.5 is amended by revising paragraphs (a) and (c) through (f) and adding paragraph (g) to read as follows:”.

**Karen H. Nies-Vogel,**

*Director, Office of Exporter Services.*

[FR Doc. 2024–23887 Filed 10–16–24; 8:45 am]

**BILLING CODE 3510–33–P**



**DEPARTMENT OF HOMELAND SECURITY****U.S. Customs and Border Protection****19 CFR Chapter I****Arrival Restrictions Applicable to Flights Carrying Persons Who Have Recently Traveled From or Were Otherwise Present Within Rwanda**

**AGENCY:** U.S. Customs and Border Protection, Department of Homeland Security.

**ACTION:** Announcement of arrival restrictions.

**SUMMARY:** This document announces the decision of the Secretary of Homeland Security to direct all flights to the United States carrying persons who have recently traveled from, or were otherwise present within, Rwanda to arrive at one of the U.S. airports where the U.S. government is focusing public health resources to implement enhanced public health measures. For purposes of this document, a person has recently traveled from Rwanda if that person has departed from, or was otherwise present within, Rwanda within 21 days of the date of the person's entry or attempted entry into the United States. Also, for purposes of this document, crew and flights carrying only cargo (*i.e.*, no passengers or non-crew) are excluded from the measures herein.

**DATES:** The arrival restrictions apply to flights departing after 11:59 p.m. Eastern Daylight Time on October 15, 2024. Arrival restrictions continue until cancelled or modified by the Secretary of Homeland Security and notice of such cancellation or modification is published in the **Federal Register**.

**FOR FURTHER INFORMATION CONTACT:** Stephanie Watson, Office of Field Operations, U.S. Customs and Border Protection at 202-255-7018.

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

Marburg Virus Disease (MVD), caused by the virus family *Filoviridae*, is a severe and often fatal disease. Disease transmission occurs via direct contact with bodily fluids (*e.g.*, blood, mucus, vomit, urine) from people sick with MVD. The first known MVD cases were initially detected in 1967 after simultaneous outbreaks in Marburg and Frankfurt, Germany and in Belgrade, Serbia. Subsequently, outbreaks and sporadic cases have been reported in Angola, Ghana, Guinea, the Democratic Republic of the Congo, Kenya, South Africa (in a person with recent travel

history to Zimbabwe), and Uganda.<sup>1</sup> Two concurrent but unconnected outbreaks of MVD occurred in Equatorial Guinea and Tanzania in 2023. This was both countries' first MVD outbreak, which resulted in multiple deaths. MVD can have substantial medical, public health, and economic consequences if it spreads to densely populated areas as there are currently no licensed treatments for MVD. As such, MVD may present a threat to U.S. health security given the potentially high public health impact that an MVD outbreak could cause and the interconnectedness of countries through global travel.

On September 27, 2024, Rwanda reported cases of MVD in several provinces around the country, largely related to two hospitals. As of October 8, 2024, a total of 58 confirmed cases with 13 confirmed deaths have been reported from Rwanda. At present, most of the people infected are healthcare workers or their contacts. The Centers for Disease Control and Prevention (CDC) has issued a Travel Health Notice—Level 3, Reconsider Nonessential Travel.<sup>2</sup>

In order to assist in preventing or limiting the introduction and spread of this communicable disease into the United States, the Departments of Homeland Security and Health and Human Services (HHS), including CDC, and other agencies charged with protecting the homeland and the American public, are currently implementing enhanced public health measures at three U.S. airports that receive the largest number of travelers originating from Rwanda. To ensure that all travelers with recent presence in Rwanda arrive at one of these airports, DHS is directing all flights to the United States carrying such persons to arrive at the airports where the enhanced public health measures are being implemented. While DHS, in coordination with other applicable Federal agencies, anticipates working with operators of aircraft to identify potential travelers who have recently traveled from, or were otherwise present within, Rwanda prior to boarding, operators of aircraft will remain obligated to comply with the requirements of this document. Department of Defense (DoD) flights, via

either military aircraft or contract flights, will be managed by DoD in accordance with HHS guidelines.

**Notice of Arrival Restrictions Applicable to All Flights Carrying Persons Who Have Recently Traveled From or Were Otherwise Present Within Rwanda**

Pursuant to 6 U.S.C. 112(a), 19 U.S.C. 1433(c), and 19 CFR 122.32, DHS has the authority to limit the locations at which all flights entering the United States from abroad may land. Under this authority and effective for flights departing after 11:59 p.m. Eastern Daylight Time on October 15, 2024, I hereby direct all operators of aircraft to ensure that all flights (with the exception of those operated or contracted by DoD) carrying persons who have recently traveled from, or were otherwise present within, Rwanda only land at one of the following airports:

- Chicago O'Hare International Airport (ORD), Illinois;
- John F. Kennedy International Airport (JFK), New York; and
- Washington-Dulles International Airport (IAD), Virginia.

This direction considers a person to have recently traveled from Rwanda if that person departed from, or was otherwise present within, Rwanda within 21 days of the date of the person's entry or attempted entry into the United States. Also, for purposes of this document, crew and flights carrying only cargo (*i.e.*, no passengers or non-crew) are excluded from the applicable measures set forth in this notification. This direction is subject to any changes to the airport landing destination that may be required for aircraft and/or airspace safety as directed by the Federal Aviation Administration.

This list of designated airports may be modified by the Secretary of Homeland Security in consultation with the Secretary of Health and Human Services and the Secretary of Transportation. This list of designated airports may be modified by an updated publication in the **Federal Register** or by posting an advisory to follow at [www.cbp.gov](http://www.cbp.gov). The restrictions will remain in effect until superseded, modified, or revoked by publication in the **Federal Register**.

For purposes of this **Federal Register** document, "United States" means the territory of the several States, the District of Columbia, and Puerto Rico.

**Alejandro N. Mayorkas,**  
Secretary, U.S. Department of Homeland Security.

[FR Doc. 2024-23956 Filed 10-15-24; 8:45 am]

**BILLING CODE 9111-14-P**

<sup>1</sup> World Health Organization, Marburg Haemorrhagic Fever, <https://www.afro.who.int/health-topics/marburg-haemorrhagic-fever> (last visited Oct. 7, 2024); and Centers for Disease Control and Prevention, History of Marburg Disease Outbreaks, <https://www.cdc.gov/marburg/outbreaks/index.html> (last visited Oct. 7, 2024).

<sup>2</sup> CDC, Marburg in Rwanda Travel Health Notice—Level 3, Reconsider Nonessential Travel (Oct. 7, 2024), <https://www.cdc.gov/travel/notices/level3/marburg-rwanda>.

**DEPARTMENT OF JUSTICE****28 CFR Part 106****[JMD Docket No. 157; A.G. Order No. 5922–2024]****RIN 1105–AB71****Implementation of HAVANA Act of 2021****AGENCY:** Department of Justice.**ACTION:** Interim final rule; reopening of comment period.**SUMMARY:** This document reopens the comment period for the interim final rule titled “Implementation of HAVANA Act of 2021” that appeared in the April 19, 2024, issue of the **Federal Register**.**DATES:** The comment period for the interim final rule published April 19, 2024, at 89 FR 28633, is reopened. Electronic comments must be submitted, and written comments must be postmarked, on or before November 18, 2024. Commenters should be aware that the electronic Federal Docket Management System will not accept comments after 11:59 p.m. Eastern Time on the last day of the comment period.**ADDRESSES:** If you wish to provide comments regarding this interim final rule, you must submit comments, referencing RIN 1105–AB71 or JMD Docket No. 157, by one of the two methods below:

- **Federal eRulemaking Portal:** <https://www.regulations.gov>. Follow the website instructions for submitting comments.

- **Mail:** Paper comments that duplicate an electronic submission are unnecessary. If you wish to submit a paper comment in lieu of an electronic submission, please direct the mail/shipment to: General Counsel, Justice Management Division, U.S. Department of Justice, Two Constitution Square (2CON), 145 N St. NE, Suite 8E.500, Washington, DC 20530. To ensure proper handling, please reference the agency name and RIN 1105–AB71 or JMD Docket No. 157 on your correspondence. Mailed items must be postmarked or otherwise indicate a shipping date on or before the submission deadline.

**FOR FURTHER INFORMATION CONTACT:** Morton J. Posner, General Counsel, Justice Management Division, (202) 514–3452.**SUPPLEMENTARY INFORMATION:** The Department of Justice (“Department”) published an interim final rule titled “Implementation of HAVANA Act of 2021,” which appeared in the **Federal Register** on April 19, 2024 (89 FR28633). A technical correction to that interim final rule was published in the **Federal Register** on May 3, 2024 (89 FR 36671). That correction was effective on May 20, 2024.

The interim final rule implemented the HAVANA Act of 2021, Public Law 117–46, 135 Stat. 391 (2021) (codified at 22 U.S.C. 2680b(i)). The HAVANA Act authorizes agency heads to provide payments to certain individuals who have incurred qualifying injuries to the brain. The interim final rule covers current and former Department of Justice employees and their dependents. The comment period on the interim final rule closed June 18, 2024.

The Department received no written or electronic comments on the interim final rule during the comment period. Although the Department received no comments about the commenting process, the Department is concerned that the public may have been hindered from submitting electronic comments through the Federal eRulemaking Portal at “<https://www.regulations.gov>” because of a technical problem that was discovered after the comment period closed. Accordingly, the Department is reopening the comment period until November 18, 2024.

Dated: October 8, 2024.

**Jolene Ann Lauria**,  
*Assistant Attorney General for Administration.*

[FR Doc. 2024–23760 Filed 10–16–24; 8:45 am]

**BILLING CODE 4410–AR–P****DEPARTMENT OF HOMELAND SECURITY****Coast Guard****33 CFR Part 100****[Docket No. USCG–2024–0825]****Special Local Regulations; Marine Events Within the Fifth Coast Guard District****AGENCY:** Coast Guard, DHS.**ACTION:** Notification of enforcement of regulation.**SUMMARY:** The Coast Guard will enforce a special local regulation for the Manasquan Inlet Intracoastal Tug on October 13, 2024, with a rain date of October 19, 2024, to provide for the safety of life on navigable waterways during this event. Our regulation for marine events within the Fifth Coast Guard District identifies the regulated area for this event in Manasquan, NJ and Point Pleasant Beach, NJ. During the

enforcement periods, the operator of any vessel in the regulated area must comply with directions from the Patrol Commander or any Official Patrol displaying a Coast Guard ensign.

**DATES:** The regulations in 33 CFR 100.501 for the Manasquan Inlet Intracoastal Tug will be enforced from noon through 2:30 p.m. October 13, 2024, with a rain date of October 19, 2024, during the same times.**FOR FURTHER INFORMATION CONTACT:** If you have questions about this notification of enforcement, call or email Petty Officer Jonathan Loughheed, U.S. Coast Guard, Sector Delaware Bay, Waterways Management Division, telephone: 215–271–4902, Email: [SecDelBayWWM@uscg.mil](mailto:SecDelBayWWM@uscg.mil).**SUPPLEMENTARY INFORMATION:** The Coast Guard will enforce special local regulations in Table 1 to Paragraph (i)(1) of 33 CFR 100.501 for the Manasquan Inlet Intracoastal Tug regulated area from noon to 2:30 p.m. on October 13, 2024, with a rain date of October 19, 2024, during the same times. This action is being taken to provide for the safety of life on navigable waterways during this event. Our regulation for marine events within the Fifth Coast Guard District, § 100.501, specifies the location of the regulated area for the Manasquan Inlet Intracoastal Tug which encompasses portions of the Manasquan Inlet. As reflected in § 100.501(d)(2), during the enforcement periods, if you are the operator of a vessel in the regulated area you must comply with directions from the Patrol Commander or any Official Patrol displaying a Coast Guard ensign.In addition to this notification of enforcement in the **Federal Register**, the Coast Guard plans to provide notification of this enforcement period via the Local Notice to Mariners, and marine information broadcasts.

Dated: October 8, 2024.

**Kate F. Higgins-Bloom**,  
*Captain, U.S. Coast Guard, Captain of the Port, Delaware Bay.*

[FR Doc. 2024–23919 Filed 10–16–24; 8:45 am]

**BILLING CODE 9110–04–P**

**DEPARTMENT OF AGRICULTURE****Forest Service****36 CFR Part 242****DEPARTMENT OF THE INTERIOR****Fish and Wildlife Service****50 CFR Part 100**

[Docket No. FWS–R7–SM–2024–0017;  
245D0102DM DS61900000  
DMSN00000.000000 DX61901; 70101–1261–  
0000L6]

RIN 1018–BH67

**Subsistence Management Regulations  
for Public Lands in Alaska—Subpart B,  
Federal Subsistence Board  
Membership**

**AGENCIES:** Forest Service, Agriculture;  
Fish and Wildlife Service, Interior.

**ACTION:** Final rule.

**SUMMARY:** Based on requests during joint consultations with Alaska Native Tribes and others, the Departments of the Interior and Agriculture (Departments) revise the regulations concerning the composition of the Federal Subsistence Board (Board), which has authority to administer the subsistence taking and uses of fish and wildlife on public lands in Alaska, subject to the Department's oversight. The Departments add three public members nominated or recommended by federally recognized Tribal governments, require that those nominees have certain knowledge and experience, define requirements used to select the Board Chair, and affirm the Secretaries' authority to replace Board members and the Secretaries' responsibility and oversight regarding Board decisions. These regulatory revisions are responsive to the primary requests made to the Departments during the consultations.

**DATES:** This rule is effective November 18, 2024.

**ADDRESSES:** Submitted comments and supporting documents are available for review by going to the *Regulations.gov* website at <https://www.regulations.gov> and typing the docket number, FWS–R7–SM–2024–0017, into the search block at the top of the page.

**FOR FURTHER INFORMATION CONTACT:** Crystal Leonetti, Acting Director, Office of Subsistence Management; 907–786–3888; or [subsistence@ios.doi.gov](mailto:subsistence@ios.doi.gov). For questions specific to National Forest System lands, contact Gregory Risdahl, Regional Subsistence Program Leader, USDA, Forest Service, Alaska Region; 907–302–7354 or [gregory.risdahl@](mailto:gregory.risdahl@)

[usda.gov](https://www.usda.gov). Individuals in the United States who are deaf, blind, hard of hearing, or have a speech disability may dial 711 (TTY, TDD, or TeleBraille) to access telecommunications relay services. Individuals outside the United States should use the relay services offered within their country to make international calls to the point-of-contact in the United States.

**SUPPLEMENTARY INFORMATION:****History of the Program**

Under title VIII of the Alaska National Interest Lands Conservation Act (ANILCA) (16 U.S.C. 3111–3126), the Secretary of the Interior and the Secretary of Agriculture (Secretaries) jointly implement the Federal Subsistence Management Program (Program). The Program provides a preference for take of fish and wildlife resources for subsistence uses on Federal public lands and waters in Alaska. The Secretaries published temporary regulations to carry out the Program in the *Federal Register* on June 29, 1990 (55 FR 27114), and final regulations were published in the *Federal Register* on May 29, 1992 (57 FR 22940). The Program regulations have subsequently been amended many times. Because the Program is a joint effort between the Department of the Interior (DOI) and the Department of Agriculture (collectively, “the Departments”), these regulations are located in two titles of the Code of Federal Regulations (CFR): Title 36, “Parks, Forests, and Public Property,” and Title 50, “Wildlife and Fisheries,” at 36 CFR 242.1–28 and 50 CFR 100.1–28, respectively. The regulations contain subparts as follows: Subpart A, General Provisions; Subpart B, Program Structure; Subpart C, Board Determinations; and Subpart D, Subsistence Taking of Fish and Wildlife.

Consistent with subpart B of these regulations, the Secretaries established a Federal Subsistence Board (Board) to administer the Program. The Board is currently made up of:

- A Chair appointed by the Secretary of the Interior with concurrence of the Secretary of Agriculture;
- The Alaska Regional Director, U.S. Fish and Wildlife Service;
- The Alaska Regional Director, National Park Service;
- The Alaska State Director, Bureau of Land Management;
- The Alaska Regional Director, Bureau of Indian Affairs;
- The Alaska Regional Forester, U.S. Forest Service; and
- Two public members appointed by the Secretary of the Interior with

concurrence of the Secretary of Agriculture.

Through the Board, these agencies and public members participate in the development of regulations for subparts C and D, which, among other things, set forth program eligibility and specific harvest seasons and limits.

In administering the Program, the Secretaries divided Alaska into 10 subsistence resource regions, each of which is represented by a Subsistence Regional Advisory Council (Council). The Councils provide a forum for rural residents with personal knowledge of local conditions and resource requirements to have a meaningful role in the subsistence management of fish and wildlife on Federal public lands in Alaska. The Council members represent varied geographical, cultural, and user interests within each region.

**Background of This Rule**

In January 2022, the Departments held joint consultations with approximately 445 individual subsistence users and representatives from federally recognized Tribes of Alaska, Tribal Consortia, Alaska Native Organizations, and Alaska Native Corporations. In October–November 2022, DOI leadership and officials of the Department of Commerce, National Oceanic and Atmospheric Administration, held joint consultations with various Alaska Tribes regarding fisheries. During all of these consultations, a primary request from commenters was to make changes to the Federal Subsistence Board, including increasing the number of public members to five and adding more voting members who represent Alaska Native villages and have local knowledge and direct subsistence experience.

As a result of this consultation process, the Departments proposed to revise CFR titles 36 (in part 242) and 50 (in part 100) at § \_\_.10 to be responsive to the requests to define the requirements used for the selection of the Board Chair, increase the number of public members of the Board, and include a voice for federally recognized Tribal governments to nominate or recommend a certain number of the public members of the Board (89 FR 14008, February 26, 2024). The proposed rule also included a provision that the Board Chair, like the two current public members, must possess personal knowledge of and direct experience with subsistence uses in rural Alaska. The proposed rule further required the three new public members to possess personal knowledge of and direct experience with subsistence uses in rural Alaska, including Alaska Native

subsistence uses, and to be nominated or recommended by federally recognized Tribal governments.

As is currently required in the Program regulations, the Board Chair and all public members were proposed to be appointed by the Secretary of the Interior with the concurrence of the Secretary of Agriculture. The Secretaries were to retain the authority to remove public members from the Board and also would retain their existing authorities to replace agency personnel on the Board. The proposed rule also explained, as is currently the case, that the public members will become special governmental employees for the purpose of serving on the Board.

Lastly, consistent with title VIII of ANILCA, the proposed rule confirmed that the Secretaries retain the authority to modify, disapprove, or stay any action taken by the Board. For temporary special actions, the proposed rule provided that such actions would not become effective until at least 10 calendar days after the date of the action to allow the Secretaries an opportunity to act, if needed. For emergency special actions, the proposed rule provided that the Board action would likewise not become effective for 10 calendar days unless the Board determines that the emergency situation calls for responsive action within 24 hours to protect subsistence resources or public safety.

The February 26, 2024, proposed rule (89 FR 14008) opened a public comment period that closed April 26, 2024. During the public comment period, the Departments received 65 comments from a variety of individuals and entities, including Federally Recognized Tribes of Alaska and Alaska Native Corporations. The public comments and a report detailing the information received during the 2022 joint consultations, "Federal Subsistence Policy Consultation Summary Report," can be found in Docket No. FWS-R7-SM-2024-0017 at <https://www.regulations.gov>.

### Regulatory Revisions

The February 26, 2024, proposed rule (89 FR 14008) described the regulatory revisions proposed by the Secretaries. The following paragraphs summarize by subject matter the regulatory changes being made in this final rule.

#### *I. Increase in Number of Public Board Members*

The current Board includes a Chair, two public Board members, and five Federal agency personnel. The Secretaries will add three public members nominated or recommended by federally recognized Tribes in

Alaska, while also requiring that they possess personal knowledge of and direct experience with subsistence uses in rural Alaska, including Alaska Native subsistence uses, for the purpose of ensuring adequate representation by members with rural subsistence experience on the Board at any particular meeting.

#### *II. Qualifications of Chair*

In addition, the Secretaries will require that the Board Chair possess personal knowledge of and direct experience with subsistence uses in rural Alaska.

#### *III. Term Limits*

The Secretaries may establish term limits for service of Board members in such circumstances as the Secretaries deem appropriate.

#### *IV. Oversight Responsibility and Ratification Requirement*

For Board actions (e.g., cyclic regulation revisions, customary and traditional use determinations, subsistence resource regions, rural determinations, and requests for reconsideration), the Secretaries retain, and will exercise when appropriate, their authority to modify or disapprove actions prior to publication in the **Federal Register**, as has been the practice.

In regard to special actions, we acknowledge that the Board's decisions are often time-sensitive regarding harvest opportunities for rural Alaskans or critical population issues of a species. Therefore, special actions, both emergency and temporary, are valid upon decision by the Board. However, the final rule makes explicit that Secretaries may at any time rescind, modify, disapprove, or stay a special action.

#### **Summary of Comments and Response to Comments**

In response to the proposed rule, the Departments received general comments and comments specific to four questions asked in the proposed rule. Of the 65 public comments received, 56 supported the proposed rule, 7 opposed the proposed regulatory revisions or opposed them unless modified, and 2 were outside the scope of the proposed rule.

Many of the comments were specific to how to implement additional public Board membership. These comments were responsive to the questions posed in the proposed rule, and they will be useful as the Departments navigate the nomination and appointment process. Other comments were specific to

regulation promulgation and the legality of the proposed rule, and we respond to those comments below.

Questions 1 and 2 are closely tied in the comments received. While they ask two specific questions, the comments received tended to address both questions, and we address both together in this document.

*Question 1:* Are federally recognized Tribal governments the only groups that should nominate/recommend public board members that possesses the qualifications identified in this proposed rule? Should Alaska Native Corporations and other entities also be included as entities to nominate/recommend public board members, so long as the nominees possess personal knowledge of and direct experience with subsistence uses in rural Alaska (including Alaska Native subsistence uses)?

*Question 2:* Would it be preferable for federally recognized Tribes to nominate/recommend only two of the three new public board members?

*Comments:* Eight comments received in response to questions 1 and 2 indicated a preference for nominations by federally recognized Tribal governments only. Other comments were in support of full or at least some Alaska Native Corporation participation or expressed desire to open the nominations to all rural residents of Alaska. An additional comment suggested that all Tribes, including those who are not federally recognized, should be able to provide the nominations.

*Response:* The final rule regulatory language maintains that the additional public members be nominated by federally recognized Tribal governments in Alaska. The Secretaries' limitation of nominations from federally recognized Tribes tracks the Secretaries' political relationship with Tribal Nations and responsibility for maintaining a government-to-government relationship. This language does not limit the nominations to Alaska Natives or a member of a federally recognized Tribe, nor does it preclude Alaska Native Corporations or other Alaska Native entities that are not federally recognized Tribes from providing input to Tribes during nominee selection. Further, the language does not affect the nomination or recommendation process for the other public member positions who do not have this nomination requirement. No changes were made to the final regulations as a result of these comments.

*Comments:* Additional comments suggested requirements that should be put in place if Alaska Native

Corporations are allowed to nominate, suggesting that they should be required to consult with Tribes or should get approval of their nominees from Tribes first.

*Response:* The Departments note that neither the proposed rule nor the final rule provides for nominations from Alaska Native Corporations.

*Comments:* Four commenters expressed concern that requiring the additional public members to be nominated or recommended by a Tribal government constitutes a racial classification. One of these commenters further expressed concern that the new public members would “represent Native villages.”

*Response:* Both of these concerns reflect a misreading of the proposed rule, which does not include a requirement that a nominee be Alaska Native or a member of a federally recognized Tribe. A federally recognized Tribal government may recommend a person of any race or ethnicity and may also recommend a person who is not a Tribal member. Tribal membership, in any case, is a political identity based on membership in a sovereign government, not a racial classification warranting heightened scrutiny. *See, e.g., Morton v. Mancari*, 417 U.S. 535 (1974); *United States v. Cooley*, 593 U.S. 345, 349 (2021) (“Long ago we described Indian tribes as “distinct, independent political communities” exercising sovereign authority.” *Worcester v. Georgia*, 31 U.S. 515, 6 Pet. 515, 559, 8 L. Ed. 483 (1832)).

The addition of three public members to be nominated or recommended by federally recognized Tribes reflects the following goals: To add public members so that the Federal Subsistence Board is more balanced between public and Federal agency members; to increase community input into Board recommendations; and to improve Board decisions by adding persons with personal knowledge of and direct experience with subsistence uses in rural Alaska, including Alaska Native subsistence uses. The Secretaries’ inclusion of nominations from federally recognized Tribes is consistent with the Secretaries’ political relationship with Tribal Nations. The Secretaries’ consideration of these nominations/ recommendations recognizes Tribes’ qualifications to identify individuals who possess personal knowledge of and direct experience with subsistence uses in rural Alaska, both Native and non-Native, and to identify individuals who are best able to present Indigenous Knowledge that can be included in the Board’s decision making. Tribal governments are well-situated to make

these recommendations in part because of the high proportion of Alaska Natives in the rural areas of the State and particularly in the most remote and roadless regions.

*Comments:* Two commenters highlighted the existing high levels of Alaska Native participation in the Federal Subsistence Management Program, through the Subsistence Resource Commissions (SRCs), Regional Advisory Councils (RACs), and the current public Board members and questioned the need for three additional public members nominated by Tribes.

*Response:* The Departments gave careful consideration to the level of current participation and experience on the SRCs, RACs, and Board, by both Native and non-Native rural subsistence users. As stated above, the addition of three public members to be nominated or recommended by federally recognized Tribes is consistent with the Secretaries’ political relationship with Tribal Nations and reflects an effort to add more balance between public and Federal agency members, to increase community input into Board recommendations, and to improve Board decisions by ensuring balance of rural representation by having persons with personal knowledge of and direct experience with subsistence uses in rural Alaska, including Alaska Native subsistence uses.

Additionally, most of rural Alaska consists of the Unorganized Borough, which in turn comprises 11 census areas; these areas are for statistical analysis but have no regional governments of their own. Tribal governments are a primary form of local government in much of rural Alaska. The requirement that a nomination or recommendation come from a Tribal government thus functions as a community recommendation that the candidate has the necessary knowledge and expertise. Further, the rule still provides that the Chair and two other public seats are available, outside of this nomination process, to others with the preexisting qualifications.

*Comments:* Four commenters expressed concern, without providing any details, that allowing Tribal governments to nominate or recommend public members violated the Constitution, Civil Rights Act of 1964, and/or ANILCA.

*Response:* The Departments believe that allowing federally recognized Tribal governments to nominate or recommend persons with relevant qualifications to be considered for appointment to the Federal Subsistence Board is consistent with the Constitution, the Civil Rights Act of

1964, and ANILCA. It is consistent with the federal government’s political relationship with federally recognized Tribes and there is no requirement that a nominee be Alaska Native or a member of a federally recognized Tribe. Moreover, the Secretaries retain ultimate authority to decide whether to appoint to the Board the particular individuals nominated or recommended by Tribes; the Secretaries are not delegating their authority to appoint.

*Comment:* Another commenter noted that the additional seats should be available to all rural Alaskans, not just those nominated by Tribes.

*Response:* As noted above, under the rule, the Chair and two other public members are not subject to this new nomination process. Additionally, as noted above, there is no requirement that a nominee be Alaska Native or a member of a federally recognized Tribe, nor must a nominee “represent Native villages” as alleged by one commenter. A federally recognized Tribal government may recommend a person of any race or ethnicity and may also recommend a person who is not a Tribal member. Accordingly, the final rule has not been changed from the proposed rule as a result of these comments.

*Question 3:* How should the Secretaries solicit and receive nominations/recommendations? Should the Secretaries broadly solicit nominations or recommendations from federally recognized Tribal governments, or should the Secretaries identify as a matter of their sole discretion one or more specific federally recognized Tribal governments?

*Comments:* Eight comments received in response to question 3 indicated a preference for regional representation of appointees and offered many routes to achieve a cadre of public members that would ensure the representation on the Board is not biased to just one part of the State.

*Response:* These suggestions were not included in the final regulations because the Departments will take these comments into consideration during the implementation phase. However, the commenters did not indicate that limited numbers of Tribal governments should be selected to submit nominations. The final rule regulatory language regarding who can nominate three new public Board members will remain inclusive of all Alaska federally recognized Tribal governments.

*Question 4:* Is the proposed quorum of six appropriate with the addition of the three new public board members, or should it be increased?

*Comments:* On the question of quorum size, two commenters wanted to

ensure there was always public member representation within the quorum.

*Response:* The Departments considered this concern but ultimately declined to increase the quorum size or base the quorum on the Board member status because the Board Chair, who is a public member, essentially ensures that at least one public member is represented in the quorum. Recognizing the timeline involved in nominating, appointing, and onboarding new Board members, the Departments decided to create a sliding scale for its quorum, starting at the current regulatory quorum of five and building to six. This approach keeps the quorum at greater than 50 percent but also avoids unintentionally creating a situation where a quorum may be difficult to achieve before all new Board positions are filled. The Departments made a change from the proposed rule to the final rule and elected to set the quorum at five when there are nine or fewer Board members and six when there are 10 or more Board members.

*Comments:* A related comment noted that the additional three members would create a public member majority, thus outnumbering the agency members who manage the land. A further comment noted that this situation makes it more likely that Board regulations will conflict with bureau regulations, recommending a way to avoid such conflicts.

*Response:* When finalizing the rule, the Departments considered the potential implications of having a public member majority, including the increased likelihood of conflicting regulations, and determined that the benefits from the additional public members outweigh concerns about a public member majority on the Board. Existing Board regulations at 50 CFR 100.3 and 36 CFR 242.3 already provide clarity on how to handle conflicting regulations. Accordingly, the final rule remains unchanged from the proposed rule regarding the number of public members as a result of these comments.

#### *Term Limits*

*Comments:* The Departments received comments regarding implementing term limits, including recommendations for 3-year staggered terms without term limits, 3-year to 5-year staggered terms, and 5-year term limits, each with varying recommendations for the requirements for re-nomination, re-application, and re-appointment.

*Response:* After considering the range of opinions on terms and term limits without any one approach garnering more support than any other, the Departments found no compelling

reasons to change course and elected to retain the proposed regulatory text in the final rule regulation, which provides the Secretaries flexibility to apply term limits to Board members as the Secretaries deem appropriate.

#### *Qualifications of Appointed Public Board Members*

*Comments:* Seven commenters primarily requested that appointed Board members possess firsthand knowledge of subsistence practices, with some commenters suggesting that knowledge should include Alaska Native subsistence uses.

*Response:* The rule already incorporates these concerns as it requires that all five public members “possess personal knowledge of and direct experience with subsistence uses in rural Alaska” and the three new public members “shall possess personal knowledge of and direct experience with subsistence uses in rural Alaska (including Alaska Native subsistence uses).” The remainder of the four qualifications mentioned by commenters were specific to implementation of additional Board members and may be considered during the nomination and evaluation process. Thus, no change to the final rule was needed because those concerns and suggestions will be addressed during that process.

*Comment:* One commenter stated that non-Tribal members should be able to be nominated.

*Response:* The rule allows for federally recognized Tribal governments to nominate anyone meeting the basic qualifications, including non-Tribal persons. Accordingly, the final rule remains unchanged from the proposed rule as a result of this comment.

#### *Public Member Resources*

*Comments:* Four commenters remarked that public members should have alternates to serve in their place if they are absent and suggested that the alternates attend all of the Board meetings so that the alternates are more effective when filling in for appointed members. Three commenters said that the public members should be assigned staff assistants like agency Board members.

*Response:* These suggestions were not included in the final rule regulations because the required quorum number accounts for any absences or vacancies, and because these provisions would significantly affect the budget for the new rule, but the Departments will take the comments concerning additional administrative support and related

funding into consideration during the implementation phase.

#### *Secretarial Ratification Period for Board Special Actions*

*Comments:* Two commenters expressed concern about the ratification period, specifically related to the conservation of fish and wildlife populations.

*Response:* Based on this feedback, the Departments further considered the practical impact of delaying the effective date of Board actions for 10 calendar days and whether the emergency situation exception would resolve any concerns. In reviewing the special actions approved by the Board in the last 2 years, not including delegations of authority to agency field officials for in-season management, more than half (7 of 13) of the special action requests required implementation in less than 10 days following Board action. Of those, two of the seven involved action that was required within 24 hours of the Board action.

The Departments gave careful thought to the difficulty in timely assembling the Board to thoughtfully consider and deliberate about emergent situations. Seasonal and regional conservation issues regarding fish and wildlife arise across approximately 230 million acres of Federal public lands and waters under Federal subsistence management and include multiple species of fish and wildlife that are subject to a dynamic and complicated range of partially or fully overlapping Federal and State hunting and fishing regulations. The Departments also considered the short duration of special actions, including that emergency special actions are limited to a maximum of 60 days, and temporary special actions extend no longer than determined by the Board to be necessary and are limited to the end of the current regulatory cycle (maximum of 2 years and a number of which are effective for only a few months). Additionally, the Departments considered the negative impacts of imposing a delay on effective dates of Board special actions and concluded they should be avoided in light of the provision in the proposed rule, carried forward to the final rule, acknowledging that the Secretaries retain authority to (at any time) stay, modify, or disapprove any action taken by the Board. The Departments also considered the exemption in the proposed rule for situations where responsive action is necessary within 24 hours to protect subsistence resources, but the information described above indicates that that proposed exemption may

sometimes be insufficient to address the negative impacts of a delay.

Ultimately, in light of the comments and concerns noted above, the Departments decided to modify the ratification period to provide the Board with additional flexibility and eliminate the costs that would have been associated with the practical limitations of the proposed rule. As modified, a ratification period of 10 days would apply to emergency and temporary special actions as a general matter, but the Board would have the flexibility to establish a shorter period of time for any given action (including making the action immediately effective). The Departments conclude that this revised approach to the ratification period will provide the benefits of maximizing the opportunity for Secretarial oversight without unduly constraining the Board from taking prompt action when necessary. While Board actions will be deemed automatically ratified if the Secretaries do not modify, disapprove, stay, or expressly ratify the action within the time period specified by the Board in the action, the Secretaries may revisit a prior ratification (express or automatic) at any time.

#### *Tribal Consultation and Comment*

As expressed in Executive Order 13175, "Consultation and Coordination with Indian Tribal Governments," the Federal officials that have been delegated authority by the Secretaries are committed to honoring the unique government-to-government political relationship that exists between the Federal Government and Federally Recognized Indian Tribes (Tribes) as listed in 75 FR 60810 (October 1, 2010) and the relationship required by statute for consultation and coordination with Alaska Native Corporations. Consultation with Alaska Native Corporations is based on Public Law 108–199, div. H, Sec. 161, Jan. 23, 2004, 118 Stat. 452, as amended by Public Law 108–447, div. H, title V, Sec. 518, Dec. 8, 2004, 118 Stat. 3267, which provides that: "The Director of the Office of Management and Budget and all Federal agencies shall hereafter consult with Alaska Native corporations on the same basis as Indian tribes under Executive Order No. 13175."

The Departments are committed to efficiently and adequately providing opportunities to Tribes and Alaska Native Corporations for consultation with regard to subsistence rulemaking. In January 2022, officials from DOI and the U.S. Department of Agriculture held joint consultations with federally recognized Tribes of Alaska and various Tribal Consortia. Later during October–

November 2022, DOI leadership and the Department of Commerce, National Oceanic and Atmospheric Administration, held joint consultations with various Alaska Tribes regarding fisheries. Approximately 445 individual subsistence users and representatives from Alaska Native Tribes, Tribal Consortia, Alaska Native Organizations, and Alaska Native Corporations participated in the consultations, and a majority of the commenters specifically requested increasing the number of public members to five and adding more voting members who represent Alaska Native Villages and have local knowledge and direct subsistence experience.

The Departments considered Tribes' and Alaska Native Corporations' information, input, and recommendations, and addressed their concerns as much as practicable in this rulemaking action.

#### **Changes From the Proposed Rule**

Based on the public and Tribal comment received, the final rule diverges from the proposed rule in regard to proposed paragraph § \_\_\_\_\_.10(d)(12). While the proposed regulations at that paragraph provided for a 10-day delay in Board actions taking effect to allow the Secretaries the opportunity to modify, disapprove, stay, or expressly ratify actions taken by the Board, in this final rule we have modified the waiting period provision to provide more flexibility to the Board while maximizing the opportunity for Secretarial oversight. This change is based on public and Council input that the waiting period provision in the proposed rule might interfere with the purposes of the order and subsistence management goals. For example, in some circumstances, a waiting period could allow for a fish run to be completed before subsistence users had an opportunity to harvest any fish as described in the preceding section.

The Department also made a change to the quorum at paragraph § \_\_\_\_\_.10(d)(2). Recognizing the timeline involved in nominating, appointing, and onboarding new Board members, the Departments decided to create a sliding scale for its quorum, starting at the current regulatory quorum of five and building to six. This approach keeps the quorum at greater than 50 percent but also avoids unintentionally creating a situation where a quorum may be difficult to achieve before all new Board positions are filled. The Departments made a change in this final rule by electing to set the quorum at five when there are nine or fewer Board members

and six when there are 10 or more Board members.

Other than the changes just described, we have made no other revisions to the proposed regulatory text in this final rule.

#### **Conformance With Statutory and Regulatory Authorities**

##### *National Environmental Policy Act Compliance*

A draft environmental impact statement that described four alternatives for developing a Federal Subsistence Management Program was distributed for public comment on October 7, 1991. The final environmental impact statement (FEIS) was published on February 28, 1992. The record of decision on Subsistence Management for Federal Public Lands in Alaska was signed April 6, 1992. The selected alternative in the FEIS (alternative IV) defined the administrative framework of an annual regulatory cycle for subsistence regulations.

A 1997 environmental assessment dealt with the expansion of Federal jurisdiction over fisheries and is available at the office listed under **FOR FURTHER INFORMATION CONTACT**. The Secretary of the Interior, with concurrence of the Secretary of Agriculture, determined that expansion of Federal jurisdiction does not constitute a major Federal action significantly affecting the human environment and, therefore, signed a finding of no significant impact.

Similarly, this rule does not constitute a major Federal action significantly affecting the quality of the human environment. Further, a detailed statement under the National Environmental Policy Act of 1969 (NEPA; 42 U.S.C. 4321 *et seq.*) is not required because the rule is covered by a categorical exclusion under 43 CFR 46.210(i): "Policies, directives, regulations, and guidelines: that are of an administrative, financial, legal, technical, or procedural nature; or whose environmental effects are too broad, speculative, or conjectural to lend themselves to meaningful analysis and will later be subject to the NEPA process, either collectively or case by case." We have also determined that the rule does not involve any of the extraordinary circumstances listed in 43 CFR 46.215 that would require further analysis under NEPA.

##### *Section 810 of ANILCA*

An ANILCA section 810 analysis was completed as part of the FEIS process on the Federal Subsistence Management



Program. The intent of all Federal subsistence regulations is to accord subsistence uses of fish and wildlife on public lands a priority over the taking of fish and wildlife on such lands for other purposes, unless restriction is necessary to conserve healthy fish and wildlife populations. The final section 810 analysis determination appeared in the April 6, 1992, ROD and concluded that the Program, under Alternative IV with an annual process for setting subsistence regulations, may have some local impacts on subsistence uses, but will not likely restrict subsistence uses significantly.

During the subsequent environmental assessment process for extending fisheries jurisdiction, an evaluation of the effects of the subsistence program regulations was conducted in accordance with section 810. That evaluation also supported the Secretaries' determination that the regulations will not reach the "may significantly restrict" threshold that would require notice and hearings under ANILCA section 810(a).

#### *Paperwork Reduction Act*

This rule contains existing information collections. All information collections require approval by the Office of Management and Budget (OMB) under the Paperwork Reduction Act of 1995 (PRA, 44 U.S.C. 3501 *et seq.*). 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. OMB has reviewed and approved the information collection requirements associated with this rulemaking and assigned OMB Control Number 1018-0075 (expires March 31, 2027). This rule makes no substantive changes to the currently approved information collections. We anticipate a minor increase in the estimated number of annual responses and annual burden hours associated with the currently approved FWS Form 3-2321, Membership Application. We estimate the total burden associated with this information collection to be 15,429 annual responses, 6,953 annual burden hours, and no non-hour cost burden.

#### *Regulatory Planning and Review* (Executive Orders 12866, 13563, and 14094)

Executive Order 14094 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. The Secretaries conducted this rulemaking in a manner consistent with these requirements.

E.O. 12866, as reaffirmed by E.O. 13563 and E.O. 14094, provides that the Office of Information and Regulatory Affairs (OIRA) in OMB will review all significant rules. OIRA has determined that this final rule is not significant.

#### *Regulatory Flexibility Act*

The Regulatory Flexibility Act of 1980 (5 U.S.C. 601 *et seq.*) requires preparation of flexibility analyses for rules that will have a significant effect on a substantial number of small entities, which include small businesses, organizations, or governmental jurisdictions. In general, this final rule will not result in effects to the economy. The Departments certify that this rulemaking will not have a significant economic effect on a substantial number of small entities within the meaning of the Regulatory Flexibility Act.

#### *Congressional Review Act*

Under the Congressional Review Act (5 U.S.C. 804(2)), this rule is not a major rule. It will not have an effect on the economy of \$100 million or more, will not cause a major increase in costs or prices for consumers, and will not have significant adverse effects on competition, employment, investment, productivity, innovation, or the ability of U.S.-based enterprises to compete with foreign-based enterprises.

#### *Executive Order 12630*

Title VIII of ANILCA requires the Secretaries to administer a subsistence priority on public lands. The scope of the Program is limited by definition to certain public lands. Likewise, these regulations have no potential takings of private property implications as defined by Executive Order 12630.

#### *Unfunded Mandates Reform Act*

The Secretaries have determined and certify pursuant to the Unfunded Mandates Reform Act, 2 U.S.C. 1502 *et seq.*, that this rulemaking will not impose a cost of \$100 million or more in any given year on local or State governments or private entities. The implementation of this rule is by Federal agencies, and there is no cost

imposed on any State or local entities or Tribal governments.

#### *Executive Order 12988*

The Secretaries have determined that these regulations meet the applicable standards provided in sections 3(a) and 3(b)(2) of Executive Order 12988, regarding civil justice reform.

#### *Executive Order 13132*

In accordance with Executive Order 13132, the rule does not have sufficient federalism implications to warrant the preparation of a federalism summary impact statement. Title VIII of ANILCA precludes the State from exercising subsistence management authority over fish and wildlife resources on Federal lands unless it meets certain requirements.

#### *Executive Order 13175*

Title VIII of ANILCA does not provide specific rights to Tribes for the subsistence taking of wildlife, fish, and shellfish. However, the Departments provided federally recognized Tribes and Alaska Native Corporations opportunities to consult on this rule. Consultation with Alaska Native Corporations are based on Public Law 108-199, div. H, Sec. 161, Jan. 23, 2004, 118 Stat. 452, as amended by Public Law 108-447, div. H, title V, Sec. 518, Dec. 8, 2004, 118 Stat. 3267, which provides that: "The Director of the Office of Management and Budget and all Federal agencies shall hereafter consult with Alaska Native Corporations on the same basis as Indian tribes under Executive Order No. 13175."

As stated previously under *Tribal Consultation and Comment*, regarding this rulemaking, the Departments held joint consultations, starting in January 2022, with federally recognized Tribes of Alaska and various Tribal Consortia. Later during October–November 2022, DOI leadership and the Department of Commerce, National Oceanic and Atmospheric Administration, held joint consultations with various federally recognized Tribes in Alaska regarding fisheries.

#### *Executive Order 13211*

Executive Order 13211 requires agencies to prepare statements of energy effects when undertaking certain actions. However, this rule is not a significant regulatory action under E.O. 13211, affecting energy supply, distribution, or use, and no statement of energy effects is required.



**List of Subjects****36 CFR Part 242**

Administrative practice and procedure, Alaska, Fish and shellfish, National forests, Public lands, Reporting and recordkeeping requirements, Wildlife.

**50 CFR Part 100**

Administrative practice and procedure, Alaska, Fish and shellfish, National forests, Public lands, Reporting and recordkeeping requirements, Wildlife.

**Regulation Promulgation**

For the reasons set out in the preamble, the Secretaries amend title 36, part 242, and title 50, part 100, of the Code of Federal Regulations, as set forth below.

**PART \_\_\_\_—SUBSISTENCE MANAGEMENT REGULATIONS FOR PUBLIC LANDS IN ALASKA**

■ 1. The authority citation for both 36 CFR part 242 and 50 CFR part 100 continues to read as follows:

**Authority:** 16 U.S.C. 3, 472, 551, 668dd, 3101–3126; 18 U.S.C. 3551–3586; 43 U.S.C. 1733.

**Subpart B—Program Structure**

■ 2. In subpart B of 36 CFR part 242 and 50 CFR part 100, amend § \_\_\_\_ .10 by:

- a. Revising paragraphs (a), (b), and (d)(2); and
- b. Adding paragraphs (d)(11) through (13).

The revisions and additions read as follows:

**§ \_\_\_\_ .10 Federal Subsistence Board.**

(a) *Authority.* The Secretary of the Interior and the Secretary of Agriculture hereby establish a Federal Subsistence Board (Board) and delegate to it the authority for administering the subsistence taking and uses of fish and wildlife on public lands and the related promulgation and signature authority for regulations of subparts C and D of this part. The Secretaries retain their existing authority to restrict or eliminate hunting, fishing, or trapping activities that occur on lands or waters in Alaska other than public lands when such activities interfere with subsistence hunting, fishing, or trapping on the public lands to such an extent as to result in a failure to provide the subsistence priority. The Secretaries also retain the ultimate responsibility for compliance with title VIII of ANILCA and other applicable laws and maintain oversight of the Board.

(b) *Membership.* (1) The voting members of the Board are: A Chair who possesses personal knowledge of and direct experience with subsistence uses in rural Alaska to be appointed by the Secretary of the Interior with the concurrence of the Secretary of Agriculture; five public members who possess personal knowledge of and direct experience with subsistence uses in rural Alaska, three of whom shall be nominated or recommended by federally recognized Tribal governments in Alaska and shall possess personal knowledge of and direct experience with subsistence uses in rural Alaska (including Alaska Native subsistence uses), to be appointed by the Secretary of the Interior with the concurrence of the Secretary of Agriculture; the Alaska Regional Director, U.S. Fish and Wildlife Service; the Alaska Regional Director, National Park Service; the Alaska Regional Forester, U.S. Forest Service; the Alaska State Director, Bureau of Land Management; and the Alaska Regional Director, Bureau of Indian Affairs. Each Federal agency member of the Board may appoint a designee.

(2) Public Board members serve at the will of the Secretaries. The Secretaries maintain their authorities for replacement of Federal agency members, public Board members, or any designees.

\* \* \* \* \*

(d) \* \* \*

(2) A quorum consists of five members when the total number of Board members is nine or fewer and six members when the total number of Board members is 10 or higher.

\* \* \* \* \*

(11) The Secretary of the Interior, or the Secretary of Agriculture with respect to a unit of the National Forest System, retains authority to (at any time) stay, modify, or disapprove any action taken by the Board.

(12) Special actions of the Board are not effective unless ratified by the Secretary of the Interior or the Secretary of Agriculture with respect to a unit of the National Forest System. To allow an opportunity for the Secretaries to modify, disapprove, stay, or expressly ratify any emergency or temporary special action taken by the Board, such Board actions generally will not become effective until 10 calendar days after the date of the action (or any longer period specified by the Board when taking the action), unless the Board determines that the situation calls for responsive action within a shorter period of time. If no action is taken by the Secretary to modify, disapprove, stay, or expressly

ratify within 10 days (or the longer or shorter period specified by the Board), the emergency or temporary special action will be deemed automatically ratified for purposes of this subpart. The Secretaries may revisit a prior ratification (express or automatic) of a Board action at any time. For other Board actions (*i.e.*, actions that follow the regular adoption process in § \_\_\_\_ .18), the Secretaries retain, and will exercise when appropriate, their authority to modify or disapprove actions prior to publication in the **Federal Register**, as is the current practice.

(13) For Board actions such as cyclic regulation revisions, customary and traditional use determinations, subsistence resource regions, rural determinations, and requests for reconsideration, when the Secretaries deem appropriate, they will exercise their authority to modify or disapprove the actions prior to publication of the actions in the **Federal Register**. The Board's special actions, both emergency and temporary, are often based on time-sensitive harvest opportunities for rural Alaskans or critical conservation concerns for a species and are valid upon decision by the Board. However, the Secretaries may at any time rescind, modify, disapprove, or stay a special action by the Board.

(14) The Secretaries may establish term limits for service of Board members in such circumstances as the Secretaries deem appropriate.

\* \* \* \* \*

**Joan Mooney,**

*Principal Deputy Assistant Secretary, Exercising the Delegated Authority of the Assistant Secretary—Policy, Management and Budget, Department of the Interior.*

**Dr. Homer Wilkes,**

*Undersecretary, Natural Resources and Environment, Department of Agriculture.*

[FR Doc. 2024–24088 Filed 10–15–24; 4:15 pm]

**BILLING CODE 4334–13–P; 3410–11–P**

**FEDERAL COMMUNICATIONS COMMISSION****47 CFR Part 9**

[PS Docket Nos. 21–479, 18–64; FCC 24–78; FR ID 250243]

**Facilitating Implementation of Next Generation 911 Services (NG911); Location-Based Routing for Wireless 911 Calls; Correction**

**AGENCY:** Federal Communications Commission.

**ACTION:** Final rule; correction.

**SUMMARY:** This document corrects an error by deleting an incorrect sentence in the Final Regulatory Flexibility Analysis section of a final rule that appeared in the **Federal Register** on September 24, 2024, regarding the implementation of Next Generation 911.

**DATES:** This correction is effective October 17, 2024.

**FOR FURTHER INFORMATION CONTACT:** For further information, contact John Evanoff of the Public Safety and Homeland Security Bureau, Policy and Licensing Division, at [John.Evanoff@fcc.gov](mailto:John.Evanoff@fcc.gov) or 202-418-0848.

**SUPPLEMENTARY INFORMATION:** The Federal Communications Commission (the Commission) is correcting an error in the *Facilitating Implementation of Next Generation 911 Services (NG911); Location-Based Routing for Wireless 911 Calls; Report and Order*, published as a final rule in the **Federal Register** on September 24, 2024, at 89 FR 78066. In the Final Regulatory Flexibility Analysis, an incorrect sentence was inadvertently included that created an inconsistency with the rest of the document. The Commission released a Second Erratum on October 1, 2024 that deleted the corresponding incorrect sentence in the *Report and Order*.

### Correction

In FR Doc. No. 2024-18603, in the **Federal Register** of September 24, 2024, on page 78118, in the first and second column, the following sentence is removed:

“For all OSPs, the initial compliance date will be extended based on the effective date of the rules—i.e. no OSP must comply with a 911 Authority Phase 1 request sooner than one year after the effective date of these rules, regardless of the timing of the 911 Authority’s request.”.

Federal Communications Commission.

**Debra Jordan,**

Chief, Public Safety and Homeland Security Bureau.

[FR Doc. 2024-23894 Filed 10-16-24; 8:45 am]

**BILLING CODE 6712-01-P**

## DEPARTMENT OF THE INTERIOR

### Fish and Wildlife Service

#### 50 CFR Parts 13 and 22

[Docket No. FWS-HQ-MB-2020-0023; FF09M30000-245-FXMB12320900000]

RIN 1018-BE70

#### Permits for Incidental Take of Eagles and Eagle Nests; Correction and Technical Amendment

**AGENCY:** Fish and Wildlife Service, Interior.

**ACTION:** Final rule; correction and technical amendment.

**SUMMARY:** We, the U.S. Fish and Wildlife Service, correct and amend a final rule that revised the regulations for the issuance of permits for eagle incidental take and eagle nest take. A provision of the regulations in the final rule specifies eligibility criteria for general permits for wind energy projects based on eagle relative abundance and proximity to eagle nests. We have become aware of confusion on the part of some general permit applicants regarding this provision in the regulations. Accordingly, this document revises the regulatory text of the final rule to ensure clarity. In addition, the final rule inadvertently resulted in errors regarding footnotes to a table. This document corrects those errors. For the convenience of the public, we also provide information to access the Service’s online mapping tool for general permit eligibility.

**DATES:** This rule is effective October 17, 2024.

**ADDRESSES:** The final rule and supplemental documents, including an environmental assessment, list of references cited, technical appendices, and public comments received, are available at <https://www.regulations.gov> in Docket No. FWS-HQ-MB-2020-0023. Documents and additional information can also be found at: <https://www.fws.gov/regulations/eagle>.

**FOR FURTHER INFORMATION CONTACT:** Jerome Ford, Assistant Director—Migratory Birds Program, U.S. Fish and Wildlife Service, telephone: (703) 358-2606, email: [jerome\\_ford@fws.gov](mailto:jerome_ford@fws.gov). Individuals in the United States who are deaf, deafblind, hard of hearing, or have a speech disability may dial 711 (TTY, TDD, or TeleBraille) to access telecommunications relay services. Individuals outside the United States should use the relay services offered within their country to make international calls to the point of contact in the United States.

## SUPPLEMENTARY INFORMATION:

### Background

On February 12, 2024, under the authority of the Bald and Golden Eagle Protection Act (16 U.S.C. 668–668d; hereafter, the “Eagle Act”), the U.S. Fish and Wildlife Service published a final rule to revise the regulations in title 50 of the Code of Federal Regulations (CFR) that govern the issuance of permits for eagle incidental take and eagle nest take (89 FR 9920). That rule created general permits for certain activities under prescribed conditions, including general permit options for qualifying wind energy generation projects. While the rule primarily pertained to the regulations in 50 CFR part 22, Eagle Permits, the rule also included revisions to 50 CFR part 13, General Permit Procedures.

### Correction

The February 12, 2024, final rule (89 FR 9920) resulted in improper codification of the footnotes to a table at 50 CFR 13.11(d)(4). This rule corrects the errors described below.

Prior to the rule becoming effective on April 12, 2024, the table at 50 CFR 13.11(d)(4) had four footnotes, the first of which was indicated by a superscript 1 in a column heading: “Administration fee.”<sup>1</sup>

In the February 12, 2024, final rule, the amendatory instruction for revising the table at 50 CFR 13.11(d)(4) (appearing at 89 FR 9956 as amendatory instruction 3) was written erroneously. The amendatory instruction correctly included an instruction to revise footnote 1; however, it did not include an instruction to revise the column headings to add a superscript for footnote 1 to an additional column heading (i.e., “Permit application fee”).

Moreover, the corresponding text below the amendatory instruction erroneously displayed the headings for the table with these column headings: “Permit application fee<sup>1</sup>” and “Administration fee<sup>2</sup>” and included accompanying footnotes 1 and 2 at the end of the table. However, these indicated revisions were in error as footnote 2 already occurs in the table under the subheading “Endangered Species Act/CITES/Lacey Act” and should not have been revised via this final rule.

In addition to these errors in the final rule, the codification of the final rule’s changes to the footnotes to the table at 50 CFR 13.11(d)(4) resulted in errors. As codified in the e-CFR (<https://www.ecfr.gov/>), the table as now displayed includes only footnotes 3 and

4; footnotes 1 and 2 no longer appear below the table.

Accordingly, this document revises the table at 50 CFR 13.11(d)(4) to indicate that both the column headings for “Permit application fee” and “Administration fee” include a superscript for footnote 1. This document also sets forth correct text for footnote 1 and reinstates footnote 2, which was erroneously removed during the codification process for the final rule. These revisions are procedural in nature and not substantive. The sentences set forth in the rule portion of this document for footnote 1 are verbatim as had been set forth for footnotes 1 and 2 in the final rule; the only change is that, in this document, those sentences are now combined to form a single footnote.

#### Technical Amendment

Under the regulations set forth in the final rule at 50 CFR 22.250, the eligibility criteria for the Service to issue a general permit for wind energy generation projects include a combination of eagle relative abundance in the project area and proximity to eagle nests. Relative-abundance thresholds are the basis for our determination that general permits are compatible with the preservation of eagles, as required by the Eagle Act and our implementing regulations. The Service used the best available information to derive relative-abundance thresholds that determine whether wind energy projects are eligible for a general permit. That information consists of the Cornell Lab of Ornithology’s Status and Trends definition of “relative abundance” and relative-abundance products derived from eBird data (Cornell Lab of Ornithology, Ithaca, New York, available at: <https://science.ebird.org/en/status-and-trends>).

Eligibility for general permits must be determined as described in the environmental assessment (EA) that accompanied the final rule. The eagle relative-abundance threshold values published in the final rule were calculated based on the Cornell Lab of Ornithology’s eagle relative-abundance data and products. Thresholds are therefore applicable only to relative-abundance estimates from 2020 that consider detection rates, topography, and habitat and represent the coterminous United States at a 3-km<sup>2</sup> resolution for the pre-breeding migration, breeding, post-breeding migration, and non-breeding seasons for

bald eagles and golden eagles. This information and these data sources are described in detail in appendix A of the final EA for the rule, available at <https://www.regulations.gov/document/FWS-HQ-MB-2020-0023-9352>.

To ensure that all general permits are consistent with the statute’s preservation standard, general permit eligibility must be determined using eagle relative-abundance data and products from 2020. While we view this requirement as the logical and clearly expressed intent in the final rule and accompanying EA, we have learned that some members of the public have not understood this requirement. Accordingly, in this rule we revise the regulatory text at § 22.250(c)(1)(ii) by adding text to explicitly communicate the requirement that eagle relative-abundance data and products from 2020 must be used to determine general permit eligibility for wind projects. We are making no change to the second eligibility requirement, the proximity to eagle nests at the time of application, which appears at § 22.250(c)(1)(i). This determination must be based on recent nest survey(s). Project proponents are expected to survey for eagle nests with due diligence and in accordance with any Service guidance for nest surveys.

We encourage applicants to determine project eligibility using a mapping tool produced by the Service. We created an online mapping tool to help project proponents quickly determine eagle relative abundance and permit eligibility. You may access the permit-eligibility map at <https://www.sciencebase.gov/catalog/item/6584c3ded34eff134d42da68>.

#### Administrative Procedure

Generally, the Administrative Procedure Act (APA) requires a Federal agency to provide the public with notice and an opportunity to comment on agency rulemakings. 5 U.S.C. 553(b). The APA, however, creates an exception in case where an agency for good cause determines “that notice and public procedure thereon are impracticable, unnecessary, or contrary to the public interest.” *Id.* at 553(b)(3)(B). Pursuant to 5 U.S.C. 553(b)(3)(B), we find good cause that prior notice and opportunity for public comment are unnecessary for this rule because it serves merely to correct errors and better communicate existing requirements in the original rule. This rule amendment will help to ensure efficient and accurate permit processing and does not alter existing rights or change existing requirements

in the rule that it modifies; therefore, public comment would not inform this process in any meaningful way.

Furthermore, the APA generally provides that a final rule may not become effective until at least 30 days after its publication in the **Federal Register** unless the agency determines that good cause exists to dispense with this requirement under 5 U.S.C. 553(d)(3). Here, we have good cause to make this rule effective upon publication. Because some members of the public have failed to understand the correct eligibility criteria, it is important for the proper administration of our programs that we clarify the correct requirements in the Code of Federal Regulations as soon as possible so that the regulations clearly and accurately inform permit applicants how they can properly determine compliance with eligibility criteria. Therefore, a 30-day waiting period until this rule becomes effective would serve no purpose for the Service or the regulated community and would only extend any potential confusion over the existing rule’s eligibility criteria.

#### List of Subjects

##### 50 CFR Part 13

Administrative practice and procedure, Exports, Fish, Imports, Plants, Reporting and recordkeeping requirements, Transportation, Wildlife.

##### 50 CFR Part 22

Exports, Imports, Reporting and recordkeeping requirements, Transportation, Wildlife.

Accordingly, we hereby amend parts 13 and 22 of subchapter B of chapter I, title 50 of the Code of Federal Regulations, as set forth below:

#### PART 13—GENERAL PERMIT PROCEDURES

- 1. The authority citation for part 13 continues to read as follows:

**Authority:** 16 U.S.C. 668a, 704, 712, 742j–1, 1374(g), 1382, 1538(d), 1539, 1540(f), 3374, 4901–4916; 18 U.S.C. 42; 19 U.S.C. 1202; 31 U.S.C. 9701.

- 2. In § 13.11, amend the table in paragraph (d)(4) by revising the column headings and the four table footnotes to read as follows:

##### § 13.11 Application procedures.

*	*	*	*	*
(d)	*	*	*	
(4)	*	*	*	
*	*	*	*	*

Type of permit	CFR citation	Permit application fee <sup>1</sup>	Administration fee <sup>1</sup>	Amendment fee
*	*	*	*	*

<sup>1</sup> A reimbursable agreement may be required for specific eagle permits to cover the costs above estimated staff-hours. An administration fee will be assessed at the time of application, in addition to the application fee.

<sup>2</sup> Each.

<sup>3</sup> Per animal.

<sup>4</sup> Per species.

\* \* \* \* \*

## PART 22—EAGLE PERMITS

■ 3. The authority citation for part 22 continues to read as follows:

**Authority:** 16 U.S.C. 668–668d; 703–712; 1531–1544.

■ 4. Amend § 22.250 by revising and republishing paragraph (c)(1)(ii) to read as follows:

### § 22.250 Permits for incidental take of eagles by wind energy projects.

\* \* \* \* \*

(c) \* \* \*

(1) \* \* \*

(ii) Located in areas characterized by seasonal relative-abundance values that are less than the relative-abundance values for the date range for each species in tables 1 and 2, as determined by using relative-abundance data from 2020. Eligibility determinations must be based on 2020 relative-abundance estimates that consider detection rates,

topography, and habitat and represent the coterminous United States at a 3-km<sup>2</sup> resolution for the pre-breeding migration, breeding, post-breeding migration, and non-breeding seasons for bald eagles and golden eagles. Use of the following data and products satisfy the requirements of this paragraph (c)(1)(ii):

(A) Cornell Lab of Ornithology relative-abundance data and products for bald eagles and golden eagles from 2020, published in 2021.

(B) [Reserved]

TABLE 1 TO PARAGRAPH (c)(1)(ii)—RELATIVE-ABUNDANCE VALUE THRESHOLDS FOR BALD EAGLES THROUGHOUT THE YEAR

Date range	Bald eagle relative abundance
1. February 15–May 23 .....	0.821
2. May 24–July 19 .....	0.686
3. July 20–December 20 .....	0.705
4. December 21–February 14 .....	1.357

TABLE 2 TO PARAGRAPH (c)(1)(ii)—RELATIVE-ABUNDANCE VALUE THRESHOLDS FOR GOLDEN EAGLES THROUGHOUT THE YEAR

Date range	Golden eagle relative abundance
1. February 8–June 6 .....	0.081
2. June 7–August 30 .....	0.065
3. August 31–December 6 .....	0.091
4. December 7–February 7 .....	0.091

\* \* \* \* \*

**Shannon A. Estenoz,**

*Assistant Secretary for Fish and Wildlife and Parks.*

[FR Doc. 2024–23973 Filed 10–16–24; 8:45 am]

**BILLING CODE 4333–15–P**

Proposed Rules

Federal Register  
Vol. 89, No. 201  
Thursday, October 17, 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.

NUCLEAR REGULATORY COMMISSION

10 CFR Part 51

[NRC–2020–0101]

RIN 3150–AK55

Generic Environmental Impact Statement for Licensing of New Nuclear Reactors

Correction

In proposed rule document 2024–22385, appearing on pages 80797 through 80827 in the issue of Friday, October 4, 2024, make the following corrections:

1. On page 80798, in the first column, in the fifth paragraph, on the second through fourth lines, “Final supplemental environmental impact statement relying on Appendix C to Subpart A” should read “Final supplemental environmental impact statement relying on a generic environmental impact statement for licensing new nuclear reactors.”.

2. On page 80808, in the second column, in the fourth paragraph from the bottom of the page, on the first through third lines, “Final Supplemental Environmental Impact Statement Relying on Appendix C to Subpart A” should read “Final supplemental environmental impact statement relying on a generic environmental impact statement for licensing new nuclear reactors.”.

[FR Doc. C1–2024–22385 Filed 10–16–24; 8:45 am]  
BILLING CODE 0099–10–D

POSTAL REGULATORY COMMISSION

39 CFR Part 3050

[Docket No. RM2025–1; Order No. 7705]

Periodic Reporting

AGENCY: Postal Regulatory Commission.  
ACTION: Notice of proposed rulemaking.

**SUMMARY:** The Commission is acknowledging a recent Postal Service filing requesting the Commission initiate a rulemaking proceeding to consider changes to analytical principles relating to periodic reports (Proposal Five). This document informs the public of the filing, invites public comment, and takes other administrative steps.

**DATES:** *Comments are due:* November 8, 2024.

**ADDRESSES:** Submit comments electronically via the Commission’s Filing Online system at <https://www.prc.gov>. Those who cannot submit comments electronically should contact the person identified in the **FOR FURTHER INFORMATION CONTACT** section by telephone for advice on filing alternatives.

**FOR FURTHER INFORMATION CONTACT:** David A. Trissell, General Counsel, at 202–789–6820.

**SUPPLEMENTARY INFORMATION:**

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**I. Introduction**

On October 8, 2024, the Postal Service filed a petition pursuant to 39 CFR 3050.11 requesting that the Commission initiate a rulemaking proceeding to consider changes to analytical principles relating to periodic reports.<sup>1</sup> The Petition identifies the proposed analytical changes filed in this docket as Proposal Five.

**II. Proposal Five**

**Background.** The Postal Service states that, on August 8, 2024, the Commission approved a methodology to report USPS Ground Advantage costs below the product level.<sup>2</sup> The Postal Service explains that USPS Ground Advantage processing and delivery costs are both disaggregated into weight groupings of under 1 pound and 1 pound and greater. Petition, Proposal Five at 1. The Postal

Service states that, “[a]t the time the methodology was implemented, it was unknown whether the Postal Service would have sufficient data to support additional refinement of these weight groups for mail processing costs.” *Id.* The Postal Service notes that the Commission acknowledged this uncertainty, but encouraged the Postal Service “to further refine the mail processing cost model as more data becomes available to support additional weight steps.” *Id.* (citing Order No. 7347 at 20). The Postal Service asserts that the USPS Ground Advantage product has now existed for four full quarters and, because volume 1 pound and greater has grown substantially, the Postal Service has confirmed that there are sufficient data being collected to support additional refinement of the 1 pound and greater weight grouping. *Id.*

Additionally, the Postal Service notes that, as a result of recently approved methodologies relating to rural and city delivery costs, delivery costs reported in the Fiscal Year (FY) 2024 Annual Compliance Report will be substantially different from those reported in FY 2023.<sup>3</sup> The Postal Service contends that “the cost difference between parcels delivered to the door [compared to] those delivered to the mailbox is expected to widen.” *Id.* at 2. The Postal Service contends that disaggregation of delivery costs into under 1 pound and 1 pound and greater aims to capture this cost difference. *Id.* (citing Order No. 7347 at 20).

**Proposal.** For the purposes of negotiated service agreement cost reporting, the Postal Service proposes to disaggregate both mail processing and delivery costs for USPS Ground Advantage into the following weight groups:

- 0–1 pound
- 1–3 pounds
- 3 pounds and greater

*Id.* The Postal Service asserts that mail processing costs would continue to be disaggregated based on In-Office Cost System (IOCS) tallies. *Id.* at 3. The Postal Service states that delivery costs would continue to be disaggregated

<sup>1</sup> Petition of the United States Postal Service for the Initiation of a Proceeding to Consider Proposed Changes in Analytical Principles (Proposal Five), October 8, 2024 (Petition).

<sup>2</sup> Petition, Proposal Five at 1 (citing Docket No. RM2024–7, Order on Analytical Principles Used in Periodic Reporting (Proposal Two), August 8, 2024 (Order No. 7347)).

<sup>3</sup> *Id.* at 2 (citing Docket No. RM2024–2, Order Approving Analytical Principles Used in Periodic Reporting (Proposal Eight) with Two Modifications, April 18, 2024 (Order No. 7049); Docket No. RM2022–3, Order Approving Analytical Principles Used in Periodic Reporting (Proposal One), August 26, 2024 (Order No. 7411)).

based on the recording of USPS Ground Advantage pieces in the carrier cost systems. *Id.* The Postal Service contends that, based on a comparison of USPS Ground Advantage and Priority Mail IOCS mail processing tallies for FY 2024, Quarter 3 year-to-date, “the precision of the proposed weight groupings will be better than those already approved for use in Priority Mail.” *Id.* The Postal Service further contends that, because recent operational and methodological changes have increased the impact of delivery location on cost, it would be an improvement to further refine delivery cost into additional weight groupings. *Id.* at 3–4.

*Impact.* The Postal Service states that the proposed methodology “tends to reflect” lower mail processing and delivery costs for pieces that are 1–3 pounds and higher costs for pieces that are 3 pounds or greater. *Id.* at 4. The Postal Service also explains generally that “the share of pieces delivered to the

mailbox decreases from the 0–1 pound grouping to the 1–3 pound grouping and decreases further from 1–3 pounds to 3 [pounds and greater].”<sup>4</sup>

### III. Notice and Comment

The Commission establishes Docket No. RM2025–1 for consideration of matters raised by the Petition. More information on the Petition may be accessed via the Commission’s website at <https://www.prc.gov>. Interested persons may submit comments on the Petition and Proposal Five no later than November 8, 2024. Pursuant to 39 U.S.C. 505, Christopher C. Mohr is designated as an officer of the Commission (Public Representative) to represent the interests of the general public in this proceeding.

### IV. Ordering Paragraphs

*It is ordered:*

<sup>4</sup> *Id.* at 4; *id.* n.2 (citing Library Reference USPS–RM2025–1–NP1, Prop 5 ImpactAnalysis.xlsx, tab “% to Mailbox”).

1. The Commission establishes Docket No. RM2025–1 for consideration of the matters raised by the Petition of the United States Postal Service for the Initiation of a Proceeding to Consider Proposed Changes in Analytical Principles (Proposal Five), filed October 8, 2024.

2. Comments by interested persons in this proceeding are due no later than November 8, 2024.

3. Pursuant to 39 U.S.C. 505, the Commission appoints Christopher C. Mohr to serve as an officer of the Commission (Public Representative) to represent the interests of the general public in this docket.

4. The Secretary shall arrange for the publication of this Order in the **Federal Register**.

By the Commission.

**Erica A. Barker,**  
*Secretary.*

[FR Doc. 2024–23861 Filed 10–16–24; 8:45 am]

**BILLING CODE 7710–FW–P**

Notices

Federal Register

Vol. 89, No. 201

Thursday, October 17, 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

Performance Review Board Membership

**AGENCY:** Office of Human Resources Management, Departmental Administration.

**ACTION:** Notice of Performance Review Board appointments.

**SUMMARY:** This notice announces the members of the Department of Agriculture’s (USDA) Senior Executive Service (SES) and Senior Level (SL) and Scientific or Professional (ST) Performance Review Boards. Agriculture has two PRBs with representatives from each USDA Mission Area. The PRB provides a written recommendation to the Secretary for final approval of each executive’s performance rating, performance-based pay adjustment, and performance award. The PRBs are advised by the Office of Human Resources Management, Office of General Counsel, and Office of the Assistant Secretary for Civil Rights to ensure compliance with laws and regulations.

**DATES:** The board membership is applicable beginning on October 18, 2024.

**FOR FURTHER INFORMATION CONTACT:** Anita Adkins, Chief Human Capital Officer, Office of Human Resources Management, telephone: (337) 247–1820, or Tonique Washington, Acting Director, Executive Resources Management Division, telephone: (202) 720–0027.

**SUPPLEMENTARY INFORMATION:** In accordance with 5 U.S.C. 4314(c)(4), the USDA PRB members are named below: Bender, Stuart A.; Bennett, Patricia A.; Bucknall, Janet L.; Coleman, Angela V.; Crockett, John W.; Drennen, Lorna J.; Duncan, C. Natalie L.; Eichhorst, John E.; Erhan, Sevim Z.; Fantinato, Jessica; French, Christopher B.; Glendenning,

Roger W.; Heath, Linda S.; Jackson, Kimberly R.; James, Rosalind R.; Lindbo, David; Manzano, Heather L.; McHugh, Tara H.; Morris, Erin; Neal Jr., Arthur L.; Nickerson, Cynthia J.; Parsons, Joseph L.; Ramirez, Lisa; Ripley, Ingrid; Shea, A. Kevin; Slupek, Mark A.; Smith, Gregory C.; Tharp, Melissa A.; Watson, Michael T.; Whitley, Daniel B.; and Williams, Duane.

**Keith Wiggins,**

*Deputy Director Executive Resources Management Division, Office of Human Resources Management.*

[FR Doc. 2024–23922 Filed 10–16–24; 8:45 am]

**BILLING CODE 3410–96–P**

DEPARTMENT OF COMMERCE

Bureau of Economic Analysis

Agency Information Collection Activities; Submission to the Office of Management and Budget (OMB) for Review and Approval; Comment Request; Services Surveys: BE–29, Annual Survey of Foreign Ocean Carriers’ Expenses in the United States

The Department of Commerce will submit the following information collection request to the Office of Management and Budget (OMB) for review and clearance, in accordance with the Paperwork Reduction Act of 1995 (PRA) on or after the date of publication of this notice. We invite the general public and other Federal agencies to comment on proposed and continuing information collections, which helps us assess the impact of our information collection requirements and minimize the public’s reporting burden. Public comments were previously requested via the **Federal Register** on July 18, 2024, during a 60-day comment period. This notice allows for an additional 30 days for public comments.

**Agency:** Bureau of Economic Analysis, Commerce.

**Title:** Annual Survey of Foreign Ocean Carriers’ Expenses in the United States.

**OMB Control Number:** 0608–0012.

**Form Number(s):** BE–29.

**Type of Request:** Regular submission.

**Estimated Number of Respondents:** 80 annually (70 reporting mandatory data, and 10 that would file exemption claims or voluntary responses).

**Estimated Time per Response:** 3 hours is the average for those reporting

mandatory data and one hour is the average for those filing an exemption claim or voluntary responses. Hours may vary considerably among respondents because of differences in company size and complexity.

**Estimated Total Annual Burden Hours:** 220.

**Needs and Uses:** The data are needed to monitor U.S. trade in transport services, to analyze the impact of these cross-border services on the U.S. and foreign economies, to compile and improve the U.S. economic accounts, to support U.S. commercial policy on trade in services, to conduct trade promotion, and to improve the ability of U.S. businesses to identify and evaluate market opportunities. The data are used in estimating the trade in transport services component of the U.S. international transactions accounts (ITAs) and national income and product accounts (NIPAs).

**Affected Public:** Business or other for-profit organizations.

**Frequency:** Annually.

**Respondent’s Obligation:** Mandatory.

**Legal Authority:** International Investment and Trade in Services Survey Act (Pub. L. 94–472, 22 U.S.C. 3101–3108, as amended).

This information collection request may be viewed at [www.reginfo.gov](http://www.reginfo.gov). Follow the instructions to view the Department of Commerce collections currently under review by OMB.

Written comments and recommendations for the proposed information collection should be submitted within 30 days of the publication of this notice on the following website [www.reginfo.gov/public/do/PRAMain](http://www.reginfo.gov/public/do/PRAMain). Find this particular information collection by selecting “Currently under 30-day Review—Open for Public Comments” or by using the search function and entering either the title of the collection or the OMB Control Number 0608–0012.

**Sheleen Dumas,**

*Departmental PRA Clearance Officer, Office of the Under Secretary of Economic Affairs, Commerce Department.*

[FR Doc. 2024–23976 Filed 10–16–24; 8:45 am]

**BILLING CODE 3510–06–P**

**DEPARTMENT OF COMMERCE****Foreign-Trade Zones Board****[B-53-2024]****Foreign-Trade Zone (FTZ) 196,  
Notification of Proposed Production  
Activity; RECARO Aircraft Seating  
Americas, LLC; (Aircraft Seats); Fort  
Worth, Texas**

RECARO Aircraft Seating Americas, LLC submitted a notification of proposed production activity to the FTZ Board (the Board) for its facilities in Fort Worth, Texas within FTZ 196. The notification conforming to the requirements of the Board's regulations (15 CFR 400.22) was received on October 9, 2024.

Pursuant to 15 CFR 400.14(b), FTZ production activity would be limited to the specific foreign-status materials/components and specific finished product described in the submitted notification (summarized below) and subsequently authorized by the Board. The benefits that may stem from conducting production activity under FTZ procedures are explained in the background section of the Board's website—accessible via [www.trade.gov/ftz](http://www.trade.gov/ftz).

The proposed finished product is aircraft seats (duty rate is duty-free).

The proposed foreign-status materials/components include: plastic components (logos; placards; coat hooks; attachment tapes; bearing bushings; bezels; table latch plates; bumper panels; bumper strips; rigid cable conduits; cable plates; cable protection plates; cable routing plates; in-arm table compartment inserts; connection plates; seat covers; armrest and tilt finger protection plates; hinge arm cap covers; literature insert pockets; seat panel covers; electronics receptacles; seatbelt limiters; actuator sleeves; backrest sliders; spacers; in-arm table stops; stop plates; stop seatbelt limiters; table backrests; table retainers; cable bags; armrests; attachment table arms; handicap armrests; in-arm table panel covers; armrest inserts; backrest links; armrest reinforcements; seat actuator sliding blocks; wedges; stainless steel leg springs; steel components (screws; front studs; nuts; rings; washers; rivets; bolts; flange bushings; pins; spring pins; spring actuators; springs; in-arm table hinges; anti-twist cable protections; zinc plated retaining clips; seatbelt shackles; armrest sleeves); aluminum components (barrel nuts; attachment sheets for seats; mounting and holding support brackets and hooks; bushings; base plates; clips to attach seat bottoms; seat connectors;

in-arm table subassemblies; corner baggage bars; housing lids; limiter stops; backrest attachment bows; stowage attachment brackets; armrest attachment strips; structural seat beams; clamps; seat bottom clampings; seat contour sheets; cover sheets protecting seat cables; seat base frame diagonal bars; disconnect housings; seat footrests; backrest frames; base frame guides; backrest holders; console holding plates; armrest holding straps; horizontal seat base bars; video arm joints; video arm joint halves; backrest actuator components; leg rests; seat base frame limitation sheets; headrest limiters; locking plates; base seat frame plates; seat dividers; seat spreaders that separate individual airline seats; seat legs; sheet arm cap uppers to protect cables in seat armrests; in-arm table structural sheets; seat side panels; armrest side plates; armrest sliders supporting video arms; aisle-side steps; backrest structures; frames supporting seat backrests; armrest structure sheets; struts; armrest supports; support plates; routing cable support sheets; torsion tubes; traverse profiles; structural armrest web inners and web outers); actuators; static converter power supplies; radio frequency identification tags; uncovered aircraft seats; anti-rattle nuts; fold out tables; assemblies (console; headrest; plastic seatback screen holder; arm cap; steel backrest couple; guide bearing; housing; aluminum in-arm table; release mechanism; plastic table arm; plastic in-arm table; aluminum seat bottom tube; aluminum video arm); latchseat bottoms; life vest containers; plastic and aluminum components (plug baggage bars; structure headrests; armrest structures); stop actuators; polyamide fabric cable bags; dampers; polyester fabric undercover seat backings; backrests; life vest pouches; combed wool woven fabric seat pockets; artificial leather (polyurethane-coated polyester fabric) backrest narrows; flat polyester ribbon life vest container straps; strap life vests; baggage bars; bearings; bolt actuators; connector housings; cross struts; leather and woven combed wool fabric seat dress covers; escutcheons; foam seat cushions; seat kick panels; levers; plain bearing bushings; retaining springs; seat bottoms; slide rings; spring clips; spring cotters; spring stops; tilt mechanisms; and, web link seatbelts (duty rate ranges from duty-free to 8.5%). The request indicates that certain materials/components are subject to duties under section 232 of the Trade Expansion Act of 1962 (section 232) or section 301 of the Trade Act of 1974 (section 301),

depending on the country of origin. The applicable section 232 and section 301 decisions require subject merchandise to be admitted to FTZs in privileged foreign (PF) status (19 CFR 146.41). The request also indicates that certain leg springs, aluminum seat dividers, and seat legs are subject to an antidumping/countervailing duty (AD/CVD) order/investigation if imported from certain countries. The Board's regulations (15 CFR 400.13(c)(2)) require that merchandise subject to AD/CVD orders, or items which would be otherwise subject to suspension of liquidation under AD/CVD procedures if they entered U.S. customs territory, be admitted to the zone in PF status.

Public comment is invited from interested parties. Submissions shall be addressed to the Board's Executive Secretary and sent to: [ftz@trade.gov](mailto:ftz@trade.gov). The closing period for their receipt is November 26, 2024.

A copy of the notification will be available for public inspection in the "Online FTZ Information System" section of the Board's website.

For further information, contact Juanita Chen at [juanita.chen@trade.gov](mailto:juanita.chen@trade.gov).

Dated: October 11, 2024.

**Elizabeth Whiteman,**  
*Executive Secretary.*

[FR Doc. 2024-23986 Filed 10-16-24; 8:45 am]

**BILLING CODE 3510-DS-P**

**DEPARTMENT OF COMMERCE****International Trade Administration****[A-201-842]****Large Residential Washers From  
Mexico: Continuation of the  
Antidumping Duty Order**

**AGENCY:** Enforcement and Compliance, International Trade Administration, Department of Commerce.

**SUMMARY:** As a result of the determinations by the U.S. Department of Commerce (Commerce) and the U.S. International Trade Commission (ITC) that revocation of the antidumping duty (AD) order on large residential washers (LRW) from Mexico would likely lead to the continuation or recurrence of dumping and material injury to an industry in the United States, Commerce is publishing a notice of continuation of this AD order.

**DATES:** Applicable October 9, 2024.

**FOR FURTHER INFORMATION CONTACT:** Mira Warrier, AD/CVD Operations, Office II, Enforcement and Compliance, International Trade Administration, U.S. Department of Commerce, 1401



Constitution Avenue NW, Washington, DC 20230; telephone: (202) 482–8031.

#### SUPPLEMENTARY INFORMATION:

##### Background

On February 15, 2013, Commerce published in the **Federal Register** the AD order on large residential washers from Mexico.<sup>1</sup> On April 1, 2024, the ITC instituted,<sup>2</sup> and Commerce initiated,<sup>3</sup> the second sunset review of the *Order*, pursuant to section 751(c) of the Tariff Act of 1930, as amended (the Act). As a result of its review, Commerce determined that revocation of the *Order* would likely lead to the continuation or recurrence of dumping, and therefore, notified the ITC of the magnitude of the margins of dumping likely to prevail should the *Order* be revoked.<sup>4</sup>

On October 9, 2024, the ITC published its determination, pursuant to sections 751(c) and 752(a) of the Act, that revocation of the *Order* would likely lead to continuation or recurrence of material injury to an industry in the United States within a reasonably foreseeable time.<sup>5</sup>

##### Scope of the Order

The products covered by the *Order* are all large residential washers and certain subassemblies thereof from Mexico. For purposes of the order, the term “large residential washers” denotes all automatic clothes washing machines, regardless of the orientation of the rotational axis, except as noted below, with a cabinet width (measured from its widest point) of at least 24.5 inches (62.23 cm) and no more than 32.0 inches (81.28 cm). Also covered are certain subassemblies used in large residential washers, namely: (1) all assembled cabinets designed for use in large residential washers which incorporate, at a minimum: (a) At least three of the six cabinet surfaces; and (b) a bracket; (2) all assembled tubs<sup>6</sup> designed for use in large residential washers which incorporate, at a minimum: (a) a tub; and (b) a seal; (3)

all assembled baskets<sup>7</sup> designed for use in large residential washers which incorporate, at a minimum: (a) a side wrapper;<sup>8</sup> (b) a base; and (c) a drive hub;<sup>9</sup> and (4) any combination of the foregoing subassemblies.

The products are currently classifiable under subheadings 8450.20.0040 and 8450.20.0080 of the Harmonized Tariff Schedule of the United States (HTSUS).<sup>10</sup> Products subject to this *Order* may also enter under HTSUS subheadings 8450.11.0040, 8450.11.0080, 8450.90.2000, and 8450.90.6000. Although the HTSUS subheadings are provided for convenience and customs purposes, the written description of the merchandise subject to this scope is dispositive.<sup>11</sup>

##### Continuation of the Order

As a result of the determinations by Commerce and the ITC that revocation of the *Order* would likely lead to continuation or recurrence of dumping and material injury to an industry in the United States, pursuant to section 751(d)(2) of the Act, Commerce hereby orders the continuation of the *Order*. U.S. Customs and Border Protection will continue to collect AD cash deposits at the rates in effect at the time of entry for all imports of subject merchandise.

The effective date of the continuation of the *Order* will be October 9, 2024.<sup>12</sup> Pursuant to section 751(c)(2) of the Act and 19 CFR 351.218(c)(2), Commerce intends to initiate the next five-year review of the *Order* not later than 30 days prior to fifth anniversary of the date of the last determination by the ITC.

##### Administrative Protective Order (APO)

This notice also serves as a final reminder to interested parties subject to an APO of their responsibility concerning the return or destruction of proprietary information disclosed under APO in accordance with 19 CFR 351.305(a)(3), which continues to

govern business proprietary information in this segment of the proceeding. Timely written notification of the return or destruction of APO materials, or conversion to judicial protective order, is hereby requested. Failure to comply with the regulations and terms of an APO is a violation which is subject to sanction.

##### Notification to Interested Parties

This five-year (sunset) review and this notice are in accordance with sections 751(c) and 751(d)(2) of the Act and published in accordance with section 777(i) of the Act, and 19 CFR 351.218(f)(4).

Dated: October 10, 2024.

Scot Fullerton,

Acting Assistant Secretary for Enforcement and Compliance.

[FR Doc. 2024–23916 Filed 10–16–24; 8:45 am]

BILLING CODE 3510–DS–P

## DEPARTMENT OF COMMERCE

### International Trade Administration

[A–549–848]

#### Truck and Bus Tires From Thailand: Final Affirmative Determination of Sales at Less Than Fair Value and Final Affirmative Determination of Critical Circumstances, in Part

**AGENCY:** Enforcement and Compliance, International Trade Administration, Department of Commerce.

**SUMMARY:** The U.S. Department of Commerce (Commerce) determines that certain truck and bus tires from Thailand are being, or are likely to be, sold in the United States at less than fair value (LTFV).

**DATES:** Applicable October 17, 2024.

**FOR FURTHER INFORMATION CONTACT:** Faris Montgomery or Jonathan Schueler, 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) 482–1537 or (202) 482–9175, respectively.

#### SUPPLEMENTARY INFORMATION:

##### Background

On May 20, 2024, Commerce published the *Preliminary Determination* in the **Federal Register**.<sup>1</sup>

<sup>1</sup> See *Truck and Bus Tires from Thailand: Preliminary Affirmative Determination of Sales at Less Than Fair Value, Preliminary Negative Determination of Critical Circumstances, and Postponement of Final Determination*, 89 FR 43806 (May 20, 2024) (*Preliminary Determination*), and accompanying Preliminary Decision Memorandum (PDM).

<sup>1</sup> See *Large Residential Washers from Mexico and the Republic of Korea: Antidumping Duty Orders*, 78 FR 11148 (February 15, 2013) (*Order*).

<sup>2</sup> See *Large Residential Washers from Mexico: Institution of a Five-Year (Sunset) Review*, 89 FR 22455 (April 1, 2024).

<sup>3</sup> See *Initiation of Five-Year (Sunset) Reviews*, 89 FR 22373 (April 1, 2024) (*Initiation Notice*).

<sup>4</sup> See *Large Residential Washers from Mexico: Final Results of the Expedited Second Sunset Review of the Antidumping Duty Order*, 89 FR 59892 (July 24, 2024).

<sup>5</sup> See *Large Residential Washers from Mexico*, 89 FR 81940 (October 9, 2024) (*ITC Final Determination*).

<sup>6</sup> A “tub” is the part of the washer designed to hold water.

<sup>7</sup> A “basket” (sometimes referred to as a “drum”) is the part of the washer designed to hold clothing or other fabrics.

<sup>8</sup> A “side wrapper” is the cylindrical part of the basket that actually holds the clothing or other fabrics.

<sup>9</sup> A “drive hub” is the hub at the center of the base that bears the load from the motor.

<sup>10</sup> *Large Residential Washers from the Republic of Korea: Final Results of the Expedited First Five-Year Sunset Review of the Antidumping Duty Order*, 83 FR 21764 (May 10, 2018).

<sup>11</sup> For a complete description of the Scope of the *Order*, see Memorandum “Issues and Decision Memorandum for the Final Results of First Sunset Review of the Antidumping Duty Order on Large Residential Washers from Mexico,” dated concurrently with this notice (Issues and Decision Memorandum).

<sup>12</sup> See *ITC Final Determination*.

We invited interested parties to comment on the *Preliminary Determination*. Bridgestone Corporation (Bridgestone) and Prinx Chengshan Tire (Thailand) Co., Ltd. (Prinx) are the mandatory respondents in this investigation. On July 22, 2024, Commerce tolled certain deadlines in this administrative proceeding by seven days.<sup>2</sup> The deadline for the final determination is now October 9, 2024.

A summary of the events that occurred since Commerce published the *Preliminary Determination*, as well as a full discussion of the issues raised by parties for this final determination, may be found in the Issues and Decision Memorandum.<sup>3</sup> The Issues and Decision Memorandum is a public document and is on file electronically via Enforcement and Compliance's Antidumping and Countervailing Duty Centralized Electronic Service System (ACCESS). ACCESS is available to registered users at <https://access.trade.gov>. In addition, a complete version of the Issues and Decision Memorandum can be accessed directly at <https://access.trade.gov/public/FRNoticesListLayout.aspx>.

#### Scope of the Investigation

The products covered by this investigation are truck and bus tires from Thailand. For a full description of the scope of this investigation, see Appendix I.

#### Scope Comments

We received no comments from interested parties on the scope of the investigation as it appeared in the *Preliminary Determination*. Therefore, we made no changes to the scope of the investigation.

#### Verification

As provided in section 782(i) of the Tariff Act of 1930, as amended (the Act), in June and July 2024, we conducted verification of the sales information and cost information submitted by Bridgestone and Prinx for use in our final determination. We used standard verification procedures, including an examination of relevant sales and accounting records, and original source documents provided by Bridgestone and Prinx.

<sup>2</sup> See Memorandum, "Tolling of Deadlines for Antidumping and Countervailing Duty Proceedings," dated July 22, 2024.

<sup>3</sup> See Memorandum, "Issues and Decision Memorandum for the Final Affirmative Determination in the Less-Than-Fair-Value Investigation of Truck and Bus Tires from Thailand," dated concurrently with, and hereby adopted by, this notice (Issues and Decision Memorandum).

#### Analysis of Comments Received

The issues raised in comments that were submitted by parties in this investigation are addressed in the Issues and Decision Memorandum. A list of the issues addressed in the Issues and Decision Memorandum is attached to this notice at Appendix II.

#### Final Affirmative Determination of Critical Circumstances, in Part

Commerce preliminarily determined, in accordance with section 733(e)(1) of the Act and 19 CFR 351.206(c)(1), that critical circumstances did not exist with respect to imports of truck and bus tires exported by Bridgestone, Prinx, and all other companies.<sup>4</sup>

For the final determination, pursuant to section 735(a)(3)(B) of the Act and 19 CFR 351.206, we continue to find that critical circumstances do not exist for Prinx and all other companies, but that critical circumstances do exist for Bridgestone. For a full description of the methodology and results of Commerce's critical circumstances analysis, see the Issues and Decision Memorandum.

#### Changes Since the Preliminary Determination

As explained in the Issues and Decision Memorandum, Commerce was unable to verify the accuracy of Bridgestone's reporting with respect to its sales data. As a consequence, we find that Bridgestone's reported sales data are unverified and, thus, cannot serve as a reliable basis for calculating an accurate margin for Bridgestone in this investigation. Furthermore, based on our analysis of the comments received and our findings at verification, we made changes to Prinx's dumping margin. For a discussion of these changes, see the Issues and Decision Memorandum.

#### Use of Adverse Facts Available

Because Bridgestone's submitted data could not be verified, we are unable to use its data to calculate an accurate dumping margin for the company. Therefore, for this final determination we find it appropriate to rely on facts available with an adverse inference (AFA) to assign Bridgestone an estimated weighted-average dumping margin, in accordance with sections 776(a) and (b) of the Act, and 19 CFR 351.308, because Bridgestone failed to cooperate by not acting to the best of its ability to comply with our requests for information. In applying AFA, we assigned Bridgestone the margin

<sup>4</sup> See *Preliminary Determination PDM* at 20.

identified in the Petition, *i.e.*, 48.39 percent.<sup>5</sup>

Additionally, due to findings at verification related to certain of Prinx's reported sales expenses, we find it appropriate to rely on AFA, in part, in the calculation of its dumping margin for the final determination. For further discussion, see the Issues and Decision Memorandum.

#### All-Others Rate

Section 735(c)(5)(A) of the Act provides that the estimated weighted-average dumping margin for all other producers and exporters not individually examined shall be 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 margins determined entirely under section 776 of the Act.

For the final determination of this investigation, Prinx was the only individually examined exporter/producer for which Commerce calculated an individual estimated weighted-average dumping margin. Because Prinx's dumping margin is the only individually calculated dumping margin that is not zero, *de minimis*, or based entirely on facts otherwise available, the estimated weighted-average dumping margin calculated for Prinx is the margin assigned to all other producers and exporters, pursuant to section 735(c)(5)(A) of the Act.

#### Final Determination

The final estimated weighted-average dumping margins are as follows:

Producer or exporter	Estimated weighted-average dumping margin (percent)
Bridgestone Corporation .....	48.39
Prinx Chengshan Tire (Thailand) Co., Ltd .....	12.33
All Others .....	12.33

#### Disclosure

Commerce intends to disclose the calculations performed in connection

<sup>5</sup> See *Truck and Bus Tires from Thailand: Initiation of Less-Than-Fair-Value Investigation*, 88 FR 77960 (November 14, 2023); see also Checklist, "Antidumping Duty Investigation Initiation Checklist: Truck and Bus Tires from Thailand," dated November 6, 2023, at 7; Petitioner's Letter, "Petition for the Imposition of Antidumping Duties on Truck and Bus Tires from Thailand," dated October 17, 2023 (Petition), at Volume II; and Petitioner's Letter, "Petition Supplemental Questions Response," dated October 24, 2023.

with this final determination to interested parties within five days of any public announcement or, if there is no public announcement, within five days of the publication of the notice in the **Federal Register**, in accordance with 19 CFR 351.224(b).

### Suspension of Liquidation

Because the *Preliminary Determination* was negative with respect to Prinx, we did not instruct U.S. Customs and Border Protection (CBP) to suspend entries of subject merchandise, as described in Appendix I to this notice, from Prinx. In accordance with section 735(c)(1)(C) of the Act, we will now direct CBP to suspend liquidation of all imports of the subject merchandise from Prinx entered, or withdrawn from warehouse, for consumption on or after the date of publication of this notice in the **Federal Register**, and to require the posting of a cash deposit for such entries of merchandise.

With respect to Bridgestone, section 733(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. The *Preliminary Determination* was affirmative with respect to Bridgestone's sales at LTFV; however, Commerce preliminarily determined that critical circumstances did not exist for Bridgestone. Accordingly, Commerce ordered the suspension of liquidation for Bridgestone's entries of subject merchandise from Thailand on May 20, 2024, the date of publication of the *Preliminary Determination* in the **Federal Register**. Therefore, as a result of this final affirmative determination of critical circumstances for Bridgestone, pursuant to section 733(e)(2) of the Act, we will now instruct CBP to suspend liquidation of all entries of subject merchandise from Bridgestone which were entered, or withdrawn from warehouse, for consumption on or after February 20, 2024, which is 90 days prior to the publication of the *Preliminary Determination*.

Finally, with respect to all other companies, in accordance with section 735(c)(1)(B) of the Act, Commerce will instruct CBP to continue to suspend liquidation of all appropriate entries of subject merchandise from Thailand, as described in Appendix I to this notice,

entered, or withdrawn from warehouse, for consumption on or after May 20, 2024, the date of publication of *Preliminary Determination* in the **Federal Register**. These suspension-of-liquidation instructions will remain in effect until further notice.

Pursuant to section 735(c)(1)(B)(ii) of the Act and 19 CFR 351.210(d), where appropriate, Commerce will instruct CBP to require a cash deposit equal to the estimated weighted-average dumping margin or the estimated all-others rate, as follows: (1) the cash deposit rate for the respondents listed above will be equal to the company-specific estimated weighted-average dumping margin determined in this final determination; (2) if the exporter is not a respondent identified above but the producer is, then the cash deposit rate will be equal to the company-specific estimated weighted-average dumping margin established for that producer of the subject merchandise; and (3) the cash deposit rate for all other producers and exporters will be equal to the all-others estimated weighted-average dumping margin.

### U.S. International Trade Commission (ITC) Notification

In accordance with section 735(d) of the Act, we will notify the ITC of the final affirmative determination of sales at LTFV. Because Commerce's final determination is affirmative, in accordance with section 735(b)(2) of the Act, the ITC will make its final determination as to whether the domestic industry in the United States is materially injured, or threatened with material injury, by reason of imports or sales (or the likelihood of sales) for importation of truck and bus tires from Thailand, no later than 45 days after this final determination. If the ITC determines that such injury does not exist, this proceeding will be terminated, and all cash deposits posted will be refunded and suspension of liquidation will be lifted. If the ITC determines that such injury does exist, Commerce will issue an antidumping duty order directing CBP to assess, upon further instruction by Commerce, antidumping duties on all imports of the subject merchandise entered, or withdrawn from warehouse, for consumption on or after the effective date of the suspension of liquidation, as discussed above in the "Continuation of Suspension of Liquidation" section.

### Administrative Protective Order (APO)

This notice will serve as a final reminder to the parties subject to an APO of their responsibility concerning the disposition of proprietary

information disclosed under APO in accordance with 19 CFR 351.305(a)(3). Timely written notification of 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

This determination is issued and published in accordance with sections 735(d) and 777(i)(1) of the Act, and 19 CFR 351.210(c).

Dated: October 9, 2024.

**Scot Fullerton,**

*Acting Assistant Secretary for Enforcement and Compliance.*

### Appendix I

#### Scope of the Investigation

The scope of the investigation covers truck and bus tires. Truck and bus tires are new pneumatic tires, of rubber, with a truck or bus size designation. Truck and bus tires covered by the scope may be tube-type, tubeless, radial, or non-radial (also known as bias construction or bias-ply). Subject tires have, at the time of importation, the symbol "DOT" on the sidewall, certifying that the tire conforms to applicable motor vehicle safety standards. Subject tires may also have one of the following suffixes in their tire size designation, which also appear on the sidewall of the tire:

TR—Identifies tires for service on trucks or buses to differentiate them from similarly sized passenger car and light truck tires; and

HC—Identifies a 17.5 inch rim diameter code for use on low platform trailers.

All tires with a "TR" or "HC" suffix in their size designations are covered by the scope regardless of their intended use.

In addition, all tires that lack one of the above suffix markings are included in the scope, as well as all tires that include any other prefix or suffix in their sidewall markings, are included in the scope, regardless of their intended use, as long as the tire is of a size that fits trucks or busses. Sizes that fit trucks and busses include, but are not limited to, the numerical size designations listed in the "Truck-Bus" section of the Tire and Rim Association Year Book, as updated annually. The scope includes all tires that are of a size that fits trucks or busses, unless the tire falls within one of the specific exclusions set out below.

Truck and bus tires, whether or not mounted on wheels or rims, are included in the scope. However, if a subject tire is imported mounted on a wheel or rim, only the tire is covered by the scope. Subject merchandise includes truck and bus tires produced in the subject country whether mounted on wheels or rims in the subject country or in a third country. Truck and bus tires are covered whether or not they are accompanied by other parts, e.g., a wheel, rim, axle parts, bolts, nuts, etc. Truck and bus tires that enter attached to a vehicle are not covered by the scope.

Specifically excluded from the scope are the following types of tires: (1) pneumatic

tires, of rubber, that are not new, including recycled and retreaded tires; (2) non-pneumatic tires, such as solid rubber tires; and (3) tires that exhibit each of the following physical characteristics: (a) the designation “MH” is molded into the tire’s sidewall as part of the size designation; (b) the tire incorporates a warning, prominently molded on the sidewall, that the tire is for “Mobile Home Use Only;” and (c) the tire is of bias construction (also known as non-radial construction) as evidenced by the fact that the construction code included in the size designation molded into the tire’s sidewall is not the letter “R.”

The subject merchandise is currently classifiable under Harmonized Tariff Schedule of the United States (HTSUS) subheadings: 4011.20.1015 and 4011.20.5020. Tires meeting the scope description may also enter under the following HTSUS subheadings: 4011.90.1010, 4011.90.1050, 4011.90.2010, 4011.90.2050, 4011.90.8010, 4011.90.8050, 8708.70.4530, 8708.70.4546, 8708.70.4548, 8708.70.4560, 8708.70.6030, 8708.70.6045, 8708.70.6060, and 8716.90.5059.

While HTSUS subheadings are provided for convenience and for customs purposes, the written description of the subject merchandise is dispositive.

## Appendix II

### List of Topics Discussed in the Issues and Decision Memorandum

- I. Summary
- II. Background
- III. Final Affirmative Determination of Critical Circumstances, in Part
- IV. Changes from the *Preliminary Determination*
- V. Application of Facts Available and Use of Adverse Inferences
- VI. Discussion of the Issues
  - Comment 1: Treatment of Certain of Bridgestone’s Sales Information and Sales Expenses Based on Commerce’s Findings at Verification and Whether Commerce Should Apply Adverse Facts Available (AFA) to Bridgestone
  - Comment 2: Whether Commerce Should Adjust Bridgestone’s Normal Value (NV) to Include Home Market (HM) Rebates
  - Comment 3: Whether Commerce Should Apply Total AFA to Prinx
  - Comment 4: Whether Commerce Should Apply Partial AFA to Certain of Prinx’s Sales Expenses
  - Comment 5: Whether Commerce Should Use Bridgestone’s Constructed Export Price (CEP) Profit to Calculate Prinx’s CEP Profit Rate
  - Comment 6: Whether Commerce Should Rely on Bridgestone’s Reported Data for Use in Prinx’s Constructed Value (CV) Profit and Indirect Selling Expenses
  - Comment 7: Whether Prinx’s U.S. Warranty Expenses, WARRU, Should Be Applied to Prinx’s CEP Sales
  - Comment 8: Whether Commerce Should Use the Cohen’s *d* Test
- VII. Recommendation

[FR Doc. 2024–23917 Filed 10–16–24; 8:45 am]

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## DEPARTMENT OF COMMERCE

### International Trade Administration

[A–570–126]

### Non-Refillable Steel Cylinders From the People’s Republic of China: Final Results and Partial Rescission of the Antidumping Duty Administrative Review; 2022–2023

**AGENCY:** Enforcement and Compliance, International Trade Administration, Department of Commerce.

**SUMMARY:** The U.S. Department of Commerce (Commerce) is conducting an administrative review of the antidumping duty order on non-refillable steel cylinders (non-refillable cylinders) from the People’s Republic of China (China). We determine that Wuyi Xilinde Machinery Manufacture Co., Ltd. (Wuyi Xilinde) made sales at less than normal value (NV) during the period of review (POR) May 1, 2022, through April 30, 2023. Additionally, Commerce is rescinding this administrative review with respect to Ningbo Eagle Machinery & Technology Co., Ltd. (Ningbo Eagle).

**DATES:** Applicable October 17, 2024.

**FOR FURTHER INFORMATION CONTACT:** Alex Cipolla, AD/CVD Operations, Office III, Enforcement and Compliance, International Trade Administration, U.S. Department of Commerce, 1401 Constitution Avenue NW, Washington, DC 20230; telephone: (202) 482–4956.

### SUPPLEMENTARY INFORMATION:

#### Background

On June 6, 2024, Commerce published the *Preliminary Results* of this review in the **Federal Register** and invited interested parties to comment on those results.<sup>1</sup> On July 8, 2024, we received a case brief from Wuyi Xilinde.<sup>2</sup> No other party to this proceeding submitted a case or rebuttal brief. On July 22, 2024, Commerce tolled certain deadlines in this administrative proceeding by seven days.<sup>3</sup> The deadline for these final results is now October 11, 2024. For a complete description of the events that occurred since the *Preliminary Results*, see the Issues and Decision

Memorandum.<sup>4</sup> Commerce conducted this review in accordance with section 751(a) of the Tariff Act of 1930, as amended (the Act).

#### Scope of the Order<sup>5</sup>

The products covered by this *Order* are non-refillable steel cylinders from China. For a complete description of the scope, see the Issues and Decision Memorandum.

#### Analysis of Comments Received

The issue raised by Wuyi Xilinde in its case brief is listed in the appendix to this notice and addressed in the Issues and Decision Memorandum. The Issues and Decision Memorandum is a public document and is on file electronically via Enforcement and Compliance’s Antidumping and Countervailing Duty Centralized Electronic Service System (ACCESS). ACCESS is available to registered users at <https://access.trade.gov>. In addition, a complete version of the Issues and Decision Memorandum can be accessed at <https://access.trade.gov/public/FRNoticesListLayout.aspx>.

#### Changes Since the Preliminary Results

Based on our review and analysis of the comment received from Wuyi Xilinde, we made one change to the *Preliminary Results* margin calculation for the respondent.<sup>6</sup>

#### Rescission of Review, in Part

In the *Preliminary Results*, Commerce rescinded the review, in part, with respect to two firms identified in the *Initiation Notice*:<sup>7</sup> Sanjiang Kai Yuan Co. Ltd. (SKY), in accordance with 19 CFR 351.213(d)(1), and Zhejiang Kin-Shine Technology Co., Ltd. (Kin-Shine), in accordance with 19 CFR 351.213(d)(3). For a third firm identified in the *Initiation Notice*, Ningbo Eagle, the *Preliminary Results* notified all interested parties of Commerce’s preliminary intent to rescind this administrative review for this firm due

<sup>4</sup> See Memorandum, “Issues and Decision Memorandum for the Final Results of the Administrative Review of Non-Refillable Steel Cylinders from the People’s Republic of China; 2022–2023,” dated concurrently with, and hereby adopted by, this notice (Issues and Decision Memorandum).

<sup>5</sup> See *Certain Non-Refillable Steel Cylinders from the People’s Republic of China: Amended Final Antidumping Duty Determination and Antidumping Duty and Countervailing Duty Orders*, 86 FR 25839 (May 11, 2021) (*Order*).

<sup>6</sup> See Memorandum, “Analysis for the Final Results of the Administrative Review of Non-Refillable Steel Cylinders from the People’s Republic of China,” dated concurrently with this notice.

<sup>7</sup> See *Initiation of Antidumping and Countervailing Duty Administrative Reviews*, 88 FR 44262 (July 12, 2023).

<sup>1</sup> See *Non-Refillable Steel Cylinders from the People’s Republic of China: Preliminary Results, Partial Rescission, and Intent To Rescind, in Part, of the Antidumping Duty Administrative Review; 2022–2023*, 89 FR 48370 (June 6, 2024) (*Preliminary Results*), and accompanying Preliminary Decision Memorandum.

<sup>2</sup> See Wuyi Xilinde’s Case Brief, “Wuyi Xilinde’s Case Brief,” dated July 8, 2024.

<sup>3</sup> See Memorandum, “Tolling of Deadlines for Antidumping and Countervailing Duty Proceedings,” dated July 22, 2024.

to the absence of evidence of suspended entries of subject merchandise from Ningbo Eagle during the POR and identified a period for parties to submit comment. No parties provided comment on Commerce’s intent to rescind review on Ningbo Eagle. Accordingly, Commerce is rescinding this review with respect to Ningbo Eagle in accordance with 19 CFR 351.213(d)(3). As a result, Wuyi Xilinde is the sole party initiated upon which remains subject to the final results of review.

China-Wide Entity

Under Commerce’s policy regarding the conditional review of the China-wide entity,<sup>8</sup> the China-wide entity will not be under review unless a party specifically requests, or Commerce self-initiates, a review of the entity. Because no party requested a review of the China-wide entity in this review, the entity is not under review, and the entity’s rate (*i.e.*, 112.21 percent) is not subject to change.<sup>9</sup>

Final Results of the Review

Commerce determines the following estimated weighted-average dumping margins exist for the period May 1, 2022, through April 30, 2023:

Exporter	Weighted-average dumping margin (percent)
Wuyi Xilinde Machinery Manufacture Co., Ltd .....	150.37

Disclosure

Commerce intends to disclose to parties to the proceeding the calculations performed for these preliminary results of review within five days of the date of publication of this notice in the **Federal Register** 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), Commerce has determined, and CBP shall assess, antidumping duties on all appropriate entries of subject merchandise in accordance with these final results of review. Commerce intends to issue assessment instructions to CBP no earlier than 35 days after the date of publication of these final results. If a timely summons is filed at the U.S.

Court of International Trade, the assessment instructions will direct CBP not to liquidate relevant entries until the time for parties to file a request for a statutory injunction has expired (*i.e.*, within 90 days of publication).

For Wuyi Xilinde, which has a final weighted-average dumping margin that is not zero or *de minimis* (*i.e.*, less than 0.5 percent), we will calculate importer-specific assessment rates for that respondent, in accordance with 19 CFR 351.212(b)(1). Pursuant to 19 CFR 351.212(b)(1), where the respondent reported the entered value of its U.S. sales, we will calculate importer-specific *ad valorem* assessment rates based on the ratio of the total amount of dumping calculated for the examined sales to the total entered value of the sales for which entered value was reported. Where the respondent did not report entered value, we will calculate importer-specific per-unit duty assessment rates based on the ratio of the total amount of antidumping duties calculated for the examined sales to the total quantity of those sales. To determine whether an importer-specific per-unit assessment rate is *de minimis* in accordance with 19 CFR 351.106(c)(2), we will also calculate an importer-specific *ad valorem* ratio based on estimated entered values.

Pursuant to a refinement in our non-market economy practice, for sales that were not reported in the U.S. sales data submitted by companies individually examined during this review, we will instruction CBP to liquidate entries associated with those sales at the rate for the China-wide entity.

For Ningbo Eagle, for which the administrative review is rescinded, antidumping duties shall be assessed at a rate equal to the cash deposit of estimated antidumping duties required at the time of entry, or withdrawal from warehouse, for consumption, in accordance with 19 CFR 351.212(c)(1)(i).

Cash Deposit Requirements

The following cash deposit requirements will be effective upon publication of the final results of this review for shipments of the subject merchandise from China entered, or withdrawn from warehouse, for consumption on or after the publication date, as provided by section 751(a)(2)(C) of the Act: (1) for Wuyi Xilinde, which has a separate rate, the cash deposit rate will be the rate established in these final results of review; (2) for previously investigated or reviewed Chinese and non-Chinese exporters not listed above that received a separate rate in a prior segment of this proceeding, the cash

deposit rate will continue to be the existing exporter-specific rate; (3) for all Chinese exporters of subject merchandise that have not been found to be entitled to a separate rate, the cash deposit rate will be that for the China-wide entity (*i.e.*, 101.67 percent<sup>10</sup>); and (4) for all non-Chinese exporters of subject merchandise which have not received their own rate, the cash deposit rate will be the rate applicable to the Chinese exporter that supplied that non-Chinese exporter. These deposit requirements, when imposed, shall remain in effect until further notice.

Notification to Importers Regarding the Reimbursement of Duties

This notice also serves as a final reminder to importers of their responsibility under 19 CFR 351.402(f)(2) to file a certificate regarding the reimbursement of antidumping and/or countervailing duties prior to liquidation of the relevant entries during this POR. Failure to comply with this requirement could result in Commerce’s presumption that reimbursement of antidumping and/or countervailing duties has occurred and the subsequent assessment of double antidumping duties, and/or increase in the amount of antidumping duties by the amount of the countervailing duties.

Administrative Protective Order (APO)

This notice also serves as a reminder to parties subject to an APO of their responsibility concerning the return or destruction of proprietary information disclosed under APO in accordance with 19 CFR 351.305(a)(3), which continues to govern business proprietary information in this segment of the proceeding. Timely written notification of the return or destruction of APO materials, or conversion to judicial protective order, is hereby requested. Failure to comply with the regulations and terms of an APO is a violation which is subject to sanction.

Notification to Interested Parties

We are issuing and publishing these final results of administrative review and notice in accordance with sections 751(a)(1) and 777(i) of the Act, and 19 CFR 351.221(b)(5) and 19 CFR 351.213(h)(2).

<sup>8</sup> See *Antidumping Proceedings: Announcement of Change in Department Practice for Respondent Selection in Antidumping Duty Proceedings and Conditional Review of the Nonmarket Economy Entity in NME Antidumping Duty Proceedings*, 78 FR 65963 (November 4, 2013).

<sup>9</sup> See *Order*, 86 FR 25840.

<sup>10</sup> This cash deposit rate is adjusted for subsidy offsets. See *Order*, 86 FR 25840.

Dated: October 10, 2024.

**Scot Fullerton,**

*Acting 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 Since the Preliminary Results
- V. Discussion of the Issue
  - Comment: Export Subsidy Adjustment
- VI. Recommendation

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## DEPARTMENT OF COMMERCE

### International Trade Administration

[A–533–869]

#### Certain New Pneumatic Off-the-Road Tires 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 certain producers/exporters subject to this administrative review made sales of subject merchandise at less than normal value during the period of review (POR) March 1, 2022, through February 28, 2023.

**DATES:** Applicable October 17, 2024.

**FOR FURTHER INFORMATION CONTACT:** Lilit Astvatsatryan, 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) 482–6412.

#### SUPPLEMENTARY INFORMATION:

##### Background

On April 5, 2024, Commerce published the *Preliminary Results* and invited comments from interested parties.<sup>1</sup> On May 16, 2024, Titan Tire Corporation (the petitioner), ATC Tires Private Limited/ATC AP Tires Private Limited (collectively, ATC), Asian Tire Factory Ltd./Lyallpur Rubber Mills (collectively, ATF), and Balkrishna Industries Ltd. submitted timely-filed case briefs. On May 23, 2024, the petitioner, ATC, and ATF submitted timely-filed rebuttal briefs. On July 3,

<sup>1</sup> See *Certain New Pneumatic Off-the-Road Tires from India: Preliminary Results of Antidumping Duty Administrative Review; 2022–2023*, 89 FR 23973 (April 5, 2024) (*Preliminary Results*), and accompanying Preliminary Decision Memorandum (PDM).

2024, Commerce extended the deadline for the final results until October 2, 2024.<sup>2</sup> On July 22, 2024, Commerce tolled certain deadlines in this administrative proceeding by seven days.<sup>3</sup> The deadline for the final results is now October 9, 2024. For a complete description of the events that occurred since the *Preliminary Results*, see the Issues and Decision Memorandum.<sup>4</sup> Commerce conducted this administrative review in accordance with section 751 of the Tariff Act of 1930, as amended (the Act).

##### Scope of the Order<sup>5</sup>

The merchandise subject to the *Order* is certain new pneumatic off-the-road tires from India. For a full description of the scope of the *Order*, see the Issues and Decision Memorandum.

##### Analysis of Comments Received

All issues raised in the case and rebuttal briefs are listed in the appendix to this notice and addressed in the Issues and Decision Memorandum. The Issues and Decision Memorandum is a public document and is on file electronically via Enforcement and Compliance's Antidumping and Countervailing Duty Centralized Electronic Service System (ACCESS). ACCESS is available to registered users at <https://access.trade.gov>. In addition, a complete version of the Issues and Decision Memorandum can be accessed directly at <https://access.trade.gov/public/FRNoticesListLayout.aspx>.

##### Changes Since the Preliminary Results

Based on a review of the record and comments received from interested parties regarding our *Preliminary Results*, we made certain changes to the margin calculations for ATC and ATF.<sup>6</sup>

##### Rate for Companies Not Selected for Individual Examination

The Act and Commerce's regulations do not address the rate to be applied to companies not selected for individual examination when Commerce limits its

<sup>2</sup> See Memorandum, "Extension of Deadline for Final Results of 2022–2023 Antidumping Duty Administrative Review," dated July 3, 2024.

<sup>3</sup> See Memorandum, "Tolling of Deadlines for Antidumping and Countervailing Duty Proceedings," dated July 22, 2024.

<sup>4</sup> See Memorandum, "Issues and Decision Memorandum for the Final Results of the 2022–2023 Administrative Review of the Antidumping Duty Order on Certain New Pneumatic Off-the-Road Tires from India," dated concurrently with, and hereby adopted by, this notice (Issues and Decision Memorandum).

<sup>5</sup> See *Certain New Pneumatic Off-the-Road Tires from India: Antidumping Duty Order*, 82 FR 12553 (March 6, 2017) (*Order*).

<sup>6</sup> For a full description of these changes, see Issues and Decision Memorandum.

examination in an administrative review pursuant to section 777A(c)(2) of the Act. Generally, Commerce looks to section 735(c)(5) of the Act, which provides instructions for calculating the all-others rate in an investigation, for guidance for 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 calculated weighted-average dumping margins of 2.62 percent and 2.76 percent for ATC and ATF, respectively, and we have assigned to the non-selected companies a rate of 2.63 percent, which is the weighted average of ATC and ATF's margins, weighted by their publicly ranged U.S. sales values.<sup>7</sup>

##### Final Results of Review

For these final results, we determine the following estimated weighted-average dumping margins exist for the period March 1, 2022, through February 28, 2023:

Producer or exporter	Weighted-average dumping margin (percent)
ATC Tires Private Limited; ATC Tires AP Private Limited .....	2.62
Asian Tire Factory Ltd.; Lyallpur Rubber Mills .....	2.76
Companies Not Selected for Individual Review <sup>8</sup> .....	2.63

<sup>7</sup> With two respondents under examination, Commerce normally calculates: (A) a weighted-average of the dumping margins calculated for the examined respondents; (B) a simple average of the dumping margins calculated for the examined respondents; and (C) a weighted-average of the dumping margins calculated for the examined respondents using each company's publicly ranged U.S. sale quantities for the merchandise under consideration. Commerce then compares (B) and (C) to (A) and selects the rate closest to (A) as the most appropriate rate for all other producers and exporters. See, e.g., *Ball Bearings and Parts Thereof from France, Germany, Italy, Japan, and the United Kingdom: Final Results of Antidumping Duty Administrative Reviews, Final Results of Changed-Circumstances Review, and Revocation of an Order in Part*, 75 FR 53661, 53663 (September 1, 2010). See also Memorandum, "Calculation of the Non-Selected Company Rate for the Final Results," dated concurrently with this notice.

<sup>8</sup> The exporters or producers not selected for individual review are listed in Appendix II.

## Disclosure

Commerce intends to disclose the calculations performed for ATC and ATF in connection with these final results to interested parties within five days of any public announcement or, if there is no public announcement, within five days of the date of publication of this notice in the **Federal Register**, in accordance with 19 CFR 351.224(b).

## Assessment Rates

Pursuant to section 751(a)(2)(C) of the Act and 19 CFR 351.212(b)(1), Commerce has determined, and U.S. Customs and Border Protection (CBP) shall assess, antidumping duties on all appropriate entries of subject merchandise in accordance with the final results of this review.

Pursuant to 19 CFR 351.212(b)(1), because ATC reported the entered value of its U.S. sales, we calculated importer-specific *ad valorem* duty assessment rates based on the ratio of the total amount of dumping calculated for the examined sales to the total entered value of the sales for which entered value was reported. ATF did not report the actual entered value for its U.S. sales; thus, we calculated importer-specific per-unit duty assessment rates by aggregating the total amount of antidumping duties calculated for the examined sales and dividing this amount by the total quantity of those sales. Where either the respondent's weighted-average dumping margin is zero or *de minimis* within the meaning of 19 CFR 351.106(c)(1), or an importer-specific assessment rate is zero or *de minimis*, we will instruct CBP to liquidate the appropriate entries without regard to antidumping duties.

Commerce's "automatic assessment" practice will apply to entries of subject merchandise during the POR produced by ATC or ATF for which the reviewed companies did not know that the merchandise they sold to the intermediary (e.g., a reseller, trading company, or exporter) was destined for the United States. In such instances, we will instruct CBP to liquidate unreviewed entries at the all-others rate if there is no rate for the intermediate company(ies) involved in the transaction.

For the companies listed in Appendix II which were not selected for individual review, we will assign an assessment rate based on the review-specific rate, calculated as noted in the "Rate for Companies Not Selected for Individual Examination" section, above. The final results of this review shall be the basis for the assessment of

antidumping duties on entries of merchandise covered by the final results of this review and for the future deposits of estimated duties where applicable.<sup>9</sup>

Commerce intends to issue assessment instructions to CBP no earlier than 35 days after the date of publication of the final results of this review in the **Federal Register**. If a timely summons is filed at the U.S. Court of International Trade, the assessment instructions will direct CBP not to liquidate relevant entries until the time for parties to file a request for a statutory injunction has expired (i.e., within 90 days of publication).

## Cash Deposit Requirements

The following cash deposit requirements will be effective for all shipments of the subject merchandise entered, or withdrawn from warehouse, for consumption on or after the publication date of the final results of this administrative review, as provided by section 751(a)(2)(C) of the Act: (1) the cash deposit rate for the companies covered in this review will be equal to the weighted-average dumping margin that is established in the final results of this review, except if the rate is less than 0.50 percent and, therefore, *de minimis* within the meaning of 19 CFR 351.106(c)(1), in which case the cash deposit rate will be zero; (2) for previously investigated or reviewed companies not listed above, the cash deposit rate will continue to be the company-specific rate published for the most recently completed segment of this proceeding in which the company participated; (3) if the exporter is not a firm covered in this review, or the original less-than-fair-value (LTFV) investigation, but the manufacturer is, the cash deposit rate will be the cash deposit rate established for the most recently completed segment for the producer of the subject merchandise; and (4) the cash deposit rate for all other producers or exporters will continue to be zero percent, the all-others rate established in the LTFV investigation.<sup>10</sup> These deposit requirements, when imposed, shall remain in effect until further notice.

## Administrative Protective Order

This notice serves as the only reminder to parties subject to administrative protective order (APO) of

their responsibility concerning the disposition of proprietary information disclosed under APO in accordance with 19 CFR 351.305(a)(3), which continues to govern business proprietary information in this segment of the proceeding. Timely written notification of return/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 Importers

This notice serves as a final reminder to importers of their responsibility under 19 CFR 351.402(f)(2) to file a certificate regarding the reimbursement of antidumping and/or countervailing duties prior to liquidation of the relevant entries during this review period. Failure to comply with this requirement could result in Commerce's presumption that reimbursement of antidumping and/or countervailing duties occurred and the subsequent assessment of double antidumping duties, and/or an increase in the amount of antidumping duties by the amount of the countervailing duties.

## Notification to Interested Parties

This notice is issued and published in accordance with sections 751(a)(1) and 777(i)(1) of the Act.

Dated: October 9, 2024.

**Ryan Majerus,**

*Deputy Assistant Secretary for Policy and Negotiations performing the non-exclusive functions and duties of the Assistant Secretary for Enforcement and Compliance.*

## Appendix I—List of Topics Discussed in the Issues and Decision Memorandum

- I. Summary
- II. Background
- III. Scope of the Order
- IV. Changes Since the *Preliminary Results*
- V. Discussion of the Issues
  - Comment 1: Correction of a Ministerial Error for ATC
  - Comment 2: Application of the Export Subsidy Offset for ATC
  - Comment 3: Status of ATC's Startup Adjustment
  - Comment 4: Treatment of Certain of ATC's Reported Costs for Direct Materials and Duties
  - Comment 5: Whether Commerce Should Reconsider Its Differential Pricing Analysis for ATF
  - Comment 6: Whether Commerce Should Grant ATF an Export Subsidy Offset
  - Comment 7: Whether an Adjustment for Duty Drawback or Certain Other Programs is Warranted for ATF
  - Comment 8: Exclusion of Balakrishna Industries Ltd.'s Sales
- VI. Recommendation

<sup>9</sup> See section 751(a)(2)(C) of the Act.

<sup>10</sup> See *Order*, 82 FR at 12554 (the dumping margin of 3.67 percent assigned to all other producers/exporters was adjusted for export subsidies found in the companion countervailing duty investigation, resulting in an adjusted cash deposit rate of zero percent).



## Appendix II—Companies Not Selected for Individual Examination Receiving the Review-Specific Rate

1. Apollo Tyres Ltd.
2. Balkrishna Industries Ltd.<sup>11</sup>
3. CEAT Ltd.
4. Emerald Resilient Tyre Manufacturer
5. HRI Tires India
6. JK Tyres and Industries Ltd.
7. K.R.M. Tyres
8. Mahansaria Tyres Private Limited
9. MRF Limited
10. MRL Tyres Limited (Malhotra Rubbers Ltd.)
11. Speedways Rubber Company
12. TVS Srichakra Limited

[FR Doc. 2024–23915 Filed 10–16–24; 8:45 am]

BILLING CODE 3510–DS–P

## DEPARTMENT OF COMMERCE

### International Trade Administration

[A–580–809, A–580–870, A–580–876, A–580–897]

### Circular Welded Non-Alloy Steel Pipe From the Republic of Korea; Certain Oil Country Tubular Goods From the Republic of Korea; Welded Line Pipe From the Republic of Korea; and Large Diameter Welded Pipe From the Republic of Korea: Notice of Preliminary Results of Antidumping 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 Hyundai Steel Pipe Co., Ltd. (HSP) is the successor-in-interest to Hyundai Steel Company (Hyundai Steel) in the context of the antidumping duty (AD) orders on circular welded non-alloy steel pipe (CWP), certain oil country tubular goods (OCTG), welded line pipe (WLP), and large diameter welded pipe (LDWP) from the Republic of Korea (Korea). Therefore, HSP is entitled to Hyundai Steel's AD cash deposit rate with respect to entries of the subject merchandise in the above-referenced proceedings. Interested parties are invited to comment on these preliminary results.

**DATES:** Applicable October 17, 2024.

**FOR FURTHER INFORMATION CONTACT:** George McMahon, AD/CVD Operations, Office VI, Enforcement and Compliance, International Trade Administration,

U.S. Department of Commerce, 1401 Constitution Avenue NW, Washington, DC 20230, telephone: (202) 482–1167.

### SUPPLEMENTARY INFORMATION:

#### Background

On March 11, 2024, HSP 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 a changed circumstances review (CCR) to determine that HSP is the successor-in-interest to Hyundai Steel and, accordingly, to assign HSP the cash deposit rates currently applicable to Hyundai Steel pursuant to the *CWP Order*; *OCTG Order*; *Welded Line Pipe Order*; and *LDWP Order*.<sup>1</sup> On April 25, 2024, Commerce published the notice of initiation of a CCR to determine if HSP is the successor-in-interest to Hyundai Steel in the above-referenced *Orders*.<sup>2</sup>

#### Scope of the Orders

The merchandise covered by these orders is CWP, OCTG, WLP, and LDWP from Korea. For a complete description of the scope of each of these orders, see the Preliminary Decision Memorandum.<sup>3</sup>

#### Legal Framework

In determining whether one company is the successor-in-interest to another company as part of an AD proceeding,

<sup>1</sup> See *Notice of Antidumping Orders: Certain Circular Welded Non-Alloy Steel Pipe from Brazil, the Republic of Korea (Korea), Mexico, and Venezuela, and Amendment to Final Determination of Sales at Less Than Fair Value: Certain Circular Welded Non-Alloy Steel Pipe from Korea*, 57 FR 49453 (November 2, 1992) (*CWP 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; Certain Oil Country Tubular Goods from the Socialist Republic of Vietnam: Amended Final Determination of Sales at Less Than Fair Value*, 79 FR 53691 (September 10, 2014) (*OCTG Order*); *Welded Line Pipe from the Republic of Korea and the Republic of Turkey: Antidumping Duty Orders*, 80 FR 75056 (December 1, 2015) (*WLP Order*); and *Large Diameter Welded Pipe from the Republic of Korea: Amended Final Affirmative Antidumping Determination and Antidumping Duty Order*, 84 FR 18763 (May 2, 2019) (*LDWP Order*) (collectively, the *Orders*).

<sup>2</sup> See *Circular Welded Non-Alloy Steel Pipe from the Republic of Korea; Oil Country Tubular Goods from the Republic of Korea; Welded Line Pipe from the Republic of Korea; and Large Diameter Welded Pipe from the Republic of Korea: Notice of Initiation of Antidumping Duty Changed Circumstances Reviews*, 89 FR 31726 (April 25, 2024).

<sup>3</sup> See Memorandum, “Decision Memorandum for the Preliminary Results of Antidumping Duty Changed Circumstances Review of Circular Welded Non-Alloy Steel Pipe from the Republic of Korea; Certain Oil Country Tubular Goods from the Republic of Korea; Welded Line Pipe from the Republic of Korea; and Large Diameter Welded Pipe from the Republic of Korea,” dated concurrently with, and hereby adopted by, this notice (Preliminary Decision Memorandum).

Commerce examines several factors including, but not limited to: (1) management and ownership; (2) production facilities; (3) supplier relationships; and (4) customer base.<sup>4</sup> Although no single factor, or combination of factors, will necessarily provide a dispositive indication of successorship, generally, Commerce will consider one company to be the successor-in-interest to another company if its operations are not materially dissimilar to those of the other company.<sup>5</sup> Thus, if the totality of the 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 prior company, Commerce will find the new company to be the successor-in-interest to the prior company and assign the new company the cash deposit rate of its predecessor.<sup>6</sup>

#### Preliminary Results of the CCR

In accordance with 19 CFR 351.216, we preliminarily determine that HSP is the successor-in-interest to Hyundai Steel with respect to the subject merchandise and the *Orders* because record evidence, as submitted by HSP, indicates that HSP operates as essentially the same business entity as Hyundai Steel. HSP's management and ownership, production facilities, supplier relationships, and customer base are the same, or substantially the same, as those of Hyundai Steel. Based on the foregoing, which is explained in greater detail in the Preliminary Decision Memorandum, we preliminarily determine that HSP is the successor-in-interest to Hyundai Steel and, as such, that HSP is entitled to Hyundai Steel's AD cash deposit rates with respect to entries of subject merchandise.

For a complete discussion of the information that HSP provided, and the complete successor-in-interest analysis, see the Preliminary Decision Memorandum. A list of topics discussed in the Preliminary Decision Memorandum is included as an appendix to this notice. The Preliminary Decision Memorandum is a public document and is on file electronically

<sup>4</sup> See, e.g., *Ball Bearings and Parts Thereof from France: Final Results of Changed-Circumstances Review*, 75 FR 34688 (June 18, 2010), and accompanying Issues and Decision Memorandum (IDM) at Comment 1.

<sup>5</sup> See, e.g., *Fresh and Chilled Atlantic Salmon from Norway: Final Results of Changed Circumstances Antidumping Duty Administrative Review*, 64 FR 9979, 9979–80 (March 1, 1999).

<sup>6</sup> *Id.*; see also *Brass Sheet and Strip from Canada: Final Results of Antidumping Duty Administrative Review*, 57 FR 20460 (May 13, 1992), and accompanying IDM at Comment 1.

<sup>11</sup> Subject merchandise produced and exported by BKT was excluded from the *Order*. See *Certain New Pneumatic Off-the-Road Tires from India: Notice of Correction to Antidumping Duty Order*, 82 FR 25598 (June 2, 2017). Accordingly, BKT is only covered by this administrative review for subject merchandise produced in India where BKT acted as either the manufacturer or exporter (but not both).



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>.

### Public Comment

In accordance with 19 CFR 351.309(c)(1)(ii), interested parties may submit case briefs no later than 14 days after the date of publication of this notice. Rebuttal briefs, limited to issues raised in case briefs, may be filed no later than seven days after the case briefs, in accordance with 19 CFR 351.309(d).

Interested parties who submit case or rebuttal briefs must submit: (1) a table of contents listing each issue discussed in the brief; and (2) a table of authorities.<sup>7</sup> As provided under 19 CFR 351.309(c)(2) and (d)(2), in prior proceedings we have encouraged interested parties to provide an executive summary of their brief that should be limited to five pages total, including footnotes. In this review, we instead request that interested parties provide at the beginning of their briefs a public, executive summary for each issue raised in their briefs.<sup>8</sup> 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 results in this review. We request that interested parties include footnotes for relevant citations in the executive summary of each issue.

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, filed electronically via ACCESS, within 14 days of publication of this notice. Requests should contain the following information: (1) the party's name, address, and telephone number; (2) the number of participants and whether any participant is a foreign national; and (3) a list of issues to be discussed. If a request for a hearing is

made, Commerce will inform parties of the date and time for the hearing.

All submissions are to be filed electronically using ACCESS. An electronically filed document must be received successfully in its entirety by ACCESS by 5:00 p.m. Eastern Time on the day it is due.<sup>9</sup> Note that Commerce has temporarily modified certain of its requirements for serving documents containing business proprietary information, until further notice.<sup>10</sup>

### Final Results of Changed Circumstances Reviews

Consistent with 19 CFR 351.216(e), we intend to issue the final results of this CCR no later than 270 days after the date on which this review was initiated, or within 45 days of publication of these preliminary results, if all parties agree to the preliminary findings.

### Notification to Interested Parties

We are issuing these preliminary results 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: October 10, 2024.

**Scot Fullerton,**

*Acting Assistant Secretary for Enforcement and Compliance.*

### Appendix—List of Topics Discussed in Preliminary Decision Memorandum

- I. Summary
- II. Background
- III. Scopes of the *Orders*
- IV. Current Cash Deposit Rates
- V. Successor-in-Interest Determination
- VI. Recommendation

[FR Doc. 2024–23983 Filed 10–16–24; 8:45 am]

**BILLING CODE 3510–DS–P**

## DEPARTMENT OF COMMERCE

### International Trade Administration

#### Initiation of Antidumping and Countervailing Duty Administrative Reviews

**AGENCY:** Enforcement and Compliance, International Trade Administration, Department of Commerce.

**SUMMARY:** The U.S. Department of Commerce (Commerce) has received requests to conduct administrative reviews of various antidumping duty (AD) and countervailing duty (CVD) orders with September anniversary dates. In accordance with Commerce's

regulations, we are initiating those administrative reviews.

**DATES:** Applicable October 17, 2024.

#### FOR FURTHER INFORMATION CONTACT:

Brenda E. Brown, AD/CVD Operations, Customs Liaison Unit, Enforcement and Compliance, International Trade Administration, U.S. Department of Commerce, 1401 Constitution Avenue NW, Washington, DC 20230, telephone: (202) 482–4735.

#### SUPPLEMENTARY INFORMATION:

#### Background

Commerce has received timely requests, in accordance with 19 CFR 351.213(b), for administrative reviews of various AD and CVD orders with September anniversary dates.

All deadlines for the submission of various types of information, certifications, or comments or actions by Commerce discussed below refer to the number of calendar days from the applicable starting time.

#### Respondent Selection

In the event that Commerce limits the number of respondents for individual examination for administrative reviews initiated pursuant to requests made for the orders identified below, Commerce intends to select respondents based either on U.S. Customs and Border Protection (CBP) data for U.S. imports during the period of review (POR) or questionnaires in which we request the quantity and value (Q&V) of sales, shipments, or exports during the POR. Where Commerce selects respondents based on CBP data, we intend to place the CBP data on the record within five days of publication of the initiation notice. Where Commerce selects respondents based on Q&V data, Commerce intends to place the Q&V questionnaire on the record of the review within five days of publication of the initiation notice. In either case, we intend to make our decision regarding respondent selection within 35 days of publication of the initiation **Federal Register** notice. Comments regarding the CBP data (and/or Q&V data (where applicable)) and respondent selection should be submitted within seven days after the placement of the CBP data/submission of the Q&V data on the record of this review. Parties wishing to submit rebuttal comments should submit those comments within five days after the deadline for the initial comments.

In the event that Commerce decides it is necessary to limit individual examination of respondents and conduct respondent selection under section 777A(c)(2) of the Tariff Act of

<sup>7</sup> See 19 CFR 351.309(c)(2) and (d)(2).

<sup>8</sup> We use the term “issue” here to describe an argument that Commerce would normally address in a comment of the Issues and Decision Memorandum.

<sup>9</sup> See 19 CFR 351.303(b).

<sup>10</sup> 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).

1930, as amended (the Act), the following guidelines regarding collapsing of companies for purposes of respondent selection will apply. In general, Commerce has found that determinations concerning whether particular companies should be “collapsed” (e.g., treated as a single entity for purposes of calculating AD rates) require a substantial amount of detailed information and analysis, which often require follow-up questions and analysis. Accordingly, Commerce will not conduct collapsing analyses at the respondent selection phase of this review and will not collapse companies at the respondent selection phase unless there has been a determination to collapse certain companies in a previous segment of this AD proceeding (e.g., investigation, administrative review, new shipper review, or changed circumstances review). For any company subject to this review, if Commerce determined, or continued to treat, that company as collapsed with others, Commerce will assume that such companies continue to operate in the same manner and will collapse them for respondent selection purposes. Otherwise, Commerce will not collapse companies for purposes of respondent selection.

Parties are requested to (a) identify which companies subject to review previously were collapsed, and (b) provide a citation to the proceeding in which they were collapsed. Further, if companies are requested to complete the Q&V Questionnaire for purposes of respondent selection, in general, each company must report volume and value data separately for itself. Parties should not include data for any other party, even if they believe they should be treated as a single entity with that other party. If a company was collapsed with another company or companies in the most recently completed segment of this proceeding where Commerce considered collapsing that entity, complete Q&V data for that collapsed entity must be submitted.

#### Notice of No Sales

With respect to AD administrative reviews, we intend to rescind the review where there are no suspended entries for a company or entity under review and/or where there are no suspended entries under the company-specific case number for that company or entity. Where there may be suspended entries, if a producer or exporter named in this notice of initiation had no exports, sales, or entries during the POR, it may notify Commerce of this fact within 30 days of publication of this notice in the **Federal Register** for Commerce to

consider how to treat suspended entries under that producer's or exporter's company-specific case number.

#### Deadline for Withdrawal of Request for Administrative Review

Pursuant to 19 CFR 351.213(d)(1), a party that has requested a review may withdraw that request within 90 days of the date of publication of the notice of initiation of the requested review. The regulation provides that Commerce may extend this time if it is reasonable to do so. Determinations by Commerce to extend the 90-day deadline will be made on a case-by-case basis.

#### Deadline for Particular Market Situation Allegation

Section 504 of the Trade Preferences Extension Act of 2015 amended the Act by adding the concept of a particular market situation (PMS) for purposes of constructed value under section 773(e) of the Act.<sup>1</sup> Section 773(e) of the Act states that “if a particular market situation exists such that the cost of materials and fabrication or other processing of any kind does not accurately reflect the cost of production in the ordinary course of trade, the administering authority may use another calculation methodology under this subtitle or any other calculation methodology.” When an interested party submits a PMS allegation pursuant to section 773(e) of the Act, Commerce will respond to such a submission consistent with 19 CFR 351.301(c)(2)(v). If Commerce finds that a PMS exists under section 773(e) of the Act, then it will modify its dumping calculations appropriately.

Neither section 773(e) of the Act nor 19 CFR 351.301(c)(2)(v) set a deadline for the submission of PMS allegations and supporting factual information. However, in order to administer section 773(e) of the Act, Commerce must receive PMS allegations and supporting factual information with enough time to consider the submission. Thus, should an interested party wish to submit a PMS allegation and supporting new factual information pursuant to section 773(e) of the Act, it must do so no later than 20 days after submission of initial responses to section D of the questionnaire.

#### Separate Rates

In proceedings involving non-market economy (NME) countries, Commerce begins with a rebuttable presumption that all companies within the country are subject to government control and,

thus, should be assigned a single AD deposit rate. It is Commerce's policy to assign all exporters of merchandise subject to an administrative review in an NME country this single rate unless an exporter can demonstrate that it is sufficiently independent so as to be entitled to a separate rate.

To establish whether a firm is sufficiently independent from government control of its export activities to be entitled to a separate rate, Commerce analyzes each entity exporting the subject merchandise. In accordance with the separate rates criteria, Commerce assigns separate rates to companies in NME cases only if respondents can demonstrate the absence of both *de jure* and *de facto* government control over export activities.

All firms listed below that wish to qualify for separate rate status in the administrative reviews involving NME countries must complete, as appropriate, either a Separate Rate Application or Certification, as described below. In addition, all firms that wish to qualify for separate rate status in the administrative reviews of AD orders in which a Q&V Questionnaire is issued must complete, as appropriate, either a Separate Rate Application or Certification, and respond to the Q&V Questionnaire.

For these administrative reviews, in order to demonstrate separate rate eligibility, Commerce requires entities for whom a review was requested, that were assigned a separate rate in the most recent segment of this proceeding in which they participated, to certify that they continue to meet the criteria for obtaining a separate rate. The Separate Rate Certification form will be available on Commerce's website at <https://access.trade.gov/Resources/nme/nme-sep-rate.html> on the date of publication of this **Federal Register** notice. In responding to the certification, please follow the “Instructions for Filing the Certification” in the Separate Rate Certification. Separate Rate Certifications are due to Commerce no later than 30 calendar days after publication of this **Federal Register** notice. The deadline and requirement for submitting a Separate Rate Certification applies equally to NME-owned firms, wholly foreign-owned firms, and foreign sellers who purchase and export subject merchandise to the United States.

Entities that currently do not have a separate rate from a completed segment

<sup>1</sup> See Trade Preferences Extension Act of 2015, Public Law 114–27, 129 Stat. 362 (2015).

of the proceeding<sup>2</sup> should timely file a Separate Rate Application to demonstrate eligibility for a separate rate in this proceeding. In addition, companies that received a separate rate in a completed segment of the proceeding that have subsequently made changes, including, but not limited to, changes to corporate structure, acquisitions of new companies or facilities, or changes to their official company name,<sup>3</sup> should timely file a Separate Rate Application to demonstrate eligibility for a separate rate in this proceeding. The Separate Rate Application will be available on Commerce's website at <https://access.trade.gov/Resources/nme/nme-sep-rate.html> on the date of publication of this **Federal Register** notice. In responding to the Separate Rate Application, refer to the instructions contained in the application. Separate Rate Applications are due to Commerce no later than 30 calendar days after publication of this **Federal Register** notice. The deadline and requirement for submitting a Separate Rate Application applies equally to NME-owned firms, wholly foreign-owned firms, and foreign sellers that purchase

and export subject merchandise to the United States.

Exporters and producers must file a timely Separate Rate Application or Certification if they want to be considered for individual examination. Furthermore, exporters and producers who submit a Separate Rate Application or Certification and subsequently are selected as mandatory respondents will no longer be eligible for separate rate status unless they respond to all parts of the questionnaire as mandatory respondents.

#### Certification Eligibility

Commerce may establish a certification process for companies whose exports to the United States could contain both subject and non-subject merchandise. Companies under review that were deemed to not be eligible to participate in the certification program of that proceeding may submit a Certification Eligibility Application to establish that they maintain the necessary systems to track their sales to the United States of subject and non-subject goods.

All firms listed below that are not currently eligible to certify but wish to

establish certification eligibility are required to submit a Certification Eligibility Application. The Certification Eligibility Application will be available on Commerce's website at <https://access.trade.gov/Resources/Certification-Eligibility-Application.pdf>. Certification Eligibility Applications must be filed according to Commerce's regulations and are due to Commerce no later than 30 calendar days after the publication of the **Federal Register** notice.

Exporters and producers that are not currently eligible to certify, who submit a Certification Eligibility Application, and are subsequently selected as mandatory respondents must respond to all parts of the questionnaire as mandatory respondents for Commerce to consider their Certification Eligibility Application.

#### Initiation of Reviews

In accordance with 19 CFR 351.221(c)(1)(i), we are initiating administrative reviews of the following AD and CVD orders and findings. We intend to issue the final results of these reviews not later than September 30, 2025.

	Period to be reviewed
<b>AD Proceedings</b>	
INDIA: Certain Lined Paper Products, A-533-843 ..... Cellpage Ventures Private Limited Dinakar Process Private Limited ITC Limited <sup>4</sup> JC Stationery (P) Ltd. Lotus Global Private Limited M/s. Bhaskar Paper Products Navneet Education Ltd. Pioneer Stationery Private Limited PP Bafna Ventures Private Limited SGM Paper Products	9/1/23-8/31/24
MEXICO: Heavy Walled Rectangular Welded Carbon Steel Pipes and Tubes, A-201-847 ..... Aceros del Toro S.A. de C.V. Aceros El Fraile S.A. de C.V. Arco Metal S.A. de C.V. Border Assembly S. de R.L. de C.V. Buffalo Tube S.A. de C.V. Fortacero S.A. de C.V. Forza Steel S.A. de C.V. Grupo Collado S.A. de C.V. Industrias Monterrey, S.A. de C.V. Maquilacero S.A. de C.V. Perfiles y Herrajes LM S.A. de C.V.P.J. Trailers Company S.A. de C.V. Placa y Fierro de Monterrey S.A. de C.V. Productos Laminados de Monterrey S.A. de C.V. PYTCO S.A. de C.V. Regiomontana de Perfiles y Tubos S.A. de C.V. Ternium S.A. de C.V.	9/1/23-8/31/24

<sup>2</sup> Such entities include entities that have not participated in the proceeding, entities that were preliminarily granted a separate rate in any currently incomplete segment of the proceeding (e.g., an ongoing administrative review, new shipper review, etc.) and entities that lost their separate rate in the most recently completed

segment of the proceeding in which they participated.

<sup>3</sup> Only changes to the official company name, rather than trade names, need to be addressed via a Separate Rate Application. Information regarding new trade names may be submitted via a Separate Rate Certification.

<sup>4</sup> The request for was the name "ITC Limited-Education and Stationary Products Business," which is a division of ITC Limited, and not a legal entity. See *Certain Lined Paper Products from India: Amended Final Results of Antidumping Duty Administrative Review; 2020-2021*, 88 FR 28493, 28494 (May 4, 2023). Thus, we are initiating this administrative review of ITC Limited.

	Period to be reviewed
Tuberia Nacional S.A. de C.V. Tuberias Procarsa S.A. de C.V. REPUBLIC OF KOREA: Cold-Rolled Steel Flat Products, A-580-881 ..... AJU Steel Co., Ltd. Ameri-Source Korea Dai Yang Metal Co., Ltd. DCM Corporation DK GNS Co., Ltd. Dongbu Incheon Steel Co., Ltd. Dongbu Steel Co., Ltd. Dongkuk Industries Co., Ltd. Dongkuk Steel Mill Co., Ltd. GS Global Corporation Hanawell Co., Ltd. Hankum Co., Ltd. Hwashin Co. Ltd. Hyosung TNC Corporation Hyundai Corporation Hyundai Steel Company JMP Co., Ltd. KG Dongbu Steel Co., Ltd. Korinox Co., Ltd. Mikwang Precision Manufacture Co., Ltd. Okaya Korea Co., Ltd. POSCO; POSCO International Corporation POSCO Coated and Colored Steel Co., Ltd. Samhwan Steel Co., Ltd. Samsung C & T Corporation Samsung Electronics Co., Ltd. Samsung STS Co., Ltd. SeAH Changwon Integrated Special Steel Corporation SeAH Coated Metal Corporation SeAH Steel Corporation Shin Steel Co., Ltd. Shin Young Co., Ltd. Signode Korea Inc. SK Networks Co., Ltd. Soon Hong Trading Co., Ltd. Sungjin Co., Ltd. Taesan Corporation TCC Steel Corporation TI Automotive Ltd. Wolverine Korea Co., Ltd.	9/1/23-8/31/24
REPUBLIC OF KOREA: Heavy Walled Rectangular Welded Carbon Steel Pipes and Tubes, A-580-880 ..... Dong-A-Steel Co., Ltd.; DOSCO; Dong-A-Steel Company; SeAH Steel Corporation HiSteel Co., Ltd. Kukje Steel Co., Ltd. NEXTEEL Co., Ltd.	9/1/23-8/31/24
REPUBLIC OF KOREA: Oil Country Tubular Goods, A-580-870 ..... AJU Besteel Co., Ltd. Dong-A Steel Co., Ltd. HiSteel Co., Ltd. Husteel Co., Ltd. Hyundai Steel Company Hyundai Steel Pipe Co., Ltd. ILJIN Steel Corporation K Steel Corporation Keonwoo Metals Co., Ltd. Kukje Steel Co., Ltd. Kumkang Kind Co., Ltd. MSTEEL Co., Ltd. NEXTEEL Co., Ltd. Nissei Trading Co., Ltd. POSCO International Corporation SeAH Steel Corporation Sung Won Steel Co., Ltd. TGS Pipe Co. Ltd.	9/1/23-8/31/24
REPUBLIC OF TÜRKİYE: Oil Country Tubular Goods, A-489-816 ..... Cayirova Boru Sanayi ve Ticaret A.S. Desird Design R&D Desird Tasarım Arge A.S. Toscelik Profil ve Sac Endustrusu A.S. Yücel Boru İthalat-İhracat ve Pazarlama A.S.	9/1/23-8/31/24

	Period to be reviewed
SOCIALIST REPUBLIC OF VIETNAM: Oil Country Tubular Goods, A-552-817 .....	9/1/23-8/31/24
Halima Pipe Company	
SeAH Steel VINA Corporation	
SPAIN: Methionine, A-469-822 .....	9/1/23-8/31/24
Adisseo Espana S.A.	
TAIWAN: Forged Steel Fittings, A-583-863 .....	9/1/23-8/31/24
Both-Well Steel Fittings, Co., Ltd.	
TAIWAN: Narrow Woven Ribbons With Woven Selvedge, A-583-844 .....	9/1/23-8/31/24
A-MADEUS TEXTILE LTD.	
A-MEN Ribbons Co., Ltd.	
Antonio Proietti Int. Inc.	
Apex Trimmings	
Banduoo Ltd.	
Bon-Mar Textiles	
Chang Store Co. Ltd	
Cheng Hsing Ribbon Factory	
Cheng Mei Label Mfg. Corp.	
Christmas Castle International Ltd.	
Dear Year Brothers Mfg. Co., Ltd	
Dearcobber International Co Ltd	
Ethel Enterprise Co., Ltd.; Glory Young Enterprise Co., Ltd.; King Young Enterprise Co., Ltd.	
Everwin Textile Corp.	
Fist Labeling Corp.	
Friend Chiu Co., Ltd.	
Fujian Rongshu Industry Co., Ltd.	
Golden State Industrial Co. Ltd.	
Great Texture Int'l Co., Ltd.	
Guangzhou Complacent Weaving Co., Ltd.	
Gyrostate Corp.	
Hao Shyang Ind. Co. Ltd.	
Hen Hao Trading Co. Ltd; Taiwan Tulip Ribbons and Braids Co. Ltd.	
Hsien Chan Enterprise Co., Ltd.; Novelty Handicrafts Co., Ltd.; Shienq Huong Enterprise Co., Ltd.	
Hubscher Ribbon Corp., Ltd.; Hubschercorp	
Imprimerie Mikan Inc.	
J.S. (Just Splendid) Co., Ltd.	
JCben Enterprises Co. Ltd.	
Junmay Label Mfg Corp.	
L'Emballage Tout 6	
Lace Fashions Industrial Co. Ltd.	
Linset Enterprises Co., Ltd.	
Lung Che Ribbons Enterprises Co. Ltd.	
Maple Ribbon Co., Ltd.	
Maxtend Industry Corporation	
May Favor Enterprise Co., Ltd	
Ming Wei Co., Ltd.	
Multicolor	
N.K. Galleria Inc.	
Nien Chow Industrial Co.	
Pansy Weaving Co., Ltd.	
Papillon Ribbon & Bow (Canada)	
Papillon Ribbon & Bow (H.K.) Ltd.	
Papillon Ribbon & Bow (Shanghai) Ltd.	
Pearl Ribbons and Trims, Inc.	
Ren Her Industry Co. Ltd.	
Ribbon City Company	
Roung Shu Industry Corporation;	
Rubans G A R Inc. (Les)	
Trio Co., Ltd	
Trydent Co. Ltd.	
Tse Tien Shin Enterprise Co Ltd	
Tsong Jiaw Enterprise Co., Ltd.	
Wing Hung (Tw) Co Ltd	
Xiamen Especial Industrial Co., Ltd.	
Xiamen Yi-He Textile Co., Ltd.	
Yanzhou Bepak Gifts & Crafts Co	
Yih Jenq Textile Co. Ltd.	
Yu Shin Development Co. Ltd.	
THE PEOPLE'S REPUBLIC OF CHINA: Certain Magnesite Carbon Bricks, A-570-954 .....	9/1/23-8/31/24
Autong Industry Co., Ltd.	
Beijing Intercontinental Trading Co., Ltd.	
Dandong Xinxing Carbon Co., Ltd.	
Fengchi Imp. and Exp. Co., Ltd.	
Fengchi Imp. and Exp. Co., Ltd. of Haicheng City	

	Period to be reviewed
<p> Fengchi Mining Co., Ltd. of Haicheng City  Fengchi Refractories Co., of Haicheng City  Haicheng Donghe Taidi Refractory Co., Ltd.  Henan Xintuo Refractory Co., Ltd.  Liaoning Fucheng Refractories  Liaoning Zhongmei High Temperature Material Co., Ltd.  Liaoning Zhongmei Holding Co., Ltd.  Luoyang Dayang High-Performance Material Co., Ltd.  Orind Special Refractories Pvt. Ltd.  Puyang Refractories Co., Ltd.  Puyang Refractories Group Co., Ltd.  Qingdao Wonjin Special Refractory Material Co., Ltd.  RHI Refractories Liaoning Co., Ltd.  Seawon Trading Company Limited  Shandong Minye Refractory Fibre Co., Ltd.  Shandong Refractories Group Co., Ltd.  Shanxi Xinrong International Trade Co., Ltd.  Shenglong Refractories Co., Ltd.  Sinosteel Luoyang Institute Of Refractories Research Co., Ltd.  Tangshan Strong Refractories Co., Ltd.  The Economic Trading Group Of Haicheng Houying Corp. Ltd.  Thermstrong Corporation  Tianjin New Century Refractories Co., Ltd.  Wonjin Refractory Co., Ltd.  Wugang Refractory Co., Ltd.  Xinyi New Century Refractories Co., Ltd.  Yingkou Baolong Industrial Co., Ltd.  Yingkou Guangyang Refractories Co., Ltd.  Yingkou Heping Samwha Minerals, Co., Ltd.  Yingkou Heping Sanhua Materials Co., Ltd.  Yingkou Hongyu Wonjin Refractory Material Co., Ltd.  Yingkou Jiamei Refractories Co., Ltd.  Yingkou Mei'ao Mining Product Co., Ltd.  Yingkou Qinghua Group Import &amp; Export Co., Ltd.  Zhengzhou Rongsheng Import And Export Co., Ltd.  Zhengzhou Rongsheng Refractory Co., Ltd.  Zibo Fubang Wonjin Refractory Technology Co., Ltd.  Zibo Hengsen Refractory Co., Ltd.  Zibo Hitech Material Co., Ltd.  Zibo Jiuqiang Refractory Co., Ltd.  Zibo Soaring Refractory &amp; Insulation Materials Co., Ltd.  THE PEOPLE'S REPUBLIC OF CHINA: Narrow Woven Ribbons With Woven Selvedge, A-570-952 .....  Amadeus Textile Ltd.  Amsun Industrial Co., Ltd.  Apex Ribbon  Apex Trimmings (d/b/a Papillon Ribbon &amp; Bow (Canada))  Beauty Horn Investment Limited  Bestpak Gifts and Crafts Co., Ltd.  Billion Trend International Ltd.  Changle Huanyu Ribbon Weaving Co., Ltd.  Changle Ruixiang Webbing Co., Ltd.  Changtai Rongshu Textile Co., Ltd  Cheng Hsing Ribbon Factory  Cheng Xeng Label Mfg. Co.  Complacent Industrial Co. Ltd. (HK)  Creative Design Ltd.  Dong Guan WSJ Weaving Factory Limited  Dongguan Qaotou Sheng Feng Decoration Factory  Dongguan Yi Sheng Decoration Co., Ltd.  Dragon Max Weaving &amp; Accessories Company  East Sun Gift &amp; Crafts Factory  Fasheen Accessories Co. Ltd.  Fly Dragon (Guang zhou) Imports &amp; Exports trading co., Ltd.  Fuhua Industrial Co., Ltd  Fujian Rongshu Industry Co., Ltd  Fujian Shi Lian Da Garment Accessories Co., Ltd.  Fujian Xin Sheng Da Weaving Ribbons Co., Ltd  Fujian Xinshengda Weaving Ribbons Co., Ltd.  Fung Ming Ribbon Ind Ltd  Goodyear Webbing Products Co., Ltd  Goodyear Webbing Products Co., Ltd.  Gordon Ribbons &amp; Trimmings Co., Ltd.  Guangzhou Complacent Weaving Co Ltd </p>	<p>9/1/23-8/31/24</p>

	Period to be reviewed
<p>Guangzhou Leiyu Trade Co., Ltd.  Guangzhou Liman Ribbon Factory  Guangzhou Mafolen Ribbons &amp; Bows Ltd  Guangzhou String Textile Accessories Co., Ltd.  Hen Hao Trading Co. Ltd. a.k.a. Taiwan Tulip Ribbons and Braids Co. Ltd.  Hsien Chan Enterprise Co., Ltd.  Hubscher Ribbon Corp., Ltd. (d/b/a Hubschercorp)  Huian Huida Webbing Co., Ltd.  Huizhou Weiyi Gifts Co., Ltd.  Huzhou Linghu Tianyi Tape Co., Ltd.  Huzhou Lingxian Silk Ribbon Co., Ltd.  Huzhou Unifull Label Fabric Co., Ltd.  Intercontinental Skyline  Jian Chang Ind. Co., Ltd.  Jiangyin Lilai Tape Co., Ltd.  Jufeng Ribbon Co. Ltd.  Kaiping Qifan Weaving Co., Ltd.  King's Pipe Cleaner's Ind. Inc aka King's Crafts (China) Ltd (aka King's Pipe Cleaner's, Ind. Inc)  King Young Enterprises Co., Ltd.  Kinstarlance &amp; Embroidery Co.  Kunshan Dah Mei Weaving Co. Ltd.  Lace Fashions Industrial Co. Ltd.  Linghu Jiacheng Silk Ribbon Co., Ltd.  Multicolor (owner and operator of Finer Ribbon.com)  Nan Mei Decorative Ribbons Co., Ltd.  Ningbo Bofa Co., Ltd  Ningbo Flowering Crafts Co., Ltd.  Ningbo Hongshine Decorative Packing Industrial Co. Ltd. aka Ningbo Hongrun Craft and Ornament Factory  Ningbo Jinfeng Thread &amp; Ribbon Co. Ltd.  Ningbo MH Industry Co., Ltd.  Ningbo R&amp;D Ind Company  Ningbo Sunshine Import &amp; Export Co. Ltd  Ningbo V.K. Industry and Trading Co., Ltd.  Ningbo Wanhe Industry Co., Ltd.  Ningbo XWZ Ribbon Manufactory  Ningbo Yinzhou Hengcheng Ribbon Factory  Ningbo Yinzhou Jinfeng Knitting Factory  Novelty Handicrafts Co., Ltd.  Pacific Imports  Papillon Ribbon &amp; Bow (H.K.) Ltd.  Papillon Ribbon &amp; Bow (Shanghai) Ltd.  Precious Planet Ribbons &amp; Bows Co. Ltd.  PROTEX Co., Ltd  Qingdao Cuifengyuan Industrial and Trading Co., Ltd.  Qingdao Haili Lace &amp; Ribbon Co., Ltd.  Qingdao Hileaders Co., Ltd.  RizeStar Weaving Ribbon Factory  Roung Shu Industry Corporation a.k.a. Cheng Hsing Ribbon Factory  Shandong Hileaders Industrial Co., Ltd.  Shanghai Dae Textile International Co., Ltd.  Shanghai E &amp; T Jawa Import &amp; Export Co. Ltd  ShaoXing Haiyue Gifts Co. Ltd.  Sheinq Huong Enterprise Co., Ltd.  Shenq Sin Company Ltd.  Shenzhen Bostrip Crafts Co. Ltd.  Shenzhen Candour Belt &amp; Tape Co., Ltd  Shenzhen Jinpin Gifts &amp; Crafts Factory  Shenzhen Lucky Star Craft Co., Ltd  Shenzhen Weiyi Crafts Technology Co., Ltd.  Shenzhen Yibao Gifts Co. Ltd.  Shishi Lifa Computer Woven Label Co., Ltd.  Shuanglin Label  Sinopak Gifts &amp; Crafts Co., Ltd  Stribbons (Guang Zhou) Ltd.  Stribbons (Guangzhou) Ltd Aka MNC Stribbons  Stribbons (Nanyang) MNC Ltd.  String Textile Accessories Co., Ltd.  Success Charter Enterprise Limited  Sun Rich (Asia) Limited  Sungai Garment Accessories Co., Ltd.  Supreme Laces Inc.  Tianjin Sun Ribbon Company Ltd aka Tian Jin Sun Ribbon Company Ltd.  Weifang Aofulon Weaving Company Ltd.</p>	

	Period to be reviewed
Weifang Chenrui Textile Co., Ltd. Weifang Dongfang Ribbon Weaving Co. Ltd. Weifang Jiacheng Webbing Co., Ltd. Weifang Jinqi Textile Co., Ltd. Weifang Yuyuan Textile Co. Ltd. Wenzhou Chuntian Ribbon Manufacturing Co., Ltd. Wenzhou GED Industrial Co. Ltd. Wiefang Shicheng Ribbon Factory Wing Tat Haberdashery Co. Ltd aka Wing Hiang Belt Weaving Ltd. Xiamen Bailuu Thread Manufacture Co., Ltd. Xiamen Bethel Ribbon & Trims Co., Ltd. Xiamen Boca Ribbons & Crafts Co., Ltd. Xiamen Daiyuan Ribbons & Printing Co., Ltd. Xiamen Egret Thread Manufacturing Co., Ltd. Xiamen Especial Industrial Co., Ltd. Xiamen LA Ribbons Crafts Co., Ltd. Xiamen Lianglian Ribbons & Bows Co., Ltd. Xiamen Linji Ribbons & Bows Co., Ltd. Xiamen Lude Ribbons And Bows Co., Ltd. Xiamen Midi Ribbons & Crafts Co., Ltd. Xiamen Rainbow Gifts & Packs Co., Ltd. Xiamen Sanling Ribbon Packing Co., Ltd. Xiamen ShangPeng Weaving Ribbon Factory Xiamen Sling Ribbon & Bows Co., Ltd. Xiamen Yi He Textile Co., Ltd. (d/b/a Rounghshu Ribbon) Yama Ribbons and Bows Co., Ltd. Yangzhou Bestpak Gifts and Crafts Co., Ltd. Yi Jia Trimmings Accessories & Supplies/Dong Guan WSJ Weaving Factory Limited Yiwu Baijin Belt Co., Ltd. Yiwu City Pingzhan Weaving Ribbon Factory Yiwu Dong Ding Ribbons Co., Ltd. Yiwu Ruitai Webbing Factory Yiwu Yunli Tape Co., Ltd. Yu Shin Development Co. Ltd. Yuanhong Garment Accessory Co., Ltd. Yuyao Warp & Weft Tape Weaving Co., Ltd. Zenith Garment Accessories Co., Ltd. Zhejiang Chengxin Weaving Co., Ltd. Zhejiang Sanding Weaving Co. Ltd. Zibo All Webbing Co., Ltd.	
THE PEOPLE'S REPUBLIC OF CHINA: Steel Racks, A-570-088 .....	9/1/23-8/31/24
Guangdong Xinmiao Storage Equipment Co., Ltd. Hebei Minmetals Co., Ltd. Jiangsu JISE Intelligent Storage Equipment Co., Ltd. Jiangsu Kingmore Storage Equipment Manufacturing Co., Ltd. Jiangsu Nova Intelligent Logistics Equipment Co., Ltd. Jiangsu Starshine Industry Equipment Co., Ltd. Nanjing Dongsheng Shelf Manufacturing Co., Ltd. Nanjing Kingmore Logistics Equipment Manufacturing Co., Ltd. Nanjing Peter Logistics Equipment Co., Ltd. Nanjing Urgo Logistics Equipment Co. Ningbo Xinguang Rack Co., Ltd. Xiamen Luckyroc Industry Co., Ltd.	
UKRAINE: Seamless Carbon and Alloy Steel Standard, Line and Pressure Pipe, <sup>5</sup> A-823-819 .....	8/1/23-7/31/24
LLC Interpipe Niko Tube PJSC Interpipe Nizhnedneprovsky Tube Rolling Plant Interpipe Ukraine LLC Interpipe Europe S.A.	
<b>CVD Proceedings</b>	
INDIA: Lined Paper Products, C-533-844 .....	1/1/23-12/31/23
Navneet Education Ltd	
INDIA: Oil Country Tubular Goods, C-533-858 .....	1/1/23-12/31/23
Jindal Saw Limited	
REPUBLIC OF KOREA: Cold-Rolled Steel Flat Products, C-580-882 .....	1/1/23-12/31/23
AJU Steel Co., Ltd. Amerisource Korea BC Trade Busung Steel Co., Ltd. Cenit Co., Ltd. Daewoo Logistics Corp. Dai Yang Metal Co., Ltd. DK GNS Co., Ltd.	



	Period to be reviewed
Dong Jin Machinery Dongbu Incheon Steel Co., Ltd. Dongbu Steel Co., Ltd. Dongkuk Industries Co., Ltd. Dongkuk Steel Mill Co., Ltd. Eunsan Shipping and Air Cargo Co., Ltd. Euro Line Global Co., Ltd. Golden State Corp. GS Global Corp. Hanawell Co., Ltd. Hankum Co., Ltd. Hyosung TNC Corp. Hyuk San Profile Co., Ltd. Hyundai Group Hyundai Steel Co., Ltd. Iljin NTS Co., Ltd. Iljin Steel Corp. Jeen Pung Industrial Co., Ltd. JS Steel Co., Ltd JT Solution KG Dongbu Steel Co., Ltd. (formerly Dongbu Steel Co., Ltd.) Kolon Global Corporation Nauri Logistics Co., Ltd. Okaya (Korea) Co., Ltd. PL Special Steel Co., Ltd. POSCO; POSCO International Corporation POSCO C&C Co., Ltd. POSCO Daewoo Corp. Samsung C&T Corp. Samsung STS Co., Ltd. SeAH Steel Corp. SK Networks Co., Ltd. SM Automotive Ltd. Taihan Electric Wire Co., Ltd. TGS Pipe Co., Ltd. TI Automotive Ltd. Topco Global Co., Ltd. Union Steel Co., Ltd. Xeno Energy Young Steel Co., Ltd.	
REPUBLIC OF TÜRKİYE: Oil Country Tubular Goods, C-489-817 ..... Borusan Birleşik Boru Fabrikaları Sanayi ve Ticaret A.Ş.	1/1/23-12/31/23
THE PEOPLE'S REPUBLIC OF CHINA: Narrow Woven Ribbons With Woven Selvedge, C-570-953 ..... Amadeus Textile Ltd. Amsun Industrial Co., Ltd Apex Ribbon Apex Trimmings (d/b/a Papillon Ribbon & Bow (Canada)) Beauty Horn Investment Limited Bestpak Gifts and Crafts Co., Ltd. Billion Trend International Ltd. Changle Huanyu Ribbon Weaving Co., Ltd. Changle Ruixiang Webbing Co., Ltd. Changtai Rongshu Textile Co., Ltd. Cheng Hsing Ribbon Factory Cheng Xeng Label Mfg. Co. Complacent Industrial Co. Ltd. (HK) Creative Design Ltd. Dongguan Qaotou Sheng Feng Decoration Factory Dongguan Yi Sheng Decoration Co., Ltd. Dragon Max Weaving & Accessories Company East Sun Gift & Crafts Factory Fasheen Accessories Co. Ltd. Fly Dragon (Guang zhou) Imports & Exports trading co., Ltd Fuhua Industrial Co., Ltd Fujian Rongshu Industry Co., Ltd. Fujian Shi Lian Da Garment Accessories Co., Ltd. Fujian Xin Sheng Da Weaving Ribbons Co., Ltd Fujian Xinshengda Weaving Ribbons Co., Ltd. Fung Ming Ribbon Ind Ltd Goodyear Webbing Products Co., Ltd Gordon Ribbons & Trimmings Co., Ltd. Guangzhou Complacent Weaving Co Ltd Guangzhou Leiyou Trade Co., Ltd.	1/1/23-12/31/23

	Period to be reviewed
<p>Guangzhou Liman Ribbon Factory  Guangzhou Mafofen Ribbons &amp; Bows Ltd  Guangzhou String Textile Accessories Co., Ltd.  Hen Hao Trading Co. Ltd. a.k.a. Taiwan Tulip Ribbons and Braids Co. Ltd.  Huian Huida Webbing Co., Ltd.  Huizhou Weiyi Gifts Co., Ltd.  Huzhou Linghu Tianyi Tape Co., Ltd.  Huzhou Lingxian Silk Ribbon Co., Ltd.  Huzhou Unifull Label Fabric Co., Ltd.  Intercontinental Skyline  Jian Chang Ind. Co., Ltd.  Jiangyin Lilai Tape Co., Ltd.  Jufeng Ribbon Co. Ltd.  Kaiping Qifan Weaving Co., Ltd.  King Young Enterprises Co., Ltd.  King's Pipe Cleaner's Ind. Inc aka King's Crafts (China) Ltd (aka King's Pipe Cleaner's, Ind. Inc)  Kinstarlance &amp; Embroidery Co.  Kunshan Dah Mei Weaving Co. Ltd.  Lace Fashions Industrial Co. Ltd.  Linghu Jiacheng Silk Ribbon Co., Ltd.  Multicolor (owner and operator of Finer Ribbon.com)  Nan Mei Decorative Ribbons Co., Ltd.  Ningbo Bofa Co., Ltd  Ningbo Flowering Crafts Co., Ltd.  Ningbo Hongshine Decorative Packing Industrial Co. Ltd. aka Ningbo Hongrun Craft and Ornament Factory  Ningbo Jinfeng Thread &amp; Ribbon Co. Ltd.  Ningbo MH Industry Co., Ltd.  Ningbo R&amp;D Ind Company  Ningbo Sunshine Import &amp; Export Co. Ltd  Ningbo V.K. Industry and Trading Co., Ltd.  Ningbo Wanhe Industry Co., Ltd.  Ningbo XWZ Ribbon Manufactory  Ningbo Yinzhou Hengcheng Ribbon Factory  Ningbo Yinzhou Jinfeng Knitting Factory  Pacific Imports  Papillon Ribbon &amp; Bow (H.K.) Ltd.  Papillon Ribbon &amp; Bow (Shanghai) Ltd.  Precious Planet Ribbons &amp; Bows Co. Ltd.  PROTEX Co., Ltd  Qingdao Cuifengyuan Industrial and Trading Co., Ltd.  Qingdao Haili Lace &amp; Ribbon Co., Ltd.  Qingdao Hileaders Co., Ltd.  RizeStar Weaving Ribbon Factory  Roung Shu Industry Corporation a.k.a. Cheng Hsing Ribbon Factory  Shandong Hileaders Industrial Co., Ltd.  Shanghai Dae Textile International Co., Ltd.  Shanghai E &amp; T Jawa Import &amp; Export Co. Ltd.  ShaoXing Haiyue Gifts Co. Ltd.  Sheing Huong Enterprise Co., Ltd.; Hsien Chan Enterprise Co., Ltd.; Novelty Handicrafts Co., Ltd.  Shenq Sin Company Ltd.  Shenzhen Bostrip Crafts Co. Ltd.  Shenzhen Candour Belt &amp; Tape Co., Ltd.  Shenzhen Jinpin Gifts &amp; Crafts Factory  Shenzhen Lucky Star Craft Co., Ltd.  Shenzhen Weiyi Crafts Technology Co., Ltd.  Shenzhen Yibao Gifts Co. Ltd.  Shishi Lifa Computer Woven Label Co., Ltd.  Shuanglin Label  Sinopak Gifts &amp; Crafts Co., Ltd  Stribbons (Guang Zhou) Ltd.  Stribbons (Guangzhou) Ltd Aka MNC Stribbons  Stribbons (Nanyang) MNC Ltd.  String Textile Accessories Co., Ltd.  Success Charter Enterprise Limited  Sun Rich (Asia) Limited  Sungai Garment Accessories Co., Ltd.  Supreme Laces Inc.  Tianjin Sun Ribbon Company Ltd aka Tian Jin Sun Ribbon Company Ltd.  Weifang Aofulon Weaving Company Ltd.  Weifang Chenrui Textile Co., Ltd.  Weifang Dongfang Ribbon Weaving Co. Ltd.  Weifang Jiacheng Webbing Co., Ltd.  Weifang Jinqi Textile Co., Ltd.</p>	

	Period to be reviewed
Wiefang Shicheng Ribbon Factory Weifang Yuyuan Textile Co. Ltd. Wenzhou Chuntian Ribbon Manufacturing Co., Ltd. Wenzhou GED Industrial Co. Ltd. Wing Tat Haberdashery Co. Ltd aka Wing Hiang Belt Weaving Ltd. Xiamen Bailuu Thread Manufacture Co., Ltd. Xiamen Bethel Ribbon & Trims Co., Ltd. Xiamen Boca Ribbons & Crafts Co., Ltd. Xiamen Daiyuan Ribbons & Printing Co., Ltd. Xiamen Egret Thread Manufacturing Co., Ltd. Xiamen Especial Industrial Co., Ltd. Xiamen LA Ribbons Crafts Co., Ltd. Xiamen Lianglian Ribbons & Bows Co., Ltd. Xiamen Linji Ribbons & Bows Co., Ltd. Xiamen Lude Ribbons And Bows Co., Ltd. Xiamen Midi Ribbons & Crafts Co., Ltd. Xiamen Rainbow Gifts & Packs Co., Ltd. Xiamen Sanling Ribbon Packing Co., Ltd. Xiamen ShangPeng Weaving Ribbon Factory Xiamen Sling Ribbon & Bows Co., Ltd. Xiamen Yi He Textile Co., Ltd. (d/b/a Roungshu Ribbon) Yama Ribbons and Bows Co., Ltd. Yangzhou Bestpak Gifts and Crafts Co., Ltd. Yi Jia Trimmings Accessories & Supplies; Dong Guan WSJ Weaving Factory Limited Yiwu Baijin Belt Co., Ltd Yiwu City Pingzhan Weaving Ribbon Factory Yiwu Dong Ding Ribbons Co., Ltd. Yiwu Ruitai Webbing Factory Yiwu Yunli Tape Co., Ltd. Yu Shin Development Co. Ltd. Yuanhong Garment Accessory Co., Ltd. Yuyao Warp & Weft Tape Weaving Co., Ltd. Zenith Garment Accessories Co., Ltd. Zhejiang Chengxin Weaving Co., Ltd Zhejiang Sanding Weaving Co. Ltd. Zibo All Webbing Co., Ltd. THE PEOPLE'S REPUBLIC OF CHINA: Steel Racks, C-570-089 ..... Xiamen Luckyroc Industry Co., Ltd Ningbo Xinguang Rack Co., Ltd.	1/1/23–12/31/23
<b>Suspension Agreements</b>	
MEXICO: Fresh Tomatoes, A-201-820 .....	9/1/23–8/31/24

### Duty Absorption Reviews

During any administrative review covering all or part of a period falling between the first and second or third and fourth anniversary of the publication of an AD order under 19 CFR 351.211 or a determination under 19 CFR 351.218(f)(4) to continue an order or suspended investigation (after sunset review), Commerce, if requested by a domestic interested party within 30 days of the date of publication of the notice of initiation of the review, will determine whether ADs have been absorbed by an exporter or producer subject to the review if the subject merchandise is sold in the United States through an importer that is affiliated with such exporter or producer. The

request must include the name(s) of the exporter or producer for which the inquiry is requested.

### Gap Period Liquidation

For the first administrative review of any order, there will be no assessment of antidumping or countervailing duties on entries of subject merchandise entered, or withdrawn from warehouse, for consumption during the relevant “gap” period of the order (*i.e.*, the period following the expiry of provisional measures and before definitive measures were put into place), if such a gap period is applicable to the POR.

### Administrative Protective Orders and Letters of Appearance

Interested parties must submit applications for disclosure under administrative protective orders in accordance with the procedures outlined in Commerce’s regulations at 19 CFR 351.305. Those procedures

apply to administrative reviews included in this notice of initiation. Parties wishing to participate in any of these administrative reviews should ensure that they meet the requirements of these procedures (*e.g.*, the filing of separate letters of appearance as discussed at 19 CFR 351.103(d)).

### Factual Information Requirements

Commerce’s regulations identify five categories of factual information in 19 CFR 351.102(b)(21), which are summarized as follows: (i) evidence submitted in response to questionnaires; (ii) evidence submitted in support of allegations; (iii) publicly available information to value factors under 19 CFR 351.408(c) or to measure the adequacy of remuneration under 19 CFR 351.511(a)(2); (iv) evidence placed on the record by Commerce; and (v) evidence other than factual information described in (i)–(iv). These regulations require any party, when submitting

<sup>5</sup> Commerce inadvertently omitted the companies listed for this proceeding, for which a review request was submitted, from the September 20, 2024, *Initiation Notice* (89 FR 77079). We hereby correct this error and include the listed companies in this notice.

factual information, to specify under which subsection of 19 CFR 351.102(b)(21) the information is being submitted and, if the information is submitted to rebut, clarify, or correct factual information already on the record, to provide an explanation identifying the information already on the record that the factual information seeks to rebut, clarify, or correct. The regulations, at 19 CFR 351.301, also provide specific time limits for such factual submissions based on the type of factual information being submitted. Please review the *Final Rule*,<sup>6</sup> available at <https://www.govinfo.gov/content/pkg/FR-2013-07-17/pdf/2013-17045.pdf>, prior to submitting factual information in this segment. Note that Commerce has amended certain of its requirements pertaining to the service of documents in 19 CFR 351.303(f).<sup>7</sup>

Any party submitting factual information in an AD or CVD proceeding must certify to the accuracy and completeness of that information using the formats provided at the end of the *Final Rule*.<sup>8</sup> Commerce intends to reject factual submissions in any proceeding segments if the submitting party does not comply with applicable certification requirements.

### Extension of Time Limits Regulation

Parties may request an extension of time limits before a time limit established under Part 351 expires, or as otherwise specified by Commerce.<sup>9</sup> In general, an extension request will be considered untimely if it is filed after the time limit established under Part 351 expires. For submissions which are due from multiple parties simultaneously, an extension request will be considered untimely if it is filed after 10:00 a.m. on the due date. Examples include, but are not limited to: (1) case and rebuttal briefs, filed pursuant to 19 CFR 351.309; (2) factual information to value factors under 19 CFR 351.408(c), or to measure the adequacy of remuneration under 19 CFR 351.511(a)(2), filed pursuant to 19 CFR 351.301(c)(3) and rebuttal, clarification

and correction filed pursuant to 19 CFR 351.301(c)(3)(iv); (3) comments concerning the selection of a surrogate country and surrogate values and rebuttal; (4) comments concerning CBP data; and (5) Q&V questionnaires. Under certain circumstances, Commerce may elect to specify a different time limit by which extension requests will be considered untimely for submissions which are due from multiple parties simultaneously. In such a case, Commerce will inform parties in the letter or memorandum setting forth the deadline (including a specified time) by which extension requests must be filed to be considered timely. This policy also requires that an extension request must be made in a separate, standalone submission, and clarifies the circumstances under which Commerce will grant untimely-filed requests for the extension of time limits. Please review the *Final Rule*, available at <https://www.gpo.gov/fdsys/pkg/FR-2013-09-20/html/2013-22853.htm>, prior to submitting factual information in these segments.

These initiations and this notice are in accordance with section 751(a) of the Act (19 U.S.C. 1675(a)) and 19 CFR 351.221(c)(1)(i).

Dated: October 10, 2024.

Scot Fullerton,

Acting Deputy Assistant Secretary for Antidumping and Countervailing Duty Operations.

[FR Doc. 2024–23914 Filed 10–16–24; 8:45 am]

BILLING CODE 3510–DS–P

## DEPARTMENT OF COMMERCE

### National Oceanic and Atmospheric Administration

[RTID 0648–XE297]

#### Takes of Marine Mammals Incidental to Specified Activities; Taking Marine Mammals Incidental to Marine Site Characterization Surveys in the New York Bight

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

**ACTION:** Notice; issuance of renewal 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 a renewal incidental harassment authorization (IHA) to Community Offshore Wind, LLC (COSW) to incidentally harass marine mammals incidental to marine

site characterization surveys offshore from New Jersey and New York in the New York Bight, specifically within the Bureau of Ocean Energy Management (BOEM) Commercial Lease of Submerged Lands for Renewable Energy Development on the Outer Continental Shelf (OCS) Lease Area OCS–A 0539 (Lease Area) and associated Export Cable Route (ECR) survey area (ECR Area). There are no changes from the proposed authorization to this final authorization.

**DATES:** This authorization is effective from October 9, 2024 through June 30, 2025.

**ADDRESSES:** Electronic copies of the original application, renewal request, and supporting documents (including NMFS *Federal Register* notices of the original proposed and final authorizations, and the previous IHA), as well as a list of the references cited in this document, may be obtained online at: <https://www.fisheries.noaa.gov/national/marine-mammal-protection/incidental-take-authorizations-other-energy-activities-renewable>. In case of problems accessing these documents, see **FOR FURTHER INFORMATION CONTACT** section.

**FOR FURTHER INFORMATION CONTACT:** Rachel Hilt, Office of Protected Resources, NMFS, (301) 427–8401.

### SUPPLEMENTARY INFORMATION:

#### Background

The Marine Mammal Protection Act (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 promulgated or, if the taking is limited to harassment, an incidental harassment authorization is issued.

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

<sup>6</sup> See *Certification of Factual Information To Import Administration During Antidumping and Countervailing Duty Proceedings*, 78 FR 42678 (July 17, 2013) (*Final Rule*); see also the frequently asked questions regarding the *Final Rule*, available at [https://enforcement.trade.gov/tlei/notices/factual\\_info\\_final\\_rule\\_FAQ\\_07172013.pdf](https://enforcement.trade.gov/tlei/notices/factual_info_final_rule_FAQ_07172013.pdf).

<sup>7</sup> See *Administrative Protective Order, Service, and Other Procedures in Antidumping and Countervailing Duty Proceedings; Final Rule*, 88 FR 67069 (September 29, 2023).

<sup>8</sup> See section 782(b) of the Act; see also *Final Rule*; and the frequently asked questions regarding the *Final Rule*, available at [https://enforcement.trade.gov/tlei/notices/factual\\_info\\_final\\_rule\\_FAQ\\_07172013.pdf](https://enforcement.trade.gov/tlei/notices/factual_info_final_rule_FAQ_07172013.pdf).

<sup>9</sup> See 19 CFR 351.302.

similar significance, and on the availability of such species or stocks for taking for certain subsistence uses (referred to here as “mitigation measures”). NMFS must also prescribe requirements pertaining to monitoring and reporting of such takings. The definition of key terms such as “take,” “harassment,” and “negligible impact” can be found in the MMPA and the NMFS’s implementing regulations (see 16 U.S.C. 1362; 50 CFR 216.103).

NMFS’ regulations implementing the MMPA at 50 CFR 216.107(e) indicate that IHAs may be renewed for additional periods of time not to exceed 1 year for each reauthorization. In the notice of proposed IHA for the initial IHA, NMFS described the circumstances under which we would consider issuing a renewal for this activity, and requested public comment on a potential renewal under those circumstances. Specifically, on a case-by-case basis, NMFS may issue a one-time 1-year renewal of an IHA following notice to the public providing an additional 15 days for public comments when (1) up to another year of identical, or nearly identical, activities as described in the Detailed Description of Specified Activities section of the initial IHA issuance notice is planned or (2) the activities as described in the Description of the Specified Activities and Anticipated Impacts section of the initial IHA issuance notice would not be completed by the time the initial IHA expires and a renewal would allow for completion of the activities beyond that described in the **DATES** section of the notice of issuance of the initial IHA, provided all of the following conditions are met:

1. A request for renewal is received no later than 60 days prior to the needed renewal IHA effective date (recognizing that the renewal IHA expiration date cannot extend beyond 1 year from expiration of the initial IHA).

2. The request for renewal must include the following:

- An explanation that the activities to be conducted under the requested renewal IHA are identical to the activities analyzed under the initial IHA, are a subset of the activities, or include changes so minor (*e.g.*, reduction in pile size) that the changes do not affect the previous analyses, mitigation and monitoring requirements, or take estimates (with the exception of reducing the type or amount of take); and

- A preliminary monitoring report showing the results of the required monitoring to date and an explanation showing that the monitoring results do

not indicate impacts of a scale or nature not previously analyzed or authorized.

3. Upon review of the request for renewal, the status of the affected species or stocks, and any other pertinent information, NMFS determines that there are no more than minor changes in the activities, the mitigation and monitoring measures will remain the same and appropriate, and the findings in the initial IHA remain valid.

An additional public comment period of 15 days (for a total of 45 days), with direct notice by email, phone, or postal service to commenters on the initial IHA, is provided to allow for any additional comments on the proposed renewal. A description of the renewal process may be found on our website at: <https://www.fisheries.noaa.gov/national/marine-mammal-protection/incidental-harassment-authorization-renewals>.

### History of Request

On June 30, 2023, NMFS issued an IHA to COSW to take marine mammals incidental to Marine Site Characterization Surveys in the New York Bight, specifically within the BOEM Commercial Lease of Submerged Lands for Renewable Energy Development on the OCS Lease Area and associated ECR Area (88 FR 42322), effective from July 1, 2023, through June 30, 2024. On June 14, 2024, NMFS received an application for the renewal of that initial IHA. COSW has met all the conditions for a renewal. As described in the application for renewal IHA, the activities for which incidental take is requested consist of activities that are covered by the initial authorization but were not completed prior to its expiration. As required, the COSW also provided a preliminary monitoring report which confirms that the applicant has implemented the required mitigation and monitoring, and which also shows that no impacts of a scale or nature not previously analyzed or authorized have occurred as a result of the activities conducted. NMFS has decided to waive the 60 days renewal requirement, recognizing that the renewal IHA, if issued, will expire one year from the expiration date of the initial IHA, on June 30, 2025, and having ensured that COSW understands that there is a lapse in MMPA authorization coverage between the expiration of the initial IHA and the issuance of any renewal. The notice of the proposed renewal IHA was published for public comment on August 21, 2024 (89 FR 67592). There are no changes from the proposed authorization in this final authorization.

### Description of the Specified Activities and Anticipated Impacts

COSW’s 2023 IHA authorized take of marine mammals incidental to marine site characterization surveys, including high-resolution geophysical (HRG) surveys, offshore from New Jersey and New York in the New York Bight, which is within the BOEM Lease Area OCS–A 0539 and associated ECR Area. Hereafter, both the areas are referred to as the Survey Area. The purpose of these surveys is to provide sufficient data to meet BOEM guidelines and support the development of offshore wind facilities in the survey area. Specifically, data collected would support site characterization, siting, and engineering design of offshore wind facilities including turbine generators, offshore substations, submarine cables and data necessary for project review requirements. COSW’s 2023 survey plan included 30,467 kilometers (km) of trackline. Of note, the trackline was broken down by Lease Area survey and ECR survey area. Approximately 28,290 km was planned for the Lease Area and 2,177 km for the ECR Area. The effort for bottlenose dolphins was differentiated to account for the two stocks present in the Survey Area. In the ECR Area trackline, 400 km is in waters <20 meters (m) deep where the Western North Atlantic Migratory Coastal Stock (Coastal Stock) of bottlenose dolphins may be present, whereas the remaining 1,777 km is in waters >20 m deep where the Western North Atlantic Offshore Stock (Offshore Stock) of bottlenose dolphins may be present. In the Lease Area, all 28,290 km of trackline are in waters >20 m deep. COSW actually only completed 11,775 km (120 km of trackline in waters <20 m deep) of trackline prior to the request for the renewal, representing approximately 63 percent. As noted above, the effort for bottlenose dolphins was differentiated to account for the two stocks present in the Survey Area. Tracklines in the Survey Area in waters <20 m and >20 m deep were differentiated to account for differences in density between the two stocks of bottlenose dolphins, and the appropriate percentages of tracklines (70 and 62, respectively).

Under the renewal IHA, COSW plans to continue to conduct survey activities over the remaining approximately 19,092 km of trackline that was not completed in 2023. As a result of a miscommunication, COSW’s initial IHA authorized 400 km less trackline than they intended (*i.e.*, 30,467 km versus 30,867 km) and, therefore, COSW asked that the renewal IHA include the 400 km (19,092 km vs. 18,692) of trackline

that was inadvertently omitted from the initial IHA. NMFS has determined that this correction to the remaining trackline is a minor change that does not affect the previous analyses, mitigation or monitoring requirements, or take estimates (except, of course, for the reduction in the take estimates). The percent of trackline left to survey and estimated take that may occur has been updated accordingly. COSW will have a maximum of three vessels surveying concurrently.

The potential impacts of COSW's planned activities on marine mammals involve acoustic stressors and are unchanged from the impacts described in the **Federal Register** notice for the initial Proposed IHA (88 FR 24574, April 21, 2023). Underwater sound, resulting from particular components of COSW's HRG survey activities, has the potential to result in incidental take of marine mammals, in the form of Level B harassment only, in the specified geographic region.

This renewal IHA is for the remainder of work that was not completed by the expiration date of the 2023 IHA. The renewal IHA authorizes incidental take, by Level B harassment, only of 15 species (16 stocks) of marine mammals for a subset of marine site characterization survey activities to be completed, in the same area, using survey methods identical to those conducted under the 2023 IHA. Neither COSW nor NMFS expect serious injury or mortality to result from this activity and, therefore, an IHA is appropriate. Take by Level A harassment (injury) is unlikely, even absent mitigation, based on the characteristics of the signals produced by the acoustic sources planned for use. Therefore, the anticipated effects on marine mammals and the affected stocks also remain the same. All mitigation, monitoring, and reporting measures would remain exactly as described in the **Federal Register** notice for the issued 2023 IHA (88 FR 42322, June 30, 2023).

#### *Detailed Description of the Activity*

A detailed description of the surveys for which incidental take is proposed here may be found in the **Federal Register** Notices of the initial Proposed IHA (88 FR 24574, April 21, 2023). The specific geographic region and specified activities, including the types of survey equipment and number of survey vessels planned for use, are identical to those described in the previous notice, with the exception of the reduction in the size of the survey area since a small subset of the survey work planned under the 2023 IHA was completed. This renewal IHA is effective from

[insert date of issuance] through June 30, 2025.

#### *Comments and Responses*

A notice of NMFS' proposal to issue a renewal IHA to COSW was published in the **Federal Register** on August 21, 2024 (89 FR 67592). That notice described, in detail, or referenced descriptions of COSW's activity, the marine mammal species that may be affected by the activity, the anticipated effects on marine mammals and their habitat, estimated number and manner of take, and proposed mitigation, monitoring and reporting measures. NMFS received a total of two public comment letters. One public comment letter was from a non-governmental organization (Clean Ocean Action (COA)). The other was from the Wampanoag Tribe of Gay Head (Aquinnah) (Tribe).

We reiterate that NMFS' proposed action concerns only the authorization of marine mammal take incidental to the planned surveys—NMFS' authority under the MMPA does not extend to the surveys themselves or to wind energy development more generally. Some comments requested that NMFS fully study the implications of the Vineyard Wind blade failure on marine mammals before moving forward with offshore wind development, oppose take from offshore wind until the U.S. Coast Guard has finished establishing shipping safety fairways to balance offshore wind development with navigational safety, criticize NMFS and BOEM for improperly segmenting offshore wind activities in the Atlantic Ocean, and criticize BOEM's underdeveloped understanding of marine mammal species' current status such that the agency cannot accurately plan for future protections and mitigation of potential impacts. We do not specifically address these comments because they are out of scope of the proposed Renewal IHA (89 FR 67592, August 21, 2024). All substantive comments, and NMFS' responses, are provided below. The comments and recommendations are available online at: <https://www.fisheries.noaa.gov/national/marine-mammal-protection/incidental-take-authorizations-other-energy-activities-renewable>. Please see the comment submissions for full details regarding the recommendations and supporting rationale.

*Comment 1:* A commenter has suggested that a Letter of Authorization (LOA) would be more appropriate than an IHA for the proposed survey activities, as the survey activities have spanned more than one year and NMFS has not indicated if the additional year

will be sufficient to complete the remaining work. The commenter further stated that it is unclear whether there will be another renewal IHA proposed and authorized at the end of the current IHA, should it be granted.

*Response:* NMFS disagrees with the commenter that an LOA would be more appropriate than an IHA for the planned survey activities simply because the survey activity has extended for more than a year. The MMPA allows, upon request, the incidental take of small numbers of marine mammals by U.S. citizens, engaged in a specified activity (other than commercial fishing) within a specified geographical region if certain findings are made. Two types of authorizations may be issued under Sections 101(a)(5)(A) and (D) of the MMPA. An LOA and accompanying incidental take regulation (ITR) may be issued to authorize U.S. citizens, engaged in a specified activity (other than commercial fishing), to take small numbers of marine mammals for up to 5 years, whereas an IHA may be issued to authorize U.S. citizens, engaged in a specified activity (other than commercial fishing), to take small numbers of marine mammals by harassment for a period of 1 year. Neither the MMPA, nor its legislative history specifically require U.S. citizens to seek an LOA/ITR pursuant to section 101(a)(5)(A) of the MMPA simply because an activity continues for more than one year. A determination of which option to pursue is not solely dependent on whether an activity continues for more than one year.

While the NMFS website recommends that applicants seek an LOA if specified activity has the potential to result in harassment only and is planned for multiple years, it is not dispositive. On our website and in various **Federal Register** notices, NMFS explains that a renewal IHA is available to address those circumstances in which an action under the initial IHA could not be completed within the effective period of the authorization. COSW's request for the initial IHA indicated a project duration of 1 year. As delays may be encountered, the **Federal Register** notices for the Proposed IHA and the Proposed Renewal IHA further establish that NMFS may issue "a one-time, one-year renewal IHA" on a case-by-case basis if certain conditions are met (88 FR 24574, Apr. 21, 2023; 89 FR 67592, Aug. 21, 2024). In order to qualify for a renewal IHA, the proposed renewal must consist of no more than one additional year of identical, or nearly identical, activities as were covered by the initial IHA or a subset of the activities covered by the initial IHA.

Additionally, the request for a renewal IHA must be accompanied by a preliminary monitoring report and explanation that the results do not indicate impacts of a scale or nature not previously analyzed or authorized. NMFS must also find there are no more than minor changes in the activities, the mitigation and monitoring measures remain the same and are appropriate, and the findings in the initial IHA remain valid.

Upon review of the COSW's request for renewal, the status of the affected species or stocks, the preliminary monitoring report, and other pertinent information, NMFS finds: (1) COSW's renewal request is a subset of the activities covered by the initial IHA; (2) there are no more than minor changes in the survey activities (*i.e.*, COSW's correction of the remaining survey tracklines); (3) COSW's preliminary monitoring results do not indicate impacts of a scale or nature not previously analyzed or authorized under the initial IHA; (4) mitigation and monitoring requirements are identical to those established in the initial IHA; and (5) the findings in the initial IHA (including the take estimates and small numbers determinations (except, of course, for reductions in each resulting from the change in the survey effort) and negligible impact determinations) remained valid. Therefore, COSW meets the conditions for a renewal IHA.

*Comment 2:* A commenter states there is considerable uncertainty regarding the effect of preconstruction surveying on marine mammals.

*Response:* NMFS disagrees. NMFS has issued IHAs for marine site characterization surveys and HRG surveys since 2014 and marine mammal behavioral responses, or lack thereof, from these activities are well documented. Marine mammal monitoring reports from authorized surveys and the best available science indicate that only Level B harassment (*i.e.*, temporary disruption of behavioral patterns) may occur. No mortality or serious injury, or Level A harassment, is expected to occur as a result of COSW's planned surveys, and there is no scientific evidence indicating that any marine mammal could experience mortality or serious injury as a direct result of noise from HRG survey activity.

*Comment 3:* A commenter stated that Protected Species Observers (PSO) reports are rarely published publicly in any consistent way unless and until a developer applies for an IHA renewal.

*Response:* NMFS disagrees with the commenter's assertion that PSO reports are rarely published unless a developer

applies for an IHA renewal. All applicants are required to submit a PSO report within 90 days after completion of survey activities that fully documents the methods and monitoring protocols, summarizes the data recorded during monitoring. All PSO reports are made publicly available on NMFS's website after receipt. The preliminary PSO report submitted by the applicant and noted in the **Federal Register** notice (89 FR 67592, August 21, 2024) proposing this action was a requirement under the BOEM Project Design Criteria (PDC) and Best Management Practices (PDC 8). COSW's preliminary PSO report is publicly available on NMFS's website. To view the preliminary PSO information, please visit: <https://www.fisheries.noaa.gov/action/incidental-take-authorization-community-offshore-wind-llc-marine-site-characterization>. NMFS agrees with the need for reporting and indeed, the MMPA calls for IHAs to incorporate reporting requirements and a final marine mammal PSO report is required for the 2023 IHA. As included in the proposed IHA, the final IHA includes requirements for reporting that supports COA's recommendations for consistent reporting, as well as timeframes for when reports will be considered complete and subsequently made publicly available. COSW is required to submit a PSO report to NMFS within 90 days after completion of survey activities that fully documents the methods and monitoring protocols, summarizes the data recorded during monitoring. All final reports and associated data submitted to NMFS are posted on NMFS' website.

*Comment 4:* Commenters state they do not agree with the use of a Categorical Exclusion (CE) under National Environmental Policy Act (NEPA) and further analysis should be conducted while considering cumulative effects of the proposed IHA relative to other authorized takes in the area, including the activities conducted under the 2023 IHA and other projects in the New York Bight.

*Response:* NMFS disagrees with the commenter's statement and has determined that the issuance of the IHA qualifies to be categorically excluded from further NEPA review. A CE may be used to address a category of actions that an agency has determined does not individually or cumulatively have a significant effect on the quality of the human environment and is appropriately applied for such categories of actions so long as there are no extraordinary circumstances present that would indicate that the effects of the action may be significant.

Extraordinary circumstances are situations for which NOAA has determined further NEPA analysis is required because they are circumstances in which a normally excluded action may have significant effects. A determination of whether an action that is normally excluded requires additional evaluation because of extraordinary circumstances focuses on the action's potential effects and considers the significance of those effects in terms of both context (consideration of the affected region, interests, and resources) and intensity (severity of impacts). Potential extraordinary circumstances relevant to this action include: (1) adverse effects on species or habitats protected by the MMPA that are not negligible; (2) highly controversial environmental effects; (3) environmental effects that are uncertain, unique, or unknown; and (4) the potential for significant cumulative impacts when the proposed action is combined with other past, present, and reasonably foreseeable future actions.

The relevant NOAA CE associated with issuance of incidental take authorizations is CE B4, "Issuance of incidental harassment authorizations under section 101(a)(5)(A) and (D) of the MMPA for the incidental, but not intentional, take by harassment of marine mammals during specified activities and for which no serious injury or mortality is anticipated." This action falls within CE B4. In determining whether a CE is appropriate for a given incidental take authorization, NMFS considers the applicant's specified activity and the potential extent and magnitude of takes of marine mammals associated with that activity along with the extraordinary circumstances listed in the Companion Manual for NOAA Administrative Order (NAO) 216-6A and summarized above.

The evaluation of whether extraordinary circumstances (if present) have the potential for significant environmental effects is limited to the decision NMFS is responsible for, which is issuance of the incidental take authorization. Potential effects of NMFS' action are limited to those that would occur due to the authorization of incidental take of marine mammals. NMFS prepared numerous EAs analyzing the environmental impacts of the categories of activities encompassed by CE B4, which resulted in Findings of No Significant Impacts (FONSI) and, in particular, numerous EAs prepared in support of issuance of IHAs related to similar survey actions are part of NMFS' administrative record supporting CE B4. These EAs demonstrate the issuance of a given incidental harassment

authorization does not affect other aspects of the human environment because the action only affects the marine mammals that are the subject of the incidental harassment authorization.

Specifically for this action, NMFS independently evaluated the use of the CE for issuance of COSW's IHA, which included consideration of extraordinary circumstances. As part of that analysis, NMFS considered whether this IHA issuance would result in cumulative impacts that could be significant. In particular, the issuance of an IHA to COSW is expected to result in minor, short-term behavioral effects on marine mammal species due to exposure to underwater sound from site characterization survey activities. Behavioral disturbance is possible to occur intermittently in the vicinity of COSW's survey area during the 1-year timeframe. Level B harassment will be reduced through use of mitigation measures described herein.

Additionally, as discussed elsewhere, NMFS has determined that COSW's activities fall within the scope of activities analyzed in GARFO's programmatic consultation regarding geophysical surveys along the U.S. Atlantic coast in the three Atlantic Renewable Energy Regions (completed June 29, 2021; revised September 2021), which concluded surveys such as those planned by COSW are not likely to adversely affect ESA-listed species or adversely modify or destroy critical habitat. Accordingly, NMFS has determined that the issuance of this IHA will result in no more than negligible (as that term is defined by the Companion Manual for NAO 216–6A) adverse effects on species protected by the ESA and the MMPA.

Further, the issuance of this IHA will not result in highly controversial environmental effects or result in environmental effects that are uncertain, unique, or unknown because numerous entities have been engaged in site characterization surveys that result in Level B harassment of marine mammals in the United States. This type of activity is well documented; prior authorizations and analysis demonstrates issuance of an IHA for this type of action only affects the marine mammals that are the subject of the specific authorization and, thus, no potential for significant cumulative impacts are expected, regardless of past, present, or reasonably foreseeable actions, even though the impacts of the action may not be significant by itself. Based on this evaluation, we concluded that the issuance of the IHA qualifies to be categorically excluded from further NEPA review.

*Comment 5:* Commenters object to allowing any takes to North Atlantic right whales (NARW) due to the species' fragile status and believe that preserving the existence of NARW warrants pausing offshore development off the Atlantic coast. Commenters state that NMFS needs to study the cumulative harassment of marine mammals and other listed species, particularly the NARW whose existence are an integral part of traditional lifeways and cultural practices. Commenters urge NMFS to assess cumulative impacts to this most endangered species, including the total number, speed, and distance of vessel trips required for marine site characterization survey activities, for all concurrent projects in the region. Commenter's also reference Thorne and Wiley's (2024) paper stating that the conclusion highlights the need for further study on marine mammal strandings and the cumulative impacts of offshore wind.

*Response:* NMFS disagrees with the commenter's statement. NMFS authorizes take of marine mammals incidental to marine site characterization surveys but the renewal IHA issued to COSW does not authorize the surveys themselves and does not authorize offshore wind development. The purpose of the marine site characterization surveys is to obtain sufficient data to meet BOEM guidelines for geophysical, geotechnical, and geohazard information to support site characterization, sight, and engineering design of future offshore wind project facilities. While NMFS has the authority to modify, suspend, or revoke an IHA if the IHA holder fails to abide by the conditions prescribed therein (including, but not limited to, failure to comply with monitoring or reporting requirements), or if NMFS determines that (1) the authorized taking is having or is likely to have more than a negligible impact on the species or stocks of affected marine mammals, or (2) the prescribed measures are likely not or are not effecting the least practicable adverse impact on the affected species or stocks and their habitat, it is not within NMFS' jurisdiction to impose a blanket moratorium on offshore wind development or to require cessation of the marine site characterization on the basis of unsupported speculation.

NMFS recognizes and appreciates the importance of the NARW as an integral part of traditional lifeways and cultural practices. But, NMFS emphasizes that there is no credible scientific evidence available suggesting that mortality and/or serious injury or Level A harassment is a potential outcome of the planned

survey activity. NMFS notes there have never been reports of any serious injuries or mortalities of any marine mammal associated with any marine site characterization surveys. And, the commenter did not provide any compelling scientific evidence to support their claim that the proposed IHA and specific activities would lead to mortality or serious injury of NARWs.

The best available science indicates that Level B harassment, or disruption of behavioral patterns, may occur as a result of COSW's specified activities. This point has been well supported by other agencies, including the Bureau of Ocean Energy Management and the Marine Mammal Commission (Marine Mammal Commission Newsletter, Spring 2023). A recent study by Thorne and Wiley (2024) reviewed spatio-temporal patterns of strandings, mortalities, and serious injuries of humpback whales along the U.S. East Coast from 2016–2022 and found vessel strikes to be the major driver in the increase of humpback whale strandings, mortalities, and serious injuries. Based upon the spatio-temporal analysis, no evidence was found that offshore wind development contributed to the increased number of strandings, serious injuries or mortalities; for example, spatio-temporal patterns between strandings and site assessment surveys did not seem associated. In fact, the potential for vessel strike increased from 2016–2022 in association with increased container vessel traffic that overlapped with whales in new and shallow foraging areas. This potential for vessel strike also seemed to increase with the increased presence of juvenile humpback whales foraging off the Mid-Atlantic States.

Under the IHA, NMFS requires COSW to abide by vessel speed restrictions and maintain separation distances between vessels and marine mammals that are intended to minimize the risk of any potential vessel strikes. NMFS is not suggesting the study by Thorne and Wiley (2024) presents any final resolution of the issue and generically agrees with the need for continued investigation on offshore wind effects on marine mammals. However, that does not impact our findings here for this IHA, or our determination that the specified activities will have a negligible impact on marine mammals.

There is an ongoing unusual mortality event (UME) for humpback whales along the Atlantic coast from Maine to Florida, which includes animals stranded since 2016. Partial or full necropsy examinations were conducted on approximately half of the whales. Necropsies were not conducted on other



carcasses because they were too decomposed, not brought to land, or stranded on protected lands (e.g., national and state parks) where responders had limited or no access to the carcasses. Of the roughly 90 whales examined, about 40 percent had evidence of human interaction (i.e., vessel strike or entanglement). The remaining 50 necropsied whales either had an undetermined cause of death due to a limited examination or decomposition of the carcass, or had other causes of death (e.g., parasite-caused organ damage and starvation). Ongoing UMEs are also occurring for NARW and minke whales, both since 2017. NMFS will continue to gather data to help us determine the cause of death for these stranded whales. Vessel strikes and entanglement in fishing gear continue to be the greatest human threats to large whales.

We also refer to the GARFO 2021 Programmatic Consultation, which finds that these survey activities are in general not likely to adversely affect marine mammal species listed under the ESA (i.e., GARFO's analysis conducted pursuant to the ESA finds that marine mammals are not likely to be taken at all (as that term is defined under the ESA), much less be taken by serious injury or mortality). That document is found at: <https://www.fisheries.noaa.gov/new-england-mid-atlantic/consultations/section-7-take-reporting-programmatics-greater-atlantic#offshore-wind-site-assessment-and-site-characterization-activities-programmatic-consultation>. The impacts of Level B harassment authorized here (i.e., behavioral disturbance) are expected to have a negligible impact on the NARW population as well as other potentially impacted marine mammal populations. NMFS has made the required findings based on the best scientific information available and has included mitigation measures to effect the least practicable adverse impacts on NARWs and other potentially impacted marine mammals.

NMFS also notes the cumulative effects of substantially similar activities in the northwest Atlantic Ocean have been analyzed in the past under section 7 of the ESA when NMFS engaged in formal intra-agency consultation, such as the 2013 programmatic Biological Opinion for Bureau of Ocean Energy Management Lease and Site Assessment Rhode Island, Massachusetts, New York, and New Jersey Wind Energy Areas (<https://repository.library.noaa.gov/view/noaa/29291>). Analyzed activities include those for which NMFS issued previous IHAs (82 FR 31562, July 7, 2017; 85 FR 21198, April 16, 2020; 86

FR 26465, May 10, 2021), which are similar to those planned by COSW under this current IHA request.

For NMFS' response on cumulative impacts, please see our response to *Comment 4*.

*Comment 6:* The Wampanoag Tribe of Gay Head (Aquinnah) (Tribe) stated that NMFS continues to administer Section 7 consultations and take permits without complying with Executive Order 13175 that requires meaningful government-to-government consultation with Tribes on matters that have implications for tribes, and requested that no IHAs are renewed in the New York Bight until the issue is addressed.

*Response:* Executive Order 13175 directs Federal agencies to establish procedures for meaningful consultation and coordination with Tribal officials in the development of Federal policies that have Tribal implications. 65 FR 67249 (Nov. 9, 2000). "Policies that have tribal implications" refers to regulations, legislative comments or proposed legislation, and other policy statements or actions that have substantial direct effects on one or more Indian Tribes, on the relationship between the Federal Government and Indian Tribes, or on the distribution of power and responsibilities between the Federal Government and Indian Tribes. Additionally, the consultation requirement set forth in Section 5 of Executive Order 13175 provides that "Each agency shall have an accountable process to ensure meaningful and timely input by tribal officials in the development of regulatory policies that have tribal implications." NMFS is committed to carrying out its responsibilities under Executive Order 13175, as implemented through NOAA Administrative Order 218-8 (Policy on Government-to-Government Consultation with Federally-Recognized Indian Tribes and Alaska Native Corporations) and the NOAA Tribal Consultation Handbook. However, NMFS disagrees that renewal of the IHA for the take of marine mammals incidental to HRG surveys in the New York Bight should be suspended. We intend to engage with the Tribe going forward to ensure that we satisfy our responsibilities under Executive Order 13175 and address to the extent possible (in context of the actions we are responsible for) the Tribe's concerns regarding wind energy development.

*Comment 7:* A commenter has requested that NMFS provide documentation for its determination to add an additional 400 km of trackline that was inadvertently excluded from the 2023 IHA—not providing the factual basis for the conclusion would make the

finding arbitrary and capricious. The commenter further states that "nearly identical" has not been defined in NOAA protocols and the standard is subjective.

*Response:* Please see the Detailed description of the Activity in the **Federal Register** notice of proposed IHA (89 FR 67592, August 21, 2024). The request from COSW to include the additional 400 km of trackline is documented in this notice. NMFS has determined that the inclusion of the additional 400 km to the remaining survey trackline is a minor change that does not affect the analyses, mitigation and monitoring requirements remained the same as those identified in the initial IHA. NMFS's negligible impact determination on the affected species and/or stocks remained the same and, further, the remaining survey trackline for this renewal is less than the total trackline included in the initial IHA. The maximum percent population for each species is small relative to individual stock abundance (less than one third) which meets the criteria for NMFS to make a negligible impact determination for COSW's specified activities.

While "nearly identical" is not explicitly defined, NMFS believes the plain language definition is adequate. The IHA renewal process guidance on our website indicates that the applicant must clearly describe any minor change in the activity and why the change will have either no effect on the impacts to marine mammals, or will decrease the type and/or amount of expected take. An example of an applicant that is qualified for a renewal is an applicant conducting bird research at three sites (resulting in behavioral harassment of pinnipeds) as covered by the initial IHA. Sixty days prior to expiration of the initial IHA, the applicant requests a renewal to authorize take incidental to a second year conducting the same research, at the same three sites, for the same duration, in the same seasons—with no other known changes. An example of an applicant that is not qualified for renewal is an applicant conducting bird research at three sites (resulting in behavioral harassment of pinnipeds) as covered by the initial IHA. Two months prior to the expiration of the initial IHA, the applicant requests a renewal to authorize take incidental to a second year conducting the same research, at the same three sites, for the same duration, in the same seasons—but wishes to add one new site to the research activity, which is associated with the need for additional take authorization (i.e., higher numbers than the initial IHA). Further, examples

illustrating activities that do and do not qualify for a renewal are included on the website. NMFS has determined that the activities planned in the renewal IHA are nearly identical to those identified in the initial IHA, using the same survey equipment and number of survey vessels planned for use and covering the same geographic region. COSW will be using the same sparker systems (applied Acoustics Dura-Spark UHD 400+400 Seismic Sound Source (400 tip/300–1,000 joules (J)) and the Geo-Source 200–400 Marine Multi-Tip Sparker System (400 tip/300–1,000 J)) and implementing the same mitigation, monitoring, and reporting. Since the addition of 400 km of trackline does not increase the take beyond that analyzed or change the negligible impact determination, NMFS has determined that this change is minor and does not affect the previous analysis. For more information about the details and conditions of the IHA renewal process, please visit <https://www.fisheries.noaa.gov/national/marine-mammal-protection/incidental-harassment-authorization-renewals>.

**Comment 8:** A commenter suggested NMFS should work with other agencies to produce or commission an independent study about marine mammal mortality on the East Coast, specifically to cross-reference PSO data with the coordinates of marine mammal strandings to determine whether there is a correlation between wind surveying activities and strandings. The commenter states that using PSO data will improve the best available science to predict and potentially prevent impacts to marine mammals, and NMFS should refrain from issuing IHAs until the agency can determine the cause of the marine mammal deaths.

**Response:** NMFS disagrees that the renewal IHA should be denied, as we have made the necessary findings required by the MMPA for issuance and supported them with the necessary analyses and best available science. Neither the proposed IHA nor this final IHA allow mortality or serious injury of marine mammals to be authorized. NMFS authorizes take of marine mammals incidental to marine site characterization surveys but does not authorize the surveys themselves. Therefore, while NMFS has the authority to modify, suspend, or revoke an IHA if the IHA holder fails to abide by the conditions prescribed therein (including, but not limited to, failure to comply with monitoring or reporting requirements), or if NMFS determines that (1) the authorized taking is having or is likely to have more than a negligible impact on the species or

stocks of affected marine mammals, or (2) the prescribed measures are likely not or are not effecting the least practicable adverse impact on the affected species or stocks and their habitat, it is not within NMFS' jurisdiction to impose a moratorium on offshore wind development or to require surveys to cease on the basis of unsupported speculation.

NMFS appreciates the suggestion to commission a study that would cross-reference PSO data with coordinates of marine mammal strandings to investigate a correlation between the two, but notes that correlation is not equivalent to causation, especially if all potential factors are not considered. The data collected by PSOs, and subsequent analysis, provide the necessary information to inform an estimate of the amount of take that occurred during the activity, better understand the impacts of the activity on marine mammals, address the effectiveness of monitoring and mitigation measures, and to adaptively manage activities and mitigation in the future. Data reported includes information on marine mammal sightings, activity occurring at time of sighting, monitoring conditions, and if mitigation was employed. NMFS has considered the best available science regarding the effect of wind surveying activities and marine mammal strandings and has determined there is no evidence that noise arising from offshore wind development-related site characterization surveys could potentially cause marine mammal stranding, mortality, or serious injury. There is no evidence linking recent large whale mortalities to past or ongoing site characterization surveys. The commenters offer no such evidence. NMFS will continue to gather data to help us determine the cause of death for stranded whales on the East Coast of the United States. We further note the Marine Mammal Commission's recent statement: "There continues to be no evidence to link these large whale strandings to offshore wind energy development, including no evidence to link them to sound emitted during wind development-related site characterization surveys, known as HRG surveys. Although HRG surveys have been occurring off New England and the mid-Atlantic coast, HRG devices have never been implicated or causatively-associated with baleen whale strandings." (Marine Mammal Commission Newsletter, Spring 2023).

Of the strandings documented to date worldwide, NMFS is not aware of any being attributed to the types of HRG equipment proposed for use during COSW's surveys. Recently, there has

been heightened interest in HRG surveys relative to recent marine mammals strandings along the U.S. East Coast. HRG surveys involve the use of certain sources to image the ocean bottom, which are very different from seismic airguns used in oil and gas surveys or tactical military sonar, in that they produce much smaller impact zones. Marine mammals may respond to exposure to these sources by, for example, avoiding the immediate area, which is why offshore wind developers, like COSW, seek authorization for Level B (behavioral) harassment. However, because of the combination of lower source levels, higher frequency, narrower beam-width (for some sources), and other factors, the area within which a marine mammal might be expected to be behaviorally disturbed by HRG sources is much smaller (by orders of magnitude) than the impact areas for seismic airguns or the military sonar with which a small number of marine mammal have been causally associated. Specifically, estimated harassment zones for HRG surveys are typically less than 200 m (such as those associated with the project), while the harassment zones for military mid-frequency active sonar or seismic airgun surveys typically extend for several kms ranging up to 10s of km. Further, because of this much smaller ensonified area, any marine mammal exposure to HRG sources is reasonably expected to be at significantly lower levels and shorter duration (associated with less severe responses), and there is no evidence suggesting that marine mammals exposed to HRG survey noise are likely to be injured, much less strand, as a result. Of note, NMFS has performed a thorough review of a report submitted by Rand (2023), that includes measurements of the Geo-Marine Geo-Source 400 sparker, and suggests that NMFS is assuming lower source and received levels than is appropriate in its assessments of HRG impacts. NMFS has determined that the values in this IHA are appropriate, based on the model methodology (*i.e.*, the assumed source level propagated using spherical spreading) here predicting a peak level 3 dB louder than the maximum measured peak level at the closest measurement range in Rand (2023).

Also of note, in an assessment of monitoring reports for HRG surveys received from 2021 and later, as compared to the takes of marine mammals authorized, an average of fewer than 15 percent of all species with authorized take have been detected within harassment zones, with no more than 27 percent for any species

(common dolphins) and 20 percent or fewer for all other species. The most common behavioral reaction to the HRG sound source reported was “change direction” though detections of “no behavioral change” occurred nearly twice as many times as “change direction,” if not more.

Additionally, a recent paper by Thorne and Wiley (2024) reviewed spatio-temporal patterns of strandings, mortalities, and serious injuries of humpback whales along the U.S. East Coast from 2016–2022. Humpback whales were chosen as a case study for this analysis because of its ongoing UME and since Humpback whales strand more often than other large whale species. Thorne and Wiley (2024) found vessel strikes to be a major driver in the increase of humpback whale strandings, mortalities, and serious injury along the U.S. East Coast. The potential for vessel strike increased during the study period due to increased vessel traffic in new foraging areas, the increased presence of juvenile humpback whales, and humpback whale foraging in shallow areas that overlap with vessel traffic. Based upon the spatio-temporal analysis, no evidence was found that offshore wind development contributed to the increased number of strandings over time. Future studies should focus on gaining a greater understanding of spatial and seasonal habitat use patterns of large whales, spatio-temporal changes in prey abundance and distribution, and how habitat use and foraging behavior affect the risk of vessel strike. Recently, NMFS was made aware of a media article wherein a member of the public conducted a statistical analysis on the correlation between offshore wind vessel use and whale deaths along the U.S. East Coast (Climate Change Dispatch, 2024). NMFS has long recognized that marine mammals strandings have increased over the years, including increases in strandings of three large whale species resulting in the declaration of UMEs for minke, humpback, and NARW in 2018, 2017, and 2017 respectively. Offshore wind development has increased over the same time period. However, NMFS does not ascribe much weight to the analysis. The analysis presented in the Climate Change Dispatch article was not peer-reviewed, and does not appear to separate other vessel movement from offshore wind-related survey activities, did not consider other known factors that are increasing ship strike risk in general (e.g., Thorne and Wiley, 2024) or other factors leading to increased strandings (e.g., entanglement, climate change), and the analysis did not

demonstrate that offshore wind vessel traffic or HRG surveys are the cause of strandings. Overall, while NMFS considered this information, the Climate Change Dispatch article did not provide new information that links whale strandings to offshore wind vessel movement or surveys.

Furthermore, NMFS does not expect that the generally short-term, intermittent, and transitory marine site characterization survey activities planned by COSW will create conditions of acute or chronic acoustic exposure leading to long-term physiological impacts in whales. The best available science indicates that Level B harassment (i.e., disruption of behavioral patterns) may occur as a result of COSW’s specified activities. We also refer to the Greater Atlantic Regional Fisheries Office (GARFO) 2021 Programmatic Consultation, which finds that these survey activities are in general not likely to adversely affect Endangered Species Act (ESA)-listed marine mammal species. That document is found at <https://www.fisheries.noaa.gov/new-england-mid-atlantic/consultations/section-7-take-reporting-programmatics-greater-atlantic#offshore-wind-site-assessment-and-site-characterization-activities-programmatic-consultation>.

NMFS does not use PSO data to ‘predict and potentially prevent impacts to marine mammals’, but has reviewed the best available scientific information about the occurrence of marine mammals, including current density data and other relevant information, to understand marine mammal densities in the planned survey area, calculate take estimates, and develop mitigation measures. Habitat-based density models produced by the Duke University Marine Geospatial Ecology Laboratory (Roberts et al., 2016, Roberts et al., 2023) represent the best available information regarding marine mammal densities in the planned survey area. These density data incorporate aerial and shipboard line-transect survey data from NMFS and other organizations and incorporate data from numerous physiographic and dynamic oceanographic and biological covariates, and controls for the influence of sea state, group size, availability bias, and perception bias on the probability of making a sighting. These density models were originally developed for all cetacean taxa in the U.S. Atlantic in 2016 and models for all taxa were updated in 2022 (Roberts et al., 2016, Roberts et al., 2023). More information is available online at <https://seamap.env.duke.edu/models/Duke/EC/>.

Marine mammal density estimates in the survey area (animals/km<sup>2</sup>) were obtained using the most recent model results for all taxa. NMFS takes seriously the risk of impact to marine mammals through survey activities and has prescribed measures to ensure the least practicable adverse impact on species or stocks and their habitat. The full list of mitigation measures can be found in Condition 4 of the IHA and in the Mitigation section of this notice. The mitigation measures included in COSW’s IHA are not unique, and data from prior IHAs support the effectiveness of these mitigation measures. Level B harassment will be reduced through use of mitigation measures described herein.

*Comment 9:* A commenter has stated that PSO reports did not address uncertainties related to the cumulative impacts of ecological effects of surveying activities for OSW including changes in migration, breeding, nursing, needing, or sheltering patterns.

*Response:* PSO reports are not designed to address the cumulative impacts of offshore wind surveying activities on marine mammals, but, as required, help increase our understanding of marine mammals in the area and the impacts of the activity on marine mammals. For NMFS’ response on cumulative impacts, please see our response to *Comment 4*.

#### *Description of Marine Mammals*

A description of the marine mammals in the area of the activities for which take is authorized here, including information on abundance, status, distribution, and hearing, may be found in the **Federal Register** notice of the proposed IHA (88 FR 24574, April 21, 2023) for the initial IHA. NMFS has reviewed the monitoring data from the initial IHA, the draft 2023 Stock Assessment Reports (SARs), which included updates to certain stock abundances since the initial IHA was issued, information on relevant UMEs, and other scientific literature. The draft 2023 SAR updated the population estimate ( $N_{best}$ ) of NARW from 338 to 340 and annual mortality and serious injury from 31.2 to 27.2. The updated population estimate in the draft 2023 SAR is based upon sighting history through December 2021 (89 FR 5495, January 29, 2024). Total annual average observed NARW mortality during the period 2017–2021 was 7.1 animals and annual average observed fishery mortality was 4.6 animals, however, estimates of 27.2 total mortality and 17.6 fishery mortality account for undetected mortality and serious injury (89 FR 5495, January 29, 2024). In

October 2023, NMFS released a technical report identifying that the NARW population size based on sighting history through 2022 was 356 whales, with a 95 percent credible interval ranging from 346 to 363 (Linden, 2023). NMFS conservatively relies in this circumstance on the lower SAR abundance estimate.

The population estimates ( $N_{best}$ ) also increased for the North Atlantic stock of sperm whales, the Western North Atlantic Offshore stock of common bottlenose dolphins, Western North Atlantic stocks of Risso's dolphins, Atlantic spotted dolphins, and gray seals. However, abundance estimates slightly decreased for the Western North Atlantic stocks of common dolphins and harbor porpoises. NMFS has determined there is no new information that affects which species or stocks have the potential to be affected or the pertinent

information in the Description of the Marine Mammals in the Area of Specified Activities contained in the supporting documents for the initial IHA.

#### *Potential Effects on Marine Mammals and Their Habitat*

A description of the potential effects of the specified activity on marine mammals and their habitat for the activities for which take is authorized may be found in the Notices of the Proposed (88 FR 24574, April 21, 2023) and Final IHAs (88 FR 42322, June 30, 2023) for the initial IHA. NMFS has reviewed the monitoring data from the initial IHA, recent draft stock assessment reports, information on relevant UMEs and other scientific literature and determined that there is no new information that affects our initial analysis of impacts on marine mammals and their habitat.

#### *Estimated Take*

A detailed description of the methods and inputs used to estimate take for the specified activity are found in the **Federal Register** Notice of the Final IHA (88 FR 42322, June 30, 2023) for the initial IHA. Specifically, the source levels, days of operation, and marine mammal density/occurrence data applicable to this authorization remain unchanged from the initial IHA. Similarly, the stocks taken, methods of take, and types of take remain unchanged from the initial IHA, as do the number of takes, which are indicated below in table 1. The number of takes authorized are a subset of the initial authorized takes that better represent the amount of the remaining activity COSW has left to complete. These estimated takes, which reflect the remaining survey trackline, are indicated below in table 1.

TABLE 1—AUTHORIZED NUMBER OF TAKES BY LEVEL B HARASSMENT BY SPECIES AND STOCK AND PERCENT OF TAKE BY STOCK<sup>1</sup>

Species	Scientific name	Stock	Abundance	2023 IHA authorized take	2024 renewal IHA		
					Percentage of trackline requested in renewal	Estimate of take for requested trackline	Max percent population
North Atlantic right whale .....	<i>Eubalaena glacialis</i> .....	Western Atlantic .....	340	24	63	15	<sup>2</sup> 4.4
Fin whale .....	<i>Balaenoptera physalus</i> .....	Western North Atlantic .....	6,802	76	63	48	0.7
Sei whale .....	<i>Balaenoptera borealis</i> .....	Nova Scotia .....	6,292	24	63	15	0.2
Minke whale .....	<i>Balaenoptera</i> .....	Canadian East Coastal .....	21,968	304	63	192	0.9
	<i>acutorostrata</i> .....						
Humpback whale .....	<i>Megaptera novaeangliae</i> .....	West Indies DPS .....	1,396	46	63	29	2.1
Sperm whale .....	<i>Physeter macrocephalus</i> .....	North Atlantic .....	4,349	10	63	6	0.1
Risso's dolphin .....	<i>Grampus griseus</i> .....	Western North Atlantic .....	35,215	59	63	37	0.1
Long-finned pilot whale .....	<i>Globicephala melas</i> .....	Western North Atlantic .....	39,215	78	63	49	0.1
Atlantic white-sided dolphin .....	<i>Lagenorhynchus acutus</i> .....	Western North Atlantic .....	93,233	427	63	269	0.3
Common dolphin .....	<i>Delphinus delphis</i> .....	Western North Atlantic .....	172,974	5,572	63	3,510	2.0
Atlantic spotted dolphin .....	<i>Stenella frontalis</i> .....	Western North Atlantic .....	39,921	320	63	202	0.5
Common bottlenose dolphin, Offshore stock.	<i>Tursiops truncatus</i> .....	Western North Atlantic Off-shore (occurs within >20 m deep).	62,851	1,316	62	816	1.3
Common bottlenose dolphin, Northern migratory coastal stock.	<i>Tursiops truncatus</i> .....	Western North Atlantic Northern Migratory Coastal (occurs within <20 m deep).	6,639	115	70	81	1.2
Harbor porpoise .....	<i>Phocoena phocoena</i> .....	Gulf of Maine/Bay of Fundy Stock.	95,543	1,912	63	1,205	1.3
Harbor seal .....	<i>Phoca vitulina</i> .....	Western North Atlantic .....	61,336	1,955	63	1,232	2.0
Gray seal <sup>3</sup> .....	<i>Halichoerus grypus</i> .....	Western North Atlantic .....	27,300	1,955	63	1,232	4.5

<sup>1</sup> Information on the classification of marine mammal species can be found on the web page for The Society for Marine Mammalogy's Committee on Taxonomy (<https://marinemammalscience.org/science-and-publications/list-marine-mammal-species-subspecies/>; Committee on Taxonomy (2022)).

<sup>2</sup> Based on the 2023 draft marine mammal stock assessment reports (SAR).

<sup>3</sup> NMFS's stock abundance estimate (and associated PBR value) applies to the U.S. population only. Total stock abundance (including animals in Canada) is approximately 451,600. The annual mortality/serious injury given is for the total stock.

#### **Description of Mitigation, Monitoring and Reporting Measures**

The mitigation, monitoring, and reporting measures included as requirements in this IHA are identical to those included in the **Federal Register** notice announcing the issuance of the initial IHA (88 FR 42322, June 30, 2023) and the discussion of the least practicable adverse impact determination included in that

document remains applicable and accurate.

The mitigation, monitoring, and reporting measures included as requirements in this authorization are identical to those included in the **Federal Register** notice announcing the issuance of the initial IHA, and the discussion of the least practicable adverse impact included in the **Federal Register** notice of the proposed IHA

remains accurate. NMFS will require the following measures for this renewal IHA:

#### *Visual Monitoring and Shutdown Zones*

COSW must employ independent, dedicated, trained PSOs, meaning that the PSOs must (1) be employed by a third-party observer provider, (2) have no tasks other than to conduct observational effort, collect data, and

communicate with and instruct relevant vessel crew with regard to the presence of marine mammals and mitigation requirements (including brief alerts regarding maritime hazards), and (3) have successfully completed an approved PSO training course appropriate for geophysical surveys. Visual monitoring must be performed by qualified, NMFS-approved PSOs. PSO resumes must be provided to NMFS for review and approval prior to the start of survey activities.

During survey operations (e.g., any day in which use of the sparker source is planned to occur, and whenever the sparker source is in the water, whether activated or not), a minimum of one visual PSO must be on duty on each source vessel and conducting visual observations at all times during daylight hours (i.e., from 30 minutes (min) prior to sunrise through 30 min following sunset). A minimum of two PSOs must be on duty on each source vessel during nighttime hours. Visual monitoring must begin no less than 30 min prior to ramp-up (described below) and must continue until 1 hour after use of the sparker source ceases.

Visual PSOs shall coordinate to ensure 360° visual coverage around the vessel from the most appropriate observation posts and shall conduct visual observations using binoculars and the naked eye while free from distractions and in a consistent, systematic, and diligent manner. PSOs shall establish and monitor applicable shutdown zones (see below). These zones shall be based upon the radial distance from the sparker source (rather than being based around the vessel itself).

Two shutdown zones are defined, depending on the species and context. Here, an extended shutdown zone encompassing the area at and below the sea surface out to a radius of 500 m from the sparker source (0–500 m) is defined for NARW. For all other marine mammals, the shutdown zone encompasses a standard distance of 100 m (0–100 m) during the use of the sparker. Any observations of marine mammals by crew members aboard any vessel associated with the survey shall be relayed to the PSO team.

Visual PSOs may be on watch for a maximum of 4 consecutive hours followed by a break of at least 1 hour between watches and may conduct a maximum of 12 hours of observation per 24-hr period.

#### *Pre-Start Clearance and Ramp-Up Procedures*

A ramp-up procedure, involving a gradual increase in source level output,

is required at all times as part of the activation of the sparker sources when technically feasible. Operators should ramp up sparker to half power for 5 min and then proceed to full power. A 30 min pre-start clearance observation period of the shutdown zones must occur prior to the start of ramp-up. The intent of the pre-start clearance observation period (30 min) is to ensure no marine mammals are within the shutdown zones prior to the beginning of ramp-up. The intent of the ramp-up is to warn marine mammals of pending operations and to allow sufficient time for those animals to leave the immediate vicinity. All operators must adhere to the following pre-start clearance and ramp-up requirements:

- The operator must notify a designated PSO of the planned start of ramp-up as agreed upon with the lead PSO; the notification time should not be less than 60 min prior to the planned ramp-up in order to allow the PSOs time to monitor the shutdown zones for 30 min prior to the initiation of ramp-up (pre-start clearance). During this 30 min pre-start clearance period the entire shutdown zone must be visible, except as indicated below;

- Ramp-ups shall be scheduled so as to minimize the time spent with the source activated;

- A visual PSO conducting pre-start clearance observations must be notified again immediately prior to initiating ramp-up procedures and the operator must receive confirmation from the PSO to proceed;

- Any PSO on duty has the authority to delay the start of survey operations if a marine mammal is detected within the applicable pre-start clearance zone; and

- The operator must establish and maintain clear lines of communication directly between PSOs on duty and crew controlling the acoustic source to ensure that mitigation commands are conveyed swiftly while allowing PSOs to maintain watch.

The pre-start clearance requirement is waived for small delphinids and pinnipeds. Detection of a small delphinid (individual belonging to the following genera of the Family Delphinidae: *Steno*, *Delphinus*, *Lagenorhynchus*, *Stenella*, and *Tursiops*) or pinniped within the shutdown zone does not preclude beginning of ramp-up, unless the PSO confirms the individual to be of a genus other than those listed, in which case normal pre-clearance requirements apply.

If there is uncertainty regarding identification of a marine mammal species (i.e., whether the observed marine mammal(s) belongs to one of the

delphinid genera for which the pre-clearance requirement is waived), PSOs may use best professional judgment in making the decision to call for a shutdown.

- Ramp-up may not be initiated if any marine mammal to which the pre-start clearance requirement applies is within the shutdown zone. If a marine mammal is observed within the shutdown zone during the 30 min pre-start clearance period, ramp-up may not begin until the animal(s) has been observed exiting the zones or until an additional time period has elapsed with no further sightings (30 min for all baleen whale species and sperm whales, 15 min for all other species).

- PSOs must monitor the shutdown zones 30 min before and during ramp-up, and ramp-up must cease and the source must be shut down upon observation of a marine mammal within the applicable shutdown zone.

- Ramp-up may occur at times of poor visibility, including nighttime, if appropriate visual monitoring has occurred with no detections of marine mammals in the 30 min prior to beginning ramp-up. Sparker activation may only occur at night where operational planning cannot reasonably avoid such circumstances.

If the acoustic source is shut down for brief periods (i.e., <30 min) for reasons other than implementation of prescribed mitigation (e.g., mechanical difficulty), it may be activated again without ramp-up if PSOs have maintained constant visual observation and no detections of marine mammals have occurred within the applicable shutdown zone. For any longer shutdown, pre-start clearance observation and ramp-up are required.

#### *Shutdown Procedures*

All operators must adhere to the following shutdown requirements:

- Any PSO on duty has the authority to call for shutdown of the sparker source if a marine mammal is detected within the applicable shutdown zone;

- The operator must establish and maintain clear lines of communication directly between PSOs on duty and crew controlling the source to ensure that shutdown commands are conveyed swiftly while allowing PSOs to maintain watch;

- When the sparker source is active and a marine mammal appears within or enters the applicable shutdown zone, the source must be shut down. When shutdown is instructed by a PSO, the sparker source must be immediately deactivated and any dispute resolved only following deactivation; and

- Two shutdown zones are defined, depending on the species and context.

An extended shutdown zone encompassing the area at and below the sea surface out to a radius of 500 m from the sparker source (0–500 m) is defined for NARW. For all other marine mammals, the shutdown zone encompasses a standard distance of 100 m (0–100 m) during the use of the sparker.

The shutdown requirement is waived for small delphinids and pinnipeds. If a small delphinid (individual belonging to the following genera of the Family Delphinidae: *Steno*, *Delphinus*, *Lagenorhynchus*, *Stenella*, and *Tursiops*) or pinniped is visually detected within the shutdown zone, no shutdown is required unless the PSO confirms the individual to be of a genus other than those listed, in which case a shutdown is required.

If there is uncertainty regarding identification of a marine mammal species (*i.e.*, whether the observed marine mammal(s) belongs to one of the delphinid genera for which shutdown is waived or one of the species with a larger shutdown zone), PSOs may use best professional judgment in making the decision to call for a shutdown.

Upon implementation of shutdown, the source may be reactivated after the marine mammal has been observed exiting the applicable shutdown zone or following a clearance period (30 min for all baleen whale species and sperm whales, 15 min for all other species) with no further detection of the marine mammal.

If a species for which authorization has not been granted, or a species for which authorization has been granted but the authorized number of takes have been met, approaches or is observed within the Level B harassment zone (158 m), shutdown must occur.

#### *Vessel Strike Avoidance*

Crew and supply vessel personnel must use an appropriate reference guide that includes identifying information on all marine mammals that may be encountered. Vessel operators must comply with the below measures except under extraordinary circumstances when the safety of the vessel or crew is in doubt or the safety of life at sea is in question. These requirements do not apply in any case where compliance would create an imminent and serious threat to a person or vessel or to the extent that a vessel is restricted in its ability to maneuver and, because of the restriction, cannot comply.

Vessel operators and crews must maintain a vigilant watch for all marine mammals and slow down, stop their vessel(s), or alter course, as appropriate and regardless of vessel size, to avoid

striking any marine mammals. A single marine mammal at the surface may indicate the presence of submerged animals in the vicinity of the vessel; therefore, precautionary measures should always be exercised. A visual observer aboard the vessel must monitor a vessel strike avoidance zone around the vessel (species-specific distances are detailed below). Visual observers monitoring the vessel strike avoidance zone may be third-party observers (*i.e.*, PSOs) or crew members, but crew members responsible for these duties must be provided sufficient training to (1) distinguish marine mammal from other phenomena and (2) broadly to identify a marine mammal as a NARW, other whale (defined in this context as sperm whales or baleen whales other than NARWs), or other marine mammals.

All survey vessels, regardless of size, must observe a 10-knots (kn) (18.52-km/h) speed restriction in specific areas designated by NMFS for the protection of NARWs from vessel strikes. These include all SMAs established under 50 CFR 224.105 (when in effect), any DMAs (when in effect), and Slow Zones. See [www.fisheries.noaa.gov/national/ endangered-species-conservation/ reducing-ship-strikes-north-atlantic-right-whales](http://www.fisheries.noaa.gov/national/ endangered-species-conservation/ reducing-ship-strikes-north-atlantic-right-whales) for specific detail regarding these areas.

- All vessels must reduce speed to 10 kn (18.52 km/h) or less when mother/calf pairs, pods, or large assemblages of cetaceans are observed near a vessel.
- All vessels must maintain a minimum separation distance of 500 m from NARWs, baleen whales (except humpback and minke), sperm whales, and any unidentified large whales. If a NARW, baleen whale (except humpback and minke), sperm whale, and any unidentified large whale is sighted within the relevant separation distance, the vessel must steer a course away at 10 kn (18.52 km/h) or less until the 500-m separation distance has been established. If a whale is observed but cannot be confirmed as a species other than a NARW, the vessel operator must assume that it is a NARW and take appropriate action.

- All vessels must maintain a minimum separation distance of 100 m from all humpback and minke whales.
- All vessels must, to the maximum extent practicable, attempt to maintain a minimum separation distance of 50 m from all other marine mammals, with an understanding that at times this may not be possible (*e.g.*, for animals that approach the vessel).

- When marine mammals are sighted while a vessel is underway, the vessel must take action as necessary to avoid

violating the relevant separation distance (*e.g.*, attempt to remain parallel to the animal's course, avoid excessive speed or abrupt changes in direction until the animal has left the area, reduce speed and shift the engine to neutral). This does not apply to any vessel towing gear or any vessel that is navigationally constrained.

- Members of the PSO team will consult NMFS NARW reporting system and Whale Alert, daily and as able, for the presence of NARWs throughout survey operations, and for the establishment of DMAs and/or Slow Zones. It is COSW's responsibility to maintain awareness of the establishment and location of any such areas and to abide by these requirements accordingly.

#### *Seasonal Operating Requirements*

As described above, a section of the survey area partially overlaps with a portion of a NARW SMA off the port of New York/New Jersey. This SMA is active from November 1 through April 30 of each year. The survey vessel, regardless of length, would be required to adhere to vessel speed restrictions (<10 kn (18.52 km/h)) when operating within the SMA during times when the SMA is active (see table 4 of the initial IHA (88 FR 42322, June 30, 2023)). Based on our evaluation of the applicant's planned measures, as well as other measures considered by NMFS, NMFS has determined that the planned 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.

#### Monitoring Measures

Visual monitoring must be performed by qualified, NMFS-approved PSOs. COSW must submit PSO resumes for NMFS review and approval prior to commencement of the survey. Resumes should include dates of training and any prior NMFS approval, as well as dates and description of last experience, and must be accompanied by information documenting successful completion of an acceptable training course.

For prospective PSOs not previously approved, or for PSOs whose approval is not current, NMFS must review and approve PSO qualifications. Resumes should include information related to relevant education, experience, and training, including dates, duration, location, and description of prior PSO experience. Resumes must be accompanied by relevant documentation of successful completion of necessary training.

NMFS may approve PSOs as conditional or unconditional. A conditionally-approved PSO may be one who is trained but has not yet attained the requisite experience. An unconditionally-approved PSO is one who has attained the necessary

experience. For unconditional approval, the PSO must have a minimum of 90 days at sea performing the role during a geophysical survey, with the conclusion of the most recent relevant experience not more than 18 months previous.

At least one of the visual PSOs aboard the vessel must be unconditionally-approved. One unconditionally-approved visual PSO shall be designated as the lead for the entire PSO team. This lead should typically be the PSO with the most experience, who would coordinate duty schedules and roles for the PSO team and serve as primary point of contact for the vessel operator. To the maximum extent practicable, the duty schedule shall be planned such that unconditionally-approved PSOs are on duty with conditionally-approved PSOs.

A “trained lookout” may be used on a space-limited nearshore vessel (generally operating in water less than 20 m depth for no more than 12 hours/day) during required breaks for the approved PSO on duty. Project-specific training must be conducted for all vessel crew with “lookout” responsibilities prior to the start of a survey and during any changes in crew such that all relevant survey personnel are fully aware and understand the mitigation, monitoring, and reporting requirements. All vessel crew members operating as a trained lookout must be briefed in the identification of protected species that may occur in the survey area and in relevant mitigation requirements. Reference materials must be available aboard all project vessels for identification of protected species. Should a mitigation action be taken, the Trained Lookout will immediately notify the off-watch PSO to ensure that the appropriate response was taken and sightings and mitigation measures are properly documented (*i.e.*, if shutdown was called for or avoidance measures for large whales/vessel strike avoidance taken, the Trained Lookout immediately notifies the off-watch PSO). If the survey is operating within a DMA or Slow Zone, the survey may only operate with a PSO on-watch.

At least one PSO aboard each acoustic source vessel must have a minimum of 90 days at-sea experience working in the role, with no more than 18 months elapsed since the conclusion of the at-sea experience. One PSO with such experience must be designated as the lead for the entire PSO team and serve as the primary point of contact for the vessel operator. (Note that the responsibility of coordinating duty schedules and roles may instead be assigned to a shore-based, third-party

monitoring coordinator.) To the maximum extent practicable, the lead PSO must devise the duty schedule such that experienced PSOs are on duty with those PSOs with appropriate training but who have not yet gained relevant experience.

PSOs must successfully complete relevant training, including completion of all required coursework and passing (80 percent or more) a written and/or oral examination developed for the training program.

PSOs must have successfully attained a bachelor's degree from an accredited college or university with a major in one of the natural sciences, a minimum of 30 semester hours or equivalent in the biological sciences, and at least one undergraduate course in math or statistics. The educational requirements may be waived if the PSO has acquired the relevant skills through alternate experience. Requests for such a waiver shall be submitted to NMFS and must include written justification. Alternate experience that may be considered includes, but is not limited to (1) secondary education and/or experience comparable to PSO duties; (2) previous work experience conducting academic, commercial, or government-sponsored marine mammal surveys; and (3) previous work experience as a PSO (PSO must be in good standing and demonstrate good performance of PSO duties).

COSW must work with the selected third-party PSO provider to ensure PSOs have all equipment (including backup equipment) needed to adequately perform necessary tasks, including accurate determination of distance and bearing to observed marine mammals, and to ensure that PSOs are capable of calibrating equipment as necessary for accurate distance estimates and species identification. Such equipment, at a minimum, shall include:

- At least one thermal (infrared) image device suited for the marine environment;
- Reticle binoculars (*e.g.*, 7 x 50) of appropriate quality (at least one per PSO, plus backups);
- Global Positioning Units (GPSs) (at least one plus backups);
- Digital cameras with a telephoto lens that is at least 300-mm or equivalent on a full-frame single lens reflex, also known as an SLR (at least one plus backups). The camera or lens should also have an image stabilization system;
- Equipment necessary for accurate measurement of distances to marine mammal;



- Compasses (at least one plus backups);
- Means of communication among vessel crew and PSOs; and
- Any other tools deemed necessary to adequately and effectively perform PSO tasks.

The equipment specified above may be provided by an individual PSO, the third-party PSO provider, or the operator, but COSW is responsible for ensuring PSOs have the proper equipment required to perform the duties specified in the IHA.

The PSOs will be responsible for monitoring the waters surrounding the survey vessel to the farthest extent permitted by sighting conditions, including Shutdown Zones, during all HRG survey operations. PSOs will visually monitor and identify marine mammals, including those approaching or entering the established Shutdown Zones during survey activities. It will be the responsibility of the PSO(s) on duty to communicate the presence of marine mammals as well as to communicate the action(s) that are necessary to ensure mitigation and monitoring requirements are implemented as appropriate.

PSOs must be equipped with binoculars and have the ability to estimate distance and bearing to detect marine mammals, particularly in proximity to Shutdown Zones. Reticulated binoculars must also be available to PSOs for use as appropriate based on conditions and visibility to support the sighting and monitoring of marine mammals. During nighttime operations, appropriate night-vision devices (e.g., night-vision goggles with thermal clip-ons and infrared technology) would be used. Position data would be recorded using hand-held or vessel GPS units for each sighting.

During good conditions (e.g., daylight hours; Beaufort sea state (BSS) 3 or less), to the maximum extent practicable, PSOs must also conduct observations when the acoustic source is not operating for comparison of sighting rates and behavior with and without use of the active acoustic sources and between acquisition periods, to the maximum extent practicable. Any observations of marine mammals by crew members aboard the vessel associated with the survey would be relayed to the PSO team. Data on all PSO observations would be recorded based on standard PSO collection requirements (see Reporting Measures). This would include dates, times, and locations of survey operations; dates and times of observations, location and weather; details of marine mammal sightings (e.g., species, numbers, behavior); and details of any observed

marine mammal behavior that occurs (e.g., noted behavioral disturbances). Members of the PSO team shall consult the NMFS NARW reporting system and Whale Alert, daily and as able, for the presence of NARWs throughout survey operations.

#### Reporting Measures

COSW shall submit a draft comprehensive report to NMFS on all activities and monitoring results within 90 days of the completion of the survey or expiration of the IHA, whichever comes sooner. The report must describe all activities conducted and sightings of marine mammals, must provide full documentation of methods, results, and interpretation pertaining to all monitoring, and must summarize the dates and locations of survey operations and all marine mammals sightings (dates, times, locations, activities, associated survey activities). The draft report shall also include geo-referenced, time-stamped vessel tracklines for all time periods during which acoustic sources were operating. Tracklines should include points recording any change in acoustic source status (e.g., when the sources began operating, when they were turned off, or when they changed operational status such as from full array to single gun or vice versa). GIS files shall be provided in Environmental Systems Research Institute, Inc. shapefile format and include the Coordinated Universal Time date and time, latitude in decimal degrees, and longitude in decimal degrees. All coordinates shall be referenced to the WGS84 geographic coordinate system. In addition to the report, all raw observational data shall be made available. The report must summarize the information. A final report must be submitted within 30 days following resolution of any comments on the draft report. All draft and final marine mammal monitoring reports must be submitted to [PR.ITP.MonitoringReports@noaa.gov](mailto:PR.ITP.MonitoringReports@noaa.gov), [nmfs.gar.incidental-take@noaa.gov](mailto:nmfs.gar.incidental-take@noaa.gov) and [ITP.hilt@noaa.gov](mailto:ITP.hilt@noaa.gov).

PSOs must use standardized electronic data forms to record data. PSOs shall record detailed information about any implementation of mitigation requirements, including the distance of marine mammal to the acoustic source and description of specific actions that ensued, the behavior of the animal(s), any observed changes in behavior before and after implementation of mitigation, and if shutdown was implemented, the length of time before any subsequent ramp-up of the acoustic source. If required mitigation was not implemented, PSOs should record a

description of the circumstances. At a minimum, the following information must be recorded:

1. Vessel names (source vessel), vessel size and type, maximum speed capability of vessel;
2. Dates of departures and returns to port with port name;
3. PSO names and affiliations;
4. Date and participants of PSO briefings;
5. Visual monitoring equipment used;
6. PSO location on vessel and height of observation location above water surface;
7. Dates and times (Greenwich Mean Time (GMT)) of survey on/off effort and times corresponding with PSO on/off effort;
8. Vessel location (decimal degrees) when survey effort begins and ends and vessel location at beginning and end of visual PSO duty shifts;
9. Vessel location at 30-second intervals if obtainable from data collection software, otherwise at practical regular interval;
10. Vessel heading and speed at beginning and end of visual PSO duty shifts and upon any change;
11. Water depth (if obtainable from data collection software);
12. Environmental conditions while on visual survey (at beginning and end of PSO shift and whenever conditions change significantly), including BSS and any other relevant weather conditions including cloud cover, fog, sun glare, and overall visibility to the horizon;
13. Factors that may contribute to impaired observations during each PSO shift change or as needed as environmental conditions change (e.g., vessel traffic, equipment malfunctions);
14. Survey activity information (and changes thereof), such as acoustic source power output while in operation, number and volume of airguns operating in an array, tow depth of an acoustic source, and any other notes of significance (i.e., pre-start clearance, ramp-up, shutdown, testing, shooting, ramp-up completion, end of operations, streamers, etc.); and
15. Upon visual observation of any marine mammal, the following information must be recorded:
  - a. Watch status (sighting made by PSO on/off effort, opportunistic, crew, alternate vessel/platform);
  - b. Vessel/survey activity at time of sighting (e.g., deploying, recovering, testing, shooting, data acquisition, other);
  - c. PSO who sighted the animal;
  - d. Time of sighting;
  - e. Initial detection method;
  - f. Sightings cue;



- g. Vessel location at time of sighting (decimal degrees);
- h. Direction of vessel's travel (compass direction);
- i. Speed of the vessel(s) from which the observation was made;
- j. Identification of the animal (*e.g.*, genus/species, lowest possible taxonomic level or unidentified); also note the composition of the group if there is a mix of species;
- k. Species reliability (an indicator of confidence in identification);
- l. Estimated distance to the animal and method of estimating distance;
- m. Estimated number of animals (high/low/best);
- n. Estimated number of animals by cohort (adults, yearlings, juveniles, calves, group composition, *etc.*);
- o. Description (as many distinguishing features as possible of each individual seen, including length, shape, color, pattern, scars, or markings, shape and size of dorsal fin, shape of head, and blow characteristics);
- p. Detailed behavior observations (*e.g.*, number of blows/breaths, number of surfaces, breaching, spyhopping, diving, feeding, traveling; as explicit and detailed as possible; note any observed changes in behavior before and after point of closest approach);
- q. Mitigation actions; description of any actions implemented in response to the sighting (*e.g.*, delays, shutdowns, ramp-up, speed or course alteration, *etc.*) and time and location of the action;
- r. Equipment operating during sighting;
- s. Animal's closest point of approach and/or closest distance from the center point of the acoustic source; and,
- t. Description of any actions implemented in response to the sighting (*e.g.*, delays, shutdown, ramp-up) and time and location of the action.

If a NARW is observed at any time by PSOs or personnel on the project vessel, during surveys or during vessel transit, COSW must report the sighting information to the NMFS NARW Sighting Advisory System (866-755-6622) within 2 hours of occurrence, when practicable, or no later than 24 hours after occurrence. NARW sightings in any location may also be reported to the U.S. Coast Guard via channel 16 and through the Whale Alert app (<http://www.whalealert.org>).

In the event that personnel involved in the survey activities discover an injured or dead marine mammal, the incident must be reported to NMFS as soon as feasible by phone (866-755-6622) and by email ([nmfs.gar.incidental-take@noaa.gov](mailto:nmfs.gar.incidental-take@noaa.gov) and [PR.ITP.MonitoringReports@noaa.gov](mailto:PR.ITP.MonitoringReports@noaa.gov)).

The report must include the following information:

- 1. Time, date, and location (latitude/longitude) of the first discovery (and updated location information if known and applicable);
- 2. Species identification (if known) or description of the animal(s) involved;
- 3. Condition of the animal(s) (including carcass condition if the animal is dead);
- 4. Observed behaviors of the animal(s), if alive;
- 5. If available, photographs or video footage of the animal(s); and
- 6. General circumstances under which the animal was discovered.

In the event of a vessel strike of a marine mammal by any vessel involved in the activities, COSW must report the incident to NMFS by phone (866-755-6622) and by email ([nmfs.gar.incidental-take@noaa.gov](mailto:nmfs.gar.incidental-take@noaa.gov) and [PR.ITP.MonitoringReports@noaa.gov](mailto:PR.ITP.MonitoringReports@noaa.gov)) as soon as feasible. The report would include the following information:

- 1. Time, date, and location (latitude/longitude) of the incident;
- 2. Species identification (if known) or description of the animal(s) involved;
- 3. Vessel's speed during and leading up to the incident;
- 4. Vessel's course/heading and what operations were being conducted (if applicable);
- 5. Status of all sound sources in use;
- 6. Description of avoidance measures/requirements that were in place at the time of the strike and what additional measures were taken, if any, to avoid strike;
- 7. Environmental conditions (*e.g.*, wind speed and direction, Beaufort sea state, cloud cover, visibility) immediately preceding the strike;
- 8. Estimated size and length of animal that was struck;
- 9. Description of the behavior of the marine mammal immediately preceding and/or following the strike;
- 10. If available, description of the presence and behavior of any other marine mammals immediately preceding the strike;
- 11. Estimated fate of the animal (*e.g.*, dead, injured but alive, injured and moving, blood or tissue observed in the water, status unknown, disappeared); and
- 12. To the extent practicable, photographs or video footage of the animal(s).

#### Determinations

COSW's HRG survey activities are a subset but otherwise unchanged from those analyzed in support of the 2023 IHA. The effects of the activity, taking into consideration the required

mitigation and related monitoring measures, remain unchanged from those evaluated in support of the 2023 IHA. NMFS expects that all potential takes would be short-term Level B harassment in the form of temporary avoidance of the area or decreased foraging, reactions that are considered to be of low severity and with no lasting biological consequences (*e.g.*, Southall et al., 2007). In addition to being temporary, the maximum harassment zone around a survey vessel is 158 m (rounded up from the 157.7 m Level B harassment isopleth) from a three sparker array with 400 tips (either Geo-Source 200-400 or Applied Acoustics Dura-Spark UHD). Although this distance is assumed for all survey activity evaluated here and in estimating authorized take numbers, in reality, much of the survey activity would involve use of acoustic sources with a reduced acoustic harassment zone producing expected effects of particularly low severity. Therefore, the ensounded area surrounding each vessel is relatively small compared to the overall distribution of the animals in the area and the available habitat.

NMFS authorizes incidental take of small numbers of marine mammals from specified activities that are a subset of, but otherwise identical to, those analyzed in the initial IHA and to require mitigation, monitoring, and reporting measures that are also identical to those in the initial IHA. The number of takes by Level B harassment is less than that authorized in the initial IHA. In the initial IHA, NMFS determined that COSW's specified activities would have a negligible impact on the affected species and/or stocks and the authorized take for each stock would be small relative to individual stock abundance (less than one third).

NMFS has concluded that there is no new information suggesting that our analysis or findings should change from those reached for the initial IHA. This includes consideration of the estimated abundance of one stock increasing slightly. Specifically, NMFS is authorizing 15 takes of NARW by Level B harassment only, and the impacts resulting from the project's activities are neither reasonably expected nor reasonably likely to adversely affect the stock through effects on annual rates of recruitment or survival. 15 takes of NARW equates to approximately 4.4 percent of the stock abundance, if each incident of take is assumed to accrue to a separate individual whale.

Based on the information and analysis contained here and in the referenced documents, NMFS has determined the following: (1) the required mitigation

measures will effect the least practicable impact on marine mammal species or stocks and their habitat; (2) the authorized takes will have a negligible impact on the affected marine mammal species or stocks; (3) the authorized takes represent small numbers of marine mammals relative to the affected stock abundances; (4) COSW's activities will not have an unmitigable adverse impact on taking for subsistence purposes as no relevant subsistence uses of marine mammals are implicated by this action, and; (5) appropriate monitoring and reporting requirements are included.

### National Environmental Policy Act

This action is consistent with categories of activities identified in Categorical Exclusion B4 (incidental take authorizations with no anticipated serious injury or mortality) of the Companion Manual for NOAA Administrative Order 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 determined that the issuance of the initial IHA qualified to be categorically excluded from further NEPA review. NMFS has preliminarily determined that the application of this categorical exclusion remains appropriate for this renewal IHA.

### Endangered Species Act

Section 7(a)(2) of the Endangered Species Act of 1973 (16 U.S.C. 1531 *et seq.*) requires that each Federal agency insure that any action it authorizes, funds, or carries out is not likely to jeopardize the continued existence of any endangered or threatened species or result in the destruction or adverse modification of designated critical habitat. To ensure ESA compliance for the issuance of IHAs, NMFS consults internally whenever we propose to authorize take for endangered or threatened species.

NMFS' Office of Protected Resources is proposing to authorize take of four species of marine mammals that are listed under the ESA (*i.e.*, NARW, fin whale, sei whale, and sperm whale) and has determined these activities fall within the scope of activities analyzed in the NMFS Greater Atlantic Regional Fisheries Office programmatic consultation regarding geophysical surveys along the U.S. Atlantic coast in the three Atlantic renewable energy regions (completed June 29, 2021; revised September 2021).

### Renewal

NMFS has issued a renewal IHA to COSW for the take of marine mammals incidental to conducting marine site characterization with HRG surveys off the coast of New Jersey and New York in the New York Bight from July 1, 2024, through June 30, 2025.

Dated: October 10, 2024.

**Kimberly Damon-Randall,**

*Director, Office of Protected Resources,  
National Marine Fisheries Service.*

[FR Doc. 2024-23984 Filed 10-16-24; 8:45 am]

**BILLING CODE 3510-22-P**

### DEPARTMENT OF COMMERCE

#### National Oceanic and Atmospheric Administration

[RTID 0648-XE376]

#### Gulf of Mexico Fishery Management Council; Public Meeting

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

**ACTION:** Notice of hybrid meeting open to the public offering both in-person and virtual options for participation.

**SUMMARY:** The Gulf of Mexico Fishery Management Council (Council) will hold a four-day meeting to consider actions affecting the Gulf of Mexico fisheries in the exclusive economic zone (EEZ).

**DATES:** The meeting will convene Monday, November 4 through Thursday, November 7, 2024. Daily schedule will be 8:30 a.m.–5 p.m., EST.

**ADDRESSES:** The meeting will take place at the Hilton St. Petersburg Bayfront Hotel, located at 333-1st Street South, St. Petersburg, FL 33701. If you prefer to “listen in”, you may access the log-in information by visiting our website at <https://www.gulfcouncil.org>.

*Council address:* Gulf of Mexico Fishery Management Council, 4107 W Spruce Street, Suite 200, Tampa, FL 33607; telephone: (813) 348-1630.

**FOR FURTHER INFORMATION CONTACT:** Dr. Carrie Simmons, Executive Director, Gulf of Mexico Fishery Management Council; telephone: (813) 348-1630.

#### SUPPLEMENTARY INFORMATION:

**Monday, November 4, 2024; 8:30 a.m.–5 p.m., EST**

The meeting will begin in Full Council with review and adoption of Proposed Council Committee Assignments for November 2024 through August 2025 and Current Council Committee Assignments.

Committee Sessions will follow beginning with the Habitat Protection & Restoration Committee's review of the Final Essential Fish Habitat Contract Report. The Law Enforcement Committee will convene to receive a report from the October 2024 Law Enforcement Technical Committee meeting.

Sustainable Fisheries Committee will gather to discuss Research and Monitoring Priorities for 2025–2028 including Scientific and Statistical Committees (SSC) Recommendations, review and discuss SSC Recommendations for the following items: Southeast Data, Assessment, and Review (SEDAR) Process Changes and Assessment Approaches; Consideration of Carryover and Phase-in for Gulf Stocks in Proposed Acceptable Biological Catch (ABC) Control Rule Management Strategy Evaluation (MSE) Simulations; and receive a presentation for Consideration of *Wahoo* for Federal Management.

Following lunch, the *Shrimp* Committee will review Draft *Shrimp* Framework Action: Modification of the Vessel Position Data Collection Program for the Gulf of Mexico *Shrimp* Fishery and presentation.

The *Reef Fish* Committee will review the *Reef Fish* and Individual Fishing Quota (IFQ) Program Landings, and State Program Landings for Red Snapper.

**Tuesday, November 5, 2024; 8:30 a.m.–5:30 p.m., EST**

The Council will receive a Litigation update. Following, the *Reef Fish* Committee will reconvene to review and discuss Draft Options: *Reef Fish* Amendment 58B: Modifications to *Deep-water Grouper* Management Measures, Presentation: Modifications to *Lane Snapper* Minimum Size and Recreational Bag Limits and Draft Options: *Reef Fish* Amendment 58A: Modifications to *Shallow-water Grouper* Management Measures and receive a presentation for *Reef Fish* Amendment 60: Individual Fishing Quota Distributional Issues.

The Committee will also review draft options for Federal For-hire Fishing Season for *Red Snapper*, receive the SSC Summary Report for SEDAR 88 Stock Assessment for Gulf *Red Grouper*, Recreational *Red Snapper* Texas Calibration Simulation and Southeastern U.S. *Black Grouper* Management Strategy. The Committee will discuss updated NMFS Bottom Longline Index for Gulf *Red Snapper* and Request for an update on the *Greater Amberjack* Count.

**Wednesday, November 6, 2024; 8:30 a.m.–5 p.m., EST**

The Data Collection Committee will receive a presentation on *Highly Migratory Species* Proposed rule, discuss For-hire Data Collection Amendment, review Southeast Region Headboat Survey Report, and receive updates on Marine Resources Information Program (MRIP) Transition and Pilot Project.

The Council will reconvene at approximately 11 a.m., EST with a Call to Order, Announcements and Introductions, Adoption of Agenda and Approval of Minutes.

The Council will present the 2023 Law Enforcement Team of the Year Award and receive presentation updates for the National Seafood Strategy, Bureau of Ocean Energy Management (BOEM) Wind Energy Development in Gulf of Mexico and Exempted Fishing Permit from Texas SeaGrant. Following lunch, the Council will hold public testimony beginning at 1:45 p.m. to 5 p.m., EST for comments for open testimony on other fishery issues or concerns. Public comment may begin earlier than 1:45 p.m. EST but will not conclude before that time. Persons wishing to give public testimony in-person must register at the registration kiosk in the meeting room. Persons wishing to give public testimony virtually must sign up on the Council website during the Council meeting. Registration for virtual testimony closes one hour (12:45 p.m. EST) before public testimony begins.

**Thursday, November 7, 2024; 8:30 a.m.–5 p.m., EST**

The Council will receive Committee reports from Habitat Protection & Restoration, Law Enforcement, Sustainable Fisheries, *Shrimp*, Data Collection, and *Reef Fish* Committees and discuss Council recommendation on Exempted Fishing Permit. The Council will receive updates from the following supporting agencies: South Atlantic Fishery Management Council Liaison; Florida Law Enforcement Efforts, NOAA Office of Law Enforcement (OLE); Gulf States Marine Fisheries Commission; U.S. Coast Guard; U.S. Fish and Wildlife Service; and Department of State.

Lastly, the Council will hold a discussion on Council Planning and Primary Activities, and any Other Business items.

**Meeting Adjourns**

The meeting will be a hybrid meeting; both in-person and virtual participation available. You may register for the

webinar to listen-in only by visiting <https://www.gulfcouncil.org> and click on the Council meeting on the calendar.

The timing and order in which agenda items are addressed may change as required to effectively address the issue, and the latest version along with other meeting materials will be posted on the website as they become available.

Although other non-emergency issues not contained in this agenda may come before this group for discussion, in accordance with the Magnuson-Stevens Fishery Conservation and Management Act (Magnuson-Stevens Act), those issues may not be the subject of formal action during these meetings. Actions will be restricted to those issues specifically listed in this notice and any issues arising after publication of this notice that require emergency action under Section 305(c) of the Magnuson-Stevens Act, provided that the public has been notified of the Council's intent to take final action to address the emergency.

**Special Accommodations**

These meetings are physically accessible to people with disabilities. Requests for sign language interpretation or other auxiliary aid or accommodations should be directed to Kathy Pereira, (813) 348–1630, at least 15 days prior to the meeting date.

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

Dated: October 11, 2024.

**Alyssa Weigers,**

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

[FR Doc. 2024–23935 Filed 10–16–24; 8:45 am]

**BILLING CODE 3510–22–P**

**DEPARTMENT OF COMMERCE****National Oceanic and Atmospheric Administration**

[RTID 0648–XE381]

**South Atlantic Fishery Management Council; Public Meeting**

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

**ACTION:** Notice of a public meeting.

**SUMMARY:** The South Atlantic Fishery Management Council (SAFMC; Council) will hold a meeting via webinar of its Snapper Grouper Private Angler Advisory Panel (AP) to discuss permitting and education alternatives for the private recreational component of the snapper grouper fishery.

**DATES:** The AP meeting will be held Monday, November 4, 2024 from 9 a.m. until 11:30 a.m.

**ADDRESSES:** The meeting will be held via webinar. Webinar registration is required. Details are included in **SUPPLEMENTARY INFORMATION**.

**FOR FURTHER INFORMATION CONTACT:** Kim Iverson, Public Information Officer, SAFMC; phone: (843) 302–8440 or toll free: (866) SAFMC–10; fax: (843) 769–4520; email: [kim.iverson@safmc.net](mailto:kim.iverson@safmc.net).

**SUPPLEMENTARY INFORMATION:** Meeting information, including the webinar registration link, online public comment form, agenda, and briefing book materials will be posted on the Council's website at: <https://safmc.net/advisory-panel-meetings/>. Comments become part of the Administrative Record of the meeting and will automatically be posted to the website and available for Council consideration.

At this meeting, the AP will review guidance from the June 2024 Council meeting and further address a series of permit and education topics posed by the Council.

Although non-emergency issues not contained in this agenda may come before this group for discussion, those issues may not be the subject of formal action during this meeting. Action will be restricted to those issues specifically identified in this notice and any issues arising after publication of this notice that require emergency action under section 305(c) of the Magnuson-Stevens Fishery Conservation and Management Act, provided the public has been notified of the Council's intent to take final action to address the emergency.

**Special Accommodations**

The meeting is physically accessible to people with disabilities. Requests for auxiliary aids should be directed to the Council office (see **ADDRESSES**) 5 days prior to the meeting.

**Note:** The times and sequence specified in this agenda are subject to change.

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

Dated: October 11, 2024.

**Alyssa Weigers,**

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

[FR Doc. 2024–23937 Filed 10–16–24; 8:45 am]

**BILLING CODE 3510–22–P**

**CONSUMER FINANCIAL PROTECTION BUREAU****[Docket No. CFPB–2024–0053]****Agency Information Collection Activities: Comment Request****AGENCY:** Consumer Financial Protection Bureau.**ACTION:** Notice and request for comment.

**SUMMARY:** In accordance with the Paperwork Reduction Act of 1995 (PRA), the Consumer Financial Protection Bureau (CFPB) requests the Office of Management and Budget's (OMB's) extension of the existing information collection titled "Mortgage Assistance Relief Services (Regulation O)" approved under OMB Number 3170–0007.

**DATES:** Written comments are encouraged and must be received on or before November 18, 2024 to be assured of consideration.

**ADDRESSES:** Written comments and recommendations for the proposed information collection should be sent within 30 days of publication of this notice to [www.reginfo.gov/public/do/PRAMain](http://www.reginfo.gov/public/do/PRAMain). Find this particular information collection by selecting "Currently under 30-day Review—Open for Public Comments" or by using the search function. In general, all comments received will become public records, including any personal information provided. Sensitive personal information, such as account numbers or Social Security numbers, should not be included.

**FOR FURTHER INFORMATION CONTACT:** Requests for additional information should be directed to Anthony May, Paperwork Reduction Act Officer, at (202) 435–7278, or email: [CFPB\\_PRA@cfpb.gov](mailto:CFPB_PRA@cfpb.gov). If you require this document in an alternative electronic format, please contact [CFPB\\_Accessibility@cfpb.gov](mailto:CFPB_Accessibility@cfpb.gov). Please do not submit comments to these email boxes.

**SUPPLEMENTARY INFORMATION:**

*Title of Collection:* Mortgage Assistance Relief Services (Regulation O).

*OMB Control Number:* 3170–0007.

*Type of Review:* Extension without change of a currently approved collection.

*Affected Public:* Businesses and other for-profit institutions.

*Estimated Number of Respondents:* 120.

*Estimated Total Annual Burden Hours:* 360.

*Abstract:* The required disclosures under Regulation O<sup>1</sup> assist prospective

purchasers of mortgage assistance relief services (MARS) in making well-informed decisions and avoiding deceptive unfair acts and practices. The CFPB and the Federal Trade Commission use the information provided under Regulation O's recordkeeping requirements for enforcement purposes and to ensure compliance with Regulation O by MARS providers. The information is requested only on a case-by-case basis.

**Request for Comments:** The CFPB published a 60-day **Federal Register** notice on July 18, 2024 (89 FR 58353) under Docket Number: CFPB–2024–0031. The CFPB is publishing this notice and soliciting comments on: (a) Whether the collection of information is necessary for the proper performance of the functions of the CFPB, including whether the information will have practical utility; (b) The accuracy of the CFPB's estimate of the burden of the collection of information, including the validity of the methods and the assumptions used; (c) Ways to enhance the quality, utility, and clarity of the information to be collected; and (d) Ways to minimize the burden of the collection of information on respondents, including through the use of automated collection techniques or other forms of information technology. Comments submitted in response to this notice will be reviewed by OMB as part of its review of this request. All comments will become a matter of public record.

**Anthony May,**

*Paperwork Reduction Act Officer, Consumer Financial Protection Bureau.*

[FR Doc. 2024–23883 Filed 10–16–24; 8:45 am]

**BILLING CODE 4810–AM–P**

**DEPARTMENT OF EDUCATION****[Docket No.: ED–2024–SCC–0128]****Agency Information Collection Activities; Comment Request; Mandatory Civil Rights Data Collection**

**AGENCY:** National Center for Education Statistics (NCES), Department of Education (ED).

**ACTION:** Notice.

**SUMMARY:** In accordance with the Paperwork Reduction Act (PRA) of 1995, the Department is proposing a revision of a currently approved information collection request (ICR).

**DATES:** Interested persons are invited to submit comments on or before December 16, 2024.

**ADDRESSES:** To access and review all the documents related to the information

collection listed in this notice, please use <http://www.regulations.gov> by searching the Docket ID number ED–2024–SCC–0128. Comments submitted in response to this notice should be submitted electronically through the Federal eRulemaking Portal at <http://www.regulations.gov> by selecting the Docket ID number or via postal mail, commercial delivery, or hand delivery. If the [regulations.gov](http://www.regulations.gov) site is not available to the public for any reason, the Department will temporarily accept comments at [ICDocketMgr@ed.gov](mailto:ICDocketMgr@ed.gov). Please include the docket ID number and the title of the information collection request when requesting documents or submitting comments. Please note that comments submitted after the comment period will not be accepted. Written requests for information or comments submitted by postal mail or delivery should be addressed to the Manager of the Strategic Collections and Clearance Governance and Strategy Division, U.S. Department of Education, 400 Maryland Ave. SW, LBJ, Room 4C210, Washington, DC 20202–1200.

**FOR FURTHER INFORMATION CONTACT:** For specific questions related to collection activities, please contact Sala Green, 202–900–8558.

**SUPPLEMENTARY INFORMATION:** The Department, in accordance with the Paperwork Reduction Act of 1995 (PRA) (44 U.S.C. 3506(c)(2)(A)), provides the general public and Federal agencies with an opportunity to comment on proposed, revised, and continuing collections of information. This helps the Department assess the impact of its information collection requirements and minimize the public's reporting burden. It also helps the public understand the Department's information collection requirements and provide the requested data in the desired format. The Department is soliciting comments on the proposed information collection request (ICR) that is described below. The Department is especially interested in public comment addressing the following issues: (1) is this collection necessary to the proper functions of the Department; (2) will this information be processed and used in a timely manner; (3) is the estimate of burden accurate; (4) how might the Department enhance the quality, utility, and clarity of the information to be collected; and (5) how might the Department minimize the burden of this collection on the respondents, including through the use of information technology. Please note that written comments received in response to this notice will be considered public records.

<sup>1</sup> 12 CFR part 1015.

*Title of Collection:* Mandatory Civil Rights Data Collection.

*OMB Control Number:* 1870–00504.

*Type of Review:* A revision of a currently approved ICR.

*Respondents/Affected Public:* State, Local or Tribal Governments.

*Total Estimated Number of Annual Responses:* 17,717.

*Total Estimated Number of Annual Burden Hours:* 2,290,195.

**Abstract:** The collection, use, and reporting of education data is an integral component of the mission of the U.S. Department of Education (Department). The Department has collected civil rights data about the nation's public schools via the Civil Rights Data Collection (CRDC) since 1968. As with previous CRDC collections, the purpose of the 2025–26 and 2027–28 CRDCs is to obtain vital data related to the civil rights laws' requirement that public local educational agencies (LEA) and elementary and secondary schools provide equal educational opportunity. The Department has analyzed the uses of many data elements collected in the 2020–21 CRDC and sought advice from experts across the Department to refine, improve, and where appropriate, add or remove data elements from the collection. CRDC data definitions and metrics are consistent with other mandatory collections across the Department wherever possible. The Department seeks the Office of Management and Budget's approval under the Paperwork Reduction Act to collect from LEAs the elementary and secondary education data described in the sections of Attachment A. The Department requests that LEAs and other stakeholders review and comment on the proposed changes (detailed in Supporting Statement A, Attachments A–1, A–2, A–3, and A–4, and Attachment B), and respond to the directed questions found in Attachment A–5.

Dated: October 10, 2024.

**Stephanie Valentine,**

*PRA Coordinator, Strategic Collections and Clearance, Governance and Strategy Division, Office of Chief Data Officer, Office of Planning, Evaluation and Policy Development.*

[FR Doc. 2024–23892 Filed 10–16–24; 8:45 am]

**BILLING CODE 4000–01–P**

## DEPARTMENT OF ENERGY

### Energy Conservation Program for Consumer Products: Representative Average Unit Costs of Energy

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

**ACTION:** Notice.

**SUMMARY:** In this notice, the U.S. Department of Energy (DOE) is forecasting the representative average unit costs of five residential energy sources for the year 2024 pursuant to the Energy Policy and Conservation Act (Act). The five sources are electricity, natural gas, No. 2 heating oil, propane, and kerosene.

**DATES:** The representative average unit costs of energy contained in this notice will become effective November 18, 2024 and will remain in effect until further notice.

#### FOR FURTHER INFORMATION CONTACT:

Mr. Lucas Adin, U.S. Department of Energy, Office of Energy Efficiency and Renewable Energy, EE–5B, 1000 Independence Avenue SW, Washington, DC 20585–0121, Telephone: (202) 287–1692, Email: [ApplianceStandardsQuestions@ee.doe.gov](mailto:ApplianceStandardsQuestions@ee.doe.gov).

Ms. Emma Shahabi, U.S. Department of Energy, Office of General Counsel, GC–33, 1000 Independence Avenue SW, Washington, DC 20585–0103, Telephone: (202) 586–4789, Email: [emma.shahabi@hq.doe.gov](mailto:emma.shahabi@hq.doe.gov).

**SUPPLEMENTARY INFORMATION:** Section 323 of the Energy Policy and Conservation Act requires that DOE prescribe test procedures for the measurement of the estimated annual operating costs or other measures of energy consumption for certain consumer products specified in the Act. (42 U.S.C. 6293(b)(3)) These test procedures are found in title 10 of the Code of Federal Regulations (CFR) part 430, subpart B.

Section 323(b)(3) of the Act requires that the estimated annual operating costs of a covered product be calculated from measurements of energy use in a representative average use cycle or period of use and from representative average unit costs of the energy needed to operate such product during such cycle. (42 U.S.C. 6293(b)(3) and (b)(4)) The section further requires that DOE provide information to manufacturers regarding the representative average unit costs of energy. (42 U.S.C. 6293(b)(4)) This cost information should be used by manufacturers to meet their obligations under section 323(c) of the Act. Most notably, these costs are used

to comply with Federal Trade Commission (FTC) requirements for labeling. Manufacturers are required to use the revised DOE representative average unit costs when the FTC publishes new ranges of comparability for specific covered products, 16 CFR part 305. Interested parties can also find information covering the FTC labeling requirements at <https://www.ftc.gov/appliances>.

DOE last published representative average unit costs of residential energy in a **Federal Register** notice entitled, “Energy Conservation Program for Consumer Products: Representative Average Unit Costs of Energy”, dated August 28, 2023, 88 FR 58575.

On November 18, 2024, the cost figures published in this notice will become effective and supersede those cost figures published on August 28, 2023. The cost figures set forth in this notice will be effective until further notice.

DOE's Energy Information Administration (EIA) has developed the 2024 representative average unit after-tax residential costs found in this notice. These costs for electricity, natural gas, and No. 2 heating oil are based on simulations used to produce the July 2024, EIA *Short-Term Energy Outlook* (EIA releases the *Outlook* monthly). The representative average unit after-tax costs for propane and kerosene are based on the projected 2024 U.S. residential sector prices found in the *Annual Energy Outlook 2023* (AEO2023) (March 16, 2023). The *Short-Term Energy Outlook* and the *Annual Energy Outlook* are available on the EIA website at <https://www.eia.doe.gov>. For more information on the data sources used in this notice, contact the National Energy Information Center, Forrestal Building, EI–30, 1000 Independence Avenue SW, Washington, DC 20585, Telephone: (202) 586–8800, Email: [infoctr@eia.doe.gov](mailto:infoctr@eia.doe.gov).

The 2024 representative average unit costs under section 323(b)(4) of the Act are set forth in Table 1, and will become effective November 18, 2024. They will remain in effect until further notice.

#### Signing Authority

This document of the Department of Energy was signed on October 10, 2024, by Jeffrey Marootian, Principal Deputy Assistant Secretary for Energy Efficiency and Renewable Energy, pursuant to delegated authority from the Secretary of Energy. That document with the original signature and date is maintained by DOE. For administrative purposes only, and in compliance with requirements of the Office of the Federal Register, the undersigned DOE Federal

Register Liaison Officer has been authorized to sign and submit the document in electronic format for publication, as an official document of the Department of Energy. This

administrative process in no way alters the legal effect of this document upon publication in the **Federal Register**.

Signed in Washington, DC, on October 10, 2024.

**Treena V. Garrett,**  
Federal Register Liaison Officer, U.S.  
Department of Energy.

TABLE 1—REPRESENTATIVE AVERAGE UNIT COSTS OF ENERGY FOR FIVE RESIDENTIAL ENERGY SOURCES (2024)

Type of energy	\$ Per million Btu <sup>1</sup>	In commonly used terms	As required by test procedure
Electricity .....	47.36	<sup>2,3</sup> 16.16 c/kWh .....	\$0.1616/kWh
Natural Gas .....	13.38	\$1.34/therm <sup>4</sup> or \$13.87/MCF <sup>5,6</sup> .....	\$0.00001338/Btu
No. 2 Heating Oil .....	27.22	\$3.74/gallon <sup>7</sup> .....	\$0.00002722/Btu
Propane .....	33.59	\$3.07/gallon <sup>8</sup> .....	\$0.00003359/Btu
Kerosene .....	34.37	\$4.64/gallon <sup>9</sup> .....	\$0.00003437/Btu

Sources: U.S. Energy Information Administration, *Short-Term Energy Outlook (July 9, 2024)* and *Annual Energy Outlook (March 16, 2023)*.

Notes: Prices include taxes.

<sup>1</sup> Btu stands for British thermal units.

<sup>2</sup> kWh stands for kilowatt hour.

<sup>3</sup> 1 kWh = 3,412 Btu.

<sup>4</sup> 1 therm = 100,000 Btu.

<sup>5</sup> MCF stands for 1,000 cubic feet.

<sup>6</sup> For the purposes of this table, one cubic foot of natural gas has an energy equivalence of 1,037 Btu.

<sup>7</sup> For the purposes of this table, one gallon of No. 2 heating oil has an energy equivalence of 137,381 Btu.

<sup>8</sup> For the purposes of this table, one gallon of liquid propane has an energy equivalence of 91,333 Btu.

<sup>9</sup> For the purposes of this table, one gallon of kerosene has an energy equivalence of 135,000 Btu.

[FR Doc. 2024–23893 Filed 10–16–24; 8:45 am]

BILLING CODE 6450–01–P

## DEPARTMENT OF ENERGY

### Federal Energy Regulatory Commission

[Project No. 2610–012]

#### Northern States Power Company; Notice of Application Accepted for Filing, Soliciting Motions To Intervene and Protests, Ready for Environmental Analysis, and Soliciting Comments, Recommendations, Terms and Conditions, and Prescriptions

Take notice that the following hydroelectric application has been filed with the Commission and is available for public inspection.

a. *Type of Application:* Subsequent Minor License.

b. *Project No.:* 2610–012.

c. *Date Filed:* December 30, 2022.

d. *Applicant:* Northern States Power Company (Northern States).

e. *Name of Project:* Saxon Falls Hydroelectric Project (project).

f. *Location:* On the Montreal River in Gogebic County, Michigan and Iron County, Wisconsin.

g. *Filed Pursuant to:* Federal Power Act, 16 U.S.C. 791 (a)–825(r).

h. *Applicant Contact:* Donald R. Hartinger, Director—Renewable Operation, 414 Nicollet Mall FL 2, Minneapolis, MN 55401; telephone at (651) 261–7668; email at [donald.r.hartinger@xcelenergy.com](mailto:donald.r.hartinger@xcelenergy.com).

i. *FERC Contact:* Nicholas Ettema, Project Coordinator, Great Lakes Branch,

Division of Hydropower Licensing; telephone at (312) 596–4447; email at [nicholas.ettema@ferc.gov](mailto:nicholas.ettema@ferc.gov).

j. *Deadline for filing motions to intervene and protests, comments, recommendations, terms and conditions, and prescriptions:* 60 days from the issuance date of this notice; reply comments are due 105 days from the issuance date of this notice.

The Commission strongly encourages electronic filing. Please file motions to intervene and protests, comments, recommendations, terms and conditions, and prescriptions using the Commission's eFiling system at <https://ferconline.ferc.gov/FEROnline.aspx>. Commenters can submit brief comments up to 6,000 characters, without prior registration, using the eComment system at <https://ferconline.ferc.gov/QuickComment.aspx>. For assistance, please contact FERC Online Support at [FEROnlineSupport@ferc.gov](mailto:FEROnlineSupport@ferc.gov), (866) 208–3676 (toll free), or (202) 502–8659 (TTY). In lieu of electronic filing, you may submit a paper copy. Submissions sent via the U.S. Postal Service must be addressed to: Debbie-Anne A. Reese, Acting Secretary, Federal Energy Regulatory Commission, 888 First Street NE, Room 1A, Washington, DC 20426. Submissions sent via any other carrier must be addressed to: Debbie-Anne A. Reese, Acting Secretary, Federal Energy Regulatory Commission, 12225 Wilkins Avenue, Rockville, MD 20852. All filings must clearly identify the project name and docket number on the first page: Saxon Falls Hydroelectric Project (P–2610–012).

The Commission's Rules of Practice require all intervenors filing documents with the Commission to serve a copy of that document on each person 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.

k. This application has been accepted for filing and is now ready for environmental analysis.

l. *Project Description:* The project includes a dam that consists of: (1) a 250-foot-long non-overflow earthen embankment; (2) a 57-foot-long non-overflow concrete section; (3) a 31-foot-long non-overflow concrete section with a 19-foot-long intake structure with an 8-foot-long gate and a trashrack with 1-inch clear bar spacing; (4) a 30-foot-long concrete section with an 26-foot-long Tainter gate; and (5) a 127-foot-long spillway section with a crest elevation of 997.0 feet National Geodetic Vertical Dam of 1929 (NGVD 29). The dam creates an impoundment with a surface area of 70 acres at an elevation of 997.0 feet NGVD 29.

From the impoundment, water flows through the intake structure to a 1,607-foot-long conduit with a surge tank, and two 207-foot-long penstocks. From the penstocks, water is conveyed to a 52-foot-long, 30-foot-wide powerhouse that contains two 750-kilowatt (kW) horizontal turbine-generator units, for a total installed capacity of 1,500 kW. Water is discharged from the

powerhouse directly to the Montreal River. The project creates an approximately 2,400-foot-long bypassed reach of the Montreal River. A minimum flow pipe extends from the 31-foot-long non-overflow section of the dam to provide flow to the bypassed reach.

Project recreation facilities include a boat ramp on the southern shoreline of the impoundment approximately 180 feet upstream of the dam. Northern States also maintains the following non-project recreation facilities in the project boundary: (1) a hand-carry boat access site on the southern shore of the impoundment, adjacent to the dam; (2) a parking area that provides access to the impoundment boat access site and the project boat ramp; (3) a hand-carry boat access site (tailwater access site) and parking area on the southern shoreline of the Montreal River, approximately 1,900 feet downstream of the dam; and (4) a scenic overlook on the southern shoreline of the bypassed reach, upstream of the tailwater access site.

Electricity generated at the powerhouse is transmitted to the electric grid via a 2.4-kilovolt (kV) overhead transmission line and a 2.4/34.5-kV step-up transformer. The minimum and maximum hydraulic capacities of the powerhouse are 48 and 170 cubic feet per second (cfs), respectively. The average annual energy production of the project from 2017 through 2021 was 10,015.3 megawatt-hours.

Northern States operates the project in run-of-river mode, such that project outflow approximates inflow to the impoundment. The current license requires Northern States to: (1) minimize fluctuations of the impoundment surface elevation; (2) maintain a minimum impoundment elevation of 997.0 feet NGVD 29 from ice-out through June 1; (3) maintain an impoundment elevation between a minimum of 996.5 and a maximum of 997.0 feet NGVD 29 from June 2 through ice-out; (4) release a minimum flow of 5 cfs or inflow, whichever is less, to the bypassed reach from ice-out through October 31 (ice-free season) each year; (5) limit impoundment drawdowns for maintenance and repair to the period of June 1 through December 31, and limit the rate of any such drawdowns to a maximum of 1 foot per 24 hours for the first 2 feet and 0.5 foot per 24 hours thereafter; (6) implement a Cultural Resources Monitoring Plan to protect cultural resources; and (7) operate and maintain the project recreation facilities.

Northern States proposes to revise the project boundary around the

impoundment to follow a contour elevation of 997.0 feet NGVD 29, which would result in a reduction in the total acreage of the project boundary upstream of the project dam, from 159 acres to 71.7 acres. Additionally, Northern States proposes to add 2.7 acres of land to the project boundary near the dam and remove 20 acres of land from the project boundary along the bypassed reach and river downstream of the powerhouse.

Northern States proposes to continue to operate the project in run-of-river mode and maintain water surface elevations as described above. In addition, Northern States proposes to release a minimum aesthetic flow of 5 cfs or inflow, whichever is less, from the Saturday before Memorial Day to October 15, except on weekends and holidays, when a minimum aesthetic flow of 10 cfs or inflow, whichever is less, would be released from 8:00 a.m. to 8:00 p.m. Northern States also proposes the following measures: (1) develop an operation compliance monitoring plan; (2) develop an invasive species management plan that includes biennial surveys for invasive species; (3) protect bald eagles by scheduling any ground-disturbing activities at recreation sites to occur between August 1 and January 15 for any work within 660 feet of any eagle nest; (4) avoid the removal of trees greater than 3 inches in diameter from June 1 through July 31, and follow the U.S. Fish and Wildlife Service's guidance to protect the northern long-eared bat and tricolored bat; (5) continue to maintain the boat ramp as a project recreation facility and improve the boat ramp via grading and/or adding gravel; (6) discontinue maintenance of the non-project hand-carry boat access site that is on the shoreline of the impoundment, adjacent to the dam; (7) provide impoundment access for hand-carry boaters at the project boat ramp and install directional and safety signage for hand-carry boaters at the boat ramp; (8) maintain the parking area for the boat ramp as a project recreation facility; (9) maintain the scenic overlook of the bypassed reach as a project recreation facility and install safety signage at the overlook; (10) maintain the tailwater access site and associated parking area as project recreation facilities; (11) develop a whitewater recreation plan that includes provisions for two, 3-hour whitewater flow releases between May and September, generator ramping rates for whitewater flow releases, publishing river flow information on the internet, and improving access to the tailwater access site by installing an electronic

card reader that opens a locked gate; and (12) develop a historic properties management plan that includes shoreline erosion surveys every 5 years.

m. A copy of the application can be viewed on the Commission's website at <https://www.ferc.gov> using the "eLibrary" link. Enter the docket number excluding the last three digits in the docket number field to access the document (*i.e.*, P-2610). For assistance, contact FERC Online Support.

n. 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, 385.211, and 385.214. 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.

All filings must (1) bear in all capital letters the title "PROTEST," "MOTION TO INTERVENE," "COMMENTS," "REPLY COMMENTS," "RECOMMENDATIONS," "TERMS AND CONDITIONS," or "PRESCRIPTIONS;" (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 of the person submitting the filing; and (4) otherwise comply with the requirements of 18 CFR 385.2001 through 385.2005. All comments, recommendations, terms and conditions or prescriptions must set forth their evidentiary basis and otherwise comply with the requirements of 18 CFR 4.34(b). Agencies may obtain copies of the application directly from the applicant. A copy of any protest or motion to intervene must be served upon each representative of the applicant specified in the particular application. A copy of all other filings in reference to this application must be accompanied by proof of service on all persons listed on the service list prepared by the Commission in this proceeding, in accordance with 18 CFR 4.34(b) and 385.2010.

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](mailto:OPP@ferc.gov).

You may also register online at <https://ferconline.ferc.gov/ferconline.aspx> to be notified via email of new filings and issuances

related to this or other pending projects. For assistance, contact FERC Online Support.

*o. The applicant must file no later than 60 days following the date of issuance of this notice:* (1) a copy of the water quality certification; (2) a copy of the request for certification, including proof of the date on which the certifying

agency received the request; or (3) evidence of waiver of water quality certification.

*p. Procedural schedule:* The application will be processed according to the following schedule. Revisions to the schedule will be made as appropriate.

Milestone	Target date
Filing of Comments, Recommendations, Terms and Conditions, and Prescriptions .....	December 2024.
Filing of Reply Comments .....	January 2025.

q. Final amendments to the application must be filed with the Commission no later than 30 days from the issuance date of this notice.

Dated: October 10, 2024.

**Debbie-Anne A. Reese,**  
Secretary.

[FR Doc. 2024–23940 Filed 10–16–24; 8:45 am]

**BILLING CODE 6717–01–P**

## DEPARTMENT OF ENERGY

### Federal Energy Regulatory Commission

#### Combined Notice of Filings #1

Take notice that the Commission received the following electric corporate filings:

*Docket Numbers:* EC25–2–000.

*Applicants:* DESRI Holdings, L.P., Airport Solar LLC, Assembly Solar, LLC, Assembly Solar I, LLC, Assembly Solar II, LLC, Assembly Solar III, LLC, Arroyo Solar LLC, Arroyo Energy Storage LLC, Balko Wind, LLC, Balko Wind Transmission, LLC, Bartonville Energy Facility, LLC, Big River Solar, LLC, Blue Bird Solar, LLC, Castle Solar, LLC, Cuyama Solar, LLC, Cove Mountain Solar, LLC, Cove Mountain Solar 2, LLC, Dressor Plains Solar, LLC, Drew Solar, LLC, Drew Solar-CA, LLC, DWW Solar II, LLC, Elektron Solar, LLC, Gravel Pit Solar III, LLC, Gravel Pit Solar IV, LLC, Gray Hawk Solar, LLC, Hecate Energy Highland LLC, Highland Solar Transco Interconnection LLC, Horseshoe Solar, LLC, Hunter Solar LLC, Hunter Solar, LLC, Iris Solar, LLC, Long Lake Solar, LLC, MS Solar 2, LLC, North Star Solar PV LLC, Portal Ridge Solar B, LLC, Portal Ridge Solar C, LLC, Prairie State Solar, LLC, Rancho Seco Solar II LLC, Red Horse III, LLC, Red Horse Wind 2, LLC, River Fork Solar, LLC, Rocket Solar, LLC, Rocking R Solar, LLC, San Juan Solar 1, LLC, Sigurd Solar LLC, SJS 1 Storage, LLC, Speedway Solar, LLC, St. James Solar, LLC, Steel Solar, LLC, TPE Alta Luna, LLC, Willow Springs

Solar, LLC, Sunlight Road Solar, L.L.C., 62SK 8ME LLC, 63SU 8ME LLC.

*Description:* Amendment to 10/04/2024, Application for Authorization Under Section 203 of the Federal Power Act of DESRI Holdings, L.P.

*Filed Date:* 10/7/24.

*Accession Number:* 20241007–5183.

*Comment Date:* 5 p.m. ET 10/28/24.

*Docket Numbers:* EC25–3–000.

*Applicants:* Apple Energy LLC.

*Description:* Application for Authorization Under Section 203 of the Federal Power Act of Apple Energy LLC.

*Filed Date:* 10/8/24.

*Accession Number:* 20241008–5202.

*Comment Date:* 5 p.m. ET 10/29/24.

*Docket Numbers:* EC25–4–000.

*Applicants:* The Dayton Power and Light Company, Astrid Holdings LP.

*Description:* Joint Application for Authorization Under Section 203 of the Federal Power Act of The Dayton Power and Light Company, et al.

*Filed Date:* 10/10/24.

*Accession Number:* 20241010–5016.

*Comment Date:* 5 p.m. ET 10/31/24.

Take notice that the Commission received the following electric rate filings:

*Docket Numbers:* ER17–1329–004.

*Applicants:* J.P. Morgan Ventures Energy Corporation.

*Description:* Compliance filing: Update to MBR Tariff of J.P. Morgan Ventures Energy Corp to be effective 11/20/2023.

*Filed Date:* 10/10/24.

*Accession Number:* 20241010–5189.

*Comment Date:* 5 p.m. ET 10/31/24.

*Docket Numbers:* ER24–2725–000.

*Applicants:* Lone Star Solar, LLC.

*Description:* Supplement to 08/08/2024 Lone Star Solar, LLC tariff filing.

*Filed Date:* 10/8/24.

*Accession Number:* 20241008–5201.

*Comment Date:* 5 p.m. ET 10/18/24.

*Docket Numbers:* ER24–2869–000.

*Applicants:* Downeast Wind, LLC.

*Description:* Report Filing: Supplement to Submit Application for MBR Authorization Filing to be effective N/A.

*Filed Date:* 9/18/24.

*Accession Number:* 20240918–5078.

*Comment Date:* 5 p.m. ET 10/21/24.

*Docket Numbers:* ER25–69–000.

*Applicants:* PJM Interconnection, L.L.C.

*Description:* 205(d) Rate Filing: Amendment to ISA, Service Agreement No. 6131; AE2–042 to be effective 12/9/2024.

*Filed Date:* 10/9/24.

*Accession Number:* 20241009–5184.

*Comment Date:* 5 p.m. ET 10/30/24.

*Docket Numbers:* ER25–70–000.

*Applicants:* Fox Squirrel Solar LLC.

*Description:* 205(d) Rate Filing: 2024–10–09 Fox Squirrel Phase III Reactive Power Rate Schedule Filing to be effective 12/31/9998.

*Filed Date:* 10/9/24.

*Accession Number:* 20241009–5191.

*Comment Date:* 5 p.m. ET 10/30/24.

*Docket Numbers:* ER25–71–000.

*Applicants:* Southwest Power Pool, Inc.

*Description:* 205(d) Rate Filing: Calculation of RTBM Prices in the Event of a System Failure to be effective 12/10/2024.

*Filed Date:* 10/10/24.

*Accession Number:* 20241010–5014.

*Comment Date:* 5 p.m. ET 10/31/24.

*Docket Numbers:* ER25–72–000.

*Applicants:* American Transmission Systems, Incorporated, PJM Interconnection, L.L.C.

*Description:* 205(d) Rate Filing: American Transmission Systems, Incorporated submits tariff filing per 35.13(a)(2)(iii): ATSI submits 1A–SA No. 7218 to be effective 12/10/2024.

*Filed Date:* 10/10/24.

*Accession Number:* 20241010–5017.

*Comment Date:* 5 p.m. ET 10/31/24.

*Docket Numbers:* ER25–73–000.

*Applicants:* Midcontinent Independent System Operator, Inc.

*Description:* 205(d) Rate Filing: 2024–10–10 SA 3454 Entergy Arkansas-Flat Fork Solar 2nd Rev GIA (J907 J1434) to be effective 10/2/2024.

*Filed Date:* 10/10/24.



*Accession Number:* 20241010–5020.  
*Comment Date:* 5 p.m. ET 10/31/24.  
*Docket Numbers:* ER25–74–000.  
*Applicants:* Midcontinent Independent System Operator, Inc.  
*Description:* 205(d) Rate Filing: 2024–10–10 SA 4360 ATC-Wisconsin Power and Light GIA (J1793) to be effective 9/30/2024.  
*Filed Date:* 10/10/24.  
*Accession Number:* 20241010–5033.  
*Comment Date:* 5 p.m. ET 10/31/24.  
*Docket Numbers:* ER25–75–000.  
*Applicants:* Midcontinent Independent System Operator, Inc.  
*Description:* 205(d) Rate Filing: 2024–10–10 SA 4361 ATC-Ursa Solar GIA (J1629) to be effective 10/1/2024.  
*Filed Date:* 10/10/24.  
*Accession Number:* 20241010–5089.  
*Comment Date:* 5 p.m. ET 10/31/24.  
*Docket Numbers:* ER25–76–000.  
*Applicants:* Alabama Power Company, Georgia Power Company, Mississippi Power Company.  
*Description:* 205(d) Rate Filing: Alabama Power Company submits tariff filing per 35.13(a)(2)(iii): Forsyth Solar LGIA Filing to be effective 10/2/2024.  
*Filed Date:* 10/10/24.  
*Accession Number:* 20241010–5095.  
*Comment Date:* 5 p.m. ET 10/31/24.  
*Docket Numbers:* ER25–77–000.  
*Applicants:* PJM Interconnection, L.L.C.  
*Description:* 205(d) Rate Filing: Amendment to ISA Service Agreement No. 4425; Z2–076 to be effective 12/10/2024.  
*Filed Date:* 10/10/24.  
*Accession Number:* 20241010–5129.  
*Comment Date:* 5 p.m. ET 10/31/24.  
*Docket Numbers:* ER25–78–000.  
*Applicants:* Dominion Energy South Carolina, Inc.  
*Description:* 205(d) Rate Filing: CEPC Facility Construction Agreement to be effective 12/10/2024.  
*Filed Date:* 10/10/24.  
*Accession Number:* 20241010–5151.  
*Comment Date:* 5 p.m. ET 10/31/24.  
*Docket Numbers:* ER25–79–000.  
*Applicants:* American Transmission Systems, Incorporated, PJM Interconnection, L.L.C.  
*Description:* 205(d) Rate Filing: American Transmission Systems, Incorporated submits tariff filing per 35.13(a)(2)(iii): ATSI submits Construction Agreement, SA No. 7267 to be effective 12/10/2024.  
*Filed Date:* 10/10/24.  
*Accession Number:* 20241010–5166.  
*Comment Date:* 5 p.m. ET 10/31/24.  
*Docket Numbers:* ER25–80–000.  
*Applicants:* American Transmission Systems, Incorporated, PJM Interconnection, L.L.C.

*Description:* 205(d) Rate Filing: American Transmission Systems, Incorporated submits tariff filing per 35.13(a)(2)(iii): ATSI submits Construction Agreement, SA No. 7263 to be effective 12/10/2024.  
*Filed Date:* 10/10/24.  
*Accession Number:* 20241010–5193.  
*Comment Date:* 5 p.m. ET 10/31/24.  
*Docket Numbers:* ER25–81–000.  
*Applicants:* Metropolitan Edison Company.  
*Description:* Tariff Amendment: Notice of Cancellation of MBR Tariff to be effective 10/11/2024.  
*Filed Date:* 10/10/24.  
*Accession Number:* 20241010–5213.  
*Comment Date:* 5 p.m. ET 10/31/24.  
*Docket Numbers:* ER25–82–000.  
*Applicants:* Pennsylvania Electric Company.  
*Description:* Tariff Amendment: Notice of Cancellation of MBR Tariff to be effective 10/11/2024.  
*Filed Date:* 10/10/24.  
*Accession Number:* 20241010–5214.  
*Comment Date:* 5 p.m. ET 10/31/24.  
*Docket Numbers:* ER25–83–000.  
*Applicants:* Pennsylvania Power Company.  
*Description:* Tariff Amendment: Notice of Cancellation of MBR Tariff to be effective 10/11/2024.  
*Filed Date:* 10/10/24.  
*Accession Number:* 20241010–5218.  
*Comment Date:* 5 p.m. ET 10/31/24.  
*Docket Numbers:* ER25–84–000.  
*Applicants:* West Penn Power Company.  
*Description:* Tariff Amendment: Notice of Cancellation of MBR Tariff to be effective 10/11/2024.  
*Filed Date:* 10/10/24.  
*Accession Number:* 20241010–5220.  
*Comment Date:* 5 p.m. ET 10/31/24.  
Take notice that the Commission received the following electric securities filings:  
*Docket Numbers:* ES25–2–000; ES25–3–000; ES25–4–000 ES25–5–000; ES25–6–000; ES25–7–000.  
*Applicants:* System Energy Resources, Inc., Entergy Texas, Inc., Entergy New Orleans, LLC, Entergy Mississippi, LLC, Entergy Louisiana, LLC, Entergy Arkansas, LLC.  
*Description:* Application Under Section 204 of the Federal Power Act for Authorization to Issue Securities of Entergy Arkansas, LLC, et al.  
*Filed Date:* 10/4/24.  
*Accession Number:* 20241004–5224.  
*Comment Date:* 5 p.m. ET 10/25/24.  
The filings are accessible in the Commission's eLibrary system (<https://elibrary.ferc.gov/idmws/search/fercensearch.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](mailto:OPP@ferc.gov).

Dated: October 10, 2024.

**Debbie-Anne A. Reese,**  
Secretary.

[FR Doc. 2024–23946 Filed 10–16–24; 8:45 am]

**BILLING CODE 6717–01–P**

## DEPARTMENT OF ENERGY

### Federal Energy Regulatory Commission

[Project No. 487–139]

#### BIF III Holtwood LLC; Notice of Application for Non-Project Use of Project Land and Waters Accepted for Filing, 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:

- Application Type:* Non-Project Use of Project Lands and Waters.
- Project No:* 487–139.
- Date Filed:* June 21, 2024.
- Applicant:* BIF III Holtwood LLC.
- Name of Project:* Wallenpaupack Hydroelectric Project.

f. *Location:* The Wallenpaupack Hydroelectric Project is located in Pike and Wayne counties, Pennsylvania; the proposed docks would be located in Pike County.

g. *Filed Pursuant to:* Federal Power Act, 16 U.S.C. 791a–825r.

h. *Applicant Contact:* Katie Lester, Brookfield Renewable, (570) 226–1371, [kathleen.lester@brookfieldrenewable.com](mailto:kathleen.lester@brookfieldrenewable.com).

i. *FERC Contact:* Mary Karwoski, (678) 245–3027, [mary.karwoski@ferc.gov](mailto:mary.karwoski@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:* November 12, 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>. For assistance, please contact FERC Online Support at [FERCOnlineSupport@ferc.gov](mailto:FERCOnlineSupport@ferc.gov), (866) 208–3676 (toll free), or (202) 502–8659 (TTY). In lieu of electronic filing, you may submit a paper copy. Submissions sent via the U.S. Postal Service must be addressed to: Debbie-Anne A. Reese, Acting Secretary, Federal Energy Regulatory Commission, 888 First Street NE, Room 1A, Washington, DC 20426. Submissions sent via any other carrier must be addressed to: Debbie-Anne A. Reese, Acting Secretary, Federal Energy Regulatory Commission, 12225 Wilkins Avenue, Rockville, Maryland 20852. The first page of any filing should include the docket number P–487–139. 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's application requests Commission authorization to permit Hunters Haven Farm, LLC (d/b/a White Sand Springs) to construct a residential marina. Within the project boundary, White Sand Springs's marina would consist of three floating docks that could accommodate 124 watercrafts in total. The proposed docks conform to the project's approved Shoreline Management Plan.

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](mailto: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, respectively. 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 Documents:* Any filing 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 commenting, 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. Any

filing made by an intervenor 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 18 CFR 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](mailto:OPP@ferc.gov).

Dated: October 10, 2024.

**Debbie-Anne A. Reese,**  
*Secretary.*

[FR Doc. 2024–23943 Filed 10–16–24; 8:45 am]

BILLING CODE 6717–01–P

## DEPARTMENT OF ENERGY

### Federal Energy Regulatory Commission

[Docket No. AD19–4–000]

#### Panel Member List for Hydropower; Licensing Study Dispute Resolution; Notice Requesting Applications for Panel Members for Hydropower Licensing Study Dispute Resolution

This notice requests applications from those interested in being listed as potential panel members to assist in the Federal Energy Regulatory Commission's (Commission) study dispute resolution process for the integrated licensing process (ILP) of hydropower projects.

#### Background

The Commission's ILP regulations pertaining to hydroelectric licensing under the Federal Power Act encourages informal resolution of study disagreements. In cases where this is not successful, a formal study dispute resolution process is available for state and federal agencies or Indian tribes with mandatory conditioning authority.<sup>1</sup>

The ILP provides that the disputed study must be submitted to a dispute resolution panel consisting of a person from Commission staff, a person from the agency or Indian tribe referring the

<sup>1</sup> See 5.14 of the Commission's regulations at <https://www.ecfr.gov/current/title-18/chapter-I/subchapter-B/part-5>.

dispute to the Commission, and a third person selected by the other two panelists from a pre-established list of persons with expertise in the disputed resource area.<sup>2</sup> The third panel member (TPM) will serve without compensation, except for certain allowable travel expenses to be borne by the Commission (41 CFR part 301).

The role of the panel members is to make a finding, with respect to each disputed study request, on the extent to which each study criteria set forth in the regulations is or is not met,<sup>3</sup> and why. The panel will then make a recommendation to the Director of the Office of Energy Projects based on the panel's findings.

TPMs can only be selected from a list of qualified persons (TPM list) that is developed and maintained by the Commission. This notice seeks additional members for the TPM list, which was originally compiled in 2004, 2010, and 2015. Current members of the TPM list do not need to reapply but are encouraged to update their qualifications and contact information, if not current. Each qualified panel member will be listed by area(s) and sub-area(s) of technical expertise, for example Aquatic Resources—instream flows. The TPM list and qualifications will be available to the public on the Commission's website. All individuals submitting their applications to the Commission for consideration must meet the Commission's qualifications.

### Application Contents

The applicant should describe in detail his/her qualifications in items 1–4 listed below.

1. Technical expertise, including education and experience in each resource area and sub-area for which the applicant wishes to be considered:

- Aquatic Resources
  - water quality
  - instream flows
  - fish passage
  - macroinvertebrates
  - threatened and endangered species
- Terrestrial Resources
  - wildlife biology
  - botany
  - wetlands ecology
  - threatened and endangered species
- Cultural Resources
- Recreational Resources
  - recreational flows
- Land use and Aesthetics
  - shoreline management
- Geology & Soils
  - geomorphology

- erosion
- Socio-economics
- Engineering
  - civil engineering
  - hydraulic engineering
  - environmental engineering
- 2. Knowledge of the effects of construction and operation of hydroelectric projects.
- 3. Working knowledge of laws relevant to the expertise, such as: the Fish and Wildlife Coordination Act, the Endangered Species Act, the Clean Water Act, the Coastal Zone Management Act, the Wild and Scenic Rivers Act, the Federal Power Act, or other applicable laws.
- 4. Ability to promote constructive communication about a disputed study.

### How To Submit Applications

Applicants must submit their applications along with the names and contact information of three references. Applications will be evaluated as they are received, and each applicant will be individually notified of the Commission's decision.

**Dates:** Applications are requested by December 31, 2024. However, the application period will remain open indefinitely to maintain a current listing of potential applicants.

**Addresses:** Applications must be filed electronically. See the instructions on the Commission's website (<https://www.ferc.gov/docs-filing/efiling.asp>). Applications should reference "Docket No. AD19–4–000, NOTICE REQUESTING APPLICATIONS FOR PANEL MEMBER LIST FOR HYDROPOWER LICENSING STUDY DISPUTE RESOLUTION".

**Other Information:** Complete individual contact information must be provided. However, contact information for the TPM applicant and their references may be filed as "privileged". See the instructions on the Commission's website at <https://www.ferc.gov/docs-filing/efiling.asp>.

**For Further Information Contact:** Ryan Hansen, Federal Energy Regulatory Commission, Office of Energy Projects, 888 First Street NE, Washington, DC 20426, (202) 502–8074, [ryan.hansen@ferc.gov](mailto:ryan.hansen@ferc.gov).

Dated: October 10, 2024.

**Debbie-Anne A. Reese,**  
Secretary.

[FR Doc. 2024–23949 Filed 10–16–24; 8:45 am]

**BILLING CODE 6717–01–P**

## DEPARTMENT OF ENERGY

### Federal Energy Regulatory Commission

[Docket No. IC24–27–000]

### Commission Information Collection Activities (FERC–516G); Comment Request; Extension

**AGENCY:** Federal Energy Regulatory Commission, DOE.

**ACTION:** Notice of information collection and request for comments.

**SUMMARY:** In compliance with the requirements of the Paperwork Reduction Act of 1995, the Federal Energy Regulatory Commission (Commission or FERC) is soliciting public comment on the currently approved information collection FERC–516G, Electric Rates Schedules and Tariff Filings. There are no changes to the information collection. The Commission published a 60-day notice on August 9, 2024 and did not receive any comments.

**DATES:** Comments on the collection of information are due November 18, 2024.

**ADDRESSES:** Send written comments on FERC–516G to OMB through [www.reginfo.gov/public/do/PRAMain](http://www.reginfo.gov/public/do/PRAMain). Attention: Federal Energy Regulatory Commission Desk Officer. Please identify the OMB Control Number (1902–0295) in the subject line of your comments. Comments should be sent within 30 days of publication of this notice to [www.reginfo.gov/public/do/PRAMain](http://www.reginfo.gov/public/do/PRAMain).

Please submit copies of your comments to the Commission. You may submit copies of your comments (identified by Docket No. IC24–27–000) by one of the following methods:

Electronic filing through <https://www.ferc.gov>, is preferred.

- **Electronic Filing:** Documents must be filed in acceptable native applications and print-to-PDF, but not in scanned or picture format.

- For those unable to file electronically, comments may be filed by USPS mail or by other delivery methods:

- **Mail via U.S. Postal Service Only:** Federal Energy Regulatory Commission, Secretary of the Commission, 888 First Street NE, Washington, DC 20426.

- **All other delivery methods:** Federal Energy Regulatory Commission, Secretary of the Commission, 12225 Wilkins Avenue, Rockville, MD 20852.

**Instructions:** OMB submissions must be formatted and filed in accordance with submission guidelines at [www.reginfo.gov/public/do/PRAMain](http://www.reginfo.gov/public/do/PRAMain).

<sup>2</sup> These persons must not be otherwise involved with the proceeding.

<sup>3</sup> See 5.9 of the final rule.

Using the search function under the “Currently Under Review” field, select Federal Energy Regulatory Commission; click “submit,” and select “comment” to the right of the subject collection.

*FERC submissions* must be formatted and filed in accordance with submission guidelines at: <https://www.ferc.gov/ferc-online/overview>. For user assistance, contact FERC Online Support by email at [ferconlinesupport@ferc.gov](mailto:ferconlinesupport@ferc.gov), or by phone at: (866) 208-3676 (toll-free).

*Docket:* Users interested in receiving automatic notification of activity in this docket or in viewing/downloading comments and issuances in this docket may do so at <https://www.ferc.gov/ferc-online/overview>.

**FOR FURTHER INFORMATION CONTACT:**  
Kayla Williams may be reached by email at [DataClearance@FERC.gov](mailto:DataClearance@FERC.gov), telephone at (202) 502-6468.

**SUPPLEMENTARY INFORMATION:**

*Title:* FERC-516G, Electric Rates Schedules and Tariff Filings.

*OMB Control No.:* 1902-0295.

*Type of Request:* Three-year renewal of FERC-516G.

*Abstract:* In accordance with section 206 of the Federal Power Act (FPA) <sup>1</sup> and 18 CFR 35.28(g)(10), each Independent System Operator (ISO) and Regional Transmission Organization (RTO) must report:

(1) On a monthly basis, total uplift payments for each transmission zone, broken out by day and uplift category;

(2) On a monthly basis, total uplift payments for each resource; and

(3) On a monthly basis, each operator-initiated commitment, the size of the commitment, transmission zone, commitment reason, and commitment start time.

The Commission has determined that these information collection activities provide for transparency that is necessary for just and reasonable rates.

*Type of Respondents:* ISOs and RTOs.

*Estimate of Annual Burden:* <sup>2</sup> The estimated burden and cost <sup>3</sup> are as follows:

**FERC-516G ANNUAL BURDEN ESTIMATES IN DOCKET NO. IC24-27-000**

A. Type of response	B. Number of respondents	C. Annual number of responses per respondent	D. Total number of responses (column B × column C)	E. Average burden hours & cost per response	F. Total annual burden hours & cost (column D × column E)	G. Cost per respondent (column F ÷ column B)
Preparing and posting of 3 reports on company website each month.	6	12	72	3 hrs.; \$300 .....	216 hrs.; \$21,600 .....	\$3,600

*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: October 10, 2024.

**Debbie-Anne A. Reese,**

*Secretary.*

[FR Doc. 2024-23944 Filed 10-16-24; 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:* RP25-55-000.

*Applicants:* Transcontinental Gas Pipe Line Company, LLC.

*Description:* 4(d) Rate Filing: Cash Out OUB Surcharge Annual Update Filing to be effective 11/1/2024.

*Filed Date:* 10/9/24.

*Accession Number:* 20241009-5187.

*Comment Date:* 5 p.m. ET 10/21/24.

*Docket Numbers:* RP25-56-000.

*Applicants:* Equitrans, L.P.

*Description:* 4(d) Rate Filing: Standards of Conduct Update—2024 to be effective 11/10/2024.

*Filed Date:* 10/10/24.

*Accession Number:* 20241010-5000.

*Comment Date:* 5 p.m. ET 10/22/24.

*Docket Numbers:* RP25-57-000.

*Applicants:* Algonquin Gas Transmission, LLC.

*Description:* 4(d) Rate Filing:

Negotiated Rates—Yankee Gas to NRG Business eff 10-10-24 to be effective 10/10/2024.

*Filed Date:* 10/10/24.

*Accession Number:* 20241010-5026.

*Comment Date:* 5 p.m. ET 10/22/24.

*Docket Numbers:* RP25-58-000.

*Applicants:* Transcontinental Gas Pipe Line Company, LLC.

*Description:* 4(d) Rate Filing: Initial Rate Filing—Southside Reliability Enhancement to be effective 11/1/2024.

*Filed Date:* 10/10/24.

*Accession Number:* 20241010-5046.

*Comment Date:* 5 p.m. ET 10/22/24.

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 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:* RP24-1035-002.

*Applicants:* Transcontinental Gas Pipe Line Company, LLC.

<sup>1</sup> 16 U.S.C. 824e.

<sup>2</sup> 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 CFR 1320.3.

<sup>3</sup> The Commission staff estimates that the average respondent for this collection is similarly situated to the Commission, in terms of salary plus benefits.

Based on FERC's 2024 annual average of \$207,786 (for salary plus benefits), the average hourly cost is \$100/hour.

*Description:* Compliance filing: Compliance Filing to update Southeastern Trail Rate in Docket No. RP24–1035–000 to be effective 10/1/2024.

*Filed Date:* 10/9/24.

*Accession Number:* 20241009–5177.

*Comment Date:* 5 p.m. ET 10/21/24.

Any person desiring to protest in any the above proceedings must file in accordance with Rule 211 of the Commission's Regulations (18 CFR 385.211) on or before 5 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: <https://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](mailto:OPP@ferc.gov).

Dated: October 10, 2024.

**Debbie-Anne A. Reese,**  
Secretary.

[FR Doc. 2024–23945 Filed 10–16–24; 8:45 am]

BILLING CODE 6717–01–P

## DEPARTMENT OF ENERGY

### Federal Energy Regulatory Commission

[Project No. 2246–101]

#### Yuba County Water Agency; Notice of Application for a Variance Under Article 33d Accepted for Filing, 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:* Application for Temporary Variance of 2025 Pulse Flow Requirement.

b. *Project No:* 2246–101.

c. *Date Filed:* September 19, 2024.

d. *Applicant:* Yuba County Water Agency (licensee).

e. *Name of Project:* Yuba River Project.

f. *Location:* The project is located on the Middle Yuba River, North Fork Yuba River, and Oregon Creek in Nevada, Yuba, and Sierra counties, California. The project occupies federal lands managed by the U.S. Department of Agriculture, Forest Service.

g. *Filed Pursuant to:* Federal Power Act, 16 U.S.C. 791a–825r.

h. *Applicant Contact:* Mr. Willie Whittlesey, General Manager, Yuba County Water Agency, (530) 741–5026, [wwhittlesey@yubawater.org](mailto:wwhittlesey@yubawater.org).

i. *FERC Contact:* Katherine Schmidt, (415) 369–3348, [katherine.schmidt@ferc.gov](mailto:katherine.schmidt@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:* November 12, 2024.

The Commission strongly encourages electronic filing. Please file comments, motions to intervene, and protests using the Commission's eFiling system at <https://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 <https://www.ferc.gov/docs-filing/ecomment.asp>. For assistance, please contact FERC Online Support at [FERCOnlineSupport@ferc.gov](mailto:FERCOnlineSupport@ferc.gov), (866) 208–3676 (toll free), or (202) 502–8659 (TTY). In lieu of electronic filing, you may submit a paper copy. Submissions sent via the U.S. Postal Service must be addressed to: Debbie-Anne A. Reese, Acting Secretary, Federal Energy Regulatory Commission, 888 First Street NE, Room 1A, Washington, DC 20426. Submissions sent via any other carrier must be addressed to: Debbie-Anne A. Reese, Acting Secretary, Federal Energy Regulatory Commission, 12225 Wilkins Avenue, Rockville, MD 20852. The first page of any filing should include the docket number P–2246–101. 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 a temporary variance of its winter pulse flow requirement. Specifically, the licensee proposes to forego its required 1,000 cubic feet per second (cfs) flow pulse from January 1–15, 2025. The licensee proposes to instead, release a flow of 700 cfs in the lower Yuba River from Englebright Dam. In addition, the licensee requests that compliance during the variance period be based on the 5-day running average of daily average flows, with the 15-minute flow not less than 90 percent of the adjusted flow requirement. The licensee requests the variance in order to make the best possible use of water supplies in the lower Yuba River should dry conditions continue. The reduced water releases will create a 'water savings' of approximately 8,926 acre-feet. The licensee proposes to use these 'water savings' to augment a spring pulse flow, or a similar scenario, sometime between the issuance of the April B120 forecast and May 15, in consultation with the resource agencies under a 2025 Supplementary Operational Agreement, if certain storage criteria are met in New Bullards Bar Reservoir.

m. *Locations of the Application:* This filing may be viewed on the Commission's website at <https://www.ferc.gov> using the "eLibrary" link. Enter the docket number excluding the last three digits in the docket number field to access the document. You may also register online at <https://www.ferc.gov/docs-filing/esubscription.asp> to be notified via email of new filings and issuances related to this or other pending projects. For assistance, call 1–866–208–3676 or email [FERCOnlineSupport@ferc.gov](mailto: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, 385.211, 385.214, respectively. 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 Documents:* Any filing 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 commenting, 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. Any filing made by an intervenor 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 18 CFR 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: October 10, 2024.

**Debbie-Anne A. Reese,**  
Secretary.

[FR Doc. 2024-23942 Filed 10-16-24; 8:45 am]

BILLING CODE 6717-01-P

## DEPARTMENT OF ENERGY

### Federal Energy Regulatory Commission

[Project No. 2587-066]

#### **Northern States Power Company; Notice of Application Accepted for Filing, Soliciting Motions To Intervene and Protests, Ready for Environmental Analysis, and Soliciting Comments, Recommendations, Terms and Conditions, and Prescriptions**

Take notice that the following hydroelectric application has been filed with the Commission and is available for public inspection.

a. *Type of Application:* New Major License.

b. *Project No.:* 2587-066.

c. *Date Filed:* December 30, 2022.

d. *Applicant:* Northern States Power Company (Northern States).

e. *Name of Project:* Superior Falls Hydroelectric Project (project).

f. *Location:* On the Montreal River in Gogebic County, Michigan and Iron County, Wisconsin.

g. *Filed Pursuant to:* Federal Power Act, 16 U.S.C. 791(a)-825(r).

h. *Applicant Contact:* Donald R. Hartinger, Director—Renewable Operation, 414 Nicollet Mall FL 2, Minneapolis, MN 55401; telephone at (651) 261-7668; email at [donald.r.hartinger@xcelenergy.com](mailto:donald.r.hartinger@xcelenergy.com).

i. *FERC Contact:* Nicholas Ettema, Project Coordinator, Great Lakes Branch, Division of Hydropower Licensing; telephone at (312) 596-4447; email at [nicholas.ettema@ferc.gov](mailto:nicholas.ettema@ferc.gov).

j. *Deadline for filing motions to intervene and protests, comments, recommendations, terms and conditions, and prescriptions:* 60 days from the issuance date of this notice; reply comments are due 105 days from the issuance date of this notice.

The Commission strongly encourages electronic filing. Please file motions to intervene and protests, comments, recommendations, terms and conditions, and prescriptions using the Commission's eFiling system at <https://ferconline.ferc.gov/FERCOOnline.aspx>. Commenters can submit brief comments up to 6,000 characters, without prior registration, using the eComment system at <https://ferconline.ferc.gov/QuickComment.aspx>. For assistance, please contact FERC Online Support at [FERCOOnlineSupport@ferc.gov](mailto:FERCOOnlineSupport@ferc.gov), (866) 208-3676 (toll free), or (202) 502-8659 (TTY). In lieu of electronic filing, you may submit a paper copy. Submissions sent via the U.S. Postal Service must be addressed to: Debbie-Anne A. Reese, Acting Secretary, Federal Energy

Regulatory Commission, 888 First Street NE, Room 1A, Washington, DC 20426. Submissions sent via any other carrier must be addressed to: Debbie-Anne A. Reese, Acting Secretary, Federal Energy Regulatory Commission, 12225 Wilkins Avenue, Rockville, MD 20852. All filings must clearly identify the project name and docket number on the first page: Superior Falls Hydroelectric Project (P-2587-066).

The Commission's Rules of Practice require all intervenors filing documents with the Commission to serve a copy of that document on each person 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.

k. This application has been accepted for filing and is now ready for environmental analysis.

l. *Project Description:* The project includes a dam that consists of: (1) a 42-foot-long spillway; (2) a 22-foot-long section with an 18-foot-long Tainter gate; (3) an 18.6-foot-long section with an 11.5-foot-long ogee spillway with a crest elevation of 740.2 feet National Geodetic Vertical Datum of 1929 (NGVD 29), a 5-foot-long sluice gate, and a 4-foot-long sluice gate; (4) a 40.5-foot-long section with two 16-foot-long Tainter gates; and (5) a 70-foot-long non-overflow section with a 23-foot-long intake structure with a 15-foot-long gate and a trashrack with 1-inch clear bar spacing. The dam creates an impoundment with a surface area of 16.3 acres at an elevation of 740.2 feet NGVD 29.

From the impoundment, water flows through the intake structure to a 1,697-foot-long conduit with a surge tank, and then to two 207-foot-long penstocks. From the penstocks, water is conveyed to a 32-foot-long, 62-foot-wide powerhouse that contains two 825-kilowatt (kW) horizontal Francis turbine-generator units, for a total installed capacity of 1,650 kW. Water is discharged from the powerhouse to an approximately 80-foot-long tailrace. The project creates an approximately 1,900-foot-long bypassed reach of the Montreal River.

Project recreation facilities include: (1) a hand-carry boat take-out site and an associated 5-vehicle parking area on the western shoreline of the impoundment, approximately 1,050 feet upstream of the dam; (2) a scenic overlook site on the eastern shoreline of the bypassed reach, approximately 1,400 feet downstream of the dam; (3) a

fishing area on the eastern shoreline of the tailrace; and (4) a parking area and access trails for the scenic overlook and fishing area.

Electricity generated at the powerhouse is transmitted to the electric grid via a 200-foot-long, 2.4-kilovolt (kV) overhead transmission line and a 2.4/34.5-kV step-up transformer. The minimum and maximum hydraulic capacities of the powerhouse are 25 and 220 cubic feet per second (cfs), respectively. The average annual energy production of the project from 2017 through 2021 was 11,436.4 megawatt-hours.

The current license requires Northern States to: (1) operate in a run-of-river mode, such that outflow from the project approximates inflow; (2) maintain a minimum impoundment surface elevation of 739.7 feet NGVD 29; (2) limit non-emergency impoundment drawdown rates to a maximum of 1 foot per 24 hours for the first 48 hours and 0.5 foot per 24 hours thereafter, with the rate being evenly spread across the time period; (3) release an aesthetic flow of 8 cfs to the bypassed reach from the Saturday before Memorial Day to October 15, except on weekends and holidays, when an aesthetic flow of 20 cfs is released from 8:00 a.m. to 8:00 p.m. The current license also requires Northern States to implement a plan to monitor flows in the bypassed reach, a recreation plan to operate and maintain the recreation facilities, a wildlife management plan to protect any federally and state listed species, and a plan to avoid or minimize disturbances to the quality of the existing visual resources of the project area.

Northern States proposes to revise the project boundary around the impoundment to follow a contour elevation of 740.2 feet NGVD 29, and include approximately 4 acres of land east of the impoundment. The proposed changes would result in a reduction in the total acreage of the project boundary upstream of the project dam, from 296.4 acres to 22.2 acres. Downstream of the project dam, Northern States proposes to: (1) add 3.9 acres of land and water near the powerhouse; (2) remove 35 acres of land east of State Highway 122; and (4) remove 11.1 acres of land on the western shoreline of the bypassed reach.

Northern States proposes to: (1) continue to operate the projects in run-of-river mode, maintain a minimum impoundment elevation of 739.7 feet NGVD 29, and release minimum aesthetic flows; (2) develop an operation compliance monitoring plan; (3) develop an invasive species management plan that includes biennial surveys for invasive species; (4) protect

bald eagles by scheduling any ground-disturbing activities at recreation sites to occur between August 1 and January 15 for any work within 660 feet of any eagle nest; (5) avoid the removal of trees greater than 3 inches in diameter from June 1 through July 31, and follow the U.S. Fish and Wildlife Service's guidance to protect the northern long-eared bat and tricolored bat; (6) continue to maintain project recreation facilities, but relocate the existing hand-carry boat take-out site and parking area on the western shoreline of the impoundment to the eastern shoreline of the impoundment, approximately 300 feet upstream of the dam; (7) install new directional signage for the new boat take-out site and update recreation and safety signage to comply with Part 8 of the Commission's regulations; and (8) develop a historic properties management plan that includes shoreline erosion surveys every 5 years.

m. A copy of the application can 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 (*i.e.*, P-2587). For assistance, contact FERC Online Support.

n. 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, and .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.

All filings must (1) bear in all capital letters the title "PROTEST," "MOTION TO INTERVENE," "COMMENTS," "REPLY COMMENTS," "RECOMMENDATIONS," "TERMS AND CONDITIONS," or "PRESCRIPTIONS;" (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 of the person submitting the filing; and (4) otherwise comply with the requirements of 18 CFR 385.2001 through 385.2005. All comments, recommendations, terms and conditions or prescriptions must set forth their evidentiary basis and otherwise comply with the requirements of 18 CFR 4.34(b). Agencies may obtain copies of the application directly from the applicant. A copy of any protest or motion to intervene must be served upon each

representative of the applicant specified in the particular application. A copy of all other filings in reference to this application must be accompanied by proof of service on all persons listed on the service list prepared by the Commission in this proceeding, in accordance with 18 CFR 4.34(b) and 385.2010.

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](mailto:OPP@ferc.gov).

You may also register online at <https://ferconline.ferc.gov/FERCOnline.aspx> to be notified via email of new filings and issuances related to this or other pending projects. For assistance, contact FERC Online Support.

o. *The applicant must file no later than 60 days following the date of issuance of this notice:* (1) a copy of the water quality certification; (2) a copy of the request for certification, including proof of the date on which the certifying agency received the request; or (3) evidence of waiver of water quality certification.

p. *Procedural Schedule:* The application will be processed according to the following schedule. Revisions to the schedule will be made as appropriate.

Milestone	Target date
Filing of Comments, Recommendations, Terms and Conditions, and Prescriptions.	December 2024.
Filing of Reply Comments .....	January 2025.

q. Final amendments to the application must be filed with the Commission no later than 30 days from the issuance date of this notice.

Dated: October 10, 2024.

**Debbie-Anne A. Reese,**  
Secretary.

[FR Doc. 2024-23941 Filed 10-16-24; 8:45 am]

**BILLING CODE 6717-01-P**



**DEPARTMENT OF ENERGY****Federal Energy Regulatory Commission****[Project No. 15055–001]****Northern States Power Company; Notice of Application Accepted for Filing, Soliciting Motions To Intervene and Protests, Ready for Environmental Analysis, and Soliciting Comments, Recommendations, Preliminary Terms and Conditions, and Preliminary Fishway Prescriptions**

Take notice that the following hydroelectric application has been filed with the Commission and is available for public inspection.

a. *Type of Application:* Original Major License.

b. *Project No.:* 15055–001.

c. *Date Filed:* August 18, 2023.

d. *Applicant:* Northern States Power Company (Northern States).

e. *Name of Project:* Gile Flowage Storage Reservoir Project (project).

f. *Location:* On the West Fork of the Montreal River in Iron County, Wisconsin.

g. *Filed Pursuant to:* Federal Power Act, 16 U.S.C. 791(a)–825(r).

h. *Applicant Contact:* Mr. Matthew Miller, Environmental Analyst, 1414 W Hamilton Avenue, P.O. Box 8, Eau Claire, WI 54702; telephone at (715) 737–1353; email at [matthew.j.miller@xcelenergy.com](mailto:matthew.j.miller@xcelenergy.com).

i. *FERC Contact:* Nicholas Ettema, Project Coordinator, Great Lakes Branch, Division of Hydropower Licensing; telephone at (312) 596–4447; email at [nicholas.ettema@ferc.gov](mailto:nicholas.ettema@ferc.gov).

j. *Deadline for filing motions to intervene and protests, comments, recommendations, preliminary terms and conditions, and preliminary fishway prescriptions:* 60 days from the issuance date of this notice; reply comments are due 105 days from the issuance date of this notice.

The Commission strongly encourages electronic filing. Please file motions to intervene and protests, comments, recommendations, preliminary terms and conditions, and preliminary fishway prescriptions using the Commission's eFiling system at <https://ferconline.ferc.gov/FEROnline.aspx>. Commenters can submit brief comments up to 6,000 characters, without prior registration, using the eComment system at <https://ferconline.ferc.gov/QuickComment.aspx>. For assistance, please contact FERC Online Support at [FERCOnlineSupport@ferc.gov](mailto:FERCOnlineSupport@ferc.gov), (866) 208–3676 (toll free), or (202) 502–8659 (TTY). In lieu of electronic filing, you may submit a paper copy. Submissions

sent via the U.S. Postal Service must be addressed to: Debbie-Anne A. Reese, Acting Secretary, Federal Energy Regulatory Commission, 888 First Street NE, Room 1A, Washington, DC 20426. Submissions sent via any other carrier must be addressed to: Debbie-Anne A. Reese, Acting Secretary, Federal Energy Regulatory Commission, 12225 Wilkins Avenue, Rockville, MD 20852. All filings must clearly identify the project name and docket number on the first page: Gile Flowage Storage Reservoir Project (P–15055–001).

The Commission's Rules of Practice require all intervenors filing documents with the Commission to serve a copy of that document on each person 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.

k. This application has been accepted for filing and is now ready for environmental analysis.

l. *Project Description:* The proposed project includes an existing 902.6-foot-long, 32.5-foot-high dam that includes: (1) a 300-foot-long west earthen embankment with a crest elevation of 1495.0 feet National Geodetic Vertical Datum of 1929 (NGVD 29); (2) a 27.6-foot-long concrete section that includes: (a) a 6-foot-long sluice gate with a trashrack with 2.625-inch clear bar spacing; and (b) a 16-foot-long Tainter gate; and (3) a 575-foot-long east earthen embankment with a crest elevation of 1495.0 feet NGVD 29. The dam creates a reservoir that has a surface area of 3,325 acres at a normal maximum surface elevation of 1,490 feet NGVD 29, and a usable storage capacity of 32,713 acre-feet between 1,475 feet and 1,490 feet NGVD 29. A 27.5-foot-long, 11.8-foot-wide brick gatehouse is located on top of the dam.

From the reservoir, water flows through the sluice gate to a 35-foot-long concrete conduit, and through the Tainter gate to a 16-foot-long Ogee spillway. From the conduit and spillway, water flows to an approximately 53-foot-long concrete apron that discharges to the West Fork of the Montreal River. The project does not contain any generating facilities.

The proposed project includes the following existing recreation facilities: (1) a hand-carry boat take-out site on the shoreline of the reservoir, at the east earthen embankment; (2) an approximately 100-foot-long hand-carry boat portage route; and (3) a hand carry boat put-in site located on the east shore

of the West Fork of the Montreal River, immediately downstream of the project dam.

The proposed project boundary encompasses approximately 3,457.5 acres, including the reservoir, islands in the reservoir owned by Northern States, and land associated with project facilities.

Northern States proposes to: (1) continue to operate the reservoir as a water storage facility where water is stored and used to augment flow for hydroelectric generation at the downstream Saxon Falls Hydroelectric Project No. 2610 (Saxon Project) and Superior Falls Hydroelectric Project No. 2587 (Superior Project); (2) continue to maintain the reservoir levels between 1,475 feet and 1,490 feet NGVD 29; (3) continue to release a minimum flow of 10 cubic feet per second (cfs) through the sluice gate to the West Fork of the Montreal River downstream of the dam; (4) continue to limit the reservoir drawdown rate to no more than 0.2 foot per day; (5) develop an operation compliance monitoring plan; (6) develop an invasive species plan and conduct biennial invasive species surveys; (7) conduct shoreline erosion surveys every five years of all shorelines in the project boundary, including the tailrace, and file a report with recommendations for actions on any erosion in the project boundary; (8) develop a historic properties management plan to protect historic properties; (9) develop an operation compliance monitoring plan; (10) publish flow releases and reservoir storage elevation data on the internet; (11) develop a land management plan to for recreation use, signage, maintenance, and trash removal on islands owned by Northern States in the reservoir; (12) develop a whitewater recreation plan that includes provisions for whitewater flow releases of 1,200 cfs in the morning on two days each year; (13) maintain existing recreation facilities as project facilities, and update directional and safety signage; (14) implement the Wisconsin Department of Natural Resources' (Wisconsin DNR) Broad Incidental Take Permit for Wisconsin Cave Bats during routine recreation site maintenance; (15) implement the current U.S. Fish and Wildlife Service's guidance for northern long-eared bat when removing trees greater than 3 inches in diameter; (16) protect wood turtles by implementing the Wisconsin DNR's Broad Incidental Take Permit for Wood Turtles, including but not limited to restrictions on herbicide use.

m. A copy of the application can 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 (*i.e.*, P–15055). For assistance, contact FERC Online Support.

n. 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, and .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.

All filings must (1) bear in all capital letters the title “PROTEST,” “MOTION TO INTERVENE,” “COMMENTS,” “REPLY COMMENTS,” “RECOMMENDATIONS,” “PRELIMINARY TERMS AND CONDITIONS,” or “PRELIMINARY FISHWAY PRESCRIPTIONS;” (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 of the person submitting the filing; and (4) otherwise comply with the requirements of 18 CFR 385.2001 through 385.2005. All comments, recommendations, terms and conditions or prescriptions must set forth their evidentiary basis and otherwise comply with the requirements of 18 CFR 4.34(b). Agencies may obtain copies of the application directly from the applicant. A copy of any protest or motion to intervene must be served upon each representative of the applicant specified in the particular application. A copy of all other filings in reference to this application must be accompanied by proof of service on all persons listed on the service list prepared by the Commission in this proceeding, in accordance with 18 CFR 4.34(b) and 385.2010.

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*.

You may also register online at <https://ferconline.ferc.gov/ferconline.aspx> to be notified via email of new filings and issuances related to this or other pending projects. For assistance, contact FERC Online Support.

o. The applicant must file no later than 60 days following the date of issuance of this notice: (1) a copy of the water quality certification; (2) a copy of the request for certification, including proof of the date on which the certifying agency received the request; or (3) evidence of waiver of water quality certification.

p. *Procedural Schedule:* The application will be processed according to the following schedule. Revisions to the schedule will be made as appropriate.

Milestone	Target date
Filing of Comments, Recommendations, Terms and Conditions, and Prescriptions.	December 2024.
Filing of Reply Comments .....	January 2025.

q. Any qualified applicant desiring to file a competing application must submit to the Commission, on or before the specified intervention deadline date, a competing development application, or a notice of intent to file such an application. Submission of a timely notice of intent allows an interested person to file the competing development application no later than 120 days after the specified intervention deadline date. Applications for preliminary permits will not be accepted in response to this notice.

A notice of intent must specify the exact name, business address, and telephone number of the prospective applicant, and must include an unequivocal statement of intent to submit a development application. A notice of intent must be served on the applicant(s) named in this public notice.

Dated: October 10, 2024.  
**Debbie-Anne A. Reese,**  
*Secretary.*

[FR Doc. 2024–23939 Filed 10–16–24; 8:45 am]  
**BILLING CODE 6717–01–P**

**FEDERAL MARITIME COMMISSION**

**Notice of Agreement Filed**

The Commission hereby gives notice of filing of the following agreement under the Shipping Act of 1984. Interested parties may submit comments, relevant information, or documents regarding the agreement to the Secretary by email at *Secretary@fmc.gov*, or by mail, Federal Maritime

Commission, 800 North Capitol Street, Washington, DC 20573. Comments will be most helpful to the Commission if received within 12 days of the date this notice appears in the **Federal Register**, and the Commission requests that comments be submitted within 7 days on agreements that request expedited review. Copies of agreement are available through the Commission’s website ([www.fmc.gov](http://www.fmc.gov)) or by contacting the Office of Agreements at (202) 523–5793 or *tradeanalysis@fmc.gov*.

*Agreement No.:* 201157–009.  
*Agreement Name:* USMX–ILA Master Contract Memorandum of Settlement.  
*Parties:* International Longshoremen’s Association, AFL–CIO and United States Maritime Alliance, Ltd.  
*Filing Party:* Jim Campbell, The Lambos Firm LLP.

*Synopsis:* The Amendment extends the term of the 2018–2024 USMX–ILA Master Contract from October 1, 2023, through and including January 15, 2025.  
*Proposed Effective Date:* 10/8/2024.  
*Location:* <https://www2.fmc.gov/FMC/Agreements.Web/Public/AgreementHistory/8153>.

Dated: October 11, 2024.  
**Alanna Beck,**  
*Federal Register Alternate Liaison Officer.*  
[FR Doc. 2024–23977 Filed 10–16–24; 8:45 am]  
**BILLING CODE 6730–02–P**

**FEDERAL RESERVE SYSTEM**

**Proposed Agency Information Collection Activities; Comment Request**

*Correction*

In notice document 2024–22635 beginning on page 80242 in the issue of Wednesday, October 2, 2024, make the following correction:

On page 80242, in the third column, in the 23rd and 24th lines, “[insert date 60 days after publication in the **Federal Register**]” should read “December 2, 2024”.

[FR Doc. C1–2024–22635 Filed 10–16–24; 8:45 am]  
**BILLING CODE 0099–10–D**

**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 November 1, 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](mailto:Comments.applications@stls.frb.org):

1. *Teresa Grindstaff and Greg Allen, as co-trustees of the Justin W. Gilliam 2016 Irrevocable Family Trust U/A DTD 11/14/2016, the Paul Grindstaff III 2020 Irrevocable Trust U/A DTD 12/30/2020, the Teresa A. Grindstaff 2021 Irrevocable Trust U/A DTD 12/09/2021, and the Paul Grindstaff Jr 2021 Irrevocable Family Trust U/A DTD 12/27/2021, Paul Grindstaff III and Greg Allen, as co-trustees of the Teresa A. Grindstaff 2021 Irrevocable Family Trust U/A DTD 12/16/2021 and the Paul Grindstaff III 2021 Irrevocable Trust U/A DTD 12/16/2021, Paul Grindstaff III and Ashley L. Grindstaff, as co-trustees of the Paul Grindstaff III and Ashley L. Grindstaff Revocable Trust DTD 01/19/2016, Paul Grindstaff III, as co-trustee of the Teresa A. Grindstaff 2012 Family Trust, and Bryant C. Allen and Alta C. Allen, as co-trustees of the Bryant C. Allen and Alta C. Allen Revocable Trust DTD 08/27/2019, all of Farmington,*

*Missouri; Bryana M. Martin, Fort Worth, Texas; and Finian C. Boesch, Cape Girardeau, Missouri; to join the Grindstaff/Allen Control Group, a group acting in concert, to retain voting shares of First State Bancshares, Inc., and thereby indirectly retain voting shares of First State Community Bank, both of Farmington, Missouri. The Grindstaff/Allen Control Group was previously permitted by the Federal Reserve System to acquire control of the voting shares of First State Bancshares, Inc.*

*B. Federal Reserve Bank of Dallas* (Karen Smith, Director, Mergers & Acquisitions) 2200 North Pearl Street, Dallas, Texas 75201-2272. Comments can also be sent electronically to [Comments.applications@dal.frb.org](mailto:Comments.applications@dal.frb.org):

1. *The Amy K. Brown 2010 Trust, the Molly A. Knight 2010 Trust, the David A. Knight 2010 Trust, and the Patrick J. Doss 2021 Trust, Billy Francis Knight, as trustee, all of Fort Worth, Texas; to become members of the Doss/Knight Family Group, a group acting in concert, to acquire voting shares of Texas Banc Financial Corp, Fort Worth, Texas, and indirectly acquire voting shares of TexasBank, Brownwood, Texas.*

Board of Governors of the Federal Reserve System.

**Michele Taylor Fennell,**  
*Associate Secretary of the Board.*

[FR Doc. 2024-23969 Filed 10-16-24; 8:45 am]

**BILLING CODE P**

## DEPARTMENT OF HEALTH AND HUMAN SERVICES

### Agency for Healthcare Research and Quality

#### Agency Information Collection Activities: Proposed Collection; Comment Request

**AGENCY:** Agency for Healthcare Research and Quality, HHS.

**ACTION:** Notice.

**SUMMARY:** This notice announces the intention of the Agency for Healthcare Research and Quality (AHRQ) to request that the Office of Management and Budget (OMB) approve extension without change of the currently approved information collection "Surveys on Patient Safety Culture (SOPS) Ambulatory Surgery Center (ASC) Survey Database," OMB No. 0935-0242. This proposed information collection was previously published in the **Federal Register** on August 13, 2024 and allowed 60 days for public comment. AHRQ received no substantive comments from members of the public. The purpose of this notice is

to allow an additional 30 days for public comment.

**DATES:** Comments on this notice must be received by November 18, 2024.

**ADDRESSES:** Written comments and recommendations for the proposed information collection should be sent within 30 days of publication of this notice to [www.reginfo.gov/public/do/PRAMain](http://www.reginfo.gov/public/do/PRAMain). Find this particular information collection by selecting "Currently under 30-day Review—Open for Public Comments" or by using the search function.

#### FOR FURTHER INFORMATION CONTACT:

Doris Lefkowitz, AHRQ Reports Clearance Officer, (301) 427-1477, or by email [REPORTSCLEARANCEOFFICER@ahrq.hhs.gov](mailto:REPORTSCLEARANCEOFFICER@ahrq.hhs.gov).

#### SUPPLEMENTARY INFORMATION:

##### Proposed Project

*Surveys on Patient Safety Culture® (SOPS®) Ambulatory Surgery Center (ASC) Survey Database*

In 1999, the Institute of Medicine called for healthcare organizations to develop a "culture of safety" such that their workforce and processes focus on improving the reliability and safety of care for patients (IOM, 1999; "To Err is Human: Building a Safer Health System"). To respond to the need for tools to assess patient safety culture in healthcare, AHRQ developed and pilot tested the Surveys on Patient Safety Culture® (SOPS®) Ambulatory Surgery Centers (ASC) Survey with OMB approval (OMB No. 0935-0216; approved October 31, 2013).

The SOPS-ASC is designed to enable ASCs to assess provider and staff perspectives about patient safety issues, medical error, and error reporting. The survey includes 27 items that measure 8 composites of patient safety culture. In addition to the composite items, the survey includes one item measuring how often ASCs document near-misses; one item asking whether the respondent is in the room during surgeries, procedures, or treatments; and three items about communication before and after surgeries, procedures, or treatments. The survey also includes an overall rating item on patient safety, two items about respondent characteristics, and a section for open-ended comments. AHRQ made the survey publicly available along with a Survey User's Guide and other toolkit materials in May 2015 on the AHRQ website.

The AHRQ SOPS-ASC Database consists of data from the AHRQ ASC Survey on Patient Safety Culture. Ambulatory surgery centers in the U.S. can voluntarily submit data from the

survey to AHRQ, through its contractor, Westat. The SOPS ASC Database (OMB No. 0935–0242; last approved on October 7, 2021; expiration date October 31, 2024) was developed by AHRQ in 2019 in response to requests from ASCs interested in tracking their own survey results. Organizations submitting data receive a feedback report, as well as a report of the aggregated, de-identified findings of the other ASCs submitting data. These reports are used to assist ASC staff in their efforts to improve patient safety culture in their organizations.

The SOPS ASC Survey and the SOPS ASC Database support AHRQ’s goals of promoting improvements in the quality and safety of healthcare in ASCs. The survey, toolkit materials, and database results are all made publicly available on AHRQ’s website. Technical assistance is provided by AHRQ through its contractor at no charge to ASCs, to facilitate the use of these materials for ASC patient safety and quality improvement.

The goals of the SOPS–ASC database are:

- (1) Presents results from ASCs that voluntarily submit their data;
- (2) Provides data to ASCs to facilitate internal assessment and learning in the patient safety improvement process; and
- (3) Provides supplemental information to help ASCs identify their strengths and areas with potential for improvement in patient safety culture.

To achieve these goals, the following activities and data collections will be implemented:

(1) **Eligibility and Registration Form**—The point-of-contact (POC), often the manager of the ASC, completes a number of data submission steps and forms, beginning with completion of an

online Eligibility and Registration Form. The purpose of this form is to collect basic demographic information about the ASC and initiate the registration process.

(2) **ASC Site Information**—The purpose of the site information form, completed by the ASC POC, is to collect background characteristics of the ASC. This information will be used to analyze data collected with the SOPS ASC Survey.

(3) **Data Use Agreement**—The purpose of the data use agreement, completed by the ASC manager, is to state how data submitted by ASCs will be used and provides confidentiality assurances.

(4) **SOPS ASC Survey Data File(s) Submission**—POCs upload their data file(s), using the SOPS ASC Survey data file specifications, to ensure that users submit their data in a standardized way (e.g., variable names, order, coding, formatting). The number of submissions to the database is likely to vary from submission period to submission period because ASCs do not administer the survey and submit data every year. Data submission is typically handled by one POC who is either an ASC administrative manager or a survey vendor who contracts with an ASC to collect and submit its data.

This study is being conducted by AHRQ through its contractor, Westat, pursuant to AHRQ’s statutory authority to conduct and support research on healthcare and on systems for the delivery of such care, including activities with respect to: the quality, effectiveness, efficiency, appropriateness and value of healthcare services; quality measurement and improvement; and database development. 42 U.S.C. 299a(a)(1), (2), and (8).

Method of Collection

All information collection for the SOPS ASC Database is done electronically, except the Data Use Agreement (DUA), which ASCs will print, sign, and return (either via fax, by scanning and emailing or uploading to a secure website, or by mailing back). Registration, submission of ASC information, and data upload is handled online through a secure website. Customized feedback reports will be delivered electronically (the person submitting the data will enter a username and password and will have access to a secure website from which to download their reports).

Estimated Annual Respondent Burden

Exhibit 1 shows the estimated annualized burden hours for the respondents’ time to participate in the database. The total burden is estimated to be 86 hours.

(1) **Eligibility and Registration Form**—Completed once by 60 ASC POCs. The form takes about 3 minutes to complete.

(2) **ASC Site Information**—Completed an average of 4 times by the 60 ASC POCs. The form takes 5 minutes to complete.

(3) **Data Use Agreement**—Completed once by 60 ASC POCs. The form takes about 3 minutes to complete.

(4) **SOPS ASC Survey Data File(s) Submission**—Each of the 60 POCs will submit their SOPS ASC Survey data. The data submission requires an hour on average to complete.

Exhibit 2 shows the estimated annualized cost burden based on the respondents’ time to submit their data. The cost burden is estimated to be \$4,386 annually.

EXHIBIT 1—ESTIMATED ANNUALIZED BURDEN HOURS

Form name	Number of respondents/POCs	Number of responses per POC	Hours per response	Total burden hours
1. Eligibility and Registration Form .....	60	1	3/60	3
2. ASC Site Information .....	60	4	5/60	20
3. Data Use Agreement .....	60	1	3/60	3
4. SOPS ASC Survey Data Files Submission .....	60	1	1	60
Total .....	NA	NA	NA	86

EXHIBIT 2—ESTIMATED ANNUALIZED COST BURDEN

Form name	Total burden hours	Average hourly wage rate *	Total cost burden
1. Eligibility and Registration Form .....	3	\$50.99	\$153
2. ASC Site Information .....	20	50.99	1,020
3. Data Use Agreement .....	3	50.99	153

## EXHIBIT 2—ESTIMATED ANNUALIZED COST BURDEN—Continued

Form name	Total burden hours	Average hourly wage rate *	Total cost burden
4. SOPS ASC Survey Data Files Submission .....	60	50.99	3,060
Total .....	86	NA	4,386

\*Based on the mean hourly wage for 60 ASC Administrative Services Managers (11–3010; \$50.99) obtained from the May 2023 National Industry-Specific Occupational Employment and Wage Estimates: NAICS 621400—Outpatient Care Centers (located at [https://www.bls.gov/oes/current/naics4\\_621400.htm#11-00000](https://www.bls.gov/oes/current/naics4_621400.htm#11-00000)).

**Request for Comments**

In accordance with the Paperwork Reduction Act, 44 U.S.C. 3501–3520, comments on AHRQ's information collection are requested with regard to any of the following: (a) whether the proposed collection of information is necessary for the proper performance of AHRQ's health care research and health care information dissemination functions, including whether the information will have practical utility; (b) the accuracy of AHRQ's estimate of burden (including hours and costs) of the proposed collection(s) of information; (c) ways to enhance the quality, utility and clarity of the information to be collected; and (d) ways to minimize the burden of the collection of information upon the respondents, including the use of automated collection techniques or other forms of information technology.

Comments submitted in response to this notice will be summarized and included in the Agency's subsequent request for OMB approval of the proposed information collection. All comments will become a matter of public record.

Dated: October 11, 2024.

**Marquita Cullom,**  
Associate Director.

[FR Doc. 2024–23931 Filed 10–16–24; 8:45 am]

BILLING CODE 4160–90–P

**DEPARTMENT OF HEALTH AND HUMAN SERVICES****Agency for Healthcare Research and Quality****Meeting of the National Advisory Council for Healthcare Research and Quality**

**AGENCY:** Agency for Healthcare Research and Quality (AHRQ).

**ACTION:** Notice of public meeting.

**SUMMARY:** This notice announces a meeting of the National Advisory Council for Healthcare Research and Quality.

**DATES:** The meeting will be held on Wednesday, November 20, 2024, from 11:00 a.m. to 3:30 p.m.

**ADDRESSES:** The meeting will be held in person.

**FOR FURTHER INFORMATION CONTACT:**

Jaime Zimmerman, Designated Federal Official, at the Agency for Healthcare Research and Quality, 5600 Fishers Lane, Mail Stop 06E37A, Rockville, Maryland, 20857, (301) 427–1456. For press-related information, please contact Bruce Seeman at (301) 427–1998 or [Bruce.Seeman@AHRQ.hhs.gov](mailto:Bruce.Seeman@AHRQ.hhs.gov).

Closed captioning will be provided during the meeting. If another reasonable accommodation for a disability is needed, please contact the Food and Drug Administration (FDA) Office of Equal Employment Opportunity and Diversity Management on (301) 827–4840, no later than Friday, November 1, 2024. The agenda, roster, and minutes will be available from Jenny Griffith, Committee Management Officer, Agency for Healthcare Research and Quality, 5600 Fishers Lane, Rockville, Maryland, 20857. Jenny Griffith's phone number is (240) 446–6799.

**SUPPLEMENTARY INFORMATION:****I. Purpose**

In accordance with the Federal Advisory Committee Act, this notice announces a meeting of the National Advisory Council for Healthcare Research and Quality (the Council). 5 U.S.C. 1009. The Council is authorized by Section 941 of the Public Health Service Act, 42 U.S.C. 299c. In accordance with its statutory mandate, the Council is to advise the Secretary of the Department of Health and Human Services and the Director of AHRQ on matters related to AHRQ's conduct of its mission including providing guidance on (A) priorities for health care research, (B) the field of health care research including training needs and information dissemination on health care quality and (C) the role of the Agency in light of private sector activity and opportunities for public private partnerships. The Council is composed

of members of the public, appointed by the Secretary, and Federal ex-officio members specified in the authorizing legislation.

**II. Agenda**

On Wednesday, November 20, 2024, NAC members will meet to conduct preparatory work prior to convening the Council meeting at 9:30 a.m., with the call to order by the Council Chair, an introduction of NAC members, and approval of previous Council summary notes. The NAC members will then receive an update from the AHRQ Director. The agenda will also include an update on the AHRQ's Patient-Centered Outcomes Research Trust Fund (PCORTF) Healthcare Extension Service, as well as an update on the Subcommittee of the National Advisory Council (SNAC) on National Action Alliance to Advance Patient Safety. The meeting will also include a discussion about the Consumer Assessment of Healthcare Providers and System (CAHPS) and opportunities for modernizing the measurement of consumer experience. The meeting is open to the public and will adjourn at 3:30 p.m. For information regarding how to access the meeting as well as other meeting details, including information on how to make a public comment, please go to <https://www.ahrq.gov/news/events/nac/>. The final agenda will be available on the AHRQ website no later than Wednesday, November 13, 2024.

Dated: October 10, 2024.

**Marquita Cullom,**  
Associate Director.

[FR Doc. 2024–23905 Filed 10–16–24; 8:45 am]

BILLING CODE P

**DEPARTMENT OF HEALTH AND HUMAN SERVICES****Centers for Disease Control and Prevention****Meeting of the Healthcare Infection Control Practices Advisory Committee**

**AGENCY:** Centers for Disease Control and Prevention (CDC), Department of Health and Human Services (HHS).

**ACTION:** Notice of meeting.

**SUMMARY:** In accordance with the Federal Advisory Committee Act, the Centers for Disease Control and Prevention announces the following meeting for the Healthcare Infection Control Practices Advisory Committee (HICPAC). This virtual meeting is open to the public.

**DATES:** The meeting will be held on November 14, 2024, from 9 a.m. to 5 p.m., EST, and November 15, 2024, 9 a.m. to 12 p.m., EST.

**ADDRESSES:** The meeting will be webcast live via the World Wide Web. The webcast link can be found on the HICPAC website. <https://www.cdc.gov/hicpac/meeting.html>

**FOR FURTHER INFORMATION CONTACT:** Sydnee Byrd, M.P.A., Program Analyst, HICPAC, Division of Healthcare Quality Promotion, NCEZID, CDC, 1600 Clifton Road NE, Mailstop H16-3, Atlanta, Georgia 30329-4027, Telephone: (404) 718-8039; Email: [hicpac@cdc.gov](mailto:hicpac@cdc.gov).

**SUPPLEMENTARY INFORMATION:**

*Purpose:* The Committee is charged with providing advice and guidance to the Director, Division of Healthcare Quality Promotion (DHQP), the Director, National Center for Emerging and Zoonotic Infectious Diseases (NCEZID), the Director, CDC; and the Secretary, Department of Health and Human Services, regarding (1) the practice of healthcare infection prevention and control; (2) strategies for surveillance, prevention, and control of infections, antimicrobial resistance, and related events in settings where healthcare is provided; and (3) periodic updating of CDC guidelines and other policy statements regarding prevention of healthcare-associated infections and healthcare-related conditions.

*Matters to be Considered:* The agenda will include the following updates: The Division of Health Quality Promotion Updates; Isolation Precautions Guideline Workgroup; the NHSN Neonatal Pediatric Definitions Update and the Healthcare Personnel Guideline Workgroup. Agenda items are subject to change.

**Public Participation**

*Oral Public Comment:* This meeting will include time for members of the public to make an oral comment. Priority will be given to individuals who submit a request to make an oral public comment before the meeting according to the procedures below. All persons interested in making an oral public comment at the November 14–15, 2024, HICPAC meeting must submit a request between October 15, 2024, and October 25, 2024, at <https://www.cdc.gov/hicpac/meeting.html> no later than 5 p.m., EDT, October 25, 2024, according to the instructions provided. If the number of persons requesting to speak is greater than can be reasonably accommodated during the scheduled time, CDC will conduct a lottery to determine the speakers for the scheduled public comment session. CDC staff will notify individuals regarding their request to speak by email by November 1, 2024.

The Director, Office of Strategic Business Initiatives, Office of the Chief Operating Officer, Centers for Disease Control and Prevention, has been delegated the authority to sign **Federal Register** notices pertaining to announcements of meetings and other committee management activities, for both the Centers for Disease Control and Prevention and the Agency for Toxic Substances and Disease Registry.

**Kalwant Smagh,**

*Director, Office of Strategic Business Initiatives, Office of the Chief Operating Officer, Centers for Disease Control and Prevention.*

[FR Doc. 2024-23896 Filed 10-16-24; 8:45 am]

**BILLING CODE 4163-18-P**

**DEPARTMENT OF HEALTH AND HUMAN SERVICES****Centers for Disease Control and Prevention****Meeting of the Advisory Council for the Elimination of Tuberculosis**

**AGENCY:** Centers for Disease Control and Prevention (CDC), Department of Health and Human Services (HHS).

**ACTION:** Notice of meeting.

**SUMMARY:** In accordance with the Federal Advisory Committee Act, the Centers for Disease Control and Prevention (CDC) announces the following meeting of the Advisory Council for the Elimination of Tuberculosis (ACET). This meeting is open to the public, limited only by the number of audio and web conference lines (1,000 lines are available). Time

will be available for public comment (registration is required to provide oral comment; see the Oral Public Comment section below).

**DATES:** The meeting will be held on December 3, 2024, from 9:30 a.m. to 4:30 p.m., EST, and December 4, 2024, from 10 a.m. to 12 p.m., EST.

Written comments must be submitted by November 26, 2024. Registration to make oral comments must also be submitted by November 26, 2024.

**ADDRESSES:** The public meeting will be held virtually through Zoom. Registration in advance is required to attend. Please visit [https://cdc.zoomgov.com/webinar/register/WN\\_1bRtm\\_1MRoiz83dFlQoHQQ](https://cdc.zoomgov.com/webinar/register/WN_1bRtm_1MRoiz83dFlQoHQQ) to register. This registration for virtual attendance will remain open through the meeting. Prior to the meeting, each individual registrant will receive a registration confirmation along with an access link to the virtual meeting location.

**FOR FURTHER INFORMATION CONTACT:**

Marah Condit, M.S., Committee Management Lead, Office of Policy, Planning, and Partnerships, National Center for HIV, Viral Hepatitis, STD, and TB Prevention, Centers for Disease Control and Prevention, 1600 Clifton Road NE, Mailstop US8-6, Atlanta, Georgia 30329-4027. Telephone: (404) 639-3423; Email: [nchhstppolicy@cdc.gov](mailto:nchhstppolicy@cdc.gov).

**SUPPLEMENTARY INFORMATION:**

*Purpose:* The Advisory Council for the Elimination of Tuberculosis is charged with providing advice and recommendations regarding the elimination of tuberculosis (TB) to the Secretary of Health and Human Services, the Assistant Secretary for Health, and the Director, Centers for Disease Control and Prevention (CDC). Specifically, the Council makes recommendations regarding policies, strategies, objectives, and priorities; addresses the development and application of new technologies; provides guidance and review on CDC's Tuberculosis Prevention Research portfolio and program priorities; and reviews the extent to which progress has been made toward eliminating TB.

*Matters to be Considered:* The agenda will include discussions on: (1) CDC's National Center for HIV, Viral Hepatitis, STD, and TB Prevention Update; (2) CDC's Division of Tuberculosis Elimination Update; (3) TB in New Arrivals; (4) CDC's National Tuberculosis Surveillance System and Molecular Surveillance; (5) Tuberculosis Epidemiologic Studies Consortium III; (6) Think. Test. Treat TB Campaign; (7) Laboratory Developed Tests Workgroup Update; and (8) Drug

Shortage Workgroup Update. Agenda items are subject to change as priorities dictate.

### Public Participation

**Written Public Comment:** Members of the public are welcome to submit written comments in advance of the meeting. Written comments must be submitted by emailing [nchhstppolicy@cdc.gov](mailto:nchhstppolicy@cdc.gov) with subject line “ACET December 2024 Public Comment Registration” by November 26, 2024.

**Oral Public Comment:** Individuals who would like to make an oral comment during the public comment period must register by emailing [nchhstppolicy@cdc.gov](mailto:nchhstppolicy@cdc.gov) with subject line “ACET December 2024 Public Comment Registration” by November 26, 2024. The public comment period is on December 4, 2024, at 10:15 a.m., EST.

The Director, Office of Strategic Business Initiatives, Office of the Chief Operating Officer, Centers for Disease Control and Prevention, has been delegated the authority to sign **Federal Register** notices pertaining to announcements of meetings and other committee management activities, for both the Centers for Disease Control and Prevention and the Agency for Toxic Substances and Disease Registry.

**Kalwant Smagh,**

*Director, Office of Strategic Business Initiatives, Office of the Chief Operating Officer, Centers for Disease Control and Prevention.*

[FR Doc. 2024–23885 Filed 10–16–24; 8:45 am]

BILLING CODE 4163–18–P

## DEPARTMENT OF HEALTH AND HUMAN SERVICES

### Centers for Disease Control and Prevention

#### Meeting of the Board of Scientific Counselors, Office of Readiness and Response

**AGENCY:** Centers for Disease Control and Prevention (CDC), Department of Health and Human Services (HHS).

**ACTION:** Notice of meeting.

**SUMMARY:** In accordance with the Federal Advisory Committee Act, the Centers for Disease Control and Prevention (CDC) announces the following meeting for the Board of Scientific Counselors, Office of Readiness and Response (BSC, ORR). This is a virtual meeting and is open to the public, limited only by the number of web conference lines available (500

lines). Time will be available for public comment.

**DATES:** The meeting will be held on November 20, 2024, from 9:30 a.m. to 4:30 p.m., EST, and November 21, 2024, from 9 a.m. to 3 p.m., EST.

**ADDRESSES:** Zoom virtual meeting. If you wish to attend the meeting, please register in advance by accessing the link at [https://cdc.zoomgov.com/webinar/register/WN\\_sIWaL9XVRqWnBKMB2OO2wQ#](https://cdc.zoomgov.com/webinar/register/WN_sIWaL9XVRqWnBKMB2OO2wQ#/)/registration. Instructions on accessing the meeting will be provided following registration.

**FOR FURTHER INFORMATION CONTACT:** Dometa Ouisley, Public Health Analyst, Office of Science and Laboratory Readiness, Office of Readiness and Response, Centers for Disease Control and Prevention, 1600 Clifton Road NE, Mailstop H21–6, Atlanta, Georgia 30329–4027. Telephone: (404) 639–7450; Email: [DOuisley@cdc.gov](mailto:DOuisley@cdc.gov).

#### SUPPLEMENTARY INFORMATION:

**Purpose:** The Board of Scientific Counselors, Office of Readiness and Response provides advice and guidance to the Secretary, Department of Health and Human Services (HHS); the Assistant Secretary for Health, HHS; the Director, Centers for Disease Control and Prevention (CDC); and the Director, Office of Readiness and Response (ORR), CDC. The Board recommends strategies and goals for readiness and response activities pertaining to programs and research within the agency and the ORR divisions and monitors the overall strategic direction and focus of the ORR divisions and offices. The Board may also perform second-level peer review of applications for grants-in-aid for research and research training activities, cooperative agreements, and research contract proposals relating to the broad areas within the center. For additional information about the Board, please visit <https://www.cdc.gov/orr/scientific-counselors/index.html>.

**Matters to be Considered:** Agenda topics for Day 1 of the meeting include ORR Updates, ORR Division Director Updates, CDC’s Response Readiness Framework, and a CDCReady Demonstration. Agenda topics for Day 2 include Poliovirus Containment Working Group Updates, ORR Science Agenda Working Group Updates, and Health Equity Working Group Updates. Agenda items are subject to change as priorities dictate.

The Director, Office of Strategic Business Initiatives, Office of the Chief Operating Officer, Centers for Disease Control and Prevention, has been delegated the authority to sign **Federal**

**Register** notices pertaining to announcements of meetings and other committee management activities, for both the Centers for Disease Control and Prevention and the Agency for Toxic Substances and Disease Registry.

**Kalwant Smagh,**

*Director, Office of Strategic Business Initiatives, Office of the Chief Operating Officer, Centers for Disease Control and Prevention.*

[FR Doc. 2024–23926 Filed 10–16–24; 8:45 am]

BILLING CODE 4163–18–P

## DEPARTMENT OF HEALTH AND HUMAN SERVICES

### Centers for Medicare & Medicaid Services

[CMS–3466–PN]

#### Medicare and Medicaid Programs: Application From the American Association for Accreditation of Ambulatory Surgery Facilities dba QUAD A for Continued CMS-Approval of Its Outpatient Physical Therapy (OPT) Accreditation Program

**AGENCY:** Centers for Medicare & Medicaid Services (CMS), HHS.

**ACTION:** Notice with request for comment.

**SUMMARY:** This notice acknowledges the receipt of an application from the American Association for Accreditation of Ambulatory Surgery Facilities, dba QUAD A, for continued recognition as a national accrediting organization for outpatient physical therapy providers that wish to participate in the Medicare or Medicaid programs.

**DATES:** To be assured consideration, comments must be received at one of the addresses provided below, no later than 5 p.m. on November 18, 2024.

**ADDRESSES:** In commenting, refer to file code CMS–3466–PN. Because of staff and resource limitations, we cannot accept comments by facsimile (FAX) transmission.

Comments, including mass comment submissions, must be submitted in one of the following three ways (please choose only one of the ways listed):

1. *Electronically.* You may submit electronic comments on this regulation to <https://www.regulations.gov>. Follow the “Submit a comment” instructions.

2. *By regular mail.* You may mail written comments to the following address ONLY: Centers for Medicare & Medicaid Services, Department of Health and Human Services, Attention: CMS–3466–PN, P.O. Box 8010, Baltimore, MD 21244–8010.

Please allow sufficient time for mailed comments to be received before the close of the comment period.

3. *By express or overnight mail.* You may send written comments to the following address ONLY: Centers for Medicare & Medicaid Services, Department of Health and Human Services, Attention: CMS-3466-PN, Mail Stop C4-26-05, 7500 Security Boulevard, Baltimore, MD 21244-1850.

For information on viewing public comments, see the beginning of the **SUPPLEMENTARY INFORMATION** section.

**FOR FURTHER INFORMATION CONTACT:** Caecilia Andrews, (410) 786-2190. Joy Webb, (410) 786-1667.

#### **SUPPLEMENTARY INFORMATION:**

*Inspection of Public Comments:* All comments received before the close of the comment period are available for viewing by the public, including any personally identifiable or confidential business information that is included in a comment. We post all comments received before the close of the comment period on the following website as soon as possible after they have been received: <http://www.regulations.gov>. Follow the search instructions on that website to view public comments. CMS will not post on *Regulations.gov* public comments that make threats to individuals or institutions or suggest that the commenter will take actions to harm an individual. CMS continues to encourage individuals not to submit duplicative comments. We will post acceptable comments from multiple unique commenters even if the content is identical or nearly identical to other comments.

#### **I. Background**

A healthcare provider may enter into an agreement with Medicare to participate in the program as a provider of outpatient physical therapy (OPT) provided certain requirements are met. Section 1861(p)(4) of the Social Security Act (the Act), establishes distinct criteria for facilities seeking designation as an OPT. Regulations concerning Medicare provider agreements in general are at 42 CFR part 489 and those pertaining to the survey and certification for Medicare participation of providers and certain types of suppliers are at part 488. The regulations at part 485, subpart H specify the conditions that a provider must meet to participate in the Medicare program as an OPT.

Generally, to enter into an agreement, an OPT must first be certified by a state survey agency (SA) as complying with the conditions or requirements set forth

in part 485 of our Medicare regulations. Thereafter, the OPT is subject to regular surveys by an SA to determine whether it continues to meet these requirements. Section 1865(a)(1) of the Act provides that, if a provider entity demonstrates through accreditation by a Centers for Medicare & Medicaid Services (CMS) approved national accrediting organization (AO) that all applicable Medicare conditions are met or exceeded, we may deem that provider entity as having met the requirements. Accreditation by an AO is voluntary and is not required for Medicare participation.

If an AO is recognized by the Secretary of the Department of Health and Human Services as having standards for accreditation that meet or exceed Medicare requirements, any provider entity accredited by the national accrediting body's approved program may be deemed to meet the Medicare conditions. The AO applying for approval of its accreditation program under part 488, subpart A, must provide CMS with reasonable assurance that the AO requires the accredited provider entities to meet requirements that are at least as stringent as the Medicare conditions. Our regulations concerning the approval of AOs are set forth at § 488.5.

The QUAD A's current term of approval for its OPT program expires April 4, 2025.

#### **II. Approval of Deeming Organization**

Section 1865(a)(2) of the Act and our regulations at § 488.5 require that our findings concerning review and approval of an AO's requirements consider, among other factors, the applying AO's requirements for accreditation; survey procedures; resources for conducting required surveys; capacity to furnish information for use in enforcement activities; monitoring procedures for provider entities found not in compliance with the conditions or requirements; and ability to provide CMS with the necessary data for validation.

Section 1865(a)(3)(A) of the Act further requires that we publish, within 60 days of receipt of an organization's complete application, a notice that identifies the national accrediting body making the request, describes the nature of the request, and provides at least a 30-day public comment period. We have 210 days from the receipt of a complete application to publish notice of approval or denial of the application.

The purpose of this proposed notice is to inform the public of QUAD A's request for continued CMS-approval of its OPT accreditation program. This

notice also solicits public comment on whether QUAD A's requirements meet or exceed the Medicare conditions for participation (CoPs) for OPTs.

#### **III. Evaluation of Deeming Authority Request**

QUAD A submitted all the necessary materials to enable us to make a determination concerning its request for continued CMS-approval of its OPT accreditation program. This application was determined to be complete on September 9, 2024. Under section 1865(a)(2) of the Act and § 488.5, our review and evaluation of QUAD A will be conducted in accordance with, but not necessarily limited to, the following factors:

- The equivalency of QUAD A's standards for OPTs as compared with Medicare's CoPs for OPTs.

- QUAD A's survey process to determine the following:

- ++ The composition of the survey team, surveyor qualifications, and the ability of the organization to provide continuing surveyor training.

- ++ The comparability of QUAD A's processes to those of State agencies, including survey frequency, and the ability to investigate and respond appropriately to complaints against accredited facilities.

- ++ QUAD A's processes and procedures for monitoring an OPT found out of compliance with QUAD A's program requirements. These monitoring procedures are used only when QUAD A identifies noncompliance. If noncompliance is identified through validation reviews or complaint surveys, the State survey agency monitors corrections as specified at § 488.9(c)(1).

- ++ QUAD A's capacity to report deficiencies to the surveyed facilities and respond to the facility's plan of correction in a timely manner.

- ++ QUAD A's capacity to provide CMS with electronic data and reports necessary for the effective validation and assessment of the organization's survey process.

- ++ The adequacy of QUAD A's staff and other resources, and its financial viability.

- ++ QUAD A's capacity to adequately fund required surveys.

- ++ QUAD A's policies with respect to whether surveys are announced or unannounced, to ensure that surveys are unannounced.

- ++ QUAD A's policies and procedures to avoid conflicts of interest, including the appearance of conflicts of interest, involving individuals who conduct surveys or participate in accreditation decisions.



++ QUAD A's agreement to provide CMS with a copy of the most current accreditation survey together with any other information related to the survey as CMS may require (including corrective action plans).

#### IV. Collection of Information Requirements

This document does not impose information collection requirements, that is, reporting, recordkeeping or third-party disclosure requirements. Consequently, there is no need for review by the Office of Management and Budget under the authority of the Paperwork Reduction Act of 1995 (44 U.S.C. 3501 *et seq.*).

#### V. Response to Public Comments

Because of the large number of public comments we normally receive on **Federal Register** documents, we are not able to acknowledge or respond to them individually. We will consider all comments we receive by the date and time specified in the **DATES** section of this preamble, and, when we proceed with a subsequent document, we will respond to the comments in the preamble to that document.

The Administrator of the Centers for Medicare & Medicaid Services (CMS), Chiquita Brooks-LaSure, having reviewed and approved this document, authorizes Vanessa Garcia, who is the Federal Register Liaison, to electronically sign this document for purposes of publication in the **Federal Register**.

**Vanessa Garcia,**  
*Federal Register Liaison, Centers for Medicare & Medicaid Services.*

[FR Doc. 2024-23930 Filed 10-16-24; 8:45 am]

**BILLING CODE 4120-01-P**

## DEPARTMENT OF HEALTH AND HUMAN SERVICES

### Food and Drug Administration

[Docket No. FDA-2024-D-4774]

#### Temporary Policies for Compounding Certain Parenteral Drug Products; Guidance for Industry; Availability

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

**ACTION:** Notice of availability.

**SUMMARY:** The Food and Drug Administration (FDA or we) is announcing the availability of a final guidance for industry entitled "Temporary Policies for Compounding Certain Parenteral Drug Products." As of October 10, 2024, pursuant to the Public Health Service Act (PHS Act),

Department of Health and Human Services (HHS) Secretary Becerra has determined that public health emergencies (PHEs) exist as a result of the consequences of Hurricane Helene in the States of North Carolina, Florida, Georgia, Tennessee, and South Carolina, and as a result of the consequences of Hurricane Milton in the State of Florida. In late September 2024, Hurricane Helene had a devastating impact on one of the largest manufacturers of certain intravenous and peritoneal dialysis solutions in the United States. This guidance describes the FDA's regulatory and enforcement priorities regarding the compounding of certain parenteral drug products by outsourcing facilities and by State-licensed pharmacies and Federal facilities that are not registered with FDA as outsourcing facilities.

**DATES:** The announcement of the guidance is published in the **Federal Register** on October 17, 2024.

**ADDRESSES:** You may submit either electronic or written comments on Agency guidances at any time as follows:

#### Electronic Submissions

Submit electronic comments in the following way:

- **Federal eRulemaking Portal:** <https://www.regulations.gov>. Follow the instructions for submitting comments. Comments submitted electronically, including attachments, to <https://www.regulations.gov> will be posted to the docket unchanged. Because your comment will be made public, you are solely responsible for ensuring that your comment does not include any confidential information that you or a third party may not wish to be posted, such as medical information, your or anyone else's Social Security number, or confidential business information, such as a manufacturing process. Please note that if you include your name, contact information, or other information that identifies you in the body of your comments, that information will be posted on <https://www.regulations.gov>.

- If you want to submit a comment with confidential information that you do not wish to be made available to the public, submit the comment as a written/paper submission and in the manner detailed (see "Written/Paper Submissions" and "Instructions").

#### Written/Paper Submissions

Submit written/paper submissions as follows:

- **Mail/Hand Delivery/Courier (for written/paper submissions):** Dockets Management Staff (HFA-305), Food and Drug Administration, 5630 Fishers Lane, Rm. 1061, Rockville, MD 20852.

- For written/paper comments submitted to the Dockets Management Staff, FDA will post your comment, as well as any attachments, except for information submitted, marked and identified, as confidential, if submitted as detailed in "Instructions."

**Instructions:** All submissions received must include the Docket No. FDA-2024-D-4774 for "Temporary Policies for Compounding Certain Parenteral Drug Products." Received comments will be placed in the docket and, except for those submitted as "Confidential Submissions," publicly viewable at <https://www.regulations.gov> or at the Dockets Management Staff between 9 a.m. and 4 p.m., Monday through Friday, 240-402-7500.

- **Confidential Submissions—**To submit a comment with confidential information that you do not wish to be made publicly available, submit your comments only as a written/paper submission. You should submit two copies total. One copy will include the information you claim to be confidential with a heading or cover note that states "THIS DOCUMENT CONTAINS CONFIDENTIAL INFORMATION." The Agency will review this copy, including the claimed confidential information, in its consideration of comments. The second copy, which will have the claimed confidential information redacted/blacked out, will be available for public viewing and posted on <https://www.regulations.gov>. Submit both copies to the Dockets Management Staff. If you do not wish your name and contact information to be made publicly available, you can provide this information on the cover sheet and not in the body of your comments and you must identify this information as "confidential." Any information marked as "confidential" will not be disclosed except in accordance with 21 CFR 10.20 and other applicable disclosure law. For more information about FDA's posting of comments to public dockets, see 80 FR 56469, September 18, 2015, or access the information at: <https://www.govinfo.gov/content/pkg/FR-2015-09-18/pdf/2015-23389.pdf>.

**Docket:** For access to the docket to read background documents or the electronic and written/paper comments received, go to <https://www.regulations.gov> and insert the docket number, found in brackets in the heading of this document, into the "Search" box and follow the prompts and/or go to the Dockets Management Staff, 5630 Fishers Lane, Rm. 1061, Rockville, MD 20852, 240-402-7500.

You may submit comments on any guidance at any time (see 21 CFR 10.115(g)(5)).



Submit written requests for single copies of the guidance to the Office of Communications, Division of Drug Information, Center for Drug Evaluation and Research, Food and Drug Administration, 10001 New Hampshire Ave., Hillandale Bldg., 4th Floor, Silver Spring, MD 20993-0002. Send two self-addressed adhesive labels to assist that office in processing your requests. See the **SUPPLEMENTARY INFORMATION** section for electronic access to the guidance document.

**FOR FURTHER INFORMATION CONTACT:**

Gabrielle Cosel, Center for Drug Evaluation and Research, Food and Drug Administration, 10903 New Hampshire Ave., Silver Spring, MD 20993-0002, 301-796-3100.

**SUPPLEMENTARY INFORMATION:**

**I. Background**

As of October 10, 2024, pursuant to section 319(a) of the Public Health Service Act (42 U.S.C. 247d) (PHS Act), HHS Secretary Becerra has determined that public health emergencies (PHEs) exist as a result of the consequences of Hurricane Helene in the States of North Carolina, Florida, Georgia, Tennessee, and South Carolina, and as a result of the consequences of Hurricane Milton in the State of Florida. FDA is aware of reports from hospitals, health systems, and State-licensed pharmacies that they have experienced difficulties obtaining certain intravenous solutions. FDA is closely monitoring this situation and using all of its applicable authorities to work with the manufacturers of intravenous solutions to increase supply. For example, FDA has facilitated the temporary importation of intravenous solution products from certain foreign facilities, detailed at: <https://www.fda.gov/drugs/updates-2024-hurricane-season/hurricane-helene-baxters-manufacturing-recovery-north-carolina>.

However, we recognize that hospitals, health systems, State-licensed pharmacies, and applicable Federal facilities have concerns about assuring access to intravenous solutions as the impacts of the hurricanes continue. Therefore, FDA is issuing this policy to describe the FDA's regulatory and enforcement priorities regarding the compounding of certain parenteral drug products for hospitals by outsourcing facilities and by State-licensed pharmacies and Federal facilities that are not registered with FDA as outsourcing facilities.

We are announcing the availability of a guidance for industry entitled "Temporary Policies for Compounding Certain Parenteral Drug Products." We

are issuing this guidance consistent with our good guidance practices (GGP) regulation (§ 10.115 (21 CFR 10.115)). We are implementing this guidance without prior public comment because we have determined that prior public participation is not feasible or appropriate (§ 10.115(g)(2)). This guidance document is being implemented immediately to help ensure patient access to certain parenteral drug products, such as intravenous fluids, which are essential in the care of patients, including those who are critically ill and those undergoing surgery. Although this guidance document is immediately in effect, it remains subject to comment in accordance with FDA's GGP regulation.

The guidance represents the current thinking of FDA on "Temporary Policies for Compounding Certain Large Volume Parenteral Drug Products for Hospitals." It does not establish any rights for any person and is not binding on FDA or the public. You can use an alternative approach if it satisfies the requirements of the applicable statutes and regulations.

**II. Paperwork Reduction Act of 1995**

While this guidance contains no collection of information, it does refer to previously approved FDA collections of information. The previously approved collections of information are subject to review by the Office of Management and Budget (OMB) under the Paperwork Reduction Act of 1995 (PRA) (44 U.S.C. 3501-3521). The collections of information for current good manufacturing practice requirements have been approved under OMB control number 0910-0139. The collections of information for registration of human drug compounding outsourcing facilities under section 503B of the FD&C Act and associated fees under section 744K of the FD&C Act (21 U.S.C. 379j-62) have been approved under OMB control number 0910-0776. The collections of information for human drug compounding and adverse event reporting under sections 503A and 503B (21 U.S.C. 353a and 353b) of the FD&C Act have been approved under OMB control number 0910-0800. The collections of information for adverse event and product experience reporting under the MedWatch System has been approved under OMB control number 0910-0291.

To the extent this guidance also contains a new collection of information not approved under a current collection, a PHE waiver from the PRA has been granted by HHS on October 11, 2024, under section 319(f) of the Public Health Service Act. Information concerning the

PHE PRA waiver can be found on the HHS website at <https://aspe.hhs.gov/public-health-emergency-declaration-pwaivers>.

**III. Electronic Access**

Persons with access to the internet may obtain the document at <https://www.fda.gov/regulatory-information/search-fda-guidance-documents> or <https://www.regulations.gov>. Use the FDA website listed in the previous sentence to find the most current version of the guidance.

Dated: October 11, 2024.

**Eric Flamm,**

*Acting Associate Commissioner for Policy.*

[FR Doc. 2024-23954 Filed 10-16-24; 8:45 am]

**BILLING CODE 4164-01-P**

**DEPARTMENT OF HEALTH AND HUMAN SERVICES**

**Food and Drug Administration**

[Docket No. FDA-2017-D-5868]

**Requests for Reconsideration at the Division Level Under the Generic Drug User Fee Amendments; Guidance for Industry; Availability**

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

**ACTION:** Notice of availability.

**SUMMARY:** The Food and Drug Administration (FDA or Agency) is announcing the availability of a final guidance for industry entitled "Requests for Reconsideration at the Division Level Under GDUFA." This guidance provides recommendations on the procedures for applicants of abbreviated new drug applications (ANDAs) that wish to pursue a request for reconsideration within the review discipline at the division level or original signatory authority. This guidance reflects the most recent reauthorization of the Generic Drug User Fee Amendments (GDUFA III) and clarifies what matters are appropriate for requests for reconsideration. This guidance finalizes the draft guidance for industry of the same title issued on January 11, 2024.

**DATES:** The announcement of the guidance is published in the **Federal Register** on October 17, 2024.

**ADDRESSES:** You may submit either electronic or written comments on Agency guidances at any time as follows:

*Electronic Submissions*

Submit electronic comments in the following way:

- **Federal eRulemaking Portal:** <https://www.regulations.gov>. Follow the instructions for submitting comments. Comments submitted electronically, including attachments, to <https://www.regulations.gov> will be posted to the docket unchanged. Because your comment will be made public, you are solely responsible for ensuring that your comment does not include any confidential information that you or a third party may not wish to be posted, such as medical information, your or anyone else's Social Security number, or confidential business information, such as a manufacturing process. Please note that if you include your name, contact information, or other information that identifies you in the body of your comments, that information will be posted on <https://www.regulations.gov>.

- If you want to submit a comment with confidential information that you do not wish to be made available to the public, submit the comment as a written/paper submission and in the manner detailed (see "Written/Paper Submissions" and "Instructions").

#### *Written/Paper Submissions*

Submit written/paper submissions as follows:

- **Mail/Hand Delivery/Courier (for written/paper submissions):** Dockets Management Staff (HFA-305), Food and Drug Administration, 5630 Fishers Lane, Rm. 1061, Rockville, MD 20852.

- For written/paper comments submitted to the Dockets Management Staff, FDA will post your comment, as well as any attachments, except for information submitted, marked and identified, as confidential, if submitted as detailed in "Instructions."

**Instructions:** All submissions received must include the Docket No. FDA-2017-D-5868 for "Requests for Reconsideration at the Division Level Under GDUFA." Received comments will be placed in the docket and, except for those submitted as "Confidential Submissions," publicly viewable at <https://www.regulations.gov> or at the Dockets Management Staff between 9 a.m. and 4 p.m., Monday through Friday, 240-402-7500.

- **Confidential Submissions—**To submit a comment with confidential information that you do not wish to be made publicly available, submit your comments only as a written/paper submission. You should submit two copies total. One copy will include the information you claim to be confidential with a heading or cover note that states "THIS DOCUMENT CONTAINS CONFIDENTIAL INFORMATION." The Agency will review this copy, including the claimed confidential information, in

its consideration of comments. The second copy, which will have the claimed confidential information redacted/blacked out, will be available for public viewing and posted on <https://www.regulations.gov>. Submit both copies to the Dockets Management Staff. If you do not wish your name and contact information to be made publicly available, you can provide this information on the cover sheet and not in the body of your comments and you must identify this information as "confidential." Any information marked as "confidential" will not be disclosed except in accordance with 21 CFR 10.20 and other applicable disclosure law. For more information about FDA's posting of comments to public dockets, see 80 FR 56469, September 18, 2015, or access the information at: <https://www.govinfo.gov/content/pkg/FR-2015-09-18/pdf/2015-23389.pdf>.

**Docket:** For access to the docket to read background documents or the electronic and written/paper comments received, go to <https://www.regulations.gov> and insert the docket number, found in brackets in the heading of this document, into the "Search" box and follow the prompts and/or go to the Dockets Management Staff, 5630 Fishers Lane, Rm. 1061, Rockville, MD 20852, 240-402-7500.

You may submit comments on any guidance at any time (see 21 CFR 10.115(g)(5)).

Submit written requests for single copies of this guidance to the Division of Drug Information, Center for Drug Evaluation and Research, Food and Drug Administration, 10001 New Hampshire Ave., Hillandale Building, 4th Floor, Silver Spring, MD 20993-0002. Send one self-addressed adhesive label to assist that office in processing your requests. See the **SUPPLEMENTARY INFORMATION** section for electronic access to the guidance document.

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

David Coppersmith, Center for Drug Evaluation and Research, Food and Drug Administration, 10903 New Hampshire Ave., Bldg. 75, Rm. 1673, Silver Spring, MD 20903, 301-796-9193, [David.Coppersmith@fda.hhs.gov](mailto:David.Coppersmith@fda.hhs.gov).

#### **SUPPLEMENTARY INFORMATION:**

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

FDA is announcing the availability of a guidance for industry entitled "Requests for Reconsideration at the Division Level Under GDUFA." This guidance provides recommendations on the procedures for applicants of ANDAs that wish to pursue a request for reconsideration within the review discipline at the division level or

original signatory authority. Requests within the scope of this guidance document should concern certain actions that relate to an ANDA and have scientific significance.

During the assessment of an ANDA, FDA considers important issues that are central to product evaluation. Sometimes, an applicant may disagree with FDA, and because these disagreements often involve intricate matters, it is critical to have procedures in place to ensure open and prompt consideration of an applicant's concern(s). The procedures and policies described in this guidance are intended to formalize FDA's current and historical practices and to continue to promote rapid and fair resolution of eligible requests between an applicant and FDA.

This guidance finalizes the draft guidance for industry of the same title issued on January 11, 2024 (89 FR 1923). FDA received no comments on the draft guidance. No changes were made other than editorial changes.

This guidance is being issued consistent with FDA's good guidance practices regulation (21 CFR 10.115). The guidance represents the current thinking of FDA on "Requests for Reconsideration at the Division Level Under GDUFA." It does not establish any rights for any person and is not binding on FDA or the public. You can use an alternative approach if it satisfies the requirements of the applicable statutes and regulations.

##### **II. Paperwork Reduction Act of 1995**

While this guidance contains no collection of information, it does refer to previously approved FDA collections of information. The previously approved collections of information are subject to review by the Office of Management and Budget (OMB) under the Paperwork Reduction Act of 1995 (PRA) (44 U.S.C. 3501-3521). The collections of information in 21 CFR part 314 have been approved under OMB control number 0910-0001. The collections of information pertaining to the GDUFA III commitment letter, meetings related to generic drug development, and the Generic Drug User Fee Program have been approved under OMB control number 0910-0727.

##### **III. Electronic Access**

Persons with access to the internet may obtain the guidance at <https://www.fda.gov/drugs/guidance-compliance-regulatory-information/guidances-drugs>, <https://www.fda.gov/regulatory-information/search-fda-guidance-documents>, or <https://www.regulations.gov>.

Dated: October 9, 2024.

**Eric Flamm,**

*Acting Associate Commissioner for Policy.*

[FR Doc. 2024–23967 Filed 10–16–24; 8:45 am]

BILLING CODE 4164–01–P

## DEPARTMENT OF HEALTH AND HUMAN SERVICES

### Health Resources and Services Administration

#### Agency Information Collection Activities; Proposed Collection; Public Comment Request; Generic Information Collection Request for Health Resources and Services Administration Stakeholder Gatherings

**AGENCY:** Health Resources and Services Administration (HRSA), Department of Health and Human Services.

**ACTION:** Notice.

**SUMMARY:** In compliance with the Paperwork Reduction Act of 1995, HRSA submitted an Information Collection Request (ICR) to the Office of Management and Budget (OMB) for review and approval. Comments submitted during the first public review of this ICR will be provided to OMB. OMB will accept further comments from the public during the review and approval period. OMB may act on HRSA's ICR only after the 30-day comment period for this notice has closed.

**DATES:** Comments on this ICR should be received no later than November 18, 2024.

**ADDRESSES:** Written comments and recommendations for the proposed information collection should be sent within 30 days of publication of this notice to [www.reginfo.gov/public/do/PRAMain](http://www.reginfo.gov/public/do/PRAMain). Find this particular information collection by selecting "Currently under Review—Open for Public Comments" or by using the search function.

**FOR FURTHER INFORMATION CONTACT:** To request a copy of the clearance requests submitted to OMB for review, email Joella Roland, the HRSA Information Collection Clearance Officer, at [paperwork@hrsa.gov](mailto:paperwork@hrsa.gov) or call (301) 443–3983.

**SUPPLEMENTARY INFORMATION:**  
*Information Collection Request Title:* Umbrella Generic Information Collection Request for Information Collections Related to HRSA Gatherings, OMB No. 0906–xxxx—New.

*Abstract:* HRSA conducts gatherings for various purposes, including conferences, meetings, workshops,

webinars, trainings, communities of practice, focus groups, and other in-person or virtual gatherings for individuals and organizations that are interested in HRSA programs. To ensure that HRSA has sufficient information to plan, convene, administer, and evaluate the effectiveness of these gatherings, HRSA must collect information from potential attendees, such as contact information, organizational information, logistical information (e.g., preferred delivery methods), accommodation needs, and feedback about the gathering's content. Furthermore, HRSA may conduct a test of knowledge to see what attendees know about the subject matter before or during the meeting or focus group. After the gathering concludes, attendees may be asked to complete an evaluation form and/or a test of knowledge to measure the gathering's effectiveness. In some instances, attendees may also apply and/or submit an abstract for prescreening to be selected for attendance.

An illustrative, but not exhaustive, list of examples of standardized information collection activities related to HRSA gatherings include:

- *Registration Forms:* Information collected includes name, contact information, organization/affiliation, demographic information (age, race or ethnicity, occupation, and location), and attendee accommodation needs.

- *Application Forms for panels, posters, or other presentation formats:* For application forms, information collected also includes title, author(s), organization/affiliation, and presentation abstract, in addition to the information contained in the registration form.

- *Focus Groups:* Information collected includes attendee/presenter responses to standard questions regarding topics posed to smaller groups during HRSA gatherings.

- *Pre-/Post-gathering Forms:* Information collected includes attendee/presenter preferences, feedback, pre-/post-meeting questions, and tests of knowledge in response to standard questions.

A 60-day notice published in the **Federal Register** on June 21, 2024, 89 FR 52067–68. HRSA received one comment that was outside the scope of the proposed information collection.

*Need and Proposed Use of the Information:* The purpose of collections under this umbrella generic information collection is to gather appropriate information to plan, administer, and evaluate HRSA gatherings. While HRSA can evaluate the general need for and the overall practical utility of such

information collection in advance, HRSA may not be able to determine the details of the specific individual collections until a later time. The planning for these gatherings is often on a quick timeline and the standard timeline to comply with a full request under the Paperwork Reduction Act could inhibit HRSA's ability to collect information to inform these activities. The information collected is expected to be voluntary, low-burden, and uncontroversial. Therefore, an umbrella generic is requested to allow for quick turnaround requests for similar information collections related to these activities.

As this Generic ICR for HRSA Stakeholder Gatherings will focus on the awareness, understanding, attitudes, preferences, or experiences of HRSA customers or other stakeholders (e.g., funding recipients and their delivery partners, potential funding applicants) relating to existing or future services, products, or communication materials, the Fast Track Process should apply to this information collection. Therefore, HRSA requests OMB provide a response on individual generic information collections within 5 business days.

*Likely Respondents:* Attendees and presenters at HRSA conferences, meetings, workshops, webinars, trainings, communities of practice, and other in-person, virtual, or hybrid gatherings. Attendees and presenters may include HRSA funding recipients, individuals seeking to participate in a HRSA-funded program, members of the public who utilize HRSA-funded resources, contractors, researchers, and other members of the public. Responses to any information collections under this Generic ICR for HRSA Stakeholder Gatherings are not required to obtain or retain any benefit.

*Burden Statement:* Burden in this context means the time expended by persons to generate, maintain, retain, disclose, or provide the information requested. This includes the time needed to review instructions; to develop, acquire, install, and utilize technology and systems for the purpose of collecting, validating, and verifying information, processing and maintaining information, and disclosing and providing information; to train personnel and to be able to respond to a collection of information; to search data sources; to complete and review the collection of information; and to transmit or otherwise disclose the information. The total annual burden hours estimated for this ICR are summarized in the table below. HRSA conducted this estimate based on reviewing burden estimates of forms

from previous HRSA gatherings, which were approved under other Umbrella or Regular packages.

## TOTAL ESTIMATED ANNUALIZED BURDEN HOURS

Form name	Number of respondents	Number of responses per respondent	Total responses	Average burden per response (in hours)	Total burden hours
Registration Forms .....	100,000	1	100,000	0.5	50,000
Applications .....	10,000	1	10,000	1.0	10,000
Pre- and Post-Gathering Forms .....	200,000	1	200,000	0.5	100,000
Focus Groups .....	100,000	3	300,000	3.0	900,000
Total .....	410,000	.....	610,000	.....	1,060,000

**Maria G. Button,**

*Director, Executive Secretariat.*

[FR Doc. 2024-23875 Filed 10-16-24; 8:45 am]

**BILLING CODE 4165-15-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; Topics in Viral Pathogenesis and Immunity.

*Date:* November 1, 2024.

*Time:* 9:30 a.m. to 11:00 a.m.

*Agenda:* To review and evaluate grant applications.

*Address:* National Institutes of Health, Rockledge II, 6701 Rockledge Drive, Bethesda, MD 20892.

*Meeting Format:* Virtual Meeting.

*Contact Person:* Neerja Kaushik-Basu, Ph.D., Scientific Review Officer, Center for Scientific Review, National Institutes of Health, 6701 Rockledge Drive, Room 3198, MSC 7808, Bethesda, MD 20892, (301) 435-1742, [kaushikbasun@csr.nih.gov](mailto:kaushikbasun@csr.nih.gov).

*Name of Committee:* Center for Scientific Review Special Emphasis Panel; PAR Panel: Fogarty International Research Training.

*Date:* November 7, 2024.

*Time:* 2:00 p.m. to 4:00 p.m.

*Agenda:* To review and evaluate grant applications.

*Address:* National Institutes of Health, Rockledge II, 6701 Rockledge Drive, Bethesda, MD 20892.

*Meeting Format:* Virtual Meeting.

*Contact Person:* Aruna K. Behera, Ph.D., Scientific Review Officer, Center for Scientific Review, National Institutes of Health, 6701 Rockledge Drive, Room 4211, MSC 7814, Bethesda, MD 20892, (301) 435-6809, [beheraak@csr.nih.gov](mailto:beheraak@csr.nih.gov).

*Name of Committee:* Center for Scientific Review Special Emphasis Panel; Small Business: Cell and Molecular Biology.

*Date:* November 12-13, 2024.

*Time:* 9:00 a.m. to 6:00 p.m.

*Agenda:* To review and evaluate grant applications.

*Address:* National Institutes of Health, Rockledge II, 6701 Rockledge Drive, Bethesda, MD 20892.

*Meeting Format:* Virtual Meeting.

*Contact Person:* Megan L. Goodall, Ph.D., Scientific Review Officer, Center for Scientific Review, National Institutes of Health, 6701 Rockledge Drive, Bethesda, MD 20892, (301) 594-8334, [megan.goodall@nih.gov](mailto:megan.goodall@nih.gov).

*Name of Committee:* Population Sciences and Epidemiology Integrated Review Group; Cardiovascular and Respiratory Diseases Study Section.

*Date:* November 13-14, 2024.

*Time:* 9:00 a.m. to 8:00 p.m.

*Agenda:* To review and evaluate grant applications.

*Address:* National Institutes of Health, Rockledge II, 6701 Rockledge Drive, Bethesda, MD 20892.

*Meeting Format:* In Person and Virtual Meeting.

*Contact Person:* Raquel L. Velazquez-kronen, Ph.D., Scientific Review Officer, Center for Scientific Review, National Institutes of Health, 6701 Rockledge Dr., Bethesda, MD 20892, (513) 301-9047, [velazquezrl@csr.nih.gov](mailto:velazquezrl@csr.nih.gov).

*Name of Committee:* Center for Scientific Review Special Emphasis Panel; Program Project—Biopsychosocial Mechanisms of Substance Use after Bariatric Surgery.

*Date:* November 13, 2024.

*Time:* 1:00 p.m. to 6:00 p.m.

*Agenda:* To review and evaluate grant applications.

*Address:* National Institutes of Health, Rockledge II, 6701 Rockledge Drive, Bethesda, MD 20892.

*Meeting Format:* Virtual Meeting.

*Contact Person:* Sara Louise Hargrave, Ph.D., Scientific Review Officer, Center for Scientific Review, National Institutes of Health, 6701 Rockledge Drive, Room 3170, Bethesda, MD 20892, (301) 443-7193, [hargravesl@mail.nih.gov](mailto:hargravesl@mail.nih.gov).

*Name of Committee:* Center for Scientific Review Special Emphasis Panel; Member Conflict: Cell and Developmental Biology of Eye.

*Date:* November 13, 2024.

*Time:* 2:00 p.m. to 5:00 p.m.

*Agenda:* To review and evaluate grant applications.

*Address:* National Institutes of Health, Rockledge II, 6701 Rockledge Drive, Bethesda, MD 20892.

*Meeting Format:* Virtual Meeting.

*Contact Person:* Rass M. Shayiq, Ph.D., Scientific Review Officer, Center for Scientific Review, National Institutes of Health, 6701 Rockledge Drive, Room 2182, MSC 7818, Bethesda, MD 20892, (301) 435-2359, [shayiqr@csr.nih.gov](mailto:shayiqr@csr.nih.gov).

*Name of Committee:* Center for Scientific Review Special Emphasis Panel; Fellowships: Sensory and Motor Neurosciences, Cognition and Perception.

*Date:* November 14-15, 2024.

*Time:* 8:00 a.m. to 8:00 p.m.

*Agenda:* To review and evaluate grant applications.

*Address:* National Institutes of Health, Rockledge II, 6701 Rockledge Drive, Bethesda, MD 20892.

*Meeting Format:* Virtual Meeting.

*Contact Person:* Simon Peter Peron, Ph.D., Scientific Review Officer, Center for Scientific Review, National Institutes of Health, 6701 Rockledge Dr., Room 1009K, Bethesda, MD 20892, (301) 594-6236, [peronsp@csr.nih.gov](mailto:peronsp@csr.nih.gov).

*Name of Committee:* Center for Scientific Review Special Emphasis Panel; Small Business: Cardiovascular Sciences Activities.

*Date:* November 14-15, 2024.

*Time:* 8:00 a.m. to 8:00 p.m.

*Agenda:* To review and evaluate grant applications.

*Address:* Hilton Garden Inn Bethesda Downtown, 7301 Waverly Street, Bethesda, MD 20814.

*Meeting Format:* In Person.

*Contact Person:* Dmitri V. Gnatenko, Ph.D., Scientific Review Officer, Center for Scientific Review, National Institutes of

Health, 6701 Rockledge Drive, Bethesda, MD 20892, (301) 867-5309, [gntatenkod2@nih.gov](mailto:gntatenkod2@nih.gov).

*Name of Committee:* Center for Scientific Review Special Emphasis Panel; Small Business: Digestive Sciences.

*Date:* November 14-15, 2024.

*Time:* 8:00 a.m. to 8:00 p.m.

*Agenda:* To review and evaluate grant applications.

*Address:* North Bethesda Marriott Hotel & Conference Center, Montgomery County Conference Center Facility, 5701 Marinelli Road, North Bethesda, MD 20852.

*Meeting Format:* In Person.

*Contact Person:* Ganesan Ramesh, Ph.D., Scientific Review Officer, Center for Scientific Review, National Institutes of Health, 6701 Rockledge Drive, Room 2182, MSC 7818, Bethesda, MD 20892, 301-827-5467, [ganesan.ramesh@nih.gov](mailto:ganesan.ramesh@nih.gov).

*Name of Committee:* Center for Scientific Review Special Emphasis Panel; Small Business: Cardiovascular and Surgical Devices.

*Date:* November 14-15, 2024.

*Time:* 9:00 a.m. to 8:00 p.m.

*Agenda:* To review and evaluate grant applications.

*Address:* National Institutes of Health, Rockledge II, 6701 Rockledge Drive, Bethesda, MD 20892.

*Meeting Format:* Virtual Meeting.

*Contact Person:* Willard Wilson, Ph.D., Scientific Review Officer, Center for Scientific Review, National Institutes of Health, 6701 Rockledge Drive, Bethesda, MD 20817, 301-867-5309, [willard.wilson@nih.gov](mailto:willard.wilson@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: October 10, 2024.

**David W. Freeman,**

*Supervisory Program Analyst, Office of Federal Advisory Committee Policy.*

[FR Doc. 2024-23934 Filed 10-16-24; 8:45 am]

**BILLING CODE 4140-01-P**

## DEPARTMENT OF HEALTH AND HUMAN SERVICES

### National Institutes of Health

#### National Eye Institute; Notice of Closed Meetings

Pursuant to section 1009 of the Federal Advisory Committee Act, as amended, notice is hereby given of the following meetings.

The meetings will be closed to the public in accordance with the provisions set forth in sections 552b(c)(4) and 552b(c)(6), title 5 U.S.C., as amended. The grant applications and the discussions could disclose confidential trade secrets or commercial property such as patentable material, and personal information concerning

individuals associated with the grant applications, the disclosure of which would constitute a clearly unwarranted invasion of personal privacy.

*Name of Committee:* National Eye Institute Special Emphasis Panel; RFA: Research for Low Vision and Blindness Accessibility Tools (R61/R33).

*Date:* November 20, 2024.

*Time:* 10:00 a.m. to 5:00 p.m.

*Agenda:* To review and evaluate grant applications.

*Address:* National Eye Institute, 6700 Rockledge Dr., Bethesda, MD 20817.

*Meeting Format:* Virtual Meeting.

*Contact Person:* Brian Hoshaw, Ph.D., Chief, Scientific Review Branch, Division of Extramural Research, National Eye Institute, National Institutes of Health, 6700 B Rockledge Dr., Rockville, MD 20892, 301-451-2020, [hoshawb@mail.nih.gov](mailto:hoshawb@mail.nih.gov).

*Name of Committee:* National Eye Institute Special Emphasis Panel; Conference Grant Applications (R13).

*Date:* November 21, 2024.

*Time:* 10:00 a.m. to 2:00 p.m.

*Agenda:* To review and evaluate grant applications.

*Address:* National Eye Institute, 6700 Rockledge Dr., Bethesda, MD 20817.

*Meeting Format:* Virtual Meeting.

*Contact Person:* Jennifer C Schiltz, Ph.D., Scientific Review Officer, Scientific Review Branch, Division of Extramural Activities, National Eye Institute, Bethesda, MD 20817, 240-276-5864, [jennifer.schiltz@nih.gov](mailto:jennifer.schiltz@nih.gov).

(Catalogue of Federal Domestic Assistance Program No. 93.867, Vision Research, National Institutes of Health, HHS)

Dated: October 10, 2024

**Victoria E. Townsend,**

*Program Analyst, Office of Federal Advisory Committee Policy.*

[FR Doc. 2024-23873 Filed 10-16-24; 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; Fellowships: Oncology.

*Date:* November 12-13, 2024.

*Time:* 10:00 a.m. to 8:00 p.m.

*Agenda:* To review and evaluate grant applications.

*Address:* National Institutes of Health, Rockledge II, 6701 Rockledge Drive, Bethesda, MD 20892.

*Meeting Format:* Virtual Meeting.

*Contact Person:* Nywana Sizemore, Ph.D., Scientific Review Officer, Center for Scientific Review, National Institutes of Health, 6701 Rockledge Drive, Room 6189, MSC 7804, Bethesda, MD 20892, 301-408-9916, email: [sizemoren@csr.nih.gov](mailto:sizemoren@csr.nih.gov).

*Name of Committee:* Center for Scientific Review Special Emphasis Panel; Infrastructure Development Training Program for Critical HIV Research at LMIC Institutions (G11).

*Date:* November 12, 2024.

*Time:* 10:00 a.m. to 6:00 p.m.

*Agenda:* To review and evaluate grant applications.

*Address:* National Institutes of Health, Rockledge II, 6701 Rockledge Drive, Bethesda, MD 20892.

*Meeting Format:* Virtual Meeting.

*Contact Person:* Shinako Takada, Ph.D., Scientific Review Officer, Center for Scientific Review, National Institutes of Health, 6701 Rockledge Drive, Bethesda, MD 20892, 301-827-5997, [shinako.takada@nih.gov](mailto:shinako.takada@nih.gov).

*Name of Committee:* Center for Scientific Review Special Emphasis Panel; Member Conflict: Topics in Viral Dynamics, Hypersensitivity and Allergy.

*Date:* November 12, 2024.

*Time:* 11:00 a.m. to 4:00 p.m.

*Agenda:* To review and evaluate grant applications.

*Address:* National Institutes of Health, Rockledge II, 6701 Rockledge Drive, Bethesda, MD 20892.

*Meeting Format:* Virtual Meeting.

*Contact Person:* Shannon J. Sherman, Ph.D., Scientific Review Officer, Center for Scientific Review, National Institutes of Health, 6701 Rockledge Drive, Bethesda, MD 20892, 301-594-0715, [shannon.sherman@nih.gov](mailto:shannon.sherman@nih.gov).

*Name of Committee:* Center for Scientific Review Special Emphasis Panel; Nucleic Acid Therapeutic Delivery (NATD).

*Date:* November 13-14, 2024.

*Time:* 8:00 a.m. to 6:30 p.m.

*Agenda:* To review and evaluate grant applications.

*Address:* The Bethesdan Hotel, 8120 Wisconsin Avenue, Bethesda, MD 20814.

*Meeting Format:* In Person.

*Contact Person:* Jingwu Xie, Ph.D., Scientific Review Officer, Center for Scientific Review, National Institutes of Health, 6701 Rockledge Drive, Bethesda, MD 20892, (301) 594-8625, [jingwu.xie@nih.gov](mailto:jingwu.xie@nih.gov).

*Name of Committee:* Center for Scientific Review Special Emphasis Panel; RFA Panel: Understanding Chronic Conditions Understudied Among Women.

*Date:* November 13-14, 2024.

*Time:* 9:30 a.m. to 6:30 p.m.

**Agenda:** To review and evaluate grant applications.

**Address:** National Institutes of Health, Rockledge II, 6701 Rockledge Drive, Bethesda, MD 20892.

**Meeting Format:** Virtual Meeting.

**Contact Person:** Jessica Bellinger, Ph.D., Scientific Review Officer, Center for Scientific Review, National Institutes of Health, 6701 Rockledge Drive, Room 3158, Bethesda, MD 20892, (301) 827-4446, [bellingerjd@csr.nih.gov](mailto:bellingerjd@csr.nih.gov).

**Name of Committee:** Center for Scientific Review Special Emphasis Panel; Small Business: SBIR/STTR Commercialization Readiness Pilot (CRP) Program.

**Date:** November 13–14, 2024.

**Time:** 9:30 a.m. to 6:00 p.m.

**Agenda:** To review and evaluate grant applications.

**Address:** National Institutes of Health, Rockledge II, 6701 Rockledge Drive, Bethesda, MD 20892.

**Meeting Format:** In Person and Virtual Meeting.

**Contact Person:** Marie-Jose Belanger, Ph.D., Scientific Review Officer, Center for Scientific Review, National Institutes of Health, 6701 Rockledge Drive, Rm. 6188, MSC 7804, Bethesda, MD 20892, 301-435-1267, [belangerm@csr.nih.gov](mailto:belangerm@csr.nih.gov).

**Name of Committee:** Center for Scientific Review Special Emphasis Panel; Member Conflict: Bioengineering, Surgery, Anesthesiology, and Trauma.

**Date:** November 13, 2024.

**Time:** 10:00 a.m. to 4:00 p.m.

**Agenda:** To review and evaluate grant applications.

**Address:** National Institutes of Health, Rockledge II, 6701 Rockledge Drive, Bethesda, MD 20892.

**Meeting Format:** 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](mailto:wrightds@csr.nih.gov).

**Name of Committee:** Infectious Diseases and Immunology A Integrated Review Group; HIV Molecular Virology, Cell Biology, and Drug Development Study Section.

**Date:** November 13–14, 2024.

**Time:** 10:00 a.m. to 8:00 p.m.

**Agenda:** To review and evaluate grant applications.

**Address:** National Institutes of Health, Rockledge II, 6701 Rockledge Drive, Bethesda, MD 20892.

**Meeting Format:** Virtual Meeting.

**Contact Person:** Kenneth A. Roebuck, Ph.D., Scientific Review Officer, Center for Scientific Review, National Institutes of Health, 6701 Rockledge Drive, Room 5214, MSC 7852, Bethesda, MD 20892, (301) 435-1166, [roebuckk@csr.nih.gov](mailto:roebuckk@csr.nih.gov).

**Name of Committee:** Center for Scientific Review Special Emphasis Panel; Member Conflict: Topics in Metabolism and Reproductive Sciences.

**Date:** November 13, 2024.

**Time:** 12:00 p.m. to 5:00 p.m.

**Agenda:** To review and evaluate grant applications.

**Address:** 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](mailto:chenhui@csr.nih.gov).

**Name of Committee:** Infectious Diseases and Immunology B Integrated Review Group; HIV Immunopathogenesis and Vaccine Development Study Section.

**Date:** November 14–15, 2024.

**Time:** 8:00 a.m. to 5:00 p.m.

**Agenda:** To review and evaluate grant applications.

**Address:** Embassy Suites at the Chevy Chase Pavilion, 4300 Military Road NW, Washington, DC 20015.

**Meeting Format:** In Person.

**Contact Person:** Philip Owens, Ph.D., Scientific Review Officer, Center for Scientific Review, National Institutes of Health, 6701 Rockledge Dr., Bethesda, MD 20892, (301) 594-7394, [owensp2@csr.nih.gov](mailto:owensp2@csr.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:** October 10, 2024.

**Bruce A. George,**

*Program Analyst, Office of Federal Advisory Committee Policy.*

[FR Doc. 2024–23872 Filed 10–16–24; 8:45 am]

**BILLING CODE 4140–01–P**

## DEPARTMENT OF THE INTERIOR

### Fish and Wildlife Service

[FWS–HQ–FAC–2024–N054;  
FXFR13360900000–245–FF09F14000]

### Aquatic Nuisance Species Task Force Meeting

**AGENCY:** Fish and Wildlife Service, Interior.

**ACTION:** Notice of meeting.

**SUMMARY:** The U.S. Fish and Wildlife Service gives notice of a public meeting of the Aquatic Nuisance Species (ANS) Task Force, in accordance with the Federal Advisory Committee Act. The ANS Task Force's purpose is to develop and implement a program for U.S. waters to prevent introduction and dispersal of aquatic invasive species; to monitor, control, and study such species; and to disseminate related information.

**DATES:** The ANS Task Force will meet Wednesday and Thursday, November 6–7, 2024, from 10 a.m. to 5 p.m. each day (eastern time).

**Registration:** Registration is required. The deadline for registration is

November 4, 2024. Also see “Public Input,” below.

**Accessibility:** The deadline for accessibility accommodation requests is November 1, 2024. Please see “Requests for Accommodations,” below.

**ADDRESSES:** The meeting will be held via teleconference and broadcast over the internet. To register and receive the web address and telephone number for participation, contact the Executive Secretary (see **FOR FURTHER INFORMATION CONTACT**) or visit the ANS Task Force website at <https://www.fws.gov/program/aquatic-nuisance-species-task-force>.

### FOR FURTHER INFORMATION CONTACT:

Susan Pasko, Executive Secretary, ANS Task Force, by telephone at 571–623–0608, or by email at [Susan.Pasko@fws.gov](mailto:Susan.Pasko@fws.gov). Individuals in the United States who are deaf, deafblind, hard of hearing, or have a speech disability may dial 711 (TTY, TDD, or TeleBraille) to access telecommunications relay services. Individuals outside the United States should use the relay services offered within their country to make international calls to the point-of-contact in the United States.

### SUPPLEMENTARY INFORMATION:

#### Introduction

The Aquatic Nuisance Species (ANS) Task Force was established by the Nonindigenous Aquatic Nuisance Prevention and Control Act of 1990, as amended (16 U.S.C. 4721–4728), and is composed of Federal and ex-officio members. The ANS Task Force's purpose is to develop and implement a program for U.S. waters to prevent introduction and dispersal of aquatic invasive species; to monitor, control, and study such species; and to disseminate related information.

#### Meeting Information

This meeting is open to the public. The meeting agenda will include reports from ANS Task Force members and subcommittees; discussion on priority outputs to advance the goals identified in the ANS Task Force Strategic Plan for 2020–2025; a presentation by the U.S. Geological Survey on new species occurrences in the United States; recommendations by the ANS Task Force regional panels; and public comment. The final agenda and other related meeting information will be posted on the ANS Task Force website, <https://www.fws.gov/program/aquatic-nuisance-species-task-force>.

#### Public Input

If you wish to provide oral public comment or provide a written comment

for the ANS Task Force to consider, contact the ANS Task Force Executive Secretary (see **FOR FURTHER INFORMATION CONTACT**) no later than November 4, 2024.

Depending on the number of people who want to comment and the time available, the amount of time for individual oral comments may be limited. Interested parties should contact the ANS Task Force Executive Secretary no later than November 4, 2024, in writing (see **FOR FURTHER INFORMATION CONTACT**), for placement on the public speaker list for this meeting. Requests to address the ANS Task Force during the meeting will be accommodated in the order the requests are received. Registered speakers who wish to expand upon their oral statements, or those who had wished to speak but could not be accommodated on the agenda, may submit written statements to the Executive Secretary up to 30 days following the meeting.

#### *Requests for Accommodations*

Please make requests in advance for sign language interpreter services, assistive listening devices, language translation services, or other reasonable accommodations. We ask that you contact the person listed in the **FOR FURTHER INFORMATION CONTACT** section of this notice no later than November 1, 2024 to give the U.S. Fish and Wildlife Service sufficient time to process your request. All reasonable accommodation requests are managed on a case-by-case basis.

#### *Public Disclosure*

Before including your address, phone number, email address, or other personal identifying information in your comment, you should be aware that your entire comment—including your personal identifying information—may be made publicly available at any time. While you can ask us in your comment to withhold your personal identifying information from public review, we cannot guarantee that we will be able to do so.

(Authority: 5 U.S.C. Ch. 10)

**David A. Miko,**

*Co-Chair, Aquatic Nuisance Species Task Force.*

[FR Doc. 2024-23923 Filed 10-16-24; 8:45 am]

**BILLING CODE 4333-15-P**

## DEPARTMENT OF THE INTERIOR

### Bureau of Indian Affairs

[245A2100DD/AAKC001030/  
AOA501010.999900]

#### **Indian Gaming; Approval of Tribal-State Class III Gaming Compact Between the Fond du Lac Band of Lake Superior Chippewa and the State of Minnesota for Blackjack**

**AGENCY:** Bureau of Indian Affairs, Interior.

**ACTION:** Notice.

**SUMMARY:** This notice publishes the approval of the Addendum to Tribal-State Compact for Control of Class III Blackjack on the Fond du Lac Band of Lake Superior Reservation in Minnesota for Class III Card Games.

**DATES:** The compact takes effect on October 17, 2024.

**FOR FURTHER INFORMATION CONTACT:** Ms. Paula L. Hart, Director, Office of Indian Gaming, Office of the Assistant Secretary—Indian Affairs, Washington, DC 20240, *IndianGaming@bia.gov*; (202) 219-4066.

**SUPPLEMENTARY INFORMATION:** Under section 11 of the Indian Gaming Regulatory Act (IGRA), Public Law 100-497, 25 U.S.C. 2701 *et seq.*, the Secretary of the Interior shall publish in the **Federal Register** notice of approved Tribal-State compacts for the purpose of engaging in Class III gaming activities on Indian lands. As required by 25 CFR 293.4, all compacts and amendments are subject to review and approval by the Secretary. The Amendment authorizes Class III card games in addition to blackjack, adds definitions, regulatory standards for Class III card games, background investigations, and provisions for enforcement and dispute resolution. The Amendment is approved.

**Bryan Newland,**

*Assistant Secretary—Indian Affairs.*

[FR Doc. 2024-23989 Filed 10-16-24; 8:45 am]

**BILLING CODE 4337-15-P**

## DEPARTMENT OF THE INTERIOR

### National Park Service

[NPS-WASO-NRNL-DTS#-38912;  
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 October 5, 2024, for listing or related actions in the National Register of Historic Places.

**DATES:** Comments should be submitted electronically by November 1, 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 October 5, 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.

### ALABAMA

#### **Jefferson County**

American Laundry Company Building, 1630 2nd Avenue S, Birmingham, SG100010966

#### **Madison County**

Whitesburg Estates Historic District, 10101-10115 Cahaba Road SW, 2100-2206 Chadburn Drive SW, 1919-1928 Edenton Drive SW, 1905-1930 Lynnbrook Drive SW, 2100-2206 Manassas Drive SW, 10100-10106 Memorial Parkway SW (even



numbers only), 2114–2118 Mythewood Circle SW, 2006–2119 Mythewood Drive SW, 10100, Huntsville, SG100010967

## COLORADO

### Huerfano County

Oxford Hotel, 118 W 6th Street, Walsenburg, SG100011000

## LOUISIANA

### Caddo Parish

Barret Elementary School, 2600 Barret Street, Shreveport, SG100010961

### East Carroll Parish

First National Bank, 216 Lake Street, Lake Providence, SG100010960

### Grant Parish

Grant-Walker 4–H Educational Center, 3000 Highway 8, Pollock, SG100010959

### West Feliciana Parish

St. Francisville Historic District (Boundary Increase II), Roughly bounded by the north property lines of the properties along Ferdinand Street; east by the intersection of Ferdinand and Royal Streets, south by the rear property lines of properties on Royal and Ferdinand Streets, and west by the property lines of St. Francisville, BC100010962

## MINNESOTA

### Hennepin County

Tifereth B' nai Jacob Synagogue-First Church of God in Christ, 810 Elwood Avenue North, Minneapolis, SG100011012

### Roseau County

Roseau Memorial Arena, 321 2nd Avenue NW, Roseau, SG100011014

## MONTANA

### Yellowstone County

Riverside Park, Laurel, 1425 U.S. Highway 212 South, 59044, Laurel, SG100010974

## NEW YORK

### Bronx County

Dollar Savings Bank, 2516–2530 Grand Concourse, Bronx, SG100010987

### Erie County

Spencer Kellogg & Sons Elevator, (Buffalo Grain and Materials Elevator MPS), 395 Ganson Street, Buffalo, MP100010984  
Sattler Theater, 512 Broadway, Buffalo, SG100010985  
Alden State Bank, 13200 Broadway, Alden, SG100010986

### Kings County

Louise Terrace-Colonial Road Historic District, 7001–7024 Louise Terrace; 7002–7024 Colonial Road, Brooklyn, SG100010983

### Lewis County

Lowville & Beaver River Railroad Historic District, Railway corridor from Lowville to Croghan, New York, Lowville, SG100010982

## New York County

28th Police Precinct Station House, 177 East 104th Street, New York, SG100010988

## Orange County

Sugar Loaf Historic District, 1353–1410 Kings Highway, 8–16 Pine Hill Road, 56–62 Wood Road, Sugar Loaf, SG100010981

## Otsego County

Schuyler Lake Stone Church, 7378 NY 28, Schuyler Lake, SG100010979  
Joseph Peck House, 830 Pegg Rd., New Lisbon, SG100010980

## Schenectady County

General Electric Building 31, 112 Erie Boulevard, Schenectady, SG100010977  
General Electric Building 32, 108 Erie Boulevard, Schenectady, SG100010978

## Wayne County

Reed Manufacturing Company, 130–132 Harrison Street, Newark, SG100010976

## OHIO

### Franklin County

Teakwood Heights Historic District, Inclusive addresses along Gardendale Drive, North Gardendale Drive, West Gardendale Drive, Somersworth Court, Somersworth Drive, North Somersworth Drive, and 1325 Sunbury Road, Columbus, SG100011016

## TENNESSEE

### Jefferson County

Mossy Creek Presbyterian Church, 721 Church Street, Jefferson City, SG100010996

### Shelby County

Crawford, West J., House (Residential Resources of Memphis MPS), 290 S Lauderdale Street, Memphis, MP100010997

## VIRGINIA

### Galax INDEPENDENT CITY

Rosenwald-Felts School (Rosenwald Schools in Virginia MPS), 105 Rosenwald Felts Drive, Galax, MP100010993

### Lynchburg INDEPENDENT CITY

Lynchburg Sta-Kleen Bakery, 1218 Park Avenue, Lynchburg, SG100010994

### Tazewell County

Bluefield Commercial Historic District, Virginia Avenue, Spring Street, S College Avenue, Bluefield, SG100010975

### Wise County

James A. Bland High School, 505 E 5th Street South, Big Stone Gap, SG100010995

## WEST VIRGINIA

### Greenbrier County

Arbuckle's Fort (Frontier Forts of West Virginia MPS), Blaker's Mill Road, Alderson, MP100011010

### Harrison County

Kelly Miller School, 408 E.B. Saunders Way, Clarksburg, SG100011002

## Jefferson County

Isaac Clymer Farm, 2328 Engle Molers Road, Harpers Ferry, SG100011003

## Kanawha County

Beni Kedem Shrine Temple, 100 Quarrier Street, Charleston, SG100011004  
Kanawha & Michigan Railway Depot Warehouse, 800 Smith Street, Charleston, SG100011005

## Monongalia County

Morgantown Green Book Historic District (Green Book Sites in West Virginia MPS), 2 Cayton Street. 3 Cayton Street. and 1046 College Avenue, Morgantown, MP100011009

## Morgan County

Nixon, Senator P.E., House, 40 Winchester Street, Paw Paw, SG100011008

## Pocahontas County

Warwick's Fort (Frontier Forts of West Virginia MPS), Address Restricted, Green Bank, MP100011011

## WISCONSIN

### Dodge County

Meissner Store, N887–889 State Highway 67, Ashippun, SG100010954

### Outagamie County

Aid Association for Lutherans (AAL) Building, 222 West College Avenue, Appleton, SG100010969

A request for removal has been made for the following resource(s):

## LOUISIANA

### Orleans Parish

Lee, Robert E., Monument, Lee Cir. (900–1000 blocks St. Charles Ave.), New Orleans, OT91000254

## MASSACHUSETTS

### Middlesex County

Foster, Samuel, House (First Period Buildings of Eastern Massachusetts TR), 288 Grove St., Reading, OT90000178

## TENNESSEE

### Cannon County

Readyville Mill, On U.S. 70S, Readyville, OT73001753

### Gibson County

Union Central School, Union Central Rd., Milan vicinity, OT85001490

### Sumner County

Ferrell, Mary Felice, House, 2144 Nashville Pike, Gallatin, OT92000348

Additional documentation has been received for the following resource(s):

## ALABAMA

### Hale County

Magnolia Grove (Additional Documentation), W end of Main St., Greensboro, AD73000345



**COLORADO****El Paso County**

Ponderosa Lodge (Additional Documentation) (Jules Jacques Benois Benedict Architecture in Colorado MPS), 6145 Shoup Rd., Colorado Springs vicinity, AD08000829

**LOUISIANA****West Feliciana Parish**

St. Francisville Historic District (Additional Documentation), Royal and Prosperity Sts., St. Francisville, AD80001772

**MINNESOTA****Goodhue County**

Old Frontenac Historic District (Additional Documentation) (Rural Goodhue County MRA) Roughly bounded by Winona Dr., Burr Oak St., Lake and Westervelt Aves., Red Wing vicinity, AD73000978

**TENNESSEE****Anderson County**

Arnwine Cabin (Additional Documentation), 2819 Andersonville Highway, Norris, AD76001760

**Hancock County**

Old Jail (Additional Documentation), 236 Jail Street, Sneedville, AD73001784

**Knox County**

Morton, Benjamin, House (Additional Documentation) (Knoxville and Knox County MPS), 4084 Kingston Pike, Knoxville, AD04001233

**Maury County**

Beechlawn Advance and Retreat (Additional Documentation), 2799 Pulaski Highway, Columbia vicinity, AD71000824

**Sullivan County**

Erwin Farm (Additional Documentation), 389 Adams Chapel Road, Blountville vicinity, AD73001836

**VIRGINIA****Caroline County**

Meadow, The, Historic District (Additional Documentation II), 13111 Dawn Blvd., Doswell, AD15000276

**WEST VIRGINIA****Wayne County**

Ramsdell, Z.D., House (Additional Documentation), 1108 B St., Ceredo, AD83003254

*Authority:* Section 60.13 of 36 CFR part 60.

**Sherry A. Frear,**

*Chief, National Register of Historic Places/ National Historic Landmarks Program.*

[FR Doc. 2024-23978 Filed 10-16-24; 8:45 am]

**BILLING CODE 4312-52-P**

**INTERNATIONAL TRADE COMMISSION**

[Investigation No. 337-TA-1313]

**Certain Botulinum Toxin Products and Processes for Manufacturing or Relating to Same; Notice of a Commission Determination To Review in Part and, on Review, To Affirm With Modifications a Final Initial Determination Finding No Violation of Section 337; and To Deny a Request for Oral Argument; Termination of Investigation**

**AGENCY:** U.S. International Trade Commission.

**ACTION:** Notice.

**SUMMARY:** Notice is hereby given that the U.S. International Trade Commission has determined to review in part and, on review, to affirm with modification a final initial determination (“Final ID”) of the presiding administrative law judge (“ALJ”). The Commission has also determined to deny the complainant’s request for oral argument. This investigation is terminated.

**FOR FURTHER INFORMATION CONTACT:** Ronald A. Traud, Esq., Office of the General Counsel, U.S. International Trade Commission, 500 E Street SW, Washington, DC 20436, telephone (202) 205-3427. 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](mailto: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 May 5, 2022, based on a complaint filed on behalf of Medytox Inc. of the Republic of Korea (“Medytox”). 87 FR 26782, 26873 (May 5, 2022). The complaint alleged violations of subsection (a)(1)(A) of section 337 based on the importation into the United States or the sale of certain botulinum toxin products and processes for manufacturing or relating to the same by reason of theft and conversion and misappropriation of trade secrets, the threat or effect of which is to destroy or substantially injure an industry in the United States. *Id.* The notice of investigation named as respondents

Hugel, Inc. of the Republic of Korea; Hugel America, Inc. of Irvine, California (together, “Hugel”); and Croma Pharma GmbH of Leobendorf, Austria (“Croma,” and together with Hugel, “Respondents”). *Id.* The Office of Unfair Import Investigations (“OUII”) is participating in this investigation. *Id.*

On February 6, 2024, the investigation was terminated as to Medytox’s misappropriation of trade secrets allegations. Order No. 39 (Jan. 22, 2024), *unreviewed by Comm’n Notice*, (Feb. 6, 2024).

On June 10, 2024, the ALJ issued the Final ID. On June 24, 2024, Medytox filed a petition for Commission review of the Final ID that also included a request for oral argument, and Respondents filed a contingent petition for Commission review of the Final ID. On July 2, 2024, or July 8, 2024, the parties filed responses to the petitions. On July 10, 2024, the private parties filed their public interest statements pursuant to 19 CFR 210.50(a)(4). Issues not raised in the petitions for review are deemed to have been abandoned (including Respondents’ assertion in their public interest statement but omitted from their petition for review that Medytox’s alleged unfair act of conversion lacks a nexus to importation of the accused products). *See* 19 CFR 210.43.

Having reviewed the record of the investigation, including the Final ID, the parties’ submissions to the ALJ, and the petitions for review and responses thereto, the Commission has determined to review the Final ID in part. Specifically, the Commission has determined to review the Final ID’s findings and conclusions regarding jurisdiction, conversion, importation, and the domestic industry and injury requirements. The Commission has determined not to review the remainder of the Final ID.

On review, the Commission modifies the Final ID’s finding that the Commission has jurisdiction over this investigation by clarifying that the Commission has statutory authority. Additionally, the Commission affirms, with modifications, the Final ID’s conclusion that Medytox did not show by a preponderance of the evidence that Respondents converted Medytox’s property.

Further, the Commission takes no position on whether Medytox satisfied the domestic industry and injury requirements and whether Medytox satisfied the importation requirement. The Commission issues its opinion herewith setting forth its reasoning. The Commission has also determined to deny the complainant’s request for oral

argument. This investigation is terminated.

The Commission vote for this determination took place on October 10, 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: October 10, 2024.

**Lisa Barton,**

*Secretary to the Commission.*

[FR Doc. 2024–23912 Filed 10–16–24; 8:45 am]

**BILLING CODE 7020–02–P**

## INTERNATIONAL TRADE COMMISSION

[Investigation No. 337–TA–1399]

### Certain Fiber-Optic Connectors, Adapters, Jump Cables, Patch Cords, Products Containing the Same, and Components Thereof; Notice of Commission Determination Not To Review an Initial Determination Terminating the Investigation Based on Settlement; Termination of the Investigation

**AGENCY:** U.S. International Trade Commission.

**ACTION:** Notice.

**SUMMARY:** Notice is hereby given that the U.S. International Trade Commission has determined not to review an initial determination (“ID”) (Order No. 34) of the presiding administrative law judge (“ALJ”) terminating the two remaining respondents based on settlement. The investigation is thus terminated in its entirety.

#### FOR FURTHER INFORMATION CONTACT:

Robert Needham, 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](mailto:EDIS3Help@usitc.gov). General information concerning the Commission may also be obtained by accessing its internet server at <https://www.usitc.gov>. Hearing-impaired persons are advised that information on this matter can be obtained by contacting the Commission's TDD terminal on (202) 205–1810.

**SUPPLEMENTARY INFORMATION:** On April 26, 2024, the Commission instituted this investigation based on a complaint, as supplemented, filed on behalf of US Conec, Ltd., of Hickory, North Carolina (“US Conec”). 89 FR 32459–60 (Apr. 26, 2024). The complaint alleged violations of section 337 of the Tariff Act of 1930, as amended, 19 U.S.C. 1337, based upon the importation into the United States, the sale for importation, and the sale within the United States after importation of certain fiber-optic connectors, adapters, jump cables, patch cords, products containing the same, and components thereof that infringe certain claims of U.S. Patent Nos. 11,733,466; 11,808,994; 11,906,794; 11,880,075; 11,385,415 and 10,495,823. *Id.* at 32459. The complaint also alleged that a domestic industry exists. *Id.* The Commission's notice of investigation names as respondents Senko Advance Co., Ltd. of Yokkaichi City, Japan and Senko Advanced Components, Inc. of Hudson, Massachusetts (“the Senko Respondents”); Eaton Corp. of Dublin, Ireland; Tripp Lite Holdings, Inc. of Woodridge, Illinois; FS.com Inc. of New Castle, Delaware (“FS.com”); Infinite Electronics, Inc. of Irvine, California; L-com, Inc. of North Andover, Massachusetts; Sumitomo Electric Industries, Ltd. of Osaka, Japan, Sumitomo Electric Lightwave Corp. of Raleigh, North Carolina, and Sumitomo Electric U.S.A., Inc. of Torrance, California (together, “Sumitomo”); EZconn Corp. of New Taipei City, Taiwan; Flexoptix GmbH of Darmstadt, Germany; Shenzhen UnitekFiber Solution Ltd. of Shenzhen, China; Hubbell Inc. of Shelton, Connecticut; Hubbell Premise Wiring, Inc. of Shelton, Connecticut; Shenzhen IH Optics Co., Ltd. of Shenzhen, China; Rayoptic Communication Co., Ltd., of Shenzhen, China; and HuNan Surfiber Technology Co., Ltd. of Changsha, China. *Id.* at 32460. The Office of Unfair Import Investigations (“OUII”) is participating in this investigation. *Id.*

The Commission previously terminated the investigation in part based on the entry of consent orders with respect to the following respondents: FS.com Inc., Order No. 15 (Jun. 25, 2024), *unreviewed by Comm'n Notice* (Jul. 24, 2024); Shenzhen IH Optics Co., Ltd., Order No. 16 (Jun. 26, 2024), *unreviewed by Comm'n Notice* (Jul. 24, 2024); Flexoptix GmbH, Order No. 17 (Jun. 26, 2024), *unreviewed by Comm'n Notice* (Jul. 24, 2024). The Commission also previously terminated the investigation in part based on settlement with respect to Sumitomo. Sumitomo, Order No. 21 (Jul. 15, 2024),

*unreviewed by Comm'n Notice* (Aug. 8, 2024).

The Commission further previously terminated the investigation in part based on US Conec's withdrawal of the complaint with respect to the following respondents: Hubbell Inc., Hubbell Premise Wiring, Inc., EZconn Corp., Changzhou Co-Net Electronic Technology Co., Ltd., Shenzhen UnitekFiber Solution Ltd., Rayoptic Communication Co., Ltd., HuNan Surfiber Technology Co., Ltd., Eaton Corp., Tripp Lite Holdings, Inc., Infinite Electronics, Inc., and L-Com, LLC. Order No. 33 (Sept. 3, 2024), *unreviewed by Comm'n Notice* (Oct. 3, 2024).

On July 9, 2024, US Conec filed a motion for leave to amend the complaint and notice of investigation to add three respondents: Protai Photonic Co., Ltd., Jarllytec Co., Ltd., and Wave2Wave Solutions Corp. d/b/a FiberSmart. The ALJ issued Order No. 27 granting the motion to allow US Conec to amend its complaint. Order No. 27 (Jul. 31, 2024), *unreviewed by Comm'n Notice* (Aug. 16, 2024). But while US Conec was granted leave to amend its complaint, US Conec never filed an amended complaint. Therefore, Protai Photonic Co., Ltd., Jarllytec Co., Ltd., and Wave2Wave Solutions Corp. d/b/a FiberSmart were not added to the investigation as respondents.

On September 23, 2024, US Conec and the Senko Respondents jointly moved to terminate the investigation with respect to the Senko Respondents based on settlement. That same day, OUII filed a response in support of the motion. No other party responded to the motion.

On July 15, 2024, the ALJ issued the subject ID granting the motion and terminating the investigation with respect to the Senko Respondents based on settlement pursuant to Commission Rule 210.21(b)(1) (19 CFR 210.21(b)(1)). Because the Senko Respondents were the last remaining respondents in the investigation, the ID also terminates the investigation in its entirety. No petitions for review of the subject ID were received.

The Commission has determined not to review the subject ID. This investigation is hereby terminated.

The Commission vote for this determination took place on October 11, 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: October 11, 2024.  
**Lisa Barton,**  
*Secretary to the Commission.*  
[FR Doc. 2024–23968 Filed 10–16–24; 8:45 am]  
BILLING CODE 7020–02–P

INTERNATIONAL TRADE  
COMMISSION

[Investigation Nos. 701–TA–486 and 731–  
TA–1195–1196 (Second Review)]

Utility Scale Wind Towers From China  
and Vietnam

Determinations

On the basis of the record <sup>1</sup> developed in the subject five-year reviews, the United States International Trade Commission (“Commission”) determines, pursuant to the Tariff Act of 1930 (“the Act”), that revocation of the countervailing duty order on utility scale wind towers from China and antidumping duty orders on utility scale wind towers from China and Vietnam would be likely to lead to continuation or recurrence of material injury to an industry in the United States within a reasonably foreseeable time.

Background

The Commission instituted these reviews on April 1, 2024 (89 FR 22445) and determined on July 5, 2024 that it would conduct expedited reviews (89 FR 73723, September 11, 2024).

The Commission made these determinations pursuant to section 751(c) of the Act (19 U.S.C. 1675(c)). It completed and filed its determinations in these reviews on October 11, 2024. The views of the Commission are contained in USITC Publication 5553 (October 2024), entitled *Utility Scale Wind Towers from China and Vietnam: Investigation Nos. 701–TA–486 and 731–TA–1195–1196 (Second Review)*.

By order of the Commission.  
Issued: October 11, 2024.

**Lisa Barton,**  
*Secretary to the Commission.*  
[FR Doc. 2024–23985 Filed 10–16–24; 8:45 am]  
BILLING CODE 7020–02–P

DEPARTMENT OF JUSTICE

Notice of Lodging of Proposed  
Stipulation Under the Clean Air Act

On October 8, 2024, the Department of Justice lodged a proposed Stipulation Regarding the Allowance of a General

<sup>1</sup> The record is defined in § 207.2(f) of the Commission’s Rules of Practice and Procedure (19 CFR 207.2(f)).

Unsecured Claim of the United States Environmental Protection Agency (“Stipulation”) with the United States Bankruptcy Court for the District of Delaware in *In re PES Administrative Services, LLC*, Case No. 19–11629 (LSS).

The proposed Stipulation resolves proofs of claim filed by the United States, on behalf of the Environmental Protection Agency, against Debtor Philadelphia Energy Solutions Refining and Marketing LLC (“PESRM”) and against a related entity, Debtor North Yard Logistics, L.P. (“North Yard”), seeking payment of a civil penalty pursuant to Section 113(e) of the Clean Air Act. As to PESRM, for alleged violations of Section 112(r) of the Clean Air Act in connection with a June 2019 fire and explosion at PESRM’s former refinery complex located in Philadelphia, Pennsylvania. As to North Yard, for alleged violations of Section 112(r) of the Clean Air Act in connection with a liquified petroleum gas tank farm at the former refinery complex. The proposed Stipulation provides EPA with an allowed claim against PESRM in the amount of \$4,200,000 and against North Yard in the amount of \$26,724.

The publication of this notice opens a period for public comment on the proposed Stipulation. Comments should be addressed to the Assistant Attorney General, Environment and Natural Resources Division, and should refer to *In re PES Administrative Services, LLC*, D.J. Ref. No. 90–5–2–1–10993/2. All comments must be submitted no later than thirty (30) 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 .....	<a href="mailto:pubcomment-ees.enrd@usdoj.gov">pubcomment-ees.enrd@usdoj.gov</a> .
By mail .....	Assistant Attorney General, U.S. DOJ—ENRD, P.O. Box 7611, Washington, DC 20044–7611.

Any comments submitted in writing may be filed by the United States in whole or in part on the public court docket without notice to the commenter.

During the public comment period, the proposed Stipulation may be examined and downloaded at this Justice Department website: <http://www.justice.gov/enrd/consent-decrees>. If you require assistance accessing the proposed Stipulation, you may request assistance by email or by mail to the

addresses provided above for submitting comments.

**Ruben Gomez,**  
*Assistant Section Chief, Environmental Enforcement Section, Environment and Natural Resources Division.*

[FR Doc. 2024–23924 Filed 10–16–24; 8:45 am]  
BILLING CODE 4410–15–P

DEPARTMENT OF LABOR

Agency Information Collection  
Activities; Submission for OMB  
Review; Comment Request; Employee  
Retirement Income Security Act  
Procedure 1976–1; Advisory Opinion  
Procedure

**ACTION:** Notice of availability; request for comments.

**SUMMARY:** The Department of Labor (DOL) is submitting this Employee Benefits Security Administration (EBSA)-sponsored information collection request (ICR) to the Office of Management and Budget (OMB) for review and approval in accordance with the Paperwork Reduction Act of 1995 (PRA). Public comments on the ICR are invited.

**DATES:** The OMB will consider all written comments that the agency receives on or before November 18, 2024.

**ADDRESSES:** Written comments and recommendations for the proposed information collection should be sent within 30 days of publication of this notice to [www.reginfo.gov/public/do/PRAMain](http://www.reginfo.gov/public/do/PRAMain). Find this particular information collection by selecting “Currently under 30-day Review—Open for Public Comments” or by using the search function.

**FOR FURTHER INFORMATION CONTACT:** Michael Howell by telephone at 202–693–6782, or by email at [DOL\\_PRA\\_PUBLIC@dol.gov](mailto:DOL_PRA_PUBLIC@dol.gov).

**SUPPLEMENTARY INFORMATION:** In 1976, the Department issued ERISA Procedure 76–1, the Procedure for ERISA Advisory Opinions (ERISA Procedure), in order to establish a public process for requesting guidance from the Employee Benefits Security Administration (EBSA) on the application of ERISA to particular circumstances. The ERISA Procedure sets forth specific administrative procedures for requesting either an advisory opinion or an information letter and describes the types of questions that may be submitted.

As part of the ERISA Procedure, requesters are instructed to provide information to EBSA concerning the circumstances governing their request.

Section 6 of ERISA Procedure 76–1 lists the information that must be supplied by the party requesting an advisory opinion. This information includes identifying information (name, type of plan, EIN Number, etc.), a detailed description of the act(s) or transaction(s) with respect to which an advisory opinion is being requested, a discussion of the issues presented by the act(s) or transaction(s), a statement of the party's views concerning the issues to be resolved and the legal basis for such views. The requesting party must also include copies of the relevant documents and may also request a conference with EBSA in the event that EBSA is considering issuing an adverse opinion. For additional substantive information about this ICR, see the related notice published in the **Federal Register** on February 5, 2024 (89 FR 7732).

Comments are invited on: (1) whether the collection of information is necessary for the proper performance of the functions of the Department, including whether the information will have practical utility; (2) the accuracy of the agency's estimates of the burden and cost of the collection of information, including the validity of the methodology and assumptions used; (3) ways to enhance the quality, utility and clarity of the information collection; and (4) ways to minimize the burden of the collection of information on those who are to respond, including the use of automated collection techniques or other forms of information technology.

This information collection is subject to the PRA. A Federal agency generally cannot conduct or sponsor a collection of information, and the public is generally not required to respond to an information collection, unless the OMB approves it and displays a currently valid OMB Control Number. In addition, notwithstanding any other provisions of law, no person shall generally be subject to penalty for failing to comply with a collection of information that does not display a valid OMB Control Number. See 5 CFR 1320.5(a) and 1320.6.

DOL seeks PRA authorization for this information collection for three (3) years. OMB authorization for an ICR cannot be for more than three (3) years without renewal. The DOL notes that information collection requirements submitted to the OMB for existing ICRs receive a month-to-month extension while they undergo review.

*Agency:* DOL–EBSA.

*Title of Collection:* Employee Retirement Income Security Act Procedure 1976–1; Advisory Opinion Procedure.

*OMB Control Number:* 1210–0066.

*Affected Public:* Private sector, Business or other for profits.

*Total Estimated Number of Respondents:* 6.

*Total Estimated Number of Responses:* 6.

*Total Estimated Annual Time Burden:* 63 hours.

*Total Estimated Annual Other Costs Burden:* \$175,044.

(Authority: 44 U.S.C. 3507(a)(1)(D))

**Michael Howell,**

*Senior Paperwork Reduction Act Analyst.*

[FR Doc. 2024–23882 Filed 10–16–24; 8:45 am]

**BILLING CODE 4510–29–P**

## MILLENNIUM CHALLENGE CORPORATION

[MCC FR 24–10]

### Notice of Open Meeting

**AGENCY:** Millennium Challenge Corporation.

**ACTION:** Notice.

**SUMMARY:** In accordance with the requirements of the Federal Advisory Committee Act, the Millennium Challenge Corporation (MCC) Advisory Council was established as a discretionary advisory committee on July 14, 2016. Its charter was most recently renewed for a fifth term on July 5, 2024. The MCC Advisory Council serves MCC solely in an advisory capacity and provides insight regarding innovations in infrastructure, technology, and sustainability; perceived risks and opportunities in MCC partner countries; new financing mechanisms for developing country contexts; and shared value approaches. The MCC Advisory Council provides a platform for systematic engagement with the private sector and other external stakeholders and contributes to MCC's mission to reduce poverty through sustainable economic growth.

**DATES:** Thursday, October 31, 2024, from 8:30 a.m.–12 p.m. EDT.

**ADDRESSES:** The meeting will be held in a hybrid format, both in-person at 1099 14th Street NW, Suite 700, Washington, DC 20005 and via conference call.

**FOR FURTHER INFORMATION CONTACT:** Email [MCCAdvisoryCouncil@mcc.gov](mailto:MCCAdvisoryCouncil@mcc.gov), contact Sheena Cooper at (202) 733–7148, or visit <https://www.mcc.gov/about/org-unit/advisory-council> for more information.

### SUPPLEMENTARY INFORMATION:

*Agenda.* The Fall 2024 meeting of the MCC Advisory Council will have multiple new members joining. The meeting will focus on onboarding new

members to the rules, bylaws, and expectations of the council and what to expect over the course of their term. Additionally, members will get an overview of MCC and the current portfolio of projects.

*Public Participation.* The meeting will be open to the public. Members of the public may file written statement(s) before or after the meeting. If you plan to attend, please submit your name and affiliation no later than Friday, October 25, 2024, to [MCCAdvisoryCouncil@mcc.gov](mailto:MCCAdvisoryCouncil@mcc.gov) to receive instructions on how to attend.

(Authority: Federal Advisory Committee Act, 5 U.S.C. app.)

Dated: October 10, 2024.

**Peter E. Jaffe,**

*Vice President, General Counsel, and Corporate Secretary.*

[FR Doc. 2024–23889 Filed 10–16–24; 8:45 am]

**BILLING CODE 9211–03–P**

## NATIONAL ARCHIVES AND RECORDS ADMINISTRATION

[NARA–24–0022; NARA–2025–001]

### Records Schedules; Availability and Request for Comments

**AGENCY:** National Archives and Records Administration (NARA).

**ACTION:** Notice of availability of proposed records schedules; request for comments.

**SUMMARY:** The National Archives and Records Administration (NARA) publishes notice of certain Federal agency requests for records disposition authority (records schedules). We publish notice in the **Federal Register** and on [regulations.gov](https://www.regulations.gov) for records schedules in which agencies propose to dispose of records they no longer need to conduct agency business. We invite public comments on such records schedules.

**DATES:** We must receive responses on the schedules listed in this notice by December 2, 2024.

**ADDRESSES:** To view a records schedule in this notice, or submit a comment on one, use the following address: <https://www.regulations.gov/docket/NARA-24-0022/document>. This is a direct link to the schedules posted in the docket for this notice on [regulations.gov](https://www.regulations.gov). You may submit comments by the following method:

- *Federal eRulemaking Portal:*

<https://www.regulations.gov>. On the website, enter either of the numbers cited at the top of this notice into the search field. This will bring you to the

docket for this notice, in which we have posted the records schedules open for comment. Each schedule has a 'comment' button so you can comment on that specific schedule. For more information on *regulations.gov* and on submitting comments, see their FAQs at <https://www.regulations.gov/faq>.

If you are unable to comment via *regulations.gov*, you may email us at [request.schedule@nara.gov](mailto:request.schedule@nara.gov) for instructions on submitting your comment. You must cite the control number of the schedule you wish to comment on. You can find the control number for each schedule in parentheses at the end of each schedule's entry in the list at the end of this notice.

#### FOR FURTHER INFORMATION CONTACT:

Eddie Germino, Strategy and Performance Division, by email at [regulation\\_comments@nara.gov](mailto:regulation_comments@nara.gov) or at 301-837-3758. For information about records schedules, contact Records Management Operations by email at [request.schedule@nara.gov](mailto:request.schedule@nara.gov) or by phone at 301-837-1799.

#### SUPPLEMENTARY INFORMATION:

##### Public Comment Procedures

We are publishing notice of records schedules in which agencies propose to dispose of records they no longer need to conduct agency business. We invite public comments on these records schedules, as required by 44 U.S.C. 3303a(a), and list the schedules at the end of this notice by agency and subdivision requesting disposition authority.

In addition, this notice lists the organizational unit(s) accumulating the records or states that the schedule has agency-wide applicability. It also provides the control number assigned to each schedule, which you will need if you submit comments on that schedule.

We have uploaded the records schedules and accompanying appraisal memoranda to the *regulations.gov* docket for this notice as "other" documents. Each records schedule contains a full description of the records at the file unit level as well as their proposed disposition. The appraisal memorandum for the schedule includes information about the records.

We will post comments, including any personal information and attachments, to the public docket unchanged. Because comments are public, you are responsible for ensuring that you do not include any confidential or other information that you or a third party may not wish to be publicly posted. If you want to submit a comment with confidential information

or cannot otherwise use the *regulations.gov* portal, you may contact [request.schedule@nara.gov](mailto:request.schedule@nara.gov) for instructions on submitting your comment.

We will consider all comments submitted by the posted deadline and consult as needed with the Federal agency seeking the disposition authority. After considering comments, we may or may not make changes to the proposed records schedule. The schedule is then sent for final approval by the Archivist of the United States. After the schedule is approved, we will post on *regulations.gov* a "Consolidated Reply" summarizing the comments, responding to them, and noting any changes we made to the proposed schedule. You may elect at *regulations.gov* to receive updates on the docket, including an alert when we post the Consolidated Reply, whether or not you submit a comment. If you have a question, you can submit it as a comment, and can also submit any concerns or comments you would have to a possible response to the question. We will address these items in consolidated replies along with any other comments submitted on that schedule.

We will post schedules on our website in the Records Control Schedule (RCS) Repository, at <https://www.archives.gov/records-mgmt/rcs>, after the Archivist approves them. The RCS contains all schedules approved since 1973.

##### Background

Each year, Federal agencies create billions of records. To control this accumulation, agency records managers prepare schedules proposing retention periods for records and submit these schedules for NARA's approval. Once approved by NARA, records schedules provide mandatory instructions on what happens to records when no longer needed for current Government business. The records schedules authorize agencies to preserve records of continuing value in the National Archives or to destroy, after a specified period, records lacking continuing administrative, legal, research, or other value. Some schedules are comprehensive and cover all the records of an agency or one of its major subdivisions. Most schedules, however, cover records of only one office or program or a few series of records. Many of these update previously approved schedules, and some include records proposed as permanent.

Agencies may not destroy Federal records without the approval of the Archivist of the United States. The

Archivist grants this approval only after thorough consideration of the records' administrative use by the agency of origin, the rights of the Government and of private people directly affected by the Government's activities, and whether or not the records have historical or other value. Public review and comment on these records schedules is part of the Archivist's consideration process.

##### Schedules Pending

1. Department of Agriculture, Animal and Plant Health Inspection Service, Regionalization (DAA-0463-2022-0001).

2. Department of Commerce, National Institute of Standards and Technology, Creating Helpful Incentives to Produce Semiconductors (CHIPS) Loans Loan Guarantee and Other Transaction Agreement Records (DAA-0167-2023-0001).

3. Department of Energy, Southeastern Power Administration, Power Operations Program (DAA-0388-2024-0005).

4. Department of Health and Human Services, Office of the Inspector General, Records of the Immediate Office of the Inspector General (IG) of Health and Human Services (DAA-0468-2024-0002).

5. Department of Justice, Antitrust Division, Antitrust International Section Records (DAA-0060-2022-0035).

6. Department of Transportation, Federal Aviation Administration, Airworthiness Directives and Alternate Methods of Compliance (DAA-0237-2023-0009).

7. Department of Transportation, Office of the Secretary of Transportation, Records of the Executive Secretariat (DAA-0398-2024-0005).

8. Department of the Treasury, Internal Revenue Service, Informant Information (DAA-0058-2024-0007).

9. Library of Congress, Agency-wide, Inspector General 2024 updates (DAA-0297-2024-0013).

10. Peace Corps, Agency-wide, Peace Corps Social Media and websites (DAA-0490-2024-0004).

**William P. Fischer,**

*Acting Chief Records Officer for the U.S. Government.*

[FR Doc. 2024-23927 Filed 10-16-24; 8:45 am]

**BILLING CODE 7515-01-P**

**NATIONAL ARCHIVES AND RECORDS ADMINISTRATION****Office of Government Information Services**

[NARA-2025-002]

**Meeting Announcement; Chief Freedom of Information Act Officers Council**

**AGENCY:** Office of Government Information Services (OGIS), National Archives and Records Administration (NARA) and Office of Information Policy (OIP), U.S. Department of Justice (DOJ).

**ACTION:** Notice of meeting.

**SUMMARY:** We are announcing a meeting of the Chief Freedom of Information Act (FOIA) Officers Council, co-chaired by the Director of OGIS and the Director of OIP.

**DATES:** The meeting will be on Thursday, November 7, 2024, from 10 a.m. to noon ET. Please register for the meeting no later than 11:59 p.m. ET on Tuesday, November 5, 2024 (registration information is detailed below).

**ADDRESSES:** The November 7, 2024, meeting will be a virtual meeting. We will send access instructions to those who register according to the instructions below.

**FOR FURTHER INFORMATION CONTACT:** Martha Murphy, by email at [ogis@nara.gov](mailto:ogis@nara.gov) with the subject line "Chief FOIA Officers Council," or by telephone at 202-741-5770.

**SUPPLEMENTARY INFORMATION:** This meeting is open to the public in accordance with the Freedom of Information Act (5 U.S.C. 552(k)). Additional details about the meeting, including the agenda, will be available on the Chief FOIA Officers Council website at <https://www.foia.gov/chief-foia-officers-council>.

**Procedures:** The virtual meeting is open to the public. If you wish to offer oral public statements during the public comment period, you must register in advance through Eventbrite at <https://www.eventbrite.com/e/chief-foia-officers-council-meeting-november-7-2024-tickets-1038106633887>. You must provide an email address so that we can provide you with information to access the meeting online. Public comments will be limited to three minutes per individual. We will also live-stream the meeting on the National Archives YouTube channel, [https://www.youtube.com/live/kH\\_irXSG5X8](https://www.youtube.com/live/kH_irXSG5X8) and include a captioning option. To request additional accommodations (e.g., a transcript), email [ogis@nara.gov](mailto:ogis@nara.gov)

or call 202-741-5770. Members of the media who wish to register, those who are unable to register online, and those who require special accommodations, should contact Martha Murphy (contact information listed above).

Dated: October 10, 2024.

**Alina M. Semo,**

*Director, Office of Government Information Services.*

[FR Doc. 2024-23877 Filed 10-16-24; 8:45 am]

**BILLING CODE 7515-01-P**

**NATIONAL SCIENCE FOUNDATION****Notice of Permit Applications Received Under the Antarctic Conservation Act of 1978**

**AGENCY:** National Science Foundation.

**ACTION:** Notice of permit applications received.

**SUMMARY:** The National Science Foundation (NSF) is required to publish a notice of permit applications received to conduct activities regulated under the Antarctic Conservation Act of 1978. NSF has published regulations under the Antarctic Conservation Act in the Code of Federal Regulations. This is the required notice of permit applications received.

**DATES:** Interested parties are invited to submit written data, comments, or views with respect to this permit application by November 18, 2024. This application may be inspected by interested parties at the Permit Office, address below.

**ADDRESSES:** Comments should be addressed to Permit Office, Office of Polar Programs, National Science Foundation, 2415 Eisenhower Avenue, Alexandria, Virginia 22314 or [ACAPermits@nsf.gov](mailto:ACAPermits@nsf.gov).

**FOR FURTHER INFORMATION CONTACT:** Andrew Titmus, ACA Permit Officer, at the above address, 703-292-4479.

**SUPPLEMENTARY INFORMATION:** The National Science Foundation, as directed by the Antarctic Conservation Act of 1978 (Pub. L. 95-541, 45 CFR part 670), as amended by the Antarctic Science, Tourism and Conservation Act of 1996, has developed regulations for the establishment of a permit system for various activities in Antarctica and designation of certain animals and certain geographic areas as requiring special protection. The regulations establish such a permit system to designate Antarctic Specially Protected Areas.

**Application Details**

*Permit Application: 2025-016*

1. *Applicant:* Kate Raisz, 42 Degrees North Media, 685 Centre Street, Suite 201, Boston, MA 02130

*Activity for Which Permit is Requested:* Enter Antarctic Specially Protected Area. The applicant proposes to enter Antarctic Specially Protected Area (ASPA) 113, Litchfield Island to produce an educational film about the ecological research of Dr. Natasja van Gestel within the ASPA. All visits will be in accordance with the management plan for ASPA 113 and the two person film team would only enter the ASPA accompanied by Dr. van Gestel.

*Location:* ASPA 113—Litchfield Island, Arthur Harbor, Anvers Island, Palmer Archipelago.

*Dates of Permitted Activities:* 11 January, 2025–21 January, 2025.

*Permit Application: 2025-017*

2. *Applicant:* Jesse Casana, Department of Anthropology, 3 Tuck Dr., Dartmouth College, Hanover, NH

*Activity for Which Permit is Requested:* Enter Antarctic Specially Protected Area. The applicant seeks an ACA permit to enter a number of Antarctic Specially Protected Areas (ASPA) listed below in association with a systematic archaeological survey of the South Shetland Island and the Antarctic Peninsula region to document known archaeological sites. Surveys would be entirely non-destructive and non-invasive, using surface based mapping and remote sensing. Surveys would in part use Remotely Piloted Aircraft Systems (RPAS), as well as being conducted on foot. Small geologic samples would be collected at key sites for radiocarbon dating. No disturbance of wildlife would occur.

*Location:* ASPA 112—Coppermine Peninsula, Robert Island; ASPA 125—Fildes Peninsula, King George Island; ASPA 126—Byers Peninsula, Livingston Island; ASPA 128—Western Shore of Admiralty Bay, King George Island; ASPA 132—Potter Peninsula, King George Island; ASPA 133—Harmony Cove, Nelson Island; ASPA 148—Mount Flora, Hope Bay; ASPA 149—Cape Sherriff, Livingston Island; ASPA 150—Maxwell Bay, King George Island; ASPA 151—Lion's Rump, King George Island; ASPA 171—Narebski Point, King George Island.

*Dates of Permitted Activities:* 2 February, 2025–2 March, 2025.

*Permit Application: 2025-018*

3. *Applicant:* Jesse Casana, Department of Anthropology, 3 Tuck Dr., Dartmouth College, Hanover, NH

*Activity for Which Permit is Requested:* Waste Management. The applicant seeks an ACA permit for waste management activities in association with the use of a Remotely Piloted Aircraft System (RPAS) in Antarctica to be used to conduct archaeological surveys. RPAS would only be flown by experienced pilots in fair weather conditions and any flights within Antarctic Specially Protected Areas (ASPA) would occur under a permit and according to the management plan for each ASPA. No overflight of wildlife would occur, and no flights would occur within 930 m of wildlife. Additionally, the RPAS would not be flown higher than 120 m above ground level. A number of mitigation measures would be in place to prevent loss of the RPAS.

*Location:* Sites/area.

*Dates of Permitted Activities:* Dates.

**Alina Pavao,**

*Administrative Assistant, Office of Polar Programs.*

[FR Doc. 2024–23918 Filed 10–16–24; 8:45 am]

**BILLING CODE 7555–01–P**

## NUCLEAR REGULATORY COMMISSION

[NRC–2024–0031]

### Information Collection: Requests to Agreement States and Non-Agreement States for Information

**AGENCY:** Nuclear Regulatory Commission.

**ACTION:** Notice of submission to the Office of Management and Budget; request for comment.

**SUMMARY:** The U.S. Nuclear Regulatory Commission (NRC) has recently submitted a request for renewal of an existing collection of information to the Office of Management and Budget (OMB) for review. The information collection is entitled, “Requests to Agreement States and Non-Agreement States for Information.”

**DATES:** Submit comments by November 18, 2024. Comments received after this date will be considered if it is practical to do so, but the Commission is able to ensure consideration only for comments received on or before this date.

**ADDRESSES:** Written comments and recommendations for the proposed information collection should be sent within 30 days of publication of this notice to <https://www.reginfo.gov/public/do/PRAMain>. Find this particular information collection by selecting “Currently under Review—

Open for Public Comments” or by using the search function.

#### FOR FURTHER INFORMATION CONTACT:

David Cullison, NRC Clearance Officer, U.S. Nuclear Regulatory Commission, Washington, DC 20555–0001; telephone: 301–415–2084; email: [Infocollects.Resource@nrc.gov](mailto:Infocollects.Resource@nrc.gov).

#### SUPPLEMENTARY INFORMATION:

#### I. Obtaining Information and Submitting Comments

##### A. Obtaining Information

Please refer to Docket ID NRC–2024–0031 when contacting the NRC about the availability of information for this action. You may obtain publicly available information related to this action by any of the following methods:

- *Federal Rulemaking website:* Go to <https://www.regulations.gov> and search for Docket ID NRC–2024–0031.

- *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](mailto:PDR.Resource@nrc.gov). The supporting statement is available in ADAMS under Accession No. ML24234A129.

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

- *NRC’s Clearance Officer:* A copy of the collection of information and related instructions may be obtained without charge by contacting the NRC’s Clearance Officer, David Cullison, Office of the Chief Information Officer, U.S. Nuclear Regulatory Commission, Washington, DC 20555–0001; telephone: 301–415–2084; email: [Infocollects.Resource@nrc.gov](mailto:Infocollects.Resource@nrc.gov).

##### B. Submitting Comments

Written comments and recommendations for the proposed information collection should be sent within 30 days of publication of this notice to <https://www.reginfo.gov/public/do/PRAMain>. Find this particular information collection by selecting “Currently under Review—

Open for Public Comments” or by using the search function.

The NRC cautions you not to include identifying or contact information in comment submissions that you do not want to be publicly disclosed in your comment submission. All comment submissions are posted at <https://www.regulations.gov> and entered into ADAMS. Comment submissions are not routinely edited to remove identifying or contact information.

If you are requesting or aggregating comments from other persons for submission to the OMB, then you should inform those persons not to include identifying or contact information that they do not want to be publicly disclosed in their comment submission. Your request should state that comment submissions are not routinely edited to remove such information before making the comment submissions available to the public or entering the comment into ADAMS.

#### II. Background

Under the provisions of the Paperwork Reduction Act of 1995 (44 U.S.C. Chapter 35), the NRC recently submitted a request for renewal of an existing collection of information to OMB for review entitled, “Requests to Agreement States and Non-Agreement States for Information.” The NRC hereby informs potential respondents that an agency may not conduct or sponsor, and that a person is not required to respond to, a collection of information unless it displays a currently valid OMB control number.

The NRC published a **Federal Register** notice with a 60-day comment period on this information collection on June 13, 2024, 89 FR 50380.

1. *The title of the information collection:* Requests to Agreement States and Non-Agreement States for Information.

2. *OMB approval number:* 3150–0029.

3. *Type of submission:* Extension.

4. *The form number, if applicable:*

Not applicable.

5. *How often the collection is required or requested:* One-time, on occasion.

6. *Who will be required or asked to respond:* 50 states, the District of Columbia, and Puerto Rico.

7. *The estimated number of annual responses:* 684.

8. *The estimated number of annual respondents:* 52.

9. *The estimated number of hours needed annually to comply with the information collection requirement or request:* 5,472.

10. *Abstract:* The NRC is requesting OMB approval of a plan for a generic collection of information. The need and



practicality of the collection can be evaluated, but the details of the specific individual collections will not be known until a later time. The Agreement States and non-Agreement States will be asked on a one-time or as needed basis to respond to a specific incident, to gather information on licensing and inspection practices or other technical information, or to provide comments on proposed policy and program updates. The results of such information requests, which are authorized under section 274(b) of the Atomic Energy Act, will be utilized in part by the NRC in preparing responses to Congressional inquiries. In addition, the information can assist the Commission in its considerations and decisions involving Atomic Energy Act materials programs in an effort to make the national nuclear materials program more uniform and consistent.

Dated: October 11, 2024.

For the Nuclear Regulatory Commission.

**David Cullison,**

*NRC Clearance Officer, Office of the Chief Information Officer.*

[FR Doc. 2024-23960 Filed 10-16-24; 8:45 am]

BILLING CODE 7590-01-P

## NUCLEAR REGULATORY COMMISSION

[NRC-2024-0075]

### Information Collection: Tribal Participation in the Advance Notification Program

**AGENCY:** Nuclear Regulatory Commission.

**ACTION:** Renewal of existing information collection; request for comment.

**SUMMARY:** The U.S. Nuclear Regulatory Commission (NRC) invites public comment on the renewal of Office of Management and Budget (OMB) approval for an existing collection of information. The information collection is entitled, "Tribal Participation in the Advance Notification Program."

**DATES:** Submit comments by December 16, 2024. Comments received after this date will be considered if it is practical to do so, but the Commission is able to ensure consideration only for comments received on or before this date.

**ADDRESSES:** You may submit comments by any of the following methods (unless this document describes a different method for submitting comments on a specific subject); however, the NRC encourages electronic comment submission through the Federal rulemaking website:

- *Federal rulemaking website:* Go to <https://www.regulations.gov> and search for Docket ID NRC-2024-0075. Address questions about Docket IDs in *Regulations.gov* to Stacy Schumann; telephone: 301-415-0624; email: [Stacy.Schumann@nrc.gov](mailto:Stacy.Schumann@nrc.gov). For technical questions, contact the individual listed in the **FOR FURTHER INFORMATION CONTACT** section of this document.

- *Mail comments to:* David Cullison, Office of the Chief Information Officer, Mail Stop: T-6 A10M, U.S. Nuclear Regulatory Commission, Washington, DC 20555-0001.

For additional direction on obtaining information and submitting comments, see "Obtaining Information and Submitting Comments" in the **SUPPLEMENTARY INFORMATION** section of this document.

#### FOR FURTHER INFORMATION CONTACT:

David Cullison, Office of the Chief Information Officer, U.S. Nuclear Regulatory Commission, Washington, DC 20555-0001; telephone: 301-415-2084; email: [Infocollects.Resource@nrc.gov](mailto:Infocollects.Resource@nrc.gov).

#### SUPPLEMENTARY INFORMATION:

##### I. Obtaining Information and Submitting Comments

###### A. Obtaining Information

Please refer to Docket ID NRC-2024-0075 when contacting the NRC about the availability of information for this action. You may obtain publicly available information related to this action by any of the following methods:

- *Federal Rulemaking Website:* Go to <https://www.regulations.gov> and search for Docket ID NRC-2024-0075. A copy of the collection of information and related instructions may be obtained without charge by accessing Docket ID NRC-2024-0075 on this website.

- *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](mailto:PDR.Resource@nrc.gov). For the convenience of the reader, instructions about obtaining materials referenced in this document are provided in the "Availability of Documents" section.

- *NRC's PDR:* The PDR, where you may examine and order copies of publicly available documents, is open by appointment. To make an appointment to visit the PDR, please

send an email to [PDR.Resource@nrc.gov](mailto:PDR.Resource@nrc.gov) or call 1-800-397-4209 or 301-415-4737, between 8 a.m. and 4 p.m. eastern time (ET), Monday through Friday, except Federal holidays.

- *NRC's Clearance Officer:* A copy of the collection of information and related instructions may be obtained without charge by contacting the NRC's Clearance Officer, David Cullison, Office of the Chief Information Officer, U.S. Nuclear Regulatory Commission, Washington, DC 20555-0001; telephone: 301-415-2084; email: [Infocollects.Resource@nrc.gov](mailto:Infocollects.Resource@nrc.gov).

###### B. Submitting Comments

The NRC encourages electronic comment submission through the Federal rulemaking website (<https://www.regulations.gov>). Please include Docket ID NRC-2024-0075, in your comment submission.

The NRC cautions you not to include identifying or contact information in comment submissions that you do not want to be publicly disclosed in your comment submission. All comment submissions are posted at <https://www.regulations.gov> and entered into ADAMS. Comment submissions are not routinely edited to remove identifying or contact information.

If you are requesting or aggregating comments from other persons for submission to the NRC, then you should inform those persons not to include identifying or contact information that they do not want to be publicly disclosed in their comment submission. Your request should state that comment submissions are not routinely edited to remove such information before making the comment submissions available to the public or entering the comment into ADAMS.

##### II. Background

In accordance with the Paperwork Reduction Act of 1995 (44 U.S.C. Chapter 35), the NRC is requesting public comment on its intention to request the OMB's approval for the information collection summarized below.

1. *The title of the information collection:* Tribal Participation in the Advance Notification Program.
2. *OMB approval number:* 3150-0250.
3. *Type of submission:* Extension.
4. *The form number, if applicable:* Not applicable.

5. *How often the collection is required or requested:* Information would be requested: (1) every five years, (2) after an Indian Tribe achieves Federal recognition, (3) when a transportation route is NRC-approved that passes within or across an Indian Tribe's



reservation boundaries, and (4) when there are changes. Information is requested from those Indian Tribes seeking to receive advance notifications. Some information is requested one time.

6. *Who will be required or asked to respond:* Federally recognized Indian Tribes. Only those Federally recognized Indian Tribes with reservations and either receiving or seeking to receive the advance notifications would be asked to respond to the specific information request.

7. *The estimated number of annual responses:* 20 (7 reporting responses + 13 recordkeepers).

8. *The estimated number of annual respondents:* 13.

9. *The estimated number of hours needed annually to comply with the information collection requirement or request:* 37.5 hours (21 reporting + 16.5 recordkeeping).

10. *Abstract:* In order to receive notification of certain shipments of irradiated reactor fuel and/or nuclear waste within or across the boundary of

an Indian Tribe’s reservation, Tribes shall affirmatively opt into the advance notification program. Because the notification may contain Safeguards Information (SGI), the Tribal official will submit certification that the Tribal official or their designee(s) has completed NRC-provided training on the handling of SGI and has the necessary protection measures in place for implementation. The Tribal official will provide contact information for the designee(s) and emergency response contact(s). The Tribal official will also provide confirmation of the reservation boundaries or the necessary corrections to a map provided by the NRC. The NRC makes this information available to others, including NRC and Agreement State licensees. NRC licensees will use the information to comply with the NRC’s regulations that require them to provide advance notice of certain shipments of radioactive material to participating Tribes. Agreement State licensees may use the information to

comply with the compatible Agreement State regulations.

III. Specific Requests for Comments

The NRC is seeking comments that address the following questions:

1. Is the proposed collection of information necessary for the NRC to properly perform its functions? Does the information have practical utility? Please explain your answer.

2. Is the estimate of the burden of the information collection accurate? Please explain your answer.

3. Is there a way to enhance the quality, utility, and clarity of the information to be collected?

4. How can the burden of the information collection on respondents be minimized, including the use of automated collection techniques or other forms of information technology?

IV. Availability of Documents

The documents identified in the following table are available to interested persons through ADAMS.

Document description	ADAMS accession No.
Five-year Notification Letter Template for Tribal Participation in the Advance Notification Program .....	ML24170A429
Acknowledgment Letter Template for Tribal Participation in the Advance Notification Program .....	ML24170A430
NUREG/BR–0362 “Protection of Safeguards Information: Requirements for Tribes Participating in the Advance Notification of Irradiated Reactor Fuel Shipments”.	ML12283A116
Safeguards Information (SGI) Awareness Training .....	ML16083A340
Draft Supporting Statement .....	ML24170A431

Dated: October 11, 2024.  
For the Nuclear Regulatory Commission.  
**David Cullison,**  
*NRC Clearance Officer, Office of the Chief Information Officer.*  
[FR Doc. 2024–23961 Filed 10–16–24; 8:45 am]  
**BILLING CODE 7590–01–P**

POSTAL REGULATORY COMMISSION

[Docket No. N2024–1; Order No. 7695]

Service Standard Changes

**AGENCY:** Postal Regulatory Commission.  
**ACTION:** Notice.

**SUMMARY:** The Commission is acknowledging a recently-filed Postal Service request for an advisory opinion regarding planned changes to its processing and transportation networks. This document invites public comments on the request and addresses several related procedural steps.

**DATES:** *Notices of intervention are due:* October 21, 2024; *Live WebEx Technical Conference:* October 16, 2024, at 1 p.m., eastern daylight time, virtual.

**ADDRESSES:** Submit notices of intervention electronically via the Commission’s Filing Online system at <http://www.prc.gov>. Persons interested in intervening who cannot submit their views electronically should contact the person identified in the **FOR FURTHER INFORMATION CONTACT:** David A. Trissell, General Counsel, at 202–789–6820.

SUPPLEMENTARY INFORMATION:

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- I. Introduction
- II. Pre-Filing Issues
- III. The Request
- IV. Initial Administrative Actions
- V. Ordering Paragraphs

I. Introduction

On October 4, 2024, the Postal Service filed a request for an advisory opinion from the Commission regarding planned changes to its processing and transportation networks.<sup>1</sup> In particular,

<sup>1</sup> United States Postal Service’s Request for an Advisory Opinion on Changes in the Nature of Postal Services, October 4, 2024 (Request). The Postal Service filed the instant Request at the direction of the Commission, following the Postal Service’s initial presentation of these proposed changes as part of the changes associated with the

the Postal Service plans to create a nationwide network of Regional Processing and Distribution Centers (RPDCs) and Local Processing Centers (LPCs). *Id.* at 3. The Postal Service states that this initiative will “increase throughput, gain productivity, and increase asset utilization across the country.” *Id.* Additionally, the Postal Service intends to implement its Regional Transportation Optimization (RTO) initiative on a nationwide basis. *Id.* The Postal Service states that the RTO initiative will “improve the efficiency and velocity of the processing network.” *Id.* The Postal Service estimates that these two initiatives will allow it “to achieve estimated cost savings of between \$3.6 billion and \$3.7 billion on an annual basis once fully implemented.” *Id.*

The Postal Service also proposes to revise its service standards “to align with these operational initiatives. . . .” *Id.* Specifically, the Postal Service will

Delivering for America Plan. *See* Docket No. PJ2023–4, Order Directing Postal Service to Show Cause or File a Nature of Service Proceeding Regarding Certain Delivering for America Initiatives, April 26, 2024 (Order No. 7061).

“transition to 5-Digit to 5-Digit ZIP Code service standards” that reflect “the three operational legs applicable to the movement of mail and packages: collection to origin processing (Leg 1), origin processing to destination processing (Leg 2), and destination processing to delivery (Leg 3).” *Id.* at 4. The Postal Service asserts that despite these changes, it will preserve the existing day ranges for First-Class Mail, which is currently 1–5 days, and USPS Ground Advantage, which is 2–5 days. *Id.* Additionally, the Postal Service intends to “transition the service standards for end-to-end USPS Marketing Mail and USPS Package Services so that they are based on the standards for First-Class Mail and USPS Ground Advantage,” which will shorten the day ranges for those products as compared to current standards. *Id.* The Postal Service states that “[s]ome mail and packages will . . . have a service expectation that is longer than the current expectation (although still within the current day-ranges)” if its originating 5-Digit ZIP Code is subject to RTO. *Id.* at 5. Finally, the Postal Service states that it will also exclude Sundays and holidays as transit days in these new service standards. *Id.*

The intended effective date of the Postal Service’s planned changes is no earlier than 90 days after the filing of the Request. *Id.* at 48. The Request was filed pursuant to 39 U.S.C. 3661 and 39 CFR part 3020. Before issuing its advisory opinion, the Commission shall accord an opportunity for a formal, on-the-record hearing pursuant to 5 U.S.C. 556 and 557. 39 U.S.C. 3661(c). This Order provides information on the Postal Service’s planned changes, explains and establishes the process for the on-the-record hearing, and lays out the procedural schedule to be followed in this case.

## II. Pre-Filing Issues

On August 22, 2024, the Postal Service filed a notice of its intent to conduct a pre-filing conference regarding its plans to transform its processing and transportation networks and to revise service standards to align with these changes.<sup>2</sup>

On August 26, 2024, the Commission issued Order No. 7414, which established Docket No. N2024–1 to consider the Postal Service’s proposed changes, notified the public concerning the Postal Service’s pre-filing conference, and appointed a Public

Representative.<sup>3</sup> The Postal Service held its pre-filing conference virtually on September 5, 2024, at 1:00 p.m. Eastern Time (ET). See Request at 49. The Postal Service certifies that it has made a good faith effort to address concerns of interested persons about the Postal Service’s proposal raised at the pre-filing conference. See *id.*

## III. The Request

### A. The Postal Service’s Planned Changes

#### 1. Processing and Transportation Networks

Currently, the Postal Service’s legacy processing network consists of a mix of Processing and Distribution Centers (P&DCs) and Network Distribution Centers (NDCs), combined with “numerous ancillary facilities . . . .” *Id.* at 13. As a result of the current processing network facilities’ conditions and age, their number and the piecemeal and ad hoc nature of their implementation, and the lack of operational standardization necessary to address the processing of mail and packages, the Postal Service determined that it must redesign the legacy network and “construct a network that enables [it] to handle mail and packages in a precise, efficient, and integrated manner. . . .” *Id.* at 13–14. The proposed processing network will be designed using a “regional concept,” and consist of two standardized facility types: (1) Regional Processing and Distribution Centers (RPDCs) and (2) Local Processing Centers (LPCs). *Id.* at 14.

RPDCs will manage “the flow of mail and packages that originate or destinate in that region.” *Id.* at 15. They will “perform originating sortation operations for letters, flats, and packages to the 3-digit ZIP Code level, for dispatch to the rest of the country.” *Id.* They will also “engage in cross-docking and sortation operations for destinating letters, flats, and parcels for dispatch to a LPC.” *Id.* Finally, they will “serve as intermediate consolidation points for volume that is traveling across the country (known as Regional Transfer Hub (RTH) operations).” *Id.*

LPCs will be designed to “handle destinating letter, flat, and package sortation operations for designated 3-Digit ZIP Codes within a region, for dispatch to Sorting and Delivery Centers (S&DCs) and delivery units.” *Id.* at 16. Some LPCs might “sort and/or cross-dock carrier route bundles of flats to

S&DCs and delivery units” or perform “certain originating operations” as designated by the Postal Service. *Id.* They will also act as a consolidation point “for all volume types coming from the delivery network on the way to the RPDC.” *Id.*

Some LPCs might be co-located with RPDCs and some RPDC operations might be located “in a single building or a campus of two or more buildings” based on what the Postal Service determines is most efficient and cost-effective. *Id.* at 15–16. The Postal Service notes that each of the functions these new facility categories “are not rigid, and may be subject to varying adjustments and configurations based on local operational considerations . . . .” *Id.* at 16. The Postal Service intends to make these network changes on a region-by-region basis over the course of multiple years. *Id.*

In conjunction with these new facilities, the Postal Service also intends to implement its Regional Transportation Optimization (RTO) initiative on a nationwide basis. *Id.* at 21. While, according to the Postal Service, “[t]he volume of mail collected through [its] rental facilities (including mail collected on carrier routes and entered at Post Offices) has declined substantially in recent decades[,]” it has not “fundamentally adjusted” its associated collection processes and transportation network to account for the decline. *Id.* at 19. This has resulted in numerous transportation and processing inefficiencies as the Postal Service has continued its process of transporting destinating mail and packages from the processing network to collection or delivery facilities in the morning and transporting originating mail from collection or delivery facilities to the processing network in the afternoon. *Id.* at 19–20.

Instead, under RTO, “certain collection/delivery facilities will have their destinating mail dropped off, and their originating mail picked up, on the same transportation route.” *Id.* at 22. The Postal Service indicates that it will designate 5-Digit ZIP Codes for RTO “when the facility from which the collection mail and packages are dispatched is more than 50 miles from the RPDC campus.” *Id.* According to the Postal Service, RTO will enable it to redesign its transportation routes to reduce the number of trips and layovers and eliminate unnecessary or underutilized trips. *Id.* at 23.

#### 2. Service Standards

Currently, the Postal Service’s First-Class Mail and USPS Ground Advantage service standards “are predicated on

<sup>2</sup> Notice of Pre-Filing Conference, August 22, 2024, at 1.

<sup>3</sup> Notice and Order Concerning the Postal Service’s Pre-Filing Conference, August 26, 2024 (Order No. 7414).

plant-to-plant (*i.e.*, on a 3-Digit to 3-Digit ZIP Code) driving distances.” *Id.* at 27. They do not consider the variations in transportation operations that are required to move volume from the collection point to the processing network. *Id.* The Postal Service proposes to “transition to 5-Digit to 5-Digit ZIP Code (*i.e.* Post Office to Post Office) service standards that maintain the existing delivery day ranges for both First-Class Mail and USPS Ground Advantage . . . .” *Id.* at 28. The Postal Service also proposes to “transition the service standards for end-to-end USPS Marketing Mail and Package Services so that they are based on the standards for First-Class Mail and USPS Ground Advantage, respectively, which will result in a shorter day range for these products when compared to the current service standards.” *Id.*

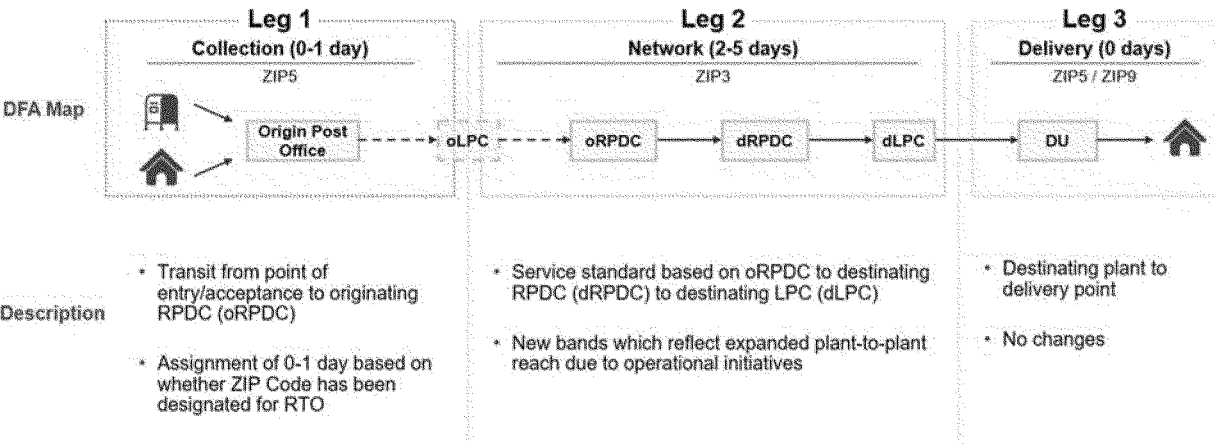
Under its proposed approach for inter-RPDC First-Class Mail and USPS Ground Advantage, the Postal Service would segment volume into three legs: collection to origin processing (Leg 1); origin processing facility to destination processing facility (Leg 2); and destination processing facility to delivery (Leg 3). *Id.* at 30. The proposed service standards “will be based on how

many days cumulatively apply to a particular mailpiece across the three operational legs.” *Id.* For Leg 1, the Postal Service will “align our standards with RTO” and apply 1 day to pieces that “originate in a 5-Digit ZIP Code more than 50 miles from the RPDC, meaning RTO is being applied, and 0 days will apply to pieces originating in other 5-Digit ZIP Codes.” *Id.*

For Leg 2, the Postal Service will “apply [2–5] days based on the travel distance between the originating and destinating processing plants” using the new network outlined above. *Id.* at 30–31. The transit paths will be updated to reflect the new network and “measure the distance between the Origin RPDC and the Destination RPDC and then the distance between the Destination RPDC and the Destination LPC.” *Id.* at 34. With regard to Leg 2, the Postal Service states that because RTO and the new and more efficient network will improve arrival profiles, “each of the existing service standard bands will expand by four hours for First-Class Mail.” *Id.* at 34–36. No additional days will be added for Leg 3, “which is the same as the current standards.” *Id.* at 30.

The Leg 1 rules will not apply to “any products entered at a RPDC, Presort

First-Class Mail, or any destination-entered volume.” *Id.* at 32. The Postal Service proposes to add an “extra day for volume that is entered in a 5-Digit ZIP Code subject to RTO[.]” for its Priority Mail and Priority Mail Express products but still “intends for Priority Mail to remain a 1–3 day product,” and anticipates that “Priority Mail Express will be a 1–3 day (guaranteed) product.” *Id.* at 33–34. Finally, for mail and packages that originate and destinate within the same RPDC region, “[t]he proposed service standards would expand the geographic scope of turnaround volume (*i.e.*, volume originating and destinating within a facility’s service area).” *Id.* at 37. Currently, this “volume receives a two-day standard.” *Id.* Under the proposed standards, intra-LPC and intra-RPDC volume will either be subject to a 2 or 3-day standard depending on whether the originating volume is from a 5-digit ZIP Code beyond 50 miles of the cancellation location. *Id.* “The standards for end-to-end Marketing Mail, Periodicals, and Package Services within a region will also be based on these standards.” *Id.* The Postal Service outlines the proposed standards as follows:



*Id.* at 31.

Finally, the Postal Service intends to change how it measures performance under these standards. *Id.* at 40. “Specifically, the Postal Service will not count Sundays or holidays as transit days for volume entered on a Saturday or the day before a holiday.” *Id.* It will also “change the Service Performance Measurement system to enable measurement at the 5-Digit ZIP Code level . . . .” *Id.*

**B. The Postal Service’s Position**

**1. Processing and Transportation Networks**

The Postal Service asserts that these network changes will “enable significant cost reductions in both processing operations and in [its] transportation network, while improving the work environment for [its] employees.” *Id.* at 18. It will enable the Postal Service to more efficiently balance its use of ground and air transportation and should result in a reduced number of surface and air nodes. *Id.* The Postal Service states that

these modifications will eliminate “unnecessary trips” and increase utilization of the remaining trips. *Id.* It will also allow the Postal Service to further reduce costs through the elimination of “excess facilities.” *Id.*

Additionally, according to the Postal Service, the implementation of the RTO initiative on a nationwide basis will “result in significant improvements in transportation and processing operations.” *Id.* at 22. It will result in a reduced number of trips and layovers, which will in turn reduce carbon emissions and increase utilization of the Postal Service’s transportation

resources. *Id.* at 23. The Postal Service also states that the RTO initiative will improve “the efficiency and velocity of the processing network,” by creating efficient “operating windows in originating and processing facilities” because non-RTO volume may be processed and dispatched earlier than under its current transportation policy. *Id.*

Overall, the Postal Service estimates that it will save “between \$3.6 and \$3.7 billion annually in Leg 1 and Leg 2 transportation costs, mail and package processing costs, and facility costs[]” through the implementation of these two initiatives. *Id.* at 23. Table 1 below details the Postal Service’s estimated annual cost savings, organized by category. The Postal Service cautions

that because it intends to implement these initiatives “through a deliberate implementation plan over time,” that not all savings will be achieved immediately. *Id.* at 26. Thus, “[t]his approach reasonably estimates the expected future savings from these initiatives when fully implemented.” *Id.*

TABLE 1—ESTIMATED ANNUAL COST SAVINGS BY CATEGORY

Category	Estimated annual cost savings
Regional Transportation .....	\$651 million.
Network Transportation .....	\$1.8 billion (\$1.1 billion from surface transportation and \$701 million from air transportation).
Mail and Package Processing .....	\$1.1–\$1.2 billion.
Facilities .....	\$81 million.

*Id.* at 24–25.

## 2. Service Standards

The Postal Service states that under the new standards, “the majority of overall market-dominant volume” will have “either the same service standards . . . or an accelerated standard.” *Id.* at

38. And while the specific volume impacts were filed under seal for competitive products, the Postal Service states that “the overall impact of these proposed changes is that the majority of packages will either have the same service standard or a better standard,

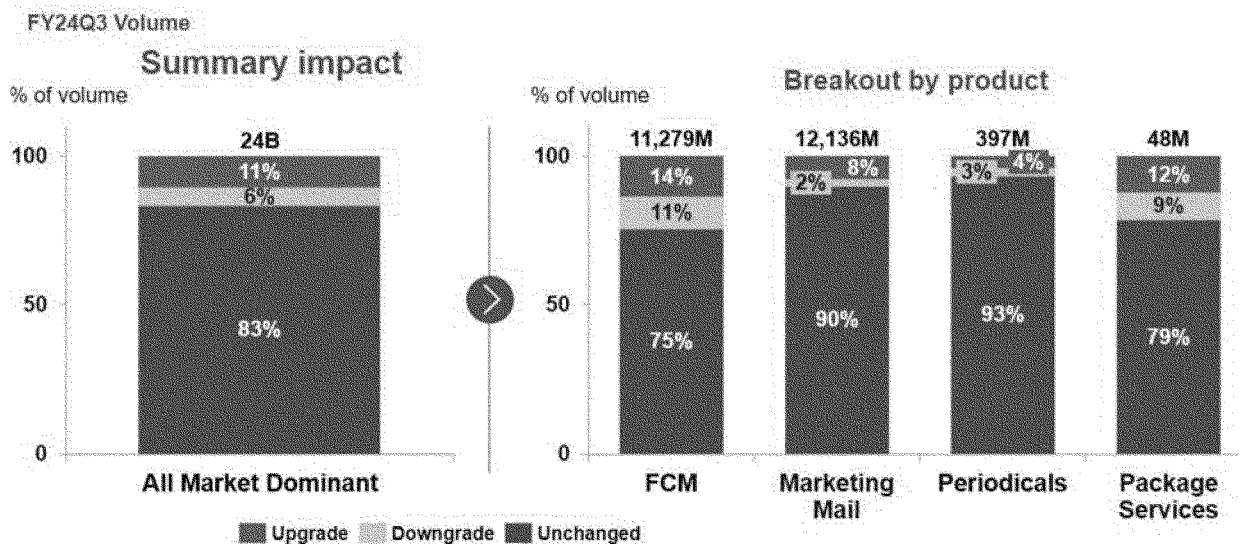
consistent with the fact that a majority of package volume is entered in ZIP Codes that are within 50 miles of” the processing network. *Id.* at 40. Table 2 below details “the impact on all market-dominant volume, including end-to-end and destination entry. *Id.* at 38.

TABLE 2—ESTIMATED VOLUME CHANGES UNDER PROPOSED SERVICE STANDARDS

Products	Estimated % of volume change
All Market Dominant Products .....	83% unchanged, 11% upgraded, 6% downgraded.
First-Class Mail .....	75% unchanged, 14% upgraded, 11% downgraded.
Marketing Mail .....	90% unchanged, 8% upgraded, 2% downgraded.
Periodicals .....	93% unchanged, 4% upgraded, 3% downgraded.
Package Services <sup>4</sup> .....	79% unchanged, 12% upgraded, 9% downgraded.

*Id.* at 38–39.

## Volume Upgrades and Downgrades Across Market Dominant Products



<sup>4</sup> Package Services refers to a Market Dominant class of mail products intended for non-urgent

delivery of books, catalogs, and other printed materials such as Media Mail/Library Mail. It does

not refer to the Postal Service’s Competitive package products such as USPS Ground Advantage.

*Id.* at 38.

*C. The Postal Service's Direct Case*

The Postal Service is required to file its direct case along with the Request. See 39 CFR 3020.114. The Postal Service's direct case includes all the prepared evidence and testimony upon

which the Postal Service proposes to rely on in order to establish that its proposal accords with and conforms to the policies of title 39, United States Code. See *id.* The Postal Service provides the direct testimony of five witnesses and identifies a sixth individual to serve as its institutional

witness and provide information relevant to the Postal Service's proposal that is not provided by other Postal Service witnesses. See Request at 50–52. Table 3 below details the Postal Service's direct case, organized by witness.

TABLE 3—POSTAL SERVICE WITNESSES

1. Stephen Hagenstein .....	<ul style="list-style-type: none"> <li>• Description of the proposed revisions to service standards, including the three legs .....</li> <li>• Explanation of inefficiencies of current network's first leg .....</li> <li>• Description of how RTO initiative corrects those inefficiencies .....</li> <li>• Anticipated flow of mail and package volume within the RPDC/LPC network .....</li> <li>• Estimated impact of proposed service standards on 5-Digit ZIP pairs .....</li> </ul>	USPS–T–1.
2. Arslan Saleem .....	<ul style="list-style-type: none"> <li>• Explanation of how the proposed changes will be addressed in measurement (including through revisions to the Service Performance Measurement (SPM) Plan).</li> <li>• Explanation of the exclusion of Sundays and holidays as transit days .....</li> <li>• Estimate of impacts on mail volumes .....</li> <li>• Explanation of performance measurement based on 5-Digit ZIP code .....</li> </ul>	USPS–T–2.
3. Leslie Johnson-Frick .....	<ul style="list-style-type: none"> <li>• Description of how RTO changes will not impact local mail collection and delivery .....</li> <li>• Explanation of how local office operations might change to accommodate the RTO initiative</li> <li>• Explanation of how changes will be communicated to customers .....</li> <li>• Explanation of measures to ensure timely delivery of Election Mail .....</li> </ul>	USPS–T–3.
4. Gregory White .....	<ul style="list-style-type: none"> <li>• Explanation of how the RPDC/LPC network changes and RTO initiative will improve processing effectiveness and produce cost savings.</li> <li>• Description of the standard operating procedures for the RPDCs and LPCs .....</li> </ul>	USPS–T–4.
5. Curtis Whiteman .....	<ul style="list-style-type: none"> <li>• Discussion of the estimated cost savings .....</li> <li>• Discussion of the methodology used to calculate the estimated savings .....</li> </ul>	USPS–T–5.
6. Sharon Owens .....	<ul style="list-style-type: none"> <li>• Institutional witness capable of providing information relevant to the Postal Service's proposal that is not provided by other Postal Service witnesses.</li> </ul>	None filed.

*Id.* at 51–52.

Additionally, the Postal Service filed 17 library references, 8 of which are

available to the public and 9 of which are designated as non-public material.

TABLE 4—POSTAL SERVICE LIBRARY REFERENCES

USPS–LR–N2024–1–1 .....	RTO Determination Based on Distance from RPDC .....	Stephen Hagenstein.
USPS–LR–N2024–1–2 .....	Planned RPDCs and LPCs .....	Stephen Hagenstein.
USPS–LR–N2024–1–3 .....	Service Standard Changes to Market Dominant Products .....	Stephen Hagenstein.
USPS–LR–N2024–1–4 .....	Revised USPS Service Performance Measurement Plan .....	Arslan Saleem.
USPS–LR–N2024–1–5 .....	Revised Implementation Document for Service Performance Measurement Plan .....	Arslan Saleem.
USPS–LR–N2024–1–6 .....	Market Dominant Mail Volume Impact Analysis in Future State .....	Arslan Saleem.
USPS–LR–N2024–1–7 .....	Legacy Processing Assignments .....	Gregory White.
USPS–LR–N2024–1–8 .....	Facilities and Operating Cost Savings from STC Insourcing .....	Gregory White.
USPS–LR–N2024–1–NP1 .....	LTO Model Explanation and Pilot Results .....	Stephen Hagenstein.
USPS–LR–N2024–1–NP2 .....	Leg 2 Modeling Inputs, Explanation and Results .....	Stephen Hagenstein.
USPS–LR–N2024–1–NP3 .....	Service Standard Changes to Competitive Products .....	Stephen Hagenstein.
USPS–LR–N2024–1–NP4 .....	Competitive Products Volume with Start-the-Clock on Saturday or Day Before Holiday	Arslan Saleem.
USPS–LR–N2024–1–NP5 .....	Competitive Product Mail Volume Impact Analysis in Future State .....	Arslan Saleem.
USPS–LR–N2024–1–NP6 .....	Impacts on Pharmaceutical Volume .....	Arslan Saleem.
USPS–LR–N2024–1–NP7 .....	Competitive Product Volume Impact in Future State .....	Arslan Saleem.
USPS–LR–N2024–1–NP8 .....	LDC Productivity Rates and Workhours .....	Gregory White.
USPS–LR–N2024–1–NP9 .....	Site-Specific Machine Productivity Information .....	Gregory White.

**Note:** The Postal Service filed the non-public library reference under seal (shaded in the above table), asserting it consists of commercially sensitive business information, specifically transportation costs and modeling, information related to the Postal Service's competitive products, and site- and machine-specific processing capabilities and productivity rates for competitive products. See Notice of United States Postal Service of Filing of Library References and Application for Non-Public Treatment, October 4, 2024, Application of the United States Postal Service for Non-Public Treatment at 4–8.

**IV. Initial Administrative Actions**

*A. General Procedures*

The procedural rules in 39 CFR part 3020 apply to Docket No. N2024–1. Before issuing its advisory opinion, the Commission shall accord an opportunity for a formal, on-the-record

hearing pursuant to 5 U.S.C. 556 and 557. 39 U.S.C. 3661(c). The Commission will sit *en banc* for Docket No. N2024–1. See 39 CFR 3020.122(b). The form and manner for any hearings to be held in Docket No. N2024–1 shall be established by Commission Order or Presiding Officer Ruling at a later date.

*B. Scope*

Docket No. N2024–1 is limited in scope to the specific changes proposed by the Postal Service in its Request. See 39 CFR 3020.102(b). To the extent that participants raise alternative proposals and present reasons why those alternatives may be superior to the

Postal Service's proposal, the Commission would interpret such discussion as critiquing the specific changes proposed by the Postal Service in its Request.<sup>5</sup> However, the Commission would not evaluate or opine on the merits of such alternative proposals in its advisory opinion. *See* Order No. 2080 at 18. Pursuant to its discretion, the Commission may undertake evaluation of alternatives or other issues raised by participants in separate proceedings (such as special studies or public inquiries). *See* 39 CFR 3020.102(b). Moreover, any interested person may petition the Commission to initiate a separate proceeding (such as a rulemaking or public inquiry) at any time. *See* 39 CFR 3010.201(b) (initiation of notice and comment proceedings).

### C. Designation of Presiding Officer

Pursuant to 39 CFR 3010.106, the Commission appoints Stephanie A. Quick to serve as presiding officer in Docket No. N2024–1, effective immediately. Ms. Quick shall have the authority delegated to the presiding officer under 39 CFR 3010.106(c), except for regulating the course of public conferences and hearings. *See* 39 CFR 3010.106(c)(2). The Commission expands Ms. Quick's authority to allow her to propound formal discovery requests upon any party, at her discretion. The numerical limitation on interrogatories appearing in 39 CFR 3020.117(a) shall not apply to the presiding officer. The Commission also authorizes the presiding officer to rule on procedural issues such as motions for late acceptance and discovery-related matters such as motions to be excused from answering discovery requests. The presiding officer shall have authority to issue any ruling in this docket not otherwise specifically reserved to the Commission by 39 CFR 3020 and 3010.106. Commissioner Ashley Poling shall preside over the technical conference and any hearings conducted as part of this proceeding. Commissioner Poling shall have all the authority of the presiding officer, including but not limited to convening, adjourning, and ruling on oral motions made during the hearings.

### D. Procedural Schedule

The Commission establishes a procedural schedule, which appears below the signature of this Order as Attachment 1. *See* 39 CFR 3010.151, 3020.110; *see also* 39 CFR part 3020

appendix A. Generally, the procedural schedule for a nature of service proceeding requires that the advisory opinion be issued within 90 days from the date of the filing of the Postal Service's request. *See* 39 CFR 3020.110. Due to the breadth and complexity of the Postal Service's request, as well as the number of federal holidays that occur in the next 90 days, the Commission finds good cause to deviate from the pro forma procedural schedule, including extending the issuance date of the advisory opinion to 120 days. *See* 39 CFR part 3020 appendix A. These dates may be further changed if good cause is shown, if the Commission later determines that the Request is incomplete, if the Commission determines that the Postal Service has significantly modified the Request, or for other reasons as determined by the Commission. *See* 39 CFR 3020.110(b) and (c).

### E. How To Access Material Filed in This Proceeding

#### 1. Using the Commission's Website

The public portions of the Postal Service's filing are available for review on the Commission's website (<http://www.prc.gov>). The Postal Service's electronic filing of the Request and prepared direct evidence effectively serves the persons who participated in the pre-filing conference. *See* 39 CFR 3020.104. Other material filed in this proceeding will be available for review on the Commission's website, unless the information contained therein is subject to an application for non-public treatment.

#### 2. Using Methods Other Than the Commission's Website

The Postal Service must serve hard copies of its Request and prepared direct evidence "only upon those persons who have notified the Postal Service, in writing, during the pre-filing conference(s), that they do not have access to the Commission's website." 39 CFR 3020.104. If you demonstrate that you are unable to effectively use the Commission's Filing Online system or are unable to access the internet, then the Secretary of the Commission will serve material filed in Docket No. N2024–1 upon you via First-Class Mail. *See* 39 CFR 3010.127(b) and (c). You may request physical service by mailing a document demonstrating your need to the Office of Secretary and Administration, Postal Regulatory Commission, 901 New York Avenue NW, Suite 200, Washington, DC 20268–0001. Pursuant to 39 CFR 3010.127(c), the Secretary shall maintain a service

list identifying no more than two individuals designated for physical service of documents for each party intervening in this proceeding. Accordingly, each party must ensure that its listing is accurate and should promptly notify the Secretary of any errors or changes. *See* 39 CFR 3010.127(c).

### 3. Non-Public Material

The Commission's rules on how to file and access non-public material appear in 39 CFR part 3011. Each individual seeking non-public access must familiarize themselves with these provisions, including the rules governing eligibility for access; non-dissemination, use, and care of the non-public material; sanctions for violations of protective conditions; and how to terminate or amend access. *See* 39 CFR 3011.300, 3011.302–304. Any person seeking access to non-public material must file a motion with the Commission containing the information required by 39 CFR 3011.301(b)(1)–(4). Each motion must attach a description of the protective conditions and a certification to comply with protective conditions executed by each person or entity (and each individual working on behalf of the person or entity) seeking access. 39 CFR 3011.301(b)(5)–(6). To facilitate compliance with 39 CFR 3011.301(b)(5)–(6), a template Protective Conditions Statement and Certification to Comply with Protective Conditions appears below the signature of this Order as Attachment 2, for completion and attachment to a motion for access. *See* 39 CFR part 3011 subpart C, appendix A. Persons seeking access to non-public material are advised that actual notice provided to the Postal Service pursuant to 39 CFR 3011.301(b)(4) will expedite resolution of the motion, particularly if the motion for access is uncontested by the Postal Service.

Non-public information must be redacted from filings submitted through the Commission's website; instead, non-public information must be filed under seal as required by 39 CFR part 3011 subpart B.

### F. How To File Material in This Proceeding

#### 1. Using the Commission's Filing Online System

Except as provided in 39 CFR 3010.120(a),<sup>6</sup> all material filed with the

<sup>5</sup> *See* Docket No. RM2012–4, Order Adopting Amended Rules of Procedure for Nature of Service Proceedings Under 39 U.S.C. 3661, May 20, 2014, at 18 (Order No. 2080).

<sup>6</sup> The Commission's Filing Online system allows account holders to file materials that contain non-public information. *See* Postal Regulatory Commission eDockets User Guide, at 39, available [Continued](#)

Commission shall be submitted in electronic format using the Filing Online system, which is available over the internet through the Commission's website. The Commission's website accepts filings during the Commission's regular business hours, which are from 8:00 a.m. through 4:30 p.m. Eastern Time (ET), except for Saturdays, Sundays, and Federal holidays. A guide to using the Filing Online system, including how to create an account, is available at <https://www.prc.gov/how-to-participate>. If you have questions about how to use the Filing Online system, please contact the dockets clerk by email at [dockets@prc.gov](mailto:dockets@prc.gov) or telephone at (202) 789-6800, option 2. Please be advised that the dockets clerk can only answer procedural questions but may not provide legal advice or recommendations.

## 2. Using Methods Other Than the Commission's Filing Online System

Material may be filed using a method other than the Commission's website only if at least one of the following exceptions applies:

- The material cannot reasonably be converted to electronic format,
- The filer is unable to effectively use the Commission's Filing Online system and the document is 10 pages or fewer, or
- The Secretary has approved an exception to the requirements to use the Commission's Filing Online system based on a showing of good cause. 39 FR 3010.120(a).

Material subject to these exceptions may be filed by mail to the Office of Secretary and Administration, Postal Regulatory Commission, 901 New York Avenue NW, Suite 200, Washington, DC 20268-0001. The posting of mailed materials to the Commission's website may be delayed.

## G. Technical Conference

### 1. Date and Purpose

A technical conference will be held live via Microsoft Teams on October 16, 2024, at 1:00 p.m. ET. The technical conference is an informal, off-the-record opportunity to clarify technical issues as well as to identify and request information relevant to evaluating the Postal Service's proposed changes. See 39 CFR 3020.115(c). The technical

conference will be limited to information publicly available in the Request. Any non-public information, including information in non-public library references attached to the Request, should not be raised at the technical conference. At the technical conference, the Postal Service will make available for questioning its five witnesses whose direct testimony was filed along with the Request and a sixth individual to serve as its institutional witness, who will provide information relevant to the Postal Service's proposal that is not provided by other Postal Service witnesses. See Request at 51-52; see also 39 CFR 3020.113(b)(6)-(7), 3020.115(b). The names and topics to which these six individuals are prepared to address are summarized above in section III.C., table 3, *infra*.

### 2. How To Livestream the Technical Conference

The technical conference will be broadcast to the public via livestream, which will allow the public to view and listen to the technical conference, as it is occurring and after. To view and listen to the livestream, on or after 1 p.m. ET on October 16, 2024, an individual must click on the internet link that will be identified on the Commission's YouTube Channel, which is available at <https://www.youtube.com/channel/UCbHvK-S8CJFT5yNQe4MkTiQ>. Individuals do not have to register in advance to access the livestream. Please note that the livestream is a broadcast; therefore, there is a brief delay (several seconds) between the technical conference being captured on camera and being displayed to viewers of the livestream. Additionally, please note that clicking on the livestream link will not allow an individual the opportunity to question the Postal Service's six witnesses. Details on how to participate in the live technical conference event (and have the opportunity to question the Postal Service's six witnesses) follow.

### 3. How To Participate in the Technical Conference

To participate in this live technical conference and have the opportunity to ask questions of the Postal Service's six witnesses, an individual need not formally intervene in this docket but must register in advance as follows. Each individual seeking to participate in the live technical conference via Microsoft Teams using an individual device (e.g., a desktop computer, laptop, tablet, or smart phone) must register by sending an email to [Registration@prc.gov](mailto:Registration@prc.gov), with the subject line "N2024-1 Conference Registration" by October

15, 2024. In order to facilitate orderly public participation, this email shall provide the following information:

- your first and last name;
- your email address (to receive the Microsoft Teams link);
- the name(s) of the Postal Service witness(es) you would like to question and/or the topic(s) of your question(s); and
- your affiliation (if you are participating in your capacity as an employee, officer, or member of an entity such as a corporation, association, or government agency).

The [Registration@prc.gov](mailto:Registration@prc.gov) email address is established solely for the exchange of information relating to the logistics of registering for, and participating in, the technical conference.<sup>7</sup> No information related to the substance of the Postal Service's Request shall be communicated, nor shall any information provided by participants apart from the list identified above be reviewed or considered. Only documents filed with the Commission's docket system will be considered by the Commission. Before the technical conference, the Commission will email each identified individual a Microsoft Teams link, an explanation of how to connect to the technical conference, and information regarding the schedule and procedures to be followed.

### 4. Availability of Materials and Recording

To facilitate discussion of the matters to be explored at the technical conference, the Postal Service shall, if necessary, file with the Commission any materials not already filed in Docket No. N2024-1 (such as PowerPoint presentations or Excel spreadsheets) that the Postal Service expects to present at the technical conference by October 15, 2024. Doing so will foster an orderly discussion of the matters under consideration and facilitate the ability of individuals to access these materials should technical issues arise for any participants during the live technical conference. If feasible, the recording will be available on the Commission's YouTube Channel at <https://www.youtube.com/channel/UCbHvK-S8CJFT5yNQe4MkTiQ>.

Participants in the live technical conference, by participating, consent to such recording and posting. Information obtained during the technical conference or as a result of the technical conference is not part of the decisional record, unless admitted under the

<sup>7</sup> Please refer to the Commission's privacy policy which is available at <https://www.prc.gov/privacy>.

at [https://www.prc.gov/sites/default/files/PRC%20eFiling%20User%20Guide\\_06092023.pdf](https://www.prc.gov/sites/default/files/PRC%20eFiling%20User%20Guide_06092023.pdf). The filer must adhere to the requirements of 39 CFR 3011 subpart B, including the requirement to concomitantly provide an application for non-public treatment, a redacted (public) version of the non-public materials, and an unredacted (sealed) version of the non-public materials. See 39 CFR 3011.200(a).

standards of 39 CFR 3010.322. *See* 39 CFR 3020.115(e).

The Commission reserves the right to cancel the technical conference should no parties register an intent to question the Postal Service's six witnesses.

#### *H. How To Intervene (Become a Party to This Proceeding)*

To become a party to this proceeding, a person or entity must file a notice of intervention by October 21, 2024.<sup>8</sup> This filing must clearly and concisely state: (1) the nature and extent of the intervenor's interest in the issues (including the postal services used); (2) the intervenor's position on the proposed changes in services (to the extent known); (3) whether or not the intervenor requests a hearing; and (4) whether or not the intervenor intends to actively participate in the hearing. *See* 39 CFR 3010.142(b). Page one of this filing shall contain the name and full mailing address of no more than two persons who are to receive service, when necessary, of any documents relating to this proceeding. *See id.* A party may participate in discovery; file testimony and evidence; conduct written examination of witnesses; conduct limited oral cross-examination; file briefs, motions, and objections; and present argument before the Commission or the presiding officer. *See id.* sections 3010.142(a); 3020.122(e). An opposition to a notice of intervention is due within 3 days after the notice of intervention is filed. *See id.* section 3010.142(d)(2).

#### *I. Discovery*

##### **1. Generally Applicable Discovery Procedures**

Discovery requests may be propounded upon filing a notice of intervention. Discovery that is reasonably calculated to lead to admissible evidence is allowed. *See* 39 CFR 3020.116(a). Each party must familiarize themselves with the Commission's rules appearing in 39 CFR part 3020, including the rules for discovery in N-dockets generally and specific to interrogatories, requests for the production of documents, and requests for admissions. *See* 39 CFR 3020.116–3020.119. No party may propound more than a total of 25 interrogatories (including both initial and follow-up interrogatories) without

prior approval by the Commission or presiding officer.<sup>9</sup>

Each answer to a discovery request is due within 7 days after the discovery request is filed.<sup>10</sup> Any motion seeking to be excused from answering any discovery request is due within 3 days after the discovery request is filed. *See* 39 CFR 3020.105(b)(1). Any response to such motion is due within 2 days after the motion is filed. *See id.* section 3020.105(b)(2). The Commission expects parties to make judicious use of discovery, objections, and motions practice, and encourages parties to make every effort to confer to resolve disputes informally before bringing disputes to the Commission to resolve.

##### **2. Discovery Deadlines for the Postal Service's Direct Case**

All discovery requests regarding the Postal Service's direct case must be filed by November 5, 2024. All discovery answers by the Postal Service must be filed by November 12, 2024. The parties are urged to initiate discovery promptly, rather than to defer filing requests and answers to the end of the period established by the Commission.

#### *J. Rebuttal Case Deadlines*

A rebuttal case is any evidence and testimony offered to disprove or contradict the evidence and testimony submitted by the Postal Service. A rebuttal case does not include cross-examination of the Postal Service's witnesses or argument submitted via a brief or statement of position. Any party that intends to file a rebuttal case must file a notice confirming its intent to do so by November 27, 2024. Any rebuttal case, consisting of any testimony and all materials in support of the case, must be filed by December 4, 2024.

#### *K. Surrebuttal Case Deadlines*

A surrebuttal case is any evidence and testimony offered to disprove or contradict the evidence and testimony submitted by the rebutting party. A surrebuttal case does not include cross-examination of the rebutting party's witnesses or argument submitted via a brief or statement of position. Any party that intends to file a surrebuttal case must obtain the Commission's prior approval and must bear the burden of demonstrating exceptional circumstances that would warrant

granting the motion. *See* 39 CFR 3020.121(b). Any motion for leave to file a surrebuttal case is due December 6, 2024. Any response to such motion is due December 10, 2024. Any surrebuttal case, consisting of any testimony and all materials in support of the case, must be filed by December 13, 2024.

#### *L. Hearing Dates*

The Commission expects that this case will require no more than 1 or 2 business days for hearing, but reserves 3 business days out of an abundance of caution and consistent with the pro forma schedule set forth in appendix A of 39 CFR part 3020. If no party files a notice of intent to file a rebuttal case by November 27, 2024, then the hearing of the Postal Service's direct case shall begin December 4, 2024, with additional days reserved on December 5, 2024, and December 6, 2024.

If any party files a notice of intent to file a rebuttal case by November 27, 2024, but no surrebuttal testimony will be presented, then the hearing of the Postal Service's direct case shall begin December 11, 2024, with additional days reserved on December 12, 2024, and December 13, 2024.

If any party files a notice of intent to file a rebuttal case by November 27, 2024, and the Commission approves the presentation of surrebuttal testimony, then the hearing of the Postal Service's direct case shall begin December 18, 2024, and the hearing of the surrebuttal case shall end December 20, 2024.

#### *M. Presentation of Evidence and Testimony*

Evidence and testimony shall be in writing and may be accompanied by a trial brief or legal memoranda. 39 CFR 3020.122(e)(1). Whenever possible and particularly for factual or statistical evidence, written cross-examination will be used in lieu of oral cross-examination. *Id.* section 3020.122(e)(2).

Oral cross-examination will be allowed to clarify written cross-examination and/or to test assumptions, conclusions, or other opinion evidence. *Id.* section 3020.122(e)(3). Assuming that no rebuttal case is filed, any party that intends to conduct oral cross-examination shall file a notice of intent to do so by November 25, 2024. The notice must include an estimate of the amount of time requested for each witness.

In lieu of submitting hard copy documents to the Commission as contemplated by 39 CFR 3020.122(e)(2), each party shall file a single document titled "Notice of Designations" containing a list for each witness that identifies the materials to be designated

<sup>8</sup> Neither the Public Representative nor the Postal Service must file a notice of intervention; both are automatically deemed parties to this proceeding. *See* 39 CFR 3010.142(a).

<sup>9</sup> *See* 39 CFR 3020.117(a); Order No. 2080 at 42; *see also* Docket No. N2021–1, Order Affirming Presiding Officer's Ruling No. N2021–1/9, May 26, 2021, at 9 (Order No. 5901).

<sup>10</sup> *See* 39 CFR 3020.117(b)(4), 3020.118(b)(1), 3020.119(b)(1). Filing an opposition to a notice of intervention shall not delay this deadline. *See* 39 CFR 3010.142(d)(3).



(without the responses). The filing party shall arrange its list for each witness in alphabetical order by the name of the party propounding the interrogatory followed by numerical order of the interrogatory. For example:

*Designations for Witness One*

ABC/USPS-T1-1  
ABC/USPS-T1-3  
DEF/USPS-T1-1  
GHI/USPS-T1-3  
JKL/USPS-T1-2

*Designations for Witness Two*

DEF/USPS-T2-4  
GHI/USPS-T2-2

Assuming that no rebuttal case is filed, each party shall file its Notice of Designations by November 26, 2024.

Assuming that no rebuttal case is filed, on December 2, 2024, the Postal Service shall file a "Notice of Designated Materials" identifying any corrections to the testimony or designated materials for each witness sponsored by the Postal Service. Attached to that notice shall be an Adobe PDF file that contains the witness's designated written responses in alphabetical order by the name of the party propounding the interrogatory followed by numerical order of the interrogatory (with any corrections to the responses highlighted). The Postal Service shall also contemporaneously file any corrections to testimony (with those corrections highlighted).

*N. Presentation of Argument*

1. General Procedures

Any person that has intervened in Docket No. N2024-1 (and thereby formally became a party to this proceeding) may submit written argument by filing a brief or a statement of position; they also may request to present oral argument at the hearing. *See* 39 CFR 3020.123; *see also* 39 CFR 3010.142(a). Any person that has not intervened in Docket No. N2024-1 may submit written argument by filing a statement of position. *See* 39 CFR 3020.123(g); *see also* 39 CFR 3010.142(a).

2. Presentation of Written Argument

A brief is a written document that addresses relevant legal and evidentiary issues for the Commission to consider and must adhere to the requirements of

39 CFR 3020.123(a)–(f). A statement of position is a less formal version of a brief that describes the filer's position on the Request and the information on the existing record in support of that position. *See* 39 CFR 3020.123(g).

a. Briefing Deadlines

Assuming that no rebuttal case is filed, initial briefs are due December 12, 2024, and reply briefs are due December 19, 2024. If any party files a notice confirming its intent to file a rebuttal case by November 27, 2024, then the briefing schedule may be revised.

b. Deadline for Statement of Position

Any interested person, including anyone that has not filed a notice of intervention and become a party to this proceeding, may file a statement of position. *See* 39 CFR 3020.123(g); *see also* 39 CFR 3010.142(a). A statement of position is limited to the existing record and may not include any new evidentiary material. *See* 39 CFR 3020.123(g). Filings styled as a brief or comments, conforming with the content and timing requirements, shall be deemed statements of positions. Any statement of position is due December 12, 2024.

3. Request To Present Oral Argument

Oral argument has not historically been part of N-cases; the Commission would only grant a request to present oral argument upon an appropriate showing of need by the presenting party. *See* Order No. 2080 at 53. Assuming that no rebuttal case is filed, any party may file a request to present oral argument by November 25, 2024.

*O. The Commission's Advisory Opinion*

In section IV.D., the Commission stated that it found good cause to modify the procedural schedule such that the Commission shall issue its advisory opinion within 120 days of the filing of the Request. Therefore, absent a determination of good cause for further extension, the Commission shall issue its advisory opinion in this proceeding by January 31, 2025. "The opinion shall be in writing and shall include a certification by each Commissioner agreeing with the opinion that in his [or her] judgment the opinion conforms to the policies

established under [title 39, United States Code]." 39 U.S.C. 3661(c). The advisory opinion shall address the specific changes proposed by the Postal Service in the nature of postal services. *See* 39 CFR 3020.102(b). The Commission encourages the Postal Service to consider the recommendations from the advisory opinion before moving forward with implementation.

*P. Public Representative*

Pursuant to 39 U.S.C. 3661(c), Ping Gong shall continue to serve as an officer of the Commission (Public Representative) to represent the interests of the general public in this proceeding. *See* Order No. 7414 at 3.

**V. Ordering Paragraphs**

*It is ordered:*

1. The procedural schedule for this proceeding is set forth below the signature of this Order.
2. Pursuant to 39 CFR 3010.106 and 3020.122(b), the Commission appoints Stephanie A. Quick to serve as presiding officer in Docket No. N2024-1, effective immediately.
3. Stephanie A. Quick is authorized to propound formal discovery requests upon any party, at her discretion. The numerical limitation on interrogatories appearing in 39 CFR 3020.117(a) shall not apply to the Presiding Officer.
4. Stephanie A. Quick is authorized to rule on procedural issues such as motions for late acceptance and discovery-related matters such as motions to be excused from answering discovery requests.
5. Stephanie A. Quick is authorized to make other rulings in this Docket not otherwise specifically reserved to the Commission according to 39 CFR 3020 and 3010.106.
6. Pursuant to 39 U.S.C. 3661(c), Ping Gong shall continue to serve as an officer of the Commission (Public Representative) to represent the interests of the general public in this proceeding.
7. The Secretary shall arrange for publication of this Order in the **Federal Register**.

By the Commission.

**Erica A. Barker,**  
Secretary.

**PROCEDURAL SCHEDULE FOR DOCKET NO. N2024-1**

[Established by the Commission, October 8, 2024]

Technical Conference Dates:

Deadline to Email [Registration@prc.gov](mailto:Registration@prc.gov) to Register to Participate in the Live Technical Conference via Microsoft Teams.  
Filing of the Postal Service's Materials (if any) for the Technical Conference .....

October 15, 2024.

October 15, 2024.

## PROCEDURAL SCHEDULE FOR DOCKET NO. N2024-1—Continued

[Established by the Commission, October 8, 2024]

Technical Conference (live via Microsoft Teams) .....	October 16, 2024, at 1:00 p.m. Eastern Time (ET).
Intervention Deadline:	
Filing of Notice of Intervention .....	October 21, 2024.
Discovery Deadlines for the Postal Service's Direct Case:	
Last Filing of Discovery Requests .....	November 5, 2024.
Filing of the Postal Service's Answers to Discovery .....	November 12, 2024.
Deadlines in Preparation for Hearing (assuming no rebuttal case):	
Filing of Notice Confirming Intent to Oral Conduct Cross-Examination .....	November 25, 2024.
Filing of Request to Present Oral Argument .....	November 25, 2024.
Filing of Notice of Designations (Parties) .....	November 26, 2024.
Filing of Notices of Designated Materials (Postal Service) .....	December 2, 2024.
Rebuttal Case Deadlines (if applicable):	
Filing of Notice Confirming Intent to File a Rebuttal Case .....	November 27, 2024.
Filing of Rebuttal Case .....	December 4, 2024.
Surrebuttal Case Deadlines (if applicable):	
Filing of Motion for Leave to File Surrebuttal Case .....	December 6, 2024.
Filing of Response to Motion for Leave to File Surrebuttal Case .....	December 10, 2024.
Filing of Surrebuttal Case (if authorized) .....	December 13, 2024.
Hearing Dates:	
Hearings (with no Rebuttal Case) .....	December 4 to 6, 2024.
Hearings (with Rebuttal Case, but no authorized Surrebuttal Case) .....	December 11 to 13, 2024.
Hearings (with Rebuttal Case and authorized Surrebuttal Case) .....	December 18 to 20, 2024.
Briefing Deadlines:	
Filing of Initial Briefs (with no Rebuttal Case) .....	December 12, 2024.
Filing of Reply Briefs (with no Rebuttal Case) .....	December 19, 2024.
Statement of Position Deadline:	
Filing of Statement of Position (with no Rebuttal Case) .....	December 12, 2024.
Advisory Opinion Deadline:	
Filing of Advisory Opinion .....	January 31, 2025.

### Docket N2024-1 Template To Attach To Motion for Access to Non-Public Material Protective Conditions Statement

The Postal Service requests confidential treatment of non-public materials identified as \_\_\_\_\_ (non-confidential description of non-public materials) (hereinafter "these materials") in Commission Docket No. N2024-1. \_\_\_\_\_ (name of participant filing motion) (hereinafter "the movant") requests access to these materials related to Commission Docket No. N2024-1 (hereinafter "this matter").

The movant has provided to each person seeking access to these materials:

- This Protective Conditions Statement;
- The Certification to Comply with Protective Conditions;
- The Certification of Compliance with Protective Conditions and Termination of Access; and
- The Commission's rules applicable to access to non-public materials filed in Commission proceedings (subpart C of part 3011 of the U.S. Code of Federal Regulations).

Each person (and any individual working on behalf of that person) seeking access to these materials has executed a Certification to Comply with Protective Conditions by signing in ink or by typing /s/ before his or her name in the signature block. The movant

attaches the Protective Conditions Statement and the executed Certification(s) to Comply with Protective Conditions to the motion for access filed with the Commission.

The movant and each person seeking access to these materials agree to comply with the following protective conditions:

1. In accordance with 39 CFR 3011.303, the Commission may impose sanctions on any person who violates these protective conditions, the persons or entities on whose behalf the person was acting, or both.

2. In accordance with 39 CFR 3011.300(b), no person involved in competitive decision-making for any individual or entity that might gain competitive advantage from using these materials shall be granted access to these materials. Involved in competitive decision-making includes consulting on marketing or advertising strategies, pricing, product research and development, product design, or the competitive structuring and composition of bids, offers or proposals. It does not include rendering legal advice or performing other services that are not directly in furtherance of activities in competition with an individual or entity having a proprietary interest in the protected material.

3. In accordance with 39 CFR 3011.302(a), a person granted access to

these materials may not disseminate these materials in whole or in part to any person not allowed access pursuant to 39 CFR 3011.300(a) (Commission and court personnel) or 3011.301 (other persons granted access by Commission order) except in compliance with:

- a. Specific Commission order,
- b. Subpart B of 39 CFR 3011 (procedure for filing these materials in Commission proceedings), or
- c. 39 CFR 3011.305 (production of these materials in a court or other administrative proceeding).

4. In accordance with 39 CFR 3011.302(b) and (c), all persons granted access to these materials:

- a. Must use these materials only related to this matter; and
- b. Must protect these materials from any person not authorized to obtain access under 39 CFR 3011.300 or 3011.301 by using the same degree of care, but no less than a reasonable degree of care, to prevent the unauthorized disclosure of these materials as those persons, in the ordinary course of business, would be expected to use to protect their own proprietary material or trade secrets and other internal, confidential, commercially sensitive, and privileged information.

5. The duties of each person granted access to these materials apply to all:

a. Disclosures or duplications of these materials in writing, orally, electronically, or otherwise, by any means, format, or medium;

b. Excerpts from, parts of, or the entirety of these materials;

c. Written materials that quote or contain these materials; and

d. Revised, amended, or supplemental versions of these materials.

6. All copies of these materials will be clearly marked as "Confidential" and bear the name of the person granted access.

7. Immediately after access has terminated pursuant to 39 CFR 3011.304(a)(1), each person (and any individual working on behalf of that person) who has obtained a copy of these materials must execute the Certification of Compliance with Protective Conditions and Termination of Access. In compliance with 39 CFR 3011.304(a)(2), the movant will attach the executed Certification(s) of Compliance with Protective Conditions and Termination of Access to the notice of termination of access filed with the Commission.

8. Each person granted access to these materials consents to these or such other conditions as the Commission may approve.

Respectfully submitted,  
/s/

Attorney/Non-Attorney Representative  
for

(signature of representative)

(print name of representative)

(address line 1 of representative)

(address line 2 of representative)

(telephone number of representative)

(e-mail address of representative)

(choose the appropriate response)

(name of the movant)

You may delete the instructional text to complete this form. This form may be filed as an attachment to the motion for access to non-public materials under 39 CFR 3011.301(b)(5).

### Certification To Comply With Protective Conditions

The Postal Service requests confidential treatment of non-public materials identified as \_\_\_\_\_ (non-confidential description of non-public materials) (hereinafter "these materials") filed in Commission Docket No. N2024-1.

\_\_\_\_\_ (name of participant filing motion) requests that the Commission grant me access to these materials to use related to Docket No. N2024-1 (hereinafter "this matter"). I certify that:

○ I have read and understand the Protective Conditions Statement and

this Certification to Comply with Protective Conditions;

○ I am eligible to receive access to these materials because I am not involved in competitive decision-making for any individual or entity that might gain competitive advantage from using these materials; and

○ I will comply with all protective conditions established by the Commission.

/s/

(signature of individual receiving access)

(print name of individual receiving access)

(title of individual receiving access)

(employer of individual receiving access)

(name of the participant filing the motion)

(date)

You may delete the instructional text to complete this form. This form may be filed as an attachment to the motion for access to non-public materials under 39 CFR 3011.301(b)(6).

[FR Doc. 2024-23853 Filed 10-16-24; 8:45 am]

BILLING CODE 7710-FW-P

### POSTAL REGULATORY COMMISSION

and K2025-45; MC2025-47 and K2025-46; MC2025-48 and K2025-47; MC2025-49 and K2025-48; MC2025-50 and K2025-49; MC2025-51 and K2025-50; MC2025-52 and K2025-51; MC2025-53 and K2025-52; MC2025-54 and K2025-53; MC2025-55 and K2025-54; MC2025-56 and K2025-55; MC2025-57 and K2025-56; MC2025-59 and K2025-57; MC2025-60 and K2025-58; MC2025-61 and K2025-59; MC2025-62 and K2025-60]

### 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:* October 18, 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. Public Proceeding(s)

III. Summary Proceeding(s)

#### I. Introduction

Pursuant to 39 CFR 3041.405, the Commission gives notice that the Postal Service filed request(s) for the Commission to consider matters related to Competitive negotiated service agreement(s). The request(s) may propose the addition of a negotiated service agreement from the Competitive product list or the modification of an existing product currently appearing on the Competitive product list.

The public portions of the Postal Service's request(s) can be accessed via the Commission's website (<http://www.prc.gov>). Non-public portions of the Postal Service's request(s), if any, can be accessed through compliance with the requirements of 39 CFR 3011.301.<sup>1</sup>

Section II identifies the docket number(s) associated with each Postal Service request, if any, that will be reviewed in a public proceeding as defined by 39 CFR 3010.101(p), the title of each such request, the request's acceptance date, and the authority cited by the Postal Service for each request. For each such 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 and 39 CFR 3000.114 (Public Representative). Section II also establishes comment deadline(s) pertaining to each such request.

The Commission invites comments on whether the Postal Service's request(s) identified in Section II, if any, are consistent with the policies of title 39. 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 3041. Comment deadline(s) for each such request, if any, appear in Section II.

Section III identifies the docket number(s) associated with each Postal Service request, if any, to add a standardized distinct product to the Competitive product list or to amend a standardized distinct product, the title of each such request, the request's acceptance date, and the authority cited by the Postal Service for each request.

<sup>1</sup> See Docket No. RM2018-3, Order Adopting Final Rules Relating to Non-Public Information, June 27, 2018, Attachment A at 19-22 (Order No. 4679).

Standardized distinct products are negotiated service agreements that are variations of one or more Competitive products, and for which financial models, minimum rates, and classification criteria have undergone advance Commission review. See 39 CFR 3041.110(n); 39 CFR 3041.205(a). Such requests are reviewed in summary proceedings pursuant to 39 CFR 3041.325(c)(2) and 39 CFR 3041.505(f)(1). Pursuant to 39 CFR 3041.405(c)–(d), the Commission does not appoint a Public Representative or request public comment in proceedings to review such requests.

## II. Public Proceeding(s)

1. *Docket No(s)*: MC2025–44 and K2025–43; *Filing Title*: USPS Request to Add Priority Mail & USPS Ground Advantage Contract 380 to the Competitive Product List and Notice of Filing Materials Under Seal; *Filing Acceptance Date*: October 9, 2024; *Filing Authority*: 39 U.S.C. 3642, 39 CFR 3035.105, and 39 CFR 3041.310; *Public Representative*: Jennaca D. Upperman; *Comments Due*: October 18, 2024.

2. *Docket No(s)*: MC2025–45 and K2025–44; *Filing Title*: USPS Request to Add Priority Mail & USPS Ground Advantage Contract 381 to the Competitive Product List and Notice of Filing Materials Under Seal; *Filing Acceptance Date*: October 9, 2024; *Filing Authority*: 39 U.S.C. 3642, 39 CFR 3035.105, and 39 CFR 3041.310; *Public Representative*: Jennaca D. Upperman; *Comments Due*: October 18, 2024.

3. *Docket No(s)*: MC2025–46 and K2025–45; *Filing Title*: USPS Request to Add Priority Mail & USPS Ground Advantage Contract 382 to the Competitive Product List and Notice of Filing Materials Under Seal; *Filing Acceptance Date*: October 9, 2024; *Filing Authority*: 39 U.S.C. 3642, 39 CFR 3035.105, and 39 CFR 3041.310; *Public Representative*: Maxine Bradley; *Comments Due*: October 18, 2024.

4. *Docket No(s)*: MC2025–47 and K2025–46; *Filing Title*: USPS Request to Add Priority Mail & USPS Ground Advantage Contract 383 to the Competitive Product List and Notice of Filing Materials Under Seal; *Filing Acceptance Date*: October 9, 2024; *Filing Authority*: 39 U.S.C. 3642, 39 CFR 3035.105, and 39 CFR 3041.310; *Public Representative*: Maxine Bradley; *Comments Due*: October 18, 2024.

5. *Docket No(s)*: MC2025–48 and K2025–47; *Filing Title*: USPS Request to Add Priority Mail & USPS Ground Advantage Contract 384 to the Competitive Product List and Notice of Filing Materials Under Seal; *Filing Acceptance Date*: October 9, 2024;

*Filing Authority*: 39 U.S.C. 3642, 39 CFR 3035.105, and 39 CFR 3041.310; *Public Representative*: Christopher C. Mohr; *Comments Due*: October 18, 2024.

6. *Docket No(s)*: MC2025–49 and K2025–48; *Filing Title*: Priority Mail Express, Priority Mail & USPS Ground Advantage Contract 451 to the Competitive Product List and Notice of Filing Materials Under Seal; *Filing Acceptance Date*: October 9, 2024; *Filing Authority*: 39 U.S.C. 3642, 39 CFR 3035.105, and 39 CFR 3041.310; *Public Representative*: Christopher C. Mohr; *Comments Due*: October 18, 2024.

7. *Docket No(s)*: MC2025–50 and K2025–49; *Filing Title*: USPS Request to Add Priority Mail Express, Priority Mail & USPS Ground Advantage Contract 452 to the Competitive Product List and Notice of Filing Materials Under Seal; *Filing Acceptance Date*: October 9, 2024; *Filing Authority*: 39 U.S.C. 3642, 39 CFR 3035.105, and 39 CFR 3041.310; *Public Representative*: Gregory S. Stanton; *Comments Due*: October 18, 2024.

8. *Docket No(s)*: MC2025–51 and K2025–50; *Filing Title*: USPS Request to Add Priority Mail & USPS Ground Advantage Contract 385 to the Competitive Product List and Notice of Filing Materials Under Seal; *Filing Acceptance Date*: October 9, 2024; *Filing Authority*: 39 U.S.C. 3642, 39 CFR 3035.105, and 39 CFR 3041.310; *Public Representative*: Gregory S. Stanton; *Comments Due*: October 18, 2024.

9. *Docket No(s)*: MC2025–52 and K2025–51; *Filing Title*: USPS Request to Add Priority Mail & USPS Ground Advantage Contract 386 to the Competitive Product List and Notice of Filing Materials Under Seal; *Filing Acceptance Date*: October 9, 2024; *Filing Authority*: 39 U.S.C. 3642, 39 CFR 3035.105, and 39 CFR 3041.310; *Public Representative*: Kenneth R. Moeller; *Comments Due*: October 18, 2024.

10. *Docket No(s)*: MC2025–53 and K2025–52; *Filing Title*: USPS Request to Add Priority Mail Express, Priority Mail & USPS Ground Advantage Contract 453 to the Competitive Product List and Notice of Filing Materials Under Seal; *Filing Acceptance Date*: October 9, 2024; *Filing Authority*: 39 U.S.C. 3642, 39 CFR 3035.105, and 39 CFR 3041.310; *Public Representative*: Kenneth R. Moeller; *Comments Due*: October 18, 2024.

11. *Docket No(s)*: MC2025–54 and K2025–53; *Filing Title*: USPS Request to Add Priority Mail Express, Priority Mail & USPS Ground Advantage Contract 454 to the Competitive Product List and Notice of Filing Materials Under Seal; *Filing Acceptance Date*: October 9, 2024; *Filing Authority*: 39 U.S.C. 3642,

39 CFR 3035.105, and 39 CFR 3041.310; *Public Representative*: Almaroof Agoro; *Comments Due*: October 18, 2024.

12. *Docket No(s)*: MC2025–55 and K2025–54; *Filing Title*: USPS Request to Add Priority Mail Express, Priority Mail & USPS Ground Advantage Contract 455 to the Competitive Product List and Notice of Filing Materials Under Seal; *Filing Acceptance Date*: October 9, 2024; *Filing Authority*: 39 U.S.C. 3642, 39 CFR 3035.105, and 39 CFR 3041.310; *Public Representative*: Almaroof Agoro; *Comments Due*: October 18, 2024.

13. *Docket No(s)*: MC2025–56 and K2025–55; *Filing Title*: USPS Request to Add Priority Mail Express, Priority Mail & USPS Ground Advantage Contract 456 to the Competitive Product List and Notice of Filing Materials Under Seal; *Filing Acceptance Date*: October 9, 2024; *Filing Authority*: 39 U.S.C. 3642, 39 CFR 3035.105, and 39 CFR 3041.310; *Public Representative*: Almaroof Agoro; *Comments Due*: October 18, 2024.

14. *Docket No(s)*: MC2025–57 and K2025–56; *Filing Title*: USPS Request to Add Priority Mail Express, Priority Mail & USPS Ground Advantage Contract 457 to the Competitive Product List and Notice of Filing Materials Under Seal; *Filing Acceptance Date*: October 9, 2024; *Filing Authority*: 39 U.S.C. 3642, 39 CFR 3035.105, and 39 CFR 3041.310; *Public Representative*: Gregory S. Stanton; *Comments Due*: October 18, 2024.

15. *Docket No(s)*: MC2025–59 and K2025–57; *Filing Title*: USPS Request to Add Priority Mail Express, Priority Mail & USPS Ground Advantage Contract 458 to the Competitive Product List and Notice of Filing Materials Under Seal; *Filing Acceptance Date*: October 9, 2024; *Filing Authority*: 39 U.S.C. 3642, 39 CFR 3035.105, and 39 CFR 3041.310; *Public Representative*: Maxine Bradley; *Comments Due*: October 18, 2024.

16. *Docket No(s)*: MC2025–60 and K2025–58; *Filing Title*: USPS Request to Add Priority Mail & USPS Ground Advantage Contract 387 to the Competitive Product List and Notice of Filing Materials Under Seal; *Filing Acceptance Date*: October 9, 2024; *Filing Authority*: 39 U.S.C. 3642, 39 CFR 3035.105, and 39 CFR 3041.310; *Public Representative*: Jennaca D. Upperman; *Comments Due*: October 18, 2024.

17. *Docket No(s)*: MC2025–61 and K2025–59; *Filing Title*: USPS Request to Add Priority Mail Express, Priority Mail & USPS Ground Advantage Contract 459 to the Competitive Product List and Notice of Filing Materials Under Seal; *Filing Acceptance Date*: October 9, 2024; *Filing Authority*: 39 U.S.C. 3642, 39 CFR 3035.105, and 39 CFR 3041.310;

Public Representative: Almaroof Agoro;  
Comments Due: October 18, 2024.

18. *Docket No(s)*: MC2025–62 and K2025–59; *Filing Title*: USPS Request to Add Priority Mail Express, Priority Mail & USPS Ground Advantage Contract 460 to the Competitive Product List and Notice of Filing Materials Under Seal; *Filing Acceptance Date*: October 9, 2024; *Filing Authority*: 39 U.S.C. 3642, 39 CFR 3035.105, and 39 CFR 3041.310; *Public Representative*: Anaswar Jayakumar; *Comments Due*: October 18, 2024.

### III. Summary Proceeding(s)

None. See Section II for public proceedings.

This Notice will be published in the **Federal Register**.

Erica A. Barker,

Secretary.

[FR Doc. 2024–23913 Filed 10–16–24; 8:45 am]

BILLING CODE 7710–FW–P

## SECURITIES AND EXCHANGE COMMISSION

[Release No. 34–101305; File No. SR–CboeEDGX–2024–061]

### Self-Regulatory Organizations; Cboe EDGX Exchange, Inc.; Notice of Filing and Immediate Effectiveness of a Proposed Rule Change To Amend Its Fees Schedule Regarding Dedicated Cores

October 10, 2024.

Pursuant to Section 19(b)(1) of the Securities Exchange Act of 1934 (“Act”),<sup>1</sup> and Rule 19b–4 thereunder,<sup>2</sup> notice is hereby given that on September 30, 2024, Cboe EDGX Exchange, Inc. (the “Exchange” or “EDGX”) filed with the Securities and Exchange Commission (“Commission”) the proposed rule change as described in Items I, II, and III below, which Items have been prepared by the Exchange. The Commission is publishing this notice to solicit comments on the proposed rule change from interested persons.

#### I. Self-Regulatory Organization’s Statement of the Terms of Substance of the Proposed Rule Change

Cboe EDGX Exchange, Inc. (the “Exchange” or “EDGX Equities”) proposes to amend its Fees Schedule. The text of the proposed rule change is provided in Exhibit 5.

The text of the proposed rule change is also available on the Exchange’s

website ([http://markets.cboe.com/us/options/regulation/rule\\_filings/edgx/](http://markets.cboe.com/us/options/regulation/rule_filings/edgx/)), at the Exchange’s Office of the Secretary, and at the Commission’s Public Reference Room.

#### II. Self-Regulatory Organization’s Statement of the Purpose of, and Statutory Basis for, the Proposed Rule Change

In its filing with the Commission, the Exchange included statements concerning the purpose of and basis for the proposed rule change and discussed any comments it received on the proposed rule change. The text of these statements may be examined at the places specified in Item IV below. The Exchange has prepared summaries, set forth in sections A, B, and C below, of the most significant aspects of such statements.

##### A. Self-Regulatory Organization’s Statement of the Purpose of, and Statutory Basis for, the Proposed Rule Change

###### 1. Purpose

The Exchange proposes to amend its fee schedule to adopt fees for Dedicated Cores.<sup>3</sup>

By way of background, the Exchange recently began allowing Users<sup>4</sup> to assign a Single Binary Order Entry (“BOE”) logical order entry port<sup>5</sup> to a single dedicated Central Processing Unit (CPU Core) (“Dedicated Core”). Historically, CPU Cores had been shared by logical order entry ports (*i.e.*, multiple logical ports from multiple firms may connect to a single CPU Core). Use of Dedicated Cores however, can provide reduced latency, enhanced throughput, and improved performance since a firm using a Dedicated Core is utilizing the full processing power of a CPU Core instead of sharing that power with other firms. This offering is completely

voluntary and is available to all Users that wish to purchase Dedicated Cores. Users may utilize BOE logical order entry ports on shared CPU Cores, either in lieu of, or in addition to, their use of Dedicated Core(s). As such, Users are able to operate across a mix of shared and dedicated CPU Cores which the Exchange believes provides additional risk and capacity management. Further, Dedicated Cores are not required nor necessary to participate on the Exchange and as such Users may opt not to use Dedicated Cores at all.

The Exchange proposes to assess the following monthly fees for Users that wish to use Dedicated Cores and adopt a maximum limit. First, the Exchange proposes to provide up to two Dedicated Cores to all Users who wish to use Dedicated Cores, at no additional cost. For the use of more than two Dedicated Cores, the Exchange proposes to assess the following fees: \$650 per Dedicated Core for 3–15 Dedicated Cores; \$850 per Dedicated Core for 16–30 Dedicated Cores; and \$1,050 per Dedicated Core for 31 or more Dedicated Cores. The proposed fees are progressive and the Exchange proposes to include the following example in the Fees Schedule to provide clarity as to how the fees will be applied. Particularly, the Exchange will provide the following example: if a User were to purchase 16 Dedicated Cores, it will be charged a total of \$9,300 per month ( $\$0 * 2 + \$650 * 13 + \$850 * 1$ ). The Exchange also proposes to make clear in the Fees Schedule that the monthly fees are assessed and applied in their entirety and are not prorated. The Exchange notes the current standard fees assessed for BOE Logical Ports, whether used with Dedicated or shared CPU cores, will remain applicable and unchanged.<sup>6</sup>

Since the Exchange currently has a finite amount of physical space in its data centers in which its servers (and therefore corresponding CPU Cores) are located, the Exchange also proposes to prescribe a maximum limit on the number of Dedicated Cores that Users may purchase each month. The purpose of establishing these limits is to manage the allotment of Dedicated Cores in a fair manner and to prevent the Exchange from being required to expend large amounts of resources in order to provide an unlimited number of Dedicated Cores. The Exchange previously established a limit for Members of a maximum number of 60 Dedicated Cores and Sponsoring Members a limit

<sup>3</sup> The Exchange initially adopted pricing for Dedicated Cores on July 1, 2024 (SR–CboeEDGX–2024–043). On August 1, 2024, the Exchange withdrew that filing and submitted SR–CboeEDGX–2024–051. On business date September 30, 2024, the Exchange withdrew that filing and submitted this filing.

<sup>4</sup> A User may be either a Member or Sponsored Participant. The term “Member” shall mean any registered broker or dealer that has been admitted to membership in the Exchange, limited liability company or other organization which is a registered broker or dealer pursuant to Section 15 of the Act, and which has been approved by the Exchange. A Sponsored Participant may be a Member or non-Member of the Exchange whose direct electronic access to the Exchange is authorized by a Sponsoring Member subject to certain conditions. See Exchange Rule 11.3.

<sup>5</sup> Users may currently connect to the Exchange using a logical port available through an application programming interface (“API”), such as the Binary Order Entry (“BOE”) protocol. A BOE logical order entry port is used for order entry.

<sup>6</sup> The Exchange currently assesses \$550 per port per month. Port fees will also continue to be assessed on the first two Dedicated Cores that Users receive at no additional cost. See Cboe EDGX Equities Fee Schedule.

<sup>1</sup> 15 U.S.C. 78s(b)(1).

<sup>2</sup> 17 CFR 240.19b–4.

of a maximum number of 25 Dedicated Cores for each of their Sponsored Access relationships.<sup>7</sup> The Exchange has since been able to procure additional space in its third-party data center, as well as procure additional servers with CPU Cores. Moreover, the Exchange has a better understanding of User demand relative to its available space since the current maximum was adopted last month. As such, the Exchange proposes to increase the caps and provide that Members will be limited to a maximum number of 80 Dedicated Cores<sup>8</sup> and Sponsoring Members will be limited to a maximum number of 35 Dedicated Cores for each of their Sponsored Access relationships.<sup>9</sup> The Exchange notes that it will continue monitoring Dedicated Core interest by all Users and allotment availability with the goal of increasing these limits to meet Users' needs if and when the demand is there and the Exchange is able to accommodate additional Dedicated Cores.

## 2. Statutory Basis

The Exchange believes the proposed rule change is consistent with the Securities Exchange Act of 1934 (the "Act") and the rules and regulations thereunder applicable to the Exchange and, in particular, the requirements of Section 6(b) of the Act.<sup>10</sup> Specifically, the Exchange believes the proposed rule change is consistent with the Section 6(b)(5)<sup>11</sup> requirements that the rules of

an exchange be designed to prevent fraudulent and manipulative acts and practices, to promote just and equitable principles of trade, to foster cooperation and coordination with persons engaged in regulating, clearing, settling, processing information with respect to, and facilitating transactions in securities, to remove impediments to and perfect the mechanism of a free and open market and a national market system, and, in general, to protect investors and the public interest. Additionally, the Exchange believes the proposed rule change is consistent with the Section 6(b)(5)<sup>12</sup> requirement that the rules of an exchange not be designed to permit unfair discrimination between customers, issuers, brokers, or dealers. The Exchange also believes the proposed rule change is consistent with Section 6(b)(4)<sup>13</sup> of the Act, which requires that Exchange rules provide for the equitable allocation of reasonable dues, fees, and other charges among its Members and other persons using its facilities.

The Exchange believes the proposal is reasonable because the Exchange is offering any Users who wishes to utilize Dedicated Cores up to two Dedicated Cores at no additional cost. For example, of the Users that currently maintain Dedicated Cores, 42% maintain only 1 or 2 Dedicated Cores and therefore pay no additional fees. The Exchange believes the proposed fees are reasonable because Dedicated Cores provide a valuable service in that it can provide reduced latency, enhanced throughput, and improved performance compared to use of a shared CPU Core since a firm using a Dedicated Core is utilizing the full processing power of a CPU Core. The Exchange also emphasizes however, that the use of Dedicated Cores is not necessary for trading and as noted above, is entirely optional. Users can also continue to access the Exchange through shared CPU Cores at no additional cost. Indeed, 17% of the Exchange's Members currently use Dedicated Cores, and as noted above, of those who do, 42% take only 1 or 2 Dedicated Cores at no additional cost. For example, less than half of the members of the Exchange's affiliate Cboe EDGA Exchange, Inc., ("Cboe EDGA") currently use Dedicated Cores on Cboe EDGA. Depending on a firm's specific business needs, the proposal enables Users to choose to use Dedicated Cores in lieu of, or in addition to, shared CPU Cores (or as emphasized, not use Dedicated Cores at

all). If a User finds little benefit in having Dedicated Cores based on its business model and trading strategies, or determines Dedicated Cores are not cost-efficient for its needs or does not provide sufficient value to the firm, such User may continue its use of the shared CPU Cores, unchanged. The Exchange also has no plans to eliminate shared CPU Cores nor to require Users to purchase Dedicated Cores.

The Exchange has seen general interest in Dedicated Cores from a variety of market participants, with varying size and business models. Such market participants include proprietary trading firms (who tend to be more latency sensitive), as well as sell-side market participants and buy-side market participants (who tend to be less latency sensitive). Further, Members have various reasons for obtaining Dedicated Cores. Some Members for example, may be seeking to further reduce latency, whereas others may use Dedicated Cores as a general risk mitigation by siloing their respective activity. Of further note, only 55% of Members that are propriety trading firms (who again, generally tend to be more latency sensitive) utilize Dedicated Cores, and of that 55%, 33% are utilizing the 1 to 2 free Dedicated Cores available to all Users. The lack of universal, or even widespread, adoption by all such users therefore demonstrates that purchasing Dedicated Cores is not effectively a requirement to compete for any one type of market participant, including latency sensitive market participants. Instead, Dedicated Cores are an optional and voluntary connectivity offering, which market participants are free to choose whether or not to utilize based on whether they meet their unique business needs.

The Exchange also believes that the proposed Dedicated Core fees are equitable and not unfairly discriminatory because they continue to be assessed uniformly to similarly situated users in that all Users who choose to purchase Dedicated Cores will be subject to the same proposed tiered fee schedule. Moreover, all Users are entitled to up to 2 Dedicated Cores at no additional cost and as previously discussed, 42% of all Users that take Dedicated Cores (including both latency sensitive and non-latency sensitive Users) take only 1 or 2 Dedicated Cores at no additional cost. The Exchange believes the proposed ascending fee structure is also reasonable, equitable and not unfairly discriminatory as it is designed so that firms that use a higher allotment of the Exchange's finite number of Dedicated Cores pay higher rates, rather than placing that burden on market participants that have more

<sup>7</sup> See Securities Exchange Act Release No. 100471 (July 9, 2024) 89 FR 57454 (July 15, 2024) (SR-CboeEDGX-2024-043).

<sup>8</sup> The prescribed maximum quantity of Dedicated Cores for Members applies regardless of whether that Member purchases the Dedicated Cores directly from the Exchange and/or through a Service Bureau. In a Service Bureau relationship, a customer allows its MPID to be used on the ports of a technology provider, or Service Bureau. One MPID may be allowed on several different Service Bureaus.

<sup>9</sup> The fee tier(s) applicable to Sponsoring Members are determined on a per Sponsored Access relationship basis and not on the combined total of Dedicated Cores across Sponsored Users. For example, under the proposed changes, a Sponsoring Member that has three Sponsored Access relationships is entitled to a total of 105 Dedicated Cores for those 3 Sponsored Access relationships but would be assessed fees separately based on the 35 Dedicated Cores for each Sponsored User (instead of combined total of 105 Dedicated Cores). For example, a Sponsoring Member with 3 Sponsored Access relationships would pay \$25,450 per month if each Sponsored Access relationship purchased the maximum 35 Dedicated Cores. More specifically, the Sponsoring Member would be provided 2 Dedicated Cores at no additional cost for each Sponsored User under Tier 1 (total of 6 Dedicated Cores at no additional cost) and provided an additional 13 Dedicated Cores at \$650 each for each Sponsored User, 20 Dedicated Cores at \$850 each for each Sponsored User (combined total of 99 additional Dedicated Cores).

<sup>10</sup> 15 U.S.C. 78f(b).

<sup>11</sup> 15 U.S.C. 78f(b)(5).

<sup>12</sup> *Id.*

<sup>13</sup> 15 U.S.C. 78f(b)(4).

modest needs who will have the flexibility of obtaining Dedicated Cores at lower price points in the lower tiers. As such, the proposed fees do not favor certain categories of market participants in a manner that would impose a burden on competition; rather, the ascending fee structure reflects the (finite) resources consumed by the various needs of market participants—that is, the lowest Dedicated Core consuming Users pay the least, and highest Dedicated Core consuming Users pay the most. Other exchanges similarly assess higher fees to those that consume more Exchange resources.<sup>14</sup> Moreover, those consuming more Dedicated Cores do so if they find a benefit in having higher quantities of Dedicated Cores based on their respective business needs. The proposed tier structure is also designed to encourage firms to manage their needs in a fair manner and to prevent the Exchange from being required to expend large amounts of resources in order to provide an additional number of Dedicated Cores. Moreover, as discussed above and in more detail below, the Exchange cannot currently offer an unlimited number of Dedicated Cores due in part to physical space constraints in the third-party data center. The Exchange believes the proposed ascending fee structure is therefore another appropriate means, in conjunction with an established cap, to manage this finite resource and ensure the resource is apportioned more fairly.

The Exchange believes it is reasonable to limit the number of Dedicated Cores Users can purchase because the Exchange has a finite amount of space in its third-party data centers to accommodate CPU cores, including Dedicated Cores. The Exchange must also take into account timing and cost considerations in procuring additional Dedicated Cores and related hardware such as servers, switches, optics and cables, as well as the readiness of the Exchange's data center to accommodate additional Dedicated Cores in the Exchange's respective Order Handler Cabinets.<sup>15</sup> Moreover, procuring data center space has grown to be more challenging than it was five years ago with the increased demand for data center space. For example, the U.S. colocation data center market has doubled in size in just four years. In addition to the Exchange's rollout of Dedicated Cores, the Exchange is

mindful of its other business areas and the need to continue to be mindful of its existing, external restraints in this area. The Exchange has, and will continue to, monitor market participant demand and space availability and endeavor to adjust the limit if and when the Exchange is able to acquire additional space and power within the third-party data centers and/or CPU Cores to accommodate additional Dedicated Cores.<sup>16</sup> The Exchange monitors its capacity and data center space and thus is in the best place to determine these limits and modify them as appropriate in response to changes to this capacity and space, as well as market demand. For example, the Exchange's affiliate Cboe EDGA Exchange, Inc. has increased the prescribed maximum limit three times since the launch of Dedicated Cores on its exchange on February 26, 2024 as a result of evaluating the demand relative to Dedicated Cores availability.<sup>17</sup> The proposed limits continue to apply uniformly to similarly situated market participants (*i.e.*, all Members are subject to the same limit and all Sponsored Participants are subject to the same limit, respectively). The Exchange believes it's not unfairly discriminatory to provide for different limits for different types of Users. For example, the Exchange believes it's not unfairly discriminatory to provide for an initial lower limit to be allocated for Sponsored Participants because unlike Members, Sponsored Participants are able to access the Exchange without paying a Membership Fee. Members also have more regulatory obligations and risk that Sponsored Participants do not. For example, while Sponsored Participants must agree to comply with the Rules of the Exchange, it is the Sponsoring Member of that Sponsored Participant that remains ultimately responsible for all orders entered on or through the Exchange by that Sponsored Participant. The industry also has a history of applying fees differently to Members as compared to Sponsored Participants.<sup>18</sup> Lastly, the Exchange

believes its proposed maximum limits, and distinction between Members and Sponsored Users, is another appropriate means to help the Exchange manage its allotment of Dedicated Cores and better ensure this finite resource is apportioned fairly.

#### *B. Self-Regulatory Organization's Statement on Burden on Competition*

The Exchange does not believe that the proposed rule change will impose any burden on intramarket competition that is not necessary in furtherance of the purposes of the Act because the proposed tiered fee structure will apply equally to all similarly situated Users that choose to use Dedicated Cores. As discussed above, Dedicated Cores are optional and Users may choose to utilize Dedicated Cores, or not, based on their views of the additional benefits and added value provided by utilizing a Dedicated Core. The Exchange believes the proposed fees will be assessed proportionately to the potential value or benefit received by Users with a greater number of Dedicated Cores and notes that Users may determine at any time to cease using Dedicated Cores. As discussed, Users can also continue to access the Exchange through shared CPU Cores at no additional cost. Finally, all Users will be entitled to two Dedicated Cores at no additional cost.

Next, the Exchange believes the proposed rule change does not impose any burden on intermarket competition that is not necessary or appropriate in furtherance of the purposes of the Act. As previously discussed, the Exchange operates in a highly competitive market, including competition for exchange memberships. Market Participants have numerous alternative venues that they may participate on, including 15 other equities exchanges, as well as off-exchange venues, where competitive products are available for trading. Indeed, participants can readily choose to submit their order flow to other exchange and off-exchange venues if they deem fee levels at those other venues to be more favorable. Moreover, the Commission has repeatedly expressed its preference for competition over regulatory intervention in determining prices, products, and services in the securities markets. Specifically, in Regulation NMS, the Commission highlighted the importance of market forces in determining prices and SRO revenues and, also, recognized that current regulation of the market system "has been remarkably successful in promoting market competition in its broader forms that are most important to

<sup>16</sup> The Exchange notes that approximately 5% of Users that have Dedicated Cores currently are at or near the maximum limits. The average number of Dedicated Cores used for the Exchange is 14.

<sup>17</sup> See Securities Exchange Act Release No. 99983 (April 17, 2024), 89 FR 30418 (April 23, 2024) (SR-CboeEDGA-2024-014); Securities Exchange Act Release No. 100300 (June 10, 2024), 89 FR 50653 (June 14, 2024) (SR-CboeEDGA-2024-020); and Securities Exchange Act Release No. 100736 (August 21, 2024), 89 FR 67696 (August 15, 2024) (SR-CboeEDGA-2024-032).

<sup>18</sup> See *e.g.*, Securities Exchange Act Release No. 68342 (December 3, 2012), 77 FR 73096 (December 7, 2012) (SR-CBOE-2012-114) and Securities Exchange Act Release No. 66082 (January 3, 2012), 77 FR 1101 (January 9, 2012) (SR-C2-2011-041).

<sup>14</sup> See *e.g.*, Cboe U.S. Options Fee Schedule, BZX Options, Options Logical Port Fees, Ports with Bulk Quoting Capabilities.

<sup>15</sup> The Exchange notes that it cannot currently convert shared CPU cores into Dedicated Cores.



investors and listed companies.”<sup>19</sup> The fact that this market is competitive has also long been recognized by the courts. In *NetCoalition v. Securities and Exchange Commission*, the D.C. Circuit stated as follows: “[n]o one disputes that competition for order flow is ‘fierce.’ . . . As the SEC explained, ‘[i]n the U.S. national market system, buyers and sellers of securities, and the broker-dealers that act as their order-routing agents, have a wide range of choices of where to route orders for execution’; [and] ‘no exchange can afford to take its market share percentages for granted’ because ‘no exchange possesses a monopoly, regulatory or otherwise, in the execution of order flow from broker dealers’ . . . .”<sup>20</sup> Accordingly, the Exchange does not believe its proposed change imposes any burden on competition that is not necessary or appropriate in furtherance of the purposes of the Act.

*C. Self-Regulatory Organization’s Statement on Comments on the Proposed Rule Change Received From Members, Participants, or Others*

The Exchange neither solicited nor received comments on the proposed rule change.

**III. Date of Effectiveness of the Proposed Rule Change and Timing for Commission Action**

The foregoing rule change has become effective pursuant to Section 19(b)(3)(A) of the Act<sup>21</sup> and paragraph (f) of Rule 19b-4<sup>22</sup> thereunder. At any time within 60 days of the filing of the proposed rule change, the Commission summarily may temporarily suspend such rule change if it appears to the Commission that such action is necessary or appropriate in the public interest, for the protection of investors, or otherwise in furtherance of the purposes of the Act. If the Commission takes such action, the Commission will institute proceedings to determine whether the proposed rule change should be approved or disapproved.

**IV. Solicitation of Comments**

Interested persons are invited to submit written data, views and arguments concerning the foregoing, including whether the proposed rule change is consistent with the Act.

Comments may be submitted by any of the following methods:

*Electronic Comments*

- Use the Commission’s internet comment form (<https://www.sec.gov/rules/sro.shtml>); or
- Send an email to [rule-comments@sec.gov](mailto:rule-comments@sec.gov). Please include file number SR-CboeEDGX-2024-061 on the subject line.

*Paper Comments*

- Send paper comments in triplicate to Secretary, Securities and Exchange Commission, 100 F Street NE, Washington, DC 20549-1090.

All submissions should refer to file number SR-CboeEDGX-2024-061. This file number should be included on the subject line if email is used. To help the Commission process and review your comments more efficiently, please use only one method. The Commission will post all comments on the Commission’s internet website (<https://www.sec.gov/rules/sro.shtml>). Copies of the submission, all subsequent amendments, all written statements with respect to the proposed rule change that are filed with the Commission, and all written communications relating to the proposed rule change between the Commission and any person, other than those that may be withheld from the public in accordance with the provisions of 5 U.S.C. 552, will be available for website viewing and printing in the Commission’s Public Reference Room, 100 F Street NE, Washington, DC 20549, on official business days between the hours of 10 a.m. and 3 p.m. Copies of the filing also will be available for inspection and copying at the principal office of the Exchange. Do not include personal identifiable information in submissions; you should submit only information that you wish to make available publicly. We may redact in part or withhold entirely from publication submitted material that is obscene or subject to copyright protection. All submissions should refer to file number SR-CboeEDGX-2024-061 and should be submitted on or before November 7, 2024.

For the Commission, by the Division of Trading and Markets, pursuant to delegated authority.<sup>23</sup>

**Sherry R. Haywood,**  
*Assistant Secretary.*

[FR Doc. 2024-23904 Filed 10-16-24; 8:45 am]

**BILLING CODE 8011-01-P**

**SECURITIES AND EXCHANGE COMMISSION**

[Release No. 34-101321; File No. SR-CBOE-2024-036]

**Self-Regulatory Organizations; Cboe Exchange, Inc.; Notice of Designation of a Longer Period for Commission Action on a Proposed Rule Change To Amend Exchange Rule 4.3 To List and Trade Options on Units That Represent Interests in Ethereum Exchange-Traded Products**

October 11, 2024.

On August 19, 2024, Cboe Exchange, Inc. (“Exchange”) filed with the Securities and Exchange Commission (“Commission”), pursuant to Section 19(b)(1) of the Securities Exchange Act of 1934 (“Act”),<sup>1</sup> and Rule 19b-4 thereunder,<sup>2</sup> a proposed rule change to amend Exchange Rule 4.3 regarding the criteria for underlying securities. Specifically, the Exchange proposes to amend Exchange Rule 4.3, Interpretation and Policy .06(a)(4) to allow the Exchange to list and trade options on Units<sup>3</sup> that represent interests in the following exchange-traded products: the Fidelity Ethereum Fund, the 21Shares Core Ethereum ETF, the Invesco Galaxy Ethereum ETF, the Franklin Ethereum ETF, the VanEck Ethereum Trust, the Grayscale Ethereum Trust, the Grayscale Mini Ethereum Trust, the Bitwise Ethereum ETF, and the iShares Ethereum Trust ETF, designating them as Units deemed appropriate for options trading on the Exchange. The proposed rule change was published for comment in the **Federal Register** on September 4, 2024.<sup>4</sup> The Commission received no comment letters regarding the proposed rule change.

Section 19(b)(2) of the Act<sup>5</sup> provides that within 45 days of the publication of notice of the filing of a proposed rule change, or within such longer period up to 90 days as the Commission may designate if it finds such longer period to be appropriate and publishes its reasons for so finding, or as to which the self-regulatory organization consents, the Commission shall either approve the proposed rule change, disapprove the proposed rule change, or institute proceedings to determine whether the

<sup>19</sup> See Securities Exchange Act Release No. 51808 (June 9, 2005), 70 FR 37496, 37499 (June 29, 2005).

<sup>20</sup> *NetCoalition v. SEC*, 615 F.3d 525, 539 (D.C. Cir. 2010) (quoting Securities Exchange Act Release No. 59039 (December 2, 2008), 73 FR 74770, 74782-83 (December 9, 2008) (SR-NYSEArca-2006-21)).

<sup>21</sup> 15 U.S.C. 78s(b)(3)(A).

<sup>22</sup> 17 CFR 240.19b-4(f).

<sup>1</sup> 15 U.S.C. 78s(b)(1).

<sup>2</sup> 17 CFR 240.19b-4.

<sup>3</sup> Exchange Rule 1.1 defines a “Unit” (which may also be referred to as an exchange-traded fund (“ETF”)) as a share or other security traded on a national securities exchange and defined as an NMS stock as set forth in Rule 4.3.

<sup>4</sup> See Securities Exchange Act Release No. 100862 (Aug. 28, 2024), 89 FR 72146.

<sup>5</sup> 15 U.S.C. 78s(b)(2).

<sup>23</sup> 17 CFR 200.30-3(a)(12).



proposed rule change should be disapproved. The 45th day after publication of the notice for this proposed rule change is October 19, 2024. The Commission is extending this 45-day time period.

The Commission finds it appropriate to designate a longer period within which to take action on the proposed rule change so that it has sufficient time to consider the proposed rule change. Accordingly, the Commission, pursuant to Section 19(b)(2) of the Act,<sup>6</sup> designates December 3, 2024 as the date by which the Commission shall either approve or disapprove, or institute proceedings to determine whether to disapprove, the proposed rule change (File No. SR-CBOE-2024-036).

For the Commission, by the Division of Trading and Markets, pursuant to delegated authority.<sup>7</sup>

Sherry R. Haywood,  
Assistant Secretary.

[FR Doc. 2024-23982 Filed 10-16-24; 8:45 am]

BILLING CODE 8011-01-P

## SECURITIES AND EXCHANGE COMMISSION

[Release No. 34-101322; File No. SR-CboeBZX-2024-055]

### Self-Regulatory Organizations; Cboe BZX Exchange, Inc.; Order Instituting Proceedings To Determine Whether To Approve or Disapprove a Proposed Rule Change, as Modified by Amendment No. 1, To Exempt Closed-End Management Investment Companies Registered Under the Investment Company Act of 1940 From the Annual Meeting of Shareholders Requirement Set Forth in Exchange Rule 14.10(f)

October 11, 2024.

#### I. Introduction

On June 25, 2024, Cboe BZX Exchange, Inc. (“BZX” or “Exchange”) filed with the Securities and Exchange Commission (“Commission”), pursuant to Section 19(b)(1) of the Securities Exchange Act of 1934 (“Exchange Act”)<sup>1</sup> and Rule 19b-4 thereunder,<sup>2</sup> a proposed rule change to exempt closed-end management investment companies registered under the Investment Company Act of 1940 (“1940 Act”)<sup>3</sup> from the annual meeting of shareholders requirement set forth in Exchange Rule 14.10(f). On July 2, 2024, the Exchange

filed Amendment No. 1 to the proposed rule change, which replaced and superseded the proposed rule change in its entirety. The proposed rule change, as modified by Amendment No. 1, was published for comment in the **Federal Register** on July 15, 2024.<sup>4</sup> On August 28, 2024, pursuant to Section 19(b)(2) of the Exchange Act,<sup>5</sup> the Commission designated a longer period within which to approve the proposed rule change, disapprove the proposed rule change, or institute proceedings to determine whether to disapprove the proposed rule change, as modified by Amendment No. 1.<sup>6</sup> The Commission is instituting proceedings pursuant to Section 19(b)(2)(B) of the Exchange Act<sup>7</sup> to determine whether to approve or disapprove the proposed rule change, as modified by Amendment No. 1.

#### II. Description of the Proposed Rule Change, as Modified by Amendment No. 1

BZX Rule 14.8 (General Listing Requirements—Tier I) sets forth listing requirements for closed-end management investment companies registered under the 1940 Act (“CEFs”).<sup>8</sup> BZX Rule 14.10(f) generally requires that each Company<sup>9</sup> listing common stock or voting preferred stock, and their equivalents, shall hold an annual meeting of Shareholders<sup>10</sup> no later than one year after the end of the Company’s fiscal year-end. BZX Rule 14.10(e) sets forth certain exemptions from certain corporate governance requirements, including certain exemptions to the annual shareholder meeting requirement in BZX Rule 14.10(f).<sup>11</sup> Any CEF that would be listed

on the Exchange would be required to comply with the annual shareholder meeting requirement set forth in BZX Rule 14.10(f) and would not be subject to an exemption. The Exchange proposes to amend BZX Rule 14.10(e)(1)(E) to exempt CEFs from the BZX Rule 14.10(f) requirement to hold annual shareholder meetings. The Exchange also proposes to amend Interpretations and Policies .13 (Management Investment Companies) and .15 (Meetings of Shareholders or Partners) to BZX Rule 14.10 to specify that CEFs are exempt from the annual shareholder meeting requirement set forth in BZX Rule 14.10(f).<sup>12</sup>

#### III. Proceedings To Determine Whether To Approve or Disapprove SR-CboeBZX-2024-055 and Grounds for Disapproval Under Consideration

The Commission is instituting proceedings pursuant to Section 19(b)(2)(B) of the Exchange Act<sup>13</sup> to determine whether the proposed rule change, as modified by Amendment No. 1, should be approved or disapproved. Institution of proceedings is appropriate at this time in view of the legal and policy issues raised by the proposed rule change. Institution of proceedings does not indicate that the Commission has reached any conclusions with respect to any of the issues involved.

Pursuant to Section 19(b)(2)(B) of the Exchange Act,<sup>14</sup> the Commission is providing notice of the grounds for disapproval under consideration. The Commission is instituting proceedings to allow for additional analysis of the

the Exchange are nonvoting preferred securities, debt securities or Derivative Securities. BZX Rule 14.10(e)(1)(F)(ii) defines “Derivative Securities” as Commodity Futures Trust Shares (Rule 14.11(e)(7)), Commodity Index Trust Shares (Rule 14.11(e)(6)), Commodity-Based Trust Shares (Rule 14.11(e)(4)), Commodity-Linked Securities (Rule 14.11(d)(K)(ii)), Currency Trust Shares (Rule 14.11(e)(5)), Equity Gold Shares (Rule 14.11(e)(2)), Equity Index-Linked Securities (Rule 14.11(d)(K)(i)), ETF Shares (Rule 14.11(l)), Fixed Income Index-Linked Securities (Rule 14.11(d)(K)(iii)), Futures-Linked Securities (Rule 14.11(d)(K)(iv)), Index Fund Shares (Rule 14.11(c)), Index-Linked Exchangeable Notes (Rule 14.11(e)(1)), Managed Fund Shares (Rule 14.11(i)), Managed Portfolio Shares (Rule 14.11(k)), Managed Trust Securities (Rule 14.11(e)(10)), Multifactor Index-Linked Securities (Rule 14.11(d)(K)(v)), Partnership Units (Rule 14.11(e)(8)), Portfolio Depository Receipts (Rule 14.11(b)), SEEDS (Rule 14.11(e)(12)), Tracking Fund Shares (Rule 14.11(m)), Trust Certificates (Rule 14.11(e)(3)), and Trust Issued Receipts (Rule 14.11(f)).

<sup>12</sup> Business development companies, which the Exchange states are a type of closed-end management investment company defined in Section 2(a)(48) of the 1940 Act that are not registered under the 1940 Act, will still be required to comply with all of the provisions of BZX Rule 14.10. See Interpretations and Policies .13 to BZX Rule 14.10.

<sup>13</sup> 15 U.S.C. 78s(b)(2)(B).

<sup>14</sup> *Id.*

<sup>4</sup> See Securities Exchange Act Release No. 100473 (July 9, 2024), 89 FR 57491 (“Notice”). Comments on the proposed rule change are available at: <https://www.sec.gov/comments/sr-cboebzx-2024-055/sr-cboebzx2024055.htm>.

<sup>5</sup> 15 U.S.C. 78s(b)(2).

<sup>6</sup> See Securities Exchange Act Release No. 100867, 89 FR 71944 (Sept. 4, 2024). The Commission designated October 13, 2024, as the date by which the Commission shall approve or disapprove, or institute proceedings to determine whether to disapprove, the proposed rule change, as modified by Amendment No. 1.

<sup>7</sup> 15 U.S.C. 78s(b)(2)(B).

<sup>8</sup> See BZX Rules 14.8(e) and (i). The Exchange states that the only products currently listed on the Exchange that are registered under the 1940 Act are those that fall within the definition of Derivative Securities (as defined below), and that there are currently no CEFs listed on the Exchange. See Notice, *supra* note 4, at 57493 n.15.

<sup>9</sup> The term “Company” means the issuer of a security listed or applying to list on the Exchange. See BZX Rule 14.1(a)(3).

<sup>10</sup> The term “Shareholder” means a record or beneficial owner of a security listed or applying to list. See BZX Rule 14.1(a)(28).

<sup>11</sup> Specifically, BZX Rule 14.10(e)(1)(F)(i) exempts from this annual shareholder meeting requirement issuers whose only securities listed on

<sup>6</sup> *Id.*

<sup>7</sup> 17 CFR 200.30-3(a)(31).

<sup>1</sup> 15 U.S.C. 78s(b)(1).

<sup>2</sup> 17 CFR 240.19b-4.

<sup>3</sup> 15 U.S.C. 80a-1 *et seq.*

proposed rule change's consistency with the Exchange Act and, in particular, with Section 6(b)(5) of the Exchange Act, which requires, among other things, that the rules of a national securities exchange be designed to prevent fraudulent and manipulative acts and practices, to promote just and equitable principles of trade, 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 not be designed to permit unfair discrimination between customers, issuers, brokers, or dealers.<sup>15</sup>

The development and enforcement of meaningful corporate governance exchange listing standards is of substantial importance to financial markets and the investing public, especially given investor expectations regarding the nature of companies that have achieved an exchange listing for their securities and the role of an exchange in overseeing its market and ensuring compliance with its listing standards.<sup>16</sup> The corporate governance standards embodied in exchange listing standards play an important role in assuring that listed companies observe good governance practices.<sup>17</sup>

In particular, the Commission has consistently recognized the importance of the annual shareholder meeting requirement to the protection of investors and the public interest.<sup>18</sup> Among other things, annual shareholder

meetings allow the shareholders of a company the opportunity to elect directors and meet with, and engage, management to discuss company affairs.<sup>19</sup> The Commission has recognized that, in limited circumstances, the exchange requirement to hold an annual shareholder meeting may not be necessary for certain issuers of specific types of securities where the holders of such securities do not directly participate as equity holders or vote in the annual election of directors or generally on the operations or policies of the listed company.<sup>20</sup> However, when approving a prior exchange proposal for specific exemptions from the annual shareholder meeting requirement, which included an exemption for exchange-traded funds ("ETFs"), the Commission expressly stated that CEFs are still required to hold annual meetings under that exchange's rules.<sup>21</sup>

The Exchange states in support of its proposal that it believes the "burdensome" annual shareholder meeting requirement is unnecessary for CEFs given the investor protections afforded under the 1940 Act.<sup>22</sup> Specifically, the Exchange states that it believes that because the 1940 Act preserves shareholder ability to elect directors,<sup>23</sup> requires "independent directors"<sup>24</sup> to approve significant actions,<sup>25</sup> and requires a shareholder vote on material governance and policy

changes,<sup>26</sup> the Exchange's requirement to hold an annual shareholder meeting is unnecessary for CEF shareholders.<sup>27</sup> The Exchange further states that it believes that because no other registered investment companies listed on the Exchange are required to hold an annual shareholder meeting (such exempted investment companies, "BZX-Listed ETFs"), there is not a compelling reason for CEFs to be subject to such a requirement.<sup>28</sup>

The Commission received comments supporting the proposal.<sup>29</sup> Some commenters stated that Congress adopted the 1940 Act protections referenced by BZX in lieu of an annual shareholder meeting requirement.<sup>30</sup> Some commenters agreed with BZX that 1940 Act requirements, such as those pertaining to director elections, independent directors, and matters that require shareholder vote, protect CEF investors;<sup>31</sup> and some stated that the 1940 Act requirements rendered BZX's annual shareholder meeting requirement "superfluous."<sup>32</sup> Some

<sup>26</sup> See *id.* at 57493.

<sup>27</sup> See *id.* at 57494.

<sup>28</sup> See *id.* When justifying its prior proposal to exempt BZX-Listed ETFs from the annual shareholder meeting requirement of BZX Rule 14.10(f), the Exchange stated, among other things, that such securities are issued by an open-end investment company registered under the 1940 Act that are available for creation and redemption on a continuous basis, and require dissemination of an intraday portfolio value; that these requirements provide important investor protections and ensure that the net asset value ("NAV") and the market price remain closely tied to one another while maintaining a liquid market for the security; and that these protections, along with the disclosure documents regularly received by investors, allow their shareholders to value their holdings on an ongoing basis and lessen the need for such shareholders to directly deal with management at an annual meeting. See Securities Exchange Act Release No. 99524 (Feb. 13, 2024), 89 FR 12919, 12930 (Feb. 20, 2024) (CboeBZX-2024-010) (Notice of Filing and Immediate Effectiveness of a Proposed Rule Change To Amend Its Corporate Governance Requirements, as Provided Under Exchange Rule 14.10 and Make Certain Other Changes to Its Listing Rules as Provided Under Exchange Rules 14.3, 14.6, 14.7, and 14.12) ("BZX Prior Filing").

<sup>29</sup> See, e.g., Letters from Paul G. Cellupica, General Counsel, and Kevin Ercoline, Assistant General Counsel, Investment Company Institute, dated Aug. 2, 2024 ("ICI Letter"); Investment Adviser Association, Securities Industry and Financial Markets Association ("SIFMA"), SIFMA's Asset Management Group, and Insured Retirement Institute, dated Aug. 5, 2024 ("SIFMA et al. Letter"); Bruce Leto and Sara Crovitz, Stradley Ronon Stevens & Young, LLP, dated Aug. 13, 2024 ("Stradley Ronon Letter"); Joseph V. Amato, President and Chief Investment Officer, Equities, Neuberger Berman Group LLC, dated Aug. 5, 2024 ("Neuberger Berman Letter").

<sup>30</sup> See, e.g., ICI Letter at 7–9; SIFMA et al. Letter at 2–3.

<sup>31</sup> See, e.g., ICI Letter at 9–13; Letter Type A at <https://www.sec.gov/comments/sr-cboebzx-2024-055/srcboebzx2024055.htm>.

<sup>32</sup> See, e.g., ICI Letter at 1 and 9; SIFMA et al. Letter at 2; Stradley Ronon Letter at 3.

<sup>15</sup> 15 U.S.C. 78f(b)(5).

<sup>16</sup> See, e.g., Securities Exchange Act Release Nos. 99238 (Dec. 26, 2023), 89 FR 113, 116 n.21 and accompanying text (Jan. 2, 2024) (SR-NYSE-2023-34) (Notice of Filing of Amendment No. 1 and Order Granting Accelerated Approval of Proposed Rule Change, as Modified by Amendment No. 1, Amending Sections 312.03(b) and 312.04 of the NYSE Listed Company Manual To Modify the Circumstances Under Which a Listed Company Must Obtain Shareholder Approval of a Sale of Securities Below the Minimum Price to a Substantial Security Holder of the Company); 100816 (Aug. 26, 2024), 89 FR 70674, 70677–78 nn.46–48 and accompanying text (Aug. 30, 2024) (SR-NASDAQ-2024-019) (Order Granting Approval of a Proposed Rule Change, to Rules 5605, 5615 and 5810 To Amend Phase-III Schedules for Certain Corporate Governance Requirements and Applicability of Certain Cure Periods).

<sup>17</sup> See *id.*

<sup>18</sup> The Commission has stated that the right of shareholders to vote at an annual meeting is an essential and important one. See, e.g., Securities Exchange Act Release Nos. 86406 (July 18, 2019), 84 FR 35431, 35432 (July 23, 2019) (SR-NYSE-2019-20) (Order Granting Approval of a Proposed Rule Change Amending Section 302 of the Listed Company Manual To Provide Exemptions for the Issuers of Certain Categories of Securities From the Obligation To Hold Annual Shareholders' Meetings) ("NYSE Order"); 57268 (Feb. 4, 2008), 73 FR 7614, 7616 (Feb. 8, 2008) (SR-Amex-2006-31) (Order Approving Proposed Rule Change, as Modified by Amendment Nos. 1, 2, and 3 Thereto, Relating to Annual Shareholder Meeting Requirements) ("Amex Order").

<sup>19</sup> See, e.g., Amex Order at 7614; Securities Exchange Act Release No. 53578 (Mar. 30, 2006), 71 FR 17532 (Apr. 6, 2006) (SR-NASD-2005-073) (Order Granting Approval of a Proposed Rule Change and Amendment Nos. 1 and 2 Thereto and Notice of Filing and Order Granting Accelerated Approval of Amendment No. 3 Thereto Relating to Rule 4350(e) To Amend the Annual Shareholder Meeting Requirement).

<sup>20</sup> See NYSE Order at 35432; Amex Order at 7616. The Commission has also stated that where an exchange has exempted issuers of certain categories of securities from the exchange requirement to hold an annual meeting, such issuers would remain subject to any applicable state and federal securities laws that relate to annual meetings and may still be required to hold annual shareholder meetings in accordance with such state and federal securities laws. See *id.* In addition, such issuers would remain subject to state and federal securities laws that may require other types of shareholder meetings, such as special meetings of shareholders. See NYSE Order at 35432. The Commission has also stated that the exemptions apply only with respect to particular securities, and that if a company also lists other common stock or voting preferred stock, or their equivalent, such company must nevertheless hold an annual meeting for the holders of such securities during each fiscal year. See *id.* at 35433.

<sup>21</sup> See NYSE Order at 35433 n.20. See also *infra* note 28.

<sup>22</sup> See Notice, *supra* note 4, at 57494.

<sup>23</sup> See *id.* at 57492.

<sup>24</sup> According to the Exchange, an "independent director" is a director that is not an "interested person" as defined in Section 2(a)(19) of the 1940 Act. See *id.* at 57492 n.9.

<sup>25</sup> See *id.* at 57492–93.

commenters also claimed that certain investors exploit the current annual shareholder meeting requirement for their own gain—for example, by launching a proxy campaign to change a CEF's management and/or investment strategy, to conduct tender offers, or to liquidate the CEF altogether.<sup>33</sup> These commenters stated that annual meetings allow a minority investor to have an outsized influence over the CEF that results in harm to long-term retail investors in the CEF and disincentivizes the creation of new listed CEFs.<sup>34</sup> Some commenters also stated that annual shareholder meetings are costly to CEFs and that retail investor engagement at such meetings is limited, and concluded that the burden of the annual shareholder meeting requirement outweighs any potential benefits.<sup>35</sup>

The Commission also received comments opposing the proposal.<sup>36</sup> Some commenters stated that the 1940 Act requirements referenced by the Exchange were adopted in addition to the pre-existing annual shareholder meeting requirement of the New York Stock Exchange, rather than in lieu of it,<sup>37</sup> and some stated that the 1940 Act requirements are not a substitute for annual shareholder meetings.<sup>38</sup> Some commenters stated that CEFs are fundamentally different from other registered investment companies, including BZX-Listed ETFs.<sup>39</sup> In particular, commenters stated that CEFs commonly trade at a discount to NAV,<sup>40</sup> and claimed that the inability of CEF investors to redeem shares at NAV makes CEF investors more vulnerable to actions by CEF management.<sup>41</sup> Commenters stated that, in light of these

unique features of CEFs, annual meetings are an important tool to discipline CEF management.<sup>42</sup> Commenters also stated that elimination of BZX's annual shareholder meeting requirement would harm CEF investors by reducing opportunities for shareholder activism (or the threat of such activism);<sup>43</sup> further entrenching CEF management;<sup>44</sup> potentially increasing CEFs' discounts to NAV;<sup>45</sup> and effectively disenfranchising CEF investors due to the infrequency with which shareholder meetings would be required under the 1940 Act<sup>46</sup> and the difficulty for shareholders to requisition special meetings.<sup>47</sup> A commenter stated that CEF shareholders "are constantly engaging with management and boards in an effort to close NAV discounts and recoup lost shareholder value" and that the proposal is "seeking to remove the primary avenue used by CEF shareholders[] to engage with CEF management and the board,"<sup>48</sup> and commenters expressed concern with the removal of a right (required annual shareholder meetings) that shareholders may have relied upon when investing in CEFs.<sup>49</sup>

The Commission has concerns about whether BZX's proposal to exempt CEFs from the annual shareholder meeting requirement set forth in BZX Rule 14.10(f) is designed to protect investors and the public interest, as required by Section 6(b)(5) of the Exchange Act.<sup>50</sup>

<sup>42</sup> See, e.g., Bebchuk & Jackson Letter at 7–8; Working Group Letter at 3.

<sup>43</sup> A commenter stated that the current annual shareholder meeting mechanism has both a direct effect (e.g., replacing existing fund directors) and indirect effect (e.g., the fear of potential replacement gives incumbent CEF directors incentive to avoid underperformance altogether); and that approval of BZX's proposal would produce two types of entrenchment costs from the elimination of these direct and indirect effects. See Bebchuk & Jackson Letter at 7–8 and 10–11.

<sup>44</sup> See, e.g., Working Group Letter at 5.

<sup>45</sup> See, e.g., Working Group Letter at 6; Saba Letter at 1, 2, and 7 n.25.

<sup>46</sup> See, e.g., Bebchuk & Jackson Letter at 8–9.

<sup>47</sup> See, e.g., Working Group Letter at 5; Schulte Letter at 6–7 and n.31; Saba Letter at 2.

<sup>48</sup> Schulte Letter at 6. In a similar proposal from the New York Stock Exchange to exempt CEFs from that exchange's annual shareholder meeting requirement, opposing commenters described other benefits of annual shareholder meetings to CEF investors, such as providing accountability, transparency, and a forum for shareholders to voice concerns. See Securities Exchange Act Release No. 101257 (Oct. 4, 2024), 89 FR 82277, 82280 n.47 (Oct. 10, 2024) (SR-NYSE-2024-35) (Order Instituting Proceedings to Determine Whether to Approve or Disapprove a Proposed Rule Change to Amend Section 302.00 of the NYSE Listed Company Manual to Exempt Closed-End Funds Registered Under the Investment Company Act of 1940 From the Requirement to Hold Annual Shareholder Meetings).

<sup>49</sup> See, e.g., Schulte Letter at 4; Saba Letter at 2; Bebchuk & Jackson Letter at 12.

<sup>50</sup> 15 U.S.C. 78f(b)(5).

Although BZX's rules provide a similar exemption for BZX-Listed ETFs,<sup>51</sup> there are important differences between CEFs and ETFs. Shares of CEFs often trade at prices that are less than, or at a "discount" to, the funds' NAV per share. In contrast, while ETFs may trade at a discount, it is often to a much lesser degree than CEFs.<sup>52</sup> Due to these circumstances, shareholders of CEFs may have an interest in expressing their views at annual shareholder meetings.

Moreover, the Commission has concerns with the sufficiency of the Exchange's analysis and whether the Exchange has met its burden to demonstrate that its proposal is consistent with the Exchange Act.<sup>53</sup> The Exchange states that BZX-Listed ETFs are already exempt from the annual shareholder meeting requirement of BZX Rule 14.10(f). However, the Exchange does not discuss or explain the differences between BZX-Listed ETFs and CEFs, which differences, as discussed above, may result in investor protection concerns for CEF shareholders with respect to eliminating the right to an annual shareholder meeting that may not be present for BZX-Listed ETFs' shareholders. For example, the Exchange does not discuss whether the fact that CEF shares may trade at a large discount to NAV would raise any investor protection concerns with eliminating the annual shareholder meeting requirement. The Exchange also does not discuss the extent to which CEF investors participate in, and benefit from, annual shareholder meetings, such that eliminating the annual shareholder meeting requirement may raise investor protection concerns. In addition, while the Exchange discusses how certain requirements set forth in

<sup>51</sup> See BZX Prior Filing, *supra* note 28.

<sup>52</sup> See Securities Act Release No. 10695, Investment Company Act Release No. 33646, S7–15–18 (Sept. 25, 2019), 84 FR 57162, 57165 (Oct. 24, 2019) (Exchange-Traded Funds Final Rule) ("The combination of the creation and redemption process with secondary market trading in ETF shares and underlying securities provides arbitrage opportunities that are designed to help keep the market price of ETF shares at or close to the NAV per share of the ETF."). See also *supra* note 28.

<sup>53</sup> Under the Commission's Rules of Practice, the "burden to demonstrate that a proposed rule change is consistent with the Exchange Act and the rules and regulations issued thereunder . . . is on the self-regulatory organization that proposed the rule change." 17 CFR 201.700(b)(3). The description of a proposed rule change, its purpose and operation, its effect, and a legal analysis of its consistency with applicable requirements must all be sufficiently detailed and specific to support an affirmative Commission finding, and any failure of a self-regulatory organization to provide this information may result in the Commission not having a sufficient basis to make an affirmative finding that a proposed rule change is consistent with the Exchange Act and the applicable rules and regulations. *Id.*

<sup>33</sup> See, e.g., ICI Letter at 2–3, 5–7, 17–24; Neuberger Berman Letter at 1–2; Stradley Ronon Letter at 1–2.

<sup>34</sup> See, e.g., ICI Letter at 13–14; Neuberger Berman Letter at 1–2; Stradley Ronon Letter at 2.

<sup>35</sup> See, e.g., ICI Letter at 14–15; Letter from George W. Morris, dated Aug. 5, 2024.

<sup>36</sup> See, e.g., Letters from Paul N. Roth, Founding Partner Emeritus, Of Counsel, Schulte Roth & Zabel LLP, dated Aug. 9, 2024 ("Schulte Letter"); Michael D'Angelo, Saba Capital Management, LP, dated Aug. 5, 2024 ("Saba Letter"); Profs. Lucian A. Bebchuk, Harvard Law School, and Robert J. Jackson, Jr., NYU School of Law, dated July 30, 2024 ("Bebchuk & Jackson Letter"); Profs. Daniel J. Taylor, The Wharton School, Edwin Hu, UVA School of Law, Robert Bishop, Duke School of Law, Bradford Levy, Chicago Booth School of Business, Shiva Rajgopal, Columbia Business School, and Jonathan Zytnick, Georgetown University Law Center, on behalf of the Working Group on Market Efficiency and Investor Protection in Closed-End Funds, dated July 30, 2024 ("Working Group Letter").

<sup>37</sup> See, e.g., Schulte Letter at 3.

<sup>38</sup> See, e.g., Saba Letter at 9–10.

<sup>39</sup> See, e.g., Bebchuk & Jackson Letter at 5–7.

<sup>40</sup> See, e.g., Working Group Letter at 3; Schulte Letter at 5.

<sup>41</sup> See, e.g., Bebchuk & Jackson Letter at 5–6.

the 1940 Act are designed to protect CEF investors and the public interest, the Exchange does not discuss how its specific proposal to exempt CEFs from the longstanding annual shareholder meeting requirement—and any resulting loss of benefits to CEF investors of annual shareholder meetings—would be designed to protect CEF investors and the public interest.

As a result, the Commission believes there are questions as to whether the proposal is consistent with Section 6(b)(5) of the Exchange Act<sup>54</sup> and its requirement, among other things, that the rules of a national securities exchange be designed to protect investors and the public interest. For this reason, it is appropriate to institute proceedings pursuant to Section 19(b)(2)(B) of the Exchange Act<sup>55</sup> to determine whether the proposal should be approved or disapproved.

#### IV. Procedure: Request for Written Comments

The Commission requests that interested persons provide written submissions of their data, views, and arguments with respect to the issues identified above, as well as any other concerns they may have with the proposal. In particular, the Commission invites the written views of interested persons concerning whether the proposed rule change, as modified by Amendment No. 1, is consistent with Section 6(b)(5) of the Exchange Act<sup>56</sup> or any other provision of the Exchange Act, or the rules and regulations thereunder. Although there do not appear to be any issues relevant to approval or disapproval that would be facilitated by an oral presentation of data, views, and arguments, the Commission will consider, pursuant to Rule 19b-4 under the Exchange Act,<sup>57</sup> any request for an opportunity to make an oral presentation.<sup>58</sup>

Interested persons are invited to submit written data, views, and arguments regarding whether the proposed rule change, as modified by Amendment No. 1, should be approved or disapproved by November 7, 2024.

Any person who wishes to file a rebuttal to any other person's submission must file that rebuttal by November 21, 2024. The Commission asks that commenters address the sufficiency of the Exchange's statements in support of the proposal, in addition to any other comments they may wish to submit about the proposed rule change. Comments may be submitted by any of the following methods:

##### *Electronic Comments*

- Use the Commission's internet comment form (<https://www.sec.gov/rules/sro.shtml>); or
- Send an email to [rule-comments@sec.gov](mailto:rule-comments@sec.gov). Please include file number SR-CboeBZX-2024-055 on the subject line.

##### *Paper Comments*

- Send paper comments in triplicate to Secretary, Securities and Exchange Commission, 100 F Street NE, Washington, DC 20549-1090.

All submissions should refer to file number SR-CboeBZX-2024-055. This file number should be included on the subject line if email is used. To help the Commission process and review your comments more efficiently, please use only one method. The Commission will post all comments on the Commission's internet website (<https://www.sec.gov/rules/sro.shtml>). Copies of the submission, all subsequent amendments, all written statements with respect to the proposed rule change that are filed with the Commission, and all written communications relating to the proposed rule change between the Commission and any person, other than those that may be withheld from the public in accordance with the provisions of 5 U.S.C. 552, will be available for website viewing and printing in the Commission's Public Reference Room, 100 F Street NE, Washington, DC 20549, on official business days between the hours of 10 a.m. and 3 p.m. Copies of the filing also will be available for inspection and copying at the principal office of the Exchange. Do not include personal identifiable information in submissions; you should submit only information that you wish to make available publicly. We may redact in part or withhold entirely from publication submitted material that is obscene or subject to copyright protection. All submissions should refer to file number SR-CboeBZX-2024-055 and should be submitted on or before November 7, 2024. Rebuttal comments should be submitted by November 21, 2024.

For the Commission, by the Division of Trading and Markets, pursuant to delegated authority.<sup>59</sup>

**Sherry R. Haywood,**  
*Assistant Secretary.*

[FR Doc. 2024-23979 Filed 10-16-24; 8:45 am]

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## SECURITIES AND EXCHANGE COMMISSION

[Release No. 34-101302; File No. SR-CboeBZX-2024-094]

### Self-Regulatory Organizations; Cboe BZX Exchange, Inc.; Notice of Filing and Immediate Effectiveness of a Proposed Rule Change To Amend Its Fees Schedule Regarding Dedicated Cores

October 10, 2024

Pursuant to Section 19(b)(1) of the Securities Exchange Act of 1934 ("Act"),<sup>1</sup> and Rule 19b-4 thereunder,<sup>2</sup> notice is hereby given that on September 30, 2024, Cboe BZX Exchange, Inc. (the "Exchange" or "BZX") filed with the Securities and Exchange Commission ("Commission") the proposed rule change as described in Items I, II, and III below, which Items have been prepared by the Exchange. The Commission is publishing this notice to solicit comments on the proposed rule change from interested persons.

#### I. Self-Regulatory Organization's Statement of the Terms of Substance of the Proposed Rule Change

Cboe BZX Exchange, Inc. (the "Exchange" or "BZX Equities") proposes to amend its Fees Schedule. The text of the proposed rule change is provided in Exhibit 5.

The text of the proposed rule change is also available on the Exchange's website ([http://markets.cboe.com/us/equities/regulation/rule\\_filings/BZX/](http://markets.cboe.com/us/equities/regulation/rule_filings/BZX/)), at the Exchange's Office of the Secretary, and at the Commission's Public Reference Room.

#### II. Self-Regulatory Organization's Statement of the Purpose of, and Statutory Basis for, the Proposed Rule Change

In its filing with the Commission, the Exchange included statements concerning the purpose of and basis for the proposed rule change and discussed any comments it received on the proposed rule change. The text of these statements may be examined at the

<sup>59</sup> 17 CFR 200.30-3(a)(57).

<sup>1</sup> 15 U.S.C. 78s(b)(1).

<sup>2</sup> 17 CFR 240.19b-4.

<sup>54</sup> 15 U.S.C. 78f(b)(5).

<sup>55</sup> 15 U.S.C. 78s(b)(2)(B).

<sup>56</sup> 15 U.S.C. 78f(b)(5).

<sup>57</sup> 17 CFR 240.19b-4.

<sup>58</sup> Section 19(b)(2) of the Exchange Act, as amended by the Securities Acts Amendments of 1975, Public Law 94-29 (June 4, 1975), grants to the Commission flexibility to determine what type of proceeding—either oral or notice and opportunity for written comments—is appropriate for consideration of a particular proposal by a self-regulatory organization. See Securities Acts Amendments of 1975, Senate Comm. on Banking, Housing & Urban Affairs, S. Rep. No. 75, 94th Cong., 1st Sess. 30 (1975).

places specified in Item IV below. The Exchange has prepared summaries, set forth in sections A, B, and C below, of the most significant aspects of such statements.

*A. Self-Regulatory Organization's Statement of the Purpose of, and Statutory Basis for, the Proposed Rule Change*

1. Purpose

The Exchange proposes to amend its fee schedule to adopt fees for Dedicated Cores.<sup>3</sup>

By way of background, the Exchange recently began to allow Users<sup>4</sup> to assign a Single Binary Order Entry ("BOE") logical order entry port<sup>5</sup> to a single dedicated Central Processing Unit (CPU Core) ("Dedicated Core"). Historically, CPU Cores had been shared by logical order entry ports (*i.e.*, multiple logical ports from multiple firms may connect to a single CPU Core). Use of Dedicated Cores however, can provide reduced latency, enhanced throughput, and improved performance since a firm using a Dedicated Core is utilizing the full processing power of a CPU Core instead of sharing that power with other firms. This offering is completely voluntary and is available to all Users that wish to purchase Dedicated Cores. Users may utilize BOE logical order entry ports on shared CPU Cores, either in lieu of, or in addition to, their use of Dedicated Core(s). As such, Users are able to operate across a mix of shared and dedicated CPU Cores which the Exchange believes provides additional risk and capacity management. Further, Dedicated Cores are not required nor necessary to participate on the Exchange and as such Users may opt not to use Dedicated Cores at all.

The Exchange proposes to assess the following monthly fees for Users that wish to use Dedicated Cores and adopt

a maximum limit. First, the Exchange proposes to provide up to two Dedicated Cores to all Users who wish to use Dedicated Cores, at no additional cost. For the use of more than two Dedicated Cores, the Exchange proposes to assess the following fees: \$650 per Dedicated Core for 3–15 Dedicated Cores; \$850 per Dedicated Core for 16–30 Dedicated Cores; and \$1,050 per Dedicated Core for 31 or more Dedicated Cores. The proposed fees are progressive and the Exchange proposes to include the following example in the Fees Schedule to provide clarity as to how the fees will be applied. Particularly, the Exchange will provide the following example: if a User were to purchase 16 Dedicated Cores, it will be charged a total of \$9,300 per month ( $\$0 * 2 + \$650 * 13 + \$850 * 1$ ). The Exchange also proposes to make clear in the Fees Schedule that the monthly fees are assessed and applied in their entirety and are not prorated. The Exchange notes the current standard fees assessed for BOE Logical Ports, whether used with Dedicated or shared CPU cores, will remain applicable and unchanged.<sup>6</sup>

Since the Exchange currently has a finite amount of physical space in its data centers in which its servers (and therefore corresponding CPU Cores) are located, the Exchange also proposes to prescribe a maximum limit on the number of Dedicated Cores that Users may purchase each month. The purpose of establishing these limits is to manage the allotment of Dedicated Cores in a fair manner and to prevent the Exchange from being required to expend large amounts of resources in order to provide an unlimited number of Dedicated Cores. The Exchange previously established a limit for Members of a maximum number of 60 Dedicated Cores and Sponsoring Members a limit of maximum number of 25 Dedicated Cores for each of their Sponsored Access relationship.<sup>7</sup> The Exchange has since been able to procure additional physical space in its third-party data center as well as additional servers with CPU Cores. The Exchange also has a better understanding of User demand relative to its available space and available Dedicated Cores since the initial maximum was adopted. As such, the Exchange proposes to increase the cap and provide that Members will be limited to a maximum number of 80

Dedicated Cores<sup>8</sup> and Sponsoring Members will be limited to a maximum number of 35 Dedicated Cores for each of their Sponsored Access relationships.<sup>9</sup> The Exchange notes that it will continue monitoring Dedicated Core interest by all Users and allotment availability with the goal of increasing these limits to meet Users' needs if and when the demand is there and the Exchange is able to accommodate additional Dedicated Cores.

2. Statutory Basis

The Exchange believes the proposed rule change is consistent with the Securities Exchange Act of 1934 (the "Act") and the rules and regulations thereunder applicable to the Exchange and, in particular, the requirements of Section 6(b) of the Act.<sup>10</sup> Specifically, the Exchange believes the proposed rule change is consistent with the Section 6(b)(5)<sup>11</sup> requirements that the rules of an exchange be designed to prevent fraudulent and manipulative acts and practices, to promote just and equitable principles of trade, to foster cooperation and coordination with persons engaged in regulating, clearing, settling, processing information with respect to, and facilitating transactions in securities, to remove impediments to and perfect the mechanism of a free and open market and a national market system, and, in general, to protect investors and the public interest. Additionally, the Exchange believes the proposed rule change is consistent with

<sup>8</sup> The prescribed maximum quantity of Dedicated Cores for Members applies regardless of whether that Member purchases the Dedicated Cores directly from the Exchange and/or through a Service Bureau. In a Service Bureau relationship, a customer allows its MPID to be used on the ports of a technology provider, or Service Bureau. One MPID may be allowed on several different Service Bureaus.

<sup>9</sup> The fee tier(s) applicable to Sponsoring Members are determined on a per Sponsored Access relationship basis and not on the combined total of Dedicated Cores across Sponsored Users. For example, under the proposed changes, a Sponsoring Member that has three Sponsored Access relationships is entitled to a total of 105 Dedicated Cores for those 3 Sponsored Access relationships but would be assessed fees separately based on the 35 Dedicated Cores for each Sponsored User (instead of combined total of 105 Dedicated Cores). For example, a Sponsoring Member with 3 Sponsored Access relationships would pay \$25,450 per month if each Sponsored Access relationship purchased the maximum 25 Dedicated Cores. More specifically, the Sponsoring Member would be provided 2 Dedicated Cores at no additional cost for each Sponsored User under Tier 1 (total of 6 Dedicated Cores at no additional cost) and provided an additional 13 Dedicated Cores at \$650 each for each Sponsored User, 20 Dedicated Cores at \$850 each for each Sponsored User (combined total of 99 additional Dedicated Cores).

<sup>10</sup> 15 U.S.C. 78f(b).

<sup>11</sup> 15 U.S.C. 78f(b)(5).

<sup>3</sup> The Exchange initially introduced pricing for Dedicated Cores on June 10, 2024 (SR-ChoeBZX-2024-054). On August 1, 2024, the Exchange withdrew that filing and submitted SR-ChoeBZX-2024-075. On business date September 30, 2024, the Exchange withdrew that filing and submitted this filing.

<sup>4</sup> A User may be either a Member or Sponsored Participant. The term "Member" shall mean any registered broker or dealer that has been admitted to membership in the Exchange, limited liability company or other organization which is a registered broker or dealer pursuant to Section 15 of the Act, and which has been approved by the Exchange. A Sponsored Participant may be a Member or non-Member of the Exchange whose direct electronic access to the Exchange is authorized by a Sponsoring Member subject to certain conditions. See Exchange Rule 11.3.

<sup>5</sup> Users may currently connect to the Exchange using a logical port available through an application programming interface ("API"), such as the Binary Order Entry ("BOE") protocol. A BOE logical order entry port is used for order entry.

<sup>6</sup> The Exchange currently assesses \$550 per port per month. Port fees will also continue to be assessed on the first two Dedicated Cores that Users receive at no additional cost. See Choe BZX Equities Fee Schedule.

<sup>7</sup> See Securities Exchange Act Release No. 100395 (June 21, 2024), 89 FR 53687 (June 27, 2024) (SR-ChoeBZX-2024-054).

the Section 6(b)(5)<sup>12</sup> requirement that the rules of an exchange not be designed to permit unfair discrimination between customers, issuers, brokers, or dealers. The Exchange also believes the proposed rule change is consistent with Section 6(b)(4)<sup>13</sup> of the Act, which requires that Exchange rules provide for the equitable allocation of reasonable dues, fees, and other charges among its Members and other persons using its facilities.

The Exchange believes the proposal is reasonable because the Exchange is offering any User who wishes to utilize Dedicated Cores up to two Dedicated Cores at no additional cost. For example, of the Users that currently maintain Dedicated Cores, 32% maintain only 1 or 2 Dedicated Cores and therefore pay no additional fees. The Exchange believes the proposed fees are reasonable because Dedicated Cores provide a valuable service in that it can provide reduced latency, enhanced throughput, and improved performance compared to use of a shared CPU Core since a firm using a Dedicated Core is utilizing the full processing power of a CPU Core. The Exchange also emphasizes however, that the use of Dedicated Cores is not necessary for trading and as noted above, is entirely optional. Users can also continue to access the Exchange through shared CPU Cores at no additional cost. Indeed, only 16% of the Exchange's Members currently use Dedicated Cores and as noted above, of that 16%, 32% take 1 or 2 Dedicated Cores at no additional cost. Depending on a firm's specific business needs, the proposal enables Users to choose to use Dedicated Cores in lieu of, or in addition to, shared CPU Cores (or as emphasized, not use Dedicated Cores at all). If a User finds little benefit in having Dedicated Cores based on its business model and trading strategies, or determines Dedicated Cores are not cost-efficient for its needs or does not provide sufficient value to the firm, such User may continue its use of the shared CPU Cores, unchanged. The Exchange also has no plans to eliminate shared CPU Cores nor to require Users to purchase Dedicated Cores.

The Exchange has seen general interest in Dedicated Cores from a variety of market participants, with varying size and business models. Such market participants include proprietary trading firms (who tend to be more latency sensitive), as well as sell-side market participants and buy-side market participants (who tend to be less latency

sensitive). Further, Members have various reasons for obtaining Dedicated Cores. Some Members for example, may be seeking to further reduce latency, whereas others may use Dedicated Cores as a general risk mitigation by siloing their respective activity. Of further note, only 50% of Members that are propriety trading firms (who again, generally tend to be more latency sensitive) utilize Dedicated Cores, and of that 50%, 36% are utilizing the 1 to 2 free Dedicated Cores available to all Users. The lack of universal, or even widespread, adoption by all such users therefore demonstrates that purchasing Dedicated Cores is not effectively a requirement to compete for any one type of market participant, including latency sensitive market participants. Instead, Dedicated Cores are an optional and voluntary connectivity offering, which market participants are free to choose whether or not to utilize based on whether they meet their unique business needs.

The Exchange also believes that the proposed Dedicated Core fees are equitable and not unfairly discriminatory because they continue to be assessed uniformly to similarly situated users in that all Users who choose to purchase Dedicated Cores will be subject to the same proposed tiered fee schedule. Moreover, all Users are entitled to up to 2 Dedicated Cores at no additional cost and, as previously discussed, 32% of all Users that take Dedicated Cores (including both latency sensitive and non-latency sensitive Users) take only 1 or 2 Dedicated Cores at no additional cost. The Exchange believes the proposed ascending fee structure is also reasonable, equitable and not unfairly discriminatory as it is designed so that firms that use a higher allotment of the Exchange's finite number of Dedicated Cores pay higher rates, rather than placing that burden on market participants that have more modest needs who will have the flexibility of obtaining Dedicated Cores at lower price points in the lower tiers. As such, the proposed fees do not favor certain categories of market participants in a manner that would impose a burden on competition; rather, the ascending fee structure reflects the (finite) resources consumed by the various needs of market participants—that is, the lowest Dedicated Core consuming Users pay the least, and highest Dedicated Core consuming Users pay the most. Other exchanges similarly assess higher fees to those that consume more Exchange resources, including the Exchange on its options

platform.<sup>14</sup> Moreover, those consuming more Dedicated Cores do so if they find a benefit in having higher quantities of Dedicated Cores based on their respective business needs. The proposed tier structure is also designed to encourage firms to manage their needs in a fair manner and to prevent the Exchange from being required to expend large amounts of resources in order to provide an additional number of Dedicated Cores. Moreover, as discussed above and in more detail below, the Exchange cannot currently offer an unlimited number of Dedicated Cores due in part to physical space constraints in the third-party data center. The Exchange believes the proposed ascending fee structure is therefore another appropriate means, in conjunction with an established cap, to manage this finite resource and ensure the resource is apportioned more fairly.

The Exchange believes it is reasonable to limit the number of Dedicated Cores Users can purchase because the Exchange has a finite amount of space in its third-party data centers to accommodate CPU cores, including Dedicated Cores. The Exchange must also take into account timing and cost considerations in procuring additional Dedicated Cores and related hardware such as servers, switches, optics and cables, as well as the readiness of the Exchange's data center to accommodate additional Dedicated Cores in the Exchange's respective Order Handler Cabinets.<sup>15</sup> Moreover, procuring data center space has grown to be more challenging than it was five years ago with the increased demand for data center space. For example, the U.S. colocation data center market has doubled in size in just four years. In addition to the Exchange's rollout of Dedicated Cores, the Exchange is mindful of its other business areas and the need to continue to be mindful of its existing, external restraints in this area. The Exchange has, and will continue to, monitor market participant demand and space availability and endeavor to adjust the limit if and when the Exchange is able to acquire additional space and power within the third-party data centers and/or additional CPU Cores to accommodate additional Dedicated Cores.<sup>16</sup> The Exchange

<sup>14</sup> See e.g., Cboe U.S. Options Fee Schedule, BZX Options, Options Logical Port Fees, Ports with Bulk Quoting Capabilities.

<sup>15</sup> The Exchange notes that it cannot currently convert shared CPU cores into Dedicated Cores.

<sup>16</sup> The Exchange notes that approximately 11% of Users that have Dedicated Cores currently are at or near the maximum limits. The average number of Dedicated Cores used for the Exchange is 17.

<sup>12</sup> *Id.*

<sup>13</sup> 15 U.S.C. 78f(b)(4).

monitors its capacity and data center space and thus is in the best place to determine these limits and modify them as appropriate in response to changes to this capacity and space, as well as market demand. For example, the Exchange's affiliate Cboe EDGA Exchange, Inc. has increased the prescribed maximum limit three times since the launch of Dedicated Cores on its exchange on February 26, 2024 as a result of evaluating the demand relative to Dedicated Cores availability.<sup>17</sup> The proposed limits continue to apply uniformly to similarly situated market participants (*i.e.*, all Members are subject to the same limit and all Sponsored Participants are subject to the same limit, respectively). The Exchange believes it's not unfairly discriminatory to provide for different limits for different types of Users. For example, the Exchange believes it's not unfairly discriminatory to provide for an initial lower limit to be allocated for Sponsored Participants because unlike Members, Sponsored Participants are able to access the Exchange without paying a Membership Fee. Members also have more regulatory obligations and risk that Sponsored Participants do not. For example, while Sponsored Participants must agree to comply with the Rules of the Exchange, it is the Sponsoring Member of that Sponsored Participant that remains ultimately responsible for all orders entered on or through the Exchange by that Sponsored Participant. The industry also has a history of applying fees differently to Members as compared to Sponsored Participants.<sup>18</sup> Lastly, the Exchange believes its proposed maximum limits, and distinction between Members and Sponsored Users, is another appropriate means to help the Exchange manage its allotment of Dedicated Cores and better ensure this finite resource is apportioned fairly.

#### *B. Self-Regulatory Organization's Statement on Burden on Competition*

The Exchange does not believe that the proposed rule change will impose any burden on intramarket competition that is not necessary in furtherance of the purposes of the Act because the

proposed tiered fee structure will apply equally to all similarly situated Users that choose to use Dedicated Cores. As discussed above, Dedicated Cores are optional and Users may choose to utilize Dedicated Cores, or not, based on their views of the additional benefits and added value provided by utilizing a Dedicated Core. The Exchange believes the proposed fees will be assessed proportionately to the potential value or benefit received by Users with a greater number of Dedicated Cores and notes that Users may determine at any time to cease using Dedicated Cores. As discussed, Users can also continue to access the Exchange through shared CPU Cores at no additional cost. Finally, all Users will be entitled to two Dedicated Cores at no additional cost.

Next, the Exchange believes the proposed rule change does not impose any burden on intermarket competition that is not necessary or appropriate in furtherance of the purposes of the Act. As previously discussed, the Exchange operates in a highly competitive market, including competition for exchange memberships. Market Participants have numerous alternative venues that they may participate on, including 15 other equities exchanges, as well as off-exchange venues, where competitive products are available for trading. Indeed, participants can readily choose to submit their order flow to other exchange and off-exchange venues if they deem fee levels at those other venues to be more favorable. Moreover, the Commission has repeatedly expressed its preference for competition over regulatory intervention in determining prices, products, and services in the securities markets. Specifically, in Regulation NMS, the Commission highlighted the importance of market forces in determining prices and SRO revenues and, also, recognized that current regulation of the market system "has been remarkably successful in promoting market competition in its broader forms that are most important to investors and listed companies."<sup>19</sup> The fact that this market is competitive has also long been recognized by the courts. In *NetCoalition v. Securities and Exchange Commission*, the D.C. Circuit stated as follows: "[n]o one disputes that competition for order flow is 'fierce.' . . . As the SEC explained, '[i]n the U.S. national market system, buyers and sellers of securities, and the broker-dealers that act as their order-routing agents, have a wide range of choices of where to route orders for execution'; [and] 'no exchange can afford to take its

market share percentages for granted' because 'no exchange possesses a monopoly, regulatory or otherwise, in the execution of order flow from broker dealers'. . . ."<sup>20</sup> Accordingly, the Exchange does not believe its proposed change imposes any burden on competition that is not necessary or appropriate in furtherance of the purposes of the Act.

#### *C. Self-Regulatory Organization's Statement on Comments on the Proposed Rule Change Received From Members, Participants, or Others*

The Exchange neither solicited nor received comments on the proposed rule change.

### **III. Date of Effectiveness of the Proposed Rule Change and Timing for Commission Action**

The foregoing rule change has become effective pursuant to Section 19(b)(3)(A) of the Act<sup>21</sup> and paragraph (f) of Rule 19b-4<sup>22</sup> thereunder. At any time within 60 days of the filing of the proposed rule change, the Commission summarily may temporarily suspend such rule change if it appears to the Commission that such action is necessary or appropriate in the public interest, for the protection of investors, or otherwise in furtherance of the purposes of the Act. If the Commission takes such action, the Commission will institute proceedings to determine whether the proposed rule change should be approved or disapproved.

### **IV. Solicitation of Comments**

Interested persons are invited to submit written data, views and arguments concerning the foregoing, including whether the proposed rule change is consistent with the Act. Comments may be submitted by any of the following methods:

#### *Electronic Comments*

- Use the Commission's internet comment form (<https://www.sec.gov/rules/sro.shtml>); or
- Send an email to [rule-comments@sec.gov](mailto:rule-comments@sec.gov). Please include file number SR-CboeBZX-2024-094 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.

<sup>17</sup> See Securities Exchange Act Release No. 99983 (April 17, 2024), 89 FR 30418 (April 23, 2024) (SR-CboeEDGA-2024-014) Securities Exchange Act Release No. 100300 (June 10, 2024), 89 FR 50653 (June 14, 2024) (SR-CboeEDGA-2024-020); and Securities Exchange Act Release No. 100736 (August 21, 2024), 89 FR 67696 (August 15, 2024) (SR-CboeEDGA-2024-032).

<sup>18</sup> See *e.g.*, Securities Exchange Act Release No. 68342 (December 3, 2012), 77 FR 73096 (December 7, 2012) (SR-CBOE-2012-114), and Securities Exchange Act Release No. 66082 (January 3, 2012), 77 FR 1101 (January 9, 2012) (SR-C2-2011-041).

<sup>19</sup> See Securities Exchange Act Release No. 51808 (June 9, 2005), 70 FR 37496, 37499 (June 29, 2005).

<sup>20</sup> *NetCoalition v. SEC*, 615 F.3d 525, 539 (D.C. Cir. 2010) (quoting Securities Exchange Act Release No. 59039 (December 2, 2008), 73 FR 74770, 74782-83 (December 9, 2008) (SR-NYSEArca-2006-21)).

<sup>21</sup> 15 U.S.C. 78s(b)(3)(A).

<sup>22</sup> 17 CFR 240.19b-4(f).



All submissions should refer to file number SR-CboeBZX-2024-094. This file number should be included on the subject line if email is used. To help the Commission process and review your comments more efficiently, please use only one method. The Commission will post all comments on the Commission's internet website (<https://www.sec.gov/rules/sro.shtml>). Copies of the submission, all subsequent amendments, all written statements with respect to the proposed rule change that are filed with the Commission, and all written communications relating to the proposed rule change between the Commission and any person, other than those that may be withheld from the public in accordance with the provisions of 5 U.S.C. 552, will be available for website viewing and printing in the Commission's Public Reference Room, 100 F Street NE, Washington, DC 20549, on official business days between the hours of 10 a.m. and 3 p.m. Copies of the filing also will be available for inspection and copying at the principal office of the Exchange. Do not include personal identifiable information in submissions; you should submit only information that you wish to make available publicly. We may redact in part or withhold entirely from publication submitted material that is obscene or subject to copyright protection. All submissions should refer to file number SR-CboeBZX-2024-094 and should be submitted on or before November 7, 2024.

For the Commission, by the Division of Trading and Markets, pursuant to delegated authority.<sup>23</sup>

**Sherry R. Haywood,**

*Assistant Secretary.*

[FR Doc. 2024-23901 Filed 10-16-24; 8:45 am]

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## SECURITIES AND EXCHANGE COMMISSION

[Release No. 34-101320; File No. SR-LTSE-2024-07]

### Self-Regulatory Organizations; Long-Term Stock Exchange, Inc.; Notice of Filing and Immediate Effectiveness of a Proposed Rule Change To Amend the Fee Schedule To Adopt Certain Connectivity Fees

October 11, 2024.

Pursuant to Section 19(b)(1) of the Securities Exchange Act of 1934 (the

“Act”),<sup>1</sup> and Rule 19b-4 thereunder,<sup>2</sup> notice is hereby given that on October 1, 2024, Long-Term Stock Exchange, Inc. (“LTSE” 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 is filing with the Securities and Exchange Commission (“Commission”) a proposed rule change to amend the LTSE Fee Schedule (the “Fee Schedule”) to adopt certain connectivity fees effective October 1, 2024. The text of the proposed rule change is available at the Exchange's website at <https://longtermstockexchange.com/>, at the principal office of the Exchange, and at the Commission's Public Reference Room.

#### II. Self-Regulatory Organization's Statement on the Purpose of, and Statutory Basis for, the Proposed Rule Change

In its filing with the Commission, the Exchange included statements concerning the purpose of and basis for the proposed rule change and discussed any comments it received on the proposed rule change. The text of these statements may be examined at the places specified in Item IV below. The self-regulatory organization has prepared summaries, set forth in Sections A, B, and C below, of the most significant aspects of such statements.

##### A. Self-Regulatory Organization's Statement of the Purpose of, and Statutory Basis for, the Proposed Rule Change

###### 1. Purpose

The Exchange is proposing to establish a new section (C. Connectivity) in the Long-Term Stock Exchange Fee Schedule and adopt fees for Cross-Connect (Primary), Cross-Connect (Disaster Recovery), Cross-Connect (Test Environment) and Logical Connectivity (all Environments) that will apply to all market participants connecting to the Exchange.<sup>3</sup>

<sup>1</sup> 15 U.S.C. 78s(b)(1).

<sup>2</sup> 17 CFR 240.19b-4.

<sup>3</sup> As proposed, fees for connectivity services would be assessed based on each active connectivity service product at the close of business

#### Cross-Connect Fees

The Exchange proposes to offer to both Members and non-Members the choice of a 10 Gigabit (“Gb”) ultra-low latency (“ULL”) fiber cross-connection to the Exchange's Primary and Disaster Recovery facilities, as well as a 10Gb cross-connection to the Test Environment facility. The Exchange proposes to establish a Cross-Connect fee of \$5,500 per 10Gb physical interface per month that will be assessed to Members and non-Members for connecting to the Primary facility. The Exchange proposes to establish a Cross-Connect fee of \$2,750 per 10Gb physical interface per month that will be assessed to Members and non-Members for connecting to both the Disaster Recovery facility or the Test Environment.

Monthly network connectivity fees for Members and non-Members for connectivity will be assessed in any month the Member or non-Member is credentialed to use any of the LTSE Application Programming Interfaces (“APIs”) in either the Primary, Disaster Recovery or test environments.

#### Port Fees

The Exchange proposes to establish a \$450 fee for all Logical Connectivity sessions. These application sessions, commonly known as ports, are utilized to perform a particular function on the Exchange, such as order entry or order cancellation, receipt of drop copies, proprietary market data dissemination, or requesting data to be backfilled (*i.e.*, “gap ports”). All market participants (members and non-members) will be charged per session per month. The Exchange will waive the fees for three sessions per month per market participant.

In proposing to charge fees for connectivity to LTSE, the Exchange has sought to be especially diligent in assessing those fees in a transparent way against its own aggregate costs of providing the related services, and also carefully and transparently assessing the impact on Members—both generally and in relation to other Members, *i.e.*, to assure the fee will not create a financial burden on any participant and will not have an undue impact in particular on smaller Members and competition among Members in general. The Exchange believes that this level diligence and transparency is called for by the requirements of Section 19(b)(1)

on the first day of each month. If a product is canceled prior to such fee being assessed, then the Member will not be obligated to pay the applicable product fee.

<sup>23</sup> 17 CFR 200.30-3(a)(12).



under the Act,<sup>4</sup> and Rule 19b–4 thereunder,<sup>5</sup> with respect to the types of information self-regulatory organizations (“SROs”) should provide when filing fee changes, and Section 6(b) of the Act,<sup>6</sup> which requires, among other things, that exchange fees be reasonable and equitably allocated,<sup>7</sup> not designed to permit unfair discrimination,<sup>8</sup> and that they not impose a burden on competition not necessary or appropriate in furtherance of the purposes of the Act.<sup>9</sup> This rule change proposal addresses those requirements, and the analysis and data in each of the sections that follow are designed to clearly and comprehensively show how they are met.<sup>10</sup>

#### Cost Analysis

The Exchange notes it operates a unique model where the LTSE trading system and services are provided on an outsourced basis by MEMX Technologies LLC.<sup>11</sup> As such, most of the Exchange’s technology costs, including those related to Connectivity, are incorporated into the overall fees that the Exchange pays MEMX Technologies as part of its multi-year arrangement to provide a trading system and associated services. Because of this arrangement, the Exchange does not possess the same level of specificity for cost drivers related to Connectivity as other exchanges have detailed within their own similar filings. However, the Exchange recognizes that the costs associated with building out and maintaining a state-of-the-art network infrastructure for LTSE were extensive and in line with the costs that MEMX LLC, an exchange that also uses the trading system and associated services of MEMX Technologies, outlined in its

own filing establishing connectivity fees for Members and Non-Members.<sup>12</sup> These include costs associated with maintaining and expanding a team of highly-skilled network engineers, fees charged by the third-party data center operator, costs associated with projects and initiatives designed to improve overall network performance and stability, and costs associated with fully-supporting advances in infrastructure and expansion of network level services, including customer monitoring, alerting and reporting. There are also significant technology expenses related to establishing and maintaining Information Security services, enhanced network monitoring and customer reporting, as well as Regulation SCI mandated processes, associated with the MEMX Technologies network technology. Because of this structure, the Exchange is unable to separate out its expense by connectivity alternative, as all connectivity alternatives are intricately combined in its DLSA with MEMX Technologies.

Further, while the Exchange has been operating since September 2020, it only entered the DLSA with MEMX Technologies LLC in January of this year and launched the new trading system in September 2024. Therefore, the Exchange’s most recent publicly available financial statement (2023 Audited Unconsolidated Financial Statement) is not an accurate reflection of the total annual costs associated with the development and operation of Connectivity on LTSE. Accordingly, the Exchange believes it is more appropriate to justify its fees using cost figures that are isolated specifically for LTSE on an annualized basis, and utilizing a recent monthly billing cycle and extrapolated annualized costs on a going-forward basis.

LTSE recently calculated its aggregate monthly costs for providing Connectivity to the Exchange at \$193,637 beginning October 1, 2024. Because LTSE offered all connectivity free of charge from its launch in September 2020 until October of this year, LTSE has borne 100% of all connectivity costs. Now, in order to cover some of the aggregate costs of providing connectivity to market participants (both Members and non-Members)<sup>13</sup> the Exchange is proposing

to modify its Fee Schedule and charge the Connectivity fees detailed above.

In order to determine the Exchange’s costs for providing the services associated with the Connectivity Fees, the Exchange conducted an extensive review in which the Exchange analyzed every expense item in the Exchange’s general expense ledger to determine whether each such expense relates to the services associated with the Connectivity Fees, and, if such expense did so relate, what portion (or percentage) of such expense actually supports those services. The sum of all such portions of expenses represents the total cost of the Exchange to provide the services associated with the Connectivity Fees. For the avoidance of doubt, no expense amount was allocated twice. The Exchange is also providing detailed information regarding the Exchange’s cost allocation methodology—namely, information that explains the Exchange’s rationale for determining that it was reasonable to allocate certain expenses described in this filing towards the total cost to the Exchange to provide Connectivity.

The Exchange believes that the Connectivity Fees are fair and reasonable because they will not result in excessive pricing or supra-competitive profit, when comparing the total annual expense that the Exchange projects to incur in connection with providing the services associated with the proposed Connectivity Fees versus the total annual revenue of the Exchange projects to collect in connection with providing those services. For 2024, the total annual expense for providing the services associated with the Connectivity Fees is projected to be approximately \$4.5 million. The \$4.5 million in expense includes expenses associated with providing all ports and all connectivity alternatives.

#### Costs Related to Offering Connectivity

The following chart details the individual line-item costs considered by LTSE to be related to offering connectivity as well as the percentage of the Exchange’s overall costs per year such costs represent for such area (e.g., as set forth below, the Exchange allocated approximately 10% of its overall Human Resources cost to offering connectivity).

Cost drivers	Yearly costs	% of all
Third-Party Expenses ...	\$3,228,630	32
Human Resources .....	1,120,500	10

Members. Extranets offer physical connectivity services to Members and non-Members.

<sup>4</sup> 15 U.S.C. 78s(b)(1).

<sup>5</sup> 17 CFR 240.19b–4.

<sup>6</sup> 15 U.S.C. 78f(b).

<sup>7</sup> 15 U.S.C. 78f(b)(4).

<sup>8</sup> 15 U.S.C. 78(b)(5).

<sup>9</sup> 15 U.S.C. 78f(b)(8).

<sup>10</sup> In 2019, Commission staff published guidance suggesting the types of information that SROs may use to demonstrate that their fee filings comply with the standards of the Exchange Act (“Fee Guidance”). While LTSE understands that the Fee Guidance does not create new legal obligations on SROs, the Fee Guidance is consistent with LTSE’s view about the type and level of transparency that exchanges should meet to demonstrate compliance with their existing obligations when they seek to charge new fees. See Staff Guidance on SRO Rule Filings Relating to Fees (May 21, 2019).

<sup>11</sup> The Exchange and MEMX Technologies executed a Development, License and Services Agreement on January 23, 2024, with accompanying Schedules (collectively, the “DLSA”). MEMX Technologies, an affiliate of the MEMX Exchange, is in the business of developing technology systems for use in the financial industry. See SR-LTSE–2024–03.

<sup>12</sup> See SR–MEMX–2022–26.

<sup>13</sup> Types of market participants that obtain connectivity services from the Exchange but are not Members include service bureaus and extranets. Service bureaus offer technology-based services to other companies for a fee, including order entry services to Members, and thus, may access application sessions on behalf of one or more

Cost drivers	Yearly costs	% of all
Data Center .....	158,040	30
Total .....	4,507,170	.....

Below are additional details regarding each of the line-item costs considered by LTSE to be related to offering connectivity.

#### Third-Party Expenses

As discussed above, LTSE has undertaken a unique model where it has outsourced its technology to a third-party technology provider. As such the costs associated with connectivity for this provider include (1) costs for the technology used to complete connections to the Exchange and to connect to external markets, (2) costs the third-party provider incurs to provide physical connectivity in the data centers where it maintains its equipment—such as dedicated space, security services, cooling and power, (3) charges from the third-party provider for use of physical ports and logical ports, and (3) depreciation of physical assets and software, which also includes assets used for testing and monitoring of infrastructure.

#### Human Resources

For personnel costs (Human Resources), LTSE calculated an allocation of LTSE employee time for employees whose functions include providing and maintaining connectivity and performance thereof (technical operations personnel, market operations personnel, and software engineering personnel). The Exchange also allocated Human Resources costs to provide connectivity to a limited subset of personnel with ancillary functions related to establishing and maintaining such connectivity (such as information security and finance personnel), for which the Exchange allocated cost on an employee-by-employee basis (*i.e.*, only including those personnel who do support functions related to providing connectivity) and then applied a smaller allocation to such employees. The Exchange notes that it has fewer than fifty (50) employees and each department leader has direct knowledge of the time spent by each employee with respect to the various tasks necessary to operate the Exchange. The estimates of Human Resources cost were therefore determined by consulting with such department leaders, determining which employees are involved in tasks related to providing connectivity, and confirming that the proposed allocations were reasonable based on an

understanding of the percentage of their time such employees devote to tasks related to providing connectivity. The Exchange notes that senior level executives were only allocated Human Resources costs to the extent the Exchange believed they are involved in overseeing tasks related to providing connectivity. The Human Resources cost was calculated using a blended rate of compensation reflecting salary, equity and bonus compensation, benefits, payroll taxes, and 401(k) matching contributions.

#### Data Center

Data Center costs include an allocation of the costs the Exchange incurs to monitor its trading platform in third-party data centers where it maintains its equipment as well as related costs (the Exchange does not own the Primary Data Center or the Secondary Data Center, but instead, leases space in data centers operated by third parties).

#### Physical Connectivity Fees

LTSE offers its Members the ability to connect to the Exchange in order to transmit orders to and receive information from the Exchange. Members can also choose to connect to LTSE indirectly through physical connectivity maintained by a third-party extranet. Extranet physical connections may provide access to one or multiple Members on a single connection. Users of LTSE physical connectivity services (both Members and non-Members) seeking to establish one or more connections with the Exchange submit a request directly to Exchange personnel. Upon receipt of the completed instructions, LTSE establishes the physical connections requested by the User. The number of physical connections assigned to each User as of September 30, 2024, ranges from one to three, depending on the scope and scale of the Member's trading activity on the Exchange as determined by the Member, including the Member's determination of the need for redundant connectivity. The Exchange notes that 58% of its Members do not maintain a physical connection directly with the Exchange in the Primary Data Center (though many such Members have connectivity through a third-party provider) and another 41% have either one or two physical connections to the Exchange in the Primary Data Center.

As described above, to cover the aggregate costs of providing physical connectivity to Users and make a modest profit, as described below, the Exchange is proposing to charge a fee of \$5,500 per month for each physical

connection in the Primary Data Center and a fee of \$2,750 per month for each physical connection in the Disaster Recovery Data Center and Test Environment. There is no requirement that any Member maintain a specific number of physical connections and a Member may choose to maintain as many or as few of such connections as each Member deems appropriate. The Exchange notes, however, that pursuant to Rule 2.250 (Mandatory Participation in Testing of Backup Systems), the Exchange does require a small number of Members to connect and participate in functional and performance testing as announced by the Exchange, which occurs at least once every 12 months. Specifically, Members that have been determined by the Exchange to contribute a meaningful percentage of the Exchange's overall volume must participate in mandatory testing of the Exchange's backup systems (*i.e.*, such Members must connect to the Disaster Recovery Data Center). The Exchange notes that Members that have been designated are still able to use third-party providers of connectivity to access the Exchange at its Disaster Recovery Data Center, and that four of the designated Members use a third-party provider instead of connecting directly to the Disaster Recovery Data Center through connectivity provided by the Exchange. Nonetheless, because some Members are required to connect to the Disaster Recovery Data Center pursuant to Rule 2.250 and to encourage Exchange Members to connect to the Disaster Recovery Data Center generally, the Exchange has proposed to charge one-half of the fee for a physical connection in the Primary Data Center. The Exchange believes that charging a higher fee for physical connections at the Disaster Recovery Data Center would be inconsistent with its objective of encouraging Members to connect at such data center and is inconsistent with the fees charged by other exchanges, which also provide connectivity for disaster recovery purposes at a discounted rate.

The proposed fee will not apply differently based upon the size or type of the market participant, but rather based upon the number of physical connections a User requests, based upon factors deemed relevant by each User (either a Member, service bureau or extranet). The Exchange believes these factors include the costs to maintain connectivity, business model and choices. The proposed fee of \$5,500 per month for physical connections at the Primary Data Center is designed to permit the Exchange to cover a portion

of costs allocated to providing connectivity services, which would also help fund future expenditures (increased costs, improvements, etc.). The Exchange believes it is appropriate to charge fees that represent a reasonable markup over cost given the other factors discussed above and the need for the Exchange to maintain a highly performant and stable platform to allow Members to transact with determinism. The Exchange also reiterates that the Exchange did not charge any fees for connectivity services prior to October 2024, and its allocation of costs to physical connections was part of a holistic allocation that also allocated costs to other core services without double-counting any expenses. As noted above, the Exchange proposes a discounted rate of \$2,750 per month for physical connections at its Disaster Recovery Center and Test Environment. The Exchange has proposed this discounted rate for Disaster Recovery Center and Test Environment connectivity in order to encourage Members to establish and maintain such connections. Also, as noted above, a small number of Members are required pursuant to Rule 2.4 to connect and participate in testing of the Exchange's backup systems, and the Exchange believes it is appropriate to provide a discounted rate for physical connections at the Disaster Recovery Center given this requirement. The Exchange notes that this rate is well below the cost of providing such services and the Exchange will operate its network and systems at the Disaster Recovery Center without recouping the full amount of such cost through connectivity services.

#### Logical Connectivity Fees

Similar to other exchanges, LTSE offers its Members application sessions, also known as logical ports, for order entry and receipt of trade execution reports and order messages. Members can also choose to connect to LTSE indirectly through a session maintained by a third-party service bureau. Service bureau sessions may provide access to one or multiple Members on a single session. Users of LTSE connectivity services (both Members and non-Members) seeking to establish one or more application sessions with the Exchange shall submit a request to the Exchange via the LTSE User Portal or directly to Exchange personnel. Upon receipt of the completed instructions, LTSE assigns the User the number of sessions requested by the User. The number of sessions assigned to each User as of September 30, 2024, ranges from one (1) to more than 58 depending on the scope and scale of the Member's

trading activity on the Exchange (either through a direct connection or through a service bureau) as determined by the Member. For example, by using multiple sessions, Members can segregate order flow from different internal desks, business lines, or customers. The Exchange does not impose any minimum or maximum requirements for how many application sessions a Member or service bureau can maintain, and it is not proposing to impose any minimum or maximum session requirements for its Members or their service bureaus.

As described above, to cover the aggregate costs of providing application sessions to Users and to make a modest profit, as described below, the Exchange is proposing to charge a fee of \$450 per session per month. The Exchange notes that it is proposing to waive the fees for Members and Non-Members their first three sessions, so that market participants can have no cost to connect to the Disaster Recovery Center or a Test Environment port. The Exchange believes that providing three free sessions will encourage Members to connect to the Exchange's backup trading systems and to conduct appropriate testing of their use of the Exchange.

The proposed fee of \$450 per month for each Logical Connectivity session is designed to permit the Exchange to cover some of the costs allocated to providing application sessions, which would also help fund future expenditures (increased costs, improvements, etc.).

The proposed fee is also designed to encourage Users to be efficient with their application session usage, thereby resulting in a corresponding increase in the efficiency that the Exchange would be able to realize in managing its aggregate costs for providing connectivity services. There is no requirement that any Member maintain a specific number of application sessions and a Member may choose to maintain as many or as few of such ports as each Member deems appropriate. The platform has been designed such that Order Entry Ports can handle a significant amount of message traffic (*i.e.*, over 50,000 orders per second), and has no application flow control or order throttling. In contrast, other exchanges maintain certain thresholds that limit the amount of message traffic that a single logical port can handle.<sup>14</sup> As such, while

several Members maintain a relatively high number of ports because that is consistent with their usage on other exchanges and is preferable for their own reasons, the Exchange believes that it has designed a system capable of allowing such Members to significantly reduce the number of application sessions maintained.

The proposed fee will not apply differently based upon the size or type of the market participant, but rather based upon the number of application sessions a User requests, based upon factors deemed relevant by each User (either a Member or service bureau on behalf of a Member). The Exchange believes these factors include the costs to maintain connectivity and choices Members make in how to segment or allocate their order flow.

#### Proposed Fees—Additional Discussion

As discussed above, the proposed fees for connectivity services do not by design apply differently to different types or sizes of Members. As discussed in more detail in the Statutory Basis section, the Exchange believes that the likelihood of higher fees for certain Members subscribing to connectivity services usage than others is not unfairly discriminatory because it is based on objective differences in usage of connectivity services among different Members. The Exchange's incremental aggregate costs for all connectivity services are disproportionately related to Members with higher message traffic and/or Members with more complicated connections established with the Exchange, as such Members: (1) consume the most bandwidth and resources of the network; (2) transact the vast majority of the volume on the Exchange; and (3) require the high-touch network support services provided by the Exchange and its technology service provider, including network monitoring, reporting and support services, resulting in a much higher cost to the Exchange to provide such connectivity services. For these reasons, LTSE believes it is not unfairly discriminatory for the Members with higher message traffic and/or Members with more complicated connections to pay a higher share of the total connectivity services fees. While Members with a business model that results in higher relative inbound message activity or more complicated connections are projected to pay higher fees, the level of such fees is based solely on the number of physical connections and/or application sessions deemed necessary by the Member and not on the Member's business model or type of Member. The Exchange notes

<sup>14</sup> See, e.g., Cboe US Options BOE Specification, available at: [https://cdn.cboe.com/resources/membership/US\\_Options\\_BOE\\_Specification.pdf](https://cdn.cboe.com/resources/membership/US_Options_BOE_Specification.pdf) (describing a 5,000 message per second Port Order Rate Threshold on Cboe BOE ports).

that the correlation between message traffic and usage of connectivity services is not completely aligned because Members individually determine how many physical connections and application sessions to request, and Members may make different decisions on the appropriate ways based on facts unique to their individual businesses. Based on the Exchange's architecture, as described above, the Exchange believes that a Member even with high message traffic would be able to conduct business on the Exchange with a relatively small connectivity services footprint.

Finally, the fees for connectivity services will help to encourage connectivity services usage in a way that aligns with the Exchange's regulatory obligations. As a national securities exchange, the Exchange is subject to Regulation Systems Compliance and Integrity ("Reg SCI").<sup>15</sup> Reg SCI Rule 1001(a) requires that the Exchange establish, maintain, and enforce written policies and procedures reasonably designed to ensure (among other things) that its Reg SCI systems have levels of capacity adequate to maintain the Exchange's operational capability and promote the maintenance of fair and orderly markets.<sup>16</sup> By encouraging Users to be efficient with their usage of connectivity services, the proposed fee will support the Exchange's Reg SCI obligations in this regard by ensuring that unused application sessions are available to be allocated based on individual User needs and as the Exchange's overall order and trade volumes increase. Additionally, because the Exchange will charge a lower rate for a physical connection to the Disaster Recovery Center and Test Environment and will waive the first three logical connectivity sessions each month, the proposed fee structure will further support the Exchange's Reg SCI compliance by reducing the potential impact of a disruption should the Exchange be required to switch to its Disaster Recovery Facility and encouraging Members to engage in any necessary system testing with low or no cost imposed by the Exchange.<sup>17</sup>

## 2. Statutory Basis

The Exchange believes that the proposed fees for connectivity services to LTSE are reasonable, equitable and not unfairly discriminatory because, as described above, the proposed pricing for connectivity services is directly related to the relative costs to the Exchange to provide those respective services and does not impose a barrier to entry to smaller participants.

The Exchange recognizes that there are various business models and varying sizes of market participants conducting business on the Exchange. The Exchange's incremental aggregate costs for all connectivity services are disproportionately related to Members with higher message traffic and/or Members with more complicated connections established with the Exchange, as such Members: (1) consume the most bandwidth and resources of the network; (2) transact the vast majority of the volume on the Exchange; and (3) require the high-touch network support services provided by the Exchange and its staff, including network monitoring, reporting and support services, resulting in a much higher cost to the Exchange to provide such connectivity services. Accordingly, the Exchange believes the allocation of the proposed fees that increase based on the number of physical connections or application sessions is reasonable based on the resources consumed by the respective type of market participant (*i.e.*, lowest resource consuming Members will pay the least, and highest resource consuming Members will pay the most), particularly since higher resource consumption translates directly to higher costs to the Exchange.

With regard to reasonableness, the Exchange understands that when appropriate given the context of a proposal the Commission has taken a market-based approach to examine whether the SRO making the proposal was subject to significant competitive forces in setting the terms of the proposal. In looking at this question, the Commission considers whether the SRO has demonstrated in its filing that: (i) there are reasonable substitutes for the product or service; (ii) "platform" competition constrains the ability to set the fee; and/or (iii) revenue and cost analysis shows the fee would not result in the SRO taking supra-competitive profits. If the SRO demonstrates that the fee is subject to significant competitive forces, the Commission will next

consider whether there is any substantial countervailing basis to suggest the fee's terms fail to meet one or more standards under the Exchange Act. If the filing fails to demonstrate that the fee is constrained by competitive forces, the SRO must provide a substantial basis, other than competition, to show that it is consistent with the Exchange Act, which may include production of relevant revenue and cost data pertaining to the product or service.

LTSE believes the proposed fees for connectivity services are fair and reasonable as a form of cost recovery for the Exchange's aggregate costs of offering connectivity services to Members and non-Members. The proposed fees are expected to generate monthly revenue of approximately \$120,000<sup>18</sup> providing cost recovery to the Exchange for the aggregate costs of offering connectivity services, based on a methodology that narrowly limits the cost drivers that are allocated to those closely and directly related to the particular service. In addition, this revenue will allow the Exchange to continue to offer, to enhance, and to continually refresh its infrastructure as necessary to offer a state-of-the-art trading platform. The Exchange believes that, consistent with the Act, it is appropriate to charge fees that represent a reasonable markup over cost given the other factors discussed above. The Exchange also believes the proposed fee is a reasonable means of encouraging Users to be efficient in the connectivity services they reserve for use, with the benefits to overall system efficiency to the extent Members and non-Members consolidate their usage of connectivity services or discontinue subscriptions to unused physical connectivity.

The Exchange further believes that the proposed fees, as they pertain to purchasers of each type of connectivity alternative, constitute an equitable allocation of reasonable fees charged to the Exchange's Members and non-Members and are allocated fairly amongst the types of market participants using the facilities of the Exchange.

As described above, the Exchange believes the proposed fees are equitably allocated because the Exchange's incremental aggregate costs for all connectivity services are disproportionately related to Members with higher message traffic and/or Members with more complicated connections established with the Exchange, as such Members: (1)

<sup>15</sup> 17 CFR 242.1000–1007.

<sup>16</sup> 17 CFR 242.1001(a).

<sup>17</sup> While some Members might directly connect to the Disaster Recovery Center and incur the proposed \$2,750 per month fee, there are other ways to connect to the Exchange, such as through a service bureau or extranet, and because the Exchange is waiving fees for the first three logical connectivity sessions, a Member connecting through another method would not incur any fees charged directly by the Exchange. However, the Exchange notes that a third-party service provider providing connectivity to the Exchange likely

would charge a fee for providing such connectivity; such fees are not set by or shared in by the Exchange.

<sup>18</sup> As stated above, the Exchange launched its new trading platform on September 23, 2024. This expected revenue is based on a model for Q4 2024.

consume the most bandwidth and resources of the network; (2) transact the vast majority of the volume on the Exchange; and (3) require the high-touch network support services provided by the Exchange and its staff, including network monitoring, reporting and support services, resulting in a much higher cost to the Exchange to provide such connectivity services.

Commission staff previously noted that the generation of supra-competitive profits is one of several potential factors in considering whether an exchange's proposed fees are consistent with the Act.<sup>19</sup> As described in the Fee Guidance, the term "supra-competitive profits" refers to profits that exceed the profits that can be obtained in a competitive market. The proposed fee structure would not result in excessive pricing or supra-competitive profits for the Exchange. The proposed fee structure is merely designed to permit the Exchange to cover some of the costs allocated to providing connectivity services, which would also help fund future expenditures (increased costs, improvements, etc.). While the Fee Guidance did not establish a guideline as to what constitutes supra-competitive pricing through analyzing margin (nor does the Exchange believe it should have), the Exchange does not believe that it would be reasonable to consider the aforementioned margins to constitute supra-competitive pricing. Of course, should the Exchange find opportunities to dramatically reduce costs or increase revenues such that it believes the cost it is charging for physical connections or applications sessions is inconsistent with the cost of providing such connectivity or resulting in unreasonable margin, the Exchange will seek to lower its fees in order to pass savings on to its constituents. Thus, the Exchange believes that its proposed pricing for Connectivity Fees is fair, reasonable, and equitable. Further, the Exchange notes that certain of its competitors have connectivity fees that were approved without the presentation of a cost-based analysis, but it is reasonable to assume that certain of those competitors with significantly higher fees also operate with significantly higher profit margins. Accordingly, the Exchange believes that its proposal is consistent with Section 6(b)(4) of the Act because the proposed fees will permit recovery of the Exchange's costs and will not result in excessive pricing or supra-competitive profit.

The proposed fees for connectivity services will allow the Exchange to

cover certain costs incurred by the Exchange's technology provider associated with providing and maintaining necessary hardware and other network infrastructure as well as network monitoring and support services; without such hardware, infrastructure, monitoring and support the Exchange would be unable to offer the connectivity services. The Exchange routinely works with its technology provider to improve the performance of the network's hardware and software. The costs associated with maintaining and enhancing a state-of-the-art exchange network is a significant portion of the overall expense of the technology provider's services, and thus the Exchange believes that it is reasonable and appropriate to help offset those costs by adopting fees for connectivity services. The Exchange's Cost Analysis estimates the monthly costs to provide connectivity services at \$375,597. Based on current connectivity services usage, the Exchange would generate monthly revenues for the rest of 2024 of approximately \$120,000. Even if the Exchange earns that amount or incrementally more, the Exchange believes the proposed fees for connectivity services are fair and reasonable because they will not result in excessive pricing or supra-competitive profit, when comparing the total expense of LTSE associated with providing connectivity services versus the total projected revenue of the Exchange associated with network connectivity services.

The Exchange notes that other exchanges offer similar connectivity options to market participants and that the Exchange's fees are a discount as compared to the majority of such fees.<sup>20</sup> With respect to physical connections, MIAX Options ("MIAX"), MIAX Pearl, LLC ("MIAX Pearl"), MIAX Emerald, LLC ("MIAX Emerald"), each of the Nasdaq Stock Market LLC ("Nasdaq") options exchanges,<sup>21</sup> NYSE American Options ("NYSE American"), NYSE Arca Options ("NYSE Arca"), Cboe

Exchange, Inc. ("Cboe Options"), Cboe BZX Options ("BZX Options"), and Cboe EDGX Options ("EDGX Options") charge between \$7,000–\$22,750 per month for physical connectivity at their primary data centers that is comparable to that offered by the Exchange.<sup>22</sup> Nasdaq, NYSE American and NYSE Arca also charge installation fees, which are not proposed to be charged by the Exchange. With respect to application sessions, BX, PHLX, GEMX, MRX, BOX Options ("BOX"), Cboe Options, BZX Options and EDGX charge between \$500–\$800 per month for order entry and drop ports.<sup>23</sup> The Exchange further notes that several of these exchanges each charge for other logical ports that the Exchange will continue to provide for free, such as application sessions for testing and disaster recovery purposes.<sup>24</sup> While the Exchange's proposed Options Connectivity Fees are lower than certain of the fees charged by the Nasdaq options exchanges, MIAX Options, MIAX Pearl, MIAX Emerald, NYSE American, NYSE Arca, BOX, Cboe, BZX and EDGX, MEMX believes that it offers significant value to Members over these other exchanges in terms of bandwidth available over such connectivity services, which the Exchange believes is a competitive advantage, and differentiates its connectivity versus connectivity to other exchanges.<sup>25</sup> Additionally, the

<sup>22</sup> See the MIAX fee schedule, available at: [http://www.miaxglobal.com/sites/default/files/fee\\_schedule-files/MIAX\\_Pearl\\_Options\\_Options\\_Fee\\_Schedule\\_09122023.pdf](http://www.miaxglobal.com/sites/default/files/fee_schedule-files/MIAX_Pearl_Options_Options_Fee_Schedule_09122023.pdf); the MIAX Emerald fee schedule, available at: [https://www.miaxglobal.com/sites/default/files/fee\\_schedule-files/MIAX\\_Pearl\\_Options\\_Options\\_Fee\\_Schedule\\_10122023\\_3.pdf](https://www.miaxglobal.com/sites/default/files/fee_schedule-files/MIAX_Pearl_Options_Options_Fee_Schedule_10122023_3.pdf); the Nasdaq Options markets fee schedule, at <http://www.nasdaqtrader.com/trader.aspx?id=pricelisttrading2>; the NYSE Connectivity fee schedule, at: [https://www.nyse.com/publicdocs/wireless\\_Connectivity\\_Fees\\_and\\_Charges.pdf](https://www.nyse.com/publicdocs/wireless_Connectivity_Fees_and_Charges.pdf); the Cboe fee schedule, available at: [https://cboe.com/us/options/membership/fee\\_schedule/bzx/](https://cboe.com/us/options/membership/fee_schedule/bzx/); the EDGX Options fee schedule, at: [https://cboe.com/us/options/membership/fee\\_schedule/edgx/](https://cboe.com/us/options/membership/fee_schedule/edgx/), and the BOX Options fee schedule, available at: <https://boxoptions.com/fee-schedule/>. This range is based on a review of the fees charged for 10–40Gb connections at each of these exchanges and relates solely to the physical port fee or connection charge, excluding co-location fees and other fees assessed by these exchanges. The Exchange notes that it does not offer physical connections with lower bandwidth than 10Gb and that Members and non-members with lower bandwidth than 10Gb and that Members and non-members with lower bandwidth requirements typically access the Exchange through third-party extranets or service bureaus.

<sup>23</sup> See *id.*

<sup>24</sup> See *id.*

<sup>25</sup> As noted above, all physical connections offered by LTSE are at least 10Gb capable and physical connections provided with larger bandwidth capabilities will be provided at the same rate as such connections. The Exchange also reiterates that LTSE application sessions are capable of handling significant amount of message

<sup>20</sup> One significant differentiation between the Exchanges is that while it offers different types of physical connections, including 10Gb, 25Gb, 40Gb, and 100Gb connections, the Exchange does not propose to charge different prices for such connections. In contrast, most of the Exchange's competitors provide scaled pricing that increases depending on the size of the physical connection. The Exchange does not believe that its costs increase incrementally based on the size of a physical connection but instead, that individual connections and the number of such separate and disparate connections are the primary drivers of cost for the Exchange.

<sup>21</sup> Including Nasdaq PHLX ("PHLX"), Nasdaq Options Market ("NOM"), Nasdaq BX Options ("BX"), Nasdaq ISE ("ISE"), Nasdaq GEMX ("GEMX"), and Nasdaq MRX ("MRX").

<sup>19</sup> See Fee Guidance, *supra* note 13.

Exchange's proposed Connectivity Fees to its disaster recovery facility are within the range of the fees charged by other exchanges for similar connectivity alternatives.<sup>26</sup>

In conclusion, the Exchange submits that its proposed fee structure satisfies the requirements of Sections 6(b)(4) and 6(b)(5) of the Act<sup>27</sup> for the reasons discussed above in that it provides for the equitable allocation of reasonable dues, fees and other charges among its Members and other persons using its facilities, does not permit unfair discrimination between customers, issuers, brokers, or dealers, and is designed to promote just and equitable principles of trade, 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, particularly as the proposal neither targets nor will it have a disparate impact on any particular category of market participant.

#### *B. Self-Regulatory Organization's Statement on Burden on Competition*

In accordance with Section 6(b)(8) of the Act,<sup>28</sup> the Exchange does not believe that the proposed rule change would impose any burden on competition that is not necessary or appropriate in furtherance of the purposes of the Act.

#### *Intramarket Competition*

The Exchange does not believe that the proposed rule change to apply Connectivity Fees to Users would place certain market participants at the Exchange at a relative disadvantage compared to other market participants because the proposed connectivity pricing is associated with relative usage of the Exchange by each market participant and does not impose a barrier to entry to smaller participants. The Exchange believes its proposed pricing is reasonable and lower than what other exchanges charge and, when coupled with the availability of third-party providers that also offer connectivity solutions, that participation on the Exchange is affordable for all market participants, including smaller trading firms. Therefore, the fees may stimulate intramarket competition by attracting additional firms to become Members of LTSE. As described above, the connectivity services purchased by

market participants typically increase based on their additional message traffic and/or the complexity of their operations. The market participants that utilize more connectivity services typically utilize the most bandwidth, and those are the participants that consume the most resources from the network. Accordingly, the proposed fees for connectivity services do not favor certain categories of market participants in a manner that would impose a burden on competition; rather, the allocation of the proposed Connectivity Fees reflects the network resources consumed by the various size of market participants and the costs to the Exchange of providing such connectivity services.

As it relates to the reorganization of the fee schedule, as discussed above, the Exchange does not believe that the proposed change would impose any burden on competition because such change serves to create an easier to read fee schedule to avoid any Member confusion.

#### *Intermarket Competition*

The Exchange does not believe the proposed fees for Connectivity to LTSE places an undue burden on competition on other SROs that is not necessary or appropriate. Additionally, other exchanges have similar connectivity alternatives for their participants, but with higher rates to connect.<sup>29</sup> The Exchange is also unaware of any assertion that the proposed fees for connectivity services would somehow unduly impair its competition with other exchanges. As a participant in an already highly competitive environment for equity trading, LTSE does not have the market power necessary to set prices for services that are unreasonable or unfairly discriminatory in violation of the Exchange Act. In sum, LTSE's proposed Connectivity Fees for Members are comparable to and generally lower than fees charged by other exchanges for the same or similar services.

#### *C. Self-Regulatory Organization's Statement on Comments on the Proposed Rule Change Received From Members, Participants, or Others*

The Exchange neither solicited nor received comments on the proposed rule change.

#### **III. Date of Effectiveness of the Proposed Rule Change and Timing for Commission Action**

This proposed rule change establishes dues, fees or other charges among its

members and, as such, may take effect upon filing with the Commission pursuant to Section 19(b)(3)(A)(ii) of the Act<sup>30</sup> and paragraph (f)(2) of Rule 19b-4 thereunder.<sup>31</sup> Accordingly, the proposed rule change would take effect upon filing with the Commission.

At any time within 60 days of the filing of the proposed rule change, the Commission summarily may temporarily suspend the rule change if it appears to the Commission that the action is necessary or appropriate in the public interest, for the protection of investors, or would otherwise further the purposes of the Act. If the Commission takes such action, the Commission shall institute proceedings to determine whether the proposed rule should be approved or disapproved.

#### **IV. Solicitation of Comments**

Interested persons are invited to submit written data, views, and arguments concerning the foregoing, including whether the proposed rule change is consistent with the Act. Comments may be submitted by any of the following methods:

##### *Electronic Comments*

- Use the Commission's internet comment form (<https://www.sec.gov/rules/sro.shtml>); or
- Send an email to [rule-comments@sec.gov](mailto:rule-comments@sec.gov). Please include file number SR-LTSE-2024-07 on the subject line.

##### *Paper Comments*

- Send paper comments in triplicate to Secretary, Securities and Exchange Commission, 100 F Street NE, Washington, DC 20549-1090.

All submissions should refer to file number SR-LTSE-2024-07. 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

traffic (i.e., over 50,000 orders per second), and have no application flow control or order throttling, in contrast to competitors that have imposed message rate thresholds.

<sup>26</sup> See *supra* note 22.

<sup>27</sup> 15 U.S.C. 78f(b)(4) and (5).

<sup>28</sup> 15 U.S.C. 78f(b)(8).

<sup>29</sup> See *supra* notes 21-24 and accompanying text.

<sup>30</sup> 15 U.S.C. 78s(b)(3)(A)(ii).

<sup>31</sup> 17 CFR 240.19b-4(f)(2).

Reference Room, 100 F Street NE, Washington, DC 20549, on official business days between the hours of 10 a.m. and 3 p.m. Copies of the filing also will be available for inspection and copying at the principal office of the Exchange. Do not include personal identifiable information in submissions; you should submit only information that you wish to make available publicly. We may redact in part or withhold entirely from publication submitted material that is obscene or subject to copyright protection. All submissions should refer to file number SR-LTSE-2024-07 and should be submitted on or before November 7, 2024.

For the Commission, by the Division of Trading and Markets, pursuant to delegated authority.<sup>32</sup>

**Sherry R. Haywood,**  
Assistant Secretary.

[FR Doc. 2024-23981 Filed 10-16-24; 8:45 am]

BILLING CODE 8011-01-P

## SECURITIES AND EXCHANGE COMMISSION

[Release No. 34-101306; File No. SR-NYSE-2024-48]

### Self-Regulatory Organizations; New York Stock Exchange LLC; Notice of Filing of Proposed Rule Change To Amend Section 802.01C of the NYSE Listed Company Manual (Price Criteria for Capital or Common Stock) To Limit the Use of Reverse Stock Splits To Regain Compliance With the Price Criteria in Certain Circumstances

October 10, 2024.

Pursuant to Section 19(b)(1)<sup>1</sup> of the Securities Exchange Act of 1934 (“Act”)<sup>2</sup> and Rule 19b-4 thereunder,<sup>3</sup> notice is hereby given that on September 30, 2024, New York Stock Exchange LLC (“NYSE” or the “Exchange”) filed with the Securities and Exchange Commission (“Commission”) the proposed rule change as described in Items I, II, and III below, which Items have been prepared by the 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 802.01C (“Price Criteria for Capital or Common Stock”) of the NYSE Listed Company Manual to modify the implications of a reverse stock split for an issuer that falls below compliance with the price criteria set forth in that rule. The proposed rule change is available on the Exchange’s website at [www.nyse.com](http://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 802.01C (“Price Criteria for Capital or Common Stock”) of the NYSE Listed Company Manual (the “Manual”) provides that a listed company will be considered to be below compliance standards if the average closing price of a security as reported on the consolidated tape is less than \$1.00 over a consecutive 30 trading-day period (the “Price Criteria”). While the term “Price Criteria” is used as a defined term in Section 802.01C, the current rule does not actually provide a definition for the term. Consequently, the Exchange proposes to define the term in the rule using the definition set forth in the immediately preceding sentence.

Once notified that it has fallen below the Price Criteria, the company must bring its share price and average share price back above \$1.00 by six months following receipt of the notification. A company is not eligible to follow the procedures outlined in Sections 802.02 and 802.03 of the Manual with respect to this criteria. The company must, however, notify the Exchange, within 10 business days of receipt of the notification, of its intent to cure this deficiency or be subject to suspension

and delisting procedures as set forth in Section 804.00 of the Manual. The company can regain compliance at any time during the six-month cure period if on the last trading day of any calendar month during the cure period the company has a closing share price of at least \$1.00 and an average closing share price of at least \$1.00 over the 30 trading-day period ending on the last trading day of that month. In the event that at the expiration of the six-month cure period, both a \$1.00 closing share price on the last trading day of the cure period and a \$1.00 average closing share price over the 30 trading-day period ending on the last trading day of the cure period are not attained, the Exchange will commence suspension and delisting procedures as set forth in Section 804.00.

Notwithstanding the foregoing, if a company determines that, if necessary, it will cure the price condition by taking an action that will require approval of its shareholders, it must so inform the Exchange in the above referenced notification, must obtain the shareholder approval by no later than its next annual meeting, and must implement the action promptly thereafter. The company will be deemed to have regained compliance with the Price Criteria if the price promptly exceeds \$1.00 per share, and the price remains above the level for at least the following 30 trading days. The action taken by a company to cure its noncompliance with the Price Criteria that is subject to shareholder approval is generally a reverse stock split.

The Exchange proposes to amend Section 802.01C to limit the circumstances under which a listed company may utilize a reverse stock split to regain compliance with the Price Criteria. Specifically, the Exchange proposes that, notwithstanding the general ability of a company to utilize a reverse stock split as a mechanism for regaining compliance with the Price Criteria if a company’s security fails to meet the Price Criteria and (i) the company has effected a reverse stock split over the prior one-year period<sup>4</sup> or (ii) has effected one or more reverse stock splits over the prior two-year period with a cumulative ratio of 200 shares or more to one, then the company shall not be eligible for any compliance period specified in Section 802.01C and the Exchange will immediately commence suspension and delisting procedures with respect to such security

<sup>32</sup> 17 CFR 200.30-3(a)(12).

<sup>1</sup> 15 U.S.C. 78s(b)(1).

<sup>2</sup> 15 U.S.C. 78a.

<sup>3</sup> 17 CFR 240.19b-4.

<sup>4</sup> For the avoidance of doubt, the proposed rule would apply to a company even if the company was in compliance with the Price Criteria at the time of its prior reverse stock split.



in accordance with Section 804.00. Section 804.00 of the Manual provides that these companies can seek review of a delisting determination from the Committee for Review of the Board of Directors of the Exchange. Furthermore, the Exchange proposes that a listed company would not be allowed to effectuate a reverse stock split, for purposes of regaining compliance with the Price Criteria or otherwise, if the effectuation of such reverse stock split results in the company's security falling below the continued listing requirements of Section 802.01A. If a listed company effectuated a reverse stock split notwithstanding this proposed limitation, the Exchange would promptly commence suspension and delisting procedures with respect to such company in accordance with Section 804.00.

As described above, many companies seek to cure their noncompliance with the Price Criteria or seek to increase their stock price for other reasons by effectuating a reverse stock split. However, the Exchange has observed that some companies, typically those in financial distress or experiencing a prolonged operational downturn, engage in a pattern of repeated reverse stock splits. The Exchange believes that such behavior is often indicative of deep financial or operational distress within such companies rendering them inappropriate for trading on the Exchange for investor protection reasons. In these situations, the Exchange has observed that the challenges facing such companies, generally, are not temporary and may be so severe that the company is not likely to maintain or regain compliance on a sustained basis.

The Exchange believes that the restrictions set forth in this proposal on the excessive use of reverse splits as a means of maintaining or regaining compliance with the Price Criteria will protect investors by resulting in the delisting of companies whose history of recurring inability to maintain price compliance is indicative of their financial instability and unsuitability for continued listing.

## 2. Statutory Basis

The Exchange believes that the proposed rule change is consistent with Section 6(b) of the Act,<sup>5</sup> in general, and furthers the objectives of Section 6(b)(5) of the Act,<sup>6</sup> 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. The Exchange believes the proposal protects investors and the public interest by enhancing the Exchange's listing requirements and limiting the ability of listed companies with a history of having a low stock price to use reverse stock splits as a means to remain qualified for listing. In that regard, the Exchange has observed that the challenges facing such companies generally are not temporary and may be so severe that the company is not likely to remain compliant with the Price Criteria after curing non-compliance by means of a reverse stock split. Moreover, the price concerns with these companies can be a leading indicator of other listing compliance concerns, and these companies often become subject to delisting for other reasons within a short period of time.

The Exchange believes that it is consistent with the protection of investors and the public interest to delist any company that takes a deliberate action that causes it to fall below an Exchange listing standard, including as in the current proposal, the effectuation of a reverse split that causes a company to fall below a quantitative continued listing standard.

The Exchange believes that the adoption of the term "Price Criteria" as a defined term provides helpful clarification of the rule without making any substantive change to the rule text.

The Exchange believes the proposed rule change furthers the objectives of Section 6(b)(7) of the Act<sup>7</sup> in that the Exchange continues to provide a fair procedure for companies subject to these enhanced listing requirements. Section 804.00 of the Manual provides that these companies can seek review of a delisting determination from the Committee for Review of the Board of Directors of the Exchange. As a result, the Exchange believes that the proposed rule appropriately balances the need for appropriate listing standards with the statutory requirement to protect investors and the public interest.

## 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.<sup>8</sup> While the Exchange does not believe there will be any impact on competition from the proposed change, any impact on competition that does arise will be necessary to better protect investors, in furtherance of a central purpose of the Act.

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 protect investors and facilitate a fair and orderly market, which are both important purposes of the Act. To the extent that there is any impact on intermarket competition, it is incidental to these objectives.

The Exchange does not believe that the proposed rule change imposes a burden on intra-market competition because the provisions apply to all market participants and issuers on the Exchange equally.

## 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

<sup>5</sup> 15 U.S.C. 78f(b).

<sup>6</sup> 15 U.S.C. 78f(b)(5).

<sup>7</sup> 15 U.S.C. 78f(b)(7).

<sup>8</sup> 15 U.S.C. 78f(b)(8).



• Send an email to [rule-comments@sec.gov](mailto:rule-comments@sec.gov). Please include file number SR–NYSE–2024–48 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–2024–48. This file number should be included on the subject line if email is used. To help the Commission process and review your comments more efficiently, please use only one method. The Commission will post all comments on the Commission's internet website (<https://www.sec.gov/rules/sro.shtml>). Copies of the submission, all subsequent amendments, all written statements with respect to the proposed rule change that are filed with the Commission, and all written communications relating to the proposed rule change between the Commission and any person, other than those that may be withheld from the public in accordance with the provisions of 5 U.S.C. 552, will be available for website viewing and printing in the Commission's Public Reference Room, 100 F Street NE, Washington, DC 20549, on official business days between the hours of 10 a.m. and 3 p.m. Copies of the filing also will be available for inspection and copying at the principal office of the Exchange. Do not include personal identifiable information in submissions; you should submit only information that you wish to make available publicly. We may redact in part or withhold entirely from publication submitted material that is obscene or subject to copyright protection. All submissions should refer to file number SR–NYSE–2024–48 and should be submitted on or before November 7, 2024.

For the Commission, by the Division of Trading and Markets, pursuant to delegated authority.<sup>9</sup>

**Sherry R. Haywood,**

*Assistant Secretary.*

[FR Doc. 2024–23898 Filed 10–16–24; 8:45 am]

**BILLING CODE 8011–01–P**

## **SECURITIES AND EXCHANGE COMMISSION**

[Release No. 34–101303; File No. SR–CboeBYX–2024–036]

### **Self-Regulatory Organizations; Cboe BYX Exchange, Inc.; Notice of Filing and Immediate Effectiveness of a Proposed Rule Change To Amend Its Fees Schedule Regarding Dedicated Cores**

October 10, 2024.

Pursuant to Section 19(b)(1) of the Securities Exchange Act of 1934 (“Act”),<sup>1</sup> and Rule 19b–4 thereunder,<sup>2</sup> notice is hereby given that on September 30, 2024, Cboe BYX Exchange, Inc. (the “Exchange” or “BYX”) filed with the Securities and Exchange Commission (“Commission”) the proposed rule change as described in Items I, II, and III below, which Items have been prepared by the Exchange. The Commission is publishing this notice to solicit comments on the proposed rule change from interested persons.

#### **I. Self-Regulatory Organization's Statement of the Terms of Substance of the Proposed Rule Change**

Cboe BYX Exchange, Inc. (the “Exchange” or “BYX Equities”) proposes to amend its Fees Schedule. The text of the proposed rule change is provided in Exhibit 5.

The text of the proposed rule change is also available on the Exchange's website ([http://markets.cboe.com/us/equities/regulation/rule\\_filings/BYX/](http://markets.cboe.com/us/equities/regulation/rule_filings/BYX/)), at the Exchange's Office of the Secretary, and at the Commission's Public Reference Room.

#### **II. Self-Regulatory Organization's Statement of the Purpose of, and Statutory Basis for, the Proposed Rule Change**

In its filing with the Commission, the Exchange included statements concerning the purpose of and basis for the proposed rule change and discussed any comments it received on the proposed rule change. The text of these statements may be examined at the places specified in Item IV below. The Exchange has prepared summaries, set forth in sections A, B, and C below, of the most significant aspects of such statements.

#### *A. Self-Regulatory Organization's Statement of the Purpose of, and Statutory Basis for, the Proposed Rule Change*

##### **1. Purpose**

The Exchange proposes to amend its fee schedule to adopt fees for Dedicated Cores.<sup>3</sup>

By way of background, the Exchange recently began to allow Users<sup>4</sup> to assign a Single Binary Order Entry (“BOE”) logical order entry port<sup>5</sup> to a single dedicated Central Processing Unit (CPU Core) (“Dedicated Core”). Historically, CPU Cores had been shared by logical order entry ports (*i.e.*, multiple logical ports from multiple firms may connect to a single CPU Core). Use of Dedicated Cores however, can provide reduced latency, enhanced throughput, and improved performance since a firm using a Dedicated Core is utilizing the full processing power of a CPU Core instead of sharing that power with other firms. This offering is completely voluntary and is available to all Users that wish to purchase Dedicated Cores. Users may utilize BOE logical order entry ports on shared CPU Cores, either in lieu of, or in addition to, their use of Dedicated Core(s). As such, Users are able to operate across a mix of shared and dedicated CPU Cores which the Exchange believes provides additional risk and capacity management. Further, Dedicated Cores are not required nor necessary to participate on the Exchange and as such Users may opt not to use Dedicated Cores at all.

The Exchange proposes to assess the following monthly fees for Users that wish to use Dedicated Cores and adopt a maximum limit. First, the Exchange proposes to provide up to two Dedicated Cores to all Users who wish to use Dedicated Cores, at no additional cost.

<sup>3</sup> The Exchange initially adopted pricing for Dedicated Cores on May 6, 2024 (SR–CboeBYX–2024–014). On July 1, 2024, the Exchange withdrew that filing and submitted SR–CboeBYX–2024–024. On August 1, 2024, the Exchange withdrew that filing and submitted SR–CboeBYX–2024–028. On business date September 30, 2024, the Exchange withdrew that filing and submitted this filing.

<sup>4</sup> A User may be either a Member or Sponsored Participant. The term “Member” shall mean any registered broker or dealer that has been admitted to membership in the Exchange, limited liability company or other organization which is a registered broker or dealer pursuant to Section 15 of the Act, and which has been approved by the Exchange. A Sponsored Participant may be a Member or non-Member of the Exchange whose direct electronic access to the Exchange is authorized by a Sponsoring Member subject to certain conditions. See Exchange Rule 11.3.

<sup>5</sup> Users may currently connect to the Exchange using a logical port available through an application programming interface (“API”), such as the Binary Order Entry (“BOE”) protocol. A BOE logical order entry port is used for order entry.

<sup>1</sup> 15 U.S.C. 78s(b)(1).

<sup>2</sup> 17 CFR 240.19b–4.

<sup>9</sup> 17 CFR 200.30–3(a)(12).

For the use of more than two Dedicated Cores, the Exchange proposes to assess the following fees: \$650 per Dedicated Core for 3–10 Dedicated Cores; \$850 per Dedicated Core for 11–15 Dedicated Cores; and \$1,050 per Dedicated Core for 16 or more Dedicated Cores. The proposed fees are progressive and the Exchange proposes to include the following example in the Fees Schedule to provide clarity as to how the fees will be applied. Particularly, the Exchange will provide the following example: if a User were to purchase 11 Dedicated Cores, it will be charged a total of \$6,050 per month ( $\$0 * 2 + \$650 * 8 + \$850 * 1$ ). The Exchange also proposes to make clear in the Fees Schedule that the monthly fees are assessed and applied in their entirety and are not prorated. The Exchange notes the current standard fees assessed for BOE Logical Ports, whether used with Dedicated or shared CPU cores, will remain applicable and unchanged.<sup>6</sup>

Since the Exchange currently has a finite amount of physical space in its data centers in which its servers (and therefore corresponding CPU Cores) are located, the Exchange also proposes to prescribe a maximum limit on the number of Dedicated Cores that Users may purchase each month. The purpose of establishing these limits is to manage the allotment of Dedicated Cores in a fair manner and to prevent the Exchange from being required to expend large amounts of resources in order to provide an unlimited number of Dedicated Cores. The Exchange previously established a limit for Members of a maximum number of 60 Dedicated Cores and Sponsoring Members a limit of a maximum number of 25 Dedicated Cores for each of their Sponsored Access relationships.<sup>7</sup> The Exchange has since been able to procure additional servers with CPU Cores and also has a better understanding of User demand relative to its available space since the current maximum was adopted last month. As such, the Exchange proposes to increase that caps and provide that Members will be limited to a maximum number of 80 Dedicated Cores<sup>8</sup> and Sponsoring

Members will be limited to a maximum number of 35 Dedicated Cores for each of their Sponsored Access relationships.<sup>9</sup> The Exchange notes that it will continue monitoring Dedicated Core interest by all Users and allotment availability with the goal of increasing these limits to meet Users' needs if and when the demand is there and the Exchange is able to accommodate additional Dedicated Cores.

## 2. Statutory Basis

The Exchange believes the proposed rule change is consistent with the Securities Exchange Act of 1934 (the "Act") and the rules and regulations thereunder applicable to the Exchange and, in particular, the requirements of Section 6(b) of the Act.<sup>10</sup> Specifically, the Exchange believes the proposed rule change is consistent with the Section 6(b)(5)<sup>11</sup> requirements that the rules of an exchange be designed to prevent fraudulent and manipulative acts and practices, to promote just and equitable principles of trade, to foster cooperation and coordination with persons engaged in regulating, clearing, settling, processing information with respect to, and facilitating transactions in securities, to remove impediments to and perfect the mechanism of a free and open market and a national market system, and, in general, to protect investors and the public interest. Additionally, the Exchange believes the proposed rule change is consistent with the Section 6(b)(5)<sup>12</sup> requirement that the rules of an exchange not be designed to permit unfair discrimination between customers, issuers, brokers, or dealers. The Exchange also believes the

of a technology provider, or Service Bureau. One MPID may be allowed on several different Service Bureaus.

<sup>9</sup> The fee tier(s) applicable to Sponsoring Members are determined on a per Sponsored Access relationship basis and not on the combined total of Dedicated Cores across Sponsored Users. For example, under the proposed changes, a Sponsoring Member that has three Sponsored Access relationships is entitled to a total of 105 Dedicated Cores for those 3 Sponsored Access relationships but would be assessed fees separately based on the 35 Dedicated Cores for each Sponsored User (instead of combined total of 105 Dedicated Cores). For example, a Sponsoring Member with 3 Sponsored Access relationships would pay \$30,450 per month if each Sponsored Access relationship purchased the maximum 35 Dedicated Cores. More specifically, the Sponsoring Member would be provided 2 Dedicated Cores at no additional cost for each Sponsored User under Tier 1 (total of 6 Dedicated Cores at no additional cost) and provided an additional 8 Dedicated Cores at \$650 each for each Sponsored User, 5 Dedicated Cores at \$850 each for each Sponsored User and 20 Dedicated Cores at \$1,050 each for each Sponsored User (combined total of 99 additional Dedicated Cores).

<sup>10</sup> 15 U.S.C. 78f(b).

<sup>11</sup> 15 U.S.C. 78f(b)(5).

<sup>12</sup> *Id.*

proposed rule change is consistent with Section 6(b)(4)<sup>13</sup> of the Act, which requires that Exchange rules provide for the equitable allocation of reasonable dues, fees, and other charges among its Members and other persons using its facilities.

The Exchange believes the proposal is reasonable because the Exchange is offering any Users who wishes to utilize Dedicated Cores up to two Dedicated Cores at no additional cost. For example, of the Users that currently maintain Dedicated Cores, 38% maintain only 1 or 2 Dedicated Cores and therefore pay no additional fees. The Exchange believes the proposed fees are reasonable because Dedicated Cores provide a valuable service in that it can provide reduced latency, enhanced throughput, and improved performance compared to use of a shared CPU Core since a firm using a Dedicated Core is utilizing the full processing power of a CPU Core. The Exchange also emphasizes however, that the use of Dedicated Cores is not necessary for trading and as noted above, is entirely optional. Users can also continue to access the Exchange through shared CPU Cores at no additional cost. Indeed, 18% of the Exchange's Members currently use Dedicated Cores and as noted above, of those who do, 38% take only 1 or 2 Dedicated Cores at no additional cost. Depending on a firm's specific business needs, the proposal enables Users to choose to use Dedicated Cores in lieu of, or in addition to, shared CPU Cores (or as emphasized, not use Dedicated Cores at all). If a User finds little benefit in having Dedicated Cores based on its business model and trading strategies, or determines Dedicated Cores are not cost-efficient for its needs or does not provide sufficient value to the firm, such User may continue its use of the shared CPU Cores, unchanged. The Exchange also has no plans to eliminate shared CPU Cores nor to require Users to purchase Dedicated Cores.

The Exchange has seen general interest in Dedicated Cores from a variety of market participants, with varying size and business models. Such market participants include proprietary trading firms (who tend to be more latency sensitive), as well as sell-side market participants and buy-side market participants (who tend to be less latency sensitive). Further, Members have various reasons for obtaining Dedicated Cores. Some Members for example, may be seeking to further reduce latency, whereas others may use Dedicated Cores as a general risk mitigation by siloing

<sup>13</sup> 15 U.S.C. 78f(b)(4).

<sup>6</sup> The Exchange currently assesses \$550 per port per month. Port fees will also continue to be assessed on the first two Dedicated Cores that Users receive at no additional cost. See Cboe BYX Equities Fee Schedule.

<sup>7</sup> See Securities Exchange Act Release No. 100476 (July 9, 2024), 89 FR 57482 (July 15, 2024) (SR-CboeBYX-2024-024).

<sup>8</sup> The prescribed maximum quantity of Dedicated Cores for Members applies regardless of whether that Member purchases the Dedicated Cores directly from the Exchange and/or through a Service Bureau. In a Service Bureau relationship, a customer allows its MPID to be used on the ports

their respective activity. Of further note, only 50% of Members that are propriety trading firms (who again, generally tend to be more latency sensitive) utilize Dedicated Cores, and of that 50%, 25% are utilizing the 1 to 2 free Dedicated Cores available to all Users. The lack of universal, or even widespread, adoption by all such users therefore demonstrates that purchasing Dedicated Cores is not effectively a requirement to compete for any one type of market participant, including latency sensitive market participants. Instead, Dedicated Cores are an optional and voluntary connectivity offering, which market participants are free to choose whether or not to utilize based on whether they meet their unique business needs.

The Exchange also believes that the proposed Dedicated Core fees are equitable and not unfairly discriminatory because they continue to be assessed uniformly to similarly situated users in that all Users who choose to purchase Dedicated Cores will be subject to the same proposed tiered fee schedule. Moreover, all Users are entitled to up to 2 Dedicated Cores at no additional cost and as previously discussed, 38% of all Users that take Dedicated Cores (including both latency sensitive and non-latency sensitive Users) take only 1 or 2 Dedicated Cores at no additional cost. The Exchange believes the proposed ascending fee structure is also reasonable, equitable and not unfairly discriminatory as it is designed so that firms that use a higher allotment of the Exchange's finite number of Dedicated Cores pay higher rates, rather than placing that burden on market participants that have more modest needs who will have the flexibility of obtaining Dedicated Cores at lower price points in the lower tiers. As such, the proposed fees do not favor certain categories of market participants in a manner that would impose a burden on competition; rather, the ascending fee structure reflects the (finite) resources consumed by the various needs of market participants—that is, the lowest Dedicated Core consuming Users pay the least, and highest Dedicated Core consuming Users pay the most. Other exchanges similarly assess higher fees to those that consume more Exchange resources.<sup>14</sup> Moreover, those consuming more Dedicated Cores do so if they find a benefit in having higher quantities of Dedicated Cores based on their respective business needs. The proposed tier structure is also designed

to encourage firms to manage their needs in a fair manner and to prevent the Exchange from being required to expend large amounts of resources in order to provide an additional number of Dedicated Cores. Moreover, as discussed above and in more detail below, the Exchange cannot currently offer an unlimited number of Dedicated Cores due in part to physical space constraints in the third-party data center. The Exchange believes the proposed ascending fee structure is therefore another appropriate means, in conjunction with an established cap, to manage this finite resource and ensure the resource is apportioned more fairly.

The Exchange believes it is reasonable to limit the number of Dedicated Cores Users can purchase because the Exchange has a finite amount of space in its third-party data centers to accommodate CPU cores, including Dedicated Cores. The Exchange must also take into account timing and cost considerations in procuring additional Dedicated Cores and related hardware such as servers, switches, optics and cables, as well as the readiness of the Exchange's data center to accommodate additional Dedicated Cores in the Exchange's respective Order Handler Cabinets.<sup>15</sup> Moreover, procuring data center space has grown to be more challenging than it was five years ago with the increased demand for data center space. For example, the U.S. colocation data center market has doubled in size in just four years. In addition to the Exchange's rollout of Dedicated Cores, the Exchange is mindful of its other business areas and the need to continue to be mindful of its existing, external restraints in this area. The Exchange has, and will continue to, monitor market participant demand and space availability and endeavor to adjust the limit if and when the Exchange is able to acquire additional space and power within the third-party data centers and/or additional CPU Cores to accommodate additional Dedicated Cores.<sup>16</sup> The Exchange monitors its capacity and data center space and thus is in the best place to determine these limits and modify them as appropriate in response to changes to this capacity and space, as well as market demand. Indeed, the Exchange has already increased the prescribed maximum since the launch of Dedicated Cores on May 6, 2024 as a result of evaluating the demand relative to

Dedicated Cores availability.<sup>17</sup> As another example, the Exchange's affiliate Cboe EDGA Exchange, Inc. has increased the prescribed maximum limit three times since the launch of Dedicated Cores on its exchange on February 26, 2024 as a result of evaluating the demand relative to Dedicated Cores availability.<sup>18</sup> The proposed increased limits continue to apply uniformly to similarly situated market participants (*i.e.*, all Members are subject to the same limit and all Sponsored Participants are subject to the same limit, respectively). The Exchange believes it's not unfairly discriminatory to provide for different limits for different types of Users. For example, the Exchange believes it's not unfairly discriminatory to provide for an initial lower limit to be allocated for Sponsored Participants because unlike Members, Sponsored Participants are able to access the Exchange without paying a Membership Fee. Members also have more regulatory obligations and risk that Sponsored Participants do not. For example, while Sponsored Participants must agree to comply with the Rules of the Exchange, it is the Sponsoring Member of that Sponsored Participant that remains ultimately responsible for all orders entered on or through the Exchange by that Sponsored Participant. The industry also has a history of applying fees differently to Members as compared to Sponsored Participants.<sup>19</sup> Lastly, the Exchange believes its proposed maximum limits, and distinction between Members and Sponsored Users, is another appropriate means to help the Exchange manage its allotment of Dedicated Cores and better ensure this finite resource is apportioned fairly.

#### *B. Self-Regulatory Organization's Statement on Burden on Competition*

The Exchange does not believe that the proposed rule change will impose any burden on intramarket competition that is not necessary in furtherance of the purposes of the Act because the proposed tiered fee structure will apply equally to all similarly situated Users

<sup>17</sup> See Securities Exchange Act Release No. 100476 (July 9, 2024), 89 FR 57482 (July 15, 2024) (SR-CboeBYX-2024-024).

<sup>18</sup> See Securities Exchange Act Release No. 99983 (April 17, 2024), 89 FR 30418 (April 23, 2024) (SR-CboeEDGA-2024-014) Securities Exchange Act Release No. 100300 (June 10, 2024), 89 FR 50653 (June 14, 2024) (SR-CboeEDGA-2024-020); and Securities Exchange Act Release No. 100736 (August 21, 2024), 89 FR 67696 (August 15, 2024) (SR-CboeEDGA-2024-032).

<sup>19</sup> See *e.g.*, Securities Exchange Act Release No. 68342 (December 3, 2012), 77 FR 73096 (December 7, 2012) (SR-CBOE-2012-114) and Securities Exchange Act Release No. 66082 (January 3, 2012), 77 FR 1101 (January 9, 2012) (SR-C2-2011-041).

<sup>14</sup> See *e.g.*, Cboe U.S. Options Fees Schedule, BZX Options, Options Logical Port Fees, Ports with Bulk Quoting Capabilities.

<sup>15</sup> The Exchange notes that it cannot currently convert shared CPU cores into Dedicated Cores.

<sup>16</sup> The Exchange notes that no Users that take Dedicated Cores are at or near the maximum limits and the average number of Dedicated Cores used for the Exchange is 8.

that choose to use Dedicated Cores. As discussed above, Dedicated Cores are optional and Users may choose to utilize Dedicated Cores, or not, based on their views of the additional benefits and added value provided by utilizing a Dedicated Core. The Exchange believes the proposed fee will be assessed proportionately to the potential value or benefit received by Users with a greater number of Dedicated Cores and notes that Users may determine at any time to cease using Dedicated Cores. As discussed, Users can also continue to access the Exchange through shared CPU Cores at no additional cost. Finally, all Users will be entitled to two Dedicated Cores at no additional cost.

Next, the Exchange believes the proposed rule change does not impose any burden on intermarket competition that is not necessary or appropriate in furtherance of the purposes of the Act. As previously discussed, the Exchange operates in a highly competitive market, including competition for exchange memberships. Market Participants have numerous alternative venues that they may participate on, including 15 other equities exchanges, as well as off-exchange venues, where competitive products are available for trading. Indeed, participants can readily choose to submit their order flow to other exchange and off-exchange venues if they deem fee levels at those other venues to be more favorable. Moreover, the Commission has repeatedly expressed its preference for competition over regulatory intervention in determining prices, products, and services in the securities markets. Specifically, in Regulation NMS, the Commission highlighted the importance of market forces in determining prices and SRO revenues and, also, recognized that current regulation of the market system “has been remarkably successful in promoting market competition in its broader forms that are most important to investors and listed companies.”<sup>20</sup> The fact that this market is competitive has also long been recognized by the courts. In *NetCoalition v. Securities and Exchange Commission*, the D.C. Circuit stated as follows: “[n]o one disputes that competition for order flow is ‘fierce.’ . . . As the SEC explained, ‘[i]n the U.S. national market system, buyers and sellers of securities, and the broker-dealers that act as their order-routing agents, have a wide range of choices of where to route orders for execution’; [and] ‘no exchange can afford to take its market share percentages for granted’ because ‘no exchange possesses a

monopoly, regulatory or otherwise, in the execution of order flow from broker dealers’ . . . .”<sup>21</sup> Accordingly, the Exchange does not believe its proposed change imposes any burden on competition that is not necessary or appropriate in furtherance of the purposes of the Act.

### *C. Self-Regulatory Organization's Statement on Comments on the Proposed Rule Change Received From Members, Participants, or Others*

The Exchange neither solicited nor received comments on the proposed rule change.

### **III. Date of Effectiveness of the Proposed Rule Change and Timing for Commission Action**

The foregoing rule change has become effective pursuant to Section 19(b)(3)(A) of the Act<sup>22</sup> and paragraph (f) of Rule 19b-4<sup>23</sup> thereunder. At any time within 60 days of the filing of the proposed rule change, the Commission summarily may temporarily suspend such rule change if it appears to the Commission that such action is necessary or appropriate in the public interest, for the protection of investors, or otherwise in furtherance of the purposes of the Act. If the Commission takes such action, the Commission will institute proceedings to determine whether the proposed rule change should be approved or disapproved.

### **IV. Solicitation of Comments**

Interested persons are invited to submit written data, views and arguments concerning the foregoing, including whether the proposed rule change is consistent with the Act. Comments may be submitted by any of the following methods:

#### *Electronic Comments*

- Use the Commission's internet comment form (<https://www.sec.gov/rules/sro.shtml>); or
- Send an email to [rule-comments@sec.gov](mailto:rule-comments@sec.gov). Please include file number SR-CboeBYX-2024-036 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-CboeBYX-2024-036. This file number should be included on the

<sup>21</sup> *NetCoalition v. SEC*, 615 F.3d 525, 539 (D.C. Cir. 2010) (quoting Securities Exchange Act Release No. 59039 (December 2, 2008), 73 FR 74770, 74782-83 (December 9, 2008) (SR-NYSEArca-2006-21)).

<sup>22</sup> 15 U.S.C. 78s(b)(3)(A).

<sup>23</sup> 17 CFR 240.19b-4(f).

subject line if email is used. To help the Commission process and review your comments more efficiently, please use only one method. The Commission will post all comments on the Commission's internet website (<https://www.sec.gov/rules/sro.shtml>). Copies of the submission, all subsequent amendments, all written statements with respect to the proposed rule change that are filed with the Commission, and all written communications relating to the proposed rule change between the Commission and any person, other than those that may be withheld from the public in accordance with the provisions of 5 U.S.C. 552, will be available for website viewing and printing in the Commission's Public Reference Room, 100 F Street NE, Washington, DC 20549, on official business days between the hours of 10 a.m. and 3 p.m. Copies of the filing also will be available for inspection and copying at the principal office of the Exchange. Do not include personal identifiable information in submissions; you should submit only information that you wish to make available publicly. We may redact in part or withhold entirely from publication submitted material that is obscene or subject to copyright protection. All submissions should refer to file number SR-CboeBYX-2024-036 and should be submitted on or before November 7, 2024.

For the Commission, by the Division of Trading and Markets, pursuant to delegated authority.<sup>24</sup>

**Sherry R. Haywood,**  
Assistant Secretary.

[FR Doc. 2024-23902 Filed 10-16-24; 8:45 am]

BILLING CODE 8011-01-P

## **SECURITIES AND EXCHANGE COMMISSION**

[Release No. 34-101300; File No. SR-BX-2024-038]

### **Self-Regulatory Organizations; Nasdaq BX, Inc.; Notice of Filing and Immediate Effectiveness of Proposed Rule Change To Amend BX Options 7, Section 2**

October 10, 2024

Pursuant to Section 19(b)(1) of the Securities Exchange Act of 1934 (“Act”)<sup>1</sup> and Rule 19b-4 thereunder,<sup>2</sup> notice is hereby given that on September 27, 2024, Nasdaq BX, Inc. (“BX” or “Exchange”) filed with the

<sup>24</sup> 17 CFR 200.30-3(a)(12).

<sup>1</sup> 15 U.S.C. 78s(b)(1).

<sup>2</sup> 17 CFR 240.19b-4.

<sup>20</sup> See Securities Exchange Act Release No. 51808 (June 9, 2005), 70 FR 37496, 37499 (June 29, 2005).

Securities and Exchange Commission (“Commission”) a proposed rule change as described in Items I, II, and III below, which Items have been prepared by the Exchange. The Commission is publishing this notice to solicit comments on the proposed rule change from interested persons.

### **I. Self-Regulatory Organization’s Statement of the Terms of Substance of the Proposed Rule Change**

The Exchange proposes to amend the Exchange’s Pricing Schedule at Options 7, Section 2(1).

While the changes proposed herein are effective upon filing, the Exchange has designated that the amendments be operative on October 1, 2024.

The text of the proposed rule change is available on the Exchange’s website at <https://listingcenter.nasdaq.com/rulebook/bx/rules>, at the principal office of the Exchange, and at the Commission’s Public Reference Room.

### **II. Self-Regulatory Organization’s Statement of the Purpose of, and Statutory Basis for, the Proposed Rule Change**

In its filing with the Commission, the Exchange included statements concerning the purpose of and basis for the proposed rule change and discussed any comments it received on the proposed rule change. The text of these statements may be examined at the places specified in Item IV below. The Exchange has prepared summaries, set forth in sections A, B, and C below, of the most significant aspects of such statements.

#### **A. Self-Regulatory Organization’s Statement of the Purpose of, and Statutory Basis for, the Proposed Rule Change**

##### **1. Purpose**

The Exchange proposes to amend a number of incentives for Lead Market Makers (“LMMs”),<sup>3</sup> Market Makers (“MMs”),<sup>4</sup> and Customers<sup>5</sup> at BX Options 7, Section 2(1).

<sup>3</sup> The term “Lead Market Maker” or (“LMM”) applies to a registered BX Options Market Maker that is approved pursuant to Options 2, Section 3 to be the LMM in an options class (options classes). See Options 7, Section 1(c).

<sup>4</sup> The term “BX Options Market Maker” or (“M”) is a Participant that has registered as a Market Maker on BX Options pursuant to Options 2, Section 1, and must also remain in good standing pursuant to Options 2, Section 9. In order to receive Market Maker pricing in all securities, the Participant must be registered as a BX Options Market Maker in at least one security. See Options 7, Section 1(c).

<sup>5</sup> The term “Customer” or (“C”) applies to any transaction that is identified by a Participant for clearing in the Customer range at The Options Clearing Corporation (“OCC”) which is not for the

Today, in Penny Symbols, the Exchange pays the following Maker Rebates: Lead Market Makers a Maker Rebate of \$0.24 per contract; Market Makers a Maker Rebate of \$0.20 per contract; Non-Customer<sup>6</sup> and Firm<sup>7</sup> a Maker Rebate of \$0.12 per contract; and Customer a Maker Rebate of \$0.30 per contract. Today, in Penny Symbols, the Exchange pays the following Taker Fees: Lead Market Makers, Market Makers, Non-Customer and Firm a Taker Fee of \$0.50 per contract; and Customer a Taker Fee of \$0.40 per contract.

Today, in Non-Penny Symbols, the Exchange pays the following Maker Rebates/Fees: Lead Market Makers a Maker Rebate of \$0.45 per contract; Market Makers a Maker Rebate of \$0.40 per contract; Non-Customer and Firm a Maker Fee of \$0.45 per contract; and Customer a Maker Rebate of \$1.10 per contract. Today, in Non-Penny Symbols, the Exchange pays the following Taker Fees: Lead Market Makers, Market Makers, Non-Customer and Firm a Taker Fee of \$1.25 per contract; and Customer a Taker Fee of \$0.79 per contract.

##### **Note 2 Incentive**

The Exchange proposes to amend the incentives in note 2 of Options 7, Section 2(1) that currently provide:

Lead Market Makers and Market Makers that either (1) execute more than 0.45% Customer Total Consolidated Volume (“TCV”) per day which adds liquidity in a given month (excluding Lead Market Maker and Market Maker volume which adds liquidity in SPY), or (2) increase their combined Lead Market Maker and Market Maker volume which adds liquidity in a given month by at least 70% above their March 2024 volume as measured by a percentage of TCV (excluding Lead Market Maker and Market Maker volume which adds liquidity in SPY), will receive the following incentives: (i) an additional \$0.05 per contract Maker Rebate in Penny Symbols excluding SPY, (ii) an additional \$0.01 per contract Maker Rebate in SPY, and (iii) an additional \$0.24 per contract Maker Rebate in Non-Penny Symbols. Lead Market Makers and Market Makers with no volume in the add liquidity segment for the month of March 2024 may qualify for the additional Maker Rebates by having any new volume (excluding SPY volume) considered as added

account of broker or dealer or for the account of a “Professional” (as that term is defined in Options 1, Section 1(a)(48)). See Options 7, Section 1(c).

<sup>6</sup> The term “Non-Customer” applies to transactions for the accounts of Lead Market Makers, Market Makers, Firms, Professionals, Broker-Dealers and JBOs. See Options 7, Section 1(c).

<sup>7</sup> The term “Firm” applies to any transaction that is identified by a member or member organization for clearing in the Firm range at OCC. See Options 7, Section 1(c).

volume. This note 2 incentive will be available through September 30, 2024.

Proposed note 2 provides LMMs and MMs two separate paths to receive the additional Maker Rebates described above. The first path is based on liquidity adding volume on BX as a percentage of Customer Total Consolidated Volume, which is defined as the total national volume cleared at The Options Clearing Corporation in the Customer range in equity and ETF options in that month.<sup>8</sup> The first path is based on a percentage of industry volume in recognition of the fact that the volume executed by a Member may rise or fall with industry volume.

The second path is a growth incentive aimed at rewarding LMMs and MMs to grow the extent of their liquidity adding activity on the Exchange over time, relative to a benchmark month. Currently, LMMs and MMs who did not have any combined Lead Market Maker and Market Maker add liquidity volume for the month of March 2024 (and therefore lack March 2024 baseline volume against which to measure subsequent growth) would meet the proposed growth requirement through whatever volume of LMM and MM add liquidity activity (excluding in SPY) during the first month of use.<sup>9</sup> Growth incentives in general are designed to further encourage Members to increase their order flow to the Exchange, which contributes to a deeper, more liquid market and provides even more execution opportunities for market participants. Increased overall order flow benefits all market participants by contributing towards a robust and well-balanced market ecosystem. Other options exchanges have utilized substantially similar growth incentives.<sup>10</sup> The Exchange notes that it excludes LMM and MM liquidity adding volume in SPY from both paths because SPY is the most actively traded symbol on BX, and the Exchange believes that LMMs and MMs are incentivized to bring SPY liquidity

<sup>8</sup> See Options 7, Section 1(a).

<sup>9</sup> As discussed below, the note 2 incentives sunset on September 30, 2024 (including the growth incentive). Today, the Exchange uses this time period to evaluate the proposed growth incentive criteria to determine whether the parameters are appropriately designed to incentivize LMMs and MMs in the intended manner.

<sup>10</sup> See, e.g., Securities Exchange Act Release Nos. 97148 (March 15, 2023), 88 FR 17068 (March 21, 2023) (SR-MRX-2023-07) (establishing growth incentive for MRX Market Makers); and 97440 (May 5, 2023), 88 FR 30370 (May 11, 2023) (SR-MRX-2023-08) (adding an expiration date for the MRX growth incentive). MRX subsequently eliminated this growth incentive upon reaching the expiration date. See Securities Exchange Act Release No. 97800 (June 26, 2023), 88 FR 42409 (June 30, 2023) (SR-MRX-2023-11).

adding volume on BX despite the exclusion of SPY volume from the note 2 qualifications. Further, today, the Exchange is encouraging SPY liquidity adding volume separately through the proposed additional \$0.01 per contract Maker Rebate in SPY described above. Currently, the proposed note 2 incentives are through September 30, 2024. The Exchange believes that this ensures that the note 2 incentives—notably the growth incentive using the benchmark month (*i.e.*, March 2024) against which LMM and MM growth would be measured—are timely and meet the intended purpose of encouraging increased order flow and liquidity adding activity.

At this time, the Exchange proposes to amend note 2 to change the March 2024 baseline volume against which to measure subsequent growth to September 2024. Similar to the prior note incentive, the Exchange will sunset the proposed note 2 incentives after six months, in this case April 30, 2025. The Exchange believes that the note 2 incentives will continue to encourage Members to send order flow to BX.

#### Note 4 Incentive

The Exchange proposes to amend the incentives in note 4 in Options 7, Section 2(1) that currently provide:

Participants that increase their executed Customer volume which removes liquidity in a given month by at least 70% above their March 2024 volume as measured by a percentage of TCV will receive a Taker Fee discount of \$0.05 per contract in Penny Symbols excluding AAPL, SPY, QQQ, and IWM. Participants with no Customer volume in the remove liquidity segment for the month of March 2024 may qualify for the Taker Fee discount by having any new volume considered as added volume. This note 4 incentive will be available through April 30, 2025.

Currently, the growth incentives in note 4 of Options 7, Section 2(1) have similar qualifications as the growth incentive in note 2 in that Members are measured relative to a benchmark month. Specifically, Members that increase their executed Customer volume which removes liquidity in a given month by at least 70% above their March 2024 volume as measured by a percentage of TCV receive a Taker Fee discount of \$0.05 per contract in Penny Symbols excluding AAPL, SPY, QQQ, and IWM. Accordingly, qualifying Members are paid a Customer Taker Fee of \$0.35 (instead of \$0.40) per contract in Penny Symbols. The Exchange excludes AAPL, SPY, QQQ, and IWM from the note 4 incentive because Members are already paying lower Customer Taker Fees of \$0.33 per

contract for those symbols today.<sup>11</sup> The note 4 incentive Members to grow the extent of their Customer liquidity removing activity on the Exchange over time, relative to a benchmark month. Members with no Customer volume in the remove liquidity segment for the month of March 2024 may qualify for the Taker Fee discount by having any new volume considered as added volume. Similar to the note 2 incentive proposed above, Members who did not have the requisite volume for the month of March 2024 (and therefore lack March 2024 baseline volume against which to measure subsequent growth) would meet the proposed growth requirement through whatever volume in the required segment during the first month of use. The Exchange believes that the growth incentive in note 4 encourages increased Customer order flow to the Exchange, which contributes to a deeper, more liquid market and provides even more execution opportunities for market participants. Similar to the note 2 incentive above, the note 4 incentive sunsets on September 30, 2024.

At this time, the Exchange proposes to amend note 4 to change the March 2024 baseline volume against which to measure subsequent growth to September 2024. Similar to the prior note incentive, the Exchange will sunset the proposed note 4 incentives after six months, in this case April 30, 2025. The Exchange believes that the note 4 incentives, as amended, would ensure that the proposed growth incentive is timely and meets the intended purpose of encouraging increased order flow and Customer liquidity removing activity.

#### 2. Statutory Basis

The Exchange believes that its proposal is consistent with Section 6(b) of the Act,<sup>12</sup> in general, and furthers the objectives of Sections 6(b)(4) and 6(b)(5) of the Act,<sup>13</sup> in particular, in that it provides for the equitable allocation of reasonable dues, fees and other charges among members and issuers and other persons using any facility, and is not designed to permit unfair discrimination between customers, issuers, brokers, or dealers.

The Exchange's proposed changes to its schedule of credits are reasonable in several respects. As a threshold matter, the Exchange is subject to significant competitive forces in the market for options securities transaction services that constrain its pricing determinations in that market. The fact that this market

is competitive has long been recognized by the courts. In *NetCoalition v. Securities and Exchange Commission*, the D.C. Circuit stated as follows: “[n]o one disputes that competition for order flow is ‘fierce.’ . . . As the SEC explained, ‘[i]n the U.S. national market system, buyers and sellers of securities, and the broker-dealers that act as their order-routing agents, have a wide range of choices of where to route orders for execution’; [and] ‘no exchange can afford to take its market share percentages for granted’ because ‘no exchange possesses a monopoly, regulatory or otherwise, in the execution of order flow from broker dealers.’ . . .”<sup>14</sup>

The Commission and the courts have repeatedly expressed their preference for competition over regulatory intervention in determining prices, products, and services in the securities markets. In Regulation NMS, while adopting a series of steps to improve the current market model, the Commission highlighted the importance of market forces in determining prices and SRO revenues and, also, recognized that current regulation of the market system “has been remarkably successful in promoting market competition in its broader forms that are most important to investors and listed companies.”<sup>15</sup>

Numerous indicia demonstrate the competitive nature of this market. For example, clear substitutes to the Exchange exist in the market for options security transaction services. The Exchange is only one of eighteen options exchanges to which market participants may direct their order flow. Within this environment, market participants can freely and often do shift their order flow among the Exchange and competing venues in response to changes in their respective pricing schedules. As such, the proposal represents a reasonable attempt by the Exchange to increase its liquidity and market share relative to its competitors.

#### Note 2 Incentive

The Exchange believes that the amended note 2 incentives are reasonable for several reasons. As discussed above, note 2 would continue to provide LMMs and MMs two separate paths to receive the proposed additional Maker Rebates of (i) \$0.05 per contract

<sup>14</sup> *NetCoalition v. SEC*, 615 F.3d 525, 539 (D.C. Cir. 2010) (quoting Securities Exchange Act Release No. 59039 (December 2, 2008), 73 FR 74770, 74782–83 (December 9, 2008) (SR–NYSEArca–2006–21)).

<sup>15</sup> Securities Exchange Act Release No. 51808 (June 9, 2005), 70 FR 37496, 37499 (June 29, 2005) (“Regulation NMS Adopting Release”).

<sup>11</sup> See Options 7, Section 2(1), note 1.

<sup>12</sup> 15 U.S.C. 78f(b).

<sup>13</sup> 15 U.S.C. 78f(b)(4) and (5).

in Penny Symbols excluding SPY,<sup>16</sup> (ii) \$0.01 per contract in SPY,<sup>17</sup> and (iii) \$0.24 per contract in Non-Penny Symbols.<sup>18</sup> The first path would be based on liquidity adding volume on BX as a percentage of Customer Total Consolidated Volume (*i.e.*, TCV).<sup>19</sup> The Exchange believes that the total industry percentage threshold is reasonable in order to align with increasing LMM and MM activity on BX over time. The Exchange is proposing to base the first path on a percentage of industry volume in recognition of the fact that the volume executed by a Member may rise or fall with industry volume. A percentage of industry volume calculation allows the proposed qualifications in note 2 to be calibrated to current market volumes rather than requiring a static amount of volume regardless of market conditions. The proposed threshold of 0.45% Customer Total Consolidated Volume is generally intended to reward LMMs and MMs for executing more liquidity adding volume on BX. To the extent such activity is increased by this proposal, market participants may increasingly compete for the opportunity to trade on Exchange to the benefit of all market participants. As noted above, total industry percentage thresholds are established concepts within the Pricing Schedules of BX's affiliates.<sup>20</sup>

As discussed above, the second path would continue to be a growth incentive that would provide LMMs and MMs with the additional Maker Rebates outlined above if they increase their combined LMM and MM volume which adds liquidity in a given month by at least 70% above their September 2024 volume as measured by a percentage of TCV (excluding LMM and MM volume which adds liquidity in SPY). The Exchange believes that its proposal is reasonable because it will provide extra incentives to LMMs and MMs to engage in substantial amounts of liquidity adding activity on the Exchange, as well as to substantially grow the extent to which they do so relative to a recent benchmark month. The Exchange

believes that if the proposed growth incentive is effective, any ensuing increase in liquidity adding activity on BX will improve the quality of the market overall, to the benefit of all market participants. The Exchange also believes that it is reasonable to consider any new add liquidity volume (excluding SPY volume) for LMMs and MMs with no such volume for the month of September 2024 in order for those market participants to receive the proposed additional Maker Rebates in note 2. The proposed growth incentive is designed to attract additional liquidity from new LMMs and MMs as well as existing LMMs and MMs who may not have a large footprint on BX today. To the extent this proposal attracts such LMM and MM add liquidity volume to BX, all market participants should benefit through more trading opportunities and tighter spreads. An overall increase in activity would deepen the Exchange's liquidity pool, support the quality of price discovery, promote market transparency and improve market quality for all investors. As discussed above, the Exchange intends for the proposed note 2 incentives, including the growth incentive, to sunset on April 30, 2025, and will use this time to evaluate suitable parameters for such market participants in the targeted segment. The Exchange believes that this will ensure that the proposed incentives are timely and meet the intended purpose of encouraging increased order flow and liquidity adding activity. As noted above, other options exchanges (including the Exchange's affiliate) have previously adopted substantially similar growth incentives.<sup>21</sup>

The Exchange further believes that it is reasonable to exclude LMM and MM liquidity adding volume in SPY from both paths because SPY is the most actively traded symbol on BX, and Exchange believes that LMMs and MMs will continue to be incentivized to bring SPY liquidity adding volume on BX despite the exclusion of SPY volume from the note 2 qualifications. Further, the Exchange is encouraging SPY liquidity adding volume separately through the proposed additional \$0.01 per contract Maker Rebate in SPY described above.

The Exchange believes that the proposed note 2 incentives are equitable and not unfairly discriminatory for the reasons that follow. As a general matter, the Exchange believes that it is equitable and not unfairly discriminatory to provide the note 2 incentives to only LMMs and MMs because these market

participants have different requirements and additional obligations to the Exchange that other market participants do not (such as quoting requirements). As noted above, LMMs would ultimately receive higher Maker Rebates than MMs when combining the current base rebates with the proposed additional rebates.<sup>22</sup> Nevertheless, the Exchange continues to believe that it is equitable and not unfairly discriminatory to provide more favorable pricing to LMMs compared to MMs given that LMMs are subject to heightened quoting obligations compared to Market Makers.<sup>23</sup> The higher rebates therefore recognize the differing contributions made to the liquidity and trading environment on the Exchange by LMMs. Overall, the Exchange believes that incentivizing both LMMs and MMs to provide greater liquidity benefits all market participants through the quality of order interaction.

The Exchange also believes that it is equitable and not unfairly discriminatory to consider any new add liquidity volume (excluding SPY volume) for LMMs and MMs with no such volume in September 2024 in order for those market participants to receive the proposed additional Maker Rebates because this is designed to attract additional liquidity and order flow from new and existing LMMs and MMs to the Exchange, as discussed above. In turn, this additional liquidity should benefit all market participants through increased liquidity and order interaction. Furthermore, the proposed growth incentive will be temporary and sunset on April 30, 2025, to ensure that the incentive is timely and meets the intended purpose of encouraging increased order flow and liquidity adding activity.

#### Note 4 Incentive

The Exchange believes that the proposed growth incentive in new note 4 of Options 7, Section 2(1) is reasonable for the reasons that follow. As discussed above, Members that increase their executed Customer volume which removes liquidity in a given month by at least 70% above their September 2024 volume as measured by a percentage of TCV will receive a Taker Fee discount of \$0.05 per contract in Penny Symbols excluding AAPL, SPY, QQQ, and IWM. Accordingly, qualifying Members would pay a Customer Taker Fee of \$0.35 (instead of \$0.40) per contract in Penny Symbols excluding

<sup>22</sup> See *supra* notes 16–18.

<sup>23</sup> See Options 2, Section 4(j) (setting forth the 90% or higher quoting obligations for LMMs) and Section 5(d) (setting forth the 60% or higher quoting obligations for MMs).

<sup>16</sup> Accordingly, qualifying LMMs and MMs would receive a total of \$0.29 per contract (LMMs) and \$0.25 per contract (MMs) in Penny Symbols excluding SPY.

<sup>17</sup> Accordingly, qualifying LMMs and MMs would receive a total of \$0.25 per contract (LMMs) and \$0.21 per contract (MMs) in SPY.

<sup>18</sup> Accordingly, qualifying LMMs and MMs would receive a total of \$0.69 per contract (LMMs) and \$0.64 per contract (MMs) in Non-Penny Symbols.

<sup>19</sup> In particular, LMMs and MMs that execute more than 0.45% Customer Total Consolidated Volume ("TCV") per day which adds liquidity in a given month (excluding Lead Market Maker and Market Maker volume which adds liquidity in SPY) would receive the proposed note 2 incentives.

<sup>20</sup> See *supra* note 10.

<sup>21</sup> See *supra* note 10.



AAPL, SPY, QQQ, and IWM. The Exchange believes it is reasonable to exclude AAPL, SPY, QQQ, and IWM from the note 4 incentive because Members are already paying lower Customer Taker Fees of \$0.33 per contract for those symbols today.<sup>24</sup>

The Exchange believes that the proposed growth incentive is reasonable because it will provide extra incentives to Members to engage in substantial amounts of Customer liquidity removing activity on the Exchange, as well as to substantially grow the extent to which they do so relative to a recent benchmark month. The Exchange believes that if the proposed growth incentive is effective, any ensuing increase in liquidity removing activity on BX will increase trading opportunities for all market participants. The Exchange also believes that it is reasonable to consider any new Customer remove liquidity volume for Members with no such volume for the month of September 2024 in order for those Members to receive the proposed Taker Fee discount in note 4. The proposed growth incentive is designed to attract additional Customer order flow from new Members as well as existing Members who may not have a large footprint on BX today. To the extent this proposal attracts such order flow to BX, all market participants should benefit through more trading opportunities. As discussed above, the Exchange intends for the proposed growth incentive in note 4 to sunset on April 30, 2025, and will use this time to evaluate suitable parameters for such market participants in the targeted segment. The Exchange believes that this will ensure that the proposed incentive is timely and meets the intended purpose of encouraging increased order flow and Customer liquidity removing activity. As noted above, other options exchanges (including the Exchange's affiliate) have previously adopted similar growth incentives.<sup>25</sup>

Further, the Exchange believes that the proposed note 4 incentive is equitable and not unfairly discriminatory for the reasons that follow. As a general matter, the Exchange believes that it is equitable and not unfairly discriminatory to provide the note 4 incentive to only Customer orders because the proposed changes are intended to increase Customer order flow, particularly Customer remove liquidity order flow, to BX. An increase in Customer order flow enhances liquidity on the

Exchange to the benefit of all market participants by providing more trading opportunities, which in turn attracts other market participants that may interact with this order flow.

The Exchange also believes that it is equitable and not unfairly discriminatory to consider any new Customer remove liquidity volume for Members with no such volume in September 2024 in order for those Members to receive the proposed Taker Fee discount because this is designed to attract additional liquidity and order flow from new and existing Members to the Exchange, as discussed above. In turn, this additional liquidity should benefit all market participants through increased liquidity and order interaction. Furthermore, the proposed growth incentive will be temporary and sunset on April 30, 2025, to ensure that the incentive is timely and meets the intended purpose of encouraging increased Customer order flow and liquidity removing activity.

#### *B. Self-Regulatory Organization's Statement on Burden on Competition*

The Exchange does not believe that the proposed rule change will impose any burden on competition not necessary or appropriate in furtherance of the purposes of the Act.

In terms of intra-market competition, the Exchange does not believe that its proposal will place any category of market participant at a competitive disadvantage. As it relates to the proposed note 2 incentives offered to LMMs and MMs, the Exchange believes that the additional Maker Rebates should encourage the provision of liquidity from both existing and new LMMs and MMs that enhances the quality of the Exchange's market and increases the number of trading opportunities on the Exchange for all market participants who will be able to compete for such opportunities. Similarly, for the proposed note 4 incentive offered to Customers, the Exchange likewise believes that the Taker Fee discount should encourage additional Customer order flow from both existing and new Members, which would enhance BX's market quality and increase trading opportunities to the benefit of all market participants.

In terms of inter-market competition, the Exchange notes that it operates in a highly competitive market in which market participants can readily favor competing venues if they deem fee levels at a particular venue to be excessive, or rebate opportunities available at other venues to be more favorable. In such an environment, the Exchange must continually adjust its

fees to remain competitive with other options exchanges. Because competitors are free to modify their own fees in response, and because market participants may readily adjust their order routing practices, the Exchange believes that the degree to which fee changes in this market may impose any burden on competition is extremely limited. In sum, if the changes proposed herein are unattractive to market participants, it is likely that the Exchange will lose market share as a result. Accordingly, the Exchange does not believe that the proposed changes will impair the ability of members or competing order execution venues to maintain their competitive standing in the financial markets.

#### *C. Self-Regulatory Organization's Statement on Comments on the Proposed Rule Change Received From Members, Participants, or Others*

No written comments were either solicited or received.

### **III. Date of Effectiveness of the Proposed Rule Change and Timing for Commission Action**

The foregoing rule change has become effective pursuant to Section 19(b)(3)(A)(ii) of the Act.<sup>26</sup>

At any time within 60 days of the filing of the proposed rule change, the Commission summarily may temporarily suspend such rule change if it appears to the Commission that such action is: (i) necessary or appropriate in the public interest; (ii) for the protection of investors; or (iii) otherwise in furtherance of the purposes of the Act. If the Commission takes such action, the Commission shall institute proceedings to determine whether the proposed rule should be approved or disapproved.

### **IV. Solicitation of Comments**

Interested persons are invited to submit written data, views and arguments concerning the foregoing, including whether the proposed rule change is consistent with the Act. Comments may be submitted by any of the following methods:

#### *Electronic Comments*

- Use the Commission's internet comment form (<https://www.sec.gov/rules/sro.shtml>); or
- Send an email to [rule-comments@sec.gov](mailto:rule-comments@sec.gov). Please include file number SR-BX-2024-038 on the subject line.

#### *Paper Comments*

- Send paper comments in triplicate to Secretary, Securities and Exchange

<sup>24</sup> See Options 7, Section 2(1), note 1.

<sup>25</sup> See *supra* note 10.

<sup>26</sup> 15 U.S.C. 78s(b)(3)(A)(ii).



Commission, 100 F Street NE, Washington, DC 20549–1090.

All submissions should refer to file number SR–BX–2024–038. This file number should be included on the subject line if email is used. To help the Commission process and review your comments more efficiently, please use only one method. The Commission will post all comments on the Commission's internet website (<https://www.sec.gov/rules/sro.shtml>). Copies of the submission, all subsequent amendments, all written statements with respect to the proposed rule change that are filed with the Commission, and all written communications relating to the proposed rule change between the Commission and any person, other than those that may be withheld from the public in accordance with the provisions of 5 U.S.C. 552, will be available for website viewing and printing in the Commission's Public Reference Room, 100 F Street NE, Washington, DC 20549, on official business days between the hours of 10 a.m. and 3 p.m. Copies of the filing also will be available for inspection and copying at the principal office of the Exchange. Do not include personal identifiable information in submissions; you should submit only information that you wish to make available publicly. We may redact in part or withhold entirely from publication submitted material that is obscene or subject to copyright protection. All submissions should refer to file number SR–BX–2024–038 and should be submitted on or before November 7, 2024.

For the Commission, by the Division of Trading and Markets, pursuant to delegated authority.<sup>27</sup>

**Sherry R. Haywood,**  
Assistant Secretary.

[FR Doc. 2024–23900 Filed 10–16–24; 8:45 am]  
BILLING CODE 8011–01–P

## SECURITIES AND EXCHANGE COMMISSION

[Investment Company Act Release No. 35358; File No. 813–00403]

**Edgar Street Capital, LLC, Elizabeth Street Capital, LLC and Jane Street Group, LLC**

October 11, 2024.

**AGENCY:** Securities and Exchange Commission (“Commission” or “SEC”).

**ACTION:** Notice.

Notice of application for an order under sections 6(b) and 6(e) of the Investment Company Act of 1940 (the “Act”) granting an exemption from all provisions of the Act, except sections 9, 17, 30, 36 through 53 and the rules and regulations under the Act. With respect to sections 17(a), (d), (e), (f), (g) and (j) of the Act, sections 30(a), (b), (e), and (h) of the Act and the Rules and Regulations and rule 38a–1 under the Act, Applicants (as defined below) request a limited exemption as set forth in the application.

**SUMMARY OF APPLICATION:** The requested exemption would permit Applicants to enter an order to exempt certain limited liability companies, partnerships, business trusts, or other entities (“Funds”) formed for the benefit of eligible employees of Jane Street Group, LLC and its affiliates from certain provisions of the Act. Each Fund will be an “employees’ securities company” within the meaning of section 2(a)(13) of the Act.

**APPLICANTS:** Jane Street Group, LLC; Edgar Street Capital, LLC and Elizabeth Street Capital, LLC.

**FILING DATES:** The application was filed on December 28, 2021, and amended on June 13, 2022, October 19, 2022, March 30, 2023, and July 17, 2024.

**HEARING OR NOTIFICATION OF HEARING:** An order granting the requested relief will be issued unless the Commission orders a hearing. Interested persons may request a hearing on any application by emailing the Commission's Secretary at [Secretaries-Office@sec.gov](mailto:Secretaries-Office@sec.gov) and serving the Applicants with a copy of the request by email, if an email address is listed for the relevant Applicant below, or personally or by mail, if a physical address is listed for the relevant Applicant below. Hearing requests should be received by the Commission by 5:30 p.m. on November 5, 2024, and should be accompanied by proof of service on the Applicants, in the form of an affidavit, or, for lawyers, a certificate of service. Pursuant to rule 0–5 under the Act, hearing requests should state the nature of the writer's interest, any facts bearing upon the desirability of a hearing on the matter, the reason for the request, and the issues contested. Persons who wish to be notified of a hearing may request notification by emailing the Commission's Secretary at [Secretaries-Office@sec.gov](mailto:Secretaries-Office@sec.gov).

### ADDRESSES:

*The Commission: Secretaries-Office@sec.gov.*

*Applicants:* James Dieterich, Jane Street Group, LLC: 250 Vesey Street, New York, NY 10281; John J. Mahon, Esq., Proskauer Rose LLP: 1001

Pennsylvania Avenue, Suite 600, Washington, DC 20004.

### FOR FURTHER INFORMATION CONTACT:

Toyin Momoh, Senior Counsel, or Lisa Reid Ragen, Branch Chief, at (202) 551–5325 (Division of Investment Management, Chief Counsel's Office).

**SUPPLEMENTARY INFORMATION:** For Applicants' representations, legal analysis, and conditions, please refer to Applicants' fourth amended and restated application, dated July 17, 2024, which may be obtained via the Commission's website by searching for the file number at the top of this document, or for an Applicant using the Company name search field, on the SEC's EDGAR system.

The SEC's EDGAR system may be searched at <https://www.sec.gov/edgar/searchedgar/legacy/companysearch.html>. You may also call the SEC's Public Reference Room at (202) 551–8090.

For the Commission, by the Division of Investment Management, under delegated authority.

**Sherry R. Haywood,**

Assistant Secretary.

[FR Doc. 2024–23980 Filed 10–16–24; 8:45 am]

BILLING CODE 8011–01–P

## SECURITIES AND EXCHANGE COMMISSION

[Release No. 34–101304; File No. SR–CboeEDGA–2024–039]

**Self-Regulatory Organizations; Cboe EDGA Exchange, Inc.; Notice of Filing and Immediate Effectiveness of a Proposed Rule Change To Amend Its Fees Schedule Regarding Dedicated Cores**

October 10, 2024.

Pursuant to Section 19(b)(1) of the Securities Exchange Act of 1934 (“Act”),<sup>1</sup> and Rule 19b–4 thereunder,<sup>2</sup> notice is hereby given that on September 30, 2024, Cboe EDGA Exchange, Inc. (the “Exchange” or “EDGA”) filed with the Securities and Exchange Commission (“Commission”) the proposed rule change as described in Items I, II, and III below, which Items have been prepared by the Exchange. The Commission is publishing this notice to solicit comments on the proposed rule change from interested persons.

<sup>1</sup> 15 U.S.C. 78s(b)(1).

<sup>2</sup> 17 CFR 240.19b–4.

<sup>27</sup> 17 CFR 200.30–3(a)(12).

## I. Self-Regulatory Organization's Statement of the Terms of Substance of the Proposed Rule Change

Cboe EDGA Exchange, Inc. (the "Exchange" or "EDGA Equities") proposes to amend its Fees Schedule. The text of the proposed rule change is provided in Exhibit 5.

The text of the proposed rule change is also available on the Exchange's website ([http://markets.cboe.com/us/equities/regulation/rule\\_filings/edga/](http://markets.cboe.com/us/equities/regulation/rule_filings/edga/)), at the Exchange's Office of the Secretary, and at the Commission's Public Reference Room.

## II. Self-Regulatory Organization's Statement of the Purpose of, and Statutory Basis for, the Proposed Rule Change

In its filing with the Commission, the Exchange included statements concerning the purpose of and basis for the proposed rule change and discussed any comments it received on the proposed rule change. The text of these statements may be examined at the places specified in Item IV below. The Exchange has prepared summaries, set forth in sections A, B, and C below, of the most significant aspects of such statements.

### A. Self-Regulatory Organization's Statement of the Purpose of, and Statutory Basis for, the Proposed Rule Change

#### 1. Purpose

The Exchange proposes to amend its fee schedule to adopt fees for Dedicated Cores.<sup>3</sup>

By way of background, the Exchange recently began to allow Users<sup>4</sup> to assign a Single Binary Order Entry ("BOE")

logical order entry port<sup>5</sup> to a single dedicated Central Processing Unit (CPU Core) ("Dedicated Core"). Historically, CPU Cores had been shared by logical order entry ports (*i.e.*, multiple logical ports from multiple firms may connect to a single CPU Core). Use of Dedicated Cores however, can provide reduced latency, enhanced throughput, and improved performance since a firm using a Dedicated Core is utilizing the full processing power of a CPU Core instead of sharing that power with other firms. This offering is completely voluntary and is available to all Users that wish to purchase Dedicated Cores. Users may utilize BOE logical order entry ports on shared CPU Cores, either in lieu of, or in addition to, their use of Dedicated Core(s). As such, Users are able to operate across a mix of shared and dedicated CPU Cores which the Exchange believes provides additional risk and capacity management. Further, Dedicated Cores are not required nor necessary to participate on the Exchange and as such Users may opt not to use Dedicated Cores at all.

The Exchange proposes to assess the following monthly fees for Users that wish to use Dedicated Cores and adopt a maximum limit. First, the Exchange proposes to provide up to two Dedicated Cores to all Users who wish to use Dedicated Cores, at no additional cost. For the use of more than two Dedicated Cores, the Exchange proposes to assess the following fees: \$650 per Dedicated Core for 3–10 Dedicated Cores; \$850 per Dedicated Core for 11–15 Dedicated Cores; and \$1,050 per Dedicated Core for 16 or more Dedicated Cores. The proposed fees are progressive and the Exchange proposes to include the following example in the Fees Schedule to provide clarity as to how the fees will be applied. Particularly, the Exchange will provide the following example: if a User were to purchase 11 Dedicated Cores, it will be charged a total of \$6,050 per month ( $\$0 * 2 + \$650 * 8 + \$850 * 1$ ). The Exchange also proposes to make clear in the Fees Schedule that the monthly fees are assessed and applied in their entirety and are not prorated. The Exchange notes the current standard fees assessed for BOE Logical Ports, whether used with Dedicated or shared CPU cores, will remain applicable and unchanged.<sup>6</sup>

Since the Exchange currently has a finite amount of physical space in its data centers in which its servers (and therefore corresponding CPU Cores) are located, the Exchange also proposes to prescribe a maximum limit on the number of Dedicated Cores that Users may purchase each month. The purpose of establishing these limits is to manage the allotment of Dedicated Cores in a fair manner and to prevent the Exchange from being required to expend large amounts of resources in order to provide an unlimited number of Dedicated Cores. The Exchange previously established a limit for Members of a maximum number of 60 Dedicated Cores and Sponsoring Members a limit of a maximum number of 25 Dedicated Cores for each of their Sponsored Access relationships.<sup>7</sup> The Exchange has since been able to procure additional servers with CPU Cores and also has a better understanding of User demand relative to its available space and available Dedicated Cores since the current maximum was adopted two months ago. As such, the Exchange proposes to increase that cap and provide that Members will be limited to a maximum number of 80 Dedicated Cores<sup>8</sup> and Sponsoring Members will be limited to a maximum number of 35 Dedicated Cores for each of their Sponsored Access relationships.<sup>9</sup> The Exchange notes that it will continue monitoring Dedicated Core interest by

receive at no additional cost. See Cboe EDGA Equities Fee Schedule.

<sup>7</sup> See Securities Exchange Act Release No. 100300 (June 10, 2024), 89 FR 50653 (June 14, 2024) (SR-CboeEDGA-2024-020).

<sup>8</sup> The prescribed maximum quantity of Dedicated Cores for Members applies regardless of whether that Member purchases the Dedicated Cores directly from the Exchange and/or through a Service Bureau. In a Service Bureau relationship, a customer allows its MPID to be used on the ports of a technology provider, or Service Bureau. One MPID may be allowed on several different Service Bureaus.

<sup>9</sup> The fee tier(s) applicable to Sponsoring Members are determined on a per Sponsored Access relationship basis and not on the combined total of Dedicated Cores across Sponsored Users. For example, under the proposed changes, a Sponsoring Member that has three Sponsored Access relationships is entitled to a total of 105 Dedicated Cores for those 3 Sponsored Access relationships but would be assessed fees separately based on the 35 Dedicated Cores for each Sponsored User (instead of combined total of 105 Dedicated Cores). For example, a Sponsoring Member with 3 Sponsored Access relationships would pay \$30,450 per month if each Sponsored Access relationship purchased the maximum 35 Dedicated Cores. More specifically, the Sponsoring Member would be provided 2 Dedicated Cores at no additional cost for each Sponsored User under Tier 1 (total of 6 Dedicated Cores at no additional cost) and provided an additional 8 Dedicated Cores at \$650 each for each Sponsored User, 5 Dedicated Cores at \$850 each for each Sponsored User and 20 Dedicated Cores at \$1,050 each for each Sponsored User (combined total of 99+ additional Dedicated Cores).

<sup>3</sup> The Exchange initially introduced Dedicated Cores and corresponding pricing on March 1, 2024 (SR-CboeEDGA-2024-008). On March 20, 2024, the Exchange refiled the proposed fees (SR-CboeEDGA-2024-009). The Exchange amended the Dedicated Cores fees on April 1, 2024 (SR-CboeEDGA-2024-012). On April 12, 2024, the Exchange withdrew that filing and submitted SR-CboeEDGA-2024-014. On May 13, 2024, the Exchange withdrew SR-CboeEDGA-2024-009. On June 3, 2024, the Exchange also withdrew SR-CboeEDGA-014 and SR-CboeEDGA-2024-020. On August 1, the Exchange withdrew that filing and submitted SR-CboeEDGA-2024-032. On business date September 30, 2024, the Exchange withdrew that filing and submitted this filing.

<sup>4</sup> A User may be either a Member or Sponsored Participant. The term "Member" shall mean any registered broker or dealer that has been admitted to membership in the Exchange, limited liability company or other organization which is a registered broker or dealer pursuant to Section 15 of the Act, and which has been approved by the Exchange. A Sponsored Participant may be a Member or non-Member of the Exchange whose direct electronic access to the Exchange is authorized by a Sponsoring Member subject to certain conditions. See Exchange Rule 11.3.

<sup>5</sup> Users may currently connect to the Exchange using a logical port available through an application programming interface ("API"), such as the Binary Order Entry ("BOE") protocol. A BOE logical order entry port is used for order entry.

<sup>6</sup> The Exchange currently assesses \$550 per port per month. Port fees will also continue to be assessed on the first two Dedicated Cores that Users

all Users and allotment availability with the goal of increasing these limits to meet Users' needs if and when the demand is there and the Exchange is able to accommodate additional Dedicated Cores.

## 2. Statutory Basis

The Exchange believes the proposed rule change is consistent with the Securities Exchange Act of 1934 (the "Act") and the rules and regulations thereunder applicable to the Exchange and, in particular, the requirements of Section 6(b) of the Act.<sup>10</sup> Specifically, the Exchange believes the proposed rule change is consistent with the Section 6(b)(5)<sup>11</sup> requirements that the rules of an exchange be designed to prevent fraudulent and manipulative acts and practices, to promote just and equitable principles of trade, to foster cooperation and coordination with persons engaged in regulating, clearing, settling, processing information with respect to, and facilitating transactions in securities, to remove impediments to and perfect the mechanism of a free and open market and a national market system, and, in general, to protect investors and the public interest. Additionally, the Exchange believes the proposed rule change is consistent with the Section 6(b)(5)<sup>12</sup> requirement that the rules of an exchange not be designed to permit unfair discrimination between customers, issuers, brokers, or dealers. The Exchange also believes the proposed rule change is consistent with Section 6(b)(4)<sup>13</sup> of the Act, which requires that Exchange rules provide for the equitable allocation of reasonable dues, fees, and other charges among its Members and other persons using its facilities.

The Exchange believes the proposal is reasonable because the Exchange is offering any User who wishes to utilize Dedicated Cores up to two Dedicated Cores at no additional cost. For example, of the Users that currently maintain Dedicated Cores, 39% maintain only 1 or 2 Dedicated Cores and therefore pay no additional fees. The Exchange believes the proposed fees are reasonable because Dedicated Cores provide a valuable service in that it can provide reduced latency, enhanced throughput, and improved performance compared to use of a shared CPU Core since a firm using a Dedicated Core is utilizing the full processing power of a CPU Core. The Exchange also emphasizes however, that

the use of Dedicated Cores is not necessary for trading and as noted above, is entirely optional. Users can also continue to access the Exchange through shared CPU Cores at no additional cost. Indeed, only 17% of the Exchange's Members currently use Dedicated Cores and as noted above, of those 17%, 39% take only 1 or 2 Dedicated Cores at no additional cost. Depending on a firm's specific business needs, the proposal enables Users to choose to use Dedicated Cores in lieu of, or in addition to, shared CPU Cores (or as emphasized, not use Dedicated Cores at all). If a User finds little benefit in having Dedicated Cores based on its business model and trading strategies, or determines Dedicated Cores are not cost-efficient for its needs or does not provide sufficient value to the firm, such User may continue its use of the shared CPU Cores, unchanged. The Exchange also has no plans to eliminate shared CPU Cores nor to require Users to purchase Dedicated Cores.

The Exchange has seen general interest in Dedicated Cores from a variety of market participants, with varying size and business models. Such market participants include proprietary trading firms (who tend to be more latency sensitive), as well as sell-side market participants and buy-side market participants (who tend to be less latency sensitive). Further, Members have various reasons for obtaining Dedicated Cores. Some Members for example, may be seeking to further reduce latency, whereas others may use Dedicated Cores as a general risk mitigation by siloing their respective activity. Of further note, only 59% of Members that are propriety trading firms (who again, generally tend to be more latency sensitive) utilize Dedicated Cores, and of that 59%, 30% are utilizing the 1 to 2 free Dedicated Cores available to all Users. The lack of universal, or even widespread, adoption by all such users therefore demonstrates that purchasing Dedicated Cores is not effectively a requirement to compete for any one type of market participant, including latency sensitive market participants. Instead, Dedicated Cores are an optional and voluntary connectivity offering, which market participants are free to choose whether or not to utilize based on whether they meet their unique business needs.

The Exchange also believes that the proposed Dedicated Core fees are equitable and not unfairly discriminatory because they continue to be assessed uniformly to similarly situated users in that all Users who choose to purchase Dedicated Cores will be subject to the same proposed tiered fee schedule. Moreover, all Users are

entitled to up to 2 Dedicated Cores at no additional cost and as previously discussed, 39% of all Users that take Dedicated Cores (including both latency sensitive and non-latency sensitive Users) take only 1 or 2 Dedicated Cores at no additional cost. The Exchange believes the proposed ascending fee structure is also reasonable, equitable and not unfairly discriminatory as it is designed so that firms that use a higher allotment of the Exchange's finite number of Dedicated Cores pay higher rates, rather than placing that burden on market participants that have more modest needs who will have the flexibility of obtaining Dedicated Cores at lower price points in the lower tiers. As such, the proposed fees do not favor certain categories of market participants in a manner that would impose a burden on competition; rather, the ascending fee structure reflects the (finite) resources consumed by the various needs of market participants—that is, the lowest Dedicated Core consuming Users pay the least, and highest Dedicated Core consuming Users pay the most. Other exchanges similarly assess higher fees to those that consume more Exchange resources.<sup>14</sup> Moreover, those consuming more Dedicated Cores do so if they find a benefit in having higher quantities of Dedicated Cores based on their respective business needs. The proposed tier structure is also designed to encourage firms to manage their needs in a fair manner and to prevent the Exchange from being required to expend large amounts of resources in order to provide an additional number of Dedicated Cores. Moreover, as discussed above and in more detail below, the Exchange cannot currently offer an unlimited number of Dedicated Cores due in part to physical space constraints in the third-party data center. The Exchange believes the proposed ascending fee structure is therefore another appropriate means, in conjunction with an established cap, to manage this finite resource and ensure the resource is apportioned more fairly.

The Exchange believes it is reasonable to limit the number of Dedicated Cores Users can purchase because the Exchange has a finite amount of space in its third-party data centers to accommodate CPU cores, including Dedicated Cores. The Exchange must also take into account timing and cost considerations in procuring additional Dedicated Cores and related hardware such as servers, switches, optics and

<sup>10</sup> 15 U.S.C. 78f(b).

<sup>11</sup> 15 U.S.C. 78f(b)(5).

<sup>12</sup> *Id.*

<sup>13</sup> 15 U.S.C. 78f(b)(4).

<sup>14</sup> See e.g., Cboe U.S. Options Fees Schedule, BZX Options, Options Logical Port Fees, Ports with Bulk Quoting Capabilities.

cables, as well as the readiness of the Exchange's data center to accommodate additional Dedicated Cores in the Exchange's respective Order Handler Cabinets.<sup>15</sup> Moreover, procuring data center space has grown to be more challenging than it was five years ago with the increased demand for data center space. For example, the U.S. colocation data center market has doubled in size in just four years. In addition to the Exchange's rollout of Dedicated Cores, the Exchange is mindful of its other business areas and the need to continue to be mindful of its existing, external restraints in this area. The Exchange has, and will continue to, monitor market participant demand and space availability and endeavor to adjust the limit if and when the Exchange is able to acquire additional space and power within the third-party data centers and/or additional CPU Cores to accommodate additional Dedicated Cores.<sup>16</sup> The Exchange monitors its capacity and data center space and thus is in the best place to determine these limits and modify them as appropriate in response to changes to this capacity and space, as well as market demand. Indeed, since the launch of Dedicated Cores on February 26, 2024, the Exchange has already increased the prescribed maximum limit two times not including the increase proposed herein, as a result of evaluating the demand relative to Dedicated Cores availability and procuring additional physical space and CPU Cores.<sup>17</sup> The proposed increased limits continue to apply uniformly to similarly situated market participants (*i.e.*, all Members are subject to the same limit and all Sponsored Participants are subject to the same limit, respectively). The Exchange believes it's not unfairly discriminatory to provide for different limits for different types of Users. For example, the Exchange believes it's not unfairly discriminatory to provide for an initial lower limit to be allocated for Sponsored Participants because unlike Members, Sponsored Participants are able to access the Exchange without paying a Membership Fee. Members also have more regulatory obligations and risk that Sponsored Participants do not. For example, while Sponsored

Participants must agree to comply with the Rules of the Exchange, it is the Sponsoring Member of that Sponsored Participant that remains ultimately responsible for all orders entered on or through the Exchange by that Sponsored Participant. The industry also has a history of applying fees differently to Members as compared to Sponsored Participants.<sup>18</sup> Lastly, the Exchange believes its proposed maximum limits, and distinction between Members and Sponsored Users, is another appropriate means to help the Exchange manage its allotment of Dedicated Cores and better ensure this finite resource is apportioned fairly.

#### *B. Self-Regulatory Organization's Statement on Burden on Competition*

The Exchange does not believe that the proposed rule change will impose any burden on intramarket competition that is not necessary in furtherance of the purposes of the Act because the proposed tiered fee structure will apply equally to all similarly situated Users that choose to use Dedicated Cores. As discussed above, Dedicated Cores are optional and Users may choose to utilize Dedicated Cores, or not, based on their views of the additional benefits and added value provided by utilizing a Dedicated Core. The Exchange believes the proposed fee will be assessed proportionately to the potential value or benefit received by Users with a greater number of Dedicated Cores and notes that Users may determine at any time to cease using Dedicated Cores. As discussed, Users can also continue to access the Exchange through shared CPU Cores at no additional cost. Finally, all Users will be entitled to two Dedicated Cores at no additional cost.

Next, the Exchange believes the proposed rule change does not impose any burden on intermarket competition that is not necessary or appropriate in furtherance of the purposes of the Act. As previously discussed, the Exchange operates in a highly competitive market, including competition for exchange memberships. Market Participants have numerous alternative venues that they may participate on, including 15 other equities exchanges, as well as off-exchange venues, where competitive products are available for trading. Indeed, participants can readily choose to submit their order flow to other exchange and off-exchange venues if they deem fee levels at those other venues to be more favorable. Moreover,

the Commission has repeatedly expressed its preference for competition over regulatory intervention in determining prices, products, and services in the securities markets. Specifically, in Regulation NMS, the Commission highlighted the importance of market forces in determining prices and SRO revenues and, also, recognized that current regulation of the market system "has been remarkably successful in promoting market competition in its broader forms that are most important to investors and listed companies."<sup>19</sup> The fact that this market is competitive has also long been recognized by the courts. In *NetCoalition v. Securities and Exchange Commission*, the D.C. Circuit stated as follows: "[n]o one disputes that competition for order flow is 'fierce.' . . . As the SEC explained, '[i]n the U.S. national market system, buyers and sellers of securities, and the broker-dealers that act as their order-routing agents, have a wide range of choices of where to route orders for execution'; [and] 'no exchange can afford to take its market share percentages for granted' because 'no exchange possesses a monopoly, regulatory or otherwise, in the execution of order flow from broker dealers'. . . ."<sup>20</sup> Accordingly, the Exchange does not believe its proposed change imposes any burden on competition that is not necessary or appropriate in furtherance of the purposes of the Act.

#### *C. Self-Regulatory Organization's Statement on Comments on the Proposed Rule Change Received From Members, Participants, or Others*

The Exchange neither solicited nor received comments on the proposed rule change.

### **III. Date of Effectiveness of the Proposed Rule Change and Timing for Commission Action**

The foregoing rule change has become effective pursuant to Section 19(b)(3)(A) of the Act<sup>21</sup> and paragraph (f) of Rule 19b-4<sup>22</sup> thereunder. At any time within 60 days of the filing of the proposed rule change, the Commission summarily may temporarily suspend such rule change if it appears to the Commission that such action is necessary or appropriate in the public interest, for the protection of investors, or otherwise in furtherance of the purposes of the Act. If the

<sup>15</sup> The Exchange notes that it cannot currently convert shared CPU cores into Dedicated Cores.

<sup>16</sup> The Exchange notes that no Users that have Dedicated Cores currently are at or near the maximum limits. The average number of Dedicated Cores used for the Exchange is 11.

<sup>17</sup> See Securities Exchange Act Release No. 99983 (April 17, 2024), 89 FR 30418 (April 23, 2024) (SR-CboeEDGA-2024-014) and Securities Exchange Act Release No. 100300 (June 10, 2024), 89 FR 50653 (June 14, 2024) (SR-CboeEDGA-2024-020).

<sup>18</sup> See *e.g.*, Securities Exchange Act Release No. 68342 (December 3, 2012), 77 FR 73096 (December 7, 2012) (SR-CBOE-2012-114) and Securities Exchange Act Release No. 66082 (January 3, 2012), 77 FR 1101 (January 9, 2012) (SR-C2-2011-041).

<sup>19</sup> See Securities Exchange Act Release No. 51808 (June 9, 2005), 70 FR 37496, 37499 (June 29, 2005).

<sup>20</sup> *NetCoalition v. SEC*, 615 F.3d 525, 539 (D.C. Cir. 2010) (quoting Securities Exchange Act Release No. 59039 (December 2, 2008), 73 FR 74770, 74782-83 (December 9, 2008) (SR-NYSEArca-2006-21)).

<sup>21</sup> 15 U.S.C. 78s(b)(3)(A).

<sup>22</sup> 17 CFR 240.19b-4(f).

Commission takes such action, the Commission will institute proceedings to determine whether the proposed rule change should be approved or disapproved.

IV. Solicitation of Comments

Interested persons are invited to submit written data, views and arguments concerning the foregoing, including whether the proposed rule change is consistent with the Act. Comments may be submitted by any of the following methods:

Electronic Comments

- Use the Commission’s internet comment form (<https://www.sec.gov/rules/sro.shtml>); or
- Send an email to [rule-comments@sec.gov](mailto:rule-comments@sec.gov). Please include file number SR–CboeEDGA–2024–039 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–CboeEDGA–2024–039. This file number should be included on the subject line if email is used. To help the Commission process and review your comments more efficiently, please use only one method. The Commission will post all comments on the Commission’s internet website (<https://www.sec.gov/rules/sro.shtml>). Copies of the submission, all subsequent amendments, all written statements with respect to the proposed rule change that are filed with the Commission, and all written communications relating to the proposed rule change between the Commission and any person, other than those that may be withheld from the public in accordance with the provisions of 5 U.S.C. 552, will be available for website viewing and printing in the Commission’s Public Reference Room, 100 F Street NE, Washington, DC 20549, on official business days between the hours of 10 a.m. and 3 p.m. Copies of the filing also will be available for inspection and copying at the principal office of the Exchange. Do not include personal identifiable information in submissions; you should submit only information that you wish to make available publicly. We may redact in part or withhold entirely from publication submitted material that is obscene or subject to copyright protection. All submissions should refer to file number SR–CboeEDGA–2024–039 and should

be submitted on or before November 7, 2024.

For the Commission, by the Division of Trading and Markets, pursuant to delegated authority.<sup>23</sup>

Sherry R. Haywood,  
Assistant Secretary.  
[FR Doc. 2024–23903 Filed 10–16–24; 8:45 am]  
BILLING CODE 8011–01–P

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: U.S. Small Business  
Administration.  
ACTION: Amendment 5.

SUMMARY: This is an amendment of the Presidential declaration of a major disaster for the State of Florida (FEMA–4806–DR), dated August 10, 2024.

DATES: Issued on October 9, 2024.  
Physical Loan Application Deadline  
Date: November 12, 2024.

Economic Injury (EIDL) Loan  
Application Deadline Date: May 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 August 10, 2024, is hereby  
amended to extend the deadline for  
filing applications for physical damages  
as a result of this disaster to November  
12, 2024.

Incident: Hurricane Debby.  
Incident Period: August 1, 2024  
through August 27, 2024.

All other information in the original  
declaration remains unchanged.  
(Catalog of Federal Domestic Assistance  
Number 59008)

Rafaela Monchek,  
Deputy Associate Administrator, Office of  
Disaster Recovery & Resilience.  
[FR Doc. 2024–23886 Filed 10–16–24; 8:45 am]  
BILLING CODE 8026–09–P

<sup>23</sup> 17 CFR 200.30–3(a)(12).

SMALL BUSINESS ADMINISTRATION

[Disaster Declaration #20753 and #20754;  
GEORGIA Disaster Number GA–20014]

Presidential Declaration of a Major  
Disaster for Public Assistance Only for  
the State of Georgia

AGENCY: U.S. Small Business  
Administration.  
ACTION: Notice.

SUMMARY: This is a Notice of the  
Presidential declaration of a major  
disaster for Public Assistance Only for  
the State of Georgia (FEMA–4830–DR),  
dated October 9, 2024.

DATES: Issued on October 9, 2024.  
Physical Loan Application Deadline  
Date: December 9, 2024.

Economic Injury (EIDL) Loan  
Application Deadline Date: July 9, 2025.

ADDRESSES: Visit the MySBA Loan  
Portal at <https://lending.sba.gov> to  
apply for a disaster assistance loan.

FOR FURTHER INFORMATION CONTACT:  
Alan Escobar, Office of Disaster  
Recovery & Resilience, U.S. Small  
Business Administration, 409 3rd Street  
SW, Suite 6050, Washington, DC 20416,  
(202) 205–6734.

SUPPLEMENTARY INFORMATION: Notice is  
hereby given that as a result of the  
President’s major disaster declaration on  
October 9, 2024, Private Non-Profit  
organizations that provide essential  
services of a governmental nature may  
file disaster loan applications online  
using the MySBA Loan Portal <https://lending.sba.gov> or other locally  
announced locations. Please contact the  
SBA disaster assistance customer  
service center by email at  
[disastercustomerservice@sba.gov](mailto:disastercustomerservice@sba.gov) or by  
phone at 1–800–659–2955 for further  
assistance.

Incident: Hurricane Helene.  
Incident Period: September 24, 2024  
and continuing.

The following areas have been  
determined to be adversely affected by  
the disaster:

Primary Counties: Appling, Atkinson,  
Bacon, Brantley, Burke, Coffee,  
Effingham, Jeff Davis, Jenkins,  
Mitchell, Pierce, Screven, Ware,  
Wayne, Worth.

The Interest Rates are:

	Percent
For Physical Damage:	
Non-Profit Organizations with Credit Available Elsewhere ...	3.250
Non-Profit Organizations with- out Credit Available Else- where .....	3.250
For Economic Injury:	

	Percent
Non-Profit Organizations with-out Credit Available Elsewhere .....	3.250

The number assigned to this disaster for physical damage is 207538 and for economic injury is 207540.

(Catalog of Federal Domestic Assistance Number 59008)

**Rafaela Monchek,**  
*Deputy Associate Administrator, Office of Disaster Recovery & Resilience.*

[FR Doc. 2024-23895 Filed 10-16-24; 8:45 am]

**BILLING CODE 8026-09-P**

#### **SMALL BUSINESS ADMINISTRATION**

**[Disaster Declaration #20711 and #20712; GEORGIA Disaster Number GA-20013]**

#### **Presidential Declaration Amendment of a Major Disaster for the State of Georgia**

**AGENCY:** U.S. Small Business Administration.

**ACTION:** Amendment 4.

**SUMMARY:** This is an amendment of the Presidential declaration of a major disaster for the State of Georgia (FEMA-4830-DR), dated September 30, 2024.

**DATES:** Issued on October 9, 2024.

*Physical Loan Application Deadline Date:* November 29, 2024.

*Economic Injury (EIDL) Loan Application Deadline Date:* June 30, 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 Georgia, dated September 30, 2024, is hereby amended to include the following areas as adversely affected by the disaster:

*Incident:* Hurricane Helene.

*Incident Period:* September 24, 2024 and continuing.

*Primary Counties (Physical Damage and Economic Injury Loans):* Dodge, Hancock, Thomas, Warren.

*Contiguous Counties (Economic Injury Loans Only):*

Georgia: Grady, Greene, Pulaski, Putnam, Taliaferro.

Florida: Leon.

All other information in the original declaration remains unchanged.

(Catalog of Federal Domestic Assistance Number 59008)

**Rafaela Monchek,**

*Deputy Associate Administrator, Office of Disaster Recovery & Resilience.*

[FR Doc. 2024-23884 Filed 10-16-24; 8:45 am]

**BILLING CODE 8026-09-P**

#### **SMALL BUSINESS ADMINISTRATION**

**[Disaster Declaration #20572 and #20573; NEW YORK Disaster Number NY-20013]**

#### **Administrative Declaration of a Disaster for the State of New York**

**AGENCY:** U.S. Small Business Administration.

**ACTION:** Notice.

**SUMMARY:** This is a notice of an Administrative declaration of a disaster for the State of New York dated 10/10/2024.

*Incident:* Severe Storms and Flooding.  
*Incident Period:* 08/08/2024 through 08/10/2024.

**DATES:** Issued on 10/10/2024.

*Physical Loan Application Deadline Date:* 12/09/2024.

*Economic Injury (EIDL) Loan Application Deadline Date:* 07/10/2025.

**ADDRESSES:** Visit the MySBA Loan Portal at <https://lending.sba.gov> to apply for a disaster assistance loan.

**FOR FURTHER INFORMATION CONTACT:**

Alan Escobar, Office of Disaster Recovery & Resilience, U.S. Small Business Administration, 409 3rd Street SW, Suite 6050, Washington, DC 20416, (202) 205-6734.

**SUPPLEMENTARY INFORMATION:** Notice is hereby given that as a result of the Administrator's disaster declaration, applications for disaster loans may be submitted online using the MySBA Loan Portal <https://lending.sba.gov> or other locally announced locations. Please contact the SBA disaster assistance customer service center by email at [disastercustomerservice@sba.gov](mailto:disastercustomerservice@sba.gov) or by phone at 1-800-659-2955 for further assistance.

The following areas have been determined to be adversely affected by the disaster:

*Primary Counties:* Steuben.

*Contiguous Counties:*

New York: Allegany, Chemung, Livingston, Ontario, Schuyler, Yates.

Pennsylvania: Potter, Tioga.

The Interest Rates are:

	Percent
For Physical Damage: Homeowners with Credit Available Elsewhere .....	5.625

	Percent
Homeowners without Credit Available Elsewhere .....	2.813
Businesses with Credit Available Elsewhere .....	8.000
Businesses without Credit Available Elsewhere .....	4.000
Non-Profit Organizations with Credit Available Elsewhere ...	3.250
Non-Profit Organizations without Credit Available Elsewhere .....	3.250
For Economic Injury: Business and Small Agricultural Cooperatives without Credit Available Elsewhere .....	4.000
Non-Profit Organizations without Credit Available Elsewhere .....	3.250

The number assigned to this disaster for physical damage is 205726 and for economic injury is 205730.

The States which received an EIDL Declaration are New York, Pennsylvania.

(Catalog of Federal Domestic Assistance Number 59008)

**Isabella Guzman,**  
*Administrator.*

[FR Doc. 2024-23897 Filed 10-16-24; 8:45 am]

**BILLING CODE 8026-09-P**

#### **SMALL BUSINESS ADMINISTRATION**

**[Disaster Declaration #20720 and #20721; NORTH CAROLINA Disaster Number NC-20009]**

#### **Presidential Declaration of a Major Disaster for Public Assistance Only for the State of North Carolina**

**AGENCY:** U.S. Small Business Administration.

**ACTION:** Notice.

**SUMMARY:** This is a Notice of the Presidential declaration of a major disaster for Public Assistance Only for the State of North Carolina (FEMA-4827-DR), dated October 2, 2024.

**DATES:** Issued on October 2, 2024.

*Physical Loan Application Deadline Date:* December 2, 2024.

*Economic Injury (EIDL) Loan Application Deadline Date:* July 2, 2025.

**ADDRESSES:** Visit the MySBA Loan Portal at <https://lending.sba.gov> to apply for a disaster assistance loan.

**FOR FURTHER INFORMATION CONTACT:**

Vanessa Morgan, Office of Disaster Recovery & Resilience, U.S. Small Business Administration, 409 3rd Street SW, Suite 6050, Washington, DC 20416, (202) 205-6734.

**SUPPLEMENTARY INFORMATION:** Notice is hereby given that as a result of the

President’s major disaster declaration on October 2, 2024, Private Non-Profit organizations that provide essential services of a governmental nature may file disaster loan applications online using the MySBA Loan Portal <https://lending.sba.gov> or other locally announced locations. Please contact the SBA disaster assistance customer service center by email at [disastercustomerservice@sba.gov](mailto:disastercustomerservice@sba.gov) or by phone at 1–800–659–2955 for further assistance.

*Incident:* Tropical Storm Helene.  
*Incident Period:* September 25, 2024 and continuing.

The following areas have been determined to be adversely affected by the disaster:

*Primary Counties:* Alexander, Alleghany, Ashe, Avery, Buncombe, Burke, Caldwell, Catawba, Clay, Cleveland, Gaston, Haywood, Henderson, Jackson, Lincoln, Macon, Madison, McDowell, Mitchell, Polk, Rutherford, Transylvania, Watauga, Wilkes, Yancey, and The Eastern Band of Cherokee Indians.

The Interest Rates are:

	Percent
<i>For Physical Damage:</i>	
Non-Profit Organizations with Credit Available Elsewhere ...	3.250
Non-Profit Organizations without Credit Available Elsewhere .....	3.250
<i>For Economic Injury:</i>	
Non-Profit Organizations without Credit Available Elsewhere .....	3.250

The number assigned to this disaster for physical damage is 207208 and for economic injury is 207210.

(Catalog of Federal Domestic Assistance Number 59008)

**Rafaela Monchek,**  
*Deputy Associate Administrator, Office of Disaster Recovery & Resilience.*  
[FR Doc. 2024–23888 Filed 10–16–24; 8:45 am]  
**BILLING CODE 8026–09–P**

SMALL BUSINESS ADMINISTRATION

Data Collection Available for Public Comments

**ACTION:** 60-Day notice and request for comments.

**SUMMARY:** The Small Business Administration (SBA) intends to request approval, from the Office of Management and Budget (OMB) for the collection of information described below. The Paperwork Reduction Act

(PRA) requires Federal agencies to publish a notice in the **Federal Register** concerning each proposed collection of information before submission to OMB, and to allow 60 days for public comment in response to the notice. This notice complies with that requirement.

**DATES:** Submit comments on or before December 16, 2024.

**ADDRESSES:** Send all comments to Nathaniel Bishop, Program Analyst, Office of Entrepreneurship Education, SBA, [nvbishop@sba.gov](mailto:nvbishop@sba.gov), (202) 205–7007.

**FOR FURTHER INFORMATION CONTACT:** Nathaniel Bishop, Program Analyst, Office of Entrepreneurship Education, SBA, [nvbishop@sba.gov](mailto:nvbishop@sba.gov), (202) 205–7007 or Curtis B. Rich, agency clearance officer, (202) 205–7030, [curtis.rich@sba.gov](mailto:curtis.rich@sba.gov).

**SUPPLEMENTARY INFORMATION:** Section 5004 of the American Rescue Plan Act of 2021 (Pub. L. 117–2) authorized SBA to establish a Community Navigator Pilot Program. Under this authority, SBA will make grants to private nonprofit organizations, resource partners, States, Tribes and units of local government to ensure the delivery of free community navigator services to current or prospective owners of small businesses in order to improve access to COVID-related assistance programs and resources.

To facilitate expeditious implementation of the program, SBA obtained emergency approval from OMB, including waiver of the public comment notice required by 5 CFR 1320.8(d). That authority expires on December 31, 2021. SBA is publishing this notice as a prerequisite to obtaining an extension of the approval period of the information collection, which consists of application requirements for the program, SBA Form 3516, Community Navigators Pilot Program Client and Program Information Form, and quarterly reporting requirements.

Information collected from applicants to the Community Navigator Program will be used to determine applicant’s eligibility for an award. At this time the application period is no longer open; however, SBA is extending this requirement in the event an additional funding opportunity becomes available. Form 3516 will collect data on the clients served by the awardees of the Community Navigator Pilot Program, which will be used to track grantee performance and help to evaluate program success. The grantees’ quarterly performance reports will help SBA to assess program activity and the extent to which grantees are achieving desired

program results and appropriately utilizing grant funds in support of the Community Navigator Program.

Solicitation of Public Comments

SBA is requesting comments on (a) Whether the collection of information is necessary for the agency to properly perform its functions; (b) whether the burden estimates are accurate; (c) whether there are ways to minimize the burden, including through the use of automated techniques or other forms of information technology; and (d) whether there are ways to enhance the quality, utility, and clarity of the information.

Summary of Information Collection

*OMB Control Number:* 3245–0423.  
*Title:* Community Navigators Pilot Program.

*Description of Respondents:* Entrepreneurs receiving technical assistance and Community Navigators grantees providing technical assistance services.

*Form Number:* SBA 3516.  
*Total Estimated Annual Responses:* 450,000.  
*Total Estimated Annual Hour Burden:* 150,000.

**Curtis Rich,**  
*Agency Clearance Officer.*  
[FR Doc. 2024–23899 Filed 10–16–24; 8:45 am]  
**BILLING CODE 8026–09–P**

SMALL BUSINESS ADMINISTRATION

[Disaster Declaration #20705 and #20706; VIRGINIA Disaster Number VA–20011]

Presidential Declaration Amendment of a Major Disaster for the Commonwealth of Virginia

**AGENCY:** U.S. Small Business Administration.  
**ACTION:** Amendment 2.

**SUMMARY:** This is an amendment of the Presidential declaration of a major disaster for the Commonwealth of Virginia (FEMA–4831–DR), dated October 1, 2024.

**DATES:** Issued on October 8, 2024.  
*Physical Loan Application Deadline Date:* December 2, 2024.  
*Economic Injury (EIDL) Loan Application Deadline Date:* July 1, 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 Virginia, dated October 1, 2024, is hereby amended to include the following areas as adversely affected by the disaster:

*Incident:* Tropical Storm Helene.

*Incident Period:* September 25, 2024 and continuing.

*Primary Counties (Physical Damage and Economic Injury Loans):* Bedford, Bland, Carroll, Pittsylvania, Independent City of Radford, Russell, Wise.

*Contiguous Counties (Economic Injury Loans Only):*

Virginia: Amherst, Botetourt, Campbell, Independent City of Danville, Dickenson, Franklin, Henry, Lee, Independent City of Lynchburg, Patrick, Rockbridge. North Carolina: Caswell, Rockingham. Kentucky: Harlan, Letcher, Pike.

All other information in the original declaration remains unchanged.

(Catalog of Federal Domestic Assistance Number 59008)

**Rafaela Monchek,**

*Deputy Associate Administrator, Office of Disaster Recovery & Resilience.*

[FR Doc. 2024-23890 Filed 10-16-24; 8:45 am]

**BILLING CODE 8026-09-P**

## SURFACE TRANSPORTATION BOARD

### 30-Day Notice of Intent To Seek Reinstatement Without Change: Generic Clearance for the Collection of Qualitative Feedback on Agency Service Delivery; Correction

**AGENCY:** Surface Transportation Board.

**ACTION:** Notice; correction.

**SUMMARY:** The Surface Transportation Board (Board) published a document in the **Federal Register** on October 3, 2024, concerning the Board's intent to request from the Office of Management and Budget (OMB) approval without change of the Generic Clearance for the Collection of Qualitative Feedback on Agency Service Delivery.

**FOR FURTHER INFORMATION CONTACT:**

Chris Oehrle, PRA Officer, Surface Transportation Board, 395 E Street SW, Washington, DC 20423-0001, or [pra@stb.gov](mailto:pra@stb.gov). If you require an accommodation under the Americans with Disabilities Act, please call (202) 245-0245.

**SUPPLEMENTARY INFORMATION:**

#### Correction

In the **Federal Register** of October 3, 2024, in FR Doc. 2024-22813, in 89 FR 80624. On page 80625, in the first

column, in the **SUMMARY** heading, the first sentence correcting the following language "approval without change of the six existing collections described below" to read, "approval without change of the existing collection described below." Due to this inadvertent error, comments on the original information collection will be accepted if submitted by November 18, 2024.

Dated: October 11, 2024.

**Jeffrey Herzig,**  
*Clearance Clerk.*

[FR Doc. 2024-23933 Filed 10-16-24; 8:45 am]

**BILLING CODE 4915-01-P**

## OFFICE OF THE UNITED STATES TRADE REPRESENTATIVE

### Procedures for Requests To Exclude Certain Machinery Used in Domestic Manufacturing From Actions Pursuant to the Section 301 Investigation of China's Acts, Policies and Practices Related to Technology Transfer, Intellectual Property and Innovation

**AGENCY:** Office of the United States Trade Representative (USTR).

**ACTION:** Notice and request for comments.

**SUMMARY:** In a notice published on September 18, 2024, the U.S. Trade Representative announced certain modifications to the actions taken in the Section 301 investigation of China's acts, policies, and practices related to technology transfer, intellectual property, and innovation. Additionally, the U.S. Trade Representative announced 14 temporary exclusions for solar manufacturing equipment and a list of subheadings eligible for consideration of temporary exclusion under an exclusion process for certain machinery used in domestic manufacturing. This notice announces that USTR will open an electronic portal for exclusion requests on October 15, 2024, and sets out the procedures for submitting requests.

**DATES:**

*October 15, 2024, at 12:01 a.m. EDT:* The web portal for submitting exclusion requests will open at <https://comments.ustr.gov>.

*March 31, 2025, at 11:59 p.m. EST:* Deadline for submitting exclusion requests. Responses to individual exclusion requests are due 30 days after the exclusion request is posted on USTR's online portal. Any replies to responses to an exclusion request are due the later of 15 days after the posting of a response, or 15 days after the closing of the 30-day response period.

**ADDRESSES:** You must submit all requests, responses to requests, and replies to responses through the online portal: <https://comments.ustr.gov>.

**FOR FURTHER INFORMATION CONTACT:** For general questions about this notice, contact Philip Butler and Megan Grimball, Chairs of the Section 301 Committee at 202.395.5725. For specific questions on customs classification, contact [traderemedycbpdhs.gov](mailto:traderemedycbpdhs.gov).

**SUPPLEMENTARY INFORMATION:**

#### A. Background

For background on the proceedings in this investigation, please see the prior notices including 82 FR 40213 (August 24, 2017), 83 FR 14906 (April 6, 2018), 83 FR 28710 (July 6, 2018), and 83 FR 40823 (August 23, 2018).

On September 8, 2022, USTR announced that in accordance with Section 307(c)(3) of the Trade Act (19 U.S.C. 2417(c)(3)), the U.S. Trade Representative would conduct a review of the two actions taken, as modified, in this investigation. See 87 FR 55073.

Based on information obtained during the review, USTR, in consultation with the Section 301 Committee, prepared a comprehensive report that included findings on the effectiveness of the actions taken in this investigation in achieving the objectives of the investigation, other actions that could be taken, and the effects of such actions on the United States economy, including consumers. The report, "Four-Year Review of Actions Taken in the Section 301 Investigation: China's Acts, Policies, and Practices Related to Technology Transfer, Intellectual Property, and Innovation" (Report), was published on May 14, 2024, and is available on the USTR website.

On May 14, 2024, taking into consideration the U.S. Trade Representative's findings in the Report and recommendations, the President issued a Memorandum (President's Memorandum) that directed the U.S. Trade Representative to: "maintain, as appropriate and consistent with this memorandum, the *ad valorem* rates of duty and lists of products subject to the [actions] taken under the Section 301 investigation" and "[t]o further encourage China to eliminate the acts, policies, and practices at issue, and to counteract the burden or restriction of these acts, policies, and practices, the Trade Representative shall modify the [actions taken in the investigation] to increase Section 301 *ad valorem* rates of duty" for certain specified products of China. See <https://www.whitehouse.gov/briefing-room/presidential-actions/2024/05/14/memorandum-on-actions->



*by-the-united-states-related-to-the-statutory-4-year-review-of-the-section-301-investigation-of-chinas-acts-policies-and-practices-related-to-technology-transfer-intellectual-property/*.

The President also directed the U.S. Trade Representative to establish a process by which interested persons may request that particular machinery used in domestic manufacturing classified within a subheading under chapters 84 and 85 of the Harmonized Tariff Schedule of the United States (HTSUS) be temporarily excluded from Section 301 tariffs, and directed the U.S. Trade Representative to prioritize, in particular, exclusions for certain solar manufacturing equipment.

## B. Proposed Modifications

Consistent with the President's direction, USTR issued a **Federal Register** notice with proposed modifications, including proposed increases in Section 301 duties on certain products. *See* 89 FR 46252 (May 28, 2024) (May 28 notice). Additionally, the U.S. Trade Representative proposed 312 subheadings eligible for consideration for temporary exclusion under a process by which interested persons may request that particular machinery used in domestic manufacturing and classified within certain subheadings under chapters 84 and 85 of HTSUS be temporarily excluded. The May 28 notice announced that procedures for requesting exclusions under this process would be published in a separate notice. Finally, the U.S. Trade Representative proposed 19 temporary exclusions for solar manufacturing equipment.

In accordance with section 307(a)(2) of the Trade Act (19 U.S.C. 2417(a)(2)), USTR invited comments from interested persons and opened a 30-day docket on May 29, 2024 (USTR-2024-0007). With respect to the machinery exclusion process, USTR requested comments on whether the 312 subheadings proposed should or should not be eligible for consideration in the machinery exclusion process and whether certain subheadings under Chapters 84 and 85 that cover machinery used in domestic manufacturing were omitted and should be included.

On September 18, 2024, the U.S. Trade Representative announced modifications to the actions, including certain adjustments to the modifications proposed in the May 28 notice. *See* 89 FR 76581 (September 18 notice). Regarding the 19 proposed temporary exclusions for solar manufacturing equipment, the U.S. Trade Representative determined to adopt 14. The U.S. Trade Representative also

announced five additional subheadings to be eligible for consideration of temporary exclusion under the machinery exclusion process. *See* 89 FR 76581.

## C. Procedures To Request the Exclusion of Particular Machinery Used in Domestic Manufacturing

USTR invites interested persons, including trade associations, to submit requests for temporary exclusion from the Section 301 tariffs. The subheadings eligible for consideration of temporary exclusion under the machinery exclusion process are set forth in Annex E of the September 18 notice.

As explained in more detail below, each request specifically must identify a particular product, and provide supporting data and the rationale for the requested exclusion. USTR will evaluate each request on a case-by-case basis, taking into account the asserted rationale for the exclusion, whether the exclusion would undermine the objective of the Section 301 investigation, and whether the request defines the product with sufficient precision. Any exclusion will be effective starting from the date of publication of the exclusion determination in the **Federal Register** and will extend through May 31, 2025. USTR is accepting exclusion requests on a rolling basis and will periodically announce decisions on pending requests.

The U.S. Trade Representative will monitor exclusions granted and the overall impact of exclusions, including the 14 temporary exclusions for solar manufacturing equipment announced in the September 28 notice, and the product specific exclusions extended on May 30, 2024,<sup>1</sup> in maintaining the appropriate amount of leverage with China to encourage China to eliminate the acts, policies, and practices covered in the Section 301 investigation.

Set out below is a summary of the information to be entered on the exclusion request form. Each requester must provide contact information, including the full legal name of the organization making the request, whether the requester is a third party (law firm, trade association, or customs broker) submitting on behalf of an organization or industry, and the primary point of contact (requester and/or third-party submitter). The requester may report whether the requester's business satisfies the Small Business Administration's size standard for a small business, which are identified by

North American Industry Classification Systems Codes and are found in 13 CFR 121.201. With regard to product identification, any request for exclusion must include the following information:

- The 10-digit subheading of the HTSUS applicable to the manufacturing equipment requested for exclusion. If no 10-digit subheading is available (*i.e.*, the 8-digit subheading does not contain breakouts at the 10-digit level), requesters should use the 8-digit subheading and add "00".

- A complete and detailed description of the manufacturing equipment. A detailed description of the manufacturing equipment includes, but is not limited to, its physical characteristics (*e.g.*, dimensions, weight, material composition, etc.), whether the manufacturing equipment is designed to function in or with a particular machine (application), the manufacturing equipment's principal use, the unit value of the manufacturing equipment (please provide a range if necessary), and any unique physical features that distinguish it from other manufacturing equipment within the covered 10-digit HTSUS subheading. Requesters may attach images and specification sheets, CBP rulings, court decisions, and previous import documentation.

- Whether the manufacturing equipment of concern is subject to an antidumping or countervailing duty order issued by the U.S. Department of Commerce.

- Whether the manufacturing equipment will be used for domestic manufacturing, how the equipment will be used, and the manufacturing sector.

- If applicable, documents showing grant funding from, or grant application to, a federal investment program related to the domestic manufacturing at issue, such as the Inflation Reduction Act (IRA), CHIPS and Science Act, Build America Buy America (BABA), and Rural Energy for America Program (REAP).

- Whether the manufacturing equipment of concern, or comparable manufacturing equipment, is available from sources in the United States or third countries and any attempts of the requesting organization to source the manufacturing equipment from the United States or third countries.

- Whether the requesting organization has purchased the manufacturing equipment of concern from a source in the United States or in a third country in the past five years and why the manufacturing equipment is no longer available from this source.

- Whether the manufacturing equipment of concern is strategically important or related to "Made in China

<sup>1</sup> Notice of Extension of Certain Exclusions, 89 FR 46948 (May 30, 2024).

2025” or other Chinese industrial programs.

In addressing each factor, the requester should provide support for their assertions. Requesters also may provide any other information or data that they consider relevant to an evaluation of the request.

#### D. Responses To Requests for Exclusions

After a request for exclusion of a particular product is posted on USTR’s online portal, interested persons will have 30 days to respond to the request, indicating support or opposition and providing reasons for their view. A response to a product exclusion request must be submitted using USTR’s online portal at <http://comments.USTR.gov>. Responses to exclusion requests, supporting or opposing, will be publicly available. To file a response, an interested party does not have to register. Responses may be in support of an exclusion request or in opposition. If the response is in support of the request, the rationale should be provided in the applicable field on the portal. If opposing the exclusion request, interested parties must address the following in a supplemental attachment available on USTR’s comment portal:

- Their relationship to the manufacturing equipment identified (manufacturer, industry association, other).
- Reasons for objecting to the exclusion request.
- Whether the manufacturing equipment is currently manufactured in the United States or third countries, and the substitutability of equipment from the United States or third country sources as compared to the Chinese-origin manufacturing equipment identified in the exclusion request.
- A description of the manufacturing equipment from the United States or third country sources relative to the description cited in the exclusion request.
- Whether the objecting organization within the last two years attempted to sell, or successfully sold, the manufacturing equipment described in the exclusion request, or comparable manufacturing equipment, to the organization requesting the exclusion.

#### E. Replies to Responses To Requests for Exclusions

After a response is posted on USTR’s online portal, the requester will have the opportunity to reply to the response using the same portal. Any reply must be submitted within the later of 15 days after the posting of a response, or 15 days after the closing of the 30-day

response period. A reply to a response must be submitted using USTR’s online portal at <http://comments.USTR.gov>. Replies to responses will be publicly available.

#### F. Submission Instructions

As noted above, interested persons must submit requests for exclusions in the period between the opening of the portal on October 15, 2024, and the March 31, 2025 submission deadline. Any responses to those requests must be submitted within 30 days after the requests are posted. Any reply to a response must be submitted within 15 days after the response is posted. Interested persons seeking to exclude two or more pieces of manufacturing equipment must submit a separate request for each product, *i.e.*, one product per request. By submitting an exclusion request, a response, or a reply, the submitter certifies that the information provided is complete and correct to the best of his or her knowledge.

You must submit written comments using the appropriate docket on the portal at <https://comments.ustr.gov/>. To submit written comments, use the docket on the portal entitled Temporary Exclusions for Machinery Used in Domestic Manufacturing, docket number USTR–2024–0020. To submit an exclusion request, requesters must first register on the portal at <http://comments.USTR.gov>. As noted above, the portal will open on October 15, 2024, at 12:01 a.m. EDT. After registration, the requester can fill out and submit one or more exclusion request forms. Fields on the exclusion request form marked with an asterisk (\*) are required fields.

Fields with a gray Business Confidential Information (BCI) notation are for BCI that will not be made publicly available. Fields with a green (Public) notation will be viewable by the public. Additionally, parties will be able to upload documents and indicate whether the documents are BCI or public. Requesters will be able to review the public version of their submission before the submission is posted.

Clearly mark any page containing BCI as ‘BUSINESS CONFIDENTIAL’ on the top of that page and clearly indicate, via brackets, highlighting, or other means, the specific information that is BCI. If you request business confidential treatment, you must certify in writing that the information would not customarily be released to the public.

Parties uploading attachments containing BCI also must submit a public version of their comments. If these procedures are not sufficient to

protect BCI or otherwise protect business interests, please contact the USTR Section 301 support line at 202.395.5725 to discuss whether alternative arrangements are possible. USTR will post attachments uploaded to the docket for public inspection, except for properly designated BCI. You can view submissions on USTR’s electronic portal at <https://comments.ustr.gov>.

#### G. Paperwork Reduction Act

In accordance with the requirements of the Paperwork Reduction Act of 1995 (PRA) and its implementing regulations, USTR submitted a request to the Office of Management and Budget to reinstate an expired information collection request (ICR) titled 301 Exclusion Requests, control number 0350–0015, which is now due to expire on September 30, 2027.

Juan Millan,

*Acting General Counsel, Office of the United States Trade Representative.*

[FR Doc. 2024–23880 Filed 10–16–24; 8:45 am]

BILLING CODE 3390–F4–P

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## DEPARTMENT OF TRANSPORTATION

### Federal Aviation Administration

[Docket No. FAA–2024–1228]

#### Agency Information Collection Activities: Requests for Comments; Clearance of Renewed Approval of Information Collection: Passenger Facility Charge (PFC) Application

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

**ACTION:** Notice and request for comments.

**SUMMARY:** In accordance with the Paperwork Reduction Act of 1995, FAA invites public comments about our intention to request the Office of Management and Budget (OMB) approval to renew an information collection. The **Federal Register** Notice with a 60-day comment period soliciting comments on the following collection of information was published on April 26, 2024. The collection involves the FAA’s administration of the Passenger Facility Charge (PFC) program. The information to be collected will be used to authorize public agencies to impose PFCs and use PFC revenue on airport-related projects and to ensure compliance with PFC program requirements.

**DATES:** Written comments should be submitted by November 18, 2024.

**ADDRESSES:** Written comments and recommendations for the proposed information collection should be sent

within 30 days of publication of this notice to [www.reginfo.gov/public/do/PRAMain](http://www.reginfo.gov/public/do/PRAMain). Find this particular information collection by selecting “Currently under 30-day Review—Open for Public Comments” or by using the search function.

**FOR FURTHER INFORMATION CONTACT:**

Amanda J. Shotto by email at: [amanda.j.shotto@faa.gov](mailto:amanda.j.shotto@faa.gov); phone: 202–267–8744.

**SUPPLEMENTARY INFORMATION:**

*Public Comments Invited:* You are asked to comment on any aspect of this information collection, including (a) Whether the proposed collection of information is necessary for FAA’s performance; (b) the accuracy of the estimated burden; (c) ways for FAA to enhance the quality, utility and clarity of the information collection; and (d) ways that the burden could be minimized without reducing the quality of the collected information.

*OMB Control Number:* 2120–0557.

*Title:* Passenger Facility Charge (PFC) Application.

*Form Numbers:* FAA Form 5500–1, 5500–2, 5500–3, 5500–4.

*Type of Review:* Renewal of an information collection.

*Background:* The **Federal Register** Notice with a 60-day comment period soliciting comments on the following collection of information was published on April 26, 2024 (89 FR 32521). The DOT/FAA will use any information submitted in response to this collection to carry out the intent of 49 U.S.C. 40117. This statute authorizes public agencies controlling airports to impose PFCs and use PFC revenues. The information collected enables the FAA to approve the collection of PFC revenue for projects which preserve or enhance safety, security, or capacity of the national air transportation system, or which reduce noise or mitigate noise impacts resulting from an airport, or which furnish opportunities for enhanced competition between or among air carriers, and to provide oversight of the PFC program, as required by statute.

*Respondents:* Approximately 615 respondents annually.

*Frequency:* On occasion.

*Estimated Average Burden per Response:* 2 Hours.

*Estimated Total Annual Burden:* 33,015 Hours.

Issued in Washington, DC, on October 11, 2024.

**David F. Cushing,**

Manager, Airports Financial Assistance Division, APP–500.

[FR Doc. 2024–23928 Filed 10–16–24; 8:45 am]

**BILLING CODE 4910–13–P**

**DEPARTMENT OF TRANSPORTATION**

**Federal Railroad Administration**

**[Docket No. FRA–2024–0026]**

**Proposed Agency Information Collection Activities; Comment Request**

**AGENCY:** Federal Railroad Administration (FRA), Department of Transportation (DOT).

**ACTION:** Notice of information collection; request for comment.

**SUMMARY:** Under the Paperwork Reduction Act of 1995 (PRA) and its implementing regulations, this notice announces that FRA is forwarding the Information Collection Request (ICR) summarized below to the Office of Management and Budget (OMB) for review and comment. The ICR describes the information collection and its expected burden. On July 30, 2024, FRA published a notice providing a 60-day period for public comment on the ICR. FRA received no comments in response to the notice.

**DATES:** Interested persons are invited to submit comments on or before November 18, 2024.

**ADDRESSES:** Written comments and recommendations for the proposed ICR should be sent within 30 days of publication of this notice to [www.reginfo.gov/public/do/PRAMain](http://www.reginfo.gov/public/do/PRAMain). Find the particular ICR by selecting “Currently under Review—Open for Public Comments” or by using the search function.

**FOR FURTHER INFORMATION CONTACT:** Ms. Arlette Mussington, Information Collection Clearance Officer, at email: [arlette.mussington@dot.gov](mailto:arlette.mussington@dot.gov) or telephone: (571) 609–1285 or Ms. Joanne Swafford, Information Collection Clearance Officer, at email: [joanne.swafford@dot.gov](mailto:joanne.swafford@dot.gov) or telephone: (757) 897–9908.

**SUPPLEMENTARY INFORMATION:** The PRA, 44 U.S.C. 3501–3520, and its implementing regulations, 5 CFR part 1320, require Federal agencies to issue two notices seeking public comment on information collection activities before OMB may approve paperwork packages. See 44 U.S.C. 3506, 3507; 5 CFR 1320.8 through 1320.12. On July 30, 2024, FRA published a 60-day notice in the **Federal Register** soliciting public comment on the ICR for which it is now seeking OMB approval. See 89 FR 61230. FRA has received no comments related to the proposed collection of information.

Before OMB decides whether to approve this proposed collection of information, it must provide 30 days’

notice for public comment. Federal law requires OMB to approve or disapprove paperwork packages between 30 and 60 days after the 30-day notice is published. 44 U.S.C. 3507(b)–(c); 5 CFR 1320.12(d); see also 60 FR 44978, 44983, Aug. 29, 1995. The 30-day notice informs the regulated community of its opportunity to file relevant comments and affords the agency adequate time to consider public comments before it renders a decision. 60 FR 44983, Aug. 29, 1995. Therefore, each respondent should submit their comments to OMB within 30 days of publication to best ensure having their full effect.

Comments are invited on the following ICR regarding: (1) whether the information collection activities are necessary for FRA to properly execute its functions, including whether the information will have practical utility; (2) the accuracy of FRA’s estimates of the burden of the information collection activities, including the validity of the methodology and assumptions used to determine the estimates; (3) ways for FRA to enhance the quality, utility, and clarity of the information being collected; and (4) ways to minimize the burden of information collection activities on the public, including the use of automated collection techniques or other forms of information technology.

The summary below describes the ICR that FRA will submit for OMB clearance as the PRA requires:

*Title:* Uniform Report of Small Business (SB) Commitments/Awards and Payments.

*OMB Control Number:* 2130–New.  
*Abstract:* The Disadvantaged Business Enterprise (DBE) program is statutorily mandated and intended to assist small businesses owned and controlled by socially and economically disadvantaged individuals compete fairly in the Department of Transportation’s transportation funding programs for certain highway, transit, and aviation programs. The DBE program is implemented by recipients of DOT financial assistance. The DOT DBE directive does not include rail assistance programs and FRA does not have a mandated DBE program. Rather, FRA issues and manages rail assistance programs in compliance with the DOT regulations for implementing Title VI of the Civil Rights Act of 1964 found at 49 CFR part 21 and the Uniform Administrative Requirements, Cost Principles, and Audit Requirements for Federal Awards found at 2 CFR part 200. Specifically, 2 CFR 200.321 (a) through (b)(6) provides affirmative steps a non-Federal entity must take to assure that minority businesses, women’s

business enterprises, and labor surplus area firms are used when possible.

In 2015, Congress instructed the Secretary of Transportation to conduct a nationwide disparity and availability study on the availability and use of small businesses owned and controlled by socially and economically disadvantaged individuals and veteran-owned small businesses in publicly funded intercity rail passenger transportation projects.

The report for the study was provided to Congress in 2022. The report noted a gap in data available for analysis to determine if there is any disparity in rail transportation grant awards. To address the data gap identified in the report, FRA is proposing to add new form, FRA F 6180.281 titled, Small Business (SB) Commitments/Awards and Payments. The proposed data collection will address this gap and aid future considerations of the application of the DBE program.

The purpose of FRA F 6180.281 is to collect data from grant recipients to determine the amount of dollars from FRA grants and contracts that flow to small, women-owned and Disadvantaged Business Enterprises (DBE). This would identify all prime contractors, sub-contractors, consultants, and vendors that FRA grant recipients worked with and on which they spent grant funds. Additionally, the proposed new form, FRA F 6180.281 "SB Commitments/Awards and Payments" would be used by FRA to carry out its oversight responsibilities of non-Federal entities receiving grant funds.

This collection of information aligns with DOT's Strategic Goal of Equity as it supports establishing economic equity for small businesses owned by disadvantaged individuals and promoting development opportunities.

*Type of Request:* Approval of a new collection of information.

*Affected Public:* Generally, includes States and local governments and railroads.

*Form(s):* FRA F 6180.281.

*Respondent Universe:* 140 grant recipients.

*Frequency of Submission:* Annually.

*Total Estimated Annual Responses:* 140.

*Total Estimated Annual Burden:* 49,980 hours.

*Total Estimated Annual Burden Hour Dollar Cost Equivalent:* \$2,289,584.

FRA informs all interested parties that it may not conduct or sponsor, and a respondent is not required to respond to, a collection of information that does not display a currently valid OMB control number.

*Authority:* 44 U.S.C. 3501–3520.

**Christopher S. Van Nostrand,**

*Deputy Chief Counsel.*

[FR Doc. 2024–23921 Filed 10–16–24; 8:45 am]

**BILLING CODE 4910–06–P**

## DEPARTMENT OF VETERANS AFFAIRS

[OMB Control No. 2900–0717]

### Agency Information Collection Activity Under OMB Review: Child Care Provider Information—For the Child Care Subsidy Program

**AGENCY:** Human Resources and Administration/Operations, Security, and Preparedness (HRA/OSP), Department of Veterans Affairs.

**ACTION:** Notice.

**SUMMARY:** In compliance with the Paperwork Reduction Act (PRA) of 1995, this notice announces that the Human Resources and Administration/Operations, Security, and Preparedness (HRA/OSP), 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 by November 18, 2024.

**ADDRESSES:** To submit comments and recommendations for the proposed information collection, please type the following link into your browser: [www.reginfo.gov/public/do/PRAMain](http://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. 2900–0717."

**FOR FURTHER INFORMATION CONTACT:** VA PRA information: Maribel Aponte, 202–461–8900, [vacopaperworkreduact@va.gov](mailto:vacopaperworkreduact@va.gov).

#### SUPPLEMENTARY INFORMATION:

*Title:* Child Care Provider Information—For the Child Care Subsidy Program.

*OMB Control Number:* 2900–0717  
<https://www.reginfo.gov/public/do/PRAsearch>.

*Type of Review:* Reinstatement with change of a previously approved collection.

*Abstract:* The Department of Veterans Affairs (VA) needs to collect information from child care providers to

determine employee eligibility to participate in the VA Child Care Subsidy Program.

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 56477, July 9, 2024.

*Affected Public:* Individuals or Households.

*Estimated Annual Burden:* 937 Hours.

*Estimated Average Burden per Respondent:* 15 Minutes.

*Frequency of Response:* On Occasion.

*Estimated Number of Respondents:* 4,500.

*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. 2024–23925 Filed 10–16–24; 8:45 am]

**BILLING CODE 8320–01–P**

## DEPARTMENT OF VETERANS AFFAIRS

### Dependency and Indemnity Compensation Cost of Living Adjustments

**AGENCY:** Department of Veterans Affairs.

**ACTION:** Notice.

**SUMMARY:** As required by the Veterans' Compensation Cost-of-Living Adjustment Act of 2023, the Department of Veterans Affairs (VA) is hereby giving notice of Cost-of-Living Adjustments (COLA) in certain benefit rates. These COLAs affect the Dependency and Indemnity Compensation (DIC) Program. The rate of the adjustment is tied to the increase in Social Security benefits, effective December 1, 2023, as announced by the Social Security Administration (SSA). SSA has announced an increase of 3.2%.

**DATES:** The increases in amounts became effective December 1, 2023.

#### FOR FURTHER INFORMATION CONTACT:

Gabrielle Mancuso, Lead Management and Program Analyst, Pension and Fiduciary Service, Veterans Benefits Administration, Department of Veterans Affairs, 810 Vermont Avenue NW, Washington, DC 20420; 202–632–8862. This is not a toll-free number.

**SUPPLEMENTARY INFORMATION:** Under the provisions of Public Law 118–6, VA is required to increase, effective December 1, 2023, the benefit rates of DIC programs by the same percentage as

increases in the benefit amounts payable under title II of the Social Security Act. VA is required to publish notice of the increased rates in the **Federal Register**.

SSA has announced a 3.2% COLA increase in Social Security benefits effective December 1, 2023. Therefore, applying the same percentage, the following increased rates for the DIC program became effective December 1, 2023:

**Dependency and Indemnity Compensation Monthly Payment Rates**

*DIC Payable to a Surviving Spouse—Veteran Death on or After January 1, 1993*

*Basic Monthly Rate:* \$1,612.75.

If at the time of the Veteran's death, the Veteran was in receipt of or entitled to receive compensation for a service-connected disability rated totally disabling (including a rating based on individual unemployability) for a continuous period of at least 8 years immediately preceding death AND the surviving spouse was married to the Veteran for those same 8 years, add: \$342.46.

For each dependent child under the age of 18, add: \$399.54.

If the surviving spouse is entitled to Aid and Attendance benefits, add \$399.54.

If the surviving spouse is entitled to Housebound benefits, add \$181.17.

If the surviving spouse has one or more children under the age of 18 on the award per 38 U.S.C. 1311(f), add the 2-year transitional benefit of \$342.00.

*DIC Payable to a Surviving Spouse—Veteran Death Prior to January 1, 1993*

Veteran paygrade	Amount payable
E-1(f) .....	\$1,612.75
E-2(f) .....	1,612.75

Veteran paygrade	Amount payable
E-3(a,f) .....	1,612.75
E-4(f) .....	1,612.75
E-5(f) .....	1,612.75
E-6(f) .....	1,612.75
E-7(g) .....	1,668.49
E-8(g) .....	1,761.43
E-9(g) .....	1,837.07
E-9(b) .....	1,983.09
W-1(g) .....	1,703.03
W-2(g) .....	1,770.71
W-3(g) .....	1,822.47
W-4(g) .....	1,928.66
O-1(g) .....	1,703.03
O-2(g) .....	1,761.43
O-3(g) .....	1,882.19
O-4 .....	1,995.01
O-5 .....	2,195.47
O-6 .....	2,475.55
O-7 .....	2,671.96
O-8 .....	2,934.81
O-9 .....	3,139.21
O-10 .....	3,443.18
O-10(c) .....	3,695.39

(a) Surviving spouse of Aviation Cadet or other service not covered by this table is paid the DIC rate for enlisted E-3.

(b) Veteran who served as Sgt. Major of the Army or Marine Corps, Senior Enlisted Advisor of the Navy, Chief Master Sgt. of the Air Force, or Sergeant Major of the Marine Corps, or as Master Chief Petty Officer of the Coast Guard.

(c) Veteran who served as Chairman of the Joint Chiefs of Staff, Chief of Staff of the Army or Air Force, Chief of Naval Operations, Commandant of the Marine Corps, or as Commandant of the Coast Guard.

(d) If surviving spouse is entitled to aid and attendance, add \$399.54; if entitled to housebound, add \$187.17.

(e) Add \$399.54 for each child under 18.

(f) Add \$342.46 if Veteran rated totally disabled for 8 continuous years

prior to death and surviving spouse was married to Veteran those same 8 years.

(g) Base rate is \$1,955.21 if Veteran rated totally disabled 8 continuous years prior to death and surviving spouse was married to Veteran those same 8 years.

*DIC Payable to Children*

**Surviving Spouse Entitled**

For each child over the age of 18 who is attending an approved course of education, the rate is \$338.49.

For each child over the age of 18 who is helpless, the rate is \$680.94.

**No Surviving Spouse Entitled**

Number of children	Total payable	Each child's share
1 .....	\$680.94	\$680.94
2 .....	979.58	489.79
3 .....	1,238.63	426.09

For each additional child, add \$242.91 to the total payable amount to be paid in equal shares to each child.

For each additional helpless child over 18, add \$399.54 to the amount payable to the helpless child.

**Signing Authority**

Denis McDonough, Secretary of Veterans Affairs, signed and approved this document on October 8, 2024, and authorized the undersigned to sign and submit the document to the Office of the Federal Register for publication electronically as an official document of the Department of Veterans Affairs.

**Luvenia Potts,**

*Regulation Development Coordinator, Office of Regulation Policy & Management, Office of General Counsel, Department of Veterans Affairs.*

[FR Doc. 2024-23878 Filed 10-16-24; 8:45 am]

**BILLING CODE 8320-01-P**

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