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U.S. GOVERNMENT
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FEDERAL REGISTER

Vol. 89 Thursday,

No. 206 October 24, 2024

Pages 84799–85034

OFFICE OF THE FEDERAL REGISTER

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Contents

Federal Register

Vol. 89, No. 206

Thursday, October 24, 2024

Agricultural Marketing Service
PROPOSED RULES
Increased Assessment Rate:
Pears Grown in Oregon and Washington, 84828–84831

Agriculture Department
See Agricultural Marketing Service
See Animal and Plant Health Inspection Service

Animal and Plant Health Inspection Service
NOTICES
Privacy Act; Systems of Records, 84862

Bureau of the Fiscal Service
NOTICES
Agency Information Collection Activities; Proposals, Submissions, and Approvals:
Claim for Lost, Stolen, or Destroyed U.S. Savings Bonds and Supplemental Statement for U.S. Securities, 85007–85008
Request by Fiduciary for Distribution of United States Treasury Securities, 85007

Centers for Disease Control and Prevention
NOTICES
Designation of a Class of Employees for Addition to the Special Exposure Cohort, 84884

Children and Families Administration
NOTICES
Agency Information Collection Activities; Proposals, Submissions, and Approvals:
Legal and Advocacy Services for Unaccompanied Children, 84884–84887

Civil Rights Cold Case Records Review Board
NOTICES
Formal Determination on Records Release, 84862–84863

Commerce Department
See Foreign-Trade Zones Board
See International Trade Administration
See National Oceanic and Atmospheric Administration

Consumer Product Safety Commission
NOTICES
Agency Information Collection Activities; Proposals, Submissions, and Approvals
Child Strength Study, 84882–84883

Education Department
NOTICES
Agency Information Collection Activities; Proposals, Submissions, and Approvals:
International Resource Information System, 84883–84884

Employment and Training Administration
NOTICES
Agency Information Collection Activities; Proposals, Submissions, and Approvals:
Occupational Code Assignment, 84934–84935
Tribal Consultation:
Opportunities and Access to Registered Apprenticeship and for Competitive Grants, 84933–84934

Environmental Protection Agency
PROPOSED RULES
Air Quality State Implementation Plans; Approvals and Promulgations:
Washington; Olympic Region Clean Air Agency, Recreational Fires, 84842–84845

Federal Aviation Administration
RULES
Airspace Designations and Reporting Points:
Northwestern United States, 84812–84814
Vicinity of Emmonak, AK, 84810–84811
Airworthiness Directives:
Airbus S.A.S Airplanes, 84806–84808
Airbus SAS Airplanes, 84801–84803
Embraer S.A. (Type Certificate Previously Held by Yabora Industria Aeronautica S.A.) Airplanes, 84799–84801
Robinson Helicopter Company Helicopters, 84808–84810
Rolls-Royce Deutschland Ltd and Co KG Engines, 84803–84806
Restricted Area:
Dahlgren Complex, VA, 84814–84815
PROPOSED RULES
Airspace Designations and Reporting Points:
Eastern United States, 84841–84842
Airworthiness Directives:
Airbus Helicopters, 84836–84838
DAHER AEROSPACE (Type Certificate Previously Held by SOCATA) Airplanes, 84838–84841

Federal Emergency Management Agency
NOTICES
Adjustment of Countywide Per Capita Impact Indicator, 84914–84915
Adjustment of Disaster Grant Amounts, 84906
Adjustment of Minimum Project Worksheet Amount, 84907–84908
Adjustment of Statewide Per Capita Impact Indicator, 84912
Award Amount Adjustment for Serious Needs Assistance, 84922
Disaster or Emergency Declaration and Related Determination:
Alabama; Amendment No. 1, 84924
Confederated Tribes and Bands of the Yakama Nation; Amendment No. 1, 84918
Connecticut; Amendment No. 1, 84923
Florida; Amendment No. 1, 84916, 84918–84919
Florida; Amendment No. 2, 84920–84921
Florida; Amendment No. 3, 84922
Florida; Amendment No. 4, 84921–84922
Florida; Amendment No. 5, 84920
Florida; Amendment No. 6, 84921, 84924
Georgia; Amendment No. 1, 84910
Georgia; Amendment No. 2, 84912
Georgia; Amendment No. 3, 84925
Georgia; Amendment No. 4, 84917–84918
Georgia; Amendment No. 5, 84917
Georgia; Amendment No. 6, 84915–84916

Kansas; Amendment No. 1, 84912
Louisiana, 84910–84911
Louisiana; Amendment No. 1, 84911, 84921
Montana, 84913–84914
Nebraska; Amendment No. 1, 84917
New Mexico; Amendment No. 7, 84914
New York, 84906–84907
North Carolina; Amendment No. 1, 84916–84917
North Carolina; Amendment No. 2, 84919–84920
Pennsylvania, 84915
Santa Clara Pueblo; Amendment No. 1, 84911
South Carolina; Amendment No. 1, 84920
South Carolina; Amendment No. 2, 84914
South Carolina; Amendment No. 3, 84911
South Carolina; Amendment No. 4, 84925
South Carolina; Amendment No. 5, 84926
South Carolina; Amendment No. 6, 84924–84925
South Carolina; Amendment No. 7, 84922–84923
Tennessee; Amendment No. 1, 84903, 84907
Tennessee; Amendment No. 2, 84923
Texas; Amendment No. 18, 84918–84919
Vermont, 84902
Virgin Islands; Amendment No. 3, 84916
Virginia; Amendment No. 1, 84913, 84925–84926
Virginia; Amendment No. 2, 84913
Virginia; Amendment No. 3, 84907
Virginia; Amendment No. 4, 84908
Washington; Amendment No. 2, 84908
Washington; Amendment No. 4, 84919
Flood Hazard Determinations, 84901–84906, 84908–84910
Maximum Amount of Assistance under the Individuals and Households Program, 84923–84924

Federal Railroad Administration
PROPOSED RULES
Track Geometry Measurement System Inspections, 84845–84861
NOTICES
Request for Amendment:
Massachusetts Bay Transportation Authority; Positive Train Control System, 84998–84999
National Railroad Passenger Corp.; Positive Train Control System, 84999–85000

Federal Transit Administration
NOTICES
Agency Information Collection Activities; Proposals, Submissions, and Approvals:
Transit COVID-19 Response Program, 85000–85001
Environmental Impact Statements; Availability, etc.:
Ballard Link Extension Project, King County, WA, 85001–85003

Food and Drug Administration
RULES
Guidance:
Enforcement Policy for Association of American Feed Control Officials—Defined Animal Feed Ingredients, 84819–84820
NOTICES
Agency Information Collection Activities; Proposals, Submissions, and Approvals:
Adherence Potential and Patient Preference in Prescription Drug Promotion, 84889–84894
Antimicrobial Animal Drug Sales and Distribution, 84887–84889
Current Good Manufacturing Practice, Hazard Analysis, and Risk-Based Preventive Controls for Human Food, and Current Good Manufacturing Practice, Hazard Analysis, etc., 84895–84898
Hearings, Meetings, Proceedings, etc.:
Vaccines and Related Biological Products Advisory Committee, 84894–84895

Foreign Assets Control Office
RULES
Global Terrorism Sanctions Regulations Web General Licenses 30 and 31, 84821
Russian Harmful Foreign Activities Sanctions Regulations Web General License 13K, 84820
NOTICES
Sanctions Action, 85008

Foreign-Trade Zones Board
NOTICES
Activation Limit Increase Under Alternative Site Framework:
Foreign-Trade Zone 75, Phoenix, AZ, 84863
Application for Production Authority:
Phillips 66 Co., Foreign-Trade Zone 3, Rodeo, CA; Correction, 84863

Health and Human Services Department
See Centers for Disease Control and Prevention
See Children and Families Administration
See Food and Drug Administration
See Health Resources and Services Administration
See National Institutes of Health
See Substance Abuse and Mental Health Services Administration
RULES
Protection of Human Research Subjects:
Additional Protections for Specific Populations, 84822–84827

Health Resources and Services Administration
NOTICES
Agency Information Collection Activities; Proposals, Submissions, and Approvals:
Environmental Information and Documentation, 84898–84899

Homeland Security Department
See Federal Emergency Management Agency
See Transportation Security Administration

Indian Affairs Bureau
NOTICES
Agency Information Collection Activities; Proposals, Submissions, and Approvals:
Request for Certificate of Degree of Indian or Alaska Native Blood, 84927–84928

Interior Department
See Indian Affairs Bureau
NOTICES
National Environmental Policy Act Implementing Procedures for the Bureau of Land Management, 84928–84932

Internal Revenue Service
NOTICES
Hearings, Meetings, Proceedings, etc.:
Electronic Tax Administration Advisory Committee, 85008–85009

International Trade Administration
NOTICES
Antidumping or Countervailing Duty Investigations, Orders, or Reviews:
Certain Plastic Decorative Ribbons From China, 84865–84867
Wood Mouldings and Millwork Products From the People's Republic of China, 84863–84865
New Shipper Review:
Stainless Steel Bar From India, 84867–84868

International Trade Commission
NOTICES
Investigations; Determinations, Modifications, and Rulings, etc.:
Cast Iron Soil Pipe From China, 84933
Non-Malleable Cast Iron Pipe Fittings From China, 84932–84933

Labor Department
See Employment and Training Administration

Maritime Administration
NOTICES
Coastwise Endorsement Eligibility Determination for a Foreign-Built Vessel:
Mrs. Chippy (Sail), 85003–85004
Pilot Lounge (Motor), 85006–85007
Sea Said Yes (Sail), 85004–85005
Stepping Stone (Motor), 85005–85006

Millennium Challenge Corporation
NOTICES
Compact With the Republic of Zambia, 84935–84936

National Credit Union Administration
NOTICES
Agency Information Collection Activities; Proposals, Submissions, and Approvals, 84936–84938

National Institutes of Health
NOTICES
Hearings, Meetings, Proceedings, etc.:
Eunice Kennedy Shriver National Institute of Child Health and Human Development, 84899
National Institute of Allergy and Infectious Diseases, 84899–84900
Office of the Secretary, 84899–84900

National Oceanic and Atmospheric Administration
NOTICES
Agency Information Collection Activities; Proposals, Submissions, and Approvals:
Evaluation of Public Visitors' Experience at the National Marine Sanctuaries Visitor Centers and Exhibits, 84882
High Seas Fishing Permit Application, Logbook Reporting, and Vessel Marking, 84880–84881
National Marine Sanctuary Permits, 84871–84872
Guidance:
Assessing the Effects of Anthropogenic Sound on Marine Mammal Hearing—Underwater and In-Air Criteria for Onset of Auditory Injury and Temporary Threshold Shifts (Version 3.0), 84872–84880
Permits; Applications, Issuances, etc.:
Endangered and Threatened Species; File No. 28338, 84868
Taking or Importing of Marine Mammals:
Replacement of Pier 302 at Naval Base Point Loma, San Diego, CA, 84868–84871

Nuclear Regulatory Commission
NOTICES
Agency Information Collection Activities; Proposals, Submissions, and Approvals:
Domestic Licensing of Production and Utilization Facilities, 84938–84939
Environmental Impact Statements; Availability, etc.:
Point Beach Nuclear Plant, Units 1 and 2, NextEra Energy Point Beach, LLC; Correction, 84938

Personnel Management Office
RULES
Postal Service Health Benefits Program:
Additional Requirements and Clarifications, 85012–85034

Postal Regulatory Commission
NOTICES
New Postal Products, 84939–84940

Postal Service
NOTICES
Product Change:
Priority Mail and USPS Ground Advantage Negotiated Service Agreement, 84941–84947
Priority Mail Express, Priority Mail, and USPS Ground Advantage Negotiated Service Agreement, 84940–84947

Securities and Exchange Commission
NOTICES
Agency Information Collection Activities; Proposals, Submissions, and Approvals, 84978–84979
Self-Regulatory Organizations; Proposed Rule Changes:
Cboe Exchange, Inc., 84948–84960
ICE Clear Credit, LLC, 84979–84983
LCH SA, 84972–84978
NYSE American, LLC, 84960–84972

Small Business Administration
PROPOSED RULES
Accredited Lenders Program Express Pilot to Permanent Status, 84831–84836

State Justice Institute
NOTICES
Grant Guideline, 84983–84998

Substance Abuse and Mental Health Services Administration
NOTICES
Approval of Entities That Certify Medical Review Officers, 84900–84901

Surface Transportation Board
NOTICES
Exemption:
Operation; Cedar Hills Rail LLC, Ab Eco Park LLC, 84998

Transportation Department
See Federal Aviation Administration
See Federal Railroad Administration
See Federal Transit Administration
See Maritime Administration

RULES
Periodic Revisions to Denied Boarding Compensation and Domestic Baggage Liability Limits, 84815–84819

Transportation Security Administration
NOTICES
Agency Information Collection Activities; Proposals, Submissions, and Approvals:
Screening Partnership Program, 84926–84927

Treasury Department
See Bureau of the Fiscal Service
See Foreign Assets Control Office
See Internal Revenue Service

Veterans Affairs Department
NOTICES
Agency Information Collection Activities; Proposals, Submissions, and Approvals:
Designation of Beneficiary—Government Life Insurance and Supplemental Designation of Beneficiary—Government Life Insurance, 85009
Hearings, Meetings, Proceedings, etc.:
Research Advisory Committee on Gulf War Veterans' Illnesses, 85009

Separate Parts In This Issue

Part II
Personnel Management Office, 85012–85034

Reader Aids
Consult the Reader Aids section at the end of this issue for phone numbers, online resources, finding aids, and notice of recently enacted public laws.

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CFR PARTS AFFECTED IN THIS ISSUE

A cumulative list of the parts affected this month can be found in the Reader Aids section at the end of this issue.

5 CFR
890 85012

7 CFR
Proposed Rules:
927 84828

13 CFR
Proposed Rules:
120 84831

14 CFR
39 (5 documents) 84799, 84801, 84803, 84806, 84808
71 (2 documents) 84810, 84812
73 84814
250 84815
254 84815
Proposed Rules:
39 (2 documents) 84836, 84838
71 84841

21 CFR
Ch. I 84819

31 CFR
587 84820
594 84821

40 CFR
Proposed Rules:
52 84842

45 CFR
46 84822

49 CFR
Proposed Rules:
213 84845

Rules and Regulations

Federal Register
Vol. 89, No. 206
Thursday, October 24, 2024

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

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DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

14 CFR Part 39

[Docket No. FAA–2024–1704; Project Identifier MCAI–2023–01204–T; Amendment 39–22865; AD 2024–20–06]

RIN 2120–AA64

Airworthiness Directives; Embraer S.A. (Type Certificate Previously Held by Yaborã Indústria Aeronáutica S.A.) Airplanes

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Final rule.

SUMMARY: The FAA is adopting a new airworthiness directive (AD) for certain Embraer S.A. Model ERJ 190–100 STD, –100 LR, –100 IGW, –200 STD, –200 LR, and –200 IGW airplanes. This AD was prompted by a manufacturing quality escape concerning certain overheat detection system (ODS) sensing elements. This AD requires inspecting the ODS sensing elements and performing applicable corrective actions, and prohibits the installation of affected parts, as specified in an Agência Nacional de Aviação Civil (ANAC) AD, which is incorporated by reference. The FAA is issuing this AD to address the unsafe condition on these products.

DATES: This AD is effective November 29, 2024.

The Director of the Federal Register approved the incorporation by reference of a certain publication listed in this AD as of November 29, 2024.

ADDRESSES:

AD Docket: You may examine the AD docket at *regulations.gov* under Docket No. FAA–2024–1704; or in person at Docket Operations between 9 a.m. and 5 p.m., Monday through Friday, except Federal holidays. The AD docket contains this final rule, the mandatory continuing airworthiness information (MCAI), any comments received, and other information. The address for Docket Operations is U.S. Department of Transportation, Docket Operations, M–30, West Building Ground Floor, Room W12–140, 1200 New Jersey Avenue SE, Washington, DC 20590.

Material Incorporated by Reference:

- For ANAC material identified in this AD, contact ANAC, Aeronautical Products Certification Branch (GGCP), Rua Dr. Orlando Feirabend Filho, 230—Centro Empresarial Aquarius—Torre B—Andares 14 a 18, Parque Residencial Aquarius, CEP 12.246–190—São José dos Campos—SP, Brazil; telephone 55 (12) 3203–6600; email *pac@anac.gov.br;* website *anac.gov.br/en/.* You may find this material on the ANAC website at *sistemas.anac.gov.br/certificacao/DA/DAE.asp.*
- You may view this material at the FAA, Airworthiness Products Section, Operational Safety Branch, 2200 South 216th St., Des Moines, WA. For information on the availability of this material at the FAA, call 206–231–3195. It is also available at *regulations.gov* under Docket No. FAA–2024–1704.

FOR FURTHER INFORMATION CONTACT: Krista Greer, Aviation Safety Engineer, FAA, 1600 Stewart Avenue, Suite 410, Westbury, NY 11590; phone: 206–231–3221; email: *krista.greer@faa.gov.*

SUPPLEMENTARY INFORMATION:

Background

The FAA issued a notice of proposed rulemaking (NPRM) to amend 14 CFR part 39 by adding an AD that would apply to certain Embraer S.A. Model ERJ 190–100 STD, –100 LR, –100 IGW, –200 STD, –200 LR, and –200 IGW airplanes. The NPRM published in the **Federal Register** on July 16, 2024 (89 FR 57795). The NPRM was prompted by AD 2023–11–02, effective November 21, 2023, issued by ANAC, which is the aviation authority for Brazil (ANAC AD 2023–11–02) (also referred to as the MCAI). The MCAI states that a quality escape occurred during manufacturing concerning some ODS sensing elements produced before January 31, 2021.

In the NPRM, the FAA proposed to require inspecting the ODS sensing elements and performing applicable corrective actions, as specified in ANAC AD 2023–11–02. The NPRM also proposed to prohibit the installation of affected parts. The FAA is issuing this AD to address defective sensing elements. The unsafe condition, if not addressed, could result in a sensing element not being able to detect a thermal bleed leak, which is a latent failure, and, depending on the affected area, may start an ignition source in the fuel tank, which could damage some electronic boxes and expose the wing structure to high temperature gradients and unexpected thermal loads, which could result in reduced structural integrity of the airplane.

You may examine the MCAI in the AD docket at *regulations.gov* under Docket No. FAA–2024–1704.

Discussion of Final Airworthiness Directive

Comments

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

Conclusion

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

Material Incorporated by Reference Under 1 CFR Part 51

ANAC AD 2023–11–02 specifies procedures for a detailed inspection of the ODS sensing elements of the airplane bleed lines and replacement, if applicable, and procedures for re-activation of ODS sensing elements that were deactivated during the detailed inspection. ANAC AD 2023–11–02 also defines and prohibits the installation of an affected ODS sensing element unless the affected part passed an inspection, indicated by a marking on one face of the connector hex nut.

This material is reasonably available because the interested parties have access to it through their normal course

of business or by the means identified in the **ADDRESSES** section.

Costs of Compliance

The FAA estimates that this AD affects 90 airplanes of U.S. registry. The FAA estimates the following costs to comply with this AD:

ESTIMATED COSTS FOR REQUIRED ACTIONS

Labor cost	Parts cost	Cost per product	Cost on U.S. operators
Up to 26 work-hours × $85 per hour = Up to $2,210	$0	Up to $2,210	Up to $198,900.

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

ESTIMATED COSTS OF ON-CONDITION ACTIONS

Labor cost	Parts cost	Cost per product
2 work-hours × $85 per hour = $170	$500	$670

Authority for This Rulemaking

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

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

Regulatory Findings

This AD will not have federalism implications under Executive Order 13132. This AD will not have a substantial direct effect on the States, on the relationship between the national government and the States, or on the distribution of power and responsibilities among the various levels of government.

For the reasons discussed above, I certify that this AD:

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

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

(3) Will not have a significant economic impact, positive or negative, on a substantial number of small entities under the criteria of the Regulatory Flexibility Act.

List of Subjects in 14 CFR Part 39

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

The Amendment

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

PART 39—AIRWORTHINESS DIRECTIVES

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

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

§ 39.13 [Amended]

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

2024–20–06 Embraer S.A. (Type Certificate Previously Held by Yaborã Indústria Aeronáutica S.A.): Amendment 39–22865; Docket No. FAA–2024–1704; Project Identifier MCAI–2023–01204–T.

(a) Effective Date

This airworthiness directive (AD) is effective November 29, 2024.

(b) Affected ADs

None.

(c) Applicability

This AD applies to Embraer S.A. (Type Certificate previously held by Yaborã Indústria Aeronáutica S.A.) Model ERJ 190–100 IGW, –100 LR, –100 STD, –200 IGW, –200 LR, and –200 STD airplanes, certificated in any category, as identified in Agência Nacional de Aviação Civil (ANAC) AD 2023–11–02, effective November 21, 2023 (ANAC AD 2023–11–02).

(d) Subject

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

(e) Unsafe Condition

This AD was prompted by a manufacturing quality escape concerning certain overheat detection system (ODS) sensing elements. The FAA is issuing this AD to address defective sensing elements. The unsafe condition, if not addressed, could result in a sensing element not being able to detect a thermal bleed leak, which is a latent failure, and, depending on the affected area, may start an ignition source in the fuel tank, which could damage some electronic boxes and expose the wing structure to high temperature gradients and unexpected thermal loads, which could result in reduced structural integrity of the airplane.

(f) Compliance

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

(g) Requirements

Except as specified in paragraphs (h) and (i) of this AD: Comply with all required actions and compliance times specified in, and in accordance with, ANAC AD 2023–11–02.

(h) Exceptions to ANAC AD 2023–11–02

(1) Where ANAC AD 2023–11–02 refers to its effective date, this AD requires using the effective date of this AD.

(2) Where paragraph (b)(1) of ANAC AD 2023–11–02 specifies ''Within 5,000 Flight Hours (FH) or 24 months,'' for this AD, replace that text with ''Within 7,500 Flight Hours (FH) or 36 months.''

(3) Where paragraphs (c)(1), (d)(1), (e)(1), (f)(1), and (g)(1) of ANAC AD 2023–11–02 specify ''Within 5,000 FH or 24 months,'' for this AD, replace that text with ''Within 7,500 FH or 36 months.''

(4) Where paragraphs (b)(1), (c)(1), (d)(1), (e)(1), (f)(1), and (g)(1) of ANAC AD 2023–11–02 specify to inspect ODS sensing elements at various locations, this AD requires adding ''in accordance with Embraer Service Bulletin 190–36–0027, Revision 02, dated September 5, 2023; or later revisions approved by ANAC.''

(5) Where paragraphs (b) through (h) of ANAC AD 2023–11–02 specify on-condition actions based on the results of the ODS sensing element inspections required by paragraphs (b)(1), (c)(1), (d)(1), (e)(1), (f)(1), and (g)(1) of ANAC AD 2023–11–02, this AD requires performing all applicable on-condition actions before further flight after each inspection.

(6) This AD does not adopt paragraph (k) of ANAC AD 2023–11–02.

(7) Where paragraph (l) of ANAC AD 2023–11–02 specifies ''Record compliance with this [ANAC] AD in the applicable maintenance log book,'' for this AD, record compliance with this FAA AD.

(i) No Return of Parts Requirement

Although the material referenced in ANAC AD 2023–11–02 specifies to send removed parts to the manufacturer, this AD does not include that requirement.

(j) Special Flight Permit

Special flight permits, as described in 14 CFR 21.197 and 21.199, are not allowed.

(k) Additional AD Provisions

The following provisions also apply to this AD:

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

(2) *Contacting the Manufacturer:* For any requirement in this AD to obtain instructions from a manufacturer, the instructions must be accomplished using a method approved by the Manager, International Validation Branch, FAA; or ANAC; or ANAC's authorized Designee. If approved by the ANAC Designee, the approval must include the Designee's authorized signature.

(3) *Required for Compliance (RC):* Except as required by paragraphs (i) and (k)(2) of this AD, if any material referenced in ANAC AD 2023–11–02 contains steps in the Accomplishment Instructions or figures that are labeled as RC, the instructions in RC steps, including subparagraphs under an RC step and any figures identified in an RC step, must be done to comply with this AD; any steps including substeps under those steps, that are not identified as RC are recommended. The instructions in steps, including substeps under those steps, not identified as RC may be deviated from using accepted methods in accordance with the operator's maintenance or inspection program without obtaining approval of an AMOC, provided the instructions identified as RC can be done and the airplane can be put back in an airworthy condition. Any substitutions or changes to instructions identified as RC require approval of an AMOC. If a step or substep is labeled ''RC Exempt,'' then the RC requirement is removed from that step or substep.

(l) Additional Information

For more information about this AD, contact Krista Greer, Aviation Safety Engineer, FAA, 1600 Stewart Avenue, Suite 410, Westbury, NY 11590; phone: 206–231–3221; email: *krista.greer@faa.gov.*

(m) Material Incorporated by Reference

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

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

(i) Agência Nacional de Aviação Civil (ANAC) AD 2023–11–02, effective November 21, 2023.

(ii) [Reserved]

(3) For ANAC material identified in this AD, contact ANAC, Aeronautical Products Certification Branch (GGCP), Rua Dr. Orlando Feirabend Filho, 230—Centro Empresarial Aquarius—Torre B—Andares 14 a 18, Parque Residencial Aquarius, CEP 12.246–190—São José dos Campos—SP, Brazil; telephone 55 (12) 3203–6600; email *pac@anac.gov.br;* website *anac.gov.br/en/.* You may find this material on the ANAC website at *sistemas.anac.gov.br/certificacao/DA/DAE.asp.*

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

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

Issued on October 4, 2024.

Peter A. White,

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

[FR Doc. 2024–24453 Filed 10–23–24; 8:45 am]

BILLING CODE 4910–13–P

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

14 CFR Part 39

[Docket No. FAA–2024–1892; Project Identifier MCAI–2024–00198–T; Amendment 39–22860; AD 2024–20–01]

RIN 2120–AA64

Airworthiness Directives; Airbus SAS Airplanes

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Final rule.

SUMMARY: The FAA is superseding Airworthiness Directive (AD) 2023–07–13 which applied to certain Airbus SAS Model A350–941 and –1041 airplanes. AD 2023–07–13 required repetitive detailed inspections of the lower attachment studs on the AFT galley complex and, depending on findings, replacement of the lower attachment studs. This AD was prompted by a determination that additional airplanes are affected, and that all affected parts must be replaced with serviceable parts. This AD continues to require the actions in AD 2023–07–13, adds airplanes to the applicability, and requires the replacement of all affected parts; as specified in European Union Aviation Safety Agency (EASA) AD, which is incorporated by reference. The FAA is issuing this AD to address the unsafe condition on these products.

DATES: This AD is effective November 29, 2024.

The Director of the Federal Register approved the incorporation by reference of a certain publication listed in this AD as of November 29, 2024.

ADDRESSES:

AD Docket: You may examine the AD docket at *regulations.gov* under Docket No. FAA–2024–1892; or in person at Docket Operations between 9 a.m. and 5 p.m., Monday through Friday, except Federal holidays. The AD docket contains this final rule, the mandatory continuing airworthiness information (MCAI), any comments received, and other information. The address for Docket Operations is U.S. Department of Transportation, Docket Operations, M–30, West Building Ground Floor, Room W12–140, 1200 New Jersey Avenue SE, Washington, DC 20590.

Material Incorporated by Reference:

- For EASA material identified in this AD, contact EASA, Konrad-Adenauer-Ufer 3, 50668 Cologne, Germany; telephone +49 221 8999 000; email *ADs@easa.europa.eu;* website *easa.europa.eu.* You may find this material on the EASA website at *ad.easa.europa.eu.*
- You may view this material at the FAA, Airworthiness Products Section, Operational Safety Branch, 2200 South 216th St., Des Moines, WA. For information on the availability of this material at the FAA, call 206–231–3195. It is also available at *regulations.gov* under Docket No. FAA–2024–1892.

FOR FURTHER INFORMATION CONTACT: Dat Le, Aviation Safety Engineer, FAA, 1600 Stewart Avenue, Suite 410, Westbury, NY 11590; telephone 516–228–7300; email *dat.v.le@faa.gov.*

SUPPLEMENTARY INFORMATION:

Background

The FAA issued a notice of proposed rulemaking (NPRM) to amend 14 CFR part 39 to supersede AD 2023–07–13, Amendment 39–22415 (88 FR 31169, May 16, 2023) (AD 2023–07–13). AD 2023–07–13 applied to certain Airbus SAS Model A350–941 and –1041 airplanes. AD 2023–07–13 required repetitive detailed inspections of the lower attachment studs on the AFT galley complex for damage (*i.e.,* stress marks, dents, bumps, corrosion, contamination, cracks, and scratches) and correct installation and, depending on findings, replacement of the lower attachment stud. The FAA issued AD 2023–07–13 to address broken lower attachment studs having Part Number (P/N) XP14–070–007800 on the AFT galley complex.

The NPRM published in the **Federal Register** on July 23, 2024 (89 FR 59709). The NPRM was prompted by AD 2024–0078, dated March 20, 2024, issued by EASA, which is the Technical Agent for the Member States of the European Union (EASA AD 2024–0078) (also referred to as the MCAI). The MCAI states that additional airplanes are affected, and that all lower attachment studs having P/N XP14–070–007800, on the AFT galley complex must be replaced. Broken lower attachment studs on the AFT galley complex, if not addressed, could lead to galley detachment, resulting in injury to airplane occupants and reduced capacity for emergency evacuation of the airplane.

In the NPRM, the FAA proposed to continue to require the actions in AD 2023–07–13, add airplanes to the applicability, and require the replacement of all affected parts, as specified in EASA AD 2024–0078. The FAA is issuing this AD to address the unsafe condition on these products.

You may examine the MCAI in the AD docket at *regulations.gov* under Docket No. FAA–2024–1892.

Discussion of Final Airworthiness Directive

Comments

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

Conclusion

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

Material Incorporated by Reference Under 1 CFR Part 51

EASA AD 2024–0078 specifies repetitive detailed inspections for damaged and incorrectly installed lower attachment studs having P/N XP14–070–007800 on the AFT galley complex and, depending on findings, replacement of the lower attachment studs, and eventual replacement of all affected lower attachment studs having P/N XP14–070–007800. EASA AD 2024–0078 specifies that replacement of all lower attachment studs having P/N XP14–070–007800 on all affected AFT galleys constitutes a terminating action for the repetitive detailed inspections.

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

Costs of Compliance

The FAA estimates that this AD affects 13 airplanes of U.S. registry. The FAA estimates the following costs to comply with this AD:

Action	Labor cost	Parts cost	Cost per product	Cost on U.S. operators
Retained actions from AD 2023–07–13	2 work-hours × $85 per hour = $170	$0	$170	$2,210
New actions	7 work-hours × $85 per hour = $595	95	690	8,970

Authority for This Rulemaking

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

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

Regulatory Findings

This AD will not have federalism implications under Executive Order 13132. This AD will not have a substantial direct effect on the States, on the relationship between the national government and the States, or on the distribution of power and responsibilities among the various levels of government.

For the reasons discussed above, I certify that this AD:

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

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

(3) Will not have a significant economic impact, positive or negative, on a substantial number of small entities under the criteria of the Regulatory Flexibility Act.

List of Subjects in 14 CFR Part 39

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

The Amendment

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

PART 39—AIRWORTHINESS DIRECTIVES

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

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

§ 39.13 [Amended]

■ 2. The FAA amends § 39.13 by:

■ a. Removing Airworthiness Directive (AD) 2023–07–13, Amendment 39–22415 (88 FR 31169, May 16, 2023); and

■ b. Adding the following new AD:

2024–20–01 Airbus SAS: Amendment 39–22860; Docket No. FAA–2024–1892; Project Identifier MCAI–2024–00198–T.

(a) Effective Date

This airworthiness directive (AD) is effective November 29, 2024.

(b) Affected ADs

This AD replaces AD 2023–07–13, Amendment 39–22415 (88 FR 31169, May 16, 2023) (AD 2023–07–13).

(c) Applicability

This AD applies to Airbus SAS Model A350–941 and –1041 airplanes, certificated in any category, as identified in European Union Aviation Safety Agency (EASA) AD 2024–0078, dated March 20, 2024 (EASA AD 2024–0078).

(d) Subject

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

(e) Unsafe Condition

This AD was prompted by reports of broken lower attachment studs having P/N XP14–070–007800 on the AFT galley complex. The FAA is issuing this AD to address broken lower attachment studs having XP14–070–007800 on the AFT galley complex. The unsafe condition, if not addressed, could lead to galley module detachment, resulting in injury to airplane occupants and reduced capacity for emergency evacuation of the airplane.

(f) Compliance

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

(g) Requirements

Except as specified in paragraph (h) of this AD: Comply with all required actions and compliance times specified in, and in accordance with, EASA AD 2024–0078.

(h) Exceptions to EASA AD 2024–0078

(1) Where EASA AD 2024–0078 refers to ''04 October 2022 [the effective date of EASA AD 2022–0196],'' this AD requires using June 20, 2023 (the effective date of AD 2023–07–13).

(2) Where EASA AD 2024–0078 refers to its effective date, this AD requires using the effective date of this AD.

(3) Where paragraphs (1), (2), (3), and (4) of EASA AD 2024–0078 specify actions ''in accordance with approved instructions issued by Airbus DOA,'' this AD requires replacing that text with ''in accordance with approved instructions issued by the Manager, Large Aircraft Section, International Validation Branch, FAA; or EASA; or Airbus SAS's EASA Design Organization Approval (DOA). If approved by the DOA, the approval must include the DOA-authorized signature.''

(4) This AD does not adopt the ''Remarks'' section of EASA AD 2024–0078.

(i) Additional AD Provisions

The following provisions also apply to this AD:

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

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

(ii) AMOCs approved previously for AD 2023–07–13 are approved as AMOCs for the corresponding provisions of EASA AD 2024–0078 that are required by paragraph (g) of this AD.

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

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

(j) Additional Information

For more information about this AD, contact Dat Le, Aviation Safety Engineer, FAA, 1600 Stewart Avenue, Suite 410, Westbury, NY 11590; telephone 516–228–7300; email *dat.v.le@faa.gov.*

(k) Material Incorporated by Reference

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

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

(i) European Union Aviation Safety Agency (EASA) AD 2024–0078, dated March 20, 2024.

(ii) [Reserved]

(3) For EASA AD 2024–0078, contact EASA, Konrad-Adenauer-Ufer 3, 50668 Cologne, Germany; telephone +49 221 8999 000; email *ADs@easa.europa.eu;* website *easa.europa.eu.* You may find this EASA AD on the EASA website *ad.easa.europa.eu.*

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

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

Issued on September 23, 2024.

Peter A. White,

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

[FR Doc. 2024–24465 Filed 10–23–24; 8:45 am]

BILLING CODE 4910–13–P

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

14 CFR Part 39

[Docket No. FAA–2024–2331; Project Identifier MCAI–2024–00169–E; Amendment 39–22867; AD 2024–20–08]

RIN 2120–AA64

Airworthiness Directives; Rolls-Royce Deutschland Ltd & Co KG Engines

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Final rule; request for comments.

SUMMARY: The FAA is adopting a new airworthiness directive (AD) for all Rolls-Royce Deutschland Ltd & Co KG (RRD) Model Trent XWB–97 engines. This AD was prompted by the manufacturer revising the existing engine time limits manual (TLM) to introduce new or more restrictive instructions and associated thresholds and intervals for life-limited parts. This AD requires revising the airworthiness limitations section (ALS) of the operator's existing approved engine maintenance or inspection program, as applicable, to incorporate new or more restrictive instructions and associated thresholds and intervals for life-limited parts, as specified in a European Union Aviation Safety Agency (EASA) AD, which is incorporated by reference (IBR). The FAA is issuing this AD to address the unsafe condition on these products.

DATES: This AD is effective November 8, 2024.

The Director of the Federal Register approved the incorporation by reference of a certain publication listed in this AD as of November 8, 2024.

The FAA must receive comments on this AD by December 9, 2024.

ADDRESSES: You may send comments, using the procedures found in 14 CFR 11.43 and 11.45, by any of the following methods:

- *Federal eRulemaking Portal:* Go to *regulations.gov*. Follow the instructions for submitting comments.
- *Fax:* (202) 493–2251.
- *Mail:* U.S. Department of Transportation, Docket Operations, M–30, West Building Ground Floor, Room W12–140, 1200 New Jersey Avenue SE, Washington, DC 20590.
- *Hand Delivery:* Deliver to Mail address above between 9 a.m. and 5 p.m., Monday through Friday, except Federal holidays.

AD Docket: You may examine the AD docket at *regulations.gov* under Docket No. FAA–2024–2331; or in person at Docket Operations between 9 a.m. and 5 p.m., Monday through Friday, except Federal holidays. The AD docket contains this final rule, the mandatory continuing airworthiness information (MCAI), any comments received, and other information. The street address for Docket Operations is listed above.

Material Incorporated by Reference:

- For EASA material identified in this AD, contact EASA, Konrad-Adenauer-Ufer 3, 50668 Cologne, Germany; phone: +49 221 8999 000; email: *ADs@easa.europa.eu;* website: *easa.europa.eu.* You may find this material on the EASA website at *ad.easa.europa.eu.*
- You may view this material at the FAA, Airworthiness Products Section, Operational Safety Branch, 1200 District Avenue, Burlington, MA 01803. For information on the availability of this material at the FAA, call (817) 222–5110. It is also available at *regulations.gov* under Docket No. FAA–2024–2331.

FOR FURTHER INFORMATION CONTACT: Barbara Caufield, Aviation Safety Engineer, FAA, 2200 South 216th Street, Des Moines, WA 98198; phone: (781) 238–7146; email: *barbara.caufield@faa.gov*.

SUPPLEMENTARY INFORMATION:

Comments Invited

The FAA invites you to send any written data, views, or arguments about this final rule. Send your comments to an address listed under the **ADDRESSES** section. Include ''Docket No. FAA–2024–2331; Project Identifier MCAI–2024–00169–E'' at the beginning of your comments. The most helpful comments reference a specific portion of the final rule, explain the reason for any recommended change, and include supporting data. The FAA will consider all comments received by the closing date and may amend this final rule because of those comments.

Except for Confidential Business Information (CBI) as described in the following paragraph, and other information as described in 14 CFR 11.35, the FAA will post all comments received, without change, to *regulations.gov*, including any personal information you provide. The agency will also post a report summarizing each substantive verbal contact received about this final rule.

Confidential Business Information

CBI is commercial or financial information that is both customarily and actually treated as private by its owner. Under the Freedom of Information Act (FOIA) (5 U.S.C. 552), CBI is exempt from public disclosure. If your comments responsive to this AD contain commercial or financial information that is customarily treated as private, that you actually treat as private, and that is relevant or responsive to this AD, it is important that you clearly designate the submitted comments as CBI. Please mark each page of your submission containing CBI as ''PROPIN.'' The FAA will treat such marked submissions as confidential under the FOIA, and they will not be placed in the public docket of this AD. Submissions containing CBI should be sent to Barbara Caufield, Aviation Safety Engineer, FAA, 2200 South 216th Street, Des Moines, WA 98198. Any commentary that the FAA receives which is not specifically designated as CBI will be placed in the public docket for this rulemaking.

Background

EASA, which is the Technical Agent for the Member States of the European Union, has issued EASA AD 2024–0065, dated March 8, 2024 (EASA AD 2024–0065) (also referred to as the MCAI), to correct an unsafe condition on all RRD Model Trent XWB–97 engines. The MCAI states that the manufacturer published a revised TLM introducing new or more restrictive tasks and limitations. These new or more restrictive tasks and limitations include a change to the engine mount pin inspection interval and introducing a new thrust strut inspection.

You may examine the MCAI in the AD docket at *regulations.gov* under Docket No. FAA–2024–2331.

Material Incorporated by Reference Under 1 CFR Part 51

The FAA reviewed EASA AD 2024–0065, which specifies instructions for accomplishing the actions specified in the applicable TLM, including performing maintenance tasks, replacing life-limited parts, and revising the existing approved maintenance or inspection program, as applicable, by incorporating the limitations, tasks, and associated thresholds and intervals described in the TLM. This material is reasonably available because the interested parties have access to it through their normal course of business or by the means identified in the **ADDRESSES** section.

FAA's Determination

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

AD Requirements

This AD requires accomplishing the actions specified in the MCAI described previously, except for any differences identified as exceptions in the regulatory text of this AD and except as discussed under ''Differences Between this AD and the MCAI.''

Differences Between This AD and the MCAI

Where EASA AD 2024–0065 specifies revising the approved AMP within 12 months after the effective date of EASA AD 2024–0065, this AD requires revising the ALS of the existing approved aircraft maintenance or inspection program, as applicable, within 30 days after the effective date of this AD.

Explanation of Required Compliance Information

In the FAA's ongoing efforts to improve the efficiency of the AD process, the FAA developed a process to use some civil aviation authority (CAA) ADs as the primary source of information for compliance with requirements for corresponding FAA ADs. The FAA has since coordinated with other manufacturers and CAAs to use this process. As a result, EASA AD 2024–0065 is incorporated by reference in this AD. This AD requires compliance with EASA AD 2024–0065 in its entirety through that incorporation, except for any differences identified as exceptions in the regulatory text of this AD. Using common terms that are the same as the heading of a particular section in EASA

AD 2024–0065 does not mean that operators need comply only with that section. For example, where the AD requirement refers to ''all required actions within compliance times,'' compliance with this AD requirement is not limited to the section titled ''Required Action(s) and Compliance Time(s)'' in EASA AD 2024–0065. Material required by EASA AD 2024–0065 for compliance will be available at *regulations.gov* under Docket No. FAA–2024–2331 after this AD is published.

Justification for Immediate Adoption and Determination of the Effective Date

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

The FAA justifies waiving notice and comment prior to adoption of this rule because no domestic operators use this product. It is unlikely that the FAA will receive any adverse comments or useful information about this AD from any U.S. operator. Accordingly, notice and opportunity for prior public comment are unnecessary, pursuant to 5 U.S.C. 553(b). In addition, for the foregoing reason(s), the FAA finds that good cause exists pursuant to 5 U.S.C. 553(d) for making this amendment effective in less than 30 days.

Regulatory Flexibility Act

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

Costs of Compliance

There are no costs of compliance with this AD because there are no engines with this type certificate on the U.S. Registry.

Authority for This Rulemaking

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

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

Regulatory Findings

This AD will not have federalism implications under Executive Order 13132. This AD will not have a substantial direct effect on the States, on the relationship between the national government and the States, or on the distribution of power and responsibilities among the various levels of government.

For the reasons discussed above, I certify that this AD:

(1) Is not a ''significant regulatory action'' under Executive Order 12866, and

(2) Will not affect intrastate aviation in Alaska.

List of Subjects in 14 CFR Part 39

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

The Amendment

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

PART 39—AIRWORTHINESS DIRECTIVES

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

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

§ 39.13 [Amended]

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

2024–20–08 Rolls-Royce Deutschland Ltd & Co KG: Amendment 39–22867; Docket No. FAA–2024–2331; Project Identifier MCAI–2024–00169–E.

(a) Effective Date

This airworthiness directive (AD) is effectiveNovember 8, 2024.

(b) Affected ADs

None.

(c) Applicability

This AD applies to Rolls-Royce Deutschland Ltd & Co KG Model Trent XWB–97 engines.

(d) Subject

Joint Aircraft System Component (JASC) Code 7200, Engine (Turbine/Turboprop).

(e) Unsafe Condition

This AD was prompted by the manufacturer revising the existing engine time limits manual (TLM) to introduce new or more restrictive instructions and associated thresholds and intervals for life-limited parts. The FAA is issuing this AD to prevent the failure of critical rotating parts. The unsafe condition, if not addressed, could result in failure of one or more engines, loss of thrust control, and loss of the airplane.

(f) Compliance

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

(g) Required Actions

Except as specified in paragraph (h) of this AD: Perform all required actions within the compliance times specified in, and in accordance with, European Union Aviation Safety Agency AD 2024–0065, dated March 8, 2024 (EASA AD 2024–0065).

(h) Exceptions to EASA AD 2024–0065

(1) Where EASA AD 2024–0065 refers to its effective date, this AD requires using the effective date of this AD.

(2) This AD does not require compliance with paragraphs (1), (2), (4), and (5) of EASA AD 2024–0065.

(3) Where paragraph (3) of EASA AD 2024–0065 specifies ''Within 12 months after the effective date of this AD, revise the approved AMP,'' replace that text with ''Within 30 days after the effective date of this AD, revise the airworthiness limitation section (ALS) of the existing approved engine maintenance or inspection program, as applicable.''

(4) The initial compliance time for performing the tasks specified in paragraph (3) of EASA AD 2024–0065 is on or before the applicable ''limitations'' and ''associated thresholds'' as incorporated by the requirements of paragraph (3) of EASA AD 2024–0065, or within 30 days after the effective date of this AD, whichever occurs later.

(5) This AD does not adopt the ''Remarks'' paragraph of EASA AD 2024–0065.

(i) Provisions for Alternative Actions and Intervals

After performing the actions required by paragraph (g) of this AD, no alternative actions and associated thresholds and intervals, including life limits, are allowed unless they are approved as specified in the ''Ref. Publications'' section of EASA AD 2024–0065.

(j) Alternative Methods of Compliance (AMOCs)

(1) The Manager, AIR–520 Continued Operational Safety Branch, FAA, has the authority to approve AMOCs for this AD, if requested using the procedures found in 14

CFR 39.19. In accordance with 14 CFR 39.19, send your request to your principal inspector or local Flight Standards District Office, as appropriate. If sending information directly to the Manager, AIR–520 Continued Operational Safety Branch, send it to the attention of the person identified in paragraph (k) of this AD and email to: *AMOC@faa.gov*.

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

(k) Additional Information

For more information about this AD, contact Barbara Caufield, Aviation Safety Engineer, FAA, 2200 South 216th Street, Des Moines, WA 98198; phone: (781) 238–7146; email: *barbara.caufield@faa.gov*.

(l) Material Incorporated by Reference

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

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

(i) European Union Aviation Safety Agency (EASA) AD 2024–0065, dated March 8, 2024.

(ii) [Reserved]

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

(4) You may view this material at FAA, Airworthiness Products Section, Operational Safety Branch, 1200 District Avenue, Burlington, MA 01803. For information on the availability of this material at the FAA, call (817) 222–5110.

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

Issued on October 7, 2024.

Peter A. White,

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

[FR Doc. 2024–24505 Filed 10–23–24; 8:45 am]

BILLING CODE 4910–13–P

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

14 CFR Part 39

[Docket No. FAA–2024–1881; Project Identifier MCAI–2024–00160–T; Amendment 39–22846; AD 2024–19–04]

RIN 2120–AA64

Airworthiness Directives; Airbus S.A.S Airplanes

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Final rule.

SUMMARY: The FAA is adopting a new airworthiness directive (AD) for all Airbus SAS Model A350–941 and –1041 airplanes. This AD was prompted by reports that engine nacelle anti-icing (NAI) forward bulkheads have been found with elongated locating holes. This AD requires a one-time detailed inspection of the engine NAI forward bulkhead locating holes for elongation and loose fasteners and applicable corrective actions, and prohibits the installation of affected parts under certain conditions, as specified in a European Union Aviation Safety Agency (EASA) AD, which is incorporated by reference (IBR). The FAA is issuing this AD to address the unsafe condition on these products.

DATES: This AD is effective November 29, 2024.

The Director of the Federal Register approved the incorporation by reference of a certain publications listed in this AD as of November 29, 2024.

ADDRESSES:

AD Docket: You may examine the AD docket at *regulations.gov* under Docket No. FAA–2024–1881; or in person at Docket Operations between 9 a.m. and 5 p.m., Monday through Friday, except Federal holidays. The AD docket contains this final rule, the mandatory continuing airworthiness information (MCAI), any comments received, and other information. The address for Docket Operations is U.S. Department of Transportation, Docket Operations, M–30, West Building Ground Floor, Room W12–140, 1200 New Jersey Avenue SE, Washington, DC 20590.

Material Incorporated by Reference:

- For EASA material identified in this AD, contact EASA, Konrad-Adenauer-Ufer 3, 50668 Cologne, Germany; telephone +49 221 8999 000; email *ADs@easa.europa.eu;* website *easa.europa.eu.* You may find this material on the EASA website at *ad.easa.europa.eu.*
- You may view this material at the FAA, Airworthiness Products Section, Operational Safety Branch, 2200 South 216th St., Des Moines, WA. For information on the availability of this material at the FAA, call 206–231–3195. It is also available at *regulations.gov* under Docket No. FAA–2024–1881.

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

SUPPLEMENTARY INFORMATION:

Background

The FAA issued a notice of proposed rulemaking (NPRM) to amend 14 CFR part 39 by adding an AD that would apply to all Airbus SAS Model A350–941 and –1041 airplanes. The NPRM published in the **Federal Register** on July 3, 2024 (89 FR 55120). The NPRM was prompted by AD 2024–0060R1, dated April 16, 2024, issued by EASA, which is the Technical Agent for the Member States of the European Union (EASA AD 2024–0060R1) (also referred to as the MCAI). The MCAI states that certain engine NAI forward bulkheads may have elongated locating holes. These holes are used in the manufacturing process and closed with fasteners before delivery. It has been determined that these fasteners, if loose, may vibrate and cause further elongation of the locating holes, which, eventually, can reduce the NAI performance. This condition, if not detected and corrected, could lead to the undetected loss of NAI protection on both engines, possibly resulting in loss of control of the airplane.

In the NPRM, the FAA proposed to require a one-time detailed inspection of the engine NAI forward bulkhead locating holes for elongation and loose fasteners and applicable corrective actions, and prohibit the installation of affected parts under certain conditions, as specified in EASA AD 2024–0060R1. The FAA is issuing this AD to address the unsafe condition on these products.

You may examine the MCAI in the AD docket at *regulations.gov* under Docket No. FAA–2024–1881.

Discussion of Final Airworthiness Directive

Comments

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

Conclusion

This product has been approved by the aviation authority of another country and is approved for operation in the United States. Pursuant to the FAA's bilateral agreement with this State of

Design Authority, it has notified the FAA of the unsafe condition described in the MCAI referenced above. The FAA reviewed the relevant data and determined that air safety requires adopting this AD as proposed. Accordingly, the FAA is issuing this AD to address the unsafe condition on this product. Except for minor editorial changes, this AD is adopted as proposed in the NPRM. None of the changes will increase the economic burden on any operator.

Material Incorporated by Reference Under 1 CFR Part 51

EASA AD 2024–0060R1 specifies procedures for a one-time detailed inspection of the engine NAI forward bulkhead location holes for discrepancies, including elongation and loose fasteners. Depending on the inspection results, EASA AD 2024–0060R1 also specifies corrective action, including obtaining and following instructions if any discrepancy is identified. EASA AD 2024–0060R1 also requires reporting of the inspection results to Collins Aerospace. EASA AD 2024–0060R1 also prohibits the installation of an affected part on any airplane unless it is a serviceable part and is inspected before installation. This material is reasonably available because the interested parties have access to it through their normal course of business or by the means identified in the **ADDRESSES** section.

Costs of Compliance

The FAA estimates that this AD affects 31 airplanes of U.S. registry. The FAA estimates the following costs to comply with this AD:

Labor cost	Parts cost	Cost per product	Cost on U.S. operators
7.5 work-hour × $85 per hour = $638	$10	$648	$20,088

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

The FAA has included all known costs in its cost estimate. According to the manufacturer, however, some or all of the costs of this AD may be covered under warranty, thereby reducing the cost impact on affected operators.

Authority for This Rulemaking

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

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

Regulatory Findings

This AD will not have federalism implications under Executive Order 13132. This AD will not have a substantial direct effect on the States, on the relationship between the national government and the States, or on the distribution of power and responsibilities among the various levels of government.

For the reasons discussed above, I certify that this AD:

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

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

(3) Will not have a significant economic impact, positive or negative, on a substantial number of small entities under the criteria of the Regulatory Flexibility Act.

List of Subjects in 14 CFR Part 39

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

The Amendment

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

PART 39—AIRWORTHINESS DIRECTIVES

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

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

§ 39.13 [Amended]

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

2024–19–04 Airbus SAS Airplanes: Amendment 39–22846; Docket No. FAA–2024–1881; Project Identifier MCAI–2024–00160–T.

(a) Effective Date

This airworthiness directive (AD) is effective November 29, 2024.

(b) Affected ADs

None.

(c) Applicability

This AD applies to all Airbus SAS Model A350–941 and –1041 airplanes, certificated in any category.

(d) Subject

Air Transport Association (ATA) of America Code 54, Nacelles/pylons.

(e) Unsafe Condition

This AD was prompted by reports that engine nacelle anti-icing (NAI) forward bulkheads may have elongated locating holes. The FAA is issuing this AD to address elongated locating holes. The unsafe condition, if not addressed, could result in the fasteners, if loose, to vibrate and cause further elongation of the locating holes, which, eventually, can reduce the NAI performance. This condition, if not detected and corrected, could lead to the undetected loss of NAI protection on both engines, possibly resulting in loss of control of the airplane.

(f) Compliance

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

(g) Requirements

Except as specified in paragraphs (h) and (i) of this AD: Comply with all required actions and compliance times specified in, and in accordance with, European Union Aviation Safety Agency (EASA) AD 2024–0060R1, dated April 16, 2024 (EASA AD 2024–0060R1).

(h) Exceptions to EASA AD 2024–0060R1

(1) Where EASA AD 2024–0060R1 refers to its effective date, this AD requires using the effective date of this AD.

(2) Where paragraph (2) of EASA AD 2024–0060R1 specifies if ''any discrepancy is detected, before next flight, contact Collins Aerospace for approved corrective action instructions and, within the compliance time specified therein accomplish those instructions accordingly,'' this AD requires replacing that text with if ''any discrepancy is detected, the discrepancy must be repaired

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

(3) This AD does not adopt the ''Remarks'' section of EASA AD 2024–0060R1.

(i) No Reporting Required

Although EASA AD 2024–0060R1 specifies to submit certain information to the manufacturer, this AD does not include that requirement.

(j) Additional AD Provisions

The following provisions also apply to this AD:

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

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

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

(k) Additional Information

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

(l) Material Incorporated by Reference

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

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

(i) European Union Aviation Safety Agency (EASA) AD 2024–0060R1, dated April 16, 2024.

(ii) [Reserved]

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

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

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

Issued on September 13, 2024.

Peter A. White,

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

[FR Doc. 2024–24466 Filed 10–23–24; 8:45 am]

BILLING CODE 4910–13–P

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

14 CFR Part 39

[Docket No. FAA–2024–1886; Project Identifier AD–2023–01018–R; Amendment 39–22862; AD 2024–20–03]

RIN 2120–AA64

Airworthiness Directives; Robinson Helicopter Company Helicopters

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Final rule.

SUMMARY: The FAA is adopting a new airworthiness directive (AD) for Robinson Helicopter Company (Robinson Helicopter) Model R22 Beta, R22 Mariner, R44, and R44 II helicopters with a certain governor controller installed. This AD was prompted by reports of engine governor failure, which was a result of water intrusion inside of the governor controller. This AD requires replacing certain governor controllers and prohibits installing those governor controllers on any helicopter. The FAA is issuing this AD to address the unsafe condition on these products.

DATES: This AD is effective November 29, 2024.

The Director of the Federal Register approved the incorporation by reference of certain publications listed in this AD as of November 29, 2024.

ADDRESSES:

AD Docket: You may examine the AD docket at *regulations.gov* under Docket No. FAA–2024–1886; or in person at Docket Operations between 9 a.m. and 5 p.m., Monday through Friday, except Federal holidays. The AD docket contains this final rule, any comments received, and other information. The address for Docket Operations is U.S. Department of Transportation, Docket Operations, M–30, West Building Ground Floor, Room W12–140, 1200 New Jersey Avenue SE, Washington, DC 20590.

Material Incorporated by Reference:

- For Robinson Helicopter material identified in this AD, contact Robinson Helicopter Company, Technical Support Department, 2901 Airport Drive, Torrance, CA 90505; phone: (310) 539–0508; fax: (310) 539–5198; email: *ts1@robinsonheli.com;* or at *robinsonheli.com.*
- You may view this material at the FAA, Office of the Regional Counsel, Southwest Region, 10101 Hillwood Parkway, Room 6N–321, Fort Worth, TX 76177. For information on the availability of this material at the FAA, call (817) 222–5110. It is also available at *regulations.gov* under Docket No. FAA–2024–1886.

Other Related Material: For Robinson Helicopter material identified in this AD, contact Robinson Helicopter Company at its contact information under *Material Incorporated by Reference* above.

FOR FURTHER INFORMATION CONTACT: Eric Moreland, Aviation Safety Engineer, FAA, 3960 Paramount Boulevard, Lakewood, CA 90712; phone: (562) 627–5364; email: *eric.r.moreland@faa.gov.*

SUPPLEMENTARY INFORMATION:

Background

The FAA issued a notice of proposed rulemaking (NPRM) to amend 14 CFR part 39 by adding an AD that would apply to Robinson Helicopter Model R22 Beta, R22 Mariner, R44, and R44 II helicopters with a governor controller part number (P/N) D270–1, Revision A through E inclusive, installed. The NPRM published in the **Federal Register** on July 17, 2024 (89 FR 58084). The NPRM was prompted by three reports of governor controller failures involving Robinson Helicopter Model R22 Beta and R44 II helicopters. Prior to these governor controller failures, several operators notified Robinson Helicopter of a malfunction of the governor controller. As a result of an investigation, it has been determined

that the root cause for these malfunctions is water intrusion in the circuit board of the governor controller. In light of this, Robinson Helicopter issued service bulletins which specify exchanging the existing governor controller with a governor which provides additional moisture protection.

In the NPRM, the FAA proposed to require removing any governor controller P/N D270–1, Revision A thru E inclusive, from service and installing a governor controller P/N D270–1, Revision F or later approved revision. In the NPRM, the FAA also proposed to prohibit installing governor controller P/N D270–1, Revision A through E inclusive, on any helicopter, since the affected parts may also be installed on Robinson Helicopter Model R22 Mariner and R44 helicopters. The unsafe condition, if not addressed, could result in loss of engine speed governing such as an engine overspeed or underspeed condition, and subsequent unexpected loss of power during critical phases of flight and landing. The FAA is issuing this AD to address the unsafe condition on these products.

Discussion of Final Airworthiness Directive

Comments

The FAA received comments from one commenter, Robinson Helicopter, who stated that they had no comment.

Conclusion

The FAA reviewed the relevant data, considered the comment received, and determined that air safety requires adopting the AD as proposed. Accordingly, the FAA is issuing this AD to address the unsafe condition on these products. Except for minor editorial changes, this AD is adopted as proposed in the NPRM.

Material Incorporated by Reference Under 1 CFR Part 51

The FAA reviewed Robinson Helicopter R22 Service Bulletin SB–121 and Robinson Helicopter R44 Service Bulletin SB–114, each dated June 28, 2023 (SB–121 and SB–114). This material specifies procedures for removing governor controller, part number D270–1, Revision A thru E, and replacing it with governor controller P/N D270–1, Revision F (or subsequent). This material is reasonably available because the interested parties have access to it through their normal course of business or by the means identified in the **ADDRESSES** section.

Other Related Material

The FAA also reviewed Robinson R22 and R44 Engine Monitoring Unit (EMU) Technician's PC Software Guide, dated Oct 9, 2020. This material provides information to program the new EMU ID for the governor controller.

Differences Between This AD and the Referenced Material

The referenced material applies to Robinson Helicopter Model R22-series and R44-series helicopters with certain P/N D270–1 governor controllers installed and also identifies which serial-numbered helicopters the affected parts were factory installed on, whereas this AD applies to all Robinson Helicopter Model R22 Beta, R22 Mariner, R44, and R44 II helicopters with a certain P/N D270–1 governor controller installed. This AD requires accomplishing certain actions specified in SB–121 or SB–114, as applicable to your helicopter model, except the procedures in paragraph 4. of SB–121 and SB–114 must be accomplished by persons authorized under 14 CFR 43.3., instead of ''an appropriately rated person.''

Costs of Compliance

The FAA estimates that this AD affects 140 helicopters of U.S. registry. Labor costs are estimated at $85 per work-hour. Based on these numbers, the FAA estimates the following costs to comply with this AD.

Replacing the governor controller will take 2 work-hours and parts will cost $1,800 for an estimated cost of $1,970 per helicopter and $275,800 for the U.S. fleet.

Authority for This Rulemaking

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

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

Regulatory Findings

This AD will not have federalism implications under Executive Order 13132. This AD will not have a substantial direct effect on the States, on the relationship between the national government and the States, or on the distribution of power and responsibilities among the various levels of government.

For the reasons discussed above, I certify that this AD:

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

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

(3) Will not have a significant economic impact, positive or negative, on a substantial number of small entities under the criteria of the Regulatory Flexibility Act.

List of Subjects in 14 CFR Part 39

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

The Amendment

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

PART 39—AIRWORTHINESS DIRECTIVES

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

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

§ 39.13 [Amended]

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

2024–20–03 Robinson Helicopter Company: Amendment 39–22862; Docket No. FAA–2024–1886; Project Identifier AD–2023–01018–R.

(a) Effective Date

This airworthiness directive (AD) is effective November 29, 2024.

(b) Affected ADs

None.

(c) Applicability

This AD applies to all Robinson Helicopter Company Model R22 Beta, R22 Mariner, R44, and R44 II helicopters, certificated in any category, with a governor controller part number (P/N) D270–1, Revision A through E inclusive, installed.

(d) Subject

Joint Aircraft System Component (JASC) Code: 2700, Flight Control System.

(e) Unsafe Condition

This AD was prompted by reports of engine governor failures caused by water intrusion. The FAA is issuing this AD to prevent engine governor failures. The unsafe

condition, if not addressed, could result in loss of engine speed governing such as an engine overspeed or underspeed condition, and subsequent unexpected loss of power during critical phases of flight and landing.

(f) Compliance

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

(g) Required Actions

(1) Within 90 days after the effective date of this AD, remove the governor controller from service and install a governor controller P/N D270–1, Revision F or later approved revision by following the Compliance Procedure, paragraphs 2. though 5., of Robinson Helicopter Company R22 Service Bulletin SB–121 or R44 Service Bulletin SB–114, each dated June 28, 2023 (SB–121 or SB–114), as applicable to your helicopter model, except the procedures in paragraph 4. of SB–121 and SB–114 must be accomplished by persons authorized under 14 CFR 43.3.

(2) As of the effective date of this AD, do not install any governor controller P/N D270–1, Revision A through E inclusive, on any helicopter.

(h) Alternative Methods of Compliance (AMOCs)

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

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

(i) Additional Information

For more information about this AD, contact Eric Moreland, Aviation Safety Engineer, FAA, 3960 Paramount Boulevard, Lakewood, CA 90712; phone: (562) 627–5364; email: *eric.r.moreland@faa.gov.*

(j) Material Incorporated by Reference

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

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

(i) Robinson Helicopter Company R22 Service Bulletin SB–121, dated June 28, 2023.

(ii) Robinson Helicopter Company R44 Service Bulletin SB–114, dated June 28, 2023.

(3) For Robinson Helicopter Company material identified in this AD, contact Robinson Helicopter Company, Technical Support Department, 2901 Airport Drive, Torrance, CA 90505; phone: (310) 539–0508; fax: (310) 539–5198; email: *ts1@robinsonheli.com;* or at *robinsonheli.com.*

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

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

Issued on October 3, 2024.

Steven W. Thompson,

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

[FR Doc. 2024–24531 Filed 10–23–24; 8:45 am]

BILLING CODE 4910–13–P

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

14 CFR Part 71

[Docket No. FAA–2024–0020; Airspace Docket No. 23–AAL–19]

RIN 2120–AA66

Revocation of Jet Route J–179 and Amendment of United States Area Navigation Route Q–10 in the Vicinity of Emmonak, AK

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Final rule.

SUMMARY: This action revokes Jet Route J–179 in its entirety and amends United States Area Navigation Route (RNAV) Q–10 in the vicinity of Emmonak, AK. The FAA is taking this action due to the pending decommissioning of the Aniak, AK, Nondirectional Radio Beacon (NDB) and the St Marys, AK, NDB.

DATES: Effective date 0901 UTC, December 26, 2024. The Director of the Federal Register approves this incorporation by reference action under 1 CFR part 51, subject to the annual revision of FAA Order JO 7400.11 and publication of conforming amendments.

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

FAA Order JO 7400.11J, Airspace Designations and Reporting Points, and subsequent amendments can be viewed online at *www.faa.gov/air_traffic/publications/.* You may also contact the Rules and Regulations Group, Office of Policy, Federal Aviation Administration, 600 Independence Avenue SW, Washington, DC 20597; telephone: (202) 267–8783.

FOR FURTHER INFORMATION CONTACT: Steven Roff, Rules and Regulations Group, Office of Policy, Federal Aviation Administration, 600 Independence Avenue SW, Washington, DC 20597; telephone: (202) 267–8783.

SUPPLEMENTARY INFORMATION:

Authority for This Rulemaking

The FAA's authority to issue rules regarding aviation safety is found in Title 49 of the United States Code. Subtitle I, Section 106 describes the authority of the FAA Administrator. Subtitle VII, Aviation Programs, describes in more detail the scope of the agency's authority. This rulemaking is promulgated under the authority described in Subtitle VII, Part A, Subpart I, Section 40103. Under that section, the FAA is charged with prescribing regulations to assign the use of the airspace necessary to ensure the safety of aircraft and the efficient use of airspace. This regulation is within the scope of that authority as it modifies the Air Traffic Service (ATS) route structure as necessary to preserve the safe and efficient flow of air traffic within the National Airspace System.

History

The FAA published a NPRM for Docket No. FAA 2024–0020 in the **Federal Register** (89 FR 3900; January 22, 2024), proposing to revoke J–179 and amend Q–10 in Alaska. Interested parties were invited to participate in this rulemaking effort by submitting written comments on the proposal to the FAA. One comment was received and was in favor of this action.

Incorporation by Reference

Jet Routes are published in paragraph 2004 and United States Area Navigation Routes are published in paragraph 2006 of FAA Order JO 7400.11, Airspace Designations and Reporting Points, which is incorporated by reference in 14 CFR 71.1 on an annual basis. This document amends the current version of that order, FAA Order JO 7400.11J, dated July 31, 2024, and effective September 15, 2024. FAA Order JO 7400.11J is publicly available as listed in the **ADDRESSES** section of this document. These amendments will be published in the next update to FAA Order JO 7400.11.

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

The Rule

The FAA is amending 14 CFR part 71 to revoke Jet Route J–179 in its entirety and amend United States Area Navigation Route Q–10 in the vicinity of Emmonak, AK.

J–179: This action revokes J–179 in its entirety.

Q–10: As amended, Q–10 extends between the Kukuliak, AK, Very High Frequency Omnidirectional Range/Distance Measuring Equipment (VOR/DME) and the Middleton Island, AK, VOR/DME.

Regulatory Notices and Analyses

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

Environmental Review

The FAA has determined that this airspace action of revoking J–179 and amending Q–10 in Alaska qualifies for categorical exclusion under the National Environmental Policy Act (42 U.S.C. 4321 *et seq.*) and its implementing regulations at 40 CFR part 1500, and in accordance with FAA Order 1050.1F, Environmental Impacts: Policies and Procedures, paragraph 5–6.5a, which categorically excludes from further environmental impact review rulemaking actions that designate or modify classes of airspace areas, airways, routes, and reporting points (see 14 CFR part 71, Designation of Class A, B, C, D, and E Airspace Areas; Air Traffic Service Routes; and Reporting Points), and paragraph 5–6.5k, which categorically excludes from further environmental review the publication of existing air traffic control procedures that do not essentially change existing tracks, create new tracks, change altitude, or change concentration of aircraft on these tracks. As such, this action is not expected to result in any potentially significant environmental impacts. In accordance with FAA Order 1050.1F, paragraph 5–2 regarding Extraordinary Circumstances, the FAA has reviewed this action for factors and circumstances in which a normally categorically excluded action may have a significant environmental impact requiring further analysis. Accordingly, the FAA has determined that no extraordinary circumstances exist that warrant preparation of an environmental assessment or environmental impact study.

List of Subjects in 14 CFR Part 71

Airspace, Incorporation by reference, Navigation (air).

The Amendment

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

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

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

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

§ 71.1 [Amended]

■ 2. The incorporation by reference in 14 CFR 71.1 of FAA Order JO 7400.11J, Airspace Designations and Reporting Points, dated July 31, 2024, and effective September 15, 2024, is amended as follows:

Paragraph 2004 Jet Routes.

* * * * *

J–179 [Removed]

* * * * *

Paragraph 2006 United States Area Navigation Routes.

* * * * *

Q–10 Kukuliak, AK (ULL) to Middleton Island, AK (MDO) [Amended]

Kukuliak, AK (ULL)	VOR/DME	(Lat. 63°41′32.39″ N, long. 170°28′11.65″ W)
Emmonak, AK (ENM)	VOR/DME	(Lat. 62°47′04.52″ N, long. 164°29′15.12″ W)
ANIAK, AK	FIX	(Lat. 61°37′02.22″ N, long. 159°37′52.61″ W)
Sparrevohn, AK (SQA)	VOR/DME	(Lat. 61°05′54.89″ N, long. 155°38′04.49″ W)
Kenai, AK (ENA)	VOR/DME	(Lat. 60°36′52.93″ N, long. 151°11′42.87″ W)
Middleton Island, AK (MDO)	VOR/DME	(Lat. 59°25′18.50″ N, long. 146°21′00.05″ W)

* * * * *

Issued in Washington, DC, on October 18, 2024.

Frank Lias,

Manager, Rules and Regulations Group.

[FR Doc. 2024–24591 Filed 10–23–24; 8:45 am]

BILLING CODE 4910–13–P

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

14 CFR Part 71

[Docket No. FAA–2024–1347; Airspace Docket No. 23–AWP–47]

RIN 2120–AA66

Amendment of United States Area Navigation Routes Q–1 and Q–902, Very High Frequency Omnidirectional Range Federal Airway V–495, and Jet Route J–502. Also, the Revocation of Jet Route J–589 and the Establishment of United States Area Navigation Route T–487 and Canadian Area Navigation Route T–895 in Northwestern United States

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Final rule.

SUMMARY: This action amends United States Area Navigation (RNAV) Route Q–1, Canadian RNAV Route Q–902, Very High Frequency Omnidirectional Range (VOR) Federal Airway V–495, and Jet Route J–502; revokes Jet Route J–589; and establishes United States RNAV Route T–487 in Northwestern United States. The FAA is taking these airspace actions due to the pending decommissioning of the Victoria, British Columbia (BC), Canada, VOR/Distance Measuring Equipment (VOR/DME) navigational aid (NAVAID). The establishment of Canadian RNAV Route T–895 is being dropped from this action.

DATES: Effective date 0901 UTC, December 26, 2024. The Director of the Federal Register approves this incorporation by reference action under 1 CFR part 51, subject to the annual revision of FAA Order JO 7400.11 and publication of conforming amendments.

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

FAA Order JO 7400.11J, Airspace Designations and Reporting Points, and subsequent amendments can be viewed online at *www.faa.gov/air_traffic/publications/.* You may also contact the Rules and Regulations Group, Office of Policy, Federal Aviation Administration, 600 Independence Avenue SW, Washington, DC 20597; telephone: (202) 267–8783.

FOR FURTHER INFORMATION CONTACT: Steven Roff, Rules and Regulations Group, Office of Policy, Federal Aviation Administration, 600 Independence Avenue SW, Washington, DC 20597; telephone: (202) 267–8783.

SUPPLEMENTARY INFORMATION:

Authority for This Rulemaking

The FAA's authority to issue rules regarding aviation safety is found in Title 49 of the United States Code. Subtitle I, Section 106 describes the authority of the FAA Administrator. Subtitle VII, Aviation Programs, describes in more detail the scope of the agency's authority. This rulemaking is promulgated under the authority described in Subtitle VII, Part A, Subpart I, Section 40103. Under that section, the FAA is charged with prescribing regulations to assign the use of the airspace necessary to ensure the safety of aircraft and the efficient use of airspace. This regulation is within the scope of that authority as it modifies the Air Traffic Service (ATS) route structure as necessary to preserve the safe and efficient flow of air traffic within the National Airspace System.

History

The FAA published a notice of proposed rulemaking for Docket No. FAA–2024–1347 in the **Federal Register** (89 FR 46038; May 28, 2024), to amend RNAV Routes Q–1 and Q–902, VOR Federal Airway V–495, and Jet Route J–502; revoke Jet Route J–589; and establish United States RNAV Route T–487 and Canadian RNAV Route T–895 in Northwestern United States due to the pending decommissioning of the Victoria, BC, Canada VOR/DME NAVAID. Interested parties were invited to participate in this rulemaking effort by submitting written comments on the proposal. No comments were received.

Differences From the NPRM

Subsequent the NPRM publishing in the **Federal Register**, NAV CANADA, the Air Traffic Service (ATS) provider in Canada, withdrew their support for establishing Canadian RNAV Route T–895 between the VIXOR, BC, Canada, waypoint (WP) being established approximately 43 feet from the Victoria, BC, Canada VOR/DME and the ADUMS, WA, WP. As such, the FAA is removing the proposed establishment of Canadian RNAV route T–895 within United States airspace from this action.

Additionally, subsequent to the NPRM, the FAA updated the geographic coordinates of the new SQUIM, WA, WP on Q–1 from ''lat. 48°14′27″ N, long. 123°27′39″ W'' to ''lat. 48°14′27″ N, long. 123°27′39.32″ W'' to more accurately place the SQUIM WP on the United States/Canadian border. The updated geographic coordinates are included in the Q–1 description in the regulatory text of this rule.

The FAA is also making minor editorial amendments to the RNAV routes Q–1 and Q–902, and VOR Federal Airway V–495 descriptions in the regulatory text of this rule to comply with FAA Order JO 7400.2 airspace and ATS route legal description formatting guidance. The editorial amendments do not affect the alignment of the routes or airway as proposed in the NPRM.

Lastly, subsequent to the NPRM, the FAA recognized Canadian RNAV route Q–902 was inadvertently listed under FAA Order JO 7400.11, paragraph 2006, United States Area Navigation Routes, instead of being listed under FAA Order JO 7400.11, paragraph 2007, Canadian Area Navigation Routes, in the regulatory text of the NPRM. This rule corrects that inadvertent error by reflecting RNAV route Q–902 under the appropriate FAA Order JO 7400.11, paragraph 2007, reference.

Incorporation by Reference

Jet Routes are published in paragraph 2004, United States RNAV Routes (Q-routes) are published in paragraph 2006, Canadian RNAV Routes are published in paragraph 2007, VOR Federal Airways are published in paragraph 6010(a), and United States RNAV Routes (T-routes) are published in paragraph 6011 of FAA Order JO 7400.11, Airspace Designations and Reporting Points, which is incorporated by reference in 14 CFR 71.1 on an annual basis. This document amends the current version of that order, FAA Order JO 7400.11J, dated July 31, 2024, and effective September 15, 2024. FAA Order JO 7400.11J is publicly available as listed in the **ADDRESSES** section of this document. These amendments will be published in the next update to FAA Order JO 7400.11.

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

The Rule

This action amends 14 CFR part 71 by amending United States RNAV Route Q–1 and Canadian RNAV Route Q–902, VOR Federal Airway V–495, and Jet Route J–502. This action also revokes Jet Route J–589 and establishes United States RNAV Route T–487 due to the pending decommissioning of the Victoria, BC, Canada, VOR/DME. The ATS route actions are listed below:

Q–1: Q–1 extends between the Point Reyes, CA, VOR/DME and the ELMAA, WA, Fix. The route is extended north of

the ELMAA Fix to the SQUIM, WA, WP. The SQUIM WP is a new waypoint that replaces the CFPZJ computer navigation fix (CNF) on the United States/Canada border. As amended, Q–1 now extends between the Point Reyes VOR/DME and the SQUIM WP.

Q–902: Q–902 extends between the Kotzebue, AK, VOR/DME and the Seattle, WA, VORTAC, excluding the airspace within Canada. The DISCO, WA, WP is relocated to the United States/Canada border and replaces the CDGPN CNF. Additionally, the HIGHE, AK, WP replaces the CFSTF CNF on the United States/Canada border. Additionally, the route points previously listed within Canada are removed from the description. As amended, Q–902 now extends between the Kotzebue, AK, VOR/DME and the AYZOL, AK, WP; between the WOGUS, AK, WP and the HIGHE, AK, WP; and between the DISCO, WA, WP and the Seattle, WA, VOR/Tactical Air Navigation (VORTAC).

V–495: V–495 extends between the Abbotsford, BC, Canada, Nondirectional Radio Beacon (NDB) and the Fort Jones, CA, VOR/DME, excluding the airspace within Canada. The portion of the airway within United States airspace between the Seattle VORTAC and the Abbotsford, BC, Canada, NDB is removed. Additionally, the airway points are listed south to north in the description in the regulatory text of this rule. As amended, V–495 now extends between the Fort Jones VOR/DME and the Seattle VORTAC.

J–502: J–502 extends between the Sisters Island, AK, VORTAC and the Seattle, WA, VORTAC; and between the Kotzebue, AK, VOR/DME and the Northway, AK, VORTAC, excluding the airspace within Canada. The portion of the route between the Sisters Island VORTAC and the Seattle VORTAC is removed. As amended, J–502 now extends between the Kotzebue VOR/DME and the Northway VORTAC.

J–589: J–589 extends between the Roseburg, OR, VOR/DME and the Victoria, BC, Canada, VOR/DME, excluding the airspace within Canada. The route is revoked in its entirety.

T–487: T–487 is a new RNAV route established as a replacement for the segment of V–495 removed between the Seattle, WA, VORTAC and the United States/Canada border. The DISCO, WA, WP is relocated to the United States/Canada border and replaces the CDGPN CNF. As amended, T–487 extends between the Seattle VORTAC and the DISCO WP.

Regulatory Notices and Analyses

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

Environmental Review

The FAA has determined that this action qualifies for categorical exclusion under the National Environmental Policy Act (42 U.S.C. 4321 *et seq.*) and its implementing regulations at 40 CFR part 1500, and in accordance with FAA Order 1050.1F, Environmental Impacts: Policies and Procedures, paragraph 5–6.5a, which categorically excludes from further environmental impact review rulemaking actions that designate or modify classes of airspace areas, airways, routes, and reporting points (see 14 CFR part 71, Designation of Class A, B, C, D, and E Airspace Areas; Air Traffic Service Routes; and Reporting Points); and paragraph 5–6.5k, which categorically excludes from further environmental impact review the publication of existing air traffic control procedures that do not essentially change existing tracks, create new tracks, change altitude, or change concentration of aircraft on these tracks. As such, this action is not expected to result in any potentially significant environmental impacts. In accordance with FAA Order 1050.1F, paragraph 5–2 regarding Extraordinary Circumstances, the FAA has reviewed this action for factors and circumstances in which a normally categorically excluded action may have a significant environmental impact requiring further analysis. The FAA has determined that no extraordinary circumstances exist that warrant preparation of an environmental assessment or environmental impact study.

List of Subjects in 14 CFR Part 71

Airspace, Incorporation by reference, Navigation (air).

The Amendment

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

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

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

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

§ 71.1 [Amended]

■ 2. The incorporation by reference in 14 CFR 71.1 of FAA Order JO 7400.11J, Airspace Designations and Reporting Points, dated July 31, 2024, and effective September 15, 2024, is amended as follows:

Paragraph 2004 Jet Routes.

* * * * *

J–502 [Amended]

From Kotzebue, AK; Fairbanks, AK; to Northway, AK.

* * * * *

J–589 [Removed]

* * * * *

Paragraph 2006 United States Area Navigation Routes.

* * * * *

Q–1 Point Reyes, CA (PYE) to SQUIM, WA [Amended]

Point Reyes, CA, (PYE)	VOR/DME	(Lat. 38°04′47.12″ N, long. 122°52′04.18″ W)
ETCHY, CA	WP	(Lat. 39°05′28.00″ N, long. 123°08′05.00″ W)
SQUIM, WA	WP	(Lat. 48°14′27.00″ N, long. 123°27′39.32″ W)

* * * * *

Paragraph 2007 Canadian Area Navigation Routes.

* * * * *

Q–902 Kotzebue, AK (OTZ) to Seattle, WA, (SEA) [Amended]

Kotzebue, AK (OTZ)	VOR/DME	(Lat. 66°53′08.46″ N, long. 162°32′23.77″ W)
Fairbanks, AK (FAI)	VORTAC	(Lat. 64°48′00.25″ N, long. 148°00′43.11″ W)
Northway, AK (ORT)	VORTAC	(Lat. 62°56′49.92″ N, long. 141°54′45.39″ W)
AYZOL, AK	WP	(Lat. 62°28′16.15″ N, long. 141°00′00.00″ W)
and		
WOGUS, AK	WP	(Lat. 59°17′02.82″ N, long. 136°28′09.43″ W)
Sisters Island, AK (SSR)	VORTAC	(Lat. 58°10′39.58″ N, long. 135°15′31.91″ W)
Level Island, AK (LVD)	VOR/DME	(Lat. 56°28′03.75″ N, long. 133°04′59.21″ W)
Annette Island, AK (ANN)	VOR/DME	(Lat. 55°03′37.47″ N, long. 131°34′42.24″ W)
HIGHE, AK	WP	(Lat. 54°41′50.08″ N, long. 131°11′21.72″ W)
and		
DISCO, WA	WP	(Lat. 48°22′35.52″ N, long. 123°09′32.88″ W)
Seattle, WA (SEA)	VORTAC	(Lat. 47°26′07.34″ N, long. 122°18′34.62″ W)

* * * * *

Paragraph 6010(a) Domestic VOR Federal Airways.

* * * * *

V–495 [Amended]

From Fort Jones, CA; INT Fort Jones 340° and Roseburg, OR, 174° radials; INT Roseburg 355° and Corvallis, OR, 195° radials; Corvallis; Newberg, OR; Battle Ground, WA; to Seattle, WA.

* * * * *

Paragraph 6011 United States Area Navigation Routes.

* * * * *

T–487 Seattle, WA (SEA) to DISCO, WA [NEW]

Seattle, WA (SEA)	VORTAC	(Lat. 47°26′07.34″ N, long. 122°18′34.62″ W)
DISCO, WA	WP	(Lat. 48°22′35.52″ N, long. 123°09′30.88″ W)

* * * * *

Issued in Washington, DC, on October 18, 2024.

Frank Lias,

Manager, Rules and Regulations Group.

[FR Doc. 2024–24590 Filed 10–23–24; 8:45 am]

BILLING CODE 4910–13–P

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

14 CFR Part 73

[Docket No. FAA–2024–2259; Airspace Docket No. 24–AEA–8]

RIN 2120–AA66

Amendment of Restricted Area R–6611A, R–6611B, R–6613A, and R–6613B; Dahlgren Complex, VA

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Final rule; technical amendment.

SUMMARY: This action amends restricted area R–6611A, R–6611B, R–6613A, and R–6613B, Dahlgren Complex, VA, by amending the internal altitude sub-divisions to match daily mission requirements and updates the using agency description to conform to current formatting standards.

DATES: Effective date 0901 UTC, December 26, 2024.

ADDRESSES: A copy of this final rule, and all background material may be viewed online at *www.regulations.gov* using the FAA Docket number. Electronic retrieval help and guidelines are available on the website. It is available 24 hours each day, 365 days each year.

FOR FURTHER INFORMATION CONTACT: Brian Vidis, Rules and Regulations Group, Policy Directorate, Federal Aviation Administration, 600 Independence Avenue SW, Washington, DC 20597; telephone: (202) 267–8783.

SUPPLEMENTARY INFORMATION:

Authority for This Rulemaking

The FAA's authority to issue rules regarding aviation safety is found in Title 49 of the United States Code. Subtitle I, section 106 describes the authority of the FAA Administrator. Subtitle VII, Aviation Programs, describes in more detail the scope of the agency's authority. This rulemaking is promulgated under the authority described in Subtitle VII, Part A, Subpart I, Section 40103. Under that section, the FAA is charged with prescribing regulations to assign the use of the airspace necessary to ensure the safety of aircraft and the efficient use of airspace. This regulation is within the scope of that authority as it amends restricted area airspace at Dahlgren Complex, VA, to enhance aviation safety and accommodate essential United States (U.S.) Navy activities.

Background

Washington Air Route Traffic Control Center (ARTCC) initiated a request to the U.S. Navy Naval Surface Warfare Center, Dahlgren Division, who concurred, to modify the internal altitude that vertically subdivides restricted areas R–6611A and R–6611B; and R–6613A and R–6613B to align with daily mission requirements and common usage.

Restricted area R–6611A and R–6611B share the same external boundary that overlay each other. Restricted area R–6611A had designated altitudes from the surface to 40,000 feet mean sea level (MSL), and restricted area R–6611B had designated altitudes from 40,000 feet MSL to 60,000 feet MSL. This action changes the internal vertical subdivision from 40,000 feet MSL to 10,000 feet MSL.

Restricted area R–6613A and R–6613B share the same external boundary that overlay each other. Restricted area R–6613A had designated altitudes from the surface to 40,000 feet MSL, and restricted area R–6613B had designated altitudes from 40,000 feet MSL to 60,000 feet MSL. This action changes the internal vertical subdivision from 40,000 feet MSL to 10,000 feet MSL.

These changes do not represent any changes in lateral boundaries, operations, or new equipment being utilized in the airspace; nor does it reflect any increase in the number of operations that would be conducted.

The Rule

This action amends 14 CFR part 73 by amending restricted area R–6611A, R–6611B, R–6613A, and R–6613B internal altitude sub-divisions and updates the using agency description to conform to current formatting standards.

Restricted areas R–6611A and R–6611B share common boundaries that

overlay each other. The designated altitudes for R–6611A are changed to ''surface to but not including 10,000 feet MSL''. The designated altitudes for R–6611B are changed to ''10,000 feet MSL to 60,000 feet MSL''.

Restricted areas R–6613A and R–6613B share common boundaries that overlay each other. The designated altitudes for R–6613A are changed to ''surface to but not including 10,000 feet MSL''. The designated altitudes for R–6613B are changed to ''10,000 feet MSL to 60,000 feet MSL''.

Additionally, the FAA updates the using agency for restricted areas R–6611A, R–6611B, R–6613A, and R–6613B to ''U.S. Navy, Commander, Naval Surface Weapons Center, Dahlgren, VA''.

This action consists of administrative internal altitude changes and minor technical amendments only and does not affect the boundaries, altitudes, time of designation, or activities conducted in the airspace. Therefore, notice and public procedure under 5 U.S.C. 553(b) is unnecessary.

Regulatory Notices and Analyses

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

Environmental Review

The FAA has determined that this action of amending internal altitude sub-divisions in R–6611A, R–6611B, R–6613A, and R–6613B, qualifies for categorical exclusion under the National Environmental Policy Act (42 U.S.C. 4321 *et seq.*) and its implementing regulations at 40 CFR part 1500, and in accordance with FAA Order 1050.1F, Environmental Impacts: Policies and Procedures, paragraph 5–6.5a, which categorically excludes from further environmental impact review rulemaking actions that designate or modify classes of airspace areas, airways, routes, and reporting points (see 14 CFR part 71, Designation of Class A, B, C, D, and E Airspace Areas; Air Traffic Service Routes; and Reporting Points); and paragraph 5–6.5d—Modification of the technical description of special use airspace (SUA) that does not alter the dimensions, altitudes, or times of designation of the airspace (such as changes in designation of the controlling or using agency, or correction of typographical errors). In accordance with FAA Order 1050.1F, paragraph 5–2 regarding Extraordinary Circumstances, the FAA has reviewed this action for factors and circumstances in which a normally categorically excluded action may have a significant environmental impact requiring further analysis. Accordingly, the FAA has determined that no extraordinary circumstances exist that warrant preparation of an environmental assessment or environmental impact statement.

List of Subjects in 14 CFR Part 73

Airspace, Prohibited areas, Restricted areas.

The Amendment

In consideration of the foregoing, the Federal Aviation Administration amends 14 CFR part 73 as follows:

PART 73—SPECIAL USE AIRSPACE

■ 1. The authority citation for 14 CFR part 73 continues to read as follows:

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

§ 73.66 Virginia (VA) [Amended]

■ 2. Section 73.66 is amended as follows:

* * * * *

R–6611A Dahlgren Complex, VA [Amended]

Boundaries. Beginning at Lat. 38°21′30″ N, long. 077°01′14″ W; to Lat. 38°17′30″ N, long. 076°55′59″ W; to Lat. 38°15′45″ N, long. 076°51′59″ W; to Lat. 38°13′00″ N, long. 076°54′34″ W; to Lat. 38°19′15″ N, long. 077°01′59″ W; to the point of beginning.

Designated Altitudes. Surface to but not including 10,000 feet MSL.

Time of designation. 0800–1700 hours local time, Monday–Friday. Other times by NOTAM issued 48 hours in advance.

Controlling agency. FAA, Washington ARTCC.

Using agency. U.S. Navy, Commander, Naval Surface Weapons Center, Dahlgren, VA.

R–6611B Dahlgren Complex, VA [Amended]

Boundaries. Beginning at Lat. 38°21′30″ N, long. 077°01′14″ W; to Lat. 38°17′30″ N, long. 076°55′59″ W; to Lat. 38°15′45″ N, long. 076°51′59″ W; to Lat. 38°13′00″ N, long. 076°54′34″ W; to Lat. 38°19′15″ N, long. 077°01′59″ W; to the point of beginning.

Designated Altitudes. 10,000 feet MSL to 60,000 feet MSL.

Time of designation. By NOTAM issued 48 hours in advance.

Controlling agency. FAA, Washington ARTCC.

Using agency. U.S. Navy, Commander, Naval Surface Weapons Center, Dahlgren, VA.

* * * * *

R–6613A Dahlgren Complex, VA [Amended]

Boundaries. Beginning at Lat. 38°15′45″ N, long. 076°51′59″ W; to Lat. 38°13′30″ N, long. 076°46′34″ W; to Lat. 38°10′00″ N, long. 076°49′59″ W; to Lat. 38°13′00″ N, long. 076°54′34″ W; to the point of beginning.

Designated Altitudes. Surface to but not including 10,000 feet MSL.

Time of designation. 0800–1700 hours local time, Monday–Friday. Other times by NOTAM issued 48 hours in advance.

Controlling agency. FAA, Washington ARTCC.

Using agency. U.S. Navy, Commander, Naval Surface Weapons Center, Dahlgren, VA.

R–6613B Dahlgren Complex, VA [Amended]

Boundaries. Beginning at Lat. 38°15′45″ N, long. 076°51′59″ W; to Lat. 38°13′30″ N, long. 076°46′34″ W; to Lat. 38°10′00″ N, long. 076°49′59″ W; to Lat. 38°13′00″ N, long. 076°54′34″ W; to the point of beginning.

Designated Altitudes. 10,000 feet MSL to 60,000 feet MSL.

Time of designation. By NOTAM issued 48 hours in advance.

Controlling agency. FAA, Washington ARTCC.

Using agency. U.S. Navy, Commander, Naval Surface Weapons Center, Dahlgren, VA.

* * * * *

Issued in Washington, DC, on October 18, 2024.

Frank Lias,

Manager, Rules and Regulations Group.

[FR Doc. 2024–24592 Filed 10–23–24; 8:45 am]

BILLING CODE 4910–13–P

DEPARTMENT OF TRANSPORTATION

Office of the Secretary

14 CFR Parts 250 and 254

RIN 2105–AF30

Periodic Revisions to Denied Boarding Compensation and Domestic Baggage Liability Limits

AGENCY: Office of the Secretary (OST), Department of Transportation (DOT).

ACTION: Final rule.

SUMMARY: This final rule, in accordance with existing regulation, raises the liability limits for denied boarding compensation that U.S. and foreign air carriers may impose from the current figures of $775 and $1,550 to $1,075 and $2,150. Also, in accordance with existing regulation, this final rule raises the liability limit U.S. carriers may impose for mishandled baggage in domestic air transportation from the current amount of $3,800 to $4,700.

DATES: This rule is effective on January 22, 2025.

FOR FURTHER INFORMATION CONTACT: Stuart Hindman, Senior Attorney, Office of the General Counsel, Department of Transportation, 1200 New Jersey Ave. SE, Washington, DC 20590; 202–366–9041, *stuart.hindman@dot.gov.*

SUPPLEMENTARY INFORMATION:

I. Revision of Carriers' Liability Limits for Denied Boarding Compensation

The Department's oversales rule, 14 CFR part 250, requires that the DBC liability limit amounts be periodically adjusted to reflect changes in the Consumer Price Index for All Urban Consumers (CPI–U). Specifically, 14 CFR 250.5(e) provides for the review of denied boarding compensation every two years through a specific formula to calculate the revised DBC liability limit amounts. The formula is below:

Current DBC limit in § 250.5(a)(2) multiplied by (a/b) rounded to the nearest $25 where:

a = July CPI–U of year of current adjustment
b = the CPI–U figure in August 2011 when the inflation adjustment provision was added to part 250.

Section 250.5(e) specifies that the DBC liability limit in § 250.5(a)(3) shall be twice the revised limit for § 250.5(a)(2), the DBC liability limit in § 250.5(b)(2) shall be the same as the revised limit for § 250.5(a)(2), and the DBC liability limit in § 250.5(b)(3) shall be twice the revised limit in § 250.5(a)(2).

In a final rule issued on January 13, 2021, the Department reviewed the DBC liability limits and adjusted them to the current amounts of $775/$1,550, using the CPI–U for July 2020.[1] For this review, we are using the CPI–U for July 2024, which was issued by the Bureau of Labor Statistics on August 14, 2024.[2] In this review, we apply the formula using the CPI–U from August 2011 (the basis month required by the formula) and July 2024. The results of this calculation require that the DBC liability limit amounts be raised. Specifically, the appropriate inflation adjustment for the amount provided in § 250.5(a)(2) is $775 × 314.540/226.545 [$775 × 1.3884], which yields $1,076. The base amount of $775 in the formula was the denied boarding compensation liability limit amount in § 250.5(a)(2),[3] as adjusted by the 2020 final rule; 314.540 was the CPI–U for July 2024, and 226.545 was the CPI–U for August 2011. Section 250.5(e) requires us to round the adjustment to the nearest $25, which is $1,075 in this case. Section 250.5(a)(3) and (b)(3) provide that for passengers who are not rerouted to reach their destination within two hours of the planned arrival time of their original domestic flight (four hours for international transportation), the DBC liability limit amount is twice the amount provided by § 250.5(a)(2) and (b)(2); therefore, under the formula adjustment, this amount is twice $1,075, or $2,150.

II. Revision of Domestic Baggage Liability Limit

The baggage liability limit that air carriers may apply to domestic air service is established by 14 CFR part 254. This limit applies to a carrier's liabilities towards any provable direct or consequential damages resulting from the disappearance of, damage to, or delay in delivery of a passenger's baggage that was in a carrier's custody during domestic air transportation. Like the requirements regarding the provision of DBC to passengers in appropriate circumstances, this requirement has never limited the maximum amount of compensation a carrier may provide a passenger in connection with mishandled baggage. It merely provides a regulatory minimum liability limit that carriers may set. Section 254.6 requires review every two years of the limit of liability prescribed in part 254 and revision of the limit of liability, if necessary, to reflect changes in the CPI–U as of July of each review year through a specific formula. The formula is below:

$2,500 × (a/b) rounded to the nearest $100

where:

a = July CPI–U of year of current adjustment
b = the CPI–U figure in December 1999 when the inflation adjustment provision was added to part 254.

The application of the formula during the 2020 review of the domestic baggage liability limit required that the amount be raised from $3,500 to the current amount of $3,800.[4] The current review requires another inflation adjustment. Applying the formula using the consumer price index for December 1999 (the basis month required by the formula) and July 2024, the appropriate inflation adjustment is $2,500 × 314.540/168.30 [$2,500 × 1.8689], which yields $4,672.25. The base amount of $2,500 in the formula was the minimum liability limit in part 254 at the time that this biennial indexing provision was added to the rule in 1999, 314.540 was the CPI–U for July 2024, and 168.30 was the CPI–U for December 1999. Section 254.6 requires rounding the adjustment to the nearest $100, which is $4,700.

III. Regulatory Analyses and Notices

Good Cause for Issuing Rule Without Prior Notice and Comment

The Administrative Procedure Act (APA) provides that when an agency, for good cause, finds that notice of a proposed rule and public procedure thereon are impractical, unnecessary, or contrary to the public interest, the agency may issue a final rule without providing notice and an opportunity for public comment (5 U.S.C. 553(b)(B)). The Department has determined that there is good cause to issue this final rule without notice and an opportunity for public comment because such notice and comment would be unnecessary.

Under 5 U.S.C. 553(b)(B), good cause exists for dispensing with a notice of proposed rulemaking and public comment for the inflation adjustments herein as the application of this rule does not involve any agency discretion. These adjustments are a ministerial inflation update of applicable amounts based on the terms and formulas set by 14 CFR 250.5 and 14 CFR 254.6. Those formulas were subject to notice and comment in the rulemaking proceedings during which they were added to the baggage liability and oversales rules. Accordingly, because this update is purely an application of the formula, we

[1] Final Rule, *Implementing Certain Provisions of the TICKETS Act and Revisions to Denied Boarding Compensation and Domestic Baggage Liability Limits,* 86 FR 2534, January 13, 2021.

[2] The CPI–U for all items in July 2024 was 314.540. *See Consumer Price Index—July 2024,* Table 1, USDL–24–1662, *available at https://www.bls.gov/news.release/archives/cpi_08142024.htm* (Issued Aug. 14, 2024).

[3] Section 250.5(a)(2) provides that the liability limit amount for DBC is $775 for passengers who are denied boarding involuntarily on a domestic flight by a carrier who offers alternate transportation that is planned to arrive at the passenger's first stopover or final destination more than one hour but less than two hours after the planned arrival time of the passenger's original flight. Section 250.5(a)(3) provides that the liability limit amount for DBC is $1,550 for passengers who are denied boarding involuntarily on a domestic flight by a carrier who offers alternate transportation that is planned to arrive at the passenger's first stopover or final destination more than two hours after the planned arrival time of the passenger's original flight.

[4] 86 FR 2534, January 13, 2021.

find that there is good cause to publish a final rule without first providing notice and an opportunity for comment.

Effective Date

This final rule will become effective with respect to transportation taking place on or after January 22, 2025. For any carrier that imposes liability limits on its denied boarding compensation and mishandled domestic baggage compensation, the limits must be updated to these new amounts for transportation taking place on or after the effective date (as opposed to tickets sold on or after the effective date). All notices to passengers required by part 250 and part 254 as they pertain to the new DBC liability limits and domestic baggage liability limit must be updated by the effective date of this final rule.

Executive Order 12866

This final rule has been evaluated following existing policies and procedures and is considered not significant under Executive Order 12866, as amended by Executive Order 14094 (''Modernizing Regulatory Review''), and DOT's Regulatory Policies and Procedures. Therefore, the rule has not been reviewed by the Office of Management and Budget (OMB) under Executive Order 12866. This regulation conforms with the policies and procedures of DOT's administrative rule on rulemakings. 49 CFR part 5.

Denied Boarding Compensation Liability Limits

The rule provides for an inflation adjustment to the DBC liability limit amounts that air carriers and foreign air carriers must pay passengers who are involuntarily denied boarding. The inflation adjustment is required by regulation and does not involve any exercise of discretion or interpretation. Because the Department does not have the flexibility to alter the inflation adjustment, it did not consider regulatory alternatives. The rule increases transfers from carriers to passengers to the extent that it increases compensation; any increase, however, would be minimal. In 2023, 24,756 passengers—29 passengers per 1,000,000 enplaned passengers—were involuntarily denied boarding on scheduled domestic and outbound international flights.[5] Many of those passengers qualified for compensation amounts below the DBC liability limit, and their compensation would not have been affected by the increase in the limits.

Domestic Baggage Liability

The rule provides for an inflation adjustment to the amount of the minimum limit on baggage liability that air carriers may assert in cases of mishandled baggage. The adjustment is required by current regulation, with no opportunity for interpretation. The rule increases transfers from carriers to passengers to the extent that it increases mishandled baggage compensation. This increase would be limited, however, because the majority of mishandled baggage cases do not result in claims that meet the liability limit. Based on information provided by carriers during an inflation adjustment review to the domestic baggage limit in 2013, slightly more than half of one percent of mishandled bags qualify for the current limit.[6]

Regulatory Flexibility Act

The Regulatory Flexibility Act of 1980 (5 U.S.C. 601–612) requires an assessment of the impact of proposed and final rules on small entities unless the agency certifies that the proposed regulation will not have a significant economic impact on a substantial number of small entities. An air carrier or a foreign air carrier is a small business if it provides air transportation only with small aircraft (*i.e.,* aircraft with up to 60 seats/18,000-pound payload capacity). See 14 CFR 399.73. The revisions of the baggage liability amounts affect flight segments operated with large aircraft, *i.e.,* more than 60 seats. Therefore, this provision of the rule does not impact small air carriers or foreign air carriers. The revisions of the DBC amounts affect flight segments operated with aircraft designed to have passenger capacity of 30 or more. As a result, many operations of small entities, such as air taxis and many commuter air carriers, are not covered by this provision of the rule. Moreover, any additional costs for small entities associated with this provision will be minimal and, in the case of baggage liability, may be covered by insurance. Accordingly, I hereby certify that this action will not have a significant economic impact on a substantial number of small entities.

Paperwork Reduction Act

This final rule imposes no new reporting or record keeping requirements necessitating clearance by OMB.

National Environmental Policy Act

The Department has analyzed the environmental impacts of this proposed action pursuant to the National Environmental Policy Act of 1969 (42 U.S.C. 4321, *et seq.*), and has determined that it is categorically excluded pursuant to DOT Order 5610.1C, Procedures for Considering Environmental Impacts (44 FR 56420, Oct. 1, 1979) available at *https://www.transportation.gov/office-policy/transportation-policy/procedures-considering-environmental-impacts-dot-order-56101c.* Categorical exclusions are actions identified in an agency's NEPA implementing procedures that do not normally have a significant impact on the environment, and therefore do not require either an environmental assessment (EA) or environmental impact statement (EIS). See 40 CFR 1508.1(d). In analyzing the applicability of a categorical exclusion, the agency must also consider whether extraordinary circumstances are present that would warrant the preparation of an EA or EIS. *Id.* Paragraph 4.c.6.i of DOT Order 5610.1C provides that ''[a]ctions relating to consumer protection, including regulations'' are categorically excluded. The purpose of this rulemaking is to adjust the amounts for denied boarding compensation and the minimum domestic baggage liability limit. The Department does not anticipate any environmental impacts, and there are no extraordinary circumstances present in connection with this rulemaking.

List of Subjects

14 CFR Part 250

Air carriers, Consumer protection, Reporting and recordkeeping requirements.

14 CFR Part 254

Administrative practice and procedure, Air carriers, Consumer protection, Reporting and recordkeeping requirements.

[5] Source: *Air Travel Consumer Report,* February 2024 edition, page 52. *https://www.transportation.gov/sites/dot.gov/files/2024-03/February%202024%20ATCR.pdf.*

[6] The information provided to the Department by carriers in 2013 was based on the number of mishandled baggage reports (MBRs) filed with carriers by passengers, which was consistent with the reporting requirement in effect then pursuant to 14 CFR part 234. The number of MBRs in general is equal to the number of passengers who experienced mishandled bags. In 2016, the Department revised part 234 by requiring reporting carriers to report the number of mishandled bags instead of MBRs. See, *Final Rule, Reporting of Data for Mishandled Baggage and Wheelchairs and Scooters Transported in Aircraft Cargo Compartments,* 81 FR 76300, Nov. 2, 2016. The new reporting requirement became effective in 2019. As one MBR may contain multiple mishandled bags, the number of mishandled bags is in general slightly larger than the number of MBRs.

Accordingly, the Department of Transportation amends 14 CFR parts 250 and 254 as follows:

PART 250—OVERSALES

■ 1. The authority citation for 14 CFR part 250 continues to read as follows:

Authority: 49 U.S.C. 329 and chapters 41102, 41301, 41708, 41709, and 41712.

§ 250.5 [Amended]

■ 2. Section 250.5 is amended as follows:

■ a. In paragraphs (a)(2) and (b)(2) by removing ''$775'' and adding ''$1,075'' in its place, and

■ b. In paragraphs (a)(3) and (b)(3) by removing ''$1,550'' and inserting ''$2,150'' in its place.

■ 3. Section 250.9 is amended by revising paragraph (b) to read as follows:

§ 250.9 Written explanation of denied boarding compensation and boarding priorities, and verbal notification of denied boarding compensation.

* * * * *

(b) The statement shall read as follows:

Compensation for Denied Boarding

If you have been denied a reserved seat on (name of air carrier), you are probably entitled to monetary compensation. This notice explains the airline's obligation and the passenger's rights in the case of an oversold flight, in accordance with regulations of the *U.S. Department of Transportation.*

Volunteers and Boarding Priorities

If a flight is oversold (more passengers hold confirmed reservations than there are seats available), no one may be denied boarding against his or her will until airline personnel first ask for volunteers who will give up their reservation willingly, in exchange for compensation of the airline's choosing. If there are not enough volunteers, other passengers may be denied boarding involuntarily in accordance with the following boarding priority of (name of air carrier): (In this space the carrier inserts its boarding priority rules or a summary thereof, in a manner to be understandable to the average passenger.)

Compensation for Involuntary Denied Boarding

If you are denied boarding involuntarily, you are entitled to a payment of ''denied boarding compensation'' from the airline unless:

(1) you have not fully complied with the airline's ticketing, check-in and reconfirmation requirements, or you are not acceptable for transportation under the airline's usual rules and practices; or

(2) you are denied boarding because the flight is canceled; or

(3) you are denied boarding because a smaller capacity aircraft was substituted for safety or operational reasons; or

(4) on a flight operated with an aircraft having 60 or fewer seats, you are denied boarding due to safety-related weight/balance restrictions that limit payload; or

(5) you are offered accommodations in a section of the aircraft other than specified in your ticket, at no extra charge (a passenger seated in a section for which a lower fare is charged must be given an appropriate refund); or

(6) the airline is able to place you on another flight or flights that are planned to reach your next stopover or final destination within one hour of the planned arrival time of your original flight.

Amount of Denied Boarding Compensation

Domestic Transportation

Passengers traveling between points within the United States (including the territories and possessions) who are denied boarding involuntarily from an oversold flight are entitled to: (1) No compensation if the carrier offers alternate transportation that is planned to arrive at the passenger's destination or first stopover not later than one hour after the planned arrival time of the passenger's original flight; (2) at least 200 percent of the fare to the passenger's destination or first stopover, or $1,075, whichever is lower, if the carrier offers alternate transportation that is planned to arrive at the passenger's destination or first stopover more than one hour but less than two hours after the planned arrival time of the passenger's original flight; and (3) at least 400 percent of the fare to the passenger's destination or first stopover, or $2,150, whichever is lower, if the carrier does not offer alternate transportation that is planned to arrive at the airport of the passenger's destination or first stopover less than two hours after the planned arrival time of the passenger's original flight.

0 to 1 hour arrival delay: No compensation.

1 to 2 hour arrival delay: 200% of one-way fare (carriers may limit this amount to $1,075 if it is higher than $1,075).*

Over 2 hours arrival delay: 400% of one-way fare (carriers may limit this amount to $2,150 if it is higher than $2,150).*

International Transportation

Passengers traveling from the United States to a foreign point who are denied boarding involuntarily from an oversold flight originating at a U.S. airport are entitled to: (1) No compensation if the carrier offers alternate transportation that is planned to arrive at the passenger's destination or first stopover not later than one hour after the planned arrival time of the passenger's original flight; (2) at least 200 percent of the fare to the passenger's destination or first stopover, or $1,075, whichever is lower, if the carrier offers alternate transportation that is planned to arrive at the passenger's destination or first stopover more than one hour but less than four hours after the planned arrival time of the passenger's original flight; and (3) at least 400 percent of the fare to the passenger's destination or first stopover, or $2,150, whichever is lower, if the carrier does not offer alternate transportation that is planned to arrive at the airport of the passenger's destination or first stopover less than four hours after the planned arrival time of the passenger's original flight.

0 to 1 hour arrival delay: No compensation.

1 to 4 hour arrival delay: 200% of one-way fare (carriers may limit this amount to $1,075 if it is higher than $1,075).**

Over 4 hours arrival delay: 400% of one-way fare (carriers may limit this amount to $2,150 if it is higher than $2,150).**

Alternate Transportation

''Alternate transportation'' is air transportation with a confirmed reservation at no additional charge (by any scheduled airline licensed by DOT), or other transportation accepted and used by the passenger in the case of denied boarding.

Method of Payment

Except as provided below, the airline must give each passenger who qualifies for involuntary denied boarding compensation a payment by cash or check for the amount specified above, on the day and at the place the involuntary denied boarding occurs. If the airline arranges alternate

* *Nothing in the Department of Transportation's regulation prohibits carriers from offering denied boarding compensations in an amount more than the amount calculated according to the chart above, or more than the denied boarding compensation liability limit amounts stated in the chart.*

** *Nothing in the Department of Transportation's regulation prohibits carriers from offering denied boarding compensations in an amount more than the amount calculated according to the chart above, or more than the denied boarding compensation liability limit amounts stated in the chart.*

transportation for the passenger's convenience that departs before the payment can be made, the payment shall be sent to the passenger within 24 hours. The air carrier may offer free or discounted transportation in place of the cash payment. In that event, the carrier must disclose all material restrictions on the use of the free or discounted transportation before the passenger decides whether to accept the transportation in lieu of a cash or check payment. The passenger may insist on the cash/check payment or refuse all compensation and bring private legal action.

Passenger's Options

Acceptance of the compensation may relieve (name of air carrier) from any further liability to the passenger caused by its failure to honor the confirmed reservation. However, the passenger may decline the payment and seek to recover damages in a court of law or in some other manner.

* * * * *

PART 254—DOMESTIC BAGGAGE LIABILITY

■ 4. The authority citation for 14 CFR part 254 continues to read as follows:

Authority: 49 U.S.C. 40113, 41501, 41504, 41510, 41702, and 41707.

§ 254.4 [Amended]

■ 5. Section 254.4 is amended by removing ''$3,800'' and adding ''$4,700'' in its place.

§ 254.5 [Amended]

■ 6. Section 254.5 is amended in paragraph (b) by removing ''$3,800'' and adding ''$4,700'' in its place.

Issued in Washington, DC, pursuant to authority delegated in 49 CFR 1.27(n).

Subash Iyer,

Acting General Counsel.

[FR Doc. 2024–23588 Filed 10–23–24; 8:45 am]

BILLING CODE 4910–9X–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Food and Drug Administration

21 CFR Chapter I

[Docket No. FDA–2024–D–2977]

Food and Drug Administration Enforcement Policy for Association of American Feed Control Officials—Defined Animal Feed Ingredients; 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 #293 entitled ''FDA Enforcement Policy for AAFCO-Defined Animal Feed Ingredients.'' This communicates FDA's enforcement policy regarding ingredients listed in chapter six of the 2024 Association of American Feed Control Officials (AAFCO) Official Publication after the Agency's memorandum of understanding with AAFCO expired on October 1, 2024.

DATES: The announcement of the guidance is published in the **Federal Register** on October 24, 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–2977 for ''FDA Enforcement Policy for AAFCO-Defined Animal Feed Ingredients.'' 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 Policy and Regulations Staff, Center for Veterinary Medicine, Food and Drug Administration, 7500 Standish Pl.,

Rockville, MD 20855. 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: Charlotte Conway, Center for Veterinary Medicine, Food and Drug Administration, 7500 Standish Pl., Rockville, MD 20855, 240–402–6768, *Charlotte.Conway@fda.hhs.gov*.

SUPPLEMENTARY INFORMATION:

I. Background

In the **Federal Register** of August 9, 2024 (89 FR 65294), FDA published the notice of availability for a draft guidance #293 entitled ''FDA Enforcement Policy for AAFCO-Defined Animal Feed Ingredients,'' giving interested persons until September 9, 2024, to comment on the draft guidance. FDA received numerous comments on the draft guidance, including comments from the animal food industry, AAFCO, a veterinary association, a State food and agriculture department, and private citizens, and those comments were considered as the guidance was finalized. The guidance was revised to provide clarification regarding where the referenced ingredient definitions are available to the public. In addition, editorial changes were made to improve clarity. The guidance announced in this document finalizes the draft guidance dated August 9, 2024.[1]

This level 1 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 ''FDA Enforcement Policy for AAFCO-Defined Animal Feed Ingredients.'' 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

This guidance contains no collection of information. Therefore, clearance by the Office of Management and Budget under the Paperwork Reduction Act of 1995 is not required.

III. Electronic Access

Persons with access to the internet may obtain the guidance at *https://www.fda.gov/AnimalVeterinary/GuidanceComplianceEnforcement/GuidanceforIndustry/default.htm*, *https://www.fda.gov/regulatory-information/search-fda-guidance-documents*, or *https://www.regulations.gov*.

Dated: October 18, 2024.

Eric Flamm,

Acting Associate Commissioner for Policy.

[FR Doc. 2024–24715 Filed 10–23–24; 8:45 am]

BILLING CODE 4164–01–P

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

DEPARTMENT OF THE TREASURY

Office of Foreign Assets Control

31 CFR Part 587

Publication of Russian Harmful Foreign Activities Sanctions Regulations Web General License 13K

AGENCY: Office of Foreign Assets Control, Treasury.

ACTION: Publication of a web general license.

SUMMARY: The Department of the Treasury's Office of Foreign Assets Control (OFAC) is publishing one general license (GL) issued pursuant to the Russian Harmful Foreign Activities Sanctions Regulations: GL 13K, which was previously made available on OFAC's website.

DATES: GL 13K was issued on September 30, 2024. See **SUPPLEMENTARY INFORMATION** for additional relevant dates.

FOR FURTHER INFORMATION CONTACT: OFAC: Assistant Director for Licensing, 202–622–2480; Assistant Director for Regulatory Affairs, 202–622–4855; or Assistant Director for Compliance, 202–622–2490 or *https://ofac.treasury.gov/contact-ofac.*

SUPPLEMENTARY INFORMATION:

Electronic Availability

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

Background

On September 30, 2024, OFAC issued GL 13K to authorize certain transactions otherwise prohibited by the Russian Harmful Foreign Activities Sanctions Regulations, 31 CFR part 587. GL 13K superseded GL 13J and was made available on OFAC's website (*https://ofac.treasury.gov/*) when it was issued. The text of this GL is provided below.

OFFICE OF FOREIGN ASSETS CONTROL

Russian Harmful Foreign Activities Sanctions Regulations

31 CFR Part 587

GENERAL LICENSE NO. 13K

Authorizing Certain Administrative Transactions Prohibited by Directive 4 Under Executive Order 14024

(a) Except as provided in paragraph (b) of this general license, U.S. persons, or entities owned or controlled, directly or indirectly, by a U.S. person, are authorized to pay taxes, fees, or import duties, and purchase or receive permits, licenses, registrations, certifications, or tax refunds to the extent such transactions are prohibited by Directive 4 under Executive Order 14024, *Prohibitions Related to Transactions Involving the Central Bank of the Russian Federation, the National Wealth Fund of the Russian Federation, and the Ministry of Finance of the Russian Federation,* provided such transactions are ordinarily incident and necessary to the day-to-day operations in the Russian Federation of such U.S. persons or entities, through 12:01 a.m. eastern standard time, January 8, 2025.

(b) This general license does not authorize:

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

(2) Any transactions otherwise prohibited by the Russian Harmful Foreign Activities Sanctions Regulations, 31 CFR part 587 (RuHSR), including transactions involving any person blocked pursuant to the RuHSR, unless separately authorized.

(c) Effective September 30, 2024, General License No. 13J, dated July 10, 2024, is replaced and superseded in its entirety by this General License No. 13K.

Lisa M. Palluconi,

Acting Director, Office of Foreign Assets Control.

Dated: September 30, 2024.

Lisa M. Palluconi,

Acting Director, Office of Foreign Assets Control.

[FR Doc. 2024–24737 Filed 10–23–24; 8:45 am]

BILLING CODE 4810–AL–P

DEPARTMENT OF THE TREASURY

Office of Foreign Assets Control

31 CFR Part 594

Publication of Global Terrorism Sanctions Regulations Web General Licenses 30 and 31

AGENCY: Office of Foreign Assets Control, Treasury.

ACTION: Publication of web general licenses.

SUMMARY: The Department of the Treasury's Office of Foreign Assets Control (OFAC) is publishing two general licenses (GLs) issued pursuant to the Global Terrorism Sanctions Regulations: GLs 30 and 31, each of which was previously made available on OFAC's website.

DATES: GLs 30 and 31 were issued on October 7, 2024. See **SUPPLEMENTARY INFORMATION** for additional relevant dates.

FOR FURTHER INFORMATION CONTACT: OFAC: Assistant Director for Licensing, 202–622–2480; Assistant Director for Regulatory Affairs, 202–622–4855; Assistant Director for Compliance, 202–622–2490; or *https://ofac.treasury.gov/contact-ofac.*

SUPPLEMENTARY INFORMATION:

Electronic Availability

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

Background

On October 7, 2024, OFAC issued GLs 30 and 31 to authorize certain transactions otherwise prohibited by Global Terrorism Sanctions Regulations, 31 CFR part 594. Each GL was made available on OFAC's website (*https://ofac.treasury.gov*) when it was issued. GLs 30 and 31 each have an expiration date of November 21, 2024. The text of these GLs is provided below.

OFFICE OF FOREIGN ASSETS CONTROL

Global Terrorism Sanctions Regulations

31 CFR Part 594

GENERAL LICENSE NO. 30

Authorizing the Wind Down of Transactions Involving Certain Entities Blocked on October 7, 2024

(a) Except as provided in paragraph (b) of this general license, all transactions prohibited by the Global Terrorism Sanctions Regulations, 31 CFR part 594 (GTSR), that are ordinarily incident and necessary to the wind down of any transaction involving one or more of the following blocked persons are authorized through 12:01 a.m. eastern standard time, November 21, 2024, provided that any payment to a blocked person is made into a blocked account in accordance with the GTSR:

(1) Al Ahmar Trading Group;

(2) Al Salam Trading and Agencies General Establishment;

(3) Sabaturk Dis Ticaret Anomin Sirketi;

(4) Vivid Enerji Yatirimlari Anonim Sirketi;

(5) Investrade Portfoy Yonetimi Anomim Sirketi; or

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

(b) This general license does not authorize any transactions otherwise prohibited by the GTSR, including transactions involving any person blocked pursuant to the GTSR other than the blocked persons described in paragraph (a) of this general license, unless separately authorized.

Lisa M. Palluconi,
Acting Director, Office of Foreign Assets Control.

Dated: October 7, 2024.

OFFICE OF FOREIGN ASSETS CONTROL

Global Terrorism Sanctions Regulations

31 CFR Part 594

GENERAL LICENSE NO. 31

Authorizing Certain Transactions Related to Debt or Equity of, or Derivative Contracts Involving, Certain Entities Blocked on October 7, 2024

(a) Except as provided in paragraphs (d) and (e) of this general license, all transactions prohibited by the Global Terrorism Sanctions Regulations, 31 CFR part 594 (GTSR), that are ordinarily incident and necessary to the divestment or transfer, or the facilitation of the divestment or transfer, of debt or equity of Investrade Portfoy Yonetimi Anomim Sirketi (Investrade Portfoy), and any entity in which Investrade Portfoy owns, directly or indirectly, a 50 percent or greater interest (''Covered Debt or Equity''), to a non-U.S. person are authorized through 12:01 a.m. eastern standard time, November 21, 2024:

(b) Except as provided in paragraph (e) of this general license, all transactions prohibited by the GTSR that are ordinarily incident and necessary to facilitating, clearing, and settling trades of Covered Debt or Equity that were placed prior to 4:00 p.m. eastern daylight time, October 7, 2024, are authorized through 12:01 a.m. eastern standard time, November 21, 2024.

(c) Except as provided in paragraph (e), all transactions prohibited by the GTSR that are ordinarily incident and necessary to the wind down of derivative contracts entered into prior to 4:00 p.m. eastern daylight time, October 7, 2024, that (i) include a blocked person described in paragraph (a) of this general license as a counterparty or (ii) are linked to Covered Debt or Equity are authorized through 12:01 a.m. eastern standard time, November 21, 2024, provided that any payments to a blocked person are made into a blocked account in accordance with the GTSR.

(d) Paragraph (a) of this general license does not authorize:

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

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

(e) This general license does not authorize any transactions otherwise prohibited by the GTSR, including transactions involving any person blocked pursuant to the GTSR, other than the blocked persons described in paragraph (a) of this general license, unless separately authorized.

Lisa M. Palluconi,
Acting Director, Office of Foreign Assets Control.

Dated: October 7, 2024.

Lisa M. Palluconi,

Acting Director, Office of Foreign Assets Control.

[FR Doc. 2024–24734 Filed 10–23–24; 8:45 am]

BILLING CODE 4810–AL–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

45 CFR Part 46

RIN 0937–AA09

Department of Health and Human Services Policy for the Protection of Human Research Subjects: Update to the Additional Protections for Specific Populations

AGENCY: Department of Health and Human Services.

ACTION: Final rule.

SUMMARY: In this final rule, the Department of Health and Human Services (HHS) is amending its regulations that govern the protection of human subjects for conformity with 2018 revisions made to the Federal policy for protection of human research subjects (the ''Common Rule''), as well as to maintain consistency with the prior version of the Common Rule for research that remains subject to those requirements. Amendments include updating citations that were renumbered, adding updated descriptions of the applicability of exemptions, and correcting a technical error. No substantive amendments are included in this final rule.

DATES: This final rule is effective October 24, 2024.

FOR FURTHER INFORMATION CONTACT: Julie Kaneshiro, Office for Human Research Protections (OHRP), Department of Health and Human Services, 1101 Wootton Parkway, Suite 200, Rockville, MD 20852; telephone: 240–453–8293 or 1–866–447–4777; facsimile: 240–453–8430; email *Julie.kaneshiro@hhs.gov.*

SUPPLEMENTARY INFORMATION:

I. Background

A. Revision of the Common Rule

The Common Rule, codified by HHS at subpart A of 45 CFR part 46, was revised by a final rule published in the **Federal Register** on January 19, 2017 (82 FR 7149), and subsequently amended by an interim final rule published in the **Federal Register** on January 22, 2018 (83 FR 2885), and a final rule published on June 19, 2018 (83 FR 28497). The revised Common Rule is defined in the regulatory text as the ''2018 Requirements.'' The prior version of the Common Rule, initially promulgated on June 18, 1991 (56 FR 28002), and amended on June 23, 2005 (70 FR 36325), published in the 2016 Code of Federal Regulations and effective October 1, 2017, is defined by the revised Common Rule as the ''pre-2018 Requirements.'' For brevity, in the regulatory text of subparts B, C, and D, HHS is shortening the full explanation of the ''pre-2018 Requirements'' to ''[t]he pre-2018 Requirements means 45 CFR part 46, subpart A, as revised October 1, 2016'' and the ''2018 Requirements'' to ''[t]he 2018 Requirements means 45 CFR part 46, subpart A, as revised October 1, 2018.'' The applicability of the pre-2018 or 2018 Requirements is defined by § 46.101(l) of the 2018 Requirements. Importantly, research that was approved under the pre-2018 Requirements may continue to follow that rule for the duration of the study; however, research initiated on or after January 21, 2019, must comply with the 2018 Requirements.

The preamble of the January 19, 2017 final rule indicated that, to the extent appropriate, HHS intended to amend the other subparts of the HHS human subjects protection regulations to align with the revisions to the Common Rule codified at subpart A. Through this final rule, HHS is updating subparts B, C, and D to reference both the pre-2018 Requirements and the 2018 Requirements, as appropriate. HHS intends to separately amend subpart E to conform with both the pre-2018 and 2018 Requirements.

B. Subparts B, C, and D Background

Subpart B of 45 CFR part 46, ''Additional Protections for Pregnant Women, Human Fetuses and Neonates Involved in Research,'' was first promulgated on August 8, 1975. The most recent revision to subpart B was published in the **Federal Register** on November 13, 2001 (66 FR 56775).

On November 16, 1978, the then Department of Health, Education, and Welfare published a final rule promulgating subpart C, ''Additional Protections Pertaining to Biomedical and Behavioral Research Involving Prisoners as Subjects'' (43 FR 53652). On January 26, 1981, the Common Rule was first published, which substantially updated subpart A of 45 CFR part 46 (46 FR 8366). As part of this update, HHS also published an amendment to subpart C in which citations were corrected or updated and other technical amendments were made.

On March 8, 1983, HHS published the final rule promulgating subpart D, ''Additional Protections for Children Involved as Subjects in Research'' (43 FR 9814).

II. Amendments to Subparts B, C, and D of 45 CFR Part 46

As described above, HHS is amending subparts B, C, and D for conformity with both the pre-2018 and 2018 Requirements. Through this rule, HHS is:

- Adding language to subparts B, C, and D to specify when references to subpart A provisions refer to the pre-2018 Requirements or the 2018 Requirements.
- Adding language to clarify the meaning of ''pre-2018 Requirements'' and ''2018 Requirements.''
- Updating language in subparts B, C, and D that explains the applicability of the exemptions to research regulated under each subpart to reflect the additional exemptions allowed by § 46.104(b) of the 2018 Requirements.
- Correcting a technical error contained in subpart D.

A. Amendments to Subpart B

In this final rule, HHS makes eight amendments to subpart B, ''Additional Protections for Pregnant Women, Human Fetuses and Neonates Involved in Research.'' First, 45 CFR 46.201(b) is amended to state that for purposes of this subpart, the pre-2018 Requirements means subpart A as published in the 2016 edition of the Code of Federal Regulations. The version of subpart A referenced in the definition of the term ''2018 Requirements'' refers to 45 CFR part 46, subpart A, as revised October 1, 2018. Section 46.201(b)(1) is added to provide that research subject to the pre-2018 Requirements may apply the exemptions at § 46.101(b)(1) through (6) of the pre-2018 Requirements, while § 46.201(b)(2) is added to provide that research subject to the 2018 Requirements may apply the exemptions at § 46.104(d)(1) through (8) of the 2018 Requirements.

Second, § 46.202 is amended to clarify that the definitions found in § 46.102 of the pre-2018 Requirements or the 2018 Requirements, as applicable, shall be applicable to this subpart.

Third, § 46.202(h) is amended to clarify that if a neonate is viable then it may be included in research only to the extent permitted and in accordance with the requirements of subpart A of the pre-2018 Requirements or the 2018 Requirements, as applicable, and subpart D of part 46.

Fourth, § 46.204(d) is amended to clarify that the pregnant woman's consent must be obtained in accordance with the informed consent provisions of subpart A of the pre-2018 Requirements or the 2018 Requirements, as applicable.

Fifth, § 46.204(e) is amended to state that the consent of the pregnant woman and the father must be obtained in accordance with the informed consent provisions of subpart A of the pre-2018 Requirements or the 2018 Requirements, as applicable, except that the father's

consent need not be obtained if he is unable to consent for the reasons stated therein.

Sixth, § 46.205(b)(2) is amended to state that the consent of either parent of the neonate or, if neither parent is able to consent because of unavailability, incompetence, or temporary incapacity, the legally effective informed consent of either parent's legally authorized representative is obtained in accord with the pre-2018 Requirements or the 2018 Requirements, as applicable, except that the consent of the father or his legally authorized representative need not be obtained if the pregnancy resulted from rape or incest.

Seventh, references in subpart B at § 46.205(c)(5) to subpart A's waiver and alteration of consent provisions are updated to reflect conformity with the pre-2018 Requirements as well as the 2018 Requirements. In order for the citation to be consistent with the section numbering of both the pre-2018 and 2018 Requirements, the prior pinpoint citation to § 46.116(c) and (d) has been modified to instead refer to § 46.116 of both the pre-2018 and 2018 Requirements.

Finally, the language of subpart B at § 46.205(d) has been revised to replace the reference to subpart A with reference to the pre-2018 Requirements or the 2018 Requirements, as applicable.

B. Amendments to Subpart C

In this final rule, HHS makes six amendments to subpart C, ''Additional Protections Pertaining to Biomedical and Behavioral Research Involving Prisoners as Subjects.''

First, 45 CFR 46.301(c) is revised to provide that the requirements of this subpart are in addition to those imposed under the other subparts, including the 2018 Requirements and the pre-2018 Requirements, as applicable. This section is further revised to provide that the term ''pre-2018 Requirements'' means subpart A as published in the 2016 edition of the Code of Federal Regulations. The term ''2018 Requirements'' refers to 45 CFR part 46, subpart A, as revised October 1, 2018.

Second, § 46.304 is modified to clarify that in addition to satisfying the requirements in § 46.107 of the pre-2018 Requirements or the 2018 Requirements, as applicable, an institutional review board (IRB), carrying out responsibilities with respect to this subpart, shall also meet the specific requirements further detailed in this section.

Third, § 46.306(a) is modified to add the word ''nonexempt'' in order to clarify that, except for research involving prisoners that qualifies for exemption, research subject to subpart C must involve only a category of research reflected in 45 CFR 46.306(a)(2)(i) through (iv).

Fourth, § 46.306(b) is revised to provide that research conducted or supported by DHHS (the Department of Health and Human Services) shall not involve prisoners except as provided in § 46.306(b)(1) and (2).

Fifth, § 46.306(b)(1) is added to state that for research subject to the pre-2018 Requirements and this subpart, except as provided in § 46.306(a), biomedical or behavioral research conducted or supported by DHHS shall not involve prisoners as subjects.

Sixth, § 46.306(b)(2) is added to state that for research subject to the 2018 Requirements and this subpart, except as provided in § 46.306(a) or for research that is exempt pursuant to § 46.104(b)(2) and (d)(1) through (8), biomedical or behavioral research conducted or supported by DHHS shall not involve prisoners as subjects.

C. Amendments to Subpart D

In this final rule, HHS makes 12 amendments to subpart D, ''Additional Protections for Children Involved as Subjects in Research.''

First, HHS revises 45 CFR 46.401(a) to provide that the term ''pre-2018 Requirements'' means subpart A as published in the 2016 edition of the Code of Federal Regulations; and that the term ''2018 Requirements'' means 45 CFR part 46, subpart A, as revised October 1, 2018.

Second, given that there is a new § 46.401(a), the language of the previous § 46.401(a)(1) and (2) is renumbered as § 46.401(b)(1) and (2).

Third, HHS is correcting a technical error in the renumbered § 46.401(b)(2) in the citation to the provision of subpart A that allows the Secretary to waive some or all regulatory requirements. Subpart D cites the provision as § 46.101(e). However, the Secretarial waiver provision in subpart A appears at § 46.101(i), not § 46.101(e), in both the pre-2018 and the 2018 Requirements. This rule corrects this technical error, and revises the reference to ''subpart A'' to instead reference the pre-2018 and 2018 Requirements.

Fourth, 45 CFR 46.401(c) is amended to include an explanation of how the exemptions provided in the pre-2018 Requirements and the 2018 Requirements apply to research regulated by subpart D.

Fifth, § 46.401(c)(1) is added to provide that, for research subject to the pre-2018 Requirements, the exemptions at § 46.101(b)(1) and (3) through (6) of the pre-2018 Requirements are applicable to research subject to subpart D. In addition, the exemption at § 46.101(b)(2) of the pre-2018 Requirements regarding educational tests is also applicable to research subject to subpart D, with the caveat that the exemption at § 46.101(b)(2) for research involving survey or interview procedures or observations of public behavior does not apply to research subject to subpart D, except for research involving observation of public behavior when the investigator(s) does (do) not participate in the activities being observed.

Sixth, § 46.401(c)(2) is added to provide that, for research subject to the 2018 Requirements, the exemptions at § 46.104(d)(1), (4), (5), (6), (7), and (8) of the 2018 Requirements may be applied to research subject to subpart D; the exemptions at § 46.104(d)(2)(i) and (ii) of the 2018 Requirements may only apply to research subject to this subpart involving educational tests or the observation of public behavior when the investigator(s) does (do) not participate in the activities being observed; and the exemptions at §§ 46.104(d)(2)(iii) and (d)(3) of the 2018 Requirements may not be applied to research subject to this subpart.

Seventh, the language formerly found at 45 CFR 46.401(c) has been updated to reference the pre-2018 Requirements and the 2018 Requirements, instead of ''subpart A,'' and moved to a new § 46.401(d).

Eighth, 45 CFR 46.402 is revised to provide that the definitions in § 46.102 of the pre-2018 Requirements and § 46.102 of the 2018 Requirements, as applicable, shall be applicable to this subpart.

Ninth, 45 CFR 46.408(a) is modified to provide that even where the IRB determines that the subjects are capable of assenting, the IRB may still waive the assent requirement under circumstances in which consent may be waived in accord with § 46.116 of the pre-2018 Requirements or the 2018 Requirements, as applicable.

Tenth, § 46.408(b) is modified to provide that in addition to the determinations required under other applicable sections of this subpart, the IRB shall determine, in accordance with and to the extent that consent is required by § 46.116 of the pre-2018 Requirements or the 2018 Requirements, as applicable, that adequate provisions are made for soliciting the permission of each child's parents or guardian.

Eleventh, § 46.408(c) is modified to provide that in addition to the provisions for waiver contained in § 46.116 of the pre-2018 Requirements or the 2018 Requirements, as applicable, if the IRB determines that a research

protocol is designed for conditions or for a subject population for which parental or guardian permission is not a reasonable requirement to protect the subjects (*e.g.,* neglected or abused children), it may waive the consent requirements in § 46.116 of the pre-2018 Requirements or the 2018 Requirements, as applicable, and § 46.408(b), provided an appropriate mechanism for protecting the children who will participate as subjects in the research is substituted, and provided further that the waiver is not inconsistent with Federal, State, or local law.

Twelfth, § 46.408(d) is modified to provide that permission by parents or guardians shall be documented in accordance with, and to the extent required by, § 46.117 of the pre-2018 Requirements or the 2018 Requirements, as applicable.

III. Legal Authority

The legal authority is as follows: 5 U.S.C. 301; 42 U.S.C. 289(a); 42 U.S.C. 300v–1(b).

IV. 5 U.S.C. 553(b)(B) of the Administrative Procedure Act, 5 U.S.C. 551–559

HHS finds that there is good cause to issue these amendments without advance notice and an opportunity for public comment. This final rule reflects changes that conform subparts B, C, and D to both the pre-2018 and 2018 Requirements and correct a technical error in subpart D that predates the publication of the 2018 Requirements. This final rule merely (i) adds language to each subpart specifying how the regulatory exemptions and provisions apply under the pre-2018 or 2018 Requirements, as applicable; (ii) corrects an erroneous citation in subpart D; and (iii) changes the citation to the subpart A provisions that allow waiver and alteration of informed consent in § 46.205(c)(5) from § 46.116(c) and (d) to § 46.116, in order to generally reference the waiver and alteration of informed consent provisions in both the pre-2018 and 2018 versions of the Common Rule. HHS determines that advance notice and public comment are unnecessary. Pursuant to 5 U.S.C. 553(b)(B) of the Administrative Procedure Act, HHS finds good cause to dispense with advance notice and public comment as these procedures are unnecessary, because this rule only serves to update subparts B, C, and D to conform with provisions in the pre-2018 and 2018 Requirements of 45 CFR part 46, which are already in effect, and to correct a citation error. HHS further finds good cause for this rule to be effective upon publication in accordance with 5 U.S.C. 553(d)(3) because the provisions of the pre-2018 and 2018 Requirements to which these revisions conform are already in effect, and regulated entities already are required to comply with these provisions.

V. Regulatory Impact Analyses

We have examined the effects of this final rule under Executive Order 12866 on Regulatory Planning and Review (September 30, 1993), Executive Order 13563 on Improving Regulation and Regulatory Review (January 18, 2011), Executive Order 14094 on Modernizing Regulatory Review (April 6, 2023), the Paperwork Reduction Act of 1995 (Pub. L. 104–13), the Regulatory Flexibility Act, (Pub. L. 96–354, September 19, 1980), the Congressional Review Act (5 U.S.C. 801, Pub. L. 104–121), the Unfunded Mandates Reform Act of 1995 (Pub. L. 104–4), Executive Order 13132 on Federalism (August 4, 1999), and section 1102(b) of the Social Security Act.

A. Executive Orders 12866, 13563, and 14094

Executive Orders 12866, 13563, and 14094 direct agencies to assess all benefits, costs, and transfers of available regulatory alternatives and, when regulation is necessary, to select regulatory approaches that maximize net benefits (including potential economic, environmental, public health and safety, and other advantages; distributive impacts; and equity). Rules are ''significant'' under Executive Order 12866 section 3(f)(1) (as amended by Executive Order 14094) if they have an annual effect on the economy of $200 million or more (adjusted every 3 years by the Administrator of the Office of Information and Regulatory Affairs (OIRA) for changes in gross domestic product); or adversely affect in a material way the economy, a sector of the economy, productivity, competition, jobs, the environment, public health or safety, or State, local, territorial, or tribal governments or communities.

This rule makes technical corrections to subparts B, C, and D that reflect existing requirements contained in the 2018 Requirements. The impacts of the 2018 Requirements are accounted for in three prior regulatory impact analyses (82 FR 7231, 83 FR 2880, 83 FR 28505). Compared to a baseline scenario of the 2018 Requirements, HHS finds that this rule will not have an impact on human subjects research or human subjects research review. This rule has not been designated as a ''significant regulatory action'' under section 3(f) of Executive Order 12866 (as amended by Executive Order 14094).

B. Paperwork Reduction Act

This final rule does not impose any additional information collection burden under the Paperwork Reduction Act and does not contain any information collection activities beyond the information collection already approved by Office of Management and Budget under control numbers 0990–0260, 0990–0473 and 0990–0481.

C. Regulatory Flexibility Act

The Regulatory Flexibility Act (5 U.S.C. 601 *et seq.*) (RFA) and the Small Business Regulatory Enforcement Fairness Act of 1996, which amended the RFA, require agencies that issue a regulation to analyze options for regulatory relief for small businesses. If a rule has a significant impact on a substantial number of small entities, agencies must specifically consider the economic effect of the rule on small entities and analyze regulatory options that could lessen the impact of the rule. The RFA generally defines a ''small entity'' as (1) a proprietary firm meeting the size standards of the Small Business Administration; (2) a nonprofit organization that is not dominant in its field; or (3) a small government jurisdiction with a population of less than 50,000 (states and individuals are not included in the definition of ''small entity''). HHS considers a rule to have a significant economic impact on a substantial number of small entities if at least 5 percent of small entities experience an impact of more than 3 percent of revenue. In making this determination, the impact of concern is any significant adverse economic impact on small entities. An agency may certify that a rule will not have a significant economic impact on a substantial number of small entities if the rule relieves regulatory burden, has no net burden, or otherwise has a positive economic effect on the small entities subject to the rule.

This action does not have a significant economic impact on a substantial number of small entities under the RFA. Therefore, the regulatory flexibility analysis provided for under the RFA is not required.

D. Unfunded Mandates Reform Act

Section 202(a) of the Unfunded Mandates Reform Act (UMRA) of 1995 requires that agencies prepare a written statement, which includes an assessment of anticipated costs and benefits, before proposing ''any rule that includes any Federal mandate that may result in the expenditure by State, local, and tribal governments, in the aggregate, or by the private sector, of $100,000,000

or more (adjusted annually for inflation) in any one year.'' The current threshold after adjustment for inflation is $183 million, using the 2023 implicit price deflator for the gross domestic product. We do not expect this final rule to result in expenditures that will exceed this amount. This action does not contain any unfunded mandate as described in UMRA, 2 U.S.C. 1531–1538, and does not significantly or uniquely affect small governments.

E. Executive Order 13132: Federalism

Executive Order 13132 establishes certain requirements that an agency must meet when it promulgates a rule that imposes substantial direct requirement costs on State and local governments or has federalism implications. HHS has determined that this rule does not contain policies that have substantial direct effects on the States, on the relationship between the Federal Government and the States, or on the distribution of power and responsibilities among the various levels of government. Accordingly, we have concluded that this final rule does not contain policies that have federalism implications as defined in the order and, consequently, a federalism summary impact statement is not required.

List of Subjects in 45 CFR Part 46

Human research subjects, Reporting and recordkeeping requirements, Research.

For the reasons set forth in the preamble, the Department of Health and Human Services amends 45 CFR part 46 as follows:

PART 46—PROTECTION OF HUMAN SUBJECTS

■ 1. The authority citation for part 46 continues to read as follows:

Authority: 5 U.S.C. 301; 42 U.S.C. 289(a); 42 U.S.C. 300v–1(b).

Subpart B—Additional Protections for Pregnant Women, Human Fetuses and Neonates Involved in Research

■ 2. Amend § 46.201 by revising paragraph (b) to read as follows:

§ 46.201 To what do these regulations apply?

* * * * *

(b) The *pre-2018 Requirements* means 45 CFR part 46, subpart A, as revised October 1, 2016. The *2018 Requirements* means 45 CFR part 46, subpart A, as revised October 1, 2018.

(1) For research subject to the pre-2018 Requirements and this subpart, the exemptions at § 46.101(b)(1) through (6) of the pre-2018 Requirements are applicable to this subpart.

(2) For research subject to the 2018 Requirements and this subpart, the exemptions at § 46.104(d)(1) through (8) of the 2018 Requirements may be applied.

* * * * *

■ 3. Amend § 46.202 by revising the introductory text and paragraph (h) to read as follows:

§ 46.202 Definitions.

The definitions in § 46.102 of the pre-2018 Requirements and the 2018 Requirements, as applicable, shall be applicable to this subpart as well. In addition, as used in this subpart:

* * * * *

(h) *Viable,* as it pertains to the neonate, means being able, after delivery, to survive (given the benefit of available medical therapy) to the point of independently maintaining heartbeat and respiration. The Secretary may from time to time, taking into account medical advances, publish in the **Federal Register** guidelines to assist in determining whether a neonate is viable for purposes of this subpart. If a neonate is viable then it may be included in research only to the extent permitted and in accordance with the requirements of the pre-2018 Requirements or the 2018 Requirements, as applicable, and subpart D of this part.

■ 4. Amend § 46.204 by revising paragraphs (d) and (e) to read as follows:

§ 46.204 Research involving pregnant women or fetuses.

* * * * *

(d) If the research holds out the prospect of direct benefit to the pregnant woman, the prospect of a direct benefit both to the pregnant woman and the fetus, or no prospect of benefit for the woman nor the fetus when risk to the fetus is not greater than minimal and the purpose of the research is the development of important biomedical knowledge that cannot be obtained by any other means, her consent is obtained in accord with the informed consent provisions of the pre-2018 Requirements or the 2018 Requirements, as applicable;

(e) If the research holds out the prospect of direct benefit solely to the fetus then the consent of the pregnant woman and the father is obtained in accord with the informed consent provisions of the pre-2018 Requirements or the 2018 Requirements, as applicable, except that the father's consent need not be obtained if he is unable to consent because of unavailability, incompetence, or temporary incapacity or the pregnancy resulted from rape or incest;

* * * * *

■ 5. Amend § 46.205 by revising paragraphs (b)(2), (c)(5), and (d) to read as follows:

§ 46.205 Research involving neonates.

* * * * *

(b) * * *

(2) The legally effective informed consent of either parent of the neonate or, if neither parent is able to consent because of unavailability, incompetence, or temporary incapacity, the legally effective informed consent of either parent's legally authorized representative is obtained in accord with the pre-2018 Requirements or the 2018 Requirements, as applicable, except that the consent of the father or his legally authorized representative need not be obtained if the pregnancy resulted from rape or incest.

(c) * * *

(5) The legally effective informed consent of both parents of the neonate is obtained in accord with the pre-2018 Requirements or the 2018 Requirements, as applicable, except that the waiver and alteration provisions of § 46.116 of the pre-2018 Requirements or the 2018 Requirements do not apply. However, if either parent is unable to consent because of unavailability, incompetence, or temporary incapacity, the informed consent of one parent of a nonviable neonate will suffice to meet the requirements of this paragraph (c)(5), except that the consent of the father need not be obtained if the pregnancy resulted from rape or incest. The consent of a legally authorized representative of either or both of the parents of a nonviable neonate will not suffice to meet the requirements of this paragraph (c)(5).

(d) *Viable neonates.* A neonate, after delivery, that has been determined to be viable may be included in the research only to the extent permitted by and in accord with the requirements of the pre-2018 Requirements or the 2018 Requirements, as applicable, and subpart D of this part.

Subpart C—Additional Protections Pertaining to Biomedical and Behavioral Research Involving Prisoners as Subjects

■ 6. Amend § 46.301 by revising paragraph (c) to read as follows:

§ 46.301 Applicability.

* * * * *

(c) The requirements of this subpart are in addition to those imposed under the other subparts in this part and

includes the pre-2018 Requirements and the 2018 Requirements, as applicable. The *pre-2018 Requirements* means 45 CFR part 46, subpart A, as revised October 1, 2016. The *2018 Requirements* means 45 CFR part 46, subpart A, as revised October 1, 2018.

■ 7. Amend § 46.304 by revising the introductory text to read as follows:

§ 46.304 Composition of Institutional Review Boards where prisoners are involved.

In addition to satisfying the requirements in § 46.107 of the pre-2018 Requirements or the 2018 Requirements, as applicable, an Institutional Review Board, carrying out responsibilities with respect to this subpart, shall also meet the following specific requirements:

* * * * *

■ 8. Amend § 46.306 by revising paragraphs (a) introductory text and (b) to read as follows:

§ 46.306 Permitted research involving prisoners.

(a) Nonexempt biomedical or behavioral research conducted or supported by DHHS may involve prisoners as subjects only if:

* * * * *

(b) Biomedical or behavioral research conducted or supported by DHHS shall not involve prisoners except as follows:

(1) For research subject to the pre-2018 Requirements and this subpart, except as provided in paragraph (a) of this section, biomedical or behavioral research conducted or supported by DHHS shall not involve prisoners as subjects.

(2) For research subject to the 2018 Requirements and this subpart, except as provided in paragraph (a) of this section or for research that is exempt pursuant to § 46.104(b)(2) and (d)(1) through (8) of the 2018 Requirements, biomedical or behavioral research conducted or supported by DHHS shall not involve prisoners as subjects.

Subpart D—Additional Protections for Children Involved as Subjects in Research

■ 9. Revise § 46.401 to read as follows:

§ 46.401 To what does this subpart apply?

(a) The *pre-2018 Requirements* means 45 CFR part 46, subpart A, as revised October 1, 2016. The *2018 Requirements* means 45 CFR part 46, subpart A, as revised October 1, 2018.

(b) This subpart applies to all research involving children as subjects, conducted or supported by the Department of Health and Human Services.

(1) This includes research conducted by Department employees, except that each head of an Operating Division of the Department may adopt such nonsubstantive, procedural modifications as may be appropriate from an administrative standpoint.

(2) It also includes research conducted or supported by the Department of Health and Human Services outside the United States, but in appropriate circumstances, the Secretary may, under § 46.101(i) of the pre-2018 Requirements or the 2018 Requirements, waive the applicability of some or all of the requirements of this subpart for research of this type.

(c) The application of the exemptions to this subpart is as follows:

(1) For research subject to the pre-2018 Requirements and this subpart, the exemptions at § 46.101(b)(1) and (b)(3) through (6) of the pre-2018 Requirements are applicable to this subpart. The exemption at § 46.101(b)(2) of the pre-2018 Requirements regarding educational tests also is applicable to this subpart. However, the exemption at § 46.101(b)(2) for research involving survey or interview procedures or observations of public behavior does not apply to research covered by this subpart, except for research involving observation of public behavior when the investigator(s) do not participate in the activities being observed.

(2) For research subject to the 2018 Requirements and this subpart, the exemptions at § 46.104(d)(1), (4), (5), (6), (7), and (8) of the 2018 Requirements are applicable to this subpart. The exemptions at § 46.104(d)(2)(i) and (ii) of the 2018 Requirements may only apply to research subject to this subpart that involves educational tests or the observation of public behavior when the investigator(s) do not participate in the activities being observed. The exemptions at § 46.104(d)(2)(iii) and (d)(3) of the 2018 Requirements may not be applied to research subject to this subpart.

(d) The exceptions, additions, and provisions for waiver as they appear in § 46.101(c) through (i) of the pre-2018 Requirements or the 2018 Requirements are applicable to this subpart.

■ 10. Amend § 46.402 by revising the introductory text to read as follows:

§ 46.402 Definitions.

The definitions in § 46.102 of the pre-2018 Requirements and the 2018 Requirements, as applicable, shall be applicable to this subpart as well. In addition, as used in this subpart:

* * * * *

■ 11. Amend § 46.408 by revising paragraphs (a) through (d) to read as follows:

§ 46.408 Requirements for permission by parents or guardians and for assent by children.

(a) In addition to the determinations required under other applicable sections of this subpart, the IRB shall determine that adequate provisions are made for soliciting the assent of the children, when in the judgment of the IRB the children are capable of providing assent. In determining whether children are capable of assenting, the IRB shall take into account the ages, maturity, and psychological state of the children involved. This judgment may be made for all children to be involved in research under a particular protocol, or for each child, as the IRB deems appropriate. If the IRB determines that the capability of some or all of the children is so limited that they cannot reasonably be consulted or that the intervention or procedure involved in the research holds out a prospect of direct benefit that is important to the health or well-being of the children and is available only in the context of the research, the assent of the children is not a necessary condition for proceeding with the research. Even where the IRB determines that the subjects are capable of assenting, the IRB may still waive the assent requirement under circumstances in which consent may be waived in accord with § 46.116 of the pre-2018 Requirements or of the 2018 Requirements, as applicable.

(b) In addition to the determinations required under other applicable sections of this subpart, the IRB shall determine, in accordance with and to the extent that consent is required by § 46.116 of the pre-2018 Requirements or the 2018 Requirements, as applicable, that adequate provisions are made for soliciting the permission of each child's parents or guardian. Where parental permission is to be obtained, the IRB may find that the permission of one parent is sufficient for research to be conducted under § 46.404 or § 46.405. Where research is covered by §§ 46.406 and 46.407 and permission is to be obtained from parents, both parents must give their permission unless one parent is deceased, unknown, incompetent, or not reasonably available, or when only one parent has legal responsibility for the care and custody of the child.

(c) In addition to the provisions for waiver contained in § 46.116 of the pre-2018 Requirements or the 2018 Requirements, as applicable, if the IRB determines that a research protocol is

designed for conditions or for a subject population for which parental or guardian permission is not a reasonable requirement to protect the subjects (for example, neglected or abused children), it may waive the consent requirements in § 46.116 of the pre-2018 Requirements or 2018 Requirements, as applicable, and paragraph (b) of this section, provided an appropriate mechanism for protecting the children who will participate as subjects in the research is substituted, and provided further that the waiver is not inconsistent with Federal, State, or local law. The choice of an appropriate mechanism would depend upon the nature and purpose of the activities described in the protocol, the risk and anticipated benefit to the research subjects, and their age, maturity, status, and condition.

(d) Permission by parents or guardians shall be documented in accordance with and to the extent required by § 46.117 of the pre-2018 Requirements or the 2018 Requirements, as applicable.

* * * * *

Xavier Beccera,

Secretary, U.S. Department of Health and Human Services.

[FR Doc. 2024–24399 Filed 10–23–24; 8:45 am]

BILLING CODE 4150–36–P

Proposed Rules

Federal Register
Vol. 89, No. 206
Thursday, October 24, 2024

This section of the FEDERAL REGISTER contains notices to the public of the proposed issuance of rules and regulations. The purpose of these notices is to give interested persons an opportunity to participate in the rule making prior to the adoption of the final rules.

DEPARTMENT OF AGRICULTURE

Agricultural Marketing Service

7 CFR Part 927

[Doc. No. AMS–SC–24–0045]

Pears Grown in Oregon and Washington; Increased Assessment Rate for Fresh Pears

AGENCY: Agricultural Marketing Service, USDA.

ACTION: Proposed rule.

SUMMARY: This proposed rulemaking would implement a recommendation from the Fresh Pear Committee (Committee) to increase the assessment rate established for the 2024–2025 and subsequent fiscal periods from $0.468 to $0.516 per 44-pound standard box or equivalent for fresh ''summer/fall'' pears and fresh ''winter'' pears grown in Oregon and Washington. The proposed assessment rate would remain in effect indefinitely unless modified, suspended, or terminated.

DATES: Comments must be received by November 25, 2024.

ADDRESSES: Interested persons are invited to submit written comments concerning this proposed rulemaking. Comments can be sent to the Docket Clerk, Market Development Division, Specialty Crops Program, AMS, USDA, 1400 Independence Avenue SW, STOP 0237, Washington, DC 20250–0237. Comments can also be sent to the Docket Clerk electronically by Email: *MarketingOrderComment@usda.gov* or via the internet at: *https://www.regulations.gov.* Comments should reference the document number and the date and page number of this issue of the **Federal Register**. Comments submitted in response to this proposed rulemaking will be included in the record, will be made available to the public, and can be viewed at: *https://www.regulations.gov.* Please be advised that the identity of the individuals or entities submitting the comments will be made public on the internet at the address provided above.

FOR FURTHER INFORMATION CONTACT: Joshua R. Wilde, Marketing Specialist, or Barry Broadbent, Chief, Northwest Region Branch, Market Development Division, Specialty Crops Program, AMS, USDA; Telephone: (503) 326–2724, or Email: *Joshua.R.Wilde@usda.gov* or *Barry.Broadbent@usda.gov.*

Small businesses may request information on complying with this regulation by contacting Richard Lower, Market Development Division, Specialty Crops Program, AMS, USDA, 1400 Independence Avenue SW, STOP 0237, Washington, DC 20250–0237; Telephone: (202) 720–8085, or Email: *Richard.Lower@usda.gov.*

SUPPLEMENTARY INFORMATION: This action, pursuant to 5 U.S.C. 553, proposes to amend regulations issued to carry out a marketing order as defined in 7 CFR 900.2(j). This proposed rulemaking is issued under Marketing Order No. 927, as amended (7 CFR part 927), regulating the handling of pears grown in Oregon and Washington. Part 927 (referred to as the ''Order'') is effective under the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601–674), hereinafter referred to as the ''Act.'' The Committee locally administers the Order and is comprised of growers and handlers of pears operating within the area of production, and a public member.

The Agricultural Marketing Service (AMS) is issuing this proposed rulemaking in conformance with Executive Orders 12866, 13563, and 14094. Executive Orders 12866 and 13563 direct agencies to assess all costs and benefits of available regulatory alternatives and, if regulation is necessary, to select regulatory approaches that maximize net benefits (including potential economic, environmental, public health and safety effects, distributive impacts and equity). Executive Order 13563 emphasizes the importance of quantifying both costs and benefits, reducing costs, harmonizing rules, and promoting flexibility. Executive Order 14094 supplements and reaffirms Executive Order 12866 and further directs agencies to solicit and consider input from a wide range of affected and interested parties through a variety of means. This proposed action falls within a category of regulatory actions that the Office of Management and Budget (OMB) exempted from Executive Order 12866 review.

This proposed rulemaking has been reviewed under Executive Order 13175—Consultation and Coordination with Indian Tribal Governments, which requires Federal agencies to consider whether their rulemaking actions would have Tribal implications. AMS has determined that this proposed rulemaking is unlikely to have substantial direct effects on one or more Indian Tribes, on the relationship between the Federal Government and Indian Tribes, or on the distribution of power and responsibilities between the Federal Government and Indian Tribes.

This proposed rulemaking has been reviewed under Executive Order 12988—Civil Justice Reform. Under the Order now in effect, Oregon and Washington pear handlers are subject to assessments. Funds to administer the Order are derived from such assessments. It is intended that the assessment rate would be applicable to all assessable Oregon and Washington fresh pears for the 2024–2025 fiscal period, and continue until amended, suspended, or terminated.

The Act provides that administrative proceedings must be exhausted before parties may file suit in court. Under section 608c(15)(A) of the Act, any handler subject to an order may file with USDA a petition stating that the order, any provision of the order, or any obligation imposed in connection with the order is not in accordance with law and request a modification of the order or to be exempted therefrom. Such handler is afforded the opportunity for a hearing on the petition. After the hearing, USDA would rule on the petition. The Act provides that the district court of the United States in any district in which the handler is an inhabitant, or has his or her principal place of business, has jurisdiction to review USDA's ruling on the petition, provided an action is filed not later than 20 days after the date of the entry of the ruling.

This proposed rulemaking would increase the assessment rate for Oregon and Washington fresh ''summer/fall'' pears and ''winter'' pears handled under the Order from $0.468 per 44-pound standard box or equivalent, the rate that was established for the 2021–2022 and subsequent fiscal periods, to $0.516 per

44-pound standard box or equivalent for the 2024–2025 and subsequent fiscal periods.

Sections 927.40 and 927.41 of the Order authorize the Committee, with the approval of AMS, to formulate an annual budget of expenses and collect assessments from handlers to administer the program. The members of the Committee are familiar with the Committee's needs and with the costs of goods and services in their local area and are able to formulate an appropriate budget and assessment rate. The assessment rate is formulated and discussed in a public meeting, and all directly affected persons have an opportunity to participate and provide input.

For the 2021–2022 and subsequent fiscal periods, the Committee recommended, and AMS approved, an assessment rate of $0.468 per 44-pound standard box or equivalent of assessable fresh ''summer/fall'' pears and ''winter'' pears within the production area. That rate continues in effect from fiscal period to fiscal period until modified, suspended, or terminated by AMS upon recommendation and information submitted by the Committee or other information available to AMS.

The Committee met on May 29, 2024, and recommended, with a vote of 10 in favor, with 1 opposed, and 1 abstention, 2024–2025 fiscal period expenditures of $8,167,642 and an assessment rate of $0.516 per 44-pound standard box or equivalent of fresh ''summer/fall'' and ''winter'' pears for the 2024–2025 fiscal period. In comparison, last year's budgeted expenditures were $8,364,570. The member voting in opposition does not support any increase to the assessment rate. The member who abstained did not provide a justification. The proposed assessment rate of $0.516 per 44-pound standard box or equivalent is $0.048 higher than the rate currently in effect. The Committee recommended increasing the assessment rate due to a smaller estimated 2024 crop and to provide adequate income to cover the Committee's budgeted expenses for the 2024–2025 fiscal period without needing to draw from the Committee's financial reserves. The Committee projects handler receipts of 16,000,000 44-pound standard boxes or equivalent of assessable fresh pears for the 2024–2025 fiscal period, down from the approximately 18,000,000 44-pound standard boxes or equivalent that the Committee initially projected for the 2023–2024 fiscal period.

The major expenditures recommended by the Committee for the 2024–2025 fiscal period include $6,928,000 for promotion and paid advertising, $621,148 for production research and market development, $435,321 for contracted administration and Committee expenses, and $183,173 for industry development. For comparison, budgeted expenses for these items during the 2023–2024 fiscal period were $6,930,000, $843,373, $415,238, and $175,959, respectively.

The Committee derived the recommended assessment rate by considering anticipated expenses, the estimated volume of assessable fresh pears, and the amount of funds available in the authorized reserve. The expected 16,000,000 44-pound standard boxes or equivalent of assessable fresh ''summer/fall'' and ''winter'' pears would generate $8,256,000 in assessment revenue at the proposed assessment rate (16,000,000 44-pound standard boxes or equivalent multiplied by the $0.516 assessment rate). The income generated from handler assessments, along with $3,000 expected in interest income, should be sufficient to meet the Committee's estimated program expenditures of $8,167,642 without needing to draw from the Committee's financial reserves. Funds available in the financial reserve (currently about $716,365) would be kept within the maximum permitted by the Order (approximately one fiscal period's expenses as authorized in § 927.42).

The proposed assessment rate would continue in effect indefinitely unless modified, suspended, or terminated by AMS upon recommendation and information submitted by the Committee or other available information. Although this assessment rate would be in effect for an indefinite period, the Committee will continue to meet prior to or during each fiscal period to recommend a budget of expenses and consider recommendations for modification of the assessment rate. The dates and times of Committee meetings are available from the Committee or AMS. Committee meetings are open to the public and interested persons may express their views at these meetings. AMS would evaluate Committee recommendations and other available information to determine whether modification of the assessment rate is needed. Further rulemaking would be undertaken as necessary. The Committee's 2024–2025 fiscal period budget, and those for subsequent fiscal periods, will be reviewed and, as appropriate, approved by AMS.

Initial Regulatory Flexibility Analysis

Pursuant to requirements set forth in the Regulatory Flexibility Act (RFA) (5 U.S.C. 601–612), AMS has considered the economic impact of this proposed rulemaking on small entities. Accordingly, AMS has prepared this initial regulatory flexibility analysis.

The purpose of the RFA is to fit regulatory actions to the scale of businesses subject to such actions in order that small businesses will not be unduly or disproportionately burdened. Marketing orders issued pursuant to the Act, and the rules issued thereunder, are unique in that they are brought about through group action of essentially small entities acting on their own behalf.

There are approximately 27 handlers subject to regulation under the Order and approximately 700 growers of fresh pears in the production area. At the time this analysis was prepared, the Small Business Administration (SBA) defined small agricultural service firms as those having annual receipts of less than $34,000,000 (North American Industry Classification System (NAICS) code 115114, Postharvest Crop Activities), and small agricultural producers of fresh pears as those having annual receipts of less than $3,500,000 (NAICS code 111339, Other Noncitrus Fruit Farming) (13 CFR 121.201).

Data from USDA's National Agricultural Statistics Service (NASS), indicate a three-year average grower price for Oregon and Washington fresh pears of approximately $11.92 per 44-pound standard box or equivalent for the most recent seasons for which data is available (2020–2021 through 2022–2023 fiscal periods). Committee records indicate average annual fresh pear shipments of 15,246,095 44-pound standard boxes or equivalent over the same period. Based on these data, the average total annual value of assessable fresh pears over this period would have been approximately $181,733,452 (15,246,095 44-pound standard boxes or equivalent multiplied by $11.92 per box). Dividing that figure by the number of fresh pear growers (700) yields an average annual crop value per grower of approximately $259,619. This figure is well below the SBA small agricultural producer threshold of $3,500,000 in annual sales. Assuming a normal distribution, this provides evidence that a large majority of pear growers would likely be considered small agricultural producers according to the SBA definition.

According to USDA Market News data, the most recent shipping point price for fresh pears out of the Yakima Valley and Wenatchee District ranged between $36.25 and $45.05 per 44-pound standard box or equivalent. Using this data to assume an average shipping point price of $40.65 for all

Oregon and Washington fresh pears yields a total crop value of approximately $619,753,762 (15,246,095 44-pound standard boxes multiplied by $40.65 per box). Dividing this figure by 27 regulated handlers yields estimated average annual handler receipts of approximately $22,953,843. Therefore, according to the above data, the majority of growers and handlers of Oregon and Washington fresh pears may be classified as small entities.

As noted above, the average price received by growers in the previous three crop years was $11.92 per 44-pound standard box or equivalent of assessable fresh ''summer/fall'' pears and ''winter'' pears. Given the Committee-estimated production of 16,000,000 44-pound standard boxes or equivalent of assessable fresh pears for the 2024–2025 crop year, total grower revenue is estimated to be $190,720,000. Total assessment revenue is expected to be $8,256,000 (16,000,000 boxes multiplied by $0.516 per box). Therefore, estimated assessment revenue as a percentage of total grower revenue would be about 4.3 percent ($8,256,000 divided by $190,720,000 multiplied by 100).

This proposal would increase the assessment rate collected from handlers for the 2024–2025 and subsequent fiscal periods from $0.468 to $0.516 per 44-pound standard box or equivalent of fresh ''summer/fall'' and ''winter'' pears. The Committee recommended 2024–2025 fiscal period expenditures of $8,167,642 and an assessment rate of $0.516 per 44-pound standard box or equivalent of assessable fresh ''summer/fall'' and ''winter'' pears handled. The proposed assessment rate of $0.516 is $0.048 higher than the rate currently in effect. The Committee expects the industry to handle 16,000,000 44-pound standard boxes or equivalent of assessable fresh ''summer/fall'' pears and ''winter'' pears during the 2024–2025 fiscal period. Thus, the $0.516 per 44-pound standard box or equivalent assessment rate should provide $8,256,000 in assessment income (16,000,000 44-pound standard boxes or equivalent multiplied by the $0.516 assessment rate). The income generated from handler assessments, along with $3,000 expected in interest income, should be sufficient to meet budgeted expenditures for the 2024–2025 fiscal period.

The major expenditures recommended by the Committee for the 2024–2025 fiscal period include $6,928,000 for promotion and paid advertising, $621,148 for production research and market development, $435,321 for contracted administration and Committee expenses, and $183,173 for industry development. For comparison, budgeted expenses for these items during the 2023–2024 fiscal period were $6,930,000, $843,373, $415,238, and $175,959, respectively.

The Committee recommended increasing the assessment rate to provide adequate income to cover the Committee's budgeted expenses for the 2024–2025 fiscal period without needing to draw from the Committee's financial reserves. The Committee projects handler receipts of 16,000,000 44-pound standard boxes or equivalent of assessable fresh pears for the 2024–2025 fiscal period, down from the estimated 18,000,000 44-pound standard boxes or equivalent that the Committee initially projected for the 2023–2024 fiscal period.

Prior to arriving at this budget and assessment rate recommendation, the Committee discussed various alternatives, including maintaining the current assessment rate of $0.468 per 44-pound standard box or equivalent of assessable fresh pears and increasing the assessment rate by a different amount. However, the Committee determined that the recommended assessment rate would adequately fund budgeted expenses for the 2024–2025 fiscal period without needing to draw from the Committee's financial reserves. Consequently, those alternatives were rejected.

This proposed action would increase the assessment obligation imposed on handlers. Assessments are applied uniformly on all handlers, and some of the costs may be passed on to growers. However, these costs are expected to be offset by the benefits derived by the operation of the Order.

The Committee's meetings are widely publicized throughout the Oregon and Washington pear industry and all interested persons are invited to attend the meetings and participate in Committee deliberations on all issues. Like all Committee meetings, the May 29, 2024, meeting was a public meeting and all entities, both large and small, were able to express views on this issue. Finally, interested persons are invited to submit comments on this proposed rulemaking, including the regulatory and information collection impacts of this action on small businesses.

In accordance with the Paperwork Reduction Act of 1995, (44 U.S.C. chapter 35), the Order's information collection requirements have been previously approved by OMB and assigned OMB No. 0581–0189, Fruit Crops. No changes in those requirements would be necessary as a result of this proposed rulemaking. Should any changes become necessary, they would be submitted to OMB for approval.

This proposed rulemaking would not impose any additional reporting or recordkeeping requirements on either small or large Oregon and Washington pear handlers. As with all Federal marketing order programs, reports and forms are periodically reviewed to reduce information requirements and duplication by industry and public sector agencies.

AMS is committed to complying with the E-Government Act, to promote the use of the internet and other information technologies to provide increased opportunities for citizen access to Government information and services, and for other purposes.

AMS has not identified any relevant Federal rules that duplicate, overlap, or conflict with this proposed rulemaking.

A small business guide on complying with fruit, vegetable, and specialty crop marketing agreements and orders may be viewed at: *https://www.ams.usda.gov/rules-regulations/moa/small-businesses.* Any questions about the compliance guide should be sent to Richard Lower at the previously mentioned address in the **FOR FURTHER INFORMATION CONTACT** section.

After consideration of all relevant material presented, including the information and recommendations submitted by the Committee and other available information, AMS has determined that this proposed rulemaking is consistent with and would effectuate the purposes of the Act.

A 30-day comment period is provided to allow interested persons to respond to this proposed rulemaking. All written comments timely received will be considered before a final determination is made on this rulemaking.

List of Subjects in 7 CFR Part 927

Marketing agreements, Pears, Reporting and recordkeeping requirements.

For the reasons set forth in the preamble, the Agricultural Marketing Service proposes to amend 7 CFR part 927 as follows:

PART 927—PEARS GROWN IN OREGON AND WASHINGTON

■ 1. The authority citation for part 927 continues to read as follows:

Authority: 7 U.S.C. 601–674.

■ 2. Amend § 927.236 by revising the introductory text and paragraphs (a) and (b) to read as follows:

§ 927.236 Fresh pear assessment rate.

On and after July 1, 2024, the following base rates of assessment for fresh pears are established for the Fresh Pear Committee:

(a) $0.516 per 44-pound net weight standard box or container equivalent for any or all varieties or subvarieties of fresh pears classified as ''summer/fall'';

(b) $0.516 per 44-pound net weight standard box or container equivalent for any or all varieties or subvarieties of fresh pears classified as ''winter''; and

* * * * *

Erin Morris,

Associate Administrator, Agricultural Marketing Service.

[FR Doc. 2024–24773 Filed 10–23–24; 8:45 am]

BILLING CODE P

SMALL BUSINESS ADMINISTRATION

13 CFR Part 120

RIN 3245–AI21

ALP Express Pilot to Permanent Status

AGENCY: U.S. Small Business Administration.

ACTION: Notice of proposed rulemaking.

SUMMARY: The U.S. Small Business Administration (''SBA'' or Agency) is proposing to make permanent the increased delegated authorities made available under the ALP Express Pilot for Certified Development Companies (''CDCs'') approved for the Accredited Lenders Program (''ALP''). These increased delegated authorities for 504 loans of $500,000 or less (''ALP Express authority'') were authorized under the Economic Aid to Hard-hit Small Businesses, Nonprofits, and Venues Act (Economic Aid Act or EAA). When these increased delegated authorities expired on September 30, 2023, SBA implemented the ALP Express Pilot in October 2023 to allow SBA to further evaluate the improved customer service levels for SBA Borrowers and the use of these increased delegated authorities by ALP CDCs. The ALP Express Pilot expires on September 30, 2025. SBA is proposing rules to make the pilot permanent and is seeking public comment to help the Agency identify which parts of the pilot have been successful and which may need further modification. SBA notified Congress of the pilot prior to OMB approval and notified Congress of the intent to convert the pilot to become a permanent part of the 504 Loan Program in September 2024.

DATES: SBA must receive comments on this proposed rule on or before November 25, 2024.

ADDRESSES: You may submit comments, identified by SBA docket number Docket No. SBA–2023–0012, by any of the following methods:

- *Federal eRulemaking Portal: https://www.regulations.gov/.* Follow the instructions for submitting comments.
- *Mail:* Gregorius Suryadi, Office of Financial Assistance, U.S. Small Business Administration, 409 Third Street SW, Suite 8300, Washington, DC 20416.
- *Hand Delivery/Courier:* Gregorius Suryadi, Office of Financial Assistance, U.S. Small Business Administration, 409 Third Street SW, Washington, DC 20416.

SBA will post all comments on *https://www.regulations.gov/.*

If you wish to submit confidential business information (''CBI'') as defined in the User Notice at *https://www.regulations.gov/,* please submit the information to Gregorius Suryadi, Office of Financial Assistance, U.S. Small Business Administration, 409 Third Street SW, Suite 8300, Washington, DC 20416; or send an email to *gregorius.suryadi@sba.gov.* Highlight the information that you consider to be CBI and explain why you believe SBA should hold this information as confidential. SBA will review the information and make the final determination as to whether it will publish the information.

FOR FURTHER INFORMATION CONTACT: Gregorius Suryadi, Office of Financial Assistance, U.S. Small Business Administration at (202) 205–6806 or *gregorius.suryadi@sba.gov.* The phone number above may also be reached by individuals who are deaf or hard of hearing, or who have speech disabilities, through the Federal Communications Commission's TTY-Based Telecommunications Relay Service teletype service at 711.

SUPPLEMENTARY INFORMATION:

1. Background Information

The 504 Loan Program is an SBA financing program authorized under title V of the Small Business Investment Act of 1958, as amended, 15 U.S.C. 695 et seq (''Small Business Investment Act''). The core mission of the 504 Loan Program is to provide long-term financing to small businesses for the purchase or improvement of land, buildings, and major equipment, and to facilitate the creation or retention of jobs and local economic development. Under the 504 Loan Program, loans are made to small business applicants by Certified Development Companies (''CDCs''), which are certified and regulated by SBA to promote economic development within their community. In general, a project in the 504 Loan Program (a ''504 Project'') includes: a loan obtained from a private sector lender with a senior lien covering at least 50 percent of the project cost; a loan obtained from a CDC (a ''504 Loan'') with a junior lien covering up to 40 percent of the total cost (backed by a 100 percent SBA guaranteed debenture); and a contribution from the Borrower of at least ten percent equity.

There are three types of CDCs that participate in the 504 Loan Program. This document relates to the temporary increased delegated authority that was granted, in accordance with section 328(b) of the Economic Aid Act (''EAA''), to CDCs that are approved by SBA to participate in the Accredited Lenders Program (hereafter ''ALP CDCs''), which is authorized under section 507(a) of the Small Business Investment Act. Under section 507(c) of the Small Business Investment Act, SBA is authorized to develop an expedited procedure for processing a loan application or servicing action submitted by ALP CDCs. [15 U.S.C. 697d.]

Prior to the Economic Aid Act, ALP CDCs were required to obtain SBA's approval on both the loan's eligibility and creditworthiness determinations. In addition, ALP CDCs only had delegated authority to make certain ''No Adverse Change'' certifications prior to loan closing without SBA's review and approval and were only authorized to close 504 loans under the expedited loan closing procedures applicable to a Priority CDC. Further, ALP CDCs were required to obtain SBA's approval for most servicing actions. Section 328(b) of the EAA temporarily provided ALP CDCs increased delegated authority to ''approve, authorize, close and service covered loans,'' for loans of not more than $500,000 and that are not made to a borrower in an industry with a high rate of default as defined by SBA (hereafter referred to as ''ALP Express Loans''). SBA implemented these increased delegated authorities with the publication of an interim final rule on June 27, 2022. (87 FR 37979). Pursuant to the EAA, these delegated authorities were to expire on September 30, 2023.

In order to evaluate the use of these increased delegated authorities by ALP CDCs and to identify opportunities for further modification, SBA developed the ALP Express Pilot program to provide these increased delegated authorities through September 30, 2025

to ALP CDCs (hereafter referred to as ''ALP Express Pilot Loans''). The ALP Express Pilot's delegated authorities in effect represented a continuation of the ALP Express authority provided by the Economic Aid Act. (88 FR 69529 (October 6, 2023)). When ALP Express delegated authorities become permanent, SBA is not including the prohibition found in section 328(b) of the EAA against making loans with ALP Express authority to a borrower in an industry with a high rate of default because this mandatory requirement sunset with the EAA expiration date. A subsequent review of the 504 portfolio in June 2024 also found that no ALP Express Pilot program loans or covered loans made pursuant to Section 328(b) of the EAA were in default or liquidation as of June 30, 2024.

Pursuant to its authority set forth in Section 507(c) of the Small Business Investment Act (15 U.S.C. 697d(c)), which authorizes SBA to develop expedited procedures for processing a loan application or servicing action submitted by ALP CDCs, SBA proposes to make permanent the increased delegated authorities available under the ALP Express Pilot. The Agency requests comments on all aspects of regulatory revisions in this proposed rule.

2. Evaluation Criteria for ALP Express Pilot

SBA typically initiates a pilot loan program to test an innovative approach to enhance or streamline assistance to small businesses, or a subset of small businesses, and/or lower taxpayer cost or risk. Pilot loan program evaluations assess how well a program is achieving its objectives and other aspects of performance in the context in which the program operates. Our ongoing evaluations of the 504 program and delegations authorized will give the SBA the opportunity to refine the design of the program and assist in determining whether the program operations have resulted in the desired benefits for participants.

By documenting on SBA Form 1244 whether the ALP CDC is using its ALP Express authority when submitting an application for an ALP Express Pilot Loan, SBA was able to track ALP CDCs' use of this increased delegated authority. In addition to the program changes introduced through the ALP Express Pilot, on May 11, 2023, SBA instituted an E-Tran risk mitigation technology compliance check on all 504 loans, including those with ALP Express authority, and streamlined the affiliation policy guidance that reduced the amount of paperwork required for submitting loan packages. The ALP Express ''covered loans'' had performed well prior to this quality control upgrade and continue to perform well with this enhanced fraud risk management systems upgrade in place. The processing time for ALP Express loans was reduced significantly from an average of 5 days to 2.3 days (one loan processed in 3 hours). The quality of the ALP Express Pilot 504 loans have been reviewed by the SBA Office of Credit Risk Management (OCRM) and present low risk to the 504 portfolio. The E-Tran risk mitigation protocols consists of background checks on 504 borrowers, checks of USCIS verifications, confirmation of the identity of the borrower using their social security number or tax identification number and verification by checking government databases if the applicant has prior loss on government debt. This enhancement streamlines the application process requirements for the CDCs and provides government resources to assist in detecting and preventing fraud for 504 applicants.

SBA reviewed the following data related to ALP CDCs and their use of ALP Express authority under the Economic Aid Act and used the same evaluation criteria for the ALP Express Pilot:

A. Did the number and percentage of 504 loans in the portfolio under $500,000 increase as a result of the availability of ALP Express authority? It is hard to evaluate the success of ALP Express based solely on the increased number of 504 loans during this period, as there were other factors that influenced demand. During the pandemic, SBA experienced a surge of 504 loan activity in part due to Section 1112 of the CARES Act, which authorized SBA to make the loan payments on SBA loans for SBA borrowers for six months (or more, in some cases). For a more accurate comparison, loan activity prior to this surge period was also considered. Therefore, SBA analyzed recent and pre-pandemic activity levels, as shown in table 1.

TABLE 1—PORTFOLIO TRENDS FOR 504 LOANS UNDER $500,000

[FY 19 to FY 24]

Fiscal Yr.	Non-ALP Express loans		ALP Express loans		Total 504 loans under $500,000	
	No.	% Ch	No.	% Ch	No.	% Ch
2019	2,983	.....	.....	.....	2,983	.....
2020	3,426	15	.....	.....	3,426	15
2021	4,471	31	.....	.....	4,471	31
2022	3,414	−24	162	.....	3,576	−20
2023	1,113	−67	1,060	554	2,173	−39
2024	908	−18	772	−27	1,680	−23

* **Note:** ALP Express Loans were made available in June 2022.

Table 1 provides 504 Loan Program activities for loans of $500,000 or less. In FY 2019, SBA approved 2,983 non-ALP Express loans, and in FY 2020, SBA approved 3,426 loans, an increase of 15 percent from FY 2019. In FY 2021, SBA approved 4,471 loans, an increase of 31 percent from FY 2020. In FY 2020, SBA approved 3,414 loans, a decrease of 24 percent from FY 2020. In FY 2023, SBA approved 1,113 loans, a decrease of 67 percent from FY 2022. For FY 2024 starting from October 1, 2024 until June 30, 2024, when this NPRM was drafted, SBA approved 908 loans.

While the Economic Aid Act authorized these increased delegated authorities, SBA did not implement ALP Express until June 27, 2022. From June 27, 2022 to September 20, 2022, SBA approved 162 ALP Express loans for a combined total of 3,576 loans of 504 loans of $500,000 or less. In FY 2023, SBA approved 1,060 ALP Express loans, and at the same time the number of approved non-ALP Express loan of $500,000 or less was 1,113 for a combined total of 2,173 of 504 loans for $500,000 or less. Finally, for FY 2024 from October 1, 2024 to June 30, 2024,

SBA approved a total of 908 non-ALP Express loans of $500,000 or less, while approving 772 ALP Express loans, during the same time period, for a combined total of approved 504 loans of $500,000 or less of 1,680. Even though the total number of non-ALP Express decreased in FY 2023 and in the first three quarters of FY 2024, the total approved ALP Express loans were almost the same number as the approved non-ALP Express loan.

B. How do the default rates of ALP Express loans compare with similarly sized loans not processed and serviced using this authority? Since the implementation of the ALP Express Pilot program (June 27, 2022) through the end of June 2024, SBA has approved 1,994 ALP Express Pilot loans for a total dollar amount of $579,958,000 with no defaults reported. At the same time, SBA approved 4,581 non-ALP Express loans for a total dollar amount of $1,391,408,000 with no defaults reported.

C. Did ALP Express loan approvals and servicing turn times improve, resulting in enhanced customer service? Currently the average approval processing time of ALP Express loans is 2.3 business days, one day less than regular 504 loan applications. The fastest approval processing time recorded during the ALP Express Pilot program has been three hours. The average processing time is calculated based on loan volume and the number of loan officers available at the SBA loan center processing 504 loans at the time of application. This is compared to the standard five business days processing time for 504 new loan applications at the SBA loan processing center, which during pandemic had increased up to 10 business days due to the 504 loan volume surge and the Section 1112 payment impact.

SBA issued an interim final rule to implement the ALP Express temporary delegated authority authorized under the Economic Aid Act with an effective date of June 27, 2022. (87 FR 37979). Between June 27, 2022, and September 30, 2022 (the end of FY 2022), SBA approved 162 ALP Express Pilot loans for a total loan amount of $49,543,000. In FY 2023, SBA approved 1,060 ALP Express Pilot loans for a total loan amount of $306,236,000. In FY 2024, from October 1, 2024 to June 30, 2024, SBA has approved 772 ALP Express loans for a total dollar amount of $224,179,000.

In comparison, in FY 2022 SBA approved 3,414 non-ALP Express loans of $500,000 or less and 162 ALP Express Pilot loans for a period of June 27, 2022 to September 30, 2022, for a combined total of 3,576 loans of $500,000 or less. In FY 2023 SBA approved 1,113 non-ALP-Express loans and 1,060 ALP Express Pilot loans, for a combined total of 2,173 loans. This was due to a return to pre-pandemic lending levels before the surge created by the availability of Section 1112 funding. Even though the total combined approved loans decreased by 39 percent due to COVID–19, the ALP Express Pilot loans contributed almost half of the total combined approved 504 loans under $500,000. Finally, for FY 2024 (October 1, 2023, to June 30, 2024), SBA approved 908 non-ALP Express loans of $500,000 or less and 728 ALP Express Pilot loans for a combined of 1,636 loans with a total loan amount of $224,179,000.

Therefore, SBA has used the standard five Government Accountability Office evaluation methodologies for evaluating a pilot beyond the **Federal Register** notice stated objectives in the pilot notice and added additional an explanation: (1) The measurable objectives achieved through the pilot were demonstrated by increased ALP processing of loans under $500,000 and additional CDCs that applied to become ALP CDCs under the pilot; (2) The data SBA collected and analyzed was based on actual 504 loan portfolio performance; (3) SBA evaluated acceptable costs of the pilot and reviewed potential losses and obtain cost savings due to staff time not required to review credit decisions or process certain servicing actions with no increase of costs to SBA; (4) due to the limited universe of CDCs and the self-selection opt in process, SBA considers there were sufficient numbers and types of lenders using the pilot; (5) the factors evidencing a continuing need for the pilot included public support from the CDCs and their trade association and approval to continue to the pilot by the SBA Administrator; and (6) time frames for completion which necessitate this NPRM to convert the pilot to permanent status or the delegated authorities of the ALP Express Pilot will expire on September 30, 2025. By beginning the NPRM process in November 2024, this should allow the full clearance process by SBA and OMB and the public comment period and comment disposition to move to the final rule making and publication stage before the September 30, 2025, deadline.

CDC's Authorities

Under the ALP Express Pilot, SBA delegated to ALP CDCs the authority to make the final decision with respect to the applicant's creditworthiness on ALP Express Pilot Loans. SBA continued to be responsible for reviewing each 504 loan to ensure that it meets all loan program requirements for program eligibility, and the risk management E-Tran enhancement provided a tool to assist with fraud detection and prevention. SBA proposes to make these increased authorities permanent for loans that meet ALP Express eligibility criteria. SBA is not proposing any additional changes to current ALP Express underwriting, servicing or closing authorities as established by the ALP Express Pilot Program. SBA's Office of General Counsel and the Office of Credit Risk Management noted the top five lender oversight findings of the closed ALP Express loans were minor and resolved promptly. Based on the excellent performance of this cohort of the 504 loans portfolio, there has been low risk to the national portfolio, due to the implementation of the ALP Express Pilot. ALP CDCs appear to have used their delegated authority as prudent lenders. Of all ALP Express approved loans since inception of the pilot through June 30, 2024, none are in default or in liquidation.

SBA also delegated to ALP CDCs the authority to approve certain servicing actions after closing on ALP Express Pilot Loans (though ALP CDCs were still required to notify the appropriate SBA servicing center of their approval of any servicing action on ALP Express Pilot Loans). Finally, SBA delegated to ALP CDCs the responsibility to undertake all actions necessary to close the ALP Express Pilot Loan and Debenture in accordance with the expedited loan closing procedures applicable to a Priority CDC and with 13 CFR 120.960. SBA is proposing to make these increased authorities permanent for loans that meet ALP Express eligibility criteria. CDCs use these delegated authorities to approve certain servicing actions after closing. SBA has not found issues with the ALP Express loan cohort performance or risk that have become a concern and prompted SBA to reconsider the increased delegated authorities.

In their own discretion, ALP CDCs may decide not to exercise their delegated authority with respect to an ALP Express Pilot Loan and may instead submit the loan to SBA under nondelegated procedures. ALP CDCs may not use their ALP Express authority to service a loan that was approved under non-delegated authority that could have been made as an ALP Express Pilot Loan. In addition, PCLP CDCs may decide to process an ALP Express Pilot Loan under their status as an ALP CDC instead of as a PCLP CDC,

thereby not requiring the CDC to comply with Loan Loss Reserve Fund requirements for that loan. SBA is proposing to make these increased authorities permanent for loans that meet ALP Express eligibility requirements and the Loan Loss Reserve Fund requirements for PCLP CDCs that process ALP Express Loan under their status as an ALP CDC instead of as a PCLP CDC.

In making, closing, servicing, or liquidating an ALP Express Pilot Loan, CDCs were required to follow all Loan Program Requirements under the 504 Loan Program. This included the loan closing and disbursement procedures in SOP 50 10 7.1 and the servicing and liquidation requirements in 13 CFR 120.535, 120.536, 120.540, 120.842 and 120.960, as well as SOP 50 55. SBA does not propose any changes to these responsibilities in making the increased authorities available to ALP CDCs under the ALP Express Pilot delegations of authority permanent.

For further guidance on ALP Express authority, SBA published the ALP Express Pilot Program Guide. This guide will continue in use until SOP 50 55 is amended after this pilot is converted to a permanent program.

Application and Reporting Requirements

CDCs are required to use the application forms for current 504 loan processing and execute an SBA Terms and Conditions document for each 504 loan, including ALP Express Pilot loans, as set forth in SOP 50 10 7.1.

By documenting on SBA Form 1244 whether the ALP CDC is using its ALP Express authority when submitting an application for an ALP Express Pilot Loan, SBA was able to track ALP CDCs' use of this increased delegated authority. CDCs were also required to comply with the reporting requirements in 13 CFR 120.830. SBA does not propose any changes to these responsibilities in making the increased authorities available to ALP CDCs under the ALP Express Pilot Program permanent.

Lender Oversight

ALP CDC oversight procedures shall continue to follow the requirements set forth in 13 CFR part 120, subpart I and SOPs 50 53 (Lender Supervision and Enforcement) and SOP 51 00 (On-Site Lender Reviews and Examinations). The SOPs can be found on the SBA website. ALP CDCs will be monitored both for performance and other risk characteristics as well as for compliance with the requirements of the ALP Express Pilot Program. The ALP CDC must maintain compliance with the requirement that it only makes ALP Express Pilot Loans in an amount of $500,000 or less, along with all other loan program requirements. ALP CDCs also will be subject to 13 CFR 120.1400 through 120.1600 and the provisions of SOP 50 53 concerning supervision and enforcement. SBA does not propose any changes to these responsibilities in making the increased authorities available to ALP CDCs under the ALP Express Pilot delegations of authority permanent.

Compliance With Executive Orders 12866, 12988, 13132, 13563, and 14904, the Congressional Review Act, (5 U.S.C. 801–808), Paperwork Reduction Act (44 U.S.C., Ch. 35), and the Regulatory Flexibility Act (5 U.S.C. 601–612)

Executive Orders 12866 and 13563

Executive Order 12866, ''Regulatory Planning and Review,'' directs agencies to assess all costs and benefits of available regulatory alternatives and, if regulation is necessary, to select regulatory approaches that maximize net benefits (including potential economic, environmental, public health and safety effects, distributive impacts, and equity). Executive Order 13563, ''Improving Regulation and Regulatory Review,'' emphasizes the importance of quantifying both costs and benefits, of reducing costs, of harmonizing rules, and of promoting flexibility. Executive Order 14094, ''Modernizing Regulatory Review,'' amends section 3(f) of Executive Order 12866 and supplements and reaffirms the principles, structures and definitions governing contemporary regulatory review established in Executive Order 12866 and Executive Order 13563. The OMB Office of Information and Regulatory Affairs has determined that this rulemaking is not a significant regulatory action. SBA has drafted a cost-benefit analysis for the public's information in the next section.

A. Cost-Benefit Analysis

Is there a need for the Regulatory Action?

Access to capital is one of the primary challenges for small business to start, grow and sustain their business. SBA 504 loan programs serve an important role in business lending for small businesses that do not have credit available elsewhere from conventional sources on reasonable terms. The Agency believes that a streamlined process for small dollar loans particularly for loans of $500,000 or less will facilitate increased participation by small business owners, especially those in underrepresented communities. As a result of proceeding under the emergency provision at Executive Order 12866, section 6(a)(3)(D), based on the need to move expeditiously to mitigate the COVID–19 pandemic, SBA was able to reduce the processing and approval time of loan applications that were favorable to small businesses that need immediate financial assistance from the government. The ALP Express Pilot delegated authority has proven that ALP CDCs are able to process, approve, and service ALP Express Pilot loans within the guidelines issued by the SBA. SBA hopes to make these reductions permanent. Accordingly, the proposed change will reduce regulatory burdens, reduce the number of hours spent processing an application to deliver a loan for both SBA and lenders and increase access to capital for small businesses.

B. Benefits and Costs of the Rulemaking

What are the potential benefits and costs of this Regulatory Action?

SBA anticipates that implementing the ALP Express Loan authority and providing ALP CDCs with greater authority to approve and service loans will reduce processing time and therefore benefit small businesses, their employees, and the communities they serve.

As a result of the temporary 504 Express Loan Authority (ALP Express Pilot) SBA provides to ALP CDCs, the processing time and approval of loans for $500,000 or less has an average of 2.3 business days whereas the processing time of regular 504 loans non-delegated authority has an average of 5 days. Therefore, small businesses will have access to capital to start, grow, and sustain their businesses in reasonable time. SBA does not anticipate additional costs or impact on the subsidy to operate ALP Express loan.

C. What alternatives have been considered?

SBA could allow the pilot to expire and resume the ALP authority delegation limited under the 504 program requirements prior to the implementation of the Economic Aid Act. Due to the efficiency gains under the ALP Express pilot, SBA considered it more prudent to retain these delegated authorities to reduce regulatory burdens for CDCs with ALP approved status and responsibly streamline the processing, approval and closings of 504 loan application under $500,000 without substantially increasing the risk of waste, fraud, or abuse of the programs, or threatening the integrity of the

business loan programs or taxpayer dollars.

Executive Order 12988

This action meets applicable standards set forth in sections 3(a) and 3(b)(2) of Executive Order 12988, *Civil Justice Reform,* to minimize litigation, eliminate ambiguity, and reduce burden. The action would not have preemptive effect or retroactive effect.

Executive Order 13175

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

Executive Order 13132

This rulemaking would not have federalism implications as defined in Executive Order 13132, *Federalism.* It would not have substantial direct effects on the States, on the relationship between the National Government and the States, or on the distribution of power and responsibilities among the various levels of government, as specified in the Executive order. As such it does not warrant the preparation of a Federalism Assessment.

Paperwork Reduction Act, 44 U.S.C., Ch. 35

This rulemaking does not impose additional reporting or recordkeeping requirements under the Paperwork Reduction Act, 44 U.S.C. chapter 35. In order to implement the Economic Aid Act, SBA determined that it was necessary to temporarily modify SBA Form 1244, which was approved on November 22, 2022, under OMB Control Number 3245–0071, *Application for Section 504 Loans,* to conform the application with the revised requirements for ALP Express Loan authority. The changes did not add any new burdens for the respondents. SBA made the following technical corrections and clarifying changes to SBA Form 1244: (1) revised question number 4 on page 2 to include the updated language of Criminal Justice Rule; (2) added paragraph on page 4 authorizing the SBA to release information regarding existing SBA loan to Lender/CDC; (3) revised the instructions on page 5 (*Purpose of the Form*) to clarify that CDCs with ALP Express Loan authority must use the form; (4) added a new ALP Express checkbox to page 8 in the *Submission Method* field; (5) added additional row to the project table on page 9 for Other Secured Debt to be Refinanced; and (6) updated the instructions on pages 11 and 12 (*Required Exhibits*) to identify which exhibits must be completed and uploaded in SBA's E-Tran system for ALP Express Loans and which exhibits non-ASM CDCs must complete and upload into E-Tran. SBA obtained emergency approval from OMB for the revised information collection. No additional modifications to SBA Form 1244 were necessary for the ALP Express Pilot, and no additional modifications to SBA Form 1244 will be necessary for purposes of making the ALP Express increased authorities permanent through this rulemaking.

Regulatory Flexibility Act 5 U.S.C. 601–612

The Regulatory Flexibility Act (''RFA''), 5 U.S.C. 601, requires administrative agencies to consider the effect of their actions on small businesses, small organizations, and small governmental jurisdictions. Pursuant to the RFA, when an agency issues a proposed rulemaking, it must prepare and make available for public comment an initial regulatory flexibility analysis to address the impact of the rule on small entities. However, section 605 of the RFA allows an agency to certify a rule, in lieu of preparing an analysis, if the rulemaking is not expected to have a significant economic impact on a substantial number of small entities. The rulemaking will impact 85 ALP CDCs; however, SBA believes the impact will be positive and beneficial to all ALP CDCs. This rulemaking makes permanent the temporary increased delegated authorities available under the ALP Express Pilot program. This will improve the approval time of 504 loan applications for loans in an amount of $500,000 or less.

For the three-year period between FY 2022 (June 27, 2022) to FY 2024 (June 30, 2024) SBA approved 4,581 non-ALP Express loans of $500,000 or less, for a total dollar amount of $1,391,408,000. In the same time period SBA approved 1,994 ALP Express loans for a total dollar amount of $579,958,000. The total combined approved loans for 504 loan of less than $500,000 over the same three-year period is 6,575 loans for a total of $1,971,366,000.

Based on the actual loans approved in the three-year period since ALP Express Pilot program implementation, ALP CDCs have demonstrated success in processing and servicing loans for less than $500,000 less through the ALP Express program using their ALP delegated authority. In addition, since ALP Express implementation, there have been no instances of ALP Express in default or in liquidation. SBA estimates the burden for completing SBA Form 1244, ''Application For Section 504 Loans'', including time for reviewing instructions, gathering data and documentation needed, and completing and reviewing the form, is 2.5 hours. SBA will not need to change SBA Form 1244 as a result of the proposed rulemaking of ALP Express as permanent program. SBA anticipates the proposed rule will increase CDCs participation in making loans of $500,000 or less and increase the number of approved 504 program loans as a whole. The ALP Express pilot added no additional cost burdens to SBA, CDCs, or small business borrowers. There were minimal changes to forms and SBA used existing staff to implement the pilot. The zero default and liquidation rates of the ALP Express pilot portfolio cohort document no potential impact to SBA subsidy.

Based on the foregoing, the Administrator of the SBA hereby certifies that this rulemaking will not have a significant economic impact on most small businesses. The SBA invites comments from the public on this certification.

List of Subjects in 13 CFR Part 120

Accredited Lender Program, Certified development companies, Community development, Debentures, Loan programs—business, Small businesses.

For the reasons discussed in the preamble, the Small Business Administration proposes to amend 13 CFR part 120 as follows:

PART 120—BUSINESS LOANS

■ 1. The authority citation for part 120 continues to read as follows:

Authority: 15 U.S.C. 634(b)(6), (b)(7), (b)(14), (h), and note, 636(a), (h) and (m), 650, 687(f), 696(3) and (7), and 697(a) and (e); sec. 521, Pub. L. 114–113, 129 Stat. 2242; sec. 328(a), Pub. L. 116–260, 134 Stat. 1182.

■ 2. Amend § 120.842 by revising paragraph (a) and removing paragraph (d) to read as follows:

§ 120.842 ALP Express Loans.

(a) *Definition.* For the purposes of this section, an ALP Express loan means a 504 loan in an amount that is not more than $500,000 and which is underwritten, approved, closed and

serviced using the authorities set forth in this section.

* * * * *

Isabella Casillas Guzman,

Administrator.

[FR Doc. 2024–24753 Filed 10–23–24; 8:45 am]

BILLING CODE 8026–09–P

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

14 CFR Part 39

[Docket No. FAA–2024–2411; Project Identifier MCAI–2023–00874–R]

RIN 2120–AA64

Airworthiness Directives; Airbus Helicopters

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Notice of proposed rulemaking (NPRM).

SUMMARY: The FAA proposes to adopt a new airworthiness directive (AD) for all Airbus Helicopters Model SA330J helicopters. This proposed AD was prompted by a determination that new or more restrictive airworthiness limitations are necessary. This proposed AD would require revising the existing maintenance records by incorporating new or more restrictive airworthiness limitations, as specified in a European Union Aviation Safety Agency (EASA) AD, which is proposed for incorporation by reference. The FAA is proposing this AD to address the unsafe condition on these products.

DATES: The FAA must receive comments on this NPRM by December 9, 2024.

ADDRESSES: You may send comments, using the procedures found in 14 CFR 11.43 and 11.45, by any of the following methods:

- *Federal eRulemaking Portal:* Go to *regulations.gov*. Follow the instructions for submitting comments.
- *Fax:* (202) 493–2251.
- *Mail:* U.S. Department of Transportation, Docket Operations, M–30, West Building Ground Floor, Room W12–140, 1200 New Jersey Avenue SE, Washington, DC 20590.
- *Hand Delivery:* Deliver to Mail address above between 9 a.m. and 5 p.m., Monday through Friday, except Federal holidays.

AD Docket: You may examine the AD docket at *regulations.gov* under Docket No. FAA–2024–2411; or in person at Docket Operations between 9 a.m. and 5 p.m., Monday through Friday, except Federal holidays. The AD docket contains this NPRM, the EASA AD, any comments received, and other information. The street address for Docket Operations is listed above.

Material Incorporated by Reference:

- For EASA material identified in this proposed AD, contact EASA, Konrad-Adenauer-Ufer 3, 50668 Cologne, Germany; phone: +49 221 8999 000; email: *ADs@easa.europa.eu;* website: *easa.europa.eu.* You may find the EASA material on the EASA website at *ad.easa.europa.eu.*
- You may view this material at the FAA, Office of the Regional Counsel, Southwest Region, 10101 Hillwood Parkway, Room 6N–321, Fort Worth, TX 76177. For information on the availability of this material at the FAA, call (817) 222–5110. The EASA material is also available at *regulations.gov* under Docket No. FAA–2024–2411.

Other Related Material: For Airbus material identified in this proposed AD, contact Airbus Helicopters, 2701 North Forum Drive, Grand Prairie, TX 75052; phone: (972) 641–0000 or (800) 232–0323; fax: (972) 641–3775; website: *airbus.com/en/products-services/helicopters/hcare-services/airbusworld.*

FOR FURTHER INFORMATION CONTACT: Adam Hein, Aviation Safety Engineer, FAA, 1600 Stewart Avenue, Suite 410, Westbury, NY 11590; phone: (316) 946–4116; email: *Adam.Hein@faa.gov.*

SUPPLEMENTARY INFORMATION:

Comments Invited

The FAA invites you to send any written relevant data, views, or arguments about this proposal. Send your comments to an address listed under **ADDRESSES**. Include ''Docket No. FAA–2024–2411; Project Identifier MCAI–2023–00874–R'' at the beginning of your comments. The most helpful comments reference a specific portion of the proposal, explain the reason for any recommended change, and include supporting data. The FAA will consider all comments received by the closing date and may amend this proposal because of those comments.

Except for Confidential Business Information (CBI) as described in the following paragraph, and other information as described in 14 CFR 11.35, the FAA will post all comments received, without change, to *regulations.gov,* including any personal information you provide. The agency will also post a report summarizing each substantive verbal contact received about this NPRM.

Confidential Business Information

CBI is commercial or financial information that is both customarily and actually treated as private by its owner. Under the Freedom of Information Act (FOIA) (5 U.S.C. 552), CBI is exempt from public disclosure. If your comments responsive to this NPRM contain commercial or financial information that is customarily treated as private, that you actually treat as private, and that is relevant or responsive to this NPRM, it is important that you clearly designate the submitted comments as CBI. Please mark each page of your submission containing CBI as ''PROPIN.'' The FAA will treat such marked submissions as confidential under the FOIA, and they will not be placed in the public docket of this NPRM. Submissions containing CBI should be sent to Adam Hein, Aviation Safety Engineer, FAA, 1600 Stewart Avenue, Suite 410, Westbury, NY 11590; phone: (316) 946–4116; email: *Adam.Hein@faa.gov.* Any commentary that the FAA receives which is not specifically designated as CBI will be placed in the public docket for this rulemaking.

Background

EASA, which is the Technical Agent for the Member States of the European Union, has issued EASA AD 2023–0146, dated July 14, 2023 (EASA AD 2023–0146), to correct an unsafe condition on Airbus Helicopters Model SA 330 J helicopters. EASA advises that airworthiness limitations and certification maintenance instructions are identified as mandatory for continued airworthiness and that Revision 7 of SA 330 J Maintenance Program—PUMA 330 J Airworthiness Limitations 5.99, Edition 2, date code 06–22, has been issued to specify all service life limits and maintenance tasks for SA 330 J helicopters and separate the airworthiness limitations from the Master Servicing Recommendations Manual (P.R.E.). According to EASA, failure to accomplish these instructions could result in an unsafe condition. You may examine EASA AD 2023–0146 in the AD docket at *regulations.gov* under Docket No. FAA–2024–2411.

Material Incorporated by Reference Under 1 CFR Part 51

The FAA reviewed EASA AD 2023–0146, which requires replacing components before exceeding their life limits and accomplishing maintenance tasks within thresholds and intervals specified in the ALS as defined within. Depending on the results of the maintenance tasks, EASA AD 2023–0146 requires accomplishing corrective action(s) or contacting AH [Airbus Helicopters] for approved instructions and accomplishing those instructions.

EASA AD 2023–0146 also requires revising the Aircraft Maintenance Programme (AMP) by incorporating the limitations, tasks, and associated thresholds and intervals described in the specified ALS, as applicable. Revising the AMP constitutes terminating action for the requirement to record accomplishment of the actions of replacing components before exceeding their life limits and accomplishing maintenance tasks within thresholds and intervals specified in the applicable ALS as required by EASA AD 2023–0146 for demonstration of AD compliance on a continued basis.

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

Other Related Material

The FAA also reviewed Airbus Puma 330 J Maintenance Program—Airworthiness Limitations 5.99, Edition 2, Revision 7, date code 6–22, approved May 25, 2021. This material specifies airworthiness limitations, tasks, and associated thresholds and intervals for various parts. Revision 7 of this material incorporates a modification of the task following an improvement of the Kevlar protection on the fan bearing and the protective grid.

FAA's Determination

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

Proposed AD Requirements in This NPRM

This proposed AD would require revising the existing maintenance records by incorporating new or more restrictive actions and associated thresholds and intervals, including any life limits, specified in EASA AD 2023–0146, described previously, as incorporated by reference, except for any differences identified as exceptions in the regulatory text of this proposed AD and except as discussed under ''Differences Between this Proposed AD and the EASA AD.''

Explanation of Required Compliance Information

In the FAA's ongoing efforts to improve the efficiency of the AD process, the FAA developed a process to use some civil aviation authority (CAA) ADs as the primary source of information for compliance with requirements for corresponding FAA ADs. The FAA has been coordinating this process with manufacturers and CAAs. As a result, the FAA proposes to incorporate EASA AD 2023–0146 by reference in the FAA final rule. This proposed AD would, therefore, require compliance with EASA AD 2023–0146 in its entirety through that incorporation, except for any differences identified as exceptions in the regulatory text of this proposed AD. Using common terms that are the same as the heading of a particular section in EASA AD 2023–0146 does not mean that operators need comply only with that section. For example, where the AD requirement refers to ''all required actions and compliance times,'' compliance with this AD requirement is not limited to the section titled ''Required Action(s) and Compliance Time(s)'' in EASA AD 2023–0146. Material referenced in EASA AD 2023–0146 for compliance will be available at *regulations.gov* under Docket No. FAA–2024–2411 after the FAA final rule is published.

Differences Between This Proposed AD and the EASA AD

EASA AD 2023–0146 requires, as individual tasks, replacing certain components before exceeding applicable life limits, accomplishing certain maintenance tasks within thresholds and intervals as specified in the ALS, as defined within, and depending on the results, accomplishing corrective action, whereas this proposed AD would not. EASA AD 2023–0146 also requires revising the approved AMP by incorporating the limitations, tasks, and associated thresholds and intervals described in that ALS within 12 months, whereas this proposed AD would require revising the existing maintenance records by incorporating the limitations, tasks, and associated thresholds and intervals described in that ALS within 30 days, and clarifies that if the initial instance of an incorporated limitation or threshold therein is reached before 30 days after the effective date of the final rule of this proposed AD, you still have up to 30 days after the effective date of the final rule of this proposed AD to accomplish the corresponding task.

Costs of Compliance

The FAA estimates that this AD, if adopted as proposed, would affect 6 helicopters of U.S. registry. Labor rates are estimated at $85 per work-hour. Based on these numbers, the FAA estimates the following costs to comply with this proposed AD.

Revising the existing maintenance records would take approximately 1 work-hour, for an estimated cost of $85 per helicopter and $510 for the U.S. fleet.

Authority for This Rulemaking

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

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

Regulatory Findings

The FAA determined that this proposed AD would not have federalism implications under Executive Order 13132. This proposed AD would not have a substantial direct effect on the States, on the relationship between the national government and the States, or on the distribution of power and responsibilities among the various levels of government.

For the reasons discussed above, I certify this proposed regulation:

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

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

(3) Would not have a significant economic impact, positive or negative, on a substantial number of small entities under the criteria of the Regulatory Flexibility Act.

List of Subjects in 14 CFR Part 39

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

The Proposed Amendment

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

PART 39—AIRWORTHINESS DIRECTIVES

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

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

§ 39.13 [Amended]

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

Airbus Helicopters: Docket No. FAA–2024–2411; Project Identifier MCAI–2023–00874–R.

(a) Comments Due Date

The FAA must receive comments on this airworthiness directive (AD) by December 9, 2024.

(b) Affected ADs

None.

(c) Applicability

This AD applies to Airbus Helicopters Model SA330J helicopters, certificated in any category.

(d) Subject

Joint Aircraft System Component (JASC) Code: 6322, Main Gearbox Oil Cooler.

(e) Unsafe Condition

This AD was prompted by new and more restrictive airworthiness limitations. The FAA is issuing this AD to prevent failure of certain parts, which if not addressed, could result in subsequent loss of control of the helicopter.

(f) Compliance

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

(g) Required Actions

Except as specified in paragraphs (h) and (i) of this AD: Comply with all required actions and compliance times specified in, and in accordance with, European Union Aviation Safety Agency AD 2023–0146, dated July 14, 2023 (EASA AD 2023–0146).

(h) Exceptions to EASA AD 2023–0146

(1) Where EASA AD 2023–0146 refers to its effective date, this AD requires using the effective date of this AD.

(2) This AD does not adopt the requirements specified in paragraphs (1), (2), (4), and (5) of EASA AD 2023–0146.

(3) Where paragraph (3) of EASA AD 2023–0146 specifies ''Within 12 months after the effective date of this AD, revise the approved AMP;'' for this AD, replace that text with ''Within 30 days after the effective date of this AD, revise maintenance records required by 14 CFR 91.417(a)(2) or 135.439(a)(2), as applicable for the helicopter.''

(4) The initial compliance time for doing the tasks specified in paragraph (3) of EASA AD 2023–0146 is on or before the applicable ''limitations'' and ''associated thresholds'' as incorporated by the requirements of paragraph (3) of EASA AD 2023–0146 or within 30 days after the effective date of this AD, whichever occurs later.

(5) This AD does not adopt the ''Remarks'' section of EASA AD 2023–0146.

(i) Provisions for Alternative Actions and Intervals

No alternative actions and associated thresholds and intervals, including life limits, are allowed for compliance with paragraph (g) of this AD unless they are approved as specified in the provisions of the ''Ref. Publications'' section of EASA AD 2023–0146.

(j) Alternative Methods of Compliance (AMOCs)

(1) The Manager, International Validation Branch, FAA, has the authority to approve AMOCs for this AD, if requested using the procedures found in § 39.19. In accordance with § 39.19, send your request to your principal inspector or local Flight Standards District Office, as appropriate. If sending information directly to the manager of the International Validation Branch, send it to the attention of the person identified in paragraph (k) of this AD. If sending information directly to the manager of the International Validation Branch, mail it to the address identified in paragraph (k) of this AD or email to: *AMOC@faa.gov*. If mailing information, also submit information by email.

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

(k) Additional Information

For more information about this AD, contact Adam Hein, Aviation Safety Engineer, FAA, 1600 Stewart Avenue, Suite 410, Westbury, NY 11590; phone: (316) 946–4116; email: *Adam.Hein@faa.gov*.

(l) Material Incorporated by Reference

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

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

(i) European Union Aviation Safety Agency (EASA) AD 2023–0146, dated July 14, 2023.

(ii) [Reserved]

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

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

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

Issued on October 17, 2024.

Steven W. Thompson,

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

[FR Doc. 2024–24504 Filed 10–23–24; 8:45 am]

BILLING CODE 4910–13–P

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

14 CFR Part 39

[Docket No. FAA–2024–2413; Project Identifier MCAI–2023–00982–A]

RIN 2120–AA64

Airworthiness Directives; DAHER AEROSPACE (Type Certificate Previously Held by SOCATA) Airplanes

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Notice of proposed rulemaking (NPRM).

SUMMARY: The FAA proposes to adopt a new airworthiness directive (AD) for certain DAHER AEROSPACE (DAHER) Model TBM 700 airplanes. This proposed AD was prompted by certain existing emergency procedures in the pilot's operating handbook (POH) that cannot be fully accomplished since certain equipment cannot be disconnected by the pilot(s) from the flight deck. This proposed AD would require revising the POH for your airplane to provide the flight crew with corrected emergency procedures. The FAA is proposing this AD to address the unsafe condition on these products.

DATES: The FAA must receive comments on this NPRM by December 9, 2024.

ADDRESSES: You may send comments, using the procedures found in 14 CFR 11.43 and 11.45, by any of the following methods:

- *Federal eRulemaking Portal:* Go to *regulations.gov*. Follow the instructions for submitting comments.
- *Fax:* (202) 493–2251.
- *Mail:* U.S. Department of Transportation, Docket Operations, M–30, West Building Ground Floor, Room W12–140, 1200 New Jersey Avenue SE, Washington, DC 20590.
- *Hand Delivery:* Deliver to Mail address above between 9 a.m. and 5 p.m., Monday through Friday, except Federal holidays.

AD Docket: You may examine the AD docket at *regulations.gov* under Docket No. FAA–2024–2413; or in person at Docket Operations between 9 a.m. and 5 p.m., Monday through Friday, except Federal holidays. The AD docket contains this NPRM, the mandatory continuing airworthiness information (MCAI), any comments received, and other information. The street address for Docket Operations is listed above.

Material Incorporated by Reference:

- For DAHER material identified in this proposed AD, contact DAHER AEROSPACE Customer Support, Airplane Business Unit, Tarbes—Cedex 9, France 65921; phone: (833) 826–2273; email: *tbmcare@daher.com;* website: *daher.com*.
- You may view this material at the FAA, Airworthiness Products Section, Operational Safety Branch, 901 Locust, Kansas City, MO 64106. For information on the availability of this material at the FAA, call (816) 329–4148.

FOR FURTHER INFORMATION CONTACT: Fred Guerin, Aviation Safety Engineer, FAA, 1600 Stewart Avenue, Suite 410, Westbury, NY 11590; phone: (206) 231–2346; email: *fred.guerin@faa.gov*.

SUPPLEMENTARY INFORMATION:

Comments Invited

The FAA invites you to send any written relevant data, views, or arguments about this proposal. Send your comments to an address listed under **ADDRESSES**. Include ''Docket No. FAA–2024–2413; Project Identifier MCAI–2023–00982–A'' at the beginning of your comments. The most helpful comments reference a specific portion of the proposal, explain the reason for any recommended change, and include supporting data. The FAA will consider all comments received by the closing date and may amend this proposal because of those comments.

Except for Confidential Business Information (CBI) as described in the following paragraph, and other information as described in 14 CFR 11.35, the FAA will post all comments received, without change, to *regulations.gov*, including any personal information you provide. The agency will also post a report summarizing each substantive verbal contact received about this NPRM.

Confidential Business Information

CBI is commercial or financial information that is both customarily and actually treated as private by its owner. Under the Freedom of Information Act (FOIA) (5 U.S.C. 552), CBI is exempt from public disclosure. If your comments responsive to this NPRM contain commercial or financial information that is customarily treated as private, that you actually treat as private, and that is relevant or responsive to this NPRM, it is important that you clearly designate the submitted comments as CBI. Please mark each page of your submission containing CBI as ''PROPIN.'' The FAA will treat such marked submissions as confidential under the FOIA, and they will not be placed in the public docket of this NPRM. Submissions containing CBI should be sent to Fred Guerin, Aviation Safety Engineer, FAA, 1600 Stewart Avenue, Suite 410, Westbury, NY 11590. Any commentary that the FAA receives which is not specifically designated as CBI will be placed in the public docket for this rulemaking.

Background

The European Union Aviation Safety Agency (EASA), which is the Technical Agent for the Member States of the European Union, has issued EASA AD 2023–0164, dated August 18, 2023 (also referred to as the MCAI), to correct an unsafe condition on certain serial-numbered DAHER Model TBM 700 airplanes. The MCAI states that the emergency procedures ''Cabin Electrical Fire or Smoke During flight'' and ''Smoke elimination'' cannot be fully accomplished since certain equipment cannot be disconnected by the pilot(s) from the flight deck. The MCAI requires incorporating a temporary revision (TR) into the emergency procedures section of the applicable POH, informing all flight crews, and operating the airplane accordingly. This condition, if not corrected, could lead to increased flight crew workload during critical phases of flight, resulting in reduced control of the airplane.

To address the unsafe condition, DAHER published Temporary Revision 30, dated July 2023 (DAHER TR 30), to Section 3, Emergency Procedures, which removes the procedures ''Cabin Electrical Fire or Smoke During Flight'' and ''Smoke elimination'' of the DAHER Model TBM 960 Pilot's Operating Handbook, Edition 0, dated January 27, 2022, and replaces them with the new emergency procedure ''Fire or Smoke in Flight''.

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

You may examine the MCAI in the AD docket at *regulations.gov* under Docket No. FAA–2024–2413.

Related Material Under 1 CFR Part 51

The FAA reviewed DAHER TR 30 to Section 3 of the Emergency Procedures section of the POH by removing the procedures ''Cabin Electrical Fire or Smoke During Flight'' and ''Smoke elimination'' and replacing them with the new emergency procedure ''Fire or Smoke in Flight.''

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

Clarification of Relationship Between DAHER TR 30 and the Proposed AD Applicability

Although the applicability of this proposed AD is certain serial-numbered DAHER Model TBM 700 airplanes, the TR that needs to be inserted into the applicable POH for the owner/operator's airplane is Temporary Revision 30, dated July 2023, to DAHER Pilot's Operating Handbook TBM 960, Edition 0, dated January 27, 2022. The FAA type certificate data sheet (TCDS) specifies Model TBM 700 airplanes, but the notes in the FAA TCDS indicate that, depending on the airplane's serial number and any optional modification installed, an affected Model TBM 700 airplane could have a trade name that includes a ''900'' designation, including TBM 900, TBM 910, TBM 930, TBM 940, or TBM 960.

FAA's Determination

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

Proposed AD Requirements in This NPRM

This proposed AD would require revising the existing POH for your airplane to provide the flight crew with emergency procedures to follow under certain conditions, except as discussed under ''Differences Between this Proposed AD and the MCAI.'' The owner/operator (pilot) holding at least a private pilot certificate may revise the existing POH for your airplane and must enter compliance with the applicable paragraph of this proposed AD into the airplane maintenance records in accordance with 14 CFR 43.9(a) and 91.417(a)(2)(v). The pilot may perform this action because it only involves revising the POH. This action could be performed equally well by a pilot or a

mechanic. This is an exception to the FAA's standard maintenance regulations.

Differences Between This Proposed AD and the MCAI

EASA AD 2023–0164 includes requirements to ''inform all flight crews and, thereafter, operating the airplane accordingly'' and this proposed AD would not specifically require those actions because those actions are already required by FAA regulations.

Costs of Compliance

The FAA estimates that this AD, if adopted as proposed, would affect 930 airplanes of U.S. registry.

The FAA estimates the following costs to comply with this proposed AD:

ESTIMATED COSTS

Action	Labor cost	Parts cost	Cost per product	Cost on U.S. operators
Revise POH	1 work-hour × $85 per hour = $85	$0	$85	$79,050

Authority for This Rulemaking

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

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

Regulatory Findings

The FAA determined that this proposed AD would not have federalism implications under Executive Order 13132. This proposed AD would not have a substantial direct effect on the States, on the relationship between the national government and the States, or on the distribution of power and responsibilities among the various levels of government.

For the reasons discussed above, I certify this proposed regulation:

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

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

(3) Would not have a significant economic impact, positive or negative, on a substantial number of small entities under the criteria of the Regulatory Flexibility Act.

List of Subjects in 14 CFR Part 39

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

The Proposed Amendment

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

PART 39—AIRWORTHINESS DIRECTIVES

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

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

§ 39.13 [Amended]

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

DAHER AEROSPACE (Type Certificate Previously Held by SOCATA): Docket No. FAA–2024–2413; Project Identifier MCAI–2023–00982–A.

(a) Comments Due Date

The FAA must receive comments on this airworthiness directive (AD) by December 9, 2024.

(b) Affected ADs

None.

(c) Applicability

This AD applies to DAHER AEROSPACE (type certificate previously held by SOCATA) Model TBM 700 airplanes, manufacturer serial numbers 687 through 1491 inclusive, certificated in any category.

(d) Subject

Joint Aircraft System Component (JASC) Code 2600, Fire Protection System.

(e) Unsafe Condition

This AD was prompted by certain emergency procedures in the existing pilot's operating handbook (POH) that cannot be fully accomplished since certain equipment cannot be disconnected by the pilot(s) from the flight deck. The FAA is issuing this AD to address the unsafe condition. The unsafe condition, if not addressed, could lead to increased flight crew workload during critical phases of flight, resulting in reduced control of the airplane.

(f) Compliance

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

(g) Required Actions

Within 30 days after the effective date of this AD, revise the existing POH for your airplane by incorporating Temporary Revision 30, dated July 2023, to Section 3, Emergency Procedures, of the DAHER Pilot's Operating Handbook, TBM 960, Edition 0, dated January 27, 2022. The owner/operator (pilot) holding at least a private pilot certificate may revise the existing POH for your airplane and must enter compliance with the applicable paragraph of this AD into the airplane maintenance records in accordance with 14 CFR 43.9(a) and 91.417(a)(2)(v). The record must be maintained as required by 14 CFR 91.417, 121.380, or 135.439.

(h) Alternative Methods of Compliance (AMOCs)

The Manager, International Validation Branch, FAA, has the authority to approve AMOCs for this AD, if requested using the procedures found in 14 CFR 39.19. In accordance with 14 CFR 39.19, send your request to your principal inspector or local Flight Standards District Office, as appropriate. If sending information directly to the manager of the International Validation Branch, mail it to the address identified in paragraph (i) of this AD or email to: *AMOC@faa.gov*. If mailing information, also submit information by email. Before using any approved AMOC, notify your appropriate principal inspector, or lacking a principal inspector, the manager of the local Flight Standards District Office/certificate holding district office.

(i) Additional Information

For more information about this AD, contact Fred Guerin, Aviation Safety Engineer, FAA, 1600 Stewart Avenue, Suite 410, Westbury, NY 11590; phone: (206) 231–2346; email: *fred.guerin@faa.gov*.

(j) Material Incorporated by Reference

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

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

(i) Temporary Revision 30, dated July 2023, to the DAHER Pilot's Operating Handbook, TBM 960, Edition 0, January 27, 2022.

(ii) [Reserved]

(3) For DAHER material identified in this AD, contact DAHER AEROSPACE Customer Support, Airplane Business Unit, Tarbes—Cedex 9, France 65921; phone: (833) 826–2273; email: *tbmcare@daher.com;* website: *daher.com.*

(4) You may view this material at the FAA, Airworthiness Products Section, Operational Safety Branch, 901 Locust, Kansas City, MO 64106. For information on the availability of this material at the FAA, call (817) 222–5110.

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

Issued on October 15, 2024.

Victor Wicklund,

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

[FR Doc. 2024–24331 Filed 10–23–24; 8:45 am]

BILLING CODE 4910–13–P

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

14 CFR Part 71

[Docket No. FAA–2024–2405; Airspace Docket No. 24–ASO–17]

RIN 2120–AA66

Establishment of United States Area Navigation (RNAV) Routes T–492 and T–494; Eastern United States

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Notice of proposed rulemaking (NPRM).

SUMMARY: This action proposes to establish United States Area Navigation (RNAV) Routes T–492 and T–494 in the eastern United States. This action supports FAA Next Generation Air Transportation System (NextGen) efforts to provide a modern RNAV route structure to improve the safety and efficiency of the National Airspace System (NAS).

DATES: Comments must be received on or before December 9, 2024.

ADDRESSES: Send comments identified by FAA Docket No. FAA–2024–2405 and Airspace Docket No. 24–ASO–17 using any of the following methods:

- *Federal eRulemaking Portal:* Go to *www.regulations.gov* and follow the online instructions for sending your comments electronically.
- *Mail:* Send comments to Docket Operations, M–30; U.S. Department of Transportation, 1200 New Jersey Avenue SE, Room W12–140, West Building Ground Floor, Washington, DC 20590–0001.
- *Hand Delivery or Courier:* Take comments to Docket Operations in Room W12–140 of the West Building Ground Floor at 1200 New Jersey Avenue SE, Washington, DC, between 9 a.m. and 5 p.m., Monday through Friday, except Federal holidays.
- *Fax:* Fax comments to Docket Operations at (202) 493–2251.

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

FAA Order JO 7400.11J, Airspace Designations and Reporting Points, and subsequent amendments can be viewed online at *www.faa.gov/air_traffic/publications/.* You may also contact the Rules and Regulations Group, Policy Directorate, Federal Aviation Administration, 600 Independence Avenue SW, Washington, DC 20597; telephone: (202) 267–8783.

FOR FURTHER INFORMATION CONTACT: Brian Vidis, Rules and Regulations Group, Policy Directorate, Federal Aviation Administration, 600 Independence Avenue SW, Washington, DC 20597; telephone: (202) 267–8783.

SUPPLEMENTARY INFORMATION:

Authority for This Rulemaking

The FAA's authority to issue rules regarding aviation safety is found in Title 49 of the United States Code. Subtitle I, section 106 describes the authority of the FAA Administrator. Subtitle VII, Aviation Programs, describes in more detail the scope of the agency's authority. This rulemaking is promulgated under the authority described in Subtitle VII, Part A, Subpart I, section 40103. Under that section, the FAA is charged with prescribing regulations to assign the use of the airspace necessary to ensure the safety of aircraft and the efficient use of airspace. This regulation is within the scope of that authority as it would modify the NAS as necessary to preserve the safe and efficient flow of air traffic.

Comments Invited

The FAA invites interested persons to participate in this rulemaking by submitting written comments, data, or views. Comments are specifically invited on the overall regulatory, aeronautical, economic, environmental, and energy-related aspects of the proposal. The most helpful comments reference a specific portion of the proposal, explain the reason for any recommended change, and include supporting data. To ensure the docket does not contain duplicate comments, commenters should submit only one time if comments are filed electronically, or commenters should send only one copy of written comments if comments are filed in writing.

The FAA will file in the docket all comments it receives, as well as a report summarizing each substantive public contact with FAA personnel concerning this proposed rulemaking. Before acting on this proposal, the FAA will consider all comments it receives on or before the closing date for comments. The FAA will consider comments filed after the comment period has closed if it is possible to do so without incurring expense or delay. The FAA may change this proposal in light of the comments it receives.

Privacy: In accordance with 5 U.S.C. 553(c), DOT solicits comments from the public to better inform its rulemaking process. DOT posts these comments, without edit, including any personal information the commenter provides, to *www.regulations.gov,* as described in the system of records notice (DOT/ALL–14 FDMS), which can be reviewed at *www.dot.gov/privacy.*

Availability of Rulemaking Documents

An electronic copy of this document may be downloaded through the internet at *www.regulations.gov.* Recently published rulemaking documents can also be accessed through the FAA's web page at *www.faa.gov/air_traffic/publications/airspace_amendments/.*

You may review the public docket containing the proposal, any comments received and any final disposition in person in the Dockets Operations office (see **ADDRESSES** section for address, phone number, and hours of operations). An informal docket may also be examined during normal business hours at the office of the Eastern Service Center, Federal Aviation Administration, Room 210, 1701 Columbia Avenue, College Park, GA, 30337.

Incorporation by Reference

United States Area Navigation routes are published in paragraph 6011 of FAA Order JO 7400.11, Airspace

Designations and Reporting Points, which is incorporated by reference in 14 CFR 71.1 on an annual basis. This document proposes to amend the current version of that order, FAA Order JO 7400.11J, dated July 31, 2024, and effective September 15, 2024. These updates would be published in the next update to FAA Order JO 7400.11. That order is publicly available as listed in the **ADDRESSES** section of this document.

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

The Proposal

The FAA is proposing an amendment to 14 CFR part 71 to establish RNAV Routes T–492 and T–494 in the eastern United States. This action supports continued FAA NextGen efforts to provide a modern RNAV route structure that improves the efficiency of the NAS. The proposed RNAV routes are described below.

T–492: T–492 is a new RNAV route proposed to extend between the FIINN, FL, waypoint (WP) and the DEARY, FL, Fix. The proposed route would provide RNAV connectivity for aircraft operating under instrument flight rules (IFR) to transition between the east and west sides of the Tampa International Airport, FL, and would overlay VOR Federal Airway V–441 between the YOJIX, FL, Fix and the DEARY Fix.

T–494: T–494 is a new RNAV route proposed to extend between the SKWAD, FL, WP and the TWOON, FL, WP. The proposed route would provide RNAV connectivity for aircraft operating under IFR to transition between the east and west sides of the Orlando International Airport, FL.

Regulatory Notices and Analyses

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

Environmental Review

This proposal will be subject to an environmental analysis in accordance with FAA Order 1050.1F, ''Environmental Impacts: Policies and Procedures'' prior to any FAA final regulatory action.

List of Subjects in 14 CFR Part 71

Airspace, Incorporation by reference, Navigation (air).

The Proposed Amendment

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

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

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

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

§ 71.1 [Amended]

■ 2. The incorporation by reference in 14 CFR 71.1 of FAA Order JO 7400.11J, Airspace Designations and Reporting Points, dated July 31, 2024, and effective September 15, 2024, is amended as follows:

Paragraph 6011 United States Area Navigation Routes.

* * * * *

T–492 FIINN, FL to DEARY, FL [New]

FIINN, FL	WP	(Lat. 27°58′36.45″ N, long. 082°46′57.63″ W)
PMPNO, FL	WP	(Lat. 27°57′57.52″ N, long. 082°19′18.44″ W)
WEZER, FL	WP	(Lat. 28°02′26.59″ N, long. 082°02′39.60″ W)
YOJIX, FL	FIX	(Lat. 28°02′44.04″ N, long. 081°33′45.34″ W)
ODDEL, FL	FIX	(Lat. 28°05′45.51″ N, long. 081°10′10.24″ W)
DEARY, FL	FIX	(Lat. 28°06′02.53″ N, long. 080°54′51.40″ W)

* * * * *

T–494 SKWAD, FL to TWOON, FL [New]

SKWAD, FL	WP	(Lat. 28°25′45.51″ N, long. 081°27′23.25″ W)
TWOON, FL	WP	(Lat. 28°25′45.46″ N, long. 081°08′54.93″ W)

* * * * *

Issued in Washington, DC, on October 18, 2024.

Frank Lias,

Manager, Rules and Regulations Group.

[FR Doc. 2024–24589 Filed 10–23–24; 8:45 am]

BILLING CODE 4910–13–P

ENVIRONMENTAL PROTECTION AGENCY

40 CFR Part 52

[EPA–R10–OAR–2024–0430: FRL–12243–01–R10]

Air Plan Approval; Washington; Olympic Region Clean Air Agency, Recreational Fires

AGENCY: Environmental Protection Agency (EPA).

ACTION: Proposed rule.

SUMMARY: The Environmental Protection Agency (EPA) is proposing to approve a revision to the Washington State Implementation Plan (SIP) that was submitted by the Department of Ecology (Ecology) in coordination with the Olympic Region Clean Air Agency (ORCAA). In 2013, Ecology and ORCAA inadvertently submitted for incorporation into the SIP a ban on small, recreational fires in Thurston County. These fires are defined as having a maximum pile size of three feet in diameter by two feet high using seasoned firewood or charcoal, generally associated with backyard, summer campfires. Ecology and ORCAA provided a review of the historical record to demonstrate that the ban on recreational fires was not relied upon

for attainment, maintenance, or reasonable further progress in the Thurston County area. Ecology and ORCAA also provided data to demonstrate that removing the ban on recreational fires would not interfere with maintenance of the national ambient air quality standards. Therefore, we are proposing to approve the request by Ecology and ORCAA to remove this provision from the SIP.

DATES: Comments must be received on or before November 25, 2024.

ADDRESSES: Submit your comments, identified by Docket ID No. EPA–R10–OAR–2024–0430 at *https://www.regulations.gov.* Follow the online instructions for submitting comments. Once submitted, comments cannot be edited or removed from *Regulations.gov.* The EPA may publish any comment received to its public docket. Do not submit electronically any information you consider to be Confidential Business Information (CBI) or other information whose disclosure is restricted by statute. Multimedia submissions (audio, video, etc.) must be accompanied by a written comment. The written comment is considered the official comment and should include discussion of all points you wish to make. The EPA will generally not consider comments or comment contents located outside of the primary submission (*i.e.,* on the web, cloud, or other file sharing system). For additional submission methods, the full EPA public comment policy, information about CBI or multimedia submissions, and general guidance on making effective comments, please visit *https://www.epa.gov/dockets/commenting-epa-dockets.*

FOR FURTHER INFORMATION CONTACT: Jeff Hunt, EPA Region 10, 1200 Sixth Avenue—Suite 155, Seattle, WA 98101, at (206) 553–0256, or *hunt.jeff@epa.gov.*

SUPPLEMENTARY INFORMATION:

Table of Contents

I. Background for Proposed Action
A. Review of Attainment and Maintenance Plan Control Requirements
B. Review of Particulate Matter Monitoring Data
II. The EPA's Proposed Action
III. Incorporation by Reference
IV. Statutory and Executive Order Reviews

I. Background for Proposed Action

A. Review of Attainment and Maintenance Plan Control Requirements

On August 7, 1987, the EPA identified a portion of Thurston County as a ''Group I'' area of concern due to measured violations of the then-newly promulgated 24-hour national ambient air quality standard (NAAQS) for particulate matter with an aerodynamic diameter less than or equal to a nominal 10 micrometers, referred to as PM_{10} (52 FR 29383). The Thurston County PM_{10} area consists of the adjoining cities of Olympia, Lacey, and Tumwater, Washington. Geographically, the area is characterized by low rolling terrain with hills rising higher toward its southern and western boundaries. The surrounding hills trap pollutants during certain meteorological conditions occurring in the late fall and winter, called inversions, that create a shallow, stagnant layer of air near ground level. Studies at the time showed that woodsmoke from residential home heating contributed 80–95% of ambient PM_{10} concentrations on the high pollution days of concern. In response to this problem in Thurston County and other areas in the State, the Washington Legislature adopted a comprehensive, statewide residential wood heating control program in 1987. Ecology promulgated regulations to implement the program under Washington Administrative Code (WAC) 173–433 *Solid Fuel Burning Device Standards,* establishing a curtailment program regulating fireplace and woodstove usage on high PM_{10} concentration days, as well as other requirements related to residential wood heating. This set of regulations, and ORCAA's implementation and enforcement of the regulations, formed the control measures relied upon in the attainment plan submitted in February 1989.

On November 15, 1990, the Clean Air Act (CAA) Amendments under section 107(d)(4)(B), designated the Thurston County Group I area as nonattainment for PM_{10} by operation of law. To address the additional moderate area requirements imposed by the 1990 CAA Amendments, Ecology submitted a supplement to the attainment plan in November 1991. However, the 1991 supplement to the attainment plan did not alter the primary focus on residential wood heating. The EPA took final action to approve the entire plan on July 27, 1993 (58 FR 40056). Importantly, in our final action, we clarified that the open burning ban for the area, which includes the smaller subset of recreational fires, was not submitted for approval and was not relied upon to demonstrate attainment of the PM_{10} NAAQS.

The implementation of WAC 173–433 rapidly brought the area into attainment by 1991. As PM_{10} levels in the area steadily declined, the EPA redesignated the Thurston County nonattainment area to a maintenance area on October 4, 2000 (65 FR 59128). In addition to approving Ecology's redesignation request for the area, the EPA also approved a maintenance plan. The maintenance plan reaffirmed that the residential wood heating program was responsible for the permanent and enforceable reductions and would ensure continued compliance with the PM_{10} NAAQS for ten years, without any changes to the control measures already in place.

On July 1, 2013, Ecology and ORCAA submitted a limited maintenance plan to fulfill the second 10-year planning requirement of Clean Air Act section 175A(b) to ensure compliance through 2020. A limited maintenance plan is used when monitored PM_{10} concentrations are very low relative to the NAAQS, and the suite of control measures that brought the area into attainment remain in place. In this case, the EPA promulgated a new 24-hour NAAQS for particulate matter with an aerodynamic diameter less than or equal to a nominal 2.5 micrometers, referred to as $PM_{2.5}$ (62 FR 38652, July 18, 1997). The EPA subsequently revised the 24-hour $PM_{2.5}$ NAAQS to 35 micrograms per cubic meter ($\mu g/m^3$), while leaving the 24-hour PM_{10} NAAQS unchanged at 150 $\mu g/m^3$. Ecology and ORCAA submitted a demonstration as part of the 2013 limited maintenance plan to show that converting the existing residential wood heating program from a focus on PM_{10} to the new $PM_{2.5}$ standard would continue to protect the PM_{10} NAAQS. The agencies provided an analysis of PM_{10} and $PM_{2.5}$ data collected by collocated Federal reference monitors at the Thurston County monitoring site, finding that in the critical winter season, the majority of PM_{10} was $PM_{2.5}$. The statistical relationship between the two PM parameters indicated that $PM_{2.5}$ levels would need to exceed 139 $\mu g/m^3$ before the PM_{10} NAAQS was exceeded. Therefore, the State determined that conversion of the residential wood heating program from a focus on the PM_{10} NAAQS to the $PM_{2.5}$ NAAQS would increase the stringency and effectiveness of the program. In conjunction with this demonstration, Ecology and ORCAA submitted revised State and local regulations to reflect the update to the $PM_{2.5}$ NAAQS and wood burning, generally. It was during this update that Ecology and ORCAA inadvertently submitted ORCAA regulation 6.2.7(c) banning recreational fires in the area, which was not a control measure contained or relied upon in the attainment or maintenance plans. On October 3, 2013, EPA approved ORCAA regulation 6.2.7(c) into the ORCAA portion of the

Washington SIP as part of EPA's approval of the area's second 10-year PM_{10} limited maintenance plan (78 FR 61188).

B. Review of Particulate Matter Monitoring Data

In addition to providing a historical analysis that ORCAA regulation 6.2.7(c) was not relied upon as part of the 1989 and 1991 attainment plans or the 1999 maintenance plan, ORCAA provided an analysis of particulate matter monitoring data to show that removing the ban on recreational fires is highly unlikely to affect compliance with the PM_{10} or $PM_{2.5}$ NAAQS in any meaningful way.[1] A graph of maximum summer and winter concentrations in Thurston County, calculated with the EPA's assistance and included in docket for this action, shows two important trends. The first trend is that, historically, winter concentrations are well above summer concentrations as the season of concern. As noted by ORCAA in the agency's demonstration, ''if we consider the usual backyard social event with a BBQ and people getting together and perhaps in the evening sitting around a fire, those generally happen in the warmer months of the year which are opposite of the wood stove season use.''

Even if one does not accept that assumption, the second trend shows the diminishing PM_{10} concentrations in the winter season, both in terms of maximum and mean PM_{10} concentrations. The EPA attributes this to two factors. The first is the conversion of the residential wood heating program to the more stringent 24-hour $PM_{2.5}$ NAAQS enshrined in the Ecology and ORCAA regulations and submitted as part of the 2013 limited maintenance plan, which led to the implementation of more stringent thresholds for when wood stove use is curtailed due to air quality conditions. The second factor is the Ecology grant program administered by ORCAA which replaced uncertified wood burning devices with certified devices and non-emitting devices such as heat pumps.

The EPA proposes to determine that this significant decline in particulate matter emissions over the years almost certainly offsets any potential emissions growth from allowing small, recreational fires. Both graphs provided by ORCAA shows declining PM_{10} concentrations, especially during the winter months when concentrations tend to be highest. The first graph representing ''max'' concentrations indicates that recent levels are consistently less than a third of the 150 $\mu g/m^3$ PM_{10} NAAQS. Additionally, the second graph representing ''average'' conditions indicates that the mean concentrations for both summer and winter are approximately 10 $\mu g/m^3$, less than a tenth of the 150 $\mu g/m^3$ PM_{10} NAAQS. Given these extremely low concentrations, the EPA proposes to find that it is highly unlikely that potential emissions growth from removing the ban on recreational fires could imperil compliance with the NAAQS. Even if one were to take that worst case scenario, the EPA notes that ORCAA Rule 6.2.6 *Curtailment* remains in the approved SIP and bans any form of outdoor burning, including recreational fires, on high concentration days when a burn ban has been declared by ORCAA.

II. The EPA's Proposed Action

The EPA is proposing to approve ORCAA regulation 6.2.7, State effective March 6, 2023, and incorporate it by reference into the Washington SIP at 40 CFR 52.2470(c)—*Table 6—Additional Regulations Approved for the Olympic Region Clean Air Agency (ORCAA) Jurisdiction.* The effect of this action would be to repeal paragraph (c) of ORCAA regulation 6.2.7 which historically banned recreational fires within the city limits of Lacey, Olympia, and Tumwater, and unincorporated areas of Thurston County lying within or between the municipal boundaries of these cities. Based on the demonstration provided by Ecology and ORCAA, we propose to find that the revision will not interfere with attainment of the national ambient air quality standards or other applicable requirements of the Clean Air Act.

III. Incorporation by Reference

In this document, the EPA is proposing to include in a final rule regulatory text that includes the incorporation by reference. In accordance with requirements of 1 CFR 51.5, the EPA is proposing to incorporate by reference ORCAA regulation 6.2.7, State effective March 6, 2023, as described in section II of this preamble. The EPA has made, and will continue to make, these documents generally available through *https://www.regulations.gov* and at the EPA Region 10 Office (please contact the person identified in the **FOR FURTHER INFORMATION CONTACT** section of this preamble for more information).

IV. Statutory and Executive Order Reviews

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

- Is not a significant regulatory action subject to review by the Office of Management and Budget under Executive Orders 12866 (58 FR 51735, October 4, 1993) and 14094 (88 FR 21879, April 11, 2023);
- Does not impose an information collection burden under the provisions of the Paperwork Reduction Act (44 U.S.C. 3501 *et seq.*);
- Is certified as not having a significant economic impact on a substantial number of small entities under the Regulatory Flexibility Act (5 U.S.C. 601 *et seq.*);
- Does not contain any unfunded mandate or significantly or uniquely affect small governments, as described in the Unfunded Mandates Reform Act of 1995 (Pub. L. 104–4);
- Does not have federalism implications as specified in Executive Order 13132 (64 FR 43255, August 10, 1999);
- Is not subject to Executive Order 13045 (62 FR 19885, April 23, 1997) because it approves a State program;
- Is not a significant regulatory action subject to Executive Order 13211 (66 FR 28355, May 22, 2001); and
- Is not subject to requirements of section 12(d) of the National Technology Transfer and Advancement Act of 1995 (15 U.S.C. 272 note) because application of those requirements would be inconsistent with the Clean Air Act.

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

Executive Order 12898 (Federal Actions to Address Environmental

[1] As part of the 2013 limited maintenance plan, the EPA approved use of $PM_{2.5}$ monitoring data as a surrogate for PM_{10}. Thurston County does not experience significant windblown dust events like some eastern Washington maintenance areas, therefore the statistical relationship between $PM_{2.5}$ and PM_{10} can be relied upon with a high degree of confidence in the Thurston area.

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

The Olympic Region Clean Air Agency did not evaluate environmental justice considerations as part of its SIP submittal; the CAA and applicable implementing regulations neither prohibit nor require such an evaluation. The EPA did not perform an EJ analysis and did not consider EJ in this action. Due to the nature of the action being taken here, this action is expected to have a neutral impact on the air quality of the affected area. Consideration of EJ is not required as part of this action, and there is no information in the record inconsistent with the stated goal of Executive Order 12898 of achieving environmental justice for communities with EJ concerns.

List of Subjects in 40 CFR Part 52

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

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

Dated: October 18, 2024.

Casey Sixkiller,

Regional Administrator, Region 10.

[FR Doc. 2024–24714 Filed 10–23–24; 8:45 am]

BILLING CODE 6560–50–P

DEPARTMENT OF TRANSPORTATION

Federal Railroad Administration

49 CFR Part 213

[Docket No. FRA–2024–0032]

RIN 2130–AC96

Track Geometry Measurement System (TGMS) Inspections

AGENCY: Federal Railroad Administration (FRA), Department of Transportation (DOT).

ACTION: Notice of proposed rulemaking (NPRM).

SUMMARY: FRA is proposing to revise its regulations governing the minimum safety requirements for railroad track. The proposed changes would require all Class I and II railroads, as well as intercity passenger railroads and commuter railroads, to operate a qualifying Track Geometry Measurement System (TGMS), a type of automated track inspection (ATI) technology, at specified frequencies on all Class 1 through 5 mainline and controlled siding track that transports: annual tonnage greater than 10 million gross tons (MGT); regularly scheduled passenger rail service; or trains containing hazardous materials. FRA also proposes increasing the required frequency of TGMS inspections on Class 6 track.

DATES: Written comments must be received by December 23, 2024. Comments received after that date will be considered to the extent possible without incurring additional expense or delay.

ADDRESSES:

Comments: Comments related to Docket No. FRA–2024–0032 may be submitted by going to *https://www.regulations.gov* and following the online instructions for submitting comments.

Instructions: All submissions must include the agency name, docket number (FRA–2024–0032), and Regulatory Identification Number (RIN) for this rulemaking (2130–AC96). All comments received will be posted without change to *http://www.regulations.gov*; this includes any personal information. Please see the Privacy Act heading in the **SUPPLEMENTARY INFORMATION** section of this document for Privacy Act information related to any submitted comments or materials.

Docket: For access to the docket to read background documents or comments received, go to *http://www.regulations.gov* and follow the online instructions for accessing the docket.

FOR FURTHER INFORMATION CONTACT: Yu-Jiang Zhang, Staff Director, Track and Structures Division, Office of Railroad Safety, Federal Railroad Administration, 1200 New Jersey Avenue SE, W33–302, Washington, DC 20590, telephone: 202–493–6460; or Aaron Moore, Senior Attorney, Office of the Chief Counsel, Federal Railroad Administration, 1200 New Jersey Avenue SE, W31–216, Washington, DC 20590, telephone: 202–853–4784.

SUPPLEMENTARY INFORMATION:

Table of Contents for Supplementary Information

I. Executive Summary
II. Legal Authority
III. Background
IV. Section-by-Section Analysis
V. Regulatory Impact and Notices
A. Executive Order 12866 as Amended by Executive Order 14094
B. Regulatory Flexibility Act and Executive Order 13272
C. Paperwork Reduction Act
D. Federalism Implications
E. International Trade Impact Assessment
F. Environmental Impact
G. Executive Order 12898 (Environmental Justice)
H. Unfunded Mandates Reform Act of 1995
I. Energy Impact
J. Privacy Act Statement
K. Executive Order 13175 (Tribal Consultation)
L. Rulemaking Summary, 5 U.S.C. 553(b)(4)

I. Executive Summary

Purpose of the Regulatory Action

ATI technologies have been evolving since the 1970s and FRA has been researching ATI technology, including TGMS, for many years. This effort has included multiple FRA-authored or sponsored technical reports,[1] as well as

[1] *See e.g.,* Autonomous Track Geometry Measurement Technology Design, Development, and Testing (2018), *available at https://downloads.regulations.gov/FRA-2020-0013-0003/attachment_5.pdf;* Evaluation of the Federal Railroad Administration's Autonomous Track Geometry Measurement System Research and Development Program (2016), *available at https://railroads.dot.gov/sites/fra.dot.gov/files/fra_net/17086/ATGMS%20final%20report_final.pdf;* FRA Autonomous Track Geometry Measurement System Technology Development—Past, Present, and Future (2014), *available at https://downloads.regulations.gov/FRA-2020-0013-0003/attachment_1.pdf;* Development and Use of FRA Autonomous Track Geometry Measurement System Technology (2014), *available at https://downloads.regulations.gov/FRA-2020-0013-0003/attachment_3.pdf;* Development of Autonomous Track Geometry Measurement Systems for Overall Track Assessment (2011), *available at https://downloads.regulations.gov/FRA-2020-0013-0003/attachment_4.pdf;* Autonomous Track Inspection Systems—Today and Tomorrow (2009), *available at https://*

Continued

FRA-approved Test Programs (49 CFR 211.51) with nearly every Class I railroad,[2] to evaluate the effectiveness of this technology. Based on its years of research into TGMS, as well as its own Automated Track Inspection Program (ATIP) and the Class I Test Programs, FRA acknowledges the safety benefits of this technology, specifically its ability to quickly and accurately detect small changes in track geometry. FRA notes that TGMS is not a substitute for visual track inspections, which inspect for numerous conditions aside from track geometry and remain essential to ensuring railroad safety.

Today, every Class I and II railroad uses some form of TGMS to measure track geometry. FRA regulation already requires TGMS inspections for high-speed track (Class 6 and above) as well as lower-speed track with cant deficiency of higher than 5 inches.[3] While these existing requirements are applicable to a relatively small subset of railroads in the United States, FRA's research indicates that all railroads covered by this proposed rulemaking are already performing TGMS inspections on their networks at or above the frequencies FRA is proposing in this rule. Therefore, the purpose of this rulemaking is to codify this industry practice while also setting baseline requirements for areas such as TGMS calibration, recordkeeping, defect remediation timeframes, and training.

Summary of Major Provisions

FRA is proposing regulations to amend 49 CFR part 213, Track Safety Standards (TSS), which prescribe the minimum safety requirements for railroad track. The proposed changes would require all Class I and II railroads, as well as intercity passenger railroads and commuter railroads, to operate a qualifying TGMS, at specified frequencies on all Class 1 through 5 mainline and controlled siding track that transports: (1) annual tonnage greater than 10 MGT; (2) regularly scheduled passenger rail service; or (3) trains containing hazardous materials, as defined in 49 CFR 171.8. FRA also proposes increasing the required frequency of TGMS inspections on Class 6 track.

Currently, the TSS require TGMS inspections for high-speed track (Class 6 through 9), and lower speed track (Class 1 through 5) where the cant deficiency is more than 5 inches. As noted above, FRA's research indicates that all the railroads that would be subject to this proposed rule are already performing all visual inspections required by the TSS in addition to voluntarily performing TGMS inspections at or above the frequency that would be required by this NPRM. Thus, this NPRM would codify this industry practice as well as set forth requirements that include remedial action of detected track geometry defects within a specified timeframe, training, and recordkeeping.

The NPRM proposes adding 49 CFR 213.236 to 49 CFR part 213, subpart F, and making conforming changes to § 213.333 to require TGMS inspections at least three times within a 365-day period on Class 1 through 5 mainline and controlled siding tracks that meets one of three stated requirements, and all of Class 6 track. There would be no change to the current frequency requirement for Class 7 and above track. The TGMS must be capable of transmitting data in a manner that permits the track owner to take proper remedial action within one hour of detection of a defect. This one-hour timeframe would represent the maximum permitted time between when a TGMS detects a geometry defect and when a track owner must take remedial action.

The NPRM also proposes certain recordkeeping and training requirements for TGMS inspections, as well as minimum requirements for what must be included in TGMS reports.

The NPRM also proposes certain changes to § 213.241 and identical changes to § 213.339. FRA proposes updating the list of types of inspections that are required to produce reports that conform with the requirements of §§ 213.241(b) and 213.339(b), most significantly adding special inspections (§§ 213.239 and 213.367) to this list. These special visual inspections are required after a specific occurrence, such as a fire or flood or storm, that may have damaged the track structure. Under current FRA enforcement practices, these inspections have historically not been required to be documented. Documenting the data, as proposed will help railroads to reduce risk of track damage from these events by ensuring the inspections are performed, if possible, prior to train traffic. Also, these inspections improve FRA oversight since without them, it can be difficult to confirm that a required inspection was performed. Further, FRA proposes revising the requirement for electronic recordkeeping to add additional safeguards such as requiring training on the proper use of the system, access controls, and an information technology security program to ensure adequate integrity of the system.

Benefits and Costs

FRA analyzed the economic impact of this proposed rule over a 10-year period and estimated its benefits and costs. FRA expects the proposed rule to enhance safety and promote innovation. According to FRA's Railroad Equipment Accident Incident Database,[4] Class I and Class II railroads reported over $191.6 million in total damages from track geometry caused accidents over the past 10 years from 2014 to 2023. FRA expects the reduction in track-related accidents due to the proposed rule's one-hour remediation requirement to partially offset the cost of the proposed rule. Section V.A of this document describes more fully the benefits and costs that would result from issuing this rule.

The proposed rule would require track owners to take proper remedial action no later than one hour following the identification of any track geometry exception to the class of track identified by the TGMS system. FRA expects the affected track owners would be required to hire a total of 94 new maintenance-of-way (MOW) employees to accomplish this proposed requirement.

The proposed rule would also require additional recordkeeping of all track geometry exceptions detected by the TGMS vehicle. The report and any revisions must be documented, signed, certified by a § 213.7(b) qualified employee, and made available to FRA upon request. The track owner would be responsible for training MOW employees, recordkeeping requirements, and record storage and maintenance. FRA estimates all affected track owners would be required to provide one hour of training to each of their approximately 10,000 MOW employees during the first year after the proposed rule goes into effect. FRA estimates additional training would be required starting in the second year after the proposed rule goes into effect as newly hired maintenance workers replace the anticipated 2 percent of maintenance workers expected to depart due to attrition. Overall, FRA estimates the proposed rule would cost the affected track owners $123.4 million discounted at a 2 percent rate over the 10-year period, as shown in Table ES–1.

downloads.regulations.gov/FRA-2020-0013-0003/attachment_2.pdf.

[2] *See* Docket Numbers FRA–2018–0091 (BNSF); FRA–2019–0099 (NS); FRA–2020–0013 (CSX); FRA–2020–0014 (CN); FRA–2020–0031 (UP); FRA–2020–0056 (CP) (available on *www.regulations.gov*).

[3] *See* 49 CFR 213.57(i), 213.333. These TGMS inspections are in addition to the visual inspections required by other sections of part 213.

[4] *See* Railroad Equipment Accident Database (Form 54) at *https://data.transportation.gov/Railroads/Railroad-Equipment-Accident-Incident-Source-Data-F/aqxq-n5hy/about_data.*

TABLE ES–1—SUMMARY OF TOTAL NPRM COSTS OVER THE 10-YEAR PERIOD

Impact	Undiscounted	Present value 7% ($)	Present value 3% ($)	Present value 2% ($)
Employment	$122,808,067	95,839,164	116,397,525	122,570,434
Training	837,480	750,278	796,637	809,594
Total cost	123,645,547	96,589,442	117,194,162	123,380,028
	Impact	Annualized 7% ($)	Annualized 3% ($)	Annualized 2% ($)
	Employment	13,645,341	13,645,341	13,645,341
	Training	106,822	93,390	90,129
	Total cost	13,752,163	13,738,731	13,735,470

II. Legal Authority

Section 20103 of title 49 of the United States Code (U.S.C.) explicitly grants FRA comprehensive authority over all areas of railroad safety and provides that, ''[t]he Secretary of Transportation, as necessary, shall prescribe regulations and issue orders for every area of railroad safety.'' This statutory section codifies the authority granted to the Secretary of Transportation under the Federal Railroad Safety Act of 1970. The Secretary delegated this authority to act under sec. 20103 to the Federal Railroad Administrator.[5]

Pursuant to this authority, FRA published the first TSS on October 20, 1971. It was meant to be an evolving set of safety requirements subject to continuous revision, thus allowing the regulations to keep pace with industry innovations and agency research and development. The TSS covers numerous areas such as drainage, vegetation, track geometry, and track structure. Additionally, the TSS includes specific requirements for different types of inspections, at specific frequencies, meant to ensure the defective conditions covered under other sections of the TSS are found and remediated prior to them posing a safety risk. These inspection requirements are vitally important to ensuring that the safety requirements in the TSS accomplish their purpose of ensuring railroad safety by requiring railroad to actually look for the defective conditions covered by the TSS and, if found, repair them.

As explained in more detail below, many years of research, development, and real-world use has proven the effectiveness of TGMS inspections at detecting geometry conditions. These inspections, when used as a supplement to the currently required visual inspections, have been proven to increase railroad safety by detecting more geometry conditions and, in many instances, due to the sensitivity of the systems, detecting these conditions earlier in their degradation process. Thus, TGMS inspections fall squarely within FRA's authority to regulate areas of railroad safety.

III. Background

ATI technologies have been evolving since the 1970s and, with advances in rail safety, the number of track-caused derailments in the United States has steadily decreased since that time. In recent years, however, the rate of the decrease has slowed. New and alternative track inspection methodologies and associated technologies are being developed to help continue to drive down the number of track-caused derailments. Technological advancements, including ATI and other emerging technologies, have become a key element of track asset management and safety assurance practices. TGMS, ground penetrating radar, track imaging systems, ultrasonic rail flaw detection systems, machine learning-based track component (visual) inspection systems, vertical track deflection systems, and Lidar 3–D scanning systems are all now used to measure various aspects of track health.

Today, every Class I railroad uses some form of TGMS to measure track geometry. Track geometry[6] is a critically important parameter for assessing the condition of railroad track and maintaining safety. Class II railroads, and even some smaller railroads, also utilize this technology. FRA, itself, runs a fleet of track inspection cars under its ATIP, conducting compliance surveys on over 150,000 miles of track annually.

TGMS provides an objective method to evaluate track conditions and to identify defective conditions in the track or conditions that could lead to defects in the track. In addition to these safety benefits, TGMS technologies have operational benefits. As a supplement to visual inspections by track inspectors, automated inspections can take key measurements continuously and at track speed, allowing the inspection of more track in any given time period, as compared to track inspectors solely performing manual, visual inspections. Onboard computers process an enormous amount of raw data in real time and produce concise track condition reports, noting indications of track defects or deviations so that track owners can take remedial actions promptly.

TGMS systems may also be autonomous, otherwise known as Autonomous Track Geometry Measurement Systems (ATGMS), meaning the highly specialized, automated inspection equipment is mounted to on-track equipment (in some cases revenue trains) and the inspections are conducted with minimal direct human involvement (*e.g.,* uncrewed operations). Autonomous technologies have been developed utilizing revenue service trains equipped with data collection equipment that employ wireless communications to provide inspection data with increased frequency and reduced cost. By making inspection systems autonomous, the data can be collected more frequently without consuming track time. Autonomous inspection technologies provide earlier detection of track defects and changing maintenance practices from reactive to preventative, ultimately reducing the number of track-caused derailments throughout the railroad industry.

[5] 49 CFR 1.89.

[6] Track geometry generally refers to the parameters listed in 49 CFR part 213, subpart C, as well as 49 CFR 213.323 through 213.332. This includes gage (the distance between the two rails), alinement (how straight the rails are), crosslevel (the difference in the height of the two rails), and profile (how level the two rails are).

FRA has conducted extensive research on ATGMS and drafted technical documents and summaries on the subject. In 2008, FRA installed an ATGMS on Amtrak's Auto Train route operating between Virginia and Florida. The system detects, locates, and reports potential track geometry defects in near real-time to a web-based inspection data management system for review and remedial action. Since that test, industry adoption of ATGMS has grown each year.[7]

Starting in 2018, FRA approved Test Programs under 49 CFR 211.51 for nearly every Class I railroad [8] to evaluate the effectiveness of ATGMS in combination with different frequencies of visual inspections. Additionally, in 2019, FRA tasked the Railroad Safety Advisory Committee (RSAC) to enhance rail safety by improving track inspection methods, frequency, and documentation. The RSAC provides a forum for developing consensus recommendations and providing information to the Administrator of FRA on rulemakings and other safety program issues, and includes representatives from all the agency's major stakeholders. The RSAC assigned the task [9] to the Track Safety Standards Working Group (Working Group), which met approximately 11 times over a span of five years. For this task, the Working Group's main goal was to recommend how to incorporate ATI technology into FRA's existing track inspection requirements by leveraging the results of each Test Program.

In 2021, BNSF concluded its Test Program, and FRA approved a waiver allowing BNSF to continue utilizing the methodologies from the Test Program on a designated area of track, with additional metrics in place to ensure safety.[10] The Working Group continued to meet regularly to discuss the task, and by November 2022, every Test Program had concluded.

In October 2023, the Working Group determined it would not be able to reach a consensus or provide FRA with a recommendation. However, the Working Group agreed that railroad use of ATI technology, such as TGMS and ATGMS, benefits track safety. In March 2024, the task was officially closed without a recommendation.

This NPRM is based, in part, on FRA's research, ATIP operational experience, the results of the Test Programs and BNSF's waiver, and Working Group member involvement through the RSAC process. As proposed in this NPRM and discussed in more detail below, this rulemaking would revise the TSS to require all Class I and II railroads, as well as intercity passenger railroads and commuter railroads, to operate a qualifying TGMS at specified frequencies on all Class 1 through 5 mainline and controlled siding track that transports: (1) annual tonnage greater than 10 MGT; (2) regularly scheduled passenger rail service; or (3) trains containing hazardous materials as defined in 49 CFR 171.8. FRA also proposes increasing the required frequency of TGMS inspections on Class 6 track. FRA's research indicates that all the track owners affected by this rulemaking are already performing TGMS inspections at or above the frequency that would be required by this NPRM. Thus, this NPRM would codify this industry practice as well as set forth requirements that include remedial action of detected defects within a specified timeframe, training, and recordkeeping.

IV. Section-by-Section Analysis

FRA seeks comments on all proposals made in this NPRM.

Section 213.236 Automated Vehicle-Based Inspection System

FRA proposes to add this new section to require all Class I and II railroads, as well as intercity passenger and commuter railroads, to operate a qualifying TGMS on all class 1 through 5 mainline and controlled siding track on which: (1) annual tonnage exceeds 10 MGT; (2) there is regularly scheduled passenger service; or (3) there is the transportation of hazardous material as defined in 49 CFR 171.8. The terms ''exception'' and ''defect'' are used interchangeably throughout this NPRM.

While there are meaningful differences, FRA generally based this new section on existing § 213.333, which requires TGMS inspections on Class 6 through 9 track, as well as Class 1 through 5 track where there are operations at a cant deficiency of greater than 5 inches. Similarities and differences from § 213.333 are discussed further below.

Proposed paragraph (a) would require all Class I and II railroads, as well as intercity passenger railroads and commuter railroads, to operate a qualifying TGMS on all Class 1 through 5 mainline and controlled siding track, where any of the following occur: annual tonnage of greater than 10 MGT; regularly scheduled passenger service; or transportation of hazardous materials as defined in 49 CFR 171.8. The qualifying TGMS inspection must be conducted at least three times within any 365-day period, with not less than 90 days between inspections. FRA invites comment on ''transportation of hazardous materials,'' specifically the timeframe and frequency that should be required before this element is met.

Proposed paragraph (b) mirrors, with one minor grammatical change that does not alter its requirements, the current requirements of § 213.333(b). It would require that a qualifying TGMS meet or exceed specific design requirements. First, proposed paragraph (b)(1) would require geometry measurements to be taken no more than 3 feet away from the contact of wheels carrying the vertical load of no less than 10 kips per wheel, unless otherwise approved by FRA. Second, proposed paragraph (b)(2) would require geometry measurements to be taken and recorded on a distance-based sampling interval not exceeding 2 feet and preferably at 1 foot. Finally, proposed paragraph (b)(3) would require calibration procedures and parameters that ensure that values measured and recorded by the TGMS accurately represent the actual track conditions. Procedures and parameters that do not result in measured and recorded values that accurately represent the track conditions, or a TGMS system that does not accurately measure or record the values, would not comply with this proposed provision. Proposed paragraph (b)(3) would further require that measurements recorded by the system not differ more than ⅛ inch on repeated runs at the same site and same speed.

Proposed paragraph (c) would, like existing § 213.333(c), require that the qualifying TGMS be capable of measuring and processing the geometry measurements to determine compliance with the applicable regulatory geometry limits. For purposes of proposed paragraph (c), those sections would be § 213.53, track gage; § 213.55, track alinement; § 213.57, curves, elevation, and speed limitations; and § 213.63, track surface. Additionally, for operations at a qualified cant deficiency of more than 5 inches, the TGMS must be capable of measuring and processing the geometry measurements to determine compliance with § 213.65, combined track alinement and surface deviations.

Proposed paragraph (d) would impose certain requirements on the data from a TGMS. Proposed paragraph (d)(1) would require that a TGMS transmit the data in a manner that enables the track

[7] Railroad use of TGMS and ATGMS is generally not required for Class 1 through 5 track, and supplements FRA-required visual inspections and other automated inspections required under 49 CFR part 213.

[8] *See* FRA–2018–0091 (BNSF); FRA–2019–0099 (NS); FRA–2020–0013 (CSX); FRA–2020–0014 (CN); FRA–2020–0031 (UP); FRA–2020–0056 (CP).

[9] Track Inspection Task 2019–05.

[10] *See https://www.regulations.gov/docket/FRA-2020-0064.*

owner to take proper remedial action within one hour of identification of any exception to the class of track the TGMS inspects. This one-hour time period would commence at the time the TGMS passes over the section of track containing the geometry defect. This means that track owners will need to have the resources and the procedures to ensure that within one hour of the TGMS passing over that section of track, the measurements from the TGMS are processed and proper remedial action is put in place.

FRA invites comment on this one-hour remediation requirement, including potential issues involving areas of track where limitations, such as lack of cell coverage, may impair data transmission and possible solutions for these problems and estimated costs. If a commenter believes that a one-hour remediation requirement is not feasible, FRA requests that alternative timeframes be proposed and that the comment include a discussion about the potential risks of leaving a geometry defect in the track for a longer period of time and possible ways to mitigate such a risk.

Proposed paragraph (d)(2) would require, just as currently required by § 213.333(d)(1), that the TGMS provide a continuous plot, on a constant-distance axis, of all measured track geometry parameters required in proposed paragraph (c). Proposed paragraph (d)(3) would require the TGMS to provide a report containing a comprehensive listing of all exceptions to track geometry requirements detected by the TGMS vehicle. Further, this proposed paragraph requires that any revisions to the information in the report, as well as any revisions to the raw data from the TGMS, be documented, signed, and certified by a § 213.7(b) qualified employee in accordance with proposed paragraph (f), discussed below, and in a manner that correctly identifies the person who made the revision, the original information along with the revision(s), and the basis for the revision. This paragraph is meant to ensure accuracy of the data. It recognizes that the reports and/or the data may need to be modified as they are processed, but aims to ensure that any such modification is tracked so that both the source and the content of the modification is stored. This is important so that both the track owner and, if necessary, FRA can determine who made modification, what modifications were made, and the basis for such modification. This may also help track potential errors in the data from the TGMS.

Proposed paragraph (e) would essentially mirror existing section § 213.333(e) and would require that the reports required under proposed paragraph (d) contain sufficient location identification information to enable field forces to easily locate indicated exceptions. Whatever manner the track owner chooses to identify this information must allow both FRA and railroad employees to accurately locate the exception with repeatable accuracy.

Proposed paragraph (f) would require track owners to initiate proper remedial action for defects detected by the TGMS immediately upon analysis by a § 213.7(b) qualified person, or within 1 hour of detection (*i.e.,* the moment the TGMS passes over the defect), whichever is sooner. As discussed above for proposed paragraph (d), FRA invites comment on this requirement. This one-hour requirement would thus start at different times for each defect. If, before the expiration of that one-hour time period, a § 213.7(b) qualified person reviews the TGMS data, they must immediately initiate proper remedial action. There is an inherent danger whenever a train passes over a defective condition, and the remediation requirements proposed in this paragraph are intended to minimize that danger. FRA also notes that in the event a § 213.7 qualified person determines that a defect detected by the TGMS is a false positive, or not actually a defective condition in the field, further remedial action would not be required. However, that determination must be noted and explained on the report required under proposed paragraph (d)(3), and the revision must be documented as required by proposed paragraph (d)(3).

Proposed paragraph (f) would further require that exceptions detected on a crewed TGMS vehicle be remediated immediately. This follows from the first part of the paragraph since on a crewed vehicle, the data is being reviewed and analyzed in real time by an individual on the vehicle. Thus, when a defect is detected by the system, the track owner must immediately initiate proper remedial action.

Proposed paragraph (g) would require that the reports, required by proposed paragraph (d), be interpreted and electronically signed or otherwise certified by a § 213.7(b) qualified employee. This is meant to ensure that TGMS reports are reviewed by a properly trained individual who can interpret the reports, determine the required remedial action, and put such remedial action in place. By requiring that the report be electronically signed or otherwise certified, the person who reviews the report must attest that they properly interpreted the report. This can be accomplished through any means, such as an electronic signature, so long as it achieves the required purpose and properly identifies the person making the certification.

Proposed paragraph (h) would cover situations where a track owner wants to conduct a TGMS inspection as well as a visual inspection from the same vehicle. A visual inspection meant to satisfy the frequency requirements of § 213.233(c) may not be performed by any individual involved in the TGMS inspection. This includes any individual reviewing or interpreting any results from the TGMS vehicle as well as any operator of the TGMS vehicle. A visual inspection may be performed so long as it is by a dedicated track inspector whose sole responsibility is conducting a visual inspection and all requirements of § 213.233 are met.

Proposed paragraph (i) would require specific training related to TGMS inspections. This would be in addition to any existing training requirements in 49 CFR parts 213 and 243,[11] and would require that all § 213.7 qualified persons who review or interpret TGMS reports be properly trained on, at minimum, interpreting TGMS data and reports, prioritizing and conducting site inspections to verify defects, and recordkeeping requirements. The training must be done in a manner and at a frequency to ensure the qualified individuals responsible for reviewing and/or interpreting TGMS reports have sufficient knowledge of at least the three listed subjects to accomplish their responsibilities. The track owners must make available to FRA sufficient records to show compliance with the requirements of proposed paragraph (i).

Section 213.241 Inspection Records

Currently, § 213.241 provides that track owners must keep a record of each inspection required to be performed under part 213, subpart F. Paragraph (b) of this section requires that each record of inspection, under certain sections, include specific information, be prepared on the day the inspection is made, and be signed by the person making the inspection. FRA proposes revising paragraph (b) by adding §§ 213.234 and 213.239 to the list of sections that require inspections for which records must comply with the requirements of paragraph (b). Section 213.234 covers automated inspection of track constructed with concrete crossties. While § 213.234(f) already

[11] Training, Qualification, and Oversight for Safety-Related Railroad Employees.

lists recordkeeping requirements specific for these types of inspections, it is important that those records also comply with the requirements of § 213.241(b). Among other things, this would require that the record be signed or otherwise certified by the person(s) making the inspection. Section 213.239 covers special inspections. These special inspections are conducted after fire, flood, severe storms, or other events that might have damaged track, and a record of them is vitally important both to document findings following such events as well as to provide oversight to ensure track owners are completing such inspections when required. However, under current FRA enforcement practices, track owners have historically not been required to keep records of special inspections. FRA is not aware of any justification for this omission and proposes to require § 213.239 records to comply with § 213.241(b).

FRA proposes redesignating current paragraphs (c) through (j) as paragraphs (d) through (k), respectively, and revising some of them. FRA further proposes adding a new paragraph (c). Proposed paragraph (c) would list recordkeeping requirements for TGMS inspections performed under proposed § 213.236. It would require that track owners maintain a copy of the report, required by proposed § 213.236(d), for a period of two years following the TGMS inspection. Proposed paragraph (c)(1) would also require records specifying the date the inspection was made and the track segment involved. Proposed paragraph (c)(2) would require records to specify the date of any follow-up inspection, the type of inspection, location of any defects, the type and size of each defect, and the type and date of any remedial action taken. This is meant to cover any follow-up inspection done to field-verify the TGMS data. It is essential to keep this information in order to identify potential issues with a TGMS system that might be causing errors in the geometry measurements.

FRA proposes redesignating existing paragraph (c) as paragraph (d), existing paragraph (d) as paragraph (e), existing paragraph (e) as paragraph (f), existing paragraph (f) as paragraph (g), and existing paragraph (g) as paragraph (h). FRA proposes redesignating existing paragraph (h) as paragraph (i) and revising it by adding a sentence at the end requiring the most recent TGMS inspection report to be provided to the persons performing subsequent inspections of the track segment. The existing paragraph requires that track inspection records be made available to persons performing subsequent inspections, and requiring that they also have a copy of the past TGMS inspection report will ensure they continue to have access to the most up-to-date information on the condition of the track to better complete their inspections.

FRA proposes redesignating existing paragraph (i) as paragraph (j), and existing paragraph (j) as paragraph (k). Redesignated paragraph (k) would address electronic recordkeeping systems and list requirements for such systems. FRA proposes adding a proposed paragraph (k)(3), which would require track owners to train their employees, who use the electronic recordkeeping system, on the proper use of the system. An employee who uses the system should know how to properly use the system to ensure they do not inadvertently compromise the system or the records it contains. FRA proposes redesignating existing paragraph (j)(3) as paragraph (k)(4), and adding proposed paragraph (k)(5), which would require the track owner to control accessibility to the electronic records and identify the individuals who have access. This is meant to ensure only the appropriate individuals have access to the system. FRA proposes redesignating existing paragraph (j)(4) as paragraph (k)(6), existing paragraph (j)(5) as paragraph (k)(7), and adding proposed paragraph (k)(8). This proposed paragraph would require track owners to maintain an information technology security program adequate to ensure the integrity of the electronic system. This would include preventing unauthorized access to the records. Finally, FRA proposes redesignating existing paragraph (k)(6) as paragraph (k)(9).

Section 213.333 Automated Vehicle-Based Inspection Systems

FRA proposes to revise existing § 213.333 to make it consistent with the requirements of proposed § 213.236. Section 213.333 addresses the requirements for TGMS inspections, currently required for high-speed track Classes 6 through 9 (paragraphs (a)(2) though (a)(4)), and for track Classes 1 through 5 where operations are at a qualified cant deficiency of more than 5 inches (paragraph (a)(1)). FRA proposes removing existing paragraph (a)(1) since proposed § 213.236 will now cover required TGMS inspections on track Classes 1 through 5. FRA proposes redesignating existing paragraph (a)(2) as paragraph (a)(1) and revising it to increase the number of required TGMS inspections on track Class 6 from once per calendar year to three times within any 365-day period, with not less than 90 days between inspections. This is the same inspection frequency in proposed section § 213.236 that would apply to track Classes 1 through 5. FRA further proposes redesignating existing paragraph (a)(3) as paragraph (a)(2), and existing paragraph (a)(4) as paragraph (a)(3).

FRA proposes to revise paragraph (c) to remove reference to track Classes 1 through 5, since those types of TGMS inspections will be covered by proposed § 213.236. FRA proposes removing paragraph (c)(1) and combining the content of paragraph (c)(2) with the content of paragraph (c) so that it is a single paragraph with no sub-paragraphs.

FRA proposes to revise paragraph (d) to make it consistent with the requirements of proposed § 213.236(d) by removing reference to the current requirement that the TGMS produce an output report within 24 hours of the inspection. Further, FRA proposes to redesignate paragraph (d)(1) as paragraph (d)(2), and add proposed paragraph (d)(1), which would require that a TGMS transmit the data in a manner that enables the track owner to take proper remedial action within one hour of identification of any exception to the class of track the TGMS inspects. This one-hour time period would commence at the time the TGMS passes over the section of track containing the geometry defect. This means that track owners will need to have in place the resources and the procedures to ensure that, within one hour of the TGMS passing over that section of track, the measurements from the TGMS are processed and proper remedial action is put in place.

As stated above for proposed § 213.236(d), FRA invites comment on this one-hour remediation requirement, including potential issues involving areas of track where limitations, such as lack of cell coverage, may impair data transmission and possible solutions for these problems and estimated costs. If a commenter is of the opinion that a one-hour remediation requirement is not feasible, FRA requests that alternative timeframes be proposed and that the comment include a discussion about the potential risks of leaving a geometry defect in the track for a longer period of time and possible ways to mitigate such a risk.

FRA proposes removing existing paragraph (d)(2), which discusses the requirements for an exception report, and replacing it with proposed paragraph (d)(3), which would require the TGMS provide a report containing a comprehensive listing of all exceptions to track geometry requirements detected

by the TGMS vehicle. Further, this proposed paragraph would require that any revisions to the information in the report, as well as any revisions to the raw data from the TGMS, be documented, signed and certified by a § 213.305(b) qualified employee in accordance with proposed paragraph (f), discussed below, and in a manner that correctly identifies the person who made the revision, the original information along with the revision(s), and the basis for the revision. This paragraph is meant to ensure accuracy of the data. It recognizes that the reports and/or the data may need to be modified as they are processed, but aims to ensure that any such modification is tracked so that both the source and the content of the modification is stored. This is important so that the track owner and, if necessary, FRA can determine who made the modification, what modifications were made, and the basis for such modification. This may be especially useful for tracking potential errors in the data from the TGMS, as well as preventing malfeasance.

FRA proposes slight revisions to existing paragraph (e), removing the word ''output'' from ''output report,'' so that it simply reads ''report.'' This is meant to make the paragraph consistent with the terminology used in proposed paragraph (d)(3). FRA also proposes to correct the erroneous citation to paragraph (c) and change it to a reference to paragraph (d) since that is the paragraph that discusses the report generated by the TGMS.

FRA proposes replacing existing paragraph (f), which gives track owners two days following a TGMS inspection to field-verify and initiate remedial action. FRA proposes replacing existing paragraph (f) with a new paragraph (f), which would require track owners to initiate proper remedial action for defects detected by the TGMS immediately upon analysis by a § 213.305(b) qualified person, or within 1 hour of detection (*i.e.* the moment the TGMS passes over the defect), whichever is sooner. As discussed above for proposed paragraph (d), FRA invites comment on this requirement. This one-hour requirement would thus start at different times for each defect. If, before the expiration of that one-hour time period, a § 213.305(b) qualified person reviews the TGMS data, they must immediately initiate proper remedial action. There is an inherent danger whenever a train passes over a defective condition, and the remediation requirements proposed in this paragraph are intended to minimize that danger. FRA also notes that, in the event a § 213.305 qualified person determines that a defect detected by the TGMS is a false positive, or not actually a defective condition in the field, further remedial action would not be required, but that determination must be noted and explained on the report required under proposed paragraph (d)(3), and the revision must be documented as required by proposed paragraph (d)(3).

Proposed paragraph (f) would further require that exceptions detected on a crewed TGMS vehicle be remediated immediately. This follows from the first part of the paragraph since, on a crewed vehicle, the data is being reviewed and analyzed in real time by an individual on the vehicle. Thus, when a defect is detected by the system, the track owner must immediately initiate proper remedial action.

FRA proposes removing existing paragraph (g), which, among other things, requires that track owners maintain inspection records for one year. Since this paragraph deals specifically with inspection records, it is better suited to be included in existing § 213.369. Thus, FRA proposes moving its requirements, with some revisions, to proposed § 213.369(c), discussed below.

FRA proposes replacing existing paragraph (g) with a new paragraph (g), which would require that the reports required by paragraph (d) be interpreted and electronically signed or otherwise certified by a § 213.305(b) qualified employee. This is meant to ensure that TGMS reports are reviewed by a properly trained individual who can interpret the reports, determine the required remedial action, and put such remedial action in place. By requiring that the report be electronically signed or otherwise certified, the person who reviews the report must attest that they properly interpreted the report. This can be accomplished through an electronic signature or another alternative means so long as it accomplishes the required purpose and properly identifies the person making the certification.

FRA proposes adding paragraph (h), which would cover situations where a track owner wants to conduct a TGMS inspection as well as a visual inspection from the same vehicle. A visual inspection meant to satisfy the frequency requirements of § 213.365(c) may not be performed by any individual involved in the TGMS inspection. This includes any individual reviewing or interpreting any results from the TGMS vehicle as well as any operator of the TGMS vehicle. A visual inspection may be performed so long as it is by a dedicated track inspector whose sole responsibility is conducting a visual inspection and all requirements of § 213.365 are met.

FRA proposes adding paragraph (i), which would require specific training related to TGMS inspections. This would be in addition to any existing part 213 and part 243 training requirements and would require that all § 213.305 qualified persons who review or interpret TGMS reports be properly trained on, at a minimum, interpreting TGMS data and reports, prioritizing and conducting site inspections to verify defects, and recordkeeping requirements. The training must be done in such a way and at such a frequency that the qualified individuals responsible for reviewing and/or interpreting TGMS reports have sufficient knowledge of at least the three listed subjects to accomplish their responsibilities. Track owners must make available to FRA sufficient records to show compliance with the requirements of proposed paragraph (i).

Section 213.369 Inspection Records

Proposed revisions to this section are intended to mirror the relevant proposed revisions to § 213.241, discussed above. FRA proposes removing the part of paragraph (b), which states, ''Except as provided in paragraph (e) of this section.'' Since there is no exception stated in paragraph (e), or elsewhere in § 213.369, it is unclear what this statement originally referred to and the language appears to be unnecessary. FRA also proposes adding § 213.367 to the list of sections that require inspections for which records must comply with the requirements of paragraph (b). Section 213.367 covers special inspections. These special inspections are conducted after fire, flood, severe storms, or other events that might have damaged track, and a record of them is vitally important both to document their findings as well as oversight to ensure track owners are completing such inspections when required. However, under current FRA enforcement practices, track owners have historically not been required to keep records of special inspections. FRA is not aware of any justification for this omission and proposes requiring § 213.367 records comply with § 213.369(b). Further, FRA proposes slight revisions to the second sentence of paragraph (b) to make it mirror § 213.214. Aside from one purely grammatical change, the proposed revision would change ''nature of any deviation'' to ''location and nature of any deviation.'' FRA is confident inspection records already include this information and that this change will have no burden upon the industry.

FRA proposes redesignating current paragraphs (c) through (i) as paragraphs (d) through (j), respectively, revising some of them, and adding a new paragraph (c). Proposed paragraph (c), which mirrors, with some revisions, existing § 213.333(g), would list recordkeeping requirements for TGMS inspections performed under proposed § 213.333. It would require track owners to maintain a copy of the report, required by proposed § 213.333(d), for a period of two years following the TGMS inspection. Currently, § 213.333(g) requires that these records be retained for one year. FRA is proposing to increase the retention period to two years. Proposed paragraph (c)(1) would also require records to specify the date the inspection was made and the track segment involved. Proposed paragraph (c)(2) would require records specify the date of any follow-up inspection, the type of inspection, location of any defects, the type and size of each defect, and the type and date of any remedial action taken. This is meant to cover any follow-up inspection done to field-verify the TGMS data. It is essential to keep this information in order to identify potential issues with a TGMS systems that might be causing errors in the geometry measurements.

FRA proposes redesignating existing paragraph (c) as paragraph (d), existing paragraph (d) as paragraph (e), and existing paragraph (e) as paragraph (f). FRA also proposes redesignating existing paragraph (f) as paragraph (g) and revising it by adding a sentence at the end requiring that the most recent TGMS inspection report be provided to the persons performing subsequent inspections of the track segment. The existing paragraph requires that track inspection records be made available to persons performing subsequent inspections, and requiring that they also have a copy of the past TGMS inspection report will ensure they continue to have access to the most up-to-date information on the condition of the track to better complete their inspections.

FRA proposes redesignating existing paragraph (g) as paragraph (h), and existing paragraph (h) as paragraph (i). Redesignated paragraph (i) would address electronic recordkeeping systems and lists specific requirements for such systems. FRA proposes to add a paragraph (i)(3), which would require track owners to train their employees who use the electronic recordkeeping system on the proper use of the system. An employee who uses the system should know how to properly use it to ensure they do not inadvertently compromise the system or the records it contains. FRA proposes redesignating existing paragraph (h)(3) as paragraph (i)(4), and adding proposed paragraph (i)(5), which would require the track owner to control accessibility to the electronic records and identify the individuals who have access. This is meant to ensure only the proper individuals have access to the system. FRA proposes redesignating existing paragraph (h)(4) as paragraph (i)(6), and existing paragraph (h)(5) as paragraph (i)(7), and adding proposed paragraph (i)(8). This proposed paragraph would require track owners to maintain an information technology security program adequate to ensure the integrity of the electronic system. This would include preventing unauthorized access to the records. Finally, FRA proposes redesignating existing paragraph (h)(6) as paragraph (i)(9), and existing paragraph (i) as paragraph (j).

V. Regulatory Impact and Notices

A. Executive Order 12866 as Amended by Executive Order 14094

The proposed rule is a nonsignificant regulatory action within the meaning of Executive Order 12866, as amended by Executive Order 14094, ''Modernizing Regulatory Review,'' [12] and DOT Order 2100.6A (''Rulemaking and Guidance Procedures''). FRA made this determination by finding that the economic effects of the proposed rulemaking will not exceed the $200 million annual threshold defined by Executive Order 12866, as amended by Executive Order 14094. FRA expects this proposed rule will improve railroad safety by codifying existing industry practices and requiring track owners to take proper remedial action within one hour of the TGMS identifying an exception. FRA also expects the proposed rule will encourage future improvements to ATI technologies.

FRA complied with OMB Circular A–4 when accounting for the NPRM costs relative to a baseline condition. [13] Typically, a baseline represents a best judgement about what the world would look like in the absence of the regulatory intervention. FRA accounts for the NPRM costs as any change from current industry practice. FRA's research indicates that all 64 railroads covered by this proposed rulemaking are already voluntarily performing TGMS inspections at or above the frequency that would be required by the NPRM. Therefore, the affected railroads would not incur any additional costs related to conducting the inspections.

However, proposed §§ 213.236(d)(1) and 213.333(d)(1) would require qualifying TGMS vehicles to transmit inspection data in a manner that allows the track owner to take proper remedial action no later than one hour following the identification of any exception identified by the TGMS system. The one-hour timeframe differs from current industry practice, where railroads remediate track defects based on their operating rules or practices and can vary from immediately—on crewed TGMS vehicles—to 24 hours or more on uncrewed ATGMS. Because this proposed rule would not change the inspection frequency from current industry practice, the only slow order cost relevant to this proposal is the time between the one-hour timeframe for remediation and the timeframe each railroad currently follows by practice. FRA requests comments regarding the potential increased number, duration, and cost of TGMS track exception-related slow orders on freight and passenger rail service.

To quantify the one-hour remediation cost, FRA estimates the 64 affected railroads would need to hire a total of 94 new full-time MOW employees to ensure proper remediation within the required timeframe. For FRA's estimate, remediation refers to a § 213.7(b) qualified employee reviewing the data, determining the exception is not a false positive, and contacting the dispatcher to place an appropriate speed restriction. FRA estimated that railroads would need to hire between one and six employees depending on the railroad's operations and number of required inspections. The additional employee costs would be approximately $13.6 million annually and $122.5 million over 10 years at the 2-percent discount rate as shown in Table 1.

The proposed rule would also require additional reporting of all track geometry exceptions detected by the TGMS vehicle. The report, and any revisions, must be documented, signed, and certified by a § 213.7(b) qualified employee, and made available to FRA upon request. The track owner is also responsible for the cost of training maintenance employees, reporting requirements, and report storage and maintenance.

FRA estimates the new training requirement in §§ 213.236(i) and 213.333(i) affects 10,000 railroad MOW employees (Group No 300).[14] Each

[12] 88 FR 21879 (Apr. 6, 2023).

[13] Railroad use of TGMS and ATGMS is generally not required for Class 1 through 5 track, and supplements FRA-required visual inspections and other automated inspections required under 49 CFR part 213.

[14] The dollar equivalent cost is derived from the 2023 Surface Transportation Board Full Year Wage

worker will require one hour of training in the first year after the rule is published. FRA also assumed a 2 percent annual attrition rate among railroad employees. The estimated replacement employees will need to be trained. MOW workers' hourly salary is $39.88, hours were considered at the burdened wage rate by multiplying the actual rate by 175 percent. This would result in a 10-year total training cost of approximately $837,000 or approximately $810,000 discounted at a present value of 2 percent. The total costs of the proposed rule would be approximately $124 million over 10 years discounted at a present value of 2 percent. These costs are shown in Table 1.

TABLE 1—TEN YEAR COSTS IN 2023 DOLLARS

Impact	Undiscounted	Present value 7% ($)	Present value 3% ($)	Present value 2% ($)
Employment	$122,808,067	$95,839,164	$116,397,525	$122,570,434
Training	837,480	750,278	796,637	809,594
Total cost	123,645,547	96,589,442	117,194,162	123,380,028

Impact	Annualized 7% ($)	Annualized 3% ($)	Annualized 2% ($)
Employment	13,645,341	13,645,341	13,645,341
Training	106,822	93,390	90,129
Total cost	13,752,163	13,738,731	13,735,470

B. Regulatory Flexibility Act and Executive Order 13272

The Regulatory Flexibility Act of 1980 [15] and Executive Order 13272, ''Proper Consideration of Small Entities in Agency Rulemaking,'' [16] require agency review of proposed and final rules to assess their impacts on small entities. An agency must prepare an Initial Regulatory Flexibility Analysis (IRFA) unless it determines and certifies that a rule, if promulgated, would not have a significant economic impact on a substantial number of small entities. FRA has not determined whether this proposed rule would have a significant economic impact on a substantial number of small entities and has therefore prepared this IRFA. FRA seeks public comment from small entities on the economic impacts of this proposed rule.

1. Reasons for Considering Agency Action

FRA seeks to revise its regulations governing the minimum safety requirements for railroad track. The proposed changes would require all Class I and Class II railroads, intercity passenger railroads, and commuter railroads to operate qualifying TGMS vehicles over mainline and controlled siding track at specific frequencies.

2. A Succinct Statement of the Objectives of, and Legal Basis for, the Proposed Rule

This rulemaking seeks to improve compliance with the TSS by requiring all Class I railroads, Class II railroads, intercity passenger railroads, and commuter railroads to operate a qualifying TGMS three times within a 365-day period over all Class 1 through 5 mainline and controlled siding track that transports: (1) annual tonnage greater than 10 MGT; (2) regularly scheduled passenger rail service; or (3) hazardous materials. Qualified TGMS inspections are already required for Class 6 through 9 track at varying frequencies, as well as Class 1 through 5 track for operations at a qualified cant deficiency of more than 5 inches. The proposed rule would also increase the required frequency of TGMS inspections on Class 6 track from once per calendar year to three times within a 365-day period.

FRA's research indicates that all the railroads affected by this rulemaking are already performing TGMS inspections at or above the frequency that would be required by this NPRM. Thus, this proposed rulemaking would codify this industry practice as well as set forth requirements that include remedial action of detected defects within a specified time limit. FRA expects the NPRM to improve compliance with the TSS and potentially reduce derailments.

3. A Description of and, Where Feasible, an Estimate of, the Number of Small Entities to Which the Proposed Rule Would Apply

The Regulatory Flexibility Act of 1980 requires a review of proposed and final rules to assess their impact on small entities, unless the Secretary certifies that the rule would not have a significant economic impact on a substantial number of small entities. ''Small entity'' is defined in 5 U.S.C. 601 as a small business that is independently owned and operated and is not dominant in its field of operation. The U.S. Small Business Administration (SBA) has authority to regulate issues related to small businesses and stipulates in its size standards that a ''small entity'' in the railroad industry includes a for-profit ''line-haul railroad'' that has fewer than 1,500 employees and a ''short line railroad'' with fewer than 1,500 employees.[17]

Federal agencies may adopt their own size standards for small entities in consultation with SBA and in conjunction with public comment. Under that authority, FRA has published a final statement of agency policy that formally establishes ''small

A&B data series using the employee group 300 hourly wage rate that includes 75-percent overhead charges.

[15] 5 U.S.C. 601 *et seq.*

[16] 67 FR 53461 (Aug. 16, 2002).

[17] ''Size Eligibility Provisions and Standards,'' 13 CFR part 121, subpart A. NAIC Code 482111 and 482112 indicate ''Line Haul'' and ''Short Line'' railroads respectively. Per SBA, any firm under NAICS code 48112 that employs more than 1,500 employees cannot qualify as a small business. *See* U.S. Small Business Administration, Table of Small Business Size Standards Matched to North American Industry Classification Codes, effective March 3, 2024, *available at https://www.ecfr.gov/current/title-13/chapter-I/part-121#121.201.*

entities'' or ''small businesses'' as railroads, contractors, and hazardous materials shippers that meet the revenue requirements of a Class III railroad as set forth in 49 CFR 1201.1–1, which is $46.4 [18] million or less in inflation-adjusted annual revenues; and commuter railroads or small governmental jurisdictions that serve populations of 50,000 or less.[19] The $46.4 million limit is based on the Surface Transportation Board's revenue threshold for a Class III railroad carrier. Railroad revenue is adjusted for inflation by applying a revenue deflator formula in accordance with 49 CFR 1201.1–1.[20]

Therefore, FRA assumes that the proposed rule, if issued, would not negatively impact any small entities as set forth in 49 CFR 1201.1–1. FRA invites comment, particularly from members of the public who believe there will be a significant negative impact on a substantial number of small communities or Class III railroads.

4. A Description of the Projected Reporting, Recordkeeping, and Other Compliance Requirements of the Rule, Including an Estimate of the Class of Small Entities That Will be Subject to the Requirements and the Type of Professional Skill Necessary for Preparation of the Report or Record

FRA does not expect projected reporting, recordkeeping, and other costs of compliance with this NPRM to affect small entities.

Small entities that fall below the FRA size standards, including Class III railroads, commuter rail passenger rail services, and small government jurisdictions serving populations of 50,000 or less, would not bear any short- or long-term costs.

5. Identification, to the Extent Practicable, of All Relevant Federal Rules That May Duplicate, Overlap, or Conflict With the Proposed Rule

FRA is not aware of any relevant Federal rule that duplicates, overlaps with, or conflicts with the proposed rule.

6. A Description of Significant Alternatives to the Rule

FRA is proposing this rulemaking to codify industry best practice and ensure the TGMS inspections are conducted at least 3 times per year, detected defects are remediated within one hour of detection, railroad employees have sufficient training to implement these requirements, and that TGMS inspection data and records are maintained in a secure and accurate manner.

FRA considered several regulatory alternatives before deciding to impose the one-hour time limit to remediate TGMS-identified defects. FRA considered requiring track owners to immediately remediate a detected defect. FRA rejected this alternative as it would essentially prohibit the use of ATGMS. ATGMS is uncrewed and relies on the transmission of the data for analysis at a different location, meaning there is no practical way to immediately remediate identified defects. FRA also considered requiring remediation of a defect within 48 hours of detection as this is the current requirement for TGMS inspections for high-speed track. FRA's research concluded that railroads are not utilizing the allowed 48 hours and are remediating defects as soon as possible. Further, FRA determined that 48 hours was too long to allow a detected geometry defect to remain in the track and could increase the risk of a derailment. FRA instead chose to impose a one-hour time limit to remediate any TGMS identified defect.

C. Paperwork Reduction Act

FRA is submitting the information collection requirements in this proposed rule to the Office of Management and Budget (OMB) [21] for review and approval in accordance with the Paperwork Reduction Act of 1995.[22] Please note that any new or revised requirements, as proposed in this NPRM, are marked by asterisks (*) in the table below. The sections that contain the proposed and current information collection requirements under OMB Control No. 2130–0010 and the estimated time to fulfill each requirement are as follows:

CFR section	Respondent universe	Total annual responses (A)	Average time per response (B)	Total annual burden hours (C = A * B)	Wage rate	Total cost equivalent in U.S. dollar (D = C * wage rates) [23]
213.4(f)—Excepted track ... —Notification to FRA about removal of excepted track	784 railroads	15 notices	10 minutes	2.50	89.13	$222.83
213.5(c)—Responsibility for compliance. —Notification of assignment to FRA	784 railroads	15 notices	1 hour	15.00	89.13	1,336.95
213.7(a)(b)—Designations: Names on list with written authorizations.	784 railroads	2,500 names	10 minutes	416.67	89.13	37,137.80
213.17(a)—Waivers	784 railroads	10 petitions	2 hours	20.00	89.13	1,782.60
213.57(e)—Curves; elevation and speed limitations. —Request to FRA for vehicle type approval	784 railroads	4 requests	8 hours	32.00	89.13	2,852.16
—(f) Written notification to FRA prior to implementation of higher curving speeds.	784 railroads	4 notifications	2 hours	8.00	89.13	713.04

[18] The Class III railroad revenue threshold is $46,352,455 or less, for 2022. (The Class II railroad threshold is between $46,352,455 and $1,032,002,719; and the Class I railroad threshold is $1,023,002,719 or more.) *See* Surface Transportation Board Regulatory Deflators at *https://www.stb.gov/reports-data/economic-data/*.

[19] Codified at appendix C to 49 CFR part 209 as of 11/27/2023, available at *https://www.ecfr.gov/current/title-49/subtitle-B/chapter-II/*.

[20] *See* Surface Transportation Board Decision, Docket No. EP 748, Indexing the Annual Operating Revenues of Railroads, Decided June 4, 2020, available at *https://prod.stb.gov/reports-data/economic-data/railroad-revenue-deflator-factors/*.

[21] FRA will be using the OMB control number (OMB No. 2130–0010) for this information collection.

[22] 44 U.S.C. 3501 *et seq.*

CFR section	Respondent universe	Total annual responses (A)	Average time per response (B)	Total annual burden hours (C = A * B)	Wage rate	Total cost equivalent in U.S. dollar (D = C * wage rates) [23]
—(g) Written consent of track owners obtained by railroad providing service over that track.	784 railroads	4 written consents	45 minutes	3.00	89.13	267.39
213.110(a)—Gage restraint measurement systems (GRMS).	784 railroad	1 notification	45 minutes	0.75	89.13	66.85
—Implementing GRMS						
—Notices & reports						
—(g) GRMS vehicle output reports.	784 railroad	1 report	5 minutes	0.08	89.13	7.13
—(h) GRMS vehicle exception reports.	784 railroad	1 report	5 minutes	0.08	89.13	7.13
—(j) GRMS/PTLF—procedures for data integrity.	784 railroad	1 documented procedure	1 hour	1.00	89.13	89.13
—(n) GRMS inspection records.	784 railroad	2 records	30 minutes	1.00	89.13	89.13
213.118(a)–(c)—Continuous welded rail (CWR).	438 railroads	10 plans	4 hours	40.00	89.13	3,565.20
—Revised plans w/procedures for CWR						
—(d) Notification to FRA and RR employees of CWR plan effective date.	438 railroads	750 notices	15 seconds	3.13	89.13	278.98
—(e) Written submissions after plan disapproval.	438 railroads	5 written submissions	2 hours	10.00	89.13	891.30
—(e) Final FRA disapproval and plan amendment.	438 railroads	5 amended plans	1 hour	5.00	89.13	445.65
213.234(e)—Automated inspection of track constructed with concrete crossties.	30 railroads	125 reports	15 minutes	31.25	69.60	2,175.00
—Exception reports listing all exception to § 213.109(d)(4) Added requirement and burden hours from 2130–0592						
—(f) Automated inspection of track constructed with concrete crossties.	30 railroads	2,000 records	30 minutes	1,000.00	89.13	89,130.00
—Recordkeeping requirements						
—(g) Procedure for integrity of data —Track owners to institute procedures for maintaining the integrity of the data collected by the measurement system Added requirement and burden hours from 2130–0592.	30 railroads	30 revised procedures	2 hours	60.00	118.46	7,107.60
—(h)(3) Training Track owners to provide annual training in handling rail seat deterioration exceptions to all persons designated as fully qualified under § 213.7 and whose territories are subject to the requirements of § 213.234—Recordkeeping. Added requirement and burden hours from 2130–0592.	30 railroads	2,250 records of trained employees.	5 minutes	187.50	$69.60	13,050.00
*213.236(d)(3)—Automated vehicle-based inspection systems. TGMS Track classes 1 through 5 report records (New proposed requirement).	64 railroads	7,500 report records	10 minutes	1,275	89.13	113,640.75
*—(i) training records (New proposed requirement).	9,500 employees	3,167 training records	5 minutes	250.96	89.13	22,368.06
213.237(b)(2)—Inspection of Rail.	65 railroads	4 requests	15 minutes	1.00	89.13	89.13

CFR section	Respondent universe	Total annual responses (A)	Average time per response (B)	Total annual burden hours (C = A * B)	Wage rate	Total cost equivalent in U.S. dollar (D = C * wage rates) [23]
—Detailed request to FRA to change designation of a rail inspection segment or establish a new segment						
—(b)(3) Notification to FRA and all affected employees of designation's effective date after FRA's approval/conditional approval.	65 railroads	1 notice to FRA + 15 bulletins.	15 minutes	4.00	89.13	356.52
—(d) Notice to FRA that service failure rate target in paragraph (a) of this section is not achieved.	65 railroads	4 notices	15 minutes	1.00	89.13	89.13
—(d)—Explanation to FRA as to why performance target was not achieved and provision to FRA of remedial action plan.	65 railroads	4 letters of explanation/plans.	15 minutes	1.00	89.13	89.13
213.238—Qualified operators.	3 railroads + 5 testing entities	250 records	5 minutes	20.83	89.13	1,856.58
—Written or electronic of qualification						
213.240(b)—Continuous Rail Testing.	12 railroads	4 procedures	8 hours	32.00	89.13	2,852.16
—Procedures for conducting continuous testing						
——(c) Type of rail test (continuous or stop-and-verify).	12 railroads	25,000 documents/records	2 seconds	13.89	89.13	1,238.02
—Record						
——(c)—Type of rail test (continuous or stop-and-verify).	12 railroads	100 documents	1 minute	1.67	89.13	148.85
—Documented changes						
—(g) Annual reports to FRA.	12 railroads	12 reports	4 hours	48.00	89.13	4,278.24
*213.241—Inspection records Class I through 5. (Revised requirement).	784 railroads	1,400,000 records	10 minutes	238,000.00	89.13	21,212,940.00
213.303(b)—Responsibility for compliance.	2 railroad	5 notices	30 minutes	2.50	89.13	222.83
—Notification of assignment to FRA						
213.305(c)(4)—Designation of qualified individuals; general qualifications.	2 railroads	20 written documents	30 minutes	10.00	89.13	891.30
—Written authorization for remedial actions						
—(e) Railroads produced designation record upon FRA request.	2 railroads	200 records	10 minutes	33.33	89.13	2,970.70
213.317(a) through (b)—Waivers.	2 railroads	2 petitions	8 hours	16.00	89.13	1,426.08
213.329(e)—Curves, elevation, and speed limitations—FRA approval of qualified vehicle types based on results of testing.	2 railroads	2.00 cover letters + 2.00 technical reports + 2.00 diagrams.	30.00 minutes + 16.00 hours + 15.00 minutes.	33.50	89.13	2,985.86
—(f) Written notification to FRA 30 days prior to implementation of higher curving speeds.	2 railroads	2 notices	2 hours	4.00	89.13	356.52
—(g) Written consent of other affected track owners by railroad.	2 railroads	2 written consents	45 minutes	1.50	89.13	133.70
*213.333(d)—Automated vehicle-based inspection systems. TGMS track classes 6–9 report records. (Revised requirement).	5 railroads	150 reports	10 minutes	25.50	89.13	2,272.82
*—(i) training records (New proposed requirement).	500 employees	167 training records	5 mins	13.36	89.13	1,190.78

CFR section	Respondent universe	Total annual responses (A)	Average time per response (B)	Total annual burden hours (C = A * B)	Wage rate	Total cost equivalent in U.S. dollar (D = C * wage rates) [23]
213.341(b)–(d)—Initial inspection of new rail & welds. —Inspection records	2 railroads	800 records	2 minutes	26.67	89.13	2,377.10
213.343(a)–(e)—CWR —Procedures for installations and adjustments of CWR.	2 railroads	2 plans	4 hours	8.00	89.13	713.04
—(h) Recordkeeping requirements.	2 railroads	8,000 records	2 minutes	266.67	89.13	23,768.30
213.345(a)–(c)—Vehicle qualification testing. —Vehicle qualification program for all vehicle types operating at track Class 6 speeds or above.	2 railroads	2 program plans	120 hours	240.00	89.13	21,391.20
—(d) Previously qualified vehicle types of qualification programs.	2 railroads	2 program plans	8 hours	16.00	89.13	1,426.08
—(h) Written consent of other affected track owners by railroad.	2 railroads	4 written consents	30 minutes	2.00	118.46	236.92
213.369—Visual track inspection records (Revised requirement).	5 railroads	15,273 records	10 minutes	2,596.41	89.13	231,418.02
Total [24]	784 railroads	1,468,401 responses	N/A	244,781		21,814,944

All estimates include the time for reviewing instructions; searching existing data sources; gathering or maintaining the needed data; and reviewing the information. Pursuant to 44 U.S.C. 3506(c)(2)(B), FRA solicits comments concerning: whether these information collection requirements are necessary for the proper performance of the functions of FRA, including whether the information has practical utility; the accuracy of FRA's estimates of the burden of the information collection requirements; the quality, utility, and clarity of the information to be collected; and whether the burden of collection of information on those who are to respond, including through the use of automated collection techniques or other forms of information technology, may be minimized. Organizations and individuals desiring to submit comments on the collection of information requirements or to request a copy of the paperwork package submitted to OMB should contact Ms. Arlette Mussington, Information Collection Clearance Officer, at email: *arlette.mussington@dot.gov* or telephone: (571) 609–1285 or Ms. Joanne Swafford, Information Collection Clearance Officer, at email: *joanne.swafford@dot.gov* or telephone: (757) 897–9908.

OMB is required to make a decision concerning the collection of information requirements contained in this proposed rule between 30 and 60 days after publication of this document in the **Federal Register**. Therefore, a comment to OMB is best assured of having its full effect if OMB receives it within 30 days of publication. The final rule will respond to any OMB or public comments on the information collection requirements contained in this proposal. FRA is not authorized to impose a penalty on persons for violating information collection requirements that do not display a current OMB control number, if required.

D. Federalism Implications

Executive Order 13132, Federalism,[25] requires FRA to develop an accountable process to ensure ''meaningful and timely input by State and local officials in the development of regulatory policies that have federalism implications.'' ''Policies that have federalism implications'' are defined in Executive Order 13132 to include regulations that have ''substantial direct effects on the States, on the relationship between the national government and the States, or on the distribution of power and responsibilities among the various levels of government.'' Under Executive Order 13132, the agency may not issue a regulation with federalism implications that imposes substantial direct compliance costs and that is not required by statute, unless the Federal Government provides the funds necessary to pay the direct compliance costs incurred by State and local governments, the agency consults with State and local governments, or the agency consults with State and local government officials early in the process of developing the regulation. Where a regulation has federalism implications and preempts State law, the agency seeks to consult with State and local officials in the process of developing the regulation.

FRA has analyzed this proposed rule in accordance with the principles and criteria contained in Executive Order 13132. FRA has determined that this proposed rule has no federalism implications, other than the possible preemption of State laws under 49 U.S.C. 20106. Therefore, the consultation and funding requirements of Executive Order 13132 do not apply, and preparation of a federalism summary impact statement for the proposed rule is not required.

E. International Trade Impact Assessment

The Trade Agreements Act of 1979 [26] prohibits Federal agencies from

[23] The dollar equivalent cost is derived from the 2023 Surface Transportation Board Full Year Wage A&B data series using the appropriate employee group hourly wage rate that includes 75-percent overhead charges.

[24] Totals may not add up due to rounding.

[25] 64 FR 43255 (Aug. 10, 1999).

[26] 19 U.S.C. ch. 13.

engaging in any standards or related activities that create unnecessary obstacles to the foreign commerce of the United States. Legitimate domestic objectives, such as safety, are not considered unnecessary obstacles. The statute also requires consideration of international standards and, where appropriate, that they be the basis for U.S. standards. This proposed rule is purely domestic in nature and is not expected to affect trade opportunities for U.S. firms doing business overseas or for foreign firms doing business in the United States.

F. Environmental Impact

FRA has evaluated this proposed rule consistent with the National Environmental Policy Act [27] (NEPA), the Council on Environmental Quality's NEPA implementing regulations,[28] and FRA's NEPA implementing regulations [29] and determined that it is categorically excluded from environmental review and therefore does not require the preparation of an environmental assessment (EA) or environmental impact statement (EIS). Categorical exclusions (CEs) are actions identified in an agency's NEPA implementing regulations that do not normally have a significant impact on the environment and therefore do not require either an EA or EIS.[30] Specifically, FRA has determined that this proposed rule is categorically excluded from detailed environmental review.[31]

The main purpose of this rulemaking is to require the use of TGMS technology at specific frequencies. This rule would not directly or indirectly impact any environmental resources and would not result in significantly increased emissions of air or water pollutants or noise. In analyzing the applicability of a CE, FRA must also consider whether unusual circumstances are present that would warrant a more detailed environmental review.[32] FRA has concluded that no such unusual circumstances exist with respect to this proposed rule, and it meets the requirements for categorical exclusion.[33]

Pursuant to Section 106 of the National Historic Preservation Act and its implementing regulations, FRA has determined this undertaking has no potential to affect historic properties.[34] FRA has also determined that this rulemaking does not approve a project resulting in a use of a resource protected by Section 4(f).[35] Further, FRA reviewed this proposed rulemaking and found it consistent with Executive Order 14008, ''Tackling the Climate Crisis at Home and Abroad.''

G. Executive Order 12898 (Environmental Justice)

Executive Order 12898, ''Federal Actions to Address Environmental Justice in Minority Populations and Low-Income Populations,'' and DOT Order 5610.2C [36] require DOT agencies to achieve environmental justice as part of their mission by identifying and addressing, as appropriate, disproportionately high and adverse human health or environmental effects, including interrelated social and economic effects, of their programs, policies, and activities on minority populations and low-income populations. The DOT Order instructs DOT agencies to address compliance with Executive Order 12898 and requirements within the DOT Order in rulemaking activities, as appropriate, and also requires consideration of the benefits of transportation programs, policies, and other activities where minority populations and low-income populations benefit, at a minimum, to the same level as the general population as a whole when determining impacts on minority and low-income populations. FRA has evaluated this proposed rule under Executive Order 12898 and the DOT Order and has determined it would not cause disproportionately high and adverse human health and environmental effects on minority populations or low-income populations.

H. Unfunded Mandates Reform Act of 1995

Under section 201 of the Unfunded Mandates Reform Act of 1995,[37] each Federal agency ''shall, unless otherwise prohibited by law, assess the effects of Federal regulatory actions on State, local, and Tribal governments, and the private sector (other than to the extent that such regulations incorporate requirements specifically set forth in law).'' Section 202 of the Act [38] further requires that ''before promulgating any general notice of proposed rulemaking that is likely to result in promulgation of any rule that includes any Federal mandate that may result in the expenditure by State, local, and Tribal governments, in the aggregate, or by the private sector, of $100,000,000 or more (adjusted annually for inflation) in any 1 year, and before promulgating any final rule for which a general notice of proposed rulemaking was published, the agency shall prepare a written statement'' detailing the effect on State, local, and Tribal governments and the private sector. This proposed rule would not result in the expenditure, in the aggregate, of $100,000,000 or more (as adjusted annually for inflation) in any one year, and thus preparation of such a statement is not required.

I. Energy Impact

Executive Order 13211, ''Actions Concerning Regulations That Significantly Affect Energy Supply, Distribution, or Use,'' requires Federal agencies to prepare a Statement of Energy Effects for any ''significant energy action.'' [39] FRA evaluated this proposed rule under Executive Order 13211 and determined that this regulatory action is not a ''significant energy action'' within the meaning of Executive Order 13211.

J. Privacy Act Statement

In accordance with 5 U.S.C. 553(c), DOT solicits comments from the public to better inform its rulemaking process. DOT posts these comments, without edit, to *www.regulations.gov,* as described in the system of records notice, DOT/ALL–14 FDMS, accessible through *www.dot.gov/privacy.* To facilitate comment tracking and response, we encourage commenters to provide their name, or the name of their organization; however, submission of names is completely optional. Whether or not commenters identify themselves, all timely comments will be fully considered. If you wish to provide comments containing proprietary or confidential information, please contact the agency for alternate submission instructions.

K. Executive Order 13175 (Tribal Consultation)

FRA has evaluated this proposed rule in accordance with the principles and criteria contained in Executive Order

[27] 42 U.S.C. 4321 *et seq.*

[28] 40 CFR parts 1500 through 1508.

[29] 23 CFR part 771.

[30] 40 CFR 1508.4.

[31] *See* 23 CFR 771.116(c)(15) (categorically excluding ''[p]romulgation of rules, the issuance of policy statements, the waiver or modification of existing regulatory requirements, or discretionary approvals that do not result in significantly increased emissions of air or water pollutants or noise'').

[32] 23 CFR 771.116(b).

[33] 23 CFR 771.116(c)(15).

[34] *See* 16 U.S.C. 470.

[35] *See* Department of Transportation Act of 1966, as amended (Pub. L. 89–670, 80 Stat. 931); 49 U.S.C. 303.

[36] *Available at https://www.transportation.gov/sites/dot.gov/files/Final-for-OST-C-210312-003-signed.pdf.*

[37] Public Law 104–4; 2 U.S.C. 1531.

[38] 2 U.S.C. 1532.

[39] 66 FR 28355 (May 22, 2001).

13175, Consultation and Coordination with Indian Tribal Governments, dated November 6, 2000. The proposed rule would not have a substantial direct effect on one or more Indian Tribes, would not impose substantial direct compliance costs on Indian Tribal governments, and would not preempt Tribal laws. Therefore, the funding and consultation requirements of Executive Order 13175 do not apply, and a Tribal summary impact statement is not required.

L. Rulemaking Summary, 5 U.S.C. 553(b)(4)

As required by 5 U.S.C. 553(b)(4), a summary of this rule can be found in the Abstract section of the Department's Unified Agenda entry for this rulemaking at: *https://www.reginfo.gov/public/do/eAgendaViewRule?pubId=202310&RIN=2130-AC96.*

List of Subjects in 49 CFR Part 213

Penalties, Railroad safety, Reporting and recordkeeping requirements.

The Proposed Rule

For the reasons discussed in the preamble, FRA proposes to amend part 213 of chapter II, subtitle B of title 49, Code of Federal Regulations, as follows:

PART 213—TRACK SAFETY STANDARDS

■ 1. The authority citation for part 213 continues to read as follows:

Authority: 49 U.S.C. 20102–20114 and 20142; 28 U.S.C. 2461 note; and 49 CFR 1.89.

Subpart F—Inspection

■ 2. Add § 213.236 to read as follows:

§ 213.236 Automated vehicle-based inspection systems.

(a) A qualifying Track Geometry Measurement System (TGMS) shall be operated by all Class I railroads, Class II railroads, intercity passenger railroads, and commuter railroads on all mainline and controlled sidings for track Classes 1 through 5 on which any of the following occur: annual tonnage of greater than 10 MGT, regularly scheduled passenger service, or transportation of hazardous materials as defined in 49 CFR 171.8. A TGMS inspection shall be conducted at least three times within any 365-day period with not less than 90 days between inspections.

(b) A qualifying TGMS shall meet or exceed minimum design requirements which specify that—

(1) Track geometry measurements shall be taken no more than 3 feet away from the contact point of wheels carrying a vertical load of no less than 10 kips per wheel, unless otherwise approved by FRA;

(2) Track geometry measurements shall be taken and recorded on a distance-based sampling interval preferably at 1 foot not exceeding 2 feet; and

(3) Calibration procedures and parameters assigned to the system ensure that measured and recorded values accurately represent track conditions. Track geometry measurements recorded by the system shall not differ more than 1/8 inch on repeated runs at the same site at the same speed.

(c) A qualifying TGMS shall be capable of measuring and processing the necessary track geometry parameters to determine compliance with: § 213.53, Track gage; § 213.55, Track alinement; § 213.57, Curves; elevation and speed limitations; and § 213.63 Track surface; and, for operations at a qualified cant deficiency, E_u, of more than 5 inches, § 213.65, Combined track alinement and surface deviations.

(d) A qualifying TGMS shall—

(1) Transmit data in a manner that enables the track owner to take proper remedial action not later than one hour following identification of any exception to the class of track by the TGMS system;

(2) Provide a continuous plot, on a constant-distance axis, of all measured track geometry parameters required in paragraph (c) of this section;

(3) Provide a report containing a comprehensive listing of all track geometry exceptions detected by the TGMS vehicle. Any revision to this information and/or the raw data from the vehicle must be documented, signed, and certified by a § 213.7(b) qualified employee in accordance with paragraph (f) of this section in a manner that correctly identifies the person who made the revision(s), and must show the original information along with the subsequent revision(s) and the basis or reason for the revision(s).

(e) The reports required under paragraph (d) of this section shall contain sufficient location identification information to enable field forces to easily locate indicated exceptions.

(f) Upon analysis of the TGMS data by a § 213.7(b) qualified person, or within one hour of detection (*i.e.,* the moment the TGMS passes over the defect) of an exception to the class of track by the TGMS system, whichever is sooner, the track owner must initiate proper remedial action. Analysis of the TGMS data may occur concurrently with the TGMS inspection. For any exception to the class of track observed from a crewed TGMS vehicle, the track owner shall immediately initiate proper remedial action.

(g) The reports required under paragraph (d) of this section shall be interpreted and electronically signed or otherwise certified by a § 213.7(b) qualified employee.

(h) A visual inspection intended to satisfy the frequency requirement of § 213.233(c) may not be conducted from a vehicle that is also conducting a TGMS inspection, unless there is a dedicated track inspector whose sole responsibility is conducting a visual inspection and all requirements of § 213.233 are met.

(i) In addition to any applicable training requirement of this part and 49 CFR part 243, the track owner shall ensure § 213.7 qualified persons who review and/or interpret reports under this section are properly trained on, at a minimum, the following:

(1) Interpreting TGMS data and reports;

(2) Prioritizing and conducting site inspections to verify defects; and

(3) Recordkeeping requirements.

■ 3. Amend § 213.241 by revising paragraphs (b) through (j), and adding paragraph (k) to read as follows:

§ 213.241 Inspection records.

* * * * *

(b) Each record of an inspection under §§ 213.4, 213.119, 213.137, 213.233, 213.234, 213.235, and 213.239 shall be prepared on the day the inspection is made and signed or otherwise certified by the person making the inspection. Records shall specify the author of the record, the type of track inspected, date and location of inspection, location and nature of any deviation from the requirements of this part, and the remedial action taken by the person making the inspection. The track owner shall designate the location(s) where each original record shall be maintained for at least one year after the inspection covered by the record. The track owner shall also designate one location, within 100 miles of each State in which it conducts operations, where copies of records that apply to those operations are maintained or can be viewed following 10 days' notice by the Federal Railroad Administration.

(c) The track owner required to conduct inspections under § 213.236 shall maintain for a period of two years following an inspection performed by a qualifying TGMS, a copy of the report required by § 213.236(d), and additional records which:

(1) Specify the date the inspection was made and the track segment involved; and

(2) Specify the date of any follow-up inspection, the type of inspection, the location of each defect, the type and size of each defect, and the remedial action taken and the date thereof.

(d) Records of internal rail inspections required by § 213.237 shall specify the—

(1) Date of inspection;

(2) Track inspected, including beginning and end points;

(3) Location and type of defects found under § 213.113;

(4) Size of defects found under § 213.113, if not removed prior to the next train movement;

(5) Initial remedial action taken and the date thereof; and

(6) Location of any track not tested pursuant to § 213.237(g).

(e) The track owner shall retain a rail inspection record under paragraph (d) of this section for at least two years after the inspection and for one year after initial remedial action is taken.

(f) The track owner shall maintain records sufficient to demonstrate the means by which it computes the service failure rate on all track segments subject to the requirements of § 213.237(a) for the purpose of determining compliance with the applicable service failure rate target.

(g) Records of continuous rail testing under § 213.240 shall—

(1) Include all information required under § 213.240(e);

(2) State whether the test is being conducted to satisfy the requirements for an internal rail inspection under § 213.237;

(3) List the date(s) and time(s) of the continuous rail test data collection, including the date and time of the start and end of the test run, and the date and time each suspect location was identified and field-verified;

(4) Include the determination made after field verification of each suspect location, including the:

(i) Location and type of defect found;

(ii) Size of defect; and

(iii) Initial remedial action taken, if required, and the date thereof; and

(5) Be retained for at least two years after the inspection and for at least one year after initial remedial action is taken, whichever is later.

(h) Track owners that elect to utilize continuous rail testing under § 213.240 shall maintain records of all continuous rail testing operations sufficient for monitoring and determining compliance with all applicable regulations and shall make those records available to FRA during regular business hours following reasonable notice.

(i) Track inspection records shall be kept available to persons who performed the inspections and to persons performing subsequent inspections of the track segment. The most recent report from a TGMS inspection conducted under § 213.236 shall be provided to persons performing subsequent inspections of the track segment.

(j) Each track owner required to keep inspection records under this section shall make those records available for inspection and copying by FRA upon request during regular business hours following reasonable notice.

(k) For purposes of complying with the requirements of this section, a track owner may create, retain, transmit, store, and retrieve records by electronic means provided that—

(1) The system used to generate the electronic record meets all requirements and contains the information required under this subpart;

(2) The track owner monitors its electronic records database to ensure record accuracy;

(3) The track owner trains its employees who use the system on the proper use of the electronic recordkeeping management system;

(4) The electronic system is designed to uniquely identify the author of the record. No two persons shall have the same electronic identity;

(5) The track owner controls accessibility to such records and identifies individuals who have such access;

(6) The electronic system ensures that each record cannot be modified in any way, or replaced, once the record is completed;

(7) The electronic storage of each record shall be initiated by the person making the inspection within 72 hours following the completion of that inspection;

(8) The track owner maintains an information technology security program adequate to ensure the integrity of the system, including the prevention of unauthorized access to the records; and

(9) Any amendment to a record shall be electronically stored apart from the record which it amends. Each amendment to a record shall be uniquely identified as to the person making the amendment.

Subpart G—Train Operations at Track Classes 6 and Higher

■ 4. Amend § 213.333 by:

■ a. Removing paragraph (a)(1);

■ b. Redesignating paragraphs (a)(2) through (4) as paragraphs (a)(1) through (3);

■ c. Revising newly redesignated paragraph (a)(1), and paragraphs (b)(3), and paragraphs (c) through (g);

■ d. Redesignating paragraphs (h) through (m) as paragraphs (j) through (o); and

■ e. Adding new paragraphs (h) and (i).

The revisions and additions read as follows:

§ 213.333 Automated vehicle-based inspection systems.

(a) * * *

(1) For track Class 6, at least three times within any 365-day period with not less than 90 days between inspections.

* * * * *

(b) * * *

(3) Calibration procedures and parameters are assigned to the system which assure that measured and recorded values accurately represent track conditions. Track geometry measurements recorded by the system shall not differ more than ⅛ inch on repeated runs at the same site at the same speed.

(c) A qualifying TGMS shall be capable of measuring and processing the necessary track geometry parameters to determine compliance with: § 213.323, Track gage; § 213.327, Track alinement; § 213.329, Curves; elevation and speed limitations; § 213.331, Track surface; and for operations at a cant deficiency of more than 5 inches § 213.332, Combined track alinement and surface deviations.

(d) A qualifying TGMS shall—

(1) Transmit data in a manner that enables the track owner to take proper remedial action not later than one hour following identification of any exception to the class of track by the TGMS system;

(2) Provide a continuous plot, on a constant-distance axis, of all measured track geometry parameters required in paragraph (c) of this section; and

(3) Provide a report containing a comprehensive listing of all track geometry exceptions detected by the TGMS vehicle. Any revision to this information and/or the raw data from the vehicle must be documented, signed, and certified by a § 213.305(b) qualified employee in accordance with paragraph (f) of this section in a manner that correctly identifies the person who made the revisions, and must show the original information along with the subsequent revision(s) and the basis or reason for the revision.

(e) The reports required under paragraph (d) of this section shall contain sufficient location identification information which enable field forces to easily locate indicated exceptions.

(f) Upon analysis of the TGMS data by a § 213.305(b) qualified person, or within one hour of detection (*i.e.,* the

moment the TGMS passes over the defect) of an exception to the class of track by the TGMS system, whichever is sooner, the track owner must initiate proper remedial action. Analysis of the TGMS data may occur concurrently with the TGMS inspection. For any exception to the class of track observed from a crewed TGMS vehicle, the track owner shall immediately initiate proper remedial action.

(g) The reports required under paragraph (d) of this section shall be interpreted and electronically signed or otherwise certified by a § 213.305(b) qualified employee.

(h) A visual inspection intended to satisfy the frequency requirement of § 213.365(c) may not be conducted from a vehicle that is also conducting a TGMS inspection, unless there is a dedicated track inspector whose sole responsibility is conducting a visual inspection and all requirements of § 213.365 are met.

(i) In addition to any applicable training requirement of this part and part 243 of this chapter, the track owner shall ensure § 213.305 qualified persons who review and/or interpret reports under this section are properly trained on, at minimum, the following:

(1) Interpreting TGMS data and reports;

(2) Prioritizing and conducting site inspections to verify defects; and

(3) Recordkeeping requirements.

■ 5. Amend § 213.369 by revising paragraphs (b) through (i), and adding paragraph (j) to read as follows:

§ 213.369 Inspection records.

* * * * *

(b) Each record of an inspection under §§ 213.365 and 213.367 shall be prepared on the day the inspection is made and signed or otherwise certified by the person making the inspection. Records shall specify the author of record, the type of track inspected, date and location of inspection, location and nature of any deviation from the requirements of this part, and the remedial action taken by the person making the inspection. The track owner shall designate the location(s) where each original record shall be maintained for at least one year after the inspection covered by the record. The track owner shall also designate one location, within 100 miles of each State in which it conducts operations, where copies of records that apply to those operations are maintained or can be viewed following 10 days' notice by the Federal Railroad Administration.

(c) The track owner required to conduct inspections under § 213.333 shall maintain for a period of two years following an inspection performed by a qualifying TGMS, a copy of the report required by § 213.333(d), and additional records which:

(1) Specify the date the inspection was made and the track segment involved; and

(2) Specify the date of any follow-up inspections, the type of inspection, the location of each defect, the type and size of each defect, and the remedial action taken and the date thereof.

(d) Rail inspection records shall specify the date of inspection, the location and nature of any internal defects found, the remedial action taken and the date thereof, and the location of any intervals of track not tested per § 213.339(d). The owner shall retain a rail inspection record for at least two years after the inspection and for one year after remedial action is taken.

(e) Records of continuous rail testing under § 213.240 shall—

(1) Include all information required under § 213.240(e);

(2) State whether the test is being conducted to satisfy the requirements for an internal rail inspection under § 213.339;

(3) List the date(s) and time(s) of the continuous rail test data collection, including the date and time of the start and end of the test run, and the date and time each suspect location was identified and field-verified;

(4) Include the determination made after field verification of each suspect location, including the:

(i) Location and type of defect found;

(ii) Size of defect;

(iii) Initial remedial action taken, if required, and the date thereof; and

(5) Be retained for at least two years after the inspection and for at least one year after initial remedial action is taken, whichever is later.

(f) Track owners that elect to utilize continuous rail testing under § 213.240 shall maintain records of all continuous rail testing operations sufficient for monitoring and determining compliance with all applicable regulations and shall make those records available to FRA during regular business hours following reasonable notice.

(g) Track inspection records shall be kept available to persons who perform the inspections and to persons performing subsequent inspections. The most recent report from a TGMS inspection conducted under § 213.333 shall be provided to persons performing subsequent inspections of the track segment.

(h) Each track owner required to keep inspection records under this section shall make those records available for inspection and copying by the Federal Railroad Administration upon request during regular business hours following reasonable notice.

(i) For purposes of compliance with the requirements of this section, a track owner may create, retain, transmit, store, and retrieve records by electronic means provided that—

(1) The system used to generate the electronic record meets all requirements and contains the information required under this subpart;

(2) The track owner monitors its electronic records database to ensure record accuracy;

(3) The track owner trains its employees who use the system on the proper use of the electronic recordkeeping management system;

(4) The electronic system is designed to uniquely identify the author of the record. No two persons shall have the same electronic identity;

(5) The track owner controls accessibility to such records and identifies individuals who have such access;

(6) The electronic system ensures that each record cannot be modified in any way, or replaced, once the record is completed;

(7) The electronic storage of each record shall be initiated by the person making the inspection within 72 hours following the completion of that inspection;

(8) The track owner maintains an information technology security program adequate to ensure the integrity of the system, including the prevention of unauthorized access to the records; and

(9) Any amendment to a record shall be electronically stored apart from the record which it amends. Each amendment to a record shall be uniquely identified as to the person making the amendment.

(j) Each vehicle/track interaction safety record required under § 213.333(g) and (m) shall be made available for inspection and copying by the FRA at the locations specified in paragraph (b) of this section.

Issued in Washington, DC.

Amitabha Bose,

Administrator.

[FR Doc. 2024–24153 Filed 10–23–24; 8:45 am]

BILLING CODE 4910–06–P

Notices

Federal Register

Vol. 89, No. 206

Thursday, October 24, 2024

This section of the FEDERAL REGISTER contains documents other than rules or proposed rules that are applicable to the public. Notices of hearings and investigations, committee meetings, agency decisions and rulings, delegations of authority, filing of petitions and applications and agency statements of organization and functions are examples of documents appearing in this section.

DEPARTMENT OF AGRICULTURE

Animal and Plant Health Inspection Service

[Docket No. APHIS–2023–0009]

Privacy Act of 1974; System of Records

AGENCY: Animal and Plant Health Inspection Service, USDA.

ACTION: Rescindment of a system of records notice.

SUMMARY: The U.S. Department of Agriculture (USDA, the Department) is issuing a public notice of its intent to rescind an Animal and Plant Health Inspection Service (APHIS) Privacy Act system of records notice, National Animal Health Laboratory Network (NAHLN), USDA/APHIS–5. This system of records notice is rescinded because it has been incorporated into another system of records notice published by the Department.

DATES: The rescindment will become applicable by November 25, 2024.

ADDRESSES: You may submit comments by either of the following methods:

- *Federal eRulemaking Portal:* Go to *http://www.regulations.gov.* Enter APHIS–2023–0009 in the Search field. Select the Documents tab, then select the Comment button in the list of documents.
- *Postal Mail/Commercial Delivery:* Please send one copy of your comment to Docket No. APHIS–2023–0009, Regulatory Analysis and Development, PPD, APHIS, Station 2C–10.16, 4700 River Road Unit 25, Riverdale, MD 20737–1238.

Supporting documents and any comments we receive on this docket may be viewed at *http://www.regulations.gov* or in our reading room, which is in room 1620 of the USDA South Building, 14th Street and Independence Avenue SW, Washington, DC. Normal reading room hours are 8 a.m. to 4:30 p.m., Monday through Friday, except holidays. To be sure someone is there to help you, please call (202) 799–7039 before coming.

FOR FURTHER INFORMATION CONTACT: For general questions, please contact Dr. Christina Loiacono, National Animal Health Laboratory Network Coordinator, National Veterinary Services Laboratories, Veterinary Services, APHIS, 1920 Dayton Avenue, Ames, IA 50010; (515) 337–7731; *NAHLN@usda.gov.*

SUPPLEMENTARY INFORMATION: Pursuant to the provisions of the Privacy Act of 1974, as amended, 5 U.S.C. 552a, the U.S. Department of Agriculture (USDA, the Department) Animal and Plant Health Inspection Service (APHIS) is rescinding the system of records notice, National Animal Health Laboratory Network (NAHLN), USDA/APHIS–5, and removing it from its inventory. This system was used to support activities conducted by the agency and maintain records pursuant to its missions and responsibilities authorized by the Animal Health Protection Act (7 U.S.C. 8301–8317); Public Health Security and Bioterrorism Preparedness and Response Act of 2002 (Pub. L. 107–188); Homeland Security Presidential Directive-7; and Homeland Security Presidential Directive-9.

The purpose of NAHLN was to coordinate and network USDA's National Veterinary Services Laboratories with the capacity, facilities, professional expertise, and support of State and university laboratories. The network provides an extensive infrastructure of facilities, equipment, and personnel that is geographically accessible in the event of an animal health emergency.

The Department is rescinding this system of records because the records previously maintained in the system are now maintained within the system of records titled ''Animal Health, Disease, and Pest Surveillance and Management System, USDA/APHIS–15,'' which supports APHIS' mission of protecting and improving the health, quality, and marketability of animals within the United States and response to animal health emergencies.

Rescinding the National Animal Health Laboratory Network notice will have no adverse impacts on individuals as the records are covered by and maintained under the Animal Health, Disease, and Pest Surveillance and Management System, USDA/APHIS–15. This notice hereby rescinds the National Animal Health Laboratory Network (NAHLN) system of records notice as identified below.

SYSTEM NAME AND NUMBER:

National Animal Health Laboratory Network (NAHLN), USDA/APHIS–5.

HISTORY:

National Animal Health Laboratory Network (NAHLN), USDA/APHIS–5, was published as a new system on August 18, 2010, in its entirety in the **Federal Register** (75 FR 50987–50990; Docket No. APHIS–2008–0125). There were no other published modifications.

Done in Washington, DC, this 16th day of October 2024.

Michael Watson,

Administrator, Animal and Plant Health Inspection Service.

[FR Doc. 2024–24740 Filed 10–23–24; 8:45 am]

BILLING CODE 3410–34–P

CIVIL RIGHTS COLD CASE RECORDS REVIEW BOARD

[Agency Docket Number: CRCCRRB–2025–0002–N]

Notice of Formal Determination on Records Release

AGENCY: Civil Rights Cold Case Records Review Board.

ACTION: Notice.

SUMMARY: The Civil Rights Cold Case Records Review Board received 404 pages of records from the National Archives and Records Administration (NARA) and the Federal Bureau of Investigation (FBI) related to seven civil rights cold case incidents. NARA and the FBI did not propose any postponements of disclosure. On October 11, 2024, the Review Board determined that the records should be publicly disclosed in the Civil Rights Cold Case Records Collection. By issuing this notice, the Review Board complies with section 7(c)(4) of the Civil Rights Cold Case Records Collection Act of 2018 that requires the Review Board to publish in the **Federal Register** its determinations on the disclosure or postponement of records in the Collection no more than 14 days after the date of its decision.

FOR FURTHER INFORMATION CONTACT: Stephannie Oriabure, Chief of Staff, Civil Rights Cold Case Records Review Board, 1800 F Street NW, Washington, DC 20405, (771) 221–0014, *info@coldcaserecords.gov.*

SUPPLEMENTARY INFORMATION:

Incident identifier	Agency	Number of pages
2023–002–010	NARA	60
2023–002–010	FBI	1
2024–003–007	NARA	3
2024–003–021	NARA	174
2024–003–026	NARA	23
2024–003–045	NARA	34
2024–003–048	NARA	3
2024–003–049	NARA	106

Authority: Public Law 115–426, 132 Stat. 5489 (44 U.S.C. 2107)

Dated: October 17, 2024.

Stephannie Oriabure,

Chief of Staff.

[FR Doc. 2024–24636 Filed 10–23–24; 8:45 am]

BILLING CODE 6820–SY–P

DEPARTMENT OF COMMERCE

Foreign-Trade Zones Board

[Order No. 2169]

Activation Limit Increase Under Alternative Site Framework; Foreign-Trade Zone 75; Phoenix, Arizona

Pursuant to its authority under the Foreign-Trade Zones Act of June 18, 1934, as amended (19 U.S.C. 81a–81u), the Foreign-Trade Zones Board (the Board) adopts the following Order:

Whereas, the Foreign-Trade Zones (FTZ) Act provides for ''. . . the establishment . . . of foreign-trade zones in ports of entry of the United States, to expedite and encourage foreign commerce, and for other purposes,'' and authorizes the Board to grant to qualified corporations the privilege of establishing foreign-trade zones in or adjacent to U.S. Customs and Border Protection ports of entry;

Whereas, the Board adopted the alternative site framework (ASF) (15 CFR 400.2(c)) as an option for the establishment or reorganization of zones;

Whereas, the City of Phoenix, grantee of Foreign-Trade Zone 75, submitted an application to the Board (FTZ Docket B–25–2024, docketed April 19, 2024) for authority to increase the activation limit of the zone under the ASF to 3,000 acres;

Whereas, the application has been processed pursuant to the FTZ Act and the Board's regulations; and,

Whereas, the Board adopts the findings and recommendations of the examiners' report, and finds that the requirements of the FTZ Act and the Board's regulations are satisfied;

Now, therefore, the Board hereby orders:

The application to increase the activation limit of the zone under the ASF to 3,000 acres is approved, subject to the FTZ Act and the Board's regulations, including section 400.13.

Dated: October 18, 2024.

Dawn Shackleford,

Executive Director of Trade Agreements Policy & Negotiations, Alternate Chairman, Foreign-Trade Zones Board.

[FR Doc. 2024–24752 Filed 10–23–24; 8:45 am]

BILLING CODE 3510–DS–P

DEPARTMENT OF COMMERCE

Foreign-Trade Zones Board

[B–43–2024]

Foreign-Trade Zone 3; Application for Production Authority; Phillips 66 Company; (Renewable Fuels and By-Products); Rodeo, California; Correction

SUMMARY: The **Federal Register** notice published on August 14, 2024 regarding the application submitted to the Foreign-Trade Zones (FTZ) Board by the San Francisco Port Commission, grantee of FTZ 3, on behalf of Phillips 66 Company (Phillips) is being corrected.

FOR FURTHER INFORMATION CONTACT: Juanita Chen at *juanita.chen@trade.gov* or 202–482–1378.

SUPPLEMENTARY INFORMATION:

Correction

In the **Federal Register** of August 14, 2024, in FR Doc. 2024–18105, on page 66033, in the second column, the sentence ''Rebuttal comments in response to material submitted during the foregoing period may be submitted during the subsequent 15-day period to October 28, 2024.'' is corrected to read as ''Rebuttal comments in response to material submitted during the foregoing period may be submitted during the subsequent 15-day period to October 30, 2024.''.

Dated: August 8, 2024.

Elizabeth Whiteman,

Executive Secretary.

[FR Doc. 2024–23988 Filed 10–23–24; 8:45 am]

BILLING CODE 3510–DS–P

DEPARTMENT OF COMMERCE

International Trade Administration

[A–570–117]

Wood Mouldings and Millwork Products From the People's Republic of China: Amended 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) is amending the final results of the administrative review of the antidumping duty order on wood mouldings and millwork products (WMMP) from the People's Republic of China (China) to correct a ministerial error. The period of review (POR) is February 1, 2022, through January 31, 2023.

DATES: Applicable October 24, 2024.

FOR FURTHER INFORMATION CONTACT: Brian Smith or Hannah Lee, AD/CVD Operations, Office VIII, Enforcement and Compliance, International Trade Administration, Department of Commerce, 1401 Constitution Avenue NW, Washington, DC 20230; telephone: (202) 482–1766 or (202) 482–1216, respectively.

SUPPLEMENTARY INFORMATION:

Background

On September 17, 2024, Commerce received timely submitted ministerial error allegations from the Coalition of American Millwork Producers (the petitioner) [1] with respect to the margin calculations for Jinquan/Baiyuan,[2] one of the two mandatory respondents.[3] No other parties submitted comments. On September 18, 2024, Commerce published the *Final Results* in the **Federal Register**.[4] We are amending the *Final Results* to correct one of the petitioner's alleged ministerial errors while finding the other allegation to be

[1] *See* Petitioner's Letter, ''Ministerial Error Allegations,'' dated September 17, 2024 (Ministerial Error Comments).

[2] The full names for the companies included in this collapsed entity are Fujian Jinquan Trade Co., Ltd./Baiyuan Wood Machining Co., Ltd. (Jinquan/Baiyuan).

[3] The other mandatory respondent in this administrative review is Fujian Yinfeng Imp & Exp Trading Co., Ltd./Fujian Province Youxi City Mangrove Wood Machining Co., Ltd.

[4] *See Wood Mouldings and Millwork Products from the People's Republic of China: Final Results and Partial Rescission in Part, of Antidumping Duty Administrative Review; 2022–2023,* 89 FR 76452 (September 18, 2024) (*Final Results*), and accompanying Issues and Decision Memorandum (IDM).

methodological in nature rather than a clerical error.[5]

Legal Framework

Section 751(h) of the Tariff Act of 1930, as amended (the Act), defines a ''ministerial error'' as including ''errors in addition, subtraction, or other arithmetic function, clerical errors resulting from inaccurate copying, duplication, or the like, and any other unintentional error which the administering authority considers ministerial.'' [6] With respect to final results of administrative reviews, 19 CFR 351.224(e) provides that Commerce ''will analyze any comments received and, if appropriate, correct any . . . ministerial error by amending the final results of review. . . .''

Ministerial Error

In the *Final Results,* we stated that we recalculated the freight revenue cap for Jinquan/Baiyuan.[7] In its Ministerial Error Comments, the petitioner alleged that while Commerce correctly calculated the freight revenue cap, Commerce incorrectly applied it to the original gross unit price by: (a) failing to remove the freight expenses from the price; and (b) incorrectly subtracting, rather than adding, the freight revenue cap to the price.[8]

We agree with the petitioner that we made a ministerial error pursuant to section 751(h) of the Act and 19 CFR 351.224(f). Pursuant to 19 CFR 351.224(e), we are amending the *Final Results* to correct this ministerial error in the calculation of the weighted-average dumping margin for Jinquan/Baiyuan. As a result, the margin changes from 4.25 percent to 4.68 percent. Furthermore, based on the revised weighted-average dumping margin calculated for Jinquan/Baiyuan, we are also amending the rate for the companies not selected for individual examination in this review, which changes from 4.25 percent to 4.68 percent.

For a complete discussion of the ministerial error allegation, as well as Commerce's analysis, *see* the Ministerial Error Memorandum.[9] The Ministerial Error Memorandum is a public document and is on file electronically via ACCESS. ACCESS is available to registered users at *https://access.trade.gov.*

Amended Final Results of Review

As a result of correcting the ministerial error described above, we determine the following estimated amended weighted-average dumping margins for the period February 1, 2022, through January 31, 2023:

Exporters	Weighted-average dumping margin (percent)
Fujian Jinquan Trade Co., Ltd./Baiyuan Wood Machining Co., Ltd	4.68
Non-Selected Companies Under Review Receiving a Separate Rate [10]	4.68

Disclosure

We intend to disclose the calculations performed in connection with these amended final results of review to interested parties 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 U.S. Customs and Border Protection (CBP) shall assess, antidumping duties on all appropriate entries of subject merchandise in accordance with the amended final results of review. Commerce intends to issue assessment instructions to CBP for Jinquan/Baiyuan and the non-selected companies under review receiving a separate rate no earlier than 35 days after the date of publication of the amended final results 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).

Because Jinquan/Baiyuan's *ad valorem* weighted-average final dumping margin is not zero or *de minimis* (*i.e.,* less than 0.50 percent), we have calculated importer-specific assessment rates for this respondent, in accordance with 19 CFR 351.212(b)(1).[11] For sales for which Jinquan/Baiyuan reported entered value, we have calculated importer-specific *ad valorem* assessment rates based on the ratio of the total amount of dumping calculated for each importer's examined sales to the total entered value of those sales, in accordance with 19 CFR 351.212(b)(1). For sales for which Jinquan/Baiyuan did not report entered value, we have calculated 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 also calculated an importer-specific *ad valorem* ratio based on estimated entered values.

For entries that were not reported in the U.S. sales databases submitted by Jinquan/Baiyuan during this review, Commerce will instruct CBP to liquidate such entries at the China-wide rate (*i.e.,* 220.87 percent).

For the respondents not selected for individual examination in this administrative review that qualified for a separate rate, the assessment rate will be equal to Jinquan/Baiyuan's amended cash deposit rate (*i.e.,* 4.68 percent).

Cash Deposit Requirements

The following cash deposit requirements will be effective upon publication of the amended final results of this administrative review for all 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: for Jinquan/Baiyuan and the other companies which were found eligible for a separate rate, the cash deposit rate will be 4.68 percent.

[5] *See* Memorandum, ''Analysis of Ministerial Error Allegations,'' dated concurrently with, and hereby adopted by, this notice (Ministerial Error Memorandum).

[6] *See* 19 CFR 351.224(f).

[7] *See Final Results* IDM at Comment 6.

[8] *See* Ministerial Error Comments at 1–2.

[9] *See also* Memorandum, ''Amended Final Results Margin Calculation for Jinquan/Baiyuan,'' dated concurrently with this memorandum.

[10] *See* Appendix.

[11] In these amended final results, Commerce applied the assessment rate calculation method adopted in *Antidumping Proceedings: Calculation of the Weighted-Average Dumping Margin and Assessment Rate in Certain Antidumping Proceedings: Final Modification,* 77 FR 8101 (February 14, 2012).

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 amended final results of administrative review and notice in accordance with sections 751(h) and 777(i) of the Act, and 19 CFR 351.224(e).

Dated: October 18, 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

Non-Selected Companies Under Review Receiving a Separate Rate

1. Anji Huaxin Bamboo & Wood Products Co., Ltd.
2. Composite Technology International, Limited
3. Fujian Hongjia Craft Products Co., Ltd.
4. Fujian Sanming City Donglai Wood Co., Ltd.
5. Fujian Wangbin Decorative Material Co., Ltd.
6. Fujian Youxi Best Arts & Crafts Co. Ltd.
7. Huaan Longda Wood Industry Co., Ltd.
8. Jiangsu Wenfeng Wood Co., Ltd.
9. Longquan Jiefeng Trade Co., Ltd.
10. Nanping Huatai Wood & Bamboo Co., Ltd.
11. Nicer Window Fashions Co., Ltd.
12. Putian Yihong Wood Industry Co., Ltd.
13. Qimen Jianxing Bamboo and Wood Goods Co., Ltd.
14. Rui Xing Wooden Products Co., Ltd.
15. Shandong Miting Household Co., Ltd.
16. Shaxian Hengtong Wood Industry Co., Ltd.
17. Shaxian Shiyiwood, Ltd.
18. Shuyang Kevin International Co., Ltd.
19. Sun Valley Shade Co., Ltd.
20. Suqian Sulu Import & Export Trading Co., Ltd.
21. Zhangzhou Wangjiamei Industry & Trade Co., Ltd.
22. Zhangzhou Yihong Industrial Co., Ltd.

[FR Doc. 2024–24750 Filed 10–23–24; 8:45 am]

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DEPARTMENT OF COMMERCE

International Trade Administration

[A–570–075, C–570–076]

Certain Plastic Decorative Ribbons From China: Continuation of Antidumping Duty Order and Countervailing 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 and countervailing duty (CVD) order on certain plastic decorative ribbon (plastic ribbon) from China would likely lead to the continuation or recurrence of dumping, and countervailable subsidies, and material injury to an industry in the United States, Commerce is publishing a notice of continuation of these AD and CVD orders.

DATES: Applicable September 11, 2024.

FOR FURTHER INFORMATION CONTACT: Sarah Keith, AD/CVD Operations, Office VII, Enforcement and Compliance, International Trade Administration, U.S. Department of Commerce, 1401 Constitution Avenue NW, Washington, DC 20230; telephone: (202) 482–0264.

SUPPLEMENTARY INFORMATION:

Background

On March 22, 2019, Commerce published in the **Federal Register** the AD and CVD orders on plastic ribbon from China.[1] On February 1, 2024, the ITC instituted,[2] and Commerce initiated,[3] the first sunset review of the *Orders,* 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 *Orders* would likely lead to the continuation or recurrence of dumping and countervailable subsidies, and therefore, notified the ITC of the magnitude of the margins of dumping and subsidy rates likely to prevail should the *Orders* be revoked.[4]

On September 11, 2024, the ITC published its determination, pursuant to sections 751(c) and 752(a) of the Act, that revocation of the *Orders* would likely lead to continuation or recurrence of material injury to an industry in the United States within a reasonably foreseeable time.[5]

Scope of the Orders

The merchandise covered by the *Orders* is certain plastic decorative ribbon from China. For a complete description of the scope of the *Orders, see* the appendix to this notice.

Continuation of the Orders

As a result of the determinations by Commerce and the ITC that revocation of the *Orders* would likely lead to continuation or recurrence of dumping, countervailable subsidies, 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 *Orders.* U.S. Customs and Border Protection will continue to collect AD and CVD 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 *Orders* will be September 11, 2024.[6] Pursuant to section 751(c)(2) of the Act and 19 CFR 351.218(c)(2), Commerce intends to initiate the next five-year reviews of the *Orders* 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 parties subject to an APO of

[1] *See Certain Plastic Decorative Ribbon from the People's Republic of China: Amended Final Affirmative Antidumping Duty Determination and Antidumping Duty Order; and Countervailing Duty Order,* 84 FR 10786 (March 22, 2019).

[2] *See Plastic Decorative Ribbon from China; Institution of Five-Year Reviews,* 89 FR 6540 (February 1, 2024).

[3] *See Initiation of Five-Year (Sunset) Reviews,* 89 FR 6499 (February 1, 2024).

[4] *See Certain Plastic Decorative Ribbon from the People's Republic of China: Final Results of Expedited Sunset Review of the Antidumping Duty Order,* 89 FR 48376 (June 6, 2024), and accompanying Issues and Decision Memorandum (IDM); *see also Certain Plastic Decorative Ribbon From the People's Republic of China: Final Results of Expedited First Sunset Reviews of the Countervailing Duty Order,* 89 FR 48554 (June 7, 2024), and accompanying IDM.

[5] *See Plastic Decorative Ribbon from China,* 89 FR 73719 (September 11, 2024).

[6] *Id.*

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

These five-year (sunset) reviews 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 18, 2024.

Ryan Majerus,

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

Appendix

Scope of the Orders

The merchandise covered by these orders is certain plastic decorative ribbon, having a width (measured at the narrowest span of the ribbon) of less than or equal to four (4) inches, but disregarding any features that measure 4 inches or less in width, such as tapering or cutting at the ends or in a bow knot, provided that aggregate length of such features comprises no more than 20% of the length of the ribbon. Subject merchandise includes but is not limited to ribbon wound onto itself; a spool, a core or a tube (with or without flanges); attached to a card or strip; wound into a keg- or egg-shaped configuration; made into bows, bow-like items, or other shapes or configurations; and whether or not packaged or labeled for retail sale. The subject merchandise is typically made of substrates of polypropylene, but may be made in whole or in part of any type of plastic, including without limitation, plastic derived from petroleum products and plastic derived from cellulose products. Unless the context otherwise clearly indicates, the word ''ribbon'' used in the singular includes the plural and the plural ''ribbons'' includes the singular.

The subject merchandise includes ribbons comprised of one or more layers of substrates made, in whole or in part, of plastics adhered to each other, regardless of the method used to adhere the layers together, including without limitation, ribbons comprised of layers of substrates adhered to each other through a lamination process. Subject merchandise also includes ribbons comprised of (a) one or more layers of substrates made, in whole or in part, of plastics adhered to (b) one or more layers of substrates made, in whole or in part, of non-plastic materials, including, without limitation, substrates made, in whole or in part, of fabric.

The ribbons subject to these orders may be of any color or combination of colors (including without limitation, ribbons that are transparent, translucent or opaque) and may or may not bear words or images, including without limitation, those of a holiday motif. The subject merchandise includes ribbons with embellishments and/or treatments, including, without limitation, ribbons that are printed, hot-stamped, coated, laminated, flocked, crimped, die-cut, embossed (or that otherwise have impressed designs, images, words or patterns), and ribbons with holographic, metallic, glitter or iridescent finishes.

Subject merchandise includes ''pull-bows'' an assemblage of ribbons connected to one another, folded flat, and equipped with a means to form such ribbons into the shape of a bow by pulling on a length of material affixed to such assemblage, and ''pre-notched'' bows, an assemblage of notched ribbon loops arranged one inside the other with the notches in alignment and affixed to each other where notched, and which the end user forms into a bow by separating and spreading the loops circularly around the notches, which form the center of the bow. Subject merchandise includes ribbons that are packaged with non-subject merchandise, including ensembles that include ribbons and other products, such as gift wrap, gift bags, gift tags and/or other gift packaging products. The ribbons are covered by the scope of these orders; the ''other products'' (*i.e.,* the other, non-subject merchandise included in the ensemble) are not covered by the scope of these orders.

Excluded from the scope of these orders are the following: (1) Ribbons formed exclusively by weaving plastic threads together; (2) ribbons that have metal wire in, on, or along the entirety of each of the longitudinal edges of the ribbon; (3) ribbons with an adhesive coating covering the entire span between the longitudinal edges of the ribbon for the entire length of the ribbon; (4) ribbon formed into a bow without a tab or other means for attaching the bow to an object using adhesives, where the bow has: (a) An outer layer that is either flocked, made of fabric, or covered by any other decorative coating such as glitter (whether of plastic or non-plastic materials), and (b) a flexible metal wire at the base which permits attachment to an object by twist-tying; (5) elastic ribbons, meaning ribbons that elongate when stretched and return to their original dimension when the stretching load is removed; (6) ribbons affixed as a decorative detail to non-subject merchandise, such as a gift bag, gift box, gift tin, greeting card or plush toy, or affixed (including by tying) as a decorative detail to packaging containing non subject merchandise; (7) ribbons that are (a) affixed to non-subject merchandise as a working component of such non-subject merchandise, such as where the ribbon comprises a book marker, bag cinch, or part of an identity card holder, or (b) affixed (including by tying) to non-subject merchandise as a working component that holds or packages such non-subject merchandise or attaches packaging or labeling to such non-subject merchandise, such as a ''belly band'' around a pair of pajamas, a pair of socks or a blanket; (8) imitation raffia made of plastics having a thickness not more than one (1) mil when measured in an unfolded/untwisted state; (9) cords, *i.e.,* multiple strands of materials that have been braided, gimped or twisted together; and (10) ribbons in the form of bows having a diameter of less than seven-eighths (7/8) of an inch, or having a diameter of more than 16 inches, based on actual measurement. For purposes of this exclusion, the diameter of a bow is equal to the diameter of the smallest circular ring through which the bow will pass without compressing the bow.

The scope of these orders excludes shredded plastic film or shredded plastic strip, in each case where the shred does not exceed 5 mm in width and does not exceed 18 inches in length.

The scope of these orders excludes plastic garlands and plastic tinsel garlands, imported in lengths of not less than three (3) feet. The longitudinal base of these garlands may be made of wire or non-wire material, and these garlands may include plastic die-cut pieces. Also excluded are items made of plastic garland and/or plastic tinsel where the items do not have a tab or other means for attaching the item to an object using adhesives. This exclusion does not apply to plastic garland bows, plastic tinsel bows, or other bow-like products made of plastic garland or plastic tinsel.

The scope of these orders excludes ribbons made exclusively of fabric formed by weaving or knitting threads together, or by matting, condensing or pressing fibers together to create felt fabric, regardless of thread or fiber composition, including without limitation, fabric ribbons of polyester, nylon, acrylic or terylene threads or fibers. This exclusion does not apply to plastic ribbons that are flocked.

The scope of these orders excludes ribbons having a width of less than three (3) mm when incorporated by weaving into mesh material (whether flat or tubular) or fabric ribbon (meaning ribbon formed by weaving all or any of the following: Man-made fibers, natural fibers, metal threads and/or metalized yarns), in each case only where the mesh material or fabric ribbon is imported in the form of a decorative bow or a decorative bow-like item.

Further, excluded from the scope of the antidumping duty order are any products covered by the existing antidumping duty order on polyethylene terephthalate film, sheet, and strip (PET Film) from the People's Republic of China (China). *See Polyethylene Terephthalate Film, Sheet, and Strip from Brazil, the People's Republic of China and the United Arab Emirates: Antidumping Duty Orders and Amended Final Determination of Sales at Less Than Fair Value for the United Arab Emirates,* 73 FR 66595 (November 10, 2008).

Merchandise covered by these orders is currently classified in the Harmonized Tariff Schedule of the United States (HTSUS) under subheadings 3920.20.0015 and 3926.40.0010. Merchandise covered by these orders also may enter under subheadings 3920.10.0000; 3920.20.0055; 3920.30.0000; 3920.43.5000; 3920.49.0000; 3920.62.0050; 3920.62.0090;

3920.69.0000; 3921.90.1100; 3921.90.1500; 3921.90.1910; 3921.90.1950; 3921.90.4010; 3921.90.4090; 3926.90.9996; 5404.90.0000; 9505.90.4000; 4601.99.9000; 4602.90.0000; 5609.00.3000; 5609.00.4000; and 6307.90.9889. These HTSUS subheadings are provided for convenience and customs purposes; the written description of the scope of these orders is dispositive.

[FR Doc. 2024–24749 Filed 10–23–24; 8:45 am]

BILLING CODE 3510–DS–P

DEPARTMENT OF COMMERCE

International Trade Administration

[A–533–810]

Stainless Steel Bar From India: Final Results of New Shipper Review; 2023

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

SUMMARY: The U.S. Department of Commerce (Commerce) determines that the sole producer and/or exporter subject to this new shipper review (NSR) of the antidumping duty (AD) order on stainless steel bar (SS Bar) from India, Welspun Specialty Solutions Limited (Welspun), made bona fide sale transactions that were not made below normal value (NV). The period of review (POR) is February 1, 2023, through July 31, 2023.

DATES: Applicable October 24, 2024.

FOR FURTHER INFORMATION CONTACT: Joshua Weiner, AD/CVD Operations, Office I, Enforcement and Compliance, International Trade Administration, U.S. Department of Commerce, 1401 Constitution Avenue NW, Washington, DC 20230; telephone: (202) 482–3902.

SUPPLEMENTARY INFORMATION:

Background

On February 21, 1995, Commerce published in the **Federal Register** the AD order on SS Bar from India.[1] On August 13, 2024, Commerce published the *Preliminary Results* of this NSR, wherein we determined that Welspun's sales were bona fide transactions and were not made below NV.[2] We invited interested parties to comment on the *Preliminary Results.*[3] No interested parties submitted comments. Accordingly, Commerce made no changes to the *Preliminary Results* and no decision memorandum accompanies this notice. On July 22, 2024, Commerce tolled certain deadlines in this administrative proceeding by seven days.[4] The deadline for the final results is now October 30, 2024. Commerce conducted this review in accordance with section 751(a) of the Tariff Act of 1930, as amended (the Act).

Scope of the Order [5]

The products covered by the *Order* are SS Bar. A full description of the scope of the *Order* is provided in the *Preliminary Results.*[6]

Final Results of Review

We received no comments on the *Preliminary Results* and, therefore, have made no changes for the final results of this NSR. Accordingly, Commerce determines that the following weighted-average dumping margin exists for the POR February 1, 2023, through July 31, 2023:

Producer/exporter	Weighted-average dumping margin (percent)
Welspun Specialty Solutions Limited	0.00

Disclosure

Because Commerce received no comments on the *Preliminary Results,* we have not modified our analysis, and no decision memorandum accompanies this **Federal Register** notice. We are adopting the *Preliminary Results* as the final results of this review.[7] Consequently, there are no new calculations to disclose in accordance with 19 CFR 351.224(b) for these final results.

Assessment Rates

Pursuant to section 751(a)(2)(C) of the Act and 19 CFR 351.212(b), 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 NSR. We intend to instruct CBP to apply the importer-specific *ad valorem* assessment rates we calculated for the *Preliminary Results* on the basis of the ratio of the total amount of dumping calculated for each importer's examined sales and the total entered value of those same sales in accordance with 19 CFR 351.212(b)(1).[8] If the importer-specific assessment rate is zero or *de minimis,* then Commerce will instruct CBP to liquidate such entries without regard to antidumping duties.

For entries of subject merchandise during the POR produced by Welspun, for which it did not know that its merchandise was destined for the United States, we will instruct CBP to liquidate unreviewed entries at the all-others rate (*i.e.,* 12.45 percent) [9] if there is no rate for the intermediate company(ies) involved in the transaction.

Commerce intends to issue assessment instructions to CBP no earlier than 35 days after the date of publication of these final results 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 upon publication in the **Federal Register** of this notice for all shipments of SS Bar from India entered, or withdrawn from warehouse, for consumption on or after the date of publication as provided by section 751(a)(2)(C) of the Act: (1) for subject merchandise produced and exported by Welspun, no cash deposit will be required; [10] (2) for subject merchandise exported, but not produced by Welspun, the cash deposit rate will be the producer's rate or the all-others rate (*i.e.,* 12.45 percent) [11] if the producer does not have its own rate; (3) for subject merchandise produced, but not exported by Welspun, the cash deposit rate will be the rate applicable to the exporter, or the all-others rate if the exporter does not have its own rate. These cash deposit requirements, when imposed, shall remain in effect until further notice.

[1] *See Antidumping Duty Orders: Stainless Steel Bar from Brazil, India and Japan,* 60 FR 9661 (February 21, 1995) (*Order*).

[2] *See Stainless Steel Bar from India: Preliminary Results of New Shipper Review; 2023,* 89 FR 65865 (August 13, 2024) (*Preliminary Results*), and accompanying Preliminary Decision Memorandum.

[3] *Id.*

[4] *See* Memorandum, ''Tolling of Deadlines for Antidumping and Countervailing Duty Proceedings,'' dated July 22, 2024.

[5] *See Order.*

[6] *See Preliminary Results* PDM.

[7] *See Preliminary Results.*

[8] *See, e.g., Antidumping Proceedings: Calculation of the Weighted-Average Dumping Margin and Assessment Rate in Certain Antidumping Duty Proceedings; Final Modification,* 77 FR 8101 (February 14, 2012).

[9] *See Order.*

[10] Commerce established a combination cash deposit rate for this company, consistent with its practice in new shipper reviews. *See, e.g., Certain Cut-To-Length Carbon-Quality Steel Plate Products from the Republic of Korea: Preliminary Results of Antidumping Duty Administrative and New Shipper Reviews and Rescission of Administrative Review, In Part; 2014–2015,* 81 FR 12870, 12871 (March 11, 2016).

[11] *See Order,* 60 FR at 9661.

Notification to Importers

This notice serves as a final reminder to importers of their responsibility under 19 CFR 351.402(f)(2) to file a certificate regarding the reimbursement of antidumping duties prior to liquidation of the relevant entries during this POR. Failure to comply with this requirement could result in Commerce's presumption that reimbursement of antidumping duties occurred and the subsequent assessment of doubled antidumping 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 the APO in accordance with 19 CFR 351.305(a)(3), which continues to govern business proprietary information in this segment of the proceeding. Timely written notification of the return/destruction of APO materials or conversion to judicial protective order is hereby requested. Failure to comply with the regulations and terms of an APO is a violation which is subject to sanction.

Notification to Interested Parties

Commerce is issuing and publishing the final results of this review in accordance with sections 751(a)(1) and 777(i)(1) of the Act, and 19 CFR 351.221(b)(5).

Dated: October 16, 2024.

Ryan Majerus,

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

[FR Doc. 2024–24751 Filed 10–23–24; 8:45 am]

BILLING CODE 3510–DS–P

DEPARTMENT OF COMMERCE

National Oceanic and Atmospheric Administration

[RTID 0648–XE401]

Endangered Species; File No. 28338

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

ACTION: Notice; receipt of application.

SUMMARY: Notice is hereby given that the Puerto Rico Department of Natural and Environmental Resources, San José Industrial Park, 1375 Ave. Ponce de León, San Juan, PR 00926 (Responsible Party: Nilda Jimenez-Marrero, Ph.D.), has applied in due form for a permit to take pillar coral (*Dendrogyra cylindrus*) for purposes of enhancement.

DATES: Written comments must be received on or before November 25, 2024.

ADDRESSES: The application and related documents are available for review by selecting ''Records Open for Public Comment'' from the ''Features'' box on the Applications and Permits for Protected Species home page, *https://apps.nmfs.noaa.gov,* and then selecting File No. 28338 from the list of available applications. These documents are also available upon written request via email to *NMFS.Pr1Comments@noaa.gov*.

Written comments on this application should be submitted via email to *NMFS.Pr1Comments@noaa.gov*. Please include File No. 28338 in the subject line of the email comment.

Those individuals requesting a public hearing should submit a written request via email to *NMFS.Pr1Comments@noaa.gov*. The request should set forth the specific reasons why a hearing on this application would be appropriate.

FOR FURTHER INFORMATION CONTACT: Amy Hapeman or Erin Markin, Ph.D., (301) 427–8401.

SUPPLEMENTARY INFORMATION: The subject permit is requested under the authority of the Endangered Species Act of 1973, as amended (16 U.S.C. 1531 *et seq.*) and the regulations governing the taking, importing, and exporting of endangered and threatened species (50 CFR parts 222–226).

The applicant proposes to conduct restoration activities for pillar coral in Puerto Rico in the event the species is listed as endangered. The objective of this project is to preserve the genetic diversity of the species and increase its population numbers in coral reefs in the wild. Restoration practitioners would collect up to 500 colonies or parts of colonies annually from coral reefs in the waters of Puerto Rico and transport them to in situ and ex situ nurseries for maintenance and propagation. Up to 1,500 colonies would be outplanted to the wild from nurseries annually. An additional 25 colonies or parts of colonies annually would be collected from the wild as part of emergency response due to catastrophic events, such as a vessel grounding or storm. These colonies would be reattached or stabilized in the wild (in the same location or at a new location) or transported to a nursery. The permit is requested for 10 years.

Dated: October 21, 2024.

Julia M. Harrison,

Chief, Permits and Conservation Division, Office of Protected Resources, National Marine Fisheries Service.

[FR Doc. 2024–24774 Filed 10–23–24; 8:45 am]

BILLING CODE 3510–22–P

DEPARTMENT OF COMMERCE

National Oceanic and Atmospheric Administration

[RTID 0648–XE397]

Takes of Marine Mammals Incidental to Specified Activities; Taking Marine Mammals Incidental to Replacement of Pier 302 at Naval Base Point Loma, San Diego, California

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 the U.S Navy to incidentally harass marine mammals during construction activities associated with pile driving at the Point Loma Naval Base in San Diego, CA.

DATES: This authorization is effective from the date of issuance to September 30, 2024.

ADDRESSES: Electronic copies of the application and supporting documents, as well as a list of the references cited in this document, may be obtained online at: *https://www.fisheries.noaa.gov/national/marine-mammal-protection/incidental-take-authorizations-construction-activities*. In case of problems accessing these documents, please call the contact listed below.

FOR FURTHER INFORMATION CONTACT: Summer Owens, Office of Protected Resources, NMFS, (301) 427–8401.

SUPPLEMENTARY INFORMATION:

Background

The MMPA prohibits the ''take'' of marine mammals, with certain exceptions. Sections 101(a)(5)(A) and (D) of the MMPA (16 U.S.C. 1361 *et seq.*) direct the Secretary of Commerce (as delegated to NMFS) to allow, upon request, the incidental, but not intentional, taking of small numbers of marine mammals by U.S. citizens who

engage in a specified activity (other than commercial fishing) within a specified geographical region if certain findings are made and either regulations are 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 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; and

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.* Any comments received on the potential renewal, along with relevant comments on the initial IHA, have been considered in the development of this proposed IHA renewal, and a summary of agency responses to applicable comments is included in this notice. NMFS will consider any additional public comments prior to making any final decision on the issuance of the requested renewal, and agency responses will be summarized in the final notice of our decision.

Summary of Request

On October 1, 2023, NMFS issued an IHA to the U.S. Navy to take marine mammals incidental to construction associated with the replacement of Pier 302 at Naval Base Point Loma in San Diego, California (88 FR 6703, February 1, 2023), effective from October 1, 2023, through September 30, 2024. On July 31, 2024, NMFS received an application for the renewal of that initial IHA. 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 will not be completed prior to its expiration. As required, the applicant also provided preliminary monitoring data which confirm 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. There are no changes from the proposed authorization in this final authorization.

Description of the Specified Activities and Anticipated Impacts

The planned activities for this project are a subset of previously planned activities consisting of activities that were not completed in the initial IHA. There are still 17, 6-inch steel round piles to install using a vibratory hammer which will be completed over 2 days. All other aspects (including mitigation, monitoring, and reporting), species for which take is authorized, and anticipated impacts on the affected stocks are the same as those analyzed and authorized through the previously issued IHA.

The purpose of the project is to replace Pier 302 which provides the U.S. Navy's marine mammal program with adequate facilities to house its marine mammals and provide a safe working environment for personnel to support the U.S. Navy's overall mission to maintain, train, and equip combat ready Naval forces. The location, timing, and nature of the activities, including the types of equipment planned for use, are identical to those described in the initial IHA.

Species that are expected to be taken incidental to pile driving activity, by Level B harassment only, are California sea lion (*Zalophus californianus*), northern elephant seal (*Mirounga angustirostris*), harbor seal (*Phoca vitulina*), bottlenose dolphin (*Tursiops truncatus*), Pacific white-sided dolphin (*Lagenorhynchus obliquidens*), and common dolphin (*Delphinus delphis*). Take was calculated using the same method as for the initial IHA, but reflecting the reduced amount of activity, *i.e.,* only installing 17, 6-inch round steel piles.

Description of the Specified Activity

A detailed description of the demolition and construction activities for which take is requested here may be found in the proposed renewal notice (89 FR 80228, October 2, 2024) and

notices of the proposed (87 FR 68442, November 15, 2022) and final (88 FR 6703, February 1, 2023) IHAs for the initial authorization. Since that time, no changes have been made to the planned activities. Therefore, a detailed description is not provided here. Please refer to that **Federal Register** notice for the description of the specific activity.

Comments and Responses

A notice of NMFS' proposal to issue an IHA to the U.S Navy was published in the **Federal Register** on October 2, 2024 (89 FR 80228). That notice described, in detail, the U.S Navy's activity, the marine mammal species that may be affected by the activity, and the anticipated effects on marine mammals. In that notice, we requested public input on the request for authorization described therein, our analyses, the proposed authorization, and any other aspect of the notice of proposed IHA, and requested that interested persons submit relevant information, suggestions, and comments. During the 15-day public comment period, NMFS did not receive any public comments.

Description of Marine Mammals

A description of the marine mammals in the area of the activities for which authorization of take is proposed here, including information on abundance, status, distribution, and hearing, may be found in the notices of the proposed and final IHAs for the initial authorization. NMFS has reviewed the monitoring data from the initial IHA, draft 2023 Stock Assessment Reports, information on relevant Unusual Mortality Events, and other scientific literature, and 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 an authorization of incidental take is requested here may be found in the notices of the proposed and final IHAs for the initial authorization. NMFS has reviewed the monitoring data from the initial IHA, recent draft Stock Assessment Reports, information on relevant Unusual Mortality Events, 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 notices of the proposed and final IHAs for the initial authorization. Specifically, the source levels, days of operation, and marine mammal occurrence data applicable to this authorization remain unchanged from the previously issued IHA. Similarly, the stocks taken, methods of take, and types of take remain unchanged from the previously issued IHA. As noted above, the amount of estimated take requested for authorization here is lower than that authorized through the initial IHA, corresponding with the subset of activity remaining for completion.

To calculate take, the U.S. Navy estimated average occurrence of each species based on previous nearby completed Navy projects and multiplied it by the number of total piles driving days to get their estimated potential take for authorization. Under the initial IHA 32 days of pile driving were planned, but only 30 days' worth of pile work were completed. There are now 2 days of pile work remaining, with the same estimated abundance numbers used and multiplied by 2 days of pile driving work to produce take estimates for the renewal IHA (table 1).

TABLE 1—AUTHORIZED AMOUNT OF TAKING BY LEVEL A/B HARASSMENT, BY SPECIES

Species	Expected average individuals per day	Initial authorized take	Renewal authorized take
California sea lion [1]	15	480	30
Harbor seal [1]	1	32	2
Bottlenose dolphin [1]	1	32	2
Common dolphin (Long- and Short-beaked) [2]	9	288	18
Pacific white-sided dolphin [2]	1	32	2
Northern elephant seal	[3] (/)	7	1
Total	.....	871	55

[1] Average daily counts based on observations during Year 4 Fuel Pier Replacement Project Monitoring (NAVFAC SW 2017b).
[2] Average daily counts based on observations during Year 2 Fuel Pier Replacement Project Monitoring (NAVFAC SW 2015).
[3] Expected potential of two northern elephant seals over the duration of project activity with a +5 buffer.

Description Mitigation, Monitoring and Reporting Measures

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 that document and the notice of the proposed IHA remains accurate.

Determinations

NMFS has concluded that there is no new information suggesting that our analysis or findings should change from those reached for the initial IHA. Based on the information and analysis contained here and in the referenced documents, NMFS has determined the following: (1) the required mitigation measures will affect 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) the U.S. Navy'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.

Endangered Species Act

Section 7(a)(2) of the Endangered Species Act (ESA; 16 U.S.C. 1531 *et seq.*) requires that each Federal agency ensure that any action it authorizes, funds, or carries out is not likely to jeopardize the continued existence of any endangered or threatened species or result in the destruction or adverse modification of designated critical habitat. To ensure ESA compliance for the issuance of IHAs, NMFS consults internally whenever we propose to authorize take for endangered or threatened species.

No incidental take of ESA-listed species is expected to result from this activity. Therefore, NMFS has determined that formal consultation under section 7 of the ESA is not required for this action.

National Environmental Policy Act

To comply with the National Environmental Policy Act of 1969 (NEPA; 42 U.S.C. 4321 *et seq.*) and NOAA Administrative Order (NAO) 216–6A, NMFS must evaluate our proposed action (the issuance of an IHA) and alternatives with respect to potential impacts on the human environment.

This action is consistent with categories of activities identified in Categorical Exclusion B4 (IHAs with no anticipated serious injury or mortality) of the Companion Manual for NAO 216–6A, which do not individually or cumulatively have the potential for significant impacts on the quality of the human environment and for which we have not identified any extraordinary circumstances that would preclude this categorical exclusion. Accordingly, NMFS determined that the issuance of the initial IHA qualified to be categorically excluded from further NEPA review. NMFS has determined that the application of this categorical exclusion remains appropriate for this renewal IHA.

Authorization

NMFS has issued a renewal IHA to the U.S Navy for the potential harassment of small numbers of six marine mammal species incidental to the Replacement of Pier 302 at Naval Base Point Loma, San Diego, California, that includes the previously explained mitigation, monitoring and reporting requirements.

Dated: October 21, 2024.

Kimberly Damon-Randall,

Director, Office of Protected Resources, National Marine Fisheries Service.

[FR Doc. 2024–24763 Filed 10–23–24; 8:45 am]

BILLING CODE 3510–22–P

DEPARTMENT OF COMMERCE

National Oceanic and Atmospheric Administration

Agency Information Collection Activities; Submission to the Office of Management and Budget (OMB) for Review and Approval; Comment Request; National Marine Sanctuary Permits

The Department of Commerce will submit the following information collection request to the Office of Management and Budget (OMB) for review and clearance in accordance with the Paperwork Reduction Act of 1995, on or after the date of publication of this notice. We invite the general public and other Federal agencies to comment on proposed, and continuing information collections, which helps us assess the impact of our information collection requirements and minimize the public's reporting burden. Public comments were previously requested via the **Federal Register** on May 14, 2024 during a 60-day comment period and no comments were received. This notice allows for an additional 30 days for public comments.

Agency: National Oceanic & Atmospheric Administration (NOAA), Commerce.

Title: National Marine Sanctuary Permits.

OMB Control Number: 0648–0141.

Form Number(s): None.

Type of Request: Regular submission, revision and extension of a current information collection.

Number of Respondents: 567.

Average Hours per Response: General permits and authorizations, 1 hour and 30 minutes; special use permits, 8 hours; archaeological research permits, 13 hours; baitfish permits, 25 minutes; permit amendments and certifications, 30 minutes; voluntary registrations, 15 minutes; appeals, 24 hours; Tortugas access permits, 5 minutes.

Total Annual Burden Hours: 2,307.75.

Needs and Uses: This request is for revision and extension of a currently approved information collection by the Office of National Marine Sanctuaries (ONMS). ONMS manages national marine sanctuaries pursuant to the purposes and policies of the National Marine Sanctuaries Act (NMSA, 16 U.S.C. 1431 *et seq.*). National marine sanctuary regulations at 15 CFR part 922 list specific activities that are prohibited in national marine sanctuaries. These regulations also state that otherwise prohibited activities may be conducted if a permit is issued by ONMS. For most types of permits, persons desiring a permit must submit an application (note that requests for baitfish permits and Tortugas Ecological Reserve North Access permits require contacting Florida Keys National Marine Sanctuary and do not require a completed ONMS permit application), and anyone obtaining a permit is generally required to submit one or more reports on the activity allowed under the permit. The recordkeeping and reporting requirements at 15 CFR part 922 form the basis for this collection of information.

This information is required by ONMS to protect and manage sanctuary resources. The permit application collects information about the proposed activities, the methods proposed to be used, the potential effects to sanctuary resources, and information on the regulatory review criteria at 15 CFR part 922. ONMS uses this information to evaluate whether the proposed activities are consistent with the goals and objectives of the sanctuary and the purposes and policies of the NMSA.

Changes to this information collection include revisions to the permit application and instructions to collect information about small businesses to better assess the types of entities engaged in permitting activities. The estimated number of permits issued per year also changed from 424 to 567 to reflect the additional estimated permit numbers if the various proposed national marine sanctuary designations are finalized. In particular, this is based on adding an estimated fifteen additional permits and about 59 certifications for the recently designated Chumash Heritage National Marine Sanctuary (89 FR 83554, Oct. 16, 2024), an estimated five additional permits for the proposed designation of the National Marine Sanctuary for the Pacific Remote Islands (88 FR 23624; April 18, 2023), an estimated five additional permits for the recently designated Lake Ontario National Marine Sanctuary (89 FR 48272, June 6, 2024), an estimated five additional permits for proposed Lake Erie Quadrangle National Marine Sanctuary (88 FR 32198, May 19, 2023), an estimated nine permits for the proposed sanctuary in the Hudson Canyon area (87 FR 38387, June 8, 2022), and increasing the numbers of amendments and Tortugas access permits to reflect more recent average permit numbers. The number of baitfish permits was diminished by 35 permits and Florida Keys National Marine Sanctuary has proposed phasing out the bait fishing permits over the next three years (87 FR 42800, July 18, 2022). Other revisions made to the application and applicant

instructions were to improve the quality of information initially collected and to make the permit process more efficient.

Affected Public: Individuals; Business or other for-profit organizations; Not-for-profit institutions; State, Local, or Tribal government; Federal Government.

Frequency: On occasion.

Respondent's Obligation: Required to Obtain or Retain Benefits.

Legal Authority: National Marine Sanctuaries Act, 16 U.S.C. 1431 *et seq.*

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

Written comments and recommendations for the proposed information collection should be submitted within 30 days of the publication of this notice on the following website *https://www.reginfo.gov/public/do/PRAMain.* Find this particular information collection by selecting ''Currently under 30-day Review—Open for Public Comments'' or by using the search function and entering either the title of the collection or the OMB Control Number 0648–0141.

Sheleen Dumas,

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

[FR Doc. 2024–24702 Filed 10–23–24; 8:45 am]

BILLING CODE 3510–NK–P

DEPARTMENT OF COMMERCE

National Oceanic and Atmospheric Administration

[RTID 0648–XD212]

2024 Updated Guidance for Assessing the Effects of Anthropogenic Sound on Marine Mammal Hearing—Underwater and In-Air Criteria for Onset of Auditory Injury and Temporary Threshold Shifts (Version 3.0)

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

ACTION: Notice.

SUMMARY: The National Marine Fisheries Service (NMFS) announces the availability of our final *2024 Update to: Technical Guidance for Assessing the Effects of Anthropogenic Sound on Marine Mammal Hearing (Version 3.0): Underwater and In-Air Criteria for Onset of Auditory Injury and Temporary Threshold Shifts* (2024 Updated Technical Guidance). The 2024 Updated Technical Guidance provides updated information, or acoustic criteria, to predict when individual marine mammals, both in-air and underwater, will experience changes in their hearing sensitivity (auditory injury or temporary threshold shift) from exposure to anthropogenic sound sources. The 2024 Updated Technical Guidance replaces NMFS's current *2018 Revisions to: Technical Guidance for Assessing the Effects of Anthropogenic Sound on Marine Mammal Hearing (Version 2.0): Underwater Thresholds for Onset of Permanent and Temporary Threshold Shifts* (2018 Revised Technical Guidance).

ADDRESSES: The final 2024 Updated Technical Guidance is available in electronic form via the internet *https://www.fisheries.noaa.gov/national/marine-mammal-protection/marine-mammal-acoustic-technical-guidance.*

FOR FURTHER INFORMATION CONTACT: Amy R. Scholik-Schlomer, Office of Protected Resources, 301–427–8449, *Amy.Scholik@noaa.gov.*

SUPPLEMENTARY INFORMATION: NMFS has updated its guidance for assessing the effects of anthropogenic sound on the hearing of marine mammal species under NMFS's jurisdiction. Specifically, the 2024 Updated Technical Guidance identifies the received levels and auditory weighting functions, or ''acoustic criteria,'' that describe the received levels (decibels (dB)) and frequencies (kilohertz (kHz)) where individual marine mammals are predicted to experience changes in their hearing sensitivity (auditory injury (AUD INJ) or temporary threshold shift (TTS)) from exposure to anthropogenic sound sources both in-air and underwater. This document is intended for use by NMFS analysts and managers and other relevant user groups and interested parties, including other Federal agencies, when seeking to determine whether and how their activities are expected to result in auditory impacts to marine mammals via acoustic exposure in-air and underwater. The 2024 Updated Technical Guidance outlines NMFS's updated acoustic criteria and describes in detail how they were developed and how they will be updated in the future. For information on NMFS' 2018 Revised and the original 2016 Technical Guidance, refer to our 2016 **Federal Register** notification (81 FR 51694, August 4, 2016).

For the 2024 Updated Technical Guidance, NMFS again worked with the U.S. Navy (Navy), which recently updated its marine mammal AUD INJ and TTS criteria (Finneran 2024), to incorporate the best available science. NMFS conducted an independent peer review in October/November 2022. Details of the peer review, peer reviewer comments, and our response to these comments are available at the following website: *https://www.noaa.gov/information-technology/update-to-20162018-technical-guidance-for-assessing-effects-of-anthropogenic-sound-on-marine-mammal.* In May/June of 2023, NMFS solicited input from other relevant Federal agencies on the 2024 Updated Technical Guidance. Federal agency comments and NMFS responses to those comments are available at the following website: *https://www.fisheries.noaa.gov/national/marine-mammal-protection/marine-mammal-acoustic-technical-guidance.* To complete the review process, NMFS solicited additional feedback from user groups and interested parties via a 45-day public comment period in May/June 2024. Comments received via the public comment period can be found at the following website: *https://www.regulations.gov/document/NOAA-NMFS-2024-0026-0001.*

It is important to note that the use of the acoustic criteria within the 2024 Updated Technical Guidance should not be considered to represent the entirety of an impact assessment, but rather serve as one tool to help evaluate the effects of a proposed action. Furthermore, the 2024 Updated Technical Guidance does not create or confer any rights for or on any person, or operate to bind the public. For the purposes of assessing auditory impacts to marine mammals in support of regulatory processes under NMFS' authority, an alternative approach that has undergone independent peer review may be proposed (by Federal agencies or prospective action proponents or applicants) and used if case-specific information/data indicate that the alternative approach is likely to produce a more accurate portrayal of auditory impacts (AUD INJ or TTS) for the project being evaluated, if NMFS determines the approach satisfies the requirements of the applicable statutes and regulations.

The 2024 Updated Technical Guidance reflects the current state of scientific knowledge regarding the characteristics of sound that have the potential to impact marine mammal hearing sensitivity. NMFS recognizes that the implementation of marine mammal weighting functions and the weighted SEL_{24h} criteria may extend beyond the capabilities of some action proponents. Thus, NMFS has developed an optional, alternative tool for those

who cannot fully incorporate these factors into their own analyses (See 2024 Updated Technical Guidance's companion optional User Spreadsheet tool; *https://www.fisheries.noaa.gov/national/marine-mammal-protection/marine-mammal-acoustic-technical-guidance*).

Transitioning to 2024 Updated Technical Guidance

NMFS has determined the updated thresholds and associated weighting functions in the 2024 Updated Technical Guidance represent the best available information for assessing whether exposure to specific activities is likely to result in changes in marine mammal hearing sensitivity (AUD INJ or TTS). Prospective applicants for incidental take authorizations under the Marine Mammal Protection Act (MMPA) and Federal agencies seeking Endangered Species Act (ESA) section 7 consultations that have not yet started their acoustic analyses should begin using the 2024 Updated Technical Guidance immediately. At the same time, we recognize that for some proposed actions, analyses may have already substantially progressed using the existing criteria in the 2018 Revised Technical Guidance or other methods for assessing hearing effects, and it may be impractical to begin those analyses anew, taking into account timing constraints, expense, and other considerations. In such ''pipeline'' cases, the applicant or action agency should contact NMFS as soon as possible to discuss how to best include consideration of the 2024 Updated Technical Guidance to satisfy the applicable requirements. A non-exhaustive list of factors that could affect the extent to which the 2024 Updated Technical Guidance will be quantitatively incorporated for an action include: The relative degree to which the 2024 Updated Technical Guidance is expected to affect the results of the acoustic impact analyses; how far in the process the application or prospective application has progressed; when the activity is scheduled to begin or other timing constraints; the complexity of the analyses and the cost and practicality of redoing them; and the temporal and spatial scope of anticipated effects. We anticipate that after the initial transition period, all applications for MMPA incidental take authorization and all requests for ESA section 7 consultations involving noise that may affect marine mammal hearing will include full consideration of the 2024 Updated Technical Guidance.

Regulatory Context

NMFS uses acoustic criteria to help quantify ''take'' and as part of more comprehensive effects analyses under several statutes. The 2024 Updated Technical Guidance's acoustic criteria do not represent the entirety of the comprehensive effects analysis, but rather serve as one tool among others (*e.g.,* behavioral impact criteria, auditory masking assessments, evaluations to help understand the ultimate effects of any particular type of impact on an individual's fitness, population assessments, etc.) to help evaluate the effects of a proposed action and make findings required by NMFS' various statutes.

Under current agency practice, NMFS considers the onset of auditory injury as an example of ''Level A Harassment'' as defined in the MMPA and as ''harm'' as defined in ESA regulations, such that exposing an animal to weighted received sound levels at or above the indicated permanent threshold shift (PTS) threshold is predicted to result in these two types of ''take'' (*i.e.,* Level A Harassment under the MMPA and harm under ESA).

As explained below, NMFS does not consider a TTS to be an auditory injury under the MMPA or ESA, and thus it does not qualify as Level A harassment or harm. Nevertheless, TTS is an adverse effect that historically has been treated as ''take'' by ''Level B Harassment'' under the MMPA and ''harassment'' under the ESA.

Marine Mammal Protection Act

The MMPA prohibits the take of marine mammals, with certain exceptions, one of which is the issuance of incidental take authorizations (ITAs). Sections 101(a)(5)(A) & (D) of the MMPA (16 U.S.C. 1361 *et seq.*) direct the Secretary of Commerce 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. Through delegation by the Secretary of Commerce, NMFS is required to authorize the incidental taking of marine mammals if the agency finds that the total 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 certain subsistence uses. NMFS must also set forth the permissible methods of taking and requirements pertaining to the mitigation, monitoring, and reporting of such takings. (The ''small numbers'' and ''specified geographical region'' provisions do not apply to military readiness activities.)

The term ''take'' means to harass, hunt, capture, or kill, or attempt to harass, hunt, capture or kill any marine mammal. 16 U.S.C. 1362(13).

Except with respect to certain activities described below, ''harassment'' means any act of pursuit, torment, or annoyance which:

- Has the potential to injure a marine mammal or marine mammal stock in the wild *(Level A Harassment);* or
- Has the potential to disturb a marine mammal or marine mammal stock in the wild by causing disruption of behavioral patterns, including, but not limited to, migration, breathing, nursing, breeding, feeding or sheltering *(Level B Harassment).*

See id. at 1362(18)(A)(i) & (ii) (emphasis added).

Congress amended the definition of ''harassment'' as it applies to a ''military readiness activity'' or research conducted by or on behalf of the Federal government consistent with MMPA section 104(c)(3) as follows (section 3(18)(B) of the MMPA):

- Any act that injures or has the significant potential to injure a marine mammal or marine mammal stock in the wild *(Level A Harassment);* or
- Any act that disturbs or is likely to disturb a marine mammal or marine mammal stock in the wild by causing disruption of natural behavioral patterns, including, but not limited to, migration, surfacing, nursing, breeding, feeding, or sheltering, to a point where such behavioral patterns are abandoned or significantly altered *(Level B Harassment).*

See id. at 1362(18)(B)(i) & (ii) (emphasis added).

The term ''negligible impact'' is defined as an impact resulting from the specified activity that cannot be reasonably expected to, and is not reasonably likely to, adversely affect the species or stock through effects on annual rates of recruitment or survival. 50 CFR 216.103.

In support of the analysis that is necessary to make the required statutory determinations, MMPA implementing regulations require ITA action proponents to provide NMFS with specific information. Although they may also be used to inform the development of mitigation measures, the updated acoustic criteria are particularly relevant to the following 2 of the 14 required pieces of information:

- The *type* of incidental taking authorization that is being requested (*i.e.,* takes by Level B Harassment only; *Level A Harassment;* or serious injury/

mortality) and the method of incidental taking; and

• By age, sex, and reproductive condition (if possible), the *number* of marine mammals (by species) that may be taken *by each type* of taking identified in paragraph (a)(5) of this section, and the number of times such takings by each type of taking are likely to occur. 50 CFR 216.104 (emphasis added).

Endangered Species Act

Section 9 of the ESA prohibits the take of ESA-listed species, with limited exceptions. Section 7 of the ESA requires that each Federal agency, in consultation with NMFS and/or the U.S. Fish and Wildlife Service (USFWS), ensure that any action authorized, funded, or carried out by the agency 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. *See* 16 U.S.C. 1536(a)(2). Provided that NMFS or the USFWS reaches these conclusions through a ''formal consultation'' process, incidental take of ESA-listed species may be exempted from the section 9 take prohibition through an ''incidental take statement'' that must specify the impact, *i.e.,* the amount or extent, of the taking on the species. *See id.* at section 1536(b)(4). Incidental take statements must also include reasonable and prudent measures necessary or appropriate to minimize the impact, and the terms and conditions required to implement those measures.

Under ESA, ''take'' means to harass, harm, pursue, hunt, shoot, wound, kill, trap, capture, or collect, or to attempt to engage in any such conduct. *See id.* at section 1532(19). ''Harm'' is defined in NMFS regulations as ''an act which actually kills or injures fish or wildlife'' (and can include significant habitat modification or degradation). *See* 50 CFR 222.102.

Under NMFS and the USFWS implementing regulations for section 7 of the ESA, ''jeopardize the continued existence of'' means to engage in an action that reasonably would be expected, directly or indirectly, to reduce appreciably the likelihood of both the survival and recovery of a listed species in the wild by reducing the reproduction, numbers, or distribution of that species. *See id.* at § 402.02.

In support of the analysis necessary to conduct the consultation, the ESA implementing regulations state that in order to initiate formal consultation, the Federal action agency must submit a written request for formal consultation to the Director (of NMFS or the USFWS) that includes, among other things, a description of the manner in which the action may affect any listed species. *See id.* at § 402.14(c).

Application of Acoustic Criteria for Auditory Injury

The acoustic criterias for AUD INJ will be used in conjunction with sound source characteristics, environmental factors that influence sound propagation, anticipated marine mammal occurrence and behavior in the vicinity of the activity, as well as other available activity-specific factors, to quantitatively estimate (acknowledging the gaps in scientific knowledge and the inherent uncertainties in a marine environment) the takes of marine mammals (by Level A harassment and harm under the MMPA and ESA, respectively) and facilitate compliance with the MMPA and ESA, as described above.

NMFS will use the same AUD INJ criteria in the identification and quantification of MMPA Level A harassment for both military readiness and non-military readiness activities. Because the acoustic criteria for AUD INJ predict the onset of AUD INJ, they are inclusive of the ''potential'' and ''significant potential'' language in the two definitions of Level A harassment. The limited data now available do not support the parsing out of a meaningful quantitative difference between the ''potential'' and ''significant potential'' for injury and, therefore, the designated AUD INJ criteria will be treated as onset of Level A harassment for both types of activities.

Estimating the numbers of take by Level A harassment and harm is one component of the fuller analyses that inform NMFS' ''negligible impact'' and ''jeopardy'' determinations under the MMPA and ESA, respectively. Last, the AUD INJ criteria may be used to inform the development of mitigation and monitoring measures (such as shut-down zones) pursuant to the MMPA or ESA.

When initiating any of the MMPA or ESA processes described above, agencies and other action proponents should utilize the AUD INJ criteria, in combination with activity-specific information, to predict whether, and if so how many, instances of AUD INJ are expected to occur.

Application of Acoustic Criteria for Temporary Threshold Shift

As previously stated, NMFS has not considered TTS an auditory injury for purposes of the MMPA and ESA, based on the work of a number of investigators that have measured TTS before and after exposure to intense sound. For example, Ward (1997) suggested that a TTS is within the normal bounds of physiological variability and tolerance and does not represent physical injury. In addition, Southall *et al.* (2007, 2019) indicate that although AUD INJ is a tissue injury, TTS is not because the reduced hearing sensitivity following exposure to intense sound results primarily from fatigue, not loss, of cochlear hair cells and supporting structures, and is reversible. TTS is not considered Level A harassment under the MMPA. However, given the associated disruptions of behavioral patterns anticipated to co-occur with TTS in some cases, it has been considered take by Level B harassment under the MMPA and harassment under the ESA, which will be the subject of future guidance.

MMPA Level B harassment and ESA harassment are broad categories that encompass not only TTS but also other behaviorally related impacts that almost always involve a lower onset threshold than that for onset of TTS. In quantifying take by Level B harassment or harassment, NMFS considers *all* effects that fall into those categories of take, not just TTS. NMFS is in the process of developing updated acoustic criteria for the onset of behavioral effects and will further consider the best approach for considering TTS at that time. When that process is completed, NMFS will provide further guidance regarding how to best consider and/or quantify TTS for non-pulse and impulse sources that do not involve instantaneous explosives (see exception below for underwater explosives). In the meantime, except in the case of instantaneous underwater explosives (discussed next), action proponents do not need to quantify estimates of TTS separately from their overall behavioral harassment take calculations. NMFS will consider the TTS acoustic criteria in the 2024 Updated Technical Guidance as part of the larger comprehensive effects analyses under the MMPA and the ESA.

With respect to instantaneous underwater explosives (as distinguished from repeated explosives such as gunnery exercises), NMFS already requires quantification of TTS estimates because instantaneous explosives do not have a separate behavioral component from a lower exposure threshold and there is no time accumulation involved. The rationale for calculating TTS for instantaneous explosives continues to apply with the 2024 Updated Technical Guidance.

The occurrence and estimated number of TTS takes is one component of the larger analysis that informs NMFS's ''negligible impact'' and ''jeopardy'' determinations under the MMPA and ESA, respectively. As with AUD INJ, TTS acoustic criteria also may be used to inform the development of mitigation and monitoring measures pursuant to the MMPA or ESA.

Comments and Responses

On May 3, 2024, NMFS published the draft 2024 Updated Technical Guidance for a 45-day public comment period (89 FR 36762). During the public comment period, NMFS received 7 comments from individual members of the public, Fugro, EnerGeo Alliance and American Petroleum Institute, National Resources Defense Council, and Ocean Conservation Research. Six commenters (*i.e.,* one commenter provided two separate comments) provided substantive comments addressing technical aspects or issues relating to the implementation of criteria.

Some comments were similar to those received during the public comment periods for the 2016 Technical Guidance. For example, these similar comments addressed topics such as why NMFS does not consider TTS as injury, use of mean/medians, pseudoreplication, uncertainty, development of criteria for low-frequency (LF) cetaceans, Tougaard *et al.* 2015, and Wright 2015. NMFS will not repeat our responses from 2016 here but instead refers readers to our previous **Federal Register** notification (81 FR 51694, August 4, 2016) that previously addressed these comment topics.

2024 Updated Technical Guidance Scope

Comment 1: One commenter stated that Sirenians should be included in the 2024 Updated Technical Guidance.

Response: The 2024 Updated Technical Guidance does not pertain to marine mammal species under the U.S. Fish and Wildlife Service's jurisdiction (*e.g.,* walrus, polar bears, manatees, dugongs, sea otters). Thus, Sirenians are not included in the main document. However, they are included in the Navy's Technical Report, attached to the 2024 Updated Technical Guidance as Appendix A.

Peer Review Process

Comment 2: One set of commenters stated that while the main sections of the 2024 Updated Technical Guidance was peer reviewed by experts, the Navy's Technical Report does not seem to be.

Response: The 2024 Updated Technical Guidance document, including the Navy's Technical Report (Appendix A), completed all stages of the review process (*i.e.,* the entire document underwent NMFS internal review, peer review, Federal agency preview, and public comment). Furthermore, during the peer review, federal agency preview, and public comment period, NMFS worked directly with the Navy to address some of the comments received.

Marine Mammal Hearing

Comment 3: To define a marine mammal hearing group's generalized hearing range, one commenter asked whether the 65 dB level above the threshold of maximum hearing sensitivity was chosen arbitrarily (*i.e.,* they asked for a reference that supports choosing a threshold specifically 5 dB wider than that in humans).

Response: NMFS did not choose this level arbitrarily. We specifically chose the 65 dB threshold to be slightly wider than how the hearing range for humans is defined in order to encompass the general uncertainty of marine mammal hearing ranges, since we do not have hearing data for all species.

Comment 4: One commenter's letter stated that sperm whales are categorized as high-frequency (HF) cetaceans but produce lower frequency sounds and are expected to hear lower frequencies compared to smaller delphinids. The commenter pointed out that Southall *et al.* 2019 indicated that sperm whales, killer whales, and beaked whales may be separated from other HF cetaceans in the future (*i.e.,* compose a mid-frequency (MF) cetacean hearing group), but Appendix A (Finneran Technical Report) does not address this potential future hearing group. The comment also notes there is potential variation of phocid hearing that may necessitate splitting this hearing group in the future. In a related comment, another commenter questioned why killer whale hearing data were not used to define audiograms for a separate MF cetacean group.

Response: While the potential to separate some marine mammal species into a separate MF cetacean hearing group is not directly mentioned in Appendix A (Finneran Technical Report), NMFS does address this in our main document. Specifically, table 1, footnote 1, says Southall *et al.* 2019 indicates that as more data become available there may be separate hearing group designations for very low-frequency cetaceans (blue, fin, right, and bowhead whales) and MF cetaceans (sperm, killer, and beaked whales). However, at this point, all baleen whales are part of the low-frequency (LF) cetacean hearing group, and sperm, killer, and beaked whales are part of the HF cetacean hearing group. Additionally, recent data indicate that as more data become available for Monachinae seals, separate hearing group designations may be appropriate for the two phocid subfamilies (Ruscher *et al.* 2021; Sills *et al.* 2021). NMFS concurs with the aforementioned studies that there are currently not enough data to further separate out MF cetaceans from HF cetaceans or further divide the phocid hearing group.

Comment 5: One comment letter questioned why the LF cetacean generalized hearing range expanded by 1 kHz, if there are no new data.

Response: While there are no new data available for LF cetaceans specifically, the weighting function parameters slightly changed for all hearing groups as a result of maintaining consistency with other hearing groups. As a result, NMFS re-examined the generalized hearing range for all hearing groups.

Comment 6: Numerous commenters inquired why auditory evoked potential (AEP) data are not being considered in deriving composite audiograms for various hearing groups and encouraged that all data be considered. Some commenters advocated for further research to focus on better integrating AEP data.

Response: NMFS agrees that incorporating AEP data into composite audiograms would be preferred and would expand the number of species where hearing data are available. Nevertheless, there are some well-defined reasons this is not done. Behavioral techniques measure perception of sound by a receiver, while AEP methods measure only neural activity (Jewett and Williston 1971) (*i.e.,* the two methodologies are not necessarily equivalent). Behavioral techniques, which are considered most representative (*i.e.,* ''gold standard'' for measuring auditory sensitivity, consistently produce lower thresholds, which are indicative of greater sensitivity, than those obtained by AEPs (*e.g.,* Szymanski *et al.* 1999; Yuen *et al.* 2005; Houser and Finneran 2006). AEP data are considered if they are the only data available for a hearing group (*e.g.,* LF cetaceans; See *Response* to next *Comment*). Currently, there are no established means for ''correcting'' AEP data so they are more comparable to behavioral data (Heffner and Heffner 2003; Finneran 2015; Sisneros *et al.* 2016; Erbe *et al.* 2016). NMFS is aware that the Navy's Living Marine Resources

(LMR) Program is supporting a project entitled *Standardizing Auditory Evoked Potential Hearing Thresholds with Behavioral Hearing Thresholds* by Dorian Houser, National Marine Mammal Foundation, which may allow for the addition of AEP data to future versions of our Technical Guidance: *https://exwc.navfac.navy.mil/Portals/88/Documents/EXWC/Environmental_Security/Living%20Marine%20Resources/LMRFactSheet_Project47.pdf.* NMFS also included this topic as a specific data gap in Appendix B to the 2024 Updated Technical Guidance (''Research Recommendations for Improved Criteria'').

Comment 7: Many commenters were interested in learning about recent AEP hearing measurements collected on minke whales by the National Marine Mammal Foundation. One commenter cautioned that the *Balaenoptera* (blue, fin, Rice's, Bryde's, minke, and sei whales) are just one genus of whale that use sounds in ways differently than *Megaptera* (humpback whales), *Eschrichtius* (gray whales), *Balaena* (bowhead whales), or *Eubalaena* (right whales) do. Similarly, another comment stated that NMFS should acknowledge that, given substantial differences among these LF cetacean species in their anatomy, sound production, and acoustic ecology, minke whales may not appropriately represent the hearing sensitivity of blue, fin, humpback, gray, and certain other baleen whales in the LF cetacean group; and that a more conservative approach to weighting in the very low frequencies may still be necessary. The commenter also remarked that NMFS should commit to a re-evaluation of LF cetacean group thresholds as soon as those data are published.

Response: NMFS is aware that the National Marine Mammal Foundation successfully collected preliminary hearing data on two minke whales during their third field season (2023) in Norway. These data have implications for not only the generalized hearing range for LF cetaceans but also on their weighting function. However, at this time, no official results have been published. Furthermore, a fourth field season (2024) was recently completed, where more data were collected. Thus, it is premature for NMFS to propose any changes at this time. However, mysticete hearing data is identified as a special circumstance that could merit re-evaluating the acoustic criteria in the 2024 Updated Technical Guidance, once the data from both field seasons are published.

NMFS anticipates the publication of these AEP data from minke whales will help better inform the composite audiogram and associated weighting function for LF cetaceans. We agree that while having direct measurements of minke whale hearing would represent a significant milestone in better understanding mysticete hearing, these data will need to be considered carefully in the context of how they may or may not be appropriate to fill data gaps for other LF cetacean species.

Comment 8: One commenter asserted that table A.3, which provides composite audiogram parameters, contains a number of errors. One error they purportedly identified is the use of hertz (Hz) instead of kHz (*e.g.,* the F_1 parameter for HF cetaceans is 9910 kHz and for Sirenians is 1680 kHz). Another example is the upper roll-off for the very-high frequency (VHF) cetaceans that begins below 100 kHz in Figure A.4, yet the value for the F_2 parameter (132 kHz) in table A.3 fails to match this result. As a consequence, they assert, they were unable to assess NMFS' use of ΔT values in extrapolating certain parameters across hearing groups.

Response: Table A.3 is correct and does not contain any errors. This can be verified by calculating Eq. (3) (*i.e.,* median threshold equation for composite audiogram) with the parameters from table A.3 and comparing the results to the composite audiograms. The F_1 and F_2 parameters in table A.3 are not roll-off frequencies, but instead are fitting parameters for use with Eq. (3) to best match the composite audiogram data. Because of the large number of fitting parameters, the values may not always make physical sense, especially for audiograms without a plateau region. This point is specifically made in the Finneran Technical Report (Appendix A, including the example cited by the reviewer) that the large number and possible high dependency of fitting parameters, in some cases the specific fitting parameter values may not make physical sense (*e.g.,* HF group F1 = 9910 kHz), and the important point is how well the resulting curve fits the median threshold data.

Comment 9: One commenter advocated that the F_1 audiogram fitting parameter for LF cetaceans be changed from 412 Hz to 137 Hz.

Response: NMFS disagrees that the F_1 audiogram fitting parameter for LF cetaceans should be adjusted, since no new data have become available supporting this change. This parameter is the same as published in Southall *et al.* 2019, as well as what was in the 2018 Revised Technical Guidance, and is appropriate based on our current understanding of LF cetacean hearing. Furthermore, when the new minke whale hearing data become available, it is likely that NMFS will begin the process of updating the acoustic criteria for LF cetaceans based on these data. Thus, the composite audiogram, thresholds, and weighting functions for this hearing group will all be re-examined and appropriate adjustments can be made.

Weighting Functions

Comment 10: A group of commenters requested that Appendix A (Finneran Technical Report) provide a detailed description of the methodology used to derive equations and criteria. On a few occasions, it is noted that mean values are calculated from data sets for deriving the weighting function, but the number of samples used to derive means or medians are not readily available. When available, this should be provided along with standard deviations.

Response: Figures A14 through A17 in Appendix A show the individual TTS onset values and the mean values used to fit the exposure functions. The number of samples and a sense of the variability can be determined from these plots.

Comment 11: Several commenters had questions about the 2024 Updated Technical Guidance modifying the weighting function high-frequency exponent (b) from 2 to 5, which was done to fit better underwater otariid pinniped data. Many asked why this parameter was modified for all hearing groups and not just otariids.

Response: This question was also asked during our Peer Review. In the 2018 Technical Guidance (and Southall *et al.* 2019), the b parameter was the same for all hearing groups. Thus, the changes made to the 2024 Updated Technical Guidance are consistent keeping this parameter the same for all hearing groups. Increasing the b parameter from two to five was done to fit better the underwater otariid (OW) pinniped function without substantially affecting the other marine mammal hearing group fits. The decision to keep the same b parameter for all groups was made to try to reduce complexity where possible, and there are no data to currently suggest this parameter varies by marine mammal hearing group.

Comment 12: A group of commenters asked for clarification on the R^2 value for underwater phocid (PW) pinnipeds (*i.e.,* -4.69) in table A.7 displaying weighting function parameters.

Response: A similar question was also asked during our Peer Review. The negative R^2 indicates the curve-fit does not follow the general trend in the data (*i.e.,* the data would have fit better with

a flat line). This is a result of the assumption that the weighting function should be broader than the audiogram, thus F_1 was decreased after fitting for the PW group to match the audiogram 10-dB bandwidth. This prevents the weighting function from adjusting to best-fit the data points and causes the very low R^2 value.

Temporary Threshold Shifts

Comment 13: A group of commenters stated that NMFS should clarify which TTS data in table 7 were collected using electrophysiological (AEP) methods vs. behavioral methods. They indicate that table 7 is misleading as it lists all the TTS studies available for integration, while only a small portion of these studies was used in the analysis.

Response: NMFS agrees that this is important information to include and has updated table 7 to distinguish between which studies collected hearing measurements via behavioral methodology vs. AEPs.

Comment 14: A group of commenters disagreed that impulsive sounds are more injurious than non-impulsive sounds. Specifically, their comment indicated that there are no direct or consistent data for marine mammals demonstrating that impulsive sounds are more injurious. They also indicated that marine mammals are able to self-mitigate, which might protect them from noise exposure.

Response: While there are limited marine mammal TTS data associated with exposure to impulsive sound, there is a rich library of literature available for terrestrial mammals that indicates exposure to impulsive sounds more often leads to mechanical damage of the inner ear, as well as more complex patterns of hearing recovery (*e.g.,* Henderson and Hamernik 1986; Hamernik and Hsueh 1991). Additionally, inner ear anatomy is conserved among all mammals, including marine marine mammals (Grunstra *et al.* 2024). Thus, lessons learned from terrestrial mammals likely translate to marine mammals. Furthermore, the marine mammal TTS data currently available do support that TTS and AUD INJ onset thresholds are lower for impulsive sounds compared to non-impulsive sounds.

Appendix B (Research Recommendations for Improved Criteria) in the 2024 Updated Technical Guidance acknowledges that odontocetes may have multiple means of reducing or ameliorating the effects of noise exposure. However, at this point, directly incorporating these mechanisms into our AUD INJ and TTS criteria and anticipating the likelihood of exposure ahead of an activity is difficult. More information on these mechanisms, especially associated with real-world exposure scenarios, would be useful.

Comment 15: One commenter remarked that Southall *et al.* 2019 found an approximately +/−6 dB difference in measured versus predicted TTS onset data. The commenter advocated there should be a similar measure of accuracy in Appendix A (Finneran Technical Report), but that the document provides no measure of natural variability or uncertainty, or any indication of predictability. Thus, they recommend that the agency implement a 6-dB reduction to its TTS and AUD INJ thresholds in line with the suggestions by Tougaard *et al.* 2015.

Response: There are numerous figures showing TTS onset data and the relationship between the exposure functions and the TTS data. These graphs indicate the variability in the TTS data and the differences between the measurements of TTS onset and the predicted exposure functions. Furthermore, NMFS disagrees that a 6-dB reduction is necessary or justifiable (and despite Southall *et al.* 2019 indicating variability in TTS data for VHF cetaceans, they did not alter their proposed TTS thresholds).

Comment 16: A group of commenters noted that there are significant changes for HF cetaceans criteria compared to the 2018 Technical Guidance, based on data from Finneran *et al.* 2023, and indicated that these changes were not highlighted in the draft 2024 Updated Technical Guidance. The comment expressed concern that since numerous HF species travel in large groups, there is a potential that take will be overestimated, as the 2024 Updated Technical Guidance does not account for behavioral responses of the animals. They also noted that in Figure A.14 for 2 kHz, it seems like the mean used for fitting value is much lower than the actual mean of the TTS onset values obtained by three studies (filled icons).

Response: This change was highlighted in Section 1.3 of the draft 2024 Updated Technical Guidance (Changes Associated with 2024 Updated Technical Guidance), specifically the fifth bullet: *Lower TTS and AUD INJ thresholds* ([cumulative sound exposure level metric] SEL_{24h} *metric) for HF cetaceans, below 10 kHz, based on new data (Finneran et al. 2023a).* Furthermore, the behavioral response of marine mammals to anthropogenic sounds is outside the scope of the 2024 Updated Technical Guidance. Finally, there are two TTS onset data points at 2 kHz (brown triangles in Figure A.14). The mean value (large circle in Figure A.14, visually between the two data points) was used during curve-fitting.

Comment 17: A group of commenters noted Appendix A (Navy's Technical Report) indicates ''For VHF, new data suggest substantially higher onset TTS SELs at frequencies above ~10 kHz compared to the Phase 3 predictions, with high variability in the TTS onset data for harbor porpoises at 63 kHz (~40 dB difference in TTS onset for the two porpoises). Furthermore, the harbor porpoise behavioral TTS onset SELs are significantly higher than SELs resulting in large amounts (*e.g.,* 23–45 dB) of AEP TTS in Yangtze finless porpoise (see Fig. A.8). Although some differences in AEP/behavioral TTS data are expected, these large differences indicate that caution is warranted in adopting the high-frequency behavioral TTS data at the present time. For this reason, the VHF behavioral TTS onset data at frequencies >10 kHz were not used during the exposure function fitting process.'' They commented this is problematic as it deviates from the other species group and processes used throughout the document as behavioral methodology is preferred.

Response: Numeric TTS onsets for the VHF cetaceans were derived using only behavioral data. For conditions where both behavioral and AEP data were available, the behavioral TTS data were used, because the relationship between AEP and behavioral TTS onsets is not clear. However, the AEP data cannot be completely ignored, and large differences between AEP and behavioral TTS onsets raise concerns. Because of the large difference in VHF cetacean behavioral TTS onset across individuals from the same study, and large differences between some of the behavioral and AEP data, the highest frequency VHF cetacean data were not used during the fitting process; only the lower frequency behavioral TTS data were used. This is consistent with the approach taken with other species groups, such as PW pinnipeds.

Comment 18: A commenter noted the 2024 Updated Technical Guidance generates notably higher TTS onset weighted exposure levels for harbor porpoise than the species-specific Tougaard *et al.* 2022 publication, even when accounting for different weightings.

Response: Tougaard *et al.* 2022 advocates examining harbor porpoise TTS data available since 2015 and calls for revisiting the synthesis culminating in Southall *et al.* 2019. NMFS' 2024 Updated Technical Guidance synthesizes all the same studies mentioned in Tougaard *et al.* 2022 (table

IV from that publication), including those since Southall *et al.* 2019.

For impulsive sounds, compared to Southall *et al.* 2019 (which Tougaard *et al.* 2022 supports), the TTS SEL_{24h} thresholds in the 2024 Updated Technical Guidance are 4 dB higher. For non-impulsive sounds, compared to Southall *et al.* 2019 (which Tougaard *et al.* 2022 indicates updated data below 10 kHz correspond well, with more differences above 10 kHz), the TTS SEL_{24h} thresholds in the 2024 Updated Technical Guidance are 8 dB higher. However, it should be noted that the weighting function for VHF cetaceans has also shifted, making them more susceptible to noise-induced hearing loss below 10 kHz, where the majority of anthropogenic sound sources have their energy. Thus, both the thresholds and the weighting factors need to be considered in concert when evaluating the acoustic criteria for any marine mammal hearing group.

Comment 19: A group of commenters noted that Appendix A (Finneran Technical Report) indicates that harbor seal TTS onset data below 2.5 kHz were excluded from the Phase 4 fitting process and asked how this data exclusion would affect potential applicants more concerned about Moanachinae vs Phocinae pinnipeds.

Response: All phocids exposed in water are within the PW pinniped group and use the same criteria, therefore the exclusion affects Monachinae and Phocinae in the same way.

Comment 20: A commenter questioned NMFS' inclusion of a 132 dB data point in calculating the mean difference between TTS onset and the auditory threshold at f_0. The commenter states that if 132 dB is not an outlier among the other cited values (116 dB, 116 dB, and 118 dB), then they do not know what would count as one. More generally, the commenter states that a visual review of Figures A.14 to A.17 indicates the presence of multiple apparent outliers, which collectively are likely to influence the fit of the exposure function.

Response: In combining values or deriving central tendencies, the default approach was to use the mean. Identifying true outliers in the various datasets was difficult because the sample sizes were typically small, and in many cases, the underlying distributions were unknown. Even if individual species group distributions were Gaussian, it is probable that sampling from the different groups would result in a unique, non-Gaussian distribution, and thus a Gaussian distribution for purposes of statistically testing for outliers could not be assumed. Datasets were therefore considered on a case-by-case basis, taking into account not only the range of numeric values, but the specific circumstances under which the data were obtained. There were only four instances where changing from the mean to the median was warranted:

(1) Estimating hearing thresholds for each group to create the composite audiograms. Here, the number of samples was relatively large, and there could be large fluctuations in thresholds across studies at any given frequency. Using the median value was the simplest way to estimate the composite audiogram, while reducing the influence of any outliers;

(2) Calculating the parameter DT_1. DT_1 and DT_2 (*i.e.,* the amounts that the composite audiogram exceeded the minimum hearing threshold at the weighting function frequency parameters f_1 and f_2, respectively). Values of DT_1 and DT_2 were calculated for HF cetaceans, VHF cetaceans, OW pinnipeds, and PW pinnipeds. For the other species groups, the mean or median of these values was used to estimate f_1 and f_2 from their composite audiogram. DT_1 values for groups HF cetaceans, VHF cetaceans, OW pinnipeds, and PW pinnipeds were 36.8, 11.5, 3.9, 6.5 dB, with mean = 14.7 and median = 9. The difference between 36.8 and its nearest neighbor was 25.3, which was almost 10x larger than the smallest value. For this reason, the median was used rather than the mean. In contrast, for DT_2, values were 38.6, 22.7, 38.9, 39.4, with mean = 34.9 and median = 38.8. Here the mean was used rather than the median, despite a difference of 15.9 between 22.7 and its nearest neighbor;

(3) Cumulative weighted impulse SEL-based TTS onset values for HF cetaceans. There were impulsive TTS onset data from four individuals in the HF cetacean group: 177, 178, 175, 188 dB SEL (mean = 180, median = 178). The associated differences between steady-state and impulsive TTS onsets (C_s-C_i) were 4, 3, 6, and −7 dB (mean = 1.5, median = 3.5). Here, the median was used over concerns that the dolphin subject with the 188 dB onset may not be representative, based on his higher TTS onset and inverted relationship between steady-state and impulsive TTS onset compared to the other HF cetacean individuals. The inverted relationship between the steady-state and impulsive TTS onset values meant that including this subject would have made the impulsive TTS onsets more similar to steady-state onsets, which does not match our current understanding of TTS (impulsive noise is typically more hazardous); and

(4) Estimating the audiogram function parameter B for mysticetes. To estimate B for LF cetaceans, the median of the B values from the composite audiograms for the other in-water species groups was used. The individual values were: 1.66, 24.5, 2.5, 0.786, and 1.79 (mean = 6.25, median = 1.79). The range of values here is extreme, with the largest value >31x the smallest and almost 10x larger than its nearest neighbor. For this reason, the median was used.

In terms of the specific comments, the differences between hearing threshold and TTS onset at f_0 (the frequency of best sensitivity) were 132, 118, 116, and 118 dB for HF cetaceans, VHF cetaceans, OW pinnipeds, and PW pinnipeds (mean = 121, median = 118). The range of values and differences between neighbors is more similar to those for DT_2, where the mean was used, compared to DT_1, where the median was used. For this reason, the mean was used. Figures A.14 through A.17 show all available TTS data, regardless of the amount of TTS. These graphs therefore cannot be used to assess whether a data point is an ''outlier'' or not.

Comment 21: With the inclusion of in-air pinniped acoustic criteria in the 2024 Updated Technical Guidance, a group of commenters asked how NMFS plans on managing pinnipeds entering and leaving the water (*e.g.,* Does NMFS anticipate having animals 100 percent in air and/or 100 percent underwater during exposure calculations?).

Response: The inclusion of the in-air pinniped criteria in our 2024 Updated Technical Guidance was to promote consistency with other documents that previously have included in-air criteria, such as Southall *et al.* 2007 and Southall *et al.* 2019. Their inclusion does not necessitate anything changing in terms of how previous analyses have been completed for pinnipeds.

Recovery and Effective Quiet

Comment 22: A group of commenters requested that recovery should be considered within the 2024 Updated Technical Guidance. They recommended that NMFS consider reviewing terrestrial data and comparing it to the cited two references (Finneran *et al.* 2010a and Finneran and Schlundt 2013) that presented a model to approximate recovery in bottlenose dolphins. They stated that expansion to other odontocetes seems very reasonable and more supportable compared to some of the other decisions made in the 2024 Updated Technical Guidance.

Response: NMFS acknowledges that after sound exposure ceases or between successive sound exposures, the potential for recovery from hearing loss exists, with AUD INJ resulting in incomplete recovery and TTS resulting in complete recovery. Nevertheless, predicting recovery from sound exposure can be complicated. Currently, recovery in wild marine mammals cannot be accurately quantified. As mentioned in the Comment, Finneran *et al.* 2010a and Finneran and Schlundt 2013 proposed a model that approximates recovery in bottlenose dolphins exposed to tones. However, the applicability of this model to other species, other sound sources, and other exposure conditions has yet to be determined. As more data become available for a broader array of species and sound sources, the incorporation of recovery can be considered for future iterations of the Technical Guidance.

Comment 23: A group of commenters indicated that it was unclear why effective quiet (*i.e.,* the maximum sound pressure level that will fail to produce any significant threshold shift in hearing despite duration of exposure and amount of accumulation) was not integrated in the 2024 Updated Technical Guidance.

Response: While NMFS agrees that effective quiet is an important consideration, there are limited data available to define effective quiet for marine mammals. As more data become available (identified as a data gap in Appendix B, Research Recommendations for Improved Criteria), they will be useful for a better understanding of appropriate accumulation periods for the weighted SEL_{24h} metric and noise-induced hearing loss, as well as whether there is potential for low-level (*e.g.,* Copping *et al.* 2014; Schuster *et al.* 2015; Copping and Hemery 2020; Tougaard *et al.* 2020; Stöber and Thomsen 2021; Kulkarni and Edwards 2022), continuously operating sources (*e.g.,* alternative energy tidal, wave, or wind turbines) to result in noise-induced hearing loss or not (*i.e.,* below effective quiet).

Auditory Injury

Comment 24: One commenter recommended that NMFS move away from establishing AUD INJ/TTS criteria and instead consider an ''Auditory Damage Index,'' which could include considerations of long-term hearing degeneration because of acute or chronic noise exposure and better allow for the assessment of a continuum of effects.

Response: NMFS agrees that noise-induced hearing loss follows a continuum (Houser 2021). However, to best quantify this continuum in a regulatory context, NMFS has established an onset criteria for both TTS and AUD INJ.

Comment 25: A commenter noted that the definition of AUD INJ includes but is not limited to PTS. They commented that AUD INJ threshold levels in many cases are higher than previous PTS levels in the 2018 Technical Guidance and asked if it is possible to determine levels that will result in the ''*loss of cochlear neuron synapses or auditory neuropathy,*'' and if NMFS is expanding the range of auditory damage to be considered, whether threshold levels in all cases should be reduced.

Another commenter had a similar comment, where they were concerned that this criterion is not conservative for purposes of representing directly-induced AUD INJ. They indicated that 40 dB TTS cannot continue to represent AUD INJ once indirect or accumulated injury is added. Conceptually, if directly-induced PTS alone equates to 40 dB TTS, then the two processes together must equate to less than 40 dB TTS. Thus, levels of noise exposure that can result in auditory neuropathy are capable of inducing PTS or AUD INJ.

Response: NMFS disagrees that based on our inclusion of AUD INJ, our thresholds should be adjusted or reduced. As stated in the 2024 Updated Technical Guidance, in situations where destruction of auditory tissue has occurred in terrestrial mammals, threshold shifts were 30 to 50 dB measured 24 hours after the exposure. There is no evidence that an exposure resulting in <40 dB TTS measured a few minutes after exposure can produce AUD INJ. Therefore, an exposure producing 40 dB of TTS measured a few minutes after exposure is used as an upper limit of a threshold shift to prevent AUD INJ (*i.e.,* it is assumed that only exposures beyond those capable of causing 40 dB of TTS have the potential to result in AUD INJ, which may or may not result in PTS).

Comment 26: A group of commenters requested clarification regarding use of the phrase a ''*few minutes*'' in Appendix A (Finneran Technical Report) where it talks about 40 dB of TTS, measured a few minutes after exposure, being used as a conservative estimate for the onset of PTS. The commenters indicated that this phrase was vague and should be clarified.

Response: In this context, a ''few minutes'' means the range of time over which marine mammal TTS initial post-exposure thresholds are obtained, typically 2 to 4 minutes.

Metrics

Comment 27: One commenter noted that 2024 Updated Technical Guidance indicates that SEL_{24h} metric is not intended to estimate impact of noise exposure ''*over various spatial and temporal scales.*'' The comment asked if this means the SEL_{24h} metric is not intended for accumulating exposures that occur at considerably different locations and times; and the reason for such a limitation if that is the case. The commenter asked if auditory recovery plays a role in the explanation.

Response: As the 2024 Updated Technical Guidance indicates, current data available for deriving criteria using the SEL_{24h} metric are based on exposure to only a single source and therefore may not be appropriate for situations where exposure to multiple sources is occurring. As more data become available, the use of this metric can be re-evaluated for application of exposure from multiple activities occurring in space and time.

While auditory recovery is an important consideration, predicting recovery from sound exposure can be complicated. Currently, recovery in wild marine mammals cannot be accurately quantified. For the 2024 Updated Technical Guidance criteria, for intermittent, repeated exposures within a 24-hour period, NMFS assumes there is no recovery between subsequent exposures, although auditory recovery has been demonstrated in terrestrial mammals (Clark *et al.* 1987; Ward 1991) and more recently in a marine mammal studies (Finneran *et al.* 2010b; Kastelein *et al.* 2014a; Kastelein *et al.* 2015b). As more data become available, this topic can be further evaluated and potentially considered in future versions of this guidance.

Comment 28: A commenter recommended the incorporation and use of the kurtosis metric in the 2024 Updated Technical Guidance.

Response: NMFS agrees that kurtosis (*i.e.,* a statistical quantity that represents the impulsiveness or ''peakedness'' of the event), can be a useful consideration for distinguishing between impulsive and non-impulsive sounds. However, there are questions of how to apply this metric to marine mammal acoustic criteria (Von Benda-Beckmann *et al.* 2022). NMFS has identified kurtosis as a topic for further research in the 2024 Updated Technical Guidance (Appendix B: Research Recommendations for Improved Criteria). While kurtosis may be useful in helping determine when impulsive vs. non-impulsive criteria might be applicable for a particular sound source in a specific situation, it

does not necessitate any changes to the criteria in the 2024 Updated Technical Guidance (*i.e.,* kurtosis affects implementation of the acoustic criteria, not the criteria themselves).

Comment 29: A group of commenters noted that for VHF cetaceans, there is one study (Kastelein *et al.* 2017c) where a higher peak sound pressure level (PK SPL) (199 dB) did not trigger TTS (maximum threshold shift of 3 to 5 dB), but Lucke *et al.* 2009 obtained significant TTS with a lower level PK SPL (195 dB) using AEP measurements. The commenters state these contradicting results highlight that PK SPL is currently not a robust and good predictor of TTS, and suggest that NMFS provide stronger reasoning on the choice of Lucke *et al.* 2009, while Kastelein *et al.* 2017c used behavioral methods (preferred method in Acoustic Guidance and Appendix A, Navy's Technical Report).

Response: NMFS acknowledges there are limited marine mammal data available for impulsive sounds reporting the PK SPL metric. However, we disagree that PK SPL is not a good predictor of TTS and believe it has inherent value in establishing marine mammal AUD INJ and TTS criteria. As stated in the 2024 Updated Technical Guidance, sound exposure containing transient components (*e.g.,* short duration and high amplitude; impulsive sounds) can create a greater risk of causing direct mechanical fatigue to the inner ear (as opposed to strictly metabolic) compared to sounds that are strictly non-impulsive (Henderson and Hamernik 1986; Levine *et al.* 1998; Henderson *et al.* 2008). Often the risk of damage from these transient components does not depend on the duration of exposure. Thus, weighted SEL_{24h} is not an appropriate metric to capture all the effects of impulsive sounds, which is why instantaneous PK SPL has also been chosen as part of NMFS's dual metric criteria for impulsive sounds. Of note, human noise standards recognize and provide separate criteria for impulsive sound sources using the PK SPL metric (Occupational Safety and Health Administration 29 CFR 1910.95; Starck *et al.* 2003).

As indicated in the document (Appendix A, Navy's Technical Report), PK SPL thresholds for TTS were based on TTS data from single impulsive sound exposures that produced 6 dB or more TTS for the HF and VHF cetaceans (the only groups for which data are available). The PK SPL thresholds from these data were 224 and 196 dB, for HF and VHF cetaceans, respectively (table A.5, Finneran *et al.* 2002; Lucke *et al.* 2009). The choice of relying on Lucke *et al.* 2009, even though it relies on AEP data, is due to the limited nature of the impulse TTS data for marine mammals and the likelihood that the VHF cetaceans are more susceptible than the HF cetaceans (*i.e.,* use of the HF cetacean value is not appropriate). Based on the limited data, it is reasonable to assume that the exposures described by Lucke *et al.* 2009, which produced AEP-measured TTS of up to 20 dB, would have resulted in a behavioral TTS of at least 6 dB. Finally, Kastelein *et al.* 2017c is not used because it did not meet our definition of TTS as requiring a threshold shift of at least 6 dB.

Future Updates to Technical Guidance

Comment 30: A group of commenters stated it is unclear how/when NMFS will decide the appropriate timeline to next update the Technical Guidance. They also questioned how NMFS will integrate future data in future iterations and whether an update would require another Navy Technical Report or Southall *et al.* publication.

Response: The 2024 Updated Technical Guidance provides a procedure and timeline for future updates in Section 3.1., where it indicates that NMFS will continue to monitor and evaluate new data as they become available and periodically convene staff from our various offices, regions, and science centers to revise the Updated Technical Guidance as appropriate (anticipating updates to occur on a three to five year cycle). A new Navy Technical Report and/or Southall *et al.* publication would be considered if either becomes available.

Finally, as mentioned in an earlier response, NMFS is aware that the National Marine Mammal Foundation successfully collected preliminary hearing data on 2 minke whales during their third field season (2023) in Norway. However, at this time, no official results have been published. Furthermore, a fourth field season (2024) was recently completed, where more data were collected. Thus, it is premature for NMFS to propose any changes at this time. However, mysticete hearing data is identified as a special circumstance that could merit re-evaluating the acoustic criteria in the 2024 Updated Technical Guidance, once the data from both field seasons are published.

Miscellaneous Issues

Comment 31: A group of commenters stated that the absence of consideration of ambient noise in measurements targeted at measuring a single source can be problematic, as certain environments have already elevated ambient noise levels even without the introduction of any specific source or activity. NMFS listed ''Multiple sources'' as a research priority in Appendix B (Research Recommendations for Improved Criteria), and while the commenters agree that information on multiple sources might be important to better characterize how the acoustic environment of animals might change, it is also critical to recognize the importance of ambient noise, particularly if NMFS recommends applicants consider recording broadband measurements.

Response: NMFS agrees that characterizing the existing soundscape is an important consideration and has added it to the Appendix B (Research Recommendations for Improved Criteria) as suggested.

Comment 32: Several commenters inquired about the status of NMFS updating behavioral disturbance criteria for marine mammals.

Response: Behavioral disturbance criteria are outside the scope of the 2024 Updated Technical guidance. However, NMFS is currently in the process of developing draft marine mammal behavioral disturbance criteria. To date, we have completed a NMFS internal review and have started the peer review via the Center for Independent Experts (July 2024). For more information on how this review is progressing, please see: *https://www.noaa.gov/information-technology/national-marine-fisheries-services-development-of-recommended-behavioral-disturbance-criteria-for.*

Dated: October 21, 2024.

Kimberly Damon-Randall,

Director, Office of Protected Resources, National Marine Fisheries Service.

[FR Doc. 2024–24748 Filed 10–23–24; 8:45 am]

BILLING CODE 3510–22–P

DEPARTMENT OF COMMERCE

National Oceanic and Atmospheric Administration

Agency Information Collection Activities; Submission to the Office of Management and Budget (OMB) for Review and Approval; Comment Request; High Seas Fishing Permit Application, Logbook Reporting, and Vessel Marking

AGENCY: National Oceanic & Atmospheric Administration (NOAA), Commerce.

ACTION: Notice of information collection, request for comment.

SUMMARY: The Department of Commerce, in accordance with the Paperwork Reduction Act of 1995 (PRA), invites the general public and other Federal agencies to comment on proposed, and continuing information collections, which helps us assess the impact of our information collection requirements and minimize the public's reporting burden. The purpose of this notice is to allow for 60 days of public comment preceding submission of the collection to OMB.

DATES: To ensure consideration, comments regarding this proposed information collection must be received on or before December 23, 2024.

ADDRESSES: Interested persons are invited to submit written comments to Adrienne Thomas, NOAA PRA Officer, at *NOAA.PRA@noaa.gov*. Please reference OMB Control Number 0648–0304 in the subject line of your comments. All comments received are part of the public record and will generally be posted on *https://www.regulations.gov* without change. Do not submit Confidential Business Information or otherwise sensitive or protected information.

FOR FURTHER INFORMATION CONTACT: Requests for additional information or specific questions related to collection activities should be directed to Terra Lederhouse, Chief, International Fisheries Division and Jasmine Prat, Foreign Affairs Specialist, Office of International Affairs, National Marine Fisheries Service (NMFS), 1315 East West Hwy., Bldg. SSMC3, Silver Spring, MD 20910–3282, by phone 301–427–8360, or by email at *terra.lederhouse@noaa.gov* and *jasmine.prat@noaa.gov*.

SUPPLEMENTARY INFORMATION:

I. Abstract

This is a request for an extension of a currently approved collection. The NMFS Office of International Affairs, Trade, and Commerce collects information about United States (U.S.) vessels that fish on the high seas (waters beyond the U.S. exclusive economic zone). Such vessels are required to possess a fishing permit issued under the authority of the High Seas Fishing Compliance Act (HSFCA). Applicants for this permit must submit information (including a photo) to identify their vessels, and about owners and operators of the vessels, and intended fishing areas and fishing gear. The information submitted on the application is used to process permits and to maintain a register of U.S. vessels authorized to fish on the high seas.

Implementing regulations for the HSFCA also require vessels be marked for identification and enforcement purposes. Vessels must be marked in three locations (port and starboard sides of the deckhouse or hull, and on a weatherdeck) with their official number or radio call sign. Additional regulatory requirements include reporting on fishing activities and transshipments, notification of fishing trips for embarking observers (if selected), and operating a vessel monitoring system including power up and power down notifications. Finally, vessel operators may make requests for NMFS to authorize new fisheries (fishing gear, fishing area, target species) for U.S. vessels operating on the high seas. These requirements apply to all U.S. vessels fishing on the high seas.

II. Method of Collection

Owners or operators of high seas fishing vessels must submit electronic permit applications (including vessel photo) via the NMFS online permitting system. Vessel operators submit logbook pages/transshipment notices/declarations to NMFS by email. Notifications for observer coverage and power down/power up of vessel monitoring systems are submitted via email. Requests for authorizing new fisheries on the high seas are submitted via letter/email. No information is submitted for the vessel marking requirement. The markings are only displayed on the vessel.

III. Data

OMB Number: 0648–0304.

Form Number: None.

Type of Review: Regular submission (extension of a currently approved information collection).

Affected Public: Business or other for profit organizations.

Estimated Number of Respondents: 600.

Estimated Time per Response: 30 minutes per electronic vessel permit application including uploading a vessel photograph; for logbook reports, 6 minutes per day for days fish are caught, 1 minute per day for days when fish are not caught; 45 minutes (15 minutes for each of 3 locations) for vessel markings; 5 minutes for advance notices of transshipment and 10 minutes for transshipment reports; 5 minutes for power up/power down notifications for enhanced mobile transceiver units; 5 minutes to notify NMFS of a fishing trip to allow for observer coverage; and 30 minutes to prepare/submit requests to authorize a new fishery on the high seas.

Estimated Total Annual Burden Hours: 302.

Estimated Total Annual Cost to Public: $162,919.

Respondent's Obligation: Mandatory (voluntary circumstances for new fishery authorization requests).

Legal Authority: HSFCA (Pub. L. 104–43) codified at 16 U.S.C. 5501 *et seq.*

IV. Request for Comments

We are soliciting public comments to permit the Department/Bureau to: (a) Evaluate whether the proposed information collection is necessary for the proper functions of the Department, including whether the information will have practical utility; (b) Evaluate the accuracy of our estimate of the time and cost burden for this proposed collection, including the validity of the methodology and assumptions used; (c) Evaluate ways to enhance the quality, utility, and clarity of the information to be collected; and (d) Minimize the reporting burden on those who are to respond, including the use of automated collection techniques or other forms of information technology.

Comments that you submit in response to this notice are a matter of public record. We will include or summarize each comment in our request to OMB to approve this information collection request. Before including your address, phone number, email address, or other personal identifying information in your comment, you should be aware that your entire comment—including your personal identifying information—may be made publicly available at any time. While you may ask us in your comment to withhold your personal identifying information from public review, we cannot guarantee that we will be able to do so.

Sheleen Dumas,

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

[FR Doc. 2024–24710 Filed 10–23–24; 8:45 am]

BILLING CODE 3510–22–P

DEPARTMENT OF COMMERCE

National Oceanic and Atmospheric Administration

Agency Information Collection Activities; Submission to the Office of Management and Budget (OMB) for Review and Approval; Comment Request; Evaluation of Public Visitors' Experience at the National Marine Sanctuaries Visitor Centers and Exhibits

The Department of Commerce will submit the following information collection request to the Office of Management and Budget (OMB) for review and clearance in accordance with the Paperwork Reduction Act of 1995, on or after the date of publication of this notice. We invite the general public and other Federal agencies to comment on proposed, and continuing information collections, which helps us assess the impact of our information collection requirements and minimize the public's reporting burden. Public comments were previously requested via the **Federal Register** on 25 June 2024 during a 60-day comment period. This notice allows for an additional 30 days for public comments.

Agency: National Oceanic and Atmospheric Administration (NOAA), Commerce.

Title: Evaluation of Public Visitors' Experience at the National Marine Sanctuaries Visitor Centers and Exhibits.

OMB Control Number: 0648–0582.

Form Number(s): None.

Type of Request: Extension of a current information collection.

Number of Respondents: 9,386.

Average Hours per Response: 8 minutes.

Total Annual Burden Hours: 1,251.

Needs and Uses: The Office of National Marine Sanctuaries (ONMS) is requesting an extension of a currently approved information collection.

The evaluation of visitor demographics, experiences, and opinions about visitor centers and exhibits is needed to support the conservation, education, and management goals of ONMS to strengthen and improve the stewardship, sustainable use, and protection of natural, cultural, and historical resources. Under the jurisdiction of ONMS and to satisfy legal mandates, NOAA is authorized to conduct evaluations, such as this information collection, under the American Innovation and Competitiveness Act (section 314(c), 33 U.S.C. 893(a)) to ensure education programs have measurable objectives and milestones as well as clear, documented metrics for evaluating its programs.

ONMS has identified a lack of information on the effectiveness of its education, outreach, and communications initiatives as they relate to sanctuary/marine national monument visitor centers, exhibits (permanent or traveling/temporary), kiosks, and educational programming offered by its visitor centers and partner facilities.

ONMS is therefore seeking to conduct an optional exit survey to determine if ONMS' visitor centers and exhibits effectively convey ONMS education, outreach and communication initiatives. ONMS is requesting to conduct a survey to evaluate patron acuity to determine successful concept attainment. Conducting thorough evaluations will aid in vital decisions regarding exhibit renovation, new exhibits, interpretation programs, and educational content.

Affected Public: Individuals or households.

Frequency: One time every three years.

Respondent's Obligation: Voluntary.

Legal Authority: American Innovation and Competitiveness Act.

This information collection request may be viewed at *www.reginfo.gov.* Follow the instructions to view the Department of Commerce collections currently under review by OMB.

Written comments and recommendations for the proposed information collection should be submitted within 30 days of the publication of this notice on the following website *www.reginfo.gov/public/do/PRAMain.* Find this particular information collection by selecting ''Currently under 30-day Review—Open for Public Comments'' or by using the search function and entering either the title of the collection or the OMB Control Number 0648–0582.

Sheleen Dumas,

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

[FR Doc. 2024–24703 Filed 10–23–24; 8:45 am]

BILLING CODE 3510–NK–P

CONSUMER PRODUCT SAFETY COMMISSION

[Docket No. CPSC–2024–0035]

Agency Information Collection Activities; Extension of Collection; Comment Request; Child Strength Study

AGENCY: Consumer Product Safety Commission.

ACTION: Notice of information collection; request for comment.

SUMMARY: As required by the Paperwork Reduction Act of 1995, the Consumer Product Safety Commission (CPSC or Commission) requests comments on a proposed extension of approval of a generic collection of information for a strength data collection study. The Office of Management and Budget (OMB) previously approved the collection of information under control number 3041–0187. OMB's most recent extension of approval will expire on January 31, 2025. The Commission will consider all comments received in response to this notice before requesting an extension of this collection of information from OMB.

DATES: Submit comments on the collection of information by December 23, 2024.

ADDRESSES: You may submit comments, identified by Docket No. CPSC–2024–0035, within 60 days of publication of this notice by any of the following methods:

Electronic Submissions: Submit electronic comments to the Federal eRulemaking Portal at: *http://www.regulations.gov.* Follow the instructions for submitting comments. Do not submit through this website: confidential business information, trade secret information, or other sensitive or protected information that you do not want to be available to the public. The Commission typically does not accept comments submitted by email, except as described below.

Mail/hand delivery/courier/written submissions: CPSC encourages you to submit electronic comments by using the Federal eRulemaking Portal. You may, however, submit comments by mail/hand delivery/courier to: Office of the Secretary, Consumer Product Safety Commission, 4330 East West Highway, Bethesda, MD 20814; telephone (301) 504–7923.

Instructions: All submissions received must include the agency name and docket number for this notice. CPSC may post all comments without change, including any personal identifiers, contact information, or other personal

information provided, to: *http://www.regulations.gov.* If you wish to submit confidential business information, trade secret information, or other sensitive or protected information that you do not want to be available to the public, you may submit such comments by mail, hand delivery, or courier, or you may email them to *cpsc-os@cpsc.gov.*

Docket: For access to the docket to read background documents or comments received, go to: *https://www.regulations.gov,* insert docket number CPSC–2024–0035 into the ''Search'' box, and follow the prompts.

FOR FURTHER INFORMATION CONTACT: Cynthia Gillham, Consumer Product Safety Commission, 4330 East West Highway, Bethesda, MD 20814; (301) 504–7791, or by email to: *pra@cpsc.gov.*

SUPPLEMENTARY INFORMATION: CPSC seeks to extend the following currently approved generic collection of information:

Title: Child Strength Study.

OMB Number: 3041–0187.

Type of Review: Extension of generic collection.

Frequency of Response: On occasion.

Affected Public: Child participants and their caregivers.

Estimated Number of Respondents: We estimate 5,210 people will be invited for the study and 1,563 initial respondents will complete screening. Out of the initial respondents, 563 are expected to be screened out or not expected to ultimately participate after the invitation for study. We estimate that there will be 1,000 participants for the lab portion of the study.

Estimated Time per Response: The estimated time to complete a study session is 2 hours per participant. This does not account for the time for inviting and screening participants via phone conversations with the caregiver, which is additional 12 minutes per respondent.

Total Estimated Annual Burden: Based on CPSC's estimates that 5,210 people will be invited for the study (3 minutes per invite), 1,563 initial respondents will complete screening (9 minutes per screening) and there will be 1,000 participants for the lab portion of the study (2 hours to complete each study session), CPSC estimates that the total burden of this collection is 2,267 hours. The average annual burden is approximately 756 hours; however, because of study timing and efficiency, a single year could have up to 1,850 burden hours. There are no costs to respondents and no respondent recordkeeping requirements associated with the study.

General Description of Collection: CPSC uses data on human strength and capabilities to develop product safety standards and to inform other CPSC staff activities. Strength capabilities of children are used to develop product performance requirements in standards to reduce or eliminate the risk such products might pose to a child (*e.g.,* breaking, collapsing, or liberating a small part). The information to be collected from child participants ranging in age 3 months to 5 years includes contact and background information necessary to participate in a study to obtain child strength measures for upper and lower extremities and bite strength. Written consent is obtained from caregivers and verbal assent is obtained from children who are old enough to provide it. Researchers will obtain several standard anthropometric measurements from each child, including body weight and standing height. Researchers also record the participant's body shape using a whole-body laser scanner (VITUS XXL) and a Microsoft Kinect sensor.

Request for Comments:

The Commission solicits written comments from all interested persons about the proposed collection of information. The Commission specifically solicits information relevant to the following topics:

- whether the collection of information described above is necessary for the proper performance of the Commission's functions, including whether the information would have practical utility;
- whether the estimated burden of the proposed collection of information is accurate;
- whether the quality, utility, and clarity of the information to be collected could be enhanced; and
- whether the burden imposed by the collection of information could be minimized by use of automated, electronic or other technological collection techniques, or other forms of information technology.

Alberta E. Mills,

Secretary, Consumer Product Safety Commission.

[FR Doc. 2024–24594 Filed 10–23–24; 8:45 am]

BILLING CODE 6355–01–P

DEPARTMENT OF EDUCATION

[Docket No.: ED–2024–SCC–0130]

Agency Information Collection Activities; Comment Request; International Resource Information System (IRIS)

AGENCY: Office of Postsecondary Education (OPE), 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 23, 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–0130. 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 site is not available to the public for any reason, the Department will temporarily accept comments at *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 Sara Starke, 202–987–0391.

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.

Title of Collection: International Resource Information System (IRIS).

OMB Control Number: 1840–0759.

Type of Review: A revision of a currently approved ICR.

Respondents/Affected Public: Private Sector; Individuals and Households.

Total Estimated Number of Annual Responses: 6,126.

Total Estimated Number of Annual Burden Hours: 12,928.

Abstract: Information Resource Information System (IRIS) is an online performance reporting system for grantees of International and Foreign Language Education (IFLE) programs. The site also allows for IFLE program officers to process overseas language requests, travel authorization requests, and grant activation requests. IRIS keeps a record of these requests and also of Foreign Language and Area Studies (FLAS) Fellowship recipients and grantee performance reports.

The International and Foreign Language Education (IFLE) office within the Office of Postsecondary Education, of the U.S. Department of Education (the Department) administers 11 institutional and fellowship grant programs authorized under title VI of the Higher Education Act and section 102(b)(6) of the Mutual Educational and Cultural Exchange Act, also known as Fulbright-Hays (F–H). The purpose of these programs is to strengthen the capability and performance of American education in foreign languages and in area and international studies.

The International Resource Information System (IRIS) is an online database that is used for performance reporting by the grantees funded by these 11 programs. The purpose of IRIS is to provide a centralized and effective way of collecting, reporting, and analyzing annual performance data.

This Information Collection Request is a revision of the previously approved IRIS information collection. The IFLE office underwent a strategic assessment of each program using the specific statute, regulations, and program purposes. Our assessment was guided by the following objectives: reduce the reporting burden for grantees; reduce the burden hours for IFLE staff to review APRs; and, increase the quality and usefulness of the data collected.

The strategic assessment resulted in revisions to the program collections that will significantly reduce reporting burden across programs. We anticipate that the overall annual burden hours will be reduced by 64% from the previous collection clearance.

Dated: October 21, 2024.

Kun Mullan,

PRA Coordinator, Strategic Collections and Clearance, Governance and Strategy Division, Office of Chief Data Officer, Office of Planning, Evaluation and Policy Development.

[FR Doc. 2024–24768 Filed 10–23–24; 8:45 am]

BILLING CODE 4000–01–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Centers for Disease Control and Prevention

Designation of a Class of Employees for Addition to the Special Exposure Cohort

AGENCY: National Institute for Occupational Safety and Health (NIOSH), Centers for Disease Control and Prevention, Department of Health and Human Services (HHS).

ACTION: Notice.

SUMMARY: HHS gives notice of a decision to designate a class of employees from Metals and Controls Corp. in Attleboro, Massachusetts, as an addition to the Special Exposure Cohort (SEC) under the Energy Employees Occupational Illness Compensation Program Act of 2000.

FOR FURTHER INFORMATION CONTACT: Grady Calhoun, Director, Division of Compensation Analysis and Support, NIOSH, 1090 Tusculum Avenue, MS C–46, Cincinnati, OH 45226–1938, Telephone: (513) 533–6800. Information requests can also be submitted by email to *DCAS@CDC.GOV.*

SUPPLEMENTARY INFORMATION: On September 9, 2024, as provided for under 42 U.S.C. 7384*l*(14)(C), the Secretary of HHS designated the following class of employees as an addition to the SEC:

''All Atomic Weapons Employees who worked at Metals and Controls Corp. in Attleboro, Massachusetts, from January 1, 1968, through September 21, 1995, for a number of work days aggregating at least 250 work days, occurring either solely under this employment or in combination with work days within the parameters established for one or more other classes of employees included in the SEC.''

This designation is effective as of October 9, 2024, unless Congress provides otherwise prior to the effective date. After this effective date, HHS will publish a notice in the **Federal Register** reporting the addition of this class to the SEC or the result of any provision by Congress regarding the decision by HHS to add the class to the SEC.

Authority: 42 U.S.C. 7384q(b). 42 U.S.C. 7384*l*(14)(C).

John J. Howard,

Director, National Institute for Occupational Safety and Health.

[FR Doc. 2024–24643 Filed 10–23–24; 8:45 am]

BILLING CODE 4163–18–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Administration for Children and Families

Submission for Office of Management and Budget Review; Legal and Advocacy Services for Unaccompanied Children (Office of Management and Budget #0970–0565)

AGENCY: Office of Refugee Resettlement, Administration for Children and Families, U.S. Department of Health and Human Services.

ACTION: Request for public comments.

SUMMARY: The Office of Refugee Resettlement (ORR), Administration for Children and Families (ACF), U.S. Department of Health and Human Services is inviting public comment on revisions to an approved information collection. The request consists of several forms that allow the Unaccompanied Children (UC) Program to provide legal and advocacy services to unaccompanied children.

DATES: *Comments due* November 25, 2024. The Office of Management and Budget (OMB) must make a decision about the collection of information between 30 and 60 days after publication of this document in the **Federal Register**. Therefore, a comment is best assured of having its full effect if OMB receives it within 30 days of publication.

ADDRESSES: Written comments and recommendations for the proposed information collection should be sent within 30 days of publication of this notice to *www.reginfo.gov/public/do/PRAMain.* Find this particular information collection by selecting ''Currently under 30-day Review—Open for Public Comments'' or by using the search function. You can also obtain copies of the proposed collection of information by emailing *infocollection@acf.hhs.gov.* Identify all emailed requests by the title of the information collection.

SUPPLEMENTARY INFORMATION:

Description: This request is to remove five forms from this collection, add two new forms, move two forms from a different information collection into this collection (with revisions to one of those forms), and revise three existing forms in this collection. ORR also proposes retitling this information collection ''Legal and Advocacy Services for Unaccompanied Children.''

Discontinued Forms

ORR plans to remove the following forms from this information collection:

1. Request for a Flores Bond Hearing (Form LRG–7), Motion to Request a Bond Hearing—Secure or Staff Secure Custody (Form LRG–8A), and Motion to Request a Bond Hearing—Non-Secure Custody (Form LRG–8B): The bond hearing process was replaced with a Risk Determination Hearing process under the UC Program Foundational Rule, 45 CFR 410. These forms were replaced with a new set of form specific to the RDH process, approved under OMB #0970–0633.

2. Motion for Change of Venue (Form L–7): This instrument was created for the UC Path case management system and was intended to be used for filing a motion for change of venue for children transferring to a different ORR care provider program. However, the UC Path system was never implemented, and this form has never been used. In addition, this function is performed by an entity that is party to the proceedings, typically the child's legal representative or Immigration and Customs Enforcement, because the decision to file a change of venue may affect the child's immigration case. A change of venue is filed for cases where a Notice to Appear has been filed. Since neither ORR nor its care provider programs perform this function, the form is not needed.

3. Post Legal Status Plan (Form L–8): The information collected in this form was incorporated into the Legal Services Plan section of the Category 4 Discharge Plan (Form R–9, currently approved under OMB #0970–0552). Therefore, ORR plans to discontinue this form.

New Forms

ORR plans to add the following new forms to this information collection:

1. Case Status Summary for Executive Office for Immigration Review (Form L–9): This form is completed by the Federal Field Specialist (FFS)or care provider and sent to the Executive Office for Immigration Review (EOIR) in advance of a child's immigration hearing. The form provides basic information needed to ensure that EOIR has accurate information on the child's case status. A copy of the form is also shared with the child's legal service provider or attorney of record and child advocate (if applicable).

2. Recommended States List (Form L–11): This form is completed by legal service providers for children transferring to a long-term foster care (LTFC) placement. The form provides a recommended list of preferred placement locations recommended by the legal service provider (LSP) based on the child's potential for immigration relief in each state, type of immigration relief, and status of court hearings or relief petitions. The LSP's recommendation is one of several factors ORR considers when making an LTFC placement determination.

Forms Transferred From a Different Information Collection

1. ORR plans to transfer the ''Notice of Administrative Review (Form P–18)'' into this information collection without revisions. This form is currently approved under OMB #0970–0554.

2. ORR plans to transfer the ''Child Advocate Recommendation and Appointment'' form into this information collection (currently approved under OMB #0970–0553). The currently approved version has been revised to move Section B: Recommendation and Appointment and Section C: ORR Approval into a separate form to better facilitate the referral, recommendation, and appointment process. The separate form containing the information collected in Sections B and C will be completed by fewer than 10 respondents and is, therefore, not subject to Paperwork Reduction Act and is not included in this request.

Additionally, ORR proposes the following revisions to assist its child advocate contractor in supporting referred children and making recommendations. ORR worked directly with the contractor to improve the form and incorporated recommendations the contractor submitted via public comment.

1. Rename the form ''Child Advocate Referral'' (Form L–12A).

2. Replace ''UC'' with ''child'' throughout the form.

3. Add fields for the Title, Email, and Phone Number of the referrer.

4. Make the following revisions related to the child's biographic information:

- Split the field to for the name of the child into three separate fields for First Name, Second, or Middle Name, and Last Name(s)
- Add fields for Also Known As (AKA) and Nicknames or Preferred Names
- Change the Gender field from an open text field to a dropdown field with options for Male, Female, and Nonbinary.
- Add a field for Other Language(s) Spoken

5. Add the following fields related to the child's entry into the United States:

- U.S. Port of Entry Where Child Entered
- Date of Apprehension by DHS

6. Make the following revisions related to the child's placement:

- Reword the Care Provider field to Current Care Provider Facility
- Reword the Admission Date field to Provider Admission Date
- Add the following fields:
  - Is the child in ORR custody?
  - Was the child at another ORR care provider facility?
  - If yes, provide the care provider facility name(s)
  - Add a field for Date of Entry into ORR Custody
  - Child's Length of Care in ORR Custody

7. Add the following fields related to the child's sponsor:

- Does the child have a sponsor?
- If yes, what category has ORR assigned to this sponsor?
- How many potential sponsors has the child had?

8. Add the following fields related to the child's legal representation:

- Does the child have legal representation?
- If yes, provide the following information for the legal representative: Name, Phone, Email

9. Revise the list of reasons for referral to better reflect the most common reasons child advocate referrals are made.

10. Add a text box where referrers can provide additional details regarding the reason for referral.

11. Revise the burden estimate to reflect the number of child advocate referrals made from April 2023 through

March 2024. The annual number of respondents increased from 216 to 300 and the annual number of responses per respondent increased from 5 to 19.

Revisions to Existing Forms

ORR plans to make the following revisions to existing forms in this information collection:

1. Request for Specific Consent to Juvenile Court Jurisdiction (Form L–1):

- Replace ''UC'' with ''child'' throughout the form
- Update language in the form's introductory text and Section D: Next Steps to align with the UC Program Foundational Rule (45 CFR 410).
- Reword the Name of Intended Guardian field to Name of Intended Individual or Entity to be Granted Custody to account for the fact that not all states use the word ''guardian'' to describe an individual or entity granted legal custody of a child. Revision is responsive to public comments.
- Revise the burden estimate to reflect the number of requests for specific consent received in FY 2023. The annual number of respondents decreased from 40 to 31.

2. Specific Consent Request Case Summary (Form L–2):

- Remove the instruction to complete an internal clearance form because that is no longer part of the process.
- Update the email address where the form is submitted.
- Add text fields for the email addresses of the case manager and FFS to better facilitate communication when UC Bureau headquarter staff have follow-up questions.
- Replace ''UC'' with ''child'' throughout the form
- Revise the available dropdown options for the Level of Care field to align with the UC Program Foundational Rule (45 CFR 410).
- Change the Gender field from an open text field to a dropdown field with options for Male, Female, and Nonbinary.
- Remove question 3 (If the child was released from ORR custody into the new custody situation, would there be any risk of escape?) and the mention of ''flight risk'' in Section C to align with the UC Program Foundational Rule. Revision is responsive to public comments.
- Revise the burden estimate to reflect the number of case summaries completed in FY 2023 and account for an increase in the number of care provider facilities. The annual number of respondents increased from 216 to 300 and the annual number of responses per respondent decreased from 0.2 to 0.1.

3. Acknowledgement of Receipt of Legal Resource Guide (Form LRG–4):

- Change form number from LRG–5 to LRG–4
- Retitle form ''Acknowledgement of Receipt of Legal Resource Guide'' (formerly titled ''Legal Service Provider List for UC in ORR Care'')
- Remove the information provided on the first page and the list of legal service providers and their contact information. ORR plans to incorporate this information into a separate document and children will acknowledge receipt of that document in this form.
- Revise the list of documents provided to children to reflect forthcoming revisions and consolidation of legal resource guide documents.
- Remove requirement for children to initial each list item to reduce burden for the child.
- Add instructions to put an ''X'' in the signature line in cases where the child is unable to sign the form and add a text field for the care provider to document the reason the child was unable to sign (*e.g.,* child is two years old). This will assist ORR in monitoring compliance with requirements to complete this form.
- Add a field for care provider program name.
- Revise the burden estimate to account for an increase in the number of care provider facilities and in the number of children placed in ORR care, and report the burden for care providers and unaccompanied children separately to improve accuracy of the estimate. The annual number of respondents increased from 216 to 300 for care providers and 121,669 unaccompanied child respondents were added. The annual number of responses per respondent increased from 556 to 817 for care providers and the responses per respondent for children is two (2).
- ORR plans to translate the form into Spanish and other languages commonly spoken by unaccompanied children.

Revisions to Burden Estimates Only for Existing Forms

1. *Notice of Attorney Representation (Form L–3):*

- Previously, the annual number of respondents was overestimated at 13,000. ORR is changing that estimate to 10,000 (which will still be higher than the number of forms submitted in the previous year) based on the actual number of children who received direct representation through ORR's legal service provider contractor and rounded up to account for an expected increase in direct representation and forms submitted by outside attorneys.

2. *UC Legal Information (Form L–4):*

- Revise the burden estimate to account for an increase in the number of care provider facilities and in the number of children placed in ORR care. The annual number of respondents increased from 216 to 300 and the annual number of responses per respondent increased from 241 to 406.

3. *Legal Service Provider Record (Form L–6):*

- Revise the burden estimate to account for an increase in the number of care provider facilities and in the number of children placed in ORR care. The annual number of respondents increased from 216 to 300 and the annual number of responses per respondent increased from 241 to 406.

Respondents: ORR grantee and contractor staff, unaccompanied children, parents/legal guardians of unaccompanied children, attorneys of record and legal service providers

Annual Burden Estimates:

Instrument	Annual number of respondents	Number of responses per respondent	Average burden hours per response	Annual total burden hours
Request for Specific Consent to Juvenile Court Jurisdiction (Form L–1)	31	1.0	0.25	8
Specific Consent Request Case Summary (Form L–2)	300	0.1	0.33	10
Notice of Attorney Representation (Form L–3A)	5,000	1.0	0.25	1,250
Notice of Legal Service Provider Screening (Form L–3B)	5,000	1.0	0.17	850
UC Legal Information (Form L–4)	300	406.0	1.00	121,800
Legal Service Provider Record (Form L–6)	300	406.0	0.08	9,744
Case Status Summary for Executive Office of Immigration Review (Form L–9)	300	5.0	0.17	255

Instrument	Annual number of respondents	Number of responses per respondent	Average burden hours per response	Annual total burden hours
Recommended States List (Form L–11)	60	10.0	0.33	198
Child Advocate Referral (Form L–12A)-Respondents	300	19.0	0.25	1,425
Child Advocate Referral (Form L–12A)-Recordkeepers	1	5,601.0	0.33	1,848
Acknowledgment of Receipt of Legal Resource Guide (LRG–4)-Unaccompanied Children	121,669	2.0	0.25	60,835
Acknowledgment of Receipt of Legal Resource Guide (LRG–4)-Care Providers	300	817.0	0.25	61,275
Notice of Administrative Review (Form P–18)	200	1.0	.83	166
Estimated Annual Burden Hours Total				259,664

Authority: 6 U.S.C. 279; 8 U.S.C. 1232; Flores v. Reno Settlement Agreement, No. CV85–4544–RJK (C.D. Cal. 1996).

Mary C. Jones,

ACF/OPRE Certifying Officer.

[FR Doc. 2024–24588 Filed 10–23–24; 8:45 am]

BILLING CODE 4184–45–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Food and Drug Administration

[Docket No. FDA–2024–N–4470]

Agency Information Collection Activities; Proposed Collection; Comment Request; Antimicrobial Animal Drug Sales and Distribution

AGENCY: Food and Drug Administration, HHS.

ACTION: Notice.

SUMMARY: The Food and Drug Administration (FDA, Agency, or we) is announcing an opportunity for public comment on the proposed collection of certain information by the Agency. Under the Paperwork Reduction Act of 1995 (PRA), Federal Agencies are required to publish notice in the **Federal Register** concerning each proposed collection of information, including each proposed extension of an existing collection of information, and to allow 60 days for public comment in response to the notice. This notice solicits comments on the information collection provisions of our reporting and recordkeeping requirements for antimicrobial animal drug sales and distribution.

DATES: Either electronic or written comments on the collection of information must be submitted by December 23, 2024.

ADDRESSES: You may submit comments as follows. Please note that late, untimely filed comments will not be considered. The *https://www.regulations.gov* electronic filing system will accept comments until 11:59 p.m. Eastern Time at the end of December 23, 2024. Comments received by mail/hand delivery/courier (for written/paper submissions) will be considered timely if they are received on or before that date.

Electronic Submissions

Submit electronic comments in the following way:

- *Federal eRulemaking Portal: https://www.regulations.gov.* Follow the instructions for submitting comments. Comments submitted electronically, including attachments, to *https://www.regulations.gov* will be posted to the docket unchanged. Because your comment will be made public, you are solely responsible for ensuring that your comment does not include any confidential information that you or a third party may not wish to be posted, such as medical information, your or anyone else's Social Security number, or confidential business information, such as a manufacturing process. Please note that if you include your name, contact information, or other information that identifies you in the body of your comments, that information will be posted on *https://www.regulations.gov.*
- If you want to submit a comment with confidential information that you do not wish to be made available to the public, submit the comment as a written/paper submission and in the manner detailed (see ''Written/Paper Submissions'' and ''Instructions'').

Written/Paper Submissions

Submit written/paper submissions as follows:

- *Mail/Hand Delivery/Courier (for written/paper submissions):* Dockets Management Staff (HFA–305), Food and Drug Administration, 5630 Fishers Lane, Rm. 1061, Rockville, MD 20852.
- For written/paper comments submitted to the Dockets Management Staff, FDA will post your comment, as well as any attachments, except for information submitted, marked and identified, as confidential, if submitted as detailed in ''Instructions.''

Instructions: All submissions received must include the Docket No. FDA–2024–N–4470 for ''Agency Information Collection Activities; Proposed Collection; Comment Request; Antimicrobial Animal Drug Sales and Distribution.'' Received comments, those filed in a timely manner (see **ADDRESSES**), will be placed in the docket and, except for those submitted as ''Confidential Submissions,'' publicly viewable at *https://www.regulations.gov* or at the Dockets Management Staff between 9 a.m. and 4 p.m., Monday through Friday, 240–402–7500.

- Confidential Submissions—To submit a comment with confidential information that you do not wish to be made publicly available, submit your comments only as a written/paper submission. You should submit two copies total. One copy will include the information you claim to be confidential with a heading or cover note that states ''THIS DOCUMENT CONTAINS CONFIDENTIAL INFORMATION.'' The Agency will review this copy, including the claimed confidential information, in its consideration of comments. The second copy, which will have the claimed confidential information redacted/blacked out, will be available for public viewing and posted on *https://www.regulations.gov.* Submit both copies to the Dockets Management Staff. If you do not wish your name and contact information to be made publicly available, you can provide this information on the cover sheet and not in the body of your comments and you must identify this information as ''confidential.'' Any information marked as ''confidential'' will not be disclosed except in accordance with 21 CFR 10.20 and other applicable disclosure law. For more information about FDA's posting of comments to public dockets, see 80 FR 56469, September 18, 2015, or access the information at: *https://www.govinfo.gov/content/pkg/FR-2015-09-18/pdf/2015-23389.pdf.*

Docket: For access to the docket to read background documents or the electronic and written/paper comments received, go to *https://www.regulations.gov* and insert the docket number, found in brackets in the heading of this document, into the ''Search'' box and follow the prompts and/or go to the Dockets Management Staff, 5630 Fishers Lane, Rm. 1061, Rockville, MD 20852, 240–402–7500.

FOR FURTHER INFORMATION CONTACT: Amber Sanford, Office of Operations, Food and Drug Administration, Three White Flint North, 10A–12M, 11601 Landsdown St., North Bethesda, MD 20852, 301–796–8867, *PRAStaff@fda.hhs.gov.*

SUPPLEMENTARY INFORMATION: Under the PRA (44 U.S.C. 3501–3521), Federal Agencies must obtain approval from the Office of Management and Budget (OMB) for each collection of information they conduct or sponsor. ''Collection of information'' is defined in 44 U.S.C. 3502(3) and 5 CFR 1320.3(c) and includes Agency requests or requirements that members of the public submit reports, keep records, or provide information to a third party. Section 3506(c)(2)(A) of the PRA (44 U.S.C. 3506(c)(2)(A)) requires Federal Agencies to provide a 60-day notice in the **Federal Register** concerning each proposed collection of information, including each proposed extension of an existing collection of information, before submitting the collection to OMB for approval. To comply with this requirement, FDA is publishing notice of the proposed collection of information set forth in this document.

With respect to the following collection of information, FDA invites comments on these topics: (1) whether the proposed collection of information is necessary for the proper performance of FDA's functions, including whether the information will have practical utility; (2) the accuracy of FDA's estimate of the burden of the proposed collection of information, including the validity of the methodology and assumptions used; (3) ways to enhance the quality, utility, and clarity of the information to be collected; and (4) ways to minimize the burden of the collection of information on respondents, including through the use of automated collection techniques, when appropriate, and other forms of information technology.

Antimicrobial Animal Drug Sales and Distribution—21 CFR 514.87

OMB Control Number 0910–0659—Extension

This information collection helps support implementation of Agency statutory and regulatory requirements regarding new animal drugs containing an antimicrobial active ingredient. Sponsors of approved or conditionally approved applications for new animal drugs containing an antimicrobial active ingredient are required by section 512 of the Federal Food, Drug, and Cosmetic Act (FD&C Act) (21 U.S.C. 360b) to submit to FDA an annual report on the amount of each such ingredient in the drug that is sold or distributed for use in food-producing animals. Sponsors are also required to maintain distribution records for their animal drug products, including separate information for each month of the calendar year, under section 512(l)(3) of the FD&C Act. These provisions were enacted to assist FDA in our continuing analysis of the interactions (including drug resistance), efficacy, and safety of antimicrobials approved for use in both humans and food-producing animals for the purpose of mitigating the public health risk associated with antimicrobial resistance.

Section 514.87 of our regulations (21 CFR 514.87) codifies the reporting requirements established in the FD&C Act. Sponsors submit antimicrobial animal drug sales and distribution reports to us on Form FDA 3744. Each report must specify: (1) the amount of each antimicrobial active ingredient by container size, strength, and dosage form; (2) quantities distributed domestically and quantities exported; and (3) a listing of the target animals, indications, and production classes that are specified on the approved label of the product. The report must cover the period of the preceding calendar year and include separate information for each month of the calendar year. Each report must also provide a species-specific estimate of the percentage of each product that was sold or distributed domestically in the reporting year for use in cattle, swine, chickens, or turkeys for such species that appear on the approved label.

Description of Respondents: Animal drug manufacturers (sponsors). Respondents include individuals and the private sector (for-profit businesses).

FDA estimates the burden of this collection of information as follows:

TABLE 1—ESTIMATED ANNUAL REPORTING BURDEN [1]

21 CFR section	Number of respondents	Number of responses per respondent	Total annual responses	Average burden per response	Total hours
514.87(a)–(e)—Annual Reports for Sponsors With Active Applications—Paper Submission	1	1	1	62	62
514.87(a)–(e)—Annual Reports for Sponsors With Active Applications—Electronic Submission	15	10.1	152	52	7,904
514.87(a)–(e)—Annual Reports for Sponsors With Inactive Applications—Paper Submission	2	3.5	7	2	14
514.87(a)–(e)—Annual Reports for Sponsors With Inactive Applications—Electronic Submission	10	17.9	179	2	358
Total					8,338

[1] There are no capital costs or operating and maintenance costs associated with this collection of information.

We base our estimate of the average burden per response on our recent experience with the existing antimicrobial animal drug distribution reports program. We base our estimate of the number of affected respondents reported in tables 1 and 2 and the average number of responses per respondent in table 1 on a review of our records of sponsors with active and inactive applications. We estimate sponsors with active applications, who submit an annual antimicrobial annual drug sales and distribution report on paper, will spend 62 hours to assemble the necessary information, prepare, and submit to FDA. We estimate sponsors with active applications, who submit an annual antimicrobial animal drug sales and distribution report electronically, will spend 52 hours to assemble the

necessary information, prepare, and submit to FDA. We estimate that sponsors with inactive applications will spend 2 hours preparing their annual antimicrobial animal drug sales and distribution reports, whether electronically or on paper.

TABLE 2—ESTIMATED ANNUAL RECORDKEEPING BURDEN [1]

Activity	Number of recordkeepers	Number of records per recordkeeper	Total annual records	Average burden per recordkeeping	Total hours
Recordkeeping required by section 512(l)(3) of the FD&C Act	23	1	23	2	46

[1] There are no capital costs or operating and maintenance costs associated with this collection of information.

Animal drug manufacturers are already required to maintain distribution records for their animal drug products to comply with FDA's current good manufacturing regulations for periodic drug reports under § 514.80(b)(4)(i) (21 CFR 514.80(b)(4)(i)), approved under OMB control number 0910–0284. Section 512(l)(3) of the FD&C Act differs from § 514.80(b)(4)(i) in that it requires that records include separate information for each month of the calendar year. In addition, under 21 CFR 211.196 (approved under OMB control number 0910–0139), manufacturers currently are required to maintain distribution records that include dosage form, and date drug is distributed. Based on these requirements, FDA believes that manufacturers already keep detailed records of the dates when antimicrobial drugs are distributed for marketing and recall purposes from which monthly reports can be prepared as part of usual and customary business practices. However, FDA estimates an additional recordkeeping burden of 46 hours for further compliance with section 512(l)(3), as detailed in table 2.

After a review of the information collection since our last request for OMB approval, we have adjusted our estimates based on our experience with the antimicrobial animal drug distribution reports program. Our estimated burden for the information collection reflects a decrease of 54 burden hours and a corresponding decrease of 27 total annual responses. We attribute this to respondents who submitted by paper in previous years and are now reporting electronically.

Dated: October 18, 2024.

Eric Flamm,

Acting Associate Commissioner for Policy.

[FR Doc. 2024–24721 Filed 10–23–24; 8:45 am]

BILLING CODE 4164–01–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Food and Drug Administration

[Docket No. FDA–2023–N–3768]

Agency Information Collection Activities; Submission for Office of Management and Budget Review; Comment Request; Adherence Potential and Patient Preference in Prescription Drug Promotion

AGENCY: Food and Drug Administration, HHS.

ACTION: Notice.

SUMMARY: The Food and Drug Administration (FDA, Agency, or we) is announcing that a proposed collection of information has been submitted to the Office of Management and Budget (OMB) for review and clearance under the Paperwork Reduction Act of 1995.

DATES: Submit written comments (including recommendations) on the collection of information by November 25, 2024.

ADDRESSES: To ensure that comments on the information collection are received, OMB recommends that written comments be submitted 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 title of this information collection is ''Adherence Potential and Patient Preference in Prescription Drug Promotion.'' Also include the FDA docket number found in brackets in the heading of this document.

FOR FURTHER INFORMATION CONTACT: JonnaLynn Capezzuto, Office of Operations, Food and Drug Administration, Three White Flint North, 10A–12M, 11601 Landsdown St., North Bethesda, MD 20852, 301–796–3794, *PRAStaff@fda.hhs.gov.*

SUPPLEMENTARY INFORMATION: In compliance with 44 U.S.C. 3507, FDA has submitted the following proposed collection of information to OMB for review and clearance.

Adherence Potential and Patient Preference in Prescription Drug Promotion

OMB Control Number 0910—NEW

Section 1701(a)(4) of the Public Health Service Act (42 U.S.C. 300u(a)(4)) authorizes FDA to conduct research relating to health information. Section 1003(d)(2)(C) of the Federal Food, Drug, and Cosmetic Act (FD&C Act) (21 U.S.C. 393(d)(2)(C)) authorizes FDA to conduct research relating to drugs and other FDA-regulated products in carrying out the provisions of the FD&C Act.

The mission of the Office of Prescription Drug Promotion (OPDP) is to protect the public health by helping to ensure that prescription drug promotion is truthful, balanced, and accurately communicated so that patients and healthcare providers can make informed decisions about treatment options. OPDP's research program provides scientific evidence to help ensure that our policies related to prescription drug promotion will have the greatest benefit to public health. Toward that end, we have consistently conducted research to evaluate the aspects of prescription drug promotion that are most central to our mission, focusing in particular on three main topic areas: advertising features, including content and format; target populations; and research quality.

Through the evaluation of advertising features, we assess how elements such as graphics, format, and the characteristics of the disease and product impact the communication and understanding of prescription drug risks and benefits. Focusing on target populations allows us to evaluate how understanding of prescription drug risks and benefits may vary as a function of audience. Our focus on research quality aims at maximizing the quality of research data through analytical methodology development and investigation of sampling and response

issues. This study will inform the first topic area, advertising features.

Because we recognize that the strength of data and the confidence in the robust nature of the findings are improved through the results of multiple converging studies, we continue to develop evidence to inform our thinking. We evaluate the results from our studies within the broader context of research and findings from other sources, and this larger body of knowledge collectively informs our policies as well as our research program. Our research is documented on our home page at *https://www.fda.gov/about-fda/center-drug-evaluation-and-research-cder/office-prescription-drug-promotion-opdp-research*. The website includes links to the latest **Federal Register** notices and peer-reviewed publications produced by our office.

The study described in this notice builds on OPDP's portfolio of research on market claims and disclosures to explore the influence of statements around patient adherence and preference in prescription drug promotion. Previous FDA-funded research has shown that market claims that advertise drug characteristics unrelated to medicinal properties, such as ''#1 Prescribed,'' influence consumer and provider perceptions about a drug's efficacy (Ref. 1). In the same study, results of a tradeoff analysis suggested that patients prefer a drug over a competitor when this type of claim is present, and a drug without this claim required at least 1.23 percent greater efficacy to be chosen over a drug with this claim (Ref. 2). Treatment preferences may also be influenced by other drug characteristics, including its impact on quality of life, complexity of dosage regimens, administration mode, and cost to family and self (Refs. 3, 6, and 8).

It is not known how claims that appeal to the possibility for greater adherence or to social norms around what other patients or healthcare providers prefer influence perceptions of a drug. A related question is whether including a disclosure stating the uncertainty around such claims (*e.g.,* there is no conclusive research on whether DRUG A results in better adherence) can mitigate any misleading perceptions or influence preferences. Some evidence suggests that disclosures in prescription drug promotion are typically noticed and may help consumers and healthcare providers understand information (Refs. 2 and 4), but this topic has not been investigated in the context of adherence claims.

The present research is designed to complement previous research by experimentally examining the role of adherence and patient preference claims in prescription drug promotion.

Research questions:

1. Does the presence or absence of an implied adherence claim affect consumers' and primary care physicians' (PCPs') behavioral intentions or risk, benefit, and adherence perceptions?

2. Does the presence or absence of an adherence-related patient preference claim affect consumers' and PCPs' behavioral intentions or risk, benefit, and adherence perceptions?

3. Does the presence of both types of claims (adherence and preference) have a cumulative impact on consumers' and PCPs' behavioral intentions or risk, benefit, and adherence perceptions?

4. Does a disclosure of information to the effect that there is no conclusive research on whether the drug results in better adherence mitigate consumers' and PCPs' behavioral intentions or risk, benefit, and adherence perceptions?

To complete this research, we propose the following design for a total of 8 study conditions: 2 (patient preference claim) × 2 (adherence claim) × 2 (disclosure).

TABLE 1—STUDY DESIGN (IMPLIED ADHERENCE CLAIM) × 2 (PATIENT PREFERENCE CLAIM) × 2 (DISCLOSURE)

	With disclosure [1]		Without disclosure	
	Patient preference claim		Patient preference claim	
	Yes	No	Yes	No
Implied Adherence Claim	Yes.			
	No.			

[1] E.g., ''There is no evidence to suggest better adherence to Drug X compared with Drug Y.''

We will recruit the following numbers of participants for the pretest and main study surveys:

- 320 individuals for the pretest (n = 160 consumers and n = 160 PCPs); and
- 720 individuals for the main study (n = 360 consumers and n = 360 PCPs)

Each participant will see one of eight versions of a static web page for a fictitious prescription type 2 diabetes treatment, as reflected in table 1. They will answer a survey designed to take no more than 15 minutes to complete regarding their perception of the product's benefits, risks, and effect on adherence. Consumers and PCPs will receive slightly different versions of the web page and survey, and their data will be analyzed separately.

In the **Federal Register** of October 12, 2023 (88 FR 70669), FDA published a 60-day notice entitled ''Agency Information Collection Activities; Proposed Collection; Comment Request; Adherence Potential and Patient Preference in Prescription Drug Promotion,'' requesting public comment on the proposed collection of information. FDA received two submissions, one of which included multiple comments. Responses to all comments follow. For brevity, some public comments are paraphrased and, therefore, may not state the exact language used by the commenter. All comments were considered even if not fully captured by our paraphrasing in this document. The following acronyms are used here: healthcare professional (HCP); Food and Drug Administration (FDA or Agency); and FDA's Office of Prescription Drug Promotion in the Center for Drug Evaluation and Research (OPDP).

(Comment 1) One comment supported the OPDP research program and the current proposed study, with a question as to whether research on disclosures has been previously conducted.

(Response 1) We appreciate this comment for its support of this research and our research program. In response to the query in this comment, OPDP has conducted studies on the topic of disclosures in prescription drug promotion (found at the website listed previously in this document), but none that have addressed disclosures specific to adherence or preference claims.

(Comment 2) One comment inquired whether the Agency intends to publish

the results of this study. If so, the comment inquired whether publication will be in the form of a publicly available report or a peer-reviewed publication.

(Response 2) The exact timing and nature of any such dissemination has not been determined but may include presentations at trade and academic conferences, publications, articles, and an internet posting.

(Comment 3) One comment inquired whether the Agency intends to seek an approval or exemption from an Institutional Review Board (IRB) or ethics committee.

(Response 3) The research will be reviewed for exemption by the IRB of record, which will be the FDA contractor's (Westat's) IRB.

(Comment 4) One comment inquired how the Agency will ensure that the samples are representative of the relevant populations, and it asked whether there will be stratification of the sample by specific demographic or clinical characteristics.

(Response 4) The project will recruit individuals from two populations: adult consumers diagnosed with type 2 diabetes and PCPs. For each study segment, internet vendor AllGlobal will recruit study participants using their proprietary panels. Several methodologies are used by AllGlobal to recruit panelists, including opt-in email, co-registration, e-newsletter campaigns, and internal and external affiliate networks. To recruit consumers, AllGlobal will use their LifePoints panel of more than 5.5 million consumers. To recruit PCPs, AllGlobal will use its Global Professional Panel, which includes access to over 2 million physicians, nurses, and other interested healthcare parties across a wide range of therapy areas. AllGlobal uses various metrics to track panel member activity and engagement, which enhances the efficiency of recruitment and quality of survey data from their panelists.

Participants will be drawn from convenience samples, rather than probability-based samples. We will aim for a diverse mix of participants in terms of race/ethnicity, gender, age, and other characteristics, but we will not specifically stratify the data before collecting it. Moreover, no weighting of the data will be required because the objective of the studies is to estimate the causal effects of experimental manipulations rather than to estimate descriptive statistics for these populations.

(Comment 5) One comment notes that Questions 7 and 8 of the questionnaire ask respondents whether HCPs and patients prefer FENTIVA. Considering these questions, the comment suggests that the web page include such statements with appropriate context. For example, the web page might post language such as ''more patients prefer FENTIVA versus [Insert product].'' In addition, the comment suggests it would be appropriate for the web page to also include a statement referencing the study from which this information was derived. For example, the comment notes that the preference information presented on the website for RITUXAN HYCELA (rituximab and hyaluronidase human) injection includes the following statement: ''In a study of previously untreated DLBCL and follicular lymphoma patients, 77 percent of patients preferred subcutaneous administration of RITUXAN HYCELA over intravenous rituximab as it required less time in clinic.''

The comment states that without seeing the stimulus to which participants will be asked to respond, there is uncertainty about the purpose of these questions. If these questions are meant to assess participants' understanding of the information on the web page, then the comment suggests that the question ask the participant to choose the correct statement from a set of statements in which all but one is incorrect. The comment further suggests that if these questions are meant to assess the impression that a participant gets from the information presented on the web page, then responses to these questions likely cannot be interpreted directly.

Lastly, the comment recommends that the Agency clarify the purpose of Questions 7 and 8 and ensure that the conclusions that will be drawn by the responses to these questions can be supported based on the questions themselves and the response options provided to participants.

(Response 5) We appreciate these comments and offer a few points of clarification. Questions 3–11 are intended to assess participants' recall of information provided in the stimuli (website). For example, the statement ''Doctors prefer FENTIVA over other medications to control blood sugar.'' Question 7 was not mentioned on the website and is asked as a foil. These questions will allow us to determine whether participants' read the stimuli carefully and thus serve as an attention check.

Participants' gist comprehension of the information will be assessed through a different series of questions using a True/False format.

We also address the suggestion to include a statement referencing the study from which the preference information is derived (as is done with the RITUXAN HYCELA website). A key aim of our study is to test the effect of a disclosure statement on perceptions when no such evidence on adherence exists (*e.g.,* ''There is no clinical evidence suggesting better treatment adherence with once-monthly FENTIVA injection compared to daily tablets''). For this reason, we chose not to provide clinical information on preference or adherence in our study stimuli, although we acknowledge that some promotions indeed include this information when available.

(Comment 6) One comment notes that Question 7 reads, ''Doctors prefer FENTIVA over other medications to control blood sugar.'' The comment suggests clarifying the wording. Specifically, the comment suggests that doctors do not have preferences for medications. Instead, doctors ''would be more likely to choose to prescribe one option over another.'' In addition, doctors prescribe medications to patients with a condition. Therefore, the comment suggests revising ''medications to control blood sugar'' to read, ''for patients who need to control their blood sugar.''

(Response 6) We appreciate the second point and have changed Question 7 to read: ''Doctors prefer FENTIVA over other medications for patients who need to control their blood sugar.'' We also refer to our previous explanation (Response 5) about the intent of this item, which is to test recall of information on the website, where the statement about doctors' preferences for FENTIVA was not mentioned on the website and thus included in this survey as a foil.

(Comment 7) One comment suggests that Question 9 is difficult to evaluate without seeing the materials that will be presented to participants. Specifically, the comment notes that if the web page does not say explicitly that the patient doesn't have to think about taking medication every day, but instead says that FENTIVA is taken once a month rather than every day, whether a patient ''no longer has to think about taking medication'' could be considered leading, and interpreting the results of this question could be problematic. Therefore, the comment recommends that the Agency clarify the purpose of Question 9 and ensure that there is no ambiguity in how the responses to the question will be interpreted.

(Response 7) As explained above, items 3–11 assess recall of information that may or may not have been presented on the website. The statement ''With once-monthly FENTIVA injections, I no longer have to think

about taking medication every day'' is presented on the website. The intent of the question is to assess whether participants read and paid attention to key statements.

(Comment 8) One comment opines that Questions 10 and 11 are difficult to interpret without seeing the information that will be provided to participants. However, the comment continues, the pair of questions taken together seem to indicate that one statement is correct while the other is not. If the purpose of the questions is to test recall, then it would be more appropriate to include both statements in a single question and ask respondents which is correct. If the purpose of the questions is to test the impression that participants get from the information presented in the web page, then there may be no objectively correct answer to the question that does not mirror exactly what is stated in the web page. Therefore, the comment recommends that the Agency clarify the purpose of Questions 10 and 11 and ensure that there is no ambiguity in how the answers to these questions will be interpreted.

(Response 8) We refer to our previous explanation (Response 5) about the intent of these items. To clarify further, consumers and PCPs will receive slightly different versions of the same disclosure statement on the website. Thus, only the consumer group will be asked Question 10 and only the PCP group will be asked Question 11.

(Comment 9) One comment notes that Question 14 asks whether it is true or false that ''FENTIVA is given as a shot with a needle.'' The comment states that this statement could be interpreted that FENTIVA is administered using a syringe with an exposed needle. If the web page states that the medication is given using an autoinjector, pen, or another device, it may be technically true that the medication is given as a shot with a needle. But it is also plausible that a reasonable person would say that this is untrue because they interpret ''shot with a needle'' to describe only a syringe with an exposed needle. The comment recommends that the Agency review this question to ensure that there is no ambiguity in participant's interpretation of the statement or in the Agency's interpretation of the results.

(Response 9) We agree with the concern raised in this comment and have since revised this item to read: ''FENTIVA is given as an injection under the skin'' (True/False) as a measure of comprehension.

(Comment 10) One comment notes that Question 15 asks participants to indicate ''what you know.'' The comment states that because FENTIVA is a hypothetical product and participants are responding to a specific set of information, asking participants ''what you know'' may be an imprecise question. Therefore, the comment recommends that the Agency consider revising the question to read: ''Please indicate which of the following statements best describes what you understand about FENTIVA based on the information provided in the web page.''

(Response 10) We have revised the question to read: ''Please indicate which of the phrases below best completes this statement about FENTIVA, based on what you read on the website.''

(Comment 11) One comment notes that Question 16 presents two statements which are suggested to come from the stimulus material. The comment notes that both statements could be considered incomplete because they mention a specific injection product (''FENTIVA'') contrasted with an unnamed oral medication. The implication is that the oral tablets are an alternative to FENTIVA for achieving the same clinical outcome. However, the comment notes that this conclusion is not included in the stimulus material and recommends that the use of the oral tablet as an alternative for the same condition be stated explicitly.

(Response 11) The language presented in Question 16 refers to the disclosure statements as they appear on the stimuli: ''There is no evidence that patients who choose once-monthly FENTIVA injections are more likely to follow their prescribed treatment plan compared to those who choose daily tablets'' (consumer version) or ''There is no clinical evidence suggesting better treatment adherence with once-monthly FENTIVA injection compared to daily tablets'' (HCP version). We intentionally do not state that FENTIVA injection achieves the same clinical benefit as oral daily tablets, as we ask later about participants' perceptions of comparative efficacy, based on the information provided in the stimuli.

(Comment 12) One comment notes that in Questions 17–19, the questions related to importance and usefulness likely require context—important in what way and/or useful in what way? The comment suggests that without clarification, the interpretation of the responses to these questions would be subject to ambiguity and recommends changing ''useful'' to ''useful in . . .'' and ''important'' to ''important for . . . .''

(Response 12) These questions are derived from theory and validated scales on ''perceived message effectiveness.'' This construct is often measured as a set of close-ended judgments such as ''useful/not useful'' and estimate the degree to which recipients of that message will favorably (or unfavorably) evaluate a message. Identifying why or how the message is considered useful/relevant could be assessed with further questions but is not a focus of this research. Rather, we are interested in participants' more general perceptions of message effectiveness and will compare responses across study arms (Ref. 5).

(Comment 13) One comment suggests that Questions 20–24 include language that could be considered leading. Therefore, the comment recommends changing the questions to capture whether the participant assessed the statement to be true or false and changing the response options to ''true,'' ''false,'' or ''I don't know.''

(Response 13) We have chosen to use a Likert scale (1 = would not help at all/ 5 = would help very much) rather than a true/false scale for these items as the intent is to assess the extent to which participants perceive the drug to be beneficial/efficacious. We also note that these items were adapted from validated scales on perceived benefit and risk (Ref. 7).

(Comment 14) One comment suggests that Question 27 includes language that could be considered leading and recommends changing the question to capture whether the participant assessed the statement to be true or false and changing the response options to ''true,'' ''false,'' or ''I don't know.''

(Response 14) See Response 13 and the referenced citation above. We have chosen to measure benefit and risk perception using Likert scales and note that these measures come from validated scales.

(Comment 15) One comment suggests clarifying whether in Questions 29 and 30, ''other daily prescription drugs that treat type 2 diabetes,'' includes insulin or other injectable options or is limited to oral options only.

(Response 15) These questions are intended to assess perceptions of the convenience of FENTIVA compared to any other type 2 diabetes drug taken daily.

(Comment 16) One comment suggests that the language in Question 31 could be considered leading. The question asks about likely adherence to a medication over a long period of time during which a patient may experience side effects or lack of efficacy. Therefore, a likelihood to get injections every month assumes that a patient does not have a reason for discontinuing. In addition, the comment notes that it is

not clear whether the injections are prescribed instead of an alternative or in addition to an alternative. The comment recommends that the Agency make the assumptions behind the question explicit to the participant.

(Response 16) The reasons mentioned in this comment are the reasons OPDP found it valuable to conduct this study. Those are possible reasons that it could be misleading to suggest that receiving a monthly injection is easier or results in greater adherence than a daily pill. FDA has designed this study to keep our questions as simple as possible, consistent with good practices, to reduce burden on participants. We specifically keep extraneous factors out of the questions to glean what we intend to study. Here, we are interested to know if behavioral intentions around adherence vary by experimental arm. Would information on the website around patient preference or disclosure about the lack of evidence on adherence influence behavioral intentions?

(Comment 17) One comment suggests that Questions 33–35 likely overstate the type of evidence that would be used for this purpose and recommends rephrasing the question in each case to read, ''Knowing that more patients preferred FENTIVA monthly injections than other daily prescription drugs . . . .''

(Response 17) We have removed these items from the survey.

The total annual estimated burden imposed by this collection of information is 1,293 hours (table 2). As with most online and mail surveys, it is always possible that some participants are in the process of completing the survey when the target number is reached and that those surveys will be completed and received before the survey is closed out. To account for this, we have estimated approximately 10 percent overage for both participant samples in the study.

Note that this burden chart differs in certain respects from the chart published in the 60-day **Federal Register** notice. The previous burden chart assumed a 70 percent estimated eligibility for the consumer group; the current chart has adjusted this estimate to 5 percent. The previous chart incorrectly assumed that the vendor already had eligibility information for this panel, and we could specifically target those with this medical condition. Thus, the larger burden estimate is the more accurate, as we will need to screen a larger number of people. We also adjusted the HCP estimate to reflect what we believe is a more accurate projected eligibility of 50 percent.

TABLE 2—ESTIMATED ANNUAL REPORTING BURDEN [1]

Activity	Number of respondents	Number of responses per respondent	Total annual responses	Average burden per response	Total hours
PCPs:					
Pretest screener completes (assumes 50 percent eligibility rate).	352	1	352	0.08 (5 min.)	28
Pretest number of completes	176	1	176	0.25 (15 min.)	44
Main study screener completes (assumes 50 percent eligibility rate).	792	1	792	0.08 (5 min.)	63
Main study number of completes	396	1	396	0.25 (15 min.)	99
Consumers:					
Pretest screener completes (assumes 5 percent eligibility rate).	3,520	1	3,520	0.08 (5 min.)	282
Pretest number of completes	176	1	176	0.25 (15 min.)	44
Main study screener completes (assumes 5 percent eligibility rate).	7,920	1	7,920	0.08 (5 min.)	634
Main study number of completes	396	1	396	0.25 (15 min.)	99
Total					1,293

[1] There are no capital costs or operating and maintenance costs associated with this collection of information.

References

The following references are on display with the Dockets Management Staff (see **ADDRESSES**) and are available for viewing by interested persons between 9 a.m. and 4 p.m., Monday through Friday; these are not available electronically at *https://www.regulations.gov* as these references are copyright protected. Some may be available at the website address, if listed. FDA has verified the website addresses, as of the date this document publishes in the **Federal Register**, but websites are subject to change over time.

1. Aikin, K.J., K.R. Betts, A. Keisler, and K.S. Ziemer, ''Market Claims and Efficacy Information in Direct-to-Consumer Prescription Drug Print Advertisements,'' *Psychology & Marketing,* 36(8), 747–757 (2019).
2. Aikin, K.J., K.R. Betts, K.S. Ziemer, and A. Keisler, ''Consumer Tradeoff of Advertising Claim Versus Efficacy Information in Direct-to-Consumer Prescription Drug Ads,'' *Research in Social and Administrative Pharmacy,* 15(12), 1484–1488 (2019).
3. Arroyo, R., A.P. Sempere, E. Ruiz-Beato, D. Prefasi, et al., ''Conjoint Analysis To Understand Preferences of Patients With Multiple Sclerosis for Disease-Modifying Therapy Attributes in Spain: A Cross-Sectional Observational Study,'' *BMJ Open,* 7(3), e014433 (2017).
4. Betts, K.R., V. Boudewyns, K.J. Aikin, C. Squire, et al., ''Serious and Actionable Risks, Plus Disclosure: Investigating an Alternative Approach for Presenting Risk Information in Prescription Drug Television Advertisements,'' *Research in Social and Administrative Pharmacy,* 14(10), 951–963 (2018).
5. Dillard, J.P., K.M. Weber, and R.G. Vail, ''The Relationship Between the Perceived and Actual Effectiveness of Persuasive Messages: A Meta-Analysis With Implications for Formative Campaign Research,'' *Journal of Communication,* 57(4), 613–631 (2007).
6. Fraenkel, L., L. Suter, C.E. Cunningham, and G. Hawker, ''Understanding Preferences for Disease-Modifying Drugs in Osteoarthritis,'' *Arthritis Care Research,* 66(8), 1186–1192 (2014).
7. Kelly, B.J., D.J. Rupert, K.J. Aikin, H.W. Sullivan, et al., ''Development and Validation of Prescription Drug Risk, Efficacy, and Benefit Perception Measures in the Context of Direct-to-Consumer Prescription,'' *Research in Social and Administrative Pharmacy,* 17(5), 942–955 (2021).
8. Wouters, H., G.A. Maatman, L. Van Dijk, M.L. Bouvy, et al., ''Trade-Off Preferences Regarding Adjuvant Endocrine Therapy Among Women With Estrogen Receptor-Positive Breast Cancer,'' *Annals of Oncology,* 24(9), 2324–2329 (2013).

Dated: October 18, 2024.

Eric Flamm,

Acting Associate Commissioner for Policy.

[FR Doc. 2024–24720 Filed 10–23–24; 8:45 am]

BILLING CODE 4164–01–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Food and Drug Administration

[Docket No. FDA–2024–N–4732]

Vaccines and Related Biological Products Advisory Committee; Notice of Meeting; Establishment of a Public Docket; Request for Comments

AGENCY: Food and Drug Administration, HHS.

ACTION: Notice; establishment of a public docket; request for comments.

SUMMARY: The Food and Drug Administration (FDA or we) announces a forthcoming public advisory committee meeting of the Vaccines and Related Biological Products Advisory Committee (the Committee). The general function of the Committee is to provide advice and recommendations to FDA on regulatory issues. The Committee will discuss Considerations for Respiratory Syncytial Virus (RSV) Vaccine Safety in Pediatric Populations and will also hear overviews of the Laboratory of Immunoregulation (LI) and Laboratory of Retroviruses (LR) research programs in the Center for Biologics Evaluation and Research. At least one portion of the meeting will be closed to the public. FDA is establishing a docket for public comment on this document.

DATES: The meeting will be held virtually on December 12, 2024, from 8:30 a.m. to 5:30 p.m. Eastern Time.

ADDRESSES: All meeting participants will be heard, viewed, captioned, and recorded for this advisory committee meeting via an online teleconferencing and/or video conferencing platform.

The online web conference meeting will be available at the following link on the day of the meeting: *https://youtube.com/live/f0bNPpqAy-M*.

Answers to commonly asked questions about FDA advisory committee meetings may be accessed at: *https://www.fda.gov/AdvisoryCommittees/AboutAdvisoryCommittees/ucm408555.htm*.

FDA is establishing a docket for public comment on this meeting. The docket number is FDA–2024–N–4732. The docket will close on December 11, 2024. Please note that late, untimely filed comments will not be considered. The *https://www.regulations.gov* electronic filing system will accept comments until 11:59 p.m. Eastern Time at the end of December 11, 2024. Comments received by mail/hand delivery/courier (for written/paper submissions) will be considered timely if they are received on or before that date.

Comments received on or before December 4, 2024, will be provided to the Committee. Comments received after that date will be taken into consideration by FDA. In the event that the meeting is cancelled, FDA will continue to evaluate any relevant applications or information, and consider any comments submitted to the docket, as appropriate.

You may submit comments 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–N–4732 for ''Vaccines and Related Biological Products Advisory Committee; Notice of Meeting; Establishment of a Public Docket; Request for Comments.'' Received comments, those filed in a timely manner (see **ADDRESSES**), will be placed in the docket and, except for those submitted as ''Confidential Submissions,'' publicly viewable at *https://www.regulations.gov* or at the Dockets Management Staff between 9 a.m. and 4 p.m., Monday through Friday, 240–402–7500.

- Confidential Submissions—To submit a comment with confidential information that you do not wish to be made publicly available, submit your comments only as a written/paper submission. You should submit two copies total. One copy will include the information you claim to be confidential with a heading or cover note that states ''THIS DOCUMENT CONTAINS CONFIDENTIAL INFORMATION.'' FDA 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 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 the information as ''confidential.'' Any information marked as ''confidential'' will not be disclosed except in accordance with 21 CFR 10.20 and other applicable disclosure law. For more information about FDA's posting of comments to public dockets, see 80 FR 56469, September 18, 2015, or access the information at: *https://www.govinfo.gov/content/pkg/FR-2015-09-18/pdf/2015-23389.pdf*.

Docket: For access to the docket to read background documents or the electronic and written/paper comments received, go to *https://www.regulations.gov* and insert the docket number, found in brackets in the heading of this document, into the ''Search'' box and follow the prompts and/or go to the Dockets Management Staff, 5630 Fishers Lane, Rm. 1061, Rockville, MD 20852, 240–402–7500.

FOR FURTHER INFORMATION CONTACT: Sussan Paydar or Kathleen Hayes, Center for Biologics Evaluation and Research, Food and Drug Administration, 10903 New Hampshire

Ave., Bldg. 71, Silver Spring, MD 20993–0002, 202–657–8533, *CBERVRBPAC@fda.hhs.gov,* or FDA Advisory Committee Information Line, 1–800–741–8138 (301–443–0572 in the Washington, DC area). A notice in the **Federal Register** about last-minute modifications that impact a previously announced advisory committee meeting cannot always be published quickly enough to provide timely notice. Therefore, you should always check the FDA's website at *https://www.fda.gov/AdvisoryCommittees/default.htm* and scroll down to the appropriate advisory committee meeting link, or call the advisory committee information line to learn about possible modifications before coming to the meeting.

SUPPLEMENTARY INFORMATION:

Agenda: The meeting presentations will be heard, viewed, captioned, and recorded through an online teleconferencing and/or video conferencing platform. On December 12, 2024, under Topic I, the Committee will meet in open session to discuss Considerations for RSV Vaccine Safety in Pediatric Populations. Under Topic II, the Committee will meet in open session to hear overviews of the LI and LR research programs in the Division of Viral Products, Office of Vaccines Research and Review, and Center for Biologics Evaluation and Research. After the open session ends for Topic II, the meeting will be closed to the public for Committee deliberations.

FDA intends to make background material available to the public no later than 2 business days before the meeting. If FDA is unable to post the background material on its website prior to the meeting, the background material will be made publicly available on FDA's website at the time of the advisory committee meeting. Background material and the link to the online teleconference and/or video conference meeting will be available at: *https://www.fda.gov/AdvisoryCommittees/Calendar/default.htm.* Scroll down to the appropriate advisory committee meeting link. The meeting will include slide presentations with audio and video components to allow the presentation of materials in a manner that most closely resembles an in-person advisory committee meeting.

Procedure: On December 12, 2024, from 8:30 a.m. to 3 p.m. Eastern Time for Topic I and from 3:10 p.m. to 4:40 p.m. Eastern Time for Topic II, the meeting is open to the public. Interested persons may present data, information, or views, orally or in writing, on issues pending before the Committee. All electronic and written submissions submitted to the Docket (see **ADDRESSES**) on or before December 4, 2024, will be provided to the Committee. Comments received on or after December 4, 2024, and by December 11, 2024, will be taken into consideration by FDA. Oral presentations from the public will be scheduled between approximately 12:15 p.m. to 1 p.m. Eastern Time for Topic I, and between 4:25 p.m. to 4:40 p.m. Eastern Time for Topic II. Those individuals interested in making formal oral presentations should notify the contact person and submit a brief statement of the general nature of the evidence or arguments they wish to present, along with their names, email addresses, and direct contact phone numbers of proposed participants, and an indication of the approximate time requested to make their presentation on or before 12 p.m. Eastern Time on November 25, 2024. Time allotted for each presentation may be limited. If the number of registrants requesting to speak is greater than can be reasonably accommodated during the scheduled open public hearing session, FDA may conduct a lottery to determine the speakers for the scheduled open public hearing session. The contact person will notify interested persons regarding their request to speak by November 27, 2024.

Closed Committee Deliberations: On December 12, 2024, the meeting will be closed from 4:40 p.m. to 5:30 p.m. to permit discussion where disclosure would constitute a clearly unwarranted invasion of personal privacy (5 U.S.C. 552b(c)(6)). The recommendations of the advisory committee regarding the progress of the individual investigators' research programs, along with other information, will be discussed during this session. We believe that public discussion of these recommendations on individual scientists would constitute an unwarranted invasion of personal privacy.

For press inquiries, please contact the Office of Media Affairs at *fdaoma@fda.hhs.gov* or 301–796–4540.

FDA welcomes the attendance of the public at its advisory committee meetings and will make every effort to accommodate persons with disabilities. If you require accommodations due to a disability, please contact Sussan Paydar or Kathleen Hayes (see **FOR FURTHER INFORMATION CONTACT**) at least 7 days in advance of the meeting.

FDA is committed to the orderly conduct of its advisory committee meetings. Please visit our website at *https://www.fda.gov/AdvisoryCommittees/AboutAdvisoryCommittees/ucm111462.htm* for procedures on public conduct during advisory committee meetings.

Notice of this meeting is given under the Federal Advisory Committee Act (5 U.S.C. 1001 *et seq.*). This meeting notice also serves as notice that, pursuant to 21 CFR 10.19, the requirements in 21 CFR 14.22(b), (f), and (g) relating to the location of advisory committee meetings are hereby waived to allow for this meeting to take place using an online meeting platform. This waiver is in the interest of allowing greater transparency and opportunities for public participation, in addition to convenience for advisory committee members, speakers, and guest speakers. No participant will be prejudiced by this waiver, and that the ends of justice will be served by allowing for this modification to FDA's advisory committee meeting procedures.

Dated: October 18, 2024.

Eric Flamm,

Acting Associate Commissioner for Policy.

[FR Doc. 2024–24713 Filed 10–23–24; 8:45 am]

BILLING CODE 4164–01–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Food and Drug Administration

[Docket No. FDA–2024–N–2177]

Agency Information Collection Activities; Submission for Office of Management and Budget Review; Comment Request; Current Good Manufacturing Practice, Hazard Analysis, and Risk-Based Preventive Controls for Human Food, and Current Good Manufacturing Practice, Hazard Analysis, and Risk-Based Preventive Controls for Animal Food

AGENCY: Food and Drug Administration, HHS.

ACTION: Notice.

SUMMARY: The Food and Drug Administration (FDA) is announcing that a proposed collection of information has been submitted to the Office of Management and Budget (OMB) for review and clearance under the Paperwork Reduction Act of 1995.

DATES: Submit written comments (including recommendations) on the collection of information by November 25, 2024.

ADDRESSES: To ensure that comments on the information collection are received, OMB recommends that written comments be submitted 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 OMB

control number for this information collection is 0910–0751. Also include the FDA docket number found in brackets in the heading of this document.

FOR FURTHER INFORMATION CONTACT: Domini Bean, Office of Operations, Food and Drug Administration, Three White Flint North, 10A–12M, 11601 Landsdown St., North Bethesda, MD 20852, 301–796–5733, *PRAStaff@fda.hhs.gov.*

SUPPLEMENTARY INFORMATION: In compliance with 44 U.S.C. 3507, FDA has submitted the following proposed collection of information to OMB for review and clearance.

Current Good Manufacturing Practice and Hazard Analysis, and Risk-Based Preventive Controls for Human Food—21 CFR part 117; Current Good Manufacturing Practice and Hazard Analysis, and Risk-Based Preventive Controls for Animal Food—21 CFR part 507

OMB Control Number 0910–0751—Extension

This information collection supports implementation of section 418 of the Federal Food, Drug, and Cosmetic Act (FD&C Act) (21 U.S.C. 350g). Section 418(a) requires the owner, operator, or agent in charge of a facility to evaluate hazards that could affect food manufactured, processed, packed, or held by the facility; identify and implement preventive controls; monitor the performance of those controls; and maintain records demonstrating compliance. Section 418(b) through (i) of the FD&C Act contains more specific requirements applicable to facilities, including corrective actions (section 418(e)), verification (section 418(f)), a written plan and documentation (section 418(h)), and reanalysis of hazards (section 418(i)). Finally, section 301(uu) of the FD&C Act (21 U.S.C. 331(uu)) prohibits ''[t]he operation of a facility that manufactures, processes, packs, or holds food for sale in the United States if the owner, operator, or agent in charge of such facility is not in compliance with section 418 [of the FD&C Act].'' FDA has issued regulations in part 117 (21 CFR part 117) governing human food, while regulations governing food for animals are found in part 507 (21 CFR part 507). The purpose of the regulations is to prevent the introduction of adulterated and/or misbranded products into the marketplace and ensure the safety of both human foods and animal foods in accordance with sections 402 and 403 of the FD&C Act (21 U.S.C. 342 and 343). Generally, domestic and foreign food facilities that are required to register in accordance with section 415 of the FD&C Act (21 U.S.C. 350d) must comply with these requirements, unless an exemption applies. It is important to note that applicability of the current good manufacturing practice requirements for animal food is dependent upon whether a facility is required to register, while the applicability of the current good manufacturing practice requirements for human food is not dependent upon whether a facility is required to register. Respondents to the information collection are those who manufacture, prepare, pack, or hold food intended for humans or animals.

The regulations include recordkeeping necessary to demonstrate compliance with the requirements; however, respondents that meet the definition of a ''qualified facility,'' under §§ 117.3 and 507.3, are subject to reporting. To be subject to the modified requirements set forth in part 117, subpart D and part 507, subpart D for human food and animal food, respectively, respondents must attest to their status. To assist respondents in this regard, we have developed Forms FDA 3942a (Quality Facility Attestation: Human Food) and 3942b (Quality Facility Attestation: Animal Food), available for downloading from our website at *https://www.fda.gov/food/registration-food-facilities-and-other-submissions/qualified-facility-attestation.*

Information collected will assist FDA in determining facility compliance with current good manufacturing practice requirements and in ensuring that food safety systems include hazard analysis and risk-based preventive controls. Records will be examined during food facility inspections and in the event of an outbreak or other food safety incident involving the food manufactured at the facility.

Section 418(l)(2)(B)(ii) of the FD&C Act directs us to issue guidance on documentation required to determine status as a qualified facility. Accordingly, we issued a guidance for industry entitled ''Determination of Status as a Qualified Facility Under Part 117: Current Good Manufacturing Practice, Hazard Analysis, and Risk-Based Preventive Controls for Human Food and Part 507: Current Good Manufacturing Practice, Hazard Analysis, and Risk-Based Preventive Controls for Food for Animals,'' also available for downloading from our website at *https://www.fda.gov/regulatory-information/search-fda-guidance-documents/guidance-industry-determination-status-qualified-facility.* The guidance discusses the content, format, frequency, and timing of submissions.

In the **Federal Register** of June 5, 2024 (89 FR 48172) we published a 60-day notice requesting public comment on the proposed collection of information. Although no comments were received, on our own initiative we have modified estimates since publication of our 60-day notice. Specifically, we have modified estimates for certain recordkeeping elements associated with animal foods in tables 2 and 3.

We estimate the burden of this collection of information as follows:

TABLE 1—ESTIMATED ANNUAL REPORTING BURDEN [1]

21 CFR section; reporting activity	Number of respondents	Number of responses per respondent	Total annual responses	Average burden per response	Total hours
Human Foods: 117.201(c); qualified facility as reported on Form FDA 3942a	37,134	[2] 0.5	18,567	0.5 (30 minutes)	9,284
Animal Foods: 507.7(c); qualified facility as reported on Form FDA 3942b	1,120	0.5	560	0.5 (30 minutes)	280
Total					9,564

[1] There are no capital costs or operating and maintenance costs associated with this collection of information.
[2] Reporting occurs biennially.

TABLE 2—ESTIMATED ANNUAL RECORDKEEPING BURDEN [1]

21 CFR section; recordkeeping activity	Number of recordkeepers	Number of records per recordkeeper	Total annual records	Average burden per recordkeeping	Total hours [2]
Human Foods: Subparts A—Required Records and B—General Provisions					
117.126(c) and 117.170(d); food safety plan and reanalysis	46,685	1	46,685	110	5,135,350
117.136; assurance records	16,285	1	16,285	0.25 (15 minutes)	4,071
117.145(c); monitoring records	8,143	730	5,944,390	0.05 (3 minutes)	297,220
117.150(d); corrective actions and corrections records	16,285	2	32,570	1	32,570
117.155(b); verification records	8,143	244	1,986,892	0.05 (3 minutes)	99,345
117.160; validation records	3,677	6	22,062	0.25 (15 minutes)	5,515
117.475(c)(7) through (c)(9); supplier records	16,285	10	162,850	4	651,400
117.180(d); training records for preventive controls qualified individual	46,685	1	46,685	0.25 (15 minutes)	11,671
Subpart A—General Provisions					
507.4(d); documentation of animal food safety and hygiene training	7,469	0.75	5,579	0.05 (3 minutes)	279
Subpart C—Hazard Analysis and Risk-Based Preventive Controls					
507.31 through 507.55; food safety plan—including hazard analysis, preventive controls, and procedures for monitoring, corrective actions, verification, recall plan, validation, reanalysis, modifications, and implementation records	7,469	519	3,876,411	0.1 (6 minutes)	387,641
Subpart E—Supply Chain Program					
507.105 through 507.175; written supply-chain program—including records documenting program	7,469	519	3,876,411	0.1 (6 minutes)	387,641
Subpart F—Requirements Applying to Records That Must Be Established and Maintained					
507.200 through 507.215; general requirements, additional requirements applying to food safety plan, requirements for record retention, use of existing records, and special requirements applicable to written assurance	7,469	519	3,876,411	0.1 (6 minutes)	387,641
Total					7,400,400

[1] There are no capital costs or operating and maintenance costs associated with this collection of information.
[2] Total hours have been rounded.

TABLE 3—ESTIMATED ANNUAL THIRD-PARTY DISCLOSURE BURDEN [1]

21 CFR section; activity	Number of respondents	Number of disclosures per respondent	Total annual disclosures	Average burden per disclosure	Total hours
117.201(e); disclosure of food manufacturing facility address	37,134	1	37,134	0.25 (15 minutes)	9,284
507.27(b); labeling for the animal food product contains the specific information and instructions needed so the food can be safely used for the intended animal species	330	10	3,300	0.25 (15 minutes)	825
507.7(e)(1); change labels on products with labels	1,120	4	4,480	1	4,480
507.7(e)(2); change address on labeling (sales documents) for qualified facilities	974	1	974	1	974

TABLE 3—ESTIMATED ANNUAL THIRD-PARTY DISCLOSURE BURDEN [1]—Continued

21 CFR section; activity	Number of respondents	Number of disclosures per respondent	Total annual disclosures	Average burden per disclosure	Total hours
507.25(a)(2); animal food, including raw materials, other ingredients, and rework, is accurately identified	373	312	116,376	0.01 (36 seconds)	1,163.76
507.28(b); holding and distribution of human food by-products for use as animal food	40,798	2	81,596	0.25 (15 minutes)	20,399
Total					37,125.76

[1] There are no capital costs or operating and maintenance costs associated with this collection of information.

Based on a review of the information collection since our last request for OMB approval, we have made no adjustments to our burden estimate.

Dated: October 21, 2024.

Eric Flamm,

Acting Associate Commissioner for Policy.

[FR Doc. 2024–24771 Filed 10–23–24; 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; Information Collection Request Title: Environmental Information and Documentation

AGENCY: Health Resources and Services Administration (HRSA), Department of Health and Human Services.

ACTION: Notice.

SUMMARY: In compliance with the requirement for opportunity for public comment on proposed data collection projects of the Paperwork Reduction Act of 1995, HRSA announces plans to submit an Information Collection Request (ICR), described below, to the Office of Management and Budget (OMB). Prior to submitting the ICR to OMB, HRSA seeks comments from the public regarding the burden estimate below or any other aspect of the ICR.

DATES: Comments on this ICR should be received no later than December 23, 2024.

ADDRESSES: Submit your comments to *paperwork@hrsa.gov* or mail the HRSA Information Collection Clearance Officer, Room 14NWH04, 5600 Fishers Lane, Rockville, Maryland 20857.

FOR FURTHER INFORMATION CONTACT: To request more information on the proposed project or to obtain a copy of the data collection plans and draft instruments, email *paperwork@hrsa.gov* or call Joella Roland, the HRSA Information Collection Clearance Officer, at (301) 443–3983.

SUPPLEMENTARY INFORMATION: When submitting comments or requesting information, please include the ICR title for reference.

Information Collection Request Title: HRSA Environmental Information and Documentation, OMB No. 0915–0324—Extension.

Abstract: HRSA proposes an extension of the Paperwork Reduction Act approval for the Environmental Information and Documentation (EID) checklist, which consists of information the agency is required to obtain to comply with the National Environmental Policy Act (NEPA) of 1969 as amended by the Fiscal Responsibility Act of 2023. NEPA establishes the federal government's national policy for protection of the environment. The EID checklist must be completed and submitted by applicants for HRSA funds that plan to engage in construction or other projects that will potentially impact the environment. HRSA uses the checklist to ensure that decision-making processes are consistent with NEPA and other related environmental and historic preservation laws. The extension will support HRSA's implementation of programs with capital improvements that have the potential to significantly affect the human environment, such as construction/expansion and alteration/renovation activities, as defined in the associated HRSA program guidance, or installation of fixed equipment.

Need and Proposed Use of the Information: Applicants for HRSA funds must provide information and assurance of compliance with NEPA on the EID checklist. This information is reviewed during the Pre-Award stage (and/or prior to the implementation of the project). The information is reviewed in the Post-Award stage for project changes and the information is reviewed before the implementation of the project changes.

Likely Respondents: HRSA applicants applying for federal loan guarantees, federal construction grants, and cooperative agreements.

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.

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
NEPA EID Checklist	1,500	1	1,500	1	1,500
Total	1,500		1,500		1,500

HRSA specifically requests comments on (1) the necessity and utility of the proposed information collection for the proper performance of the agency's functions; (2) the accuracy of the estimated burden; (3) ways to enhance the quality, utility, and clarity of the information to be collected; and (4) the use of automated collection techniques or other forms of information technology to minimize the information collection burden.

Maria G. Button,

Director, Executive Secretariat.

[FR Doc. 2024–24732 Filed 10–23–24; 8:45 am]

BILLING CODE 4165–15–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

National Institutes of Health

National Institute of Allergy and Infectious Diseases; Notice of Closed Meeting

Pursuant to section 1009 of the Federal Advisory Committee Act, as amended, notice is hereby given of the following meeting.

The meeting will be closed to the public in accordance with the provisions set forth in sections 552b(c)(4) and 552b(c)(6), title 5 U.S.C., as amended. The contract proposals and the discussions could disclose confidential trade secrets or commercial property such as patentable material, and personal information concerning individuals associated with the contract proposals, the disclosure of which would constitute a clearly unwarranted invasion of personal privacy.

Name of Committee: National Institute of Allergy and Infectious Diseases Special Emphasis Panel; Evaluation and Testing Services for Vaccines and Other Biologics for Infectious Diseases (N01).

Date: November 19–December 12, 2024.

Time: 10:00 a.m. to 6:00 p.m.

Agenda: To review and evaluate contract proposals.

Place: National Institute of Allergy and Infectious Diseases, National Institutes of Health, 5601 Fishers Lane, Room 3G76, Rockville, MD 20892 (Video Assisted Meeting).

Contact Person: Marci Scidmore, Ph.D., Scientific Review Officer, Scientific Review Program, Division of Extramural Activities, National Institute of Allergy and Infectious Diseases, National Institutes of Health, 5601 Fishers Lane, Room 3G76, Rockville, MD 20892, (240) 627–3255, *marci.scidmore@nih.gov.*

(Catalogue of Federal Domestic Assistance Program Nos. 93.855, Allergy, Immunology, and Transplantation Research; 93.856, Microbiology and Infectious Diseases Research, National Institutes of Health, HHS)

Dated: October 21, 2024.

Lauren A. Fleck,

Program Analyst, Office of Federal Advisory Committee Policy.

[FR Doc. 2024–24744 Filed 10–23–24; 8:45 am]

BILLING CODE 4140–01–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

National Institutes of Health

Eunice Kennedy Shriver National Institute of Child Health & Human Development; Notice of Meeting

Pursuant to section 1009 of the Federal Advisory Committee Act, as amended, notice is hereby given of a meeting of the Board of Scientific Counselors *Eunice Kennedy Shriver* National Institute of Child Health and Human Development.

The meeting will be open to the public as indicated below. Individuals who plan to attend and need special assistance, such as sign language interpretation or other reasonable accommodations, should notify the Contact Person listed below in advance of the meeting.

The meeting will be closed to the public as indicated below in accordance with the provisions set forth in section 552b(c)(6), title 5 U.S.C., as amended for the review, discussion, and evaluation of personnel qualifications and performance, and the competence of individual investigators, the disclosure of which would constitute a clearly unwarranted invasion of personal privacy.

Name of Committee: Board of Scientific Counselors *Eunice Kennedy Shriver* National Institute of Child Health and Human Development.

Date: December 6, 2024.

Open: 10:00 a.m. to 12:40 p.m.

Agenda: Scientific Director's Report on the status of the NICHD Division of Intramural Research and current organizational structure.

Closed: 12:40 p.m. to 2:45 p.m.

Agenda: To review and evaluate personnel qualifications and performance, and competence of individual investigators.

Address: Eunice Kennedy Shriver National Institute of Child Health and Human Development, National Institutes of Health, 31 Center Drive, Room 2A03, Bethesda, MD 20892 (Virtual Meeting).

Contact Person: Chris J. McBain, Ph.D., Scientific Director, *Eunice Kennedy Shriver* National Institute of Child Health and Human Development, National Institutes of Health, 31 Center Drive, Room 2A03, Bethesda, MD 20892, (301) 594–5984, *mcbainc@mail.nih.gov.*

Information is also available on the Institute's/Center's home page: *https://www.nichd.nih.gov/about/advisory/bsc,* where an agenda and any additional information for the meeting will be posted when available.

(Catalogue of Federal Domestic Assistance Program Nos. 93.864, Population Research; 93.865, Research for Mothers and Children; 93.929, Center for Medical Rehabilitation Research; 93.209, Contraception and Infertility Loan Repayment Program, National Institutes of Health, HHS)

Dated: October 21, 2024.

Lauren A. Fleck,

Program Analyst, Office of Federal Advisory Committee Policy.

[FR Doc. 2024–24743 Filed 10–23–24; 8:45 am]

BILLING CODE 4140–01–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

National Institutes of Health

Office of the Secretary; Notice of Meeting

Pursuant to section 1009 of the Federal Advisory Committee Act, as amended, notice is hereby given of a meeting of the Muscular Dystrophy Coordinating Committee (MDCC).

This will be a hybrid meeting held in-person and virtually and will be open to the public as indicated below.

Individuals who plan to attend in-person or view the virtual meeting and need special assistance or other reasonable accommodations, should notify the Contact Person listed below in advance of the meeting. The meeting can be accessed from the NIH Videocast at the following link: *https://videocast.nih.gov/.*

Name of Committee: Muscular Dystrophy Coordinating Committee.

Date: November 22, 2024.

Time: 9:00 a.m. to 4:00 p.m. ET.

Agenda: The purpose of this meeting is to bring together committee members, representing government agencies, patient advocacy groups, other voluntary health organizations and people with lived experience to discuss topics of interest to the muscular dystrophy communities and renewal of the committee's strategic plan, the Action Plan for the Muscular Dystrophies. The committee will discuss gaps and opportunities to better understand the muscular dystrophies, advance treatments and improve the lives of affected individuals.

Registration: To register, please go to: *https://web.cvent.com/event/ebf9b0d2-a61e-400b-b8d9-5624d3d51f28/summary.*

Place: National Institutes of Health, Neuroscience Center, 6001 Executive Boulevard, Room 1255/1265, Rockville, MD 20852 (In-person and Virtual Meeting).

Contact Person: Glen Nuckolls, Ph.D., National Institute of Neurological Disorders and Stroke (NINDS), NIH, 6001 Executive Blvd., Rockville, MD 20852, 301–496–5876, *glen.nuckolls@nih.gov.*

Any interested person may file written comments with the committee by forwarding the statement to the Contact Person listed on this notice. The statement should include the name, address, telephone number and when applicable, the business or professional affiliation of the interested person.

In the interest of security, NIH has procedures at *https://www.nih.gov/about-nih/visitor-information/campus-access-security* for entrance into on-campus and off-campus facilities. All visitor vehicles, including taxicabs, hotel, and airport shuttles will be inspected before being allowed on campus. Visitors attending a meeting on campus or at an off-campus federal facility will be asked to show one form of identification (for example, a government-issued photo ID, driver's license, or passport) and to state the purpose of their visit.

Information is also available on the Muscular Dystrophy Coordinating Committee website *https://mdcc.nih.gov/,* where an agenda and any addition information for the meeting will be posted when available.

Dated: October 18, 2024.

Miguelina Perez,

Program Analyst, Office of Federal Advisory Committee Policy.

[FR Doc. 2024–24642 Filed 10–23–24; 8:45 am]

BILLING CODE 4140–01–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

National Institutes of Health

National Institute of Allergy and Infectious Diseases; Notice of Closed Meeting

Pursuant to section 1009 of the Federal Advisory Committee Act, as amended, notice is hereby given of the following meeting.

The meeting will be closed to the public in accordance with the provisions set forth in sections 552b(c)(4) and 552b(c)(6), title 5 U.S.C., as amended. The grant applications and the discussions could disclose confidential trade secrets or commercial property such as patentable material, and personal information concerning individuals associated with the grant applications, the disclosure of which would constitute a clearly unwarranted invasion of personal privacy.

Name of Committee: National Institute of Allergy and Infectious Diseases Special Emphasis Panel; NIAID Clinical Trial Implementation Cooperative Agreement (U01 Clinical Trial Required).

Date: November 22, 2024.

Time: 1:00 p.m. to 5:00 p.m.

Agenda: To review and evaluate grant applications.

Place: National Institute of Allergy and Infectious Diseases, National Institutes of Health, 5601 Fishers Lane, Room 3G11, Rockville, MD 20892 (Video Assisted Meeting).

Contact Person: Barry J. Margulies, Ph.D., Scientific Review Officer, Scientific Review Program, Division of Extramural Activities, National Institute of Allergy and Infectious Diseases, National Institutes of Health, 5601 Fishers Lane, Room 3G11, Rockville, MD 20892, (301) 761–7956, *barry.margulies@nih.gov.*

(Catalogue of Federal Domestic Assistance Program Nos. 93.855, Allergy, Immunology, and Transplantation Research; 93.856, Microbiology and Infectious Diseases Research, National Institutes of Health, HHS)

Dated: October 21, 2024.

Lauren A. Fleck,

Program Analyst, Office of Federal Advisory Committee Policy.

[FR Doc. 2024–24745 Filed 10–23–24; 8:45 am]

BILLING CODE 4140–01–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Substance Abuse and Mental Health Services Administration

HHS Approval of Entities That Certify Medical Review Officers

AGENCY: Substance Abuse and Mental Health Services Administration, HHS.

ACTION: Notice.

SUMMARY: This notice publishes a list of the Department of Health and Human Services (HHS) approved Medical Review Officers certification entities. The most recent HHS Mandatory Guidelines for Federal Workplace Drug Testing Programs (Mandatory Guidelines), effective on October 10, 2023 (Oral Fluid) and February 1, 2024 (Urine), address the role and qualifications of Medical Review Officers (MROs) and HHS approval of entities that certify MROs.

DATES: HHS approval is effective October 24, 2024.

FOR FURTHER INFORMATION CONTACT: Joshua Hunt, Pharm.D., MPH, LCDR, United States Public Health Service, Area/Regional Pharmacy Consultant, Substance Abuse and Mental Health Services Administration, 5600 Fishers Lane, Rockville, Maryland 20857; Telephone: (301) 642–9354; Email: *Joshua.hunt@samhsa.hhs.gov.*

SUPPLEMENTARY INFORMATION: Subpart M—Medical Review Officer (MRO), Section 13.2 of the Mandatory Guidelines, ''How are nationally recognized entities or subspecialty boards that certify MROs approved?'' states as follows: ''All nationally recognized entities or subspecialty boards which seek approval by the Secretary to certify physicians as MROs for Federal workplace drug testing programs must submit their qualifications, a sample examination, and other necessary supporting examination materials (*e.g.,* answers, previous examination statistics or other background examination information, if requested). Approval will be based on an objective review of qualifications that include a copy of the MRO applicant application form, documentation that the continuing education courses are accredited by a professional organization, and the delivery method and content of the examination. Each approved MRO certification entity must resubmit their qualifications for approval every two years. The Secretary shall publish at least every two years a notice in the **Federal Register** listing those entities and subspecialty boards that have been approved.''

HHS has completed its review of entities that certify MROs, in accordance with requests submitted by such entities to HHS.

The HHS Secretary approves the following MRO certifying entities that offer MRO certification through examination:

American Association of Medical Review Officers (AAMRO), 1506 E.

Franklin St., Suite 300, Chapel Hill, NC 27514, Phone: 1–800–489–1839, Email: *bbrandon@aamro.com*, Website: *http://www.aamro.com/*

Medical Review Officer Certification Council (MROCC), 3231 S. Halsted St, #167, Chicago, IL 60608, Phone: (847) 631–0599, Email: *mrocc@mrocc.org*, Website: *http://www.mrocc.org/*

Dated: October 21, 2024.

Xavier Becerra,

Secretary, Department of Health and Human Services.

[FR Doc. 2024–24735 Filed 10–23–24; 8:45 am]

BILLING CODE 4162–20–P

DEPARTMENT OF HOMELAND SECURITY

Federal Emergency Management Agency

[Docket ID FEMA–2024–0002]

Final Flood Hazard Determinations

AGENCY: Federal Emergency Management Agency, Department of Homeland Security.

ACTION: Notice.

SUMMARY: Flood hazard determinations, which may include additions or modifications of Base Flood Elevations (BFEs), base flood depths, Special Flood Hazard Area (SFHA) boundaries or zone designations, or regulatory floodways on the Flood Insurance Rate Maps (FIRMs) and where applicable, in the supporting Flood Insurance Study (FIS) reports have been made final for the communities listed in the table below. The FIRM and FIS report are the basis of the floodplain management measures that a community is required either to adopt or to show evidence of having in effect in order to qualify or remain qualified for participation in the Federal Emergency Management Agency's (FEMA's) National Flood Insurance Program (NFIP).

DATES: The date of March 11, 2025 has been established for the FIRM and, where applicable, the supporting FIS report showing the new or modified flood hazard information for each community.

ADDRESSES: The FIRM, and if applicable, the FIS report containing the final flood hazard information for each community is available for inspection at the respective Community Map Repository address listed in the tables below and will be available online through the FEMA Map Service Center at *https://msc.fema.gov* by the date indicated above.

FOR FURTHER INFORMATION CONTACT: Rick Sacbibit, Chief, Engineering Services Branch, Federal Insurance and Mitigation Administration, FEMA, 400 C Street SW, Washington, DC 20472, (202) 646–7659, or (email) *patrick.sacbibit@fema.dhs.gov;* or visit the FEMA Mapping and Insurance eXchange (FMIX) online at *https://www.floodmaps.fema.gov/fhm/fmx_main.html.*

SUPPLEMENTARY INFORMATION: The Federal Emergency Management Agency (FEMA) makes the final determinations listed below for the new or modified flood hazard information for each community listed. Notification of these changes has been published in newspapers of local circulation and 90 days have elapsed since that publication. The Deputy Associate Administrator for Insurance and Mitigation has resolved any appeals resulting from this notification.

This final notice is issued in accordance with section 110 of the Flood Disaster Protection Act of 1973, 42 U.S.C. 4104, and 44 CFR part 67. FEMA has developed criteria for floodplain management in floodprone areas in accordance with 44 CFR part 60.

Interested lessees and owners of real property are encouraged to review the new or revised FIRM and FIS report available at the address cited below for each community or online through the FEMA Map Service Center at *https://msc.fema.gov.*

The flood hazard determinations are made final in the watersheds and/or communities listed in the table below.

(Catalog of Federal Domestic Assistance No. 97.022, ''Flood Insurance.'')

Nicholas A. Shufro,

Assistant Administrator (Acting) for Risk Management, Federal Emergency Management Agency, Department of Homeland Security.

Community	Community map repository address
Itasca County, Minnesota and Incorporated Areas Docket No.: FEMA–B–2364	
City of Bigfork	City Hall, 200 Main Avenue, Bigfork, MN 56628.
City of Bovey	City Hall, 402 2nd Street, Bovey, MN 55709.
City of Cohasset	City Hall, 305 Northwest 1st Avenue, Cohasset, MN 55721.
City of Coleraine	City Hall, 302 Roosevelt Street, Coleraine, MN 55722.
City of Deer River	City Hall, 60 2nd Street SE, Deer River, MN 56636.
City of Grand Rapids	City Hall, 420 North Pokegama Avenue, Grand Rapids, MN 55744.
City of Keewatin	City Hall, 127 West 3rd Avenue, Keewatin, MN 55753.
City of LaPrairie	LaPrairie City Hall, 15 Park Drive, Grand Rapids, MN 55744.
City of Taconite	Community Building, 26 Haynes Street, Taconite, MN 55786.
City of Warba	City Hall, 130 South 2nd Avenue, Warba, MN 55793.
City of Zemple	Zemple City Hall, 606 County Road 139, Deer River, MN 56636.
Leech Lake Band of Ojibwe	Leech Lake Band of Ojibwe Tribal Office, 190 Sailstar Drive Northwest, Cass Lake, MN 56633.
Unincorporated Areas of Itasca County	Itasca County Courthouse, Department of Environmental Services, 123 Northeast 4th Street, Grand Rapids MN 55744.
Carroll County, Mississippi and Incorporated Areas Docket No.: FEMA–B–2247	
Unincorporated Areas of Carroll County	Carroll County Courthouse, 600 Lexington Street, Carrollton, Mississippi 38917.

Community	Community map repository address
Montgomery County, Mississippi and Incorporated Areas Docket No.: FEMA–B–2247	
Unincorporated Areas of Montgomery County	Montgomery County Courthouse, 614 Summit Street, Winona, Mississippi 38967.
McLean County, North Dakota and Incorporated Areas Docket No.: FEMA–B–2367	
City of Washburn	McLean County Courthouse, 712 5th Avenue, Washburn, ND 58577.
Unincorporated Area of McLean County	McLean County Courthouse, 712 5th Avenue, Washburn, ND 58577.
Mercer County, North Dakota and Incorporated Areas Docket No.: FEMA–B–2367	
City of Stanton	Mercer County Courthouse, 1021 Arthur Street, Stanton, ND 58571.
Unincorporated Area of Mercer County	Mercer County Courthouse, 1021 Arthur Street, Stanton, ND 58571.
Oliver County, North Dakota and Incorporated Areas Docket No.: FEMA–B–2367	
Unincorporated Area of Oliver County	Oliver County Courthouse, 115 West Main Street, Center, ND 58530.
McCook County, South Dakota and Incorporated Areas Docket No.: FEMA–B–2380	
City of Bridgewater	Main Street Plaza, 232 North Main Avenue, Bridgewater, SD 57319.
City of Montrose	City Hall, 100 West Main Street, Montrose, SD 57048.
City of Salem	City Hall, 400 North Main Street, Salem, SD 57058.
Town of Spencer	City Hall, 306 Main Street, Spencer, SD 57374.
Unincorporated Areas of McCook County	McCook County Auditor's Office, 130 West Essex Avenue, Salem, SD 57058.

[FR Doc. 2024–24772 Filed 10–23–24; 8:45 am]

BILLING CODE 9110–12–P

DEPARTMENT OF HOMELAND SECURITY

Federal Emergency Management Agency

[Internal Agency Docket No. FEMA–4816–DR; Docket ID FEMA–2024–0001]

Vermont; Major Disaster and Related Determinations

AGENCY: Federal Emergency Management Agency, DHS.

ACTION: Notice.

SUMMARY: This is a notice of the Presidential declaration of a major disaster for the State of Vermont (FEMA–4816–DR), dated September 10, 2024, and related determinations.

DATES: The declaration was issued September 10, 2024.

FOR FURTHER INFORMATION CONTACT: Dean Webster, Office of Response and Recovery, Federal Emergency Management Agency, 500 C Street SW, Washington, DC 20472, (202) 646–2833.

SUPPLEMENTARY INFORMATION: Notice is hereby given that, in a letter dated September 10, 2024, the President issued a major disaster declaration under the authority of the Robert T. Stafford Disaster Relief and Emergency Assistance Act, 42 U.S.C. 5121 *et seq.* (the ''Stafford Act''), as follows:

I have determined that the damage in certain areas of the State of Vermont resulting from severe storms and flooding during the period of June 22 to June 24, 2024, is of sufficient severity and magnitude to warrant a major disaster declaration under the Robert T. Stafford Disaster Relief and Emergency Assistance Act, 42 U.S.C. 5121 *et seq.* (the ''Stafford Act''). Therefore, I declare that such a major disaster exists in the State of Vermont.

In order to provide Federal assistance, you are hereby authorized to allocate from funds available for these purposes such amounts as you find necessary for Federal disaster assistance and administrative expenses.

You are authorized to provide Public Assistance in the designated areas and Hazard Mitigation throughout the State. Consistent with the requirement that Federal assistance be supplemental, any Federal funds provided under the Stafford Act for Public Assistance and Hazard Mitigation will be limited to 75 percent of the total eligible costs.

Further, you are authorized to make changes to this declaration for the approved assistance to the extent allowable under the Stafford Act.

The Federal Emergency Management Agency (FEMA) hereby gives notice that pursuant to the authority vested in the Administrator, under Executive Order 12148, as amended, William F. Roy, of FEMA is appointed to act as the Federal Coordinating Officer for this major disaster.

The following areas of the State of Vermont have been designated as adversely affected by this major disaster:

Lamoille County for Public Assistance.

All areas within the State of Vermont are eligible for assistance under the Hazard Mitigation Grant Program.

The following Catalog of Federal Domestic Assistance Numbers (CFDA) are to be used for reporting and drawing funds: 97.030, Community Disaster Loans; 97.031, Cora Brown Fund; 97.032, Crisis Counseling; 97.033, Disaster Legal Services; 97.034, Disaster Unemployment Assistance (DUA); 97.046, Fire Management Assistance Grant; 97.048, Disaster Housing Assistance to Individuals and Households In Presidentially Declared Disaster Areas; 97.049, Presidentially Declared Disaster Assistance—Disaster Housing Operations for Individuals and Households; 97.050, Presidentially Declared Disaster Assistance to Individuals and Households—Other Needs; 97.036, Disaster Grants—Public Assistance (Presidentially Declared Disasters); 97.039, Hazard Mitigation Grant.

Deanne Criswell,

Administrator, Federal Emergency Management Agency.

[FR Doc. 2024–24664 Filed 10–23–24; 8:45 am]

BILLING CODE 9111–23–P

DEPARTMENT OF HOMELAND SECURITY

Federal Emergency Management Agency

[Internal Agency Docket No. FEMA–4832–DR; Docket ID FEMA–2024–0001]

Tennessee; Amendment No. 1 to Notice of a Major Disaster Declaration

AGENCY: Federal Emergency Management Agency, DHS.

ACTION: Notice.

SUMMARY: This notice amends the notice of a major disaster declaration for the State of Tennessee (FEMA–4832–DR), dated October 2, 2024, and related determinations.

DATES: This amendment was issued October 6, 2024.

FOR FURTHER INFORMATION CONTACT: Dean Webster, Office of Response and Recovery, Federal Emergency Management Agency, 500 C Street SW, Washington, DC 20472, (202) 646–2833.

SUPPLEMENTARY INFORMATION: The notice of a major disaster declaration for the State of Tennessee is hereby amended to include the following areas among those areas determined to have been adversely affected by the event declared a major disaster by the President in his declaration of October 2, 2024.

Jefferson and Sevier Counties for debris removal and emergency protective measures (Categories A and B), including direct federal assistance under the Public Assistance program.

The following Catalog of Federal Domestic Assistance Numbers (CFDA) are to be used for reporting and drawing funds: 97.030, Community Disaster Loans; 97.031, Cora Brown Fund; 97.032, Crisis Counseling; 97.033, Disaster Legal Services; 97.034, Disaster Unemployment Assistance (DUA); 97.046, Fire Management Assistance Grant; 97.048, Disaster Housing Assistance to Individuals and Households In Presidentially Declared Disaster Areas; 97.049, Presidentially Declared Disaster Assistance—Disaster Housing Operations for Individuals and Households; 97.050, Presidentially Declared Disaster Assistance to Individuals and Households—Other Needs; 97.036, Disaster Grants—Public Assistance (Presidentially Declared Disasters); 97.039, Hazard Mitigation Grant.

Deanne Criswell,

Administrator, Federal Emergency Management Agency.

[FR Doc. 2024–24694 Filed 10–23–24; 8:45 am]

BILLING CODE 9111–23–P

DEPARTMENT OF HOMELAND SECURITY

Federal Emergency Management Agency

[Docket ID FEMA–2024–0002]

Changes in Flood Hazard Determinations

AGENCY: Federal Emergency Management Agency, Department of Homeland Security.

ACTION: Notice.

SUMMARY: New or modified Base (1-percent annual chance) Flood Elevations (BFEs), base flood depths, Special Flood Hazard Area (SFHA) boundaries or zone designations, and/or regulatory floodways (hereinafter referred to as flood hazard determinations) as shown on the indicated Letter of Map Revision (LOMR) for each of the communities listed in the table below are finalized. Each LOMR revises the Flood Insurance Rate Maps (FIRMs), and in some cases the Flood Insurance Study (FIS) reports, currently in effect for the listed communities.

DATES: Each LOMR was finalized as in the table below.

ADDRESSES: Each LOMR is available for inspection at both the respective Community Map Repository address listed in the table below and online through the FEMA Map Service Center at *https://msc.fema.gov.*

FOR FURTHER INFORMATION CONTACT: Rick Sacbibit, Chief, Engineering Services Branch, Federal Insurance and Mitigation Administration, FEMA, 400 C Street SW, Washington, DC 20472, (202) 646–7659, or (email) *patrick.sacbibit@fema.dhs.gov;* or visit the FEMA Mapping and Insurance eXchange (FMIX) online at *https://www.floodmaps.fema.gov/fhm/fmx_main.html.*

SUPPLEMENTARY INFORMATION: The Federal Emergency Management Agency (FEMA) makes the final flood hazard determinations as shown in the LOMRs for each community listed in the table below. Notice of these modified flood hazard determinations has been published in newspapers of local circulation and 90 days have elapsed since that publication. The Deputy Associate Administrator for Insurance and Mitigation has resolved any appeals resulting from this notification.

The modified flood hazard determinations are made pursuant to section 206 of the Flood Disaster Protection Act of 1973, 42 U.S.C. 4105, and are in accordance with the National Flood Insurance Act of 1968, 42 U.S.C. 4001 *et seq.,* and with 44 CFR part 65. The currently effective community number is shown and must be used for all new policies and renewals.

The new or modified flood hazard information is the basis for the floodplain management measures that the community is required either to adopt or to show evidence of being already in effect in order to remain qualified for participation in the National Flood Insurance Program (NFIP).

This new or modified flood hazard information, together with the floodplain management criteria required by 44 CFR 60.3, are the minimum that are required. They should not be construed to mean that the community must change any existing ordinances that are more stringent in their floodplain management requirements. The community may at any time enact stricter requirements of its own or pursuant to policies established by other Federal, State, or regional entities.

This new or modified flood hazard determinations are used to meet the floodplain management requirements of the NFIP. The changes in flood hazard determinations are in accordance with 44 CFR 65.4.

Interested lessees and owners of real property are encouraged to review the final flood hazard information available at the address cited below for each community or online through the FEMA Map Service Center at *https://msc.fema.gov.*

(Catalog of Federal Domestic Assistance No. 97.022, ''Flood Insurance.'')

Nicholas A. Shufro,

Assistant Administrator (Acting) for Risk Management, Federal Emergency Management Agency, Department of Homeland Security.

State and county	Location and case No.	Chief executive officer of community	Community map repository	Date of modification	Community No.
Colorado: Boulder (FEMA Docket No.: B–2450).	City of Boulder (24–08–0273X).	The Honorable Aaron Brockett, Mayor, City of Boulder, 1777 Broadway, Boulder, CO 80302.	City Hall, 1777 Broadway, Boulder, CO 80302.	Oct. 3, 2024	080024
DC: Washington, DC (FEMA Docket No.: B–2450).	District of Columbia (23–03–0825P).	The Honorable Muriel Bowser, Mayor, District of Columbia, 1350 Pennsylvania Avenue, Northwest Washington, DC 20004.	Department of Energy and Environment, 1200 1st Street Northeast, 5th Floor, Washington DC 20002.	Sep. 25, 2024	110001
Florida:					
Broward (FEMA Docket No.: B–2450).	City of Plantation (24–04–0898P).	The Honorable Nick Sortal, Mayor, City of Plantation, 400 Northwest 73rd Avenue, Plantation, FL 33317.	City Hall, 400 Northwest 73rd Avenue, Plantation, FL 33317.	Oct. 15, 2024	120054
Indian River (FEMA Docket No.: B–2445).	Unincorporated areas of Indian River County (24–04–0897P).	Susan Adams, Chair, Indian River County Board of Commissioners, 1801 27th Street, Vero Beach, FL 32960.	Indian River County Administration Building, 1801 27th Street, Vero Beach, FL 32960.	Sep. 25, 2024	120119
Lake (FEMA Docket No.: B–2445).	City of Groveland (23–04–5489P).	The Honorable Evelyn Wilson, Mayor, City of Groveland, 243 South Lake Avenue, Groveland, FL 34736.	City Hall, 243 South Lake Avenue, Groveland, FL 34736.	Oct. 9, 2024	120135
Lake (FEMA Docket No.: B–2445).	Unincorporated areas of Lake County (23–04–5489P).	Jennifer Barker, Lake County Manager, 315 West Main Street, Tavares, FL 32778.	Lake County Public Works Department, 323 North Sinclair Avenue, Tavares, FL 32778.	Oct. 9, 2024	120135
Manatee (FEMA Docket No.: B–2445).	Unincorporated areas of Manatee County (24–04–1367P).	Charlie Bishop, Manatee County Administrator, 1112 Manatee Avenue West, Bradenton, FL 34205.	Manatee County Administration Building, 1112 Manatee Avenue West, Bradenton, FL 34205.	Sep. 30, 2024	120153
Manatee (FEMA Docket No.: B–2450).	Unincorporated areas of Manatee County (24–04–4432P).	Charlie Bishop, Manatee County Administrator, 1112 Manatee Avenue West, Bradenton, FL 34205.	Manatee County Administration Building, 1112 Manatee Avenue West, Bradenton, FL 34205.	Oct. 16, 2024	120153
Manatee (FEMA Docket No.: B–2450).	Unincorporated areas of Manatee County (24–04–4434P).	Charlie Bishop, Manatee County Administrator, 1112 Manatee Avenue West, Bradenton, FL 34205.	Manatee County Administration Building, 1112 Manatee Avenue West, Bradenton, FL 34205.	Oct. 10, 2024	120153
Monroe (FEMA Docket No.: B–2450).	Village of Islamorada (24–04–1608P).	The Honorable Joseph ''Buddy'' Pinder III, Mayor, Village of Islamorada, 86800 Overseas Highway, Islamorada, FL 33036.	Building Department, 86800 Overseas Highway, Islamorada, FL 33036.	Oct. 4, 2024	120424
Osceola (FEMA Docket No.: B–2450).	Unincorporated areas of Osceola County (24–04–2482X).	Donald Fisher, Osceola County Manager, 1 Courthouse Square, Suite 4700, Kissimmee, FL 34741.	Osceola County Public Works Department, 1 Courthouse Square, Suite 3100, Kissimmee, FL 34741.	Oct. 11, 2024	120189
Pasco (FEMA Docket No.: B–2450).	Unincorporated areas of Pasco County (23–04–5310P).	Ron Oakley, Chair, Pasco County Board of Commissioners, 37918 Meridian Avenue, Dade City, FL 33525.	Pasco County Building Construction Services Department, 8661 Citizens Drive, Suite 100, New Port Richey, FL 34654.	Oct. 3, 2024	120230
Indiana:					
Lake (FEMA Docket No.: B–2450).	Town of Lowell (23–05–1264P).	Todd Angerman, President, Town of Lowell Council, 501 East Main Street, Lowell, IN 46356.	Town Hall, 501 East Main Street, Lowell, IN 46356.	Oct. 15, 2024	180137
Lake (FEMA Docket No.: B–2450).	Unincorporated areas of Lake County (23–05–1264P).	Christine Cid, President, Lake County Council, 2293 North Main Street, Crown Point, IN 46307.	Lake County Building, 2293 North Main Street, Crown Point, IN 46307.	Oct. 15, 2024	180126
North Carolina:					
Craven (FEMA Docket No.: B–2460).	City of Havelock (23–04–5092P).	The Honorable William L. Lewis, Jr., Mayor, City of Havelock, P.O. Box 368, Havelock, NC 28532.	Planning Department, 1 Governmental Avenue, Havelock, NC 28532.	Oct. 7, 2024	370265

State and county	Location and case No.	Chief executive officer of community	Community map repository	Date of modification	Community No.
Durham (FEMA Docket No.: B–2450).	City of Durham (23–04–4657P).	The Honorable Leonardo Williams, Mayor, City of Durham, 101 City Hall Plaza, Durham, NC 27701.	City Hall, 101 City Hall Plaza, Durham, NC 27701.	Oct. 10, 2024	370086
Mecklenburg (FEMA Docket No.: B–2450).	City of Charlotte (22–04–5778P).	The Honorable Vi Alexander Lyles, Mayor, City of Charlotte, 600 East 4th Street, Charlotte, NC 28202.	Stormwater Services Department, 2145 Suttle Avenue, Charlotte, NC 28208.	Oct. 2, 2024	370159
South Carolina: Richland (FEMA Docket No.: B–2450).	City of Forest Acres (24–04–0460P).	The Honorable Thomas Andrews, Mayor, City of Forest Acres, 5209 North Trenholm Road, Columbia, SC 29206.	City Hall, 5209 North Trenholm Road, Columbia, SC 29206.	Oct. 7, 2024	450174
Texas:					
Bell (FEMA Docket No.: B–2450).	City of Temple (23–06–1405P).	The Honorable Tim Davis, Mayor, City of Temple, 2 North Main Street, Suite 103, Temple, TX 76501.	Engineering Department, 3210 East Avenue H, Building A, Suite 107, Temple, TX 76501.	Oct. 3, 2024	480034
Collin (FEMA Docket No.: B–2445).	City of Frisco (24–06–0214P).	The Honorable Jeff Cheney, Mayor, City of Frisco, 6101 Frisco Square Boulevard, Frisco, TX 75034.	Engineering Development Department, 6101 Frisco Square Boulevard, Frisco, TX 75034.	Sep. 30, 2024	480134
Collin (FEMA Docket No.: B–2445).	City of McKinney (24–06–0193P).	The Honorable George Fuller, Mayor, City of McKinney, 222 North Tennessee Street, McKinney, TX 75069.	City Hall, 222 North Tennessee Street, McKinney, TX 75069.	Sep. 30, 2024	480135
Collin (FEMA Docket No.: B–2445).	City of McKinney (24–06–0214P).	The Honorable George Fuller, Mayor, City of McKinney, 222 North Tennessee Street, McKinney, TX 75069.	City Hall, 222 North Tennessee Street, McKinney, TX 75069.	Sep. 30, 2024	480135
Collin (FEMA Docket No.: B–2445).	City of Melissa (24–06–0193P).	The Honorable Jay Northcut, Mayor, City of Melissa, 3411 Barker Avenue, Melissa, TX 75454.	City Hall, 3411 Barker Avenue, Melissa, TX 75454.	Sep. 30, 2024	481626
Collin (FEMA Docket No.: B–2445).	Unincorporated areas of Collin County (24–06–0193P).	The Honorable Chris Hill, Collin County Judge, 2300 Bloomdale Road, Suite 4192, McKinney, TX 75071.	Collin County Juvenile Justice Alternative Education Program Building, 4690 Community Avenue, McKinney, TX 75071.	Sep. 30, 2024	480130
Dallas (FEMA Docket No.: B–2445).	City of Wilmer (24–06–0159P).	The Honorable Sheila Petta, Mayor, City of Wilmer, 128 North Dallas Avenue, Wilmer, TX 75172.	City Hall, 128 North Dallas Avenue, Wilmer, TX 75172.	Sep. 30, 2024	480190
Dallas (FEMA Docket No.: B–2445).	Unincorporated areas of Dallas County (24–06–0159P).	The Honorable Clay Lewis Jenkins, Dallas County Judge, 500 Elm Street, Suite 7000, Dallas, TX 75202.	Dallas County Records Building, 500 Elm Street, Suite 5300, Dallas, TX 75202.	Sep. 30, 2024	480165
Denton (FEMA Docket No.: B–2450).	City of Frisco (23–06–1600P).	The Honorable Jeff Cheney, Mayor, City of Frisco, 6101 Frisco Square Boulevard, Frisco, TX 75034.	City Hall, 6101 Frisco Square Boulevard, Frisco, TX 75034.	Oct. 7, 2024	480134
Denton (FEMA Docket No.: B–2450).	Town of Prosper (23–06–2479P).	The Honorable David F. Bristol, Mayor, Town of Prosper, 250 West 1st Street, Prosper, TX 75078.	Engineering Department, 250 West 1st Street, Prosper, TX 75078.	Oct. 11, 2024	480141
Denton (FEMA Docket No.: B–2450).	Unincorporated areas of Denton County (23–06–2479P).	The Honorable Andy Eads, Denton County Judge, 1 Courthouse Drive, Suite 3100, Denton, TX 76208.	Denton County Development Services Department, 3900 Morse Street, Denton, TX 76208.	Oct. 11, 2024	480774
Ellis (FEMA Docket No.: B–2450).	Unincorporated areas of Ellis County (23–06–1731P).	The Honorable Todd Little Ellis, County Judge, 101 West Main Street, Waxahachie, TX 75165.	Ellis County Courts and Administration, 109 South Jackson Street, Waxahachie, TX 75165.	Oct. 15, 2024	480798
Johnson (FEMA Docket No.: B–2445).	Unincorporated areas of Johnson County (23–06–1788P).	The Honorable Christopher Boedeker, Johnson County Judge, 2 North Main Street, Cleburne, TX 76033.	Johnson County Public Works Department, 2 North Mill Street, Suite 305, Cleburne, TX 76033.	Sep. 30, 2024	480879

State and county	Location and case No.	Chief executive officer of community	Community map repository	Date of modification	Community No.
Kaufman (FEMA Docket No.: B–2450).	City of Terrell (24–06–0327P).	The Honorable E. Rick Carmona, Mayor, City of Terrell, P.O. Box 310, Terrell, TX 75160.	City Hall, 201 East Nash Street, Terrell, TX 75160.	Oct. 15, 2024	480416
Kendall (FEMA Docket No.: B–2454).	Unincorporated areas of Kendall County (23–06–2463P).	The Honorable Shane Stolarczyk, Kendall County Judge, 201 East San Antonio Avenue, Suite 122, Boerne, TX 78006.	Kendall County Courthouse, 201 East San Antonio Avenue, Suite 101, Boerne, TX 78006.	Oct. 15, 2024	480417
Tarrant (FEMA Docket No.: B–2445).	City of Fort Worth (23–06–2685P).	The Honorable Mattie Parker, Mayor, City of Fort Worth, 200 Texas Street, Fort Worth, TX 76102.	City Hall, 200 Texas Street, Fort Worth, TX 76102.	Sep. 30, 2024	480596
Vermont: Windham (FEMA Docket No.: B–2445).	Town of Brattleboro (23–01–0632P).	John R. Potter, Manager, Town of Brattleboro, 230 Main Street, Suite 208, Brattleboro, VT 05301.	Planning Services Department, 230 Main Street, Suite 202, Brattleboro, VT 05301.	Oct. 3, 2024	500126
Wyoming: Laramie (FEMA Docket No.: B–2454).	City of Cheyenne (23–08–0495P).	The Honorable Patrick Collins, Mayor, City of Cheyenne, 2101 O'Neil Avenue, Cheyenne, WY 82001.	Engineering Department, 2101 O'Neil Avenue, Suite 206, Cheyenne, WY 82001.	Oct. 15, 2024	560030

[FR Doc. 2024–24775 Filed 10–23–24; 8:45 am]

BILLING CODE 9110–12–P

DEPARTMENT OF HOMELAND SECURITY

Federal Emergency Management Agency

[Docket ID FEMA–2024–0001]

Notice of Adjustment of Disaster Grant Amounts

AGENCY: Federal Emergency Management Agency, DHS.

ACTION: Notice.

SUMMARY: FEMA gives notice of an adjustment to the threshold for Small Project subgrants made to State, Tribal, and local governments and private nonprofit facilities for disasters declared on or after October 1, 2024.

DATES: This adjustment applies to major disasters and emergencies declared on or after October 1, 2024.

FOR FURTHER INFORMATION CONTACT: Tod Wells, Recovery Directorate, Federal Emergency Management Agency, 500 C Street SW, Washington, DC 20472, (202) 646–3834.

SUPPLEMENTARY INFORMATION: The Robert T. Stafford Disaster Relief and Emergency Assistance Act, 42 U.S.C. 5121–5207, as amended by the Sandy Recovery Improvement Act, Public Law 113–2, provides that FEMA will annually adjust the threshold for assistance provided under section 422, Simplified Procedures, relating to the Public Assistance program, to reflect changes in the Consumer Price Index for All Urban Consumers published by the Department of Labor.

FEMA gives notice that $1,062,900 is the threshold for any Small Project subgrant made to State, Tribal, and local governments or to the owner or operator of an eligible private nonprofit facility under section 422 of the Stafford Act for all major disasters or emergencies declared on or after October 1, 2024.

FEMA bases the adjustment on an increase in the Consumer Price Index for All Urban Consumers of 2.5 percent for the 12-month period that ended in August 2024. This is based on information released by the Bureau of Labor Statistics at the U.S. Department of Labor on September 11, 2024.

Catalog of Federal Domestic Assistance No. 97.036, Disaster Grants—Public Assistance (Presidentially Declared Disasters).

Deanne Criswell,

Administrator, Federal Emergency Management Agency.

[FR Doc. 2024–24698 Filed 10–23–24; 8:45 am]

BILLING CODE 9111–23–P

DEPARTMENT OF HOMELAND SECURITY

Federal Emergency Management Agency

[Internal Agency Docket No. FEMA–4814–DR; Docket ID FEMA–2024–0001]

New York; Major Disaster and Related Determinations

AGENCY: Federal Emergency Management Agency, DHS.

ACTION: Notice.

SUMMARY: This is a notice of the Presidential declaration of a major disaster for the State of New York (FEMA–4814–DR), dated August 29, 2024, and related determinations.

DATES: The declaration was issued August 29, 2024.

FOR FURTHER INFORMATION CONTACT: Dean Webster, Office of Response and Recovery, Federal Emergency Management Agency, 500 C Street SW, Washington, DC 20472, (202) 646–2833.

SUPPLEMENTARY INFORMATION: Notice is hereby given that, in a letter dated August 29, 2024, the President issued a major disaster declaration under the authority of the Robert T. Stafford Disaster Relief and Emergency Assistance Act, 42 U.S.C. 5121 *et seq.* (the ''Stafford Act''), as follows:

I have determined that the damage in certain areas of the State of New York resulting from a severe storm, tornadoes, and flooding during the period of July 10 to July 11, 2024, is of sufficient severity and magnitude to warrant a major disaster declaration under the Robert T. Stafford Disaster Relief and Emergency Assistance Act, 42 U.S.C. 5121 *et seq.* (the ''Stafford Act''). Therefore, I declare that such a major disaster exists in the State of New York.

In order to provide Federal assistance, you are hereby authorized to allocate from funds available for these purposes such amounts as you find necessary for Federal disaster assistance and administrative expenses.

You are authorized to provide Public Assistance in the designated areas and Hazard Mitigation throughout the State. Consistent with the requirement that Federal assistance be supplemental, any Federal funds provided under the Stafford Act for Public Assistance and Hazard Mitigation will be limited to 75 percent of the total eligible costs.

Further, you are authorized to make changes to this declaration for the approved assistance to the extent allowable under the Stafford Act.

The Federal Emergency Management Agency (FEMA) hereby gives notice that pursuant to the authority vested in the Administrator, under Executive Order 12148, as amended, Lai Sun Yee, of FEMA is appointed to act as the Federal Coordinating Officer for this major disaster.

The following areas of the State of New York have been designated as adversely affected by this major disaster:

Cortland, Essex, Hamilton, Lewis, and St. Lawrence Counties for Public Assistance.

All areas within the State of New York are eligible for assistance under the Hazard Mitigation Grant Program.

The following Catalog of Federal Domestic Assistance Numbers (CFDA) are to be used for reporting and drawing funds: 97.030, Community Disaster Loans; 97.031, Cora Brown Fund; 97.032, Crisis Counseling; 97.033, Disaster Legal Services; 97.034, Disaster Unemployment Assistance (DUA); 97.046, Fire Management Assistance Grant; 97.048, Disaster Housing Assistance to Individuals and Households In Presidentially Declared Disaster Areas; 97.049, Presidentially Declared Disaster Assistance—Disaster Housing Operations for Individuals and Households; 97.050, Presidentially Declared Disaster Assistance to Individuals and Households—Other Needs; 97.036, Disaster Grants—Public Assistance (Presidentially Declared Disasters); 97.039, Hazard Mitigation Grant.

Deanne Criswell,

Administrator, Federal Emergency Management Agency.

[FR Doc. 2024–24662 Filed 10–23–24; 8:45 am]

BILLING CODE 9111–23–P

DEPARTMENT OF HOMELAND SECURITY

Federal Emergency Management Agency

[Internal Agency Docket No. FEMA–3620–EM; Docket ID FEMA–2024–0001]

Tennessee; Amendment No. 1 to Notice of an Emergency Declaration

AGENCY: Federal Emergency Management Agency, DHS.

ACTION: Notice.

SUMMARY: This notice amends the notice of an emergency declaration for the State of Tennessee (FEMA–3620–EM), dated September 27, 2024, and related determinations.

DATES: This amendment was issued September 28, 2024.

FOR FURTHER INFORMATION CONTACT: Dean Webster, Office of Response and Recovery, Federal Emergency Management Agency, 500 C Street SW, Washington, DC 20472, (202) 646–2833.

SUPPLEMENTARY INFORMATION: The notice of an emergency declaration for the State of Tennessee is hereby amended to include the following areas among those areas determined to have been adversely affected by the event declared an emergency by the President in his declaration of September 27, 2024.

Cocke County for emergency protective measures [Category B], including direct federal assistance (already designated for emergency protective measures (Category B), limited to direct federal assistance and reimbursement for mass care including evacuation and shelter support).

Greene and Hamblen Counties for emergency protective measures (Category B), including direct federal assistance.

The following Catalog of Federal Domestic Assistance Numbers (CFDA) are to be used for reporting and drawing funds: 97.030, Community Disaster Loans; 97.031, Cora Brown Fund; 97.032, Crisis Counseling; 97.033, Disaster Legal Services; 97.034, Disaster Unemployment Assistance (DUA); 97.046, Fire Management Assistance Grant; 97.048, Disaster Housing Assistance to Individuals and Households In Presidentially Declared Disaster Areas; 97.049, Presidentially Declared Disaster Assistance—Disaster Housing Operations for Individuals and Households; 97.050, Presidentially Declared Disaster Assistance to Individuals and Households—Other Needs; 97.036, Disaster Grants—Public Assistance (Presidentially Declared Disasters); 97.039, Hazard Mitigation Grant.

Deanne Criswell,

Administrator, Federal Emergency Management Agency.

[FR Doc. 2024–24651 Filed 10–23–24; 8:45 am]

BILLING CODE 9111–23–P

DEPARTMENT OF HOMELAND SECURITY

Federal Emergency Management Agency

[Internal Agency Docket No. FEMA–4831–DR; Docket ID FEMA–2024–0001]

Virginia; Amendment No. 3 to Notice of a Major Disaster Declaration

AGENCY: Federal Emergency Management Agency, DHS.

ACTION: Notice.

SUMMARY: This notice amends the notice of a major disaster declaration for the Commonwealth of Virginia (FEMA–4831–DR), dated October 1, 2024, and related determinations.

DATES: This amendment was issued October 10, 2024.

FOR FURTHER INFORMATION CONTACT: Dean Webster, Office of Response and Recovery, Federal Emergency Management Agency, 500 C Street SW, Washington, DC 20472, (202) 646–2833.

SUPPLEMENTARY INFORMATION: The notice of a major disaster declaration for the Commonwealth of Virginia is hereby amended to include permanent work under the Public Assistance program for the following areas among those areas determined to have been adversely affected by the event declared a major disaster by the President in his declaration of October 1, 2024.

Bedford, Bland, Carroll, Giles, Grayson, Montgomery, Pittsylvania, Pulaski, Russell, Smyth, Tazewell, Washington, Wise, and Wythe Counties and the independent cities of Galax and Radford for permanent work [Categories C–G] (already designated for Individual Assistance and assistance for debris removal and emergency protective measures [Categories A and B], including direct Federal assistance, under the Public Assistance program).

Buchanan, Craig, Dickenson, and Scott Counties and the independent cities of Bristol, Covington, Danville, and Norton for permanent work [Categories C–G] (already designated for debris removal and emergency protective measures [Categories A and B], including direct Federal assistance, under the Public Assistance program).

Lee County for Public Assistance, including direct Federal assistance.

The following Catalog of Federal Domestic Assistance Numbers (CFDA) are to be used for reporting and drawing funds: 97.030, Community Disaster Loans; 97.031, Cora Brown Fund; 97.032, Crisis Counseling; 97.033, Disaster Legal Services; 97.034, Disaster Unemployment Assistance (DUA); 97.046, Fire Management Assistance Grant; 97.048, Disaster Housing Assistance to Individuals and Households In Presidentially Declared Disaster Areas; 97.049, Presidentially Declared Disaster Assistance—Disaster Housing Operations for Individuals and Households; 97.050, Presidentially Declared Disaster Assistance to Individuals and Households—Other Needs; 97.036, Disaster Grants—Public Assistance (Presidentially Declared Disasters); 97.039, Hazard Mitigation Grant.

Deanne Criswell,

Administrator, Federal Emergency Management Agency.

[FR Doc. 2024–24692 Filed 10–23–24; 8:45 am]

BILLING CODE 9111–23–P

DEPARTMENT OF HOMELAND SECURITY

Federal Emergency Management Agency

[Docket ID FEMA–2024–0001]

Notice of Adjustment of Minimum Project Worksheet Amount

AGENCY: Federal Emergency Management Agency, DHS.

ACTION: Notice.

SUMMARY: FEMA gives notice that the minimum Project Worksheet Amount under the Public Assistance program for disasters and emergencies declared on or after October 1, 2024, will be increased.

DATES: This adjustment applies to major disasters and emergencies declared on or after October 1, 2024.

FOR FURTHER INFORMATION CONTACT: Tod Wells, Recovery Directorate, Federal Emergency Management Agency, 500 C Street SW, Washington, DC 20472, (202) 646–3834.

SUPPLEMENTARY INFORMATION: FEMA regulations at 44 CFR 206.202(d)(2) provides that FEMA will annually adjust the minimum Project Worksheet amount under the Public Assistance program to reflect changes in the Consumer Price Index for All Urban Consumers published by the Department of Labor.

FEMA gives notice of an increase to $4,000 for the minimum amount that will be approved for any Project Worksheet under the Public Assistance program for all major disasters and emergencies declared on or after October 1, 2024.

FEMA bases the adjustment on an increase in the Consumer Price Index for All Urban Consumers of 2.5 percent for the 12-month period that ended in August 2024. This is based on information released by the Bureau of Labor Statistics at the U.S. Department of Labor on September 11, 2024.

Catalog of Federal Domestic Assistance No. 97.036, Disaster Grants—Public Assistance (Presidentially Declared Disasters).

Deanne Criswell,

Administrator, Federal Emergency Management Agency.

[FR Doc. 2024–24699 Filed 10–23–24; 8:45 am]

BILLING CODE 9111–23–P

DEPARTMENT OF HOMELAND SECURITY

Federal Emergency Management Agency

[Internal Agency Docket No. FEMA–4775–DR; Docket ID FEMA–2024–0001]

Washington; Amendment No. 2 to Notice of a Major Disaster Declaration

AGENCY: Federal Emergency Management Agency, DHS.

ACTION: Notice.

SUMMARY: This notice amends the notice of a major disaster declaration for the State of Washington (FEMA–4775–DR), dated April 28, 2024, and related determinations.

DATES: This change occurred on October 2, 2024.

FOR FURTHER INFORMATION CONTACT: Dean Webster, Office of Response and Recovery, Federal Emergency Management Agency, 500 C Street SW, Washington, DC 20472, (202) 646–2833.

SUPPLEMENTARY INFORMATION: The Federal Emergency Management Agency (FEMA) hereby gives notice that pursuant to the authority vested in the Administrator, under Executive Order 12148, as amended, Yolanda J. Jackson, of FEMA is appointed to act as the Federal Coordinating Officer for this disaster.

This action terminates the appointment of Tonia Pence as Federal Coordinating Officer for this disaster.

The following Catalog of Federal Domestic Assistance Numbers (CFDA) are to be used for reporting and drawing funds: 97.030, Community Disaster Loans; 97.031, Cora Brown Fund; 97.032, Crisis Counseling; 97.033, Disaster Legal Services; 97.034, Disaster Unemployment Assistance (DUA); 97.046, Fire Management Assistance Grant; 97.048, Disaster Housing Assistance to Individuals and Households In Presidentially Declared Disaster Areas; 97.049, Presidentially Declared Disaster Assistance—Disaster Housing Operations for Individuals and Households; 97.050, Presidentially Declared Disaster Assistance to Individuals and Households—Other Needs; 97.036, Disaster Grants—Public Assistance (Presidentially Declared Disasters); 97.039, Hazard Mitigation Grant.

Deanne Criswell,

Administrator, Federal Emergency Management Agency.

[FR Doc. 2024–24655 Filed 10–23–24; 8:45 am]

BILLING CODE 9111–23–P

DEPARTMENT OF HOMELAND SECURITY

Federal Emergency Management Agency

[Internal Agency Docket No. FEMA–4831–DR; Docket ID FEMA–2024–0001]

Virginia; Amendment No. 4 to Notice of a Major Disaster Declaration

AGENCY: Federal Emergency Management Agency, DHS.

ACTION: Notice.

SUMMARY: This notice amends the notice of a major disaster declaration for the Commonwealth of Virginia (FEMA–4831–DR), dated October 1, 2024, and related determinations.

DATES: This amendment was issued October 13, 2024.

FOR FURTHER INFORMATION CONTACT: Dean Webster, Office of Response and Recovery, Federal Emergency Management Agency, 500 C Street SW, Washington, DC 20472, (202) 646–2833.

SUPPLEMENTARY INFORMATION: The notice of a major disaster declaration for the Commonwealth of Virginia is hereby amended to include the following area among those areas determined to have been adversely affected by the event declared a major disaster by the President in his declaration of October 1, 2024.

Scott County for Individual Assistance (already designated for Public Assistance, including direct Federal assistance).

The following Catalog of Federal Domestic Assistance Numbers (CFDA) are to be used for reporting and drawing funds: 97.030, Community Disaster Loans; 97.031, Cora Brown Fund; 97.032, Crisis Counseling; 97.033, Disaster Legal Services; 97.034, Disaster Unemployment Assistance (DUA); 97.046, Fire Management Assistance Grant; 97.048, Disaster Housing Assistance to Individuals and Households In Presidentially Declared Disaster Areas; 97.049, Presidentially Declared Disaster Assistance—Disaster Housing Operations for Individuals and Households; 97.050, Presidentially Declared Disaster Assistance to Individuals and Households—Other Needs; 97.036, Disaster Grants—Public Assistance (Presidentially Declared Disasters); 97.039, Hazard Mitigation Grant.

Deanne Criswell,

Administrator, Federal Emergency Management Agency.

[FR Doc. 2024–24693 Filed 10–23–24; 8:45 am]

BILLING CODE 9111–23–P

DEPARTMENT OF HOMELAND SECURITY

Federal Emergency Management Agency

[Docket ID FEMA–2024–0002; Internal Agency Docket No. FEMA–B–2466]

Proposed Flood Hazard Determinations

AGENCY: Federal Emergency Management Agency, Department of Homeland Security.

ACTION: Notice.

SUMMARY: Comments are requested on proposed flood hazard determinations, which may include additions or modifications of any Base Flood Elevation (BFE), base flood depth, Special Flood Hazard Area (SFHA) boundary or zone designation, or regulatory floodway on the Flood Insurance Rate Maps (FIRMs), and where applicable, in the supporting Flood Insurance Study (FIS) reports for

the communities listed in the table below. The purpose of this notice is to seek general information and comment regarding the preliminary FIRM, and where applicable, the FIS report that the Federal Emergency Management Agency (FEMA) has provided to the affected communities. The FIRM and FIS report are the basis of the floodplain management measures that the community is required either to adopt or to show evidence of having in effect in order to qualify or remain qualified for participation in the National Flood Insurance Program (NFIP).

DATES: Comments are to be submitted on or before January 22, 2025.

ADDRESSES: The Preliminary FIRM, and where applicable, the FIS report for each community are available for inspection at both the online location *https://hazards.fema.gov/femaportal/prelimdownload* and the respective Community Map Repository address listed in the tables below. Additionally, the current effective FIRM and FIS report for each community are accessible online through the FEMA Map Service Center at *https://msc.fema.gov* for comparison.

You may submit comments, identified by Docket No. FEMA–B–2466, to Rick Sacbibit, Chief, Engineering Services Branch, Federal Insurance and Mitigation Administration, FEMA, 400 C Street SW, Washington, DC 20472, (202) 646–7659, or (email) *patrick.sacbibit@fema.dhs.gov.*

FOR FURTHER INFORMATION CONTACT: Rick Sacbibit, Chief, Engineering Services Branch, Federal Insurance and Mitigation Administration, FEMA, 400 C Street SW, Washington, DC 20472, (202) 646–7659, or (email) *patrick.sacbibit@fema.dhs.gov;* or visit the FEMA Mapping and Insurance eXchange (FMIX) online at *https://www.floodmaps.fema.gov/fhm/fmx_main.html.*

SUPPLEMENTARY INFORMATION: FEMA proposes to make flood hazard determinations for each community listed below, in accordance with section 110 of the Flood Disaster Protection Act of 1973, 42 U.S.C. 4104, and 44 CFR 67.4(a).

These proposed flood hazard determinations, together with the floodplain management criteria required by 44 CFR 60.3, are the minimum that are required. They should not be construed to mean that the community must change any existing ordinances that are more stringent in their floodplain management requirements. The community may at any time enact stricter requirements of its own or pursuant to policies established by other Federal, State, or regional entities. These flood hazard determinations are used to meet the floodplain management requirements of the NFIP.

The communities affected by the flood hazard determinations are provided in the tables below. Any request for reconsideration of the revised flood hazard information shown on the Preliminary FIRM and FIS report that satisfies the data requirements outlined in 44 CFR 67.6(b) is considered an appeal. Comments unrelated to the flood hazard determinations also will be considered before the FIRM and FIS report become effective.

Use of a Scientific Resolution Panel (SRP) is available to communities in support of the appeal resolution process. SRPs are independent panels of experts in hydrology, hydraulics, and other pertinent sciences established to review conflicting scientific and technical data and provide recommendations for resolution. Use of the SRP only may be exercised after FEMA and local communities have been engaged in a collaborative consultation process for at least 60 days without a mutually acceptable resolution of an appeal. Additional information regarding the SRP process can be found online at *https://www.floodsrp.org/pdfs/srp_overview.pdf.*

The watersheds and/or communities affected are listed in the tables below. The Preliminary FIRM, and where applicable, FIS report for each community are available for inspection at both the online location *https://hazards.fema.gov/femaportal/prelimdownload* and the respective Community Map Repository address listed in the tables. For communities with multiple ongoing Preliminary studies, the studies can be identified by the unique project number and Preliminary FIRM date listed in the tables. Additionally, the current effective FIRM and FIS report for each community are accessible online through the FEMA Map Service Center at *https://msc.fema.gov* for comparison.

(Catalog of Federal Domestic Assistance No. 97.022, ''Flood Insurance.'')

Nicholas A. Shufro,

Assistant Administrator (Acting) for Risk Management, Federal Emergency Management Agency, Department of Homeland Security.

Community	Community map repository address
Grenada County, Mississippi and Incorporated Areas Project: 19–04–0009S Preliminary Date: August 9, 2024	
City of Grenada	City Hall, 108 South Main Street, Grenada, MS 38901.
Unincorporated Areas of Grenada County	Grenada County Courthouse, 59 Green Street, Suite 1, Grenada, MS 38901.
Dixon County, Nebraska and Incorporated Areas Project: 23–07–0007S Preliminary Date: May 23, 2024	
City of Ponca	City Hall, 123 West 3rd Street, Ponca, NE 68770.
City of Wakefield	City Clerk's Office, 405 Main Street, Wakefield, NE 68784.
Unincorporated Areas of Dixon County	Dixon County Courthouse, 302 West 3rd Street, Ponca, NE 68770.
Village of Allen	Village Office, 100 East 2nd Street, Allen, NE 68710.
Village of Concord	Village Office, 203 Lincoln Street, Concord, NE 68728.
Village of Dixon	Village Office, 200 South Main Street, Dixon, NE 68732.
Village of Martinsburg	Martinsburg Volunteer Fire Department, 5108 Main Street, Ponca, NE 68770.
Village of Maskell	Park Shelter House, 118 Main Street, Maskell, NE 68751.
Village of Newcastle	Village Office, 510 Annie Street, Newcastle, NE 68757.
Village of Waterbury	Village Office, 304 Garrett Street, Waterbury, NE 68785.
Winnebago Tribe of Nebraska	Winnebago Tribe of Nebraska Administration Building, 920 North Mission Drive, Winnebago, NE 68071.

[FR Doc. 2024–24776 Filed 10–23–24; 8:45 am]

BILLING CODE 9110–12–P

DEPARTMENT OF HOMELAND SECURITY

Federal Emergency Management Agency

[Internal Agency Docket No. FEMA–4830–DR; Docket ID FEMA–2024–0001]

Georgia; Amendment No. 1 to Notice of a Major Disaster Declaration

AGENCY: Federal Emergency Management Agency, DHS.

ACTION: Notice.

SUMMARY: This notice amends the notice of a major disaster declaration for the State of Georgia (FEMA–4830–DR), dated September 30, 2024, and related determinations.

DATES: This amendment was issued October 1, 2024.

FOR FURTHER INFORMATION CONTACT: Dean Webster, Office of Response and Recovery, Federal Emergency Management Agency, 500 C Street SW, Washington, DC 20472, (202) 646–2833.

SUPPLEMENTARY INFORMATION: The notice of a major disaster declaration for the State of Georgia is hereby amended to include the following areas among those areas determined to have been adversely affected by the event declared a major disaster by the President in his declaration of September 30, 2024.

Atkinson, Bacon, Ben Hill, Berrien, Bulloch, Burke, Candler, Chatham, Clinch, Colquitt, Cook, Echols, Emanuel, Evans, Glascock, Irwin, Jeff Davis, Jenkins, Johnson, Lanier, Laurens, Lincoln, McDuffie, Montgomery, Screven, Telfair, Treutlen, Ware, Washington, and Wheeler Counties for Individual Assistance.

Atkinson, Bacon, Ben Hill, Berrien, Bulloch, Burke, Candler, Chatham, Clinch, Colquitt, Cook, Echols, Emanuel, Evans, Glascock, Irwin, Jeff Davis, Jenkins, Johnson, Lanier, Laurens, Lincoln, McDuffie, Montgomery, Screven, Telfair, Treutlen, Ware, Washington, and Wheeler Counties for debris removal and emergency protective measures (Categories A and B), including direct federal assistance under the Public Assistance program.

The following Catalog of Federal Domestic Assistance Numbers (CFDA) are to be used for reporting and drawing funds: 97.030, Community Disaster Loans; 97.031, Cora Brown Fund; 97.032, Crisis Counseling; 97.033, Disaster Legal Services; 97.034, Disaster Unemployment Assistance (DUA); 97.046, Fire Management Assistance Grant; 97.048, Disaster Housing Assistance to Individuals and Households In Presidentially Declared Disaster Areas; 97.049, Presidentially Declared Disaster Assistance—Disaster Housing Operations for Individuals and Households; 97.050, Presidentially Declared Disaster Assistance to Individuals and Households—Other Needs; 97.036, Disaster Grants—Public Assistance (Presidentially Declared Disasters); 97.039, Hazard Mitigation Grant.

Deanne Criswell,

Administrator, Federal Emergency Management Agency.

[FR Doc. 2024–24684 Filed 10–23–24; 8:45 am]

BILLING CODE 9111–23–P

DEPARTMENT OF HOMELAND SECURITY

Federal Emergency Management Agency

[Internal Agency Docket No. FEMA–3614–EM; Docket ID FEMA–2024–0001]

Louisiana; Emergency and Related Determinations

AGENCY: Federal Emergency Management Agency, DHS.

ACTION: Notice.

SUMMARY: This is a notice of the Presidential declaration of an emergency for the State of Louisiana (FEMA–3614–EM), dated September 10, 2024, and related determinations.

DATES: The declaration was issued September 10, 2024.

FOR FURTHER INFORMATION CONTACT: Dean Webster, Office of Response and Recovery, Federal Emergency Management Agency, 500 C Street SW, Washington, DC 20472, (202) 646–2833.

SUPPLEMENTARY INFORMATION: Notice is hereby given that, in a letter dated September 10, 2024, the President issued an emergency declaration under the authority of the Robert T. Stafford Disaster Relief and Emergency Assistance Act, 42 U.S.C. 5121–5207 (the Stafford Act), as follows:

I have determined that the emergency conditions in certain areas of the State of Louisiana resulting from Tropical Storm Francine beginning on September 10, 2024, and continuing, are of sufficient severity and magnitude to warrant an emergency declaration under the Robert T. Stafford Disaster Relief and Emergency Assistance Act, 42 U.S.C. 5121 *et seq.* (''the Stafford Act''). Therefore, I declare that such an emergency exists in the State of Louisiana.

You are authorized to provide appropriate assistance for required emergency measures, authorized under Title V of the Stafford Act, to save lives and to protect property and public health and safety, and to lessen or avert the threat of a catastrophe in the designated areas. Specifically, you are authorized to provide emergency protective measures (Category B), limited to direct Federal assistance and reimbursement for mass care including evacuation and shelter support in selected areas and emergency protective measures (Category B), limited to direct Federal assistance in the other designated areas.

Consistent with the requirement that Federal assistance be supplemental, any Federal funds provided under the Stafford Act for Public Assistance will be limited to 75 percent of the total eligible costs. In order to provide Federal assistance, you are hereby authorized to allocate from funds available for these purposes such amounts as you find necessary for Federal emergency assistance and administrative expenses.

Further, you are authorized to make changes to this declaration for the approved assistance to the extent allowable under the Stafford Act.

The Federal Emergency Management Agency (FEMA) hereby gives notice that pursuant to the authority vested in the Administrator, Department of Homeland Security, under Executive Order 12148, as amended, Sandra L. Eslinger, of FEMA is appointed to act as the Federal Coordinating Officer for this declared emergency.

The following areas of the State of Louisiana have been designated as adversely affected by this declared emergency:

Acadia, Allen, Ascension, Assumption, Avoyelles, Calcasieu, Cameron, Concordia, East Baton Rouge, East Feliciana, Evangeline, Iberia, Iberville, Jefferson, Jefferson Davis, Lafayette, Lafourche, Livingston, Orleans, Plaquemines, Pointe Coupee, St. Bernard, St. Charles, St. Helena, St. James, St. John the Baptist, St. Landry, St. Martin, St. Mary, St. Tammany, Tangipahoa, Terrebonne, Vermilion, Washington, West Baton Rouge, and West Feliciana Parishes for emergency protective measures (Category B), limited to direct Federal assistance and reimbursement for mass care including evacuation and shelter support under the Public Assistance program.

Beauregard, Bienville, Bossier, Caddo, Caldwell, Catahoula, Claiborne, De Soto, East Carroll, Franklin, Grant, Jackson, LaSalle, Lincoln, Madison, Morehouse, Natchitoches, Ouachita, Rapides, Red River, Richland, Sabine, Tensas, Union, Vernon, Webster, West Carroll, and Winn Parishes for emergency protective measures (Category B), limited to direct Federal assistance under the Public Assistance program.

The following Catalog of Federal Domestic Assistance Numbers (CFDA) are to be used for reporting and drawing funds: 97.030, Community Disaster Loans; 97.031, Cora Brown Fund; 97.032, Crisis Counseling; 97.033, Disaster Legal Services; 97.034, Disaster Unemployment Assistance (DUA); 97.046, Fire Management Assistance Grant; 97.048, Disaster Housing Assistance to Individuals and Households In Presidentially Declared Disaster Areas; 97.049, Presidentially Declared Disaster Assistance—Disaster Housing Operations for Individuals and Households; 97.050, Presidentially Declared Disaster Assistance to Individuals and Households—Other Needs; 97.036, Disaster Grants—Public Assistance

(Presidentially Declared Disasters); 97.039, Hazard Mitigation Grant.

Deanne Criswell,

Administrator, Federal Emergency Management Agency.

[FR Doc. 2024–24647 Filed 10–23–24; 8:45 am]

BILLING CODE 9111–23–P

DEPARTMENT OF HOMELAND SECURITY

Federal Emergency Management Agency

[Internal Agency Docket No. FEMA–4809–DR; Docket ID FEMA–2024–0001]

Santa Clara Pueblo; Amendment No. 1 to Notice of a Major Disaster Declaration

AGENCY: Federal Emergency Management Agency, DHS.

ACTION: Notice.

SUMMARY: This notice amends the notice of a major disaster declaration for the Santa Clara Pueblo (FEMA–4809–DR), dated August 20, 2024, and related determinations.

DATES: This change occurred on October 1, 2024.

FOR FURTHER INFORMATION CONTACT: Dean Webster, Office of Response and Recovery, Federal Emergency Management Agency, 500 C Street SW, Washington, DC 20472, (202) 646–2833.

SUPPLEMENTARY INFORMATION: The Federal Emergency Management Agency (FEMA) hereby gives notice that pursuant to the authority vested in the Administrator, under Executive Order 12148, as amended, José M. Gil Montañez, of FEMA is appointed to act as the Federal Coordinating Officer for this disaster.

This action terminates the appointment of James B. McPherson as Federal Coordinating Officer for this disaster.

The following Catalog of Federal Domestic Assistance Numbers (CFDA) are to be used for reporting and drawing funds: 97.030, Community Disaster Loans; 97.031, Cora Brown Fund; 97.032, Crisis Counseling; 97.033, Disaster Legal Services; 97.034, Disaster Unemployment Assistance (DUA); 97.046, Fire Management Assistance Grant; 97.048, Disaster Housing Assistance to Individuals and Households In Presidentially Declared Disaster Areas; 97.049, Presidentially Declared Disaster Assistance—Disaster Housing Operations for Individuals and Households; 97.050, Presidentially Declared Disaster Assistance to Individuals and Households—Other Needs; 97.036, Disaster Grants—Public Assistance (Presidentially Declared Disasters); 97.039, Hazard Mitigation Grant.

Deanne Criswell,

Administrator, Federal Emergency Management Agency.

[FR Doc. 2024–24660 Filed 10–23–24; 8:45 am]

BILLING CODE 9111–23–P

DEPARTMENT OF HOMELAND SECURITY

Federal Emergency Management Agency

[Internal Agency Docket No. FEMA–3614–EM; Docket ID FEMA–2024–0001]

Louisiana; Amendment No. 1 to Notice of an Emergency Declaration

AGENCY: Federal Emergency Management Agency, DHS.

ACTION: Notice.

SUMMARY: This notice amends the notice of an emergency declaration for the State of Louisiana (FEMA–3614–EM), dated September 10, 2024, and related determinations.

DATES: This amendment was issued September 30, 2024.

FOR FURTHER INFORMATION CONTACT: Dean Webster, Office of Response and Recovery, Federal Emergency Management Agency, 500 C Street SW, Washington, DC 20472, (202) 646–2833.

SUPPLEMENTARY INFORMATION: Notice is hereby given that the incident period for this emergency is closed effective September 12, 2024.

The following Catalog of Federal Domestic Assistance Numbers (CFDA) are to be used for reporting and drawing funds: 97.030, Community Disaster Loans; 97.031, Cora Brown Fund; 97.032, Crisis Counseling; 97.033, Disaster Legal Services; 97.034, Disaster Unemployment Assistance (DUA); 97.046, Fire Management Assistance Grant; 97.048, Disaster Housing Assistance to Individuals and Households In Presidentially Declared Disaster Areas; 97.049, Presidentially Declared Disaster Assistance—Disaster Housing Operations for Individuals and Households; 97.050, Presidentially Declared Disaster Assistance to Individuals and Households—Other Needs; 97.036, Disaster Grants—Public Assistance (Presidentially Declared Disasters); 97.039, Hazard Mitigation Grant.

Deanne Criswell,

Administrator, Federal Emergency Management Agency.

[FR Doc. 2024–24648 Filed 10–23–24; 8:45 am]

BILLING CODE 9111–23–P

DEPARTMENT OF HOMELAND SECURITY

Federal Emergency Management Agency

[Internal Agency Docket No. FEMA–4829–DR; Docket ID FEMA–2024–0001]

South Carolina; Amendment No. 3 to Notice of a Major Disaster Declaration

AGENCY: Federal Emergency Management Agency, DHS.

ACTION: Notice.

SUMMARY: This notice amends the notice of a major disaster declaration for the State of South Carolina (FEMA–4829–DR), dated September 29, 2024, and related determinations.

DATES: This amendment was issued October 4, 2024.

FOR FURTHER INFORMATION CONTACT: Dean Webster, Office of Response and Recovery, Federal Emergency Management Agency, 500 C Street SW, Washington, DC 20472, (202) 646–2833.

SUPPLEMENTARY INFORMATION: The notice of a major disaster declaration for the State of South Carolina is hereby amended to include the following areas among those areas determined to have been adversely affected by the event declared a major disaster by the President in his declaration of September 29, 2024.

Allendale and McCormick Counties for Individual Assistance.

Allendale and McCormick Counties for debris removal and emergency protective measures (Categories A and B), including direct federal assistance under the Public Assistance program.

The following Catalog of Federal Domestic Assistance Numbers (CFDA) are to be used for reporting and drawing funds: 97.030, Community Disaster Loans; 97.031, Cora Brown Fund; 97.032, Crisis Counseling; 97.033, Disaster Legal Services; 97.034, Disaster Unemployment Assistance (DUA); 97.046, Fire Management Assistance Grant; 97.048, Disaster Housing Assistance to Individuals and Households In Presidentially Declared Disaster Areas; 97.049, Presidentially Declared Disaster Assistance—Disaster Housing Operations for Individuals and Households; 97.050, Presidentially Declared Disaster Assistance to Individuals and Households—Other Needs; 97.036, Disaster Grants—Public Assistance (Presidentially Declared Disasters); 97.039, Hazard Mitigation Grant.

Deanne Criswell,

Administrator, Federal Emergency Management Agency.

[FR Doc. 2024–24679 Filed 10–23–24; 8:45 am]

BILLING CODE 9111–23–P

DEPARTMENT OF HOMELAND SECURITY

Federal Emergency Management Agency

[Internal Agency Docket No. FEMA–4830–DR; Docket ID FEMA–2024–0001]

Georgia; Amendment No. 2 to Notice of a Major Disaster Declaration

AGENCY: Federal Emergency Management Agency, DHS.

ACTION: Notice.

SUMMARY: This notice amends the notice of a major disaster declaration for the State of Georgia (FEMA–4830–DR), dated September 30, 2024, and related determinations.

DATES: This amendment was issued October 3, 2024.

FOR FURTHER INFORMATION CONTACT: Dean Webster, Office of Response and Recovery, Federal Emergency Management Agency, 500 C Street SW, Washington, DC 20472, (202) 646–2833.

SUPPLEMENTARY INFORMATION: The notice of a major disaster declaration for the State of Georgia is hereby amended to include the following areas among those areas determined to have been adversely affected by the event declared a major disaster by the President in his declaration of September 30, 2024.

Effingham, Elbert, Rabun, and Tift Counties for Individual Assistance.

Effingham and Tift Counties for debris removal and emergency protective measures (Categories A and B), including direct federal assistance under the Public Assistance program.

The following Catalog of Federal Domestic Assistance Numbers (CFDA) are to be used for reporting and drawing funds: 97.030, Community Disaster Loans; 97.031, Cora Brown Fund; 97.032, Crisis Counseling; 97.033, Disaster Legal Services; 97.034, Disaster Unemployment Assistance (DUA); 97.046, Fire Management Assistance Grant; 97.048, Disaster Housing Assistance to Individuals and Households In Presidentially Declared Disaster Areas; 97.049, Presidentially Declared Disaster Assistance—Disaster Housing Operations for Individuals and Households; 97.050 Presidentially Declared Disaster Assistance to Individuals and Households—Other Needs; 97.036, Disaster Grants—Public Assistance (Presidentially Declared Disasters); 97.039, Hazard Mitigation Grant.

Deanne Criswell,

Administrator, Federal Emergency Management Agency.

[FR Doc. 2024–24685 Filed 10–23–24; 8:45 am]

BILLING CODE 9111–23–P

DEPARTMENT OF HOMELAND SECURITY

Federal Emergency Management Agency

[Docket ID FEMA–2024–0001]

Notice of Adjustment of Statewide Per Capita Impact Indicator

AGENCY: Federal Emergency Management Agency, DHS.

ACTION: Notice.

SUMMARY: FEMA gives notice that the statewide per capita impact indicator under the Public Assistance program for disasters with an incident start date on or after October 1, 2024, will be increased.

DATES: This adjustment applies to major disasters with an incident start date on or after October 1, 2024.

FOR FURTHER INFORMATION CONTACT: Tod Wells, Recovery Directorate, Federal Emergency Management Agency, 500 C Street SW, Washington, DC 20472, (202) 646–3834.

SUPPLEMENTARY INFORMATION: FEMA regulations at 44 CFR 206.48 provides that FEMA will adjust the statewide per capita impact indicator under the Public Assistance program to reflect changes in the Consumer Price Index for All Urban Consumers published by the Department of Labor.

FEMA gives notice that the statewide per capita impact indicator will be increased to $1.89 for all disasters with an incident start date on or after October 1, 2024.

FEMA bases the adjustment on an increase in the Consumer Price Index for All Urban Consumers of 2.5 percent for the 12-month period that ended in August 2024. The Bureau of Labor Statistics of the U.S. Department of Labor released the information on September 11, 2024.

Catalog of Federal Domestic Assistance No. 97.036, Disaster Grants—Public Assistance (Presidentially Declared Disasters).

Deanne Criswell,

Administrator, Federal Emergency Management Agency.

[FR Doc. 2024–24696 Filed 10–23–24; 8:45 am]

BILLING CODE 9111–23–P

DEPARTMENT OF HOMELAND SECURITY

Federal Emergency Management Agency

[Internal Agency Docket No. FEMA–4824–DR; Docket ID FEMA–2024–0001]

Kansas; Amendment No. 1 to Notice of a Major Disaster Declaration

AGENCY: Federal Emergency Management Agency, DHS.

ACTION: Notice.

SUMMARY: This notice amends the notice of a major disaster declaration for the State of Kansas (FEMA–4824–DR), dated September 24, 2024, and related determinations.

DATES: This amendment was issued October 4, 2024.

FOR FURTHER INFORMATION CONTACT: Dean Webster, Office of Response and Recovery, Federal Emergency Management Agency, 500 C Street SW, Washington, DC 20472, (202) 646–2833.

SUPPLEMENTARY INFORMATION: The notice of a major disaster declaration for the State of Kansas is hereby amended to include the following areas among those areas determined to have been adversely affected by the event declared a major disaster by the President in his declaration of September 24, 2024.

Logan, Pawnee, and Wallace Counties for Public Assistance.

The following Catalog of Federal Domestic Assistance Numbers (CFDA) are to be used for reporting and drawing funds: 97.030, Community Disaster Loans; 97.031, Cora Brown Fund; 97.032, Crisis Counseling; 97.033, Disaster Legal Services; 97.034, Disaster Unemployment Assistance (DUA); 97.046, Fire Management Assistance Grant; 97.048, Disaster Housing Assistance to Individuals and Households In Presidentially Declared Disaster Areas; 97.049, Presidentially Declared Disaster Assistance—Disaster Housing Operations for Individuals and Households; 97.050, Presidentially Declared Disaster Assistance to Individuals and Households—Other Needs; 97.036, Disaster Grants—Public Assistance (Presidentially Declared Disasters); 97.039, Hazard Mitigation Grant.

Deanne Criswell,

Administrator, Federal Emergency Management Agency.

[FR Doc. 2024–24667 Filed 10–23–24; 8:45 am]

BILLING CODE 9111–23–P

DEPARTMENT OF HOMELAND SECURITY

Federal Emergency Management Agency

[Internal Agency Docket No. FEMA–3621–EM; Docket ID FEMA–2024–0001]

Virginia; Amendment No. 1 to Notice of an Emergency Declaration

AGENCY: Federal Emergency Management Agency, DHS.

ACTION: Notice.

SUMMARY: This notice amends the notice of an emergency declaration for the Commonwealth of Virginia (FEMA–3621–EM), dated September 29, 2024, and related determinations.

DATES: This amendment was issued October 1, 2024.

FOR FURTHER INFORMATION CONTACT: Dean Webster, Office of Response and Recovery, Federal Emergency Management Agency, 500 C Street SW, Washington, DC 20472, (202) 646–2833.

SUPPLEMENTARY INFORMATION: The notice of an emergency declaration for the Commonwealth of Virginia is hereby amended to include the following areas among those areas determined to have been adversely affected by the event declared an emergency by the President in his declaration of September 29, 2024.

Bedford, Bland, Buchanan, Carroll, Craig, Dickenson, Giles, Montgomery, Pittsylvania, Pulaski, Russell, and Scott Counties and the independent cities of Bristol, Covington, Danville, Norton, and Radford for emergency protective measures (Category B), limited to direct federal assistance under the Public Assistance program.

The following Catalog of Federal Domestic Assistance Numbers (CFDA) are to be used for reporting and drawing funds: 97.030, Community Disaster Loans; 97.031, Cora Brown Fund; 97.032, Crisis Counseling; 97.033, Disaster Legal Services; 97.034, Disaster Unemployment Assistance (DUA); 97.046, Fire Management Assistance Grant; 97.048, Disaster Housing Assistance to Individuals and Households In Presidentially Declared Disaster Areas; 97.049, Presidentially Declared Disaster Assistance—Disaster Housing Operations for Individuals and Households; 97.050, Presidentially Declared Disaster Assistance to Individuals and Households—Other Needs; 97.036, Disaster Grants—Public Assistance (Presidentially Declared Disasters); 97.039, Hazard Mitigation Grant.

Deanne Criswell,

Administrator, Federal Emergency Management Agency.

[FR Doc. 2024–24652 Filed 10–23–24; 8:45 am]

BILLING CODE 9111–23–P

DEPARTMENT OF HOMELAND SECURITY

Federal Emergency Management Agency

[Internal Agency Docket No. FEMA–4831–DR; Docket ID FEMA–2024–0001]

Virginia; Amendment No. 2 to Notice of a Major Disaster Declaration

AGENCY: Federal Emergency Management Agency, DHS.

ACTION: Notice.

SUMMARY: This notice amends the notice of a major disaster declaration for the Commonwealth of Virginia (FEMA–4831–DR), dated October 1, 2024, and related determinations.

DATES: This amendment was issued October 8, 2024.

FOR FURTHER INFORMATION CONTACT: Dean Webster, Office of Response and Recovery, Federal Emergency Management Agency, 500 C Street SW, Washington, DC 20472, (202) 646–2833.

SUPPLEMENTARY INFORMATION: The notice of a major disaster declaration for the Commonwealth of Virginia is hereby amended to include the following areas among those areas determined to have been adversely affected by the event declared a major disaster by the President in his declaration of October 1, 2024.

Bedford, Bland, Carroll, Pittsylvania, Russell, and Wise Counties and the independent city of Radford for Individual Assistance (already designated for debris removal and emergency protective measures [Categories A and B], including direct federal assistance).

The following Catalog of Federal Domestic Assistance Numbers (CFDA) are to be used for reporting and drawing funds: 97.030, Community Disaster Loans; 97.031, Cora Brown Fund; 97.032, Crisis Counseling; 97.033, Disaster Legal Services; 97.034, Disaster Unemployment Assistance (DUA); 97.046, Fire Management Assistance Grant; 97.048, Disaster Housing Assistance to Individuals and Households In Presidentially Declared Disaster Areas; 97.049, Presidentially Declared Disaster Assistance—Disaster Housing Operations for Individuals and Households; 97.050, Presidentially Declared Disaster Assistance to Individuals and Households—Other Needs; 97.036, Disaster Grants—Public Assistance (Presidentially Declared Disasters); 97.039, Hazard Mitigation Grant.

Deanne Criswell,

Administrator, Federal Emergency Management Agency.

[FR Doc. 2024–24691 Filed 10–23–24; 8:45 am]

BILLING CODE 9111–23–P

DEPARTMENT OF HOMELAND SECURITY

Federal Emergency Management Agency

[Internal Agency Docket No. FEMA–4813–DR; Docket ID FEMA–2024–0001]

Montana; Major Disaster and Related Determinations

AGENCY: Federal Emergency Management Agency, DHS.

ACTION: Notice.

SUMMARY: This is a notice of the Presidential declaration of a major disaster for the State of Montana (FEMA–4813–DR), dated August 23, 2024, and related determinations.

DATES: The declaration was issued August 23, 2024.

FOR FURTHER INFORMATION CONTACT: Dean Webster, Office of Response and Recovery, Federal Emergency Management Agency, 500 C Street SW, Washington, DC 20472, (202) 646–2833.

SUPPLEMENTARY INFORMATION: Notice is hereby given that, in a letter dated August 23, 2024, the President issued a major disaster declaration under the authority of the Robert T. Stafford Disaster Relief and Emergency Assistance Act, 42 U.S.C. 5121 *et seq.* (the ''Stafford Act''), as follows:

I have determined that the damage in certain areas of the State of Montana resulting from straight-line winds on July 24, 2024, is of sufficient severity and magnitude to warrant a major disaster declaration under the Robert T. Stafford Disaster Relief and Emergency Assistance Act, 42 U.S.C. 5121 *et seq.* (the ''Stafford Act''). Therefore, I declare that such a major disaster exists in the State of Montana.

In order to provide Federal assistance, you are hereby authorized to allocate from funds available for these purposes such amounts as you find necessary for Federal disaster assistance and administrative expenses.

You are authorized to provide Public Assistance in the designated areas and Hazard Mitigation throughout the State. Consistent with the requirement that Federal assistance be supplemental, any Federal funds provided under the Stafford Act for Public Assistance and Hazard Mitigation will be limited to 75 percent of the total eligible costs.

Further, you are authorized to make changes to this declaration for the approved assistance to the extent allowable under the Stafford Act.

The Federal Emergency Management Agency (FEMA) hereby gives notice that pursuant to the authority vested in the Administrator, under Executive Order 12148, as amended, Edwin J. Martin, of FEMA is appointed to act as the Federal Coordinating Officer for this major disaster.

The following areas of the State of Montana have been designated as adversely affected by this major disaster:

Missoula and Powell Counties for Public Assistance.

All areas within the State of Montana are eligible for assistance under the Hazard Mitigation Grant Program.

The following Catalog of Federal Domestic Assistance Numbers (CFDA) are to be used for reporting and drawing funds: 97.030, Community Disaster Loans; 97.031, Cora Brown Fund; 97.032, Crisis Counseling; 97.033, Disaster Legal Services; 97.034, Disaster Unemployment Assistance (DUA); 97.046, Fire Management Assistance Grant; 97.048, Disaster Housing Assistance to Individuals and Households In Presidentially Declared Disaster Areas; 97.049, Presidentially Declared Disaster Assistance—Disaster Housing Operations for Individuals and Households; 97.050, Presidentially Declared Disaster Assistance to Individuals and Households—Other Needs; 97.036, Disaster Grants—Public Assistance (Presidentially Declared Disasters); 97.039, Hazard Mitigation Grant.

Deanne Criswell,

Administrator, Federal Emergency Management Agency.

[FR Doc. 2024–24661 Filed 10–23–24; 8:45 am]

BILLING CODE 9111–23–P

DEPARTMENT OF HOMELAND SECURITY

Federal Emergency Management Agency

[Internal Agency Docket No. FEMA–4829–DR; Docket ID FEMA–2024–0001]

South Carolina; Amendment No. 2 to Notice of a Major Disaster Declaration

AGENCY: Federal Emergency Management Agency, DHS.

ACTION: Notice.

SUMMARY: This notice amends the notice of a major disaster declaration for the State of South Carolina (FEMA–4829–DR), dated September 29, 2024, and related determinations.

DATES: This amendment was issued October 4, 2024.

FOR FURTHER INFORMATION CONTACT: Dean Webster, Office of Response and Recovery, Federal Emergency Management Agency, 500 C Street SW, Washington, DC 20472, (202) 646–2833.

SUPPLEMENTARY INFORMATION: The notice of a major disaster declaration for the State of South Carolina is hereby amended to include the following areas among those areas determined to have been adversely affected by the event declared a major disaster by the President in his declaration of September 29, 2024.

Abbeville and Richland Counties for Individual Assistance.

Abbeville and Richland Counties for debris removal and emergency protective measures (Categories A and B), including direct federal assistance under the Public Assistance program.

The following Catalog of Federal Domestic Assistance Numbers (CFDA) are to be used for reporting and drawing funds: 97.030, Community Disaster Loans; 97.031, Cora Brown Fund; 97.032, Crisis Counseling; 97.033, Disaster Legal Services; 97.034, Disaster Unemployment Assistance (DUA); 97.046, Fire Management Assistance Grant; 97.048, Disaster Housing Assistance to Individuals and Households In Presidentially Declared Disaster Areas; 97.049, Presidentially Declared Disaster Assistance—Disaster Housing Operations for Individuals and Households; 97.050, Presidentially Declared Disaster Assistance to Individuals and Households—Other Needs; 97.036, Disaster Grants—Public Assistance (Presidentially Declared Disasters); 97.039, Hazard Mitigation Grant.

Deanne Criswell,

Administrator, Federal Emergency Management Agency.

[FR Doc. 2024–24678 Filed 10–23–24; 8:45 am]

BILLING CODE 9111–23–P

DEPARTMENT OF HOMELAND SECURITY

Federal Emergency Management Agency

[Internal Agency Docket No. FEMA–4795–DR; Docket ID FEMA–2024–0001]

New Mexico; Amendment No. 7 to Notice of a Major Disaster Declaration

AGENCY: Federal Emergency Management Agency, DHS.

ACTION: Notice.

SUMMARY: This notice amends the notice of a major disaster declaration for the State of New Mexico (FEMA–4795–DR), dated June 20, 2024, and related determinations.

DATES: This change occurred on October 1, 2024.

FOR FURTHER INFORMATION CONTACT: Dean Webster, Office of Response and Recovery, Federal Emergency Management Agency, 500 C Street SW, Washington, DC 20472, (202) 646–2833.

SUPPLEMENTARY INFORMATION: The Federal Emergency Management Agency (FEMA) hereby gives notice that pursuant to the authority vested in the Administrator, under Executive Order 12148, as amended, Jose M. Gil Montañez, of FEMA is appointed to act as the Federal Coordinating Officer for this disaster.

This action terminates the appointment of James R. McPherson, as Federal Coordinating Officer for this disaster.

The following Catalog of Federal Domestic Assistance Numbers (CFDA) are to be used for reporting and drawing funds: 97.030, Community Disaster Loans; 97.031, Cora Brown Fund; 97.032, Crisis Counseling; 97.033, Disaster Legal Services; 97.034, Disaster Unemployment Assistance (DUA); 97.046, Fire Management Assistance Grant; 97.048, Disaster Housing Assistance to Individuals and Households In Presidentially Declared Disaster Areas; 97.049, Presidentially Declared Disaster Assistance—Disaster Housing Operations for Individuals and Households; 97.050, Presidentially Declared Disaster Assistance to Individuals and Households—Other Needs; 97.036, Disaster Grants—Public Assistance (Presidentially Declared Disasters); 97.039, Hazard Mitigation Grant.

Deanne Criswell,

Administrator, Federal Emergency Management Agency.

[FR Doc. 2024–24657 Filed 10–23–24; 8:45 am]

BILLING CODE 9111–23–P

DEPARTMENT OF HOMELAND SECURITY

Federal Emergency Management Agency

[Docket ID FEMA–2024–0001]

Notice of Adjustment of Countywide Per Capita Impact Indicator

AGENCY: Federal Emergency Management Agency, DHS.

ACTION: Notice.

SUMMARY: FEMA gives notice that the countywide per capita impact indicator under the Public Assistance program for disasters with an incident start date on or after October 1, 2024, will be increased.

DATES: This adjustment applies to major disasters with an incident start date on or after October 1, 2024.

FOR FURTHER INFORMATION CONTACT: Tod Wells, Recovery Directorate, Federal Emergency Management Agency, 500 C Street SW, Washington, DC 20472, (202) 646–3834.

SUPPLEMENTARY INFORMATION: In assessing damages for area designations under 44 CFR 206.40(b), FEMA uses a countywide per capita indicator to evaluate the impact of the disaster at the county level. FEMA will adjust the countywide per capita impact indicator under the Public Assistance program to reflect annual changes in the Consumer Price Index for All Urban Consumers published by the Department of Labor.

FEMA gives notice of an increase in the countywide per capita impact

indicator to $4.72 for all disasters with an incident start date on or after October 1, 2024.

FEMA bases the adjustment on an increase in the Consumer Price Index for All Urban Consumers of 2.5 percent for the 12-month period that ended in August 2024. The Bureau of Labor Statistics of the U.S. Department of Labor released the information on September 11, 2024.

Catalog of Federal Domestic Assistance No. 97.036, Disaster Grants—Public Assistance (Presidentially Declared Disasters).

Deanne Criswell,

Administrator, Federal Emergency Management Agency.

[FR Doc. 2024–24697 Filed 10–23–24; 8:45 am]

BILLING CODE 9111–23–P

DEPARTMENT OF HOMELAND SECURITY

Federal Emergency Management Agency

[Internal Agency Docket No. FEMA–4815–DR; Docket ID FEMA–2024–0001]

Pennsylvania; Major Disaster and Related Determinations

AGENCY: Federal Emergency Management Agency, DHS.

ACTION: Notice.

SUMMARY: This is a notice of the Presidential declaration of a major disaster for the Commonwealth of Pennsylvania (FEMA–4815–DR), dated September 11, 2024, and related determinations.

DATES: The declaration was issued September 11, 2024.

FOR FURTHER INFORMATION CONTACT: Dean Webster, Office of Response and Recovery, Federal Emergency Management Agency, 500 C Street SW, Washington, DC 20472, (202) 646–2833.

SUPPLEMENTARY INFORMATION: Notice is hereby given that, in a letter dated September 11, 2024, the President issued a major disaster declaration under the authority of the Robert T. Stafford Disaster Relief and Emergency Assistance Act, 42 U.S.C. 5121 *et seq.* (the ''Stafford Act''), as follows:

I have determined that the damage in certain areas of the Commonwealth of Pennsylvania resulting from Tropical Storm Debby during the period of August 9 to August 10, 2024, is of sufficient severity and magnitude to warrant a major disaster declaration under the Robert T. Stafford Disaster Relief and Emergency Assistance Act, 42 U.S.C. 5121 *et seq.* (the ''Stafford Act''). Therefore, I declare that such a major disaster exists in the Commonwealth of Pennsylvania.

In order to provide Federal assistance, you are hereby authorized to allocate from funds available for these purposes such amounts as you find necessary for Federal disaster assistance and administrative expenses.

You are authorized to provide Individual Assistance in the designated areas. Consistent with the requirement that Federal assistance be supplemental, any Federal funds provided under the Stafford Act for Other Needs Assistance under section 408 will be limited to 75 percent of the total eligible costs.

Further, you are authorized to make changes to this declaration for the approved assistance to the extent allowable under the Stafford Act.

The time period prescribed for the implementation of section 310(a), Priority to Certain Applications for Public Facility and Public Housing Assistance, 42 U.S.C. 5153, shall be for a period not to exceed six months after the date of this declaration.

The Federal Emergency Management Agency (FEMA) hereby gives notice that pursuant to the authority vested in the Administrator, under Executive Order 12148, as amended, Mark K. O'Hanlon, of FEMA is appointed to act as the Federal Coordinating Officer for this major disaster.

The following areas of the Commonwealth of Pennsylvania have been designated as adversely affected by this major disaster:

Lycoming, Potter, Tioga, and Union Counties for Individual Assistance.

The following Catalog of Federal Domestic Assistance Numbers (CFDA) are to be used for reporting and drawing funds: 97.030, Community Disaster Loans; 97.031, Cora Brown Fund; 97.032, Crisis Counseling; 97.033, Disaster Legal Services; 97.034, Disaster Unemployment Assistance (DUA); 97.046, Fire Management Assistance Grant; 97.048, Disaster Housing Assistance to Individuals and Households In Presidentially Declared Disaster Areas; 97.049, Presidentially Declared Disaster Assistance—Disaster Housing Operations for Individuals and Households; 97.050, Presidentially Declared Disaster Assistance to Individuals and Households—Other Needs; 97.036, Disaster Grants—Public Assistance (Presidentially Declared Disasters); 97.039, Hazard Mitigation Grant.

Deanne Criswell,

Administrator, Federal Emergency Management Agency.

[FR Doc. 2024–24663 Filed 10–23–24; 8:45 am]

BILLING CODE 9111–23–P

DEPARTMENT OF HOMELAND SECURITY

Federal Emergency Management Agency

[Internal Agency Docket No. FEMA–4830–DR; Docket ID FEMA–2024–0001]

Georgia; Amendment No. 6 to Notice of a Major Disaster Declaration

AGENCY: Federal Emergency Management Agency, DHS.

ACTION: Notice.

SUMMARY: This notice amends the notice of a major disaster declaration for the State of Georgia (FEMA–4830–DR), dated September 30, 2024, and related determinations.

DATES: This amendment was issued October 14, 2024.

FOR FURTHER INFORMATION CONTACT: Dean Webster, Office of Response and Recovery, Federal Emergency Management Agency, 500 C Street SW, Washington, DC 20472, (202) 646–2833.

SUPPLEMENTARY INFORMATION: The notice of a major disaster declaration for the State of Georgia is hereby amended to include permanent work under the Public Assistance program for the following areas among those areas determined to have been adversely affected by the event declared a major disaster by the President in his declaration of September 30, 2024.

McIntosh County for Individual Assistance.

Columbia, Glascock, Jefferson, Johnson, McDuffie, Montgomery, Richmond, Telfair, and Wheeler Counties for permanent work [Categories C–G] (already designated for Individual Assistance and assistance for debris removal and emergency protective measures [Categories A and B], including direct Federal assistance, under the Public Assistance program).

Dodge, Thomas, and Warren Counties for Public Assistance, including direct Federal assistance (already designated for Individual Assistance).

Dooly, Grady, McIntosh, and Monroe Counties for Public Assistance, including direct Federal assistance.

The following Catalog of Federal Domestic Assistance Numbers (CFDA) are to be used for reporting and drawing funds: 97.030, Community Disaster Loans; 97.031, Cora Brown Fund; 97.032, Crisis Counseling; 97.033, Disaster Legal Services; 97.034, Disaster Unemployment Assistance (DUA); 97.046, Fire Management Assistance Grant; 97.048, Disaster Housing Assistance to Individuals and Households In Presidentially Declared Disaster Areas; 97.049, Presidentially Declared Disaster Assistance—Disaster Housing Operations for Individuals and Households; 97.050, Presidentially Declared Disaster Assistance to Individuals and Households—Other Needs; 97.036,

Disaster Grants—Public Assistance (Presidentially Declared Disasters); 97.039, Hazard Mitigation Grant.

Deanne Criswell,

Administrator, Federal Emergency Management Agency.

[FR Doc. 2024–24689 Filed 10–23–24; 8:45 am]

BILLING CODE 9111–23–P

DEPARTMENT OF HOMELAND SECURITY

Federal Emergency Management Agency

[Internal Agency Docket No. FEMA–3615–EM; Docket ID FEMA–2024–0001]

Florida; Amendment No. 1 to Notice of an Emergency Declaration

AGENCY: Federal Emergency Management Agency, DHS.

ACTION: Notice.

SUMMARY: This notice amends the notice of an emergency declaration for the State of Florida (FEMA–3615–EM), dated September 24, 2024, and related determinations.

DATES: This amendment was issued September 25, 2024.

FOR FURTHER INFORMATION CONTACT: Dean Webster, Office of Response and Recovery, Federal Emergency Management Agency, 500 C Street SW, Washington, DC 20472, (202) 646–2833.

SUPPLEMENTARY INFORMATION: The notice of an emergency declaration for the State of Florida is hereby amended to include the following areas among those areas determined to have been adversely affected by the event declared an emergency by the President in his declaration of September 24, 2024.

Alachua, Columbia, Hamilton, Holmes, Walton, and Washington Counties for emergency protective measures [Category B], including direct federal assistance (already designated for emergency protective measures (Category B), limited to direct federal assistance under the Public Assistance program).

Bay, Calhoun, Citrus, Dixie, Franklin, Gadsden, Gilchrist, Gulf, Jackson, Jefferson, Lafayette, Leon, Levy, Liberty, Madison, Suwannee, Taylor, and Wakulla Counties for emergency protective measures [Category B], including direct federal assistance (already designated for emergency protective measures (Category B), limited to direct federal assistance and reimbursement for mass care including evacuation and shelter support).

The following Catalog of Federal Domestic Assistance Numbers (CFDA) are to be used for reporting and drawing funds: 97.030, Community Disaster Loans; 97.031, Cora Brown Fund; 97.032, Crisis Counseling; 97.033, Disaster Legal Services; 97.034, Disaster Unemployment Assistance (DUA); 97.046, Fire Management Assistance Grant; 97.048, Disaster Housing Assistance to Individuals and Households In Presidentially Declared Disaster Areas; 97.049, Presidentially Declared Disaster Assistance—Disaster Housing Operations for Individuals and Households; 97.050, Presidentially Declared Disaster Assistance to Individuals and Households—Other Needs; 97.036, Disaster Grants—Public Assistance (Presidentially Declared Disasters); 97.039, Hazard Mitigation Grant.

Deanne Criswell,

Administrator, Federal Emergency Management Agency.

[FR Doc. 2024–24649 Filed 10–23–24; 8:45 am]

BILLING CODE 9111–23–P

DEPARTMENT OF HOMELAND SECURITY

Federal Emergency Management Agency

[Internal Agency Docket No. FEMA–3611–EM; Docket ID FEMA–2024–0001]

Virgin Islands; Amendment No. 3 to Notice of an Emergency Declaration

AGENCY: Federal Emergency Management Agency, DHS.

ACTION: Notice.

SUMMARY: This notice amends the notice of an emergency declaration for the territory of the U.S. Virgin Islands (FEMA–3611–EM), dated August 18, 2024, and related determinations.

DATES: This change occurred on September 26, 2024.

FOR FURTHER INFORMATION CONTACT: Dean Webster, Office of Response and Recovery, Federal Emergency Management Agency, 500 C Street SW, Washington, DC 20472, (202) 646–2833.

SUPPLEMENTARY INFORMATION: The Federal Emergency Management Agency (FEMA) hereby gives notice that pursuant to the authority vested in the Administrator, under Executive Order 12148, as amended, Lai Sun Yee, of FEMA is appointed to act as the Federal Coordinating Officer for this emergency.

This action terminates the appointment of Christopher W. Allen as Federal Coordinating Officer for this emergency.

The following Catalog of Federal Domestic Assistance Numbers (CFDA) are to be used for reporting and drawing funds: 97.030, Community Disaster Loans; 97.031, Cora Brown Fund; 97.032, Crisis Counseling; 97.033, Disaster Legal Services; 97.034, Disaster Unemployment Assistance (DUA); 97.046, Fire Management Assistance Grant; 97.048, Disaster Housing Assistance to Individuals and Households In Presidentially Declared Disaster Areas; 97.049, Presidentially Declared Disaster Assistance—Disaster Housing Operations for Individuals and Households; 97.050, Presidentially Declared Disaster Assistance to Individuals and Households—Other Needs; 97.036, Disaster Grants—Public Assistance (Presidentially Declared Disasters); 97.039, Hazard Mitigation Grant.

Deanne Criswell,

Administrator, Federal Emergency Management Agency.

[FR Doc. 2024–24645 Filed 10–23–24; 8:45 am]

BILLING CODE 9111–23–P

DEPARTMENT OF HOMELAND SECURITY

Federal Emergency Management Agency

[Internal Agency Docket No. FEMA–4827–DR; Docket ID FEMA–2024–0001]

North Carolina; Amendment No. 1 to Notice of a Major Disaster Declaration

AGENCY: Federal Emergency Management Agency, DHS.

ACTION: Notice.

SUMMARY: This notice amends the notice of a major disaster declaration for the State of North Carolina (FEMA–4827–DR), dated September 28, 2024, and related determinations.

DATES: This amendment was issued October 2, 2024.

FOR FURTHER INFORMATION CONTACT: Dean Webster, Office of Response and Recovery, Federal Emergency Management Agency, 500 C Street SW, Washington, DC 20472, (202) 646–2833.

SUPPLEMENTARY INFORMATION: The notice of a major disaster declaration for the State of North Carolina is hereby amended to include permanent work under the Public Assistance program for the following areas among those areas determined to have been adversely affected by the event declared a major disaster by the President in his declaration of September 28, 2024.

Alexander, Alleghany, Ashe, Avery, Buncombe, Burke, Caldwell, Catawba, Clay, Cleveland, Gaston, Haywood, Henderson, Jackson, Lincoln, Macon, Madison, McDowell, Mitchell, Polk, Rutherford, Transylvania, Watauga, Wilkes, and Yancey Counties and the Eastern Band of Cherokee Indians for permanent work [Categories C–G] (already designated for Individual Assistance and assistance for debris removal and emergency protective measures [Categories A and B], including direct Federal assistance, under the Public Assistance program).

The following Catalog of Federal Domestic Assistance Numbers (CFDA) are to be used for reporting and drawing funds: 97.030, Community Disaster Loans; 97.031, Cora Brown Fund; 97.032, Crisis Counseling;

97.033, Disaster Legal Services; 97.034, Disaster Unemployment Assistance (DUA); 97.046, Fire Management Assistance Grant; 97.048, Disaster Housing Assistance to Individuals and Households In Presidentially Declared Disaster Areas; 97.049, Presidentially Declared Disaster Assistance—Disaster Housing Operations for Individuals and Households; 97.050, Presidentially Declared Disaster Assistance to Individuals and Households—Other Needs; 97.036, Disaster Grants—Public Assistance (Presidentially Declared Disasters); 97.039, Hazard Mitigation Grant.

Deanne Criswell,

Administrator, Federal Emergency Management Agency.

[FR Doc. 2024–24668 Filed 10–23–24; 8:45 am]

BILLING CODE 9111–23–P

DEPARTMENT OF HOMELAND SECURITY

Federal Emergency Management Agency

[Internal Agency Docket No. FEMA–4830–DR; Docket ID FEMA–2024–0001]

Georgia; Amendment No. 5 to Notice of a Major Disaster Declaration

AGENCY: Federal Emergency Management Agency, DHS.

ACTION: Notice.

SUMMARY: This notice amends the notice of a major disaster declaration for the State of Georgia (FEMA–4830–DR), dated September 30, 2024, and related determinations.

DATES: This amendment was issued October 11, 2024.

FOR FURTHER INFORMATION CONTACT: Dean Webster, Office of Response and Recovery, Federal Emergency Management Agency, 500 C Street SW, Washington, DC 20472, (202) 646–2833.

SUPPLEMENTARY INFORMATION: The notice of a major disaster declaration for the State of Georgia is hereby amended to include permanent work under the Public Assistance program for the following areas among those areas determined to have been adversely affected by the event declared a major disaster by the President in his declaration of September 30, 2024.

Brantley County for Individual Assistance (already designated for Public Assistance, including direct Federal assistance).

Fulton County for Individual Assistance.

Berrien, Brooks, Bulloch, Candler, Chatham, Colquitt, Cook, Emanuel, Evans, Laurens, Liberty, Lowndes, Tattnall, Tift, and Toombs Counties for permanent work [Categories C–G] (already designated for Individual Assistance and assistance for debris removal and emergency protective measures [Categories A and B], including direct Federal assistance, under the Public Assistance program).

Bryan, Camden, Charlton, Glynn, and Long Counties for Public Assistance, including direct Federal assistance (already designated for Individual Assistance).

Pulaski, Twiggs, Wilcox, and Wilkinson Counties for Public Assistance, including direct Federal assistance.

The following Catalog of Federal Domestic Assistance Numbers (CFDA) are to be used for reporting and drawing funds: 97.030, Community Disaster Loans; 97.031, Cora Brown Fund; 97.032, Crisis Counseling; 97.033, Disaster Legal Services; 97.034, Disaster Unemployment Assistance (DUA); 97.046, Fire Management Assistance Grant; 97.048, Disaster Housing Assistance to Individuals and Households In Presidentially Declared Disaster Areas; 97.049, Presidentially Declared Disaster Assistance—Disaster Housing Operations for Individuals and Households; 97.050, Presidentially Declared Disaster Assistance to Individuals and Households—Other Needs; 97.036, Disaster Grants—Public Assistance (Presidentially Declared Disasters); 97.039, Hazard Mitigation Grant.

Deanne Criswell,

Administrator, Federal Emergency Management Agency.

[FR Doc. 2024–24688 Filed 10–23–24; 8:45 am]

BILLING CODE 9111–23–P

DEPARTMENT OF HOMELAND SECURITY

Federal Emergency Management Agency

[Internal Agency Docket No. FEMA–4808–DR; Docket ID FEMA–2024–0001]

Nebraska; Amendment No. 1 to Notice of a Major Disaster Declaration

AGENCY: Federal Emergency Management Agency, DHS.

ACTION: Notice.

SUMMARY: This notice amends the notice of a major disaster declaration for the State of Nebraska (FEMA–4808–DR), dated August 20, 2024, and related determinations.

DATES: This amendment was issued October 15, 2024.

FOR FURTHER INFORMATION CONTACT: Dean Webster, Office of Response and Recovery, Federal Emergency Management Agency, 500 C Street SW, Washington, DC 20472, (202) 646–2833.

SUPPLEMENTARY INFORMATION: The notice of a major disaster declaration for the State of Nebraska is hereby amended to include the following areas among those areas determined to have been adversely affected by the event declared a major disaster by the President in his declaration of August 20, 2024.

Lincoln and Sarpy Counties for Public Assistance.

The following Catalog of Federal Domestic Assistance Numbers (CFDA) are to be used for reporting and drawing funds: 97.030, Community Disaster Loans; 97.031, Cora Brown Fund; 97.032, Crisis Counseling; 97.033, Disaster Legal Services; 97.034, Disaster Unemployment Assistance (DUA); 97.046, Fire Management Assistance Grant; 97.048, Disaster Housing Assistance to Individuals and Households In Presidentially Declared Disaster Areas; 97.049, Presidentially Declared Disaster Assistance—Disaster Housing Operations for Individuals and Households; 97.050, Presidentially Declared Disaster Assistance to Individuals and Households—Other Needs; 97.036, Disaster Grants—Public Assistance (Presidentially Declared Disasters); 97.039, Hazard Mitigation Grant.

Deanne Criswell,

Administrator, Federal Emergency Management Agency.

[FR Doc. 2024–24659 Filed 10–23–24; 8:45 am]

BILLING CODE 9111–23–P

DEPARTMENT OF HOMELAND SECURITY

Federal Emergency Management Agency

[Internal Agency Docket No. FEMA–4830–DR; Docket ID FEMA–2024–0001]

Georgia; Amendment No. 4 to Notice of a Major Disaster Declaration

AGENCY: Federal Emergency Management Agency, DHS.

ACTION: Notice.

SUMMARY: This notice amends the notice of a major disaster declaration for the State of Georgia (FEMA–4830–DR), dated September 30, 2024, and related determinations.

DATES: This amendment was issued October 9, 2024.

FOR FURTHER INFORMATION CONTACT: Dean Webster, Office of Response and Recovery, Federal Emergency Management Agency, 500 C Street SW, Washington, DC 20472, (202) 646–2833.

SUPPLEMENTARY INFORMATION: The notice of a major disaster declaration for the State of Georgia is hereby amended to include permanent work under the Public Assistance program for the following areas among those areas determined to have been adversely affected by the event declared a major disaster by the President in his declaration of September 30, 2024.

Dodge, Hancock, Thomas, Warren Counties for Individual Assistance.

Appling, Atkinson, Bacon, Burke, Coffee, Effingham, Jeff Davis, Jenkins, Pierce, Screven, and Ware Counties for permanent

work [Categories C–G] (already designated for Individual Assistance and assistance for debris removal and emergency protective measures [Categories A and B], including direct Federal assistance, under the Public Assistance program).

Brantley, Mitchell, and Worth Counties for Public Assistance, including direct Federal assistance.

Wayne County for Public Assistance, including direct Federal assistance (already designated for Individual Assistance).

The following Catalog of Federal Domestic Assistance Numbers (CFDA) are to be used for reporting and drawing funds: 97.030, Community Disaster Loans; 97.031, Cora Brown Fund; 97.032, Crisis Counseling; 97.033, Disaster Legal Services; 97.034, Disaster Unemployment Assistance (DUA); 97.046, Fire Management Assistance Grant; 97.048, Disaster Housing Assistance to Individuals and Households In Presidentially Declared Disaster Areas; 97.049, Presidentially Declared Disaster Assistance—Disaster Housing Operations for Individuals and Households; 97.050 Presidentially Declared Disaster Assistance to Individuals and Households—Other Needs; 97.036, Disaster Grants—Public Assistance (Presidentially Declared Disasters); 97.039, Hazard Mitigation Grant.

Deanne Criswell,

Administrator, Federal Emergency Management Agency.

[FR Doc. 2024–24687 Filed 10–23–24; 8:45 am]

BILLING CODE 9111–23–P

DEPARTMENT OF HOMELAND SECURITY

Federal Emergency Management Agency

[Internal Agency Docket No. FEMA–4828–DR; Docket ID FEMA–2024–0001]

Florida; Amendment No. 1 to Notice of a Major Disaster Declaration

AGENCY: Federal Emergency Management Agency, DHS.

ACTION: Notice.

SUMMARY: This notice amends the notice of a major disaster declaration for the State of Florida (FEMA–4828–DR), dated September 28, 2024, and related determinations.

DATES: This amendment was issued October 1, 2024.

FOR FURTHER INFORMATION CONTACT: Dean Webster, Office of Response and Recovery, Federal Emergency Management Agency, 500 C Street SW, Washington, DC 20472, (202) 646–2833.

SUPPLEMENTARY INFORMATION: The notice of a major disaster declaration for the State of Florida is hereby amended to include the following areas among those areas determined to have been adversely affected by the event declared a major disaster by the President in his declaration of September 28, 2024.

Columbia, Gilchrist, Hamilton, Leon, and Suwannee Counties for Individual Assistance.

The following Catalog of Federal Domestic Assistance Numbers (CFDA) are to be used for reporting and drawing funds: 97.030, Community Disaster Loans; 97.031, Cora Brown Fund; 97.032, Crisis Counseling; 97.033, Disaster Legal Services; 97.034, Disaster Unemployment Assistance (DUA); 97.046, Fire Management Assistance Grant; 97.048, Disaster Housing Assistance to Individuals and Households In Presidentially Declared Disaster Areas; 97.049, Presidentially Declared Disaster Assistance—Disaster Housing Operations for Individuals and Households; 97.050, Presidentially Declared Disaster Assistance to Individuals and Households—Other Needs; 97.036, Disaster Grants—Public Assistance (Presidentially Declared Disasters); 97.039, Hazard Mitigation Grant.

Deanne Criswell,

Administrator, Federal Emergency Management Agency.

[FR Doc. 2024–24670 Filed 10–23–24; 8:45 am]

BILLING CODE 9111–23–P

DEPARTMENT OF HOMELAND SECURITY

Federal Emergency Management Agency

[Internal Agency Docket No. FEMA–4823–DR; Docket ID FEMA–2024–0001]

Confederated Tribes and Bands of the Yakama Nation; Amendment No. 1 to Notice of a Major Disaster Declaration

AGENCY: Federal Emergency Management Agency, DHS.

ACTION: Notice.

SUMMARY: This notice amends the notice of a major disaster declaration for the Confederated Tribes and Bands of the Yakama Nation (FEMA–4823–DR), dated September 24, 2024, and related determinations.

DATES: This change occurred on October 2, 2024.

FOR FURTHER INFORMATION CONTACT: Dean Webster, Office of Response and Recovery, Federal Emergency Management Agency, 500 C Street SW, Washington, DC 20472, (202) 646–2833.

SUPPLEMENTARY INFORMATION: The Federal Emergency Management Agency (FEMA) hereby gives notice that pursuant to the authority vested in the Administrator, under Executive Order 12148, as amended, Yolanda J. Jackson, of FEMA is appointed to act as the Federal Coordinating Officer for this disaster.

This action terminates the appointment of Tonia Pence as Federal Coordinating Officer for this disaster.

The following Catalog of Federal Domestic Assistance Numbers (CFDA) are to be used for reporting and drawing funds: 97.030, Community Disaster Loans; 97.031, Cora Brown Fund; 97.032, Crisis Counseling; 97.033, Disaster Legal Services; 97.034, Disaster Unemployment Assistance (DUA); 97.046, Fire Management Assistance Grant; 97.048, Disaster Housing Assistance to Individuals and Households In Presidentially Declared Disaster Areas; 97.049, Presidentially Declared Disaster Assistance—Disaster Housing Operations for Individuals and Households; 97.050, Presidentially Declared Disaster Assistance to Individuals and Households—Other Needs; 97.036, Disaster Grants—Public Assistance (Presidentially Declared Disasters); 97.039, Hazard Mitigation Grant.

Deanne Criswell,

Administrator, Federal Emergency Management Agency.

[FR Doc. 2024–24666 Filed 10–23–24; 8:45 am]

BILLING CODE 9111–23–P

DEPARTMENT OF HOMELAND SECURITY

Federal Emergency Management Agency

[Internal Agency Docket No. FEMA–4781–DR; Docket ID FEMA–2024–0001]

Texas; Amendment No. 18 to Notice of a Major Disaster Declaration

AGENCY: Federal Emergency Management Agency, DHS.

ACTION: Notice.

SUMMARY: This notice amends the notice of a major disaster declaration for the State of Texas (FEMA–4781–DR), dated May 17, 2024, and related determinations.

DATES: This amendment was issued September 23, 2024.

FOR FURTHER INFORMATION CONTACT: Dean Webster, Office of Response and Recovery, Federal Emergency Management Agency, 500 C Street SW, Washington, DC 20472, (202) 646–2833.

SUPPLEMENTARY INFORMATION: The notice of a major disaster declaration for the State of Texas is hereby amended to include the following area among those areas determined to have been adversely affected by the event declared a major disaster by the President in his declaration of May 17, 2024.

Hays County for Public Assistance (already designated for emergency protective measures (Category B), limited to direct federal assistance under the Public Assistance program).

The following Catalog of Federal Domestic Assistance Numbers (CFDA) are to be used for reporting and drawing funds: 97.030, Community Disaster Loans; 97.031, Cora Brown Fund; 97.032, Crisis Counseling; 97.033, Disaster Legal Services; 97.034, Disaster Unemployment Assistance (DUA); 97.046, Fire Management Assistance Grant; 97.048, Disaster Housing Assistance to Individuals and Households In Presidentially Declared Disaster Areas; 97.049, Presidentially Declared Disaster Assistance—Disaster Housing Operations for Individuals and Households; 97.050, Presidentially Declared Disaster Assistance to Individuals and Households—Other Needs; 97.036, Disaster Grants—Public Assistance (Presidentially Declared Disasters); 97.039, Hazard Mitigation Grant.

Deanne Criswell,

Administrator, Federal Emergency Management Agency.

[FR Doc. 2024–24656 Filed 10–23–24; 8:45 am]

BILLING CODE 9111–23–P

DEPARTMENT OF HOMELAND SECURITY

Federal Emergency Management Agency

[Internal Agency Docket No. FEMA–3622–EM; Docket ID FEMA–2024–0001]

Florida; Amendment No. 1 to Notice of an Emergency Declaration

AGENCY: Federal Emergency Management Agency, DHS.

ACTION: Notice.

SUMMARY: This notice amends the notice of an emergency declaration for the State of Florida (FEMA–3622–EM), dated October 7, 2024, and related determinations.

DATES: This amendment was issued October 7, 2024.

FOR FURTHER INFORMATION CONTACT: Dean Webster, Office of Response and Recovery, Federal Emergency Management Agency, 500 C Street SW, Washington, DC 20472, (202) 646–2833.

SUPPLEMENTARY INFORMATION: The notice of an emergency declaration for the State of Florida is hereby amended to include the following areas among those areas determined to have been adversely affected by the event declared an emergency by the President in his declaration of October 7, 2024.

Alachua, Baker, Bradford, Clay, Columbia, Duval, Gilchrist, Hamilton, Lafayette, Madison, Nassau, Suwannee, Taylor, and Union Counties for emergency protective measures [Category B], including direct federal assistance (already designated for emergency protective measures (Category B), limited to direct federal assistance, under the Public Assistance program).

The following Catalog of Federal Domestic Assistance Numbers (CFDA) are to be used for reporting and drawing funds: 97.030, Community Disaster Loans; 97.031, Cora Brown Fund; 97.032, Crisis Counseling; 97.033, Disaster Legal Services; 97.034, Disaster Unemployment Assistance (DUA); 97.046, Fire Management Assistance Grant; 97.048, Disaster Housing Assistance to Individuals and Households In Presidentially Declared Disaster Areas; 97.049, Presidentially Declared Disaster Assistance—Disaster Housing Operations for Individuals and Households; 97.050, Presidentially Declared Disaster Assistance to Individuals and Households—Other Needs; 97.036, Disaster Grants—Public Assistance (Presidentially Declared Disasters); 97.039, Hazard Mitigation Grant.

Deanne Criswell,

Administrator, Federal Emergency Management Agency.

[FR Doc. 2024–24653 Filed 10–23–24; 8:45 am]

BILLING CODE 9111–23–P

DEPARTMENT OF HOMELAND SECURITY

Federal Emergency Management Agency

[Internal Agency Docket No. FEMA–4759–DR; Docket ID FEMA–2024–0001]

Washington; Amendment No. 4 to Notice of a Major Disaster Declaration

AGENCY: Federal Emergency Management Agency, DHS.

ACTION: Notice.

SUMMARY: This notice amends the notice of a major disaster declaration for the State of Washington (FEMA–4759–DR), dated February 15, 2024, and related determinations.

DATES: This change occurred on October 2, 2024.

FOR FURTHER INFORMATION CONTACT: Dean Webster, Office of Response and Recovery, Federal Emergency Management Agency, 500 C Street SW, Washington, DC 20472, (202) 646–2833.

SUPPLEMENTARY INFORMATION: The Federal Emergency Management Agency (FEMA) hereby gives notice that pursuant to the authority vested in the Administrator, under Executive Order 12148, as amended, Yolanda J. Jackson, of FEMA is appointed to act as the Federal Coordinating Officer for this disaster.

This action terminates the appointment of Tonia Pence as Federal Coordinating Officer for this disaster.

The following Catalog of Federal Domestic Assistance Numbers (CFDA) are to be used for reporting and drawing funds: 97.030, Community Disaster Loans; 97.031, Cora Brown Fund; 97.032, Crisis Counseling; 97.033, Disaster Legal Services; 97.034, Disaster Unemployment Assistance (DUA); 97.046, Fire Management Assistance Grant; 97.048, Disaster Housing Assistance to Individuals and Households In Presidentially Declared Disaster Areas; 97.049, Presidentially Declared Disaster Assistance—Disaster Housing Operations for Individuals and Households; 97.050, Presidentially Declared Disaster Assistance to Individuals and Households—Other Needs; 97.036, Disaster Grants—Public Assistance (Presidentially Declared Disasters); 97.039, Hazard Mitigation Grant.

Deanne Criswell,

Administrator, Federal Emergency Management Agency.

[FR Doc. 2024–24654 Filed 10–23–24; 8:45 am]

BILLING CODE 9111–23–P

DEPARTMENT OF HOMELAND SECURITY

Federal Emergency Management Agency

[Internal Agency Docket No. FEMA–4827–DR; Docket ID FEMA–2024–0001]

North Carolina; Amendment No. 2 to Notice of a Major Disaster Declaration

AGENCY: Federal Emergency Management Agency, DHS.

ACTION: Notice.

SUMMARY: This notice amends the notice of a major disaster declaration for the State of North Carolina (FEMA–4827–DR), dated September 28, 2024, and related determinations.

DATES: This amendment was issued October 4, 2024.

FOR FURTHER INFORMATION CONTACT: Dean Webster, Office of Response and Recovery, Federal Emergency Management Agency, 500 C Street SW, Washington, DC 20472, (202) 646–2833.

SUPPLEMENTARY INFORMATION: The notice of a major disaster declaration for the State of North Carolina is hereby amended to include the following areas among those areas determined to have been adversely affected by the event declared a major disaster by the President in his declaration of September 28, 2024.

Mecklenburg and Swain Counties for Individual Assistance.

Mecklenburg and Swain Counties for debris removal and emergency protective measures (Categories A and B), including direct Federal assistance, under the Public Assistance program.

The following Catalog of Federal Domestic Assistance Numbers (CFDA) are to be used for reporting and drawing funds: 97.030, Community Disaster Loans; 97.031, Cora Brown Fund; 97.032, Crisis Counseling; 97.033, Disaster Legal Services; 97.034,

Disaster Unemployment Assistance (DUA); 97.046, Fire Management Assistance Grant; 97.048, Disaster Housing Assistance to Individuals and Households In Presidentially Declared Disaster Areas; 97.049, Presidentially Declared Disaster Assistance—Disaster Housing Operations for Individuals and Households; 97.050, Presidentially Declared Disaster Assistance to Individuals and Households—Other Needs; 97.036, Disaster Grants—Public Assistance (Presidentially Declared Disasters); 97.039, Hazard Mitigation Grant.

Deanne Criswell,

Administrator, Federal Emergency Management Agency.

[FR Doc. 2024–24669 Filed 10–23–24; 8:45 am]

BILLING CODE 9111–23–P

DEPARTMENT OF HOMELAND SECURITY

Federal Emergency Management Agency

[Internal Agency Docket No. FEMA–4828–DR; Docket ID FEMA–2024–0001]

Florida; Amendment No. 5 to Notice of a Major Disaster Declaration

AGENCY: Federal Emergency Management Agency, DHS.

ACTION: Notice.

SUMMARY: This notice amends the notice of a major disaster declaration for the State of Florida (FEMA–4828–DR), dated September 28, 2024, and related determinations.

DATES: This amendment was issued October 7, 2024.

FOR FURTHER INFORMATION CONTACT: Dean Webster, Office of Response and Recovery, Federal Emergency Management Agency, 500 C Street SW, Washington, DC 20472, (202) 646–2833.

SUPPLEMENTARY INFORMATION: The notice of a major disaster declaration for the State of Florida is hereby amended to include the following areas among those areas determined to have been adversely affected by the event declared a major disaster by the President in his declaration of September 28, 2024.

Alachua, Baker, Bradford, Collier, Duval, Putnam, and Union Counties for Individual Assistance.

Alachua, Bradford, Duval, and Union Counties for Public Assistance, including direct federal assistance.

The following Catalog of Federal Domestic Assistance Numbers (CFDA) are to be used for reporting and drawing funds: 97.030, Community Disaster Loans; 97.031, Cora Brown Fund; 97.032, Crisis Counseling; 97.033, Disaster Legal Services; 97.034, Disaster Unemployment Assistance (DUA); 97.046, Fire Management Assistance Grant; 97.048, Disaster Housing Assistance to Individuals and Households In Presidentially Declared Disaster Areas; 97.049, Presidentially Declared Disaster Assistance—Disaster Housing Operations for Individuals and Households; 97.050, Presidentially Declared Disaster Assistance to Individuals and Households—Other Needs; 97.036, Disaster Grants—Public Assistance (Presidentially Declared Disasters); 97.039, Hazard Mitigation Grant.

Deanne Criswell,

Administrator, Federal Emergency Management Agency.

[FR Doc. 2024–24674 Filed 10–23–24; 8:45 am]

BILLING CODE 9111–23–P

DEPARTMENT OF HOMELAND SECURITY

Federal Emergency Management Agency

[Internal Agency Docket No. FEMA–4829–DR; Docket ID FEMA–2024–0001]

South Carolina; Amendment No. 1 to Notice of a Major Disaster Declaration

AGENCY: Federal Emergency Management Agency, DHS.

ACTION: Notice.

SUMMARY: This notice amends the notice of a major disaster declaration for the State of South Carolina (FEMA–4829–DR), dated September 29, 2024, and related determinations.

DATES: This amendment was issued October 2, 2024.

FOR FURTHER INFORMATION CONTACT: Dean Webster, Office of Response and Recovery, Federal Emergency Management Agency, 500 C Street SW, Washington, DC 20472, (202) 646–2833.

SUPPLEMENTARY INFORMATION: The notice of a major disaster declaration for the State of South Carolina is hereby amended to include the following areas among those areas determined to have been adversely affected by the event declared a major disaster by the President in his declaration of September 29, 2024.

Edgefield, Laurens, and Union Counties for Individual Assistance.

Edgefield, Laurens, and Union Counties for debris removal and emergency protective measures (Categories A and B), including direct federal assistance under the Public Assistance program.

The following Catalog of Federal Domestic Assistance Numbers (CFDA) are to be used for reporting and drawing funds: 97.030, Community Disaster Loans; 97.031, Cora Brown Fund; 97.032, Crisis Counseling; 97.033, Disaster Legal Services; 97.034, Disaster Unemployment Assistance (DUA); 97.046, Fire Management Assistance Grant; 97.048, Disaster Housing Assistance to Individuals and Households In Presidentially Declared Disaster Areas; 97.049, Presidentially Declared Disaster Assistance—Disaster Housing Operations for Individuals and Households; 97.050, Presidentially Declared Disaster Assistance to Individuals and Households—Other Needs; 97.036, Disaster Grants—Public Assistance (Presidentially Declared Disasters); 97.039, Hazard Mitigation Grant.

Deanne Criswell,

Administrator, Federal Emergency Management Agency.

[FR Doc. 2024–24677 Filed 10–23–24; 8:45 am]

BILLING CODE 9111–23–P

DEPARTMENT OF HOMELAND SECURITY

Federal Emergency Management Agency

[Internal Agency Docket No. FEMA–4828–DR; Docket ID FEMA–2024–0001]

Florida; Amendment No. 2 to Notice of a Major Disaster Declaration

AGENCY: Federal Emergency Management Agency, DHS.

ACTION: Notice.

SUMMARY: This notice amends the notice of a major disaster declaration for the State of Florida (FEMA–4828–DR), dated September 28, 2024, and related determinations.

DATES: This amendment was issued October 3, 2024.

FOR FURTHER INFORMATION CONTACT: Dean Webster, Office of Response and Recovery, Federal Emergency Management Agency, 500 C Street SW, Washington, DC 20472, (202) 646–2833.

SUPPLEMENTARY INFORMATION: The notice of a major disaster declaration for the State of Florida is hereby amended to include the following areas among those areas determined to have been adversely affected by the event declared a major disaster by the President in his declaration of September 28, 2024.

Columbia, Gilchrist, Hamilton, Leon, and Suwannee Counties for debris removal and emergency protective measures [Categories A and B], including direct federal assistance under the Public Assistance program (already designated for Individual Assistance).

The following Catalog of Federal Domestic Assistance Numbers (CFDA) are to be used for reporting and drawing funds: 97.030, Community Disaster Loans; 97.031, Cora Brown Fund; 97.032, Crisis Counseling; 97.033, Disaster Legal Services; 97.034, Disaster Unemployment Assistance (DUA); 97.046, Fire Management Assistance Grant; 97.048, Disaster Housing Assistance to Individuals and Households In Presidentially Declared Disaster Areas; 97.049, Presidentially Declared Disaster Assistance—Disaster Housing Operations for Individuals

and Households; 97.050, Presidentially Declared Disaster Assistance to Individuals and Households—Other Needs; 97.036, Disaster Grants—Public Assistance (Presidentially Declared Disasters); 97.039, Hazard Mitigation Grant.

Deanne Criswell,

Administrator, Federal Emergency Management Agency.

[FR Doc. 2024–24671 Filed 10–23–24; 8:45 am]

BILLING CODE 9111–23–P

DEPARTMENT OF HOMELAND SECURITY

Federal Emergency Management Agency

[Internal Agency Docket No. FEMA–4828–DR; Docket ID FEMA–2024–0001]

Florida; Amendment No. 6 to Notice of a Major Disaster Declaration

AGENCY: Federal Emergency Management Agency, DHS.

ACTION: Notice.

SUMMARY: This notice amends the notice of a major disaster declaration for the State of Florida (FEMA–4828–DR), dated September 28, 2024, and related determinations.

DATES: This amendment was issued October 13, 2024.

FOR FURTHER INFORMATION CONTACT: Dean Webster, Office of Response and Recovery, Federal Emergency Management Agency, 500 C Street SW, Washington, DC 20472, (202) 646–2833.

SUPPLEMENTARY INFORMATION: The notice of a major disaster declaration for the State of Florida is hereby amended to include the following areas among those areas determined to have been adversely affected by the event declared a major disaster by the President in his declaration of September 28, 2024.

Baker and Putnam Counties for Public Assistance, including direct federal assistance (already designated for Individual Assistance).

Nassau County for Public Assistance, including direct federal assistance.

The following Catalog of Federal Domestic Assistance Numbers (CFDA) are to be used for reporting and drawing funds: 97.030, Community Disaster Loans; 97.031, Cora Brown Fund; 97.032, Crisis Counseling; 97.033, Disaster Legal Services; 97.034, Disaster Unemployment Assistance (DUA); 97.046, Fire Management Assistance Grant; 97.048, Disaster Housing Assistance to Individuals and Households In Presidentially Declared Disaster Areas; 97.049, Presidentially Declared Disaster Assistance—Disaster Housing Operations for Individuals and Households; 97.050 Presidentially Declared Disaster Assistance to Individuals and Households—Other Needs; 97.036, Disaster Grants—Public Assistance (Presidentially Declared Disasters); 97.039, Hazard Mitigation Grant.

Deanne Criswell,

Administrator, Federal Emergency Management Agency.

[FR Doc. 2024–24676 Filed 10–23–24; 8:45 am]

BILLING CODE 9111–23–P

DEPARTMENT OF HOMELAND SECURITY

Federal Emergency Management Agency

[Internal Agency Docket No. FEMA–4817–DR; Docket ID FEMA–2024–0001]

Louisiana; Amendment No. 1 to Notice of a Major Disaster Declaration

AGENCY: Federal Emergency Management Agency, DHS.

ACTION: Notice.

SUMMARY: This notice amends the notice of a major disaster declaration for the State of Louisiana (FEMA–4817–DR), dated September 16, 2024, and related determinations.

DATES: This amendment was issued September 23, 2024.

FOR FURTHER INFORMATION CONTACT: Dean Webster, Office of Response and Recovery, Federal Emergency Management Agency, 500 C Street SW, Washington, DC 20472, (202) 646–2833.

SUPPLEMENTARY INFORMATION: The notice of a major disaster declaration for the State of Louisiana is hereby amended to include permanent work under the Public Assistance program for the following areas among those areas determined to have been adversely affected by the event declared a major disaster by the President in his declaration of September 16, 2024.

Ascension, Assumption, Lafourche, St. Charles, St. Mary, and Terrebonne Parishes for permanent work [Categories C–G] (already designated for Individual Assistance and assistance for debris removal and emergency protective measures [Categories A and B], including direct Federal assistance, under the Public Assistance program).

East Baton Rouge, East Feliciana, Livingston, Orleans, Plaquemines, St. Helena, St. Martin, St. Tammany, Washington, and West Feliciana Parishes for Public Assistance.

Jefferson Parish for Individual Assistance.

The following Catalog of Federal Domestic Assistance Numbers (CFDA) are to be used for reporting and drawing funds: 97.030, Community Disaster Loans; 97.031, Cora Brown Fund; 97.032, Crisis Counseling; 97.033, Disaster Legal Services; 97.034, Disaster Unemployment Assistance (DUA); 97.046, Fire Management Assistance Grant; 97.048, Disaster Housing Assistance to Individuals and Households In Presidentially Declared Disaster Areas; 97.049, Presidentially Declared Disaster Assistance—Disaster Housing Operations for Individuals and Households; 97.050, Presidentially Declared Disaster Assistance to Individuals and Households—Other Needs; 97.036, Disaster Grants—Public Assistance (Presidentially Declared Disasters); 97.039, Hazard Mitigation Grant.

Deanne Criswell,

Administrator, Federal Emergency Management Agency.

[FR Doc. 2024–24665 Filed 10–23–24; 8:45 am]

BILLING CODE 9111–23–P

DEPARTMENT OF HOMELAND SECURITY

Federal Emergency Management Agency

[Internal Agency Docket No. FEMA–4828–DR; Docket ID FEMA–2024–0001]

Florida; Amendment No. 4 to Notice of a Major Disaster Declaration

AGENCY: Federal Emergency Management Agency, DHS.

ACTION: Notice.

SUMMARY: This notice amends the notice of a major disaster declaration for the State of Florida (FEMA–4828–DR), dated September 28, 2024, and related determinations.

DATES: This amendment was issued October 5, 2024.

FOR FURTHER INFORMATION CONTACT: Dean Webster, Office of Response and Recovery, Federal Emergency Management Agency, 500 C Street SW, Washington, DC 20472, (202) 646–2833.

SUPPLEMENTARY INFORMATION: The notice of a major disaster declaration for the State of Florida is hereby amended to include permanent work under the Public Assistance program for the following areas among those areas determined to have been adversely affected by the event declared a major disaster by the President in his declaration of September 28, 2024.

Gadsden and Liberty Counties for Public Assistance.

Charlotte, Citrus, Columbia, Dixie, Franklin, Gilchrist, Gulf, Hamilton, Hernando, Jefferson, Lafayette, Leon, Levy, Madison, Manatee, Pasco, Pinellas, Sarasota, Suwannee, Taylor, and Wakulla Counties for permanent work [Categories C–G] (already designated for Individual Assistance and assistance for debris removal and emergency protective measures [Categories A and B], including direct Federal assistance, under the Public Assistance program).

The following Catalog of Federal Domestic Assistance Numbers (CFDA) are to be used for reporting and drawing funds: 97.030,

Community Disaster Loans; 97.031, Cora Brown Fund; 97.032, Crisis Counseling; 97.033, Disaster Legal Services; 97.034, Disaster Unemployment Assistance (DUA); 97.046, Fire Management Assistance Grant; 97.048, Disaster Housing Assistance to Individuals and Households In Presidentially Declared Disaster Areas; 97.049, Presidentially Declared Disaster Assistance—Disaster Housing Operations for Individuals and Households; 97.050, Presidentially Declared Disaster Assistance to Individuals and Households—Other Needs; 97.036, Disaster Grants—Public Assistance (Presidentially Declared Disasters); 97.039, Hazard Mitigation Grant.

Deanne Criswell,

Administrator, Federal Emergency Management Agency.

[FR Doc. 2024–24673 Filed 10–23–24; 8:45 am]

BILLING CODE 9111–23–P

DEPARTMENT OF HOMELAND SECURITY

Federal Emergency Management Agency

[Docket ID: FEMA–2024–0001]

Notice of Award Amount Adjustment for Serious Needs Assistance

AGENCY: Federal Emergency Management Agency, DHS.

ACTION: Notice.

SUMMARY: FEMA gives notice of the award amount for Serious Needs Assistance provided under the Individuals and Households Program for emergencies and major disasters declared on or after October 1, 2024.

DATES: This adjustment applies to emergencies and major disasters declared on or after October 1, 2024.

FOR FURTHER INFORMATION CONTACT: Frank Matranga, Recovery Directorate, Federal Emergency Management Agency, 500 C Street SW, Washington, DC 20472, (202) 212–1000.

SUPPLEMENTARY INFORMATION: FEMA regulations at 44 CFR 206.119(b)(1) prescribe that FEMA will annually adjust the award amount for Serious Needs Assistance (SNA) provided under the Individuals and Households Program. FEMA gives notice that the award amount for SNA provided to an individual or household under section 408 of the Robert T. Stafford Disaster Relief and Emergency Assistance Act with respect to any single emergency or major disaster is $770. The increase in award amount is for any single emergency or major disaster declared on or after October 1, 2024.

FEMA bases the adjustment on an increase in the Consumer Price Index for all Urban Consumers of 2.5 percent for the 12-month period, which ended in August 2024. The Bureau of Labor Statistics of the U.S. Department of Labor released the information on September 11, 2024.

Catalog of Federal Domestic Assistance No. 97.048, Federal Disaster Assistance to Individuals and Households in Presidentially Declared Disaster Areas; 97.049, Presidentially Declared Disaster Assistance—Disaster Housing Operations for Individuals and Households; 97.050, Presidentially Declared Disaster Assistance to Individuals and Households—Other Needs.

Deanne Criswell,

Administrator, Federal Emergency Management Agency.

[FR Doc. 2024–24701 Filed 10–23–24; 8:45 am]

BILLING CODE 9111–23–P

DEPARTMENT OF HOMELAND SECURITY

Federal Emergency Management Agency

[Internal Agency Docket No. FEMA–4828–DR; Docket ID FEMA–2024–0001]

Florida; Amendment No. 3 to Notice of a Major Disaster Declaration

AGENCY: Federal Emergency Management Agency, DHS.

ACTION: Notice.

SUMMARY: This notice amends the notice of a major disaster declaration for the State of Florida (FEMA–4828–DR), dated September 28, 2024, and related determinations.

DATES: This amendment was issued October 3, 2024.

FOR FURTHER INFORMATION CONTACT: Dean Webster, Office of Response and Recovery, Federal Emergency Management Agency, 500 C Street SW, Washington, DC 20472, (202) 646–2833.

SUPPLEMENTARY INFORMATION: The notice of a major disaster declaration for the State of Florida is hereby amended to include the following area among those areas determined to have been adversely affected by the event declared a major disaster by the President in his declaration of September 28, 2024.

Gulf County for Individual Assistance.

Gulf County for debris removal and emergency protective measures (Categories A and B), including direct federal assistance under the Public Assistance program.

The following Catalog of Federal Domestic Assistance Numbers (CFDA) are to be used for reporting and drawing funds: 97.030, Community Disaster Loans; 97.031, Cora Brown Fund; 97.032, Crisis Counseling; 97.033, Disaster Legal Services; 97.034, Disaster Unemployment Assistance (DUA); 97.046, Fire Management Assistance Grant; 97.048, Disaster Housing Assistance to Individuals and Households In Presidentially Declared Disaster Areas; 97.049, Presidentially Declared Disaster Assistance—Disaster Housing Operations for Individuals and Households; 97.050, Presidentially Declared Disaster Assistance to Individuals and Households—Other Needs; 97.036, Disaster Grants—Public Assistance (Presidentially Declared Disasters); 97.039, Hazard Mitigation Grant.

Deanne Criswell,

Administrator, Federal Emergency Management Agency.

[FR Doc. 2024–24672 Filed 10–23–24; 8:45 am]

BILLING CODE 9111–23–P

DEPARTMENT OF HOMELAND SECURITY

Federal Emergency Management Agency

[Internal Agency Docket No. FEMA–4829–DR; Docket ID FEMA–2024–0001]

South Carolina; Amendment No. 7 to Notice of a Major Disaster Declaration

AGENCY: Federal Emergency Management Agency, DHS.

ACTION: Notice.

SUMMARY: This notice amends the notice of a major disaster declaration for the State of South Carolina (FEMA–4829–DR), dated September 29, 2024, and related determinations.

DATES: This amendment was issued October 11, 2024.

FOR FURTHER INFORMATION CONTACT: Dean Webster, Office of Response and Recovery, Federal Emergency Management Agency, 500 C Street SW, Washington, DC 20472, (202) 646–2833.

SUPPLEMENTARY INFORMATION: The notice of a major disaster declaration for the State of South Carolina is hereby amended to include the following areas among those areas determined to have been adversely affected by the event declared a major disaster by the President in his declaration of September 29, 2024.

Beaufort County for Individual Assistance.

Fairfield County for Individual Assistance (already designated for Public Assistance, including direct Federal assistance).

Bamberg and Greenwood Counties for permanent work [Categories C–G] (already designated for Individual Assistance and assistance for debris removal and emergency protective measures [Categories A and B], including direct Federal assistance, under the Public Assistance program).

The following Catalog of Federal Domestic Assistance Numbers (CFDA) are to be used for reporting and drawing funds: 97.030, Community Disaster Loans; 97.031, Cora

Brown Fund; 97.032, Crisis Counseling; 97.033, Disaster Legal Services; 97.034, Disaster Unemployment Assistance (DUA); 97.046, Fire Management Assistance Grant; 97.048, Disaster Housing Assistance to Individuals and Households In Presidentially Declared Disaster Areas; 97.049, Presidentially Declared Disaster Assistance—Disaster Housing Operations for Individuals and Households; 97.050, Presidentially Declared Disaster Assistance to Individuals and Households—Other Needs; 97.036, Disaster Grants—Public Assistance (Presidentially Declared Disasters); 97.039, Hazard Mitigation Grant.

Deanne Criswell,

Administrator, Federal Emergency Management Agency.

[FR Doc. 2024–24683 Filed 10–23–24; 8:45 am]

BILLING CODE 9111–23–P

DEPARTMENT OF HOMELAND SECURITY

Federal Emergency Management Agency

[Internal Agency Docket No. FEMA–4832–DR; Docket ID FEMA–2024–0001]

Tennessee; Amendment No. 2 to Notice of a Major Disaster Declaration

AGENCY: Federal Emergency Management Agency, DHS.

ACTION: Notice.

SUMMARY: This notice amends the notice of a major disaster declaration for the State of Tennessee (FEMA–4832–DR), dated October 2, 2024, and related determinations.

DATES: This amendment was issued October 9, 2024.

FOR FURTHER INFORMATION CONTACT: Dean Webster, Office of Response and Recovery, Federal Emergency Management Agency, 500 C Street SW, Washington, DC 20472, (202) 646–2833.

SUPPLEMENTARY INFORMATION: The notice of a major disaster declaration for the State of Tennessee is hereby amended to include permanent work under the Public Assistance program for the following areas among those areas determined to have been adversely affected by the event declared a major disaster by the President in his declaration of October 2, 2024.

Claiborne, Grainger, and Sullivan Counties for Public Assistance, including direct Federal assistance.

Jefferson County for permanent work [Categories C–G] (already designated for debris removal and emergency protective measures [Categories A and B], including direct Federal assistance, under the Public Assistance program).

Carter, Cocke, Greene, Hamblen, Hawkins, Johnson, Unicoi, and Washington Counties for permanent work [Categories C–G] (already designated for Individual Assistance and assistance for debris removal and emergency protective measures [Categories A and B], including direct Federal assistance, under the Public Assistance program).

The following Catalog of Federal Domestic Assistance Numbers (CFDA) are to be used for reporting and drawing funds: 97.030, Community Disaster Loans; 97.031, Cora Brown Fund; 97.032, Crisis Counseling; 97.033, Disaster Legal Services; 97.034, Disaster Unemployment Assistance (DUA); 97.046, Fire Management Assistance Grant; 97.048, Disaster Housing Assistance to Individuals and Households In Presidentially Declared Disaster Areas; 97.049, Presidentially Declared Disaster Assistance—Disaster Housing Operations for Individuals and Households; 97.050, Presidentially Declared Disaster Assistance to Individuals and Households—Other Needs; 97.036, Disaster Grants—Public Assistance (Presidentially Declared Disasters); 97.039, Hazard Mitigation Grant.

Deanne Criswell,

Administrator, Federal Emergency Management Agency.

[FR Doc. 2024–24695 Filed 10–23–24; 8:45 am]

BILLING CODE 9111–23–P

DEPARTMENT OF HOMELAND SECURITY

Federal Emergency Management Agency

[Internal Agency Docket No. FEMA–3612–EM; Docket ID FEMA–2024–0001]

Connecticut; Amendment No. 1 to Notice of an Emergency Declaration

AGENCY: Federal Emergency Management Agency, DHS.

ACTION: Notice.

SUMMARY: This notice amends the notice of an emergency declaration for the State of Connecticut (FEMA–3612–EM), dated August 21, 2024, and related determinations.

DATES: This amendment was issued September 30, 2024.

FOR FURTHER INFORMATION CONTACT: Dean Webster, Office of Response and Recovery, Federal Emergency Management Agency, 500 C Street SW, Washington, DC 20472, (202) 646–2833.

SUPPLEMENTARY INFORMATION: Notice is hereby given that the incident period for this emergency is closed effective August 19, 2024.

The following Catalog of Federal Domestic Assistance Numbers (CFDA) are to be used for reporting and drawing funds: 97.030, Community Disaster Loans; 97.031, Cora Brown Fund; 97.032, Crisis Counseling; 97.033, Disaster Legal Services; 97.034, Disaster Unemployment Assistance (DUA); 97.046, Fire Management Assistance Grant; 97.048, Disaster Housing Assistance to Individuals and Households In Presidentially Declared Disaster Areas; 97.049, Presidentially Declared Disaster Assistance—Disaster Housing Operations for Individuals and Households; 97.050, Presidentially Declared Disaster Assistance to Individuals and Households—Other Needs; 97.036, Disaster Grants—Public Assistance (Presidentially Declared Disasters); 97.039, Hazard Mitigation Grant.

Deanne Criswell,

Administrator, Federal Emergency Management Agency.

[FR Doc. 2024–24646 Filed 10–23–24; 8:45 am]

BILLING CODE 9111–23–P

DEPARTMENT OF HOMELAND SECURITY

Federal Emergency Management Agency

[Docket ID FEMA–2024–0001]

Notice of Maximum Amount of Assistance Under the Individuals and Households Program

AGENCY: Federal Emergency Management Agency, DHS.

ACTION: Notice.

SUMMARY: FEMA gives notice of the maximum amount for assistance under the Individuals and Households Program for emergencies and major disasters declared on or after October 1, 2024.

DATES: This adjustment applies to emergencies and major disasters declared on or after October 1, 2024.

FOR FURTHER INFORMATION CONTACT: Frank Matranga, Recovery Directorate, Federal Emergency Management Agency, 500 C Street SW, Washington, DC 20472, (202) 212–1000.

SUPPLEMENTARY INFORMATION: Section 408 of the Robert T. Stafford Disaster Relief and Emergency Assistance Act (the Stafford Act), 42 U.S.C. 5174, prescribes that FEMA must annually adjust the maximum amount for assistance provided under the Individuals and Households Program (IHP). FEMA gives notice that the maximum amount of IHP financial assistance provided to an individual or household under section 408 of the Stafford Act with respect to any single emergency or major disaster is $43,600 for housing assistance and $43,600 for other needs assistance. The increase in award amount is for any single emergency or major disaster declared on or after October 1, 2024. In addition, in accordance with 44 CFR 61.17(c), this increases the maximum amount of

available coverage under any Group Flood Insurance Policy (GFIP) issued.

FEMA bases the adjustment on an increase in the Consumer Price Index for All Urban Consumers of 2.5 percent for the 12-month period, which ended in August 2024. The Bureau of Labor Statistics of the U.S. Department of Labor released the information on September 11, 2024.

(Catalog of Federal Domestic Assistance No. 97.048, Federal Disaster Assistance to Individuals and Households in Presidentially Declared Disaster Areas; 97.049, Presidentially Declared Disaster Assistance—Disaster Housing Operations for Individuals and Households; 97.050, Presidentially Declared Disaster Assistance to Individuals and Households—Other Needs.)

Deanne Criswell,

Administrator, Federal Emergency Management Agency.

[FR Doc. 2024–24700 Filed 10–23–24; 8:45 am]

BILLING CODE 9111–23–P

DEPARTMENT OF HOMELAND SECURITY

Federal Emergency Management Agency

[Internal Agency Docket No. FEMA–3618–EM; Docket ID FEMA–2024–0001]

Alabama; Amendment No. 1 to Notice of an Emergency Declaration

AGENCY: Federal Emergency Management Agency, DHS.

ACTION: Notice.

SUMMARY: This notice amends the notice of an emergency declaration for the State of Alabama (FEMA–3618–EM), dated September 26, 2024, and related determinations.

DATES: This amendment was issued September 26, 2024.

FOR FURTHER INFORMATION CONTACT: Dean Webster, Office of Response and Recovery, Federal Emergency Management Agency, 500 C Street SW, Washington, DC 20472, (202) 646–2833.

SUPPLEMENTARY INFORMATION: The notice of an emergency declaration for the State of Alabama is hereby amended to include the following areas among those areas determined to have been adversely affected by the event declared an emergency by the President in his declaration of September 26, 2024.

Blount, Coosa, Cullman, Elmore, Jefferson, Lawrence, Montgomery, Pike, Shelby, St. Clair, Talladega, and Winston Counties for emergency protective measures (Category B), limited to direct federal assistance and reimbursement for mass care including evacuation and shelter support.

Autauga, Bibb, Chilton, Choctaw, Colbert, Dallas, Fayette, Franklin, Greene, Hale, Lamar, Lowndes, Marengo, Marion, Perry, Pickens, Sumter, Tuscaloosa, Walker, and Wilcox Counties for emergency protective measures (Category B), limited to direct federal assistance.

The following Catalog of Federal Domestic Assistance Numbers (CFDA) are to be used for reporting and drawing funds: 97.030, Community Disaster Loans; 97.031, Cora Brown Fund; 97.032, Crisis Counseling; 97.033, Disaster Legal Services; 97.034, Disaster Unemployment Assistance (DUA); 97.046, Fire Management Assistance Grant; 97.048, Disaster Housing Assistance to Individuals and Households In Presidentially Declared Disaster Areas; 97.049, Presidentially Declared Disaster Assistance—Disaster Housing Operations for Individuals and Households; 97.050, Presidentially Declared Disaster Assistance to Individuals and Households—Other Needs; 97.036, Disaster Grants—Public Assistance (Presidentially Declared Disasters); 97.039, Hazard Mitigation Grant.

Deanne Criswell,

Administrator, Federal Emergency Management Agency.

[FR Doc. 2024–24650 Filed 10–23–24; 8:45 am]

BILLING CODE 9111–23–P

DEPARTMENT OF HOMELAND SECURITY

Federal Emergency Management Agency

[Internal Agency Docket No. FEMA–4806–DR; Docket ID FEMA–2024–0001]

Florida; Amendment No. 6 to Notice of a Major Disaster Declaration

AGENCY: Federal Emergency Management Agency, DHS.

ACTION: Notice.

SUMMARY: This notice amends the notice of a major disaster declaration for the State of Florida (FEMA–4806–DR), dated August 10, 2024, and related determinations.

DATES: This amendment was issued September 26, 2024.

FOR FURTHER INFORMATION CONTACT: Dean Webster, Office of Response and Recovery, Federal Emergency Management Agency, 500 C Street SW, Washington, DC 20472, (202) 646–2833.

SUPPLEMENTARY INFORMATION: The notice of a major disaster declaration for the State of Florida is hereby amended to include the following areas among those areas determined to have been adversely affected by the event declared a major disaster by the President in his declaration of August 10, 2024.

Bradford County for Public Assistance.

Citrus and Hillsborough Counties for emergency protective measures (Category B), limited to direct federal assistance and reimbursement for mass care including evacuation and shelter support under the Public Assistance program (already designated for Individual Assistance).

Collier, Gulf, Hendry, Hernando, Lake, Lee, Liberty, Marion, Monroe, Osceola, Pasco, and Putnam Counties for emergency protective measures (Category B), limited to direct Federal assistance and reimbursement for mass care including evacuation and shelter support under the Public Assistance program.

Bay, Brevard, Calhoun, DeSoto, Escambia, Flagler, Gadsden, Glades, Hardee, Highlands, Holmes, Jackson, Okaloosa, Okeechobee, Orange, Polk, Santa Rosa, Seminole, Volusia, Walton, and Washington Counties for emergency protective measures (Category B), limited to direct federal assistance under the Public Assistance program.

The following Catalog of Federal Domestic Assistance Numbers (CFDA) are to be used for reporting and drawing funds: 97.030, Community Disaster Loans; 97.031, Cora Brown Fund; 97.032, Crisis Counseling; 97.033, Disaster Legal Services; 97.034, Disaster Unemployment Assistance (DUA); 97.046, Fire Management Assistance Grant; 97.048, Disaster Housing Assistance to Individuals and Households In Presidentially Declared Disaster Areas; 97.049, Presidentially Declared Disaster Assistance—Disaster Housing Operations for Individuals and Households; 97.050, Presidentially Declared Disaster Assistance to Individuals and Households—Other Needs; 97.036, Disaster Grants—Public Assistance (Presidentially Declared Disasters); 97.039, Hazard Mitigation Grant.

Deanne Criswell,

Administrator, Federal Emergency Management Agency.

[FR Doc. 2024–24658 Filed 10–23–24; 8:45 am]

BILLING CODE 9111–23–P

DEPARTMENT OF HOMELAND SECURITY

Federal Emergency Management Agency

[Internal Agency Docket No. FEMA–4829–DR; Docket ID FEMA–2024–0001]

South Carolina; Amendment No. 6 to Notice of a Major Disaster Declaration

AGENCY: Federal Emergency Management Agency, DHS.

ACTION: Notice.

SUMMARY: This notice amends the notice of a major disaster declaration for the State of South Carolina (FEMA–4829–DR), dated September 29, 2024, and related determinations.

DATES: This amendment was issued October 9, 2024.

FOR FURTHER INFORMATION CONTACT: Dean Webster, Office of Response and Recovery, Federal Emergency

Management Agency, 500 C Street SW, Washington, DC 20472, (202) 646–2833.

SUPPLEMENTARY INFORMATION: The notice of a major disaster declaration for the State of South Carolina is hereby amended to include the following areas among those areas determined to have been adversely affected by the event declared a major disaster by the President in his declaration of September 29, 2024.

Chester and Orangeburg Counties for Individual Assistance (already designated for Public Assistance).

Kershaw County for Individual Assistance.

The following Catalog of Federal Domestic Assistance Numbers (CFDA) are to be used for reporting and drawing funds: 97.030, Community Disaster Loans; 97.031, Cora Brown Fund; 97.032, Crisis Counseling; 97.033, Disaster Legal Services; 97.034, Disaster Unemployment Assistance (DUA); 97.046, Fire Management Assistance Grant; 97.048, Disaster Housing Assistance to Individuals and Households In Presidentially Declared Disaster Areas; 97.049, Presidentially Declared Disaster Assistance—Disaster Housing Operations for Individuals and Households; 97.050, Presidentially Declared Disaster Assistance to Individuals and Households—Other Needs; 97.036, Disaster Grants—Public Assistance (Presidentially Declared Disasters); 97.039, Hazard Mitigation Grant.

Deanne Criswell,

Administrator, Federal Emergency Management Agency.

[FR Doc. 2024–24682 Filed 10–23–24; 8:45 am]

BILLING CODE 9111–23–P

DEPARTMENT OF HOMELAND SECURITY

Federal Emergency Management Agency

[Internal Agency Docket No. FEMA–4830–DR; Docket ID FEMA–2024–0001]

Georgia; Amendment No. 3 to Notice of a Major Disaster Declaration

AGENCY: Federal Emergency Management Agency, DHS.

ACTION: Notice.

SUMMARY: This notice amends the notice of a major disaster declaration for the State of Georgia (FEMA–4830–DR), dated September 30, 2024, and related determinations.

DATES: This amendment was issued October 4, 2024.

FOR FURTHER INFORMATION CONTACT: Dean Webster, Office of Response and Recovery, Federal Emergency Management Agency, 500 C Street SW, Washington, DC 20472, (202) 646–2833.

SUPPLEMENTARY INFORMATION: The notice of a major disaster declaration for the State of Georgia is hereby amended to include the following areas among those areas determined to have been adversely affected by the event declared a major disaster by the President in his declaration of September 30, 2024.

Bryan, Butts, Camden, Charlton, Glynn, Long, Newton, and Wayne Counties for Individual Assistance.

The following Catalog of Federal Domestic Assistance Numbers (CFDA) are to be used for reporting and drawing funds: 97.030, Community Disaster Loans; 97.031, Cora Brown Fund; 97.032, Crisis Counseling; 97.033, Disaster Legal Services; 97.034, Disaster Unemployment Assistance (DUA); 97.046, Fire Management Assistance Grant; 97.048, Disaster Housing Assistance to Individuals and Households In Presidentially Declared Disaster Areas; 97.049, Presidentially Declared Disaster Assistance—Disaster Housing Operations for Individuals and Households; 97.050, Presidentially Declared Disaster Assistance to Individuals and Households—Other Needs; 97.036, Disaster Grants—Public Assistance (Presidentially Declared Disasters); 97.039, Hazard Mitigation Grant.

Deanne Criswell,

Administrator, Federal Emergency Management Agency.

[FR Doc. 2024–24686 Filed 10–23–24; 8:45 am]

BILLING CODE 9111–23–P

DEPARTMENT OF HOMELAND SECURITY

Federal Emergency Management Agency

[Internal Agency Docket No. FEMA–4829–DR; Docket ID FEMA–2024–0001]

South Carolina; Amendment No. 4 to Notice of a Major Disaster Declaration

AGENCY: Federal Emergency Management Agency, DHS.

ACTION: Notice.

SUMMARY: This notice amends the notice of a major disaster declaration for the State of South Carolina (FEMA–4829–DR), dated September 29, 2024, and related determinations.

DATES: This amendment was issued October 5, 2024.

FOR FURTHER INFORMATION CONTACT: Dean Webster, Office of Response and Recovery, Federal Emergency Management Agency, 500 C Street SW, Washington, DC 20472, (202) 646–2833.

SUPPLEMENTARY INFORMATION: The notice of a major disaster declaration for the State of South Carolina is hereby amended to include the following area among those areas determined to have been adversely affected by the event declared a major disaster by the President in his declaration of September 29, 2024.

Hampton County for Individual Assistance.

Hampton County for debris removal and emergency protective measures (Categories A and B), including direct federal assistance under the Public Assistance program.

The following Catalog of Federal Domestic Assistance Numbers (CFDA) are to be used for reporting and drawing funds: 97.030, Community Disaster Loans; 97.031, Cora Brown Fund; 97.032, Crisis Counseling; 97.033, Disaster Legal Services; 97.034, Disaster Unemployment Assistance (DUA); 97.046, Fire Management Assistance Grant; 97.048, Disaster Housing Assistance to Individuals and Households In Presidentially Declared Disaster Areas; 97.049, Presidentially Declared Disaster Assistance—Disaster Housing Operations for Individuals and Households; 97.050, Presidentially Declared Disaster Assistance to Individuals and Households—Other Needs; 97.036, Disaster Grants—Public Assistance (Presidentially Declared Disasters); 97.039, Hazard Mitigation Grant.

Deanne Criswell,

Administrator, Federal Emergency Management Agency.

[FR Doc. 2024–24680 Filed 10–23–24; 8:45 am]

BILLING CODE 9111–23–P

DEPARTMENT OF HOMELAND SECURITY

Federal Emergency Management Agency

[Internal Agency Docket No. FEMA–4831–DR; Docket ID FEMA–2024–0001]

Virginia; Amendment No. 1 to Notice of a Major Disaster Declaration

AGENCY: Federal Emergency Management Agency, DHS.

ACTION: Notice.

SUMMARY: This notice amends the notice of a major disaster declaration for the Commonwealth of Virginia (FEMA–4831–DR), dated October 1, 2024, and related determinations.

DATES: This amendment was issued October 4, 2024.

FOR FURTHER INFORMATION CONTACT: Dean Webster, Office of Response and Recovery, Federal Emergency Management Agency, 500 C Street SW, Washington, DC 20472, (202) 646–2833.

SUPPLEMENTARY INFORMATION: The notice of a major disaster declaration for the Commonwealth of Virginia is hereby amended to include the following areas among those areas determined to have been adversely affected by the event declared a major disaster by the President in his declaration of October 1, 2024.

Montgomery and Pulaski Counties for Individual Assistance (already designated for debris removal and emergency protective measures [Categories A and B], including direct federal assistance).

The following Catalog of Federal Domestic Assistance Numbers (CFDA) are to be used for reporting and drawing funds: 97.030, Community Disaster Loans; 97.031, Cora Brown Fund; 97.032, Crisis Counseling; 97.033, Disaster Legal Services; 97.034, Disaster Unemployment Assistance (DUA); 97.046, Fire Management Assistance Grant; 97.048, Disaster Housing Assistance to Individuals and Households In Presidentially Declared Disaster Areas; 97.049, Presidentially Declared Disaster Assistance—Disaster Housing Operations for Individuals and Households; 97.050, Presidentially Declared Disaster Assistance to Individuals and Households—Other Needs; 97.036, Disaster Grants—Public Assistance (Presidentially Declared Disasters); 97.039, Hazard Mitigation Grant.

Deanne Criswell,

Administrator, Federal Emergency Management Agency.

[FR Doc. 2024–24690 Filed 10–23–24; 8:45 am]

BILLING CODE 9111–23–P

DEPARTMENT OF HOMELAND SECURITY

Federal Emergency Management Agency

[Internal Agency Docket No. FEMA–4829–DR; Docket ID FEMA–2024–0001]

South Carolina; Amendment No. 5 to Notice of a Major Disaster Declaration

AGENCY: Federal Emergency Management Agency, DHS.

ACTION: Notice.

SUMMARY: This notice amends the notice of a major disaster declaration for the State of South Carolina (FEMA–4829–DR), dated September 29, 2024, and related determinations.

DATES: This amendment was issued October 6, 2024.

FOR FURTHER INFORMATION CONTACT: Dean Webster, Office of Response and Recovery, Federal Emergency Management Agency, 500 C Street SW, Washington, DC 20472, (202) 646–2833.

SUPPLEMENTARY INFORMATION: The notice of a major disaster declaration for the State of South Carolina is hereby amended to include permanent work under the Public Assistance program for the following area among those areas determined to have been adversely affected by the event declared a major disaster by the President in his declaration of September 29, 2024.

Jasper and York Counties and the Catawba Indian Nation for Individual Assistance.

Abbeville, Aiken, Allendale, Anderson, Barnwell, Cherokee, Edgefield, Greenville, Hampton, Laurens, McCormick, Newberry, Oconee, Pickens, Richland, Saluda, Spartanburg, and Union Counties for permanent work [Categories C–G] (already designated for Individual Assistance and assistance for debris removal and emergency protective measures [Categories A and B], including direct Federal assistance, under the Public Assistance program).

Calhoun, Chester, Colleton, Fairfield, Jasper, Orangeburg, Williamsburg, and York Counties and the Catawba Indian Nation for Public Assistance, including direct Federal assistance.

Lexington County for Public Assistance, including direct Federal assistance (already designated for Individual Assistance).

The following Catalog of Federal Domestic Assistance Numbers (CFDA) are to be used for reporting and drawing funds: 97.030, Community Disaster Loans; 97.031, Cora Brown Fund; 97.032, Crisis Counseling; 97.033, Disaster Legal Services; 97.034, Disaster Unemployment Assistance (DUA); 97.046, Fire Management Assistance Grant; 97.048, Disaster Housing Assistance to Individuals and Households In Presidentially Declared Disaster Areas; 97.049, Presidentially Declared Disaster Assistance—Disaster Housing Operations for Individuals and Households; 97.050, Presidentially Declared Disaster Assistance to Individuals and Households—Other Needs; 97.036, Disaster Grants—Public Assistance (Presidentially Declared Disasters); 97.039, Hazard Mitigation Grant.

Deanne Criswell,

Administrator, Federal Emergency Management Agency.

[FR Doc. 2024–24681 Filed 10–23–24; 8:45 am]

BILLING CODE 9111–23–P

DEPARTMENT OF HOMELAND SECURITY

Transportation Security Administration

Intent To Request Approval From OMB of One Current Public Collection of Information: Screening Partnership Program

AGENCY: Transportation Security Administration, DHS.

ACTION: 60-day notice.

SUMMARY: The Transportation Security Administration (TSA) invites public comment on one currently approved Information Collection Request (ICR), Office of Management and Budget (OMB) control number 1652–0064, abstracted below, that we will submit to OMB for an extension in compliance with the Paperwork Reduction Act (PRA). The ICR describes the nature of the information collection and its expected burden. The collection involves an application completed by airport operators interested in using a qualified private screening company to perform security screening functions under a contract entered into with TSA instead of Federal employees.

DATES: Send your comments by December 23, 2024.

ADDRESSES: Comments may be emailed to *TSAPRA@tsa.dhs.gov* or delivered to the TSA PRA Officer, Information Technology (IT), TSA–11, Transportation Security Administration, 6595 Springfield Center Drive, Springfield, VA 20598–6011.

FOR FURTHER INFORMATION CONTACT: Christina A. Walsh at the above address, or by telephone (571) 227–2062.

SUPPLEMENTARY INFORMATION:

Comments Invited

In accordance with the Paperwork Reduction Act of 1995 (44 U.S.C. 3501 *et seq.*), an agency may not conduct or sponsor, and a person is not required to respond to, a collection of information unless it displays a valid OMB control number. The ICR documentation will be available at *https://www.reginfo.gov* upon its submission to OMB. Therefore, in preparation for OMB review and approval of the following information collection, TSA is soliciting comments to—

(1) Evaluate whether the proposed information requirement is necessary for the proper performance of the functions of the agency, including whether the information will have practical utility;

(2) Evaluate the accuracy of the agency's estimate of the burden;

(3) Enhance the quality, utility, and clarity of the information to be collected; and

(4) Minimize the burden of the collection of information on those who are to respond, including using appropriate automated, electronic, mechanical, or other technological collection techniques or other forms of information technology.

Information Collection Requirement

OMB Control Number 1652–0064; Screening Partnership Program (SPP). TSA's SPP implements 49 U.S.C. 44920, which permits commercial airport operators to apply for a qualified private screening company, under contract with TSA, to provide passenger and baggage security screening services, rather than Federal employees. Under the SPP, an authorized representative of the airport operator or airport owner may submit a copy of the SPP application to the airport's Federal Security Director to begin the application process.

The application process is the initial notification to TSA of an airport operator's interest in opting out of

security screening provided by TSA Federal employees. TSA will initially acknowledge receipt of the application, then provide an official response within 120 days from the date of acknowledgement.

The application collects the following information from each airport operator seeking to participate in SPP:

- Basic airport information: airport name, Federal Aviation Administration identifier, and airport operating authority.
- Authorized Requestor information: name, position, primary and alternate phone number, mailing address, and email address.
- An indication of whether or not the airport authority plans to provide its own private security screening services.
- A recommendation on which private screening company should perform the screening function and the basis for the recommendation.
- Information on any major activities scheduled to occur at the airport within the next 18 months that could impact the transition from Federal screening to private screening (for example, major construction).
- Optional information may be provided to support the consideration of their application.

The application contains no personally identifiable information, sensitive security information, or classified information, so no special handling or protection is required.

Twenty airports are currently participating in SPP. TSA estimates the annual burden for the information collection related to SPP is 30 minutes (0.50 hours). While TSA anticipates that only two airport operators will respond annually, the burden estimates presume that 10 or more airport operators could respond. The agency estimates that each respondent airport operator will spend approximately 15 minutes (.25) hour to complete the application for a total burden of 30 minutes (0.50 hours). TSA does not require the airport operators to maintain records of the application submission. If the airport operator chooses to do so, the estimated burden associated with this action is minimal.

Dated: October 21, 2024.

Christina A. Walsh,

TSA Paperwork Reduction Act Officer, Information Technology.

[FR Doc. 2024–24727 Filed 10–23–24; 8:45 am]

BILLING CODE 9110–05–P

DEPARTMENT OF THE INTERIOR

Bureau of Indian Affairs

[256A2100DD/AAKC001030/A0A501010.999900; OMB Control Number 1076–0153]

Agency Information Collection Activities; Submission to the Office of Management and Budget for Review and Approval; Request for Certificate of Degree of Indian or Alaska Native Blood

AGENCY: Bureau of Indian Affairs, Interior.

ACTION: Notice of information collection; request for comment.

SUMMARY: In accordance with the Paperwork Reduction Act of 1995, we, the Bureau of Indian Affairs (BIA) are proposing to renew an information collection.

DATES: Interested persons are invited to submit comments on or before November 25, 2024.

ADDRESSES: Written comments and recommendations for the proposed information collection request (ICR) should be sent within 30 days of publication of this notice to the Office of Information and Regulatory Affairs (OIRA) through *https://www.reginfo.gov/public/do/PRA/icrPublicCommentRequest?ref_nbr=202405-1076-010* or by visiting *https://www.reginfo.gov/public/do/PRAMain* and selecting ''Currently under Review—Open for Public Comments'' and then scrolling down to the ''Department of the Interior.''

FOR FURTHER INFORMATION CONTACT: To request additional information about this ICR, contact Steven Mullen, Information Collection Clearance Officer, Office of Regulatory Affairs and Collaborative Action—Indian Affairs, U.S. Department of the Interior, 1001 Indian School Road NW, Suite 229, Albuquerque, New Mexico 87104; *comments@bia.gov;* (202) 924–2650. 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. You may also view the ICR at *https://www.reginfo.gov/public/Forward?SearchTarget=PRA&textfield=1076-0153.*

SUPPLEMENTARY INFORMATION: In accordance with the Paperwork Reduction Act of 1995 (PRA, 44 U.S.C. 3501 *et seq.*) and 5 CFR 1320.8(d)(1), we provide the general public and other Federal agencies with an opportunity to comment on new, proposed, revised, and continuing collections of information. This helps us assess the impact of our information collection requirements and minimize the public's reporting burden. It also helps the public understand our information collection requirements and provide the requested data in the desired format.

A **Federal Register** notice with a 60-day public comment period soliciting comments on this collection of information was published on June 21, 2024 (89 FR 52076). No comments were received.

As part of our continuing effort to reduce paperwork and respondent burdens, we are again soliciting comments from the public and other Federal agencies on the proposed ICR that is described below. We are especially interested in public comment addressing the following:

(1) Whether or not the collection of information is necessary for the proper performance of the functions of the agency, including whether or not the information will have practical utility;

(2) The accuracy of our estimate of the burden for this collection of information, including the validity of the methodology and assumptions used;

(3) Ways to enhance the quality, utility, and clarity of the information to be collected; and

(4) How might the agency minimize the burden of the collection of information on those who are to respond, including through the use of appropriate automated, electronic, mechanical, or other technological collection techniques or other forms of information technology, *e.g.,* permitting electronic submission of response.

Comments that you submit in response to this notice are a matter of public record. Before including your address, phone number, email address, or other personal identifying information in your comment, you should be aware that your entire comment—including your personal identifying information—may be made publicly available at any time. While you can ask us in your comment to withhold your personal identifying information from public review, we cannot guarantee that we will be able to do so.

Abstract: The BIA is seeking renewal of the approval for the information collection conducted under the numerous laws authorizing BIA to administer program services to Indians, provided that the individual possesses a minimum degree of Indian or Alaska Native blood. When applying for program services authorized by these laws, an applicant must provide acceptable documentation to prove that

he or she meets the minimum required degree of Indian or Alaska Native blood. Currently, the BIA certifies an individual's degree of Indian or Alaska Native blood if the individual can provide sufficient information to prove his or her identity and prove his or her descent from an Indian ancestor(s) listed on historic documents approved by the Secretary of the Interior that include blood degree information. To obtain the CDIB, the applicant must fill out an application form and provide supporting documents.

Title of Collection: Request for Certificate of Degree of Indian or Alaska Native Blood.

OMB Control Number: 1076–0153.

Form Number: N/A.

Type of Review: Extension of a currently approved collection.

Respondents/Affected Public: Individuals.

Total Estimated Number of Annual Respondents: 100,000 per year, on average.

Total Estimated Number of Annual Responses: 100,000 per year, on average.

Estimated Completion Time per Response: 1.5 hours.

Total Estimated Number of Annual Burden Hours: 150,000.

Respondent's Obligation: Required to Obtain a Benefit.

Frequency of Collection: Once.

Total Estimated Annual Nonhour Burden Cost: $2,500,000.

Authority

An agency may not conduct or sponsor and a person is not required to respond to a collection of information unless it displays a currently valid OMB control number.

The authority for this action is the Paperwork Reduction Act of 1995 (44 U.S.C. 3501 *et seq.*).

Steven Mullen,

Information Collection Clearance Officer, Office of Regulatory Affairs and Collaborative Action—Indian Affairs.

[FR Doc. 2024–24581 Filed 10–23–24; 8:45 am]

BILLING CODE 4337–15–P

DEPARTMENT OF THE INTERIOR

Office of the Secretary

[BLM_HQ_FRN_MO4500180157]

National Environmental Policy Act Implementing Procedures for the Bureau of Land Management (516 DM 11)

AGENCY: Office of the Secretary, Interior.

ACTION: Notice of revisions.

SUMMARY: This notice announces revisions to the Bureau of Land Management's (BLM) procedures for compliance with the National Environmental Policy Act (NEPA), as amended, which remove four administratively established categorical exclusions (CXs) and incorporate two CXs statutorily created by Congress.

DATES: The revisions are incorporated into BLM's NEPA procedures, located at chapter 11 of part 516 of the Departmental Manual (516 DM 11), effective October 24, 2024.

ADDRESSES: The BLM's NEPA procedures can be found on the Department of the Interior's (Department or Interior) Electronic Library of Interior Policies (ELIPS) at: *https://www.doi.gov/sites/doi.gov/files/elips/documents/516-dm-11_0.pdf.*

FOR FURTHER INFORMATION CONTACT: Heather Bernier, Division Chief, Decision Support, Planning, and NEPA, at (303) 239–3635, or *hbernier@blm.gov.* Individuals in the United States who are deaf, deafblind, hard of hearing, or have a speech disability may dial 711 (TTY, TDD, or TeleBraille) to access telecommunications relay services for contacting Heather Bernier. Individuals outside the United States should use the relay services offered within their country to make international calls to the point-of-contact in the United States.

SUPPLEMENTARY INFORMATION: The Department is revising the list of BLM actions that are categorically excluded from the requirement to complete an environmental assessment (EA) or environmental impact statement (EIS), unless any extraordinary circumstances exist that make application of the categorical exclusion (CX) inappropriate (42 U.S.C. 4336e(1); 40 CFR 1501.4(a); 1508.1(e)).[1] The BLM's NEPA procedures, 516 DM 11, were last updated December 10, 2020.

With this revision, the Department removes four administrative CXs from the BLM's NEPA procedures due to consideration of sound land management, legal frameworks, and other factors. The BLM is removing the following CXs: 516 DM 11.9 C(10) regarding the salvaging of dead and dying trees; 516 DM 11.9 D(10) regarding vegetation management activities; 516 DM 11.9 D(11) regarding issuance of livestock grazing permits or leases; and 516 DM 11.9 J(1) regarding certain activities within sagebrush and sagebrush-steppe plant communities to manage pinyon pine and juniper trees for the benefit of mule deer or sage-grouse habitats. The BLM previously discontinued use of these four CXs through instruction memoranda (IMs) (available online at *https://www.blm.gov/policy/instruction-memorandum*). The BLM discontinued use of 516 DM 11.9 D(10) and 516 DM 11.9 D(11) on August 21, 2009, through IM 2009–199; discontinued use of 516 DM 11.9 C(10) on August 3, 2022, through permanent IM (PIM) 2022–010; and discontinued use of 516 DM 11.9 J(1) on November 30, 2022, through PIM 2023–002. When proposing actions to which these CXs would have applied, the BLM now must assess whether another CX applies or whether it will prepare an EA or EIS.

The Department also is incorporating two CXs statutorily created by Congress in the Infrastructure Investment and Jobs Act (Pub. L. 117–58) (IIJA) into the BLM NEPA procedures. Section 11318 of the IIJA created a CX for issuance of sundry notices or rights-of-way for gathering lines and associated field compression or pumping units on Federal land servicing oil and gas wells under certain conditions described in the statute. Section 40806 of the IIJA created a CX for forest management activities for the establishment of fuel breaks in forests and other wildland vegetation. Because these are statutory CXs, the Department does not have the discretion to change their terms. However, before applying either of the CXs, the BLM will evaluate the proposed action for extraordinary circumstances consistent with Section 40806 of the IIJA and 40 CFR 1501.4(b).

Comments on the Proposed Revisions

The proposed revisions to the BLM's NEPA procedures were available for public review and comment for 30 days, beginning with the publication of a **Federal Register** notice on February 26, 2024 (89 FR 14087). The BLM received 33 comment submissions. Comments were submitted by State and local governments, interest groups, and private citizens. The BLM received comments both in support of and opposition to the proposed revisions. Some comments were beyond the scope of the proposal to modify the BLM's NEPA procedures to add and remove CXs and included critiques of the BLM's NEPA analysis and management of livestock grazing as well as requests to

[1] On May 1, 2024, CEQ issued a final rule to amend its NEPA implementing regulations, which became effective July 1, 2024. 89 FR 35442 (May 1, 2024). The Department's February 26, 2024, **Federal Register** Notice seeking public comment on these revisions predated the CEQ final rule and thus cited to the CEQ regulations in effect at the time. 89 FR 14087 (Feb. 26, 2024). The Department has determined that the amendments to the CEQ regulations do not have a material impact on these revisions, which comply with the requirements of CEQ's regulations both before and after the recent amendments.

coordinate on land use planning decisions.

On behalf of the Department, the BLM has summarized and provided responses to all substantive comments received in this **Federal Register** notice:

Comment: Commenters generally support the removal of the identified CXs from the BLM's NEPA procedures. Many commenters cited the need for meaningful NEPA analysis and concerns about improper reliance on CXs as support for removing the CXs. For example, some commenters supported removing the grazing CXs from the BLM's NEPA procedures to require more detailed NEPA analysis and public comment on grazing decisions. Other commenters cited specific resource impacts they foresee resulting from the activities proposed under the CXs, such as potential adverse impacts related to post-disturbance logging that might be exacerbated by salvaging of dead and dying trees.

Response: The BLM will continue to conduct the appropriate NEPA review for proposed Federal actions, including, where appropriate, application of available CXs, and public involvement, as necessary. The BLM will appropriately consider potential adverse effects of the proposed activities through the NEPA process whether that is through an EA or EIS or consideration of extraordinary circumstances in the application of relevant CXs.

The Department retains the discretion to consider establishing new CXs in the future, including ones that would cover activities similar to the ones covered by the CXs that the Department is removing through this notice. As required by Council on Environmental Quality (CEQ) regulations, the Department would seek public comment and consult with CEQ on any proposed revisions to the BLM's NEPA procedures, including establishment of any new CXs. *See* 40 CFR 1507.3(b).

Comment: Some commenters generally oppose the removal of the identified CXs due to the loss of efficiencies in the NEPA process and the possibility of extended permitting timelines. Commenters claim that removal of these CXs will cause an increase in the cost associated with implementing activities covered by the CX and has the potential to prevent the BLM from managing public lands consistent with the Federal Land Policy and Management Act of 1976, as amended (FLPMA).

Response: The BLM agrees that the appropriate application of CXs can create efficiencies in NEPA compliance. Removal of the identified CXs does not preclude the BLM from proposing and implementing the kinds of activities that would have been covered by these CXs; however, the BLM would need to comply with NEPA in ways other than relying on these CXs. The BLM disagrees that removing these CXs will prevent the BLM from complying with FLPMA. The Department retains the discretion to consider establishing new CXs in the future, including ones that would cover activities similar to the ones covered by the CXs that the Department is removing through this notice.

Comment: Commenters are concerned that the discontinuance of the four CXs proposed for removal from the BLMs NEPA procedures was completed through internal guidance (instruction memoranda) and did not include any form of public comment. Commenters also request more information on the BLM's rationale for the removal of the CXs.

Response: An IM allows the BLM to communicate internal policies and procedures to the field. In contrast, the process now completed by the Department modifies the BLM's NEPA procedures, and has included coordination with CEQ, publication of proposed changes in the **Federal Register**, and an opportunity for the public to review and comment on those proposed changes. Removal of these CXs from the BLM NEPA procedures does not preclude the BLM from proposing or implementing the kinds of activities that would have been covered by these CXs; however, the BLM would need to comply with NEPA in ways other than relying on these CXs.

Comment: One commenter requested that the proposed action of modifying the NEPA procedures be consistent with relevant State and county resource management plans.

Response: The Department is not making a land use planning decision under section 202 of FLPMA, 43 U.S.C. 1712, which would require it to consider consistency with State and local government plans. Instead, the Department is modifying NEPA procedures, and has complied with CEQ's NEPA regulations at 40 CFR 1507.3(b) requiring consultation with CEQ and following an opportunity for public review and comment.

Comment: One commenter expressed concern that the removal of these CXs might discourage the BLM from approving certain actions that States or counties seek to encourage, including in their resource management plans and other policies.

Response: The removal of these CXs from the BLM's NEPA procedures does not preclude the BLM from proposing and implementing any actions, though when doing so, the BLM will need to comply with NEPA through means other than reliance on these CXs.

Comment: One commenter asserted that the BLM is setting precedent by basing the rationale for this decision on a settlement agreement that occurred in the U.S. District Court for the District of Idaho.

Response: While the BLM agreed in several stipulated settlement agreements to discontinue relying on specific CXs and to propose to remove specific CXs from the agency's NEPA procedures, these stipulated settlement agreements do not require the Department to update BLM's NEPA procedures. Instead, having considered the requirements of sound land management, legal frameworks, and other factors—and after considering public comments—the Department is now revising BLM's NEPA procedures to remove the CXs.

Comment: Commenters suggested revisions to the text of the CX established by the IIJA section 11318 regarding sundry notices or right-of-way for gathering lines and associated field compression or pumping units on Federal land servicing oil and gas wells.

Response: This is a statutorily created CX; therefore, neither the Department nor the BLM has the discretion to change its terms.

Comment: Some commenters confused the administratively established CX at 516 DM 11.9 D(10), which BLM is removing through this notice, with the CX established by the 2015 National Defense Authorization Act, Public Law 113–291 (Dec. 19, 2014) for grazing permit and lease issuance in certain circumstances, which is found at 516 DM 11.10 B and were concerned that the Department proposed to remove this legislative CX from the BLM's NEPA procedures. One commenter requested a technical edit in 516 DM 11.9 D to refer to the legislative CX for grazing permit renewal to help guide the public.

Response: The legislative CX established by the 2015 National Defense Authorization Act, Public Law 113–291 (Dec. 19, 2014) is unchanged and remains available for the BLM to rely on as appropriate. Reference to that legislative CX remains in the DM and is not affected by the revisions to the BLM's NEPA procedures as outlined in this **Federal Register** notice. The BLM declines to make the suggested edit as it is inconsistent with the format of the DM.

Comment: Some commenters disagreed with removal of the CX at 516 DM 11.9 D(10) regarding issuance of livestock grazing permits or leases

because the commenters want to retain the ability to renew permits with the same terms and conditions and they assert that removal of the CX would impede the ability of ranchers to effectively manage rangelands.

Response: The BLM has several potential options to consider when conducting a NEPA review for livestock grazing permit renewals notwithstanding the removal of the two CXs from the BLM's NEPA procedures. These options include reliance on a legislative CX for grazing permit and lease issuance in certain circumstances that was established by the 2015 National Defense Authorization Act, Public Law 113–291 (Dec. 19, 2014), if appropriate. This legislative CX is unchanged and remains available for the BLM to rely on to support grazing decisions, when appropriate. Reference to that legislative CX remains in the BLM's NEPA procedures and is not affected by the revisions as outlined in this **Federal Register** notice. The removal of 516 DM 11.9 D(10) from the BLM's NEPA procedures does not preclude the BLM from proposing and implementing these kinds of activities; however, the BLM will need to comply with NEPA using a means other than reliance on this CX.

Comment: Commenters disagreed with the proposal to remove the CX at 516 DM 11.9 J(1) regarding certain activities within sagebrush and sagebrush-steppe plant communities to manage pinyon pine and juniper trees for the benefit of mule deer or sage-grouse habitats. Commenters expressed concern that removal of the CX will hinder efforts to manage land health and reduce wildfire risks in sagebrush-steppe communities.

Response: The BLM does agree that the activities included in the CX at 516 DM 11.9 J(1) can be useful in addressing issues related to the management of mule deer and sage grouse habitats. The removal of 516 DM 11.9 J(1) from the BLM's NEPA procedures does not preclude the BLM from proposing and implementing these kinds of activities; however, the BLM will need to comply with NEPA using a means other than reliance on this CX. For instance, some activities that may have been proposed for approval in reliance on this CX may fall within the scope of the legislative CX directed by the Agriculture Improvement Act of 2018. This legislatively directed CX covers similar vegetation management activities carried out for the protection, restoration or improvement of greater sage-grouse or mule deer habitat.

Comment: Commenters asserted a connection between ongoing NEPA analysis for management of greater sage-grouse habitat and the removal or retention of the vegetation management CXs and would like the decision on the CXs to be reserved until after the planning effort for greater sage-grouse is complete.

Response: The BLM notes that some of the CXs removed could have supported projects with the potential to address issues related to greater sage-grouse habitat management; however, removal of CXs from the BLM's NEPA procedures has no bearing on the land use planning processes associated with greater sage-grouse habitat management. The NEPA analysis for the planning effort does not make any assumptions about the level of NEPA review needed to support future activities that would implement the land use plans, and removal of these CXs will not impact the effectiveness of the plan decisions.

Comment: Commenters disagree with the proposed removal of the CX at 516 DM 11.9 C (10) regarding the salvaging of dead and dying trees. Commenters requested that the CX be retained to allow efficient removal of dead and dying trees to mitigate wildfire risk and address forest health.

Response: BLM agrees that the kinds of activities included in the CX at 516 DM 11.9 C(10) can be useful to address wildfire risk and forest health issues. The removal of 516 DM 11.9 C(10) from the BLM's NEPA procedures does not preclude the BLM from proposing and implementing these kinds of activities; however, the BLM will need to comply with NEPA using a means other than reliance on this CX.

Amended Text for the Departmental Manual

Below is the new text of 516 DM Chapter 11, reflecting the addition of the statutorily established CXs and deletion of the administrative CXs:

* * * * *

11.9 Actions Eligible for a Categorical Exclusion (CX)

* * * * *

C. Forestry

* * * * *

(10) [Removed]

D. Rangeland Management

* * * * *

(10) [Removed]

(11) [Removed]

* * * * *

J. [Reserved]

* * * * *

11.10 Categorical Exclusions Established or Directed by Statute

* * * * *

D. Section 11318 of the Infrastructure Investment and Jobs Act (Pub. L. 117–58) established a CX as defined in 40 CFR 1508.1 for issuance of sundry notices or rights-of-way for gathering lines and associated field compression or pumping units on Federal land servicing oil and gas wells under the conditions described below. Application of this CX requires extraordinary circumstances review consistent with 40 CFR 1501.4(b) and 43 CFR 46.215.

Section 11318. CERTAIN GATHERING LINES LOCATED ON FEDERAL LAND AND INDIAN LAND of the Infrastructure Investment and Jobs Act provides:

(a) Definitions.—In this section:

(1) Federal land.—

(A) In general.—The term ''Federal land'' means land the title to which is held by the United States.

(B) Exclusions.—The term ''Federal land'' does not include—

(i) a unit of the National Park System;

(ii) a unit of the National Wildlife Refuge System;

(iii) a component of the National Wilderness Preservation System;

(iv) a wilderness study area within the National Forest System; or

(v) Indian land

(2) Gathering line and associated field compression or pumping unit.—

(A) In general.—The term ''gathering line and associated field compression or pumping unit'' means—

(i) a pipeline that is installed to transport oil, natural gas and related constituents, or produced water from 1 or more wells drilled and completed to produce oil or gas; and

(ii) if necessary, 1 or more compressors or pumps to raise the pressure of the transported oil, natural gas and related constituents, or produced water to higher pressures necessary to enable the oil, natural gas and related constituents, or produced water to flow into pipelines and other facilities.

(B) Inclusions.—The term ''gathering line and associated field compression or pumping unit'' includes a pipeline or associated compression or pumping unit that is installed to transport oil or natural gas from a processing plant to a common carrier pipeline or facility.

(C) Exclusions.—The term ''gathering line and associated field compression or pumping unit'' does not include a common carrier pipeline.

(3) Indian land.—The term ''Indian land'' means land the title to which is held by—

(A) the United States in trust for an Indian Tribe or an individual Indian; or

(B) an Indian Tribe or an individual Indian subject to a restriction by the United States against alienation.

(4) Produced water.—The term ''produced water'' means water produced from an oil or gas well bore that is not a fluid prepared at, or transported to, the well site to resolve a specific oil or gas well bore or reservoir condition.

(5) Secretary.—The term ''Secretary'' means the Secretary of the Interior.

(b) Certain Gathering Lines.—

(1) In general.—Subject to paragraph (2), the issuance of a sundry notice or right-of-way for a gathering line and associated field compression or pumping unit that is located on Federal land or Indian land and that services any oil or gas well may be considered by the Secretary to be an action that is categorically excluded (as defined in section 1508.1 of title 40, Code of Federal Regulations (as in effect on the date of enactment of this Act)) for purposes of the National Environmental Policy Act of 1969 (42 U.S.C. 4321 *et seq.*) if the gathering line and associated field compression or pumping unit—

(A) are within a field or unit for which an approved land use plan or an environmental document prepared pursuant to the National Environmental Policy Act of 1969 (42 U.S.C. 4321 *et seq.*) analyzed transportation of oil, natural gas, or produced water from 1 or more oil or gas wells in the field or unit as a reasonably foreseeable activity;

(B) are located adjacent to or within—

(i) any existing disturbed area; or

(ii) an existing corridor for a right-of-way; and

(C) would reduce—

(i) in the case of a gathering line and associated field compression or pumping unit transporting methane, the total quantity of methane that would otherwise be vented, flared, or unintentionally emitted from the field or unit; or

(ii) in the case of a gathering line and associated field compression or pumping unit not transporting methane, the vehicular traffic that would otherwise service the field or unit.

(2) Applicability.—Paragraph (1) shall apply to Indian land, or a portion of Indian land—

(A) to which the National Environmental Policy Act of 1969 (42 U.S.C. 4321 *et seq.*) applies; and

(B) for which the Indian Tribe with jurisdiction over the Indian land submits to the Secretary a written request that paragraph (1) apply to that Indian land (or portion of Indian land).

(c) Effect on Other Law.—Nothing in this section—

(1) affects or alters any requirement—

(A) relating to prior consent under—

(i) section 2 of the Act of February 5, 1948 (62 Stat.18, chapter 45; 25 U.S.C. 324); or

(ii) section 16(e) of the Act of June 18, 1934 (48 Stat. 987, chapter 576; 102 Stat. 2939; 114 Stat. 47; 25 U.S.C. 5123(e)) (commonly known as the ''Indian Reorganization Act'');

(B) under section 306108 of title 54, United States Code; or

(C) under any other Federal law (including regulations) relating to Tribal consent for rights-of-way across Indian land; or

(2) makes the National Environmental Policy Act of 1969 (42 U.S.C. 4321 *et seq.*) applicable to land to which that Act otherwise would not apply.

E. Section 40806 of the Infrastructure Investment and Jobs Act (Pub. L. 117–58) excludes forest management activities for the establishment of fuel breaks in forests and other wildland vegetation from preparation of an EA or EIS under NEPA, as described below. Application of this CX requires extraordinary circumstances review consistent with 40 CFR 1501.4(b), 36 CFR 220.6, and 43 CFR 46.215.

Section 40806. ESTABLISHMENT OF FUEL BREAKS IN FORESTS AND OTHER WILDLAND VEGETATION of the Infrastructure Investment and Jobs Act provides:

(a) Definition of Secretary Concerned.—In this section, the term ''Secretary concerned'' means—

(1) the Secretary of Agriculture, with respect to National Forest System land; and

(2) the Secretary of the Interior, with respect to public lands (as defined in section 103 of the Federal Land Policy and Management Act of 1976 (43 U.S.C. 1702)) administered by the Bureau of Land Management.

(b) Categorical Exclusion Established.—Forest management activities described in subsection (c) are a category of actions designated as being categorically excluded from the preparation of an environmental assessment or an environmental impact statement under the National Environmental Policy Act of 1969 (42 U.S.C. 4321 *et seq.*) if the categorical exclusion is documented through a supporting record and decision memorandum.

(c) Forest Management Activities Designated for Categorical Exclusion.—

(1) In general.—The category of forest management activities designated under subsection (b) for a categorical exclusion are forest management activities described in paragraph (2) that are carried out by the Secretary concerned on public lands (as defined in section 103 of the Federal Land Policy and Management Act of 1976 (43 U.S.C. 1702)) administered by the Bureau of Land Management or National Forest System land the primary purpose of which is to establish and maintain linear fuel breaks that are—

(A) up to 1,000 feet in width contiguous with or incorporating existing linear features, such as roads, water infrastructure, transmission and distribution lines, and pipelines of any length on Federal land; and

(B) intended to reduce the risk of uncharacteristic wildfire on Federal land or catastrophic wildfire for an adjacent at-risk community.

(2) Activities.—Subject to paragraph (3), the forest management activities that may be carried out pursuant to the categorical exclusion established under subsection (b) are—

(A) mowing or masticating;

(B) thinning by manual and mechanical cutting;

(C) piling, yarding, and removal of slash or hazardous fuels;

(D) selling of vegetation products, including timber, firewood, biomass, slash, and fenceposts;

(E) targeted grazing;

(F) application of—

(i) pesticide;

(ii) biopesticide; or

(iii) herbicide;

(G) seeding of native species;

(H) controlled burns and broadcast burning; and

(I) burning of piles, including jackpot piles.

(3) Excluded activities.—A forest management activity described in paragraph (2) may not be carried out pursuant to the categorical exclusion established under subsection (b) if the activity is conducted—

(A) in a component of the National Wilderness Preservation System;

(B) on Federal land on which the removal of vegetation is prohibited or restricted by Act of Congress, Presidential proclamation (including the applicable implementation plan), or regulation;

(C) in a wilderness study area; or

(D) in an area in which carrying out the activity would be inconsistent with the applicable land management plan or resource management plan.

(4) Extraordinary circumstances.—The Secretary concerned shall apply the extraordinary circumstances procedures under section 220.6 of title 36, Code of Federal Regulations (or a successor regulation), in determining whether to use a categorical exclusion under subsection (b).

(d) Acreage and Location Limitations.—Treatments of vegetation

in linear fuel breaks covered by the categorical exclusion established under subsection (b)—

(1) may not contain treatment units in excess of 3,000 acres;

(2) shall be located primarily in—

(A) the wildland-urban interface or a public drinking water source area;

(B) if located outside the wildland-urban interface or a public drinking water source area, an area within Condition Class 2 or 3 in Fire Regime Group I, II, or III that contains very high wildfire hazard potential; or

(C) an insect or disease area designated by the Secretary concerned as of the date of enactment of this Act; and

(3) shall consider the best available scientific information.

(e) Roads.—

(1) Permanent roads.—A project under this section shall not include the establishment of permanent roads.

(2) Existing roads.—The Secretary concerned may carry out necessary maintenance and repairs on existing permanent roads for the purposes of this section.

(3) Temporary roads.—The Secretary concerned shall decommission any temporary road constructed under a project under this section not later than 3 years after the date on which the project is completed.

(f) Public Collaboration—To encourage meaningful public participation during the preparation of a project under this section, the Secretary concerned shall facilitate, during the preparation of each project—

(1) collaboration among State and local governments and Indian Tribes; and

(2) participation of interested persons.

(Authority: NEPA, the National Environmental Policy Act of 1969, as amended (42 U.S.C. 4321 *et seq.*); E.O. 11514, March 5, 1970, as amended by E.O. 11991, May 24, 1977; and CEQ regulations (40 CFR 1500–1508)).

Stephen G. Tryon,

Director, Office of Environmental Policy and Compliance.

[FR Doc. 2024–24738 Filed 10–23–24; 8:45 am]

BILLING CODE 4331–27–P

INTERNATIONAL TRADE COMMISSION

[Investigation No. 731–TA–990 (Fourth Review)]

Non-Malleable Cast Iron Pipe Fittings From China; Scheduling of an Expedited Five-Year Review

AGENCY: International Trade Commission.

ACTION: Notice.

SUMMARY: The Commission hereby gives notice of the scheduling of an expedited review pursuant to the Tariff Act of 1930 (''the Act'') to determine whether revocation of the antidumping duty order on non-malleable cast iron pipe fittings from China would be likely to lead to continuation or recurrence of material injury within a reasonably foreseeable time.

DATES: September 6, 2024.

FOR FURTHER INFORMATION CONTACT: Kenneth Gatten III (202–708–1447), Office of Investigations, U.S. International Trade Commission, 500 E Street SW, Washington, DC 20436. Hearing-impaired persons can obtain information on this matter by contacting the Commission's TDD terminal on 202–205–1810. Persons with mobility impairments who will need special assistance in gaining access to the Commission should contact the Office of the Secretary at 202–205–2000. General information concerning the Commission may also be obtained by accessing its internet server (*https://www.usitc.gov*). The public record for this proceeding may be viewed on the Commission's electronic docket (EDIS) at *https://edis.usitc.gov*.

SUPPLEMENTARY INFORMATION:

Background.—On September 6, 2024, the Commission determined that the domestic interested party group response to its notice of institution (89 FR 47610, June 3, 2024) of the subject five-year review was adequate and that the respondent interested party group response was inadequate. The Commission did not find any other circumstances that would warrant conducting a full review.[1] Accordingly, the Commission determined that it would conduct an expedited review pursuant to section 751(c)(3) of the Act (19 U.S.C. 1675(c)(3)).[2]

For further information concerning the conduct of this review and rules of general application, consult the Commission's Rules of Practice and Procedure, part 201, subparts A and B (19 CFR part 201), and part 207, subparts A, D, E, and F (19 CFR part 207).

Staff report.—A staff report containing information concerning the subject matter of the review has been placed in the nonpublic record, and will be made available to persons on the Administrative Protective Order service list for this review on November 27, 2024. A public version will be issued thereafter, pursuant to § 207.62(d)(4) of the Commission's rules.

Written submissions.—As provided in § 207.62(d) of the Commission's rules, interested parties that are parties to the review and that have provided individually adequate responses to the notice of institution,[3] and any party other than an interested party to the review may file written comments with the Secretary on what determination the Commission should reach in the review. Comments are due on or before 5:15 p.m. on December 5, 2024 and may not contain new factual information. Any person that is neither a party to the five-year review nor an interested party may submit a brief written statement (which shall not contain any new factual information) pertinent to the review by December 5, 2024. However, should the Department of Commerce (''Commerce'') extend the time limit for its completion of the final results of its review, the deadline for comments (which may not contain new factual information) on Commerce's final results is three business days after the issuance of Commerce's results. If comments contain business proprietary information (BPI), they must conform with the requirements of §§ 201.6, 207.3, and 207.7 of the Commission's rules. The Commission's *Handbook on Filing Procedures,* available on the Commission's website at *https://www.usitc.gov/documents/handbook_on_filing_procedures.pdf,* elaborates upon the Commission's procedures with respect to filings.

In accordance with §§ 201.16(c) and 207.3 of the rules, each document filed by a party to the review must be served on all other parties to the review (as identified by either the public or BPI service list), and a certificate of service must be timely filed. The Secretary will not accept a document for filing without a certificate of service.

Determination.—The Commission has determined this review is extraordinarily complicated and therefore has determined to exercise its authority to extend the review period by up to 90 days pursuant to 19 U.S.C. 1675(c)(5)(B).

Authority: This review is being conducted under authority of title VII of the Act; this notice is published

[1] A record of the Commissioners' votes, the Commission's statement on adequacy, and any individual Commissioner's statements will be available from the Office of the Secretary and at the Commission's website.

[2] Commissioner David S. Johanson voted to conduct a full review.

[3] The Commission has found the responses submitted on behalf of ASC Engineered Solutions, LLC and Ward Manufacturing, LLC to be individually adequate. Comments from other interested parties will not be accepted (*see* 19 CFR 207.62(d)(2)).

pursuant to § 207.62 of the Commission's rules.

By order of the Commission.

Issued: October 18, 2024.

Lisa Barton,

Secretary to the Commission.

[FR Doc. 2024–24583 Filed 10–23–24; 8:45 am]

BILLING CODE 7020–02–P

INTERNATIONAL TRADE COMMISSION

[Investigation Nos. 701–TA–597 and 731–TA–1407 (Review)]

Cast Iron Soil Pipe From China Determinations

On the basis of the record [1] 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 antidumping and countervailing duty orders on cast iron soil pipe from China 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 22448) and determined on July 5, 2024 that it would conduct expedited reviews (89 FR 68202, August 23, 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 18, 2024. The views of the Commission are contained in USITC Publication 5555 (October 2024), entitled *Cast Iron Soil Pipe from China: Investigation Nos. 701–TA–597 and 731–TA–1407 (Review).*

By order of the Commission.

Issued: October 18, 2024.

Lisa Barton,

Secretary to the Commission.

[FR Doc. 2024–24637 Filed 10–23–24; 8:45 am]

BILLING CODE 7020–02–P

[1] The record is defined in § 207.2(f) of the Commission's Rules of Practice and Procedure (19 CFR 207.2(f)).

DEPARTMENT OF LABOR

Employment and Training Administration

Tribal Consultation on Opportunities and Access to Registered Apprenticeship and for Competitive Grants

AGENCY: Employment and Training Administration, U.S. Department of Labor.

ACTION: Notice of formal Tribal Consultation.

SUMMARY: In accordance with the Memorandum of Uniform Standards for Tribal Consultation issued on November 30, 2022, the U.S. Department of Labor (DOL or the Department) announces a formal Tribal Consultation. The Tribal Consultation will be convened by DOL's Employment and Training Administration (ETA), specifically the Office of Apprenticeship (OA) and the Office of Workforce Investment (OWI), to discuss opportunities and access to registered apprenticeship programs for federally recognized American Indian and Alaska Native Tribal Nations (Tribal Nations) and ETA grants to Tribal Nations and Tribal organizations, and to invite feedback on proposed guidance that will provide guidance for Tribal Nations seeking to register apprenticeship programs with the OA or a federally recognized State Apprenticeship Agency. DOL also announces an optional pre-consultation webinar. This optional webinar will offer Tribal Nation leaders or their proxies an overview of OA and OWI programming, as well as time to answer technical questions on the areas relevant to the Tribal Consultation to help prepare for a substantive discussion in the Tribal Consultation.

DATES: The formal Tribal Consultation for federally recognized Tribal Nations and their proxies will be held virtually on Monday, November 18, 2024, from 2 p.m. to 4 p.m. EST. To participate, advanced registration is required. Please register at: *https://usdolee.webex.com/weblink/register/rdc2f0712c77459edb5e9bc3ac6e60a1d.* After registering, you will receive a confirmation email containing information about joining the meeting. If you are unable to join via WebEx, a call-in number will also be provided when your registration is confirmed. The Tribal Consultation is open only to leaders of federally recognized Tribal Nations and their proxies. It is not open to the press or members of the public.

Prior to the formal Tribal Consultation for federally recognized Tribal Nations and their proxies, an optional pre-consultation webinar will be held virtually on Wednesday, November 13, 2024, from 2 p.m. to 3:30 p.m. EST. Advanced registration is also required for the webinar. Please register at: *https://usdolee.webex.com/weblink/register/r3ea43d3eaa29a962aaaecd8b42867a29.* After registering, registrants receive a confirmation email containing information about joining the webinar. A call-in number will also be provided for this webinar. Like the Tribal Consultation, the pre-consultation webinar is open only to leaders of federally recognized Tribal Nations and their proxies. It is not open to the press or members of the public.

ADDRESSES: The pre-consultation and Tribal Consultation meetings will be held virtually on the WebEx platform.

Questions regarding the formal Tribal Consultation or the pre-consultation webinar or reasonable accommodations may be submitted by email to: *upshur.ayesha@dol.gov.* Please use the heading ''ETA FORMAL TRIBAL CONSULTATION 2024'' in the subject line.

FOR FURTHER INFORMATION CONTACT: Ayesha Upshur, Supervisory Program Analyst, Division of National System Building, Office of Apprenticeship, Employment and Training Administration, U.S. Department of Labor, Room C–5311, 200 Constitution Avenue NW, Washington, DC 20210. Telephone number (202) 693–2771 (VOICE) (this is not a toll-free number) or *upshur.ayesha@dol.gov.*

SUPPLEMENTARY INFORMATION: The Department of Labor is committed to ensuring that Tribal Nations have access to ETA funding opportunities and are actively involved in the process of developing policies that impact them. This Tribal Consultation is an opportunity for Tribal leaders to receive targeted information on upcoming funding opportunities as well as provide direct feedback on a proposed circular that would offer guidance on how federally recognized Tribal Nations may register apprenticeship programs.

This formal Tribal Consultation coincides with National Apprenticeship Week and aims to:

(1) foster a broader understanding of competitive grant funding available to Tribal Nations through OWI and OA; and

(2) garner insights from Tribal leaders regarding their experiences, challenges, and successes with Registered Apprenticeship programs.

This Tribal Consultation is part of ETA's ongoing engagement with Tribal Nations across the country on issues

related to funding and Registered Apprenticeships. In addition to the aforementioned Executive Office memorandum, this Tribal Consultation aligns with Executive Order 13175, *Reforming Federal Funding and Support for Tribal Nations to Better Embrace our Trust Responsibilities and Promote the Next Era of Tribal Self-Determination.*

Tribal leaders or their proxies are invited to participate in the pre-consultation webinar to hear overviews of the topics to be discussed during the formal Tribal Consultation and ask any technical questions that would aid in providing input during the Tribal Consultation.

José Javier Rodríguez,

Assistant Secretary for Employment and Training, Labor.

[FR Doc. 2024–24593 Filed 10–23–24; 8:45 am]

BILLING CODE 4510–FR–P

DEPARTMENT OF LABOR

Employment and Training Administration

Agency Information Collection Activities; Comment Request; Occupational Code Assignment

ACTION: Notice.

SUMMARY: The Department of Labor's (DOL) Employment and Training Administration (ETA) is soliciting comments concerning a proposed extension for the authority to conduct the information collection request (ICR) titled, ''Occupational Code Assignment (OCA).'' This comment request is part of continuing Departmental efforts to reduce paperwork and respondent burden in accordance with the Paperwork Reduction Act of 1995 (PRA).

DATES: Consideration will be given to all written comments received by December 23, 2024.

ADDRESSES: A copy of this ICR with applicable supporting documentation, including a description of the likely respondents, proposed frequency of response, and estimated total burden, may be obtained free by contacting Pam Frugoli by telephone at (202) 693–3643 (this is not a toll-free number), by email at *frugoli.pam@dol.gov,* or by accessing: *http://www.onetcenter.org/ombclearance.html.* For persons with a hearing or speech disability who need assistance to use the telephone system, please dial 711 to access telecommunications relay services.

Submit written comments about, or requests for a copy of this ICR by email: *frugoli.pam@dol.gov;* or by mail or courier to the U.S. Department of Labor, Employment and Training Administration, Office of Workforce Investment, 200 Constitution Ave NW, C–4526, Washington, DC 20210; or by fax (202) 693–3015.

FOR FURTHER INFORMATION CONTACT: Contact Pam Frugoli by telephone at (202) 693–3643 (this is not a toll-free number) or by email at *frugoli.pam@dol.gov.*

SUPPLEMENTARY INFORMATION: DOL, as part of continuing efforts to reduce paperwork and respondent burden, conducts pre-clearance consultation to provide the general public and Federal agencies an opportunity to comment on proposed and/or continuing collections of information before submitting them to the Office of Management and Budget (OMB) for final approval. This helps to ensure requested data can be provided in the desired format, reporting burden (time and financial resources) is minimized, collection instruments are clearly understood, and the impact of collection requirements can be properly assessed.

The OCA form (ETA 741) was developed as a public service to the users of the Occupational Information Network (O*NET), to help them obtain occupational codes and titles for jobs that they are unable to locate in O*NET. The O*NET system classifies nearly all jobs in the United States economy. However, new specializations are constantly evolving and emerging. The use of the OCA is voluntary and is provided: (1) as a uniform format to the public and private sector to submit information in order to receive assistance in identifying an occupational code; (2) to assist the O*NET system in identifying potential occupations that may need to be included in future O*NET data collection efforts; and (3) to provide input to a database of alternative (lay) titles to facilitate searches for occupational information in the O*NET websites including O*NET OnLine, My Next Move, My Next Move for Veterans, O*NET Code Connector, as well as CareerOneStop.

The OCA process is designed to help the occupational information user relate an occupational specialty or a job title to an occupational code and title within the framework of the 2018 Standard Occupational Classification (SOC) based O*NET system. The O*NET–SOC system consists of a database that organizes the work done by individuals into approximately 1,000 occupational categories. In addition, O*NET occupations have associated data on the importance and level of a range of occupational characteristics and requirements, including knowledge, skills, abilities, tasks and work activities. Since the O*NET–SOC system is based on the 2018 SOC system, identifying an O*NET–SOC code and title also facilitates linkage to national, state, and local occupational employment and wage estimates.

Section 308 of the Workforce Innovation and Opportunity Act authorizes this information collection.

This information collection is subject to the PRA. A Federal agency generally cannot conduct or sponsor a collection of information, and the public is generally not required to respond to an information collection, unless it is approved by OMB under the PRA and displays a currently valid OMB Control Number. In addition, notwithstanding any other provisions of law, no person shall generally be subject to penalty for failing to comply with a collection of information that does not display a valid Control Number. See 5 CFR 1320.5(a) and 1320.6.

Interested parties are encouraged to provide comments to the contact shown in the **ADDRESSES** section. Comments must be written to receive consideration, and they will be summarized and included in the request for OMB approval of the final ICR. In order to help ensure appropriate consideration, comments should mention 1205–0137.

Submitted comments will also be a matter of public record for this ICR and posted on the internet, without redaction. DOL encourages commenters not to include personally identifiable information, confidential business data, or other sensitive statements/information in any comments.

DOL is particularly interested in comments that:

- Evaluate whether the proposed collection of information is necessary for the proper performance of the functions of the agency, including whether the information will have practical utility;
- Evaluate the accuracy of the agency's estimate of the burden of the proposed collection of information, including the validity of the methodology and assumptions used;
- Enhance the quality, utility, and clarity of the information to be collected; and
- Minimize the burden of the collection of information on those who are to respond, including through the use of appropriate automated, electronic, mechanical, or other technological collection techniques or other forms of information technology,

(*e.g.,* permitting electronic submission of responses).

Agency: DOL–ETA.

Type of Review: Extension without changes.

Title of Collection: Occupational Code Assignment.

Form: ETA–741.

OMB Control Number: 1205–0137.

Affected Public: State, Local and tribal governments, Federal Government, individual & households, and private sector.

Estimated Number of Respondents: 50.

Frequency: On Occasion.

Total Estimated Annual Responses: 60.

Estimated Average Time per Response: .6 hours.

Estimated Total Annual Burden Hours: 36 hours.

Total Estimated Annual Other Cost Burden: $0.

Authority: 44 U.S.C. 3506(c)(2)(A).

José Javier Rodríguez,

Assistant Secretary for Employment and Training, Labor.

[FR Doc. 2024–24587 Filed 10–23–24; 8:45 am]

BILLING CODE 4510–FW–P

MILLENNIUM CHALLENGE CORPORATION

[MCC FR 24–11]

Notice of Entering Into a Compact With the Republic of Zambia

AGENCY: Millennium Challenge Corporation.

ACTION: Notice.

SUMMARY: In accordance with the provisions of the Millennium Challenge Act of 2003, as amended, the Millennium Challenge Corporation (MCC) is publishing a summary of the Millennium Challenge Compact (Compact) between the United States of America and the Republic of Zambia. Representatives of the United States of America and the Republic of Zambia executed the Compact on October 17, 2024. The complete text of the Compact has been posted at: *https://www.mcc.gov/resources/doc/agreement-zambia-farm-to-market-compact/*.

(Authority: 22 U.S.C. 7709(b)(3))

Dated: October 21, 2024.

Peter E. Jaffe,

Vice President, General Counsel, and Corporate Secretary.

Summary of Zambia Compact

Overview of the MCC Zambia Farm to Market Compact

The Millennium Challenge Corporation (MCC), on behalf of the United States of America, has signed a five-year Compact with the Republic of Zambia (Zambia) aimed at reducing poverty through economic growth. MCC funding of $458,000,000, together with a contribution of $33,750,000 from the Government of the Republic of Zambia (GRZ), will support economic growth in Zambia through investments in the agriculture and agro-processing sectors. MCC's investment aims to address the binding constraints to economic growth of (1) poor roads and transport that reduce market access, (2) inadequate private investment in capital inputs needed to boost agricultural production, and (3) an uncertain policy environment for inputs, outputs, and exports. The Compact will address these constraints through four projects: (1) the Roads and Access Project; (2) the Asset Finance Project; (3) the Agriculture Policy Reform and Institutional Strengthening Project; and (4) the American Catalyst Facility for Development (''ACFD'') Project.

Background and Context

The Republic of Zambia, a landlocked country of twenty million people and 72 ethnic groups, stretches across southern Africa's central plateau, occupying an area slightly larger than the state of Texas. Categorized as a low-income country with gross domestic product (GDP) per capita at around US $1,300, Zambia's annual economic growth averaged 3.7 percent over the period 2011 to 2021. This growth has been inconsistent, however, primarily due to Zambia's dependence on exporting copper, a commodity known for its international price volatility. Other vulnerabilities hampering Zambia's growth include reoccurring drought shocks that harm its agriculture and energy sectors. Further, Zambia's extensive public borrowing in the recent past pushed its debt-to-GDP levels above one hundred and twenty (120) percent, overwhelming the country's ability to deliver public services and finance future investments. Meanwhile, the bulk of the country's labor force remains engaged in low-productivity agriculture and informal services, resulting in over half of the population living below the poverty line and income inequality levels among the world's worst. According to the World Bank, agriculture contributes to approximately three (3) percent of Zambia's GDP yet employs over half of its labor force.

Following the election of President Hakainde Hichilema in August 2021, the GRZ prioritized private sector-led growth, more market-friendly policies, and a decentralization of authority and budgets to local authorities. In a complementary vein, the GRZ also signaled, in its national development plan, a renewed emphasis on economic diversification led by investments in the country's underperforming agriculture and agro-processing sectors. Zambia's agricultural sector suffers from low productivity, with average maize yields hovering around two metric tons/hectare, well below the eight tons/hectare achieved by the country's leading commercial producers. Much of Zambia's low input use is a result of the lack of irrigation, outdated agricultural practices, and a highly inadequate rural road network. This also constrains the expansion of labor-intensive agro-processors, who often source inputs from local farms. Both agriculture and agro-processing are significantly constrained by a lack of access to credit to finance investment in small-scale irrigation and other inputs.

Given this sector context, the Compact program aims to address key constraints along the country's agriculture and agro-processing growth path through a combination of investments in rural road infrastructure, programs to increase access to credit, and agricultural policy reform initiatives. Investments in these areas will help the GRZ to substantially diversify and grow its economy while reducing poverty.

Project Summaries

The compact program consists of four projects:

(1) The Roads and Access Project ($315,000,000) is designed to decrease transportation costs in prioritized agriculture corridors by improving approximately 338 kilometers (210 miles) of road and transportation infrastructure, increasing rural population access to markets and services, and strengthening Zambian road asset management. The project includes upgrading road segments based on updated weather projections, reducing the number of days a road would be impassible due to flooding or the risk of washouts. The construction of trail bridges, pedestrian amenities, and other physical infrastructure paired with the application of an established

social behavior change system (Gender Action Learning System) will reduce barriers to markets for rural communities, especially women and youth. In addition, this project will include technical assistance and capacity building to ensure the sustainability of these investments through better road asset management.

(2) The Asset Finance Project ($45,000,000) aims to increase access to finance for investments in electricity, irrigation, logistics and processing (EILP) equipment and infrastructure for both men and women-owned agricultural small and medium enterprises and project developers across agriculture value chains. These investments will contribute to Zambia's national development plan by increasing the adoption of irrigation, agro-processing and value addition, grain and produce storage facilities, and investments in energy sources. The project addresses the affordability of financing for EILP equipment through performance-based grants to financial service providers and equipment providers to incentivize increased lending and financing to the agriculture sector for EILP equipment and catalyzing impact investment for agri-enterprises. The project will also include capacity building and technical assistance to public and private project developers to increase the number of EILP infrastructure investments in the agriculture value chain that reach financial close.

(3) The Agriculture Policy Reform and Institutional Strengthening Project ($25,000,000) is designed to improve institutional capacity to facilitate private sector production and trade in grains. The Compact, and its associated reforms, will contribute to creating a private sector-driven agriculture and agro-processing market and support broader efforts by the GRZ and other donors to address key policy challenges constraining private sector production and trade in grain markets. To this end, the project will strengthen the Ministry of Agriculture's capacity to develop and implement reforms as well as improve the Food Reserve Agency's capacity to carry out its core functions efficiently, including managing the strategic grain reserves, encouraging private sector involvement in grain trading, making timely payments for purchases, and providing appropriate price stabilization. It will also build the Food Reserve Agency's capacity for assessing, monitoring, and analyzing the impact of its policies and practices on food security, poverty, and vulnerability, and strengthen its vulnerability response and mitigation functions. Finally, this project aims to build transparency and trust among market players by establishing an independent market observatory that collects timely and accurate data on stocks and prices and conducts relevant market analyses for the benefit of public sector policy makers and private sector economic actors, and by supporting a commodity exchange.

(4) The American Catalyst Facility for Development (ACFD) Project ($8,000,000) is designed to facilitate the U.S. Development Finance Corporation's (USDFC) investments in Zambia in the sectors identified as constraints to Zambia's growth by MCC. DFC's current transaction pipeline in Zambia, for example, includes several projects that are not viable without additional de-risking. ACFD grant funding will enable DFC-led projects like these, that would not otherwise be viable, to reach financial close.

Program Budget

The table below presents the overall budget for the program of $491,750,000, which includes MCC funding under the Compact of up to $458,000,000 and a GRZ contribution of at least $33,750,000 (required minimum of 7.5 percent, excluding ACFD).

Project/activity	Amount
1. Roads and Access Project	$315,000,000
1.1 Improving Roads Activity	285,000,000
1.2 Improving Access Activity	12,000,000
1.3 Strengthening Zambian Road Management Activity	18,000,000
2. Asset Finance Project	45,000,000
2.1 Agri-SME Asset Financing Activity	23,000,000
2.2 ZAMPPF Activity	22,000,000
3. Agriculture Policy and Institutional Strengthening Project	25,000,000
3.1 MoA Institutional Strengthening Activity	13,300,000
3.2 FRA Institutional Capacity Strengthening Activity	7,950,000
3.3 Establishment and Strengthening of Ancillary Agricultural Market Support Institutions Activity	3,750,000
4. American Catalyst Facility for Development (ACFD)	8,000,000
5. Monitoring and Evaluation	3,000,000
6. Program Administration and Control	62,000,000
Total MCC Funding	458,000,000
Government of the Republic of Zambia Contribution	33,750,000
Total Funding	491,750,000

[FR Doc. 2024–24712 Filed 10–23–24; 8:45 am]

BILLING CODE 9211–03–P

NATIONAL CREDIT UNION ADMINISTRATION

Renewal of Agency Information Collection of a Previously Approved Collection; Request for Comments

AGENCY: National Credit Union Administration (NCUA).

ACTION: Notice of submission to the Office of Management and Budget.

SUMMARY: As required by the Paperwork Reduction Act of 1995, The National Credit Union Administration (NCUA) is submitting the following extensions and revisions of currently approved collections to the Office of Management and Budget (OMB) for renewal.

DATES: Written comments should be received on or before November 25, 2024 to be assured 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.* 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: Copies of the submission may be obtained by contacting Dacia Rogers at (703) 518–6547, emailing *PRAComments@ncua.gov,* or viewing the entire information collection request at *www.reginfo.gov.*

SUPPLEMENTARY INFORMATION:

OMB Number: 3133–0198.

Title: Appeals Procedures—12 CFR 746, Subpart B.

Type of Review: Extension of a previously approved collection.

Abstract: Part 746, subpart B, will govern most authorized appeals to the Board of adverse determinations made at program office levels under agency regulations that permit such an appeal. The procedures are intended to result in greater efficiency, consistency, and better understanding of the way in which matters under covered regulations may be appealed to the Board.

Affected Public: Private Sector: Not-for-profit institutions.

Estimated Number of Respondents: 34.

Estimated Number of Responses per Respondent: 1.

Estimated Total Annual Responses: 34.

Estimated Hours per Response: 12.94117647.

Estimated Total Annual Burden Hours: 440.

OMB Number: 3133–0184.

Title: Requirements for Insurance—Interest Rate Risk Policy.

Type of Review: Revision of a currently approved collection.

Abstract: Section 741.3(b)(5) of NCUA's rules and regulations requires federally-insured credit unions with assets of more than $50 million to develop, as a prerequisites for insurability of its member deposits, a written interest rate risk management policy and a program to effectively implement the policy. The need for FICU to have a written policy to establish responsibilities and procedures for identifying, measuring, monitoring, controlling, and reporting, and establishing risk limits are essential components of safe and sound credit union operations and to ensure the security of the National Credit Union Share Insurance Fund (NCUSIF).

Affected Public: Private Sector: Not-for-profit institutions.

Estimated Number of Respondents: 2,460.

Estimated Number of Responses per Respondent: 1.

Estimated Total Annual Responses: 2,460.

Estimated Hours per Response: 0.31504065.

Estimated Total Annual Burden Hours: 775.

Reason for Change: Number of respondents increased from 2,452 to 2,460.

OMB Number: 3133–0183.

Title: Golden Parachute and Indemnification Payments, 12 CFR part 750.

Type of Review: Revision of a currently approved collection.

Abstract: This rule prohibits, in certain circumstances, a federally insured credit union (FICU) from making golden parachute and indemnification payments to an institution-affiliated party (IAP). Section 750.6 requires requests by a troubled FICU to make a severance or golden parachute payment to an IAP to be submitted in writing to NCUA. The information will be used by the NCUA to determine whether an exception to the general prohibition on golden parachute payments should be approved.

Affected Public: Private Sector: Not-for-profit institutions.

Estimated Number of Respondents: 3.

Estimated Number of Responses per Respondent: 1.

Estimated Total Annual Responses: 7.

Estimated Hours per Response: 2.

Estimated Total Annual Burden Hours: 14.

Reason for Change: Number of respondents decreased from 4 to 3.

OMB Number: 3133–0149.

Title: Credit Union Service Organizations (CUSOs) 12 CFR part 712.

Type of Review: Revision of a currently approved collection.

Abstract: Part 712 of NCUA's rules and regulations regulates the relationship between federally insured credit unions (FICUs) and credit union service organizations (CUSOs). The rule requires that FICUs enter into a written agreement with a CUSO (prior to investing in or loaning money to) which stipulates the CUSO will follow general accepted accounting principles (GAAP); prepare quarterly financial statements; grant NCUA access to the CUSO books and records, and annually report directly to NCUA via a CUSO registry.

Affected Public: Private Sector: Not-for-profit institutions.

Estimated Number of Respondents: 1,256.

Estimated Number of Responses per Respondent: 1.

Estimated Total Annual Responses: 1,256.

Estimated Hours per Response: 1.455414013.

Estimated Total Annual Burden Hours: 1,828.

Reason for Change: Number of respondents adjusted.

OMB Number: 3133–0197.

Title: Safe Harbor; Treatment of Financial Assets Transferred in Connection with a Securitization or Participation.

Type of Review: Revision of a currently approved collection.

Abstract: The rule clarifies the conditions for a safe harbor for securitization or participation and sets forth safe harbor protections for securitizations that do not comply with the new accounting standards for off balance sheet treatment by providing for expedited access to the financial assets that are securitized if they meet the conditions defined in the rule. The conditions contained in the rule will serve to protect the National Credit Union Share Insurance Fund (NCUSIF) and NCUA's interests as liquidating agent or conservator by aligning the conditions for the safe harbor with better and more sustainable lending practices by insured credit unions (FICUs).

Affected Public: Private Sector: Not-for-profit institutions.

Estimated Number of Respondents: 7.

Estimated Number of Responses per Respondent: 1.

Estimated Total Annual Responses: 63.

Estimated Hours per Response: 10.

Estimated Total Annual Burden Hours: 630.

Reason for Change: Number of respondents increased from 514 to 630.

OMB Number: 3133–0138.

Title: Community Development Revolving Loan Fund—Loan and Grant Programs, 12 CFR part 705.

Type of Review: Revision of a currently approved collection.

Abstract: The Fund is used to support credit unions that serve low-income communities by providing loans and technical assistance grants to qualifying institutions. The programs are designed to increase income, ownership, and employment opportunities for low-income residents, and to stimulate economic growth. In addition, the programs provide assistance to improve the quality of services to the community and formulate more effective and efficient operations of credit unions. The information will allow NCUA to assess a credit union's capacity to repay the Funds and/or ensure that the funds are used as intended to benefit the institution and community it serves.

Affected Public: Private Sector: Not-for-profit institutions.

Estimated Number of Respondents: 335.

Estimated Number of Responses per Respondent: 1.

Estimated Total Annual Responses: 761.

Estimated Hours per Response: 1.033508541.

Estimated Total Annual Burden Hours: 787.

Reason for Change: Number of respondents adjusted.

Request for Comments: Comments submitted in response to this notice will be summarized and included in the request for Office of Management and Budget approval. All comments will become a matter of public record. The public is invited to submit comments concerning: (a) whether the collection of information is necessary for the proper performance of the function of the agency, including whether the information will have practical utility; (b) the accuracy of the agency's estimate of the burden of the collection of information, including the validity of the methodology and assumptions used; (c) ways to enhance the quality, utility, and clarity of the information to be collected; and (d) ways to minimize the burden of the collection of the information on the respondents,

including the use of automated collection techniques or other forms of information technology.

By the National Credit Union Administration Board.

Melane Conyers-Ausbrooks,

Secretary of the Board.

[FR Doc. 2024–24705 Filed 10–23–24; 8:45 am]

BILLING CODE 7535–01–P

NUCLEAR REGULATORY COMMISSION

[Docket Nos. 50–266 and 50–301; NRC–2020–0277]

NextEra Energy Point Beach, LLC; Point Beach Nuclear Plant, Units 1 and 2; Notice of Intent To Prepare Supplement to the Supplemental Environmental Impact Statement; Correction

AGENCY: Nuclear Regulatory Commission.

ACTION: Notice; correction.

SUMMARY: The U.S. Nuclear Regulatory Commission (NRC) is correcting a notice that was published in the **Federal Register** on October 2, 2024, regarding NextEra Energy Point Beach, LLC; Point Beach Nuclear Plant, Units 1 and 2; Notice of Intent to Prepare Supplement to the Supplemental Environmental Impact Statement. This action is necessary to correct licensee docket numbers.

DATES: The correction takes effect on October 24, 2024.

ADDRESSES: Please refer to Docket ID NRC–2020–0277 when contacting the NRC about the availability of information regarding this document. You may obtain publicly available information related to this document using any of the following methods:

- *Federal Rulemaking website:* Go to *https://www.regulations.gov* and search for Docket ID NRC–2020–0277. Address questions about Docket IDs in *Regulations.gov* to Stacy Schumann; telephone: 301–415–0624; email: *Stacy.Schumann@nrc.gov.* For technical questions, contact the individual listed in the **FOR FURTHER INFORMATION CONTACT** section of this document.
- *NRC's Agencywide Documents Access and Management System (ADAMS):* You may 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.*
- *NRC's PDR:* The PDR, where you may examine and order copies of publicly available documents, is open by appointment. To make an appointment to visit the PDR, please send an email to *PDR.Resource@nrc.gov* or call 1–800–397–4209 or 301–415–4737, between 8 a.m. and 4 p.m. eastern time (ET), Monday through Friday, except Federal holidays.

FOR FURTHER INFORMATION CONTACT: Kevin Folk, telephone: 301–415–6944; email: *Kevin.Folk@nrc.gov;* or Karen Loomis, telephone: 301–415–5142; email: *Karen.Loomis@nrc.gov.* Both are staff in the Office of Nuclear Material Safety and Safeguards at the U.S. Nuclear Regulatory Commission, Washington, DC 20555–0001.

SUPPLEMENTARY INFORMATION: In the **Federal Register** (FR) on October 2, 2024, in FR Doc. 2024–22710, on page 80269, within the FR notice heading, correct ''Docket Nos. 50–237 and 50–249; NRC–2020–0277'' to read ''Docket Nos. 50–266 and 50–301; NRC–2020–0277.''

Dated: October 21, 2024.

For the Nuclear Regulatory Commission.

Stephen Koenick,

Chief, Environmental Project Management, Branch 1, Division of Rulemaking, Environmental, and Financial Support, Office of Nuclear Material Safety, and Safeguards.

[FR Doc. 2024–24736 Filed 10–23–24; 8:45 am]

BILLING CODE 7590–01–P

NUCLEAR REGULATORY COMMISSION

[NRC–2023–0161]

Information Collection: Domestic Licensing of Production and Utilization Facilities

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, ''Domestic Licensing of Production and Utilization Facilities.''

DATES: Submit comments by November 25, 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.*

SUPPLEMENTARY INFORMATION:

I. Obtaining Information and Submitting Comments

A. Obtaining Information

Please refer to Docket ID NRC–2023–0161 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–2023–0161.
- *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.* 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* 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.*

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, ''Domestic Licensing of Production and Utilization Facilities.'' 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 50381.

1. *The title of the information collection:* Domestic Licensing of Production and Utilization Facilities.

2. *OMB approval number:* 3150–0011.

3. *Type of submission:* Extension.

4. *The form number, if applicable:* Not applicable.

5. *How often the collection is required or requested:* As necessary in order for the NRC to meet its responsibilities to conduct a detailed review of applications for licenses and amendments thereto to construct and operate nuclear power plants, preliminary or final design approvals, design certifications, research and test facilities, reprocessing plants and other utilization and production facilities, licensed pursuant to the Atomic Energy Act of 1954, as amended (the Act) and to monitor their activities. Reports are submitted daily, monthly, quarterly, annually, semi-annually, and on occasion.

6. *Who will be required or asked to respond:* Licensees, and applicants for, or holders, of an operating license or construction permit; applicants for a standard design certification under 10 CFR part 52; applicants for, or holders of, a standard design approval license, a combined license or a research and test facility license.

7. *The estimated number of annual responses:* 42,863 (42,694 reporting responses + 169 recordkeepers).

8. *The estimated number of annual respondents:* 195.

9. *The estimated number of hours needed annually to comply with the information collection requirement or request:* 3.7M hours (1.6M hours reporting + 2.1M hours recordkeeping).

10. *Abstract:* Part 50 of title 10 of the *Code of Federal Regulations* (10 CFR), ''Domestic Licensing of Production and Utilization Facilities,'' specifies technical information and data to be provided to the NRC or maintained by applicants and licensees so that the NRC may take determinations necessary to protect the health and safety of the public, in accordance with the Atomic Energy Act of 1954, as amended. The reporting and recordkeeping requirements contained in 10 CFR part 50 are mandatory for the affected licensees and applicants.

III. Availability of Documents

The documents identified in the following table are available to interested persons through ADAMS.

Document description	ADAMS accession No.
Supporting Statement, Section 1 (Overview)—''Domestic Licensing of Production and Utilization Facilities''	ML24208A042
Supporting Statement, Section 2—''Applications for Licenses, Certifications, and Regulatory Approvals''	ML24208A043
Supporting Statement, Section 3—''Decommissioning''	ML24208A044
Supporting Statement, Section 4—''Inspections, Records, Reports, Notifications''	ML24208A045
Supporting Statement, Section 5—''Issuance, Limitations, and Conditions of Licenses and Construction Permits''	ML24208A038
Supporting Statement, Section 6—''License Requirements''	ML24208A039
Supporting Statement, Section 7—''Standards for Licenses, Certifications, and Regulatory Approvals''	ML24208A040
Burden spreadsheet	ML24208A041

Dated: October 21, 2024.

For the Nuclear Regulatory Commission.

David Cullison,

NRC Clearance Officer, Office of the Chief Information Officer.

[FR Doc. 2024–24741 Filed 10–23–24; 8:45 am]

BILLING CODE 7590–01–P

POSTAL REGULATORY COMMISSION

[Docket Nos. CP2023–225; MC2025–111 and K2025–109; MC2025–112 and K2025–110; MC2025–113 and K2025–111; MC2025–114 and K2025–112; MC2025–116 and K2025–114]

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 28, 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.[1]

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. 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).:* CP2023–225; *Filing Title:* Request of the United States Postal Service Concerning Modification One to Priority Mail Express International, Priority Mail International & First-Class Package International Service Contract 25, Which Includes an Extension of That Agreement; *Filing Acceptance Date:* October 18, 2024; *Filing Authority:* 39 CFR 3035.105, 39 CFR 3041.310, 39 CFR 3041.505, and 39 CFR 3041.515; *Public Representative:* Katalin K. Clendenin; *Comments Due:* October 28, 2024.

2. *Docket No(s).:* MC2025–111 and K2025–109; *Filing Title:* USPS Request to Add Priority Mail & USPS Ground Advantage Contract 402 to the Competitive Product List and Notice of Filing Materials Under Seal; *Filing Acceptance Date:* October 18, 2024; *Filing Authority:* 39 U.S.C. 3642, 39 CFR 3035.105, and 39 CFR 3041.310; *Public Representative:* Arif Hafiz; *Comments Due:* October 28, 2024.

3. *Docket No(s).:* MC2025–112 and K2025–110; *Filing Title:* USPS Request to Add Priority Mail Express, Priority Mail & USPS Ground Advantage Contract 495 to the Competitive Product List and Notice of Filing Materials Under Seal; *Filing Acceptance Date:* October 18, 2024; *Filing Authority:* 39 U.S.C. 3642, 39 CFR 3035.105, and 39 CFR 3041.310; *Public Representative:* Arif Hafiz; *Comments Due:* October 28, 2024.

4. *Docket No(s).:* MC2025–113 and K2025–111; *Filing Title:* USPS Request to Add Priority Mail Express, Priority Mail & USPS Ground Advantage Contract 496 to the Competitive Product List and Notice of Filing Materials Under Seal; *Filing Acceptance Date:* October 18, 2024; *Filing Authority:* 39 U.S.C. 3642, 39 CFR 3035.105, and 39 CFR 3041.310; *Public Representative:* Almaroof Agoro; *Comments Due:* October 28, 2024.

5. *Docket No(s).:* MC2025–114 and K2025–112; *Filing Title:* USPS Request to Add Priority Mail Express, Priority Mail & USPS Ground Advantage Contract 497 to the Competitive Product List and Notice of Filing Materials Under Seal; *Filing Acceptance Date:* October 18, 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 28, 2024.

6. *Docket No(s).:* MC2025–116 and K2025–114; *Filing Title:* Priority Mail Express, Priority Mail & USPS Ground Advantage Contract 499 to the Competitive Product List and Notice of Filing Materials Under Seal; *Filing Acceptance Date:* October 18, 2024; *Filing Authority:* 39 U.S.C. 3642, 39 CFR 3035.105, and 39 CFR 3041.310; *Public Representative:* Maxine Bradley; *Comments Due:* October 28, 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. 2024–24770 Filed 10–23–24; 8:45 am]

BILLING CODE 7710–FW–P

[1] *See* Docket No. RM2018–3, Order Adopting Final Rules Relating to Non-Public Information, June 27, 2018, Attachment A at 19–22 (Order No. 4679).

POSTAL SERVICE

Product Change—Priority Mail Express, Priority Mail, and USPS Ground Advantage® Negotiated Service Agreement

AGENCY: Postal Service™.

ACTION: Notice.

SUMMARY: The Postal Service gives notice of filing a request with the Postal Regulatory Commission to add a domestic shipping services contract to the list of Negotiated Service Agreements in the Mail Classification Schedule's Competitive Products List.

DATES: *Date of required notice:* October 24, 2024.

FOR FURTHER INFORMATION CONTACT: Sean C. Robinson, 202–268–8405.

SUPPLEMENTARY INFORMATION: The United States Postal Service® hereby gives notice that, pursuant to 39 U.S.C. 3642 and 3632(b)(3), on October 15, 2024, it filed with the Postal Regulatory Commission a *USPS Request to Add Priority Mail Express, Priority Mail & USPS Ground Advantage® Contract 473 to Competitive Product List.* Documents

are available at *www.prc.gov,* Docket Nos. MC2025–77, K2025–75.

Sean C. Robinson,

Attorney, Corporate and Postal Business Law.

[FR Doc. 2024–24597 Filed 10–23–24; 8:45 am]

BILLING CODE 7710–12–P

POSTAL SERVICE

Product Change—Priority Mail Express, Priority Mail, and USPS Ground Advantage® Negotiated Service Agreement

AGENCY: Postal Service™.

ACTION: Notice.

SUMMARY: The Postal Service gives notice of filing a request with the Postal Regulatory Commission to add a domestic shipping services contract to the list of Negotiated Service Agreements in the Mail Classification Schedule's Competitive Products List.

DATES: *Date of required notice:* October 24, 2024.

FOR FURTHER INFORMATION CONTACT: Sean C. Robinson, 202–268–8405.

SUPPLEMENTARY INFORMATION: The United States Postal Service® hereby gives notice that, pursuant to 39 U.S.C. 3642 and 3632(b)(3), on October 17, 2024, it filed with the Postal Regulatory Commission a *USPS Request to Add Priority Mail Express, Priority Mail & USPS Ground Advantage® Contract 489 to Competitive Product List.* Documents are available at *www.prc.gov,* Docket Nos. MC2025–100, K2025–98.

Sean C. Robinson,

Attorney, Corporate and Postal Business Law.

[FR Doc. 2024–24628 Filed 10–23–24; 8:45 am]

BILLING CODE 7710–12–P

POSTAL SERVICE

Product Change—Priority Mail and USPS Ground Advantage® Negotiated Service Agreement

AGENCY: Postal Service™.

ACTION: Notice.

SUMMARY: The Postal Service gives notice of filing a request with the Postal Regulatory Commission to add a domestic shipping services contract to the list of Negotiated Service Agreements in the Mail Classification Schedule's Competitive Products List.

DATES: *Date of required notice:* October 24, 2024.

FOR FURTHER INFORMATION CONTACT: Sean Robinson, 202–268–8405.

SUPPLEMENTARY INFORMATION: The United States Postal Service® hereby gives notice that, pursuant to 39 U.S.C. 3642 and 3632(b)(3), on October 17, 2024, it filed with the Postal Regulatory Commission a *USPS Request to Add Priority Mail & USPS Ground Advantage® Contract 399 to Competitive Product List.* Documents are available at *www.prc.gov,* Docket Nos. MC2025–105, K2025–103.

Sean Robinson,

Attorney, Corporate and Postal Business Law.

[FR Doc. 2024–24622 Filed 10–23–24; 8:45 am]

BILLING CODE 7710–12–P

POSTAL SERVICE

Product Change—Priority Mail Express, Priority Mail, and USPS Ground Advantage® Negotiated Service Agreement

AGENCY: Postal Service™.

ACTION: Notice.

SUMMARY: The Postal Service gives notice of filing a request with the Postal Regulatory Commission to add a domestic shipping services contract to the list of Negotiated Service Agreements in the Mail Classification Schedule's Competitive Products List.

DATES: *Date of required notice:* October 24, 2024.

FOR FURTHER INFORMATION CONTACT: Sean C. Robinson, 202–268–8405.

SUPPLEMENTARY INFORMATION: The United States Postal Service® hereby gives notice that, pursuant to 39 U.S.C. 3642 and 3632(b)(3), on October 17, 2024, it filed with the Postal Regulatory Commission a *USPS Request to Add Priority Mail Express, Priority Mail & USPS Ground Advantage® Contract 476 to Competitive Product List.* Documents are available at *www.prc.gov,* Docket Nos. MC2025–80, K2025–78.

Sean C. Robinson,

Attorney, Corporate and Postal Business Law.

[FR Doc. 2024–24600 Filed 10–23–24; 8:45 am]

BILLING CODE 7710–12–P

POSTAL SERVICE

Product Change—Priority Mail Express, Priority Mail, and USPS Ground Advantage® Negotiated Service Agreement

AGENCY: Postal Service™.

ACTION: Notice.

SUMMARY: The Postal Service gives notice of filing a request with the Postal Regulatory Commission to add a domestic shipping services contract to the list of Negotiated Service Agreements in the Mail Classification Schedule's Competitive Products List.

DATES: *Date of required notice:* October 24, 2024.

FOR FURTHER INFORMATION CONTACT: Sean C. Robinson, 202–268–8405.

SUPPLEMENTARY INFORMATION: The United States Postal Service® hereby gives notice that, pursuant to 39 U.S.C. 3642 and 3632(b)(3), on October 15, 2024, it filed with the Postal Regulatory Commission a *USPS Request to Add Priority Mail Express, Priority Mail & USPS Ground Advantage® Contract 475 to Competitive Product List.* Documents are available at *www.prc.gov,* Docket Nos. MC2025–79, K2025–77.

Sean C. Robinson,

Attorney, Corporate and Postal Business Law.

[FR Doc. 2024–24599 Filed 10–23–24; 8:45 am]

BILLING CODE 7710–12–P

POSTAL SERVICE

Product Change—Priority Mail Express, Priority Mail, and USPS Ground Advantage® Negotiated Service Agreement

AGENCY: Postal Service™.

ACTION: Notice.

SUMMARY: The Postal Service gives notice of filing a request with the Postal Regulatory Commission to add a domestic shipping services contract to the list of Negotiated Service Agreements in the Mail Classification Schedule's Competitive Products List.

DATES: *Date of required notice:* October 24, 2024.

FOR FURTHER INFORMATION CONTACT: Sean C. Robinson, 202–268–8405.

SUPPLEMENTARY INFORMATION: The United States Postal Service® hereby gives notice that, pursuant to 39 U.S.C. 3642 and 3632(b)(3), on October 15, 2024, it filed with the Postal Regulatory Commission a *USPS Request to Add Priority Mail Express, Priority Mail & USPS Ground Advantage® Contract 476 to Competitive Product List.* Documents are available at *www.prc.gov,* Docket Nos. MC2025–80, K2025–78.

Sean C. Robinson,

Attorney, Corporate and Postal Business Law.

[FR Doc. 2024–24600 Filed 10–23–24; 8:45 am]

BILLING CODE 7710–12–P

POSTAL SERVICE

Product Change—Priority Mail Express, Priority Mail, and USPS Ground Advantage® Negotiated Service Agreement

AGENCY: Postal Service™.

ACTION: Notice.

SUMMARY: The Postal Service gives notice of filing a request with the Postal Regulatory Commission to add a domestic shipping services contract to the list of Negotiated Service Agreements in the Mail Classification Schedule's Competitive Products List.

DATES: *Date of required notice:* October 24, 2024.

FOR FURTHER INFORMATION CONTACT: Sean C. Robinson, 202–268–8405.

SUPPLEMENTARY INFORMATION: The United States Postal Service® hereby gives notice that, pursuant to 39 U.S.C. 3642 and 3632(b)(3), on October 18, 2024, it filed with the Postal Regulatory Commission a *USPS Request to Add Priority Mail Express, Priority Mail & USPS Ground Advantage® Contract 495 to Competitive Product List.* Documents are available at *www.prc.gov,* Docket Nos. MC2025–112, K2025–110.

Sean C. Robinson,

Attorney, Corporate and Postal Business Law.

[FR Doc. 2024–24634 Filed 10–23–24; 8:45 am]

BILLING CODE 7710–12–P

POSTAL SERVICE

Product Change—Priority Mail Express, Priority Mail, and USPS Ground Advantage® Negotiated Service Agreement

AGENCY: Postal Service™.

ACTION: Notice.

SUMMARY: The Postal Service gives notice of filing a request with the Postal Regulatory Commission to add a domestic shipping services contract to the list of Negotiated Service Agreements in the Mail Classification Schedule's Competitive Products List.

DATES: *Date of required notice:* October 24, 2024.

FOR FURTHER INFORMATION CONTACT: Sean C. Robinson, 202–268–8405.

SUPPLEMENTARY INFORMATION: The United States Postal Service® hereby gives notice that, pursuant to 39 U.S.C. 3642 and 3632(b)(3), on October 15, 2024, it filed with the Postal Regulatory Commission a *USPS Request to Add Priority Mail Express, Priority Mail & USPS Ground Advantage® Contract 480 to Competitive Product List.* Documents are available at *www.prc.gov,* Docket Nos. MC2025–84, K2025–82.

Sean C. Robinson,

Attorney, Corporate and Postal Business Law.

[FR Doc. 2024–24604 Filed 10–23–24; 8:45 am]

BILLING CODE 7710–12–P

POSTAL SERVICE

Product Change—Priority Mail and USPS Ground Advantage® Negotiated Service Agreement

AGENCY: Postal Service™.

ACTION: Notice.

SUMMARY: The Postal Service gives notice of filing a request with the Postal Regulatory Commission to add a domestic shipping services contract to the list of Negotiated Service Agreements in the Mail Classification Schedule's Competitive Products List.

DATES: *Date of required notice:* October 24, 2024.

FOR FURTHER INFORMATION CONTACT: Sean Robinson, 202–268–8405.

SUPPLEMENTARY INFORMATION: The United States Postal Service® hereby gives notice that, pursuant to 39 U.S.C. 3642 and 3632(b)(3), on October 16, 2024, it filed with the Postal Regulatory Commission a *USPS Request to Add Priority Mail & USPS Ground Advantage® Contract 396 to Competitive Product List.* Documents are available at *www.prc.gov,* Docket Nos. MC2025–97, K2025–95.

Sean Robinson,

Attorney, Corporate and Postal Business Law.

[FR Doc. 2024–24619 Filed 10–23–24; 8:45 am]

BILLING CODE 7710–12–P

POSTAL SERVICE

Product Change—Priority Mail and USPS Ground Advantage® Negotiated Service Agreement

AGENCY: Postal Service™.

ACTION: Notice.

SUMMARY: The Postal Service gives notice of filing a request with the Postal Regulatory Commission to add a domestic shipping services contract to the list of Negotiated Service Agreements in the Mail Classification Schedule's Competitive Products List.

DATES: *Date of required notice:* October 24, 2024.

FOR FURTHER INFORMATION CONTACT: Sean Robinson, 202–268–8405.

SUPPLEMENTARY INFORMATION: The United States Postal Service® hereby gives notice that, pursuant to 39 U.S.C. 3642 and 3632(b)(3), on October 15, 2024, it filed with the Postal Regulatory Commission a *USPS Request to Add Priority Mail & USPS Ground Advantage® Contract 391 to Competitive Product List.* Documents are available at *www.prc.gov,* Docket Nos. MC2025–90, K2025–88.

Sean Robinson,

Attorney, Corporate and Postal Business Law.

[FR Doc. 2024–24613 Filed 10–23–24; 8:45 am]

BILLING CODE 7710–12–P

POSTAL SERVICE

Product Change—Priority Mail Express, Priority Mail, and USPS Ground Advantage® Negotiated Service Agreement

AGENCY: Postal Service™.

ACTION: Notice.

SUMMARY: The Postal Service gives notice of filing a request with the Postal Regulatory Commission to add a domestic shipping services contract to the list of Negotiated Service Agreements in the Mail Classification Schedule's Competitive Products List.

DATES: *Date of required notice:* October 24, 2024.

FOR FURTHER INFORMATION CONTACT: Sean C. Robinson, 202–268–8405.

SUPPLEMENTARY INFORMATION: The United States Postal Service® hereby gives notice that, pursuant to 39 U.S.C. 3642 and 3632(b)(3), on October 15, 2024, it filed with the Postal Regulatory Commission a *USPS Request to Add Priority Mail Express, Priority Mail & USPS Ground Advantage® Contract 481 to Competitive Product List.* Documents are available at *www.prc.gov,* Docket Nos. MC2025–85, K2025–83.

Sean C. Robinson,

Attorney, Corporate and Postal Business Law.

[FR Doc. 2024–24605 Filed 10–23–24; 8:45 am]

BILLING CODE 7710–12–P

POSTAL SERVICE

Product Change—Priority Mail Express, Priority Mail, and USPS Ground Advantage® Negotiated Service Agreement

AGENCY: Postal Service™.

ACTION: Notice.

SUMMARY: The Postal Service gives notice of filing a request with the Postal Regulatory Commission to add a domestic shipping services contract to the list of Negotiated Service Agreements in the Mail Classification Schedule's Competitive Products List.

DATES: *Date of required notice:* October 24, 2024.

FOR FURTHER INFORMATION CONTACT: Sean C. Robinson, 202–268–8405.

SUPPLEMENTARY INFORMATION: The United States Postal Service® hereby gives notice that, pursuant to 39 U.S.C. 3642 and 3632(b)(3), on October 11, 2024, it filed with the Postal Regulatory Commission a *USPS Request to Add Priority Mail Express, Priority Mail & USPS Ground Advantage® Contract 479 to Competitive Product List.* Documents are available at *www.prc.gov,* Docket Nos. MC2025–83, K2025–81.

Sean C. Robinson,

Attorney, Corporate and Postal Business Law.

[FR Doc. 2024–24603 Filed 10–23–24; 8:45 am]

BILLING CODE 7710–12–P

POSTAL SERVICE

Product Change—Priority Mail Express, Priority Mail, and USPS Ground Advantage® Negotiated Service Agreement

AGENCY: Postal Service™.

ACTION: Notice.

SUMMARY: The Postal Service gives notice of filing a request with the Postal Regulatory Commission to add a domestic shipping services contract to the list of Negotiated Service

Agreements in the Mail Classification Schedule's Competitive Products List.

DATES: *Date of required notice:* October 24, 2024.

FOR FURTHER INFORMATION CONTACT: Sean C. Robinson, 202–268–8405.

SUPPLEMENTARY INFORMATION: The United States Postal Service® hereby gives notice that, pursuant to 39 U.S.C. 3642 and 3632(b)(3), on October 15, 2024, it filed with the Postal Regulatory Commission a *USPS Request to Add Priority Mail Express, Priority Mail & USPS Ground Advantage® Contract 482 to Competitive Product List.* Documents are available at *www.prc.gov,* Docket Nos. MC2025–86, K2025–84.

Sean C. Robinson,

Attorney, Corporate and Postal Business Law.

[FR Doc. 2024–24606 Filed 10–23–24; 8:45 am]

BILLING CODE 7710–12–P

POSTAL SERVICE

Product Change—Priority Mail Express, Priority Mail, and USPS Ground Advantage® Negotiated Service Agreement

AGENCY: Postal Service™.

ACTION: Notice.

SUMMARY: The Postal Service gives notice of filing a request with the Postal Regulatory Commission to add a domestic shipping services contract to the list of Negotiated Service Agreements in the Mail Classification Schedule's Competitive Products List.

DATES: *Date of required notice:* October 24, 2024.

FOR FURTHER INFORMATION CONTACT: Sean C. Robinson, 202–268–8405.

SUPPLEMENTARY INFORMATION: The United States Postal Service® hereby gives notice that, pursuant to 39 U.S.C. 3642 and 3632(b)(3), on October 17, 2024, it filed with the Postal Regulatory Commission a *USPS Request to Add Priority Mail Express, Priority Mail & USPS Ground Advantage® Contract 491 to Competitive Product List.* Documents are available at *www.prc.gov,* Docket Nos. MC2025–102, K2025–100.

Sean C. Robinson,

Attorney, Corporate and Postal Business Law.

[FR Doc. 2024–24630 Filed 10–23–24; 8:45 am]

BILLING CODE 7710–12–P

POSTAL SERVICE

Product Change—Priority Mail Express, Priority Mail, and USPS Ground Advantage® Negotiated Service Agreement

AGENCY: Postal Service™.

ACTION: Notice.

SUMMARY: The Postal Service gives notice of filing a request with the Postal Regulatory Commission to add a domestic shipping services contract to the list of Negotiated Service Agreements in the Mail Classification Schedule's Competitive Products List.

DATES: *Date of required notice:* October 24, 2024.

FOR FURTHER INFORMATION CONTACT: Sean C. Robinson, 202–268–8405.

SUPPLEMENTARY INFORMATION: The United States Postal Service® hereby gives notice that, pursuant to 39 U.S.C. 3642 and 3632(b)(3), on October 17, 2024, it filed with the Postal Regulatory Commission a *USPS Request to Add Priority Mail Express, Priority Mail & USPS Ground Advantage® Contract 494 to Competitive Product List.* Documents are available at *www.prc.gov,* Docket Nos. MC2025–109, K2025–107.

Sean C. Robinson,

Attorney, Corporate and Postal Business Law.

[FR Doc. 2024–24633 Filed 10–23–24; 8:45 am]

BILLING CODE 7710–12–P

POSTAL SERVICE

Product Change—Priority Mail Express, Priority Mail, and USPS Ground Advantage® Negotiated Service Agreement

AGENCY: Postal Service™.

ACTION: Notice.

SUMMARY: The Postal Service gives notice of filing a request with the Postal Regulatory Commission to add a domestic shipping services contract to the list of Negotiated Service Agreements in the Mail Classification Schedule's Competitive Products List.

DATES: *Date of required notice:* October 24, 2024.

FOR FURTHER INFORMATION CONTACT: Sean C. Robinson, 202–268–8405.

SUPPLEMENTARY INFORMATION: The United States Postal Service® hereby gives notice that, pursuant to 39 U.S.C. 3642 and 3632(b)(3), on October 15, 2024, it filed with the Postal Regulatory Commission a *USPS Request to Add Priority Mail Express, Priority Mail & USPS Ground Advantage® Contract 485 to Competitive Product List.* Documents are available at *www.prc.gov,* Docket Nos. MC2025–91, K2025–89.

Sean C. Robinson,

Attorney, Corporate and Postal Business Law.

[FR Doc. 2024–24609 Filed 10–23–24; 8:45 am]

BILLING CODE 7710–12–P

POSTAL SERVICE

Product Change—Priority Mail Express, Priority Mail, and USPS Ground Advantage® Negotiated Service Agreement

AGENCY: Postal Service™.

ACTION: Notice.

SUMMARY: The Postal Service gives notice of filing a request with the Postal Regulatory Commission to add a domestic shipping services contract to the list of Negotiated Service Agreements in the Mail Classification Schedule's Competitive Products List.

DATES: *Date of required notice:* October 24, 2024.

FOR FURTHER INFORMATION CONTACT: Sean C. Robinson, 202–268–8405.

SUPPLEMENTARY INFORMATION: The United States Postal Service® hereby gives notice that, pursuant to 39 U.S.C. 3642 and 3632(b)(3), on October 11, 2024, it filed with the Postal Regulatory Commission a *USPS Request to Add Priority Mail Express, Priority Mail & USPS Ground Advantage® Contract 472 to Competitive Product List.* Documents are available at *www.prc.gov,* Docket Nos. MC2025–76, K2025–74.

Sean C. Robinson,

Attorney, Corporate and Postal Business Law.

[FR Doc. 2024–24596 Filed 10–23–24; 8:45 am]

BILLING CODE 7710–12–P

POSTAL SERVICE

Product Change—Priority Mail and USPS Ground Advantage® Negotiated Service Agreement

AGENCY: Postal Service™.

ACTION: Notice.

SUMMARY: The Postal Service gives notice of filing a request with the Postal Regulatory Commission to add a domestic shipping services contract to the list of Negotiated Service Agreements in the Mail Classification Schedule's Competitive Products List.

DATES: *Date of required notice:* October 24, 2024.

FOR FURTHER INFORMATION CONTACT: Sean Robinson, 202–268–8405.

SUPPLEMENTARY INFORMATION: The United States Postal Service® hereby

gives notice that, pursuant to 39 U.S.C. 3642 and 3632(b)(3), on October 17, 2024, it filed with the Postal Regulatory Commission a *USPS Request to Add Priority Mail & USPS Ground Advantage® Contract 397 to Competitive Product List.* Documents are available at *www.prc.gov,* Docket Nos. MC2025–103, K2025–101.

Sean Robinson,

Attorney, Corporate and Postal Business Law.

[FR Doc. 2024–24620 Filed 10–23–24; 8:45 am]

BILLING CODE 7710–12–P

POSTAL SERVICE

Product Change—Priority Mail Express, Priority Mail, and USPS Ground Advantage® Negotiated Service Agreement

AGENCY: Postal Service™.

ACTION: Notice.

SUMMARY: The Postal Service gives notice of filing a request with the Postal Regulatory Commission to add a domestic shipping services contract to the list of Negotiated Service Agreements in the Mail Classification Schedule's Competitive Products List.

DATES: *Date of required notice:* October 24, 2024.

FOR FURTHER INFORMATION CONTACT: Sean C. Robinson, 202–268–8405.

SUPPLEMENTARY INFORMATION: The United States Postal Service® hereby gives notice that, pursuant to 39 U.S.C. 3642 and 3632(b)(3), on October 15, 2024, it filed with the Postal Regulatory Commission a *USPS Request to Add Priority Mail Express, Priority Mail & USPS Ground Advantage® Contract 486 to Competitive Product List.* Documents are available at *www.prc.gov,* Docket Nos. MC2025–94, K2025–92.

Sean C. Robinson,

Attorney, Corporate and Postal Business Law.

[FR Doc. 2024–24610 Filed 10–23–24; 8:45 am]

BILLING CODE 7710–12–P

POSTAL SERVICE

Product Change—Priority Mail and USPS Ground Advantage® Negotiated Service Agreement

AGENCY: Postal Service™.

ACTION: Notice.

SUMMARY: The Postal Service gives notice of filing a request with the Postal Regulatory Commission to add a domestic shipping services contract to the list of Negotiated Service Agreements in the Mail Classification Schedule's Competitive Products List.

DATES: *Date of required notice:* October 24, 2024.

FOR FURTHER INFORMATION CONTACT: Sean Robinson, 202–268–8405.

SUPPLEMENTARY INFORMATION: The United States Postal Service® hereby gives notice that, pursuant to 39 U.S.C. 3642 and 3632(b)(3), on October 16, 2024, it filed with the Postal Regulatory Commission a *USPS Request to Add Priority Mail & USPS Ground Advantage® Contract 395 to Competitive Product List.* Documents are available at *www.prc.gov,* Docket Nos. MC2025–96, K2025–94.

Sean Robinson,

Attorney, Corporate and Postal Business Law.

[FR Doc. 2024–24618 Filed 10–23–24; 8:45 am]

BILLING CODE 7710–12–P

POSTAL SERVICE

Product Change—Priority Mail and USPS Ground Advantage® Negotiated Service Agreement

AGENCY: Postal Service™.

ACTION: Notice.

SUMMARY: The Postal Service gives notice of filing a request with the Postal Regulatory Commission to add a domestic shipping services contract to the list of Negotiated Service Agreements in the Mail Classification Schedule's Competitive Products List.

DATES: *Date of required notice:* October 24, 2024.

FOR FURTHER INFORMATION CONTACT: Sean Robinson, 202–268–8405.

SUPPLEMENTARY INFORMATION: The United States Postal Service® hereby gives notice that, pursuant to 39 U.S.C. 3642 and 3632(b)(3), on October 15, 2024, it filed with the Postal Regulatory Commission a *USPS Request to Add Priority Mail & USPS Ground Advantage® Contract 392 to Competitive Product List.* Documents are available at *www.prc.gov,* Docket Nos. MC2025–92, K2025–90.

Sean Robinson,

Attorney, Corporate and Postal Business Law.

[FR Doc. 2024–24614 Filed 10–23–24; 8:45 am]

BILLING CODE 7710–12–P

POSTAL SERVICE

Product Change—Priority Mail and USPS Ground Advantage® Negotiated Service Agreement

AGENCY: Postal Service™.

ACTION: Notice.

SUMMARY: The Postal Service gives notice of filing a request with the Postal Regulatory Commission to add a domestic shipping services contract to the list of Negotiated Service Agreements in the Mail Classification Schedule's Competitive Products List.

DATES: *Date of required notice:* October 24, 2024.

FOR FURTHER INFORMATION CONTACT: Sean Robinson, 202–268–8405.

SUPPLEMENTARY INFORMATION: The United States Postal Service® hereby gives notice that, pursuant to 39 U.S.C. 3642 and 3632(b)(3), on October 17, 2024, it filed with the Postal Regulatory Commission a *USPS Request to Add Priority Mail & USPS Ground Advantage® Contract 400 to Competitive Product List.* Documents are available at *www.prc.gov,* Docket Nos. MC2025–106, K2025–104.

Sean Robinson,

Attorney, Corporate and Postal Business Law.

[FR Doc. 2024–24623 Filed 10–23–24; 8:45 am]

BILLING CODE 7710–12–P

POSTAL SERVICE

Product Change—Priority Mail and USPS Ground Advantage® Negotiated Service Agreement

AGENCY: Postal Service™.

ACTION: Notice.

SUMMARY: The Postal Service gives notice of filing a request with the Postal Regulatory Commission to add a domestic shipping services contract to the list of Negotiated Service Agreements in the Mail Classification Schedule's Competitive Products List.

DATES: *Date of required notice:* October 24, 2024.

FOR FURTHER INFORMATION CONTACT: Sean Robinson, 202–268–8405.

SUPPLEMENTARY INFORMATION: The United States Postal Service® hereby gives notice that, pursuant to 39 U.S.C. 3642 and 3632(b)(3), on October 18, 2024, it filed with the Postal Regulatory Commission a *USPS Request to Add Priority Mail & USPS Ground Advantage® Contract 402 to Competitive Product List.* Documents are available at *www.prc.gov,* Docket Nos. MC2025–111, K2025–109.

Sean Robinson,

Attorney, Corporate and Postal Business Law.

[FR Doc. 2024–24625 Filed 10–23–24; 8:45 am]

BILLING CODE 7710–12–P

POSTAL SERVICE

Product Change—Priority Mail Express, Priority Mail, and USPS Ground Advantage® Negotiated Service Agreement

AGENCY: Postal Service™.

ACTION: Notice.

SUMMARY: The Postal Service gives notice of filing a request with the Postal Regulatory Commission to add a domestic shipping services contract to the list of Negotiated Service Agreements in the Mail Classification Schedule's Competitive Products List.

DATES: *Date of required notice:* October 24, 2024.

FOR FURTHER INFORMATION CONTACT: Sean C. Robinson, 202–268–8405.

SUPPLEMENTARY INFORMATION: The United States Postal Service® hereby gives notice that, pursuant to 39 U.S.C. 3642 and 3632(b)(3), on October 15, 2024, it filed with the Postal Regulatory Commission a *USPS Request to Add Priority Mail Express, Priority Mail & USPS Ground Advantage® Contract 474 to Competitive Product List.* Documents are available at *www.prc.gov,* Docket Nos. MC2025–78, K2025–76.

Sean C. Robinson,

Attorney, Corporate and Postal Business Law.

[FR Doc. 2024–24598 Filed 10–23–24; 8:45 am]

BILLING CODE 7710–12–P

POSTAL SERVICE

Product Change—Priority Mail Express, Priority Mail, and USPS Ground Advantage® Negotiated Service Agreement

AGENCY: Postal Service™.

ACTION: Notice.

SUMMARY: The Postal Service gives notice of filing a request with the Postal Regulatory Commission to add a domestic shipping services contract to the list of Negotiated Service Agreements in the Mail Classification Schedule's Competitive Products List.

DATES: *Date of required notice:* October 24, 2024.

FOR FURTHER INFORMATION CONTACT: Sean C. Robinson, 202–268–8405.

SUPPLEMENTARY INFORMATION: The United States Postal Service® hereby gives notice that, pursuant to 39 U.S.C. 3642 and 3632(b)(3), on October 16, 2024, it filed with the Postal Regulatory Commission a *USPS Request to Add Priority Mail Express, Priority Mail & USPS Ground Advantage® Contract 487 to Competitive Product List.* Documents are available at *www.prc.gov,* Docket Nos. MC2025–98, K2025–96.

Sean C. Robinson,

Attorney, Corporate and Postal Business Law.

[FR Doc. 2024–24626 Filed 10–23–24; 8:45 am]

BILLING CODE 7710–12–P

POSTAL SERVICE

Product Change—Priority Mail Express, Priority Mail, and USPS Ground Advantage® Negotiated Service Agreement

AGENCY: Postal Service™.

ACTION: Notice.

SUMMARY: The Postal Service gives notice of filing a request with the Postal Regulatory Commission to add a domestic shipping services contract to the list of Negotiated Service Agreements in the Mail Classification Schedule's Competitive Products List.

DATES: *Date of required notice:* October 24, 2024.

FOR FURTHER INFORMATION CONTACT: Sean C. Robinson, 202–268–8405.

SUPPLEMENTARY INFORMATION: The United States Postal Service® hereby gives notice that, pursuant to 39 U.S.C. 3642 and 3632(b)(3), on October 16, 2024, it filed with the Postal Regulatory Commission a *USPS Request to Add Priority Mail Express, Priority Mail & USPS Ground Advantage® Contract 488 to Competitive Product List.* Documents are available at *www.prc.gov,* Docket Nos. MC2025–99, K2025–97.

Sean C. Robinson,

Attorney, Corporate and Postal Business Law.

[FR Doc. 2024–24627 Filed 10–23–24; 8:45 am]

BILLING CODE 7710–12–P

POSTAL SERVICE

Product Change—Priority Mail Express, Priority Mail, and USPS Ground Advantage® Negotiated Service Agreement

AGENCY: Postal Service™.

ACTION: Notice.

SUMMARY: The Postal Service gives notice of filing a request with the Postal Regulatory Commission to add a domestic shipping services contract to the list of Negotiated Service Agreements in the Mail Classification Schedule's Competitive Products List.

DATES: *Date of required notice:* October 24, 2024.

FOR FURTHER INFORMATION CONTACT: Sean C. Robinson, 202–268–8405.

SUPPLEMENTARY INFORMATION: The United States Postal Service® hereby gives notice that, pursuant to 39 U.S.C. 3642 and 3632(b)(3), on October 15, 2024, it filed with the Postal Regulatory Commission a *USPS Request to Add Priority Mail Express, Priority Mail & USPS Ground Advantage® Contract 477 to Competitive Product List.* Documents are available at *www.prc.gov,* Docket Nos. MC2025–81, K2025–79.

Sean C. Robinson,

Attorney, Corporate and Postal Business Law.

[FR Doc. 2024–24601 Filed 10–23–24; 8:45 am]

BILLING CODE 7710–12–P

POSTAL SERVICE

Product Change—Priority Mail and USPS Ground Advantage® Negotiated Service Agreement

AGENCY: Postal Service™.

ACTION: Notice.

SUMMARY: The Postal Service gives notice of filing a request with the Postal Regulatory Commission to add a domestic shipping services contract to the list of Negotiated Service Agreements in the Mail Classification Schedule's Competitive Products List.

DATES: *Date of required notice:* October 24, 2024.

FOR FURTHER INFORMATION CONTACT: Sean Robinson, 202–268–8405.

SUPPLEMENTARY INFORMATION: The United States Postal Service® hereby gives notice that, pursuant to 39 U.S.C. 3642 and 3632(b)(3), on October 15, 2024, it filed with the Postal Regulatory Commission a *USPS Request to Add Priority Mail & USPS Ground Advantage® Contract 393 to Competitive Product List.* Documents are available at *www.prc.gov,* Docket Nos. MC2025–93, K2025–91.

Sean Robinson,

Attorney, Corporate and Postal Business Law.

[FR Doc. 2024–24615 Filed 10–23–24; 8:45 am]

BILLING CODE 7710–12–P

POSTAL SERVICE

Product Change—Priority Mail Express, Priority Mail, and USPS Ground Advantage® Negotiated Service Agreement

AGENCY: Postal Service™.

ACTION: Notice.

SUMMARY: The Postal Service gives notice of filing a request with the Postal Regulatory Commission to add a domestic shipping services contract to

the list of Negotiated Service Agreements in the Mail Classification Schedule's Competitive Products List.

DATES: *Date of required notice:* October 24, 2024.

FOR FURTHER INFORMATION CONTACT: Sean C. Robinson, 202–268–8405.

SUPPLEMENTARY INFORMATION: The United States Postal Service® hereby gives notice that, pursuant to 39 U.S.C. 3642 and 3632(b)(3), on October 17, 2024, it filed with the Postal Regulatory Commission a *USPS Request to Add Priority Mail Express, Priority Mail & USPS Ground Advantage® Contract 493 to Competitive Product List.* Documents are available at *www.prc.gov,* Docket Nos. MC2025–108, K2025–106.

Sean C. Robinson,

Attorney, Corporate and Postal Business Law.

[FR Doc. 2024–24632 Filed 10–23–24; 8:45 am]

BILLING CODE 7710–12–P

POSTAL SERVICE

Product Change—Priority Mail Express, Priority Mail, and USPS Ground Advantage® Negotiated Service Agreement

AGENCY: Postal Service™.

ACTION: Notice.

SUMMARY: The Postal Service gives notice of filing a request with the Postal Regulatory Commission to add a domestic shipping services contract to the list of Negotiated Service Agreements in the Mail Classification Schedule's Competitive Products List.

DATES: *Date of required notice:* October 24, 2024.

FOR FURTHER INFORMATION CONTACT: Sean C. Robinson, 202–268–8405.

SUPPLEMENTARY INFORMATION: The United States Postal Service® hereby gives notice that, pursuant to 39 U.S.C. 3642 and 3632(b)(3), on October 15, 2024, it filed with the Postal Regulatory Commission a *USPS Request to Add Priority Mail Express, Priority Mail & USPS Ground Advantage® Contract 484 to Competitive Product List.* Documents are available at *www.prc.gov,* Docket Nos. MC2025–88, K2025–86.

Sean C. Robinson,

Attorney, Corporate and Postal Business Law.

[FR Doc. 2024–24608 Filed 10–23–24; 8:45 am]

BILLING CODE 7710–12–P

POSTAL SERVICE

Product Change—Priority Mail Express, Priority Mail, and USPS Ground Advantage® Negotiated Service Agreement

AGENCY: Postal Service™.

ACTION: Notice.

SUMMARY: The Postal Service gives notice of filing a request with the Postal Regulatory Commission to add a domestic shipping services contract to the list of Negotiated Service Agreements in the Mail Classification Schedule's Competitive Products List.

DATES: *Date of required notice:* October 24, 2024.

FOR FURTHER INFORMATION CONTACT: Sean C. Robinson, 202–268–8405.

SUPPLEMENTARY INFORMATION: The United States Postal Service® hereby gives notice that, pursuant to 39 U.S.C. 3642 and 3632(b)(3), on October 17, 2024, it filed with the Postal Regulatory Commission a *USPS Request to Add Priority Mail Express, Priority Mail & USPS Ground Advantage® Contract 492 to Competitive Product List.* Documents are available at *www.prc.gov,* Docket Nos. MC2025–107, K2025–105.

Sean C. Robinson,

Attorney, Corporate and Postal Business Law.

[FR Doc. 2024–24631 Filed 10–23–24; 8:45 am]

BILLING CODE 7710–12–P

POSTAL SERVICE

Product Change—Priority Mail and USPS Ground Advantage® Negotiated Service Agreement

AGENCY: Postal Service™.

ACTION: Notice.

SUMMARY: The Postal Service gives notice of filing a request with the Postal Regulatory Commission to add a domestic shipping services contract to the list of Negotiated Service Agreements in the Mail Classification Schedule's Competitive Products List.

DATES: *Date of required notice:* October 24, 2024.

FOR FURTHER INFORMATION CONTACT: Sean Robinson, 202–268–8405.

SUPPLEMENTARY INFORMATION: The United States Postal Service® hereby gives notice that, pursuant to 39 U.S.C. 3642 and 3632(b)(3), on October 16, 2024, it filed with the Postal Regulatory Commission a *USPS Request to Add Priority Mail & USPS Ground Advantage® Contract 394 to Competitive Product List.* Documents are available at *www.prc.gov,* Docket Nos. MC2025–95, K2025–93.

Sean Robinson,

Attorney, Corporate and Postal Business Law.

[FR Doc. 2024–24617 Filed 10–23–24; 8:45 am]

BILLING CODE 7710–12–P

POSTAL SERVICE

Product Change—Priority Mail and USPS Ground Advantage® Negotiated Service Agreement

AGENCY: Postal Service™.

ACTION: Notice.

SUMMARY: The Postal Service gives notice of filing a request with the Postal Regulatory Commission to add a domestic shipping services contract to the list of Negotiated Service Agreements in the Mail Classification Schedule's Competitive Products List.

DATES: *Date of required notice:* October 24, 2024.

FOR FURTHER INFORMATION CONTACT: Sean Robinson, 202–268–8405.

SUPPLEMENTARY INFORMATION: The United States Postal Service® hereby gives notice that, pursuant to 39 U.S.C. 3642 and 3632(b)(3), on October 17, 2024, it filed with the Postal Regulatory Commission a *USPS Request to Add Priority Mail & USPS Ground Advantage® Contract 401 to Competitive Product List.* Documents are available at *www.prc.gov,* Docket Nos. MC2025–110, K2025–108.

Sean Robinson,

Attorney, Corporate and Postal Business Law.

[FR Doc. 2024–24624 Filed 10–23–24; 8:45 am]

BILLING CODE 7710–12–P

POSTAL SERVICE

Product Change—Priority Mail and USPS Ground Advantage® Negotiated Service Agreement

AGENCY: Postal Service™.

ACTION: Notice.

SUMMARY: The Postal Service gives notice of filing a request with the Postal Regulatory Commission to add a domestic shipping services contract to the list of Negotiated Service Agreements in the Mail Classification Schedule's Competitive Products List.

DATES: *Date of required notice:* October 24, 2024.

FOR FURTHER INFORMATION CONTACT: Sean Robinson, 202–268–8405.

SUPPLEMENTARY INFORMATION: The United States Postal Service® hereby gives notice that, pursuant to 39 U.S.C.

3642 and 3632(b)(3), on October 17, 2024, it filed with the Postal Regulatory Commission a *USPS Request to Add Priority Mail & USPS Ground Advantage® Contract 398 to Competitive Product List.* Documents are available at *www.prc.gov,* Docket Nos. MC2025–104, K2025–102.

Sean Robinson,

Attorney, Corporate and Postal Business Law.

[FR Doc. 2024–24621 Filed 10–23–24; 8:45 am]

BILLING CODE 7710–12–P

POSTAL SERVICE

Product Change—Priority Mail and USPS Ground Advantage® Negotiated Service Agreement

AGENCY: Postal Service™.

ACTION: Notice.

SUMMARY: The Postal Service gives notice of filing a request with the Postal Regulatory Commission to add a domestic shipping services contract to the list of Negotiated Service Agreements in the Mail Classification Schedule's Competitive Products List.

DATES: *Date of required notice:* October 24, 2024.

FOR FURTHER INFORMATION CONTACT: Sean Robinson, 202–268–8405.

SUPPLEMENTARY INFORMATION: The United States Postal Service® hereby gives notice that, pursuant to 39 U.S.C. 3642 and 3632(b)(3), on October 11, 2024, it filed with the Postal Regulatory Commission a *USPS Request to Add Priority Mail & USPS Ground Advantage® Contract 389 to Competitive Product List.* Documents are available at *www.prc.gov,* Docket Nos. MC2025–75, K2025–73.

Sean Robinson,

Attorney, Corporate and Postal Business Law.

[FR Doc. 2024–24611 Filed 10–23–24; 8:45 am]

BILLING CODE 7710–12–P

POSTAL SERVICE

Product Change—Priority Mail and USPS Ground Advantage® Negotiated Service Agreement

AGENCY: Postal Service™.

ACTION: Notice.

SUMMARY: The Postal Service gives notice of filing a request with the Postal Regulatory Commission to add a domestic shipping services contract to the list of Negotiated Service Agreements in the Mail Classification Schedule's Competitive Products List.

DATES: *Date of required notice:* October 24, 2024.

FOR FURTHER INFORMATION CONTACT: Sean Robinson, 202–268–8405.

SUPPLEMENTARY INFORMATION: The United States Postal Service® hereby gives notice that, pursuant to 39 U.S.C. 3642 and 3632(b)(3), on October 15, 2024, it filed with the Postal Regulatory Commission a *USPS Request to Add Priority Mail & USPS Ground Advantage® Contract 390 to Competitive Product List.* Documents are available at *www.prc.gov,* Docket Nos. MC2025–89, K2025–87.

Sean Robinson,

Attorney, Corporate and Postal Business Law.

[FR Doc. 2024–24612 Filed 10–23–24; 8:45 am]

BILLING CODE 7710–12–P

POSTAL SERVICE

Product Change—Priority Mail Express, Priority Mail, and USPS Ground Advantage® Negotiated Service Agreement

AGENCY: Postal Service™.

ACTION: Notice.

SUMMARY: The Postal Service gives notice of filing a request with the Postal Regulatory Commission to add a domestic shipping services contract to the list of Negotiated Service Agreements in the Mail Classification Schedule's Competitive Products List.

DATES: *Date of required notice:* October 24, 2024.

FOR FURTHER INFORMATION CONTACT: Sean C. Robinson, 202–268–8405.

SUPPLEMENTARY INFORMATION: The United States Postal Service® hereby gives notice that, pursuant to 39 U.S.C. 3642 and 3632(b)(3), on October 17, 2024, it filed with the Postal Regulatory Commission a *USPS Request to Add Priority Mail Express, Priority Mail & USPS Ground Advantage® Contract 490 to Competitive Product List.* Documents are available at *www.prc.gov,* Docket Nos. MC2025–101, K2025–99.

Sean C. Robinson,

Attorney, Corporate and Postal Business Law.

[FR Doc. 2024–24629 Filed 10–23–24; 8:45 am]

BILLING CODE 7710–12–P

POSTAL SERVICE

Product Change—Priority Mail Express, Priority Mail, and USPS Ground Advantage® Negotiated Service Agreement

AGENCY: Postal Service™.

ACTION: Notice.

SUMMARY: The Postal Service gives notice of filing a request with the Postal Regulatory Commission to add a domestic shipping services contract to the list of Negotiated Service Agreements in the Mail Classification Schedule's Competitive Products List.

DATES: *Date of required notice:* October 24, 2024.

FOR FURTHER INFORMATION CONTACT: Sean C. Robinson, 202–268–8405.

SUPPLEMENTARY INFORMATION: The United States Postal Service® hereby gives notice that, pursuant to 39 U.S.C. 3642 and 3632(b)(3), on October 15, 2024, it filed with the Postal Regulatory Commission a *USPS Request to Add Priority Mail Express, Priority Mail & USPS Ground Advantage® Contract 478 to Competitive Product List.* Documents are available at *www.prc.gov,* Docket Nos. MC2025–82, K2025–80.

Sean C. Robinson,

Attorney, Corporate and Postal Business Law.

[FR Doc. 2024–24602 Filed 10–23–24; 8:45 am]

BILLING CODE 7710–12–P

POSTAL SERVICE

Product Change—Priority Mail Express, Priority Mail, and USPS Ground Advantage® Negotiated Service Agreement

AGENCY: Postal Service™.

ACTION: Notice.

SUMMARY: The Postal Service gives notice of filing a request with the Postal Regulatory Commission to add a domestic shipping services contract to the list of Negotiated Service Agreements in the Mail Classification Schedule's Competitive Products List.

DATES: *Date of required notice:* October 24, 2024.

FOR FURTHER INFORMATION CONTACT: Sean C. Robinson, 202–268–8405.

SUPPLEMENTARY INFORMATION: The United States Postal Service® hereby gives notice that, pursuant to 39 U.S.C. 3642 and 3632(b)(3), on October 15, 2024, it filed with the Postal Regulatory Commission a *USPS Request to Add Priority Mail Express, Priority Mail & USPS Ground Advantage® Contract 483 to Competitive Product List.* Documents are available at *www.prc.gov,* Docket Nos. MC2025–87, K2025–85.

Sean C. Robinson,

Attorney, Corporate and Postal Business Law.

[FR Doc. 2024–24607 Filed 10–23–24; 8:45 am]

BILLING CODE 7710–12–P

SECURITIES AND EXCHANGE COMMISSION

[Release No. 34–101387; File No. SR–CBOE–2024–035]

Self-Regulatory Organizations; Cboe Exchange, Inc.; Notice of Filing of Amendment Nos. 2 and 3 and Order Granting Accelerated Approval of a Proposed Rule Change, as Modified by Amendment Nos. 2 and 3, To Permit the Listing and Trading of Options on Bitcoin Exchange-Traded Funds

October 18, 2024.

On August 19, 2024, Cboe Exchange, Inc. (''Cboe'' or ''Exchange'') filed with the Securities and Exchange Commission (''Commission''), pursuant to Section 19(b)(1) of the Securities Exchange Act of 1934 (''Act'' or ''Exchange Act'') [1] and Rule 19b–4 thereunder,[2] a proposed rule change to list and trade options on the Fidelity Wise Origin Bitcoin Fund, the ARK21Shares Bitcoin ETF, the Invesco Galaxy Bitcoin ETF, the Franklin Bitcoin ETF, the VanEck Bitcoin Trust, the WisdomTree Bitcoin Fund, the Grayscale Bitcoin Trust BTC, the Bitwise Bitcoin ETF, the iShares Bitcoin Trust ETF, and the Valkyrie Bitcoin Fund.[3] The proposed rule change was published for comment in the **Federal Register** on September 4, 2024.[4] On September 27, 2024, the Exchange filed Amendment No. 1 to the proposed rule change. On September 30, 2024, the Exchange withdrew Amendment No. 1 and filed Amendment No. 2 to the proposal, which supersedes and replaces the original proposal in its entirety.[5] On October 10, 2024, the Exchange filed Amendment No. 3 to the proposal.[6] The Commission received no comments regarding the proposal. The Commission is publishing this notice to solicit comments on Amendment Nos. 2 and 3 from interested persons, and is approving the proposed rule change, as modified by Amendment Nos. 2 and 3, on an accelerated basis.

I. The Exchange's Description of the Proposed Rule Change, as Modified by Amendment Nos. 2 and 3

The Exchange filed with the Commission a proposal to list and trade options on the Fidelity Wise Origin Bitcoin Fund and the ARK 21Shares Bitcoin ETF. The text of the proposed rule change is provided in Exhibit 5. The text of the proposed rule change is also available on the Exchange's website *https://www.cboe.com/us/options/regulation/rule_filings/,* 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 Rule 4.3 regarding the criteria for underlying securities. Specifically, the Exchange proposes to amend Rule 4.3, Interpretation and Policy .06(a)(4) to allow the Exchange to list and trade options on Units [7] that represent interests in the Fidelity Wise Origin Bitcoin Fund (the ''Fidelity Fund'') and the ARK 21Shares Bitcoin ETF (the ''ARK 21 Fund'' and, with the Fidelity Fund, the ''Bitcoin Funds'') [8], designating them as ''Units'' deemed appropriate for options trading on the Exchange. Current Rule 4.3, Interpretation and Policy .06 provides that, subject to certain other criteria set forth in that Rule, securities deemed appropriate for options trading include Units that represent certain types of interests,[9] including interests in certain

[1] 15 U.S.C. 78s(b)(1).

[2] 17 CFR 240.19b–4.

[3] On January 10, 2024, the Commission approved proposals by NYSE Arca, Inc., The Nasdaq Stock Market LLC, and Cboe BZX Exchange, Inc. to list and trade the shares of 11 bitcoin-based commodity-based trust shares and trust units, including the trusts underlying the proposed options. *See* Securities Exchange Act Release No. 99306 (Jan. 10, 2024), 89 FR 3008 (Jan. 17, 2024) (order approving File Nos. SR–NYSEARCA–2021–90; SR–NYSEARCA–2023–44; SR–NYSEARCA–2023–58; SR–NASDAQ–2023–016; SR–NASDAQ–2023–019; SR–CboeBZX–2023–028; SR–CboeBZX–2023–038; SR–CboeBZX–2023–040; SR–CboeBZX–2023–042; SR–CboeBZX–2023–044; SR–CboeBZX–2023–072) (''Bitcoin ETP Order'').

[4] *See* Securities Exchange Act Release No. 100861 (Aug. 28, 2024), 89 FR 71982.

[5] Amendment No. 2 narrows the scope of the proposal to the Fidelity Wise Origin Bitcoin Fund and the ARK 21Shares Bitcoin ETF; proposes new position and exercise limits for options on the funds and provides justification and analysis for the proposed position and exercise limits; provides additional discussion of surveillance procedures that will apply to the proposed options; and eliminates references to the applicability of specified Interpretations and Policies in Exchange Rule 8.30.

[6] Amendment No. 3 narrows the scope of the proposal by providing that options on the Fidelity Wise Origin Bitcoin Fund and the ARK 21Shares Bitcoin ETF will not be available for FLEX trading. FLEX Options are flexible exchange options. A FLEX Option on an equity security may be referred to as a ''FLEX Equity Option,'' and a FLEX Option on an index may be referred to as a ''FLEX Index Option.'' *See* Exchange Rule 1.1 The Exchange may authorize for trading a FLEX Option class on any equity security or index if it may authorize for trading a non-FLEX Option class on that equity security or index pursuant to Exchange Rules 4.3 and 4.10, respectively, even if the Exchange does not list that non-FLEX Option class for trading. *See* Exchange Rule 4.20. There are no position limits for FLEX Equity Options, other than as set forth in Exchange Rules 8.35(c)(1)(B) and (d). *See* Exchange Rule 8.35(c)(1)(A). Amendment Nos. 2 and 3 are available on the Exchange's website at *https://www.cboe.com/us/options/regulation/rule_filings/.*

[7] Rule 1.1 defines a ''Unit'' (which may also be referred to as an 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.

[8] *See* Securities Exchange Act Release No. 99306 (January 10, 2024), 89 FR 3008, 3009 (January 17, 2024) (SR–NYSEArca–2021–90; SR–NYSEArca–2023–44; SR–NYSEArca–2023–58; SR–NASDAQ–2023–016; SR–NASDAQ–2023–019; SR–CboeBZX–2023–028; SR–CboeBZX–2023–038; SR–CboeBZX–2023–040; SR–CboeBZX–2023–042; SRCboeBZX–2023–044; and SR–CboeBZX–2023–072) (Order Granting Accelerated Approval of Proposed Rule Changes, as Modified by Amendments Thereto, to List and Trade Bitcoin-Based Commodity-Based Trust Shares and Trust Units) (''Bitcoin ETP Approval Order'').

[9] *See* Rule 4.3, Interpretation and Policy .06(a), which permits options trading on Units that represent (1) interests in registered investment companies (or series thereof) organized as open-end management investment companies, unit investment trusts or similar entities that hold portfolios of securities and/or financial instruments including, but not limited to, stock index futures contracts, options on futures, options on securities and indexes, equity caps, collars and floors, swap agreements, forward contracts, repurchase agreements and reverse purchase agreements (the ''Financial Instruments''), and money market instruments, including, but not limited to, U.S. government securities and repurchase agreements (the ''Money Market Instruments'') comprising or otherwise based on or representing investments in indexes or portfolios of securities and/or Financial Instruments and Money Market Instruments (or that hold securities in one or more other registered investment companies that themselves hold such portfolios of securities and/or Financial Instruments and Money Market Instruments); (2) interests in a trust or similar entity that holds a specified non-U.S. currency deposited with the trust or similar entity when aggregated in some specified minimum number may be surrendered to the trust by the beneficial owner to receive the specified non-U.S. currency and pays the beneficial owner interest and other distributions on deposited non-U.S. currency, if any, declared and paid by the trust (''Currency Trust Shares''); (3) commodity pool interests principally engaged, directly or indirectly, in holding and/or managing portfolios or baskets of securities, commodity futures contracts, options on commodity futures contracts, swaps, forward contracts and/or options on physical commodities and/or non-U.S. currency (''Commodity Pool Units''); (4) interests in the SPDR Gold Trust, the iShares COMEX Gold Trust, the iShares Silver Trust, the Aberdeen Standard Physical Silver Trust, the Aberdeen Standard Physical Gold Trust, the Aberdeen Standard Physical Palladium Trust, the

specific trusts that hold financial instruments, money market instruments, or precious metals (which are deemed commodities).

The Bitcoin Funds are Bitcoin-backed commodity ETFs structured as trusts. Similar to any Unit currently deemed appropriate for options trading under Rule 4.3, Interpretation and Policy .06, the investment objective of each Bitcoin Fund is for its shares to reflect the performance of Bitcoin (less the expenses of the trust's operations), offering investors an opportunity to gain exposure to Bitcoin without the complexities of Bitcoin delivery. As is the case for Units currently deemed appropriate for options trading, a Bitcoin Fund's shares represent units of fractional undivided beneficial interest in the trust, the assets of which consist principally of Bitcoin and are designed to track Bitcoin or the performance of the price of Bitcoin and offer access to the Bitcoin market.[10] The Bitcoin Funds provide investors with cost-efficient alternatives that allow a level of participation in the Bitcoin market through the securities market. The primary substantive difference between Bitcoin Funds and Units currently deemed appropriate for options trading are that Units may hold securities, certain financial instruments, and specified precious metals (which are deemed commodities), while Bitcoin Funds hold Bitcoin (which is also deemed a commodity).

The Exchange believes each Bitcoin Fund satisfies the Exchange's initial listing standards for Units on which the Exchange may list options. Specifically, each Bitcoin Fund satisfies the initial listing standards set forth in Rule 4.3, Interpretation and Policy .06(b), as is the case for other Units on which the Exchange lists options (including trusts that hold commodities). Rule 4.3, Interpretation and Policy .06 requires that Units must either (1) meet the criteria and standards set forth in Rule 4.3, Interpretation and Policy .01(a),[11] or (2) be available for creation or redemption each business day from or through the issuer in cash or in kind at a price related to net asset value, and the issuer must be obligated to issue Units in a specified aggregate number even if some or all of the investment assets required to be deposited have not been received by the issuer, subject to the condition that the person obligated to deposit the investments has undertaken to deliver the investment assets as soon as possible and such undertaking is secured by the delivery and maintenance of collateral consisting of cash or cash equivalents satisfactory to the issuer, as provided in the respective prospectus. Each Bitcoin Fund satisfies Rule 4.3, Interpretation and Policy .06(b)(2), as each is subject to this creation and redemption process.

While not required by the Rules for purposes of options listings, the Exchange believes each Bitcoin Fund satisfies the criteria and guidelines set forth in Rule 4.3, Interpretation and Policy .01. Pursuant to Rule 4.3(a), a security (which includes a Unit) on which options may be listed and traded on the Exchange must be duly registered (with the Commission) and be an NMS stock (as defined in Rule 600 of Regulation NMS under the Securities Exchange Act of 1934, as amended (the ''Act'')), and be characterized by a substantial number of outstanding shares that are widely held and actively traded.[12] Each Bitcoin Fund is an NMS Stock as defined in Rule 600 of Regulation NMS under the Act.[13] The Exchange believes each Bitcoin Fund is characterized by a substantial number of outstanding shares that are widely held and actively traded.

As of August 7, 2024, the Bitcoin Funds had the following number of shares outstanding:

Bitcoin Fund	Shares outstanding
Fidelity Fund	201,100,100
ARK 21 Fund	45,495,000

Each Bitcoin Fund had significantly more than 7,000,000 shares outstanding (approximately 29 and 6.5 times that amount, respectively), which is the minimum number of shares of a corporate stock that the Exchange generally requires to list options on that stock pursuant to Rule 4.3, Interpretation and Policy .01(a)(1). The Exchange believes this demonstrates that each Bitcoin Fund is characterized by a substantial number of outstanding shares.

Further, the below table contains information regarding the number of beneficial holders of the Bitcoin Funds as of the specified dates:

Bitcoin Fund	Beneficial holders	Date
Fidelity Fund	279,656	6/27/2024
ARK 21 Fund	69,425	6/26/2024

As this table shows, each Bitcoin Fund has significantly more than 2,000 beneficial holders (approximately 140 and 35 times more, respectively), which is the minimum number of holders the Exchange generally requires for corporate stock in order to list options on that stock pursuant to Rule 4.3, Interpretation and Policy .01(a)(2). Therefore, the Exchange believes the shares of each Bitcoin Fund are widely held.[14]

Aberdeen Standard Physical Platinum Trust, the Sprott Physical Gold Trust or the Goldman Sachs Physical Gold ETF; or (5) an interest in a registered investment company (''Investment Company'') organized as an open-end management investment company or similar entity, that invests in a portfolio of securities selected by the Investment Company's investment adviser consistent with the Investment Company's investment objectives and policies, which is issued in a specified aggregate minimum number in return for a deposit of a specified portfolio of securities and/or a cash amount with a value equal to the next determined net asset value (''NAV''), and when aggregated in the same specified minimum number, may be redeemed at a holder's request, which holder will be paid a specified portfolio of securities and/or cash with a value equal to the next determined NAV (''Managed Fund Share'').

[10] The trust may include minimal cash.

[11] Rule 4.3, Interpretation and Policy .01 provides for guidelines to be by the Exchange when evaluating potential underlying securities for Exchange option transactions.

[12] The criteria and guidelines for a security to be considered widely held and actively traded are set forth in Rule 4.3, Interpretation and Policy .01, subject to exceptions.

[13] An ''NMS stock'' means any NMS security other than an option, and an ''NMS security'' means any security or class of securities for which transaction reports are collected, processed, and made available pursuant to an effective transaction reporting plan (or an effective national market system plan for reporting transaction in listed options). *See* 17 CFR 242.600(b)(64) (definition of ''NMS security'') and (65) (definition of ''NMS stock'').

[14] The Exchange continues to believe assets under management (''AUM''), rather than shares outstanding and number of holders, is a better measure of investable capacity of ETFs and a more appropriate figure for determining position and exercise limits of ETFs and looks forward to further discussions with the Commission staff on this topic.

The Exchange also believes the shares of each Bitcoin Fund are actively traded. As of August 7, 2024, the total trading volume (by shares) for each fund for the six-month period of February 8 through August 7, 2024 and the approximate average daily volume (''ADV'') (in shares and notional) over the 30-day period of July 9 through August 7, 2024 for each Bitcoin Fund was as follows:

Bitcoin Fund	6-Month trading volume (shares)	30-Day ADV (shares)	30-Day ADV (notional $)
Fidelity Fund	1,112,861,581	6,014,335	250,354,755
ARK 21 Fund	297,360,739	1,893,335	90,484,307

As demonstrated above, despite the fact that the Bitcoin Funds had been trading for approximately seven months [15] only as of August 7, 2024, the six-month trading volume for each as of that date was substantially higher than 2,400,000 shares (approximately 464 and 124 times that amount, respectively), which is the minimum 12-month volume the Exchange generally requires for a corporate stock in order to list options on that security as set forth in Rule 4.3, Interpretation and Policy .01. Additionally, as of August 7, 2024, the trading volume for each Bitcoin Fund was in the top 5% of all ETFs that are currently trading. The Exchange believes this data demonstrates each Bitcoin Fund is characterized as having shares that are actively traded.

Options on the Bitcoin Funds will be subject to the Exchange's continued listing standards set forth in Rule 4.4, Interpretation and Policy .06 for Units deemed appropriate for options trading pursuant to Rule 4.3, Interpretation and Policy .06. Specifically, Rule 4.4, Interpretation and Policy .06 provides that Units that were initially approved for options trading pursuant to Rule 4.3, Interpretation and Policy .06 shall be deemed not to meet the requirements for continued approval, and the Exchange shall not open for trading any additional series of option contracts of the class covering that such Units, if the Units cease to be an NMS stock or the Units are halted from trading in their primary market. Additionally, options on Units may be subject to the suspension of opening transactions in any of the following circumstances: (1) in the case of options covering Units approved for trading under Rule 4.3, Interpretation and Policy .06(b)(1), in accordance with the terms of paragraphs (a), (b), and (c) of Rule 4.4, Interpretation and Policy .01; (2) in the case of options covering Units approved for trading under Rule 4.3 Interpretation and Policy .06(b)(2) (as is the case for the Bitcoin Funds), following the initial twelve-month period beginning upon the commencement of trading in the Units on a national securities exchange and are defined as an NMS stock, there are fewer than 50 record and/or beneficial holders of such Units for 30 or more consecutive trading days; (3) the value of the index or portfolio of securities, non-U.S. currency, or portfolio of commodities including commodity futures contracts, options on commodity futures contracts, swaps, forward contracts and/or options on physical commodities and/or financial instruments and money market instruments on which the Units are based is no longer calculated or available; or (4) such other event shall occur or condition exist that in the opinion of the Exchange makes further dealing in such options on the Exchange inadvisable.

Options on each Bitcoin Fund will be physically settled contracts with American-style exercise.[16] Consistent with current Rule 4.5, which governs the opening of options series on a specific underlying security (including Units), the Exchange will open at least one expiration month for options on each Bitcoin Fund [17] at the commencement of trading on the Exchange and may also list series of options on a Bitcoin Fund for trading on a weekly,[18] monthly,[19] or quarterly [20] basis. The Exchange may also list long-term equity option series (''LEAPS'') that expire from 12 to 180 months from the time they are listed.

Pursuant to Rule 4.5, Interpretation and Policy .07, which governs strike prices of series of options on Units, the interval of strikes prices for series of options on Bitcoin Funds will be $1 or greater when the strike price is $200 or less and $5 or greater where the strike price is over $200.[21] Additionally, the Exchange may list series of options pursuant to the $1 Strike Price Interval Program,[22] the $0.50 Strike Program,[23] the $2.50 Strike Price Program,[24] and the $5 Strike Program.[25] Pursuant to Rule 5.4, where the price of a series of a Bitcoin Fund option is less than $3.00, the minimum increment will be $0.05, and where the price is $3.00 or higher, the minimum increment will be $0.10.[26] Any and all new series of Bitcoin Fund options that the Exchange lists will be consistent and comply with the expirations, strike prices, and minimum

[15] The Bitcoin Funds began trading on January 11, 2024.

[16] *See* Rule 4.2, which provides that the rights and obligations of holders and writers are set forth in the Rules of the Options Clearing Corporation (''OCC''); *and* Equity Options Product Specifications January 3, 2024), available at Equity Options Specifications (cboe.com); *see also* OCC Rules, Chapters VIII (which governs exercise and assignment) and Chapter IX (which governs the discharge of delivery and payment obligations arising out of the exercise of physically settled stock option contracts).

[17] *See* Rule 4.5(b). The monthly expirations are subject to certain listing criteria for underlying securities described within Rule 4.3. Monthly listings expire the third Friday of the month. The term ''expiration date'' (unless separately defined elsewhere in the OCC By-Laws), when used in respect of an option contract (subject to certain exceptions), means the third Friday of the expiration month of such option contract, or if such Friday is a day on which the exchange on which such option is listed is not open for business, the preceding day on which such exchange is open for business. *See* OCC By-Laws Article I, Section 1. Pursuant to Rule 4.5(c), additional series of options of the same class may be opened for trading on the Exchange when the Exchange deems it necessary to maintain an orderly market, to meet customer demand or when the market price of the underlying stock moves more than five strike prices from the initial exercise price or prices. New series of options on an individual stock may be added until the beginning of the month in which the options contract will expire. Due to unusual market conditions, the Exchange, in its discretion, may add a new series of options on an individual stock until the close of trading on the business day prior to expiration.

[18] *See* Rule 4.5(d).

[19] *See* Rule 4.5(g).

[20] *See* Rule 4.5(e).

[21] The Exchange notes that for options listed pursuant to the Short Term Option Series Program, the Monthly Options Series Program, and the Quarterly Options Series Program, Rules 4.5(d), (e), and (g) specifically sets forth intervals between strike prices on Quarterly Options Series, Short Term Option Series, and Monthly Options Series, respectively.

[22] *See* Rule 4.5, Interpretation and Policy .01(a).

[23] *See* Rule 4.5, Interpretation and Policy .01(b).

[24] *See* Rule 4.5, Interpretation and Policy .04.

[25] *See* Rule 4.5, Interpretation and Policy .01(f).

[26] If options on a Bitcoin Fund are eligible to participate in the Penny Interval Program, the minimum increment will be $0.01 for series with a price below $3.00 and $0.05 for series with a price at or above $3.00. *See* 5.4(d) (which describes the requirements for the Penny Interval Program).

increments set forth in Rules 4.5 and 5.4, as applicable.

Rule 4.20 currently permits the Exchange to authorize for trading a FLEX option class on any equity security if it may authorize for a trading a non-FLEX option class on that equity security pursuant to Rule 4.3. The proposed rule change amends Rule 4.20 to exclude the Bitcoin Funds from this provision.[27]

Bitcoin Fund options will trade in the same manner as any other Unit options on the Exchange. The Exchange Rules that currently apply to the listing and trading of all Unit options on the Exchange, including, for example, Rules that govern listing criteria, expirations, exercise prices, minimum increments, margin requirements, customer accounts, and trading halt procedures will apply to the listing and trading of Bitcoin Funds options on the Exchange in the same manner as they apply to other options on all other Units that are listed and traded on the Exchange, including the precious-metal backed commodity Units already deemed appropriate for options trading on the Exchange pursuant to current Rule 4.3, Interpretation and Policy .06(a)(4).

The Exchange also proposes to amend Rules 8.30 and 8.42. Specifically, the Exchange proposes to adopt Rule 8.30, Interpretation and Policy .10 to provide a position limit of 25,000 same side option contracts for each Bitcoin Fund option. Additionally, pursuant to the proposed change to Rule 8.42, Interpretation and Policy .02, the exercise limits for options on each Bitcoin Fund will be equivalent to this proposed position limit.[28]

The Exchange determined these proposed position and exercise limits considering, among other things, the approximate six-month average daily volume (''ADV'') and outstanding shares of each underlying Bitcoin Fund (which as discussed above demonstrate that each Bitcoin Fund is widely held and actively traded and thus justify these conservatively proposed position limits), as set forth below, along with market capitalization (as of August 7, 2024):

Underlying Bitcoin Fund	Six-month ADV (shares)	Outstanding shares	Market capitalization ($)
Fidelity Fund	8,902,893	201,100,100	14,217,013,188
ARK 21 Fund	2,378,886	45,495,000	2,487,666,600

The Exchange then compared the number of outstanding shares of the Bitcoin Funds to those of other ETFs.[29] The following table provides the approximate average position (and exercise limit) of ETF options with similar outstanding shares (as of August 27, 2024), compared to the proposed position and exercise limit for the Bitcoin Fund options: [30]

Underlying Bitcoin Fund	Average Limit of other ETF options (contracts)	Proposed limit (contracts)
Fidelity Fund	188,110	25,000
ARK 21 Fund	108,696	25,000

The Exchange considered current position and exercise limits of options on ETFs with outstanding shares comparable to those of each Bitcoin Fund, with the proposed limit significantly lower (between two and ten times lower) than the average limits of the options on the other ETFs. As discussed above, the Bitcoin Funds are actively held and widely traded: (1) each Bitcoin Fund (as of August 7, 2024) had significantly more than 7,000,000 shares outstanding, which is the minimum number of shares of a corporate stock that the Exchange generally requires to list options on that stock pursuant to Rule 4.3, Interpretation and Policy .01(a)(1); (2) each Bitcoin Fund (as of the dates listed above) had significantly more than 2,000 beneficial holders, which is the minimum number of holders the Exchange generally requires for corporate stock in order to list options on that stock pursuant to Rule 4.3, Interpretation and Policy .01(a)(2); and (3) each Bitcoin Fund had a six-month trading volume substantially higher than 2,400,000 shares, which is the minimum 12-month volume the Exchange generally requires for a security in order to list options on that security as set forth in Rule 4.3, Interpretation and Policy .01.

With respect to outstanding shares, if a market participant held the maximum number of positions possible pursuant to the proposed position and exercise limits, the equivalent shares represented by the proposed position/exercise limit would represent the following approximate percentage of current outstanding shares:

Underlying Bitcoin Fund	Proposed position/exercise limit (in equivalent shares)	Outstanding shares	Percentage of outstanding shares
Fidelity Fund	2,500,000	201,100,100	1.2
ARK 21 Fund	2,500,000	45,495,000	5.5

As this table demonstrates, if a market participant held the maximum permissible options positions in one of the Bitcoin Fund options and exercised all of them at the same time, that market participant would control a small percentage of the outstanding shares of the underlying Bitcoin Fund.

Cboe Options Rule 8.30, Interpretation and Policy .02, provides two methods of qualifying for a position limit tier above 25,000 option contracts.

[27] *See* Amendment No. 3 at 3.

[28] The Exchange also proposes to amend the last sentence of Rule 8.30 by deleting the references to Interpretations and Policies .02 and .04. Therefore, the rule as proposed would state that limits shall be determined in the manner described in the Interpretations and Policies in that Rule. The Exchange believes all the Interpretations and Policies to Rule 8.30 are relevant for determining position limits pursuant to Rule 8.30, not just the two currently specified ones.

[29] Over 80% of the ETFs used for comparison have a limit of at least 200,000, and more than half have a limit of 250,000. Additionally, the three-month ADV of the majority of the ETFs used for comparison was lower than the Fidelity Fund three-month ADV of 5,665,027 shares.

[30] Nearly 80% of the ETFs used for comparison have a limit of at least 75,000 (and up to 250,000). Additionally, the three-month ADV of the majority of ETFs used for comparison was lower (many more than four times lower) than the ARK 21 Fund three-month ADV of 1,737,327 shares.

The first method is based on six-month trading volume in the underlying security, and the second method is based on slightly lower six-month trading volume *and* number of shares outstanding in the underlying security. An underlying stock or ETF that qualifies for method two based on trading volume and number of shares outstanding would be required to have the minimum number of outstanding shares as shown in middle column of the table below.

The table, which provides the equivalent shares of the position limits applicable to equity options, including ETFs, further represents the percentages of the minimum number of outstanding shares that an underlying stock or ETF must have to qualify for that position limit (under the second method described above), all of which are higher than the percentages for the Bitcoin Funds.[31]

Position/exercise limit (in equivalent shares)	Minimum outstanding shares	Percentage of outstanding shares
2,500,000	6,300,000	40.0
5,000,000	40,000,000	12.5
7,500,000	120,000,000	6.3
20,000,000	240,000,000	8.3
25,000,000	300,000,000	8.3

The equivalent shares represented by the proposed position and exercise limits for each Bitcoin Fund as a percentage of outstanding shares of the underlying Bitcoin Fund is significantly lower than the percentage for the lowest possible position limit for equity options of 25,000 (under 6% compared to 40%) and is lower than that percentage for each current position limit bucket.[32]

Further, the proposed position and exercise limits for each Bitcoin Fund option are significantly below the limits that would otherwise apply pursuant to current Rule 8.30. These position and exercise limits are the lowest position and exercise limits available in the options industry, are extremely conservative and more than appropriate given the market capitalization, average daily volume, and high number of outstanding shares of the Bitcoin Funds.

All of the above information demonstrates that the proposed position and exercise limits for the Bitcoin Fund options are more than reasonable and appropriate. The trading volume, ADV, and outstanding shares of each Bitcoin Fund demonstrate that these funds are actively traded and widely held, and proposed position and exercise limits are well below those of other ETFs with similar market characteristics. The proposed position and exercise limits are the lowest position and exercise limits available for equity options in the industry, are extremely conservative, and are more than appropriate given each Bitcoin Fund's market capitalization, ADV, and high number of outstanding shares.

Today, the Exchange has an adequate surveillance program in place for options. Cboe intends to apply those same program procedures to options on the Bitcoin Funds that it applies to the Exchange's other options products.[33] Cboe's market surveillance staff would have access to the surveillances conducted by Cboe BZX Exchange, Inc.[34] with respect to the Bitcoin Funds and would review activity in the underlying Bitcoin Funds when conducting surveillances for market abuse or manipulation in the options on the Bitcoin Funds. Additionally, the Exchange is a member of the Intermarket Surveillance Group (''ISG'') under the Intermarket Surveillance Group Agreement. ISG members work together to coordinate surveillance and investigative information sharing in the stock, options, and futures markets. In addition, Cboe has a Regulatory Services Agreement with the Financial Industry Regulatory Authority (''FINRA'') for certain market surveillance, investigation and examinations functions. Pursuant to a multi-party 17d–2 joint plan, all options exchanges allocate amongst themselves and FINRA responsibilities to conduct certain options-related market surveillance that are common to rules of all options exchanges.[35]

The underlying shares of spot bitcoin exchange-traded products (''ETPs''), including the Bitcoin Funds, are also subject to safeguards related to addressing market abuse and manipulation. As the Commission stated in its order approving proposals of several exchanges to list and trade shares of spot bitcoin-based ETPs, ''[e]ach Exchange has a comprehensive surveillance-sharing agreement with the CME via their common membership in the Intermarket Surveillance Group. This facilitates the sharing of information that is available to the CME through its surveillance of its markets, including its surveillance of the CME bitcoin futures market.[36] The Exchange states that, given the consistently high correlation between the CME Bitcoin futures market and the spot bitcoin market, as confirmed by the Commission through robust correlation analysis, the Commission was able to conclude that such surveillance sharing agreements could reasonably be

[31] In the ''Minimum Shares Outstanding'' column in the chart below, 6,300,000 shares is the minimum number of outstanding shares an underlying security must have for the Exchange to continue to list options on that security, so this would be the smallest number of outstanding shares permissible for any corporate option that would have a position limit of 25,000 contract. *See* Rule 4.5, Interpretation and Policy .01. This rule applies to corporate stock options but not ETF options, which currently have no requirement regarding outstanding shares of the underlying ETF for the Exchange to continue listing options on that ETF. Therefore, there may be ETF options trading for which the 25,000 contract position limits represents [sic] an even larger percentage of outstanding shares of the underlying ETF than set forth above.

[32] As these percentages are based on the minimum number of outstanding shares an underlying security must have to qualify for the applicable position limit, these are the highest possible percentages that would apply to any option subject to that position and exercise limit.

[33] The surveillance program includes surveillance patterns for price and volume movements as well as patterns for potential manipulation (*e.g.,* spoofing and marking the close).

[34] Cboe BZX Exchange, Inc. is an affiliated market of the Exchange.

[35] Section 19(g)(1) of the Act, among other things, requires every self-regulatory organization (''SRO'') registered as a national securities exchange or national securities association to comply with the Act, the rules and regulations thereunder, and the SRO's own rules, and, absent reasonable justification or excuse, enforce compliance by its members and persons associated with its members. *See* 15 U.S.C. 78q(d)(1) and 17 CFR 240.17d–2. Section 17(d)(1) of the Act allows the Commission to relieve an SRO of certain responsibilities with respect to members of the SRO who are also members of another SRO (''common members''). Specifically, Section 17(d)(1) allows the Commission to relieve an SRO of its responsibilities to: (i) receive regulatory reports from such members; (ii) examine such members for compliance with the Act and the rules and regulations thereunder, and the rules of the SRO; or (iii) carry out other specified regulatory responsibilities with respect to such members.

[36] *See* Bitcoin ETP Approval Order.

''expected to assist in surveilling for fraudulent and manipulative acts and practices in the specific context of the [Bitcoin ETPs].'' [37] In light of surveillance measures related to both options and futures as well as the underlying Bitcoin Funds,[38] the Exchange believes that existing surveillance procedures are designed to deter and detect possible manipulative behavior which might potentially arise from listing and trading the proposed options on the Bitcoin Funds. Further, the Exchange will implement any new surveillance procedures it deems necessary to effectively monitor the trading of options on Bitcoin ETPs.

The Exchange has also analyzed its capacity and represents that it believes the Exchange and OPRA have the necessary systems capacity to handle the additional traffic associated with the listing of new series that may result from the introduction of options on Bitcoin Funds up to the number of expirations currently permissible under the Rules. Because the proposal is limited to two classes, the Exchange believes any additional traffic that may be generated from the introduction of Bitcoin Fund options will be manageable.

The Exchange believes that offering options on Bitcoin Funds will benefit investors by providing them with an additional, relatively lower cost investing tool to gain exposure to the price of Bitcoin and hedging vehicle to meet their investment needs in connection with Bitcoin-related products and positions. The Exchange expects investors will transact in options on Bitcoin Funds in the unregulated over-the-counter (''OTC'') options market,[39] but may prefer to trade such options in a listed environment to receive the benefits of trading listing options, including (1) enhanced efficiency in initiating and closing out positions; (2) increased market transparency; and (3) heightened contra-party creditworthiness due to the role of OCC as issuer and guarantor of all listed options. The Exchange believes that listing Bitcoin Fund options may cause investors to bring this liquidity to the Exchange, would increase market transparency and enhance the process of price discovery conducted on the Exchange through increased order flow. The Units that hold financial instruments, money market instruments, or precious metal commodities on which the Exchange may already list and trade options are trusts structured in substantially the same manner as Bitcoin Funds and essentially offer the same objectives and benefits to investors, just with respect to different assets. The Exchange notes that it has not identified any issues with the continued listing and trading of any Unit options, including Units that hold commodities (*i.e.,* precious metals) that it currently lists and trades on the Exchange.

2. Statutory Basis

The Exchange believes the proposed rule change is consistent with the Act and the rules and regulations thereunder applicable to the Exchange and, in particular, the requirements of Section 6(b) of the Act.[40] Specifically, the Exchange believes the proposed rule change is consistent with the Section 6(b)(5) [41] 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) [42] requirement that the rules of an exchange not be designed to permit unfair discrimination between customers, issuers, brokers, or dealers.

In particular, the Exchange believes that the proposal to list and trade options on the Bitcoin Funds will remove impediments to and perfect the mechanism of a free and open market and a national market system and, in general, protect investors because offering options on the Bitcoin Funds will provide investors with an opportunity to realize the benefits of utilizing options on a Bitcoin Fund, including cost efficiencies and increased hedging strategies. The Exchange believes that offering Bitcoin Fund options will benefit investors by providing them with a relatively lower-cost risk management tool, which will allow them to manage their positions and associated risk in their portfolios more easily in connection with exposure to the price of Bitcoin and with Bitcoin-related products and positions. Additionally, the Exchange's offering of Bitcoin Fund options will provide investors with the ability to transact in such options in a listed market environment as opposed to in the unregulated OTC options market, which would increase market transparency and enhance the process of price discovery conducted on the Exchange through increased order flow to the benefit of all investors. The Exchange also notes that it already lists options on other commodity-based Units,[43] which, as described above, are trusts structured in substantially the same manner as Bitcoin Funds and essentially offer the same objectives and benefits to investors, just with respect to a different commodity (*i.e.,* Bitcoin rather than precious metals) and for which the Exchange has not identified any issues with the continued listing and trading of commodity-backed Unit options it currently lists for trading.

The Exchange also believes the proposed rule change will remove impediments to and perfect the mechanism of a free and open market and a national market system, because it is consistent with current Exchange Rules previously filed with the Commission. Options on the Bitcoin Funds satisfy the initial listing standards and continued listing standards currently in the Exchange Rules applicable to options on all Units, including Units that hold other commodities already deemed appropriate for options trading on the Exchange. Additionally, as demonstrated above, each Bitcoin Fund is characterized by a substantial number

[37] *See* Bitcoin ETP Approval Order, 89 FR at 3010–11.

[38] *See* Securities Exchange Act Release Nos. 99290 (January 8, 2024), 89 FR 2338, 2343, 2347–2348 (January 12, 2024) (SR–CboeBZX–2023–044) Notice of Filing of Amendment No. 3 to a Proposed Rule Change to List and Trade Shares of the Fidelity Wise Origin Bitcoin Fund Under BZX Rule 14.11(e)(4), Commodity-Based Trust Shares); and 99288 (January 8, 2024), 89 FR 2387, 2392, 2399–2400 (January 12, 2024) (SR–CboeBZX–2023–028) (Notice of Filing of Amendment No. 5 to a Proposed Rule Change To List and Trade Shares of the ARK 21Shares Bitcoin ETF Under BZX Rule 14.11(e)(4), Commodity-Based Trust Shares). *See also* Securities Exchange Act Release No. 99306 (January 10, 2024), 89 FR 3008, 3009 (January 17, 2024) (SR–NYSEArca–2021–90; SR–NYSEArca–2023–44; SR–NYSEArca–2023–58; SR–NASDAQ–2023–016; SR–NASDAQ–2023–019; SR–CboeBZX–2023–028; SR–CboeBZX–2023–038; SR–CboeBZX–2023–040; SR–CboeBZX–2023–042; SRCboeBZX–2023–044; and SR–CboeBZX–2023–072) (Order Granting Accelerated Approval of Proposed Rule Changes, as Modified by Amendments Thereto, to List and Trade Bitcoin-Based Commodity-Based Trust Shares and Trust Units) (''Bitcoin ETP Approval Order'').

[39] The Exchange understands from customers that investors have historically transacted in options on Units in the OTC options market if such options were not available for trading in a listed environment.

[40] 15 U.S.C. 78f(b).

[41] 15 U.S.C. 78f(b)(5).

[42] *Id.*

[43] *See* Rule 4.3, Interpretation and Policy .06(a)(4).

of shares that are widely held and actively traded. Bitcoin Fund options will trade in the same manner as any other Unit options—the same Exchange Rules that currently govern the listing and trading of all Unit options, including permissible expirations, strike prices and minimum increments, and applicable margin requirements, will govern the listing and trading of options on Bitcoin Funds in the same manner.

The Exchange believes the proposed rule change to exclude the Bitcoin Funds from being eligible for trading as FLEX options is consistent with the Act, because it will permit the Exchange to continue to participate in ongoing discussions with the Commission regarding appropriate position limits for ETF options.[44]

The Exchange believes the proposed position and exercise limits are designed to prevent fraudulent and manipulative acts and practices and promote just and equitable principles of trade, as they are designed to address potential manipulative schemes and adverse market impacts surrounding the use of options, such as disrupting the market in the security underlying the options. The proposed position and exercise limits in this Amendment No. 2 for the Bitcoin Fund options are 25,000 contracts, which is currently the lowest limit applicable to any equity options (including ETF options).[45] The Exchange believes the proposed position and exercise limits are extremely conservative for each Bitcoin Fund option given the trading volume and outstanding shares for each. The information above demonstrates that the average position and exercise limits of options on ETFs with comparable outstanding shares and trading volume to those of the Bitcoin Funds are significantly higher than the proposed position and exercise limits for Bitcoin Fund options. Therefore, the proposed position and exercise limits for the Bitcoin Fund options are conservative relative to options on ETFs with comparable market characteristics.

Further, given that the issuer of each Bitcoin Fund may create and redeem shares that represent an interest in Bitcoin, the Exchange believes it is relevant to compare the size of a position limit to the market capitalization of the Bitcoin market. As of August 27, 2024, the global supply of Bitcoin was 19,745,940, and the price of one Bitcoin was approximately $59,466.82,[46] which equates to a market capitalization of approximately $1.165 trillion. Consider the proposed position and exercise limit of 25,000 option contracts for each Bitcoin Fund option. A position and exercise limit of 25,000 same side contracts effectively restricts a market participant from holding positions that could result in the receipt of no more than 2,500,000 of Fidelity Fund shares or ARK 21 Fund shares, as applicable (if that market participant exercised all its options. The following table shows the share price of each Bitcoin Fund on August 27, 2024, the value of 2,500,000 shares of the Bitcoin Fund at that price, and the approximate percentage of that value of the size of the Bitcoin market:

Bitcoin Fund	August 27, 2024 share price ($)	Value of 2,500,000 shares of Bitcoin Fund ($)	Percentage of bitcoin market
Fidelity Fund	54.33	135,825,000	0.01%
ARK 21 Fund	62.08	155,200,000	0.01%

Therefore, if a market participant with the maximum 25,000 same side contracts in either Fidelity Fund options or ARK 21 Fund options exercised all positions at one time, such an event would have no practical impact on the Bitcoin market.

The Exchange also believes the proposed limits are appropriate given position limits for Bitcoin futures. For example, the Chicago Mercantile Exchange (''CME'') imposes a position limit of 2,000 futures (for the initial spot month) on its Bitcoin futures contract.[47] On August 28, 2024, CME Aug 24 Bitcoin Futures settled at $58,950. A position of 2,000 CME Bitcoin futures, therefore, would have a notional value of $589,500,000. The following table shows the share price of each Bitcoin Fund on August 28, 2024 and the approximate number of option contracts that equates to that notional value:

Bitcoin Fund	August 28, 2024 Share price ($)	Number of option contracts
Fidelity Fund	51.47	114,532
ARK 21 Fund	58.83	100,203

The approximate number of option contracts for each Bitcoin Fund that equate to the notional value of CME Bitcoin futures is significantly higher than the proposed limit of 25,000 options contract for each Bitcoin Fund option. The fact that many options ultimately expire out-of-the-money and thus are not exercised for shares of the underlying, while the delta of a Bitcoin Future is 1, further demonstrates how conservative the proposed limits of 25,000 options contracts are for the Bitcoin Fund options.

The Exchange notes, unlike options contracts, CME position limits are calculated on a net futures-equivalent basis by contract and include contracts that aggregate into one or more base contracts according to an aggregation ratio(s).[48] Therefore, if a portfolio includes positions in options on futures, CME would aggregate those positions into the underlying futures contracts in accordance with a table published by CME on a delta equivalent value for the relevant spot month, subsequent spot month, single month and all month position limits.[49] If a position exceeds position limits because of an option assignment, CME permits market participants to liquidate the excess

[44] The Exchange will submit a separate rule filing that would permit the Exchange to authorize for trading FLEX options on the Bitcoin Funds (which filing may propose changes to existing FLEX option position limits for such options if appropriate). *See* Amendment No. 3 at 4.

[45] *See* Rule 8.30. The Exchange notes in the initial Rule Filing, the position and exercise limit for each Bitcoin Fund option would have been 25,000 contracts once the options began trading (pursuant to Rule 8.30, no Bitcoin Fund option would have a higher position and exercise limit until the next time the Exchange conducted the review of limits). Therefore, this Amendment No. 2 is proposing to adopt the same or lower position and exercise limits as were practically proposed in the initial Rule Filing.

[46] *See* Blockchain.com | Charts—Total Circulating Bitcoin.

[47] *See* CME Rulebook Chapter 350 (description of CME Bitcoin Futures) and Chapter 5, Position Limit, Position Accountability and Reportable Level Table in the Interpretations & Special Notices. Each CME Bitcoin futures contract is valued at five Bitcoins as defined by the CME CF Bitcoin Reference Rate (''BRR''). *See* CME Rule 35001.

[48] *See* CME Rulebook Chapter 5, Position Limit, Position Accountability and Reportable Level Table in the Interpretations & Special Notices.

[49] *Id.*

position within one business day without being considered in violation of its rules. Additionally, if at the close of trading, a position that includes options exceeds position limits for futures contracts, when evaluated using the delta factors as of that day's close of trading but does not exceed the limits when evaluated using the previous day's delta factors, then the position shall not constitute a position limit violation. Considering CME's position limits on futures for Bitcoin, the Exchange believes that that the proposed same side position limits are more than appropriate for the Bitcoin Fund options.

The Exchange believes the proposed position and exercise limits in this Amendment No. 2 will have no material impact to the supply of Bitcoin. For example, consider again the proposed position limit of 25,000 option contracts for each Bitcoin Fund option. As noted above, a position limit of 25,000 same side contracts effectively restricts a market participant from holding positions that could result in the receipt of no more than 2,500,000 shares of the applicable Bitcoin Fund (if that market participant exercised all its options). As of August 7, 2024, the Bitcoin Funds had the number of shares outstanding set forth in the table below. The table below also sets forth the approximate number of market participants that could hold the maximum of 25,000 same side positions in each Bitcoin Fund that would equate to the number of shares outstanding of that Bitcoin Fund:

Bitcoin Fund	Shares outstanding	Number of market participants with 25,000 same side positions
Fidelity Fund	201,100,100	80
ARK 21 Fund	45,495,000	18

This means if 80 market participants had 25,000 same side positions in Fidelity Fund options, each of them would have to simultaneously exercise all of those options to create a scenario that may put the underlying security under stress. Similarly, this means if 18 market participants had 25,000 same side positions in ARK 21 Fund options, each of them would have to simultaneously exercise all of those options to create a scenario that may put the underlying security under stress. The Exchange believes it is highly unlikely for either such event to occur; however, even if either such event did occur, the Exchange would not expect either Bitcoin Fund to be under stress because such an event would merely induce the creation of more shares through the trust's creation and redemption process.

As of August 7, 2024, the global supply of Bitcoin was approximately 19,736,528.[50] Based on the $47.88 price of a Fidelity Fund share on August 7, 2024, a market participant could have redeemed one Bitcoin for approximately 1,149 Fidelity Fund shares. Another 22,677,270,672 Fidelity Fund shares could be created before the supply of Bitcoin was exhausted. As a result, 9,070 market participants would have to simultaneously exercise 25,000 same side positions in Fidelity Fund options to receive shares of the Fidelity Fund holding the entire global supply of Bitcoin. Similarly, based on the $54.68 price of an ARK 21 Fund share on August 7, 2024, a market participant could have redeemed one Bitcoin for approximately 1,006 ARK 21 Fund Shares. Another 19,855 ARK 21 Fund shares could be created before the supply of Bitcoin were exhausted. As a result, 7,941 market participants would have to simultaneously exercise 25,000 same side positions in ARK 21 Fund options to receive shares of the ARK 21 Fund holding the entire global supply of Bitcoin. Unlike the Bitcoin Funds, the number of shares that corporations may issue is limited. However, like corporations, which authorize additional shares, repurchase shares, or split their shares, the Bitcoin Funds may create, redeem, or split shares in response to demand. While the supply of Bitcoin is limited to 21,000,000, it is believed that it will take more than 100 years to fully mine the remaining Bitcoin.[51] The supply of Bitcoin is larger than the available supply of most securities.[52] Given the significant unlikelihood of any of these events ever occurring, the Exchange does not believe options on the Bitcoin Funds should be subject to position and exercise limits even lower than those proposed (which are already equal to the lowest available limit for equity options in the industry) to protect the supply of Bitcoin.[53]

The Exchange believes the available supply of Bitcoin is not relevant to the determination of position and exercise limits for options overlying the Bitcoin Funds.[54] Position and exercise limits are not a tool that should be used to address a potential limited supply of the underlying of an underlying. Position and exercise limits do not limit the total number of options that may be held, but rather they limit the number of positions a single customer may hold or exercise at one time.[55] ''Since the inception of standardized options trading, the options exchanges have had rules imposing limits on the aggregate number of options contracts that a member or customer could hold or exercise.'' [56] Position and exercise limit rules are intended ''to prevent the establishment of options positions that can be used or might create incentives to manipulate or disrupt the underlying market so as to benefit the options position. In particular, position and exercise limits are designed to minimize the potential for mini-manipulations and for corners or squeezes of the underlying market. In addition, such limits serve to reduce the possibility for

[50] *See* Blockchain.com | Charts—Total Circulating Bitcoin (which also shows the price of one Bitcoin equal to $55,033.47).

[51] *See* Pre-Effective Amendment No. 5 to Form S–1 Registration Statement No. 333–254652, Fidelity Fund, filed January 9, 2024, at 53–54; and Amendment No. 8 to Form S–1 Registration Statement No. 333–257474, ARK 21 Fund, filed January 9, 2024, at 15.

[52] The market capitalization of Bitcoin would rank in the top 10 among securities. *See https://companiesmarketcap.com/usa/largest-companies-in-the-usa-by-market-cap/.*

[53] This would be even more unlikely with respect to the Bitcoin Funds for which the Exchange proposes lower position limits.

[54] The Exchange is unaware of any proposed rule change related to position and exercise limits for any equity option (including commodity ETF options) for which the Commission required consideration of whether the available supply of an underlying (whether it be a corporate stock or an ETF) or the contents of an ETF (commodity or otherwise) should be considered when an exchange proposed to establish those limits. *See, e.g.,* Securities Exchange Act Release No. 57894 (May 30, 2008), 73 FR 32061 (June 5, 2008) (SR–CBOE–2005–11) (approval order in which the Commission stated that the ''listing and trading of Gold Trust Options will be subject to the exchanges' rules pertaining to position and exercise limits and margin''). The Exchange notes when the Commission approved this filing, the position limits in Rule 8.30 were the same as they are today. For reference, the current position and exercise limits for options on SPDR Gold Shares ETF (''GLD'') and options on iShares Silver Trust (''SLV'') are 250,000 contracts, or 10 times that proposed position and exercise limit for the Bitcoin Fund options.

[55] For example, suppose an option has a position limit of 25,000 option contracts and there are a total of 10 investors trading that option. If all 10 investors max out their positions, that would result in 250,000 option contracts outstanding at that time. However, suppose 10 more investors decide to begin trading that option and also max out their positions. This would result in 500,000 option contracts outstanding at that time. An increase in the number of investors could cause an increase in outstanding options even if position limits remain unchanged.

[56] *See* Securities Exchange Act Release No. 39489 (December 24, 1997), 63 FR 276 (January 5, 1998) (SR–CBOE–1997–11).

disruption of the options market itself, especially in illiquid options classes.'' [57]

The Exchange notes that a Registration Statement on Form S–1 was filed with the Commission for each Bitcoin Fund, each of which described the supply of Bitcoin as being limited to 21,000,000 (of which approximately 90% had already been mined), and that the limit would be reached around the year 2140.[58] Each Registration Statement permits an unlimited number of shares of the applicable Bitcoin ETF to be created. Further, the Commission approved proposed rule changes that permitted the listing and trading of shares of each Bitcoin Fund, which approval did not comment on the sufficient supply of Bitcoin or address whether there was a risk that permitting an unlimited number of shares for a Bitcoin Fund would impact the supply of Bitcoin.[59] Therefore, the Exchange believes the Commission had ample time and opportunity to consider whether the supply of Bitcoin was sufficient to permit the creation of unlimited Bitcoin Fund shares, and does not believe considering this supply with respect to the establishment of position and exercise limits is appropriate given its lack of relevance to the purpose of position and exercise limits. However, given the significant size of the Bitcoin supply, the proposed positions limits are more than sufficient to protect investors and the market.

Based on the above information demonstrating, among other things, that each Bitcoin Fund is characterized by a substantial number of outstanding shares that are actively traded and widely held, the Exchange believes the proposed position and exercise limits are extremely conservative compared to those of ETF options with similar market characteristics. The proposed position and exercise limits reasonably and appropriately balance the liquidity provisioning in the market against the prevention of manipulation. The Exchange believes these proposed limits are effectively designed to prevent an individual customer or entity from establishing options positions that could be used to manipulate the market of the underlying as well as the Bitcoin market.[60]

The Exchange represents that it has the necessary systems capacity to support the new Bitcoin Fund options. As discussed above, the Exchange believes that its existing surveillance and reporting safeguards are designed to deter and detect possible manipulative behavior which might arise from listing and trading Unit options, including Bitcoin Fund options.

Finally, the Exchange believes the proposed change to amend the last sentence of Rule 8.30 by deleting the references to Interpretations and Policies .02 and .04 is consistent with the Act and will perfect the mechanism of a free and open market, by clarifying and making more accurate the Exchange's Rulebook.

B. Self-Regulatory Organization's Statement on Burden on Competition

The Exchange does not believe that the proposed rule change will impose any burden on competition that is not necessary or appropriate in furtherance of the purposes of the Act. The Exchange does not believe that the proposed rule change will impose any burden on intramarket competition that is not necessary or appropriate in furtherance of the purposes of the Act as the Bitcoin Funds will be equally available to all market participants who wish to trade such options and will trade generally in the same manner as other options. The Exchange Rules that currently apply to the listing and trading of all Unit options on the Exchange, including, for example, Rules that govern listing criteria, expirations, exercise prices, minimum increments, margin requirements, customer accounts, and trading halt procedures will apply to the listing and trading of Bitcoin Funds options on the Exchange in the same manner as they apply to other options on all other Units that are listed and traded on the Exchange. Also, and as stated above, the Exchange already lists options on other commodity-based Units.[61] Further, the Bitcoin Funds would need to satisfy the maintenance listing standards set forth in the Exchange Rules in the same manner as any other Unit for the Exchange to continue listing options on them.

The Exchange does not believe that the proposal to list and trade options on Bitcoin Funds will impose any burden on intermarket competition that is not necessary or appropriate in furtherance of the purposes of the Act. To the extent that the advent of Bitcoin Fund options trading on the Exchange may make the Exchange a more attractive marketplace to market participants at other exchanges, such market participants are free to elect to become market participants on the Exchange. Additionally, other options exchanges are free to amend their listing rules, as applicable, to permit them to list and trade options on Bitcoin Funds.[62] The Exchange notes that listing and trading Bitcoin Fund options on the Exchange will subject such options to transparent exchange-based rules as well as price discovery and liquidity, as opposed to alternatively trading such options in the OTC market.

The Exchange believes that the proposed rule change may relieve any burden on, or otherwise promote, competition, as it is designed to increase competition for order flow on the Exchange in a manner that is beneficial to investors by providing them with a lower-cost option to hedge their investment portfolios. The Exchange notes that it operates in a highly competitive market in which market participants can readily direct order flow to competing venues that offer similar products. Ultimately, the Exchange believes that offering Bitcoin Fund options for trading on the Exchange will promote competition by providing investors with an additional, relatively low-cost means to hedge their portfolios and meet their investment needs in connection with Bitcoin prices and Bitcoin-related products and positions on a listed options exchange.

Finally, the Exchange does not believe the proposed change to amend the last sentence of Rule 8.30 by deleting the references to Interpretations and Policies .02 and .04 will impose any burden on intermarket competition that is not necessary or appropriate in furtherance of the purposes of the Act. The change is clarifying in nature, as the Exchange believes all the Interpretations and Policies to Rule 8.30 are relevant for determining position limits pursuant to Rule 8.30, not just the two currently specified ones, and therefore, the proposed change makes the Exchange's Rulebook more accurate.

C. Self-Regulatory Organization's Statement on Comments on the Proposed Rule Change Received From Members, Participants, or Others

The Exchange neither solicited nor received written comments on the proposed rule change.

[57] *See id.*

[58] *See* Pre-Effective Amendment No. 5 to Form S–1 Registration Statement No. 333–254652, Fidelity Fund, filed January 9, 2024, at 53—54; and Amendment No. 8 to Form S–1 Registration Statement No. 333–257474, ARK 21 Fund, filed January 9, 2024, at 15.

[59] *See* Bitcoin ETP Approval Order.

[60] *See* Securities Exchange Act Release No. 39489 (December 24, 1997), 63 FR 276 (January 5, 1998) (SR–CBOE–1997–11).

[61] *See* Rule 4.3, Interpretation and Policy .06(a)(4).

[62] The Exchange notes the Commission recently approved a rule filing of another exchange to permit the listing and trading of options on the iShares Bitcoin Trust. *See* Securities Exchange Act Release No. 101128 (September 20, 2024), 89 FR 78942 (September 26, 2024) (SR–ISE–2024–03).

III. Discussion and Commission Findings

After careful consideration, the Commission finds that the proposed rule change, as modified by Amendment Nos. 2 and 3, is consistent with the requirements of the Act and the rules and regulations thereunder applicable to a national securities exchange,[63] and, in particular, the requirements of Section 6 of the Act.[64] Specifically, the Commission finds that the proposed rule change is consistent with Section 6(b)(5) of the Act,[65] which requires that an exchange have rules designed to prevent fraudulent and manipulative acts and practices, to remove impediments to and perfect the mechanism of a free and open market, and to protect investors and the public interest.

A. Widely Held and Actively Traded

The Exchange's initial listing standards require, among other things, that the security underlying a listed option be ''characterized by a substantial number of outstanding shares that are widely held and actively traded.'' [66] As described above, the Exchange states that, as of August 7, 2024, the Fidelity Fund had 201,100,100 shares outstanding and that, as of June 27, 2024, the Fidelity Fund had 279,656 beneficial holders.[67] The Exchange states that, as of August 7, 2024, the ARK 21 Fund had 45,495,000 shares outstanding and that, as of June 26, 2024, the ARK 21 Fund had 69,425 beneficial holders.[68] In addition, the Exchange states that, as of August 7, 2024, the Fidelity Fund had six-month total trading volume of 1,112,861,581 shares and, for the period from July 9, 2024, through August 7, 2024, 30-day average daily volume of 6,014,335 shares and 30-day average notional daily volume of $250,354,755.[69] The Exchange states that, as of August 7, 2024, the ARK 21 Fund had six-month total trading volume of 297,360,739 shares and, for the period from July 9, 2024, through August 7, 2024, 30-day average daily volume of 1,893,335 shares and 30-day average notional daily volume of $90,484,307.[70] The Exchange further states that, as of August 7, 2024, the trading volume for both Bitcoin Funds was in the top 5% of all ETFs trading at that time.[71] In addition, the Exchange states that, as of August 7, 2024, the Fidelity Fund had a market capitalization of $14,217,013,188 and the ARK 21 Fund had a market capitalization of $2,487,666,600.[72]

The Commission has reviewed the Exchange's analysis and publicly available data regarding the Bitcoin Funds. Based on this review of information provided by the Exchange and publicly available information—including information regarding the number of shares outstanding and the number of beneficial holders for each Bitcoin Fund, the ADV of each Bitcoin Fund, and the market capitalization of each Bitcoin Fund—the Commission concludes that it is reasonable for the Exchange to determine that the Bitcoin Funds satisfy the requirement of Exchange Rule 4.3(a)(2) that the security underlying a listed option be widely held and actively traded.

B. Position and Exercise Limits

Position and exercise limits serve as a regulatory tool designed to deter manipulative schemes and adverse market impact surrounding the use of options. Since the inception of standardized options trading, the options exchanges have had rules limiting the aggregate number of options contracts that a member or customer may hold or exercise. Options position and exercise limits are intended to prevent the establishment of options positions that can be used or might create incentives to manipulate or disrupt the underlying market to benefit the options position.[73] In addition, such limits serve to reduce the possibility of disruption in the options market itself, especially in illiquid classes.[74] As the Commission has previously recognized, markets with active and deep trading interest, as well as with broad public ownership, are more difficult to manipulate or disrupt than less active and deep markets with smaller public floats.[75] The Commission also has recognized that position and exercise limits must be sufficient to prevent investors from disrupting the market for the underlying security by acquiring and exercising a number of options contracts disproportionate to the deliverable supply and average trading volume of the underlying security.[76] At the same time, the Commission has recognized that limits must not be established at levels that are so low as to discourage participation in the options market by institutions and other investors with substantial hedging needs or to prevent specialists and market-makers from adequately meeting their obligations to maintain a fair and orderly market.[77]

The Exchange proposes a position limit of 25,000 contracts on the same side of the market for options on each Bitcoin Fund and an equivalent exercise limit.[78] In proposing these position and exercise limits, the Exchange considered, among other things, the approximate six-month ADV, outstanding shares, and market capitalization of each Bitcoin Fund.[79] The Exchange states that the proposed position and exercise limits of 25,000 contracts are significantly lower than the position and exercise limits of options on other ETFs with a similar number of outstanding shares.[80] In addition, the Exchange states that the number of shares represented by the proposed position and exercise limits were equal to approximately 1.2% of the outstanding shares of the Fidelity Fund and approximately 5.5% of the outstanding shares of the ARK 21 Fund.[81] The Exchange further states that ''[t]he proposed position and exercise limits are the lowest position and exercise limits available for equity options in the industry, are extremely conservative, and are more than appropriate given each Bitcoin Fund's market capitalization, ADV, and high number of outstanding share.'' [82]

The Exchange also compared the size of the position and exercise limits to the market capitalization of the Bitcoin market, which, according to the Exchange, had a market capitalization of

[63] In approving this proposed rule change, the Commission has considered the proposed rule's impact on efficiency, competition, and capital formation. *See* 15 U.S.C. 78c(f).

[64] 15 U.S.C. 78f.

[65] 15 U.S.C. 78f(b)(5).

[66] *See* Exchange Rule 4.3(a)(2).

[67] *See* Amendment No. 2 at 8 and 12.

[68] *See id.*

[69] *See* Amendment No. 2 at 8.

[70] *See id.*

[71] *See* Amendment No. 2 at 9.

[72] *See id.* at 12.

[73] *See* Securities Exchange Act Release No. 39489 (Dec. 24, 1997), 63 FR 276, 279 (Jan 5. 1998) (order approving File No. SR–Cboe–97–11) (''Position Limit Order'').

[74] *Id.*

[75] *Id.*

[76] *See, e.g.,* Securities Exchange Act Release Nos. 21907 (Mar. 29, 1985), 50 FR 13440, 13441 (Apr. 4, 1985) (order approving File Nos. SR–CBOE–84–21, SR–Amex–84–30, SR–Phlx–84–25, and SR–PSE–85–1); and 40875 (Dec. 31, 1998), 64 FR 1842, 1843 (Jan. 12, 1999) (order approving File Nos. SR–CBOE–98–25; Amex–98–22; PCX–98–33; and Phlx–98–36).

[77] *See id.*

[78] *See* Amendment No. 2 and proposed Exchange Rules 8.30, Interpretation and Policy .10, and 8.42, Interpretation and Policy .02.

[79] *See* Amendment No. 2 at 13–14.

[80] The Exchange states that options on ETFs with outstanding shares similar to the Fidelity Fund had average position and exercise limits of 188,110 contracts, and that options on ETFs with outstanding shares similar to the ARK 21 Fund had average position and exercise limits of 108,696 contracts. *See* Amendment No. 2 at 13.

[81] *See* Amendment No. 2 at 14 (using outstanding shares as of August 7, 2024).

[82] Amendment No. 2 at 16.

$1.165 trillion as of August 27, 2024.[83] The Exchange calculated that with a position limit of 25,000 contracts (2,500,000 shares of the underlying Fund), as of August 27, 2024, a market participant could hold a position in shares of the Fidelity Fund that represented 0.01% of the bitcoin market, and a position in ARK 21 Fund shares that represented 0.01% of the Bitcoin market, positions that the Exchange states ''would have no practical impact on the Bitcoin market.'' [84]

The Exchange states that the proposed position and exercise limits also are appropriate given position limits for Bitcoin futures.[85] The Exchange states that the Chicago Mercantile Exchange (''CME'') establishes a position limit of 2,000 Bitcoin futures for the spot month and that, as of August 28, 2024, such a position would have had a notional value of $589,500,000.[86] The Exchange states that, as of that date, 114,532 options on the Fidelity Fund, and 100,203 options on the ARK 21 Fund, would be the equivalent of the $589,500,000 CME bitcoin futures notional value.[87] The Exchange states that the option contract equivalent numbers are significantly higher than the proposed position and exercise limit of 25,000 contracts.[88]

In addition, the Exchange states that with a position limit of 25,000 contracts, 80 market participants, each with a position of 25,000 contracts, would have to exercise all of their Fidelity Fund options to place the Fidelity Fund shares under stress, and 18 market participants, each with a position of 25,000 contracts, would have exercise all of their ARK 21 Fund options to place the ARK 21 Fund shares under stress.[89] Based on the information provided, demonstrating, among other things, that each Bitcoin Fund is characterized by a substantial number of outstanding shares that are actively traded and widely held, the Exchange believes the proposed position and exercise limits are extremely conservative compared to those of ETF options with similar market characteristics.[90] The Exchange states that the proposed position and exercise limits reasonably and appropriately balance the liquidity provisioning in the market against the prevention of manipulation. The Exchange further states that the proposed limits are effectively designed to prevent an individual customer or entity from establishing options positions that could be used to manipulate the market of the underlying as well as the Bitcoin market.[91]

The Commission finds that the proposed position and exercise limits are consistent with the Act, and in particular, with the requirements in Section 6(b)(5) that the rules of a national securities exchange designed to prevent fraudulent and manipulative acts and practices and to protect investors and the public interest. As discussed above, the Commission has recognized that position and exercise limits must be sufficient to prevent investors from disrupting the market for the underlying security by acquiring and exercising a number of options contracts disproportionate to the deliverable supply and average trading volume of the underlying security.[92] In addition, the Commission has stated previously that rules regarding position and exercise limits are intended to prevent the establishment of options positions that can be used or might create incentives to manipulate or disrupt the underlying market so as to benefit the options position.[93] Based on its review of the data and analysis provided by the Exchange, the Commission concludes that the proposed position and exercise limits satisfy these objectives. Specifically, the Commission has considered and reviewed the Exchange's analysis that, as of August 7, 2024, the proposed position and exercise limits of 25,000 contracts represented 1.2% of the outstanding shares of the Fidelity Fund and 5.5% of the outstanding shares of the ARK 21 Fund.[94] The Commission also has considered and reviewed the Exchange's statement that with a position limit of 25,000 contracts, 80 market participants, each with a same side position of 25,000 contracts, would have to exercise all of their Fidelity Fund options to place the Fidelity Fund shares under stress, and 18 market participants, each with a same side position of 25,000 contracts, would have to exercise all of their ARK 21 Fund options to place the ARK 21 Fund shares under stress.[95] Based on the Commission's review of this information and analysis, the Commission concludes that the proposed position and exercise limits are designed to prevent investors from disrupting the market for the underlying securities by acquiring and exercising a number of options contracts disproportionate to the deliverable supply and average trading volume of the underlying security, and to prevent the establishment of options positions that can be used or might create incentives to manipulate or disrupt the underlying market so as to benefit the options position.

The proposal excludes the Bitcoin Fund options from FLEX trading.[96] Excluding Bitcoin Fund options from FLEX trading will allow the Commission to consider the listing of FLEX options on the Bitcoin Funds in the context of any separate proposal the Exchange files to list such options.

C. Surveillance

As described more fully above, the Exchange states that it will apply its existing options surveillance program procedures to options on the Bitcoin Funds.[97] The Exchange states that its market surveillance staff would have access to the surveillances conducted by Cboe BZX Exchange, Inc.[98] with respect to the Bitcoin Funds and would review activity in the underlying Bitcoin Funds when conducting surveillances for market abuse or manipulation in the options on the Bitcoin Funds.[99] Additionally, the Exchange states that it is a member of the Intermarket Surveillance Group (''ISG'') under the Intermarket Surveillance Group Agreement, and that ISG members work together to coordinate surveillance and investigative information sharing in the stock, options, and futures markets.[100] CME also is a member of ISG. In

[83] *See* Amendment No. 2 at 23.

[84] *Id.*

[85] *See id.*

[86] *See id.* at 23–24.

[87] *See id.* at 24.

[88] *See id.*

[89] The Exchange bases this calculation on the number of Fidelity Fund and ARK 21 Fund shares outstanding as of August 7, 2024. *See* Amendment No. 2 at 26.

[90] *See id.* at 34.

[91] *See id.* at 29–30 (citing the Position Limit Order, *supra* note 70).

[92] *See supra* note 73 and accompanying text.

[93] *See* Securities Exchange Act Release No. 57352 (Feb. 19, 2008), 73 FR 10076, 10080 (Feb. 25, 2008) (order approving File No. SR–Cboe–2008–07).

[94] *See* Amendment No. 2 at 14.

[95] The Exchange bases this calculation on the number of Fidelity Fund and ARK 21 Fund shares outstanding as of August 7, 2024. *See* Amendment No. 2 at 25–26.

[96] The Exchange states that excluding Bitcoin Fund options from FLEX trading will allow the Exchange to continue to participate in ongoing discussions with the Commission regarding appropriate position limits for ETF options. *See* Amendment No. 3 at 4.

[97] The surveillance program includes surveillance patterns for price and volume movements as well as patterns for potential manipulation (*e.g.,* spoofing and marking the close). *See* Amendment No. 2 at 16.

[98] Cboe BZX Exchange, Inc. is an affiliated market of the Exchange. *See* Amendment No. 2 at 17, footnote 28.

[99] *See* Amendment No. 2 at 17.

[100] *See id.*

approving the Bitcoin ETPs, the Commission concluded that:

> fraud or manipulation that impacts prices in spot bitcoin markets would likely similarly impact CME bitcoin futures prices. And because the CME's surveillance can assist in detecting those impacts on CME bitcoin futures prices, the Exchanges' comprehensive surveillance-sharing agreement with the CME—a U.S. regulated market whose bitcoin futures market is highly correlated to spot bitcoin—can reasonably be expected to assist in surveilling for fraudulent and manipulative acts and practices in the specific context of [the Bitcoin ETPs].[101]

Together, these surveillance procedures should allow the Exchange to investigate suspected manipulations or other trading abuses in options on the Bitcoin Funds.

D. Retail Customers

Existing rules governing broker-dealer conduct when dealing with retail customers will apply to the proposed Bitcoin Fund options. For example, the Exchange's rules require its members to ''exercise due diligence to learn the essential facts as to the customer and his investment objectives and financial situation.'' [102] In fulfilling this obligation, the member must consider, among other things, a customer's investment objectives; employment status; estimated annual income; estimated net worth; and investment experience and knowledge.[103] Further, FINRA's heightened suitability requirements for options trading accounts require that a person recommending an opening position in any option contract have ''a reasonable basis for believing, at the time of making the recommendation, that the customer has such knowledge and experience in financial matters that he may reasonably be expected to be capable of evaluating the risks of the recommended transaction, and is financially able to bear the risks of the recommended position in the option contract.'' [104]

E. Additional Change

The Exchange proposes to amend Exchange Rule 8.30 to delete references to Interpretation and Policies .02 and .04. The Exchange states that the proposed change is designed to clarify the rule by indicating that all of the Interpretations and Policies to Exchange Rule 8.30 are relevant for determining position limits pursuant to Exchange Rule 8.30, not just the two currently specified provisions. The Commission agrees that this change will help to clarify and ensure the accuracy of Exchange Rule 8.30 by indicating that all of the Interpretations and Policies to Exchange Rule 8.30, not only Interpretation and Policies .02 and .04, apply when determining position limits.

IV. Solicitation of Comments on Amendment Nos. 2 and 3 to the Proposed Rule Change

Interested persons are invited to submit written data, views, and arguments concerning whether Amendment Nos. 2 and 3 are consistent with the Act. Comments may be submitted by any of the following methods:

Electronic Comments

- Use the Commission's internet comment form (*https://www.sec.gov/rules/sro.shtml*); or
- Send an email to *rule-comments@sec.gov.* Please include file number SR–CBOE–2024–035 on the subject line.

Paper Comments

- Send paper comments in triplicate to Secretary, Securities and Exchange Commission, 100 F Street NE, Washington, DC 20549–1090.

All submissions should refer to file number SR–CBOE–2024–035. 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–CBOE–2024–035 and should be submitted on or before November 14, 2024.

V. Accelerated Approval of Amendment Nos. 2 and 3

The Commission finds good cause, pursuant to Section 19(b)(2) of the Act, for approving Amendment Nos. 2 and 3 prior to the 30th day after the date of publication of notice of Amendment Nos. 2 and 3 in the **Federal Register**. Amendment No. 2 narrows the scope of the proposal to the Fidelity Fund and the ARK 21 Fund; proposes new position and exercise limits for options on the Bitcoin Funds and provides justification and analysis for the proposed position and exercise limits; provides additional discussion of surveillance procedures that will apply to the proposed options; and eliminates references to the applicability of specified Interpretations and Policies in Exchange Rule 8.30. As described above, in Amendment No. 2 the Exchange provided data and analysis supporting the proposed position and exercise limits and stated, among other things, that the proposed position and exercise limits would represent 1.2% of the outstanding shares of the Fidelity Fund and 5.5% of the outstanding shares of the ARK 21 Fund.[105] The Commission concludes that the proposed position and exercise limits are designed to minimize the potential for manipulations or disruptions of the underlying market.[106] Amendment No. 2 also describes in greater detail the surveillance procedures that will apply to the proposed Bitcoin Fund options. The additional information regarding these procedures assists the Commission in evaluating the proposal and determining that the proposal is consistent with the Act and the rules and regulations thereunder applicable to a national securities exchange, as discussed above. The proposed change to Exchange Rule 8.30 to delete references to specified Interpretations and Policies, and to indicate that all of the Interpretations and Policies in

[101] *See* Bitcoin ETP Order, 89 FR at 3010–11.

[102] *See* Exchange Rule 9.1(b).

[103] *See id.*

[104] *See* FINRA Rule 2360(b)(19).

[105] *See* Amendment No. 2.

[106] The Commission recognizes that position limits should not be established at levels that are so low as to discourage participation in the options market by institutions and other investors with substantial hedging needs or to prevent specialists and market makers from adequately meeting their obligations to maintain a fair and orderly market. *See, e.g.,* Securities Exchange Act Release Nos. 21907 (Mar. 29, 1985), 50 FR 13440 (Apr. 4, 1985) (order approving File Nos. SR–CBOE–84–21, SR–Amex–84–30, SR–Phlx–84–25, and SR–PSE–85–1); 40875 (Dec. 31, 1998), 64 FR 1842, 1843 (Jan. 12, 1999) (order approving File Nos. SR–CBOE–98–25; Amex–98–22; PCX–98–33; and Phlx–98–36). The Commission finds that the proposed position and exercise limits are consistent with these objectives.

Exchange Rule 8.30 apply when determining position limits, is designed to clarify and make the Exchange's rule more accurate. Amendment No. 3 revises the proposal to exclude Bitcoin Fund options from FLEX trading. Excluding Bitcoin Fund options from FLEX trading will allow the Commission to consider the listing of FLEX options on the Bitcoin Funds in the context of any separate proposal the Exchange files to list such options. Accordingly, the Commission finds good cause, pursuant to Section 19(b)(2) of the Act,[107] to approve the proposed rule change, as modified by Amendment Nos. 2 and 3, on an accelerated basis.

VI. Conclusion

For the reasons set forth above, the Commission finds that the proposed rule change, as modified by Amendment Nos. 2 and 3, is consistent with the requirements of the Act and the rules and regulations thereunder applicable to a national securities exchange and, in particular, the requirements of Section 6(b)(5) of the Act.[108]

It is therefore ordered, pursuant to Section 19(b)(2) of the Act,[109] that the proposed rule change (SR–CBOE–2024–035), as modified by Amendment Nos. 2 and 3, is approved.

For the Commission, by the Division of Trading and Markets, pursuant to delegated authority.[110]

J. Matthew DeLesDernier,

Deputy Secretary.

[FR Doc. 2024–24641 Filed 10–23–24; 8:45 am]

BILLING CODE 8011–01–P

[107] 15 U.S.C. 78s(b)(2).

[108] 15 U.S.C. 78f(b)(5).

[109] 15 U.S.C. 78s(b)(2).

[110] 17 CFR 200.30–3(a)(12).

SECURITIES AND EXCHANGE COMMISSION

[Release No. 34–101386; File No. SR–NYSEAMER–2024–49]

Self-Regulatory Organizations; NYSE American LLC; Notice of Filing of Amendment No. 3 and Order Granting Accelerated Approval of a Proposed Rule Change, as Modified by Amendment No. 3, To Permit the Listing and Trading of Options on Bitcoin Exchange-Traded Funds

October 18, 2024.

On August 15, 2024, NYSE American LLC (''Exchange'') filed with the Securities and Exchange Commission (''Commission''), pursuant to Section 19(b)(1) of the Securities Exchange Act of 1934 (''Act'' or ''Exchange Act'') [1] and Rule 19b–4 thereunder,[2] a proposed rule change to list and trade options on the Fidelity Wise Origin Bitcoin Fund (the ''Fidelity Fund''), the ARK21Shares Bitcoin ETF (the ''ARK 21Shares Fund''), the Invesco Galaxy Bitcoin ETF (the ''Invesco Fund''), the Franklin Bitcoin ETF (the ''Franklin Fund''), the VanEck Bitcoin Trust (the ''VanEck Fund''), the WisdomTree Bitcoin Fund (the ''WisdomTree Fund''), the Grayscale Bitcoin Trust BTC (the ''Grayscale Fund''), the Grayscale Bitcoin Mini Trust (the ''Grayscale Mini Fund''), the Bitwise Bitcoin ETF (the ''Bitwise Fund''), the iShares Bitcoin Trust ETF (the ''iShares Fund''), and the Valkyrie Bitcoin Fund.[3] The proposed rule change was published for comment in the **Federal Register** on September 4, 2024.[4] On September 9, 2024, the Exchange filed Amendment No. 1 to the proposed rule change, which replaced and superseded the original proposal in its entirety. On October 7, the Exchange filed Amendment No. 2 to the proposal, which replaced and superseded Amendment No. 1 in its entirety. On October 11, 2024, the Exchange filed Amendment No. 3 to the proposal, which replaces and supersedes Amendment No. 2 in its entirety.[5] The Commission received no comments regarding the proposal. The Commission is publishing this notice to solicit comments on Amendment No. 3 from interested persons, and is approving the proposed rule change, as modified by Amendment No. 3, on an accelerated basis.

[1] 15 U.S.C. 78s(b)(1).

[2] 17 CFR 240.19b–4.

[3] On January 10, 2024, the Commission approved proposals by NYSE Arca, Inc., The Nasdaq Stock Market LLC, and Cboe BZX Exchange, Inc. to list and trade the shares of 11 bitcoin-based commodity-based trust shares and trust units, including the trusts underlying the proposed options. *See* Securities Exchange Act Release No. 99306 (Jan. 10, 2024), 89 FR 3008 (Jan. 17, 2024) (order approving File Nos. SR–NYSEARCA–2021–90; SR–NYSEARCA–2023–44; SR–NYSEARCA–2023–58; SR–NASDAQ–2023–016; SR–NASDAQ–2023–019; SR–CboeBZX–2023–028; SR–CboeBZX–2023–038; SR–CboeBZX–2023–040; SR–CboeBZX–2023–042; SR–CboeBZX–2023–044; SR–CboeBZX–2023–072) (''Bitcoin ETP Order'').

[4] *See* Securities Exchange Act Release No. 100861 (Aug. 28, 2024), 89 FR 71982.

[5] On September 9, 2024, the Exchange filed Amendment No. 1 to SR–NYSEAMER–2024–49, which replaced and superseded the original filing in its entirety and, on October 7, 2024, the Exchange filed Amendment No. 2 to SR–NYSEAMER–2024–49, which replaced and superseded in its entirety both Amendment No. 1 and the original filing. *See https://www.sec.gov/comments/sr-nyseamer-2024-49/srnyseamer202449-518495-1491742.pdf* and *https://www.sec.gov/comments/sr-nyseamer-2024-49/srnyseamer202449-527736-1516262.pdf,* respectively. Amendment No. 3, which supersedes and replaces Amendment No. 2 in its entirety, modifies the original filing by (1) including reference to, and reliance on, the ''ISE IBIT Approval Order,'' as referenced *infra;* (2) narrowing the scope of the original filing by (i) eliminating the following bitcoin-related funds, and any information related thereto: the ARK21Shares Bitcoin ETF, the Invesco Galaxy Bitcoin ETF, the Franklin Bitcoin ETF, the VanEck Bitcoin Trust, and the WisdomTree Bitcoin Fund, and (ii) excluding the (remaining) Bitcoin Fund options from being available for flexible (''FLEX'') option trading; (3) providing additional information and analysis of trading data for the Bitcoin Funds in support of this proposal, including the proposed position limits of 25,000 per side for the options on the Bitcoin Funds; and (4) supplementing information related to the Exchange's surveillance program, including the manner in which it would surveil suspicious trading activity in the underlying Bitcoin Funds and where the Exchange would obtain information about the bitcoin market. Amendment No. 3 is available on the Exchange's website at *https://www.nyse.com/regulation/rule-filings.* A FLEX Option is a customized options contract that is subject to the rules in Section 15 of the Exchange's rules. A FLEX Equity Option is an option on a specified underlying equity security that is subject to the rules in Section 15 of the Exchange's rules. *See* Exchange Rules 900G(b)(1) and (10). Except as provided in Exchange Rules 906G(b)(i) and (ii), there are no position limits for FLEX Equity options. *See* Exchange Rule 906G(b).

I. The Exchange's Description of the Proposed Rule Change, as Modified by Amendment No. 3

The Exchange proposes to amend Rule 915 regarding the criteria for underlying securities. This Amendment No. 3 supersedes and replaces Amendment No. 2 to the original filing in its entirety. The proposed rule change is available on the Exchange's website at *www.nyse.com,* at the principal office of the Exchange, and at the Commission's Public Reference Room.

II. Self-Regulatory Organization's Statement of the Purpose of, and Statutory Basis for, the Proposed Rule Change

In its filing with the Commission, the 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 Rule 915 (Criteria for Underlying Securities). Specifically, the Exchange proposes to amend Rule 915, Commentary .10 to allow the Exchange to list and trade options on the following exchange-traded products: the

Grayscale Bitcoin Trust (BTC) (the ''Grayscale Fund'' or ''GBTC''), the Grayscale Bitcoin Mini Trust BTC (the ''Grayscale Mini Fund'' or ''BTC''), and the Bitwise Bitcoin ETF (the ''Bitwise Fund'' or ''BITB'' and, collectively, the ''Bitcoin Funds'' or ''Funds'').[6]

The Exchange notes that this is a competitive filing as the Commission recently approved a rule proposal by Nasdaq ISE, LLC (''ISE'') to allow the listing and trading of options on iShares Bitcoin Trust (or IBIT), which is a trust that holds bitcoin (referred to herein as the ''ISE IBIT Approval Order'').[7] As discussed herein, the Exchange believes, like the recently-approved options on IBIT, options on the Bitcoin Funds would permit hedging, and allow for more liquidity, better price efficiency, and less volatility with respect to the underlying Funds. Further, permitting the listing of such options would enhance the transparency and efficiency of markets in these and correlated products.

Rule 915 provides that, subject to certain other criteria set forth in the Rule, securities deemed appropriate for options trading include Exchange-Traded Fund Shares (or ETFs) as defined in Commentary .06, that represent certain types of interests [8] and exchange-traded products (''ETPs'') structured as trusts that hold precious metals (which are deemed commodities).[9] Like ETPs backed by precious metals (*i.e.,* commodities), the Exchange proposes to allow options trading on the Bitcoin Funds that hold Bitcoin—which is also deemed a commodity.[10]

The Bitcoin Funds are structured as trusts that hold bitcoin. Like ETFs and ETPs currently deemed appropriate for options trading, the investment objective of each Bitcoin Fund trust is for its shares to reflect the performance of Bitcoin (less the expenses of the trust's operations), offering investors an opportunity to gain exposure to Bitcoin without the complexities of Bitcoin delivery. Each Bitcoin Fund's shares represent units of fractional undivided beneficial interest in the trust, the assets of which consist principally of Bitcoin and are designed to track Bitcoin or the performance of the price of Bitcoin and offer access to the Bitcoin market.[11] The Bitcoin Funds provide investors with cost-efficient alternatives that allow a level of participation in the Bitcoin market through the securities market.

The Exchange believes each Bitcoin Fund satisfies the Exchange's initial listing standards set forth in Commentary .01 to Rule 915.[12] The Exchange notes that the Bitcoin Funds also satisfy the listing standard applied to ETFs traded on the Exchange that they be available for creation and redemption each business day as set forth in Commentary .06(a)(ii).[13]

First, each of the Bitcoin Funds satisfy the criteria and guidelines set forth in Rule 915(a). Pursuant to Rule 915(a), a security on which options may be listed and traded on the Exchange must be duly registered (with the Commission) and be an NMS stock (as defined in Rule 600 of Regulation NMS under the Act) and be characterized by a substantial number of outstanding shares that are widely held and actively traded.[14] Each of the Bitcoin Funds is an NMS Stock as defined in Rule 600 of Regulation NMS under the Act.[15] The Exchange believes each Bitcoin Fund is characterized by a substantial number of outstanding shares that are widely held and actively traded.

As of August 30, 2024, the Bitcoin Funds had the following number of

[6] *See* proposed Rule 915, Commentary .10(a). On January 11, 2024, GBTC and BITB began trading on NYSE Arca, Inc. (''NYSE Arca''), the Exchange's affiliated SRO, after the Commission approved rule changes to list and trade shares of ''Bitcoin-Based Commodity-Based Trust Shares'' pursuant to Rule 8.201–E(c)(1) (Commodity-Based Trust Shares), including GBTC and BITB. See Securities Exchange Act Release No. 99306 (January 10, 2024) (Order Granting Accelerated Approval of Proposed Rule Changes, as Modified by Amendments Thereto, to List and Trade Bitcoin-Based Commodity-Based Trust Shares and Trust Units), 89 FR 3008 (January 17, 2024) (SR–NYSEARCA–2023–44; SR–NYSEARCA–2021–90).

On July 13, 2024, after receiving approval of the Commission, BTC began trading on NYSE Arca. See Securities Exchange Act Release No. 100610 (July 26, 2024) (Order Granting Approval of Proposed Rule Changes, as Modified by Amendment No. 1, to List and Trade Share of BTC pursuant to NYSE Arca Rule 8.201–E (Commodity-Based Trust Shares)), 89 FR 62821 (August 1, 2024) (SR–NYSEARCA–2023–45).

[7] *See* Securities Exchange Act Release No. 101128 (September 20, 2024), 89 FR 78942 (September 26, 2024) (SR–ISE–2024–03) (Notice of Filing of Amendment Nos. 4 and 5 and Order Granting Accelerated Approval of a Proposed Rule Change, as Modified by Amendment Nos. 1, 4, and 5, to Permit the Listing and Trading of Options on the iShares Bitcoin Trust (''IBIT'')) (''ISE IBIT Approval Order'').

[8] *See* Rule 915, Commentary .06, which permits options trading on ETFs that are traded on a national securities exchange and are defined as an ''NMS stock'' in Rule 600(b)(55) of Regulation NMS, that represent interests in registered investment companies (or series thereof) organized as open-end management investment companies, unit investment trusts or similar entities that hold portfolios of securities and/or financial instruments including, but not limited to, stock index futures contracts, options on futures, options on securities and indexes, equity caps, collars and floors, swap agreements, forward contracts, repurchase agreements and reverse purchase agreements (the ''Financial Instruments''), and money market instruments, including, but not limited to, U.S. government securities and repurchase agreements (the ''Money Market Instruments'') comprising or otherwise based on or representing investments in indexes or portfolios of securities and/or Financial Instruments and Money Market Instruments (or that hold securities in one or more other registered investment companies that themselves hold such portfolios of securities and/or Financial Instruments and Money Market Instruments); interests in a trust or similar entity that holds a specified non-U.S. currency deposited with the trust or similar entity when aggregated in some specified minimum number may be surrendered to the trust by the beneficial owner to receive the specified non-U.S. currency and pays the beneficial owner interest and other distributions on deposited non-U.S. currency, if any, declared and paid by the trust (''Currency Trust Shares''); commodity pool interests principally engaged, directly or indirectly, in holding and/or managing portfolios or baskets of securities, commodity futures contracts, options on commodity futures contracts, swaps, forward contracts and/or options on physical commodities and/or non-U.S. currency (''Commodity Pool Units''); or represents an interest in a registered investment company (''Investment Company'') organized as an open-end management investment company or similar entity, that invests in a portfolio of securities selected by the Investment Company's investment adviser consistent with the Investment Company's investment objectives and policies, which is issued in a specified aggregate minimum number in return for a deposit of a specified portfolio of securities and/or a cash amount with a value equal to the next determined net asset value (''NAV''), and when aggregated in the same specified minimum number, may be redeemed at a holder's request, which holder will be paid a specified portfolio of securities and/or cash with a value equal to the next determined NAV (''Managed Fund Share''); provided that all of the conditions listed in Rules 915 and 916 are met.

[9] *See* Rule 915, Commentary .10 (permitting the listing and trading of options on shares of the following trusts: SPDR Gold Trust, the iShares COMEX Gold Trust the iShares Silver Trust, the ETFS Gold Trust, and the ETFS Silver Trust, pursuant to Rule 915 and 916).

[10] *See* proposed Rule 915, Commentary .10(a) (added to include the listing and trading of options on shares of GBTC, BTC, and BITB, pursuant to Rule 915 and 916).

[11] The trust may include minimal cash.

[12] Commentary .01 to Rule 915 provides for guidelines to be by the Exchange when evaluating potential underlying securities for Exchange option transactions.

[13] Commentary .06(a)(ii) requires that ETFs must be available for creation or redemption each business day from or through the issuer in cash or in kind at a price related to net asset value, and the issuer must be obligated to issue ETFs in a specified aggregate number even if some or all of the investment assets required to be deposited have not been received by the issuer, subject to the condition that the person obligated to deposit the investments has undertaken to deliver the investment assets as soon as possible and such undertaking is secured by the delivery and maintenance of collateral consisting of cash or cash equivalents satisfactory to the issuer, as provided in the respective prospectus.

[14] The criteria and guidelines for a security to be considered widely held and actively traded are set forth in Commentary .01 to Rule 915, subject to exceptions.

[15] An ''NMS stock'' means any NMS security other than an option, and an ''NMS security'' means any security or class of securities for which transaction reports are collected, processed, and made available pursuant to an effective transaction reporting plan (or an effective national market system plan for reporting transaction in listed options). *See* 17 CFR 242.600(b)(64) (definition of ''NMS security'') and (65) (definition of ''NMS stock'').

shares outstanding (and corresponding market capitalization):

Bitcoin fund	Shares outstanding	Market value (8/30/2024)
GBTC	284,570,100	$13,443,091,524
BTC	366,950,100	1,930,157,526
BITB	68,690,000	2,221,640,670

As shown above, each of the Bitcoin Funds had significantly more than 7,000,000 shares outstanding, which is the minimum number of shares of a corporate stock that the Exchange generally requires to list options on that stock pursuant to Commentary .01(1) to Rule 915. The Exchange believes this demonstrates that each Bitcoin Fund is characterized by a substantial number of outstanding shares.

Further, the below table contains information regarding the number of beneficial holders of the Bitcoin Funds as of August 14, 2024.

Bitcoin Fund	Beneficial holders (8/14/24)
GBTC	464,364
BTC	13,403
BITB	75,437

As this table shows, each Bitcoin Fund has significantly more than 2,000 beneficial holders (approximately 232, 7, and 38 times more, respectively), which is the minimum number of holders the Exchange generally requires for corporate stock in order to list options on that stock pursuant to pursuant to [sic] Commentary .01(2) to Rule 915. Therefore, the Exchange believes the shares of each Bitcoin Fund are widely held.

In addition, the Exchange believes the shares of each Bitcoin Fund are actively traded. Further, as of September 30, 2024, the total trading volume (by shares and notional) for these funds since they began trading [16] and the average daily volume (''ADV'') over the 30-day period of September 1 through September 30, 2024, was as follows: [17]

Bitcoin Fund	Trading volume (shares)	Trading volume (notional $)	ADV (shares)
GBTC	1,803,567,700	93,472,544,497	3,266,138
BTC	335,492,930	1,792,866,521	6,838,546
BITB	434,815,840	14,433,361,384	1,949,835

As demonstrated above, even though these Bitcoin Funds have been trading for less than one year (and in the case of the BTC, less than two months), the trading volume for each is substantially higher than 2,400,000 shares (between roughly 165 and 700 times that amount), which is the minimum 12-month volume the Exchange generally requires for a security in order to list options on that security as set forth in Commentary .01 to Rule 915. The Exchange believes this data demonstrates each Bitcoin Fund is characterized by a substantial number of outstanding shares that are actively traded.

In addition to satisfying the Exchange's initial listing standards, options on Bitcoin Funds will be subject to the Exchange's continued listing standards as set forth in Commentary .07 to Rule 916.[18] Pursuant to Commentary .07 to Rule 916, the Exchange will not open for trading any additional series of option contracts covering a fund traded on the Exchange if such fund ceases to be an ''NMS stock'' as provided for Commentary .01(5) to Rule 915 or the fund is halted from trading on its primary market.[19] Additionally, options on funds traded on the Exchange may be subject to the suspension of opening transactions as follows: (1) the fund no longer meets the terms of Commentary .01 to Rule 916; (2) following the initial twelve-month period beginning upon the commencement of trading of the fund, there are fewer than 50 record and/or beneficial holders of the fund for 30 or more consecutive trading days; (3) the value of the underlying commodity is no longer calculated or available; or (4) such other event occurs or condition exists that in the opinion of the Exchange makes further dealing on the Exchange inadvisable.

Options on each Bitcoin Fund will be physically settled contracts with American-style exercise.[20] Consistent with Rule 903, which governs the opening of options series on a specific underlying security (including ETFs and ETPs), the Exchange will open at least one expiration month for options on each Bitcoin Fund [21] at the commencement of trading on the Exchange and may also list series of options on Bitcoin Funds for trading on a weekly,[22] monthly,[23] or quarterly [24] basis. The Exchange may also list long-term equity option series (''LEAPS'') that expire from twelve to thirty-nine months from the time they are listed.[25]

Pursuant to Rule 903, Commentary .05(a), which governs strike prices of series of options on ETFs, the interval between strike prices of series of options

[16] As noted *supra,* GBTC and BITB began trading on January 11th and BTC began trading on July 31st. Thus, the measurement period for the trading volume (shares/notional) is January 11 through September 20, 2024, for GBTC and BITB (*i.e.,* nine months) and July 31 through September 20, 2024, for BTC (*i.e.,* two months).

[17] *See* FactSet, 9/30/2024, *https://www.factset.com/data-attribution.*

[18] The Exchange proposes to amend Commentary .11 to Rule 916 to include the Bitcoin Funds in the list of ETPs deemed ''Exchange-Traded Fund Shares''—of ETFs [sic]—for purposes of the continued listing standards set forth in Commentary .07 to Rule 916. *See* proposed Commentary .11 to Rule 916. For avoidance of doubt, the Exchange refers ''funds'' rather than ''ETFs'' to make clear that the Bitcoin Funds are subject to these continued listing standards.

[19] *See* Commentary .07 to Rule 916.

[20] *See* Rule 902 (Rights and Obligations of Holders and Writers), which provides that the rights and obligations of holders and writers of option contracts of any class of options dealt in on the Exchange shall be as set forth in the Rules of the Clearing Corporation. *See also* OCC Rules, Chapter VIII, which governs exercise and assignment, and Chapter IX, which governs the discharge of delivery and payment obligations arising out of the exercise of physically settled stock option contracts. OCC Rules can be located at: *https://www.theocc.com/getmedia/9d3854cd-b782-450f-bcf7-33169b0576ce/occrules.pdf.*

[21] *See* Rule 903(c), Commentary .03. The monthly expirations are subject to certain listing criteria for underlying securities described within Rule 915. Monthly listings expire the third Friday of the month. The term ''expiration date'' (unless separately defined elsewhere in the OCC By-Laws), when used in respect of an option contract (subject to certain exceptions), means the third Friday of the expiration month of such option contract, or if such Friday is a day on which the exchange on which such option is listed is not open for business, the preceding day on which such exchange is open for business. *See* OCC By-Laws Article I, Section 1. Pursuant to Rule 903(d), additional series of options of the same class may be opened for trading on the Exchange when the Exchange deems it necessary to maintain an orderly market, to meet customer demand or when the market price of the underlying stock moves more than five strike prices from the initial exercise price or prices. New series of options on an individual stock may be added until the beginning of the month in which the options contract will expire. Due to unusual market conditions, the Exchange, in its discretion, may add a new series of options on an individual stock until the close of trading on the business day prior to expiration.

[22] *See* Rule 903(h).

[23] *See* Rule 903, Commentary .11.

[24] *See* Rule 903, Commentary .09.

[25] *See* Rule 903, Commentary .03.

on Bitcoin Funds will be $1 or greater when the strike price is $200 or less and $5 or greater where the strike price is over $200.[26] Additionally, the Exchange may list series of options pursuant to the $1 Strike Price Interval Program,[27] the $0.50 Strike Program,[28] the $2.50 Strike Price Program,[29] and the $5 Strike Program.[30] Pursuant to Rule 960NY, where the price of a series of a Bitcoin Fund option is less than $3.00, the minimum increment will be $0.05, and where the price is $3.00 or higher, the minimum increment will be $0.10.[31] Any and all new series of Bitcoin Fund options that the Exchange lists will be consistent and comply with the expirations, strike prices, and minimum increments set forth in Rules 903 and 960NY, as applicable. Further, the Exchange notes that Rule 462, which governs margin requirements applicable to the trading of all options on the Exchange, including options on ETFs and ETPs, will also apply to the trading of Bitcoin Fund options.

Rule 903G(a)(1) permits the Exchange to authorize for trading a FLEX option class on any equity security if it may authorize for trading a non-FLEX option class on that equity security pursuant to Rule 915.[32] At this time, the Exchange is not proposing to permit Bitcoin Fund options to trade as FLEX options.[33] The Exchange therefore proposes to modify Rule 903G(a)(1) to specify this exception, which will add clarity and transparency to Exchange Rules.[34]

Position and Exercise Limits

Position and exercise limits for options, including options on Bitcoin Funds, are determined pursuant to Rules 904 and 905, respectively. Position and exercise limits for options vary according to the number of outstanding shares and the trading volumes of the underlying security over the past six months, where the largest in capitalization and the most frequently traded funds have an option position and exercise limit of 250,000 contracts (with adjustments for splits, re-capitalizations, etc.) on the same side of the market; and smaller capitalization funds have position and exercise limits of 200,000, 75,000, 50,000 or 25,000 contracts (with adjustments for splits, re-capitalizations, etc.) on the same side of the market.[35]

Position limits are designed to limit the number of options contracts traded on the Exchange in an underlying security that an investor, acting alone or in concert with others directly or indirectly, may control. The purpose of position limits, which are set forth in Rule 904, is to address potential manipulative schemes and adverse market impacts surrounding the use of options, such as disrupting the market in the security underlying the options. As such, position limits must balance concerns regarding mitigating potential manipulation and the cost of inhibiting potential hedging activity that investors may use for legitimate economic purposes. To achieve this balance, the Exchange proposes to set the position and exercise limits for the options on the Bitcoin Funds at 25,000 contracts, a limit which has already been approved for IBIT, an ETP that (like the Bitcoin Funds) holds bitcoin.[36] Capping the position limit at 25,000 contracts, the lowest limit available in options, would address concerns related to manipulation and protection of investors as this number is conservative for the Bitcoin Funds and therefore appropriate given their liquidity. While the Exchange believes that the proposed 25,000-contract position limit is conservative for options on the Bitcoin Funds, it nonetheless believes that, for the reasons set forth below, evidence exists to support a much higher position limit.[37]

As shown in the table below, GBTC, BITB and BTC would easily qualify for the 250,000-contract position limit available to other ETFs and ETPs pursuant to the criterion in Rule 904, Commentary .07(a)(i), which requires that, for the most recent six-month period, trading volume for the underlying security be at least 100,000,000 shares.[38] As noted herein, BTC began trading on July 31, 2024, and therefore has only two months of trading data available as shown below.[39]

Bitcoin Fund	Total volume (9/30/2024)
GBTC	723,758,100 (6-months)
BTC	335,492,930 (2-months)
BITB	263,965,870 (6-months)

Thus, based on the most-recent trading volume, each Bitcoin Fund exceeded the requisite minimum of 100,000,000 shares necessary to qualify for the 250,000-contract position and exercise limits. By comparison, other options symbols with six-month trading volume less than GBTC, BITB, and BTC

[26] The Exchange notes that for options listed pursuant to the Short Term Option Series Program, the Monthly Options Series Program, and the Quarterly Options Series Program, Rules 903(h) and Commentaries .09 and .03 to Rule 903, specifically set forth intervals between strike prices on Quarterly Options Series, Short Term Option Series, and Monthly Options Series, respectively.

[27] *See* Rule 903, Commentary .06.

[28] *See* Rule 903, Commentary .13.

[29] *See* Rule 903, Commentary .07(a).

[30] *See* Rule 903, Commentary .12.

[31] If options on a Bitcoin Fund are eligible to participate in the Penny Interval Program, the minimum increment of $0.01 below $3.00 and $0.50 above $3.00 would apply. *See* Rule 960NY(a)(3). See also Rule 960.1NY (which describes the requirements for the Penny Interval Program).

[32] *See* Rule 903G(a)(1). *See generally* Section 15 (Flexible Exchange (''FLEX'') Options).

[33] The Exchange will continue ongoing discussions with the Commission regarding appropriate position limits for the Bitcoin Funds and plans to submit a separate rule filing that would permit the Exchange to authorize for trading FLEX options on the Funds (which filing may propose changes to existing FLEX option position limits for such options if appropriate).

[34] *See* proposed Rule 903G(a)(1) (providing, in relevant part, that the Exchange may approve and open for trading any FLEX Equity Options series on any equity security that is eligible for Non-FLEX Options trading under Rule 915 ''except those set forth in Commentary .10(a) to Rule 915,'' *i.e.,* the Bitcoin Funds).

[35] *See* Commentary .07(a)–(d) to Rule 904. For an option to be eligible for the 50,000-contract limit, the security underlying the option must have most recent six-month trading volume of at least 20,000,000 shares, or most recent six-month trading volume of at least 15,000,000 shares and at least 40,000,000 shares currently outstanding. For an option to be eligible for the 75,000-contract limit, the underlying security must have most recent six-month trading volume of at least 40,000,000 shares, or most recent six-month trading volume of at least 30,000,000 shares and at least 120,000,000 shares currently outstanding. For an option to be eligible for the 200,000-contract limit, the underlying security must have most recent six-month trading volume of at least 80,000,000 shares, or most recent six-month trading volume of at least 60,000,000 shares and at least 240,000,000 shares currently outstanding. For an option to be eligible for the 250,000-contract limit, the security underlying the option must have most recent six-month trading volume of at least 100,000,000 shares, or most recent six-month trading volume of at least 75,000,000 shares and at least 300,000,000 shares currently outstanding. The 25,000-contract limit applies to options on underlying securities that do not qualify for a higher contract limit. *See* Commentary .07(e) to Rule 904. In addition, Commentary .07(f) to Rule 904 establishes higher position limits for options on certain ETFs.

[36] *See* proposed Rule 904, Commentary .07(f). *See also* ISE IBIT Approval Order, *supra* note 6. [sic]

[37] The Exchange may file a subsequent rule change to amend the position and exercise limit for options on any or all the Bitcoin Funds based on additional data regarding trading activity, to continue to balance any concerns regarding manipulation. A higher position limit would allow institutional investors to utilize options on the Bitcoin Funds for prudent risk management purposes.

[38] Per Commentary .07(a) to Rule 904, to qualify for the 250,000-contract position limit for options, the underlying security must (i) have trading volume of at least 100,000,000 shares during the most recent six-month trading period; or (ii) have trading volume of at least 75,000,000 shares during the most recent six-month trading period *and* have at least 300,000,000 shares currently outstanding.

[39] *See* FactSet, 9/30/2024, *https://www.factset.com/data-attribution*. For avoidance of doubt, the Exchange notes that this chart depicts the most recent six months of trading data by shares for GBTC and BITB whereas the earlier chart (that depicts volume by notional and shares) covered the first nine months of trading. For BTC, both charts depict the same two-month trading volume by shares.

are eligible for position and exercise limits of at least 250,000.[40]

With respect to the outstanding shares of each Bitcoin Fund, if a market participant held the maximum number of contracts possible pursuant to the proposed position and exercise limits (25,000 contracts), the equivalent shares represented by the proposed position/exercise limit (2,500,000 shares) would represent the following approximate percentage of current outstanding shares:

Bitcoin Fund	Proposed position/exercise limits in equivalent shares	Outstanding shares (8/30/24)	Percentage of outstanding shares
GBTC	2,500,000	284,570,100	0.9
BTC	2,500,000	366,950,100	0.7
BITB	2,500,000	68,690,000	3.6

As this table demonstrates, if a market participant held the maximum permissible options positions in one of the Bitcoin Fund options and exercised all of them at the same time, that market participant would control a small percentage of the outstanding shares of the underlying Bitcoin Fund. For example, as noted above, a position limit of 25,000 same side contracts effectively restricts a market participant from holding positions that could result in the receipt of no more than 2,500,000 shares of the applicable Bitcoin Fund (if that market participant exercised all its options). Based on the number of shares outstanding for each Bitcoin Fund as of August 30, 2024, the table below sets forth the approximate number of market participants that could hold the maximum of 25,000 same side positions in each Bitcoin Fund that would equate to the number of shares outstanding of that Bitcoin Fund:

Bitcoin Fund	Shares outstanding	Number of market participants with 25,000 same side positions
GBTC	284,570,100	114
BTC	366,950,100	147
BITB	68,690,000	27

This means if 114 market participants had 25,000 same side positions in options on GBTC, each of them would have to simultaneously exercise all of those options to create a scenario that may put the underlying security under stress. Similarly, this means if 147 market participants had 25,000 same side positions in options on BTC, each of them would have to simultaneously exercise all of those options to create a scenario that may put the underlying security under stress. Finally, this means if 27 market participants had 25,000 same side positions in options on BITB, each of them would have to simultaneously exercise all of those options to create a scenario that may put the underlying security under stress. The Exchange believes it is highly unlikely for this to occur; however, even if such event did occur, the Exchange would not expect any of the Bitcoin Fund to be under stress because such an event would merely induce the creation of more shares through the trust's creation and redemption process.

Further, given that the issuer of each Bitcoin Fund may create and redeem shares that represent an interest in Bitcoin, the Exchange believes it is relevant to compare the size of a position limit to the market capitalization of the Bitcoin market. As of August 30, 2024, the global supply of Bitcoin was 19,747,066, and the price of one Bitcoin was approximately $59,108.23, which equates to a market capitalization of approximately $1.167 trillion.[41] Consider the proposed position and exercise limit of 25,000 option contracts for each Bitcoin Fund option. A position and exercise limit of 25,000 same side contracts effectively restricts a market participant from holding positions that could result in the receipt of no more than 2,500,000 shares of GBTC, BTC, or BITB, as applicable (if that market participant exercised all its options). The following table shows the share price of each Bitcoin Fund on August 30, 2024, the value of 2,500,000 shares of the Bitcoin Fund at that price, and the approximate percentage of that value of the size of the Bitcoin market:

Bitcoin Fund	Aug. 30th share price ($)	Value of 2,500,000 shares of bitcoin fund ($)	Percentage of bitcoin market
GBTC	46.75	116,875,000	0.010
BTC	5.20	13,000,000	0.001
BITB	31.95	79,875,000	0.007

Therefore, if a market participant with the maximum 25,000 same side contracts in options on GBTC, BTC, or BITB exercised all positions at one time, such an event would have no practical impact on the Bitcoin market.

The Exchange also reviewed the market capitalization of each Bitcoin Fund relative to the market

[40] *See https://www.theocc.com/Market-Data/Market-Data-Reports/Series-and-Trading-Data/Series-Search* (including the following symbols that have a position limit of 250,000: GLD, IAU, SLV, SIVR, SGOL).

[41] *See https://www.blockchain.com/explorer/charts/total-bitcoins.*

capitalization of the entire bitcoin market, as of August 30, 2024.

	bitcoin/shares outstanding	Market value (8/30/2024)	% of total bitcoin market
Total Bitcoin Market[42]	19,747,066	$1,167,214,096,788	100.00
GBTC	284,570,100	13,443,091,524	1.15
BTC	366,950,100	1,930,157,526	0.17
BITB	68,690,000	2,221,640,670	0.19

As shown above, the Bitcoin Funds collectively represent approximately 1.51% of the global supply of Bitcoin (19,747,066). Based on the $46.75 price of a GBTC share on August 30, 2024, a market participant could have redeemed one Bitcoin for approximately 1,264 GBTC shares. Another 24,967,146,455 GBTC shares could be created before the supply of Bitcoin was exhausted. As a result, 9,987 market participants would have to simultaneously exercise 25,000 same side positions in GBTC options to receive shares of the GBTC holding the entire global supply of Bitcoin. Similarly, based on the $5.20 price of a BTC share on August 30, 2024, a market participant could have redeemed one Bitcoin for approximately 11,367 BTC shares. Another 224,464,249,382 BTC shares could be created before the supply of Bitcoin was exhausted. As a result, 89,786 market participants would have to simultaneously exercise 25,000 same side positions in BTC options to receive shares of BTC holding the entire global supply of Bitcoin. Similarly, based on the $31.95 price of a BITB share on August 30, 2024, a market participant could have redeemed one Bitcoin for approximately 1,850 BITB shares. Another 36,532,522,591 BITB shares could be created before the supply of Bitcoin was exhausted. As a result, 14,613 market participants would have to simultaneously exercise 25,000 same side positions in BITB options to receive shares of BITB holding the entire global supply of Bitcoin. Unlike the Bitcoin Funds, the number of shares that corporations may issue is limited. However, like corporations, which authorize additional shares, repurchase shares, or split their shares, the Bitcoin Funds may create, redeem, or split shares in response to demand. While the supply of Bitcoin is limited to 21,000,000, it is believed that it will take more than 100 years to fully mine the remaining Bitcoin.[43] The supply of Bitcoin is larger than the available supply of most securities.[44] Given the significant unlikelihood of any of these events ever occurring, the Exchange does not believe options on the Bitcoin Funds should be subject to position and exercise limits even lower than those proposed (which are already equal to the lowest available limit for equity options in the industry) to protect the supply of Bitcoin.

The Exchange also believes the proposed limits are appropriate given position limits for Bitcoin futures. For example, the Chicago Mercantile Exchange (''CME'') imposes a position limit of 2,000 futures (for the initial spot month) on its Bitcoin futures contract.[45] On August 28, 2024, CME Aug 24 Bitcoin Futures settled at $58,950. A position of 2,000 CME Bitcoin futures, therefore, would have a notional value of $589,500,000. The following table shows the share price of each Bitcoin Fund on August 28, 2024, and the approximate number of option contracts that equates to that notional value:

Bitcoin Fund	Aug. 28th share price	Number of option contracts
GBTC	46.94	125,585
BTC	5.23	1,127,151
BITB	32.08	183,759

The approximate number of option contracts for each Bitcoin Fund that equate to the notional value of CME Bitcoin futures is significantly higher than the proposed limit of 25,000 options contract for each Bitcoin Fund option. The fact that many options ultimately expire out-of-the-money and thus are not exercised for shares of the underlying, while the delta of a Bitcoin Future is 1, further demonstrates how conservative the proposed limits of 25,000 options contracts are for the Bitcoin Fund options.

The Exchange notes, unlike options contracts, CME position limits are calculated on a net futures-equivalent basis by contract and include contracts that aggregate into one or more base contracts according to an aggregation ratio(s).[46] Therefore, if a portfolio includes positions in options on futures, CME would aggregate those positions into the underlying futures contracts in accordance with a table published by CME on a delta equivalent value for the relevant spot month, subsequent spot month, single month and all month position limits.[47] If a position exceeds position limits because of an option assignment, CME permits market participants to liquidate the excess position within one business day without being considered in violation of its rules. Additionally, if at the close of trading, a position that includes options exceeds position limits for futures contracts, when evaluated using the delta factors as of that day's close of trading but does not exceed the limits when evaluated using the previous day's delta factors, then the position shall not constitute a position limit violation. Considering CME's position limits on futures for Bitcoin, the Exchange believes that that the proposed same side position limits are more than appropriate for the Bitcoin Fund options.

The Exchange believes the available supply of Bitcoin is not relevant to the determination of position and exercise limits for options overlying the Bitcoin Funds.[48] Position and exercise limits are

[42] *See id.*

[43] *See https://www.blockchain.com/explorer/assets/btc* (citing 21 million as the ''total supply'' of bitcoin).

[44] The market capitalization of Bitcoin would rank in the top 10 among securities. *See https://companiesmarketcap.com/usa/largest-companies-in-the-usa-by-market-cap/.*

[45] *See* CME Rulebook Chapter 350 (description of CME Bitcoin Futures) and Chapter 5, Position Limit, Position Accountability and Reportable Level Table in the Interpretations & Special Notices. Each CME Bitcoin futures contract is valued at five Bitcoins as defined by the CME CF Bitcoin Reference Rate (''BRR''). *See* CME Rule 35001.

[46] *See* CME Rulebook Chapter 5, Position Limit, Position Accountability and Reportable Level Table in the Interpretations & Special Notices.

[47] *Id.*

[48] The Exchange is unaware of any proposed rule change related to position and exercise limits for any equity option (including commodity ETF options) for which the Commission required consideration of whether the available supply of an underlying (whether it be a corporate stock or an ETF) or the contents of an ETF (commodity or otherwise) should be considered when an exchange proposed to establish those limits. *See, e.g.,* Securities Exchange Act Release No. 57894 May 30, 2008), 73 FR 32061 (June 5, 2008) (SR–CBOE–2005–11) (approval order in which the Commission stated that the ''listing and trading of Gold Trust Options will be subject to the exchanges' rules pertaining to position and exercise limits and margin''). The Exchange notes when the Commission approved this filing, the position limits in Rule 9054 were the

Continued

not a tool that should be used to address a potential limited supply of the underlying of an underlying. Position and exercise limits do not limit the total number of options that may be held, but rather they limit the number of positions a single customer may hold or exercise at one time.[49] ''Since the inception of standardized options trading, the options exchanges have had rules imposing limits on the aggregate number of options contracts that a member or customer could hold or exercise.'' [50] Position and exercise limit rules are intended ''to prevent the establishment of options positions that can be used or might create incentives to manipulate or disrupt the underlying market so as to benefit the options position. In particular, position and exercise limits are designed to minimize the potential for mini-manipulations and for corners or squeezes of the underlying market. In addition, such limits serve to reduce the possibility for disruption of the options market itself, especially in illiquid options classes.'' [51]

The Exchange notes that a Registration Statement on Form S–1 was filed with the Commission for each Bitcoin Fund, each of which described the supply of Bitcoin as being limited to 21,000,000 (of which approximately 90% had already been mined), and that the limit would be reached around the year 2140.[52] Each Registration Statement permits an unlimited number of shares of the applicable Bitcoin Fund to be created. Further, the Commission approved proposed rule changes that permitted the listing and trading of shares of each Bitcoin Fund, which approval did not comment on the sufficient supply of Bitcoin or address whether there was a risk that permitting an unlimited number of shares for a Bitcoin Fund would impact the supply of Bitcoin.[53] Therefore, the Exchange believes the Commission had ample time and opportunity to consider whether the supply of Bitcoin was sufficient to permit the creation of unlimited Bitcoin Fund shares, and does not believe considering this supply with respect to the establishment of position and exercise limits is appropriate given its lack of relevance to the purpose of position and exercise limits. However, given the significant size of the Bitcoin supply, the proposed positions limits are more than sufficient to protect investors and the market.

Based on the foregoing, the Exchange believes the proposal to list options on the Bitcoin Funds with positions and exercise limits of 25,000 on the same side, the lowest position limit available in the options industry, is conservative and appropriate given the market capitalization, average daily volume, and high number of outstanding shares for each of the Bitcoin Funds. The proposed position and exercise limits reasonably and appropriately balance the liquidity provisioning in the market against the prevention of manipulation. The Exchange believes these proposed limits are effectively designed to prevent an individual customer or entity from establishing options positions that could be used to manipulate the market of the underlying Bitcoin Funds as well as the Bitcoin market.[54]

As described herein, options on the Bitcoin Funds will trade in the same manner as any other ETF or ETP options on the Exchange, except that the Bitcoin Funds will not be eligible for FLEX option trading. The Exchange Rules that currently apply to the listing and trading of options on the Exchange, including, for example, Rules that govern listing criteria, expiration and exercise prices, minimum increments, margin requirements, customer accounts and trading halt procedures will apply to the listing and trading of Bitcoin Funds on the Exchange in the same manner as they apply to all other ETFs and ETPs that are listed and traded on the Exchange, including the precious metal-backed commodity ETPs already deemed appropriate for options trading on the Exchange pursuant to Commentary .10 to Rule 915. Further, as described above, Exchange Rules regarding position and exercise limits will likewise apply to options on the Bitcoin Funds except the that, as proposed, the position and exercise limits will be set at 25,000 on the same side.

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The Exchange notes that options on Bitcoin Funds would not be available for trading until The Options Clearing Corporation (''OCC'') represents to the Exchange that it is fully able to clear and settle such options. The Exchange has also analyzed its capacity and represents that it and The Options Price Reporting Authority (''OPRA'') have the necessary systems capacity to handle the additional traffic associated with the listing of options on Bitcoin Funds. The Exchange believes any additional traffic that would be generated from the trading of options on Bitcoin Funds would be manageable. The Exchange represents that Exchange members will not have a capacity issue as a result of this proposed rule change.

The Exchange represents that the same surveillance procedures applicable to all other options currently listed and traded on the Exchange will apply to options on Bitcoin Funds, and that it has the necessary systems capacity to support the new option series. The Exchange's existing surveillance and reporting safeguards are designed to deter and detect possible manipulative behavior which might arise from listing and trading options on ETFs and ETPs, such as (existing) precious metal-commodity backed ETP options as well as the proposed options on Bitcoin Funds. The Exchange believes that its surveillance procedures are adequate to properly monitor the trading of options on Bitcoin Funds in all trading sessions and to deter and detect violations of Exchange rules. Specifically, the Exchange's market surveillance staff will have access to the surveillances conducted by its affiliate NYSE, Arca Inc. with respect to the Bitcoin Funds and would review activity in the underlying Funds when conducting surveillances for market abuse or manipulation in the options on the Trust. Additionally, the Exchange is a member of the Intermarket Surveillance Group (''ISG'') under the Intermarket Surveillance Group Agreement. ISG members work together to coordinate surveillance and investigative information sharing in the stock, options, and futures markets. In addition, the Exchange has a Regulatory Services Agreement with the Financial Industry Regulatory Authority (''FINRA''). Pursuant to a multi-party 17d–2 joint plan, all options exchanges

same as they are today. For reference, the current position and exercise limits for options on SPDR Gold Shares ETF (''GLD'') and options on iShares Silver Trust (''SLV'') are 250,000 contracts, or 10 times that proposed position and exercise limit for the Bitcoin Fund options.

[49] For example, suppose an option has a position limit of 25,000 option contracts and there are a total of 10 investors trading that option. If all 10 investors max out their positions, that would result in 250,000 option contracts outstanding at that time. However, suppose 10 more investors decide to begin trading that option and also max out their positions. This would result in 500,000 option contracts outstanding at that time. An increase in the number of investors could cause an increase in outstanding options even if position limits remain unchanged.

[50] *See* Securities Exchange Act Release No. 39489 (December 24, 1997), 63 FR 276 (January 5, 1998) (SR–CBOE–1997–11).

[51] *Id.*

[52] *See, e.g.,* GBTC Form S–1 Registration Statement, at p. 17, *https://www.sec.gov/Archives/edgar/data/1588489/000119312517013693/d157414ds1.htm;* BTC Form S–1 Registration Statement, at p. 21, *https://www.sec.gov/Archives/edgar/data/2015034/000119312524065444/d785023ds1.htm;* and BITB Amendment No 2. to S–1, at p. 47, *https://www.sec.gov/Archives/edgar/data/1763415/000199937123000735/bitwise-s1a_120423.htm* (''Bitcoin Funds Reg. Stmts.'').

[53] *See* Bitcoin ETP Approval Order.

[54] *See* Securities Exchange Act Release No. 39489 (December 24, 1997), 63 FR 276 (January 5, 1998) (SR–CBOE–1997–11).

allocate regulatory responsibilities to FINRA to conduct certain options-related market surveillances.[55] Further, the Exchange will implement any new surveillance procedures it deems necessary to effectively monitor the trading of options on the Bitcoin Funds.

The underlying shares of spot bitcoin ETPs, including the Bitcoin Funds, are also subject to safeguards related to addressing market abuse and manipulation. As the Commission stated in its order approving proposals of several exchanges to list and trade shares of spot bitcoin-based exchange-traded products (''Bitcoin ETP Order''):

> Each Exchange has a comprehensive surveillance-sharing agreement with the CME via their common membership in the Intermarket Surveillance Group. This facilitates the sharing of information that is available to the CME through its surveillance of its markets, including its surveillance of the CME bitcoin futures market.[56]

The Exchange states that, given the consistently high correlation between the CME bitcoin futures market and the spot bitcoin market, as confirmed by the Commission through robust correlation analysis, the Commission was able to conclude that such surveillance sharing agreements could reasonably be ''expected to assist in surveilling for fraudulent and manipulative acts and practices in the specific context of the [Bitcoin ETPs].'' [57]

In light of surveillance measures related to both options and futures as well as the underlying Bitcoin Funds,[58] the Exchange believes that existing surveillance procedures are designed to deter and detect possible manipulative behavior which might potentially arise from listing and trading the proposed options on the Bitcoin Funds.

Finally, quotation and last sale information for ETFs is available via the Consolidated Tape Association (''CTA'') high speed line. Quotation and last sale information for such securities is also available from the exchange on which such securities are listed. Quotation and last sale information for options on Bitcoin Funds will be available via OPRA and major market data vendors.

The Exchange believes that offering options on Bitcoin Funds will benefit investors by providing them with an additional, relatively lower cost investing tool to gain exposure to the price of Bitcoin and hedging vehicle to meet their investment needs in connection with Bitcoin-related products and positions. The Exchange expects investors will transact in options on Bitcoin Funds in the unregulated over-the-counter (''OTC'') options market,[59] but may prefer to trade such options in a listed environment to receive the benefits of trading listed options, including (1) enhanced efficiency in initiating and closing out position; (2) increased market transparency; and (3) heightened contra-party creditworthiness due to the role of OCC as issuer and guarantor of all listed options. The Exchange believes that listing Bitcoin Fund options may cause investors to bring this liquidity to the Exchange, would increase market transparency and enhance the process of price discovery conducted on the Exchange through increased order flow. The Exchange notes that the ETPs that hold precious metal commodities on which the Exchange may already list and trade options are trusts structured in substantially the same manner as Bitcoin Funds and essentially offer the same objectives and benefits to investors, just with respect to different assets. The Exchange notes that it has not identified any issues with the continued listing and trading of options on any ETFs or ETPs that hold commodities (*i.e.,* precious metals) that it currently lists and trades on the Exchange.

Finally, the Exchange notes that applicable Exchange rules will require that customers receive appropriate disclosure before trading options in Bitcoin Funds.[60] Further, brokers opening accounts and recommending options transactions must comply with relevant customer suitability standards.[61]

2. Statutory Basis

The Exchange believes that its proposed rule change is consistent with Section 6(b) of the Act [62] in general and furthers the objectives of Section 6(b)(5) of the Act [63] in particular, in that it is designed to promote just and equitable principles of trade, to remove impediments to and perfect the mechanisms of a free and open market and a national market system, and, in general, to protect investors and the public interest.

In particular, the Exchange believes that the proposal to list and trade options on Bitcoin Funds will remove impediments to and perfect the mechanism of a free and open market and a national market system and, in general, protect investors because offering options on Bitcoin Funds will provide investors with an opportunity to realize the benefits of utilizing options on a Bitcoin Fund, including cost efficiencies and increased hedging strategies.

The Exchange believes that offering Bitcoin Fund options will benefit investors by providing them with a relatively lower-cost risk management tool, which will allow them to manage their positions and associated risk in their portfolios more easily in connection with exposure to the price of Bitcoin and with Bitcoin-related products and positions. Additionally, the Exchange's offering of Bitcoin Fund options will provide investors with the ability to transact in such options in a listed market environment as opposed to in the unregulated OTC options market, which would increase market

[55] Section 19(g)(1) of the Act, among other things, requires every SRO registered as a national securities exchange or national securities association to comply with the Act, the rules and regulations thereunder, and the SRO's own rules, and, absent reasonable justification or excuse, enforce compliance by its members and persons associated with its members. *See* 15 U.S.C. 78q(d)(1) and 17 CFR 240.17d–2. Section 17(d)(1) of the Act allows the Commission to relieve an SRO of certain responsibilities with respect to members of the SRO who are also members of another SRO. Specifically, Section 17(d)(1) allows the Commission to relieve an SRO of its responsibilities to: (i) receive regulatory reports from such members; (ii) examine such members for compliance with the Act and the rules and regulations thereunder, and the rules of the SRO; or (iii) carry out other specified regulatory responsibilities with respect to such members.

[56] *See* Securities Exchange Act Release No. 99306 (January 10, 2024), 89 FR 3008, 3009 (January 17, 2024) (File Nos. SR–NYSEArca–2021–90; SR–NYSEArca–2023–44; SR–NYSEArca–2023–58; SR–NASDAQ–2023–016; SR–NASDAQ–2023–019; SR–CboeBZX–2023–028; SR–CboeBZX–2023–038; SR–CboeBZX–2023–040; SR–CboeBZX–2023–042; SR–CboeBZX–2023–044; and SR–CboeBZX–2023–072) (Order Granting Accelerated Approval of Proposed Rule Changes, as Modified by Amendments Thereto, to List and Trade Bitcoin-Based Commodity-Based Trust Shares and Trust Units).

[57] *See* Bitcoin ETP Order, 89 FR at 3010–11.

[58] *See* Amendment No. 2 to Proposed Rule Change to List and Trade Shares of the Grayscale Bitcoin Trust (BTC) under NYSE Arca Rule 8.201–E (Commodity-Based Trust Shares) (SR–NYSEARCA–2021–90), filed Jan. 5, 2024, available at *https://www.sec.gov/comments/sr-nysearca-2021-90/srnysearca202190-358659-884182.pdf* ; Amendment No. 2 to Proposed Rule Change to List and Trade Shares of the Bitwise Bitcoin ETF under NYSE Arca Rule 8.201–E (Commodity-Based Trust Shares) (SR–NYSEARCA–2023–44), filed Jan. 5, 2024, available at *https://www.sec.gov/comments/sr-nysearca-2023-44/srnysearca202344-358800-884322.pdf;* and Notice of Filing of Proposed Rule Change, as Modified by Amendment No. 1, To List and Trade Shares of the Grayscale Bitcoin Mini Trust Under NYSE Arca Rule 8.201–E, Commodity-Based Trust Shares, Securities Exchange Act Release No. 100290 (June 6, 2024), 89 FR 49931 (June 12, 2024) (SR–NYSEARCA–2024–45).

[59] The Exchange understands from customers that investors have historically transacted in options on ETFs in the OTC options market if such options were not available for trading in a listed environment.

[60] *See* Rules 921(c) and (f), and Commentary .01 to Rule 921 and 481.

[61] *See* Rule 923.

[62] 15 U.S.C. 78f(b).

[63] 15 U.S.C. 78f(b)(5).

transparency and enhance the process of price discovery conducted on the Exchange through increased order flow to the benefit of all investors. The Exchange also notes that it already lists options on other commodity-based ETPs,[64] which, as described above, are trusts structured in substantially the same manner as Bitcoin Funds and essentially offer the same objectives and benefits to investors, just with respect to a different commodity (*i.e.,* Bitcoin rather than precious metals) and for which the Exchange has not identified any issues with the continued listing and trading of commodity-backed ETP options it currently lists for trading.

The Exchange also believes the proposed rule change will remove impediments to and perfect the mechanism of a free and open market and a national market system, because it is consistent with current Exchange Rules previously filed with the Commission. Options on Bitcoin Funds satisfy the initial listing standards and continued listing standards currently in the Exchange Rules applicable to options on all ETFs and ETPs, including ETPs that hold other commodities already deemed appropriate for options trading on the Exchange. Additionally, as demonstrated above, each Bitcoin Fund is characterized by a substantial number of shares that are widely held and actively traded. Bitcoin Fund options will trade in the same manner as any other ETF or ETP options—the same Exchange Rules that currently govern the listing and trading of options, including permissible expirations, strike prices, minimum increments, and margin requirements, will govern the listing and trading of options on Bitcoin Funds in the same manner.

The Exchange believes the proposed rule change to exclude the Bitcoin Funds from being eligible for trading as FLEX options is consistent with the Act, because it will permit the Exchange to continue to participate in ongoing discussions with the Commission regarding appropriate position limits for options on these Funds.[65]

The proposed position and exercise limit for options on the Bitcoin Funds is 25,000 contracts. These position and exercise limits are the lowest position and exercise limits available in the options industry, are extremely conservative and more than appropriate given the Bitcoin Funds' market capitalization, average daily volume, number of beneficial holders, and high number of outstanding shares.[66] The proposed position and exercise limits are consistent with the Act as they addresses concerns related to manipulation and protection of investors because the position and exercise limits are extremely conservative and more than appropriate given the Bitcoin Funds are actively traded.

The Exchange also believes the proposed rule change to Rule 903G(a), to make clear that options on the Bitcoin Funds are not eligible for FLEX trading, will remove impediments to and perfect the mechanism of a free and open market and a national market system because it adds clarity and transparency to Exchange Rules making them easier to navigate and understand to the benefit of investors and the public interest.

The Exchange represents that it has the necessary systems capacity to support the new Bitcoin Fund options. The Exchange believes that its existing surveillance and reporting safeguards are designed to deter and detect possible manipulative behavior which might arise from listing and trading options, including Bitcoin Fund options. The Exchange's existing surveillance and reporting safeguards are designed to deter and detect possible manipulative behavior which might arise from listing and trading options on ETFs and ETPs, such as (existing) precious metal-commodity backed ETP options as well as the proposed options on Bitcoin Funds. The Exchange believes that its surveillance procedures are adequate to properly monitor the trading of options on Bitcoin Funds in all trading sessions and to deter and detect violations of Exchange rules. Specifically, the Exchange's market surveillance staff will have access to the surveillances conducted by its affiliated NYSE, Arca Inc. with respect to the Bitcoin Funds and would review activity in the underlying Funds when conducting surveillances for market abuse or manipulation in the options on the Trust. Additionally, the Exchange is a member of the ISG under the Intermarket Surveillance Group Agreement. ISG members work together to coordinate surveillance and investigative information sharing in the stock, options, and futures markets. In addition, the Exchange has a Regulatory Services Agreement with the FINRA and, as noted herein, pursuant to a multi-party 17d–2 joint plan, all options exchanges allocate regulatory responsibilities to FINRA to conduct certain options-related market surveillances. Further, the Exchange will implement any new surveillance procedures it deems necessary to effectively monitor the trading of options on the Bitcoin Funds.

The underlying shares of spot bitcoin ETPs, including the Bitcoin Funds, are also subject to safeguards related to addressing market abuse and manipulation. As the Commission stated in its order approving proposals of several exchanges to list and trade shares of spot bitcoin-based ETPs, ''[e]ach Exchange has a comprehensive surveillance-sharing agreement with the CME via their common membership in the Intermarket Surveillance Group. This facilitates the sharing of information that is available to the CME through its surveillance of its markets, including its surveillance of the CME bitcoin futures market.[67] The Exchange states that, given the consistently high correlation between the CME bitcoin futures market and the spot bitcoin market, as confirmed by the Commission through robust correlation analysis, the Commission was able to conclude that such surveillance sharing agreements could reasonably be ''expected to assist in surveilling for fraudulent and manipulative acts and practices in the specific context of the [Bitcoin ETPs].'' [68] In light of surveillance measures related to both options and futures as well as the underlying Bitcoin Funds,[69] the

[64] *See* Rule 915, Commentary .10.

[65] The Exchange will submit a separate rule filing that would permit the Exchange to authorize for trading FLEX options on the Bitcoin Funds (which filing may propose changes to existing FLEX option position limits for such options if appropriate).

[66] The Exchange notes that IBIT—which has been approved for options trading—represents a larger percentage of the bitcoin market than all three Bitcoin Funds. *See* ISE IBIT Approval Order, *supra* note 6. As noted herein, the Bitcoin Funds collectively represent approximately 1.51% of the bitcoin market. By comparison, IBIT options have an approved position limit of 25,000 contracts per side, which represents 4% of total underlying spot BTC liquidity, and IBIT is the most liquid spot Bitcoin ETF. *See id.*

[67] *See* Securities Exchange Act Release No. 99306 (January 10, 2024), 89 FR 3008, 3009 (January 17, 2024) (File Nos. SR–NYSEArca–2021–90; SR–NYSEArca–2023–44; SR–NYSEArca–2023–58; SR–NASDAQ–2023–016; SR–NASDAQ–2023–019; SR–CboeBZX–2023–028; SR–CboeBZX–2023–038; SR–CboeBZX–2023–040; SR–CboeBZX–2023–042; SRCboeBZX–2023–044; and SR–CboeBZX–2023–072) (Order Granting Accelerated Approval of Proposed Rule Changes, as Modified by Amendments Thereto, to List and Trade Bitcoin-Based Commodity-Based Trust Shares and Trust Units).

[68] *See* Bitcoin ETP Order, 89 FR at 3010–11.

[69] *See* Amendment No. 2 to Proposed Rule Change to List and Trade Shares of the Grayscale Bitcoin Trust (BTC) under NYSE Arca Rule 8.201–E (Commodity-Based Trust Shares) (SR–NYSEARCA–2021–90), filed Jan. 5, 2024, available at *https://www.sec.gov/comments/sr-nysearca-2021-90/srnysearca202190-358659-884182.pdf;* Amendment No. 2 to Proposed Rule Change to List and Trade Shares of the Bitwise Bitcoin ETF under NYSE Arca Rule 8.201–E (Commodity-Based Trust Shares) (SR–NYSEARCA–2023–44), filed Jan. 5,

Exchange believes that existing surveillance procedures are designed to deter and detect possible manipulative behavior which might potentially arise from listing and trading the proposed options on the Bitcoin Funds. Further, the Exchange will implement any new surveillance procedures it deems necessary to effectively monitor the trading of options on Bitcoin ETPs.

Finally, the Exchange notes that this proposal will remove impediments to and perfect the mechanism of a free and open market and a national market system and, in general, protect investors because applicable Exchange rules will require that customers receive appropriate disclosure before trading options in Bitcoin Funds [70] and will require that brokers opening accounts and recommending options transactions comply with relevant customer suitability standards.[71]

B. Self-Regulatory Organization's Statement on Burden on Competition

The Exchange does not believe that the proposed rule change will impose any burden on competition that is not necessary or appropriate in furtherance of the purposes of the Act.

Intramarket Competition: The Exchange does not believe that the proposed rule change will impose any burden on intramarket competition that is not necessary or appropriate in furtherance of the purposes of the Act as Bitcoin Funds would need to satisfy the initial listing standards set forth in the Exchange Rules in the same manner as any other ETF before the Exchange could list options on them. Additionally, Bitcoin Fund options will be equally available to all market participants who wish to trade such options. The Exchange Rules currently applicable to the listing and trading of options on ETFs on the Exchange will apply in the same manner to the listing and trading of all options on Bitcoin Funds. Also, and as stated above, the Exchange already lists options on other commodity-based ETPs.[72]

Intermarket Competition: The Exchange does not believe that the proposal to list and trade options on Bitcoin Funds will impose any burden on intermarket competition that is not necessary or appropriate in furtherance of the purposes of the Act. To the extent that the advent of Bitcoin Fund options trading on the Exchange may make the Exchange a more attractive marketplace to market participants at other exchanges, such market participants are free to elect to become market participants on the Exchange. As noted herein, this is a competitive filing as the Commission recently approved the listing and trading of options on an ETP that, like the Bitcoin Funds, holds bitcoin.[73] Additionally, other options exchanges are free to amend their listing rules, as applicable, to permit them to list and trade options on Bitcoin Funds. The Exchange notes that listing and trading Bitcoin Fund options on the Exchange will subject such options to transparent exchange-based rules as well as price discovery and liquidity, as opposed to alternatively trading such options in the OTC market.

The Exchange believes that the proposed rule change may relieve any burden on, or otherwise promote, competition as it is designed to increase competition for order flow on the Exchange in a manner that is beneficial to investors by providing them with a lower-cost option to hedge their investment portfolios. The Exchange notes that it operates in a highly competitive market in which market participants can readily direct order flow to competing venues that offer similar products. Ultimately, the Exchange believes that offering Bitcoin Fund options for trading on the Exchange will promote competition by providing investors with an additional, relatively low-cost means to hedge their portfolios and meet their investment needs in connection with Bitcoin prices and Bitcoin-related products and positions on a listed options exchange.

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. Discussion and Commission Findings

After careful consideration, the Commission finds that the proposed rule change, as modified by Amendment No. 3, is consistent with the requirements of the Act and the rules and regulations thereunder applicable to a national securities exchange,[74] and, in particular, the requirements of Section 6 of the Act.[75] Specifically, the Commission finds that the proposed rule change is consistent with Section 6(b)(5) of the Act,[76] which requires that an exchange have rules designed to prevent fraudulent and manipulative acts and practices, to remove impediments to and perfect the mechanism of a free and open market, and to protect investors and the public interest.

A. Widely Held and Actively Traded

The Exchange's initial listing standards require, among other things, that the security underlying a listed option be ''characterized by a substantial number of outstanding shares that are widely held and actively traded.'' [77] As described above, the Exchange states that, as of August 30, 2024, GBTC had 284,570,100 shares outstanding, BTC had 366,950,100 shares outstanding, and BITB had 68,690,000 shares outstanding.[78] The Exchange states that, as of August 14, 2024, GBTC had 464,364 beneficial holders, BTC had 13,403 beneficial holders, and BITB had 75,437 beneficial holders.[79] In addition, the Exchange states that from January 11, 2024, through September 30, 2024, GBTC had trading volume of 1,803,567,700 shares ($93,472,544,497 notional volume) and BITB had trading volume of 434,815,840 shares ($14,433,361,384 notional volume).[80] The Exchange states that from July 31, 2024, through September 30, 2024, BTC had trading volume of 335,492,930 shares ($1,792,866,521 notional volume).[81] The Exchange further states that, for the 30-day period from September 1, 2024, through September 30, 2024, GBTC had ADV of 3,266,138 shares, BTC had ADV of 6,838,546 shares, and BITB had ADV of 1,949,835 shares.[82] In addition, the Exchange states that, as of August 30, 2024, GBTC had market capitalization of $13,443,091,524, BTC had market capitalization of $1,930,157,526, and BITB had market capitalization of $2,221,640,670.[83]

2024, available at *https://www.sec.gov/comments/sr-nysearca-2023-44/srnysearca202344-358800-884322.pdf;* and Notice of Filing of Proposed Rule Change, as Modified by Amendment No. 1, To List and Trade Shares of the Grayscale Bitcoin Mini Trust Under NYSE Arca Rule 8.201–E, Commodity-Based Trust Shares, Securities Exchange Act Release No. 100290 (June 6, 2024), 89 FR 49931 (June 12, 2024) (SR–NYSEARCA–2024–45).

[70] *See* Rule 921(f). *See also* Rule 921(c), Commentary .01 to Rule 921, and Rule 481.

[71] *See* Rule 923.

[72] *See* Rule 915, Commentary .10.

[73] *See* ISE IBIT Approval Order, *supra* note 6.

[74] In approving this proposed rule change, the Commission has considered the proposed rule's impact on efficiency, competition, and capital formation. *See* 15 U.S.C. 78c(f).

[75] 15 U.S.C. 78f.

[76] 15 U.S.C. 78f(b)(5).

[77] *See* Exchange Rule 915(a)(2).

[78] *See* Amendment No. 3 at 6.

[79] *See id.* at 7.

[80] *See id.* at 7.

[81] *See id.*

[82] *See id.*

[83] *See id.* at 6.

The Commission has reviewed the Exchange's analysis and publicly available data regarding the Bitcoin Funds. Based on this review of information provided by the Exchange and publicly available information—including information regarding the number of shares outstanding and the number of beneficial holders for each Bitcoin Fund, the ADV of each Bitcoin Fund, and the market capitalization of each Bitcoin Fund—the Commission concludes that it is reasonable for the Exchange to determine that the Bitcoin Funds satisfy the requirement of Exchange Rule 915(a)(2) that the security underlying a listed option be widely held and actively traded.

B. Position and Exercise Limits

Position and exercise limits serve as a regulatory tool designed to deter manipulative schemes and adverse market impact surrounding the use of options. Since the inception of standardized options trading, the options exchanges have had rules limiting the aggregate number of options contracts that a member or customer may hold or exercise. Options position and exercise limits are intended to prevent the establishment of options positions that can be used or might create incentives to manipulate or disrupt the underlying market to benefit the options position.[84] In addition, such limits serve to reduce the possibility of disruption in the options market itself, especially in illiquid classes.[85] As the Commission has previously recognized, markets with active and deep trading interest, as well as with broad public ownership, are more difficult to manipulate or disrupt than less active and deep markets with smaller public floats.[86] The Commission also has recognized that position and exercise limits must be sufficient to prevent investors from disrupting the market for the underlying security by acquiring and exercising a number of options contracts disproportionate to the deliverable supply and average trading volume of the underlying security.[87] At the same time, the Commission has recognized that limits must not be established at levels that are so low as to discourage participation in the options market by institutions and other investors with substantial hedging needs or to prevent specialists and market-makers from adequately meeting their obligations to maintain a fair and orderly market.[88]

The Exchange proposes a position limit of 25,000 contracts on the same side of the market for options on each Bitcoin Fund and an equivalent exercise limit.[89] In proposing these position and exercise limits, the Exchange considered, among other things, the ADV, outstanding shares, and market capitalization of each Bitcoin Fund.[90] The Exchange states that Exchange Rule 904, Commentary .07(a)(i) establishes a position limit of 250,000 contracts for options on an underlying security with six-month trading volume of 100,000,000 shares.[91] The Exchange states that six-month trading volumes for GBTC and BITB were, respectively, 723,758,100 shares and 263,965,870 shares, and that the two-month trading volume for BTC was 335,492,930 shares.[92] The Exchange further states that the proposed position and exercise limits are lower than the position and exercise limits for options other commodity-based ETPs that have lower trading volumes than the Bitcoin Funds.[93] In addition, the Exchange states that, as of August 30, 2024, the number of shares represented by the proposed position and exercise limits were equal to approximately 0.9% of the outstanding shares of GBTC, 0.7% of the outstanding shares of BTC, and 3.6% of the outstanding shares of BITB.[94] The Exchange further states that the proposed ''position and exercise limits are the lowest position and exercise limits available in the options industry, are extremely conservative and more than appropriate given the Bitcoin Funds' market capitalization, average daily volume, number of beneficial holders, and high number of outstanding shares.'' [95]

The Exchange also compared the size of the position and exercise limits to the market capitalization of the Bitcoin market, which, according to the Exchange, had a market capitalization of approximately $1.167 trillion as of August 30, 2024.[96] The Exchange calculated that with a position limit of 25,000 contracts (2,500,000 shares of the underlying Bitcoin Fund), as of August 30, 2024, a market participant could hold a position in shares of GBTC that represented 0.010% of the bitcoin market, a position in BTC that represented 0.001% of the bitcoin market, and a position in BITB that represented 0.007% of the bitcoin market, positions that the Exchange states ''would have no practical impact on the Bitcoin market.'' [97]

The Exchange states that the proposed position and exercise limits also are appropriate given position limits for Bitcoin futures.[98] The Exchange states that the Chicago Mercantile Exchange (''CME'') establishes a position limit of 2,000 Bitcoin futures for the spot month and that, as of August 28, 2024, such a position would have had a notional value of $589,500,000.[99] The Exchange states that, as of that date, 125,585 GBTC options, 1,127,151 BTC options, and 183,759 BITB options would be the equivalent of the $589,500,000 CME bitcoin futures notional value.[100] The Exchange states that the option contract equivalent numbers are significantly higher than the proposed position and exercise limit of 25,000 contracts.[101]

In addition, the Exchange states that, based on the number of shares outstanding for each Bitcoin Fund as of August 30, 2024, and with a position limit of 25,000 option contracts, 114 market participants, each with a same side position of 25,000 contracts, would have to exercise all of their GBTC options to place the GBTC shares under stress; 147 market participants, each with a same side position of 25,000 contracts, would have to exercise all of their BTC options to place the BTC shares under stress; and 27 market participants, each with a same side position of 25,000 contracts, would have to exercise all of their BITB options to place the BITB shares under stress.[102] The Exchange states that the proposed position and exercise limits ''are extremely conservative and more than appropriate given the Bitcoin Funds' market capitalization, average daily volume, number of beneficial holders, and high number of outstanding shares.'' [103] The Exchange states that the proposed position and exercise limits

[84] *See* Securities Exchange Act Release No. 39489 (Dec. 24, 1997), 63 FR 276, 279 (Jan 5. 1998) (order approving File No. SR–Cboe–97–11) (''Position Limit Order'').

[85] *Id.*

[86] *Id.*

[87] *See, e.g.,* Securities Exchange Act Release Nos. 21907 (Mar. 29, 1985), 50 FR 13440, 13441 (Apr. 4, 1985) (order approving File Nos. SR–CBOE–84–21, SR–Amex–84–30, SR–Phlx–84–25, and SR–PSE–85–1); and 40875 (Dec. 31, 1998), 64 FR 1842, 1843 (Jan. 12, 1999) (order approving File Nos. SR–CBOE–98–25; Amex–98–22; PCX–98–33; and Phlx–98–36).

[88] *See id.*

[89] *See* Amendment No. 3 and proposed Exchange Rule 904, Commentary .07(f) and Exchange Rule 905(a)(i).

[90] *See* Amendment No. 3 at 16.

[91] *See id.* at 11.

[92] *See id.*

[93] *See id.*

[94] *See id.* at 11–12.

[95] *Id.* at 21.

[96] *See id.* at 12–13.

[97] *Id.* at 13.

[98] *See id.* at 14–15.

[99] *See id.* at 14.

[100] *See id.*

[101] *See id.* at 15.

[102] *See id.* at 12.

[103] *Id.* at 21.

reasonably and appropriately balance the liquidity provisioning in the market against the prevention of manipulation.[104] The Exchange further states that the proposed limits are effectively designed to prevent an individual customer or entity from establishing options positions that could be used to manipulate the market of the underlying Bitcoin Funds as well as the Bitcoin market.[105]

The Commission finds that the proposed position and exercise limits are consistent with the Act, and in particular, with the requirements in Section 6(b)(5) that the rules of a national securities exchange designed to prevent fraudulent and manipulative acts and practices and to protect investors and the public interest. As discussed above, the Commission has recognized that position and exercise limits must be sufficient to prevent investors from disrupting the market for the underlying security by acquiring and exercising a number of options contracts disproportionate to the deliverable supply and average trading volume of the underlying security.[106] In addition, the Commission has stated previously that rules regarding position and exercise limits are intended to prevent the establishment of options positions that can be used or might create incentives to manipulate or disrupt the underlying market so as to benefit the options position.[107] Based on its review of the data and analysis provided by the Exchange, the Commission concludes that the proposed position and exercise limits satisfy these objectives. Specifically, the Commission has considered and reviewed the Exchange's analysis that, as of August 30, 2024, the proposed position and exercise limits of 25,000 contracts represented approximately 0.9% of the outstanding shares of GBTC, 0.7% of the outstanding shares of BTC, and 3.6% of the outstanding shares of BITB.[108] The Commission also has considered and reviewed the Exchange's statement that with a position limit of 25,000 contracts, 114 market participants, each with a same side position of 25,000 contracts, would have to exercise all of their GBTC options to place the GBTC shares under stress; 147 market participants, each with a same side position of 25,000 contracts, would have to exercise all of their BTC options to place the BTC shares under stress; and 27 market participants, each with a same side position of 25,000 contracts, would have to exercise all of their BITB options to place the BITB shares under stress.[109] Based on the Commission's review of this information and analysis, the Commission concludes that the proposed position and exercise limits are designed to prevent investors from disrupting the market for the underlying securities by acquiring and exercising a number of options contracts disproportionate to the deliverable supply and average trading volume of the underlying security, and to prevent the establishment of options positions that can be used or might create incentives to manipulate or disrupt the underlying market so as to benefit the options position.

The proposal excludes the Bitcoin Fund options from FLEX trading.[110] Excluding Bitcoin Fund options from FLEX trading will allow the Commission to consider the listing of FLEX options on the Bitcoin Funds in the context of any separate proposal to list such options.

C. Surveillance

As described more fully above, the Exchange states that the same surveillance procedures applicable to all other options currently listed and traded on the Exchange will apply to options on the Bitcoin Funds.[111] The Exchange states that its market surveillance staff would have access to the surveillances conducted by its affiliate, NYSE Arca, Inc. with respect to the Bitcoin Funds and would review activity in the underlying Bitcoin Funds when conducting surveillance for market abuse or manipulations in options on the Bitcoin Funds.[112] Additionally, the Exchange states that it is a member of the Intermarket Surveillance Group (''ISG'') under the Intermarket Surveillance Group Agreement, and that ISG members work together to coordinate surveillance and investigative information sharing in the stock, options, and futures markets.[113] CME also is a member of ISG. In approving the Bitcoin ETPs, the Commission concluded that:

> fraud or manipulation that impacts prices in spot bitcoin markets would likely similarly impact CME bitcoin futures prices. And because the CME's surveillance can assist in detecting those impacts on CME bitcoin futures prices, the Exchanges' comprehensive surveillance-sharing agreement with the CME—a U.S. regulated market whose bitcoin futures market is highly correlated to spot bitcoin—can reasonably be expected to assist in surveilling for fraudulent and manipulative acts and practices in the specific context of [the Bitcoin ETPs].[114]

Together, these surveillance procedures should allow the Exchange to investigate suspected manipulations or other trading abuses in options on the Bitcoin Funds.

D. Retail Customers

The Exchange states that applicable Exchange rules will require that customers receive appropriate disclosure before trading options in Bitcoin Funds.[115] Further, the Exchange states that brokers opening accounts and recommending options transactions must comply with relevant customer suitability standards.[116]

Existing rules governing broker-dealer conduct when dealing with retail customers will apply to the proposed Bitcoin Fund options. For example, the Exchange's rules require its members to ''exercise due diligence to learn the essential facts as to the customer and his investment objectives and financial situation.'' [117] In fulfilling this obligation, the member must consider, among other things, a customer's investment objectives; employment status; estimated annual income; estimated net worth; and investment experience and knowledge.[118] Further, FINRA's heightened suitability requirements for options trading accounts require that a person recommending an opening position in any option contract have ''a reasonable basis for believing, at the time of making the recommendation, that the customer has such knowledge and experience in financial matters that he may reasonably be expected to be capable of evaluating the risks of the recommended transaction, and is financially able to bear the risks of the recommended position in the option contract.'' [119]

[104] *See id.* at 16–17.

[105] *See id.* at 17 (citing the Position Limit Order *supra* note 84.

[106] *See supra* note 73 and accompanying text.

[107] *See* Securities Exchange Act Release No. 57352 (Feb.19, 2008), 73 FR 10076, 10080 (Feb. 25, 2008) (order approving File No. SR–Cboe–2008–07).

[108] *See* Amendment No. 3 at 11–12.

[109] *See id.* at 12.

[110] *See* proposed Exchange Rule 903G(a)(1). The Exchange states that excluding Bitcoin Fund options from FLEX trading will allow the Exchange to continue to participate in ongoing discussions with the Commission regarding appropriate position limits for options on the Bitcoin Funds. *See* Amendment No. 3 at 21.

[111] *See id.* at 17.

[112] *See* Amendment No. 3 at 17.

[113] *See id.*

[114] *See* Bitcoin ETP Order, 89 FR at 3010–11.

[115] *See* Amendment No. 3 at 19; Exchange Rules 921(c), (f), and Commentary .01 to Exchange Rule 921; and Exchange Rule 481.

[116] *See* Amendment No. 3 at 19 and Exchange Rule 923.

[117] *See* Exchange Rule 921(c).

[118] *See* Exchange Rule 921, Commentary .01.

[119] *See* FINRA Rule 2360(b)(19).

IV. Solicitation of Comments on Amendment No. 3 to the Proposed Rule Change

Interested persons are invited to submit written data, views, and arguments concerning whether Amendment No. 3 is consistent with the Act. Comments may be submitted by any of the following methods:

Electronic Comments

- Use the Commission's internet comment form (*https://www.sec.gov/rules/sro.shtml*); or
- Send an email to *rule-comments@sec.gov.* Please include file number SR–NYSEAMER–2024–49 on the subject line.

Paper Comments

- Send paper comments in triplicate to Secretary, Securities and Exchange Commission, 100 F Street NE, Washington, DC 20549–1090.

All submissions should refer to file number SR–NYSEAMER–2024–49. This file number should be included on the subject line if email is used. To help the Commission process and review your comments more efficiently, please use only one method. The Commission will post all comments on the Commission's internet website (*https://www.sec.gov/rules/sro.shtml*). Copies of the submission, all subsequent amendments, all written statements with respect to the proposed rule change that are filed with the Commission, and all written communications relating to the proposed rule change between the Commission and any person, other than those that may be withheld from the public in accordance with the provisions of 5 U.S.C. 552, will be available for website viewing and printing in the Commission's Public Reference Room, 100 F Street NE, Washington, DC 20549, on official business days between the hours of 10 a.m. and 3 p.m. Copies of the filing also will be available for inspection and copying at the principal office of the Exchange. Do not include personal identifiable information in submissions; you should submit only information that you wish to make available publicly. We may redact in part or withhold entirely from publication submitted material that is obscene or subject to copyright protection. All submissions should refer to file number SR–NYSEAMER–2024–49 and should be submitted on or before November 14, 2024.

V. Accelerated Approval of Amendment No. 3

The Commission finds good cause, pursuant to Section 19(b)(2) of the Act, for approving Amendment No. 3 prior to the 30th day after the date of publication of notice of Amendment No. 3 in the **Federal Register**. As described more fully above, Amendment No. 3 narrows the scope of the proposal to provide for the listing of options on GBTC, BTC, and BITB; provides additional information and analysis of trading data for the Bitcoin Funds in support of the proposal, including the proposed position and exercise limits of 25,000 contracts; provides additional information related to the Exchange's surveillance program, including the manner in which the Exchange would surveil suspicious trading activity in the underlying Bitcoin Funds and where the Exchange would obtain information about the bitcoin market; and provides that the Exchange will not list FLEX options on the Bitcoin Funds. Amendment No. 3 provides data and analysis supporting the proposed position and exercise limits and states, among other things, that the proposed position and exercise limits would represent approximately 0.9% of the outstanding shares of GBTC, 0.7% of the outstanding shares of BTC, and 3.6% of the outstanding shares of BITB.[120] The Commission concludes that proposed position and exercise limits are designed to minimize the potential for manipulations or disruptions of the underlying market.[121] Amendment No. 3 also describes in greater detail the surveillance procedures that will apply to the proposed Bitcoin Fund options. The additional information regarding these procedures assists the Commission in evaluating the proposal and determining that the proposal is consistent with the Act and the rules and regulations thereunder applicable to a national securities exchange, as discussed above. In addition, Amendment No. 3 revises the proposal to exclude Bitcoin Fund options from FLEX trading. Excluding Bitcoin Fund options from FLEX trading will allow the Commission to consider the listing of FLEX options on the Bitcoin Funds in the context of any separate proposal to list such options. Accordingly, the Commission finds good cause, pursuant to Section 19(b)(2) of the Act,[122] to approve the proposed rule change, as modified by Amendment No. 3 on an accelerated basis.

[120] *See* Amendment No. 3 at 11–12.

[121] The Commission recognizes that position limits should not be established at levels that are so low as to discourage participation in the options market by institutions and other investors with substantial hedging needs or to prevent specialists and market makers from adequately meeting their obligations to maintain a fair and orderly market. *See, e.g.,* Securities Exchange Act Release Nos. 21907 (Mar. 29, 1985), 50 FR 13440 (Apr. 4, 1985) (order approving File Nos. SR–CBOE–84–21, SR–Amex–84–30, SR–Phlx–84–25, and SR–PSE–85–1); 40875 (Dec. 31, 1998), 64 FR 1842, 1843 (Jan. 12, 1999) (order approving File Nos. SR–CBOE–98–25; Amex–98–22; PCX–98–33; and Phlx–98–36). The Commission finds that the proposed position and exercise limits are consistent with these objectives.

VI. Conclusion

For the reasons set forth above, the Commission finds that the proposed rule change, as modified by Amendment No. 3, is consistent with the requirements of the Act and the rules and regulations thereunder applicable to a national securities exchange and, in particular, the requirements of Section 6(b)(5) of the Act.[123]

It is therefore ordered, pursuant to Section 19(b)(2) of the Act,[124] that the proposed rule change (SR–NYSEAMER–2024–49), as modified by Amendment No. 3, is approved.

For the Commission, by the Division of Trading and Markets, pursuant to delegated authority.[125]

J. Matthew DeLesDernier,

Deputy Secretary.

[FR Doc. 2024–24640 Filed 10–23–24; 8:45 am]

BILLING CODE 8011–01–P

[122] 15 U.S.C. 78s(b)(2).

[123] 15 U.S.C. 78f(b)(5).

[124] 15 U.S.C. 78s(b)(2)

[125] 17 CFR 200.30–3(a)(12).

SECURITIES AND EXCHANGE COMMISSION

[Release No. 34–101383; File No. SR–LCH SA–2024–002]

Self-Regulatory Organizations; LCH SA; Notice of Filing of Amendment No. 1 and Partial Amendment No. 1 to Proposed Rule Change Relating to the CDSClear Select Membership Model

October 18, 2024.

Pursuant to Section 19(b)(1) of the Securities Exchange Act of 1934 (''Act''),[1] and Rule 19b–4,[2] notice is hereby given that on March 13, 2024, Banque Centrale de Compensation, which conducts business under the name LCH SA (''LCH SA''), filed with the Securities and Exchange Commission (''Commission'') the proposed rule change (''Proposed Rule Change''), as described in Items I, II and III below, which Items have been primarily prepared by the clearing agency. The Proposed Rule Change was

[1] 15 U.S.C. 78s(b)(1).

[2] 17 CFR 240.19b–4.

published for public comment in the **Federal Register** on March 28, 2024.[3] On May 9, 2024, pursuant to Section 19(b)(2) of the Exchange Act,[4] the Commission designated a longer period within which to approve, disapprove, or institute proceedings to determine whether to approve or disapprove the Proposed Rule Change, until June 26, 2024.[5] On June 21, 2024, the Commission instituted proceedings, pursuant to Section 19(b)(2)(B) of the Exchange Act,[6] to determine whether to approve or disapprove the Proposed Rule Change.[7] On September 18, 2024, the Commission designated a longer period for Commission action on the proceedings to determine whether to approve or disapprove the Proposed Rule Change, until November 23, 2024.[8] The Commission has not received comments regarding the Proposed Rule Change.

On October 11, 2024, LCH SA filed Amendment No. 1 to the Proposed Rule Change to make certain changes to the narrative description and exhibits.[9] On October 17, 2024, LCH SA filed Partial Amendment No. 1 to the Proposed Rule Change to correct certain errors in the Exhibit 1A as amended [sic].[10] The Commission is publishing this notice to solicit comments on the proposed rule change, as modified by Amendment No. 1 and Partial Amendment No. 1, from interested persons.

I. Clearing Agency's Statement of the Terms of Substance of the Proposed Rule Change

LCH SA is filing with the Commission an amendment to its CDS Clearing Rule Book (''Rule Book'') and CDS Clearing Procedures (''Procedures'') to incorporate new terms and to make conforming, clarifying and clean-up changes to implement the new model of CDSClear select membership.

II. Clearing Agency's Statement of the Purpose of, and Statutory Basis for, the Proposed Rule Change

In its filing with the Commission, LCH SA 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. LCH SA 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

LCH SA is proposing this Amendment No. 1 to SEC filing SR–LCH SA–2024–002 primarily to revise the Rule Book to add an obligation for a Select Member to contribute to end-of-day prices and participate in competitive bidding should its margins exceed a predetermined threshold over a designated period of time. In addition, LCH SA is revising the Rule Book to clarify that a Select Member's obligation to contribute to end-of-day prices and participate in competitive bidding shall be removed if the Select Member's margins fall below the predetermined threshold over a designated period of time.

In accordance with the current Rule Book, Select Members can provide clearing services in respect of credit default swaps (''CDS'') and options on CDS (collectively, the ''CDSClear Clearing Services'') to Affiliates only. LCH SA is proposing to extend the possibility for Select Members to provide CDSClear Clearing Services to any client, including Affiliates (the ''New Select Membership'') to allow some prospective clearing members that wish to provide clearing services to non-affiliated clients without becoming General Members. General Members must participate in Competitive Bidding for Auction Packages and submit prices to LCH SA, and thus the New Select Membership would allow some clearing members to provide clearing services to non-affiliated clients even if they do not have the capacity to participate in competitive bidding or to submit prices to LCH SA.

Pursuant to the New Select Membership, LCH SA is proposing to change the conditions in which the requirement for Select Members to participate in Competitive Bidding for Auction Packages will apply. Indeed, as part of the competitive auction process applicable in the context of the default management process implemented in respect of the default of a Clearing Member, each non-defaulting Clearing Member is required to submit bids in respect of any portfolio of trades reflecting the Cleared Transactions of the Defaulting Clearing Member, subject to exceptions provided for in the Rule Book; among them, a non-defaulting Clearing Member which is a Select Member shall submit bids only in respect of a portfolio of trades that does not include any trade which does not belong to the relevant Select Member's Products Families, currently defined as the categories of credit default swaps (''CDS'') and options on CDS in respect of which LCH SA provides clearing services and that may be selected by a Select Member in the relevant form (the ''Product Family Form''). Instead, LCH SA is proposing to add the option for any Select Member to elect to participate in Competitive Bidding for Auction Packages at its own discretion, unless the amount of the total Margins associated with its group's house and client clearing activity exceeds a specific threshold as further described below under sub-paragraph (iv) (*New elections and amended requirements to participate in Competitive Bidding and contribute to prices*). Unlike Clearing Members admitted as General Members, Select Members will not benefit from the possibility to subscribe to the unlimited tariff allowing them to clear an unlimited number of trades for their own account for an annual fixed fee set out in the CDSClear fee grid.[11]

Pursuant to the New Select Membership, LCH SA also is proposing to change the method by which Select Members submit prices to LCH SA. Currently, Select Members may opt to submit prices to LCH SA in respect of its open positions belonging to the Product Families elected by the relevant Select Member. Select Members would be able to choose whether to submit prices under the New Select Membership in respect of the relevant Trading Cities they have selected in the new ''Select Member Form,'' unless the amount of the total Margins associated with its group's house and client

[3] Self-Regulatory Organizations; LCH SA; Notice of Filing of Proposed Rule Change Relating to the CDSClear Select Membership Model, Exchange Act Release No. 34–99847 (Mar. 22, 2024); 89 FR 21579 (Mar. 28, 2024) (SR–LCH SA–2024–002) (''Notice'').

[4] 15 U.S.C. 78s(b)(2).

[5] Exchange Act Release No. 100094 (May 9, 2024), 89 FR 42515 (May 15, 2024) (File No. SR–LCH SA–2024–002).

[6] 15 U.S.C. 78s(b)(2)(B).

[7] Exchange Act Release No. 100394 (June 21, 2024), 89 FR 53685 (June 27, 2024) (File No. SR–LCH SA–2024–002).

[8] Exchange Act Release No. 101094 (Sept. 18, 2024), 89 FR 77919 (Sept. 24, 2024) (File No. SR–LCH SA–2024–002).

[9] Amendment No. 1 amends the narrative, Exhibit 1A, and Exhibit 5.1 [sic] to address additional proposed changes to LCH SA's Select Membership model. Amendment No. 1 also provides an Exhibit 3.3 [sic] containing LCH SA's responses to an SEC request for information related to the Select Membership model.

[10] Partial Amendment No. 1 replaces the Statutory Basis and Burden on Competition sections of the Exhibit 1A [sic] from Amendment No. 1 with the text of the Statutory Basis and Burden on Competition sections of the narrative description from Amendment No. 1. Partial Amendment No. 1 does not propose any additional changes.

[11] The CDSClear fee grid is available on LCH SA's website at the following link: *https://www.lch.com/services/cdsclear/fees.*

clearing activity exceeds a specific threshold, as discussed below.

Besides, LCH SA is proposing to add the option for Select Members to elect to participate in the CDS Default Management Group and CDS Default Management Committee.

At this time, LCH SA is not proposing to amend the Risk Management Framework or its free grid as a result of providing the New Select Membership. General Members will continue to have an unlimited fee tariff option, unlike Select Members, and General Members on variable tariff pay will have both lower fixed fee and lower variable fees than Select Members. General Members who clear for clients may also be able to give their clients the same liquidity margin as other General Members, unlike Select Members, who may incur a higher liquidity margin, including a liquidity concentration charge, for large positions, including large client positions.

In order to implement the Proposed Rule Change, LCH SA is proposing to amend the Rule Book and Section 1 and Section 5 of the Procedures to reflect the amended terms and conditions of the New Select Membership model.

Proposed Revisions to the Rule Book and Procedures

(i) CDSClear Client Clearing Services

LCH SA is proposing to extend the possibility for Select Members to provide CDSClear clearing services to any client, in addition to Affiliates.

LCH SA is proposing to delete the defined term, ''Affiliated Firm'' since it was used only in respect of the current Select Member model pursuant to which a Select Member may provide client clearing services to Affiliated Firms, which include their Affiliates and any entity that is otherwise a member to the same institutional protection scheme as the Clearing Member. Since Select Members will be permitted to provide clearing services to any client, regardless of whether it is an Affiliated Firm, there is no need to keep such defined term and therefore any reference to ''Affiliated Firm(s)'' or to the provision of client clearing services to Affiliated Firm(s) is proposed to be deleted from the definitions of ''CCM'', ''FCM/BD Clearing Member'' and ''Select Member'', as well as from Article 2.2.1.1(iv) and (v), Article 2.2.2.1(iv), Article 4.2.7.2(ii), and Article 5.1.1.1. Indent (i) of Articles 5.1.1.2 and 6.1.1.2 of the Rule Book will be also removed since such indent is currently providing for the condition pursuant to which a Select Member may provide client clearing services to an Affiliated Firm only.

As a result of the removal of the condition that a Select Member may provide client clearing services to Affiliated Firms only, the term ''Affiliated Firm'' will be revised to ''Affiliate'' (as that term is defined in the Rule Book) in the definition of the following defined terms: ''CCM Indirect Gross Segregated Account Client'', ''CCM Indirect Net Segregated Account Client'', ''CCM Individual Segregated Account Client'' and ''FCM/BD Client'' and in Article 6.1.1.2.

The definition of ''Select Member'' would also be revised to clarify that Select Members may offer CDSClear Clearing Services to any client, including Affiliates.

LCH SA is proposing to revise Article 4.2.7.2(ii) by deleting reference to ''General Member'' and ''Select Member'' as well as ''Affiliated Firms'', as this distinction would no longer be relevant with Select Members, under certain circumstances, having the option to be a Price Contribution Participant and providing CDS Client Clearing Services to any client.

(ii) Removal of the Defined Terms ''Product Family'' and ''Product Family Form''

LCH SA is proposing to delete the defined terms, ''Product Family'' and ''Product Family Form'', as these defined terms are only applicable when participation in Competitive Bidding is mandatory for all Select Members in respect of the Product Families they have selected in the Product Family Form. Because of the new options Select Members will have, there is no longer a need to use the Product Family Form.

As a result, LCH SA is proposing to delete any reference to ''Product Family Form'' and ''Product Family'' in Section 1.1.1, Article 2.2.0.4, Article 3.1.6.2(ii), Article 3.1.6.5, and Clause 5.4.1(ii) and Clause 6.1 of Appendix 1 (*CDS Default Management Process*), and replace these terms with the new defined term of ''Select Member Form'' (as further explained in sub-paragraph (iii) below), where relevant (*e.g.,* in the definition of ''CDS Clearing Documentation'').

LCH SA is also proposing to delete Article 3.1.6.8 related to ''Product Family Form'' in its entirety as it is no longer relevant as a result of the changes made pursuant to this subparagraph (ii).

Finally, any reference to a General Member or a Select Member will be removed from current Clause 6.1.2(ii)(a) of Appendix 1 (*CDS Default Management Process*) because of the removal of the ''Product Family Form''. Specifically, there is no longer a need to make a distinction between both memberships for the purposes of the registration process for the Index Swaption service in the context of the transfer of positions resulting from the auction process.

(iii) Select Member Form

LCH SA is proposing to add a new defined term, ''Select Member Form'', in Section 1.1.1 of the Rule Book, to define the form by which the Select Member could make the elections (including the option to participate in Competitive Bidding)—as further elaborated in renumbered Article 2.2.0.4 of the Rule Book and Section 1 and Section 5 of the Procedures.

LCH SA is proposing to revise Section 1.1 (*Application Procedure*), indent (c), entitled ''*CDSClear Application Form*'' in the Procedures to replace the term ''Product Family Form'', which is no longer relevant, by the term ''Select Member Form''. LCH SA is also proposing to clarify that the Select Member Form will be made available by LCH SA's CDSClear Business Development & Relationship Management team.

This Select Member Form would be used by Select Members to elect to participate in Competitive Bidding for selected Trading Cities. Proposed Clause 5.4.1(ii) would provide that all Non-Defaulting Clearing Members are required to participate in Competitive Bidding save where a Non-Defaulting Clearing Member is a Select Member provided that: (a) it is not required to participate in Competitive Bidding pursuant to Article 2.2.0.4; and (b) it has (y) not elected to participate in Competitive Bidding within 1 hour of the declaration of an Event of Default by LCH SA and (z) not complied with its obligations under Article 2.2.1.1(xi), in accordance with the conditions set out in Article 2.2.0.4. LCH SA would interpret this provision to mean that Select Members wishing to participate in Competitive Bidding would have to make such election in the Select Member Form and submit to LCH SA within 1 hour of the declaration of an Event of Default, and the Select Member must comply with the membership criteria set forth in Article 2.2.1.1(xi). Notwithstanding the foregoing, LCH SA also interprets Clause 5.4.1(ii) of Appendix 1 to clarify that a Select Member would have to participate in Competitive Bidding if it is required to do so in accordance with Article 2.2.0.4 of the Rule Book (as further described in paragraph (iv)), irrespective of a Select Member's elections in respect of its participation in Competitive Bidding or compliance with the membership

criteria set forth in Article 2.2.1.1(xi) of the Rule Book.[12]

(iv) New Elections and Amended Requirements To Participate in Competitive Bidding and Contribute to Prices

LCH SA is proposing to revise renumbered Article 2.2.0.4 of the Rule Book to add the possibility for Select Members to elect to participate in Competitive Bidding subject to the conditions set forth in Article 2.2.1.1 of the Rule Book (*Membership Requirements*).

Article 2.2.1.1 of the Rule Book sets forth the conditions that any Applicant wishing to be admitted as a Clearing Member by LCH SA must satisfy. As such conditions apply to both General Members and Select Members, LCH SA is proposing to remove reference to ''Select Member'' and ''General Member'' from Article 2.2.1.1(iv) and (v) and Article 2.2.2.1(iv) of the Rule Book. In addition, LCH SA is proposing to specify in Article 2.2.1.1(xi) that Select Members wishing to elect to participate in Competitive Bidding would have to demonstrate being able to successfully participate in the implementation of the CDS Default Management Process and in regular fire drills run by LCH SA in accordance with the Rule Book.

Provided that Select Members comply with the conditions referenced in Article 2.2.1.1 of the Rule Book, LCH SA is proposing to revise Article 2.2.0.5 (now renumbered as Article 2.2.0.4) of the Rule Book to include the possibility for Select Members to:

(i) submit Market Data pursuant to Section 5 of the Procedures in respect of one or more Trading City(ies); if a Select Member is a Price Contribution Participant, and therefore will receive the Price Requirements Files in respect of the relevant Trading Cities, it will be bound by all obligations of any Price Contribution Participant as set out in the Rule Book and Section 5 of the Procedures. Under current Article 2.2.05, the Select Member has the possibility to contribute to prices by submitting Market Data (and therefore to be a Price Contribution Participant) in accordance with Section 5 of the Procedures but is under no obligation to do so, which would be no longer the case under the New Select Membership model; indeed, once a Select Member will elect to be a Price Contribution Participant for one or more Trading Cities, or its Group Total Margin Percentage has exceeded a certain threshold as discussed below, it will be subject to the obligation to provide the Market Data for the Trading Cities in respect of which it has Open Positions;

(ii) participate in Competitive Bidding as further detailed in Clause 5 of the CDS Default Management Process, subject to Article 2.2.1.1(xi); it will be also clarified that a Select Member which has elected or is required to participate in Competitive Bidding will be subject to the provisions of the clearing rules which apply to any non-defaulting Clearing Member which is required to participate in Competitive Bidding for each Auction Package;

(iii) nominate DMG Representatives in accordance with Clause 11.2.2 of the CDS Default Management Process, whereas, in accordance with the current version of Clause 11.2.2 of the CDS Default Management Process, each Clearing Member, including any Select Member, shall nominate DMG Representatives. Since the participation to the Competitive Bidding process will be no longer required in respect of Product Families for a Select Member, the obligation to participate in the CDS Default Management Group will become optional for consistency purposes. LCH SA would expect that Select Members that have elected to participate in Competitive Bidding will be interested in participating in the CDS Default Management Group and therefore nominate DMG Representatives for that purpose; and/or

(iv) nominate representatives to be appointed as members of the CDS Default Management Committee in accordance with Clause 10.2 of the CDS Default Management Process. Similarly to the nomination of DMG Representatives as described in previous indent (iii), each Clearing Member, including any Select Member, shall nominate representatives to be appointed as members of the CDS Default Management Committee in accordance with current Clause 10.2 of the CDS Default Management Process and for the same reasons, this will become only an option for the Select Member which might be interested in participating in the CDS Default Management Committee if they were to select the possibility to participate in Competitive Bidding.

Since a Select Member will need to make the above listed elections under the New Select Membership model, the possibility to change its election in respect of its contribution to prices as currently provided for in Article 2.2.0.5 has been extended to all the new elections to be made as well; hence, the Select Member will be able to change any of its elections by providing LCH SA with a copy of a duly signed updated Select Member Form, in accordance with the conditions set out in Section 5 of the Procedures pursuant to the revised Article 2.2.0.5 (now renumbered as Article 2.2.0.4).

New Article 2.2.0.4 will be also amended to provide that, irrespective of a Select Member's elections in respect of its participation in Competitive Bidding and its contribution to prices in accordance with sub-paragraphs (i) and (ii) of Article 2.2.0.4, a Select Member will still be required to contribute to prices by submitting Market Data for all the Trading Cities and participate in Competitive Bidding provided the percentage of its total Margins for the house and client clearing activities of its group (such percentage being referred to in as the ''Group Total Margin Percentage'' which, together with ''Average Group Total Margin'' and ''Average CDSClear Total Margin'',[13] are new defined terms that have been added to Section 1.1.1 of the Rule Book) has exceeded a participation threshold for sixty consecutive Clearing Days. Such participation threshold will be referred to in the CDS Clearing Rule Book as the ''Participation Threshold'' which will mean the percentage as determined by LCH SA, which is equal to the lower of 5% and the sixth largest Group Total Margin Percentage among all the Group Total Margin Percentages calculated in respect of each Financial Group to which one or more Clearing Members belong. The obligation to contribute to prices and participate in Competitive Bidding will apply until the Clearing Day on which the Group Total Margin Percentage has remained 1 percentage point below the Participation Threshold for sixty consecutive Clearing Days. In

[12] To be clear, a Select Member may only elect to participate in Competitive Bidding by doing so on the Select Member Form. LCH SA would not require a Select Member to participate in Competitive Bidding that has not elected to participate in Competitive Bidding by the appropriate deadline but has complied with any obligations under Article 2.2.1.1(xi). Further, LCH SA would not require a Select Member to participate in Competitive Bidding that has elected to participate in Competitive Bidding after the relevant deadline and has complied with its obligations under Article 2.2.1.1(xi).

[13] ''Group Total Margin Percentage'' will mean in respect of a Financial Group to which one or more Clearing Members belong and in respect of any Clearing Day, the ratio of its Average Group Total Margin divided by the Average CDSClear Total Margin. The ''Average Group Total Margin'' will mean, in respect of any Clearing Day, the average over the last sixty Clearing Days of the sum of all the Margins (excluding Variation Margins) calculated by LCH SA in respect of the Account Structure(s) of the Clearing Members belonging to the same Financial Group and the ''Average CDSClear Total Margin'' will mean, in respect of any Clearing Day, the average over the last sixty Clearing Days of the sum of all the Margins (excluding Variation Margins) calculated by LCH SA in respect of the Account Structures of all the Clearing Members.

the event that LCH SA reasonably believe that such circumstance will occur, LCH SA may request the Select Member to carry out such tests as LCH SA may reasonably require to assess its ability to participate in Competitive Bidding. The purpose of these requirements is to ensure that, irrespective of the membership category of the Clearing Members, there will be a sufficient number of participants in Competitive Bidding and in the price contribution process. Because under the proposed rule change Select Members may be required to submit Market Data and participate in Competitive Bidding, LCH SA proposes removing language from proposed Article 2.2.0.4 suggesting that Select Members do not ever have any obligation to submit Market Data.

In addition, LCH SA is proposing to revise the definition of ''Price Contribution Participant'' in Section 1.1.1 of the Rule Book to clarify that it includes Select Members that have opted for submitting, or is required to submit, Market Data in accordance with Article 2.2.0.4, rather than Section 5 of the Procedures. LCH SA proposes to add the text ''or is required to submit'' to the Price Contribution Participant definition to account for the possibility that a Select Member may be required to submit Market Data under the proposed rule change.

In addition, LCH SA is proposing to revise Section 5.18.1 (*Market Data submission*) of the Procedures to delete a paragraph that notes that a Select Member may decide to receive or stop receiving Price Requirement Files and provides instructions for how a such Select Member can choose to receive or stop receiving Price Requirement Files. Indeed, the election to be a Price Contribution Participant will be made by the Select Member by using the new Select Member Form and this election can be updated by updating such form in the conditions set out in amended paragraph (c) of Section 5.11 of the Procedures.

Furthermore, Clauses 10.2.1 and 11.2.2 of Appendix 1 (*CDS Default Management Process*) would be revised to include representatives nominated by Select Members to the CDS Default Management Group and CDS Default Management Committee since the Select Members will be permitted to opt for the possibility to participate in the CDS Default Management Group and/or the CDS Default Management Committee in accordance with amended Article 2.2.0.4 (currently Article 2.2.0.5) as further explained in page 11 above.

LCH SA is also proposing to amend indent (d) entitled ''*Due diligence and review process*'' of Section 1.1 (*Application Procedure*) of the Procedures to include the obligation for Select Members to successful carry out tests as referenced in Article 2.2.1.1 (xi) of the Rule Book.

Finally, LCH SA is proposing to revise Section 5.11(c) (*Update of the Select Member Form*) of the Procedures to also specify that the Select Member, having elected to participate in Competitive Bidding, will be required to participate in Competitive Bidding for each Auction Package.

(v) Updated Select Member Form

LCH SA is proposing to revise Article 2.2.0.5 to enable Select Members to elect to opt out of Competitive Bidding and all other elections in sub-paragraphs (i) to (iv) of Article 2.2.0.5, under conditions set forth in Section 5 of the Procedures as this is currently the case but in respect of the contribution to prices only. The Select Member Form will allow the Select Member to notify its elections to LCH SA and also to update it should it wish to change any of its elections, in accordance with the amended provisions of Section 5.11 of the Procedures, as further described below.

LCH SA would revise Section 5.11(c), ''*Update of the Select Member Form*'', (formerly, ''*Update of the Product Family Form*'') of the Procedures to cover the update process of the Select Member Form, as the Product Family Form, and any reference thereto, is no longer relevant. Any update to the Select Member Form may be subject to passing requisite tests prescribed by LCH SA and if the update pertains to the Select Member no longer participating in the Competitive Bidding Process, such update will be effective on the eighth Clearing Day following the Clearing Day on which the updated Select Member Form is received, in order to ensure that the Select Member will still be required to participate in Competitive Bidding if an Event of Default is declared in respect of another Clearing Member at the same time the updated Select Member Form of such Select Member is received by LCH SA.

LCH SA is also proposing to specify that Select Members should be able to change any of its election(s) via provision of an updated Select Member Form to the CDSClear Business Development & Relationship Management team via email.

(vi) Additional Amendments

LCH SA also proposes to make other revisions to the Rule Book and Section 1 and Section 5 of the Procedures to correct certain cross-references, grammar and/or typographical errors, and to provide additional clarification. For example, Article 1.2.2.4 of the Rule Book will be amended to clarify that the reference to ''days'' means ''calendar days'' for the avoidance of doubt.

2. Statutory Basis

LCH SA believes the Proposed Rule Change is consistent with the requirements of the Act and the rules and regulations thereunder applicable to registered clearing agencies, including with Section 17A(b)(3)(B)[14] and Section 17A(b)(3)(F) of the Act.[15] Section 17A(b)(3)(B) of the Act requires, *inter alia,* that the rules of a clearing agency provide that any registered broker or dealer, bank or other person or class of persons may become a participant in such clearing agency.[16] Section 17A(b)(3)(F) of the Act requires, *inter alia,* that a clearing agency's rules are designed to promote the prompt and accurate clearance and settlement of securities transactions, to assure the safeguarding of securities and funds in the custody or control of LCH SA, and are not designed to permit the unfair discrimination in the admission of participants or among participants in the use of the clearing agency.[17]

Per LCH SA's current CDSClear Rule Book, a Clearing Member may either be designated as a General Member or a Select Member.[18] A General Member is either a CCM[19] or an FCM/BD Clearing Member[20] that has been admitted by LCH SA as a General Member in accordance with Section 1 of the

[14] 15 U.S.C. 78q–1(b)(3)(B).

[15] 15 U.S.C. 78q–1(b)(3)(F).

[16] *Id.*

[17] *Id.*

[18] *See* Section 1.1.1. (''Terms defined in the CDS Clearing Rule Book'') of the CDSClear Rule Book. *https://www.lch.com/system/files/media_root/CDSClear_Rule_Book_26.09.2023.pdf.*

[19] A ''CCM'' is defined in the current CDS Clearing Rule Book as any legal entity admitted as a clearing member in accordance with the CDS Clearing Rules and party to the CDS Admission Agreement, provided that if such entity wishes to provide CDS CCM Client Clearing Services described in TITLE V, it shall either (i) be a General Member or (ii) provide such CDS CCM Client Clearing Services to its Affiliated Firms only. If such entity is an FCM/BD, it must satisfy LCH SA that it is able to provide the CDS Client Clearing Services in accordance with Title V prior to offering such services.

[20] A ''FCM/BD Clearing Member'' is defined in the current CDS Clearing Rule Book as any FCM, BD or a legal entity that is both FCM and BD that has been admitted as a clearing member in accordance with the CDS Clearing Rules and is a party to the CDS Admission Agreement and which has not elected to become a CCM, provided that if such FCM/BD Clearing Member wishes to provide CDS Client Clearing Services described in TITLE VI, it shall either (i) be a General Member or (ii) provide such CDS Client Clearing Services to its Affiliated Firms only.

Procedures.[21] A Select Member is either a CCM or an FCM/BD Clearing Member that: (a) does not provide CDS Client Clearing Services to Clients other than Affiliated Firms; and (b) has been admitted by LCH SA as a Select Member in accordance with Section 1 of the Procedures.[22] LCH SA is proposing to amend the definition of a Select Member to allow Select Members to offer client clearing to any client, including Affiliates. In doing so, LCH SA is proposing to remove the obligation that Select Members participate in Competitive Bidding for Auction Packages including trades belonging to the Product Families they actively trade. Instead, under certain circumstances, Select Members would have the ability to elect to participate in Competitive Bidding for Auction Packages at their own discretion. Furthermore, Select Members may elect to contribute end of day prices under certain circumstances and participate in the Default Management Process and Default Management Committee. This will enhance LCH SA's ability to contain losses and manage a clearing member default. Select Members would also be incentivized to become General Members for purposes of participating in default auctions as their client clearing activity grows. By expanding the clients for whom Select Members may clear to include any client, including Affiliates and thus expand participation in clearing, LCH SA believes such changes are consistent with Section 17A(b)(3)(B)[23] and Section 17A(b)(3)(F)[24] of the Act such that its rules are designed to promote the prompt and accurate clearance and settlement of securities transactions, to assure the safeguarding of securities and funds in the custody or control of LCH SA, and are not designed to permit the unfair discrimination in the admission of participants or among participants in the use of the clearing agency.

LCH SA also believes the Proposed Rule Change is consistent with Rule 17Ad–22(e)(1) of the Act which requires, *inter alia,* that a covered clearing agency establish, implement, maintain and enforce written policies and procedures reasonably designed to provide for a well-founded, clear, transparent, and enforceable legal basis for each aspect of its activities in all relevant jurisdictions.[25] LCH SA believes the changes to its Rule Book and Procedures are clear, understandable, and consistent with the relevant laws and regulations applicable to LCH SA. In addition, LCH SA believes changes to the Rule Book and Procedures regarding the extension of the possibility for Select Members to provide CDSClear clearing services to any client, including Affiliates and publishing such changes on its public website provides greater transparency to Clearing Members and their customers, and to the general public. Therefore, LCH SA believes that the Proposed Rule Change is consistent with Rule 17Ad–22(e)(1).[26]

LCH SA also believes that the Proposed Rule Change is consistent with Rule 17Ad–22(e)(13)[27] of the Act which requires, *inter alia,* that a covered clearing agency establish, implement, maintain and enforce written policies and procedures reasonably designed to ensure the covered clearing agency has the authority and operational capacity to take timely action to contain losses and liquidity demands and continue to meet its obligations.[28] Select Members were previously required to bid during default management auctions if the auction package contained products in the product family they subscribed to, regardless of whether the Select Member actively traded the product. The requirement to participate in such default auctions presents challenges for certain Select Members that don't actively trade in the products being auctioned, and thus may serve as an obstacle to clearing agency membership. Select Members also may not have the operational capacity to participate in default auctions as General Members. This is evidenced by LCH SA's experience facilitating fire drill exercises requiring participation by Select Members.[29] LCH SA's proposed changes to the mandatory obligation to bid in default auctions for Select Members will address this issue. Furthermore, LCH SA believes the existing pool of General Members required to bid, in addition to the Select Members that opt in to bidding or who may be required to bid on default auction portfolios provides sufficient participation for purposes of ensuring LCH SA can take timely action to contain losses and liquidity demands and continue to meet its obligations. Therefore, LCH SA believes that the Proposed Rule Change is consistent with Rule 17Ad–22(e)(13).[30]

Finally, LCH SA believes that the Proposed Rule Change is consistent with Rule 17Ad–22(e)(18)[31] under the Act. Rule 17Ad–22(e)(18) under the Act requires, *inter alia,* that a covered clearing agency establish, implement, maintain and enforce written policies and procedures reasonably designed to establish objective, risk-based, and publicly disclosed criteria for participation, which permit fair and open access by direct and, where relevant, indirect participants and other financial market utilities, require participants to have sufficient financial resources and robust operational capacity to meet obligations arising from participation in the clearing agency, and monitor compliance with such participation requirements on an ongoing basis.[32] LCH SA is proposing to expand its membership criteria for Select Members by allowing Select Members to clear for any clients, including Affiliates. LCH SA is proposing to remove the obligation that Select Members participate in Competitive Bidding for Auction Packages including trades belonging to the Product Families they actively trade. Instead, in some circumstances, Select Members would have the ability to elect to participate in Competitive Bidding for Auction Packages at their own discretion. LCH SA believes this proposed change more accurately captures the risk profile of Select Members as it pertains to their size and operational capabilities. Specifically, Select Members are typically non-CDS market-making banks (price takers) and thus, smaller Clearing Members. In addition, Select Members may not have the operational capacity to bid on products they don't actively trade during a default management auction. As such, LCH SA believes that the Proposed Rule Change is consistent with Rule 17Ad–22(e)(18) under the Act.[33]

B. Clearing Agency's Statement on Burden on Competition

Section 17A(b)(3)(I) of the Act requires that the rules of a clearing agency not impose any burden on competition not necessary or appropriate in furtherance of the purposes of the Act.[34]

LCH SA does not believe the Proposed Rule Change would impose

[21] *See* Section 1 (''Membership'') of the CDS Clearing Procedures. *CDSClear_Section_1_Procedures__18.07.2019.pdf (lch.com).*

[22] *Id.*

[23] 15 U.S.C. 78q–1(b)(3)(B).

[24] 15 U.S.C. 78q–1(b)(3)(F).

[25] 17 CFR 240.17Ad–22(e)(1).

[26] *Id.*

[27] 17 CFR 240.17Ad–22(e)(13).

[28] *Id.*

[29] For example, Select Members have historically required assistance managing default files and have routinely requested assistance addressing questions during fire drill exercises.

[30] 17 CFR 240.17Ad–22(e)(13).

[31] 17 CFR 240.17Ad–22(e)(18).

[32] *Id.*

[33] *Id.*

[34] 15 U.S.C. 78q–1(b)(3)(I).

burdens on competition that are not necessary or appropriate in furtherance of the purposes of the Act. Specifically, the Proposed Rule Change will contribute to offer access to clearing services to any client of Select Members expanding the client clearing activity. Under some circumstances, the Proposed Rule Change will also remove the burden of Select Members from having the obligation to bid on products they don't actively trade in default management auctions. LCH SA further believes the Proposed Rule Change is equitable for both General Members and Select Members, as clearing members will continue to have discretion in electing to be either General Members or Select Members under the new membership model. Furthermore, existing General Members will not be prevented from switching to become Select Members under the Proposed Rule Change. The increased access to clearing services under the Proposed Rule Change may result in increased liquidity in the service as membership grows. Therefore, LCH SA does not believe that the Proposed Rule Change would impose burdens on competition that are not necessary or appropriate in furtherance of the purposes of the Act.

C. Clearing Agency's Statement on Comments on the Proposed Rule Change Received From Members, Participants or Others

Written comments relating to the Proposed Rule Change have not been solicited or received. LCH SA will notify the Commission of any written comments received by LCH SA.

III. Date of Effectiveness of the Proposed Rule Change and Timing for Commission Action

Within 45 days of the date of publication of this notice in the **Federal Register** or within such longer period up to 90 days (i) as the Commission may designate if it finds such longer period to be appropriate and publishes its reasons for so finding or (ii) as to which the self-regulatory organization consents, the Commission will:

(A) by order approve or disapprove such proposed rule change, or

(B) institute proceedings to determine whether the proposed rule change should be disapproved.

IV. Solicitation of Comments

Interested persons are invited to submit written data, views and arguments concerning the foregoing, including whether the proposed rule change is consistent with the Act. Comments may be submitted by any of the following methods:

Electronic Comments

- Use the Commission's internet comment form (*https://www.sec.gov/rules-regulations/self-regulatory-organization-rulemaking*); or
- Send an email to *rule-comments@sec.gov.* Please include file number SR–LCH SA–2024–002 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–LCH SA–2024–002. This file number should be included on the subject line if email is used. To help the Commission process and review your comments more efficiently, please use only one method. The Commission will post all comments on the Commission's internet website (*https://www.sec.gov/rules-regulations/self-regulatory-organization-rulemaking*). Copies of the submission, all subsequent amendments, all written statements with respect to the proposed rule change that are filed with the Commission, and all written communications relating to the proposed rule change between the Commission and any person, other than those that may be withheld from the public in accordance with the provisions of 5 U.S.C. 552, will be available for website viewing and printing in the Commission's Public Reference Room, 100 F Street NE, Washington, DC 20549, on official business days between the hours of 10 a.m. and 3 p.m. Copies of the filing also will be available for inspection and copying at the principal office of LCH SA and on LCH SA's website at: *https://www.lch.com/resources/rulebooks/proposed-rule-changes.* 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–LCH SA–2024–002 and should be submitted on or before November 14, 2024.

For the Commission, by the Division of Trading and Markets, pursuant to delegated authority.[35]

J. Matthew DeLesDernier,

Deputy Secretary.

[FR Doc. 2024–24639 Filed 10–23–24; 8:45 am]

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[35] 17 CFR 200.30–3(a)(12).

SECURITIES AND EXCHANGE COMMISSION

[SEC File No. 270–253, OMB Control No. 3235–0260]

Submission for OMB Review; Comment Request; Extension: Rule 23c–1

Upon Written Request, Copies Available From: Securities and Exchange Commission, Office of FOIA Services, 100 F Street NE, Washington, DC 20549–2736

Notice is hereby given that, pursuant to the Paperwork Reduction Act of 1995 (44 U.S.C. 3501–3520), the Securities and Exchange Commission (the ''Commission'') has submitted to the Office of Management and Budget a request for extension of the previously approved collection of information discussed below.

Rule 23c–1(a) under the Investment Company Act (17 CFR 270.23c–1(a)) permits a closed-end fund to repurchase its securities for cash if, in addition to the other requirements set forth in the rule, the following conditions are met: (i) payment of the purchase price is accompanied or preceded by a written confirmation of the purchase (''written confirmation''); (ii) the asset coverage per unit of the security to be purchased is disclosed to the seller or his agent (''asset coverage disclosure''); and (iii) if the security is a stock, the fund has, within the preceding six months, informed stockholders of its intention to purchase stock (''six month notice''). Commission staff estimates that 48 closed-end funds undertake a total of 192 repurchases annually under rule 23c–1.[1] Staff estimates further that, with respect to each repurchase, each fund spends 2.5 hours to comply with the rule's written confirmation, asset coverage disclosure and six month notice requirements. Thus, Commission staff estimates the total annual respondent reporting burden is 480 hours.[2] Commission staff further estimates that the cost of the hourly burden per repurchase is approximately $388 (one half hour of a compliance attorney's time at $440 per hour,[3] and

[1] The number of closed-end funds that undertake repurchases annually under rule 23c–1 is based on information provided in response to Item C.7.i of Form N–CEN from January 1, 2023 through December 31, 2023. We estimate that each of the 48 funds undertook an average of 4 repurchases annually (48 funds × 4 repurchases = 192 repurchases annually).

[2] This estimate is based on the following calculation: 192 repurchases × 2.5 hours per repurchase = 480 hours.

[3] The $440/hour figure for a compliance attorney is from SIFMA's Management & Professional Earnings in the Securities Industry 2013, modified

two hours of clerical time at $84 per hour[4]). The total annual cost for all funds is estimated to be $186,240.[5]

In addition, the fund must file with the Commission a copy of any written solicitation to purchase securities given by or on behalf of the fund to 10 or more persons. The copy must be filed as an exhibit to Form N–CSR (17 CFR 249.331 and 274.128).[6] The burden associated with filing Form N–CSR is addressed in the submission related to that form.

The estimate of average burden hours is made solely for the purposes of the Paperwork Reduction Act, and is not derived from a comprehensive or even a representative survey or study of the costs of Commission rules and forms.

Complying with the collection of information requirements of the rule is mandatory. The filings that the rule requires to be made with the Commission are available to the public. An agency may not conduct or sponsor, and a person is not required to respond to, a collection of information unless it displays a currently valid control number.

The public may view background documentation for this information collection at the following website: *www.reginfo.gov.* Find this particular information collection by selecting ''Currently under 30-day Review—Open for Public Comments'' or by using the search function. Written comments and recommendations for the proposed information collection should be sent within 30 days of publication of this notice by November 25, 2024 to *MBX.OMB.OIRA.SEC_desk_officer@omb.eop.gov.*

Dated: October 21, 2024.

Sherry R. Haywood,

Assistant Secretary.

[FR Doc. 2024–24717 Filed 10–23–24; 8:45 am]

BILLING CODE 8011–01–P

by Commission staff to account for an 1800-hour work-year and inflation, and multiplied by 5.35 to account for bonuses, firm size, employee benefits and overhead.

[4] The $84/hour figure for a compliance clerk is from SIFMA's Office Salaries in the Securities Industry 2013, modified by Commission staff to account for an 1800-hour work-year and inflation, and multiplied by 2.93 to account for bonuses, firm size, employee benefits and overhead.

[5] This estimate is based on the following calculation: 192 repurchases × 2.5 hours per repurchase × $388 hourly cost = $186,240.

[6] In addition, Item 9 of Form N–CSR requires closed-end funds to disclose information similar to the information that was required in Form N–23C–1, which was discontinued in 2004.

SECURITIES AND EXCHANGE COMMISSION

[Release No. 34–101382; File No. SR–ICC–2024–009]

Self-Regulatory Organizations; ICE Clear Credit LLC; Order Approving Proposed Rule Change, as Modified by Partial Amendment No. 1, Relating to the Clearing Rules, Risk Management Framework, Governance Playbook and Sixth Amended and Restated Operating Agreement

October 18, 2024.

I. Introduction

On August 19, 2024, ICE Clear Credit LLC (''ICC'') filed with the Securities and Exchange Commission (the ''Commission''), pursuant to Section 19(b)(1) of the Securities Exchange Act of 1934 (the ''Act'')[1] and Rule 19b–4,[2] a proposed rule change to revise the ICC (i) Clearing Rules (the ''Rules''), (ii) Risk Management Framework (the ''Framework''), (iii) Governance Playbook (the ''Playbook''), and (iv) Sixth Amended and Restated Operating Agreement (the ''Operating Agreement'').[3] On August 27, 2024, ICC filed Partial Amendment No. 1 to the proposed rule change (hereafter, ''proposed rule change'').[4] The proposed rule change was published for comment in the **Federal Register** on September 5, 2024.[5] The Commission did not receive comments regarding the proposed rule change. For the reasons discussed below, the Commission is approving the proposed rule change.

II. Description of the Proposed Rule Change

A. Background

ICC is registered with the Commission as a clearing agency for the purpose of clearing Credit Default Swap (''CDS'') contracts.[6] The Proposed Rule Change amends the Rules, the Framework, the Playbook, and the Operating Agreement. The amendments primarily eliminate ICC's existing Risk Management Subcommittee; establish a new Risk Advisory Working Group; and add to ICC's Risk Committee representatives of persons that are not Clearing Participants but have an interest in the operations of ICC, such as customers of Clearing Participants. The amendments are discussed below according to the document being amended.

B. Rules

As noted above, ICC proposes to add representatives of non-Clearing Participant parties to its existing Risk Committee, eliminate its Risk Management Subcommittee, and establish a Risk Advisory Working Group. Currently, as described in ICC Rule 509, the Risk Management Subcommittee is a subcommittee of the Risk Committee, and it includes, as a member, a representative of a Non-Participant Party.[7] As with the Risk Committee, ICC may not take certain actions, such as determining products eligible for clearing, without first consulting the Risk Management Subcommittee.

Going forward, ICC proposes including representatives of Non-Participant Parties as members of the Risk Committee, rather than a subcommittee of the Risk Committee. ICC is therefore adding these representatives directly to the Risk Committee. Accordingly, amendments to Rule 501 state that the Risk Committee will include representatives of Non-Participant Parties. These amendments also add a more general description of the role of the Risk Committee with respect to ICC's Board, to better reflect the inclusion of non-Participants. The Board will consult with the Risk Committee on any matters that may materially affect the risk profile of ICC, and the Board will consider and respond to the proposals, recommendations and other input provided by the Risk Committee. Consistent with this more general description of the role of ICC's Risk Committee, ICC is amending Rule 502 to clarify that the specific actions subject to Risk Committee consultation, which are already listed in Rule 502, are not intended to limit the general provisions described above in Rule 501.

Moreover, ICC is amending Rule 503(a) to make certain changes to the composition of the Risk Committee,

[1] 15 U.S.C. 78s(b)(1).

[2] 17 CFR 240.19b–4.

[3] Capitalized terms used but not defined herein have the meanings specified in the Rules, Framework, Playbook, and Operating Agreement, as applicable.

[4] Partial Amendment No. 1 amends the Exhibit 5A to correct a typographical error.

[5] Self-Regulatory Organizations; ICE Clear Credit LLC; Notice of Filing of Proposed Rule Change, as Modified by Partial Amendment No. 1, Relating to the Clearing Rules, Risk Management Framework, Governance Playbook and Sixth Amended and Restated Operating Agreement; Exchange Act Release No. 34–100876 (Aug. 29, 2024), 89 FR 72538 (Sep. 5, 2024) (SR–ICC–2024–009) (''Notice'').

[6] Capitalized terms not otherwise defined herein have the meanings assigned to them in the Rules, the Framework, the Playbook, and the Operating Agreement, as applicable.

[7] The term ''Non-Participant Party'' is defined in the Rules as a Person that is not ICE Clear Credit, a Participant or an Affiliate of a Participant, including, without limitation, a ''cleared swaps customer'' as defined in CFTC Rule 22.1.

increase the size of the Risk Committee from twelve to fourteen members, and add both the requirement to have and the process for selecting two Risk Committee members who are representatives of Non-Participant Parties. Amended Rule 503(a) requires that: (1) two Non-Participant Parties each appoint a representative to serve on the Risk Committee; (2) the two Non-Participant Parties making those appointments themselves be selected by a majority vote of the other Risk Committee Members; and (3) those Non-Participant Parties making the appointments be active in clearing transactions at ICC. Amended Rule 503 further requires that the appointed representatives have risk management experience and expertise and be subject to the Risk Committee's approval, which could not be unreasonably withheld, conditioned, or delayed.[8] Additionally, the rule requires that the representatives be employees of the Non-Participant Parties or Affiliates thereof. The amended rule provides that a Non-Participant Appointee may be removed at any time without cause by the Non-Participant Party that appointed the individual, and that if the position becomes vacant, the Non-Participant Party may appoint another individual. Finally, new Rule 503(c) requires that a Non-Participant Party appointing someone to the Risk Committee execute a confidentiality agreement and cause its appointee to execute an acknowledgment of their confidentiality obligations. The amendments also make conforming changes to the Confidentiality Agreement for Risk Committee participants to specify that it is being executed by a Market Participant rather than a Clearing House member.

To support and facilitate these changes, ICC also is amending Rule 505 to revise the definition of a quorum to a majority of the Risk Committee. The amendments to Rule 505 also delete an additional requirement in the existing Rule that at least half of the Participant Appointees must be present, and reflect the appointment of members by Non-Participant Parties.

As a result of adding representatives of Non-Participant Parties to the Risk Committee ICC has determined to eliminate its existing Risk Management Subcommittee. As discussed above, the Risk Management Subcommittee is a subcommittee of the Risk Committee and includes a representative of a Non-Participant Party. Going forward Non-Participant Parties will have two representatives directly on the Risk Committee, rather than one representative on the subcommittee.

Accordingly, ICC is amending the Rules to remove references to the Risk Management Subcommittee and to update certain rules to reflect the elimination of the subcommittee. For example, Rule 201 currently provides that the Risk Management Subcommittee will have consultation rights over certain changes to the qualifications for Clearing Participants and the admission of new Clearing Participants. The amendments replace references in Rule 201 to the Risk Management Subcommittee with references to the Risk Committee. Similarly, Rule 202 currently provides that ICC's Board will make decisions on a potential Clearing Participant's application on the advice of the ICC management and the Risk Management Subcommittee. The amendments replace references in Rule 202 to the Risk Management Subcommittee with references to the Risk Committee. The amendments also remove references to consultation with the Risk Management Subcommittee from Rule 601(b), which describes circumstances in which the Board or an officer of ICC is excused from consulting with the Risk Committee or subcommittee. Finally, the amendments eliminate a reference to the Risk Management Committee in Rule 703, which relates to investigations of potential violations of the Rules by ICC's Clearing Participants.

With the elimination of the Risk Management Subcommittee, ICC is also establishing a new Risk Advisory Working Group. The Risk Advisory Working Group will include representatives of Participants and Non-Participant Parties and is intended to be a broad forum for risk-based input. Accordingly, ICC is amending Rule 509 to create the Risk Advisory Working Group. The amendments clarify that the role of the working group is advisory, such that neither the Board nor the Risk Committee is required to accept or act upon any proposal of the working group. The amendments specify that the Risk Advisory Working Group must include as members a minimum of two representatives of Participants and a minimum of two representatives of Non-Participant Parties. Other amendments remove a reference to reporting requirements to the CFTC and SEC.

ICC proposes other changes to reflect the new Risk Advisory Working Group. For example, another amendment to Rule 503(a) provides for a minimum number of Participant and Non-Participant Party members on the Risk Advisory Working Group. ICC is revising the limitations on liability in Rule 512 to apply to the Risk Advisory Working Group and its members. Amendments to Rule 512 also provides that the Risk Advisory Working Group meet at least twice per year, and that the working group provide the Risk Committee with a summary of the topics discussed and main points raised at each meeting.

Finally, the amendments make drafting corrections and clarifications to account for the other changes being made, including the deletion of definitions relevant to the Risk Management Subcommittee. For example, ICC is amending Rule 507 to allow participation in meetings by audio or video conference. In addition, the amendments add the definitions of Non-Participant Appointees and Risk Advisory Working Group.

C. Framework

ICC is amending the Framework to reflect the changes being made to the Rules as described above. All references to the Risk Management Subcommittee will be replaced with references to the new Risk Advisory Working Group. Additionally, the governance structure chart will be updated to remove the Risk Management Subcommittee and add the Risk Advisory Working Group. Similarly, the Risk subsection will be updated to describe the role of the Risk Advisory Working Group in providing risk-based feedback to ICC on all matters that could materially affect the risk profile of ICC as discussed above.

The amendments also remove references to ICC's existing Advisory Committee. The Advisory Committee was intended to be a forum to solicit input from Non-Participant Parties. ICC has found that participation in the Advisory Committee has been very limited, to the point that the Advisory Committee is effectively dormant and has not met for years.[9] As a result, ICC is discontinuing the Advisory Committee and is instead providing roles for Non-Participant Parties on the Risk Committee and the Risk Advisory Working Group, as discussed above.

Finally, the amendments also add a new revision history section to the Framework and re-number the Appendices.

D. Playbook

ICE Clear Credit is amending the Playbook to conform to the amendments to the Rules and Framework discussed

[8] Existing Rule 503(a)(ii) requires that the Board approve each member of the Risk Committee, and that such approval cannot be unreasonably withheld, conditioned or delayed.

[9] Notice, 89 FR at 72540.

above and to make other changes, as discussed below.

The amendments revise Section III of the Playbook as it relates to the election of ICC Board members. Currently, ICC's Parent must annually elect all Board members no less than five business days after March 14, which is the date that the Risk Committee is reconstituted each year. The amendments eliminate the five business day requirement and instead require that ICC's Parent annually elect all Board members following the reconstitution date of March 14. ICC is making this change to allow Risk Committee members sufficient time, following reconstitution of the Risk Committee, to consider and nominate appointees to the Board.[10] Although ICC is removing the five business day requirement, pursuant to Section 3.03(e) of the Operating Agreement, ICC's parent must still elect all managers annually at a meeting to be held during the first four months of each calendar year.

The amendments also revise Section IV of the Playbook, which describes ICC's various governance committees. Here the amendments update the description of the Risk Committee; eliminate the descriptions of the Advisory Committee, Risk Management Subcommittee, and the FCM Executive Council; [11] add a description of the Risk Advisory Working Group; and revise the description of the Steering Committee. With respect to the Risk Committee, the amendments specify that the Risk Committee includes representatives of customers of ICC CPs and that the Board is required to consult with the Risk Committee with respect to matters that could materially affect the risk profile of ICC. The amendments increase the size of the Risk Committee from twelve to fourteen members and require two members of the Risk Committee to be representatives of customers of CPs. The amendments to Section IV of the Playbook also summarize the procedures for selecting the two representatives of customers of CP members, as set out in amended Rule 503, add a reference to Chapter 5 of the Rules, which describes the Risk Committee, and rename the Chairman of the Risk Committee to the Chairperson.

The amendments to the Playbook also add a description of the purpose and membership of the Risk Advisory Working Group. The amendments provide that the ICC Chief Risk Officer will serve as Chairperson of the Risk Advisory Working Group, a minimum of two members will be representatives of CPs, and a minimum of two members will be representatives of customers of CPs. Another amendment details that the Members of the Risk Advisory Working Group will be appointed by the ICC President, subject to the approval of the Risk Committee. The amendments also specify that the Risk Advisory Working Group will meet at least two times a year, and additionally as needed to consult all matters that could affect ICC's risk profile. The amendments specify the documents relevant to the Risk Advisory Working Group will be maintained on a shared Legal network drive, including the Risk Advisory Working Group charter, meeting materials, and summaries of the main points and topics discussed during meetings. Additionally, administrative procedures in the Playbook that refer to the use of ICC's Diligent account for distributing information to Risk Management Subcommittee Members will be removed because ICC will not use the Diligent system to distribute information to members of the Risk Management Working Group. Finally, references to ICC websites will be updated.

In the description of the Steering Committee in the Playbook, the amendments remove references to ICE Clear Europe. Because ICE Clear Europe discontinued its CDS clearing offering in late 2023 it no longer participates in the Steering Committee.[12]

Finally, the amendments to the Playbook make conforming changes to the description and composition of the Risk Committee, consistent with the amendments to the Rules discussed above. References to the Risk Management Subcommittee and Advisory Committee will be eliminated or replaced with references to the Risk Advisory Working Group, as applicable.

E. Operating Agreement

In accordance with the changes discussed above, ICC is amending and restating its Operating Agreement to delete any reference to the Advisory Committee, including the deletion in its entirety of Section 3.12 of the Operating Agreement, which describes the establishment and composition of the Advisory Committee. The amendments also remove the defined term ''Buy-Side Firms,'' because that term is only used in Section 3.12, which, as noted, is being deleted in its entirety.

III. Discussion

Section 19(b)(2)(C) of the Act directs the Commission to approve a proposed rule change of a self-regulatory organization if such proposed rule change is consistent with the requirements of the Act and the rules and regulations thereunder applicable to such organization.[13] For the reasons discussed below, the proposed rule change is consistent with Section 17A(b)(3)(F) of the Act [14] and Rule 17Ad–22(e)(2), and Rule 17Ad–22(e)(3).[15]

A. Consistency With Section 17A(b)(3)(F) of the Act

Section 17A(b)(3)(F) of the Act requires, among other things, that the rules of ICC be designed to promote the prompt and accurate clearance and settlement of securities transactions and, to the extent applicable, derivative agreements, contracts, and transactions and the protection of investors and the public interest.[16] Based on a review of the record, and for the reasons discussed below, the proposed changes to the Rules, Framework, Playbook, and Operating Agreement are consistent with the promotion of the prompt and accurate clearance and settlement of transactions at ICC.

As noted above, the proposed rule change eliminates the Risk Management Subcommittee and Advisory Committee and adds the Risk Advisory Working Group. Specifically, the proposal amends the Rules, Framework, Governance Playbook, and Operating Agreement to remove references to the Risk Management Subcommittee and Advisory Committee and add rules to create the new Risk Advisory Working Group. The Risk Advisory Working Group will be chaired by the ICC Chief Risk Officer, with a minimum of two members representing Clearing Participants and a minimum of two members representing customers of Clearing Participants. The Risk Advisory Working Group will meet at least twice a year, or more frequently as needed, and will consult on all matters that could affect ICC's risk profile.

These changes enhance ICC's risk management. Rather than having the Risk Committee rely on a subcommittee to perform various risk management monitoring and responsibilities, the Risk Committee will directly perform them. Moving the responsibilities of the Risk Management Subcommittee into the Risk Committee will allow the

[10] Notice, 89 FR at 72540.

[11] Like the Advisory Committee, the FCM Executive Council is a dormant committee that has not met for years. Notice, 89 FR at 72540.

[12] Notice, 89 FR at 72540.

[13] 15 U.S.C. 78s(b)(2)(C).

[14] 15 U.S.C. 78q–1(b)(3)(F).

[15] 17 CFR 240.17Ad–22(e)(2)–(3).

[16] 15 U.S.C. 78q–1(b)(3)(F).

Board-level Risk Committee itself to be more engaged in monitoring and managing ICC's risk profile. Because ICC's Board is ultimately responsible for ensuring that ICC complies with all relevant regulatory requirements,[17] this enhanced monitoring and management of risk at the Board level is consistent with the prompt and accurate clearance and settlement of securities transactions and derivatives agreements, contracts and transactions, the safeguarding of securities and funds which are in the custody or control of ICC or for which it is responsible, and the protection of investors and the public interest in the operation of clearing services.

Additionally, as noted above, the proposal expands the Risk Committee to include representatives of Non-Participant Parties and requires the Board to consult with the Risk Committee on any matters that may materially affect ICC's risk profile. The two Non-Participant Parties will be representatives of customers of clearing members. Moreover, the Board also will be required to consider and respond to the proposals and recommendations provided by the Risk Committee. These changes will encourage participation by Non-Participant Parties at ICC, which in turn could encourage the clearing of transactions involving Non-Participant Parties. These changes also will provide ICC's Board with input from Non-Participant Parties on risk-related matters, potentially broadening the outlook and advice the Board receives. For these reasons, these changes as well are consistent with the prompt and accurate clearance and settlement of securities transactions.

Eliminating a dormant Advisory Committee and instead expanding the Risk Committee to have representatives of customers of clearing participants will help ensure the Risk Committee has a broad view from more stakeholders of the risks ICC faces. Consequently, ICC's Board could be in a better position to navigate risks as they arise. Further, by requiring the Board to consider and respond to Risk Committee proposals and recommendations, ICC's Board will be better informed and equipped to consider, respond to, and address the various risks faced by ICC. These changes to the Risk Committee also promote the prompt and accurate clearance of settlement and securities transactions and derivative agreements, contracts and transactions cleared by ICC.

For the reasons stated above, the Commission finds that the proposed rule change is consistent with Section 17A(b)(3)(F) of the Act.[18]

B. Consistency With Rule 17Ad–22(e)(2)

Rules 17Ad–22(e)(2)(i) and (vi) require each covered clearing agency to establish, implement, maintain, and enforce written policies and procedures reasonably designed to, as applicable, provide for governance arrangements that are clear and transparent,[19] and consider the interests of participants' customers and other relevant stakeholders.[20]

As described above, the proposed changes to the Rules, Framework, Playbook, and Operating Agreement expand the Risk Committee to include two representatives of Non-Participant Parties. In addition, the proposed changes also create a Risk Advisory Working Group that also includes, at a minimum, two representatives from Non-Participant Parties. The inclusion of Non-Participant Parties will help the Risk Committee and Risk Advisory Working Group to better consider matters that may materially affect the risk profile of ICC by including a wider array of viewpoints. Accordingly, the Risk Committee and Risk Advisory Working Group will be better able to advise the Board on how ICC can manage its risk profile.

The proposed changes also clearly describe the duties of the Risk Committee and Risk Advisory Working Group to consult on any matters that may materially affect ICC's risk profile and require the Board to both consider and respond to any proposals from the Risk Committee. Additionally, the proposed changes require the Risk Advisory Working Group to meet at least twice a year and provide the Risk Committee with a summary of topics discussed at each meeting.

By clearly describing the responsibilities of the Risk Advisory Working Group and Risk Committee, these proposed changes provide for clear and transparent governance arrangements and consideration of participants' customers and relevant stakeholders.

For the reasons stated above, the Commission finds the proposed rule changes are consistent with Rules 17Ad–22(e)(2)(i) and (vi).[21]

C. Consistency With Rule 17Ad–22(e)(3) Under the Act

Rule 17ad–22(e)(3) requires each covered clearing agency to establish, implement, maintain and enforce written policies and procedures reasonably designed to, as applicable, maintain a sound risk management framework for comprehensively managing legal, credit, liquidity, operational, general business, investment, custody, and other risks that arise in or are borne by the covered clearing agency, which, among other things, includes risk management policies, procedures, and systems designed to identify, measure, monitor, and manage the range of risks that arise in or are borne by the covered clearing agency.[22]

As discussed above, the proposed rule changes create a Risk Advisory Working Group that will meet at least twice annually and advise both the Risk Committee and the Board on any issues that could materially affect the risk profile of ICC. The Risk Committee as well will meet at least twice annually and advise the Board on any issues that could materially affect ICC's risk profile. In turn, the proposed rules require the Board to consider and respond to any Risk Committee proposals. Having both a Risk Advisory Working Group and Risk Committee considering risks that could affect ICC will help the Board identify, measure, monitor, and manage the range of risks ICC faces.

For these reasons, the Commission finds that the proposed rule change is consistent with Rule 17Ad–22(e)(3)(i) and (iv) under the Act.[23]

IV. Conclusion

On the basis of the foregoing, the Commission finds that the proposed rule change, as modified by Partial Amendment No. 1, is consistent with the requirements of the Act, and in particular, with the requirements of Section 17A(b)(3)(F) of the Act[24] and Rules 17Ad–22(e)(2)[25] and 17Ad–22(e)(3)[26] thereunder.

It is therefore ordered pursuant to Section 19(b)(2) of the Act[27] that the proposed rule change, as modified by Partial Amendment No. 1 (SR–ICC–2024–009), be, and hereby is, approved.[28]

[17] *See* ICC Governance Playbook, Section III and ICC Operating Agreement, Section 3.01.

[18] 15 U.S.C. 78q–1(b)(3)(F).

[19] 17 CFR 240.17Ad–22(e)(2)(i).

[20] 17 CFR 240.17Ad–22(e)(2)(vi).

[21] 17 CFR 240.17Ad–22(e)(2)(i) and (e)(2)(vi).

[22] 17 CFR 240.17Ad–22(e)(3).

[23] *Id.*

[24] 15 U.S.C. 78q–1(b)(3)(F).

[25] 17 CFR 240.17Ad–22(e)(2)(i) and (e)(2)(vi).

[26] 17 CFR 240.17Ad–22(e)(3).

[27] 15 U.S.C. 78s(b)(2).

[28] In approving the proposed rule change, the Commission considered the proposal's impact on efficiency, competition, and capital formation. 15 U.S.C. 78c(f).

For the Commission, by the Division of Trading and Markets, pursuant to delegated authority.[29]

J. Matthew DeLesDernier,

Deputy Secretary.

[FR Doc. 2024–24638 Filed 10–23–24; 8:45 am]

BILLING CODE 8011–01–P

STATE JUSTICE INSTITUTE

Grant Guideline; Notice

AGENCY: State Justice Institute.

ACTION: Grant guideline for fiscal year (FY) 2025.

SUMMARY: This guideline sets forth the administrative, programmatic, and financial requirements attendant to FY 2025 State Justice Institute grants.

DATES: October 2, 2024.

ADDRESSES: State Justice Institute, 12700 Fair Lakes Circle, Suite 340, Fairfax, VA 22033.

FOR FURTHER INFORMATION CONTACT: Jonathan Mattiello, Executive Director, State Justice Institute, 703–660–4979, *jonathan.mattiello@sji.gov.*

SUPPLEMENTARY INFORMATION: Pursuant to the State Justice Institute Act of 1984 (42 U.S.C. 10701 *et seq.*), the State Justice Institute is authorized to award grants, cooperative agreements, and contracts to State and local courts, nonprofit organizations, and others for the purpose of improving the quality of justice in the State courts of the United States.

The following Grant Guideline is adopted by the State Justice Institute for FY 2025.

Table of Contents

I. Eligibility
II. Grant Application Deadlines
III. The Mission of the State Justice Institute
IV. Grant Types
V. Application and Submission Information
VI. How To Apply
VII. Post-Award Reporting Requirements
VIII. Compliance Requirements
IX. Financial Requirements
X. Grant Adjustments

I. Eligibility

Pursuant to the State Justice Institute Act of 1984 (42 U.S.C. 10701 *et seq.*), the State Justice Institute (SJI) is authorized to award grants, cooperative agreements, and contracts to State and local courts, national nonprofit organizations, and others for the purpose of improving the quality of justice in the State courts of the United States.

SJI is authorized by Congress to award grants, cooperative agreements, and contracts to the following entities and types of organizations:

- State and local courts and their agencies (42 U.S.C. 10705(b)(1)(A)).
- National nonprofit organizations controlled by, operating in conjunction with, and serving the judicial branches of State governments (42 U.S.C. 10705(b)(1)(B)).
- National nonprofit organizations for the education and training of judges and support personnel of the judicial branch of State governments (42 U.S.C. 10705(b)(1)(C)). An applicant is considered a national education and training applicant under section 10705(b)(1)(C) if:
  - the principal purpose or activity of the applicant is to provide education and training to State and local judges and court personnel; and
  - the applicant demonstrates a record of substantial experience in the field of judicial education and training.
- Other eligible grant recipients (42 U.S.C. 10705 (b)(2)(A) through (D)).
  - Provided that the objectives of the project can be served better, SJI is also authorized to make awards to:
    - Nonprofit organizations with expertise in judicial administration
    - Institutions of higher education
    - Individuals, partnerships, firms, corporations (for-profit organizations must waive their fees)
    - Private agencies with expertise in judicial administration
  - SJI may also make awards to State or local agencies and institutions other than courts for services that cannot be adequately provided through nongovernmental arrangements (42 U.S.C. 10705(b)(3)).

SJI is prohibited from awarding grants to Federal, Tribal, and international courts.

II. Grant Application Deadlines

The SJI Board of Directors makes awards on a Federal fiscal year quarterly basis. Applications may be submitted at any time but will be considered for award based only on the timetable below.

TABLE 1—APPLICATION DEADLINES BY FEDERAL FISCAL YEAR QUARTER

Federal fiscal year quarter	Application due date
1	November 1.
2	February 1.
3	May 1.
4	August 1.

To be considered timely, an application must be submitted by the application deadline noted above. Applicants must use the SJI Grants Management System (GMS) to submit all applications and post-award documents. The SJI GMS is accessible at *https://gms.sji.gov.* SJI urges applicants to submit applications at least 72 hours prior to the application due date to allow time for the applicant to receive an application acceptance message and to correct in a timely fashion any problems that may arise, such as missing or incomplete forms.

Questions related to the SJI Grant Program or the SJI GMS should be directed to *contact@sji.gov.*

III. The Mission of the State Justice Institute

The State Justice Institute Authorization Act of 1984 (42 U.S.C. 10701 *et seq.*) established SJI to improve the administration of justice in the State courts of the United States. Incorporated in the State of Virginia as a private, nonprofit corporation, SJI is charged, by statute, with the responsibility to:

- direct a national program of financial assistance designed to ensure that each citizen of the United States is provided ready access to a fair and effective system of justice;
- foster coordination and cooperation with the Federal judiciary;
- promote recognition of the importance of the separation of powers doctrine to an independent judiciary; and
- encourage education for judges and support personnel of State court systems through national and state organizations.

To accomplish these broad objectives, SJI is authorized to provide funding to State courts, national organizations that support and are supported by State courts, national judicial education organizations, and other organizations that can assist in improving the quality of justice in the State courts.

Through the award of grants, contracts, and cooperative agreements, SJI is authorized to perform the following activities:

- support technical assistance, demonstrations, special projects, research, and training to improve the administration of justice in the State courts;
- provide for the preparation, publication, and dissemination of information regarding State judicial systems;
- participate in joint projects with Federal agencies and other private grantors;
- evaluate or provide for the evaluation of programs and projects to determine their impact upon the quality of criminal, civil, and juvenile justice and the extent to which they have

[29] 17 CFR 200.30–3(a)(12).

contributed to improving the quality of justice in the State courts;

- encourage and assist in furthering judicial education; and
- encourage, assist, and serve in a consulting capacity State and local courts in the development, maintenance, and coordination of criminal, civil, and juvenile justice programs and services.

SJI is supervised by a board of directors appointed by the U.S. President, with the advice and consent of the U.S. Senate. The SJI Board of Directors is statutorily composed of six judges; a State court administrator; and four members of the public, no more than two of the same political party. Additional information about SJI, including a list of members of the SJI Board of Directors, is available at *https://www.sji.gov.*

a. Priority Investment Areas

The SJI Board of Directors has established Priority Investment Areas for grant funding. SJI will allocate significant financial resources through grant-making for these Priority Investment Areas. The Priority Investment Areas are applicable to all grant types. SJI strongly encourages potential grant applicants to consider projects addressing one or more of these Priority Investment Areas and to integrate the following factors into each proposed project:

- evidence-based, data-driven decision making;
- cross-sector collaboration;
- systemic approaches (as opposed to standalone programs);
- institutionalization of new court processes and procedures;
- ease of replication; and
- sustainability.

For FY 2025, the Priority Investment Areas are listed below in no specific order.

1. Opioids and Other Dangerous Drugs and Behavioral Health Responses

- *Behavioral Health Disparities*—Research indicates that justice-involved persons have significantly greater proportions of mental, substance use, and co-occurring disorders than are found in the public. SJI supports cross-sector collaboration and information sharing that emphasizes policies and practices designed to improve court responses to justice-involved persons with behavioral health and other co-occurring needs.
- *Trauma-Informed Approaches*—Judges, court staff, system stakeholders, and court-involved persons (*e.g.,* defendants, respondents, and victims) alike may be impacted by prior trauma. This is particularly, but not exclusively, true for those with mental illness and/or substance use disorders. SJI supports trauma-informed training, policies, and practices in all aspects of the judicial process.

2. Promoting Access to Justice and Procedural Fairness

- *Self-Represented Litigation*—SJI promotes court-based solutions to address increases in self-represented litigants; helps make courts more user-friendly by simplifying court forms; provides one-on-one assistance; develops guides, handbooks, and instructions on how to proceed; develops court-based self-help centers; and uses internet technologies to increase access. These projects are improving outcomes for litigants and saving valuable court resources.
- *Language Access*—SJI supports language access in the State courts through remote interpretation (*i.e.,* outside the courtroom), interpreter training and certification, courtroom services (plain language forms, websites, etc.), and addressing the requirements of Title VI of the Civil Rights Act of 1964 (42 U.S.C. 2000d *et seq.*) and the Omnibus Crime Control and Safe Streets Act (34 U.S.C. 10101 *et seq.*).
- *Procedural Fairness*—A fundamental role of courts is to ensure fair processes and just outcomes for litigants. SJI promotes the integration of research-based procedural fairness principles, policies, and practices into State court operations to increase public trust and confidence in the court system, reduce recidivism, and increase compliance with court orders.

3. Reducing Disparities and Protecting Victims, Underserved, and Vulnerable Populations

- *Disparities in Justice*—SJI supports research and data-driven approaches that examine statutory requirements, policies, and practices that result in disparities for justice-involved persons. These disparities can be because of inequities in socioeconomic, racial, ethnic, gender, age, health, or other factors. In addition to identifying disparities, SJI promotes systemic approaches to reducing disparities.
- *Human Trafficking*—SJI addresses the impact of Federal and State human-trafficking laws on the State courts and the challenges faced by State courts in dealing with cases involving trafficking victims and their families. These efforts are intended to empower State courts to identify victims, link them with vital services, and hold traffickers accountable.
- *Rural Justice*—Rural areas and their justice systems routinely have fewer resources and more barriers—such as unavailability of services, lack of transportation, and smaller workforces—than their urban counterparts. Programs and practices that are effective in urban areas are often inappropriate and/or lack supported research for implementation in rural areas. SJI supports rural courts by identifying promising and best practices and promoting resources, education, and training opportunities that are uniquely designed for rural courts and court users.
- *Guardianship, Conservatorship, and Elder Issues*—SJI assists courts in improving court oversight of guardians and conservators for the elderly and incapacitated adults through visitor programs, electronic reporting, and training.

4. Advancing Justice Reform

- *Criminal Justice Reform*—SJI assists State courts in taking a leadership role in reviewing fines, fees, and bail practices to ensure processes are fair and access to justice is assured; implements alternative forms of sanction; develops processes for indigency review; promotes transparency, governance, and structural reforms that promote access to justice, accountability, and oversight; and implements innovative diversion and reentry programs that serve to improve outcomes for justice-involved persons and the justice system.
- *Juvenile Justice Reform*—SJI supports innovative projects that advance best practices in handling dependency and delinquency cases, promote effective court oversight of juveniles in the justice system, address the impact of trauma on juvenile behavior, assist the courts in identification of appropriate provision of services for juveniles, and address juvenile reentry.
- *Family and Civil Justice Reform*—SJI promotes court-based solutions for the myriad of civil case types, such as domestic relations, housing, employment, and debt collection, which are overwhelming court dockets.

5. Transforming Courts

- *Courthouse and Judicial Security*—In the current climate of increasing threats to judicial officers and acts of courthouse violence being committed across the nation, many State and local courts are focusing more attention and resources on court and judicial security. SJI has long recognized the need to assist State and local courts in

improving the personal safety of judges, court personnel, and the public.

• *Emergency Response and Recovery*—Courts must be prepared for natural disasters and public health emergencies and institutionalize the most effective and efficient practices and processes that evolve during response and recovery. SJI supports projects that look to the future of judicial service delivery by identifying and replicating innovations and alternate means of conducting court business due to public health emergencies, such as pandemics and natural disasters (*e.g.,* hurricanes, earthquakes, and wildfires).

• *Cybersecurity*—Courts must also be prepared for cyberattacks on court systems, such as denial of service and ransomware attacks on court case management systems, websites, and other critical information technology infrastructure. SJI supports projects that assist courts in preparing for and responding to these attacks and shares lessons learned to courts across the United States.

• *Technology*—Courts must integrate technological advances into daily judicial processes and proceedings. SJI supports projects that institutionalize innovative technology that has successfully advanced the use of electronic filing and payment systems, online dispute resolution, remote work, and virtual court proceedings. SJI promotes projects that streamline case filing and management processes, thereby reducing time and costs to litigants and the courts; provide online access to courts to litigants so that disputes can be resolved more efficiently; and make structural changes to court services that enable them to evolve into an online environment. Additionally, SJI supports the examination of potential integration of artificial intelligence (AI) into court processes, including identification of positive outcomes and potential limitations of AI.

• *Strategic Planning*—Courts must rely on a deliberate process to determine organizational values, mission, vision, goals, and objectives. SJI promotes structured planning processes and organizational assessments to assist courts in setting priorities, allocating resources, and identifying areas for ongoing improvements in efficiency and effectiveness. Strategic planning includes elements of court governance, data collection, management, analysis, sharing, and sustainable court governance models that drive decision making. Strategic plans and outcomes must be communicated to judges, court staff, justice partners, and the public.

• *Training, Education, and Workforce Development*—State courts require a workforce that is adaptable to public demands for services. SJI supports projects that focus on the tools needed to enable judges, court managers, and staff to be innovative, forward-thinking court leaders.

IV. Grant Types

SJI supports five types of grants: Project, Technical Assistance (TA), Curriculum Adaptation and Training (CAT), Strategic Initiatives Grants (SIG) Program, and the Education Support Program (ESP). A brief description of each type of grant is below.

a. Project Grant

Project grants are intended to support innovative education and training, research and evaluation, demonstration, and TA projects that can improve the administration of justice in State courts locally or nationwide. State court and national nonprofit applicants may request up to $300,000 for 36 months. Local court applicants may request up to $200,000 for 24 months. Examples of expenses not covered by project grants include the salaries or benefits of full- or part-time court employees. Funding may not be used for the ordinary, routine operations of court systems.

All applicants for project grants must contribute a cash match greater than or equal to the SJI award amount. This means that grant awards by SJI must be matched at least dollar for dollar by grant applicants. For example, an applicant seeking a $300,000 Project Grant must provide a cash match of at least $300,000. Applicants may contribute the required cash match directly or in cooperation with third parties. Funding from other Federal departments or agencies may not be used for a cash match.

b. TA Grant

TA grants are intended to provide State or local courts—or regional court associations—with sufficient support to obtain expert assistance to diagnose a problem, develop a response to that problem, and implement any needed changes. TA grants may not exceed $75,000 or 12 months in duration. In calculating project duration, applicants are cautioned to fully consider the time required to issue a request for proposals, negotiate a contract with the selected provider, and execute the project. Funds may not be used for salaries or benefits of full- or part-time court employees.

Applicants for TA grants must contribute a total match (cash and in-kind) of no less than 50 percent of the SJI award amount, of which 20 percent must be cash. For example, an applicant seeking a $75,000 TA Grant must provide a $37,500 match, of which up to $30,000 can be in-kind and not less than $7,500 must be cash. Funding from other Federal departments and agencies may not be used for a cash match.

c. CAT Grant

CAT grants are intended to: (1) enable courts or national court associations to modify and adapt model curricula, course modules, or conference programs to meet States' or local jurisdictions' educational needs; train instructors to present portions or all of the curricula; and pilot-test them to determine their appropriateness, quality, and effectiveness; or (2) conduct judicial branch education and training programs, led by either expert or in-house personnel, designed to prepare judges and court personnel for innovations, reforms, and/or new technologies recently adopted by grantee courts. CAT grants may not exceed $40,000 or 12 months in duration. Examples of expenses not covered by CAT grants include the salaries or benefits of full- or part-time court employees.

Applicants for CAT grants are required to contribute a total match (cash and in-kind) of not less than 50 percent of the SJI award amount, of which 20 percent must be cash. For example, an applicant seeking a $40,000 CAT grant must provide a $20,000 match, of which up to $16,000 can be in-kind and not less than $4,000 must be cash. Funding from other Federal departments and agencies may not be used for a cash match.

d. SIG Program

The SIG Program provides SJI with the flexibility to address national court issues as they occur and develop solutions to those problems. This is an innovative approach where SJI uses its expertise and the expertise and knowledge of its grantees to address key issues facing State courts across the United States.

The funding is used for grants or contractual services and is handled at the discretion of the SJI Board of Directors and staff. SJI requires the submission of a concept paper prior to the full application process. *Only applicants that submit an approved concept paper will be invited to submit a full application for funding. Potential applicants are strongly encouraged to contact SJI prior to submitting a concept paper for guidance on this initial step.*

e. ESP for Judges and Court Managers

The ESP is intended to enhance the skills, knowledge, and abilities of State court judges and court managers by enabling them to attend out-of-state or enroll in online educational and training programs sponsored by national and State providers they could not otherwise attend or take online because of limited State, local, and personal budgets. The program covers only the cost of tuition up to a maximum of $1,000 per course.

The ESP is administered by the National Judicial College (NJC) and the National Center for State Courts (NCSC)/Institute for Court Management (ICM), in partnership with SJI. For NJC courses, register online at *https://www.judges.org/courses.* For ICM courses, register online at *https://www.ncsc.org/education-and-careers/icm-courses.* During the respective registration processes, each website will ask whether a scholarship is needed to participate. Follow the online instructions to request tuition assistance.

V. Application and Submission Information

This section describes in detail what an application must include. An applicant should anticipate that if he or she fails to submit an application that contains all the specified project components, it may negatively affect the review of the application. Applicants must use the SJI GMS to submit all applications and post-award documents. The SJI GMS is accessible at *https://gms.sji.gov.*

a. Application Components

Applicants for SJI grants must submit the following forms and/or documents via the SJI GMS:

1. Application Form

The application form requests basic information regarding the proposed project, the applicant, and the total amount of funding requested from SJI. It also requires the signature of an individual authorized to certify on behalf of the applicant that the information contained in the application is true and complete; submission of the application has been authorized by the applicant; and, if funding for the proposed project is approved, the applicant will comply with the requirements and conditions of the award, including the assurances set forth in in section V.A.4, *Assurances* of this guideline.

2. Certificate of State Approval

An application from a State or local court must include a copy of the *Certificate of State Approval* signed by the State's chief justice or State court administrator. The signature denotes that the proposed project has been approved by the State's highest court or the agency or council it has designated. Further, the signature denotes, if applicable, a cash match reduction has been requested, and that if SJI approves funding for the project, the court or the specified designee will receive, administer, and be accountable for the awarded funds.

3. Budget Form

Applicants must provide a detailed budget and a budget narrative providing an explanation of the basis for the amounts in each budget category. If funds from other sources are required to conduct the project, either as a match or to support other aspects of the project, the source, current status of the request, and anticipated decision date must be provided.

4. Assurances

The *Assurances* form lists the statutory, regulatory, and policy requirements with which recipients of SJI funds must comply.

5. Disclosure of Lobbying Activities

Applicants other than units of State or local government are required to disclose whether they, or another entity that is part of the same organization as the applicant, have advocated a position before Congress on any issue, and to identify the specific subjects of their lobbying efforts.

6. Project Abstract

The abstract must highlight the purposes, goals, methods, and anticipated benefits of the proposed project. It must not exceed one single-spaced page and must be uploaded on the ''Attachments'' tab in the SJI GMS.

7. Program Narrative

The program narrative for an application may not exceed 25 double-spaced pages on 8½- by 11-inch paper with 1-inch margins, using a standard 12-point font. The pages must be numbered. This page limit does not include the forms, the abstract, the budget narrative, or any additional attachments. The program narrative must address the following, noting any specific areas to address by grant type:

i. Statement of Need. Applicants must explain the critical need they are facing and how SJI funds will enable them to meet this critical need. The applicants must also explain why State or local resources are not sufficient to fully support the costs of the project.

Applicants must provide a verified source for the data (*i.e.,* Federal, State, and local databases) that supports the problem statement. The discussion must include specific references to the relevant literature and to experience in the field. SJI continues to make all grant reports and most grant products available online through the NCSC Library and Digital Archive. Applicants must conduct a search of the NCSC Library and Digital Archive on the topic areas they are addressing. This search must include SJI-funded grants and previous projects not supported by SJI. Searches for SJI grant reports and other State court resources begin with the NCSC Library section. Applicants must discuss the results of their research, how they plan to incorporate the previous work into their proposed project, and if the project will differ from prior work.

ii. Project Grants. If the project is to be conducted in any specific location(s), applicants must discuss the particular needs of the project site(s) the project would address and why existing programs, procedures, services, or other resources do not meet those needs.

If the project is not site-specific, the applicants must discuss the problems that the proposed project would address and why existing programs, procedures, services, or other resources cannot adequately resolve those problems. In addition, applicants must describe how, if applicable, the project will be sustained in the future through existing resources.

iii. TA Grants. Applicants must explain why State or local resources are unable to fully support the modification and presentation of the model curriculum. The applicants must also describe the potential for replicating or integrating the adapted curriculum in the future using State or local funds once it has been successfully adapted and tested. In addition, applicants must describe how, if applicable, the project will be sustained in the future through existing resources.

iv. CAT Grants (curriculum adaptation). Applicants must explain why State or local resources are unable to fully support the modification and presentation of the model curriculum. The applicants must also describe the potential for replicating or integrating the adapted curriculum in the future using State or local funds once it has been successfully adapted and tested.

v. CAT Grants (training). Applicants must describe the court reform or initiative prompting the need for

training. Applicants must also discuss how the proposed training will help them implement planned changes at the court and why State or local resources are not sufficient to fully support the costs of the required training.

vi. SIGs. Applicants must detail the origin of the project (*i.e.,* requested by SJI or a request to SJI) and provide a detailed description of the issue of national impact the proposed project will address, including any evaluations, reports, resolutions, or other data to support the need statement.

b. Project Description and Objectives

The applicants must include a clear, concise statement of what the proposed project is intended to accomplish and how those objectives will be met. Applicants must delineate the tasks to be performed in achieving the project objectives and the methods to be used for accomplishing each task.

Applicants must describe how the proposed project addresses one or more Priority Investment Areas. If the project does not address one or more Priority Investment Areas, the applicants must provide an explanation as to the reason.

1. Application Details by Project Type

i. Project Grants. The applicants must include detailed descriptions of tasks, methods, and evaluations. For example:

- *Research and evaluation projects.* The applicants must include the data sources, data collection strategies, variables to be examined, and analytic procedures to be used for conducting the research or evaluation and ensuring the validity and general applicability of the results. For projects involving human subjects, the discussion of methods must address the procedures for obtaining respondents' informed consent, ensuring the respondents' privacy and freedom from risk or harm, and protecting others who are not the subjects of research but would be affected by the research. If the potential exists for risk or harm to human subjects, a discussion must be included that explains the value of the proposed research and the methods to be used to minimize or eliminate such risk. Refer to section VIII.R.3, *Human Subject Protection* of this guideline for additional information.
- *Education and training projects.*The applicants must include the adult education techniques to be used in designing and presenting the program, including the teaching and learning objectives of the educational design, the teaching methods to be used, and the opportunities for structured interaction among the participants. The opportunities applicants must include are: how faculty would be recruited, selected, and trained; the proposed number and length of the conferences, courses, seminars, or workshops to be conducted and the estimated number of persons who would attend them; the materials to be provided and how they would be developed; and the cost to participants.
- *Demonstration projects.* The applicants must include the demonstration sites and the reasons they were selected or, if the sites have not been chosen, how they would be identified; how the applicants would obtain the cooperation of demonstration sites; and how the program or procedures would be implemented and monitored.
- *TA projects.* The applicants must explain the types of assistance that would be provided, the particular issues and problems for which assistance would be provided, the type of assistance determined, how suitable providers would be selected and briefed, and how reports would be reviewed.

ii. TA Grants. Applicants must identify which organization or individual will be hired to provide the assistance and how the consultant was selected. The applicants must describe the tasks the consultant will perform and how the tasks will be accomplished.

If a consultant has not yet been identified, the applicants must describe the procedures and criteria that will be used to select the consultant (applicants are expected to follow their jurisdictions' normal procedures for procuring consultant services).

If the consultant has been identified, the applicants must provide a letter from that individual or organization documenting interest in and availability for the project, as well as the consultant's ability to complete the assignment within the proposed timeframe and for the proposed cost. The consultant must agree to submit a detailed written report to the court and SJI upon completion of the TA. Applicants must then describe the steps that have been or will be taken to facilitate implementation of the consultant's recommendations upon completion of the technical assistance.

The applicants must then address the following questions:

- What specific tasks will the consultant and court staff undertake?
- What is the schedule for completion of each required task and the entire project?
- How will the applicant oversee the project and provide guidance to the consultant, and who at the court or regional court association would be responsible for coordinating all project tasks and submitting Quarterly Progress and Financial Status Reports?

iii. CAT Grants (curriculum adaptation). The applicants must provide the title of the curriculum that will be adapted and identify the entity that originally developed the curriculum. Applicants must allow at least 90 days between the potential award date and the date of the proposed program to allow sufficient time for planning. This period should be reflected in the project timeline. The applicants must also address the following questions:

- Why is this education program needed at the present time?
- What are the project's goals?
- What are the learning objectives of the adapted curriculum?
- What program components would be implemented, and what types of modifications, if any, are anticipated in length, format, learning objectives, teaching methods, or content?
- Who would be responsible for adapting the model curriculum?
- Who would the participants be, how many would there be, how would they be recruited, and from where would they come (*e.g.,* from a single local jurisdiction, from across the state, from a multistate region, from across the nation, etc.)?

The applicants must also provide the proposed timeline, including the project start and end dates, the date(s) the judicial branch education program will be presented, and the process that will be used to modify and present the program. Applicants must also identify who will serve as faculty, and how they will be selected, in addition to the measures taken to facilitate subsequent presentations of the program.

iv. CAT Grants (training). The applicants must identify the tasks the trainer will be expected to perform, which organization or individual will be hired, and, if in-house personnel are not the trainer, how the trainer will be selected.

If a trainer has not yet been identified, the applicants must describe the procedures and criteria that will be used to select the trainer.

If the trainer has been identified, the applicants must provide a letter from that individual or organization documenting interest in and availability for the project, as well as the trainer's ability to complete the assignment within the proposed timeframe and for the proposed cost.

In addition, the applicants must address the following questions:

- What specific tasks would the trainer and court staff or regional court association members undertake?
- What presentation methods will be used?
- What is the schedule for completion of each required task and the entire project?
- How will the applicant oversee the project and provide guidance to the trainer, and who at the court or affiliated with the regional court association would be responsible for coordinating all project tasks and submitting Quarterly Progress and Financial Status Reports?
- The applicant must explain what steps have been or will be taken to coordinate the implementation of the training. For example, if the support or cooperation of specific court, regional court association officials, committees, other agencies, funding bodies, organizations, or a court other than the applicant will be needed to adopt the reform and initiate the proposed training, how will the applicant secure their involvement in the development and implementation of the training?

v. SIGs. The applicants should expand upon the project description and objectives described in the approved concept paper. All feedback and questions submitted by the SJI Board of Directors and staff during the review of the concept paper should also be incorporated into the project design.

2. Dissemination Plan

The application must: (1) explain how and to whom the products would be disseminated; describe how they would benefit the State courts, including how they could be used by judges and court personnel; (2) identify development, production, and dissemination costs covered by the project budget; and (3) present the basis on which products and services developed or provided under the grant would be offered to the court community and the public at large (*i.e.,* whether products would be distributed at no cost to recipients, or if costs are involved, the reason for charging recipients and the estimated price of the product). Ordinarily, applicants must schedule all product preparation and distribution activities within the project period.

The type of product to be prepared depends on the nature of the project. For example, in most instances, the products of a research, evaluation, or demonstration project must include: (1) an article summarizing the project findings that is publishable in a journal serving the courts community nationally, (2) an executive summary that would be disseminated to the project's primary audience, or (3) both an article and executive summary. Applicants proposing to conduct empirical research or evaluation projects with national import must describe how they would make their data available for secondary analysis after the grant period.

The curricula and other products developed through education and training projects must be designed for use by others and again by the original participants in the course of their duties. Applicants proposing to develop web-based products must provide, for sending, a notice and description of the document (*i.e.,* a written report with a reference to the website) to the appropriate audiences to alert them to the availability of the website or electronic product.

Applicants must submit a final draft of all written grant products to SJI for review and approval at least 30 days before the products are submitted for publication or reproduction. Applicants must provide multimedia products for SJI review at the treatment, script, rough-cut, and final stages of development, or their equivalents. No grant funds may be obligated for publication or reproduction of a final grant product without the written approval of SJI. Project products should be submitted to SJI electronically in HTML or PDF format.

Applicants must also include in all project products a prominent acknowledgment that SJI provided support and a disclaimer paragraph such as, ''This [document, film, videotape, etc.] was developed under [grant/cooperative agreement] number SJI-[insert number] from the State Justice Institute. The points of view expressed are those of the [author(s), filmmaker(s), etc.] and do not necessarily represent the official position or policies of the State Justice Institute.'' The ''SJI'' logo must appear on the front cover of a written product or in the opening frames of a website or other multimedia products, unless SJI approves another placement. The SJI logo can be downloaded from SJI's website (*https://www.sji.gov*) at the bottom of the ''Grants'' page.

3. Staff Capability and Organizational Capacity

An applicant that is not a State or local court and has not received a grant from SJI within the past 3 years must indicate whether it is either: (1) a national nonprofit organization controlled by, operating in conjunction with, and serving the judicial branches of State governments, or (2) a national nonprofit organization for the education and training of State court judges and support personnel. If the applicant is a nonjudicial unit of Federal, State, or local government, it must explain whether the proposed services could be adequately provided by nongovernmental entities.

Applicants that have not received a grant from SJI within the past 3 years must include a statement describing their capacity to administer grant funds, including the financial systems used to monitor project expenditures (and income, if any), a summary of their past experience in administering grants, and any resources or capabilities they have that would particularly assist in the successful completion of the project.

Unless requested otherwise, an applicant that has received a grant from SJI within the past 3 years must describe only the changes in its organizational capacity, tax status, or financial capability that may affect its capacity to administer a grant. If the applicant is a nonprofit organization (other than a university), it must also provide documentation of its 501(c)(3) tax-exempt status as determined by the Internal Revenue Service and a copy of a current certified audit report. For the purpose of this requirement, ''current'' means no earlier than 2 years prior to the present calendar year.

The applicant must include a summary of key staff members' and consultants' training and experience that qualify them to conduct and manage the proposed project. Resumes of identified staff should be attached to the application. If one or more key staff members and consultants are not known at the time of the application, a description of the criteria that would be used to select people for these positions should be included. The applicant must also identify the person who would be responsible for managing and reporting on the financial aspects of the proposed project.

4. Evaluation

Projects must include an evaluation plan to determine whether the project has met its objectives. The evaluation must be designed to provide an objective and independent assessment of the effectiveness or usefulness of the training or services provided; the impact of the procedures, technology, or services tested; or the validity and applicability of the research conducted. The evaluation plan must be appropriate to the type of project proposed, considering the nature, scope, and magnitude of the project.

5. Sustainability

Describe how the project will be sustained after SJI assistance ends. The sustainability plan must describe how current collaborations and evaluations will be used to leverage ongoing resources. SJI encourages applicants to ensure sustainability by coordinating with local, State, and other Federal resources.

c. Budget and Matching State Contribution

Applicants must complete a budget in the SJI GMS and upload a budget narrative. The budget narrative must provide the basis for all project-related costs and the sources of any match, as required. The budget narrative must thoroughly and clearly describe every category of expense listed. SJI expects proposed budgets to be complete, cost effective, and allowable (*i.e.,* reasonable, allocable, and necessary for project activities).

1. Prohibited Uses of SJI Funds. To ensure that funds made available are used to supplement and improve the operation of State courts, rather than to support basic court services, funds shall not be used:

- To supplant State or local funds supporting a program or activity (*e.g.,* paying the salary of court employees who would be performing their normal duties as part of the project or paying rent for space that is part of the court's normal operations).
- To construct court facilities or structures.
- Solely to purchase equipment.

Examples of *basic court services* include:

- Hiring of personnel
- Purchase and/or maintenance of equipment
- Purchase of software and/or licenses
- Purchase of internet access or service
- Supplies to support the day-to-day operations of courts

The final determination of what constitutes basic court services is made by SJI and is not negotiable.

Meals and refreshments are not allowable costs.

Trinkets (*e.g.,* items such as hats, mugs, portfolios, T-shirts, coins, gift bags, gift cards, etc.) may not be purchased with SJI grant funding.

2. Justification of Personnel Compensation. The applicants must set forth the amount of time the individuals who would staff the proposed project would devote, the annual salary of each of those persons, and the number of workdays per year used to calculate the amount of time or daily rates of those individuals. The applicants must explain any deviations from current rates or established written organizational policies. No grant funds or cash match may be used to pay the salary and related costs for a current or new employee of a court or other unit of government because such funds would constitute a supplantation of State or local funds in violation of 42 U.S.C. 10706(d)(1); this includes new employees hired specifically for the project. The salary and any related costs for a current or new employee of a court or other unit of government may only be accepted as an in-kind match.

3. Fringe Benefit Computation. For nongovernmental entities, applicants must provide a description of the fringe benefits provided to employees. If percentages are used, the authority for such use should be presented, as well as a description of the elements included in the determination of the percentage rate.

4. Consultant/Contractual Services and Honoraria. The applicants must describe the tasks each consultant would perform, the estimated total amount to be paid to each consultant, the basis for compensation rates (*e.g.,* the number of days multiplied by the daily consultant rates), and the method for selection. Prior written SJI approval is required for any consultant rate in excess of $800 per day; SJI funds may not be used to pay a consultant more than $1,100 per day. Honorarium payments must be justified in the same manner as consultant payments.

5. Travel. Transportation costs and per diem rates must comply with the policies of the applicant organization. If the applicant does not have an established travel policy, then travel rates must be consistent with those established by the Federal Government. The budget narrative must include an explanation of the rate used, including the components of the per diem rate and the basis for the estimated transportation expenses. The purpose of the travel must also be included in the narrative.

6. Equipment. Grant funds may be used to purchase only the equipment necessary to demonstrate a new technological application in a court or that is otherwise essential to accomplishing the objectives of the project. In other words, grant funds cannot be used strictly for the purpose of purchasing equipment. Equipment purchases to support basic court operations will not be approved. Applicants must describe the equipment to be purchased or leased and explain why the acquisition of that equipment is essential to accomplish the project's goals and objectives. The narrative must clearly identify which equipment is to be leased and which is to be purchased. The method of procurement must also be described.

7. Supplies. Applicants must provide a general description of the supplies necessary to accomplish the goals and objectives of the grant. In addition, the applicants must provide the basis for the amount requested for this expenditure category.

8. Construction. Construction expenses are prohibited.

9. Postage. Anticipated postage costs for project-related mailings, including distribution of the final product(s), should be described in the budget narrative. The cost of special mailings, such as for a survey or for announcing a workshop, should be distinguished from routine mailing costs. The bases for all postage estimates should be included in the budget narrative.

10. Printing/Photocopying. Anticipated costs for printing or photocopying project documents, reports, and publications must be included in the budget narrative, along with the bases used to calculate these estimates.

11. Indirect Costs. Indirect costs are only applicable to organizations that are not State courts or government agencies. Recoverable indirect costs are limited to no more than 75 percent of a grantee's direct personnel costs (*i.e.,* salaries plus fringe benefits). Applicants must describe the indirect cost rates applicable to the grant in detail. If costs often included within an indirect cost rate are charged directly (*e.g.,* a percentage of the time of senior managers to supervise project activities), the applicants should specify that these costs are not included within their approved indirect cost rate. If an applicant has an indirect cost rate or allocation plan approved by any Federal granting agency, a copy of the approved rate agreement must be attached to the application.

12. Matching Requirements. SJI grants require a match, which is the portion of project costs not borne by SJI and includes both cash and in-kind matches as outlined in this paragraph. A cash match is the direct outlay of funds by the grantee or a third party to support the project. Other Federal department and agency funding may not be used for a cash match. An in-kind match consists of contributions of time and/or services of current staff members, new employees, space, supplies, etc., that are made to the project by the grantee or others (*e.g.,* advisory board members) working directly on the project. An in-kind match can also consist of that portion of the grantee's federally

approved indirect cost rate that exceeds the limit of permitted charges (75 percent of salaries and benefits).

The grantee is responsible for ensuring that the total amount of the match proposed is contributed. If a proposed contribution is not fully met, SJI may reduce the award amount accordingly, to maintain the ratio originally provided for in the award agreement. The match should be expended at the same rate as SJI funding.

i. Project Grants. Applicants for Project grants must contribute a cash match greater than or equal to the SJI award amount. This means that grant awards by SJI must be matched at least dollar for dollar by grant applicants. For example, an applicant seeking a $300,000 Project grant must provide a cash match of at least $300,000. Applicants may contribute the required cash match directly or in cooperation with third parties.

ii. TA Grants. Applicants for TA grants are required to contribute a total match (cash and in-kind) of no less than 50 percent of the SJI award amount, of which 20 percent must be cash. For example, an applicant seeking a $75,000 TA grant must provide a $37,500 match, of which up to $30,000 can be in-kind and not less than $7,500 must be cash.

iii. CAT Grants. Applicants for CAT grants are required to contribute a total match (cash and in-kind) of not less than 50 percent of the SJI award amount, of which 20 percent must be cash. For example, an applicant seeking a $40,000 CAT grant must provide a $20,000 match, of which up to $16,000 can be in-kind and not less than $4,000 must be cash. Funding from other Federal departments and agencies may not be used for a cash match.

iv. SIGs. State and local courts and non-court units of government must provide a dollar-for-dollar cash match for SIG projects. Matching funds may not be required for SIG projects that are awarded to non-court or nongovernmental entities.

13. Letters of Support. Written assurances of support or cooperation should accompany the application letter if the support or cooperation of agencies, funding bodies, organizations, or courts other than the applicant would be needed in order for the consultant to perform the required tasks. Applicants may also submit memorandums of agreement or understanding, as appropriate.

14. Project Timeline. A project timeline detailing each project objective, activity, expected completion date, and responsible person or organization should be included. The plan should include the starting and completion date for each task; the time commitments to the project of key staff and their responsibilities regarding each project task; and the procedures that would ensure that all tasks are performed on time, within budget, and at the highest level of quality. In preparing the project timeline, applicants must make certain that all project activities, including publication or reproduction of project products and their initial dissemination, would occur within the proposed project period. The project timeline must also provide for the submission of Quarterly Progress and Financial Status Reports within 30 days after the close of each calendar quarter, as well as submission of all final closeout documents. The project timeline may be included in the program narrative or provided as a separate attachment.

15. Other Attachments. Resumes of key project staff may also be included. Additional background material should be attached only if it is essential to impart a clear understanding of the proposed project. Numerous and lengthy appendices are strongly discouraged.

d. Application Review Information

1. Selection Criteria. In addition to the criteria detailed below, SJI will consider whether the applicant is a State or local court, a national court support or education organization, a non-court unit of government, or other type of entity eligible to receive grants under SJI's enabling legislation; the availability of financial assistance from other sources for the project; the diversity of subject matter; geographic diversity; the level and nature of the match that would be provided; reasonableness of the proposed budget; the extent to which the proposed project would also benefit the Federal courts or help State or local courts enforce Federal constitutional and legislative requirements; and the level of appropriations available to SJI in the current year and the amount expected to be available in succeeding fiscal years, when determining which projects to support.

2. Project Grant Applications. Project grant applications will be rated based on the criteria set forth below:

- Soundness of the methodology.
- Demonstration of need for the project.
- Appropriateness of the proposed evaluation design.
- If applicable, the key findings and recommendations of the most recent evaluation and the proposed responses to those findings and recommendations.
- Applicant's management plan and organizational capabilities.
- Qualifications of the project's staff.
- Products and benefits resulting from the project, including the extent to which the project will have long-term benefits for State courts across the nation.
- Degree to which the findings, procedures, training, technology, or other results of the project can be transferred to other jurisdictions.
- Reasonableness of the proposed budget.
- Demonstration of cooperation and support of other agencies that may be affected by the project.

3. TA Grant Applications. TA grant applications will be rated based on the following criteria:

- Whether the assistance would address a critical need of the applicant.
- Soundness of the technical assistance approach to the problem.
- Qualifications of the consultant(s) to be hired or the specific criteria that will be used to select the consultant(s).
- Commitment of the court or association to act on the consultant's recommendations.
- Reasonableness of the proposed budget.

4. CAT Grant Applications. CAT grant applications will be rated based on the following criteria:

- Goals and objectives of the proposed project.
- How the training would address a critical need of the court or association.
- Need for outside funding to support the program.
- Soundness of the approach in achieving the project's educational or training objectives.
- Integration of distance learning and technology in project design and delivery.
- Qualifications of the trainer(s) to be hired or the specific criteria that will be used to select the trainer(s) (training project only).
- Likelihood of effective implementation and integration of the modified curriculum into the State or local jurisdiction's ongoing educational programming (curriculum adaptation project only).
- Commitment of the court or association to the training program (training project only).
- Expressions of interest by judges and/or court personnel, as demonstrated by letters of support.

5. SIG Applications. SIG applications will be rated based on the following criteria:

- Goals and objectives of the proposed project.
- Demonstration of need for the project.
- Degree to which the project addresses a current national court issue.

- Level of innovation in addressing the identified need.
- Potential impact on the court community.
- Qualifications of the consultant(s) engaged to manage the project.

6. Review Process. SJI reviews the application to make sure that the information presented is reasonable, understandable, measurable, and achievable, as well as consistent with this guideline. Applications must meet basic minimum requirements. Although specific requirements may vary by grant type, the following are common requirements applicable to all SJI grant applications:

- Must be submitted by an eligible type of applicant.
- Must request funding within funding constraints of each grant type (if applicable).
- Must be within statutorily allowable expenditures.
- Must include all required forms and documents.
- The SJI Board of Directors reviews all applications and makes final funding decisions. The decision to fund a project is solely that of the SJI Board of Directors.

7. Notification of SJI Board of Directors Decision. The Chairman of the Board signs grant awards on behalf of SJI. SJI will notify applicants regarding the SJI Board of Directors' decisions to award, defer, or deny their respective applications. If requested, SJI conveys the key issues and questions that arose during the review process. A decision by the SJI Board of Directors to deny an application may not be appealed, but it does not prohibit resubmission of a proposal in a subsequent funding cycle.

8. Response to Notification of Award. Grantees have 30 days from the date they were notified about their award to respond to any revisions requested by the SJI Board of Directors. If the requested revisions (or a reasonable schedule for submitting such revisions) have not been submitted to SJI within 30 days after notification, the award may be rescinded, and the application presented to the SJI Board of Directors for reconsideration. Special conditions, in the form of incentives or sanctions, may also be used in other situations.

VI. How To Apply

Applicants must use the SJI GMS to submit all applications and post-award documents. SJI urges applicants to submit applications at least 72 hours prior to the application due date in order to allow time for the applicant to receive an application acceptance message and to correct, in a timely fashion, any problems that may arise, such as missing or incomplete forms. Files must be in .doc, .docx, .xls, .xlsx, .pdf, .jpg, or .png format. Individual file size cannot exceed 5 MB.

a. Submission Steps

Applicants (except for ESP) must register with the SJI GMS to submit applications for funding consideration. Below are the basic steps for submission:

1. Access the SJI GMS and complete the information required to create an account.
2. If you already have an account, log in and create a new application.
3. Complete all required forms and upload all required documents:
   - Application Form.
   - Certificate of State Approval.
   - Budget and Budget Narrative.
   - Assurances.
   - Disclosure of Lobbying Activities.
   - Project Abstract.
   - Program Narrative.
   - Attachments.
     - Letters of Support.
     - Project Timeline.
     - Resumes.
     - Indirect Cost Approval.
     - Other Attachments.
4. Certify and submit the application to SJI for review.

VII. Post-Award Reporting Requirements

All required reports and documents must be submitted via the SJI GMS.

a. Quarterly Reporting Requirements

Recipients of SJI funds must submit Quarterly Progress and Financial Status Reports within 30 days after the close of each calendar quarter (*i.e.,* no later than January 30, April 30, July 30, and October 30).

1. Program Progress Reports. Program Progress Reports must include a narrative description of project activities during the calendar quarter; the relationship between those activities, the task schedule, and objectives set forth in the approved application or an approved adjustment thereto; any significant problem areas that have developed and how they will be resolved; and the activities scheduled during the next reporting period. Failure to comply with the requirements of this provision could result in the termination of a grantee's award.

2. Financial Reporting. A Financial Status Report is required from all grantees for each active quarter on a calendar-quarter basis. This report is due within 30 days after the close of the calendar quarter. It is designed to provide financial information relating to SJI funds, State and local matching shares, project income, and any other sources of funds for the project, as well as information on obligations and outlays.

b. Request for Reimbursement of Funds

Awardees will receive funds on a reimbursable basis via electronic funds transfer (EFT) basis. All request for reimbursement must be include a Unique Entity Identifier as generated by the System for Reward Management with an active registration. Upon receipt, review, and approval of a request for reimbursement by SJI, payment will be issued directly to the grantee or its designated fiscal agent. Requests for reimbursements, along with the instructions for their preparation, are available in the SJI GMS.

1. Accounting System. Awardees are responsible for establishing and maintaining an adequate system of accounting and internal controls. Awardees are also responsible for ensuring an adequate system exists for each of their subgrantees and contractors. An acceptable and adequate accounting system:

- Properly accounts for receipt of funds under each grant awarded and the expenditure of funds for each grant by category of expenditure (including matching contributions and project income).
- Assures that expended funds are applied to the appropriate budget category included within the approved grant.
- Presents and classifies historical costs of the grant as required for budgetary and evaluation purposes.
- Provides cost and property controls to ensure optimal use of grant funds.
- Is integrated with a system of internal controls adequate to safeguard the funds and assets covered, check the accuracy and reliability of the accounting data, promote operational efficiency, and assure conformance with any general or special conditions of the grant.
- Meets the prescribed requirements for periodic financial reporting of operations.
- Provides financial data for planning, control, measurement, and evaluation of direct and indirect costs.

c. Final Progress Report

The Final Progress Report must describe the project activities during the final calendar quarter of the project and the close-out period, including to whom project products have been disseminated; provide a summary of activities during the entire project; specify whether all the objectives set

forth in the approved application or an approved adjustment have been met and, if any of the objectives have not been met, explain why not; and discuss what, if anything, could have been done differently that might have enhanced the impact of the project or improved its operation. In addition, grantees are required to submit electronic copies of the final products related to the project (*e.g.,* reports, curriculum, etc.). These reporting requirements apply at the conclusion of every grant.

VIII. Compliance Requirements

a. Advocacy

No funds made available by SJI may be used to support or conduct training programs for the purpose of advocating particular nonjudicial public policies or encouraging nonjudicial political activities (42 U.S.C. 10706(b)).

b. Approval of Key Staff

If the qualifications of an employee or consultant assigned to a key project staff position are not adequately described in the application or if there is a change of a person assigned to such a position, the recipient must submit a description of the qualifications of the newly assigned person to SJI. Prior written approval of the qualifications of the new person assigned to a key staff position must be received from SJI before the salary or consulting fee of that person and associated costs may be paid or reimbursed from grant funds.

c. Audit

Recipients of SJI grants must provide for an annual fiscal audit, which includes an opinion on whether the financial statements of the grantee fairly present its financial position and its financial operations in accordance with generally accepted accounting principles. If requested, a copy of the audit report must be made available electronically to SJI.

d. Budget Revisions

Budget revisions among direct cost categories that: (1) transfer grant funds to an unbudgeted cost category, or (2) individually or cumulatively exceed 5 percent of the approved original budget or the most recently approved revised budget require prior SJI approval. Refer to section X, *Grant Adjustments,* of this guideline for additional details about the process for modifying the project budget.

e. Conflict of Interest

Personnel and other officials connected with SJI-funded programs must adhere to the following requirements:

- Officials or employees of a recipient court or organization must not participate personally through decision, approval, disapproval, recommendation, the rendering of advice, investigation, or otherwise, in any proceeding, application, request for a ruling or other determination, contract, grant, cooperative agreement, claim, controversy, or other particular matter in which SJI funds are used, where, to their knowledge, they or their immediate family; partners; organization other than a public agency in which they are serving as officer, director, trustee, partner, or employee; or any person or organization with whom they are negotiating or have any arrangement concerning prospective employment have a financial interest.
- In the use of SJI project funds, an official or employee of a recipient court or organization must avoid any action that might result in or create the appearance of:
  - using an official position for private gain; or
  - adversely affecting the confidence of the public in the integrity of the SJI program.
- Requests for proposals (RFPs) or invitations for bids issued by a recipient of SJI funds or a subgrantee or subcontractor will provide notice to prospective bidders that the contractors who develop or draft specifications, requirements, statements of work, and/or RFPs for a proposed procurement will be excluded from bidding on or submitting a proposal to compete for the award of such procurement.

f. Inventions and Patents

If any patentable items, patent rights, processes, or inventions are produced during the course of SJI-sponsored work, such fact must be promptly and fully reported to SJI. Unless there is a prior agreement between the grantee and SJI on the disposition of such items, SJI will determine whether protection of the invention or discovery may be sought should the grantee choose to pursue such protection.

g. Lobbying

Funds awarded to recipients by SJI must not be used—directly or indirectly—to influence Executive Orders or similar promulgations by Federal, State, or local agencies; or to influence the passage or defeat of any legislation by Federal, State, or local legislative bodies (42 U.S.C. 10706(a)).

It is the policy of the SJI Board of Directors to award funds only to support applications submitted by organizations that would carry out the objectives of their applications in an unbiased manner. Consistent with this policy and the provisions of 42 U.S.C. 10706, SJI will not knowingly award a grant to an applicant that has, directly or through an entity that is part of the same organization as the applicant, advocated a position before Congress on the specific subject matter of the application.

h. Matching Requirements

All grant recipients are required to provide a match. A match is the portion of project costs not borne by SJI. A match includes both cash and in-kind contributions. A cash match is the direct outlay of funds by the grantee or a third party to support the project. An in-kind match for State and local courts or other units of government consists of contributions of time and/or services of current staff members, new employees, space, supplies, etc., made to the project by the grantee or others (*e.g.,* advisory board members) working directly on the project. Generally, these same items are considered cash matches for nongovernmental entities. For nongovernmental entities, a federally approved indirect cost rate may be used as an in-kind match for that portion of the rate that exceeds the limit of permitted charges for indirect costs (75 percent of salaries and benefits).

Under normal circumstances, an allowable match may be incurred only during the project period. The amount and nature of the required match depends on the type of grant. Refer to section V.C.12, *Matching Requirements,* of this guideline for details by grant type. The grantee is responsible for ensuring that the total amount of the match proposed is contributed. If a proposed contribution is not fully met, SJI may reduce the award amount accordingly to maintain the ratio originally provided for in the award agreement. The match should be expended at the same rate as SJI funding.

The SJI Board of Directors looks favorably upon any unrequired match contributed by applicants when making grant decisions. The match requirement may be waived in exceptionally rare circumstances upon the request of the chief justice of the highest court in the State or the highest-ranking official in the requesting organization, and approval by the SJI Board of Directors (42 U.S.C. 10705(d)). The SJI Board of Directors encourages all applicants to provide the maximum amount of cash and in-kind match possible, even if a waiver is approved. The amount and nature of the match are criteria in the grant selection process.

Other Federal department and agency funding may not be used for a cash match.

i. Nondiscrimination

No person may, on the basis of race, sex, national origin, disability, color, or creed, be excluded from participation in, denied the benefits of, or otherwise subjected to discrimination under any program or activity supported by SJI funds. Recipients of SJI funds must take any measures necessary to effectuate this provision immediately.

j. Political Activities

No recipient may contribute or make available SJI funds, program personnel, or equipment to any political party or association or the campaign of any candidate for public or party office. Recipients are also prohibited from using funds in advocating or opposing any ballot measure, initiative, or referendum. Officers and employees of recipients must not intentionally identify SJI or recipients with any partisan or nonpartisan political activity associated with a political party or association or the campaign of any candidate for public or party office (42 U.S.C. 10706(a)).

k. Products

1. Acknowledgment, Logo, and Disclaimer. Recipients of SJI funds must acknowledge prominently on all products that were developed with grant funds that support was received from SJI. The SJI logo must appear on the front cover of a written product, or in the opening frames of a multimedia product, unless another placement is approved in writing by SJI. This includes final products printed or otherwise reproduced during the grant period as well as reprintings or reproductions of those materials following the end of the grant period. The SJI logo can be downloaded from SJI's website (*https://www.sji.gov*) at the bottom of the ''Grants'' page.

Recipients also must display the following disclaimer on all grant products: ''This [document, film, videotape, etc.] was developed under [grant/cooperative agreement] number SJI-[insert number] from the State Justice Institute. The points of view expressed are those of the [author(s), filmmaker(s), etc.] and do not necessarily represent the official position or policies of the State Justice Institute.''

i. Project Grants. In addition to other required grant products and reports, recipients must provide a one-page executive summary of the project. The summary should include a background on the project, the tasks undertaken, and the outcome. In addition, the summary should provide the performance metrics that were used during the project, and how performance will be measured in the future.

ii. TA Grants. Grantees must submit a final report that explains how they intend to act on the consultant's recommendations as well as a copy of the consultant's written report. Both should be submitted in electronic format.

iii. CAT Grants. Grantees must submit an electronic version of the agenda or schedule, an outline of presentations and/or relevant instructor's notes; copies of overhead transparencies, Microsoft PowerPoint presentations, or other visual aids; exercises, case studies, and other background materials; hypotheticals, quizzes, and other materials involving the participants; manuals, handbooks, conference packets, and evaluation forms; and suggestions for replicating the program, including possible faculty or the preferred qualifications or experience of those selected as faculty, developed under the grant after the grant period, along with a final report that includes any evaluation results and explains how the grantee intends to present the educational program in the future, as well as the consultant's or trainer's report. All items should be submitted in electronic format.

2. Charges for Grant-Related Products/Recovery of Costs. SJI's mission is to support improvements in the quality of justice and foster innovative, efficient solutions to common issues faced by all courts. SJI has recognized and established procedures for supporting research and development of grant products (*e.g.,* a report, curriculum, video, software, database, or website) through competitive grant awards based on the merit reviews of proposed projects. To ensure that all grants benefit the entire court community, projects SJI considers worthy of support (in whole or in part) are required to be disseminated widely and to be available for public consumption. This includes open-source software and interfaces. Costs for development, production, and dissemination are allowable as direct costs to SJI.

Applicants must disclose their intent to sell grant-related products in the application. Grantees must obtain SJI's prior written approval of their plans to recover project costs through the sale of grant products. Written requests to recover costs ordinarily should be received during the grant period and should specify the nature and extent of the costs to be recouped, the reason that such costs were not budgeted (if the rationale was not disclosed in the approved application), the number of copies to be sold, the intended audience for the products to be sold, and the proposed sale price. If the product is to be sold for more than $25, the written request should also include a detailed itemization of costs that will be recovered and a certification that the costs were not supported by either SJI grant funds or grantee matching contributions.

If the sale of grant products results in revenues that exceed the costs to develop, produce, and disseminate the product, the revenue must continue to be used for the authorized purposes of the SJI-funded project or other purposes consistent with the State Justice Institute Act that have been approved by SJI.

l. Copyrights

Except as otherwise provided in the terms and conditions of an SJI award, a recipient is free to copyright any books, publications, or other copyrightable materials developed in the course of an SJI-supported project. SJI must reserve a royalty-free, nonexclusive, and irrevocable right to reproduce, publish, or otherwise use, and to authorize others to use the materials for purposes consistent with the State Justice Institute Act.

m. Due Date

All products and, for TA and CAT grants, consultant and/or trainer reports are to be completed and distributed not later than the end of the award period, not the 90-day closeout period. The 90-day closeout period is intended only for grantee final reporting and to liquidate obligations.

n. Distribution

In addition to the distribution specified in the grant application, grantees must send an electronic version of all products in HTML or PDF format to SJI.

o. Original Material

All products prepared as the result of SJI-supported projects must be originally developed material unless otherwise specified in the award documents. Material not originally developed that is included in such products must be properly identified, whether the material is in a verbatim or extensive paraphrase format.

p. Prohibition Against Litigation Support

No funds made available by SJI may be used directly or indirectly to support legal assistance for parties in litigation, including cases involving capital punishment.

q. Reporting Requirements

All reports must be submitted via the SJI GMS as detailed below:

1. Quarterly Progress and Financial Status Reports. Recipients of SJI funds must submit Quarterly Progress and Financial Status Reports within 30 days after the close of each calendar quarter (*i.e.,* no later than January 30, April 30, July 30, and October 30). The Quarterly Progress Reports must include a narrative description of project activities during the calendar quarter; the relationship between those activities, the task schedule, and objectives set forth in the approved application or an approved adjustment thereto; any significant problem areas that have developed and how they will be resolved; and the activities scheduled during the next reporting period. Failure to comply with the requirements of this provision could result in the termination of a grantee's award.

2. Quarterly Financial Reporting. The Quarterly Financial Report must be submitted in accordance with section VII.A.2, *Financial Reporting,* of this guideline. A Final Progress Report and Financial Status Report must be submitted within 90 days after the end of the grant period.

r. Research

1. Availability of Research Data for Secondary Analysis. Upon request, grantees must make available for secondary analysis backup files containing research and evaluation data collected under an SJI grant and the accompanying code manual. Grantees may recover the actual cost of duplicating and mailing, or otherwise transmitting, the dataset and manual from the person or organization requesting the data. Grantees may provide the requested dataset in the format in which it was created and analyzed.

2. Confidentiality of Information. Except as provided by Federal law other than the State Justice Institute Act, no recipient of financial assistance from SJI may use or reveal any research or statistical information furnished under the Act by any person and identifiable to any specific private person for any purpose other than the purpose for which the information was obtained. Such information and copies thereof will be immune from legal process and must not, without the consent of the person furnishing such information, be admitted as evidence or used for any purpose in any action; suit; or other judicial, legislative, or administrative proceedings.

3. Human Subject Protection. Human subjects are defined as individuals who are participants in an experimental procedure or who are asked to provide information about themselves, their attitudes, feelings, opinions, and/or experiences through an interview, questionnaire, or other data collection technique. All research involving human subjects must be conducted with the informed consent of those subjects and in a manner that will ensure their privacy and freedom from risk or harm and the protection of people who are not subjects of the research but would be affected by it—unless such procedures and safeguards would make the research impractical. In such instances, SJI must approve procedures designed by the grantee to provide human subjects with relevant information about the research after their involvement and minimize or eliminate risk or harm to those subjects due to their participation.

4. Prohibited Uses of SJI Funds. To ensure SJI funds are used to supplement and improve the operation of State courts, rather than to support basic court services, SJI funds must not be used for the following purposes:

- To supplant State or local funds supporting a program or activity (*e.g.,* paying the salary of court employees who would be performing their normal duties as part of the project or paying rent for space which is part of the court's normal operations).
- To construct court facilities or structures.
- Solely to purchase equipment.

Examples of *basic court services* include:

- Hiring of personnel
- Purchase and/or maintenance of equipment
- Purchase of software and/or licenses
- Purchase of internet access or service
- Supplies to support the day-to-day operations of courts

The final determination of what constitutes basic court services is made by SJI and is not negotiable.

Meals and refreshments are not allowable.

Trinkets (*e.g.,* hats, mugs, portfolios, T-shirts, coins, gift bags, gift cards, etc.) may not be purchased with SJI grant funding.

5. Suspension or Termination of Funding. After providing a recipient reasonable notice and opportunity to submit written documentation demonstrating why fund termination or suspension should not occur, SJI may terminate or suspend funding of a project that fails to substantially comply with the Act, the Grant Guideline, or the terms and conditions of the award (42 U.S.C. 10708(a)).

6. Title to Property. At the conclusion of the project, title to all expendable and nonexpendable personal property purchased with SJI funds must vest in the recipient court, organization, or individual that purchased the property if certification is made to and approved by SJI that the property will continue to be used for the authorized purposes of the SJI-funded project or other purposes consistent with the State Justice Institute Act. If such certification is not made or SJI disapproves of such certification, title to all such property with an aggregate or individual value of $1,000 or more must vest in SJI, which will direct the disposition of the property.

IX. Financial Requirements

The purpose of this section is to establish accounting system requirements and offer guidance on procedures to assist all grantees, subgrantees, contractors, and other organizations in:

- Complying with the statutory requirements for the award, disbursement, and accounting of funds.
- Complying with regulatory requirements of SJI for the financial management and disposition of funds.
- Generating financial data to be used in planning, managing, and controlling projects.
- Facilitating an effective audit of funded programs and projects.

a. Supervision and Monitoring Responsibilities

All grantees receiving awards from SJI are responsible for the management and fiscal control of all funds. Responsibilities include accounting for receipts and expenditures, maintaining adequate financial records, and refunding expenditures disallowed by audits. If the project includes subawards, the grantees' responsibilities also include:

1. Reviewing Financial Operations. The grantee or its designee must be familiar with, and periodically monitor, its subgrantee's financial operations, records system, and procedures. Particular attention should be directed to the maintenance of current financial data.

2. Recording Financial Activities. The subgrantee's grant award or contract

obligation as well as cash advances and other financial activities must be recorded in the financial records of the grantee or its designee in summary form. Subgrantee expenditures must be recorded on the books of the State supreme court or evidenced by report forms duly filed by the subgrantee. Matching contributions provided by subgrantees must likewise be recorded, as should any project income resulting from program operations.

3. Budgeting and Budget Review. The grantee or its designee must ensure that each subgrantee prepares an adequate budget as the basis for its award commitment. The State supreme court must maintain the details of each project budget on file.

4. Accounting for Match. The grantee or its designee will ensure that subgrantees comply with the match requirements specified in this guideline.

5. Audit Requirement. The grantee or its designee must ensure that subgrantees meet the necessary audit requirements set forth by SJI.

6. Reporting Irregularities. The grantee, its designees, and its subgrantees are responsible for promptly reporting to SJI the nature and circumstances surrounding any financial irregularities discovered.

b. Accounting System

The grantee is responsible for establishing and maintaining an adequate system of accounting and internal controls and for ensuring that an adequate system exists for each of its subgrantees and contractors. An acceptable and adequate accounting system:

- Properly accounts for receipt of funds under each grant awarded and the expenditure of funds for each grant by category of expenditure, including matching contributions and project income.
- Assures that expended funds are applied to the appropriate budget category included within the approved grant.
- Presents and classifies historical costs of the grant as required for budgetary and evaluation purposes.
- Provides cost and property controls to ensure optimal use of grant funds.
- Is integrated with a system of internal controls adequate to safeguard the funds and assets covered, check the accuracy and reliability of the accounting data, promote operational efficiency, and assure conformance with any general or special conditions of the grant.
- Meets the prescribed requirements for periodic financial reporting of operations.
- Provides financial data for planning, control, measurement, and evaluation of direct and indirect costs.

c. Total Cost Budgeting and Accounting

Accounting for all funds awarded by SJI must be structured and executed on a total-project-cost basis. That is, total project costs, including SJI funds, State and local matching shares, and any other fund sources included in the approved project budget, serve as the foundation for fiscal administration and accounting. Grant applications and financial reports require budget and cost estimates based on total costs.

1. Timing of Matching Contributions. Matching contributions should be applied at the same time as the obligation of SJI funds. Ordinarily, the full matching share must be obligated during the award period; however, with the written permission of SJI, contributions made following approval of the grant by the SJI Board of Directors but before the beginning of the grant may be counted as a match. If a proposed cash or in-kind match is not fully met, SJI may reduce the award amount accordingly to maintain the ratio of grant funds to matching funds stated in the award agreement.

2. Records for Match. All grantees must maintain records that clearly show the source, amount, and timing of all matching contributions. In addition, if a project has included, within its approved budget, contributions that exceed the required matching portion, the grantee must maintain records of those contributions in the same manner as it does SJI funds and required matching shares. For all grants made to State and local courts, the State supreme court has primary responsibility for grantee/subgrantee compliance with the requirements of this section.

3. Maintenance and Retention of Records. All financial records—including supporting documents; statistical records; and all other information pertinent to grants, subgrants, cooperative agreements, or contracts under grants—must be retained by each organization participating in a project for at least 3 years for purposes of examination and audit. State supreme courts may impose record retention and maintenance requirements in addition to those prescribed in this section.

4. Coverage. The retention requirement extends to books of original entry, source documents supporting accounting transactions, the general ledger, subsidiary ledgers, personnel and payroll records, canceled checks, and related documents and records. Source documents include copies of all grant and subgrant awards, applications, and required grantee/subgrantee financial and narrative reports. Personnel and payroll records must include the time and attendance reports for all individuals reimbursed under a grant, subgrant, or contract, whether they are employed full-time or part-time. Time and effort reports are required for consultants.

5. Retention Period. The 3-year retention period starts from the date of the submission of the final expenditure report.

6. Maintenance. Grantees and subgrantees are expected to see that records of different fiscal years are separately identified and maintained so that requested information can be readily located. Grantees and subgrantees are also obligated to protect records adequately against fire or other damage. When records are stored away from the grantee's or subgrantee's principal office, a written index of the location of stored records should be on hand, and ready access should be assured.

7. Access. Grantees and subgrantees must give any authorized representative of SJI access to and the right to examine all records, books, papers, and documents related to an SJI grant.

8. Project-Related Income. Records of the receipt and disposition of project-related income must be maintained by the grantee in the same manner as required for the project funds that gave rise to the income and must be reported to SJI (see section VII.A.2, *Financial Reporting,* of this guideline). The policies governing the disposition of the various types of project-related income are listed below.

i. Interest. A State and any agency or instrumentality of a State, including institutions of higher education and hospitals, will not be held accountable for interest earned on advances of project funds. When funds are awarded to subgrantees through a State, the subgrantees are not held accountable for interest earned on advances of project funds. Local units of government and nonprofit organizations that are grantees must refund any interest earned. Grantees must ensure minimum balances in their respective grant cash accounts.

ii. Royalties. The grantee or subgrantee may retain all royalties received from copyrights or other works developed under projects or from patents and inventions unless the terms and conditions of the grant provide otherwise.

iii. Registration and Tuition Fees. Registration and tuition fees may be considered as a cash match with prior

written approval from SJI. Estimates of registration and tuition fees and any expenses to be offset by the fees should be included in the application budget forms and narrative.

iv. Income from the Sale of Grant Products. If the sale of products occurs during the project period, the income may be treated as a cash match with the prior written approval of SJI. The costs and income generated by the sales must be reported on the Quarterly Progress and Financial Status Reports and documented in an auditable manner. Whenever possible, the intent to sell a product should be disclosed in the application or reported to SJI in writing once a decision to sell products has been made. The grantee must request approval to recover its product development, reproduction, and dissemination costs (see section VIII.K.2, *Charges for Grant-Related Products/Recovery of Costs,* of this guideline).

v. Other. Other project income will be treated in accordance with disposition instructions set forth in the grant's terms and conditions.

d. Payments and Financial Reporting Requirements

The procedures and regulations set forth below are applicable to all SJI grant funds and grantees.

1. Request for Reimbursement of Funds. Grantees will receive funds on a reimbursable, U.S. Department of the Treasury check-issued or EFT basis. Upon receipt, review, and approval of a Request for Reimbursement (Form R) by SJI, payment will be issued directly to the grantee or its designated fiscal agent. The Form R, along with the instructions for its preparation and the SF 3881 Automated Clearing House (ACH/Miscellaneous Payment Enrollment Form for EFT), are available for download and submission in the SJI GMS.

2. Financial Reporting.

i. General Requirements. To obtain financial information concerning the use of funds, SJI requires that grantees/subgrantees submit timely reports for review.

ii. Due Dates and Contents. A Financial Status Report is required from all grantees for each active quarter on a calendar-quarter basis. This report is due within 30 days after the close of the calendar quarter. It is designed to provide financial information relating to SJI funds, State and local matching shares, project income, and any other sources of funds for the project, as well as information on obligations and outlays. The Financial Status Report (Form F), along with instructions, is accessible in the SJI GMS. If a grantee requests substantial payment for a project prior to the completion of a given quarter, SJI may request a brief summary of the amount requested, by object class, to support the Request for Reimbursement.

iii. Consequences of Noncompliance with Submission Requirement. Failure of the grantee to submit required Progress and Financial Status Reports may result in suspension or termination of grant reimbursement.

e. Allowability of Costs

1. Costs Requiring Prior Approval

i. Pre-Agreement Costs. The written prior approval of SJI is required for costs that are considered necessary but that occur prior to the start date of the project period.

ii. Equipment. Grant funds may be used to purchase or lease only that equipment essential to accomplishing the goals and objectives of the project. The written prior approval of SJI is required when: (1) the amount of automated data processing equipment to be purchased or leased exceeds $10,000 or (2) the amount of software to be purchased exceeds $3,000.

iii. Consultants. The written prior approval of SJI is required when the rate of compensation to be paid to a consultant exceeds $800 a day. SJI funds may not be used to pay a consultant more than $1,100 per day.

iv. Budget Revisions. Budget revisions among direct-cost categories that: (1) transfer grant funds to an unbudgeted cost category or (2) individually or cumulatively exceed 5 percent of the approved original budget or the most recently approved revised budget require prior SJI approval.

2. Travel Costs. Transportation and per diem rates must comply with the policies of the grantee. If the grantee does not have an established written travel policy, then travel rates must be consistent with those established by the U.S. General Services Administration. Grant funds may not be used to cover the transportation or per diem costs for a member of a national organization to attend an annual or other regular meeting, or conference of that organization.

3. Indirect Costs. Indirect costs are only applicable to organizations that are not State courts or government agencies. These are costs of an organization that are not readily assignable to a particular project but are necessary to the operation of the organization and the performance of the project. The costs of operating and maintaining facilities, depreciation, and administrative salaries are examples of the types of costs that are usually treated as indirect costs. Although SJI's policy requires all costs to be budgeted directly, it will accept indirect costs if a grantee has an indirect cost rate approved by a Federal agency; however, recoverable indirect costs are limited to no more than 75 percent of a grantee's direct personnel costs (salaries plus fringe benefits).

i. Approved Plan Available.

- A copy of an indirect cost rate agreement or allocation plan approved for a grantee during the preceding 2 years by any Federal granting agency on the basis of allocation methods substantially in accord with those set forth in the applicable cost circulars must be submitted to SJI.
- Where flat rates are accepted in lieu of actual, indirect costs, grantees may not also charge expenses normally included in overhead pools (*e.g.,* accounting services, legal services, building occupancy and maintenance, etc.) as direct costs.

f. Audit Requirements

1. Implementation. Grantees must provide for an annual fiscal audit. This requirement also applies to a State or local court receiving a subgrant from the State supreme court. Audits conducted using generally accepted auditing standards in the United States will satisfy the requirement for an annual fiscal audit. The audit must be conducted by an independent Certified Public Accountant or a State or local agency authorized to audit government agencies. The audit report must be made available to SJI electronically, if requested.

2. Resolution and Clearance of Audit Reports. Timely action on recommendations by responsible management officials is an integral part of the effectiveness of an audit. Each grantee must have policies and procedures for acting on audit recommendations by designating officials responsible for:

- Following up.
- Maintaining a record of the actions taken on recommendations and time schedules.
- Responding to and acting on audit recommendations.
- Submitting periodic reports to SJI on recommendations and actions taken.

3. Consequences of Non-Resolution of Audit Issues. Ordinarily, SJI will not make a subsequent grant award to an applicant that has an unresolved audit report involving SJI awards. Failure of the grantee to resolve audit questions may also result in the suspension or termination of payments for active SJI grants to that organization.

g. Closeout of Grants

1. Grantee Closeout Requirements. Within 90 days of the end date of the grant or any approved extension thereof, the following documents must be submitted to SJI by grantees:

i. Financial Status Report. The final report of expenditures must have no unliquidated obligations and must indicate the exact balance of unobligated funds. Any unobligated or unexpended funds will be de-obligated from the award by SJI. Final payment requests for obligations incurred during the award period must be submitted to SJI prior to the end of the 90-day closeout period.

ii. Final Progress Report. This report should describe the project activities during the final calendar quarter of the project and the closeout period, including to whom project products have been disseminated; provide a summary of activities during the entire project; specify whether all the objectives set forth in the approved application or an approved adjustment have been met and, if any of the objectives have not been met, explain why not; and discuss what, if anything, could have been done differently that might have enhanced the impact of the project or improved its operation. These reporting requirements apply at the conclusion of every grant.

2. Extension of Closeout Period. Upon the written request of the grantee, SJI may extend the closeout period to assure completion of the grantee's closeout requirements. Requests for an extension must be submitted at least 14 days before the end of the closeout period and must explain why the extension is necessary and what steps will be taken to assure that all the grantee's responsibilities will be met by the end of the extension period. Extensions must be submitted via the SJI GMS as Grant Adjustments.

X. Grant Adjustments

All requests for programmatic or budgetary adjustments requiring SJI approval must be submitted by the project director in a timely manner (ordinarily 30 days prior to the implementation of the adjustment being requested). All requests for changes from the approved application will be carefully reviewed for both consistency with this guideline and the enhancement of grant goals and objectives. Failure to submit adjustments in a timely manner may result in the termination of a grantee's award.

a. Grant Adjustments Requiring Prior Written Approval

The following Grant Adjustments require the prior written approval of SJI:

- Budget revisions among direct cost categories that (1) transfer grant funds to an unbudgeted cost category or (2) individually or cumulatively exceed 5 percent of the approved original budget or the most recently approved revised budget.
- A change in the scope of work to be performed or the objectives of the project.
- A change in the project site.
- A change in the project period, such as an extension of the grant period or extension of the Final Financial Report or Final Progress Report deadline.
- Satisfaction of special conditions, if required.
- A change in, or temporary absence of, the project director.
- The assignment of an employee or consultant to a key staff position whose qualifications were not described in the application, or a change in a person assigned to a key project staff position.
- A change in, or temporary absence of, the person responsible for managing and reporting on the grant's finances.
- A change in the name of the grantee organization.
- A transfer or contracting out of grant-supported activities.
- A transfer of the grant to another recipient.
- Pre-agreement costs.
- The purchase of Americans with Disabilities Act (ADA) equipment and software.
- Consultant rates.
- A change in the nature or number of the products to be prepared or the way a product would be distributed.

b. Requests for Grant Adjustments

All grantees must promptly notify SJI, in writing, of events or proposed changes that may require adjustments to the approved project design. In requesting an adjustment, the grantee must set forth the reasons and basis for the proposed adjustment and any other information the program manager determines would help SJI's review. All requests for Grant Adjustments must be submitted via the SJI GMS.

c. Notification of Approval or Disapproval

If the request is approved, the grantee will be sent a Grant Adjustment signed by the SJI Executive Director. If the request is denied, the grantee will be sent a written explanation of the reasons for the denial.

d. Changes in the Scope of the Grant

Major changes in scope, duration, training methodology, or other significant areas must be approved in advance by SJI. A grantee may make minor changes to methodology, approach, or other aspects of the grant to expedite achievement of the grant's objectives with subsequent notification to SJI.

e. Date Changes

A request to change or extend the grant period must be made at least 30 days in advance of the end date of the grant. A revised task plan must accompany a request for an extension of the grant period, along with a revised budget if shifts among budget categories will be needed. A request to change or extend the deadline for the Final Financial Report or Final Progress Report must be made at least 14 days in advance of the report deadline.

f. Temporary Absence of the Project Director

Whenever an absence of the project director is expected to exceed a continuous period of 1 month, the plans for the conduct of the project director's duties during such absence must be approved in advance by SJI. This information must be provided in a letter signed by an authorized representative of the grantee or subgrantee at least 30 days before the departure of the project director or as soon as it is known that the project director will be absent. The grant may be terminated if arrangements are not approved in advance by SJI.

g. Withdrawal of or Change in Project Director

If the project director relinquishes or expects to relinquish active direction of the project, SJI must be notified immediately. In such cases, if the grantee or subgrantee wishes to terminate the project, SJI will forward procedural instructions upon notification of such intent. If the grantee wishes to continue the project under the direction of another individual, a statement of the candidate's qualifications should be sent to SJI for review and approval. The grant may be terminated if the qualifications of the proposed individual are not approved in advance by SJI.

h. Transferring or Contracting Out of Grant-Supported Activities

No principal activity of a grant-supported project may be transferred or contracted out to another organization without specific prior approval by SJI. All such arrangements must be formalized in a contract or other written

agreement between the parties involved. Copies of the proposed contract or agreement must be submitted for prior approval to SJI at the earliest possible time. The contract or agreement must state, at a minimum, the activities to be performed, the time schedule, the policies and procedures to be followed, the dollar limitation of the agreement, and the cost principles to be followed in determining what costs, both direct and indirect, will be allowed. The contract or other written agreement must not affect the grantee's overall responsibility for the direction of the project and accountability to SJI.

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[FR Doc. 2024–24739 Filed 10–23–24; 8:45 am]

BILLING CODE 6820–SC–P

SURFACE TRANSPORTATION BOARD

[Docket No. FD 36813]

Cedar Hills Rail LLC—Operation Exemption—Ab Eco Park LLC

Cedar Hills Rail LLC (CHR), a noncarrier, has filed a verified notice of exemption pursuant to 49 CFR 1150.31 to operate over approximately 7,150 feet of what is currently private track (the Line) located in a 90-acre industrial park (the Park). The Park is located in the Town of North Haven, Conn., and the City of New Haven, Conn., along the Hartford Line of CSX Transportation, Inc. (CSXT).[1] CHR's parent company, AB Eco Park LLC (AB Eco), owns the Park.

The verified notice states that CHR and AB Eco are entering into a track lease and operating agreement, under which CHR will provide common carrier rail service over the Line. According to CHR, it will interchange with CSXT and its rail operations will consist primarily of switching railcars to and from shippers in the Park. CHR explains that before operations begin, it will rehabilitate the existing track and replace the switch with CSXT. CHR also states that, upon consummation of the transaction, it will contract with a not yet identified rail carrier to operate the Line on CHR's behalf, and that the new operator will also seek authority from the Board to operate over the Line.[2]

CHR certifies that its projected annual revenues are not expected to exceed those that would qualify it as a Class III rail carrier and are not expected to exceed $5 million. CHR also certifies that its operation of the Line will not involve any provision or agreement that would limit future interchange with a third-party carrier. The transaction may be consummated on or after November 7, 2024, the effective date of the exemption (30 days after the verified notice was filed).[3]

If the verified notice contains false or misleading information, the exemption is void ab initio. Petitions to revoke the exemption under 49 U.S.C. 10502(d) may be filed at any time. The filing of a petition to revoke will not automatically stay the effectiveness of the exemption. Petitions for stay must be filed no later than October 31, 2024 (at least seven days before the exemption becomes effective).

All pleadings, referring to Docket No. FD 36813, must be filed with the Surface Transportation Board either via e-filing on the Board's website or in writing addressed to 395 E Street SW, Washington, DC 20423–0001. In addition, a copy of each pleading must be served on CHR's representative, John K. Fiorilla, Dyer & Peterson PC, 605 Main Street, Suite 104, Riverton, NJ 08077.

According to CHR, this action is categorically excluded from environmental review under 49 CFR 1105.6(c) and from historic preservation reporting requirements under 49 CFR 1105.8(b).

Board decisions and notices are available at *www.stb.gov.*

Decided: October 21, 2024.

By the Board, Scott M. Zimmerman, Acting Director, Office of Proceedings.

Tammy Lowery,

Clearance Clerk.

[FR Doc. 2024–24747 Filed 10–23–24; 8:45 am]

BILLING CODE 4915–01–P

[1] CHR further states that the Park extends northeasterly from the New Haven-North Haven dividing line through the Town of North Haven to ''the ending of the 8th Line, being North 58 degrees 24'57'' West,'' and southwesterly from the North Haven-New Haven dividing line approximately 2,200 feet, including through the City of New Haven. (Verified Notice 1–2.)

[2] CHR acknowledges in its verified notice that it will retain a common carrier obligation even if it contracts with another rail carrier to operate the Line.

[3] CHR filed a supplement on October 8, 2024, clarifying its plans for the Line and providing a certification regarding its expected revenue. The filing date of the supplement will be deemed the filing date of the verified notice.

DEPARTMENT OF TRANSPORTATION

Federal Railroad Administration

[Docket Number FRA–2010–0030]

Massachusetts Bay Transportation Authority's Request To Amend Its Positive Train Control System

AGENCY: Federal Railroad Administration (FRA), Department of Transportation (DOT).

ACTION: Notice of availability and request for comments.

SUMMARY: This document provides the public with notice that, on October 11, 2024, the Massachusetts Bay Transportation Authority (MBTA) submitted a request for amendment (RFA) to its FRA-approved Positive Train Control Safety Plan (PTCSP) to install Construction Zone (CZ) Transponders to reconfigure its positive train control (PTC) system on the South Side Middleboro Main Line (MML) at the Pilgrim Interlocking at Milepost (MP) 34.86 to its final configuration in order to interface with the adjacent new South Coast Rail (SCR) Lines. The CZ will result in the suspension of portions of the PTC system on the MML from December 1, 2024, to December 15, 2024. As this RFA involves a request for FRA's approval of proposed material modifications to an FRA-certified PTC system, FRA is publishing this notice and inviting public comment on MBTA's RFA to its PTC system.

DATES: FRA will consider comments received by November 13, 2024. FRA may consider comments received after that date to the extent practicable and without delaying implementation of valuable or necessary modifications to a PTC system.

ADDRESSES: *Comments:* Comments may be submitted by going to *https://www.regulations.gov* and following the online instructions for submitting comments.

Instructions: All submissions must include the agency name and the applicable docket number. The relevant PTC docket number for this host railroad is Docket No. FRA–2010–0030. For convenience, all active PTC dockets are hyperlinked on FRA's website at *https://railroads.dot.gov/research-development/program-areas/train-control/ptc/railroads-ptc-dockets.* All comments received will be posted without change to *https://www.regulations.gov;* this includes any personal information.

FOR FURTHER INFORMATION CONTACT: Gabe Neal, Staff Director, Signal, Train Control, and Crossings Division, telephone: 816–516–7168, email: *Gabe.Neal@dot.gov.*

SUPPLEMENTARY INFORMATION: In general, title 49 United States Code (U.S.C.) section 20157(h) requires FRA to certify that a host railroad's PTC system complies with title 49 Code of Federal Regulations (CFR) part 236, subpart I, before the technology may be operated in revenue service. Before making certain changes to an FRA-certified PTC system or the associated FRA-approved PTCSP, a host railroad must submit, and obtain FRA's approval of, an RFA to its PTCSP under 49 CFR 236.1021.

Under 49 CFR 236.1021(e), FRA's regulations provide that FRA will publish a notice in the **Federal Register** and invite public comment in accordance with 49 CFR part 211, if an RFA includes a request for approval of a material modification of a signal or train control system. Accordingly, this notice informs the public that, October 11, 2024, MBTA submitted an RFA to its PTCSP for its Advanced Civil Speed Enforcement System II (ACSES II), which seeks FRA's approval to install a CZ to reconfigure its PTC system on the MML at the Pilgrim Interlocking at MP 34.86 to its final configuration in order to interface with the adjacent new SCR Lines. The CZ will result in the suspension of portions of the PTC system on the MML from December 1, 2024, to December 15, 2024. That RFA is available in Docket No. FRA–2010–0030.

Interested parties are invited to comment on MBTA's RFA by submitting written comments or data. During FRA's review of MBTA's RFA, FRA will consider any comments or data submitted within the timeline specified in this notice and to the extent practicable, without delaying implementation of valuable or necessary modifications to a PTC system. *See* 49 CFR 236.1021; *see also* 49 CFR 236.1011(e). Under 49 CFR 236.1021, FRA maintains the authority to approve, approve with conditions, or deny a railroad's RFA at FRA's sole discretion.

Privacy Act Notice

In accordance with 49 CFR 211.3, FRA solicits comments from the public to better inform its decisions. DOT posts these comments, without edit, including any personal information the commenter provides, to *https://www.regulations.gov,* as described in the system of records notice (DOT/ALL–14 FDMS), which can be reviewed at *https://www.transportation.gov/privacy.* See *https://www.regulations.gov/privacy-notice* for the privacy notice of *regulations.gov.* To facilitate comment tracking, we encourage commenters to provide their name, or the name of their organization; however, submission of names is completely optional. If you wish to provide comments containing proprietary or confidential information, please contact FRA for alternate submission instructions.

Issued in Washington, DC.

Carolyn R. Hayward-Williams,

Director, Office of Railroad Systems and Technology.

[FR Doc. 2024–24777 Filed 10–23–24; 8:45 am]

BILLING CODE 4910–06–P

DEPARTMENT OF TRANSPORTATION

Federal Railroad Administration

[Docket Number FRA–2010–0029]

The National Railroad Passenger Corporation's Request To Amend Its Positive Train Control System

AGENCY: Federal Railroad Administration (FRA), Department of Transportation (DOT).

ACTION: Notice of availability and request for comments.

SUMMARY: This document provides the public with notice that, on October 12, 2024, the National Railroad Passenger Corporation (Amtrak) submitted a request for amendment (RFA) to its FRA-approved Positive Train Control Safety Plan (PTCSP) to install Construction Zone (CZ) transponders, which will result in the suspension of portions of its positive train control (PTC) system, to support the addition of Fitter Interlocking on the New Haven to Boston (NHB) line. This CZ is scheduled to be implemented December 7, 2024, for a duration not exceeding 30 days. As this RFA involves a request for FRA's approval of proposed material modifications to an FRA-certified PTC system, FRA is publishing this notice and inviting public comment on Amtrak's RFA to its PTC system.

DATES: FRA will consider comments received by November 13, 2024. FRA may consider comments received after that date to the extent practicable and without delaying implementation of valuable or necessary modifications to a PTC system.

ADDRESSES: *Comments:* Comments may be submitted by going to *https://www.regulations.gov* and following the online instructions for submitting comments.

Instructions: All submissions must include the agency name and the applicable docket number. The relevant PTC docket number for this host railroad is Docket No. FRA–2010–0029. For convenience, all active PTC dockets are hyperlinked on FRA's website at *https://railroads.dot.gov/research-development/program-areas/train-control/ptc/railroads-ptc-dockets.* All comments received will be posted without change to *https://www.regulations.gov;* this includes any personal information.

FOR FURTHER INFORMATION CONTACT: Gabe Neal, Staff Director, Signal, Train Control, and Crossings Division, telephone: 816–516–7168, email: *Gabe.Neal@dot.gov.*

SUPPLEMENTARY INFORMATION: In general, title 49 United States Code (U.S.C.) section 20157(h) requires FRA to certify that a host railroad's PTC system complies with title 49 Code of Federal Regulations (CFR) part 236, subpart I, before the technology may be operated in revenue service. Before making certain changes to an FRA-certified PTC system or the associated FRA-approved PTCSP, a host railroad must submit, and obtain FRA's approval of, an RFA to its PTCSP under 49 CFR 236.1021.

Under 49 CFR 236.1021(e), FRA's regulations provide that FRA will publish a notice in the **Federal Register** and invite public comment in accordance with 49 CFR part 211, if an RFA includes a request for approval of a material modification of a signal or train control system. Accordingly, this notice informs the public that, on October 12, 2024, Amtrak submitted an RFA to its PTCSP for its Advanced Civil Speed Enforcement System II (ACSES II), which seeks FRA's approval to install a CZ, which will result in the suspension of portions of its PTC system, to support the addition of Fitter Interlocking on the NHB line. This CZ is scheduled to be implemented December 7, 2024, for a duration not

exceeding 30 days. That RFA is available in Docket No. FRA–2010–0029.

Interested parties are invited to comment on Amtrak's RFA by submitting written comments or data. During FRA's review of Amtrak's RFA, FRA will consider any comments or data submitted within the timeline specified in this notice and to the extent practicable, without delaying implementation of valuable or necessary modifications to a PTC system. *See* 49 CFR 236.1021; *see also* 49 CFR 236.1011(e). Under 49 CFR 236.1021, FRA maintains the authority to approve, approve with conditions, or deny a railroad's RFA at FRA's sole discretion.

Privacy Act Notice

In accordance with 49 CFR 211.3, FRA solicits comments from the public to better inform its decisions. DOT posts these comments, without edit, including any personal information the commenter provides, to *https://www.regulations.gov,* as described in the system of records notice (DOT/ALL–14 FDMS), which can be reviewed at *https://www.transportation.gov/privacy.* See *https://www.regulations.gov/privacy-notice* for the privacy notice of *regulations.gov*. To facilitate comment tracking, we encourage commenters to provide their name, or the name of their organization; however, submission of names is completely optional. If you wish to provide comments containing proprietary or confidential information, please contact FRA for alternate submission instructions.

Issued in Washington, DC.

Carolyn R. Hayward-Williams,

Director, Office of Railroad Systems and Technology.

[FR Doc. 2024–24778 Filed 10–23–24; 8:45 am]

BILLING CODE 4910–06–P

DEPARTMENT OF TRANSPORTATION

Federal Transit Administration

[FTA Docket No. FTA 2024–0011]

Agency Information Collection Activity Under OMB Review: Transit COVID–19 Response Program

AGENCY: Federal Transit Administration, Department of Transportation.

ACTION: Notice of request for comments.

SUMMARY: In accordance with the Paperwork Reduction Act of 1995, this notice announces the intention of the Federal Transit Administration (FTA) to request the Office of Management and Budget (OMB) to approve a request for an extension without change to an existing information collection: Transit COVID–19 Response Program.

DATES: Comments must be submitted before December 23, 2024.

ADDRESSES: To ensure that your comments are not entered more than once into the docket, submit comments identified by the docket number by only one of the following methods:

1. *Website: https://www.regulations.gov.* Follow the instructions for submitting comments on the U.S. Government electronic docket site. All electronic submissions must be made to the U.S. Government electronic docket site at *https://www.regulations.gov.* Commenters should follow the directions below for mailed and hand-delivered comments.

2. *Fax:* 202–366–7951.

3. *Mail:* U.S. Department of Transportation, 1200 New Jersey Avenue SE, Docket Operations, M–30, West Building, Ground Floor, Room W12–140, Washington, DC 20590–0001.

4. *Hand Delivery:* U.S. Department of Transportation, 1200 New Jersey Avenue SE, Docket Operations, M–30, West Building, Ground Floor, Room W12–140, Washington, DC 20590–0001 between 9 a.m. and 5 p.m., Monday through Friday, except Federal holidays.

Instructions: You must include the agency name and docket number for this notice at the beginning of your comments. Submit two copies of your comments if you submit them by mail. For confirmation that FTA has received your comments, include a self-addressed stamped postcard. Note that all comments received, including any personal information, will be posted and will be available to internet users, without change, to *https://www.regulations.gov.* You may review DOT's complete Privacy Act Statement in the **Federal Register** published April 11, 2000, (65 FR 19477), or you may visit *https://www.regulations.gov.*

Docket: For access to the docket to read background documents and comments received, go to https://*www.regulations.gov* at any time. Background documents and comments received may also be viewed at the U.S. Department of Transportation, 1200 New Jersey Avenue SE, Docket Operations, M–30, West Building, Ground Floor, Room W12–140, Washington, DC 20590–0001 between 9 a.m. and 5 p.m., Monday through Friday, except Federal holidays.

FOR FURTHER INFORMATION CONTACT: Stewart Mader, 202–366–9677 or *stewart.mader@dot.gov*.

SUPPLEMENTARY INFORMATION:

Interested parties are invited to send comments regarding any aspect of this information collection, including: (1) the necessity and utility of the information collection for the proper performance of the functions of the FTA; (2) the accuracy of the estimated burden; (3) ways to enhance the quality, utility, and clarity of the collected information; and (4) ways to minimize the collection burden without reducing the quality of the collected information. Comments submitted in response to this notice will be summarized and/or included in the request for OMB approval of this information collection.

Title: Transit COVID–19 Response Program.

OMB Number: 2132–0581.

Background:

In accordance with the Paperwork Reduction Act (PRA) of 1995, the Federal Transit Administration (FTA) is requesting Office of Management and Budget (OMB) 3-year approval of an extension without change for a currently approved collection. FTA began collecting monthly data in April 2021 related to impacts from the coronavirus disease 2019 (COVID–19) on public transportation agencies, including transit workforce counts; transit service levels; counts of COVID–19 positives, fatalities, recoveries, and unvaccinated employees; whether or not a transit agency has implemented the U.S. Centers for Disease Control and Prevention (CDC) Order and Transportation Security Administration (TSA) Security Directive requiring workers and passengers to wear masks; and whether or not the agency used FTA funds to support vaccine access services. FTA used this data to inform FTA's COVID–19 response and recovery actions, including monitoring of safety measures and impacts, development of technical assistance and safety advisories, monitoring use of FTA grant funds to address COVID–19 considerations, and monitoring compliance with Federal requirements. Although the Public Health Emergency for the COVID–19 pandemic ended in May 2023 and the FTA discontinued COVID–19 reporting requirements in September 2022, the FTA is seeking to renew this information collection.

Current Action: Extension of a currently approved collection.

Respondents: Recipients and sub-recipients of FTA funds under the Urbanized Area Formula Funding program or the Formula Grants for Rural Areas program that operate transit systems or pass through funds to sub-recipients that operate transit systems. Recipients of FTA funds under the Enhanced Mobility of Seniors and Individuals with Disabilities program

were requested to provide this information on a voluntary basis.

Estimated Total Annual Respondents: 2,390.

Estimated Annual Burden on Respondents: 28,680.

Frequency: As Needed.

Kusum Dhyani,

Director, Office of Management Planning.

[FR Doc. 2024–24584 Filed 10–23–24; 8:45 am]

BILLING CODE 4910–57–P

DEPARTMENT OF TRANSPORTATION

Federal Transit Administration

Notice of Intent To Prepare an Environmental Impact Statement for the Ballard Link Extension Project, King County, Washington

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

ACTION: Notice of intent to prepare an environmental impact statement (EIS).

SUMMARY: The Federal Transit Administration (FTA), as lead Federal agency, and the Central Puget Sound Regional Transit Authority (Sound Transit), as local project sponsor and joint lead agency, issue this notice to advise the public that they intend to prepare an environmental impact statement (EIS) pursuant to the National Environmental Policy Act (NEPA) for the Ballard Link Extension Project (Project) located in the City of Seattle, King County, Washington.

DATES: Comments related to the NEPA review of this project must be received on or before December 9, 2024. FTA will consider comments received after that date to the extent practicable. FTA will consider all comments received during this NEPA scoping period and those previously submitted during the Washington State Environmental Policy Act (SEPA) scoping process. Commenters who previously provided SEPA scoping comments do not need to resubmit those same comments for consideration under NEPA, but may elect to do so.

ADDRESSES: Comments on the scope of the EIS should be directed to: Lauren Swift, Central Corridor Environmental Manager, 401 South Jackson Street, Seattle, WA 98104, by email to: *lauren.swift@soundtransit.org,* or by phone at 206–398–5301.

FOR FURTHER INFORMATION CONTACT: For FTA: Erin Littauer, *erin.littauer@dot.gov,* 206–220–7521. For Sound Transit: Lauren Swift, *lauren.swift@soundtransit.org,* 206–398–5301.

SUPPLEMENTARY INFORMATION: The Project would extend existing light rail service along a 7.7-mile corridor through downtown Seattle, from SODO to Ballard, and include a new 3.3-mile light rail-only tunnel from south of the Chinatown-International District to South Lake Union and Seattle Center/Uptown. Stations would serve the following areas: Chinatown-International District, Midtown, Westlake, Denny, South Lake Union, Seattle Center, Smith Cove, Interbay, and Ballard. FTA has created the following ''Unique Identification Number'' that will be included on all environmental documents for this project: EISX–021–36–R10–1728553542.

FTA, as NEPA Federal lead agency, and Sound Transit, as joint lead agency for NEPA and lead agency under the Washington State Environmental Policy Act (SEPA), issued a Notice of Intent/Scoping Notice in February 2019 and later published a combined NEPA/SEPA Draft EIS in January 2022 that evaluated both the West Seattle Link Extension and the Ballard Link Extension together as a single project: the West Seattle and Ballard Link Extensions Project (WSBLE). The extensions were evaluated together in the WSBLE Draft EIS because of their location, schedule, and review efficiencies for partner agencies.

In July 2022, the Sound Transit Board directed Sound Transit staff to prepare further studies evaluating additional station options and other refinements for the Ballard Link Extension (BLE). Some of these project options and refinements required additional conceptual engineering and environmental review. Rather than delay completion of the environmental review process for the West Seattle Link Extension while additional review was conducted for BLE, Sound Transit and FTA decided to move forward under separate environmental reviews for each extension. As described in the WSBLE Draft EIS, the two extensions will operate as separate lines, and the extensions are stand-alone projects with independent utility.

Because the environmental review processes are now separated for the two extensions, Sound Transit is preparing a SEPA Supplemental Draft EIS that evaluates the new station options and refinements for the BLE. FTA has determined that a new NEPA Draft EIS be prepared for the BLE, because it is now being evaluated independently from the West Seattle extension. The NEPA process requires that project scoping be repeated with a 30-day public comment period. Scoping for BLE has been extended with a 45-day public comment period. The scoping process and Draft EIS for the BLE will build on the analysis completed for the WSBLE Draft EIS.

Comments made during the previous scoping process (February 19 through April 2, 2019) will be carried forward and considered, as will all of the relevant analysis of alternatives and environmental impacts included in the 2022 Draft EIS. At the conclusion of the NEPA scoping process, FTA and Sound Transit anticipate issuing the Draft NEPA EIS and SEPA Supplemental Draft EIS, including the new information and analysis.

FTA has determined that the project will not be evaluated as a major project as defined in 23 U.S.C. 139(a)(7).

I. Purpose and Need for the Project

The purpose of the project is to expand the Sound Transit Link light rail system from SODO to Ballard, to make appropriate community investments to improve mobility, and to increase capacity and connectivity for regional connections in order to achieve the following:

- Provide rapid, reliable, and efficient light rail transit service to communities in the project corridor as defined through the local planning process and reflected in the regional transit system plan, Sound Transit 3 Plan (*https://www.soundtransit.org/get-to-know-us/documents-reports/sound-transit-3*).
- Improve regional mobility by increasing connectivity and capacity through Downtown Seattle to meet the projected transit demand.
- Connect regional centers as described in adopted regional and local land use, transportation, and economic development plans and Sound Transit's *Regional Transit Long-Range Plan* (*https://www.soundtransit.org/sites/default/files/documents/2015123_lrpupdate.pdf*).
- Implement a system that is technically and financially feasible to build, operate, and maintain.
- Expand mobility for the corridor and the region's residents, which include transit-dependent residents, low-income people, and communities of color.
- Encourage equitable and sustainable urban growth in station areas through support of transit-oriented development and multi-modal integration in a manner that is consistent with local land use plans and policies, including Sound Transit's Equitable Transit-Oriented Development Policy (*https://www.soundtransit.org/system-expansion/creating-vibrant-stations/transit-oriented-development*) and Sustainability Plan (*https://*

www.soundtransit.org/get-to-know-us/documents-reports/2019-sustainability-plan).

- Encourage convenient and safe non-motorized access to stations, such as bicycle and pedestrian connections, consistent with Sound Transit's *System Access Policy* (*https://www.soundtransit.org/system-expansion/creating-vibrant-stations/connecting-to-stations*).
- Preserve and promote a healthy environment and economy by minimizing adverse impacts on the natural, built, and social environments through sustainable practices.

The need for the project is as follows:

- When measured using national standards, existing transit routes between SODO and Ballard currently operate with poor reliability. Roadway congestion in the project corridor will continue to degrade transit performance and reliability as the city is expected to add approximately 287,000 people and approximately 214,000 jobs between 2018 and 2050 (Puget Sound Regional Council 2023).
- Increased ridership from regional population and employment growth will increase operational frequency in the existing Downtown Seattle Transit Tunnel, requiring additional tunnel capacity.
- Puget Sound Regional Council (the regional metropolitan planning organization) and local plans call for high-capacity transit in the corridor consistent with VISION 2050 (*https://www.psrc.org/planning-2050/vision-2050*) and the Regional Transit Long-Range Plan (*https://www.soundtransit.org/sites/default/files/documents/2015123_lrpupdate.pdf*).
- The region's residents and communities, including transit-dependent people, low-income people, and communities of color, need long-term regional mobility and multi-modal connectivity as called for in the Washington State Growth Management Act (Revised Code of Washington 36.70A.108).
- Regional and local plans call for increased residential and/or employment density at and around high-capacity transit stations, and increased options for multi-modal access. VISION 2050 has a goal for 65 percent of the region's population and 75 percent of the region's employment to occur in regional growth centers and within walking distance of transit.
- Environmental and sustainability goals of the State and region, as established in Washington State law and embodied in Puget Sound Regional Council's VISION 2050 (2020) and 2022–2050 Regional Transportation Plan (2022), include reducing greenhouse gas emissions by prioritizing transportation investments that decrease vehicle miles traveled.

II. Description of Proposed Action and Alternatives

Each light rail extension build alternative is approximately 7.7 miles long and includes up to nine stations that serve the following areas: Chinatown-International District, Midtown, Westlake, Denny, South Lake Union, Seattle Center, Smith Cove, Interbay, and Ballard. FTA and Sound Transit may also examine several design options and potential minimal operable segments for the proposed alternatives. Information about the proposed project, the alternatives development process, scoping, and the EIS process are available on the project website: *https://www.soundtransit.org/system-expansion/ballard-link-extension,* by contacting the project sponsor at *ballardlink@soundtransit.org,* or the project phone line at (206) 903–7223. For purposes of this notice, the proposed build alternatives can be generally described as follows:

A new downtown tunnel would begin in the vicinity of the Stadium station in SODO, head north with alignments between 4th Avenue S and 6th Avenue S through the Chinatown-International District, then travel northwest below 4th Avenue, 5th Avenue or 6th Avenue through Midtown and Westlake. The alternatives would continue in a tunnel configuration along Westlake Avenue N to South Lake Union with a station near Denny Way before turning northwest with a station near Aurora Avenue N between Harrison and Roy streets. The alternatives would continue in a tunnel towards Seattle Center with a station on either Republican or Mercer Streets. The alternatives then turn north and begin to transition to elevated or retained cut configurations to serve a Smith Cove station along Elliott Avenue W. From the Smith Cove station, the alternatives either continue in an elevated configuration along 15th Avenue W or transition to a retained cut along the east side of the Burlington Northern Santa Fe (BNSF) railway tracks to an elevated or retained cut station in Interbay near W Dravus Street. From the Interbay station, alternatives transition to the east of 15th Avenue W and cross Salmon Bay in a tunnel or on a high-level fixed bridge. One alternative would continue in an elevated alignment along 15th Avenue W and cross Salmon Bay on the west side of 15th Avenue W on a movable bridge. Station options in Ballard include elevated and tunnel stations near NW Market Street on 15th Avenue NW or 14th Avenue NW.

The build alternatives could also include transit-related roadway, bicycle, maritime, and pedestrian projects by Sound Transit or others. These improvements may be eligible for Federal funding and could be part of the transit project or constructed together with it as part of a joint effort with agency partners, thereby meriting joint environmental analysis. This could include access improvements around station areas and over waterway crossings. Sound Transit would identify these improvements and could include them as part of the project as it works with partner agencies.

III. Summary of Expected Impacts

Consistent with NEPA, FTA and Sound Transit will evaluate, with input from the public, Tribes, and agencies, the potential impacts of the alternatives on the natural, built, and social environments. Likely areas of investigation include, transportation (including navigable waterways), land use and consistency with applicable plans, land acquisition and displacements, socioeconomics, park and recreation resources, historic and cultural resources, environmental justice, visual and aesthetic qualities, air quality, noise and vibration, energy use, safety and security, and ecosystems, including threatened and endangered species and marine mammals. The EIS will evaluate short-term construction impacts and long-term operational impacts. It will also consider indirect and cumulative impacts. The EIS will also propose measures to avoid, minimize, or mitigate significant adverse impacts.

FTA and Sound Transit will comply with all Federal environmental laws, regulations, and executive orders applicable to the proposed project during the environmental review process.

IV. Anticipated Federal Permits and Other Authorizations

Federal Transit Administration

NEPA Final Environmental Impact Statement and Record of Decision
National Historic Preservation Act Section 106 Review
United States Department of Transportation Act of 1966, Section 4(f)
Land and Water Conservation Fund Act of 1965, Section 6(f) (if needed)

Federal Emergency Management Agency

Conditional Letter of Map Revision (if needed)

Letter of Map Revision (if needed)

United States Army Corps of Engineers

Clean Water Act, Section 404 (if needed) (including WA Department of Ecology Water Quality Certification: Clean Water Act Section 401)
Rivers and Harbors Act, Section 10 (if needed)
United States Code Title 33 Section 408 Review (if needed)

United States Coast Guard

United States Coast Guard Bridge Permit (if needed)

United States Fish and Wildlife Service

Federal Endangered Species Review

National Oceanic and Atmospheric Administration Fisheries Service

Federal Endangered Species Review
Essential Fish Habitat Review
Marine Mammal Take Incidental Harassment Authorization (if needed)

United States Department of the Interior

National Historic Preservation Act Section 106 Review
United States Department of Transportation Act of 1966, Section 4(f)

V. Schedule for the Decision-Making Process

Below is a tentative schedule for the decision-making process, including environmental review milestones:

Draft EIS publication: April 2025.

Confirmation or modification of the Preferred Alternative: July 2025.

Final EIS publication: May 2026.

Record of Decision: October 2026.

As noted in the tentative schedule, the Agencies intend to complete the EIS for the Project within two years, measured from the date of the publication of this notice to the date the record of decision (ROD) is signed. The Agencies will accept public comments on the scope of the EIS (*i.e.,* the information presented in this notice and at *https://www.soundtransit.org/system-expansion/ballard-link-extension*) until December 9, 2024. The Agencies will then consider those comments as they prepare the Draft EIS. The Agencies will announce the availability of the Draft EIS in the **Federal Register** and via local media outlets. Sound Transit expects the Draft EIS will be available for a minimum of 45 days for the public comment period in Spring 2025. The Draft EIS will be distributed and available for public and agency review and comment prior to a public hearing. The Agencies will consider substantive comments timely submitted during the public comment period and comments previously submitted for WSBLE and then anticipate preparing a Final EIS in Spring 2026 and ROD in Fall 2026. The Final EIS will identify a preferred alternative and any necessary mitigation commitments. The Agencies expect that all Federal environmental authorization decisions for the construction of the Project will be completed within a reasonable period following issuance of the ROD.

Notices of public meetings, including hearings, have been, and will continue to be, given through a variety of media providing the time and place of the meeting along with other relevant information. Meeting date, time, and location information can be found on the Project website at *https://www.soundtransit.org/system-expansion/ballard-link-extension.*

Public meeting locations will comply with the Americans with Disabilities Act. People requesting special accommodations should contact Sound Transit via email at *ballardlink@soundtransit.org.*

Susan K. Fletcher,

Regional Administrator, FTA Region 10.

[FR Doc. 2024–24585 Filed 10–23–24; 8:45 am]

BILLING CODE 4910–57–P

DEPARTMENT OF TRANSPORTATION

Maritime Administration

[Docket No. MARAD–2024–0140]

Coastwise Endorsement Eligibility Determination for a Foreign-Built Vessel: Mrs. Chippy (Sail); Invitation for Public Comments

AGENCY: Maritime Administration, DOT.

ACTION: Notice.

SUMMARY: The Secretary of Transportation, as represented by the Maritime Administration (MARAD), is authorized to issue coastwise endorsement eligibility determinations for foreign-built vessels which will carry no more than twelve passengers for hire. A request for such a determination has been received by MARAD. By this notice, MARAD seeks comments from interested parties as to any effect this action may have on U.S. vessel builders or businesses in the U.S. that use U.S.-flag vessels. Information about the requestor's vessel, including a brief description of the proposed service, is listed below.

DATES: Submit comments on or before November 25, 2024.

ADDRESSES: You may submit comments identified by DOT Docket Number MARAD–2024–0140 by any one of the following methods:

- *Federal eRulemaking Portal:* Go to *https://www.regulations.gov.* Search MARAD–2024–0140 and follow the instructions for submitting comments.
- *Mail or Hand Delivery:* Docket Management Facility is in the West Building, Ground Floor of the U.S. Department of Transportation. The Docket Management Facility location address is U.S. Department of Transportation, MARAD–2024–0140, 1200 New Jersey Avenue SE, West Building, Room W12–140, Washington, DC 20590, between 9 a.m. and 5 p.m., Monday through Friday, except on Federal holidays.

Note: If you mail or hand-deliver your comments, we recommend that you include your name and a mailing address, an email address, or a telephone number in the body of your document so that we can contact you if we have questions regarding your submission.

Instructions: All submissions received must include the agency name and specific docket number. All comments received will be posted without change to the docket at *www.regulations.gov,* including any personal information provided. For detailed instructions on submitting comments, or to submit comments that are confidential in nature, see the section entitled Public Participation.

FOR FURTHER INFORMATION CONTACT: Patricia Hagerty, U.S. Department of Transportation, Maritime Administration, 1200 New Jersey Avenue SE, Room W23–461, Washington, DC 20590. Telephone: (202) 366–0903. Email: *patricia.hagerty@dot.gov.*

SUPPLEMENTARY INFORMATION: As described in the application, the intended service of the vessel Mrs. Chippy is:

Intended Commercial Use of Vessel: Requester intends to offer passenger tours.

Geographic Region Including Base of Operations: Nevada, California. Base of Operations: Lake Tahoe, Nevada.

Vessel Length and Type: 49.2′ Sailboat.

The complete application is available for review identified in the DOT docket as MARAD 2024–0140 at *https://www.regulations.gov.* Interested parties may comment on the effect this action may have on U.S. vessel builders or businesses in the U.S. that use U.S.-flag vessels. If MARAD determines, in accordance with 46 U.S.C. 12121 and MARAD's regulations at 46 CFR part 388, that the employment of the vessel in the coastwise trade to carry no more

than 12 passengers will have an unduly adverse effect on a U.S.-vessel builder or a business that uses U.S.-flag vessels in that business, MARAD will not issue an approval of the vessel's coastwise endorsement eligibility. Comments should refer to the vessel name, state the commenter's interest in the application, and address the eligibility criteria given in section 388.4 of MARAD's regulations at 46 CFR part 388.

Public Participation

How do I submit comments?

Please submit your comments, including the attachments, following the instructions provided under the above heading entitled **ADDRESSES**. Be advised that it may take a few hours or even days for your comment to be reflected on the docket. In addition, your comments must be written in English. We encourage you to provide concise comments and you may attach additional documents as necessary. There is no limit on the length of the attachments.

Where do I go to read public comments, and find supporting information?

Go to the docket online at *https://www.regulations.gov,* keyword search MARAD–2024–0140 or visit the Docket Management Facility (see **ADDRESSES** for hours of operation). We recommend that you periodically check the Docket for new submissions and supporting material.

Will my comments be made available to the public?

Yes. Be aware that your entire comment, including your personal identifying information, will be made publicly available.

May I submit comments confidentially?

If you wish to submit comments under a claim of confidentiality, you should submit the information you claim to be confidential commercial information by email to *SmallVessels@dot.gov.* Include in the email subject heading ''Contains Confidential Commercial Information'' or ''Contains CCI'' and state in your submission, with specificity, the basis for any such confidential claim highlighting or denoting the CCI portions. If possible, please provide a summary of your submission that can be made available to the public.

In the event MARAD receives a Freedom of Information Act (FOIA) request for the information, procedures described in the Department's FOIA regulation at 49 CFR 7.29 will be followed. Only information that is ultimately determined to be confidential under those procedures will be exempt from disclosure under FOIA.

Privacy Act

Anyone can search the electronic form of all comments received into any of our dockets by the name of the individual submitting the comment (or signing the comment, if submitted on behalf of an association, business, labor union, etc.). For information on DOT's compliance with the Privacy Act, please visit *https://www.transportation.gov/privacy.*

(Authority: 49 CFR 1.93(a), 46 U.S.C. 55103, 46 U.S.C. 12121)

By Order of the Maritime Administrator.

T. Mitchell Hudson, Jr.,

Secretary, Maritime Administration.

[FR Doc. 2024–24731 Filed 10–23–24; 8:45 am]

BILLING CODE 4910–81–P

DEPARTMENT OF TRANSPORTATION

Maritime Administration

[Docket No. MARAD–2024–0139]

Coastwise Endorsement Eligibility Determination for a Foreign-Built Vessel: Sea Said Yes (Sail); Invitation for Public Comments

AGENCY: Maritime Administration, DOT.

ACTION: Notice.

SUMMARY: The Secretary of Transportation, as represented by the Maritime Administration (MARAD), is authorized to issue coastwise endorsement eligibility determinations for foreign-built vessels which will carry no more than twelve passengers for hire. A request for such a determination has been received by MARAD. By this notice, MARAD seeks comments from interested parties as to any effect this action may have on U.S. vessel builders or businesses in the U.S. that use U.S.-flag vessels. Information about the requestor's vessel, including a brief description of the proposed service, is listed below.

DATES: Submit comments on or before November 25, 2024.

ADDRESSES: You may submit comments identified by DOT Docket Number MARAD–2024–0139 by any one of the following methods:

- *Federal eRulemaking Portal:* Go to *https://www.regulations.gov.* Search MARAD–2024–0139 and follow the instructions for submitting comments.
- *Mail or Hand Delivery:* Docket Management Facility is in the West Building, Ground Floor of the U.S. Department of Transportation. The Docket Management Facility location address is U.S. Department of Transportation, MARAD–2024–0139, 1200 New Jersey Avenue SE, West Building, Room W12–140, Washington, DC 20590, between 9 a.m. and 5 p.m., Monday through Friday, except on Federal holidays.

Note: If you mail or hand-deliver your comments, we recommend that you include your name and a mailing address, an email address, or a telephone number in the body of your document so that we can contact you if we have questions regarding your submission.

Instructions: All submissions received must include the agency name and specific docket number. All comments received will be posted without change to the docket at *www.regulations.gov,* including any personal information provided. For detailed instructions on submitting comments, or to submit comments that are confidential in nature, see the section entitled Public Participation.

FOR FURTHER INFORMATION CONTACT: Patricia Hagerty, U.S. Department of Transportation, Maritime Administration, 1200 New Jersey Avenue SE, Room W23–461, Washington, DC 20590. Telephone: (202) 366–0903. Email: *patricia.hagerty@dot.gov.*

SUPPLEMENTARY INFORMATION: As described in the application, the intended service of the vessel Sea Said Yes is:

Intended Commercial Use of Vessel: Requester intends to offer passenger sailboat rides and charters.

Geographic Region Including Base of Operations: Maine, Massachusetts, Rhode Island, Connecticut, New York, Maryland, Virginia, North Carolina, South Carolina, Georgia, Florida. Base of Operations: Georgetown, South Carolina.

Vessel Length and Type: 41′ Sailboat.

The complete application is available for review identified in the DOT docket as MARAD 2024–0139 at *https://www.regulations.gov.* Interested parties may comment on the effect this action may have on U.S. vessel builders or businesses in the U.S. that use U.S.-flag vessels. If MARAD determines, in accordance with 46 U.S.C. 12121 and MARAD's regulations at 46 CFR part 388, that the employment of the vessel in the coastwise trade to carry no more than 12 passengers will have an unduly adverse effect on a U.S.-vessel builder or a business that uses U.S.-flag vessels in that business, MARAD will not issue an approval of the vessel's coastwise endorsement eligibility. Comments should refer to the vessel name, state the commenter's interest in the application,

and address the eligibility criteria given in section 388.4 of MARAD's regulations at 46 CFR part 388.

Public Participation

How do I submit comments?

Please submit your comments, including the attachments, following the instructions provided under the above heading entitled **ADDRESSES**. Be advised that it may take a few hours or even days for your comment to be reflected on the docket. In addition, your comments must be written in English. We encourage you to provide concise comments and you may attach additional documents as necessary. There is no limit on the length of the attachments.

Where do I go to read public comments, and find supporting information?

Go to the docket online at *https://www.regulations.gov,* keyword search MARAD–2024–0139 or visit the Docket Management Facility (see **ADDRESSES** for hours of operation).

We recommend that you periodically check the Docket for new submissions and supporting material.

Will my comments be made available to the public?

Yes. Be aware that your entire comment, including your personal identifying information, will be made publicly available.

May I submit comments confidentially?

If you wish to submit comments under a claim of confidentiality, you should submit the information you claim to be confidential commercial information by email to *SmallVessels@dot.gov.* Include in the email subject heading ''Contains Confidential Commercial Information'' or ''Contains CCI'' and state in your submission, with specificity, the basis for any such confidential claim highlighting or denoting the CCI portions. If possible, please provide a summary of your submission that can be made available to the public.

In the event MARAD receives a Freedom of Information Act (FOIA) request for the information, procedures described in the Department's FOIA regulation at 49 CFR 7.29 will be followed. Only information that is ultimately determined to be confidential under those procedures will be exempt from disclosure under FOIA.

Privacy Act

Anyone can search the electronic form of all comments received into any of our dockets by the name of the individual submitting the comment (or signing the comment, if submitted on behalf of an association, business, labor union, etc.). For information on DOT's compliance with the Privacy Act, please visit *https://www.transportation.gov/privacy.*

(Authority: 49 CFR 1.93(a), 46 U.S.C. 55103, 46 U.S.C. 12121)

By Order of the Maritime Administrator.

T. Mitchell Hudson, Jr.,

Secretary, Maritime Administration.

[FR Doc. 2024–24729 Filed 10–23–24; 8:45 am]

BILLING CODE 4910–81–P

DEPARTMENT OF TRANSPORTATION

Maritime Administration

[Docket No. MARAD–2024–0137]

Coastwise Endorsement Eligibility Determination for a Foreign-Built Vessel: Stepping Stone (Motor); Invitation for Public Comments

AGENCY: Maritime Administration, DOT.

ACTION: Notice.

SUMMARY: The Secretary of Transportation, as represented by the Maritime Administration (MARAD), is authorized to issue coastwise endorsement eligibility determinations for foreign-built vessels which will carry no more than twelve passengers for hire. A request for such a determination has been received by MARAD. By this notice, MARAD seeks comments from interested parties as to any effect this action may have on U.S. vessel builders or businesses in the U.S. that use U.S.-flag vessels. Information about the requestor's vessel, including a brief description of the proposed service, is listed below.

DATES: Submit comments on or before November 25, 2024.

ADDRESSES: You may submit comments identified by DOT Docket Number MARAD–2024–0137 by any one of the following methods:

- *Federal eRulemaking Portal:* Go to *https://www.regulations.gov.* Search MARAD–2024–0137 and follow the instructions for submitting comments.
- *Mail or Hand Delivery:* Docket Management Facility is in the West Building, Ground Floor of the U.S. Department of Transportation. The Docket Management Facility location address is U.S. Department of Transportation, MARAD–2024–0137, 1200 New Jersey Avenue SE, West Building, Room W12–140, Washington, DC 20590, between 9 a.m. and 5 p.m., Monday through Friday, except on Federal holidays.

Note: If you mail or hand-deliver your comments, we recommend that you include your name and a mailing address, an email address, or a telephone number in the body of your document so that we can contact you if we have questions regarding your submission.

Instructions: All submissions received must include the agency name and specific docket number. All comments received will be posted without change to the docket at *www.regulations.gov,* including any personal information provided. For detailed instructions on submitting comments, or to submit comments that are confidential in nature, see the section entitled Public Participation.

FOR FURTHER INFORMATION CONTACT: Patricia Hagerty, U.S. Department of Transportation, Maritime Administration, 1200 New Jersey Avenue SE, Room W23–461, Washington, DC 20590. Telephone: (202) 366–0903. Email: *patricia.hagerty@dot.gov.*

SUPPLEMENTARY INFORMATION: As described in the application, the intended service of the vessel Stepping Stone is:

Intended Commercial Use of Vessel: Requester intends to offer passenger and sightseeing charters.

Geographic Region Including Base of Operations: Maine, New Hampshire, Vermont, Massachusetts, Rhode Island, Connecticut, New York, New Jersey, Delaware, Maryland, Virginia, North Carolina, South Carolina, Georgia, Florida. Base of Operations: Barrington, Rhode Island.

Vessel Length and Type: 33.5′ Motor.

The complete application is available for review identified in the DOT docket as MARAD 2024–0137 at *https://www.regulations.gov.* Interested parties may comment on the effect this action may have on U.S. vessel builders or businesses in the U.S. that use U.S.-flag vessels. If MARAD determines, in accordance with 46 U.S.C. 12121 and MARAD's regulations at 46 CFR part 388, that the employment of the vessel in the coastwise trade to carry no more than 12 passengers will have an unduly adverse effect on a U.S.-vessel builder or a business that uses U.S.-flag vessels in that business, MARAD will not issue an approval of the vessel's coastwise endorsement eligibility. Comments should refer to the vessel name, state the commenter's interest in the application, and address the eligibility criteria given in section 388.4 of MARAD's regulations at 46 CFR part 388.

Public Participation

How do I submit comments?

Please submit your comments, including the attachments, following the instructions provided under the above heading entitled **ADDRESSES**. Be advised that it may take a few hours or even days for your comment to be reflected on the docket. In addition, your comments must be written in English. We encourage you to provide concise comments and you may attach additional documents as necessary. There is no limit on the length of the attachments.

Where do I go to read public comments, and find supporting information?

Go to the docket online at *https://www.regulations.gov,* keyword search MARAD–2024–0137 or visit the Docket Management Facility (see **ADDRESSES** for hours of operation). We recommend that you periodically check the Docket for new submissions and supporting material.

Will my comments be made available to the public?

Yes. Be aware that your entire comment, including your personal identifying information, will be made publicly available.

May I submit comments confidentially?

If you wish to submit comments under a claim of confidentiality, you should submit the information you claim to be confidential commercial information by email to *SmallVessels@dot.gov.* Include in the email subject heading ''Contains Confidential Commercial Information'' or ''Contains CCI'' and state in your submission, with specificity, the basis for any such confidential claim highlighting or denoting the CCI portions. If possible, please provide a summary of your submission that can be made available to the public.

In the event MARAD receives a Freedom of Information Act (FOIA) request for the information, procedures described in the Department's FOIA regulation at 49 CFR 7.29 will be followed. Only information that is ultimately determined to be confidential under those procedures will be exempt from disclosure under FOIA.

Privacy Act

Anyone can search the electronic form of all comments received into any of our dockets by the name of the individual submitting the comment (or signing the comment, if submitted on behalf of an association, business, labor union, etc.). For information on DOT's compliance with the Privacy Act, please visit *https://www.transportation.gov/privacy.*

(Authority: 49 CFR 1.93(a), 46 U.S.C. 55103, 46 U.S.C. 12121)

By Order of the Maritime Administrator.

T. Mitchell Hudson, Jr.,

Secretary, Maritime Administration.

[FR Doc. 2024–24728 Filed 10–23–24; 8:45 am]

BILLING CODE 4910–81–P

DEPARTMENT OF TRANSPORTATION

[Docket No. MARAD–2024–0138]

Coastwise Endorsement Eligibility Determination for a Foreign-Built Vessel: Pilot Lounge (Motor); Invitation for Public Comments

AGENCY: Maritime Administration, DOT.

ACTION: Notice.

SUMMARY: The Secretary of Transportation, as represented by the Maritime Administration (MARAD), is authorized to issue coastwise endorsement eligibility determinations for foreign-built vessels which will carry no more than twelve passengers for hire. A request for such a determination has been received by MARAD. By this notice, MARAD seeks comments from interested parties as to any effect this action may have on U.S. vessel builders or businesses in the U.S. that use U.S.-flag vessels. Information about the requestor's vessel, including a brief description of the proposed service, is listed below.

DATES: Submit comments on or before November 25, 2024.

ADDRESSES: You may submit comments identified by DOT Docket Number MARAD–2024–0138 by any one of the following methods:

- *Federal eRulemaking Portal:* Go to *https://www.regulations.gov.* Search MARAD–2024–0138 and follow the instructions for submitting comments.
- *Mail or Hand Delivery:* Docket Management Facility is in the West Building, Ground Floor of the U.S. Department of Transportation. The Docket Management Facility location address is U.S. Department of Transportation, MARAD–2024–0138, 1200 New Jersey Avenue SE, West Building, Room W12–140, Washington, DC 20590, between 9 a.m. and 5 p.m., Monday through Friday, except on Federal holidays.

Note: If you mail or hand-deliver your comments, we recommend that you include your name and a mailing address, an email address, or a telephone number in the body of your document so that we can contact you if we have questions regarding your submission.

Instructions: All submissions received must include the agency name and specific docket number. All comments received will be posted without change to the docket at *www.regulations.gov,* including any personal information provided. For detailed instructions on submitting comments, or to submit comments that are confidential in nature, see the section entitled Public Participation.

FOR FURTHER INFORMATION CONTACT: Patricia Hagerty, U.S. Department of Transportation, Maritime Administration, 1200 New Jersey Avenue SE, Room W23–461, Washington, DC 20590. Telephone: (202) 366–0903. Email: *patricia.hagerty@dot.gov.*

SUPPLEMENTARY INFORMATION: As described in the application, the intended service of the vessel Pilot Lounge is:

Intended Commercial Use of Vessel: Requester intends to offer passenger day and sightseeing trips.

Geographic Region Including Base of Operations: Florida. Base of Operations: Jupiter, Florida.

Vessel Length and Type: 76′ Motor Yacht.

The complete application is available for review identified in the DOT docket as MARAD 2024–0138 at *https://www.regulations.gov.* Interested parties may comment on the effect this action may have on U.S. vessel builders or businesses in the U.S. that use U.S.-flag vessels. If MARAD determines, in accordance with 46 U.S.C. 12121 and MARAD's regulations at 46 CFR part 388, that the employment of the vessel in the coastwise trade to carry no more than 12 passengers will have an unduly adverse effect on a U.S.-vessel builder or a business that uses U.S.-flag vessels in that business, MARAD will not issue an approval of the vessel's coastwise endorsement eligibility. Comments should refer to the vessel name, state the commenter's interest in the application, and address the eligibility criteria given in section 388.4 of MARAD's regulations at 46 CFR part 388.

Public Participation

How do I submit comments?

Please submit your comments, including the attachments, following the instructions provided under the above heading entitled **ADDRESSES**. Be advised that it may take a few hours or even days for your comment to be reflected on the docket. In addition, your comments must be written in English.

We encourage you to provide concise comments and you may attach additional documents as necessary. There is no limit on the length of the attachments.

Where do I go to read public comments, and find supporting information?

Go to the docket online at *https://www.regulations.gov,* keyword search MARAD–2024–0138 or visit the Docket Management Facility (see **ADDRESSES** for hours of operation). We recommend that you periodically check the Docket for new submissions and supporting material.

Will my comments be made available to the public?

Yes. Be aware that your entire comment, including your personal identifying information, will be made publicly available.

May I submit comments confidentially?

If you wish to submit comments under a claim of confidentiality, you should submit the information you claim to be confidential commercial information by email to *SmallVessels@dot.gov.* Include in the email subject heading ''Contains Confidential Commercial Information'' or ''Contains CCI'' and state in your submission, with specificity, the basis for any such confidential claim highlighting or denoting the CCI portions. If possible, please provide a summary of your submission that can be made available to the public.

In the event MARAD receives a Freedom of Information Act (FOIA) request for the information, procedures described in the Department's FOIA regulation at 49 CFR 7.29 will be followed. Only information that is ultimately determined to be confidential under those procedures will be exempt from disclosure under FOIA.

Privacy Act

Anyone can search the electronic form of all comments received into any of our dockets by the name of the individual submitting the comment (or signing the comment, if submitted on behalf of an association, business, labor union, etc.). For information on DOT's compliance with the Privacy Act, please visit *https://www.transportation.gov/privacy.*

(Authority: 49 CFR 1.93(a), 46 U.S.C. 55103, 46 U.S.C. 12121)

By Order of the Maritime Administrator.

T. Mitchell Hudson, Jr.,

Secretary, Maritime Administration.

[FR Doc. 2024–24730 Filed 10–23–24; 8:45 am]

BILLING CODE 4910–81–P

DEPARTMENT OF THE TREASURY

Bureau of the Fiscal Service

Proposed Collection of Information: Request by Fiduciary for Distribution of United States Treasury Securities

ACTION: Notice and request for comments.

SUMMARY: The Department of the Treasury, as part of its continuing effort to reduce paperwork and respondent burden, invites the general public and other Federal agencies to take this opportunity to comment on proposed and/or continuing information collections, as required by the Paperwork Reduction Act of 1995. Currently the Bureau of the Fiscal Service within the Department of the Treasury is soliciting comments concerning the Request by Fiduciary For Distribution of United States Treasury Securities.

DATES: Written comments should be received on or before December 23, 2024 to be assured of consideration.

ADDRESSES: Direct all written comments and requests for additional information to Bureau of the Fiscal Service, Bruce A. Sharp, Room #4006–A, PO Box 1328, Parkersburg, WV 26106–1328, or *bruce.sharp@fiscal.treasury.gov*.

SUPPLEMENTARY INFORMATION:

Title: Request by Fiduciary For Distribution of United States Treasury Securities.

OMB Number: 1530–0035.

Form Number: FS Form 1455.

Abstract: One or more fiduciaries (individual or corporate) must use this form to establish entitlement and request distribution of United States Treasury Securities and/or related payments to the person lawfully entitled due to termination of a trust, distribution of an estate, attainment of majority, restoration to competency, or other reason.

Current Actions: Extension of a currently approved collection.

Type of Review: Regular.

Affected Public: Individuals or Households.

Estimated Number of Respondents: 9,500.

Estimated Time per Respondent: 30 minutes.

Estimated Total Annual Burden Hours: 4,750.

Request for Comments: Comments submitted in response to this notice will be summarized and/or included in the request for OMB approval. All comments will become a matter of public record. Comments are invited on: 1. Whether the collection of information is necessary for the proper performance of the functions of the agency, including whether the information shall have practical utility; 2. the accuracy of the agency's estimate of the burden of the collection of information; 3. ways to enhance the quality, utility, and clarity of the information to be collected; 4. ways to minimize the burden of the collection of information on respondents, including through the use of automated collection techniques or other forms of information technology; and 5. estimates of capital or start-up costs and costs of operation, maintenance, and purchase of services to provide information.

Dated: October 18, 2024.

Bruce A. Sharp,

Bureau PRA Clearance Officer.

[FR Doc. 2024–24725 Filed 10–23–24; 8:45 am]

BILLING CODE 4810–AS–P

DEPARTMENT OF THE TREASURY

Bureau of the Fiscal Service

Proposed Collection of Information: Claim For Lost, Stolen, or Destroyed U.S. Savings Bonds and Supplemental Statement For U.S. Securities

ACTION: Notice and request for comments.

SUMMARY: The Department of the Treasury, as part of its continuing effort to reduce paperwork and respondent burden, invites the general public and other Federal agencies to take this opportunity to comment on proposed and/or continuing information collections, as required by the Paperwork Reduction Act of 1995. Currently the Bureau of the Fiscal Service within the Department of the Treasury is soliciting comments concerning the Claim For Lost, Stolen, or Destroyed U.S. Savings Bonds and Supplemental Statement For U.S. Securities.

DATES: Written comments should be received on or before December 23, 2024 to be assured of consideration.

ADDRESSES: Direct all written comments and requests for additional information to Bureau of the Fiscal Service, Bruce A. Sharp, Room #4006–A, PO Box 1328, Parkersburg, WV 26106–1328, or *bruce.sharp@fiscal.treasury.gov*.

SUPPLEMENTARY INFORMATION:

Title: Claim For Lost, Stolen, or Destroyed U.S. Savings Bonds and Supplemental Statement For U.S. Securities.

OMB Number: 1530–0021.

Form Number: FS Form 1048 and FS Form 2243.

Abstract: The information is requested to issue owners substitute securities or payment in lieu of lost, stolen, or destroyed securities.

Current Actions: Extension of a currently approved collection.

Type of Review: Regular.

Affected Public: Individuals or Households.

Estimated Number of Respondents: 72,000.

Estimated Time per Respondent: 20 minutes for FS Form 1048, and 5 minutes for FS Form 2243.

Estimated Total Annual Burden Hours: 20,352.

Request for Comments: Comments submitted in response to this notice will be summarized and/or included in the request for OMB approval. All comments will become a matter of public record. Comments are invited on: 1. Whether the collection of information is necessary for the proper performance of the functions of the agency, including whether the information shall have practical utility; 2. the accuracy of the agency's estimate of the burden of the collection of information; 3. ways to enhance the quality, utility, and clarity of the information to be collected; 4. ways to minimize the burden of the collection of information on respondents, including through the use of automated collection techniques or other forms of information technology; and 5. estimates of capital or start-up costs and costs of operation, maintenance, and purchase of services to provide information.

Dated: October 18, 2024.

Bruce A. Sharp,

Bureau PRA Clearance Officer.

[FR Doc. 2024–24724 Filed 10–23–24; 8:45 am]

BILLING CODE 4810–AS–P

DEPARTMENT OF THE TREASURY

Office of Foreign Assets Control

Notice of OFAC Sanctions Actions

AGENCY: Office of Foreign Assets Control, Treasury.

ACTION: Notice.

SUMMARY: The U.S. Department of the Treasury's Office of Foreign Assets Control (OFAC) is publishing the names of one or more persons that have been placed on OFAC's Specially Designated Nationals and Blocked Persons List based on OFAC's determination that one or more applicable legal criteria were satisfied. All property and interests in property subject to U.S. jurisdiction of these persons are blocked, and U.S. persons are generally prohibited from engaging in transactions with them.

DATES: See **SUPPLEMENTARY INFORMATION** section for applicable date(s).

FOR FURTHER INFORMATION CONTACT: OFAC: Lisa M. Palluconi, Acting Director, tel.: 202–622–2490; Associate Director for Global Targeting, tel.: 202–622–2420; Assistant Director for Licensing, tel.: 202–622–2480; Assistant Director for Regulatory Affairs, tel.: 202–622–4855; or Assistant Director for Sanctions Compliance & Evaluation, tel.: 202–622–2490.

SUPPLEMENTARY INFORMATION:

Electronic Availability

The Specially Designated Nationals and Blocked Persons List and additional information concerning OFAC sanctions programs are available on OFAC's website (*https://www.treasury.gov/ofac*).

Notice of OFAC Action(s)

On September 16, 2024, OFAC determined that the property and interests in property subject to U.S. jurisdiction of the following persons are blocked under the relevant sanctions authority listed below.

Individuals

1. KHARAZISHVILI, Zviad (a.k.a. ''KHAREBA''), Micro District III, Gldani Bldg 68, Apt. 71, Tbilisi, Georgia; DOB 20 Mar 1975; POB Kareli, Georgia; nationality Georgia; Gender Male (individual) [GLOMAG].

Designated pursuant to section 1(a)(ii)(C)(1) of Executive Order 13818 of December 20, 2017, ''Blocking the Property of Persons Involved in Serious Human Rights Abuse or Corruption,'' 82 FR 60839, 3 CFR, 2017 Comp., p. 399, (E.O. 13818) for being a foreign person who is or has been a leader or official of an entity, including any government entity, that has engaged in, or whose members have engaged in, serious human rights abuse relating to the leader's or official's tenure.

2. LAGAZAURI, Mileri, 19 MR Building 4, Apt 12, Rustavi, Georgia; DOB 23 Nov 1977; POB Akhmeta, Georgia; nationality Georgia; Gender Male; Passport 18AD22156 (Georgia) issued 21 May 2019 expires 21 May 2029 (individual) [GLOMAG].

Designated pursuant to section 1(a)(ii)(C)(1) of E.O. 13818 for being a foreign person who is or has been a leader or official of an entity, including any government entity, that has engaged in, or whose members have engaged in, serious human rights abuse relating to the leader's or official's tenure.

3. MAKHARADZE, Zurab, Georgia; DOB 21 Jan 1988; POB Georgia; nationality Georgia; Gender Male (individual) [GLOMAG].

Designated pursuant to section 1(a)(ii)(A) of E.O. 13818 for being a foreign person who is responsible for or complicit in, or has directly or indirectly engaged in, serious human rights abuse.

4. MORGOSHIA, Konstantine, 2 Build, Apt 14, 2nd Plateau Nutsubidze, Tbilisi, Georgia; DOB 28 May 1982; POB Tbilisi, Georgia; nationality Georgia; Gender Male; Passport 15BB67342 (Georgia) issued 02 Nov 2016 expires 02 Nov 2026 (individual) [GLOMAG].

Designated pursuant to section 1(a)(ii)(A) of E.O. 13818 or being a foreign person who is responsible for or complicit in, or has directly or indirectly engaged in, serious human rights abuse.

Dated: September 16, 2024.

Lisa M. Palluconi,

Acting Director, Office of Foreign Assets Control, U.S. Department of the Treasury.

[FR Doc. 2024–24722 Filed 10–23–24; 8:45 am]

BILLING CODE 4810–AL–P

DEPARTMENT OF THE TREASURY

Internal Revenue Service

Notice of Meeting

AGENCY: Internal Revenue Service (IRS), Treasury.

ACTION: Notice of meeting.

SUMMARY: The Electronic Tax Administration Advisory Committee (ETAAC) will hold a public meeting via telephone conference line on Wednesday, November 14, 2024.

FOR FURTHER INFORMATION CONTACT: Mr. Alec Johnston, Office of National Public Liaison, at (202) 317–4299, or send an email to *publicliaison@irs.gov.*

SUPPLEMENTARY INFORMATION: Notice is hereby given pursuant to 5 U.S.C. 10(a)(2) of the Federal Advisory Committee Act, that a public meeting via conference call of the ETAAC will be held on Wednesday, November 14, 2024, at 12:30 p.m. EDT. The purpose of the ETAAC is to provide continuing advice regarding the development and implementation of the IRS organizational strategy for electronic tax administration. ETAAC is an organized public forum for discussion of electronic tax administration issues such as prevention of identity theft and refund fraud. It supports the overriding goal that paperless filing should be the preferred and most convenient method of filing tax and information returns. ETAAC members convey the public's perceptions of IRS electronic tax administration activities, offer constructive observations about current or proposed policies, programs, and procedures, and suggest improvements. Please call or email Alec Johnston to confirm your attendance. Mr. Johnston can be reached at 202–317–4299 or *PublicLiaison@irs.gov.* Should you wish the ETAAC to consider a written statement, please call 202–317–4299 or email: *PublicLiaison@irs.gov.*

Dated: October 17, 2024.

John A. Lipold,

Designated Federal Official, Office of National Public Liaison, Internal Revenue Service.

[FR Doc. 2024–24718 Filed 10–23–24; 8:45 am]

BILLING CODE 4830–01–P

DEPARTMENT OF VETERANS AFFAIRS

[OMB Control No. 2900–0020]

Agency Information Collection Activity: Designation of Beneficiary—Government Life Insurance and Supplemental Designation of Beneficiary—Government Life Insurance

AGENCY: Veterans Benefits Administration, Department of Veterans Affairs.

ACTION: Notice.

SUMMARY: Veterans Benefits Administration (VBA), Department of Veterans Affairs (VA), is announcing an opportunity for public comment on the proposed collection of certain information by the agency. Under the Paperwork Reduction Act (PRA) of 1995, Federal agencies are required to publish notice in the **Federal Register** concerning each proposed collection of information, including each proposed extension of a currently approved collection, and allow 60 days for public comment in response to the notice.

DATES: Comments must be received on or before December 23, 2024.

ADDRESSES: Comments must be submitted through *https://www.regulations.gov*.

FOR FURTHER INFORMATION CONTACT:

Program-Specific information: Nancy Kessinger, 202–461–8900, *nancy.kessinger@va.gov*.

VA PRA information: Maribel Aponte, 202–461–8900, *vacopaperworkreduact@va.gov*.

SUPPLEMENTARY INFORMATION: Under the PRA of 1995, Federal agencies must obtain approval from the Office of Management and Budget (OMB) for each collection of information they conduct or sponsor. This request for comment is being made pursuant to section 3506(c)(2)(A) of the PRA.

With respect to the following collection of information, VBA invites comments on: (1) whether the proposed collection of information is necessary for the proper performance of VBA's functions, including whether the information will have practical utility; (2) the accuracy of VBA's estimate of the burden of the proposed collection of information; (3) ways to enhance the quality, utility, and clarity of the information to be collected; and (4) ways to minimize the burden of the collection of information on respondents, including through the use of automated collection techniques or the use of other forms of information technology.

Title: Designation of Beneficiary—Government Life Insurance and Supplemental Designation of Beneficiary—Government Life Insurance (VA Forms 29–336 and 29–336a).

OMB Control Number: 2900–0020. *https://www.reginfo.gov/public/do/PRASearch* (Once at this link, you can enter the OMB Control Number to find the historical versions of this Information Collection).

Type of Review: Revision of a currently approved collection.

Abstract: These forms are used by the insured to designate beneficiaries and select an optional settlement to be used when the insurance matures by death. The information is required to determine the claimant's eligibility to receive the proceeds. The information on the form is required by law, 38 U.S.C. 1917, 1949 and 1952.

Affected Public: Individuals and households.

Estimated Annual Burden: 13,917 hours.

Estimated Average Burden per Respondent: 10 minutes.

Frequency of Response: On occasion.

Estimated Number of Respondents: 83,500.

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. 2024–24746 Filed 10–23–24; 8:45 am]

BILLING CODE 8320–01–P

DEPARTMENT OF VETERANS AFFAIRS

Research Advisory Committee on Gulf War Veterans' Illnesses, Notice of Meeting

The Department of Veterans Affairs (VA) gives notice under the Federal Advisory Committee Act, 5 U.S.C. ch. 10., that the Research Advisory Committee on Gulf War Veterans' Illnesses will meet at the Texas Medical Center (TMC3) Collaborative Research Building, 7255 Helix Park Avenue, Houston, Texas 77030 in the Braeswood Conference Room. The meeting sessions will begin and end as follows:

Date	Time: central time zone (CT)
November 20, 2024	9:00 a.m.–11:00 a.m.
November 21, 2024	9:00 a.m.–4:00 p.m.

All sessions will be open to the public.

For interested parties who cannot attend in person, this meeting will also be available by videoconference via Webex at the following URLs:

November 20, 2024, 9:00 a.m. to 11:00 a.m. CT/10:00 a.m. to 12:00 p.m. Eastern Time (ET).

https://veteransaffairs.webex.com/veteransaffairs/j.php?MTID=m23d1937150485cf9c694dedf22d63eba. Or, join by phone: 1–833–558–0712 Toll-free; meeting number (access code): 2823 562 7625. Meeting password: GWvets1990!

November 21, 2024, 9:00 a.m. to 4:00 p.m. CT/10:00 a.m. to 5:00 p.m. ET. *https://veteransaffairs.webex.com/veteransaffairs/j.php?MTID=m2a78279f6126cfbfc4a9e221933c3464.* Or, join by phone: 1–833–558–0712 Toll-free; meeting number (access code): 2818 042 3790. Meeting password: GWvets1991!

The purpose of the Committee is to provide advice and make recommendations to the Secretary of Veterans Affairs on proposed research studies, research plans, and research strategies relating to the health consequences of military service in the Southwest Asia theater of operations during the Gulf War in 1990–91.

On November 20–21, 2024, the Committee will welcome new members and review Gulf War Program updates and Committee recommendations.

The meeting will include time reserved for public comments before the meeting closes on November 21, 2024. As time is limited, individuals wishing to make public comments can contact *VARACGWVI@va.gov* in advance to reserve time during the public comment period or submit written comments (max. 2-pages). Each public comment speaker will be held to a 3–5 minute time limit as time permits. Individuals wishing to seek additional information should contact Dr. Karen Block, Designated Federal Officer, at *Karen.Block@va.gov.*

Dated: October 21, 2024.

LaTonya L. Small,

Federal Advisory Committee Management Officer.

[FR Doc. 2024–24765 Filed 10–23–24; 8:45 am]

BILLING CODE 8320–01–P

FEDERAL REGISTER

Vol. 89 Thursday,
No. 206 October 24, 2024

Part II

Office of Personnel Management

5 Part 890
Postal Service Health Benefits Program: Additional Requirements and Clarifications; Final Rule

OFFICE OF PERSONNEL MANAGEMENT

5 CFR Part 890

[Docket ID: OPM–2024–0002]

RIN 3206–AO59

Postal Service Health Benefits Program: Additional Requirements and Clarifications

AGENCY: Office of Personnel Management.

ACTION: Final rule.

SUMMARY: The Office of Personnel Management (OPM) is issuing this final rule to clarify and establish additional requirements regarding the Postal Service Health Benefits (PSHB) Program, which was established pursuant to the Postal Service Reform Act of 2022 (PSRA). This final rule expands on previous regulations concerning the PSHB Program and is intended to provide greater detail and clarity necessary to properly implement PSHB in 2025 and beyond. In particular, this final rule includes details on reconsideration of PSHB eligibility decisions, the Medicare Part B enrollment requirement, allocation of reserve credits, calendar year alignment of Government contribution requirements, financial reporting and actuarial calculations, premium payment prioritization from the Postal Service Retiree Health Benefits Fund, and Medicare Part D integration.

DATES: This final rule is effective October 24, 2024.

FOR FURTHER INFORMATION CONTACT: Cameron Stokes, Senior Policy Analyst, at (202) 936–2847 or *Cameron.Stokes@opm.gov.*

SUPPLEMENTARY INFORMATION:

Executive Summary

On May 24, 2024, OPM issued a notice of proposed rulemaking (NPRM) ''Postal Service Health Benefits Program: Additional Requirements and Clarifications'' at 89 FR 45782, to clarify and establish additional requirements regarding the Postal Service Health Benefits (PSHB) Program, which was established pursuant to the PSRA. The NPRM followed OPM's May 6, 2024, publication of a final rulemaking, ''Postal Service Reform Act; Establishment of the Postal Service Health Benefits Program'' at 89 FR 37061, that established the PSHB Program for Postal Service employees, Postal Service annuitants, and their eligible family members. The May 6, 2024, final rule adopted the provisions of OPM's interim final rule, published April 6, 2023, at 88 FR 20383, with minor clarifying changes.

Background

OPM, the United States Postal Service (USPS or Postal Service), and PSHB Carriers have been working to implement the provisions of the PSHB Program set out in the PSRA and previous rulemaking in anticipation of the 2024 Open Season. The provisions in this final rule are intended to complement and clarify various areas of the program that have been identified during its development. While OPM intends for this final rule, combined with the PSRA and the earlier interim final rule with request for comment and its subsequent final rule, and notice of proposed rulemaking, to create a comprehensive legal framework for the PSHB Program's January 1, 2025 start date, the agency recognizes the operation of the program will inevitably give rise to further changes as the Program is implemented over time.

As with previous PSHB rulemakings, OPM consulted with partner agencies in the development of these regulations as consistent with 5 U.S.C. 8903c. OPM has worked closely with USPS and the Centers for Medicare & Medicaid Services (CMS), specifically, on the substance of this rulemaking, particularly as it relates to the impact of the Part D benefit integration on Postal Service annuitants and eligible family members.

The May 24, 2024, proposed rule had a 30-day comment period during which OPM received 22 comments, of which 15 comments were responsive, addressing the issues raised in the proposed rule. Five comments were from organizations consisting of employee unions, Federal Employees Health Benefits (FEHB) or potential PSHB Carriers, and trade groups, and 10 were from individuals or anonymous commenters with six nonresponsive or duplicative comments and one comment from an individual that is not publicly available due to the inclusion of personally identifiable information. The comment containing personally identifiable information expressed concerns about the personal impact of the Medicare integration provisions of the PSRA. The responsive comments are summarized and responded to below.

Court Review—5 CFR 890.107(f)

OPM proposed to add new paragraph (f) to 5 CFR 890.107 to establish that PSHB enrollment related lawsuits concerning Postal Service annuitants and their family members, involving data received under agreements with source agencies but where OPM lacks authority or means to obtain independent verification, may not be brought later than December 31 of the third year after the year in which the enrollment action was effectuated. This proposal also limited the review of OPM final decisions based on data obtained under data exchange agreements with source agencies to the administrative record before OPM when OPM effectuated the enrollment action.

OPM did not receive any comments on this proposal. OPM is adopting this provision as proposed.

Definitions and Deemed References—5 CFR 890.1602(c)

OPM proposed to add new definitions for ''Reconsideration'' and ''Source agency'' for purposes of initial decisions and reconsiderations of eligibility determinations. Under existing regulations at § 890.1602, for purposes of this part, the USPS is the employing office for Postal Service employees, and the Retirement Services office within OPM is the employing office for Postal Service annuitants. These proposed changes reflect that OPM would retain authority under this part to reconsider certain initial decisions and issue final agency decisions regarding enrollments and coverage of family members with respect to Postal Service employees and Postal Service annuitants in the PSHB Program.

Two commenters expressed support for OPM's approach to determining eligibility for family members of USPS employees and annuitants. The commenters suggest that this approach, which streamlines eligibility determinations within OPM for these groups, will enhance consistency and accuracy of eligibility determinations.

OPM welcomes these comments in support of the proposed approach to determining eligibility for family members of USPS employees and annuitants. OPM agrees that this approach will result in efficiencies in the eligibility process and will promote accuracy in the process.

Another commenter requested clarification on what would make a Postal Service employee or annuitant ineligible for the PSHB Program. They asked whether there are pre-existing condition exclusions or any other eligibility limitations based on health status.

OPM appreciates this comment and request for clarification around PSHB eligibility. This comment is beyond the scope of this rulemaking as this rulemaking does not establish new eligibility criteria for PSHB Program participation. In response to the inquiry about the use of health status in

eligibility determinations, OPM is clarifying that the FEHB statute, at 5 U.S.C. 8902(f), prohibits the use of health status, including pre-existing conditions, in eligibility determinations in FEHB and PSHB. OPM and USPS have developed, and will continue to develop, educational resources that address questions such as those relating to eligibility. More information about the PSHB is available on OPM's website,[1] and USPS has additional resources including the USPS MyHR [2] PSHB page and keepingposted.org.[3] OPM and USPS encourage anyone with questions to review these resources. OPM is finalizing these definitions as proposed.

Medicare Enrollment Requirement for Certain Postal Service Annuitants and Eligible Family Members; Survivor Annuitants—5 CFR 890.1604(c), (d), and (f)

OPM proposed in § 890.1604(c) to clarify that a survivor annuitant who is entitled to Medicare Part A [4] must be enrolled in Medicare Part B to continue enrollment in PSHB, unless the individual qualifies for an exception as set forth in § 890.1604(d)(3). In § 890.1604(d)(3), OPM proposed exceptions to the Medicare Part B enrollment requirement for those survivor annuitants who are entitled to Part A. Specifically, OPM proposed that a survivor annuitant would retain any exception that the Postal Service annuitant qualified for prior to the annuitant's death. A survivor annuitant would also individually qualify for a Part B enrollment exception in several additional circumstances: if the survivor annuitant resides outside of the United States and its territories, if the survivor annuitant is enrolled in health care benefits provided by the Department of Veterans Affairs (VA) (including individuals who are not required to enroll in the VA's system of patient enrollment referred to in 38 U.S.C. 1705(a)), or if the survivor annuitant is eligible for health services from the Indian Health Service. Survivor annuitants would be subject to all documentation requirements. In § 890.1604(f), OPM proposed to require all Medicare covered annuitants, Medicare covered family members, and survivor annuitants to provide OPM or the Postal Service with written notification if the individual chooses not to enroll in or disenrolls from Medicare Part B. The following scenarios were included in the preamble of the NPRM and are being reproduced here to provide additional clarity:

Example 1. A spouse is married to a Postal Service annuitant who is not required to enroll in Part B as a condition of eligibility to enroll in a PSHB plan under § 890.1604(c)(1)(i) (as of January 1, 2025, the annuitant was not both entitled to premium-free Medicare Part A and enrolled in Part B). The spouse, who is eligible for Medicare, is also not required to enroll in Part B as their Postal Service annuitant spouse has an exception to Part B enrollment. If the Postal Service annuitant dies and the surviving spouse becomes a survivor annuitant, the surviving spouse will not be required to enroll in Part B to continue enrollment in a PSHB plan.

Example 2. A spouse is married to a Postal Service annuitant who is not required to enroll in Part B as a condition of eligibility to enroll in a PSHB plan under § 890.1604(c)(1)(iv) (enrolled in VA health care benefits). The spouse is not eligible for Medicare because they are not yet 65. If the Postal Service annuitant dies before the surviving spouse becomes eligible for Medicare and the surviving spouse becomes a survivor annuitant, the surviving spouse will not be required to enroll in Part B to continue enrollment in a PSHB plan when becoming eligible for Medicare.

Several commenters, including an association representing Federal employees and a labor organization, expressed support for the proposal to clarify an exception to the requirement to enroll in Medicare Part B for certain survivor annuitants who had relied on a Part B enrollment exception of a deceased annuitant while they were enrolled as a family member. The commenters generally supported this approach as consistent with the statute and noted that the failure to clarify this exception could result in inequities for some survivor annuitants and therefore supported finalizing as proposed. One commenter suggested this proposal would impact a limited number of individuals and would have a negligible financial impact on the program.

OPM appreciates comments supporting this proposal and agrees that it will promote fairness and predictability for survivor annuitants who made decisions regarding Medicare Part B enrollment based on the expectation that the annuitant's Part B exception would continue to apply to them. As noted by commenters, this approach will also ensure the individuals who reasonably relied on the deceased annuitant's Part B exception do not later become subject to a Medicare Part B late enrollment penalty which could make coverage unaffordable or even result in the loss of coverage. Accordingly, OPM is finalizing as proposed.

Enrollment in the Initial Contract Year—5 CFR 890.1605(c)

Section 890.1605(c) implements the automatic enrollment requirements of the PSRA found at 5 U.S.C. 8903c(f)(2). As proposed, OPM would automatically enroll each Postal Service employee, annuitant, and their covered family members into a plan offered by their 2024 FEHB Carrier if the carrier offers a 2025 PSHB plan. If the carrier offers the corresponding plan in FEHB and PSHB in 2025, with at least one option that has equivalent benefits and cost sharing, the enrollees and their covered family would be enrolled into that carrier's plan and the equivalent option. If the carrier does not offer an equivalent option, the enrollees and their family members would be enrolled in the lowest cost option that is not a high deductible health plan (HDHP) and does not charge an association or membership fee, unless the only option is a HDHP. If the only option is a HDHP, individuals would be enrolled in that carrier's HDHP.

Individuals enrolled in a carrier's 2024 FEHB plan where the carrier does not offer a 2025 FEHB plan would be enrolled in the carrier's 2025 PSHB plan if the plan offers at least one option with similar benefits and cost sharing as the 2024 FEHB plan. Individuals would be enrolled into the similar option with similar benefits and cost sharing as the 2024 FEHB option. If there is no similar option, individuals would be enrolled in the lowest-cost option of the 2025 PSHB plan. If the plan has more than two options, the individuals would be enrolled the lowest cost option that is not a HDHP.

If an individual's 2024 FEHB Carrier's plan does not meet any of the other criteria, that individual would be enrolled in the lowest cost nationwide plan that is not a HDHP and does not

[1] OPM's PSHB Program information can be found at *https://www.opm.gov/healthcare-insurance/pshb/.*

[2] MyHR is the new USPS human resources website and is only accessible to USPS employees. The name and location of USPS human resources website is subject change with time.

[3] Keeping Posted is a USPS-operated website providing benefits information targeted at Postal retirees. The PSHB resources page can be accessed at *https://www.keepingposted.org/postal-service-health-benefits.htm.* The name and location of the USPS website is subject change with time.

[4] Under 5 U.S.C. 8903c(a)(1), as adopted by reference in 5 CFR 890.1602(b), the definition of a Medicare covered individual excludes those eligible to enroll pursuant to sections 1818 and 1818A of the Social Security Act. All references to Medicare Part A should be read to exclude those enrolled under these sections.

charge an association or membership fee. All determinations on equivalent or similar plans would be determined by OPM. All Postal Service annuitants and employees would be automatically enrolled into the same enrollment type (self, self plus one, or self and family), as their 2024 enrollment type. All automatic enrollment decisions would take into account the geographic region limitations of the plan offered.

Commenters were generally supportive of the approach in proposed § 890.1605(c). One carrier suggested that this approach would increase continuity of coverage and reduce administrative burdens during the transition from FEHB to PSHB. Another commenter supported the approach and stressed that the process for automatic enrollment should be made clear in educational information distributed to Postal Service employees and annuitants.

A carrier asked whether OPM intended to enroll as many enrollees as possible into a 2025 PSHB plan offered by the carrier of their 2024 FEHB enrollment and, in scenarios where this is not possible, to use the default plan as defined in § 890.1605.

Under 5 U.S.C. 8903c(f), OPM is required to automatically enroll Postal Service employees and annuitants who do not make an election to enroll in a PSHB plan during the transitional Open Season. OPM's intent is to minimize disruption for Postal Service employees and annuitants as they transition to the PSHB Program. Without a process for automatic enrollment, an individual transitioning to the PSHB Program for 2025 who takes no action during the transitional Open Season—either because they are not aware of the new program or do not understand they must make an affirmative selection in order to effectuate their enrollment—otherwise would lose their health insurance coverage for plan year 2025 (or lose eligibility for PSHB coverage altogether in the case of annuitants) unless they have a qualifying life event. The proposed automatic enrollment process would prevent such unintended loss of coverage for individuals transitioning from FEHB to PSHB. In addition, this proposal would ensure that individuals are enrolled into coverage that is equivalent or similar to their 2024 FEHB plan when available. Individuals will be enrolled into the default plan as required by the law only when enrollment with the same carrier is not available.

One commenter raised a concern about this approach as it relates to enrollees in certain U.S. territories. The commenter suggested the nationwide plans are less competitive and more expensive than the regional plans would be. The commenter recommended altering § 890.1605 so that when an enrollee's FEHB Carrier is not participating in the PSHB Program within the enrollee's geographic area and the enrollee takes no action during transitional Open Season, the enrollee would be automatically enrolled in a comparable PSHB plan offered by an approved regional carrier.

OPM appreciates the concerns raised by the commenter. The proposed approach on automatic enrollment aligns with the statutory requirements under 5 U.S.C. 8903c(f)(2), which, in certain circumstances, includes automatically enrolling an individual in the lowest-cost nationwide plan option that is not a HDHP and does not charge a membership fee. For individuals in certain geographical areas, enrollees may have limited PSHB plan options. In some cases, certain carriers offering plans in geographic areas with fewer PSHB Carriers would not be included in the automatic enrollment hierarchy proposed in § 890.1605. OPM recognized that, in some instances, under the proposed automatic enrollment hierarchy, individuals may be enrolled into a plan that does not best meet their needs. However, the proposed approach is designed to meet the needs of the majority of Postal Service enrollees, while ensuring that all Postal Service enrollees have continuous coverage without requiring active plan selections. Therefore, OPM is finalizing § 890.1605 as proposed. This approach will ensure that the vast majority of PSHB enrollees who take no action during transitional Open Season will have the best outcome for 2025 coverage. OPM is adopting this approach to ensure that the majority of Postal Service enrollees who do not actively select a plan are not surprised with an unexpectedly high premium and ensures as robust of a network as possible across the United States, regardless of the enrollee's location.

In addition, pursuant to 5 CFR 890.301(n), which describes how OPM determines the lowest-cost nationwide plan option, OPM reserves the right to select an alternate plan for automatic enrollment if circumstances warrant it, as determined by OPM. Therefore, if, for example, OPM determines that the automatic fallback option for enrollees in a certain geographic area is not in the best interest of enrollees, OPM may designate an alternate plan option most suitable to the circumstances of those enrollees.

Enrollees are encouraged to review all available PSHB plans leading up to and during the upcoming transitional Open Season to assist them in making the best selection for their personal circumstances. OPM's PSHB decision support tool is designed to provide enrollees with the information necessary to make an informed decision regarding PSHB coverage. The tool is scheduled to be available by Open Season at *www.opm.gov/pshb.*

OPM is finalizing its proposal with two minor technical changes. In § 890.1605(c), OPM is replacing the reference to ''§ 890.1605(b)'' with the term ''paragraph (b) of this section'' for consistency within the section. In § 890.1605(c)(1), OPM is replacing the term ''same'' with the term ''corresponding'' for consistency within the section. Otherwise, OPM is finalizing § 890.1605 as proposed.

Opportunities To Enroll, Change Enrollment, or Reenroll; Effective Dates—5 CFR 890.1606(c) and (d)

OPM proposed to amend 5 CFR 890.1606(c) related to automatic reinstatement of enrollment for individuals returning to civilian status after separation from the uniformed services, as described in 5 CFR 890.305. OPM identified that this proposal was included in the NPRM in error and is not finalizing this proposed amendment in this rule. 5 CFR 890.1606(c) remains unchanged.

OPM proposed to amend 5 CFR 890.1606(d) to reflect the initial decision and reconsideration process that would govern PSHB eligibility or enrollment decisions as proposed in § 890.1607. As proposed, this provision was also amended to remove the existing cross-references to the process set forth at § 890.104, which would no longer apply to PSHB. See the discussion below for additional details about the initial decision and reconsideration process under 5 CFR 890.1607. OPM did not receive any comments on the proposed amendments to § 890.1606. OPM is finalizing 5 CFR 890.1606(d) as proposed.

Initial Decision and Reconsideration—5 CFR 890.1607

OPM proposed a process for initial decisions and reconsideration to reflect OPM's new role in eligibility determinations. As proposed, individuals would file a request with the employing office or OPM, as applicable. OPM would be responsible for initial decisions concerning family member eligibility determination under § 890.302, as well as initial decisions concerning whether a Postal Service annuitant or their family member is not required to enroll in Medicare Part B

because the annuitant or family member is entitled to Department of Veterans Affairs (VA) benefits under 38 U.S.C. 1705(a), or whether a Postal Service annuitant or their family members is not required to enroll in Medicare Part B because they are eligible for health services from the Indian Health Service (IHS). OPM would also be responsible for initial decisions based on information OPM receives as the result of an information sharing agreement between OPM and a source agency. As proposed, a reconsideration must be an independent review at or above the level at which the initial decision was issued. Reconsiderations must be filed within 30 calendar days from the date of the decision stating the right to reconsideration. The employing agency or OPM can extend the time limit if the individual shows they were not informed, needed to obtain information from an outside source, or if they were prevented by circumstances beyond their control from complying with the time limit. The employing agency or OPM would issue a final decision within 30 days of the request for reconsideration.

OPM did not receive any comments on this proposal. OPM is finalizing as proposed with a minor technical correction in § 890.1607(d) to change a reference to the ''employing office'' to ''employing agency'' for consistency within the section. Otherwise, the provision is finalized without modification.

Disenrollment, Removal, Termination, Cancellation, and Suspension—5 CFR 890.1608(b)

As proposed, a Postal Service annuitant or family member who is required, as a condition of PSHB Program eligibility, to be enrolled in Medicare Part B but is not enrolled in Part B, would be given a one-time opportunity to enroll in Part B during the next available Medicare enrollment period. As proposed, the individual would not be removed from PSHB coverage until after the end of the next Medicare enrollment period. OPM requested comment on this proposal, including the deadline by which the individual must be enrolled in Part B before PSHB coverage is terminated.

Commenters generally supported the proposed one-time opportunity for individuals who are required to be, but are not yet, enrolled in Part B in order to be eligible to enroll in the PSHB Program. One carrier commented that this approach provides clear parameters for enrollees, smooths the transition to PSHB, and reduces the risk of interruption in an individual's health coverage. A carrier also commented to support the proposed approach but requested that OPM provide Postal Service annuitants with as generous of a window as possible to enroll in Part B, noting that the goal is to assist people with enrolling in Part B as soon as possible. A commenter sought confirmation that the approach outlined would allow individuals who are required to enroll in Part B, but have not done so, to remain enrolled in a PSHB plan if they enroll in Part B during their next Medicare enrollment period. The commenter suggested that, if the individual fails to enroll in Part B at that point, OPM may disenroll the individual from the PSHB plan.

One commenter, a union organization, suggested the Medicare Part B enrollment deadline for these individuals should be the end of the next Medicare General Enrollment Period that starts at least six months after the individual is required to enroll in Part B, suggesting that this privilege would be infrequently utilized. In some cases, such as where the individual is required to enroll near the end of a calendar year, the enrollment opportunity could run beyond a full year, because the next Medicare General Enrollment period would not start at least six months after the individual is required to enroll in Part B.

OPM supports providing a generous opportunity for Part B enrollment and understands that the PSHB program eligibility rules and enrollment processes may be confusing for Postal Service annuitants and their families during the early stages of this program, especially as it relates to the Part B enrollment requirement. It is for these reasons that OPM proposed the one-time enrollment opportunity for these individuals. The approach proposed by the commenter, recommending extending the deadline to the Medicare General Enrollment Periods starting at least six-months after the individual is required to enroll in Part B, could conflict with the cost savings intent of the PSRA. Providing PSHB enrollees, in certain circumstances, with more than a full plan year to enroll in Part B could result in a higher cost burden on USPS and the PSHB program. This cost-saving goal must be balanced against the flexibility provided to enrollees. OPM agrees with the commenter's assertion that these enrollment opportunities should be needed infrequently, particularly as education and experience regarding the PSHB Program improves and believes that the policy as proposed by OPM will provide sufficient flexibility for these individuals to enroll in Part B and remain enrolled in the PSHB Program. OPM is finalizing with two minor technical corrections. In § 890.1608(b) the term ''re-enroll'' has been replaced with ''reenroll'' to conform to drafting conventions in Subpart P. In § 890.1608(b)(6), the term ''from'' was moved within the first sentence from after ''. . . initial decision disenrolling them from PSHB or removing . . .'' to after ''them'' and before ''coverage under a PSHB enrollment at the time OPM becomes aware of the Medicare disenrollment'' to correct a typographical error.

Information Sharing—5 CFR 890.1612(f) and (g)

OPM proposed to amend the information sharing provisions at § 890.1612 by adding new paragraphs (f) and (g). First, in subsection (f), OPM proposed to provide a written notice prior to issuing an initial decision on eligibility for PSHB enrollment or coverage based on information or data OPM receives from a source agency through an information sharing agreement that establishes a basis that the individual may be ineligible for PSHB enrollment or coverage. The proposed notice would include certain required information, such as the specific data impacting the individual's PSHB enrollment or coverage, source agency contact information, timelines, and information on the individual's rights during the dispute. OPM solicited comments on this proposal.

In proposed paragraph (g) of § 890.1612 OPM proposed that, if OPM issues an initial decision to remove or disenroll the individual based on the information or data from a source agency, the individual would have reconsideration rights pursuant to § 890.1607. As proposed, reconsideration would be limited to the data or information from the source agency that was before OPM at the time OPM made the initial decision.

OPM did not receive any comments on these proposals. OPM is finalizing as proposed.

A trade association commented to request that OPM expand its information sharing rule at 5 CFR 890.1612 to include the entire FEHB Program, not just PSHB, and allow carriers access to that database for coordination of benefits and Section 111 reporting purposes. The commenter noted that Medicare Part A becomes primary over FEHB coverage on the last day of work preceding retirement and requests that OPM include a field for this date in the database.

OPM appreciates this feedback, but this comment is beyond the scope of

this rulemaking. As a general matter, OPM agrees that information sharing between agencies is critical to administer the PSHB Program effectively. OPM is not expanding its information sharing effort to the entire FEHB Program since the PSRA's information sharing provisions are intended to implement the PSHB Program and its Medicare enrollment requirement for certain Postal Service annuitants and their family members. Similarly, OPM does not intend to provide the information that is the subject of interagency information sharing agreements with carriers, except in limited circumstances required to operate the PSHB Program as permitted under the Privacy Act.

Postal Service Contract Year Beginning Date, Medicare Late Enrollment Penalty, Calculations for the Postal Service Retiree Health Benefits Fund, and Clarifications of Statutory Terms—5 CFR 890.1613(a), (c), and (e)

OPM proposed in § 890.1613(a) to calculate the contributions and withholdings for coverage for the PSHB program as described under 5 U.S.C. 8906 and subpart E of part 890. As proposed, the subscription charge and the Government contribution would begin on January 1 of each year for Postal Service annuitants and Postal Service employees.

Under § 890.1613(c), OPM proposed that, upon request from the USPS, and until the Postal Service Retiree Health Benefits Fund (the PSRHBF) is depleted, OPM will pay out from the PSRHBF any late enrollment penalties required under section 1839(e)(1) of the Social Security Act for individuals who enrolled during the Special Enrollment Period established under section 1837(o) of the Social Security Act (42 U.S.C. 1395p). As required under the PSRA, if the PSRHBF is depleted, the Postal Service will pay the late enrollment penalties from the Postal Service Fund, established under 39 U.S.C. 2003. OPM has proposed to prioritize use of the PSRHBF to pay health benefit premiums of individuals described in 5 U.S.C. 8906(g)(2)(A) before use of the PSRHBF for payment of late enrollment penalties.

In § 890.1613(e), OPM proposed that the ''net claims costs'' in the calculation in 5 U.S.C. 8909a(e)(1) is equivalent to ''estimated net claims costs'' as defined in 5 U.S.C. 8909a(g). As proposed, the computations for post-retirement health obligations computed under 39 U.S.C. 3654(b) will be performed using an aggregate entry-age normal cost method described in 5 U.S.C. 8331(17) and in accordance with OPM's actuarial funding methods under 5 U.S.C. 8348(h). OPM proposed to remove the word ''future'' from before ''net claim costs'' in § 890.1613(e)(1) to clarify the equivalence in terms is between net claims costs and estimated net claims costs.

OPM did not receive any comments on these proposals. OPM is finalizing as proposed with a minor technical correction in § 890.1613(c) to change a reference to the ''special enrollment period'' to ''Special Enrollment Period'' to conform with the drafting conventions of the Social Security Act. Otherwise, OPM is finalizing without change.

Other Administrative Provisions—5 CFR 890.1614(a)

OPM proposed to amend § 890.1614(a) to reflect OPM's central role in administering the PSHB enrollment process. As proposed, OPM may make prospective or retroactive corrections of administrative errors at any time and may make a correction of an administrative error for purposes of equity and good conscience, in addition to ordering an employing office to make such corrections. OPM, rather than the employing office, would also be able to make retroactive corrections of enrollee enrollment code errors. OPM proposed to adopt the standards in § 890.103(d) with the addition of a reference to PSHB. As proposed, retroactive corrections would be subject to withholdings and contributions under the provisions of both §§ 890.502 and 890.1613.

OPM did not receive any comments on these proposed amendments to 5 CFR 890.1614(a). OPM is finalizing as proposed.

Crediting Separate Reserves for PSHB—5 CFR 890.1615

OPM proposed a Reserve credit methodology for crediting the reserves from FEHB options to PSHB options. To effectively credit reserves OPM proposed definitions that only apply for crediting purposes. These definitions include 2024 FEHB Option premium, 2024 Postal Service premium, Amount available, Corresponding PSHB option, Option, Plan, and Runout. OPM proposed to credit reserves as soon as practicable on or after January 1, 2025, using the methodology proposed in this section. Reserves will be credited by determining the 2024 Postal Service premium by multiplying the 2024 FEHB Option's enrollment types (self only, self plus one, self and family) by the number of Postal Service enrollments of the Option and taking the sum of those amounts. OPM will then determine the Postal Service Percentage, which is the 2024 premium attributable to Postal Service enrollees divided by the 2024 premium attributable to both Postal Service and non-Postal Service enrollees, for each 2024 FEHB Option. OPM proposed to apply that percentage to the amounts available in the 2024 FEHB Option's reserves, taking into account the need for Runout, for each 2024 FEHB Option as of December 31, 2024. OPM will credit the resulting reserve amount to the PSHB Options for 2025. The reserves will be allocated to the PSHB Options, for experience-rated and community-rated Options, depending on the conditions that the Option meets. Each condition is based on the number of 2024 FEHB Options and the number of Corresponding PSHB Options offered by the carrier in 2025. OPM also proposed conditions for 2024 FEHB Carriers that do not offer a 2025 PSHB plan and for those 2025 PSHB Carriers that do not offer a 2025 FEHB plan.

As proposed, OPM will estimate the Runout amount considering any income attributable to periods for FEHB experience-rated Options. Finally, OPM proposed that any funds OPM receives under 5 U.S.C. 8909(b) for premiums attributable to periods on or before, but not yet received by, December 31, 2024, will be credited to PSHB Options' and FEHB Options' Contingency Reserves using the Reserve Credit methodology detailed above.

Two commenters addressed the reserve credit portion of the proposed rule. A carrier commented to note the importance of codifying reserve allocation guidance provided in a detailed carrier letter, Methodology for Crediting Postal Service Health Benefits (PSHB) Program Plan Reserves and Earned FEHB Medical Loss Ratio Credits (Letter Number 2023–13),[5] dated July 19, 2023, on the topic of reserve credit and stated its appreciation for this detailed guidance. A trade association commented to request that OPM confirm that the letter remains in effect except to the extent it conflicts with this rule.

OPM confirms that Carrier Letter 2023–13 remains in effect. While OPM is unaware of any conflict between Carrier Letter 2023–13 and this rule, nonetheless we agree that a conflict between the Carrier Letter and the rule would properly be resolved in favor of this rule.

[5] Methodology for Crediting Postal Service Health Benefits (PSHB) Program Plan Reserves and Earned FEHB Medical Loss Ratio Credits (Letter Number 2023–13), July 19, 2023, available at *https://www.opm.gov/healthcare-insurance/carriers/fehb/2023/2023-13.pdf.*

Another commenter sought clarity on requirements for Runout accounts. Specifically, the commenter asked whether plans would need two separate runout accounts: one for FEHB paying claims for services rendered on or before December 31, 2024, but paid after January 1, 2025, and another account for PSHB.

As it relates to Runout accounts, there could be up to three LOCA Runout accounts: one for paying FEHB claims for services rendered on or before December 31, 2024, but paid after January 1, 2025, one for FEHB claims for services on or after January 1, 2025, and one for PSHB claims for services on or after January 1, 2025.

A commenter also recommended that OPM promote fair allocation of carrier reserves.

As stated in the proposed rule and Carrier Letter 2023–13, reserves will be allocated proportionately, based on 2024 premium attributable to the Postal Service and non-Postal Service populations for each Option. OPM considered incorporating a risk component in the allocation of reserves; however, OPM determined the method outlined in Carrier Letter 2023–13 is most consistent with current FEHB practice.

Finally, a trade association requested that OPM issue guidance soliciting waiver requests from any FEHB plan that expects the cost of calculating the reserve transfer will approximate or exceed the amount of the reserve transfer, with a submission deadline of October 1, 2024.

This comment is outside of the scope of this regulation. OPM notes that any carrier concerns can be addressed to the appropriate contracting officer.

OPM is finalizing the proposal without changes.

Medicare Part D—5 CFR 890.1616

§ 890.1616(a): Carrier Requirement To Offer Medicare Part D Prescription Drug Benefits

As proposed, a carrier offering a plan in the PSHB program must provide prescription drug benefits to any Part D-eligible Postal Service annuitant and their family members who are Part D-eligible through a Medicare Part D employer group waiver plan (EGWP). The carrier must offer a Part D EGWP through a prescription drug plan (PDP) EGWP or contract with a PDP sponsor. A carrier may, with the approval of OPM, offer a Medicare Advantage plan (MAPD) EGWP in PSHB; however, the carrier must also offer a PDP EGWP. All PSHB Carriers must be approved by and contracted with CMS prior to offering PSHB Part D coverage through a PDP or MAPD EGWP.

A commenter recommended that OPM allow carriers to decide whether to offer a PDP EGWP or MAPD EGWP, or both, rather than requiring PSHB Carriers to offer a PDP EGWP as the default method of Part D benefits integration.

Section 8903c(h)(2) of title 5 U.S.C. states that OPM ''shall require each Program plan'' to provide prescription drug benefits to Part D-eligible Postal Service annuitants and their eligible family members through a PDP EGWP or ''through a contract with a PDP sponsor.'' The statute requires all carriers to offer a PDP EGWP to all Part D-eligible annuitants and their Part D-eligible family members. OPM's final rule ''Postal Service Reform Act; Establishment of the Postal Service Health Benefits Program'' (at 89 FR 37061) permits carriers to offer an MAPD EGWP, as approved by OPM, in PSHB so long as the carrier also offers a PDP EGWP pursuant to the statutory requirement. OPM does not have the authority under the statute to permit carriers to decide whether to offer a PDP EGWP in the PSHB Program.

Another commenter suggested that OPM align PSHB EGWP guidance with existing FEHB EGWP guidance.

While the PSHB is included under the FEHB Program umbrella, PSHB is subject to distinct statutory requirements, including those governing the requirement to offer a PDP EGWP and to integrate Medicare Part D benefits under 5 U.S.C. 8903c(h)(1) and (2). When enacting the PSRA, Congress was addressing specific policy goals, including increasing enrollment in Medicare by USPS annuitants and promoting long term financial health for the PSHB Program, which require certain variances from policies that are generally applicable in the FEHB Program. As discussed in more detail below, the specific statutory requirements governing the PSHB Program as well as the unique policy goals of PSHB require separate regulations, policies, and implementation of PSHB EGWPs within the FEHB Program.

OPM is finalizing the proposal without changes.

§ 890.1616(b): Prescription Drug Coverage Under a PSHB Plan Through Medicare Part D and § 890.1616(e): Effect of Opting Out of Group Enrollment Into or Disenrolling From a Medicare EGWP

In 5 CFR 890.1616(b), OPM proposed that Postal Service annuitants and family members who are Part D-eligible must be enrolled in the PSHB plan's Part D EGWP to receive prescription drug coverage under the PSHB plan. A Part D-eligible individual who is not covered by the EGWP would not receive prescription drug coverage as a benefit under the PSHB plan. OPM also proposed that a Part D-eligible individual would also not receive prescription drug coverage through their PSHB coverage if they opted out of the PSHB Part D group enrollment process in 5 CFR 890.1616(e) and did not otherwise select a PDP EGWP or MAPD EGWP associated with their PSHB plan.

As proposed, OPM would require all PSHB Carriers to group enroll all Part D-eligible Postal Service annuitants and their Part D-eligible family members into the EGWP offered by their PSHB plan. This proposal is consistent with CMS rules [6] and permits these Part D-eligible individuals to opt out of the group enrollment process. OPM proposed that, if an individual opts out of group enrollment, the individual would not receive prescription drug coverage under the PSHB plan. The individual would retain their rights to change their elections during Open Season or a qualifying life event and could later elect to enroll in Part D coverage offered by their chosen PSHB plan.

OPM received numerous comments on these proposals. One carrier stated they were aligned with the proposal and stated that they are prepared to proceed as proposed. Another carrier supported the approach and noted the importance of ensuring PSHB enrollees understand their options for receiving prescription drug coverage. The carrier suggested that allowing Part D-eligible individuals to opt out of the PDP EGWP and into an MAPD EGWP serves the interests of annuitants.

Other commenters, including individuals and a union, indicated that individuals may want to opt out of the Part D plan offered by their PSHB Carrier to avoid paying an Income-Related Monthly Adjustment Amount (IRMAA), an income-related monthly adjustment amount assessed and applied by Medicare. An individual commenter also noted that Postal Service annuitants and their family members who opted out of Part D would be paying for a plan that includes drug coverage and not receiving any of the

[6] *See* 40.1.6—Group Enrollment Mechanisms for Employer/Union Sponsored PDPs, Medicare Prescription Drug Benefit Manual, Chapter 3—Eligibility, Enrollment and Disenrollment, available at *https://www.cms.gov/Medicare/Eligibility-and-Enrollment/MedicarePresDrugEligEnrol/Downloads/CY_2018_PDP_Enrollment_and_Disenrollment_Guidance_6-15-17.pdf.*

benefits because declining Part D coverage would not result in a reduced premium. Another commenter noted that Part D enrollees cannot use drug company discounts for expensive drugs, thus limiting PSHB enrollees' access to these discounts.

A union representing Federal employees and retirees stated that it believes OPM incorrectly interpreted the statute, specifically noting that the PSRA does not impose a Part D enrollment requirement on Medicare Part D-eligible Postal Service annuitants but instead mandates that PSHB Carriers provide prescription drug benefits through Part D benefits integration. The union suggested that Congress would not create detailed grandfathering and exemption provisions from the Part B requirement and not do the same for Part D if the Part D provisions were a mandate. Thus, the commenter concluded that Congress intended to allow Part D-eligible individuals to opt out of the Part D EGWPs without losing all prescription drug coverage under the PSHB plan. Instead, the commenter suggested, OPM and carriers could limit the number of opt-outs by educating Postal Service annuitants about the substantial changes to the Part D program in 2025. Several commenters also noted that the PSRA does not impose a Part D enrollment requirement on Medicare Part D-eligible Postal Service annuitants and their family members, but instead mandates that PSHB plans provide prescription drug benefits through Part D. Several commenters requested that OPM allow Postal Service annuitants and their family members to choose whether to enroll in the Part D EGWP offered by their PSHB plan or to retain the non-Medicare prescription drug coverage offered by their PSHB plan.

Finally, a trade association commented asserting that the FEHB program is subject to Section 1557 of the Affordable Care Act (ACA) and that a Medicare-eligible annuitant in the PSHB program could allege the Part D opt-out proposal violates Section 1557's prohibition on age discrimination. This commenter argued that this proposal would impose additional cost-sharing or impose other limitations on coverage for a protected class of individuals. The commenter requested that OPM provide a legitimate, non-discriminatory basis for this proposal.

OPM appreciates these comments and the thoughtful concerns they raised. OPM believes that its proposed approach—namely, that Part D-eligible Postal Service annuitants and their eligible family members who opt out of the Medicare Part D plan offered by their PSHB plan will lose prescription drug benefits under their PSHB plan—is most consistent with the PSRA and its policy goals. As commenters noted, the PSRA, at 5 U.S.C. 8903c(h)(2), clearly requires carriers to provide PSHB prescription drug benefits to Part-D eligible annuitants and their Part-D-eligible family members through a Medicare Part D EGWP. And it requires, at 5 U.S.C. 8903c(c)(2), for carriers to integrate Part D coverage. While commenters are correct that the PSRA does not explicitly require Part D-eligible annuitants and their family members to enroll in Medicare Part D as a condition of PSHB enrollment—and, indeed, CMS regulations afford individuals that are group enrolled into a Part D EGWP the right to opt-out—the PSRA's express goal is to create cost savings for the PSHB Program, in part through shifting costs to Medicare. OPM believes that requiring Part D-eligible annuitants and their Part D-eligible family members to obtain PSHB prescription drug coverage through a Part D EGWP, rather than through their PSHB plan, best advances Congress' intent.

Further, OPM expects very few PSHB enrollees and family members to opt out of or decline coverage from their PSHB plan's Part D EGWP, as the vast majority of individuals eligible for Part D will be better off retaining their PSHB prescription drug coverage, there will be seamless coordination between the PSHB plan and Medicare, and the cost of the Part D EGWP will be included in their PSHB premium, with no reduction for those who opt out. Those who choose to opt out of group enrollment into the PSHB plan's EGWP or decline enrollment once effectuated will be doing so after receiving notice regarding the loss of prescription drug coverage under the PSHB plan. For these reasons, OPM is finalizing the proposal to require Part D-eligible Postal Service annuitants and their eligible family members to receive their prescription drug benefits under their PSHB plan through the Medicare Part D plan offered by their PSHB plan.

OPM is, however, making changes in response to comments expressing concern about the consequences of opting out of or disenrolling from the Part D EGWP for individuals who make the choice inadvertently or without full awareness of the implications of their decision. OPM is finalizing with changes to 5 CFR 890.1616(d), discussed in more detail in a separate section, and paragraph (e) to address these concerns. OPM believes that these changes will add important protections for Part D-eligible annuitants and their Part D-eligible family members.

OPM is amending proposed 890.1616(e) to add new subparagraph (4) establishing enrollment flexibility to individuals who opt out or decline the plan's Part D EGWP due to an error. OPM is clarifying that a Part D-eligible annuitant or family member who is not enrolled in the Part D EGWP, either by opting out of group enrollment or actively declining the plan's Part D EGWP, can enroll in the plan's Part D EGWP during this limited enrollment flexibility. This flexibility is available where an individual opted out or declined the plan's Part D EGWP due to an error. OPM's policy is to construe this flexibility broadly, especially during the first year of the PSHB Program, consistent with applicable law.

This enrollment flexibility will allow individuals who are not enrolled in the Part D EGWP to enroll in Part D EGWP coverage within 90 days from the date at which their Part D coverage would have been effective. The effective date of the enrollment will be retroactive to the extent permitted in CMS regulations and guidance. OPM has determined the high risk of confusion, especially during early years of implementation of the PSHB Program, and the potential consequences for Part D-eligible annuitants and family members associated with errors around Part D EGWP enrollment, warrants this flexibility to allow for corrections when timely reported. OPM notes that this enrollment flexibility itself does not impact whether or not an individual may be subject to a Part D LEP if they remain without Medicare Part D or other creditable prescription drug coverage for more than 63 consecutive days.[7] As the PSHB Program matures and there is more familiarity with Part D, the need for this flexibility is anticipated to decline and it is our expectation that it will be needed infrequently.

Recognizing that the flexibility in § 890.1616(e)(4)(i) may not provide sufficient time for all individuals to request correction of Part D EGWP enrollment errors, OPM is further clarifying in § 890.1616(e)(4)(ii) that individuals who identify an error 91 days or more after their plan's effective date can also request Part D EGWP plan corrections with a prospective effective date. An individual may be permitted to enroll or reenroll into the Part D EGWP plan offered by their PSHB plan option based on exceptional circumstances, broadly defined and as determined by OPM. The effective date of enrollment

[7] *See* 42 CFR 423.46(a).

will be prospective. The flexibilities described above are limited to new Part D EGWP enrollments (either PDP or MAPD, as applicable). The flexibility does not permit a change to the individual's PSHB plan enrollment and does not permit an individual to change enrollment from a PDP EGWP to an MAPD EGWP, or from an MAPD EGWP to a PDP EGWP, offered by their PSHB plan. OPM appreciates and shares commenters' concerns with making sure that all PSHB enrollees have access to prescription drug coverage. OPM believes that its final rule—which requires Part D-eligible annuitants and their Part D-eligible family members to obtain drug coverage through a Part D EGWP but provides significant enrollment flexibility for those who opt out of Part D inadvertently or without understanding the consequences—appropriately balances the PSRA's express goals of cost-savings with the important goal of protecting enrollees and making sure they have the option of obtaining prescription drug coverage.

In response to the comment raising concerns related to Section 1557 of the Patient Protection and Affordable Care Act (ACA), and age discrimination issues in particular, OPM notes that discrimination complaints in the PSHB are not subject to the Section 1557 complaint process; rather, as stated in HHS's May 6, 2024 final rule implementing Section 1557, entitled ''Nondiscrimination in Health Programs and Activities,'' 89 FR 37522, 37627, HHS will ''refer to OPM complaints alleging discrimination in the FEHB Program (including the Postal Service Health Benefits Program).'' More substantively, OPM ensures that the FEHB and PSHB Programs comply with applicable Federal nondiscrimination laws, and, as noted above, has chosen this approach to Part D coverage for multiple nondiscriminatory reasons, including that it is most consistent with the PSRA and helps advance the PSRA's cost-saving goals.

Medicare Part D Enrollment for Part D-Eligible Postal Service Annuitants and Family Members Living Abroad

One commenter, a carrier organization, noted that individuals living outside of the United States cannot obtain Medicare Part D coverage, as eligibility is limited to individuals who live within a Part D plan's service area, which must be within the United States. The commenter suggested that Part D-eligible Postal Service annuitants and their family members who live outside the United States and its territories be exempt from the requirement that their PSHB plan may only provide them with prescription drug coverage through a Part D EGWP. OPM appreciates this comment raising this important issue regarding access to Part D coverage outside of the United States.

After considering these issues, OPM recognizes the need for a narrow exception to the proposal to group enrollment and limitation of prescription drug coverage for Part D-eligible annuitants and their eligible family members who reside outside of the Part D plan's service area and are ineligible to enroll in Medicare Part D. Under CMS rules, individuals must live within a Part D plan's service area to be eligible to enroll in that Part D plan.[8] OPM is clarifying in the final rule that Part D-eligible Postal Service annuitants and their family members who live outside of the United States (including the 50 States, the District of Columbia, the Commonwealth of Puerto Rico, the Virgin Islands, Guam, American Samoa, and the Northern Mariana Islands) would not be group enrolled into their PSHB plan's Part D EGWP because they reside outside of the Part D plan's service area and are therefore not eligible to enroll. Accordingly, OPM is amending § 890.1616(b) to clarify that PSHB plans may not group enroll individuals residing outside of the United States into the Part D plan and must provide these individuals with prescription drug coverage through the PSHB plan benefits.

§ 890.1616(c): PSHB Plan Enrollment or Disenrollment and Medicare EGWPs

In § 890.1616(c), OPM proposed that changes to PSHB enrollments during Open Season or because of a qualifying life event, as defined in part 892, would include the ability to change enrollment in the Part D EGWP offered by the PSHB Carrier.

Two commenters, a carrier and an individual, requested clarity on the specific timeframes and circumstances in which an individual would be allowed to enroll into a Part D EGWP or make changes to their enrollment. The individual asserted that FEHB MAPDs allow members to enroll in or disenroll from the MAPD during the plan year and asked whether Postal Service enrollees would only be allowed to enroll in the PSHB MAPD EGWP during Open Season or pursuant to a qualifying life event. The commenter also requested clarity on whether the Medicare Part D-eligible annuitant who opts out of or disenrolls from their PSHB plan's MAPD EGWP would be automatically enrolled in their PSHB plan's PDP EGWP or would instead receive no prescription drug benefits under PSHB.

We appreciate these comments and requests for clarification. Consistent with the rules governing FEHB enrollment, PSHB enrollees will be allowed to make changes to their enrollment during Open Season or subject to a qualifying life event. These existing rules will apply to PSHB Part D coverage, either through the PSHB PDP EGWP or an MAPD EGWP, the same as they apply to the PSHB plan, meaning a Part D-eligible annuitant or family member will have an opportunity to enroll in Part D coverage during the next available Open Season or during any qualifying life event that may apply. An individual who opts out of or disenrolls from their PSHB MAPD plan would have opted out of the Part D plan offered by their PSHB Carrier and would not receive prescription drug coverage as a benefit under the PSHB plan unless they make an active plan selection into the PDP EGWP during Open Season or any available qualifying life events (or during the flexibility period under 1616(e)(4)). The individual would not be automatically group enrolled into the PSHB Carrier's PDP EGWP. OPM is finalizing as proposed.

§ 890.1616(d): Carrier Requirements for Group Enrollment Into Medicare EGWPs

OPM proposed that all carriers automatically group enroll all Part D-eligible Postal Service annuitants and their eligible family members into the plan's Part D EGWP. Group enrollment is a waiver permitted by CMS that allows carriers to enroll individuals into the Part D EGWP without the need for the individual to complete an additional enrollment. All carriers are required to comply with all applicable CMS requirements, including all notice requirements for group enrollment into PDP and MAPD EGWPs. As proposed, the group enrollment requirement for carriers does not impact the individual's right to choose a PSHB plan during Open Season or during a qualifying life event.

The proposed requirement for automatic group enrollment applies to both PDP and MAPD EGWPs. For PDP EGWPs, the carrier, at the end of Open Season or during a qualifying life event, would be required to automatically group enroll Part D-eligible annuitants and their Part D-eligible family members into the PDP EGWP, unless the individual elects to enroll into the plan's MAPD EGWP or opts out of group enrollment. For MAPD EGWPs, at the

[8] *See* 42 CFR 423.4, 423.30 and 423.44(b)(2)(i), as well as 42 CFR 422.2, 422.50(a)(3), and 422.74(b)(2)(i).

end of Open Season or during a qualifying life event, the carrier must automatically group enroll Part D-eligible Postal Service annuitants and family members if they elect to enroll in the carrier's MAPD EGWP. During the 2025 transitional Open Season, a PSHB MAPD EGWP may only automatically group enroll individuals if they were covered by the carrier's 2024 FEHB MAPD or if the individual actively elects to enroll in the carrier's MAPD plan for plan year 2025. OPM has also proposed that in addition to CMS notice requirements, that each year, not less than 30 days prior to Open Season, PSHB Carriers must send notice to Part D-eligible individuals detailing that the carrier intends to group enroll the individual into the Part D plan, that the individual may opt out of the group enrollment, the impact of opting out, the date by which the individual must opt out, how to opt out, that the individual will not receive prescription drug coverage under the PSHB plan, and that no adjustment will be made to the premium. An MAPD plan must also inform the individual that they may enroll in the plan's PDP EGWP and inform individuals that they may be required to remain enrolled in Medicare Part B to maintain eligibility for the PSHB Program.

Two carriers expressed support for the use of automatic group enrollment of individuals eligible for Part D and not currently receiving a Medicare Part D product. Each commenter counseled caution, however, stressing the importance of coordination between OPM and carriers to ensure smooth enrollment and clear communication to affected enrollees, as well as the tight timing between group enrollment, Open Season, and the January 1 PSHB coverage effective date.

OPM appreciates the comments in support of this proposal as well as comments raising concerns about the potential risks associated with this proposal. OPM is committed to working closely with PSHB Carriers to ensure a seamless process for Part D-eligible annuitants and their Part D-eligible family members. OPM understands the carriers' concerns about the timeline between Open Season and the PSHB coverage effective date of January 1, 2025. OPM is working on additional guidance for carriers to ensure a smooth transition to the PSHB Program for both the enrollees and the carriers. OPM is clarifying that all Part D-eligible Postal Service annuitants and their eligible family members will be automatically group enrolled into the Part D plan offered by their carrier in 2025. There is no limitation to only those annuitants and family members currently enrolled in a Part D plan in 2024. Additionally, OPM is amending § 890.1616(d)(1)(ii), to require the carriers to group enroll and provide the required notice to all Postal Service annuitants and family members, annually. This amendment requires carriers to annually group enroll all Medicare Part D-eligible Postal Service annuitants and family members regardless of the individual's decision to opt out of the plan's Part D EGWP in the prior plan year. OPM is amending this section in consideration of the comments, as detailed in § 890.1616(b) and (e), about the risk of Postal Service annuitants and family members not understanding the consequences of opting out of the group enrollment into the Part D EGWP offered by their PSHB plan. This amendment will require an individual to opt out of the Part D EGWP offered by their PSHB plan on an annual basis.

OPM is finalizing the Medicare Part D group enrollment requirement with the amendments described above.

§ 890.1616(f): EGWP Prescription Drug Benefits

OPM proposed that a carrier must provide the same prescription drug benefits to Part D-eligible individuals under the PDP or MAPD EGWP, as the carrier provides to the non-Part D-eligible individuals enrolled in prescription drug benefits under the PSHB plan, except to the extent necessary to integrate Medicare Part D prescription drug benefits, as determined by OPM. OPM identified that in the preamble text this standard was described as requiring carriers to offer ''equal or better'' benefits in their Part D plans as is offered in the PSHB plan formulary, whereas in the proposed regulatory text the standard was described as ''the same.'' This error is addressed in the final rule, as discussed in more detail below.

Several commenters provided feedback on this proposal. One commenter supported the approach, emphasizing the importance of OPM's position. A carrier commented that it understood the proposal to require Part D EGWP formularies to cover the same medications as PSHB formularies, with equivalent or better cost-sharing and tiering.

A Federal employee association requested clarification about the difference in language used in the preamble to the proposed rule, proposing the ''equal or better'' standard, from the proposed regulatory language at 5 CFR 890.1616(f), proposing that benefits must be the ''same.'' This commenter requested additional clarity around these standards to ensure Part D-eligible individuals receive coverage that is equal or better than existing coverage. A commenter asserted that some Part D coverage offered in the FEHB Program in plan year 2024 may not have met the equal or better standard, noting that in certain instances tier classifications may have resulted in enrollees paying higher out-of-pocket costs for the same prescription medication. This commenter supported language included in the 2024 Carrier Call Letter,[9] issued February 8, 2024, which included a requirement that PDP EGWP formularies include the same covered drugs at the same or lower cost-sharing as the plan's non-PDP EGWP formulary, and encouraged OPM to incorporate similar language in the final rule to ensure that Part D coverage is really equal to or better than PSHB plan drug coverage.

A carrier requested further clarity regarding the specifics of formulary match standards between the Part D EGWP prescription drug benefit and the PSHB plan prescription drug benefit. The commenter requested greater detail on formulary design requirements and clarity on cost implications. This commenter further stated that carriers could promote health care savings and promote enrollee choice in the PSHB Program by designing PSHB formularies to meet the needs for active employees, while designing PDP formularies to meet the needs of Medicare Part D-eligible individuals.

One commenter suggested that the language in proposed § 890.1616(f) is not strong enough to ensure that Part D drug coverage will be equal to or better than PSHB plan drug coverage. The other suggested a potentially unintended impact on the ability to generate cost savings based on the proposed requirement that Part D EGWP formularies cover the same drugs as PSHB formularies, with equivalent or better cost-sharing and tiering. The commenter suggested that the requirement for parity in prescription drug benefits could limit the flexibility needed to leverage rebates and innovative pricing strategies effectively on the smaller membership population. These constraints might reduce the potential for cost savings typically achieved through negotiated agreements and formulary management within the Part D framework. They suggested that

[9] *See* Federal Employees Health Benefits and Postal Service Health Benefits Programs Call Letter, Office of Personnel Management, Letter No. 2024–04, Feb. 8, 2024, available at *https://www.opm.gov/healthcare-insurance/carriers/fehb/2024/2024-04.pdf* at pp 6–7.

OPM consider these factors to ensure that the implementation of this requirement does not inadvertently hinder cost-saving opportunities for the PSHB Program and its enrollees.

OPM appreciates these comments requesting additional clarifications and is finalizing with amendments to provide more clarity and to better ensure Postal Service annuitants and family members who are Medicare Part D enrollees receive at least equal benefits to those offered in the corresponding PSHB plan, to the extent consistent with applicable Medicare Part D requirements. OPM previously provided carriers with details on PSHB formulary requirements in Carrier Letter 2024–06,[10] and OPM is amending § 890.1616(f) to explicitly incorporate these standards. Section 890.1616(f), as amended, adds new paragraphs (1) and (2) that require that the Part D EGWP formularies within the PSHB Program include the same medications, products, and supplies as covered in the PSHB formulary with the same or lower cost-sharing, and that carriers may not lower or otherwise limit or restrict benefits, such as by limiting the number or types of medications on the formulary or increasing cost sharing, offered in the PSHB formulary to meet this standard. New paragraph (3) provides that OPM has authority to grant exceptions to these requirements, in OPM's discretion to the extent necessary and consistent with applicable law, where requested by carriers.

We appreciate comments seeking additional flexibility to innovate and leverage prescription medication rebates. While OPM appreciates the benefits that may be derived from carrier innovation, the need to ensure all PSHB enrollees receive equal benefits, regardless of their Part D eligibility status, outweighs the potential theoretical benefits that may be derived through the types of innovations commenters asserted may be limited by the proposed approach. OPM believes that this approach strikes a balance between innovation and ensuring that all individuals in the PSHB Program continue to have access to the same high quality prescription drug coverage.

Medicare Part D Premium

One individual commenter expressed concern that mandating payment of Medicare Part D premiums will increase the cost of health coverage for Postal Service annuitants, given they will already be required to pay Medicare Part B premiums.

OPM appreciates this comment seeking clarity regarding the Part D premium. A Part D-eligible Postal Service annuitant and family member enrolled in the Part D EGWP will not pay an additional premium for Part D coverage. Part D coverage is included in the premium for PSHB coverage. The FEHB Program requires that all FEHB enrollees enrolled in the same plan and coverage level, as well as all PSHB enrollees enrolled in the same plan and coverage level, pay the same premium whether an eligible individual chooses to stay in or opt out of the available Part D EGWP.[11] This means that those who opt out of Part D coverage will not receive a reduction in premium costs as a result of opting out of Part D.

Comments Beyond the Scope of This Rulemaking

The following comments are outside of the scope of this rulemaking, but OPM summarizes them here for the sake of completeness.

Contracting and Carrier Requirements

A trade association submitted comments raising several questions pertaining to contracting issues. The commenter asserted that OPM did not request advance agreement as it relates to precontract costs under the FEHBAR (48 CFR 1631.205–77) from FEHB plans joining the PSHB Program, asserting that OPM stated this would be an unnecessary technicality. The commenter requested that OPM state in the final rule that such precontract costs ''are allowable to the extent they would have been allowable if incurred after the date of the contract.'' OPM appreciates this comment, but it is beyond the scope of the proposed rule.

PSHB Special Enrollment Period

Two commenters made suggestions regarding the Postal Service Reform Act's Medicare Part B Special Enrollment Period, which ran from April 1, 2024, through September 30, 2024. One commenter suggested that the existence of a Medicare Part B Special Enrollment Period for Postal Service annuitants is wrong or unlawful given that a number of Postal Service annuitants are already paying late enrollment penalties for Medicare Part B. This commenter requested that USPS pay Part B late enrollment penalties for *all* Postal Service annuitants, regardless of when the Postal Service annuitant or the family member enrolled in Medicare Part B. The other commenter suggested USPS would not pay Part B late enrollment penalties for those who enroll in Part B during the Postal SEP.

With respect to the first comment, we note that the Special Enrollment Period at issue is established by the PSRA. In any event, both comments are beyond the scope of this rulemaking.

Automatic Enrollment Into Medicare Part B

One commenter suggested that OPM explore with SSA and CMS automatic enrollment into Medicare Part B like there is for Part D group enrollment.

OPM appreciates this commenter's suggestion to simplify the Medicare Part B enrollment requirement for Postal Service annuitants and their eligible family members and promote administrative simplicity, but this comment is outside of the scope of this regulation.

True Out-of-Pocket and Maximum Out-of-Pocket Metrics

One carrier commenter recommended that OPM maintain separate accumulation metrics for true out-of-pocket (TrOOP) and maximum out-of-pocket (MOOP) metrics, suggesting that integrating the two metrics could strain government budgets by allowing individuals to reach their out-of-pocket limits quicker and placing more of the cost burden on the Federal system. Another carrier commenter added that the Inflation Reduction Act (IRA) included significant changes to the PDP plans that go into effect on January 1, 2025. The changes make the PDP designs institute zero-dollar cost share once the enrollee meets the $2,000 TrOOP.

OPM appreciates these comments, but they are outside the scope of this regulation.

General Program Education

Multiple comments from USPS employees, annuitants, and their families made it clear that enrollee and family member education remain very important as the PSHB Program moves towards implementation and providing coverage. Several commenters asked for available resources to learn about Medicare-related options and costs, as well as eligibility requirements for the PSHB, rights related to the Medicare Part B Special Enrollment Period, and how Medicare-related matters relate to PSHB integration. Another requested a PSHB plan comparison tool to facilitate plan selection during the first PSHB Open Season.

OPM appreciates commenters raising these questions and concerns and

[10] Technical Guidance and Instructions for 2025 Benefit Proposals, Letter No. 2024–06, March 7, 2024, available at *https://www.opm.gov/healthcare-insurance/carriers/fehb/2024/2024-06.pdf.*

[11] *See* 5 U.S.C. 8906(d).

understands the importance of providing Postal Service employees and annuitants with sufficient information to make informed PSHB plan enrollment decisions. While these comments are out of scope, OPM reminds stakeholders of the range of educational resources currently available from OPM [12] and USPS through the MyHR [13] PSHB page and *keepingposted.org,*[14] in addition to PSHB educational resources mailed to employees and annuitants. Anyone with questions about the range of options available under the PSHB Program and the impacts on Postal Service employees and annuitants are encouraged to review all available resources.

In addition, individuals will have available a web-based decision support tool to simplify the comparison of covered benefits, premiums, provider networks and pharmacy information for enrollees choosing among a wide array of plan choices. OPM plans to launch the tool in late October, and it will be available within the PSHB System, the online enrollment portal.

OPM continues to work closely with USPS to develop and release PSHB educational materials for Postal Service employees, annuitants, and their family members. In June 2024, OPM posted a series of FAQs explaining parts of the proposed rule for consumers.[15] In late July 2024, USPS developed and distributed a new PSHB guide covering OPM's proposed rules on EGWP coverage, among other relevant updates.

Regulatory Changes in This Final Rule

OPM is making several changes to this final rule from the NPRM in response to comments as well as changes to address one error in the proposed rule and several technical corrections.

OPM is making minor technical corrections throughout this rule to replace the term ''open season'' with ''Open Season'' to reflect drafting conventions in part 890 of Title 5. OPM is also making minor technical corrections throughout this rule to add the term ''paragraph'' where applicable to conform with drafting conventions in part 890 of Title 5. This change was made to §§ 890.1602(c)(4), 890.1604(d)(3)(i), and 890.1616(f).

Section 890.1606(c)

The proposed rule included a proposed amendment to § 890.1606(c). This amendment was included in error, so OPM is not finalizing this proposal.

Section 890.1605(c)

OPM is making a minor technical correction in § 890.1605(c) to replace the reference to ''§ 890.1605(b)'' with the term ''paragraph (b) of this section'' for consistency within the section.

OPM is making a minor technical correction in § 890.1605(c)(1) to replace the term ''same plan'' with the term ''corresponding plan'' for consistency within the section.

Section 890.1607(d)

OPM is making a minor technical correction in § 890.1607(d) to replace the term ''employing office'' with the term ''employing agency'' for consistency within the section.

Section 890.1608(b)

OPM is making two minor technical corrections in § 890.1608(b). First, the term ''re-enroll'' has been replaced with ''reenroll'' to conform to drafting conventions in Subpart P. In § 890.1608(b)(6), the term ''from'' was moved to correct a typographical error.

Section 890.1613(c)

OPM is making minor technical corrections in this section to replace the term ''special enrollment period'' with ''Special Enrollment Period'' to conform to drafting conventions of the Social Security Act.

Section 890.1616(a)

OPM is making minor technical corrections in this section to add the term ''section'' prior to 1860D–22(b), (c)(1), to conform to the drafting conventions of the Social Security Act.

Section 890.1616(b)(1)

Under 5 CFR 890.1616(b), a Part D-eligible individual (as defined in section 1860D–1(a)(3)(A) of the Social Security Act) must be enrolled in their PSHB plan's Part D EGWP by their PSHB Carrier in order to receive prescription drug coverage under the PSHB Program. However, under CMS regulations at 42 CFR 423.30(a)(1)(ii), an individual who is living abroad is not eligible to enroll in Part D as they cannot meet the requirement of residing in the service area of a Part D plan.

In § 890.1616(b)(1), OPM is clarifying that a Part D-eligible Postal Service annuitant or family member of annuitant who resides outside of the United States must not be group enrolled in the Part D EGWP. Instead, these individuals will receive non-Medicare prescription drug coverage provided by the PSHB plan for as long as they reside outside of the United States.

Section 890.1616(d)

In consideration of the comments about the risk of Postal Service annuitants and family members not understanding the consequences of opting out of the Part D EGWP offered by their PSHB plan, OPM is amending § 890.1616(d)(1)(ii), to require the carriers to group enroll and provide the required notice to all Postal Service annuitants and family members, annually. This amendment also requires carriers to annually group enroll all Medicare Part D-eligible Postal Service annuitants and family members regardless of the individual's decision to opt out of the plan's Part D EGWP in the prior plan year. This amendment will require an individual to opt out of the Part D EGWP offered by their PSHB plan on an annual basis. OPM is making this change in part to address concerns about individuals losing access to prescription drug benefits unintentionally.

Section 890.1616(e)(4)

OPM received several public comments expressing concern for individuals who may opt out of or disenroll from the Part D EGWP due to a lack of complete understanding of the consequences of that decision, despite OPM's and USPS's best efforts to provide education and awareness to the affected population. In the interest of providing greater flexibility for Postal Service annuitants and their family members during the transition to PSHB, OPM is establishing a Part D EGWP enrollment flexibility for Part D-eligible Postal Service annuitants and their eligible family members. This enrollment flexibility will allow these individuals to enroll in their PSHB plan option's Part D EGWP for up to 90 days after the start of the plan year or the effective date of coverage after a qualifying life event that permitted a plan change. For those who utilize the enrollment opportunity, Part D coverage will be retroactive to the extent permitted by CMS regulations and guidance. In addition, for individuals who seek to enroll after 90 days, an individual will be permitted to request to enroll or reenroll into the Part D plan offered by their PSHB plan option based on exceptional circumstances, as

[12] OPM's PSHB Program information can be found at *https://www.opm.gov/healthcare-insurance/pshb/.*

[13] MyHR is the new USPS human resources website and is only accessible to USPS employees.

[14] Keeping Posted is a USPS-operated website providing benefits information targeted at Postal retirees. The PSHB resources page can be accessed at *https://www.keepingposted.org/postal-service-health-benefits.htm.*

[15] Office of Personnel Management, Postal Service Health Benefits Program, ''PSHB Program NPRM FAQ,'' June 11, 2024, available at *https://www.opm.gov/healthcare-insurance/pshb/#url=FAQs.*

determined by OPM. For those who utilize this enrollment opportunity, Part D coverage will be prospective as permitted by OPM regulations. These enrollment flexibilities are limited. This flexibility does not permit a change to the individual's PSHB plan enrollment and does not permit an individual to change enrollment from a PDP EGWP to an MAPD EGWP, or from an MAPD EGWP to a PDP EGWP.

OPM notes that a Part D-eligible individual may be subject to a Part D LEP if they remain without Medicare Part D or other creditable prescription drug coverage for more than 63 consecutive days.[16] This possible LEP is not affected by the availability of the enrollment opportunity. This Part D LEP is separate and apart from the Part B LEP that is paid by the Postal Service for annuitants participating in the PSRA SEP. All Part D LEP for delayed Part D enrollment is the responsibility of the enrollee.

Section 890.1616(f)(1) & (2)

As proposed in the NPRM, carriers would be required to provide the same prescription drug benefits to Part D-eligible individuals under a PSHB plan's EGWP as the prescription drug benefits provided to individuals covered under the PSHB plan who are not eligible for Part D and not enrolled in the PSHB plan's EGWP except to the extent necessary, as determined by OPM, to integrate the Medicare Part D prescription drug benefit coverage.

As a result of comments received, OPM is amending § 890.1616(f) by changing ''the same as'' standard to ''equal to or better'' to correct the drafting error in the NPRM. OPM is also adding new (f)(1), (2), and (3) to specify that: (1) Prescription drug benefits under the EGWP must cover the same medications as in the PSHB formulary with the same or lower cost-sharing, to the extent consistent with applicable Medicare provisions; (2) Carriers must not lower benefits, such as by limiting the number or types of medications on the formulary or increasing cost sharing offered in the PSHB formulary to meet this standard; and (3) a carrier may request OPM approval to offer different medications, products, or supplies, or modify cost sharing on their EGWP formulary, subject to OPM's approval, where the requests are necessary and consistent with applicable law.

[16] *See* 42 CFR 423.46(a).

Expected Impact of This Final Rule

Statement of Need

This rulemaking follows a previous rulemaking[17] implementing sections 101 and 102 of the PSRA, which directed OPM to establish the PSHB Program for Postal Service employees, Postal Service annuitants, and their eligible family members. The PSHB Program is codified within 5 U.S.C. chapter 89, which governs the FEHB Program generally.

While developing and implementing the regulatory provisions found in the initial rulemaking, OPM determined that a number of topics associated with the PSHB Program needed further refinement, development, or clarification. For example, in the initial rulemaking, OPM enacted procedures for handling requests for reconsideration of initial decisions affecting enrollment in the PSHB Program. After further consideration, OPM determined that specific changes were needed to distinguish the different relationship between employing offices and OPM as it relates to the PSHB Program as compared to the FEHB Program. Similarly, several regulatory changes to the PSHB Medicare Part B requirement were identified as needed to make the transition from FEHB, where there is no Medicare Part B requirement, to PSHB as consumer friendly as possible and to provide policies for certain processes and situations that were not contemplated when the interim final rule was initially developed. As an example, OPM received public comments on the interim final rule concerning survivor annuitants as it relates to the Medicare Part B requirement indicating a need to provide clear regulation of the treatment of this group and informed the proposal in the proposed rule.

In addition, some issues required more time for policy development and were not able to be included in the initial rulemaking. Those issues included reconsiderations of PSHB eligibility decisions, various applications of the Medicare Part B enrollment requirement, allocation of reserves credits, calendar year alignment of Government contribution requirements, financial reporting and actuarial calculations, premium payment prioritization from the PSRHBF, and Medicare Part D integration.

Because the PSRA included a statutory deadline for OPM to publish regulations for the program, OPM reserved for this rulemaking some of the more complex issues that required more time than the interim final rule timeframe allowed, such as the methodology for allocation of reserve credits. This rulemaking provides an additional vehicle for a more comprehensive regulatory scheme before the PSHB Program begins operation in 2025.

OPM is finalizing the provisions in 5 CFR 890.1607 regarding reconsiderations, which will ensure that policies and procedures related to eligibility decisions in the PSHB Program properly account for aspects that are unique to the PSHB Program. Without these clarifications, there would be confusion among agencies as to their responsibilities when faced with a PSHB reconsideration request. These PSHB-specific reconsideration regulations also account for the use of a centralized enrollment system, which is not used for enrollment in FEHB plans. Because some of the data used in eligibility determinations will come from source agencies rather than OPM directly, the regulations establish a multistep process for an affected individual where the information does not belong to OPM and therefore cannot be independently verified.

OPM is further clarifying Medicare Part B requirements and exceptions in this rulemaking. While the most common Part B exception scenarios are provided in the PSRA and largely clarified in detail through OPM's initial rulemaking, the scenarios addressed in this final rule regarding the applicability of the Medicare Part B requirement and exceptions to survivor annuitants were beyond the scope of the initial rulemaking. Confusion or inequitable treatment among current or future Postal Service annuitants and their family members could result if OPM does not address these scenarios before PSHB enrollment begins.

Several of the policies found in this rulemaking are necessary to properly operationalize financial aspects of the PSHB Program before it begins in 2025. The inclusion of the methodology for the allocation of reserve credits from 2024 FEHB plans, with Postal Service employee and Postal Service annuitant enrollees, to 2025 PSHB plans is necessary to implement the calculations of this one-time allocation that is required in order create the reserves for PSHB plans. Implementing

[17] The previous rulemaking referred to here is the collective interim final rule and the final rule under the title Postal Service Reform Act; Establishment of the Postal Service Health Benefits Program. These documents are herein referred to collectively as the ''initial rulemaking.'' The final rule can be found at 89 FR 37061, which adopted the provisions of OPM's interim final rule, published at 88 FR 20383, with minor clarifying changes.

requirements that align the government contribution adjustment for Postal Service employees and Postal Service annuitants with the calendar year is necessary to ensure the adjustment aligns with the PSHB plan year, which is also on a calendar-year basis. Regulations regarding financial reporting and actuarial calculations are necessary to align PSRA financial requirements of both OPM and USPS with current actuarial methods. This rule's provisions regarding prioritizing premium payments from the PSRHBF, and thereafter Medicare Part B late enrollment penalty payments, establish an order of priority for funds. Without this section, it would be unclear how OPM prioritizes payments statutorily allowed from the PSRHBF at times when the fund may be depleted.

Finally, the integration of Medicare Part D benefits into the PSHB Program, which is a significant aspect of the PSRA, requires further regulation, particularly as it relates to group enrollment into the Part D EGWP as well as how an individual may opt-out or decline Part D coverage and the consequences of doing so. This clarification is necessary to fully implement the Part D integration sections of the PSRA, as interpreted and determined appropriate by OPM, in compliance with Medicare regulations and requirements.

In addition, this rulemaking is necessary to clarify the meaning of the statutory provision contained in 5 U.S.C. 8903c(h)(2) that requires carriers to provide prescription drug benefits to Postal Service annuitants and their eligible family members who are Part D-eligible (as defined in the statute) through employment-based retiree health coverage via a Part D prescription drug plan (PDP) or contracts between a carrier and a PDP sponsor. Specifically, this rule codifies preamble discussion from the interim final rule stating that a carrier may, in addition to offering one of the above options, also offer a Medicare Advantage Prescription Drug (MAPD) Plan. This rule codifies that carriers must group enroll all Medicare Part D-eligible annuitants and their eligible family members, consistent with applicable CMS requirements, including the right to opt out or decline Part D EGWP coverage. This rule further clarifies that PSHB Part D EGWP prescription drug coverage must be equal to or better than the PSHB prescription drug coverage available to active PSHB employees and their family members, to ensure that Medicare Part D-eligible PSHB annuitants and their eligible family members continue to receive the same high level of coverage. Further, the rule makes clear that the only way that a Medicare Part D-eligible annuitant or their eligible family member may receive PSHB prescription drug coverage is through a carrier's PSHB EGWP, unless the Part D-eligible annuitant or their eligible family member resides outside of the United States. OPM determined that regulations were necessary to provide clarity to both carriers and Postal Service annuitants on implementation of 5 U.S.C. 8903c(h)(2). These issues were not addressed in the initial rulemaking with sufficient clarity for the regulated community and other stakeholders.

Impact

This rulemaking establishes additional requirements and clarifications for the operations and management of the PSHB Program. Based on OPM's estimates, OPM determined that this regulation will not have a significant impact on the broader Federal health insurance market. In 2023, Postal premiums accounted for about 21% of the total FEHB premiums, meaning that Postal Service employees, Postal Service annuitants, and their family members make up about one fifth of health insurance carriers' overall FEHB books of business.

As with the initial rulemaking, this rulemaking is intended to help promote the financial stability and long-term viability of the Postal Service by implementing the PSHB Program as effectively as possible, while ensuring minimal disruptions to enrollees during the early years of the program. The largest potential impact from this rule is found in the regulatory portions addressing reserves. OPM estimates that $4.9 billion of the estimated $23 billion in total FEHB reserves—which includes contingency reserves and the Letter of Credit Account within the EHB Fund—as of the end of 2023 is attributable to the Postal population. In addition, OPM estimates that the vast majority of PSHB enrollees will remain with the same carrier during the move from FEHB to PSHB. In this scenario, the move of funds from FEHB to PSHB reserves will have no economic impact—the money will remain with the same carrier, still overseen by OPM. Based on 2023 enrollment and expected carrier participation in the PSHB, OPM estimates that the total reserves that will be transferred between carriers will be approximately $100 million.

The other changes in this rule are not expected to be economically significant. The reconsideration process largely mirrors that of the FEHB Program, except to the extent the PSHB Program requires incorporation of verification of the requirement to enroll in Medicare Part B. Discussions of the application of various Part B exceptions are clarifications rather than deviations from the status quo. To the extent there are impacts from the various proposals, they are discussed below.

A. Impacts on PSHB Carriers

The reserves policies addressed in this rule will result in a shift of funds from FEHB plan reserves to PSHB Option reserves based on the proportion of enrollment attributable to Postal Service employees and Postal Service annuitants between 2024 and 2025. However, as discussed above, in large part we expect these funds to shift between plans or Options within the same carrier, as we expect many PSHB enrollees to remain with their current FEHB Carrier to the extent possible.[18]

B. Impacts on PSHB Enrollees

The rule provides clarification on several circumstances concerning Medicare Part B enrollment requirements and exceptions under the PSHB Program. The rule clarifies treatment of survivor annuitants as well as Postal Service annuitants and family members returning to the U.S. after living abroad as it relates to PSHB Program exception regarding Medicare Part B enrollment. These clarifications benefit affected enrollees and family members by providing greater certainty relating to an affected individual's rights or responsibilities concerning Part B enrollment as they remain enrolled in the PSHB Program. They also allow affected enrollees and family members to plan ahead when making Medicare enrollment decisions upon reaching Medicare eligibility.

This rule also reiterates the policy first included in the interim final rule at 88 FR 20387 and codified at 5 CFR 890.1608(b)(2) that individuals who are required under the PSRA to enroll in Medicare Part B in order to enroll in the PSHB Program will be given the opportunity to correct a non-enrollment in Part B if OPM discovers the discrepancy after the individual is enrolled in the PSHB Program. This policy is intended only to allow for good-faith corrections of inadvertently or mistakenly missing Part B coverage and should apply to a very small number of individuals. This rule clarifies that this opportunity is a one-time benefit, and any subsequent instances where the individual lacks required Medicare Part B enrollment

[18] The reserves for FEHB and PSHB are held in the Employees Health Benefits Fund. Interest on the reserves accrues to the Fund.

would result in PSHB termination. OPM expects the number of individuals who face multiple good-faith instances of missing Medicare Part B enrollment to be negligible, so the impact of limiting this benefit to one use will be very small.

The right to request reconsideration of PSHB Program eligibility and enrollment decisions is important to enrollees and family members. The FEHB Program has a robust reconsideration process, and the PSHB Program incorporates FEHB Program rights and processes where appropriate. However, this rulemaking is necessary to clarify differences due to several unique aspects of the PSHB Program. Without these clarifying regulations, enrollees could face confusion over which agency should receive their reconsideration request and how they may challenge an adverse PSHB determination that is not covered by the reconsideration process related to FEHB plan eligibility and enrollment. Most notably, the PSHB Program contains a Medicare Part B enrollment requirement for many Postal Service annuitants and eligible family members, which does not exist for annuitants or family members eligible for enrollment in FEHB plans. OPM will receive information from various source agencies that have the ability to verify certain information about an individual upon which OPM can determine PSHB eligibility and compliance with Medicare Part B requirements.

C. Impacts on Employing Agencies

Under this rule, employing agencies (USPS for Postal Service employees, or OPM for Postal Service annuitants) will have similar responsibilities when addressing reconsideration requests for the PSHB Program as they do for the FEHB Program. With the Medicare Part B requirement for most Medicare-eligible Postal Service annuitants and eligible family members in order to be enrolled in or covered under the PSHB Program, there will be additional verification for affected Medicare-eligible Postal Service annuitants and family members. In addition to performing verification checks where appropriate, an adverse outcome for enrollees and family members may increase the number of eligibility reconsideration requests made by individuals seeking coverage.

This rule will also ensure that the government contribution adjustment for PSHB premiums aligns with the January 1 to December 31 PSHB plan year already set out in the May 6, 2024 Final Rule. Changing the effective date for the government contribution adjustment to align with the PSHB plan year will have a slight impact on employing agencies that are responsible for ensuring amounts withheld from the pay of each enrolled Postal Service employee and from the annuity of each enrolled Postal Service annuitant are correctly calculated and align with the pro-rated period of coverage for which premium is being paid and that may need to adapt procedures for timing the adjustment. Because the changes to the plan year and government contribution adjustment date only apply to the PSHB Program, the overall impact is limited to USPS, OPM, and DOL.

OPM determined that prioritizing PSHB premium payments over Medicare Part B late enrollment penalties payments from the PSRHBF will not result in increased costs for USPS, regardless of the extent to which Postal Service annuitants take advantage of the PSRA Medicare Part B Special Enrollment Period. Should the PSRHBF be depleted at any time and OPM is unable to pay Part B late enrollment penalties out of the fund, the Part B late enrollment penalties will be paid directly by USPS' general operating fund, as described in the PSRA. The status of the PSRHBF will not jeopardize USPS' ability to pay these penalties on behalf of their Postal Service annuitants.

Carriers will need to account for the Part D opt-outs in calculating overall premiums, although the effect of opt-outs on premiums is expected to be insignificant. The impact for enrollees who retain Part D coverage through the PSHB plan is expected to be negligible; however, the impact for any Part D-eligible individual who opts out will be large as those who opt out will pay an identical premium but receive no prescription drug benefit through PSHB. In the event that they opt out erroneously or due to not understanding the negative implications of doing so, the financial penalty could be severe. Out-of-pocket drug costs can be high, particularly for name brand drugs, and should an individual later choose to opt back into the Part D EGWP, they may be faced with a Part D late enrollment penalty from Medicare. In an effort to ensure that all PSHB enrollees understand the consequences of opting out of Medicare Part D under the PSHB plan, OPM and USPS will provide education regarding the consequences of opting out of Part D coverage and the effect that will have on their prescription drug benefits. This education will be provided in addition to a detailed notice that all PSHB enrollees will receive, as required by CMS regulations. OPM is also finalizing the rule to provide enrollment flexibility for Medicare Part D-eligible annuitants and family members who opt out or disenroll from their plan's Part D EGWP in error. OPM seeks to ensure that any individual who opts out is doing so based on an informed understanding of the consequences and that anyone who opts out in error can have their Part D EGWP enrollment corrected.

Costs

OPM does not anticipate that this regulatory action will result in significant or quantifiable economic costs. The provisions related to reserves are strictly distributional and are not expected to result in any costs. Discussions of the application of the various PSHB Program Medicare Part B exceptions are clarifications of the requirements established in the interim final rule. Thus, while costs may be incurred as a result of specific, individual scenarios, these costs were addressed in the initial rulemaking and will not be significantly impacted by the clarifications provided by this rule.

In particular, this rule clarifies the May 6, 2024 final rulemaking provision related to PSHB enrollees and family members who are belatedly discovered to be ineligible based on their non-enrollment in Part B by limiting the exception to a one-time privilege, thus minimizing the potential costs to agencies. To the extent that these scenarios result in additional costs, OPM anticipates that these would be negligible, given the number of eligibility checks, and would be infeasible to quantify. Because enrollees and family members who use this one-time privilege may be responsible for a Part B late enrollment penalty, there remains a financial incentive to enroll in Part B when first eligible.

Benefits

As with the interim final rule, this final rule is intended to promote the financial stability and long-term viability of the Postal Service by implementing the PSHB Program as effectively as possible. The resulting societal benefits associated with these outcomes were appropriately discussed in the interim final rule and are not expected to be significantly impacted by these clarifications.

Distributional Effects

OPM estimates that $4.9 billion of the $23 billion in 2023 FEHB reserves will be attributable to PSHB enrollees, based on 2023 enrollment, and will therefore be reallocated to PSHB plans in 2025. Despite the size of funds being reallocated, OPM does not expect these

transactions to result in an economically significant transfer, as defined in OMB Circular A–4, for several reasons.

First, although allocated to individual plans, unobligated reserves ultimately belong to the FEHB and PSHB Programs upon the carrier's discontinuation of its plan under the FEHB. Program Payments or transfers from the contingency reserves are regulated, as outlined in 5 CFR 890.503 and in 48 CFR chapter 16, the Federal Employees Health Benefits Program Acquisition Regulation (FEHBAR) at 48 CFR 1632.770, and balances are closely monitored by OPM to ensure compliance with minimum balance standards. Further, if an existing Employee Organization plan is discontinued and not merged with other Employee Organizations under the FEHB Program, or if a Comprehensive Medical Plan is discontinued under the FEHB Program, the reserve balances credited to those plans are redistributed to the plans continuing under the FEHB Program, as indicated at 5 U.S.C. 8909(e).

Second, OPM estimates that more than 97% of the reserve fund transfers will be attributed to FEHB Carriers that plan to offer PSHB plans. In these cases, reserve funds will remain with the carrier and will be reallocated from FEHB plans to the PSHB plans, as outlined in the proposed methodology (scenarios found in § 1615(c)(5)(i)–(iii). Thus, to the degree that reserve funds afford any monetary benefit, the aggregated benefit afforded to the carrier, across the entire portfolio of plans offered, would remain the same.

Third, OPM estimates that less than 3% of the funds transferred will be attributed to FEHB Carriers that *do not* plan to offer PSHB plans. In these cases, a portion of the reserve funds for each FEHB plan will be redistributed across the PSHB Options based on the percentage of 2024 premiums attributable to Postal enrollees, as described in the proposed methodology (scenario found in § 1615(c)(5)(iv)). Based on 2023 enrollments and anticipated carrier participation in the PSHB Program, OPM estimates that the total amount of these between-carrier transfers will be approximately $100M, well below the $200M threshold for economic significance.

Alternatives

This rule provides that individuals eligible for Medicare Part D *may* opt out of group enrollment or disenroll from the Part D EGWP associated with their PSHB plan. As a result of opting out or disenrolling from their PSHB plan's Part D EGWP, the individual *will not* receive prescription drug benefits under the Part D EGWP or under the PSHB plan. OPM considered this policy and several alternatives extensively and ultimately decided on the policy as written considering enrollee and family member interests, the PSRA Medicare integration requirement, the cost saving intent of the PSRA, and consistency with Medicare regulations.

One alternative approach would have been to prohibit Part D-eligible individuals from opting out of the Part D EGWP associated with their PSHB plan. Construing Medicare Part D as an eligibility requirement would promote the goals of the PSRA by establishing Program-wide enrollment in Part D, consistent with Congressional intent to promote access to high-quality drug coverage and savings to the PSHB Program. This approach combined with the group enrollment feature of Medicare EGWPs would limit inadvertent failure to enroll or inadvertent disenrollment from Medicare Part D and provide administrative simplicity for OPM and carriers. Making Medicare Part D an eligibility requirement, however, would create a burden for those who may have an alternative Part D plan or for those who cannot access Part D benefits, such as individuals living abroad. It would require a host of exceptions to a Part D enrollment requirement. This approach would also require carriers to communicate with OPM and Postal Service annuitants and family members to ensure that they are aware that disenrolling or failing to enroll in Part D would not only result in loss of access to prescription drug coverage but also result in loss of PSHB coverage. For Postal Service annuitants, PSHB coverage in retirement cannot be reinstated once it is terminated. As established in the PSRA, the requirement to provide Medicare Part D through a PDP EGWP rests with the carrier. There is no equivalent requirement placed on a Postal Service annuitant or their family member to enroll in Medicare Part D, which is a voluntary program. The PSRA does not expressly require Postal Service annuitants to enroll in Part D. While OPM identified several benefits of this approach, OPM has declined to require enrollment in Part D as an eligibility requirement as it is not the most reasonable interpretation of the statute.

Another alternative OPM considered was to allow Part D-eligible individuals to opt out of the Part D EGWP and receive prescription drug benefits through their PSHB plan. This approach is consistent with the current structure in the FEHB program, which does not require carriers to offer Medicare Part D EGWPs. Annuitants who are not Postal Service annuitants and who are enrolled in FEHB plans receive comprehensive drug coverage through their FEHB plan without a need to enroll in a Medicare Part D plan. However, OPM determined this was not the best interpretation of the statute in light of Congressional intent. Congress expressly mandated the integration of Medicare Part D in the PSHB Program to coordinate benefits between PSHB plans and Medicare Part D prescription drug coverage. Congress intended to achieve cost savings to USPS through this coordination in part by providing prescription drug coverage to Postal Service annuitants and their family members through Medicare Part D. OPM finds that any alternative approach that would provide individuals with the ability to opt out of or otherwise decline Part D coverage under the PSHB plan and then receive PSHB prescription drug benefits would not be the most efficient approach to promote these cost-savings goals.

As a result, OPM considers the policy included in this rulemaking to be the most consistent with the PSRA statutory language and Congressional intent. This proposal provides Postal Service annuitants and their family members with flexibility for enrollment in Medicare Part D while creating incentives to enroll in the Medicare Part D EGWP offered by their carrier, which are expected to lead to cost savings for the program. This proposal is also consistent with the voluntary nature of the Medicare Part D program. OPM views this approach to be the most customer centric because it avoids the potential for loss of PSHB eligibility for failing to enroll in Medicare Part D. This approach strikes a balance between Congress' intent to save costs under the PSHB Program and the prescription drug coverage needs of Postal Service annuitants and their family members.

Treatment of survivor annuitants under the Program as it relates to the requirement for Medicare Part B enrollment is another area where OPM considered alternative approaches. OPM considered whether a Medicare-eligible family member of a Postal Service annuitant could lose their exception to the Part B requirement upon the death of that Postal Service annuitant in a case where the family member does not have their own Part B exception. The rationale for this approach is that the family member's exception is derived from the Postal Service annuitant's status, and with the Postal Service annuitant no longer on the enrollment there is no Part B exception to apply to the family member. However, this

alternative approach was deemed inequitable for the family member who relied on their Postal Service annuitant's exception in making decisions on their own Medicare enrollment options. To provide the most consumer-friendly approach, OPM decided to establish the policy in this rulemaking that a family member of a Postal Service annuitant will receive that Postal Service annuitant's Part B exception permanently so that, if they become a survivor annuitant who was entitled to a Part B exception due to the status of their former Postal Service annuitant, that exception remains with them going forward.

Administrative Procedure Act

OPM finds good cause to make this final rule effective upon publication. See 5 U.S.C. 553(d)(3). As discussed more fully in the NPRM, OPM is balancing the interests of carriers and Postal Service employees, Postal Service annuitants, and their eligible family members affected by this rulemaking. OPM worked with carriers on their plan benefit proposals, and individuals who will be enrolled in the PSHB Program as of January 1, 2025, have begun receiving information regarding the transition. The provisions in this final rule are time-sensitive, as they will address the remaining issues needed to finalize the Program. For example, Postal Service Medicare covered annuitants need information about their rights so that they can make informed decisions about prescription drug coverage during the transitional Open Season.

Generally, the delay in the effective date of a final rule provides regulated parties with some time to make adjustments to come into compliance with the new regulation. For this rule, the requirements are all prospective in the sense that the PSHB Program will not be fully operational until January 1, 2025. Nonetheless, carriers have long been developing their proposals and plans for coverage and will benefit from this rule being finalized immediately. Similarly, the individuals eligible for coverage under the PSHB Program will not need to take action in response to the finalization of the rule but will benefit from the rule being final as the transitional Open Season begins.

Regulatory Flexibility Act

The Acting Director of OPM certifies that this rule will not have a significant economic impact on a substantial number of small entities.

Regulatory Review

OPM has examined the impact of this rule as required by Executive Orders 13563, 12866, and 14094, which direct agencies to assess all costs and benefits of available regulatory alternatives and, if regulation is necessary, to select regulatory approaches that maximize net benefits (including potential economic, environmental, public health and safety effects, distributive impacts, and equity). The Office of Management and Budget (OMB) has designated this rulemaking as a ''significant regulatory action'' under section 3(f) of Executive Order 12866, as supplemented by Executive Orders 13563 and 14094.

Severability

If any of the provisions of this final rule is held to be invalid or unenforceable by its terms, or as applied to any person or circumstance, it shall be severable from the remaining sections and shall not affect the remainder thereof or the application of the provision to other persons not similarly situated or to other dissimilar circumstances. For example, if a court were to invalidate any portions of this final rule regarding non-enrollment in Medicare Part B, the other portions of the rule—including the provisions regarding non-enrollment in Medicare Part D—would independently remain workable and valuable. Similarly, the portions of this rule providing procedures for challenging enrollment decisions can and would function independently of any of the other portions of this rule.

E.O. 13132, Federalism

OPM examined this rule in accordance with Executive Order 13132, Federalism, and determined that it will not have any negative impact on the rights, roles, and responsibilities of State, local, or Tribal governments.

E.O. 12988, Civil Justice Reform

This rule meets the applicable standard set forth in Executive Order 12988, Civil Justice Reform.

Unfunded Mandates Reform Act of 1995

The Unfunded Mandates Reform Act of 1995 (2 U.S.C. 1531–1538) (UMRA) requires Federal agencies to assess the effects of their discretionary regulatory actions. Section 202 of the Unfunded Mandates Reform Act of 1995 (UMRA) requires that agencies assess anticipated costs and benefits before issuing any rule that would impose spending costs on State, local, or Tribal governments in the aggregate, or on the private sector, in any 1 year of $100 million in 1995 dollars, updated annually for inflation. That threshold is currently, approximately $183 million. Although we have not been able to quantify all costs, this rule does not contain mandates that would impose spending costs on State, local, and Tribal governments or the private sector in excess of the threshold. Therefore, no actions were deemed necessary under the provisions of the Unfunded Mandates Reform Act of 1995.

Congressional Review Act

The Administrator of the Office of Information and Regulatory Affairs has determined that this rule does not meet the criteria specified in 5 U.S.C. 804(2).

Paperwork Reduction Act of 1995 (44 U.S.C. Chapter 35)

Notwithstanding any other provision of law, no person is required to respond to, nor shall any person be subject to a penalty for failure to comply with a collection of information subject to the requirements of the Paperwork Reduction Act of 1995 (44 U.S.C. 3501 *et seq.*) (PRA), unless that collection of information displays a currently valid OMB Control Number.

The information collection for form SF 2809 (OMB Control Number 3206–0160) is currently approved with an estimated public burden of 9,000 hours. OPM notes that there is a corresponding health benefits election form for retirees, OPM 2809. The information collection request (OMB control number 3206–0141) associated with that information collection is currently approved with an estimated public burden of 11,667 hours. A list of routine uses associated with these forms can be found in the Privacy Act System of Records Notice (SORN), OPM/Central-23 FEHB Program Enrollment Records, available at 89 FR 72902 (September 6, 2024) at *https://www.federalregister.gov/d/2024-20061.*

On May 6, 2024, OPM published ''Submission for Review: Revision and Consolidation of Two Existing Information Collections Related to Health Benefits Election Forms'' (89 FR 37269). This publication provided a 60-day notice for an extension of this information collection. OPM proposed changes to the SF 2809 and the OPM 2809 for clarity, ease of use, and implementation of the PSHB Program. OPM provided copies of the revised drafts of the SF 2809 and OPM 2809 forms for review in the docket at *https://www.regulations.gov/docket/OPM-2024-0011/document.* OPM is not consolidating the SF 2809 and the OPM 2809 into a single form; however, we are proposing to manage the two forms under a single information collection, OMB Control No. 3206–0160, going forward. During the 60-day comment period, OPM received fourteen

comments, including six unique comments and one comment representing eight submissions, from agencies regarding aspects of the SF 2809.

One commenter suggested that the SF 2809 form should allow one to list addresses for minor children who live at a different location than enrollee. Another commenter noted that the SF 2809 form should allow an option to remove a family member. We agree with these recommendations and are amending the SF 2809 accordingly. Three commenters suggested changes to the formatting of the paper form SF 2809. We are declining to make these changes because most enrollees will use electronic systems to enroll. There were also comments about the eOPF that were beyond the scope of this information collection request. OPM made a technical correction indicating that common law marriage must be initiated in any ''state, the District of Columbia, or other jurisdiction'' instead of ''state'' that recognizes such marriages; the technical correction accounts for common law marriages in the District of Columbia. OPM published a 30-day notice with a request for comments on September 24, 2024, at 89 FR 77899.

List of Subjects in Title 5 CFR Part 890

Administrative practice and procedure, Government employees, Health facilities, Health insurance, Health professions, Postal Service employees, Reporting and recordkeeping requirements, Retirement.

Office of Personnel Management.

Kayyonne Marston,

Federal Register Liaison.

Accordingly, OPM amends 5 CFR part 890 as follows:

PART 890—FEDERAL EMPLOYEES HEALTH BENEFITS PROGRAM

■ 1. The authority citation for part 890 continues to read as follows:

Authority: 5 U.S.C. 8913; Sec. 890.102 also issued under sections 11202(f), 11232(e), and 11246 (b) of Pub. L. 105–33, 111 Stat. 251; Sec. 890.111 also issued under 36 U.S.C. 5522; Sec. 890.112 also issued under 2 U.S.C. 2051; Sec. 890.113 also issued under section 1110 of Pub. L. 116–92, 133 Stat. 1198 (5 U.S.C. 8702 note); Sec. 890.301 also issued under 26 U.S.C. 9801; Sec. 890.302(b) also issued under 42 U.S.C. 300gg–14; Sec. 890.803 also issued under 50 U.S.C. 3516 (formerly 50 U.S.C. 403p) and 22 U.S.C. 4069c and 4069c–1; subpart L also issued under section 599C of Pub. L. 101–513, 104 Stat. 2064 (5 U.S.C. 5561 note); subpart M also issued under 10 U.S.C. 1108 and 25 U.S.C. 1647b; and subpart P issued under 5 U.S.C. 8903c.

Subpart A—Administration and General Provisions

■ 2. Amend § 890.107 by adding paragraph (f) to read as follows:

§ 890.107 Court review.

* * * * *

(f) A suit to compel enrollment or for equitable relief from an adverse enrollment action founded on 5 U.S.C. chapter 89 that is based on information received by OPM pursuant to an agreement with a source agency as defined at § 890.1602, to determine whether Postal Service annuitants or family members of such annuitants satisfy the enrollment requirements set forth in 5 U.S.C. 8903c, may not be brought later than December 31 of the 3rd year after the year in which the enrollment action was effectuated, and will be limited to the record that was before OPM when it effectuated the enrollment action.

Subpart P—Postal Service Health Benefits Program

■ 3. Amend § 890.1602 by adding in alphabetical order definitions for ''Reconsideration'' and ''Source agency'' to paragraph (c) to read as follows:

§ 890.1602 Definitions and deemed references.

* * * * *

(c) * * *

Reconsideration means the final level of administrative review of an initial decision by an employing office or OPM, as applicable.

Source agency means an agency that periodically provides information or data to OPM pursuant to an agreement under § 890.1612.

* * * * *

■ 4. Amend § 890.1604, by adding paragraphs (c) and (d)(3) and revising paragraph (f) to read as follows:

§ 890.1604 Medicare enrollment requirement for certain Postal Service annuitants and eligible family members.

* * * * *

(c) *Survivor annuitant.* (1) A Postal Service annuitant's member of family who is an annuitant as defined in 5 U.S.C. 8901(3)(B) and who is entitled to Medicare Part A must be enrolled in Medicare Part B to continue enrollment in a health benefits plan under this subpart, except as otherwise provided by paragraph (d)(3) of this section;

(2) A Postal Service employee's member of family who is an annuitant as defined in 5 U.S.C. 8901(3)(B) and who is entitled to Medicare Part A, must be enrolled in Medicare Part B to continue enrollment in a health benefits plan under this subpart, except as provided in paragraphs (d)(3)(ii) through (iv) of this section.

* * * * *

(d) * * *

(3) To a survivor annuitant, as described in paragraph (c) of this section, who:

(i) At the time of becoming a survivor annuitant the Postal Service annuitant was subject to an exception under paragraph (d)(1) of this section;

(ii) Resides outside the United States (which includes the States, the District of Columbia, the Commonwealth of Puerto Rico, the Virgin Islands, Guam, American Samoa, and the Northern Mariana Islands), provided that the individual demonstrates such residency;

(iii) Is enrolled in health care benefits provided by the Department of Veterans Affairs (VA) under 38 U.S.C. chapter 17, subchapter II, including individuals who are not required to enroll in the VA's system of patient enrollment referred to in 38 U.S.C. 1705(a), subject to the documentation requirements in paragraph (e)(2) of this section; or

(iv) Is eligible for health services from the Indian Health Service, subject to the documentation requirements in paragraph (e)(3) of this section.

* * * * *

(f) *Notification of non-enrollment in Medicare Part B.* A Postal Service Medicare covered annuitant, a Medicare covered member of family, or a survivor annuitant, as described in paragraph (c) of this section, who is required to be enrolled in Medicare Part B must promptly notify OPM or the Postal Service, in writing, if they choose not to enroll in or to disenroll from Medicare Part B as described in § 890.1608(e).

* * * * *

■ 5. Amend § 890.1605 by revising paragraph (c) to read as follows:

§ 890.1605 Enrollment in the initial contract year.

* * * * *

(c) *Automatic enrollment.* Each Postal Service employee or Postal Service annuitant who is enrolled in an FEHB plan on December 31, 2024, and does not make an enrollment action during the transitional Open Season under paragraph (b) of this section, will be automatically enrolled in the PSHB Program as follows:

(1) *Into corresponding plan.* Individuals enrolled in a carrier's 2024 FEHB plan where the carrier offers the same plan in 2025 in FEHB and offers a 2025 PSHB plan with at least one

option that has equivalent benefits and cost sharing and in the same geographic area as the 2025 FEHB plan, will be enrolled in that 2025 PSHB plan and into an option as follows:

(i) *Equivalent option.* Individuals enrolled in a carrier's 2024 FEHB option where the carrier offers that option in 2025 in FEHB and also offers a 2025 PSHB option with equivalent benefits and cost sharing as the 2025 FEHB option, as determined by OPM, will be automatically enrolled into that 2025 PSHB option; or

(ii) *No equivalent option.* Individuals enrolled in a carrier's 2024 FEHB option where the carrier does not offer a 2025 PSHB option that meets the criteria in (1)(i), will be automatically enrolled into the lowest-cost option of the 2025 PSHB plan, that is not a High Deductible Health Plan (HDHP) and does not charge an association or membership fee, except that if the only option is an HDHP, then the individual will be enrolled in that HDHP option.

(2) *Into a 2025 PSHB plan where the carrier offers no 2025 FEHB plan.* Individuals enrolled in a carrier's 2024 FEHB plan where the carrier offers no 2025 FEHB plan and offers a 2025 PSHB plan with at least one option with similar benefits and cost sharing and in the same geographic area as the 2024 FEHB plan, as determined by OPM, will be enrolled in that 2025 PSHB plan and into an option as follows:

(i) *Similar option.* Individuals enrolled in a carrier's 2024 FEHB option where the carrier offers a 2025 PSHB option with similar benefits and cost sharing as the 2024 FEHB option, as determined by OPM, will be automatically enrolled into that 2025 PSHB option; or

(ii) *No similar option.* Individuals enrolled in a carrier's 2024 FEHB option where the carrier does not offer a 2025 PSHB option that meets the criteria in paragraph (c)(2)(i) of this section, will be automatically enrolled into the lowest-cost option of the 2025 PSHB plan, or in the case where the 2025 PSHB plan has two or more options, into the lowest-cost option that is not a High Deductible Health Plan (HDHP) and does not charge an association or membership fee.

(3) *Into different plan.* Individuals enrolled in a carrier's 2024 FEHB plan where paragraphs (c)(1) and (2) of this section do not apply will be enrolled in the lowest-cost nationwide PSHB option, consistent with § 890.301(n).

(4) *Same enrollment type.* Individuals automatically enrolled under this section will be automatically enrolled into the same enrollment type as the individual's 2024 enrollment type.

* * * * *

■ 6. Amend § 890.1606 by revising paragraph (d) to read as follows:

§ 890.1606 Opportunities to enroll, change enrollment, or reenroll; effective dates.

* * * * *

(d) Initial decisions and reconsiderations of PSHB eligibility or enrollment will be made pursuant to § 890.1607.

* * * * *

■ 7. Add § 890.1607 to read as follows:

§ 890.1607 Initial decision and reconsideration.

(a) *Who may file.* An individual may request the employing agency or OPM, as applicable, to reconsider the employing office's or OPM's initial decision denying eligibility for, or enrollment in, or coverage under, the PSHB Program. Individuals subject to § 890.1112 are not entitled to reconsideration as used in this subpart.

(b) *Initial decision.* An employing office's or OPM's initial decision must be in writing and state the right to an independent level of review (reconsideration).

(1) Except as otherwise provided in this subpart, employing offices are responsible for initial decisions concerning PSHB eligibility for Postal Service employees or Postal Service annuitants.

(2) OPM is responsible for initial decisions concerning:

(i) Verification that an individual is an eligible member of family under § 890.302;

(ii) Postal Service annuitants or their family members who are not required to enroll in VA's system of patient enrollment referred to in 38 U.S.C. 1705(a), and who must provide documentation from the VA under § 890.1604(d)(2) indicating they satisfy the requirements for an exception described in § 890.1604(c)(1)(iv) or (c)(2)(iii); and

(iii) Postal Service annuitants or their family members who must provide documentation from the Indian Health Service under § 890.1604(d)(3) indicating they satisfy the requirements for an exception described in § 890.1604(c)(1)(v) or (c)(2)(iv).

(3) OPM is responsible for initial decisions regarding enrollment actions made based on information received from source agencies with which OPM has an information sharing agreement established pursuant to § 890.1612. An initial decision under this paragraph will be issued only after the notice process under § 890.1612 is completed.

(c) *Reconsideration.* (1) A request for reconsideration must be made in writing, must include the claimant's name, address, date of birth, Social Security number or other unique identifier, name of the carrier, reason(s) for the request, documentary evidence in support of the request, if any, and, if applicable, retirement claim number.

(2) The reconsideration review must be an independent review designated at or above the level at which the initial decision was rendered.

(d) *Time limit.* A request for reconsideration of an initial decision must be filed with the employing agency or OPM, as applicable, within 30 calendar days from the date of the written decision stating the right to a reconsideration. The time limit on filing may be extended, at the discretion of the employing agency or OPM, when the individual shows that they were not notified of the time limit and were not otherwise aware of it, demonstrates a good faith effort to obtain the documentation as described under paragraph (b)(2)(ii) or (iii) of this section, or that they were prevented by circumstances beyond their control from making the request within the time limit. The employing agency's or OPM's decision in response to a request for reconsideration of an employing office's initial decision is a final decision as described in paragraph (e) of this section.

Final decision. After reconsideration, the employing agency or OPM, as applicable, must issue a final decision within 30 days of the request for reconsideration, which must be in writing and must fully set forth the findings and conclusions.

■ 8. Amend § 890.1608 by revising paragraph (a), adding paragraph (b) introductory text, revising paragraphs (b)(2) and (5), and adding paragraphs (b)(6) through (9) to read as follows:

§ 890.1608 Disenrollment, removal, termination, cancellation, and suspension.

(a) *Enrollment in FEHB plan terminates prior to the initial PSHB contract year.* For individuals who are eligible to enroll under this subpart pursuant to § 890.1603(a), enrollment in an FEHB plan and coverage of the enrollee and covered family members under that FEHB plan will terminate at the end of the contract year preceding the initial contract year.

(1) Coverage under an FEHB plan will remain available for an eligible family member who is or becomes covered as a member of family of an FEHB plan enrollee who is not eligible for a PSHB plan pursuant to § 890.1603(a)(1) or (2).

(2) Coverage as a family member under an FEHB plan will remain available for a Postal Service employee or Postal Service annuitant who is or becomes covered under their family member's FEHB enrollment. A Postal Service annuitant's or Postal Service employee's family member who meets the eligibility requirements for their own enrollment in an FEHB plan will remain eligible to enroll in an FEHB plan.

(3) Individuals whose coverage is terminated under this paragraph (a) are not eligible for temporary continuation of coverage under subpart K of this part pursuant to § 890.1103(b).

(b) * * * An individual who is required to be enrolled in Medicare Part B and is not enrolled in Medicare Part B will not be disenrolled or removed from PSHB coverage immediately and will be given one opportunity to remain enrolled in or covered by PSHB if they enroll or reenroll in Medicare Part B during their next available Medicare enrollment period, which may be the next Medicare General Enrollment Period, except that an individual who was excepted from the Medicare Part B requirement pursuant to § 890.1604(d)(1)(iii) or (d)(2)(ii) must enroll not later than the end of the Medicare General Enrollment Period beginning January 1 of the following calendar year. Failure to enroll or reenroll in Medicare Part B at the next enrollment period may result in disenrollment from PSHB or removal from coverage under a PSHB enrollment. If disenrolled, a Postal Service annuitant will not be permitted to reenroll in PSHB, as described in paragraph (b)(5) of this section, and a family member who is removed from coverage under a PSHB enrollment, may have their PSHB coverage reinstated only as described in paragraph (b)(9) of this section.

* * * * *

(2) A Postal Service Medicare covered annuitant will not be disenrolled from PSHB and a Medicare covered member of family will not be removed from PSHB coverage in a case where that individual was not informed of their obligation to enroll in Medicare Part B, or it would be against equity and good conscience to remove the individual.

* * * * *

(5) Disenrollment of a Postal Service Medicare covered annuitant from a PSHB plan under this section shall be considered a termination with entitlement of the enrollee and their covered family members to a 31-day temporary extension of coverage and the right of conversion under § 890.401, except as provided at paragraph (b)(5)(ii) of this section.

(i) A Postal Service annuitant will have no further opportunity to reenroll in a PSHB plan. Disenrollment of a Postal Service annuitant will also result in the removal of covered family members from PSHB coverage.

(ii) Disenrollment or removal from coverage under an enrollment will be prospective in all cases except where fraud or intentional misrepresentation of material fact is found, in which case the individual's coverage will be terminated retroactively, as applicable, and no right to a 31-day temporary extension of coverage or to conversion under § 890.401 will be available.

(iii) Disenrollment or removal under this section will occur only after a notice process under § 890.1612, if applicable, is completed and an initial decision to disenroll or remove, subject to reconsideration under § 890.1607(b), is issued.

(6) An individual who is disenrolled from Medicare Part B, where the individual is required to be enrolled in Medicare Part B and does not have an exception under this subpart, will be issued an initial decision disenrolling them from PSHB or removing them from coverage under a PSHB enrollment at the time OPM becomes aware of the Medicare disenrollment. Individuals disenrolled or removed from PSHB coverage will be entitled to a 31-day temporary extension of coverage and rights to conversion.

(7) Within 60 days of OPM's initial decision, a Postal Service Medicare covered annuitant or Medicare covered member of family, as applicable, may request reconsideration of OPM's initial decision to disenroll or remove the individual from PSHB coverage. OPM will notify the carrier when a request for reconsideration of the decision to disenroll or remove the individual from the enrollment is made. The time limit for filing may be extended as noted in § 890.1607.

(8) If the Postal Service Medicare covered annuitant provides acceptable proof of PSHB eligibility subsequent to disenrollment which renders the disenrollment inappropriate, the enrollment shall be reinstated retroactively so that there is no gap in enrollment, as appropriate. A Postal Service Medicare covered annuitant's PSHB enrollment cannot be reinstated after disenrollment from a PSHB plan based on failure to enroll in, disenrolling from, or being disenrolled from Medicare Part B, except that a one-time opportunity as set forth at § 890.1608(b) may be available if the Postal Service annuitant has not previously invoked and used it.

(9) If the Postal Service Medicare covered member of family, who is required to be enrolled in Medicare Part B and is removed from a Postal Service Medicare covered annuitant's PSHB enrollment because the family member failed to enroll in, disenrolls from, or is disenrolled from Medicare Part B, the family member's PSHB coverage may be reinstated. Reinstatement of the family member's PSHB coverage will be permitted only if the Postal Service Medicare covered annuitant's PSHB enrollment continues, and only if proof of the family member's Medicare Part B enrollment which renders the removal inappropriate, is provided by the Postal Service Medicare covered annuitant or Medicare covered member of family, as applicable. The family member's PSHB coverage will be reinstated upon request by the Postal Service Medicare covered annuitant to reinstate the family member's PSHB coverage subsequent to removal, at the Postal Service Medicare covered annuitant's option, as follows:

(i) Prospectively, within 60 days of the Medicare covered family member gaining coverage under Medicare Part B, or

(ii) Retroactively to the date of termination of PSHB coverage, so that there is no gap in coverage, provided that the proof demonstrates the family member was continuously enrolled in Medicare Part B since that date and subsequent to removal, as appropriate.

* * * * *

■ 9. Amend § 890.1612 by adding paragraphs (f) and (g) to read as follows:

§ 890.1612 Information sharing.

* * * * *

(f) If a source agency has provided information or data, regarding a Postal Service Medicare covered annuitant or Medicare covered member of family, which establishes a basis that the individual may be ineligible for PSHB enrollment or coverage, OPM will provide the individual with written notice that will contain at a minimum:

(1) An explanation of the PSHB enrollment requirements and exceptions described in § 890.1604 and the specific information or data provided to OPM from the source agency that was the basis for the notice;

(2) The source agency's contact information where the individual may ask questions or contest the accuracy of the information or data on which OPM based the notice;

(3) An explanation of the required process and timeframe(s) for providing OPM with evidence that the individual

is engaged in a dispute with the source agency identified in the notice for the purposes of seeking the source agency's correction of the information or data, affecting the individual's PSHB eligibility, provided to OPM pursuant to the agreements described in this section;

(4) That the individual will remain enrolled or covered under PSHB while the individual is engaged in disputing the information or data with the source agency, as described in paragraph (f)(2) of this section;

(5) That the individual will be disenrolled or removed from PSHB, as described in § 890.1608 and subject to reconsideration, within 60 days of the date of the notice if the individual does not provide sufficient evidence, in the discretion of OPM, as described in paragraph (f)(3) of this section; and

(6) That the individual will be disenrolled or removed from PSHB, as described in § 890.1608 and subject to reconsideration, within 60 days of the notice, notwithstanding evidence of a dispute, if the information or data OPM receives from the source agency continues to provide no basis for OPM to establish that the individual satisfies PSHB enrollment requirements.

(g) OPM will issue an initial decision in accordance with § 890.1607(b)(3). If an individual will be disenrolled or removed from PSHB based on the information or data from the source agency, in paragraph (f) of this section, the individual will be notified in writing that the disenrollment or removal, as applicable, is subject to reconsideration pursuant to § 890.1607, and that such reconsideration is limited to a review of the source agency's data or information, received pursuant to an agreement under this section or 5 U.S.C. 8903c(e)(3)(C) that was before OPM at the time it effectuated the disenrollment or removal action.

■ 10. Amend § 890.1613 by revising the section heading and paragraphs (a), (c), and (e) to read as follows:

§ 890.1613 Postal Service contract year beginning date, Medicare late enrollment penalty, calculations for the Postal Service Retiree Health Benefits Fund, and clarification of statutory terms.

(a) *In general.* The calculations for contributions and withholdings for coverage under this subpart will be made in the same manner as 5 U.S.C. 8906 and subpart E of this part. For purposes of this subpart, the subscription charge and the Government contribution under 5 U.S.C. 8906(b) will begin on January 1 of each year for Postal Service employees and Postal Service annuitants.

* * * * *

(c) *Medicare late enrollment penalty.* Upon request by the Postal Service, and only until the Postal Service Retiree Health Benefits Fund established under 5 U.S.C. 8909a is depleted, OPM will pay out of such Fund any late enrollment penalties required under section 1839(e)(1) of the Social Security Act for individuals who enrolled during the Special Enrollment Period established under section 1837(o) of the Social Security Act (42 U.S.C. 1395p). If at any time the PSRHBF is depleted, USPS shall pay late enrollment penalties out of its funds established under 39 U.S.C. 2003. In making such late enrollment penalty payments, OPM, as administrator of the Fund under 5 U.S.C. 8909a(a), will prioritize the payment of health benefit premiums for individuals described in 5 U.S.C. 8906(g)(2)(A), over the late enrollment penalties.

* * * * *

(e) *Clarification of statutory terms.* (1) OPM has determined that ''net claims costs'' in the calculation in 5 U.S.C. 8909a(e)(1) is equivalent to ''estimated net claims costs'' as defined in 5 U.S.C. 8909a(g).

(2) The computations for post-retirement health obligations computed under 39 U.S.C. 3654(b) shall be performed using an aggregate entry-age normal cost method described in 5 U.S.C. 8331(17) and in accordance with 8348(h).

(3) In accordance with 5 U.S.C. 8348(h), for purposes of computing the amounts described in 39 U.S.C. 3654(b), this includes:

(i) Current annuitants as described in 5 U.S.C. 8909a(e)(1)(A) means individuals who are Postal Service annuitants on September 30 of the relevant reporting year described in 5 U.S.C. 8909a(d); and

(ii) Current employees as described in 5 U.S.C. 8909a(e)(1)(B) means individuals who are Postal Service employees on September 30 of that year.

■ 11. Amend § 890.1614 by revising paragraph (a) to read as follows:

§ 890.1614 Other administrative provisions.

(a) *Correction of errors.* (1) Except as otherwise provided in this section, the employing office or OPM may make prospective or retroactive corrections of administrative errors at any time. Retroactive corrections may not apply retroactively beyond the initial contract year.

(2) OPM may order or make, as applicable, a correction of an administrative error upon a showing satisfactory to OPM that it would be against equity and good conscience not to do so.

(3) OPM may make retroactive correction of enrollee enrollment code errors if the enrollee reports the error by the end of the pay period following the one in which they received the first written documentation (*i.e.,* pay statement or enrollment change confirmation) indicating the error.

(4) OPM may order the termination of an enrollment in any comprehensive medical plan described in 5 U.S.C. 8903(4) and permit the individual to enroll in another PSHB plan for purposes of this subpart, upon a showing satisfactory to OPM that the furnishing of adequate medical care is jeopardized by a seriously impaired relationship between a patient and the comprehensive medical plan's affiliated health care providers.

(5) Retroactive corrections are subject to withholdings and contributions under the provisions of §§ 890.502 and 890.1613.

* * * * *

■ 12. Add §§ 890.1615 and 890.1616 to read as follows:

§ 890.1615 Crediting separate reserves for PSHB.

(a) *Definitions.* For purposes of this section concerning crediting separate reserves from FEHB Options to PSHB Options, and for these purposes only, the following definitions apply:

2024 FEHB Option premium means, for a 2024 FEHB Option, the 2024 premium attributable to both Postal Service and non-Postal Service enrollees.

2024 Postal Service premium means, for a 2024 FEHB Option, the 2024 premium attributable to Postal Service employees and Postal Service annuitants as defined under 5 U.S.C. 8903c(a).

Amounts available means:

(i) With respect to experience-rated 2024 FEHB Options, the sum of the balances in the Option's Contingency Reserve Account and Letter of Credit Account less the Runout as of December 31, 2024; and

(ii) With respect to community-rated 2024 FEHB Options, the Option's Contingency Reserve Account balance as of December 31, 2024.

Corresponding PSHB option means a 2025 PSHB Option that is in the same geographic area and has equivalent benefits and cost-sharing as a 2025 FEHB Option, and that 2025 FEHB Option was also offered in 2024 by the same carrier.

Option means a level of benefits offered by a carrier to self only, self plus one, and self and family enrollees in a

specific geographic area, with a unique set of premiums.

Plan means all Options offered by a carrier within a defined geographic area under a single contract.

Runout means the amount estimated by OPM, as of December 31, 2024, needed to pay claims and expenses incurred but not paid for periods on or before December 31, 2024, for an experience-rated FEHB Option, considering any income attributable to periods on or before, but not yet received by, December 31, 2024.

(b) *Reserve credits.* As soon as practicable on or after January 1, 2025, OPM will credit each PSHB Option's reserves according to the method described in paragraph (c) of this section.

(c) *Reserve credit methodology.* OPM will determine the Reserve credit for each 2024 FEHB Option and allocate it to the PSHB.

(1) OPM will determine the 2024 Postal Service premium by multiplying a 2024 FEHB Option's self only, self plus one, and self and family 2024 premiums by the number of Postal Service enrollments of that Option in each enrollment type and taking the sum of these three amounts.

(2) OPM will determine the 2024 FEHB Option premium by multiplying each 2024 FEHB Option's self only, self plus one, and self and family premiums by the number of total enrollments (inclusive of both Postal Service and non-Postal Service enrollments) in each enrollment type for that Option and taking the sum of these three amounts. OPM will use its March 2024 enrollment reports to determine the total enrollments.

(3) OPM will calculate the Postal Service Percentage for each 2024 FEHB Option by dividing the 2024 Postal Service Premium by 2024 FEHB Option Premium.

(4) OPM will calculate the Reserve Credit by multiplying the Postal Service Percentage for each 2024 FEHB Option by the Amounts Available for that Option.

(5) OPM will reallocate the Reserve Credit for each 2024 FEHB Option into a PSHB Contingency Reserves and Letter of Credit Account, as applicable, as follows:

(i) If a carrier offers an FEHB Plan with one, two, or three Options in 2024 and offers the same number of Corresponding PSHB Options in 2025, the Reserve Credits for those Options will be allocated to the Corresponding PSHB Options' reserves.

(ii) If a carrier offers an FEHB Plan with two or three Options in 2024 and offers only one Corresponding PSHB Option in 2025, the Reserve Credits attributable to all the 2024 FEHB Plan's Options will be allocated to that Corresponding PSHB Option's reserve.

(iii) If a carrier offers an FEHB Plan with three Options in 2024 and offers only two Corresponding PSHB Options in 2025, the Reserve Credits attributable to the two FEHB Options that have Corresponding PSHB Options will be allocated to those two Corresponding PSHB Options' reserves. The Reserve Credit from the third FEHB Option (that does not have a Corresponding PSHB Option) will be allocated to one of the two Corresponding PSHB Plan Options that has the lowest self only premium and is not a High Deductible Health Plan (HDHP).

(iv) If a carrier offers an FEHB Plan in 2024 and offers no FEHB Plan in 2025, but offers at least one 2025 PSHB Option with similar benefits and cost sharing and in the same geographic area as the carrier's 2024 FEHB Plan, as determined by OPM, the Reserve Credit(s) attributable to that FEHB Plan will be credited to the reserves of the carrier's 2025 PSHB Options as described in paragraphs (c)(5)(i) through (iii) of this section as if the 2025 PSHB Option(s) were a Corresponding PSHB Option.

(v) If a carrier offers an FEHB Plan in 2024, and offers that FEHB Plan in 2025, but offers no Corresponding PSHB Options for that 2025 FEHB Plan, the Reserve Credit(s) attributable to that FEHB Plan will be credited to the reserves of the PSHB Options offered in 2025, proportionately, consistent with 5 U.S.C. 8903c(j)(2) where the subscription charges paid are the 2024 Postal Service Premium.

(vi) If a carrier offers a 2025 PSHB Option for which no 2024 Postal Service Premium is attributable, then that 2025 PSHB Option will receive no Reserve Credit.

§ 890.1616 Medicare Part D.

(a) *Carrier requirement to offer Medicare Part D prescription drug benefits.* (1) A carrier that offers a PSHB plan must provide prescription drug benefits to any Postal Service annuitant and member of family of such annuitant who is a Part D-eligible individual (as defined in section 1860D–1(a)(3)(A) of the Social Security Act) through a Medicare Part D EGWP as described as employer-based retiree health coverage under section 1860D–22(b), (c)(1), and (3)(A) of such Act .

(2) A carrier must provide Medicare Part D coverage through a prescription drug plan (PDP), as defined in section 1860D–41(a)(14) of such Act, or through contracts between the PSHB plan and a PDP sponsor, as defined in section 1860D–41(a)(13) of such Act, of such a prescription drug plan.

(3) A carrier may, in addition to offering a PDP required under paragraph (a)(2) of this section and subject to OPM's approval, offer a Medicare Advantage plan with prescription drug coverage (MAPD), as defined in section 1860D–1(a)(3)(C) of such Act.

(b) *Prescription drug coverage under a PSHB plan through Medicare Part D.* A Postal Service annuitant and a member of family of such annuitant who is a Part D-eligible individual must be enrolled in a PSHB plan's Part D EGWP in order to receive prescription drug coverage under the PSHB plan. The prescription drug benefit is not covered under a PSHB plan for a Part D-eligible individual who is not enrolled in the PSHB plan's Part D EGWP.

(1) *Prescription Drug Coverage for Medicare Part D-eligible annuitants and members of family residing outside of the United States.* A carrier will not group enroll, as described in paragraph (d) of this section, a Medicare Part D-eligible Postal Service annuitant or a member of family of such annuitant who resides outside of the United States (which includes the States, the District of Columbia, the Commonwealth of Puerto Rico, the Virgin Islands, Guam, American Samoa, and the Northern Mariana Islands) into the Medicare Part D EGWP offered by the plan. A carrier must provide prescription drug coverage through the PSHB plan to these individuals.

(c) *PSHB plan enrollment or disenrollment and Medicare EGWPs.* Changes to enrollment during Open Season under § 890.301(f) or because of a qualifying life event as defined in part 892 of this chapter apply with respect to changes to PSHB plans that include a Medicare Part D EGWP.

(d) *Carrier requirements for group enrollment into Medicare EGWPs.* A carrier must comply with all applicable CMS requirements regarding Part D-eligible individual group enrollment into Medicare EGWPs, including all applicable CMS notice requirements. Nothing in this section shall be construed as affecting an individual's ability to select a PSHB plan pursuant to § 890.1606.

(1) *PDP EGWP.* Annually at the conclusion of Open Season under § 890.301(f), or when an enrollee makes a change to their PSHB enrollment because of a qualifying life event under § 892.101 of this chapter, a carrier must automatically group enroll a Part D-eligible individual, who is covered by the carrier's PSHB plan, into the PSHB

plan's PDP EGWP, unless the individual:

(i) Elects to enroll or is enrolled in the PSHB plan's MAPD EGWP described in paragraph (d)(2) of this section; or

(ii) Has opted out of group enrollment in the PSHB plan's PDP EGWP or MAPD EGWP for the current or upcoming plan year, as applicable.

(2) *MAPD EGWP.* Annually, at the conclusion of Open Season under § 890.301(f), or when an enrollee makes a change to their PSHB enrollment because of a qualifying life event, a carrier must automatically enroll a Part D-eligible individual who is covered by the carrier's PSHB plan into the carrier's PSHB plan's MAPD EGWP if the individual elects to enroll in the carrier's MAPD EGWP. During the transitional Open Season, a carrier must automatically enroll a Part D-eligible individual into the carrier's 2025 PSHB plan's MAPD EGWP if the individual is covered by that carrier's 2024 FEHB plan's MAPD EGWP, and if the individual elects the carrier's 2025 PSHB plan or is automatically enrolled into the carrier's 2025 PSHB plan under § 890.1605.

(3) *Notice.* In addition to the CMS notice requirements, each year, not less than 30 calendar days prior to the start of Open Season under § 890.301(f), a carrier must send written notice to Part D-eligible individuals who are enrolled in the carrier's PSHB plan that they will be group enrolled into the PDP EGWP offered under the carrier's PSHB plan. In addition, when an enrollee makes a change because of a qualifying life event, a carrier must send such written notice to the Part D-eligible individuals covered under the enrollment. The notice shall state:

(i) The carrier intends to enroll the individual in the carrier's Medicare Part D PDP EGWP as described under paragraph (d)(1) of this section, or MAPD EGWP as described under paragraph (d)(2) of this section as applicable, during Open Season under § 890.301(f), or as a result of a qualifying life event, as applicable;

(ii) The individual may affirmatively opt out of group enrollment;

(iii) Opting out of group enrollment means that the individual is deciding not to be enrolled in the PSHB plan's PDP EGWP, or MAPD EGWP if applicable;

(iv) The date by which the individual must opt out of group enrollment, if the individual chooses to opt out;

(v) The procedure for how an individual affirmatively opts out of group enrollment;

(vi) The individual will not receive prescription drug coverage under the PSHB plan if the individual is not enrolled in the PSHB plan's PDP EGWP, or MAPD EGWP if applicable; and

(vii) That no adjustment will be made to the enrollee's share of the PSHB plan option premium.

(4) *Additional requirements for PSHB plans providing an MAPD EGWP.* If a PSHB plan offers an MAPD EGWP, the carrier must comply with all applicable Medicare requirements and the carrier must also provide the notices as described in (d)(3) of this section. In addition, such notice must state how the individual can enroll in the PSHB plan's PDP EGWP if the individual is opting out of group enrollment or disenrolling from a PSHB plan's MAPD EGWP during Open Season or as a result of a qualifying life event, the date by which the individual must enroll in the PDP EGWP, and must state that if the individual is required to be enrolled in Medicare Part B in order to maintain eligibility for PSHB plan coverage and does not qualify for an exception under § 890.1604, the individual must remain enrolled in Part B.

(5) *Notices to be shared with OPM.* A carrier must provide OPM with the notices under this section and the notices that CMS requires regarding PDP EGWP and MAPD EGWP group enrollment each year, at the time the carrier submits its benefits and rate proposal.

(e) *Effect of opting out of group enrollment into or disenrolling from a Medicare EGWP*—(1) *Effect of opting out of group enrollment.* By opting out of group enrollment in a PSHB plan's Medicare PDP EGWP or MAPD EGWP, as applicable, the individual will not receive prescription drug coverage under the PSHB plan unless, during the Open Season or pursuant to the qualifying life event in which the individual opted out of group enrollment, the individual elects to enroll in a Part D EGWP under their PSHB plan.

(2) *Opportunity to enroll other than group enrollment.* A Part D-eligible individual may enroll in a PDP EGWP or, if eligible, an MAPD EGWP, under a PSHB plan, under the same conditions that govern enrollment in a PSHB plan during Open Season or pursuant to a qualifying life event.

(3) *Disenrollment.* An individual may disenroll from their PSHB plan's Part D EGWP at any time during the plan year which means they will not receive prescription drug coverage under the PSHB plan.

(4) *Enrollment flexibility.* A Part D-eligible individual who is not enrolled in the PDP EGWP or MAPD EGWP, as applicable, for prescription drug benefits offered by their PSHB plan may request enrollment into their PSHB plan's EGWP outside of Open Enrollment or a qualifying life event to correct errors.

(i) *Part D EGWP Enrollment Flexibility.* A Part D-eligible individual who opts out of Part D EGWP group enrollment or disenrolls from their PSHB plan's Part D EGWP can request enrollment into their plan's Part D EGWP within 90 days of the start of plan year or 90 days from the effective date of coverage after a qualifying life event that permitted a plan change. Enrollments made under this paragraph (e)(4)(i) will be retroactive to the extent consistent with applicable CMS regulations.

(ii) *Exceptional circumstances.* A Part D-eligible individual who opts out of Part D EGWP group enrollment or disenrolls from their PSHB plan's Part D EGWP can request enrollment into their plan's Part D EGWP 91 days or more after the start of the plan year or the effective date of coverage after a qualifying life event that permitted a plan change as determined by OPM. Enrollments made under this paragraph (e)(4)(ii) will be prospective.

(iii) Changes to enrollment under this paragraph (e)(4) are limited to new enrollments into the individual's current PSHB plan's Part D EGWP.

(f) *PDP EGWP and MAPD EGWP prescription drug benefits.* A carrier must provide prescription drug benefits to a PSHB EGWP plan's Part D-eligible covered individuals that are equal to or better than the prescription drug benefits provided to that PSHB plan's covered individuals who are not eligible to enroll in Part D and not enrolled in the plan's EGWP, subject to paragraph (f)(3) of this section. For purposes of this section:

(1) A carrier must ensure that a Medicare Part D EGWP within the PSHB Program includes the same medications, products, and supplies covered in the corresponding plan option's PSHB pharmacy benefit with the same or lower cost sharing, to the extent consistent with applicable Medicare provisions; and

(2) A carrier must not reduce or otherwise limit prescription drug benefits to meet this standard, for example by limiting the coverage of medications, products, and supplies or increasing cost sharing of the prescription drug benefits provided to individuals covered under the PSHB plan who are not eligible for Part D.

(3) A carrier may request OPM approval to offer different medications, products, or supplies, or modify cost sharing on their EGWP formulary. OPM has discretion to determine whether and to what extent a carrier request under this subsection is necessary and consistent with 5 U.S.C. 8903c.

[FR Doc. 2024–24796 Filed 10–23–24; 8:45 am]

BILLING CODE 6325–38–P

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Federal Register

Vol. 89, No. 206

Thursday, October 24, 2024

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General Information, indexes and other finding aids **202–741–6000**
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Presidential Documents
Executive orders and proclamations **741–6000**
The United States Government Manual **741–6000**

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Privacy Act Compilation **741–6050**

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FEDERAL REGISTER PAGES AND DATE, OCTOBER

79731–80054 1
80055–80360 2
80361–80714 3
80715–80992 4
80993–81286 7
81287–81814 8
81815–82158 9
82159–82452 10
82453–82930 11
82931–83420 15
83421–83600 16
83601–83760 17
83761–84064 18
84065–84254 21
84255–84450 22
84451–84798 23
84799–85034 24

CFR PARTS AFFECTED DURING OCTOBER

At the end of each month the Office of the Federal Register publishes separately a List of CFR Sections Affected (LSA), which lists parts and sections affected by documents published since the revision date of each title.

2 CFR
170 79731
184 79731
200 79731
300 80055

3 CFR
Proclamations:
10773 (amended by Proc. 10817) 80351
10817 80351
10818 80355
10819 80357
10820 80359
10821 80361
10822 80363
10823 80365
10824 80367
10825 80369
10826 80371
10827 80375
10828 80377
10829 81287
10830 81815
10831 81817
10832 81821
10833 81823
10834 82925
10835 83411
10836 83413
10837 83601
10838 83603
10839 83605
10840 83609
10841 84451
10842 84453
10843 84455
Executive Orders:
14127 80345
Administrative Orders:
Memorandums:
Memorandum of September 25, 2024 83761
Memorandum of September 26, 2024 83763
Memorandum of September 29, 2024 83765
Notices:
Notice of October 10, 2024 82929
Notice of October 11, 2024 83417
Notice of October 11, 2024 83419
Presidential Determinations:
No. 2024–13 of September 30, 2024 83767
No. 2024–14 of September 30, 2024 83769
No. 2024–15 of September 30, 2024 83773
Presidential Permits:
Presidential Permit of October 3, 2024 81289

5 CFR
890 85012
1321 82453
Proposed Rules:
532 82874

7 CFR
2 80073
305 79733
319 79733
1775 82482
3434 81293
3550 82484
3555 82484
Proposed Rules:
800 ..... 81396, 83437
927 84828
982 82190

8 CFR
208 81156
235 81156
1208 81156

9 CFR
Proposed Rules:
201 82519

10 CFR
2 80715
72 83775
429 81994
430 ..... 81295, 83611, 83990, 84028, 84065, 84076
431 81994
Proposed Rules:
51 ..... 80797, 83632

12 CFR
30 84255
34 82931
201 80075
213 82934
226 ..... 82931, 82938
Ch. X 80075
328 84261
1006 80715
1013 82934
1026 ..... 82931, 82938
Proposed Rules:
303 ..... 82537, 84108
337 82537

375.....80135
1227.....79785
1277.....80422

13 CFR

120.....79734

Proposed Rules:

120.....84831

14 CFR

1.....80310
3.....81305
11.....80020, 80310
25.....81313, 83617
39 .....80077, 80379, 80724, 80729, 80734, 80993, 80995, 81314, 81320, 81324, 81326, 81329, 81333, 81336, 82486, 82488, 82491, 82493, 82496, 84077, 84262, 84264, 84267, 84272, 84274, 84277, 84457, 84799, 84801, 84803, 84806, 84808
61.....80020, 80310
63.....80020
65.....80020
71 .....80382, 80383, 80739, 81338, 81339, 82159, 82944, 83776, 83777, 84810, 84812
73.....84814
91 .....80310, 80384, 81313, 83421
95.....80997
97 .....79741, 79742, 83778, 83780
121.....81313
125.....81313
141.....80020
250.....84815
254.....84815

Proposed Rules:

39 .....79789, 80155, 80427, 80827, 81403, 82190, 83437, 84836, 84838
71 .....79792, 80157, 80430, 80432, 80433, 81406, 81408, 82538, 84304, 84305, 84307, 84308, 84309, 84311, 84313, 84841
259.....80435
261.....80435

15 CFR

734.....84770
740.....83427, 84770
742.....84766
744 .....83428, 84460, 84770
746.....84460, 84770
748.....80080
764.....83619
774.....84766, 84770
922.....83554

Proposed Rules:

740.....84784
774.....84784

16 CFR

1215.....81825

Proposed Rules:

1.....81871
1240.....80159
1421.....80831

17 CFR

38.....83378
232.....84280
242.....81620

18 CFR

50.....84465
380.....84465

Proposed Rules:

40.....79794
342.....84475

19 CFR

Ch. I.....83620

21 CFR

Ch. I.....84819
16.....83781
820.....82945
1308.....84281

22 CFR

Proposed Rules:

120.....84482
121.....84482
126.....84482

23 CFR

Proposed Rules:

772.....83801

26 CFR

1 .....81341, 82160, 84732
31.....84079

Proposed Rules:

1.....81871
301.....81871, 83825

27 CFR

9.....83431

Proposed Rules:

24.....80160

28 CFR

106.....83621

29 CFR

1910.....81829

Proposed Rules:

1602.....82540
4902.....84314

31 CFR

501.....81358
587 .....80740, 80741, 80742, 84820
588.....84472
594.....84821
1010.....82499
1010.380.....83782

32 CFR

49.....80390
170.....83092

Proposed Rules:

220.....79804

33 CFR

100 .....80396, 81004, 81006, 81361, 82506, 83621
117.....82945, 83435
165 .....80093, 80396, 80398, 80400, 80742, 80743, 81008, 82170, 83783, 83785, 84286

Proposed Rules:

117.....80436
147.....84316

36 CFR

242.....83622

37 CFR

42.....79744, 82172
201.....80743
229.....80743

Proposed Rules:

380.....82543

38 CFR

38.....82179
39.....82179

Proposed Rules:

3.....79815
14.....82546
81.....80172

39 CFR

Proposed Rules:

111.....82948
3050.....83632

40 CFR

51.....84286
52 .....79752, 80402, 80745, 80749, 81008, 81361, 82508, 82510, 84083, 84085, 84286, 84288
60.....83296
62.....82513
63.....84291
84.....82682
82.....82414
139.....82074
170.....80767
180.....81010
261 .....82515, 82682, 83787
262.....82682
266.....82682
270.....82682
271.....82682
281.....79756
282.....79756, 80788

Proposed Rules:

51.....80833
52 .....79828, 80439, 80445, 81036, 81409, 82550, 82553, 82560, 82948, 82953, 83338, 84322, 84842
62.....82564
81.....81409
180.....80446
281.....79850
282.....79850, 80853
372.....81776

41 CFR

51.....83788

42 CFR

38.....80055
50.....80055
51.....80055
51a.....80055
51b.....80055
51c.....80055
51d.....80055
52.....80055
52a.....80055
52b.....80055
52c.....80055
52d.....80055
52e.....80055
55a.....80055
56.....80055
57.....80055
59.....80055
59a.....80055
62.....80055
63a.....80055
64.....80055
65.....80055
65a.....80055
66.....80055
67.....80055
124.....80055
136.....80055
405.....80098, 83240
412 .....80095, 80098, 80131, 80405
413.....80098, 80132
417.....80055
418.....79764
430.....80055
431.....80098
433.....80055
434.....80055
436.....80055
438.....80055
440.....80055
441.....80055
456.....80055
457.....80055
476.....83240
482.....80098
485.....80098
488.....80132
489.....83240
495.....80098
512.....80098
1001.....80055
1007.....80055

Proposed Rules:

600.....82308

44 CFR

9.....82182

45 CFR

16.....80055
46.....84822
63.....80055
75.....80055
87.....80055
95.....80055
98.....80055
261.....80055
262.....80055
263.....80055
265.....80055
286.....80055
287.....80055
301.....80055
302.....80055
303.....80055
304.....80055
309.....80055
400.....80055
1000.....80055
1303.....80055
1321.....80055
1328.....80055
1336.....80055
1355.....80055
1357.....80055

Proposed Rules:

153.....82308
155.....82308

156.....82308
158.....82308

47 CFR

8.....84086
9.....81013, 83628
15.....83789
64.....82518
73.....84096
74.....83789

Proposed Rules:

64.....80449

48 CFR

205.....82182
206.....82183
212.....82182, 82183
214.....82182
215.....82182
237.....82182
252.....82183, 82188
270.....82183
Ch. 4.....81014

Proposed Rules:

25.....84505
234.....82193
242.....82193
252.....82193, 82196
301.....80634
302.....80634
303.....80634
304.....80634
305.....80634
306.....80634
308.....80634
309.....80634
311.....80634
312.....80634
313.....80634
314.....80634
315.....80634
316.....80634
318.....80634
319.....80634
322.....80634
323.....80634
324.....80634
325.....80634
326.....80634
327.....80634
330.....80634
331.....80634
332.....80634
333.....80634
334.....80634
335.....80634
336.....80634
337.....80634
341.....80634
342.....80634
343.....80634
344.....80634
345.....80634
347.....80634
352.....80634
370.....80634
3025.....79851
3052.....79851

49 CFR

225.....79767
571.....81836
674.....83956

Proposed Rules:

40.....82957
199.....82957
213.....84845

50 CFR

13.....83629
17.....81388
22.....83629
100.....83622
217.....79777, 81848, 84674
223.....81867
622.....81031, 84105
635.....81032
648.....79778, 80795, 81869, 84106
660.....84296, 84302
679.....79783, 81034, 81394

Proposed Rules:

17.....79857, 79880
223.....84510
224.....84510
648.....83440
660.....81878, 84511
679.....84514

LIST OF PUBLIC LAWS

Note: No public bills which have become law were received by the Office of the Federal Register for inclusion in today's **List of Public Laws**.

Last List October 8, 2024

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