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DEPARTMENT OF THE TREASURY

Alcohol and Tobacco Tax and Trade Bureau

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[Docket No. TTB–2024–0006; T.D. TTB–196]

RIN 1513–AB93

Technical Corrections to the TTB Regulations

AGENCY: Alcohol and Tobacco Tax and Trade Bureau, Treasury.

ACTION: Final rule; Treasury decision.

SUMMARY: In this final rule, the Alcohol and Tobacco Tax and Trade Bureau (TTB) is amending its regulations to make miscellaneous non-substantive corrections to its regulations. These include correcting grammatical, spelling, and typographical errors; correcting or updating statutory authority citations, regulatory cross-references, and information collection control and TTB form numbers; updating references to publications and agency names and organizational structures; updating mailing, delivery, and website addresses; and revising certain gender exclusive pronouns. The technical amendments described in this document do not add or change any regulatory, recordkeeping, or reporting requirement or change TTB's interpretation of any regulation.

DATES: Effective December 6, 2024.

FOR FURTHER INFORMATION CONTACT: Michael D. Hoover, Regulations and Rulings Division, Alcohol and Tobacco Tax and Trade Bureau, 1310 G Street NW, Box 12, Washington, DC 20005; phone 202–453–1039, ext. 135.

SUPPLEMENTARY INFORMATION: Due to the number and non-substantive nature of the technical corrections made in this document, not all individual amendments are discussed below in this document's preamble, but all changes are described in the regulatory text section further below.

General Description of Technical Amendments

The Alcohol and Tobacco Tax and Trade Bureau (TTB) periodically makes non-substantive technical corrections to its regulations, which are contained in 27 CFR chapter I. The technical amendments described in this document do not add any new or change any existing TTB regulatory requirement, and the described amendments do not change TTB's interpretation of any regulation. Additionally, the described amendments do not add any new or change any existing recordkeeping, reporting, or labeling requirement to the TTB regulations, nor do they change any burden associated with such requirements.

In general, throughout its regulations, TTB is correcting grammatical, spelling, and typographical errors; correcting or updating statutory authority citations, regulatory cross-references, and TTB form numbers; updating Office of Management and Budget (OMB) control numbers for existing TTB information collections; updating references to publications and agency names and organizational structures; and updating mailing, delivery, and website addresses.

Also, in light of Treasury Department policy, TTB is replacing certain gender exclusive pronouns, such as ''he'' and ''his,'' with specific references to official titles or positions, such as ''the Secretary,'' or with gender inclusive or neutral pronouns or phrases, such as ''their,'' ''he or she,'' or ''her or his.'' In particular, TTB is revising gender exclusive references to the Secretary of the Treasury, the TTB Administrator, and certain other government officials. However, given the large number of gender exclusive pronouns in some parts of its regulations that refer to TTB officers, industry members, or members of the public, TTB will make further similar amendments in future rulemaking documents.

With regard to updating statutory authority citations, TTB is primarily revising the general statutory authority citations for the regulations contained in 27 CFR parts 20, 29, 44, 45, 46, and 70 to add a reference to 26 U.S.C. 6109, which is the section of the Internal Revenue Code (IRC) that authorizes the collection of identifying numbers such as employer identification numbers from persons required to file returns, statements, or other documents. The addition of 26 U.S.C. 6109 to the statutory authority citation lists for those CFR parts merely corrects those lists and does not add or change any requirement to provide TTB with identifying numbers.

Other Technical Amendments

In addition to the general technical corrections noted above, TTB is making other unique technical amendments in specific parts of 27 CFR chapter I, as described below.

Part 4, Labeling and Advertising of Wine

In 27 CFR 4.10, Meaning of terms, TTB is correcting typographical errors in the definitions of ''pure condensed must'' and ''sugar.''

Part 9, American Viticultural Areas

In 27 CFR 9.11(b), TTB is updating the postal mail and hand-delivery addresses for the submission of American viticultural area (AVA) petitions. TTB is also correcting typographical and other unintended errors in the boundary descriptions of several AVAs. These corrections do not change the intended boundary of any existing AVA, nor do they add or remove any acreage from any established AVA. Among those specific boundary corrections are three for the Eagle Foothills AVA as described in 27 CFR 9.252—in paragraph (c)(2), the phrase ''the western boundary of sections 31 and 30 to the northwest corner of section 31,'' is corrected to read ''the western boundary of section 31 to the southwest corner of section 30;'' in paragraph (c)(3), ''section 31'' is corrected to read ''section 30;'' and, in paragraph (c)(9), ''3,400-foor'' is corrected to read ''3,400-foot.''

Part 19, Distilled Spirits Plants

Among other corrections in part 19, TTB is updating cross-references to 27 CFR part 5, Labeling and Advertising of Distilled Spirits, contained in that part in response to the publication of T.D. TTB–176, Modernization of the Labeling and Advertising Regulations for Distilled Spirits and Malt Beverages, published in the **Federal Register** of February 9, 2022, at 87 FR 7526. While T.D. TTB–176 revised part 5 in its

entirety, that final rule inadvertently did not update the cross-references to that part contained in part 19. As such, this document updates the relevant cross-references contained in part 19 to match the current part 5 subpart designations and section numbers.

Part 21, Formulas for Denatured Alcohol and Rum

In 27 CFR 21.151, TTB is correcting an inadvertent error made in a final rule published in 2016 to amend the regulations concerning denatured alcohol and products made with industrial alcohol. See T.D. TTB–140, published in the **Federal Register** on August 30, 2016, at 81 FR 59445. In that final rule, TTB removed certain obsolete special denatured alcohol (S.D.A.) formulas from the regulations, including Formula No. 27–B, which, at the time, was described in 27 CFR 21.54. As a result of that formula's removal, TTB removed all references to S.D.A. Formula No. 27–B from the table contained in § 21.151, List of denaturants authorized for denatured spirits, including its listing as the only approved formula for ''Green soap, U.S.P.'' However, in T.D. TTB–140, TTB inadvertently failed to include an amendatory instruction to remove the entire entry for ''Green soap, U.S.P.'' from the approved formulas table. Therefore, TTB is removing the remaining portion of that obsolete entry.

Part 24, Wine

TTB recently published a final rule amending certain of its regulations pertaining to the production of wine in 27 CFR part 24 to add to the list of materials and processes authorized for the treatment of wine and of the juice from which wine is made, and to expand the authorized uses of certain materials already authorized under the regulations. See T.D. TTB–185, published in the **Federal Register** on August 24, 2022, at 87 FR 51880. That final rule contained an inadvertent error in the amended regulatory text of 27 CFR 24.250. As explained in that final rule's related prior notice of proposed rulemaking (Notice No. 164, published in the **Federal Register** on November 22, 2016, at 81 FR 83752) and in the final rule, TTB intended to make a technical change to amend § 24.250, Application for use of new treating material or process, by revising paragraph (b)(4) to state that an application to use a new treating material or process must include documentary evidence from the FDA that the material is consistent with the food additive requirements under the Federal Food, Drug, and Cosmetic Act for its intended purpose in the amounts proposed for the particular treatment contemplated. This differs from the original regulatory text in that it does not require documentary evidence that the FDA has ''approved'' the use of the material. However, the amendatory instruction for § 24.250 in the final rule contained an inadvertent error that caused all of paragraph (b) to be removed and replaced by the text that was only intended to amend paragraph (b)(4). TTB is correcting § 24.250 by restoring the previous text of paragraph (b) and by amending only the text of paragraph (b)(4) as intended.

TTB also is amending 27 CFR 24.270, which sets forth the Federal excise tax rates on wine to reflect the statutory increase, from 14 percent to 16 percent, in the maximum alcohol by volume for the still wine tax class at 26 U.S.C 5041(b)(1) and in the minimum alcohol by volume for the still wine tax class at 26 U.S.C. 5041(b)(2). TTB is taking this action in response to the Taxpayer Certainty and Disaster Tax Relief Act of 2020 (see Division EE of the Consolidated Appropriations Act of 2021 (Pub. L. 116–260)), which made permanent the temporary provisions of the Craft Beverage Modernization Act contained within the Tax Cuts and Jobs Act of 2017 (Pub. L. 115–97).

TTB is correcting 27 CFR 24.310, Taxpaid removals from bond record, to include a reference to allowing proprietors to record the tax class of wine removed from bond, in lieu of recording the alcohol content of the wine. TTB amended its regulations regarding certain wine records in 1990 (see T.D. ATF–299, published in the **Federal Register** of June 19, 1990, at 55 FR 24974), including 27 CFR 24.309, Transfer in bond record, and 27 CFR 24.311, Taxpaid wine record, to provide that option, but inadvertently did not include a similar change to § 24.310. This correction addresses that omission.

Part 28, Exportation of Alcohol

In 27 CFR 28.11, Meaning of terms, TTB is revising the definition of ''Customs officer'' to be consistent with the wording of that term's definition in other parts of 27 CFR chapter I. This revision does not change any part 28 regulatory requirement.

TTB is correcting 27 CFR 28.148, Brewer's report, to include a reference to form TTB F 5130.26, Quarterly Brewer's Report of Operations, in addition to the existing reference to form TTB F 5130.9, Brewer's Report of Operations, as a form certain small brewers may use for reporting, including the reporting of removals of beer or beer concentrate for purposes of exportation, use of supplies on vessels and aircraft, or transfer to a Foreign Trade Zone (FTZ). Section 28.148 requires that brewers keep records and include in their operations reporting the quantity of beer or beer concentrate removed for such purposes, and elsewhere in the TTB regulations certain small brewers are authorized to use either form TTB F 5130.26 or form TTB F 5130.9, as appropriate, for such reporting. See 27 CFR 25.297. In T.D. TTB–123, published in the **Federal Register** on September 30, 2014, at 79 FR 58674, TTB amended § 25.297 to allow certain small brewers to report their operations reports on a quarterly basis (rather than monthly) using either form TTB F 5130.9 or form TTB F 5130.26. However, in that final rule, TTB inadvertently did not make a corresponding amendment to § 28.148. This amendment to § 28.148 does not change that section's reporting requirement or burden as it merely corrects that section to provide that brewers authorized to submit quarterly operations reports may choose to use either form TTB F 5130.9 or form TTB F 5130.26 to do so.

Part 29, Stills and Miscellaneous Regulations

TTB is restoring ''condenser'' to the list of terms defined in part 29, subpart C, Stills, at 27 CFR 29.45, as that definition appears to have been inadvertently removed from that list in 2001. The regulations addressing stills appeared in 27 CFR part 170 prior to a reorganization of the regulations in 2001. TTB's predecessor agency, the Bureau of Alcohol, Tobacco, and Firearms (ATF), published T.D. ATF–439 in the **Federal Register** on February 2, 2001, at 66 FR 8768, amending certain definitions and regulations in part 170, including some definitions in 27 CFR 170.45, which is now 27 CFR 29.45. See 66 FR 8768, 8770. That final rule did not amend or affect the definition of ''condenser'' but, in the 2001 edition of Title 27 of the Code of Federal Regulations published following the issuance of the final rule, the term ''condenser'' no longer appeared in the list of definitions at 27 CFR 170.45. ATF then redesignated part 170 as part 29 in T.D. ATF–462, published in the **Federal Register** on August 15, 2001, at 66 FR 42735, which recodified § 170.45 as 27 CFR 29.45. See 66 FR 42735, 42737. This correction addresses the inadvertent removal of the definition of ''condenser'' from the regulations.

Part 30, Gauging Manual

TTB is adding a section to part 30, Gauging Manual, at 27 CFR 30.3 to provide the public with information on

how to obtain a copy of the delegation order regarding the assignment of the TTB Administrator's regulatory authorities in part 30 to other TTB officers. These delegations of authority are set forth in TTB Order 1135.30, Delegation of the Administrator's Authorities in 27 CFR part 30, Gauging Manual, which is referenced in the definition of ''Appropriate TTB officer'' in 27 CFR 30.11, but additional information on accessing the delegation order through the TTB website or by mail is not currently included in the regulations. Similar sections regarding TTB delegation orders are present in other parts of 27 CFR chapter I that have related delegation orders and were generally added to that chapter in 2006 through T.D. TTB–44, Administrative Changes to Alcohol, Tobacco and Firearms Regulations Due to the Homeland Security Act of 2002, published by TTB in the **Federal Register** on April 4, 2006, at 71 FR 16918. A section of this type was inadvertently not included for part 30, and this amendment makes part 30 consistent with those other parts. The added section is merely informational, and it imposes no new regulatory or information collection requirements on regulated industry members.

Part 40, Manufacture of Tobacco Products, Cigarette Papers and Tubes, and Processed Tobacco

In 27 CFR 40.22, TTB is removing the last sentence of paragraph (b)(1), which provides that TTB may publish its constructive price determinations for large cigars if TTB finds that such public disclosure is necessary. TTB has determined that this provision is inconsistent with the taxpayer confidentiality provisions of the Internal Revenue Code at 26 U.S.C. 6103 which prohibit public disclosure of such tax-related information. For that reason, neither TTB nor its predecessor agency, ATF, have published a constructive price determination made under § 40.22(b).

TTB is updating the text of 27 CFR 40.491(b)(2) to be consistent with the amendments made to 27 CFR 40.522 in T.D. TTB–104, which implemented requirements from the Children's Health Insurance Program Reauthorization Act of 2009 (CHIPRA); see 77 FR 37287, June 21, 2012. The correction to § 40.491(b)(2) makes that section consistent with § 40.522(d)(3) as amended by T.D. TTB–104, which allows a manufacturer of tobacco products who removes processed tobacco for any of the purposes listed in § 40.72(b)(2) to not report such removals on their tobacco operations report, form TTB F 5250.2 (while keeping records of such removals pursuant to § 40.521).

Part 44, Exportation of Tobacco Products and Cigarette Papers and Tubes, Without Payment of Tax, or With Drawback of Tax

In 27 CFR 44.11, TTB is adding a definition of ''customs officer'' for informational purposes as that term is used throughout part 44. In §§ 44.122 and 44.129, TTB is removing references to Treasury Department Circular 154, which concerned the acceptance of government obligations in lieu of bonds, since the Department no longer publishes that circular. Instead, those sections will refer to the Treasury Department regulations contained in 31 CFR part 225, Acceptance of Bonds Secured by Government Obligations in Lieu of Bonds with Sureties.

Part 71, Rules of Practice in Permit Proceedings

In 27 CFR part 71, which concerns TTB's rules of practice in permit proceedings, TTB is amending the general statutory authority citation by adding a citation to the Administrative Procedure Act (5 U.S.C. 551–559). In addition, TTB is adding 26 U.S.C. 5171 to the part's general statutory authority citation because that section of the IRC concerns the establishment of, and permits for, distilled spirits plants. These additions are merely informational in nature, and do not affect or change TTB's interpretation of any regulatory or information collection requirement contained in part 71.

In 27 CFR 71.96, which concerns the disqualification of administrative law judges, TTB is revising that section to remove gender-specific pronouns but the intent of the regulation is unchanged.

In 27 CFR 71.97, which lists the power of administrative law judges in TTB-related matters, TTB is correcting that section to state that those judges make ''initial decisions'' in suspension, revocation, or annulment proceedings against TTB-issued permits rather than final decisions. This correction makes § 71.97(h) consistent with 27 CFR 71.78 and 71.79. TTB believes that a 1985 revision of § 71.97(h) inadvertently dropped the words ''initial decisions'' from that paragraph. See T.D. ATF–199, published in the **Federal Register** on March 6, 1985, at 50 FR 9152, 9197. In addition, TTB is correcting the paragraph formatting of § 71.97 to conform that section to current CFR format requirements; the text of section is unchanged except for the correction to paragraph (h) noted above.

Finally, in 27 CFR 71.116, which concerns the TTB Administrator's review of application proceedings, TTB is updating references to the ''Under Secretary of the Treasury'' with references to ''Assistant Secretary for Tax Policy.'' The current text refers to the Under Secretary for Enforcement, a position that no longer exists within the Department of the Treasury, and the duties of that former position relevant to TTB have been delegated to the Assistant Secretary for Tax Policy. TTB is also updating gender exclusive references in this section and is removing the statutory authority statement at the end of the section as it cites several firearms-related laws that no longer apply to TTB. The Bureau believes that the general statutory authorities cited for part 71, as amended in this document, support the regulatory provisions of § 71.116, and, as such, there is no need for a separate section-level authority citation. As with the other technical amendments in this document, these technical amendments do not affect the requirements of that section.

Regulatory Analysis and Notices

Regulatory Flexibility Act

Because no notice of proposed rulemaking is required, the provisions of the Regulatory Flexibility Act (5 U.S.C. 601 *et seq.*) do not apply.

Executive Order 12866

It has been determined that this technical correction final rule is not a significant regulatory action as defined in Executive Order 12866 of September 30, 1993. Therefore, a regulatory assessment is not necessary.

Paperwork Reduction Act

The Office of Management and Budget (OMB) has previously reviewed, approved, and assigned control numbers to the collections of information contained in certain regulations amended in this final rule in accordance with the Paperwork Reduction Act of 1995 (44 U.S.C. 3507). 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 control number assigned by OMB. The technical corrections contained in this document do not add any new or affect the existing requirements or estimated burden of any established TTB information collection, recordkeeping, or labeling requirement.

Inapplicability of Prior Notice and Public Comment Procedures and Delayed Effective Date

TTB is issuing this final rule without prior notice and opportunity for public comment pursuant to authority under section 4(a) of the Administrative Procedure Act, as amended (APA) (5 U.S.C. 553(b)(B)). That provision authorizes an agency to issue a rule without prior notice when the agency for good cause finds that those procedures are ''impracticable, unnecessary, or contrary to the public interest.'' In this final rule, TTB is merely making technical corrections to the TTB regulations, which do not change the requirements or TTB's interpretation of any regulation and do not change any TTB information collection, recordkeeping, or labeling requirement. Therefore, TTB finds that prior notice and opportunity for comment is unnecessary.

List of Subjects

27 CFR Part 1

Administrative practice and procedure, Alcohol and alcoholic beverages.

27 CFR Part 4

Advertising, Alcohol and alcoholic beverages, Exports, Imports, Labeling, Packaging and containers, Reporting and recordkeeping requirements, Wine.

27 CFR Part 5

Advertising, Alcohol and alcoholic beverages, Exports, Imports, Labeling, Packaging and containers, Reporting and recordkeeping requirements.

27 CFR Part 6

Alcohol and alcoholic beverages, Trade practices.

27 CFR Part 8

Alcohol and alcoholic beverages, Trade practices.

27 CFR Part 9

Wine.

27 CFR Part 10

Alcohol and alcoholic beverages, Trade practices.

27 CFR Part 11

Alcohol and alcoholic beverages, Trade practices.

27 CFR Part 13

Administrative practice and procedure, Alcohol and alcoholic beverages, Labeling.

27 CFR Part 16

Alcohol and alcoholic beverages, Consumer protection, Health, Labeling, Penalties.

27 CFR Part 17

Administrative practice and procedure, Claims, Cosmetics, Drugs, Excise taxes, Exports, Imports, Liquors, Packaging and containers, Reporting and recordkeeping requirements, Spices and flavorings, Surety bonds.

27 CFR Part 18

Alcohol and alcoholic beverages, Fruits, Reporting and recordkeeping requirements, Spices and flavorings.

27 CFR Part 19

Alcohol and alcoholic beverages, Claims, Excise taxes, Exports, Gasohol, Imports, Labeling, Packaging and containers, Reporting and recordkeeping requirements, Research, Security measures, Stills, Surety bonds, Vinegar, Warehouses.

27 CFR Part 20

Alcohol and alcoholic beverages, Claims, Cosmetics, Excise taxes, Labeling, Packaging and containers, Reporting and recordkeeping requirements, Surety bonds.

27 CFR Part 21

Alcohol and alcoholic beverages.

27 CFR Part 22

Alcohol and alcoholic beverages, Excise taxes, Reporting and recordkeeping requirements, Surety bonds.

27 CFR Part 24

Claims, Excise taxes, Exports, Labeling, Liquors, Packaging and containers, Reporting and recordkeeping requirements, Surety bonds, Wine.

27 CFR Part 25

Beer, Claims, Excise taxes, Exports, Labeling, Packaging and containers, Reporting and recordkeeping requirements, Surety bonds.

27 CFR Part 26

Alcohol and alcoholic beverages, Claims, Excise taxes, Exports, Imports, Packaging and containers, Puerto Rico, Reporting and recordkeeping requirements, Surety bonds, Virgin Islands.

27 CFR Part 27

Alcohol and alcoholic beverages, Excise taxes, Exports, Imports, Labeling, Packaging and containers, Reporting and recordkeeping requirements, Surety bonds.

27 CFR Part 28

Aircraft, Alcohol and alcoholic beverages, Armed forces, Claims, Excise taxes, Exports, Foreign trade zones, Labeling, Packaging and containers, Reporting and recordkeeping requirements, Surety bonds, Vessels, Warehouses.

27 CFR Part 29

Alcohol and alcoholic beverages, Reporting and recordkeeping requirements, Stills.

27 CFR Part 30

Liquors, Scientific equipment.

27 CFR Part 31

Alcohol and alcoholic beverages, Reporting and recordkeeping requirements.

27 CFR Part 40

Cigars and cigarettes, Claims, Excise taxes, Imports, Labeling, Packaging and containers, Reporting and recordkeeping requirements, Surety bonds, Tobacco.

27 CFR Part 41

Cigars and cigarettes, Claims, Excise taxes, Imports, Labeling, Packaging and containers, Puerto Rico, Reporting and recordkeeping requirements, Surety bonds, Tobacco, Virgin Islands, Warehouses.

27 CFR Part 44

Aircraft, Armed forces, Cigars and cigarettes, Claims, Excise taxes, Exports, Foreign trade zones, Labeling, Packaging and containers, Reporting and recordkeeping requirements, Surety bonds, Tobacco, Vessels, Warehouses.

27 CFR Part 45

Authority delegations (Government agencies), Cigars and cigarettes, Excise taxes, Labeling, Packaging and containers, Reporting and recordkeeping requirements, Tobacco.

27 CFR Part 46

Cigars and cigarettes, Claims, Excise taxes, Packaging and containers, Penalties, Reporting and recordkeeping requirements, Seizures and forfeitures, Surety bonds, Tobacco.

27 CFR Part 53

Arms and munitions, Excise taxes, Exports, Imports, Reporting and recordkeeping requirements.

27 CFR Part 70

Administrative practice and procedure, Claims, Excise taxes, Freedom of information, Penalties, Reporting and recordkeeping requirements, Surety bonds.

27 CFR Part 71

Administrative practice and procedure, Alcohol and alcoholic beverages, Tobacco.

27 CFR Part 72

Administrative practice and procedure, Alcohol and alcoholic beverages, Arms and munitions, Seizures and forfeitures, Surety bonds, Tobacco.

Amendments to the Regulations

For the reasons discussed in the preamble, 27 CFR chapter I is amended as follows:

PART 1—BASIC PERMIT REQUIREMENTS UNDER THE FEDERAL ALCOHOL ADMINISTRATION ACT, NONINDUSTRIAL USE OF DISTILLED SPIRITS AND WINE, BULK SALES AND BOTTLING OF DISTILLED SPIRITS

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

Authority: 27 U.S.C. 203, 204, 206, 211 unless otherwise noted.

§§ 1.3 and 1.4 [Amended]

■ 2. In the following table, for each section indicated in the left column, remove the text indicated in the middle column from wherever it appears in the section and add in its place, the text indicated in the right column:

Section	Remove	Add
1.3(b)	*http://www.ttb.gov*	*https://www.ttb.gov.*
1.3(b)	Room 1516	Room 8970.
1.4	*http://www.ttb.gov*	*https://www.ttb.gov.*
1.4	Room 1516	Room 8970.

PART 4—LABELING AND ADVERTISING OF WINE

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

Authority: 27 U.S.C. 205, unless otherwise noted.

§§ 4.3, 4.4, 4.7, 4.20, 4.25, 4.32b, 4.33, and 4.39 [Amended]

■ 4. In the following table, for each section indicated in the left column, remove the text indicated in the middle column from wherever it appears in the section and add in its place the text indicated in the right column:

Section	Remove	Add
4.3(b)	*http://www.ttb.gov*	*https://www.ttb.gov.*
4.3(b)	Room 1516	Room 8970.
4.4	Administator's	Administrator's.
4.4	*http://www.ttb.gov*	*https://www.ttb.gov.*
4.4	Room 1516	Room 8970.
4.7 introductory text, in the first sentence	FAA Act	Federal Alcohol Administration Act (FAA Act).
4.20, in the first sentence	the act	the Federal Alcohol Administration Act.
4.25(e)(3)(i)	part 9 of this title	part 9 of this chapter.
4.32b(d)(1)	*http://www.ttb.gov*	*https://www.ttb.gov.*
4.33(c)	or his predecessors	or their predecessors.
4.39(a)(6), in the last sentence	him or his predecessors	that person or their predecessors.

■ 5. Section 4.10 is amended by removing the definition of ''Act'' and revising the definitions of ''Pure condensed must'' and ''Sugar''.

The revisions read as follows:

§ 4.10 Meaning of terms.

* * * * *

Pure condensed must. The dehydrated juice or must of sound, ripe grapes, or other fruit or agricultural products, concentrated to not more than 80° (Balling), the composition thereof remaining unaltered except for removal of water.

* * * * *

Sugar. Pure cane, beet, or dextrose sugar containing, respectively, not less than 95 percent of actual sugar calculated on a dry basis.

* * * * *

PART 5—LABELING AND ADVERTISING OF DISTILLED SPIRTS

■ 6. The authority citation for part 5 continues to read as follows:

Authority: 26 U.S.C. 5301, 7805, 27 U.S.C. 205 and 207.

§ 5.235 [Amended]

■ 7. Amend § 5.235 in paragraph (a)(7)(ii) by removing the word ''from'' and adding in its place the word ''for''.

PART 6—''TIED-HOUSE''

■ 8. The authority citation for part 6 continues to read as follows:

Authority: 15 U.S.C. 49–50; 27 U.S.C. 202 and 205; 44 U.S.C. 3504(h).

§§ 6.5, 6.21, and 6.96 [Amended]

■ 9. In the following table, for each section indicated in the left column, remove the text indicated in the middle column from wherever it appears in the section and add in its place the text indicated in the right column:

Section	Remove	Add
6.5	*http://www.ttb.gov*	*https://www.ttb.gov.*
6.5	Room 1516	Room 8970.
6.21(b)	his business	their business.

Section	Remove	Add
6.96(b)	participtionn	participation.

PART 8—EXCLUSIVE OUTLETS

■ 10. The authority citation for part 8 continues to read as follows:

Authority: 15 U.S.C. 49–50; 27 U.S.C. 202 and 205; 44 U.S.C. 3504(h).

■ 11. Section 8.5 is amended by revising the last sentence to read as follows:

§ 8.5 Delegations of the Administrator.

* * * You may obtain a copy of this order on the TTB website (*https://www.ttb.gov*) or by mailing a request to the Alcohol and Tobacco Tax and Trade Bureau, National Revenue Center, 550 Main Street, Room 8970, Cincinnati, OH 45202.

PART 9—AMERICAN VITICULTURAL AREAS

■ 12. The authority citation for part 9 continues to read as follows:

Authority: 27 U.S.C. 205.

§§ 9.3, 9.30, 9.36, 9.42, 9.66, 9.78, 9.98, 9.103, 9.108, 9.109, 9.110, 9.117, 9.120, 9.132, 9.135, 9.146, 9.207, 9.210, and 9.256 [Amended]

■ 13. In the following table, for each section indicated in the left column, remove the text indicated in the middle column from wherever it appears in the section and add in its place the text indicated in the right column:

Section	Remove	Add
9.3	*http://www.ttb.gov*	*https://www.ttb.gov*.
9.3	Room 1516	Room 8970.
9.30(c)(3)	714-foot	741-foot.
9.36(c)(9)	countour	contour.
9.42(c)(1)	southest coner	southeast corner.
9.66(c)(29)	Vally	Valley.
9.78(c)(4)	knownlocally	known locally.
9.98(c)(61)	boundry	boundary.
9.98(c)(77)	acros	across.
9.103(b)(14)	mintue	minute.
9.103(c)(1)	Routh	Route.
9.108(c)(2)(xvi)	pases	passes.
9.109(c)(1)	northermost	northernmost.
9.110(c)(2)(x)	following	following.
9.117(c)(6)	foor	foot.
9.120(c)(9)	stright	straight.
9.132(c) introductory text	Valey	Valley.
9.135(c)(2), second sentence	boundry	boundary.
9.146(c)(4)	powerplant	power plant.
9.207(c)(21)	north	southeasterly.
9.210(b) introductory text	United Stages	United States.
9.256(c)(17)	southeast	southwest.

■ 14. Amend § 9.11 by revising paragraph (b) and adding an authority citation at the end of the section to read as follows:

§ 9.11 Submission of AVA petitions.

* * * * *

(b) *How and where to submit an AVA petition.* The AVA petition may be sent to TTB via the U.S. Postal Service or a private delivery service. A petition sent via the U.S. Postal Service should be addressed to: Regulations and Rulings Division, Alcohol and Tobacco Tax and Trade Bureau, 1310 G Street NW, Box 12, Washington, DC 20005. A petition sent via a private delivery service should be directed to: Regulations and Rulings Division, Alcohol and Tobacco Tax and Trade Bureau, 1310 G Street NW, Room 300 East, Washington, DC 20005.

* * * * *

(Approved by the Office of Management and Budget under control number 1513–0127)

■ 15. Amend § 9.12 by adding an authority citation at the end of the section to read as follows:

§ 9.12 AVA petition requirements.

* * * * *

(Approved by the Office of Management and Budget under control number 1513–0127)

■ 16. Amend § 9.252 by revising paragraphs (c)(2), (3), and (9) to read as follows:

§ 9.252 Eagle Foothills.

* * * * *

(c) * * *

(2) From the beginning point, proceed north along the western boundary of section 31 to the southwest corner of section 30, T6N/R1W; then

(3) Proceed north-northeast in a straight line to the marked 3,109-foot elevation point near the southwest corner of section 30, T6N/R1W; then

* * * * *

(9) Proceed north along the R1W range line to its first intersection with the 3,400-foot elevation contour; then

* * * * *

PART 10—COMMERCIAL BRIBERY

■ 17. The authority citation for part 10 continues to read as follows:

Authority: 15 U.S.C. 49–50; 27 U.S.C. 202 and 205; 44 U.S.C. 3504(h).

■ 18. Section 10.5 is amended by revising the last sentence to read as follows:

§ 10.5 Delegations of the Administrator.

* * * You may obtain a copy of this order on the TTB website (*https://www.ttb.gov*) or by mailing a request to the Alcohol and Tobacco Tax and Trade Bureau, National Revenue Center, 550 Main Street, Room 8970, Cincinnati, OH 45202.

PART 11—CONSIGNMENT SALES

■ 19. The authority citation for part 11 continues to read as follows:

Authority: 15 U.S.C. 49–50; 27 U.S.C. 202 and 205.

■ 20. Section 11.5 is amended by revising the last sentence to read as follows:

§ 11.5 Delegations of the Administrator.

* * * You may obtain a copy of this order on the TTB website (*https://www.ttb.gov*) or by mailing a request to the Alcohol and Tobacco Tax and Trade Bureau, National Revenue Center, 550 Main Street, Room 8970, Cincinnati, OH 45202.

PART 13—LABELING PROCEEDINGS

■ 21. The authority citation for part 13 continues to read as follows:

Authority: 27 U.S.C 205(e), 26 U.S.C. 5301 and 7805.

§ § 13.2, 13.11, 13.20, and 13.61 [Amended]

■ 22. In the following table, for each section indicated in the left column, remove the text indicated in the middle column from wherever it appears in the section and add in its place the text indicated in the right column:

Section	Remove	Add
13.2	*http://www.ttb.gov*	*https://www.ttb.gov.*
13.2	Room 1516	Room 8970.
13.11, in the definition of "Certificate of label approval".	project	product.
13.20(b)	*http://www.ttb.gov*	*https://www.ttb.gov.*
13.20(b)	Room 1516	Room 8970.
13.61(b)	*http://www.ttb.gov*	*https://www.ttb.gov.*

PART 16—ALCOHOLIC BEVERAGE HEALTH WARNING STATEMENT

■ 23. The authority citation for part 16 continues to read as follows:

Authority: 27 U.S.C. 205, 215, 218; 28 U.S.C. 2461 note.

§ 16.33 [Amended]

■ 24. In § 16.33, amend paragraph (a) by removing the website address "*https://www.ttb.gov/regulation_guidance/ablapenalty.html*" and adding in its place the website address "*https://www.ttb.gov/laws-regulations-and-public-guidance/labeling-act-penalty*".

PART 17—DRAWBACK ON TAXPAID DISTILLED SPIRITS USED IN MANUFACTURING NONBEVERAGE PRODUCTS

■ 25. The authority citation for part 17 continues to read as follows:

Authority: 26 U.S.C. 5010, 5111–5114, 5123, 5206, 5273, 6065, 6091, 6109, 7213, 7652, 7805; 31 U.S.C. 9301, 9303, 9304, 9306.

§ § 17.2, 17.4, 17.7, 17.23, 17.163, 17.181, and 17.183 [Amended]

■ 26. In the following table, for each section indicated in the left column, remove the text indicated in the middle column from wherever it appears in the section and add in its place the text indicated in the right column:

Section	Remove	Add
17.2(b)	*http://www.ttb.gov*	*https://www.ttb.gov.*
17.2(b)	Room 1516	Room 8970.
17.4(e) heading and text	1513–0130	1513–0030.
17.7	*http://www.ttb.gov*	*https://www.ttb.gov.*
17.7	Room 1516	Room 8970.
17.23(a)	*http://www.irs.gov*	*https://www.irs.gov.*
17.163(c)	taxpaid through Customs	taxpaid through U.S. Customs and Border Protection (CBP).
17.163(c)	Customs Forms 7501 and 7505	CBP Forms 7501 and 7505.
17.181, in the third sentence	of the U.S. Customs Service	of U.S. Customs and Border Protection.
17.183(a), at the end of the seventh sentence	appropriate TTB	appropriate TTB officer.

■ 27. Amend § 17.103 by revising paragraph (c) and removing the parenthetical authority citation at the end of the section to read as follows:

§ 17.103 Bonds obtained from surety companies.

* * * * *

(c) Treasury Department Circular 570 is published in the **Federal Register** annually on the first business day in July, and supplemental changes are published periodically thereafter (see *https://www.federalregister.gov*). The most recent circular and any supplemental changes to it may be viewed on the Bureau of the Fiscal Service website (see *https://fiscal.treasury.gov*).

■ 28. Revise § 17.106 to read as follows:

§ 17.106 Consents of surety.

The principal and surety shall execute on form TTB F 5000.18, Change in Bond (Consent of Surety), any consents of surety to changes in the terms of bonds. Form TTB F 5000.18 shall be executed with the same formality and proof of authority as is required for the execution of bonds.

PART 18—PRODUCTION OF VOLATILE FRUIT-FLAVOR CONCENTRATE

■ 29. The authority citation for part 18 continues to read as follows:

Authority: 26 U.S.C. 5001, 5171–5173, 5178, 5179, 5203, 5351, 5354, 5356, 5511, 5552, 6065, 6109, 7805.

§ § 18.12, 18.13, 18.14, 18.16, 18.17, 18.21, 18.22, 18.24, 18.25, 18.26, 18.27, 18.31, 18.32, 18.33, 18.34, 18.35, 18.36, 18.37, 18.38, 18.42, 18.51, 18.52, 18.54, 18.55, 18.56, 18.61, 18.62, and 18.63 [Amended]

■ 30. In the following table, for each section indicated in the left column, remove the text indicated in the middle

column from wherever it appears in the section and add in its place the text indicated in the right column:

Section	Remove	Add
18.12	*http://www.ttb.gov*	*https://www.ttb.gov.*
18.12	Room 1516	Room 8970.
18.13(a) introductory text	he finds	that officer finds.
18.13, in the authority citation at the end of the section.	1512–0046	1513–0006.
18.14, in authority citation at the end of the section.	1512–0046	1513–0006.
18.16(b)	*http://www.ttb.gov*	*https://www.ttb.gov.*
18.16(b)	Room 1516	Room 8970.
18.17, in the authority citation at the end of the section.	1512–0046	1513–0006.
18.21, the first sentence	Form 27–G (5520.3)	form TTB F 5520.3.
18.21, in the authority citation at the end of the section.	1512–0046	1513–0006.
18.22, in the authority citation at the end of the section.	1512–0046	1513–0006.
18.24, in the introductory text	Form 27–G (5520.3)	form TTB F 5520.3.
18.24, in the authority citation at the end of the section.	1512–0046	1513–0006.
18.25(c)	for him	for that party.
18.25(d)	for him	for that party.
18.26, in the first sentence	Form 1534 (5000.8)	a power of attorney on form TTB F 5000.8.
18.26, in the authority citation at the end of the section.	1512–0079	1513–0014.
18.27, in the first authority citation at the end of the section.	1512–0046	1513–0006.
18.31	Form 27–G (5520.3)	form TTB F 5520.3.
18.31, in the first authority citation at the end of the section.	1512–0046	1513–0006.
18.32, in the authority citation at the end of the section.	1512–0046	1513–0006.
18.33, in the authority citation at the end of the section.	1512–0046	1513–0006.
18.34, in the second sentence	his own name	their own name.
18.34, in the authority citation at the end of the section.	1512–0046	1513–0006.
18.35, in the authority citation at the end of the section.	1512–0046	1513–0006.
18.36, in the authority citation at the end of the section.	1512–0046	1513–0006.
18.37, in the authority citation at the end of the section.	1512–0046	1513–0006.
18.38	Form 27–G (5520.3)	form TTB F 5520.3.
18.38, in the authority citation at the end of the section.	1512–0046	1513–0006.
18.42, in the authority citation at the end of the section.	1512–0046	1513–0006.
18.51, in the authority citation at the end of the section.	1512–0098	1513–0022.
18.52, in the authority citation at the end of the section.	1512–0046	1513–0006.
18.54, in the authority citation at the end of the section.	1512–0098	1513–0022.
18.55, in the authority citation at the end of the section.	1512–0098	1513–0022.
18.56, in the authority citation at the end of the section.	1512–0098	1513–0022.
18.62, in the first authority citation at the end of the section.	1512–0098	1513–0022.
18.63, in the first authority citation at the end of the section.	1512–0098	1513–0022.

■ 31. Amend § 18.23 by revising the authority citation at the end of the section to read as follows:

§ 18.23 Registry of stills.

* * * * *

(Approved by the Office of Management and Budget under control number 1513–0006)

■ 32. Amend § 18.25 by adding an authority citation at the end of the section to read as follows:

§ 18.25 Organizational documents.

* * * * *

(Approved by the Office of Management and Budget under control number 1513–0006)

■ 33. Amend § 18.39 by revising paragraphs (a) and (c) and the authority citation at the end of the section to read as follows:

§ 18.39 Qualification to alternate a volatile fruit-flavor concentrate plant and a distilled spirits plant.

* * * * *

(a) Forms TTB F 5520.3 and TTB F 5110.41 to cover the proposed alternation of premises;

* * * * *

(c) A bond (TTB F 5110.56) or a consent of surety (TTB F 5000.18) to cover the proposed alternation of premises if the proprietor is required to hold a bond under § 19.151 of this chapter to cover the distilled spirits plant premises subject to alternation.

(Approved by the Office of Management and Budget under control numbers 1513–0006, 1513–0013, 1513–0048, and 1513–0125)

■ 34. Amend § 18.40 by revising paragraphs (a) and (c) and the authority citation at the end of the section to read as follows:

§ 18.40 Qualification to alternate volatile fruit-flavor concentrate plant and bonded wine cellar.

* * * * *

(a) Forms TTB F 5520.3 and TTB F 5120.25 to cover the proposed alternation of premises;

* * * * *

(c) A bond (TTB F 5120.36) or a consent of surety (TTB F 5000.18) to cover the proposed alternation of premises if the proprietor is required to hold a bond under § 24.146 of this chapter to cover the bonded wine cellar premises subject to alternation.

(Approved by the Office of Management and Budget under control numbers 1513–0006, 1513–0009, and 1513–0013)

■ 35. Amend § 18.61 by revising paragraph (b) and the authority citation at the end of the section to read as follows:

§ 18.61 Records and reports.

* * * * *

(b) *Records.* (1) Each proprietor shall keep such records relating to or connected with the production, transfer, or return of concentrate and the juice or mash from which it is produced, as will:

(i) Enable any appropriate TTB officer to verify operations and to ascertain whether there has been compliance with law and regulations; and

(ii) Enable the proprietor to prepare Form 1695(5520.2).

(2) A proprietor need not prepare a specific record to meet the record requirements of this part. Any book, paper, invoice, bill of lading, or similar document that the proprietor prepares or receives for other purposes may be used, if all required information is shown.

* * * * *

(Approved by the Office of Management and Budget under control number 1513–0022)

■ 36. Amend § 18.65 by:

■ a. Removing the words ''Form 1695(5520.2)'' and adding in their place the words ''form TTB F 5520.2''; and

■ b. Adding an authority citation to the end of the section.

The addition reads as follows:

§ 18.65 Annual report.

* * * * *

(Approved by the Office of Management and Budget under control number 1513–0022).

PART 19—DISTILLED SPIRITS PLANTS

■ 37. The authority citation for part 19 continues to read as follows:

Authority: 19 U.S.C. 81c, 1311; 26 U.S.C. 5001, 5002, 5004–5006, 5008, 5010, 5041, 5061, 5062, 5066, 5081, 5101, 5111–5114, 5121–5124, 5142, 5143, 5146, 5148, 5171–5173, 5175, 5176, 5178–5181, 5201–5204, 5206, 5207, 5211–5215, 5221–5223, 5231, 5232, 5235, 5236, 5241–5243, 5271, 5273, 5301, 5311–5313, 5362, 5370, 5373, 5501–5505, 5551–5555, 5559, 5561, 5562, 5601, 5612, 5682, 6001, 6065, 6109, 6302, 6311, 6676, 6806, 7011, 7510, 7805; 31 U.S.C. 9301, 9303, 9304, 9306.

§ 19.3, 19.14, 19.15, 19.116, 19.130, 19.132, 19.142, 19.235, 19.240, 19.243, 19.314, 19.348, 19.403, 19.404, 19.407, 19.452, 19.453, 19.511, 19.512, 19.513, 19.517, 19.519, 19.693, and 19.746 [Amended]

■ 38. In the following table, for each section indicated in the left column, remove the text indicated in the middle column from wherever it appears in the section and add in its place the text indicated in the right column:

Section	Remove	Add
19.3, for each place the word ''part'' appears (18 times).	part	Part.
19.14	*http://www.ttb.gov*	*https://www.ttb.gov.*
19.14	Room 1516	Room 8970.
19.15(b)	*http://www.ttb.gov*	*https://www.ttb.gov.*
19.116(a)(2)(iii)	§§ 5.28 and 20.63	§§ 5.194 and 20.63.
19.130(b)	TTB Officer	TTB officer.
19.132(a)(2)(iii)	§§ 5.28 and 20.63	§§ 5.194 and 20.63.
19.142(a)	by Customs and	by U.S. Customs and.
19.235(f), in the definition of ''Taxpayer''	26 CFR 301.7702.12	26 CFR 301.7701–12.
19.240, in the paragraph (a)(1) heading	ETF	EFT.
19.240(e)	by Customs and	by U.S. Customs and.
19.243(a)	*http://www.irs.gov*	*https//www.irs.gov.*
19.314	§§ 5.26 and 5.27	§§ 5.192 and 5.193.
19.348 introductory text	§§ 5.26 and 5.27	§§ 5.192 and 5.193.
19.403(a), in the first sentence	his plant	their plant.
19.403(c)	his files	their files.
19.404	his own	their own.
19.407(a)(3)	his files	their files.
19.452(a) introductory text	by him	by the proprietor.
19.453, in the first sentence	his bonded	their bonded.
19.511	subpart E	subpart K.
19.512	§ 5.46	§ 5.202.
19.513(c)	his premises	their premises.
19.517(a)	§ 5.34	§ 5.64.
19.517(b)	§ 5.35	subpart I of part 5.
19.517(c)	§ 5.37(a)	§ 5.65.
19.517(d)	§ 5.36(d)	§ 5.66(f).

Section	Remove	Add
19.517(g)	§ 5.40	§ 5.74.
19.517(h)	§ 5.40	§ 5.74.
19.517(j)	§ 5.39	§§ 5.71–5.73.
19.519(d)	§ 5.22	§ 5.63(a)(2).
19.693(b), in the third sentence	his operations	their operations.
19.693(c)(3)	his receipt	their receipt.
19.746(d)	*http://www.ttb.treas.gov*	*https://www.ttb.gov.*

■ 39. Amend § 19.1 by removing the definition of ''Secretary'' and adding a definition for ''Secretary of the Treasury or Secretary'' in its place to read as follows:

§ 19.1 Definitions.

* * * * *

Secretary of the Treasury or Secretary. The Secretary of the Treasury or a delegate of the Secretary.

* * * * *

■ 40. Amend § 19.153 by revising paragraph (b) and removing the authority citation at the end of the section.

The revision reads as follows:

§ 19.153 Bonds guaranteed by a corporate surety.

* * * * *

(b) *How to find an approved surety.* The Department of the Treasury publishes a list of approved corporate surety companies in Treasury Department Circular 570, Companies Holding Certificates of Authority as Acceptable Sureties on Federal Bonds and as Acceptable Reinsuring Companies. Treasury Department Circular 570 is published in the **Federal Register** annually on the first business day in July, and supplemental changes are published periodically thereafter (see *https://www.federalregister.gov*). The most recent circular and any supplemental changes to it may be viewed on the Bureau of the Fiscal Service website (see *https://fiscal.treasury.gov*).

■ 41. Amend § 19.699 by revising paragraph (b) and removing the authority citation at the end of the section.

The revision reads as follows:

§ 19.699 General bond requirements.

* * * * *

(b) *Corporate surety.* A company that issues bonds is called a ''corporate surety.'' Proprietors must obtain the surety bonds required by this subpart from a corporate surety approved by the Secretary of the Treasury. The Department of the Treasury publishes a list of approved corporate surety companies in Treasury Department Circular 570, Companies Holding Certificates of Authority as Acceptable Sureties on Federal Bonds and as Acceptable Reinsuring Companies. Treasury Department Circular 570 is published in the **Federal Register** annually on the first business day in July, and supplemental changes are published periodically thereafter (see *https://www.federalregister.gov*). The most recent circular and any supplemental changes to it may be viewed on the Bureau of the Fiscal Service website (see *https://fiscal.treasury.gov*).

* * * * *

■ 42. Amend § 19.761 by adding a heading to the table following paragraph (b) and adding in numerical order an entry for ''19.455'' to read as follows:

§ 19.761 OMB control numbers assigned under the Paperwork Reduction Act.

* * * * *

(b) * * *

TABLE 1 TO PARAGRAPH (b)

Section where contained	Current OMB control No.
* * * * *	
19.455	1513–0042
* * * * *	

* * * * *

PART 20—DISTRIBUTION AND USE OF DENATURED ALCOHOL AND RUM

■ 43. The authority citation for part 20 is revised to read as follows:

Authority: 26 U.S.C. 5001, 5206, 5214, 5271–5275, 5311, 5552, 5555, 5607, 6065, 6109, 7805.

§§ 20.20 and 20.21 [Amended]

■ 44. In the following table, for each section indicated in the left column, remove the text indicated in the middle column from wherever it appears in the section and add in its place the text indicated in the right column:

Section	Remove	Add
20.20	*http://www.ttb.gov*	*https://www.ttb.gov.*
20.20	Room 1516	Room 8970.
20.21(b)	*http://www.ttb.gov*	*https://www.ttb.gov.*
20.21(b)	Room 1516	Room 8970.

■ 45. Amend § 20.11 by removing the definition of ''Secretary'' and adding a definition for ''Secretary of the Treasury or Secretary'' in its place to read as follows:

§ 20.11 Meaning of terms.

* * * * *

Secretary of the Treasury or Secretary. The Secretary of the Treasury or a delegate of the Secretary.

* * * * *

PART 21—FORMULAS FOR DENATURED ALCOHOL AND RUM

■ 46. The authority citation for part 21 continues to read as follows:

Authority: 5 U.S.C. 552(a); 26 U.S.C. 5242, 7805.

§§ 21.2, 21.6, and 21.7 [Amended]

■ 47. In the following table, for each section indicated in the left column, remove the text indicated in the middle column from wherever it appears in the section and add in its place the text indicated in the right column:

Section	Remove	Add
21.2(b)	*http://www.ttb.gov*	*https://www.ttb.gov.*
21.2(b)	Room 1516	Room 8970.
21.3(b)	with him	with such officer.
21.6(a)	*http://www.archives.gov/federal_register/code_of_federal_regulations/ibr_locations.html.*	*https://www.archives.gov/federal-register/cfr/ibr-locations.html.*
21.6(b)	*http://www.archives.gov/federal_register/code_of_federal_regulations/ibr_locations.html.*	*https://www.archives.gov/federal-register/cfr/ibr-locations.html.*
21.6(c)	*http://www.archives.gov/federal_register/code_of_federal_regulations/ibr_locations.html.*	*https://www.archives.gov/federal-register/cfr/ibr-locations.html.*
21.7	*http://www.ttb.gov*	*https://www.ttb.gov.*
21.7	Room 1516	Room 8970.

§ 21.151 [Amended]

■ 48. Amend § 21.151 in the table by removing the entry for ''Green soap, U.S.P''.

PART 22—DISTRIBUTION AND USE OF TAX-FREE ALCOHOL

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

Authority: 26 U.S.C. 5001, 5121, 5123, 5206, 5214, 5271–5275, 5311, 5552, 5555, 6056, 6061, 6065, 6109, 6151, 6806, 7805; 31 U.S.C. 9304, 9306.

■ 50. Amend § 22.3 in the list of related regulations by revising the entry for 31 CFR Part 225 to read as follows:

§ 22.3 Related regulations.

* * * * *

31 CFR Part 225—Acceptance of Bonds Secured by Government Obligations in Lieu of Bonds with Sureties.

* * * * *

§§ 22.20, 22.21, 22.93, and 22.106 [Amended]

■ 51. In the following table, for each section indicated in the left column, remove the text indicated in the middle column from wherever it appears in the section and add in its place the text indicated in the right column:

Section	Remove	Add
22.20	*http://www.ttb.gov*	*https://www.ttb.gov.*
22.20	Room 1516	Room 8970.
22.21(b)	*http://www.ttb.gov*	*https://www.ttb.gov.*
22.21(b)	Room 1516	Room 8970.
22.93(b)(1)	alchohol	alcohol.
22.106, in the third sentence	coumpounded	compounded.

■ 52. Amend § 22.11 as follows:

■ a. In the definition of ''Executed under penalties of perjury,'' remove the word ''penaltities'' and add in its place the word ''penalties''; and

■ b. Remove the definition of ''Secretary'' and add a definition for ''Secretary of the Treasury or Secretary'' in its place.

The addition reads as follows:

§ 22.11 Meaning of terms.

* * * * *

Secretary of the Treasury or *Secretary.* The Secretary of the Treasury or a delegate of the Secretary.

* * * * *

PART 24—WINE

■ 53. The authority citation for part 24 continues to read as follows:

Authority: 5 U.S.C. 552(a); 26 U.S.C. 5001, 5008, 5041, 5042, 5044, 5061, 5062, 5121, 5122–5124, 5173, 5206, 5214, 5215, 5351, 5353, 5354, 5356, 5357, 5361, 5362, 5364–5373, 5381–5388, 5391, 5392, 5511, 5551, 5552, 5661, 5662, 5684, 6065, 6091, 6109, 6301, 6302, 6311, 6651, 6676, 7302, 7342, 7502, 7503, 7606, 7805, 7851; 31 U.S.C. 9301, 9303, 9304, 9306.

§§ 24.19, 24.20, 24.62, 24.137, 24.241, 24.246, 24.247, 24.302, and 24.323 [Amended]

■ 54. In the following table, for each section indicated in the left column, remove the text indicated in the middle column from wherever it appears in the section and add in its place the text indicated in the right column:

Section	Remove	Add
24.19	*http://www.ttb.gov*	*https://www.ttb.gov.*
24.19	Room 1516	Room 8970.
24.20(b)	*http://www.ttb.gov*	*https://www.ttb.gov.*
24.20(b)	Room 1516	Room 8970.
24.62, in the last sentence	26 U.S.C. 6861	26 U.S.C. 6862.
24.62, in the authority citation at the end of the section.	1512–0492	1513–0088.
24.137(a), in the first and second sentences	Customs Bonded Warehouse	customs bonded warehouse.
24.241(c)	*http://www.archives.gov/federal_register/code_of_federal_regulations/ibr_locations.html.*	*https://www.archives.gov/federal-register/cfr/ibr-locations.html.*
24.302, in the second authority citation at the end of the section.	1513–XXXX	1513–0139.
24.323, in the first sentence	TTB F 5200.24	TTB F 5000.24.

■ 55. Amend § 24.10 by removing the definition of ''Secretary'' and adding a definition for ''Secretary of the Treasury or Secretary'' in its place to read as follows:

§ 24.10 Meaning of terms.

* * * * *

Secretary of the Treasury or *Secretary.* The Secretary of the Treasury or a delegate of the Secretary.

* * * * *

■ 56. Amend § 24.149 by revising paragraph (b) and removing the authority citation at the end of the section.

The revision reads as follows:

§ 24.149 Corporate surety.

* * * * *

(b) Treasury Department Circular 570 is published in the **Federal Register** annually on the first business day in July, and supplemental changes are published periodically thereafter (see *https://www.federalregister.gov*). The most recent circular and any supplemental changes to it may be viewed on the Bureau of the Fiscal Service website (see *https://fiscal.treasury.gov*).

■ 57. Amend § 24.247 in the table by revising the entry for ''Carbohydrase (Glucoamylase, Amylogluco-sidase) to read as follows:

§ 24.247 Materials authorized for the treatment of distilling material.

* * * * *

Materials	Use	Reference or limitation
* *	* *	* * *
Carbohydrase (Glucoamylase, Amylogluco-sidase).	To convent starches to fermentable carbohydrates.	The amylase enzyme activity shall be derived from *Aspergillus niger* or *Aspergillus oryzae* per FDA advisory opinion dated 8/18/83 or from *Rhizopus oryzae* per *21 CFR 173.130* or from *Rhizopus niveus* per *21 CFR 173.110.*
* *	* *	* * *

■ 58. Amend § 24.250 by revising paragraph (b) and the authority citation at the end of the section to read as follows:

§ 24.250 Application for use of new treating materials or process.

* * * * *

(b) *Data required.* The application will include the following:

(1) The name and description of the material or process;

(2) The purpose, the manner, and the extent to which the material or process is to be used together with any technical bulletin or other pertinent information relative to the material or process;

(3) A sample, if a proposed material;

(4) Documentary evidence from the U.S. Food and Drug Administration that the material is consistent with the food additive requirements under the Federal Food, Drug, and Cosmetic Act for its intended purpose in the amounts proposed for the particular treatment contemplated;

(5) The test results of any laboratory-scale pilot study conducted by the winemaker in testing the material and an evaluation of the product and of the treatment including the results of tests of the shelf life of the treated wine;

(6) A tabulation of pertinent information derived from the testing program conducted by the chemical manufacturer demonstrating the function of the material or process;

(7) A list of all chemicals used in compounding the treating material and the quantity of each component;

(8) The recommended maximum and minimum amounts, if any, of the material proposed to be used in the treatment and a statement as to the volume of water required, if any, to facilitate the addition of the material or operation of the process; and

(9) Two 750-milliliter samples representative of the wine before and after treatment. Information of a confidential or proprietary nature to the manufacturer or supplier of the treating material or process may be forwarded by the manufacturer or supplier to the appropriate TTB officer with a reference to the application filed by the winemaker. Information contained within the winemaker's application can be disclosed to the public, subject to the limitations of 26 U.S.C. 6103 and 7213.

* * * * *

(Approved by the Office of Management and Budget under control numbers 1513–0057 and 1513–0115)

■ 59. Amend § 24.270 by revising paragraphs (c)(1) and (2) and removing the authority citation at end of the section.

The revisions read as follows:

§ 24.270 Determination of tax.

* * * * *

(c) * * *

(1) *Tax class 5041(b)(1).* On still wines containing not more than 16 percent alcohol by volume, $1.07, per wine gallon;

(2) *Tax class 5041(b)(2).* On still wines containing more than 16 percent and not exceeding 21 percent alcohol by volume, $1.57 per wine gallon;

* * * * *

■ 60. Amend § 24.272 by:

■ a. Revising the last sentence of paragraph (e);

■ b. Removing the first authority citation at the end of the section; and

■ c. In the second authority citation at the end of the section, removing ''1512–0467 and 1512–0492'' and adding in its place ''1513–0083 and 1513–0088''.

The revision reads as follows:

§ 24.272 Payment of tax by electronic fund transfer.

* * * * *

(e) * * * U.S. Customs and Border Protection (CBP) will provide the proprietor with instructions for preparing EFT remittances for payments to be made to CBP for payment of excise tax on imported wine.

* * * * *

§ 24.310 [Amended]

■ 61. Amend § 24.310 by:

■ a. Removing the words ''and alcohol content'' in the second sentence and adding in their place the words ''and alcohol content or tax class'';

■ b. Removing the first authority citation at the end of the section; and

■ c. In the second authority citation at the end of the section, removing ''1512–0298'' and adding in its place ''1513–0115''.

PART 25—BEER

■ 62. The authority citation for part 25 continues to read as follows:

Authority: 19 U.S.C. 81c; 26 U.S.C. 5002, 5051–5054, 5056, 5061, 5121, 5122–5124, 5222, 5401–5403, 5411–5417, 5551, 5552, 5555, 5556, 5671, 5673, 5684, 6011, 6061, 6065, 6091, 6109, 6151, 6301, 6302, 6311, 6313, 6402, 6651, 6656, 6676, 6806, 7342, 7606, 7805; 31 U.S.C. 9301, 9303–9308.

§§ 25.3, 25.6, 25.142, 25.166, 25.169, 25.191, 25.211, 25.232, 25.242, 25.251, 25.285, 25.286, and 25.291 [Amended]

■ 63. In the following table, for each section indicated in the left column, remove the text indicated in the middle column from wherever it appears in the section and add in its place the text indicated in the right column:

Section	Remove	Add
25.3(b)	*http://www.ttb.gov*	*https://www.ttb.gov.*
25.3(b)	Room 1516	Room 8970.
25.6	*http://www.ttb.gov*	*https://www.ttb.gov.*
25.6	Room 1516	Room 8970.
25.142(b)(2), in the last sentence	offcer	officer.
25.166(b)	claim, Form 2635, (5620.8)	claim using form TTB F 5620.8,.
25.169(a)	*http://www.irs.gov*	*https://www.irs.gov.*
25.191	subpart Y of part 19 of this chapter	subpart X of part 19 of this chapter.
25.211(d)	beween	between.
25.232	basis permit	basic permit.
25.242(c), at the end of the second sentence	lablels	labels.
25.251(e)	*http://www.archives.gov/federal_register/code_of_federal_regulations/ibr_locations.html.*	*https://www.archives.gov/federal-register/cfr/ibr-locations.html.*
25.285(a) in the first sentence	Form 5000.24	form TTB F 5000.24.
25.285(a) in the second sentence	Form 2635 (5620.8)	form TTB F 5620.8.
25.286(a), in the first sentence	Form 2635 (Form 5620.8)	form TTB F 5620.8.
25.286(a) (four times)	Form 5130.9	form TTB F 5130.9.
25.291(b)(2)	concurrenty	concurrently.

■ 64. Amend § 25.11 by removing the definition of ''Secretary'' and adding a definition for ''Secretary of the Treasury or Secretary'' in its place to read as follows:

§ 25.11 Meaning of terms.

* * * * *

Secretary of the Treasury or Secretary. The Secretary of the Treasury or a delegate of the Secretary.

* * * * *

■ 65. Amend § 25.55 by revising paragraph (f)(2) introductory text to read as follows:

§ 25.55 Formulas for fermented products.

* * * * *

(f) * * *

(2) You may request a determination from TTB on whether or not the use of a process not listed in paragraph (a)(1) of this section will require the filing of a formula or whether the use of a particular coloring, flavoring, or food material may be exempted from the formula filing requirement of paragraph (a)(3) or paragraph (a)(4) of this section. You should mail your request to the Assistant Director, Alcohol Labeling and Formulation Division, Alcohol and Tobacco Tax and Trade Bureau, 1310 G Street NW, Box 12, Washington, DC 20005.

* * * * *

■ 66. Amend § 25.56 by revising paragraph (b) and removing the authority citation at the end of the section.

The revision reads as follows:

§ 25.56 Filing of formulas.

* * * * *

(b) *Where do I file a formula?* File your formula with the Assistant Director, Alcohol Labeling and Formulation Division, Alcohol and Tobacco Tax and Trade Bureau, 1310 G Street NW, Box 12, Washington, DC 20005.

■ 67. Amend § 25.77 by revising the first sentence and removing the authority citation at the end of the section.

The revision reads as follows:

§ 25.77 Change in location.

When there is a change in location of the brewery, the brewer shall file an amended form TTB F 5130.10, and also shall file a new bond on form TTB F 5130.22 as required under § 25.91 or a consent of surety on form TTB F 5000.18 as required under § 25.92, extending the terms of an existing bond or continuation certificate to cover operations at the new location. * * *

■ 68. Amend § 25.98 by:

■ a. Revising paragraph (c);

■ b. In paragraph (d), removing the words ''Circular No. 570'' and adding in their place the words ''Circular 570''; and

■ c. Removing the authority citation at the end of the section.

The revision reads as follows:

§ 25.98 Surety or security.

* * * * *

(c) *Availability of Circular 570.* Treasury Department Circular 570 is published in the **Federal Register** annually on the first business day in July, and supplemental changes are published periodically thereafter (see *https://www.federalregister.gov*). The most recent circular and any supplemental changes to it may be viewed on the Bureau of the Fiscal Service website (see *https://fiscal.treasury.gov*).

* * * * *

■ 69. Amend § 25.165 by revising the last sentence of paragraph (e) and removing the authority citation at the end of the section.

The revision reads as follows:

§ 25.165 Payment of tax by electronic fund transfer.

* * * * *

(e) * * * U.S. Customs and Border Protection (CBP) will provide the taxpayer with instructions for preparing EFT remittances for payments to be made to CBP.

PART 26—LIQUORS AND ARTICLES FROM PUERTO RICO AND THE VIRGIN ISLANDS

■ 70. The authority citation for part 26 continues to read as follows:

Authority: 19 U.S.C. 81c; 26 U.S.C. 5001, 5007, 5008, 5010, 5041, 5051, 5061, 5111–5114, 5121, 5122–5124, 5131–5132, 5207, 5232, 5271, 5275, 5301, 5314, 5555, 6001, 6038E, 6065, 6109, 6301, 6302, 6804, 7101, 7102, 7651, 7652, 7805; 27 U.S.C. 203, 205; 31 U.S.C. 9301, 9303, 9304, 9306.

§§ 26.2, 26.3, 26.78, 26.87, 26.93, 26.102, 26.108, 26.114, 26.116, 26.126, 26.199b, 26.199c, 26.201a, and 26.266 [Amended]

■ 71. In the following table, for each section indicated in the left column, remove the text indicated in the middle

column from wherever it appears in the section and add in its place the text indicated in the right column:

Section	Remove	Add
26.2(b)	*http://www.ttb.gov*	*https://www.ttb.gov*.
26.2(b)	Room 1516	Room 8970.
26.3	*http://www.ttb.gov*	*https://www.ttb.gov*.
26.3	Room 1516	Room 8970.
26.78, in the third sentence	his delegate	their delegate.
26.87, in the first sentence (2 times)	he shall	they shall,.
26.87, in the second sentence	his delegate	their delegate.
26.93, in the last sentence	his delegate	their delegate.
26.102, in the last sentence	his delegate	their delegate.
26.108, in the section heading	5100.51	5110.51.
26.108(c)	his delegate	their delegate.
26.114	Form 487B	form TTB F 5170.7.
26.116, in the first sentence	the Secretary, or his delegate, finds	the Secretary or their delegate finds.
26.116, in the first sentence	he will execute his	they will execute their.
26.116, in the third sentence	he will execute his	they will execute their.
26.116, in the fourth sentence	he will withhold release	they will withhold release.
26.126	paid to the U.S. Customs authorities	paid to U.S. Customs and Border Protection authorities.
26.199b	he finds that the applicant is in compliance with law and regulations, he will.	he or she finds that the applicant is in compliance with law and regulations, he or she will.
26.199c	of convenient	for convenient.
26.201a(a) introductory text	his duly	the Governor's duly.
26.201a(b), in first sentence of the undesignated paragraph beginning with "Provided".	his duly authorized agents, are concurred in by the Secretary of the Treasury of the United States or his delegate.	the Governor's duly authorized agents, are concurred in by the Secretary of the Treasury of the United States or the Secretary's delegate.
26.266	regulations. (19 CFR Ch. I)	regulations (19 CFR chapter I).

■ 72. Amend § 26.11, by revising the definition of ''Virgin Islands regulations'' and removing the authority citation at the end of the section.

The revision reads as follows:

§ 26.11 Meaning of terms.

* * * * *

Virgin Islands regulations. Regulations adopted or issued by the Governor of the Virgin Islands, or by the Governor's duly authorized agents, with the concurrence of the Secretary of the Treasury of the United States or the Secretary's delegate, under the provisions of 26 U.S.C. 5314, as amended, and § 26.201a.

* * * * *

■ 73. Revise § 26.62 to read as follows:

§ 26.62 Corporate surety.

(a) Surety bonds may be given only with corporate sureties holding certificates of authority from, and subject to the limitations prescribed by, the Secretary of the Treasury of the United States, as set forth in the current revision of U.S. Treasury Department Circular 570 (Companies Holding Certificates of Authority as Acceptable Sureties on Federal Bonds and as Acceptable Reinsuring Companies).

(b) U.S. Treasury Department Circular 570 is published in the **Federal Register** annually on the first business day in July, and supplemental changes are published periodically thereafter (see *https://www.federalregister.gov*). The most recent circular and any supplemental changes to it may be viewed on the United States Treasury Department's Bureau of the Fiscal Service website (see *https://fiscal.treasury.gov*).

■ 74. Amend § 26.112a by:

■ a. Revising the last sentence of paragraph (e);

■ b. Revising the first authority citation at the end of the section; and

■ c. Removing the second authority citation at the end of the section.

The revisions read as follows:

§ 26.112a Payment of tax by electronic fund transfer.

* * * * *

(e) * * * U.S. Customs and Border Protection (CBP) will provide the taxpayer with instructions for preparing EFT remittances for payments to be made to CBP.

(Approved by the Office of Management and Budget under control number 1513–0083)

■ 75. Amend § 26.267 by revising paragraphs (c) and (d) and the first authority citation at the end of the section and removing the second authority citation at the end of the section.

The revisions read as follows:

§ 26.267 Payment of tax by electronic fund transfer.

* * * * *

(c) Electronic fund transfer or EFT means any transfer of funds, as defined in § 26.11, in accordance with procedures established by U.S. Customs and Border Protection (CBP).

(d) Each person who is required by this section to make remittances by EFT shall make the EFT remittance in accordance with the requirements of CBP.

(Approved by the Office of Management and Budget under Control Number 1513–0083)

PART 27—IMPORTATION OF DISTILLED SPIRITS, WINES, AND BEER

■ 76. The authority citation for part 27 continues to read as follows:

Authority: 5 U.S.C. 552(a), 19 U.S.C. 81c, 1202; 26 U.S.C. 5001, 5007, 5008, 5010, 5041, 5051, 5054, 5061, 5121, 5122–5124, 5201, 5205, 5207, 5232, 5273, 5301, 5313, 5382, 5555, 6038E, 6065, 6109, 6302, 7805.

§§ 27.2, 27.3, 27.11, 27.48a, 27.60, 27.171, 27.202, 27.204, 27.209, and 27.264 [Amended]

■ 77. In the following table, for each section indicated in the left column, remove the text indicated in the middle column from wherever it appears in the

section and add in its place the text indicated in the right column:

Section	Remove	Add
27.2(b)	*http://www.ttb.gov*	*https://www.ttb.gov*.
27.2(b)	Room 1516	Room 8970.
27.3	*http://www.ttb.gov*	*https://www.ttb.gov*.
27.3	Room 1516	Room 8970.
27.11, in the definition of ''Class 8 Customs bonded warehouse''.	Customs Regulations (19 CFR, chapter I)	the customs regulations (19 CFR chapter I).
27.48a(c)	the U.S. Customs Service	U.S. Customs and Border Protection.
27.48a(d)	the U.S. Customs Service	U.S. Customs and Border Protection.
27.60	Regulations 7 (27 CFR part 7)	27 CFR part 7.
27.171(a), in the first sentence	his plant	their plant.
27.171(a), in the last sentence	his liability	their liability.
27.202, in the first sentence	§ 5.47a	§ 5.203.
27.202, in the second sentence	subpart E	subpart K.
27.204(b)(2), in the first sentence	his premises	their premises.
27.204(b)(2), in the last sentence	TTB officer decision	TTB officer's decision.
27.209, in the first sentence	for him	for that importer.
27.264(a), in the first sentence	Customs and	U.S. Customs and.

PART 28—EXPORTATION OF ALCOHOL

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

Authority: 5 U.S.C. 552(a); 19 U.S.C. 81c, 1202; 26 U.S.C. 5001, 5007, 5008, 5041, 5051, 5054, 5061, 5121, 5122, 5201, 5205, 5207, 5232, 5273, 5301, 5313, 5555, 6109, 6302, 7805; 27 U.S.C. 203, 205; 44 U.S.C. 3504(h).

§§ 28.2, 28.3, 28.4, 28.21, 28.216, 28.219, 28.264, and 28.267 [Amended]

■ 79. In the following table, for each section indicated in the left column, remove the text indicated in the middle column from wherever it appears in the section and add in its place the text indicated in the right column:

Section	Remove	Add
28.2(b)	*http://www.ttb.gov*	*https://www.ttb.gov*.
28.2(b)	Room 1516	Room 8970.
28.3, in the listing for ''19 CFR Chapter I—Customs Regulations''.	Customs Regulations	U.S. Customs and Border Protection, Department of Homeland Security; Department of the Treasury.
28.4	*http://www.ttb.gov*	*https://www.ttb.gov*.
28.4	Room 1516	Room 8970.
28.21(f)	that he has found	that he or she has found.
28.216	parts 24	part 24.
28.219(a)	celler	cellar.
28.264, in the first sentence	notifcation	notification.
28.267, in the second sentence	of U.S. Customs regulations	of the customs regulations.

■ 80. Amend § 28.11 by:
■ a. Revising the definition of ''Customs bonded warehouse'', ''Customs officer'', and ''Manufacturing bonded warehouse'';
■ b. Removing the definition of ''Secretary'' and adding a definition for ''Secretary of the Treasury or Secretary'' in its place; and
■ c. Removing the authority citation at the end of the section.

The revisions read as follows:

§ 28.11 Meaning of terms.

* * * * *

Customs bonded warehouse. A customs bonded warehouse, class 2, 3, or 8, established under the provisions of the customs regulations (19 CFR chapter I).

Customs officer. An officer of U.S. Customs and Border Protection (CBP) or any agent or other person authorized by law to perform the duties of such an officer.

* * * * *

Manufacturing bonded warehouse. A manufacturing bonded warehouse, class six, established under the provisions of the customs regulations (19 CFR, chapter I).

* * * * *

Secretary of the Treasury or *Secretary.* The Secretary of the Treasury or a delegate of the Secretary.

* * * * *

■ 81. Amend § 28.52 by revising paragraph (b) and removing the authority citation at the end of the section.

The revision reads as follows:

§ 28.52 Corporate surety.

* * * * *

(b) Treasury Department Circular 570 is published in the **Federal Register** annually on the first business day in July, and supplemental changes are published periodically thereafter (see *https://www.federalregister.gov*). The most recent circular and any supplemental changes to it may be viewed on the Bureau of the Fiscal Service website (see *https://fiscal.treasury.gov*).

■ 82. Revise § 28.148 to read as follows:

§ 28.148 Brewer's report.

The brewer's records shall reflect the quantity of beer or beer concentrate removed without payment of tax under this subpart, and the brewer must report the quantity of beer or beer concentrate so removed on their monthly or quarterly report of operations, as appropriate. The total quantity of beer

or beer concentrate involved in all export shipments returned during any reporting period also must be recorded as a separate entry on the appropriate report of operations. Brewers required to submit monthly reports of operations must use form TTB F 5130.9, while brewers required to submit quarterly reports of operations may use either form TTB F 5130.9 or form TTB F 5130.26 (or any successor forms). For requirements regarding monthly and quarterly reporting, see 27 CFR 25.297.

(Approved by the Office of Management and Budget under control number 1513–0007)

PART 29—STILLS AND MISCELLANEOUS REGULATIONS

■ 83. The authority citation for part 29 is revised to read as follows:

Authority: 26 U.S.C. 5002, 5101, 5102, 5179, 5291, 5601, 5615, 5687, 6109, 7805.

§ § 29.42, 29.43, and 29.55 [Amended]

■ 84. In the following table, for each section indicated in the left column, remove the text indicated in the middle column from wherever it appears in the section and add in its place the text indicated in the right column:

Section	Remove	Add
29.42	*http://www.ttb.gov*	*https://www.ttb.gov.*
29.42	Room 1516	Room 8970.
29.43(b)	*http://www.ttb.gov*	*https://www.ttb.gov.*
29.43(b)	Room 1516	Room 8970.
29.55(c), in the second sentence	othewise	otherwise.

■ 85. Amend § 29.45 by:
■ a. Adding in alphabetical order a definition for ''Condenser''; and
■ b. In the definition of ''Still'', removing the word ''spiritous'' and adding in its place the word ''spirituous''.

The addition reads as follows:

§ 29.45 Meaning of terms.

* * * * *

Condenser. Any apparatus capable of being used when connected with a still, for condensing or liquefying alcoholic or spirituous vapors, but shall not include condensers to be used with laboratory stills or stills used for distilling water or other nonalcoholic materials where the cubic distilling capacity is one gallon or less.

* * * * *

PART 30—GAUGING MANUAL

■ 86. The authority citation for part 30 continues to read as follows:

Authority: 26 U.S.C. 7805.

§ § 30.1, 30.24, 30.25, 30.31, and 30.71 [Amended]

■ 87. In the following table, for each section indicated in the left column, remove the text indicated in the middle column from wherever it appears in the section and add in its place the text indicated in the right column:

Section	Remove	Add
30.1(c)	*http://www.archives.gov/federal_register/code_of_federal_regulations/ibr_locations.html.*	*https://www.archives.gov/federal-register/cfr/ibr-locations.html.*
30.24(c)	*http://www.archives.gov/federal_register/code_of_federal_regulations/ibr_locations.html.*	*https://www.archives.gov/federal-register/cfr/ibr-locations.html.*
30.25 introductory text, in the third sentence	above 60 degress	above 60 degrees.
30.31(d)	guage prescribed	gauge prescribed.
30.71, in the third sentence	at his option	at their option.

Subpart A—Scope of Regulations

■ 88. Add § 30.3 to subpart A to read as follows:

§ 30.3 Delegations of the Administrator.

The regulatory authorities of the Administrator contained in this part are delegated to appropriate TTB officers. These TTB officers are specified in TTB Order 1135.30, Delegation of the Administrator's Authorities in 27 CFR part 30, Gauging Manual. You may obtain a copy of this order by accessing the TTB website (*https://www.ttb.gov*) or by mailing a request to the Alcohol and Tobacco Tax and Trade Bureau, National Revenue Center, 550 Main Street, Room 8970, Cincinnati, OH 45202.

PART 31—ALCOHOL BEVERAGE DEALERS

■ 89. The authority citation for part 31 continues to read as follows:

Authority: 26 U.S.C. 5001, 5002, 5121, 5122–5124, 5131, 5132, 5206, 5207, 5273, 5301, 5352, 5555, 5603, 5613, 5681, 5687, 6061, 6065, 6071, 6091, 6103, 6109, 6723, 6724, 7805.

§§ 31.11, 31.13, and 31.115 [Amended]

■ 90. In the following table, for each section indicated in the left column, remove the text indicated in the middle column from wherever it appears in the section and add in its place the text indicated in the right column:

Section	Remove	Add
31.11(b)	*http://www.ttb.gov*	*https://www.ttb.gov.*
31.11(b)	Room 1516	Room 8970.
31.13	*http://www.ttb.gov*	*https://www.ttb.gov.*
31.13	Room 1516	Room 8970.
31.115(b)	*http://www.irs.gov/*	*https://www.irs.gov.*

PART 40—MANUFACTURE OF TOBACCO PRODUCTS, CIGARETTE PAPERS AND TUBES, AND PROCESSED TOBACCO

■ 91. The authority citation for part 40 continues to read as follows:

Authority: 26 U.S.C. 448, 5701, 5703–5705, 5711–5713, 5721–5723, 5731–5734, 5741, 5751, 5753, 5761–5763, 6061, 6065, 6109, 6151, 6301, 6302, 6311, 6313, 6402, 6404, 6423, 6676, 6806, 7011, 7212, 7325, 7342, 7502, 7503, 7606, 7805; 31 U.S.C. 9301, 9303, 9304, 9306.

§§ 40.31, 40.41, 40.44, 40.49, 40.66, 40.67, 40.68, 40.91, 40.92, 40.137, 40.165a, 40.357, 40.392, 40.402, 40.403, 40.407, 40.422, and 40.491 [Amended]

■ 92. In the following table, for each section indicated in the left column, remove the text indicated in the middle column from wherever it appears in the section and add in its place the text indicated in the right column:

Section	Remove	Add
40.41(b)	*http://www.ttb.gov*	*https://www.ttb.gov.*
40.41(b)	Room 1516	Room 8970.
40.44, in the last sentence	part 172 of this chapter	part 72 of this chapter.
40.49	*http://www.ttb.gov*	*https://www.ttb.gov.*
40.49	Room 1516	Room 8970.
40.66	5200.25 or 5200.26	5200.29 (or TTB F 5200.25 or 5200.26).
40.67	5200.25 or 5200.26	5200.29 (or TTB F 5200.25 or 5200.26).
40.68, in the last sentence	a appropriate	an appropriate.
40.91	he shall	they shall.
40.91	Form 2098	TTB F 5200.16.
40.92, in the first sentence	his permit	their permit.
40.92, in the second sentence	to him	to them.
40.137	5200.18	5000.18.
40.165a(e), in the last sentence, in the first instance.	U.S. Customs Service	U.S. Customs and Border Protection (CBP).
40.165a(e), in the last sentence, in the second instance.	U.S. Customs Service	CBP.
40.357(e), in the first sentence	an TTB procedure	a TTB procedure.
40.357(e), in the last sentence, in the first instance.	U.S. Customs Service	U.S. Customs and Border Protection (CBP).
40.357(e), in the last sentence, in the second instance.	U.S. Customs Service	CBP.
40.392	5200.25 or 5200.26	5200.29 (or TTB F 5200.25 or 5200.26).
40.402	Companies). (See § 40.401(c)) When	Companies); see § 40.401(c). When.
40.403	Acceptance of Bonds, Notes or Other Obligations Issued or Guaranteed by the United States as Security in Lieu of Surety or Sureties on Penal Bonds.	Acceptance of Bonds Secured by Government Obligations in Lieu of Bonds with Sureties.
40.407	5000.18, Extension of Coverage of Bond,	5000.18.
40.422, in the introductory text	Form 5230.3	F 5210.5.
40.491(b)(2), in the first sentence	destruction	a purpose authorized by § 40.72(b).

§ 40.22 [Amended]

■ 93. Amend § 40.22 in paragraph (b)(1) by removing the last sentence.

§ 40.31 [Amended]

■ 94. Amend § 40.31 in the first sentence by removing ''of the part''.

■ 95. Amend § 40.131 by:

■ a. Removing the words ''Circular No. 570'' in paragraph (a) and adding in their place the words ''Circular 570'';

■ b. Revising paragraph (b); and

■ c. Removing the authority citation at the end of the section.

The revision reads as follows:

§ 40.131 Corporate surety.

* * * * *

(b) Treasury Department Circular 570 is published in the **Federal Register** annually on the first business day in July, and supplemental changes are published periodically thereafter (see *https://www.federalregister.gov*). The most recent circular and any supplemental changes to it may be viewed on the Bureau of the Fiscal Service website (see *https://fiscal.treasury.gov*).

■ 96. Amend § 40.401 by:

■ a. Removing the words ''Circular No. 570'' in paragraph (a) and adding in their place the words ''Circular 570'';

■ b. Revising paragraph (c); and

■ c. Removing the authority citation at the end of the section.

The revision reads as follows:

§ 40.401 Corporate surety.

* * * * *

(c) Treasury Department Circular 570 is published in the **Federal Register** annually on the first business day in July, and supplemental changes are published periodically thereafter (see *https://www.federalregister.gov*). The most recent circular and any supplemental changes to it may be viewed on the Bureau of the Fiscal Service website (see *https://fiscal.treasury.gov*).

PART 41—IMPORTATION OF TOBACCO PRODUCTS, CIGARETTE PAPERS AND TUBES, AND PROCESSED TOBACCO

■ 97. The authority citation for part 41 continues to read as follows:

Authority: 26 U.S.C. 5701–5705, 5708, 5712, 5713, 5721–5723, 5741, 5754, 5761–5763, 6301, 6109, 6302, 6313, 6402, 6404, 7101, 7212, 7342, 7606, 7651, 7652, 7805; 31 U.S.C. 9301, 9303, 9304, 9306.

§§ 41.11, 41.21, 41.26, 41.29, 41.50, 41.63, 41.82, 41.83, 41.109, 41.111, 41.114a, 41.124, 41.141, 41.173, 41.190, and 41.262 [Amended]

■ 98. In the following table, for each section indicated in the left column, remove the text indicated in the middle column from wherever it appears in the section and add in its place the text indicated in the right column:

Section	Remove	Add
41.11, in the definition of ''Importer''	Customs bonded	customs bonded.
41.21(b)	*http://www.ttb.gov*	*https://www.ttb.gov.*
41.21(b)	Room 1516	Room 8970.
41.26(c)	method of procedure	method or procedure.
41.29	*http://www.ttb.gov*	*https://www.ttb.gov.*
41.29	Room 1516	Room 8970.
41.50, in the first sentence	and Customs Regulations, 19 CFR, chapter I,	and the customs regulations (19 CFR chapter I).
41.63(c)(1)	the U.S. Customs Service	U.S. Customs and Border Protection.
41.63(c)(2)	elswhere	elsewhere.
41.63(d)	the U.S. Customs Service	U.S. Customs and Border Protection.
41.82(a)	parts 44 and 270	parts 40 and 44.
41.82(e)	27 CFR part 270	27 CFR part 40.
41.82(i)	parts 44 and 270	parts 40 and 44.
41.82(i)	to the U.S. Customs Service	to U.S. Customs and Border Protection.
41.83(a)	parts 44 and 270	parts 40 and 44.
41.83(d)	the U.S. Customs Service	U.S. Customs and Border Protection.
41.109, in the first sentence	Form 2986	TTB F 5210.12.
41.111(a)(1)	TTB F 2986 (5210.12)	TTB F 5210.12.
41.114a(a) introductory text, in the first sentence.	Form 2936	Form 2986.
41.124, in the second sentence	Form 2105	TTB F 5000.18.
41.141, in the second sentence	Form 5210.5 or Form 2138	TTB F 5210.5.
41.173, the first sentence	TTB to officer	TTB officer.
41.190	Customs	U.S. Customs and Border Protection.
41.262(d)(1), in the first sentence	paragraph (d)(2)	paragraphs (d)(2) and (3).

■ 99. Amend § 41.119 by:
■ a. Removing the words ''Circular No. 570'' in paragraph (a) and adding in their place the words ''Circular 570'';
■ b. Revising paragraph (b); and
■ c. Removing the authority citation at the end of the section.

The revision reads as follows:

§ 41.119 Corporate surety.

* * * * *

(b) Treasury Department Circular 570 is published in the **Federal Register** annually on the first business day in July, and supplemental changes are published periodically thereafter (see *https://www.federalregister.gov*). The most recent circular and any supplemental changes to it may be viewed on the Bureau of the Fiscal Service website (see *https://fiscal.treasury.gov*).

PART 44—EXPORTATION OF TOBACCO PRODUCTS AND CIGARETTE PAPERS AND TUBES, WITHOUT PAYMENT OF TAX, OR WITH DRAWBACK OF TAX

■ 100. The authority citation for part 44 is revised to read as follows:

Authority: 26 U.S.C. 448, 5701–5705, 5711–5713, 5721–5723, 5731–5734, 5741, 5751, 5754, 6061, 6065, 6109, 6151, 6402, 6404, 6806, 7011, 7212, 7342, 7606, 7805; 31 U.S.C. 9301, 9303, 9304, 9306.

§§ 44.2, 44.3, 44.82, 44.86, 44.101, 44.102, 44.103, 44.108, 44.109, 44.111, 44.126, 44.143, and 44.223 [Amended]

■ 101. In the following table, for each section indicated in the left column, remove the text indicated in the middle column from wherever it appears in the section and add in its place the text indicated in the right column:

Section	Remove	Add
44.2(b)	*http://www.ttb.gov*	*https://www.ttb.gov.*
44.2(b)	Room 1516	Room 8970.
44.3	*http://www.ttb.gov*	*https://www.ttb.gov.*
44.3	Room 1516	Room 8970.
44.82, in the first sentence	Form 2093 (5200.3)	Form 5200.3.
44.86	Form 2103 (5220.5)	Form 5200.29.
44.101	Form 2098 (5200.16)	Form 5200.16.
44.102, in the first sentence	Form 2098 (5200.16)	Form 5200.16.
44.103, in the first sentence	Form 2098 (5200.16)	Form 5200.16.
44.108, in the first sentence	Form 2098 (5200.16)	Form 5200.16.
44.109	Form 2098 (5200.16)	Form 5200.16.
44.111, in the first sentence	Form 2098 (5200.16)	Form 5200.16.
44.126	Form 2105 (5000.7)	Form 5000.18.
44.143(a)	Form 5220.3 (3373)	Form 5220.3.
44.223, in the first sentence	Form 2148 (5200.17)	Form 5200.17.

■ 102. Amend § 44.11 by adding in alphabetical order a definition for ''Customs officer'' and revising the definition of ''Factory'' to read as follows:

§ 44.11 Meaning of terms.

* * * * *

Customs officer. An officer of U.S. Customs and Border Protection (CBP) or any agent or other person authorized by law to perform the duties of such an officer.

* * * * *

Factory. The premises of a manufacturer of tobacco products or

cigarette papers and tubes in which that person carries on such business.

* * * * *

■ 103. Amend § 44.121 by:
■ a. Removing from paragraph (a) the words ''Circular No. 570, as revised (see paragraph (c) of this section)'' and adding in their place the words ''Circular 570, Companies Holding Certificates of Authority as Acceptable Sureties on Federal Bonds and as Acceptable Reinsuring Companies, as revised (see paragraph (c) of this section)'';
■ b. Revising paragraph (c); and
■ c. Removing the authority citation at the end of the section.

The revision reads as follows:

§ 44.121 Corporate surety.

* * * * *

(c) Treasury Department Circular 570 is published in the **Federal Register** annually on the first business day in July, and supplemental changes are published periodically thereafter (see *https://www.federalregister.gov*). The most recent circular and any supplemental changes to it may be viewed on the Bureau of the Fiscal Service website (see *https://fiscal.treasury.gov*).

§ 44.122 [Amended]

■ 104. Amend § 44.122 by:
■ a. Removing from the first sentence the words ''the provisions of Treasury Department Circular 154, revised (31 CFR part 225)'' and adding in their place the words, ''the provisions of 31 CFR part 225 regarding acceptance of bonds secured by Government obligations in lieu of bonds with sureties''; and
■ b. Removing the authority citation at the end of the section.

§ 44.129 [Amended]

■ 105. Amend § 44.129 by:
■ a. Removing from paragraph (a) the words ''provisions of Treasury Department Circular No. 154 (31 CFR Part 225—Acceptance of Bonds, Notes or Other Obligations Issued or Guaranteed by the United States as Security in Lieu of Surety or Sureties on Penal Bonds)'' and adding in their place the words ''provisions of 31 CFR part 225 regarding acceptance of bonds secured by Government obligations in lieu of bonds with sureties'';
■ b. Removing and reserving paragraph (b); and
■ c. Removing the authority citation at the end of the section.

■ 106. Amend § 44.205 by:
■ a. Removing from paragraph (a)(1) the word ''Customs'' and adding in its place the word ''customs'';
■ b. Removing from paragraph (a)(2) the words ''Customs officer'' and ''with Customs'' and adding in their places the words ''customs officer'' and ''with U.S. Customs and Border Protection (CBP)'', respectively;
■ c. Revising paragraph (b) introductory text; and
■ d. Removing from paragraph (c) the word ''Customs'' wherever it appears and adding in its place the word ''customs''.

The revision reads as follows:

§ 44.205 To contiguous foreign countries.

* * * * *

(b) When a shipment has been cleared by CBP from the United States, and when the customs officer at the port of exit is satisfied that the products have departed from the United States, that officer shall—

* * * * *

PART 45—REMOVAL OF TOBACCO PRODUCTS AND CIGARETTE PAPERS AND TUBES, WITHOUT PAYMENT OF TAX, FOR THE USE OF THE UNITED STATES

■ 107. The authority citation for part 45 is revised to read as follows:

Authority: 26 U.S.C. 5702–5705, 5723, 5741, 5751, 5762, 5763, 6109, 6313, 7212, 7342, 7606, 7805; 44 U.S.C. 3504(h).

§ 45.21 [Amended]

■ 108. Amend § 45.21 by designating the introductory text as paragraph (a), redesignating paragraphs (a) through (c) as paragraphs (a)(1) through (3), and designating the undesignated paragraph following newly redesignated paragraph (a)(3) as paragraph (b).

§ 45.22 [Amended]

■ 109. Amend § 45.22 by designating the introductory text as paragraph (a), redesignating paragraphs (a) through (c) as paragraphs (a)(1) through (3), and designating the undesignated paragraph following newly redesignated paragraph (a)(3) as paragraph (b).

§§ 45.11, 45.21, 45.22, 45.23, 45.24, 45.26, 45.27, 45.32, 45.36, and 44.42 [Amended]

■ 110. In the following table, for each section indicated in the left column, remove the text indicated in the middle column from wherever it appears in the section and add in its place the text indicated in the right column:

Section	Remove	Add
45.11, in the definition of ''Factory''	he carries	the manufacturer carries.
45.11, in the definition of ''Manufacturer of cigarette papers and tubes''.	his own	their own.
45.11, in paragraph (2) of the definition of ''Manufacturer of tobacco products''.	Customs	customs.
45.11, in the definition of ''This chapter''	title 26	title 27.
45.21, in the second sentence of the newly redesignated paragraph (a).	he finds	that officer finds.
45.21, in newly redesignated paragraph (b), in the last sentence.	his records	their records.
45.22, in newly redesignated paragraph (a) introductory text.	he finds	that officer finds.
45.22, in newly redesignated paragraph (b), in the last sentence.	his records	their records.
45.23, in the second sentence	of his	of their.
45.23, in the last sentence	permit him	permit that officer.
45.24	in his	in their.
45.26	*http://www.ttb.gov*	*https://www.ttb.gov.*
45.26	Room 1516	Room 8970.
45.27(b)	*http://www.ttb.gov*	*https://www.ttb.gov.*
45.27(b)	Room 1516	Room 8970.
45.32	his factory	their factory.
45.36	to appropriate	to the appropriate.
45.36	which he	which that person.

Section	Remove	Add
45.36	in his	in their.
45.42, in the sixth sentence	If approved by him the appropriate TTB officer shall.	If approved by the appropriate TTB officer, that officer shall.

PART 46—MISCELLANEOUS REGULATIONS RELATING TO TOBACCO AND CIGARETTE PAPERS AND TUBES

■ 111. The authority citation for part 46 is revised to read as follows:

Authority: 18 U.S.C. 2341–2346, 26 U.S.C. 5061, 5704, 5708, 5731–5734, 5751, 5754, 5761–5763, 6001, 6109, 6601, 6621, 6622, 7212, 7342, 7602, 7606, 7805; 44 U.S.C. 3504(h), 49 U.S.C. 782, unless otherwise noted.

§§ 46.7, 46.21, 46.22, 46.74, 46.92, 46.102, 46.231, and 46.252 [Amended]

■ 112. In the following table, for each section indicated in the left column, remove the text indicated in the middle column from wherever it appears in the section and add in its place the text indicated in the right column:

Section	Remove	Add
46.7, in the first sentence	Form 2635 (5620.8)	form TTB F 5620.8.
46.21	*http://www.ttb.gov*	*https://www.ttb.gov.*
46.21	Room 1516	Room 8970.
46.22(b)	*http://www.ttb.gov*	*https://www.ttb.gov.*
46.22(b)	Room 1516	Room 8970.
46.74	TTB Form 2635 (5620.8)	form TTB F 5620.8.
46.92, in the definition of ''Manufacturer of cigarette papers and tubes''.	his own	their own.
46.102(b)	*http://www.irs.gov*	*https://www.irs.gov.*
46.231	*http://www.ttb.gov*	*https://www.ttb.gov.*
46.252	TTB Form 2635 (5620.8)	form TTB F 5620.8.

■ 113. Amend § 46.11 by:
■ a. Removing from paragraph (a) the words ''Circular No. 570 (refer to paragraph (c) of this section)'' and adding in their place the words ''Circular 570, Companies Holding Certificates of Authority as Acceptable Sureties on Federal Bonds and as Acceptable Reinsuring Companies, as revised (see paragraph (c) of this section)'';
■ b. In the second sentence of paragraph (b) removing the word ''he'' and adding in its place the words ''he or she'';
■ c. Revising paragraph (c); and
■ d. Removing the authority citation at the end of the section.

The revision reads as follows:

§ 46.11 Corporate surety.

* * * * *

(c) Treasury Department Circular 570 is published in the **Federal Register** annually on the first business day in July, and supplemental changes are published periodically thereafter (see *https://www.federalregister.gov*). The most recent circular and any supplemental changes to it may be viewed on the Bureau of the Fiscal Service website (see *https://fiscal.treasury.gov*).

■ 114. Amend § 46.72 by:
■ a. Revising the definition of ''Commissioner of Customs''; and
■ b. In the definition of ''Tax paid or determined'', removing the word ''acutally'' and adding in its place the word ''actually''.

The revision reads as follows:

§ 46.72 Meaning of terms.

* * * * *

Commissioner of Customs. The Commissioner of U.S. Customs and Border Protection, Department of Homeland Security, Washington, DC.

* * * * *

PART 53—MANUFACTURERS EXCISE TAXES—FIREARMS AND AMMUNITION

■ 115. The authority citation for part 53 continues to read as follows:

Authority: 26 U.S.C. 4181, 4182, 4216–4219, 4221–4223, 4225, 6001, 6011, 6020, 6021, 6061, 6071, 6081, 6091, 6101–6104, 6109, 6151, 6155, 6161, 6301–6303, 6311, 6402, 6404, 6416, 7502, 7805.

§§ 53.20, 53.21, 53.132, 53.133, 53.134, 53.135, and 53.179 [Amended]

■ 116. In the following table, for each section indicated in the left column, remove the text indicated in the middle column from wherever it appears in the section and add in its place, the text indicated in the right column:

Section	Remove	Add
53.20	*http://www.ttb.gov*	*https://www.ttb.gov.*
53.20	Room 1516	Room 8970.
53.21(b)	*http://www.ttb.gov*	*https://www.ttb.gov.*
53.21(b)	Room 1516	Room 8970.
53.132(c)(2)(iii), 3 times	TTB I	TTB F.
53.133(d)(4), 3 times	TTB I	TTB F.
53.134(d)(2)(iv), 3 times	TTB I	TTB F.
53.135(c)(3), 3 times	TTB I	TTB F.
53.179(b)(1)(iv), 2 times	TTB I	TTB F.

■ 117. Amend § 53.3 by revising the third sentence to read as follows:

§ 53.3 Exemption certificates.

* * * These certificates are available as preprinted forms, which are available for free download on the TTB website at *https://www.ttb.gov/forms,* or by request sent via postal mail to the Alcohol and Tobacco Tax and Trade Bureau, National Revenue Center, 550 Main Street, Room 8970, Cincinnati, OH 45202. * * *.

■ 118. Amend § 53.11:

■ a. In the second sentence of the definition of ''Importer'' by removing the words ''his sale'' and adding in their place the words ''their sale''; and

■ b. Removing the definition of ''Secretary'' and adding a definition for ''Secretary of the Treasury or Secretary'' in its place.

The revision reads as follows:

§ 53.11 Meaning of terms.

* * * * *

Secretary of the Treasury or Secretary. The Secretary of the Treasury or a delegate of the Secretary.

* * * * *

PART 70—PROCEDURE AND ADMINISTRATION

■ 119. The authority citation for part 70 is revised to read as follows:

Authority: 5 U.S.C. 301 and 552; 26 U.S.C. 4181, 4182, 5123, 5203, 5207, 5275, 5367, 5415, 5504, 5555, 5684(a), 5741, 5761(b), 5802, 6020, 6021, 6064, 6102, 6109, 6155, 6159, 6201, 6203, 6204, 6301, 6303, 6311, 6313, 6314, 6321, 6323, 6325, 6326, 6331–6343, 6401–6404, 6407, 6416, 6423, 6501–6503, 6511, 6513, 6514, 6532, 6601, 6602, 6611, 6621, 6622, 6651, 6653, 6656–6658, 6665, 6671, 6672, 6701, 6723, 6801, 6862, 6863, 6901, 7011, 7101, 7102, 7121, 7122, 7207, 7209, 7214, 7304, 7401, 7403, 7406, 7423, 7424, 7425, 7426, 7429, 7430, 7432, 7502, 7503, 7505, 7506, 7513, 7601–7606, 7608–7610, 7622, 7623, 7653, 7805.

§§ 70.2, 70.3, 70.33, 70.96, 70.123, 70.125, 70.143, 70.161, 70.163, 70.164, 70.181, 70.183, 70.185, 70.186, 70.187, 70.203, 70.205, 70.209, 70.232, 70.242, 70.245, 70.251, 70.471, 70.482, 70.701, and 70.803 [Amended]

■ 120. In the following table, for each section indicated in the left column, remove the text indicated in the middle column from wherever it appears in the section and add in its place the text indicated in the right column:

Section	Remove	Add
70.2(b)	*http://www.ttb.gov*	*https://www.ttb.gov.*
70.2(b)	Room 1516	Room 8970.
70.3	*http://www.ttb.gov*	*https://www.ttb.gov.*
70.3	Room 1516	Room 8970.
70.33(c)	his presence	their presence.
70.33(c)	if he has	if they have.
70.96(a)(1)(iv), in the second sentence	5 percent therof	5 percent thereof.
70.123(d), in the first sentence	the individuals	the individual's.
70.125(b), in the second sentence	Form 2635 (5020.8),	form TTB F 5620.8,.
70.143(a)(1) introductory text	exists ay any	exists at any.
70.161(c), in the fifth sentence	designated ofice	designated office.
70.163(a)(2)(ii)(B)	U.S. court a the time	U.S. court at the time.
70.164(c), in the second sentence	orginzation	organization.
70.181(c)(8), in the last sentence	whatsover	whatsoever.
70.183(b)(5), in the first sentence	cae of default	case of default.
70.185(a), in the first sentence	puchaser's	purchaser.
70.186(a) introductory text	such sale.	such sale:.
70.186(a)(5)	such tranfer	such transfer.
70.186(c), in the second sentence	purhcaser	purchaser.
70.187(a), in the last sentence	orginal	original.
70.203(b)(3)	palce provided	place provided.
70.205(a)(2)(i), in the second sentence	forclosure	foreclosure.
70.205(a)(2)(ii) heading	noitce	notice.
70.205(b)(2), in the last sentence	noitice	Notice.
70.205(e)(1) introductory text	a noitice	a notice.
70.209(b)	subsequenbtly	subsequently.
70.232(d), in the seventh sentence	Indentifiable	Identifiable.
70.242(c)(2), in the fourth sentence	acompany	Accompany.
70.242(c)(2), in the sixth sentence	diretly	directly.
70.245(d), in the paragraph heading	form	from.
70.471(c)	*http://www.atf.gov/contact/*	*https://www.atf.gov/contact.*
70.482(a)(2)	collectibility	collectability.
70.701(c), in the fifth sentence	Washington, DC 20220	1310 G Street NW, Box 12, Washington, DC 20005.
70.701(d)(2)(iv)(B), in the first sentence	by his office	by her or his office.
70.701(d)(2)(iv(B), in the second sentence	by his office	by her or his office.
70.803(b)(1)	his delegate	a delegate of the Secretary.
70.803(b)(2) (2 times)	his official	their official.
70.803(e)(3), in the first sentence	an TTB officer	a TTB officer.

■ 121. Amend § 70.11 by removing the definition of ''Secretary'' and adding a definition for ''Secretary of the Treasury or Secretary'' in its place to read as follows:

§ 70.11 Meaning of terms.

* * * * *

Secretary of the Treasury or Secretary. The Secretary of the Treasury or a delegate of the Secretary.

* * * * *

§ 70.251 [Amended]

■ 122. Amend § 70. 251 by:

■ a. Redesignating paragraph (c) as paragraph (c)(1), redesignating paragraphs (c)(1) through (4) as paragraphs (c)(1)(i) through (c)(1)iv), and redesignating the undesignated

paragraph following newly redesignated paragraph (c)(1)(iv) as paragraph (c)(2); and

■ b. In newly designated paragraph (c)(2), remove the word ''monthes'' and add in its place the word ''months''.

§ 70.431 [Amended]

■ 123. Amend § 70.431 by removing the authority citation at the end of the section.

§ 70.433 [Amended]

■ 124. Amend § 70.433 by removing the authority citation at the end of the section.

■ 125. Amend § 70.601 by revising the definition of ''Commissioner of Customs'' to read as follows:

§ 70.601 Meaning of terms.

* * * * *

Commissioner of Customs. The Commissioner of U.S. Customs and Border Protection, Department of Homeland Security, Washington, DC.

* * * * *

■ 126. Revise § 70.801 to read as follows:

§ 70.801 Publicity of information.

For information relating to the disclosure of records that is not contained in this subpart, see 31 CFR part 1 and the appendix of that part relating to the Alcohol and Tobacco Tax and Trade Bureau. Direct further questions to the Alcohol and Tobacco Tax and Trade Bureau, 1310 G Street, Box 12, Washington, DC 20005; telephone (202) 453–2265.

§ 70.802 [Amended]

■ 127. Amend § 70.802 by:

■ a. Removing from the first sentence of paragraph (a) the words ''ATF officer, Bureau of Alcohol, Tobacco and Firearms, Washington, DC 20226'' and adding in their place the words ''TTB officer, Alcohol and Tobacco Tax and Trade Bureau, 1310 G Street NW, Box 12, Washington, DC 20005'';

■ b. Removing form the first sentence of paragraph (d) the words ''Washington, DC 20220'' and adding in their place the words ''1310 G Street NW, Box 12, Washington, DC 20005'';

■ c. Removing from the first sentence of paragraph (f) the words ''Washington, DC 20220'' and adding in their place the words ''1310 G Street NW, Box 12, Washington, DC 20005'';

■ d. Removing from paragraph (g)(1) the text ''Web site at *http://www.regulations.gov*'' and adding in their place the text ''website at *https://www.regulations.gov*'';

■ e. Removing from the third sentence of paragraph (g)(2) the words ''Washington, DC 20220, or by telephone at 202–453–2270'' and adding in their place the words ''1310 G Street NW, Box 12, Washington, DC 20005 or by telephone at 202–453–2265''; and

■ f. Removing the authority citation at the end of the section.

PART 71—RULES OF PRACTICE IN PERMIT PROCEEDINGS

■ 128. The authority citation for part 71 is revised to read as follows:

Authority: 5 U.S.C. 551–559, 26 U.S.C. 5171, 5181, 5271, 5712, 5713, 7805, 27 U.S.C. 204.

§§ 71.2, 71.3, 71.4, 71.5, 71.27, 71.29, 71.31, 71.49a, 71.85, and 71.115 [Amended]

■ 129. In the following table, for each section indicated in the left column, remove the text indicated in the middle column from wherever it appears in the section and add in its place the text indicated in the right column:

Section	Remove	Add
71.2, in the first sentence	contrued	construed.
71.3(b)	*http://www.ttb.gov*	*https://www.ttb.gov.*
71.3(b)	Room 1516	Room 8970.
71.4	*http://www.ttb.gov*	*https://www.ttb.gov.*
71.4	Room 1516	Room 8970.
71.5, in the definition of ''Other term''	(5 U.S.C. 1001)	(5 U.S.C. 551).
71.27	him	him or her.
71.29	him	him or her.
71.31, in the last sentence	authorize to	authorized to.
71.49a(b)	Administrator	administrator.
71.85	pending before him, in his discretion	pending before that official, in his or her discretion.
71.115, in the last sentence	his consideration	his or her consideration.

■ 130. Revise § 71.96 to read as follows:

§ 71.96 Disqualification.

An administrative law judge shall, at any time, withdraw from any proceeding if he or she deems him or herself disqualified; and upon the filing in good faith by the applicant or respondent, or by the attorney for the Government, of a timely and sufficient affidavit of facts showing personal bias or otherwise warranting the disqualification of any administrative law judge, the Administrator shall upon appeal as provided in § 71.115, if the administrative law judge fails to disqualify him or herself, determine the matter as a part of the record and decision in the proceeding. If the Administrator decides the administrative law judge should have declared him or herself disqualified, the Administrator will remand the record for hearing de novo before another administrative law judge. If the Administrator should decide against the disqualification of the administrative law judge, the proceeding will be reviewed on its merits.

■ 131. Revise § 71.97 to read as follows:

§ 71.97 Powers.

Administrative law judges shall have authority to:

(a) Administer oaths and affirmations;

(b) Issue subpoenas authorized by law;

(c) Rule upon offers of proof and receive relevant evidence;

(d) Take or cause depositions to be taken whenever the ends of justice would be served thereby;

(e) Regulate the course of the hearing;

(f) Hold conferences for the settlement or simplification of the issues by consent of the parties;

(g) Dispose of procedural requests or similar matters;

(h) Render recommended decisions in proceedings on applications for permits, and initial decisions in suspension, revocation, or annulment proceedings against permits;

(i) Call, examine and cross-examine witnesses, including hostile or adverse witnesses when they deem such action to be necessary to a just disposition of the cause, and introduce into the record documentary or other evidence; and

(j) Take any other action authorized by rule of the Alcohol and Tobacco Tax and Trade Bureau consistent with the Administrative Procedure Act.

■ 132. Revise § 71.116 to read as follows:

§ 71.116 Review by the Administrator

The Administrator, on appeal on petition for review, shall afford a reasonable opportunity for the submission of proposed findings, conclusions, or exceptions with reasons in support thereof and an opportunity for oral argument. The Administrator may alter or modify any finding of the administrative law judge (or of the appropriate TTB officer in application proceedings) and may affirm, reverse, or modify the decision of the administrative law judge (or of the appropriate TTB officer in initial application proceedings), or the Administrator may remand the case for further hearing, but the Administrator shall not consider evidence which is not a part of the record. Appeals and petitions for review shall not be decided by the Administrator in any proceeding in which she or he has engaged in investigation or prosecution, and in such event the Administrator shall so state their disqualification in writing and refer the record to the Assistant Secretary for Tax Policy for appropriate action. The Assistant Secretary for Tax Policy may designate a principal aide to consider any proceeding instead of the Administrator. The original copy of the decision on review shall be placed in the official record of the proceeding, a signed duplicate original shall be served upon the applicant or respondent and a copy shall be transmitted to the appropriate TTB officer. When, on appeal, the Administrator affirms the decision of the appropriate TTB officer or the administrative law judge, as the case may be, disapproving an application or suspending, revoking, or annulling a permit, such action shall not supersede the decision of the appropriate TTB officer or the administrative law judge and such decision shall be final.

PART 72—DISPOSITION OF SEIZED PERSONAL PROPERTY

■ 133. The authority citation for part 72 continues to read as follows:

Authority: 18 U.S.C. 921, 1261; 19 U.S.C. 1607, 1610, 1612, 1613, 1618; 26 U.S.C. 7101, 7322–7325, 7326, 7805; 31 U.S.C. 9301, 9303, 9304, 9306; 40 U.S.C. 304(k); 49 U.S.C. 784, 788.

■ 134. Amend § 72.24 by:

■ a. Removing from in paragraph (a) the words ''Circular No. 570'' and adding in their place the words ''Circular 570'';

■ b. Revising paragraph (b); and

■ c. Removing the authority citation at the end of the section.

The revision reads as follows:

§ 72.24 Corporate surety bonds.

* * * * *

(b) *How to find an approved surety.* The Department of the Treasury publishes a list of approved corporate surety companies in Treasury Department Circular 570, Companies Holding Certificates of Authority as Acceptable Sureties on Federal Bonds and as Acceptable Reinsuring Companies. Treasury Department Circular 570 is published in the **Federal Register** annually on the first business day in July, and supplemental changes are published periodically thereafter (see *https://www.federalregister.gov*). The most recent circular and any supplemental changes to it may be viewed on the Bureau of the Fiscal Service website (see *https://fiscal.treasury.gov*).

§ 72.27 [Amended]

■ 135. Amend § 72.27, in the first sentence of paragraph (a), by removing the text ''§ 55.166 of this Title'' and adding in its place the text ''27 CFR 555.166''.

Signed: October 4, 2024.

Mary G. Ryan,

Administrator.

Approved: October 7, 2024.

Aviva R. Aron-Dine,

Deputy Assistant Secretary, Tax Policy.

[FR Doc. 2024–23662 Filed 11–5–24; 8:45 am]

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DEPARTMENT OF HOMELAND SECURITY

Coast Guard

33 CFR Part 165

[Docket Number USCG–2024–0972]

RIN 1625–AA00

Safety Zone; Atlantic Ocean, Point Pleasant Beach, NJ

AGENCY: Coast Guard, DHS.

ACTION: Temporary final rule.

SUMMARY: The Coast Guard is establishing a temporary safety zone around salvage operations for a sunken vessel. The safety zone encompasses navigable waters on a portion of the Atlantic Ocean in the vicinity of Point Pleasant Beach, NJ within a 500-yard radius of the salvage operations. The safety zone is needed to protect personnel, vessels, and the marine environment from potential hazards created by the salvage operations of the sunken vessel. Entry of vessels or persons into this zone is prohibited unless specifically authorized by the Captain of the Port, Sector Delaware Bay.

DATES: This rule is effective without actual notice from November 6, 2024 through November 30, 2024. For the purposes of enforcement, actual notice will be used from October 31, 2024, through November 6, 2024.

ADDRESSES: To view documents mentioned in this preamble as being available in the docket, go to *https://www.regulations.gov,* type USCG–2024–0972 in the search box and click ''Search.'' Next, in the Document Type column, select ''Supporting & Related Material.''

FOR FURTHER INFORMATION CONTACT: If you have questions about this proposed rulemaking, call or email MST1 Jonathan Lougheed, Waterways Management Division, U.S. Coast Guard Sector Delaware Bay; (215) 271–4814, *SecDelBayWWM@uscg.mil.*

SUPPLEMENTARY INFORMATION:

I. Table of Abbreviations

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

II. Background Information and Regulatory History

The Coast Guard is issuing this temporary rule under authority in 5 U.S.C. 553(b)(B). This statutory provision authorizes an agency to issue a rule without prior notice and opportunity to comment when the agency for good cause finds that those procedures are ''impracticable, unnecessary, or contrary to the public interest.'' The Coast Guard finds that good cause exists for not publishing a notice of proposed rulemaking (NPRM) with respect to this rule because prompt action is needed to respond to the potential safety hazards associated with the salvage operations of a sunken vessel. It is impracticable to publish an NPRM because salvage operations may begin as soon as October 31, 2024.

Also, under 5 U.S.C. 553(d)(3), the Coast Guard finds that good cause exists for making this rule effective less than 30 days after publication in the **Federal Register**. Delaying the effective date of

this rule would be impracticable because prompt action is needed to respond to the potential safety hazards associated with the salvage operations of a sunken vessel.

III. Legal Authority and Need for Rule

The Coast Guard is issuing this rule under authority in 46 U.S.C. 70034. The Captain of the Port, Sector Delaware Bay (COTP) has determined that potential hazards associated with the salvage operations of the sunken vessel will be a safety concern for the vessels involved with the salvage operations and anyone within a 500-yard radius of salvage operations. This rule is needed to protect personnel, vessels, and the marine environment in the navigable waters within the safety zone while the salvage operations are being conducted.

IV. Discussion of the Rule

This rule establishes a temporary safety zone which will be in effect from October 31, 2024, through November 30, 2024. The rule will only be subject to enforcement, however, for a seven-day period within the time the rule will be in effect. There needs to be a seven-day window of good weather for salvage operations to be conducted safely. The safety zone will only be enforced upon issuance of a Broadcast Notice to Mariners by the COTP, as well as on-scene notice. The safety zone will cover all navigable waters, on a portion of the Atlantic Ocean, within 500 yards of the sunken vessel being salvaged, in position latitude 40°05′32.3″ N, longitude 74°01′28.4″ W. This coordinate is based on Datum WGS 84. The duration of the zone is intended to protect personnel, vessels, and the marine environment in these navigable waters during the salvage operations. No vessel or person will be permitted to enter the safety zone without obtaining permission from the COTP or a designated representative.

V. Regulatory Analyses

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

A. Regulatory Planning and Review

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

This regulatory action determination is based on the size, duration, and location of the temporary safety zone. The safety zone is effective for 30 days but will only be enforced for 7 days during active salvage operations. Vessel traffic will be able to safely transit around the safety zone while the safety zone is being enforced. Moreover, the Coast Guard will release the details of the zone via a Broadcast Notice to Mariners on VHF–FM radio channel 16.

B. Impact on Small Entities

The regulatory flexibility analysis provisions of the Regulatory Flexibility Act of 1980, 5 U.S.C. 601–612, as amended, do not apply to rules not subject to notice and comment. As the Coast Guard has, for good cause, waived notice and comment requirement that would otherwise apply to this rulemaking, the Regulatory Flexibility Act's provisions do not apply here.

Under section 213(a) of the Small Business Regulatory Enforcement Fairness Act of 1996 (Pub. L. 104–121), we want to assist small entities in understanding this proposed rule. If the proposed rule would affect your small business, organization, or governmental jurisdiction and you have questions concerning its provisions or options for compliance, please call or email the person listed in the **FOR FURTHER INFORMATION CONTACT** section. The Coast Guard will not retaliate against small entities that question or complain about this proposed rule or any policy or action of the Coast Guard.

C. Collection of Information

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

D. Federalism and Indian Tribal Governments

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

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

E. Unfunded Mandates Reform Act

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

F. Environment

We have analyzed this rule under Department of Homeland Security Directive 023–01, Rev. 1, associated implementing instructions, and Environmental Planning COMDTINST 5090.1 (series), which guide the Coast Guard in complying with the National Environmental Policy Act of 1969 (42 U.S.C. 4321–4370f), and have determined that this action is one of a category of actions that do not individually or cumulatively have a significant effect on the human environment. This rule involves a safety zone lasting 7 days that will prohibit entry within 500 yards of salvage operations of a sunken vessel. It is categorically excluded from further review under paragraph L60(a) of Appendix A, Table 1 of DHS Instruction Manual 023–01–001–01, Rev. 1. A Record of Environmental Consideration supporting this determination is available in the docket. For instructions on locating the docket, see the **ADDRESSES** section of this preamble.

G. Protest Activities

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

List of Subjects in 33 CFR Part 165

Harbors, Marine safety, Navigation (water), Reporting and recordkeeping

requirements, Security measures, Waterways.

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

PART 165—REGULATED NAVIGATION AREAS AND LIMITED ACCESS AREAS

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

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

■ 2. Add § 165.T05–0972, to read as follows.

§ 165.T05–0972 Safety Zone; Atlantic Ocean, Point Pleasant Beach, NJ.

(a) *Location.* All navigable waters, on a portion of the Atlantic Ocean, within 500 yards of a sunken vessel being salvaged, in position latitude 40°05′32.3″ N, longitude 74°01′28.4″ W. (WGS 84)

(b) *Definitions.* As used in this section, *designated representative* means a Coast Guard Patrol Commander, including a Coast Guard petty officer, warrant or commissioned officer on board a Coast Guard vessel or on board a federal, state, or local law enforcement vessel assisting the Captain of the Port (COTP), Sector Delaware Bay in the enforcement of the safety zone.

(c) *Regulations.* (1) Under the general safety zone regulations in subpart C of this part, you may not enter or remain in the safety zone described in paragraph (a) of this section unless authorized by the COTP or the COTP's designated representative.

(2) To seek permission to enter or remain in the zone, contact the COTP or the COTP's representative via VHF–FM channel 16 or (215) 271–4807. Those in the safety zone must comply with all lawful orders or directions given to them by the COTP or the COTP's designated representative.

(3) This section applies to all vessels except those engaged in law enforcement, aids to navigation servicing, and emergency response operations.

(d) *Enforcement.* (1) The safety zone created by this section will be enforced only upon issuance of a Broadcast Notice to Mariners (BNM) by the COTP, as well as on-scene notice or other appropriate means in accordance with § 165.7.

(2) The U.S. Coast Guard may be assisted in the patrol and enforcement of the safety zone by Federal, State, and local agencies.

(e) *Enforcement period.* This rule will be enforced for a seven-day period between October 31, 2024, and November 30, 2024, after issuance of a BNM, as detailed above.

Dated: October 31, 2024.

Kate F. Higgins-Bloom,

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

[FR Doc. 2024–25718 Filed 11–5–24; 8:45 am]

BILLING CODE 9110–04–P

ENVIRONMENTAL PROTECTION AGENCY

40 CFR Part 52

[EPA–R03–OAR–2024–0302; FRL–12064–02–R3]

Air Plan Approval; Pennsylvania; Adoption of Federal Implementation Plan Reasonably Available Control Technology Requirements for Keystone, Conemaugh, Homer City, and Montour Generating Facilities for the 1997 and 2008 Ozone National Ambient Air Quality Standards

AGENCY: Environmental Protection Agency (EPA).

ACTION: Final rule.

SUMMARY: The Environmental Protection Agency (EPA) is approving a portion of the state implementation plan (SIP) revisions submitted by the Commonwealth of Pennsylvania. The revisions being approved adopt nitrogen oxides (NO_X) emission limits and requirements for the coal-fired electric generating units (EGUs) equipped with selective catalytic reduction (SCR) at the Keystone, Conemaugh, Homer City, and Montour facilities. The NO_X limits address reasonably available control technology (RACT) requirements for these EGUs for the 1997 and 2008 ozone national ambient air quality standards (NAAQS) and address the deficiencies identified in EPA's August 16, 2022, disapproval of an earlier SIP submission. This action is being taken under the Clean Air Act (CAA).

DATES: This final rule is effective on December 6, 2024.

ADDRESSES: EPA has established a docket for this action under Docket ID Number EPA–R03–OAR–2024–0302. All documents in the docket are listed on the *www.regulations.gov* website. Although listed in the index, some information is not publicly available, *e.g.,* confidential business information (CBI) or other information whose disclosure is restricted by statute. Certain other material, such as copyrighted material, is not placed on the internet and will be publicly available only in hard copy form. Publicly available docket materials are available through *www.regulations.gov,* or please contact the person identified in the **FOR FURTHER INFORMATION CONTACT** section for additional availability information.

FOR FURTHER INFORMATION CONTACT: Sean Silverman, Planning & Implementation Branch (3AD30), Air & Radiation Division, U.S. Environmental Protection Agency, Region III, 1600 John F Kennedy Boulevard, Philadelphia, Pennsylvania 19103. The telephone number is (215) 814–5511. Mr. Silverman can also be reached via electronic mail at *silverman.sean@epa.gov.*

SUPPLEMENTARY INFORMATION:

I. Background

On August 16, 2022, (87 FR 50257) EPA took final action to disapprove portions of a Pennsylvania SIP revision submitted May 16, 2016 that, among other things, established NO_X emission limitations for the coal-fired EGUs equipped with SCR at the Keystone, Conemaugh, Homer City, and Montour facilities, to satisfy certain RACT obligations for the 1997 and 2008 ozone NAAQS.[1] EPA's August 16, 2022, final disapproval started a sanctions clock under CAA section 179 and 40 CFR 52.31. The two-to-one new source emissions offset sanction took effect on March 15, 2024 (18 months following the September 15, 2022, effective date of the August 16, 2022, disapproval, 87 FR 50257). Highway funding sanctions would have taken effect September 15, 2024, unless the state submitted, and EPA approved, SIP revisions correcting the deficiencies identified in the August 16, 2022, disapproval action.

On August 31, 2022, EPA issued a Federal implementation plan (FIP) adopting NO_X RACT limits for these four sources addressing these same RACT obligations. 87 FR 53381. Three of the sources subject to the FIP filed a challenge to the FIP in the U.S. Third Circuit Court of Appeals. *Keystone-Conemaugh Projects LLC* v. *EPA, et al.,* No. 22–3026. Following briefing and oral argument, on May 2, 2024, the Third Circuit issued a decision upholding the RACT limits and other requirements in EPA's August 31, 2022, FIP. The court decided and resolved all issues raised by the Petitioners in EPA's favor. Id.

On April 10, 2024, Pennsylvania Department of Environmental Protection (PADEP) submitted two SIP revisions to

[1] A more detailed and complete summary of the history of the RACT limits for these EGUs can be found in the Notice of Proposed Rulemaking for this final action. 89 FR 56680 (July 10, 2024).

EPA which adopted into the SIP the NO_X limits and other requirements found in EPA's final August 31, 2022, FIP for Keystone, Conemaugh, Homer City, and Montour (Montour was submitted separately). On July 10, 2024, EPA published a notice of proposed rulemaking (NPRM) proposing to approve Pennsylvania's April 10, 2024, SIP revisions (89 FR 56680). EPA's NPRM also proposed to find that the incorporation of title V permits containing the FIP requirements into Pennsylvania's SIP addressed the deficiencies identified in EPA's August 16, 2022 (87 FR 50257), partial disapproval. The reasons for the proposed approval and the determination were stated in the proposal for this action and will not be restated here. Based on this finding and the proposed approval, EPA simultaneously issued an Interim Final Determination (IFD) staying the application of the offset sanction and deferring the application of the highway sanction triggered by EPA's August 16, 2022 (87 FR 50257) disapproval. 89 FR 56666 (July 10, 2024). EPA's proposed action noted that it was not taking action at this time on certain RACT limits for auxiliary boilers which were included in the SIP revisions, and therefore this final action does not address those RACT limits for the identified auxiliary boilers.

The public comment period for the proposed approval and determination ended on August 9, 2024. EPA received three comments, which can be found in the docket. One of the comments is not relevant to this action and will not be addressed. The other two were supportive, but one generally supportive comment also contained comments which could be considered adverse. Those potentially adverse comments are addressed below.

II. Summary of SIP Revision and EPA Analysis

Pennsylvania's SIP submissions, dated April 9, 2024, and received by EPA on April 10, 2024, included four redacted title V permits incorporating the FIP requirements for the EGUs equipped with SCR at Keystone, Conemaugh, Homer City, and Montour. EPA has reviewed these permits and determined that the permits incorporate the same emission limits, monitoring, testing, recordkeeping, reporting, work practices and other requirements for these EGUs found in EPA's FIP. The permits are listed in Table 1 in this document. These submissions and permits are part of the docket for this rule making and are available online at *www.regulations.gov.*

TABLE 1—LIST OF TITLE V PERMITS INCORPORATING THE REQUIREMENTS OF THE AUGUST 31, 2022, FEDERAL IMPLEMENTATION PLAN

Source name	Title V permit No.	County	Permit effective date
Conemaugh	32–0059	Indiana	March 14, 2024.
Homer City	32–00055	Indiana	March 14, 2024.
Keystone	03–00027	Armstrong	March 14, 2024.
Montour	47–00001	Montour	March 14, 2024.

The title V permits in the April 10, 2024, SIP submissions for Keystone and Conemaugh also contain case-by-case RACT limits for certain gas or oil-fired auxiliary boilers at these facilities. However, EPA is not taking action at this time on the case-by-case RACT limits in these permits for two auxiliary boilers at Keystone (Source IDs 037 and 038) and two at Conemaugh (Source IDs 039 and 041). These auxiliary boilers were not subject to the presumptive RACT limit in 25 Pa. Code 129.97(g)(1)(viii) for which EPA issued a final disapproval in August 2022.

As explained in the proposed action, EPA's assessment regarding the approvability of the RACT limits and other requirements for these EGUs found in Pennsylvania's SIP submission is substantially the same as the justification and analysis in the record EPA created for its FIP. EPA provided an in-depth discussion of the methodology and reasoning for setting the FIP limits for each of these EGUs in EPA's proposed FIP (87 FR 31798, May 25, 2022), the associated technical support document supporting the proposed FIP, and in responses to comments received on the proposed FIP and published with the final FIP action (87 FR 53381, August 31, 2022). EPA has put the technical support document for EPA's FIP into the docket for this action. The **Federal Register** documents for the proposed and final FIP are available at *www.regulations.gov* under docket number EPA–R03–OAR–2022–0347 and in the **Federal Register** at the citations provided in the prior sentence. EPA is not aware of any change in the facts since the FIP was finalized that would alter any of the limits or requirements or EPA's analysis supporting the FIP. Other specific requirements of Pennsylvania's April 10, 2024, submittal and the rationale for EPA's proposed action are explained in the NPRM and will not be restated here.

III. EPA's Response to Comments Received

EPA received three comments on the July 10, 2024, documents. One comment is not relevant to this action and will not be addressed. A summary of the other two comments and EPA's responses follow. Copies of all the comments are in the docket for this rule action.

Comment 1: The commenter first acknowledges some key historical developments concerning the NO_X RACT requirements for the Keystone and Conemaugh EGUs, including PADEP's prior SIP submission of May 26, 2022, EPA's proposed disapproval of that SIP submission, PADEP's withdrawal of that SIP submission following EPA's proposed disapproval, and the May 2, 2024, decision by the Third Circuit Court of Appeals upholding the RACT limits and other requirements in EPA's August 31, 2022, FIP. The commenter then states that they ''[support] the EPA's effort to finalize the SIP as prepared by the PADEP.''

The commenter then notes that ''the challenges of operating under these limits that KEY–CON noted during the rulemaking process for the FIP remain.'' The commenter asserts that in order to account for start-up events where higher NO_X emissions above the limit are unavoidable, the sources must operate at a target NO_X emission rate that is lower than each sources' limit. The commenter acknowledges that ''operating in this manner provides a manageable balance for maintaining an adequate (but small) margin of compliance and limiting excessive aqueous ammonia injection rates that are required to achieve lower NO_X emission rates.'' The comment notes that extended periods of excessive ammonia injection can lead to fouling of the air preheaters, and that this problem is exacerbated in colder weather. As a result, the commenter states that the

frequency of conducting heater washes, as well as SCR reactor maintenance, has increased, and that the limits in the proposed rulemaking ''are at the very bounds of our NO_X emissions control capability.''

Response 1: EPA thanks the commenter for their largely supportive comment, and agrees that PADEP's April 10, 2024, SIP revision incorporating the NO_X limits from EPA's FIP should be finally approved and incorporated in the Pennsylvania SIP to meet certain RACT requirements for these sources for the 1997 and 2008 Ozone NAAQS. The commenter's concerns regarding fouling of the air preheaters with ammonium bisulfate (ABS) under certain conditions and the need for increased maintenance to address this fouling are similar to those contained in the commenter's July 11, 2022, comments on EPA's proposed FIP. EPA addressed those comments in the final rule adopting the FIP limits. See 87 FR 53381, at 53390 and 53391, August 31, 2022. However, the commenter now goes on to state that the current limits and other requirements provide ''a manageable balance for maintaining an adequate (but small) margin of compliance.'' EPA agrees that this balance is appropriate in light of the longstanding definition of RACT as ''the lowest emission limitation that a particular source is capable of meeting by the application of control technology that is reasonably available considering technological and economic feasibility.'' [2] Table 2, in this preamble are citations to the specific places in the final rule approving the FIP limit where EPA responded to similar concerns expressed by the commenter.

TABLE 2—CITATIONS TO RELEVANT PORTIONS OF THE FIP

Topic	Citation in FIP FRN
Concerns about Fouling	87 FR 53381 at 53390 second column.
No specific setpoint is required, the 30-day average provides flexibility in meeting the limit.	87 FR 53381 at 53390 third column.
The increase in ammonium bisuflate salt formation in colder temps	87 FR 53381 at 53395 second column.
EPA used weighted averages and the third best to provide flexibility for start-up events.	87 FR 53381 at 53396 second column and third column.

In addition to the above concerns, the commenter expresses concern that in the future, more restrictive limits might be placed on these units in order to meet RACT requirements for the 2015 ozone NAAQS. Although Pennsylvania has adopted regulations setting RACT limits for certain major sources of VOCs and NO_X (See 25 Pa. Code 129.111—129.115) for the 2015 ozone NAAQS, those regulations do not set NO_X limits for coal-fired EGUs equipped with SCR. When PADEP develops case-by-case RACT limits for the commenter's sources and submits them to EPA for approval as a SIP revision, there will be another opportunity for the commenter to share information on whether any new but lower NO_X limits are technologically and economically feasible.

Comment 2: The commenter states:

I am writing to provide comments on the interim final determination to stay and defer sanctions related to the Reasonably Available Control Technology (RACT) requirements for the Keystone, Conemaugh, Homer City, and Montour generating facilities in Pennsylvania under the 1997 and 2008 Ozone National Ambient Air Quality Standards (NAAQS). While the intent of deferring sanctions might be to allow time for compliance, there are critical aspects that need to be carefully considered. It is essential that the control measures adopted for these facilities are strict and in line with the most current technologies and practices. The stay should not compromise the effectiveness of RACT in reducing emissions. Adequate and enforceable measures must be established to achieve the required air quality improvements and standards. There should be procedures and rules such facilities are monitored and held accountable for their actions to ensure that facilities are taking substantive steps toward compliance. There should be regular reports to ensure everything is going smoothly.

Response 2: EPA agrees that it is essential that control measures adopted for these facilities be strict and in line with current technologies and practices, so long as those technologies and practices meet the definition of RACT. EPA's longstanding definition of RACT is ''the lowest emission limitation that a particular source is capable of meeting by the application of control technology that is reasonably available considering technological and economic feasibility.'' [3] EPA also agrees that the RACT limits must be accompanied by enforceable measures, appropriate monitoring, recordkeeping, and reporting to ensure compliance. EPA believes that the requirements of its FIP, and this SIP revision adopting the same FIP requirements, achieve RACT levels of control and provide the necessary monitoring, recordkeeping, and reporting needed to ensure enforcement of the limits. EPA also notes that the RACT limits and other requirements for these sources have been enforceable since March 29, 2023, which was the initial compliance date for the limits set forth in the FIP issued by EPA on September 30, 2022. 87 FR 53381. Regarding the IFD, EPA notes that the IFD only stayed the application of the offset sanction and deferred the application of the highway funding sanctions. The IFD does not in any way impact the RACT requirements the facilities must meet in the FIP.

IV. Final Action

EPA is approving Pennsylvania's April 10, 2024, SIP revision to the Pennsylvania SIP, with the exception of certain RACT limits for auxiliary boilers, as set forth in EPA's NPRM. In addition, EPA is determining that Pennsylvania's April 10, 2024, SIP revision addressed the deficiencies identified in EPA's August 16, 2022 (87 FR 50257) partial disapproval. Finalization of this approval permanently stops the offset sanctions which took effect on March 15, 2024, and prevents the imposition of highways sanctions which could have taken effect on September 15, 2024.

[2] Memo, dated December 9, 1976, from Roger Strelow, Assistant Administrator for Air and Waste Management, to Regional Administrators, ''Guidance for Determining Acceptability of SIP Regulations in Non-Attainment Areas,'' p. 2, available at *www3.epa.gov/ttn/naaqs/aqmguide/collection/cp2/19761209_strelow_ract.pdf* and 44 FR 53762 (September 17, 1979) (Strelow Memo).

See also *Sierra Club* v. *EPA,* 972 F.3d 290.

[3] Memo, dated December 9, 1976, from Roger Strelow, Assistant Administrator for Air and Waste Management, to Regional Administrators, ''Guidance for Determining Acceptability of SIP Regulations in Non-Attainment Areas,'' p. 2, available at *www3.epa.gov/ttn/naaqs/aqmguide/collection/cp2/19761209_strelow_ract.pdf* and 44 FR53762 (/citation/44–FR–53762), footnote 2 (September 17, 1979) (Strelow Memo).

See also *Sierra Club* v. *EPA,* 972 F.3d 290.

V. Incorporation by Reference

In this document, EPA is finalizing regulatory text that includes incorporation by reference. In accordance with requirements of 1 CFR 51.5, EPA is finalizing the incorporation by reference of source-specific RACT determinations and alternative NO_X emissions limits under the 1997 and 2008 8-hour ozone NAAQS for certain major sources of NO_X in Pennsylvania described in section II. of this preamble and as set for the below in the amendments to 40 CFR part 52. EPA has made, and will continue to make, these materials generally available through *www.regulations.gov* and at the EPA Region III Office (please contact the person identified in the **FOR FURTHER INFORMATION CONTACT** section of this preamble for more information). Therefore, these materials have been approved by EPA for inclusion in the SIP, have been incorporated by reference by EPA into that plan, are fully federally enforceable under sections 110 and 113 of the CAA as of the effective date of the final rule of EPA's approval, and will be incorporated by reference in the next update to the SIP compilation.[4]

VI. Statutory and Executive Order Reviews

A. General Requirements

Under the CAA, the Administrator is required to approve a SIP submission that complies with the provisions of the CAA and applicable Federal regulations. 42 U.S.C. 7410(k); 40 CFR 52.02(a). Thus, in reviewing SIP submissions, EPA's role is to approve state choices, provided that they meet the criteria of the CAA. Accordingly, this action merely approves state law as meeting Federal requirements and does not impose additional requirements beyond those imposed by state law. For that reason, this action:

- Is not a significant regulatory action subject to review by the Office of Management and Budget under Executive Orders 12866 (58 FR 51735, October 4, 1993) and 13563 (76 FR 3821, January 21, 2011);
- Does not impose an information collection burden under the provisions of the Paperwork Reduction Act (44 U.S.C. 3501 *et seq.*);
- Is certified as not having a significant economic impact on a substantial number of small entities under the Regulatory Flexibility Act (5 U.S.C. 601 *et seq.*);
- Does not contain any unfunded mandate or significantly or uniquely affect small governments, as described in the Unfunded Mandates Reform Act of 1995 (Pub. L. 104–4);
- Does not have federalism implications as specified in Executive Order 13132 (64 FR 43255, August 10, 1999);
- Is not an economically significant regulatory action based on health or safety risks subject to Executive Order 13045 (62 FR 19885, April 23, 1997);
- Is not a significant regulatory action subject to Executive Order 13211 (66 FR 28355, May 22, 2001); and
- Is not subject to requirements of Section 12(d) of the National Technology Transfer and Advancement Act of 1995 (15 U.S.C. 272 note) because application of those requirements would be inconsistent with the Clean Air Act;

In addition, the SIP is not approved to apply on any Indian reservation land or in any other area where EPA or an Indian tribe has demonstrated that a tribe has jurisdiction. In those areas of Indian country, the rule does not have tribal implications and will not impose substantial direct costs on tribal governments or preempt tribal law as specified by Executive Order 13175 (65 FR 67249, November 9, 2000).

Executive Order 12898 (Federal Actions to Address Environmental Justice in Minority Populations and Low-Income Populations, 59 FR 7629, February 16, 1994) directs Federal agencies to identify and address ''disproportionately high and adverse human health or environmental effects'' of their actions on minority populations and low-income populations to the greatest extent practicable and permitted by law. EPA defines environmental justice (EJ) as ''the fair treatment and meaningful involvement of all people regardless of race, color, national origin, or income with respect to the development, implementation, and enforcement of environmental laws, regulations, and policies.'' EPA further defines the term fair treatment to mean that ''no group of people should bear a disproportionate burden of environmental harms and risks, including those resulting from the negative environmental consequences of industrial, governmental, and commercial operations or programs and policies.''

The Pennsylvania Department of Environmental Protection did not evaluate environmental justice considerations as part of its SIP submittal; the CAA and applicable implementing regulations neither prohibit nor require such an evaluation. EPA did not perform an EJ analysis and did not consider EJ in this action. Due to the nature of the action being taken here, this action is expected to have a neutral to positive impact on the air quality of the affected area. Consideration of EJ is not required as part of this action, and there is no information in the record inconsistent with the stated goal of E.O. 12898 of achieving environmental justice for people of color, low-income populations, and Indigenous peoples.

B. Submission to Congress and the Comptroller General

The Congressional Review Act, 5 U.S.C. 801 *et seq.,* as added by the Small Business Regulatory Enforcement Fairness Act of 1996, generally provides that before a rule may take effect, the agency promulgating the rule must submit a rule report, which includes a copy of the rule, to each House of the Congress and to the Comptroller General of the United States. Section 804, however, exempts from section 801 the following types of rules: Rules of particular applicability; rules relating to agency management or personnel; and rules of agency organization, procedure, or practice that do not substantially affect the rights or obligations of non-agency parties. 5 U.S.C. 804(3). Because this is a rule of particular applicability, EPA is not required to submit a rule report regarding this action under section 801.

C. Petitions for Judicial Review

Under section 307(b)(1) of the CAA, petitions for judicial review of this action must be filed in the United States Court of Appeals for the appropriate circuit by January 6, 2025. Filing a petition for reconsideration by the Administrator of this final rule does not affect the finality of this action for the purposes of judicial review nor does it extend the time within which a petition for judicial review may be filed and shall not postpone the effectiveness of such rule or action. This action addressing the NO_X RACT requirements for EGUs equipped with SCR at the Keystone, Conemaugh, Homer City and Montour facilities for the 1997 and 2008 Ozone NAAQS may not be challenged later in proceedings to enforce its requirements. (See section 307(b)(2).)

List of Subjects in 40 CFR Part 52

Environmental protection, Air pollution control, Incorporation by reference, Nitrogen dioxide, Ozone,

[4] 62 FR 27968 (May 22, 1997).

Reporting and recordkeeping requirements.

Adam Ortiz,

Regional Administrator, Region III.

For the reasons stated in the preamble, the EPA amends 40 CFR part 52 as follows:

PART 52—APPROVAL AND PROMULGATION OF IMPLEMENTATION PLANS

■ 1. The authority citation for part 52 continues to read as follows:

Authority: 42 U.S.C. 7401 *et seq.*

Subpart NN—Pennsylvania

■ 2. Amend § 52.2020:

■ a. In the table in paragraph (d)(1) by

■ i. Removing the entry for ''Pennsylvania Power and Light Co. (PP&L)—Montour'' and inserting in its place the entry ''Montour LLC/Montour SES''; and

■ ii. Removing the entry for ''Pennsylvania Electric Co. (PENELEC)—Keystone Generating Station'' and inserting in its place the entry ''Keystone Conemaugh Proj LLC/Keystone Station''; and

■ b. In the table in paragraph (d)(3) by:

■ i. Removing the entry for ''Conemaugh Plant, Genon NE Management Co'' Permit No. ''Title V permit 32–00059'' and inserting in its place the entry ''Keystone Conemaugh Proj LLC/Conemaugh Station''; and

■ ii. Removing the entry for ''Homer City Generation'' Permit No. ''Plan Approvals 32–00055H and 32–00055I'' and inserting in its place the entry ''Homer City Gen LP/Center TWP''.

The revisions read as follows:

§ 52.2020 Identification of plan.

* * * * *

(d) * * *

(1) * * *

Name of source	Permit No.	County	State effective date	EPA approval date	Additional explanations/§§ 52.2063 and 52.2064 citations [1]
*	*	*	*	*	* *
Keystone Conemaugh Proj LLC/Keystone Station.	32–00027	Armstrong	3/14/2024	11/6/2024, [INSERT FIRST PAGE OF FR CITATION].	NO_X RACT emission limits and associated compliance parameters in unredacted portions of the Title V permit provided to EPA on April 10, 2024. Permit name updated in this table. See also 52.2064(m)(3).
*	*	*	*	*	* *
Montour LLC/Montour SES	47–00001	Montour	3/14/2024	11/6/2024, [INSERT FIRST PAGE OF FR CITATION].	NO_X RACT emission limits and associated compliance parameters in unredacted portions of the Title V permit provided to EPA on April 10, 2024. Permit name updated in this table. See also 52.2064(m)(4).
*	*	*	*	*	* *

* * * * *

(3) * * *

Name of source	Permit No.	County	State effective date	EPA approval date	Additional explanation/§ 52.2063 citation
*	*	*	*	*	* *
Keystone Conemaugh Proj LLC/Conemaugh Station.	Title V permit 32–00059.	Indiana	3/14/2024	11/6/2024, [INSERT FIRST PAGE OF FR CITATION].	NO_X RACT emission limits and associated compliance parameters in unredacted portions of the Title V permit provided to EPA on April 10, 2024. Permit name updated in this table. See also 52.2064(m)(1).
*	*	*	*	*	* *
Homer City Gen LP/Center TWP.	32–00055	Indiana	3/14/2024	11/6/2024, [INSERT FIRST PAGE OF FR CITATION].	NO_X RACT emission limits and associated compliance parameters in unredacted portions of the Title V permit provided to EPA on April 10, 2024. Permit name updated in this table. See also 52.2064(m)(2).
*	*	*	*	*	* *

* * * * *

■ 3. Amend § 52.2064 by adding paragraph (m) to read as follows:

§ 52.2064 EPA-approved Source-Specific Reasonably Available Control Technology (RACT) for Volatile Organic Compounds (VOC) and Oxides of Nitrogen (NO_X).

* * * * *

(m) Approval of source-specific RACT requirements for 1997 and 2008 8-hour ozone national ambient air quality standards for the facilities listed in this paragraph (m) are incorporated as specified. (Rulemaking Docket No. EPA–R03–OAR–2024–0302.)

(1) Keystone Conemaugh Proj LLC/ Conemaugh Station—Incorporating by reference Permit No. 32–00059, effective March 14, 2024, as redacted by Pennsylvania, excluding the auxiliary boiler limits for all source group requirements in section E for G11: alternative RACT II for Auxiliary Boilers source IDs 039 and 041. See also § 52.2020(d)(1), for prior RACT approval.

(2) Homer City Gen LP/Center TWP—Incorporating by reference Permit No. 32–00055, effective March 14, 2024, as redacted by Pennsylvania. See also § 52.2020(d)(1), for prior RACT approval.

(3) Keystone Conemaugh Proj LLC/ Keystone Station—Incorporating by reference Permit No. 32–00027, effective March 14, 2024, as redacted by Pennsylvania, excluding the auxiliary boiler limits for all source group requirements in section E for G11: alternative RACT II for Auxiliary Boilers source IDs 037 and 038. See also § 52.2020(d)(1), for prior RACT approval.

(4) Montour LLC/Montour SES—Incorporating by reference Permit No. 47–00001, effective March 14, 2024, as redacted by Pennsylvania. See also § 52.2020(d)(1), for prior RACT approval.

[FR Doc. 2024–25604 Filed 11–5–24; 8:45 am]

BILLING CODE 6560–50–P

ENVIRONMENTAL PROTECTION AGENCY

40 CFR Parts 52 and 97

[EPA–HQ–OAR–2021–0668; FRL–8670.4–03–OAR]

RIN 2060–AW30

Federal "Good Neighbor Plan" for the 2015 Ozone National Ambient Air Quality Standards; Response to Judicial Stay

AGENCY: Environmental Protection Agency (EPA).

ACTION: Interim final rule.

SUMMARY: The Environmental Protection Agency (EPA) is taking interim final action to stay, for emissions sources in California, Illinois, Indiana, Maryland, Michigan, New Jersey, New York, Ohio, Pennsylvania, Virginia, and Wisconsin, the effectiveness of the requirements established to address the obligations of these and other states to mitigate interstate air pollution with respect to the 2015 national ambient air quality standards (NAAQS) for ozone (the Good Neighbor Plan). The EPA is also revising certain other regulations to ensure the continued implementation of previously established requirements to mitigate interstate air pollution with respect to other ozone NAAQS while the effectiveness of the Good Neighbor Plan's requirements is stayed. The stay and the associated revisions to other regulations are being issued in response to a judicial order staying enforcement of the Good Neighbor Plan as to the stay applicants pending judicial review.

DATES: This interim final rule is effective November 6, 2024.

ADDRESSES: The EPA has established a docket for this action under Docket ID No. EPA–HQ–OAR–2021–0668. All documents in the docket are listed on the *https://www.regulations.gov* website. Although listed in the index, some information is not publicly available, *e.g.,* Confidential Business Information (CBI) or other information whose disclosure is restricted by statute. Certain other material, such as copyrighted material, is not placed on the internet and will be publicly available only in hard copy form. Publicly available docket materials are available electronically through *https://www.regulations.gov.*

FOR FURTHER INFORMATION CONTACT: David Lifland, Clean Air and Power Division, Office of Atmospheric Protection, Office of Air and Radiation, U.S. Environmental Protection Agency, Mail Code 6204A, 1200 Pennsylvania Avenue NW, Washington, DC 20460; telephone number: (202) 343–9151; email address: *lifland.david@epa.gov.*

SUPPLEMENTARY INFORMATION:

I. General

A. Potentially Affected Entities

This action revises on an interim basis the Good Neighbor Plan (the Plan),[1] which includes regulations addressing emissions from electricity generating units (EGUs) and non-EGU industrial sources. This action also revises other allowance trading program regulations that apply to EGUs but not to non-EGU sources. The affected sources are generally in the following industry groups:

Industry group	North American Industry Classification System (NAICS) code
Fossil Fuel Electric Power Generation	221112
Pipeline Transportation of Natural Gas	4862
Cement and Concrete Product Manufacturing	3273
Iron and Steel Mills and Ferroalloy Manufacturing	3311
Glass and Glass Product Manufacturing	3272
Basic Chemical Manufacturing	3251
Petroleum and Coal Products Manufacturing	3241
Pulp, Paper, and Paperboard Mills	3221
Metal Ore Mining	2122
Solid Waste Combustors and Incinerators	562213

As promulgated, the Plan applied to emissions sources in 23 states. The effectiveness of the Plan's requirements for sources in Alabama, Arkansas, Kentucky, Louisiana, Minnesota, Mississippi, Missouri, Nevada, Oklahoma, Texas, Utah, and West Virginia was stayed in previous actions. This action applies to sources in the

[1] Federal ''Good Neighbor Plan'' for the 2015 Ozone National Ambient Air Quality Standards, 88 FR 36654 (June 5, 2023).

remaining states covered by the Plan as promulgated: California, Illinois, Indiana, Maryland, Michigan, New Jersey, New York, Ohio, Pennsylvania, Virginia, and Wisconsin.

The information provided in this section on potentially affected entities is not intended to be exhaustive. If you have questions regarding the applicability of this action to a particular entity, consult the person listed in the **FOR FURTHER INFORMATION CONTACT** section.

B. Statutory Authority

Statutory authority to issue the amendments finalized in this action is provided by the same Clean Air Act (CAA) provisions that provided authority to issue the regulations being amended: CAA section 110(a) and (c), 42 U.S.C. 7410(a) and (c) (state implementation plan (SIP) and federal implementation plan (FIP) requirements, including requirements for mitigation of interstate air pollution), and CAA section 301, 42 U.S.C. 7601 (general rulemaking authority). Statutory authority for the rulemaking procedures followed in this action is provided by the Administrative Procedure Act (APA), 5 U.S.C. 553.

II. Response to Stay Order

A. Background and Summary

CAA section 110(a)(2)(D)(i)(I), also known as the ''good neighbor'' provision, requires each state's SIP to include provisions sufficient to ''prohibit[ ], consistent with the provisions of this subchapter, any source or other type of emissions activity within the State from emitting any air pollutant in amounts which will—(I) contribute significantly to nonattainment in, or interfere with maintenance by, any other State with respect to any [NAAQS].'' The EPA often refers to the emissions reduction requirements under this provision as ''good neighbor obligations'' and submissions addressing these requirements as ''good neighbor SIPs.'' CAA section 110(c)(1) requires the EPA Administrator to promulgate a FIP at any time within 2 years after the Administrator: (i) finds that a state has failed to make a required SIP submission; (ii) finds a SIP submission to be incomplete pursuant to CAA section 110(k)(1)(C); or (iii) disapproves a SIP submission. This obligation applies unless the state corrects the deficiency through a SIP revision that the Administrator approves before the FIP is promulgated.

In March 2023, in accordance with CAA sections 110(a)(2)(D)(i)(I) and 110(c)(1), the EPA promulgated the Good Neighbor Plan, a rule determining the good neighbor obligations of 23 states with respect to the 2015 ozone NAAQS and establishing FIP requirements for emissions sources in the states to address the states' obligations by reducing emissions of nitrogen oxides (NO_X), an ozone precursor. Following the Plan's promulgation, in response to judicial orders partially staying a separate EPA action as to several states, the EPA issued two sets of interim amendments (referred to here as the First and Second Interim Final Rules) staying the Plan's effectiveness for emissions sources in those states pending further EPA rulemaking.[2] As modified by the First and Second Interim Final Rules, the Plan applied to EGUs within the borders of Illinois, Indiana, Maryland, Michigan, New Jersey, New York, Ohio, Pennsylvania, Virginia, and Wisconsin and to non-EGU sources within the borders of nine of the same ten states (all except Wisconsin) as well as California.[3] For EGUs, the Plan as promulgated requires affected sources to participate in the CSAPR NO_X Ozone Season ''Group 3'' Trading Program as amended by the Plan starting with the 2023 ozone season (the period from May 1 through September 30 of each year). For non-EGU sources, the Plan as promulgated establishes source-specific compliance requirements that generally take effect starting with the 2026 ozone season.

The Plan's compliance requirements for EGUs were coordinated with similar trading program-based compliance requirements established under two earlier EPA rules. Before the Plan was promulgated, EGUs in a set of states including Wisconsin were addressing these states' good neighbor obligations with respect to the 2008 ozone NAAQS by participating in the CSAPR NO_X Ozone Season ''Group 2'' Trading Program established under the CSAPR Update,[4] and EGUs in a set of states including Illinois, Indiana, Maryland, Michigan, New Jersey, New York, Ohio, Pennsylvania, and Virginia were addressing those states' good neighbor obligations with respect to the 2008 ozone NAAQS by participating in the pre-Plan version of the Group 3 trading program established under the Revised CSAPR Update.[5] In the Plan, the EPA's previous determinations concerning states' good neighbor obligations with respect to the 2008 ozone NAAQS were not altered, but the EPA allowed participation of the states' EGUs in the Group 3 trading program as amended by the Plan to serve as the compliance mechanism to address not only the EGU-related portions of the states' good neighbor obligations with respect to the 2015 ozone NAAQS but also the states' previously determined good neighbor obligations with respect to the 2008 ozone NAAQS.[6]

In October 2023, after failing to obtain a stay from the Unites States Court of Appeals for the District of Columbia Circuit (D.C. Circuit),[7] four sets of parties submitted emergency applications to the United States Supreme Court seeking a stay of some or all of the Good Neighbor Plan's requirements.[8] In an opinion issued on June 27, 2024 (referred to here as the Stay Order), the Supreme Court granted the emergency applications and ordered that ''[e]nforcement of EPA's rule against the applicants shall be stayed'' while judicial review of the Plan on the merits proceeds, first in the D.C. Circuit and then potentially in the Supreme Court.[9]

In this action, the EPA is responding to the Stay Order by administratively staying the effectiveness of the Plan's

[2] Federal ''Good Neighbor Plan'' for the 2015 Ozone National Ambient Air Quality Standards; Response to Judicial Stays of SIP Disapproval Action for Certain States, 88 FR 49295 (July 31, 2023); Federal ''Good Neighbor Plan'' for the 2015 Ozone National Ambient Air Quality Standards; Response to Additional Judicial Stays of SIP Disapproval Action for Certain States, 88 FR 67102 (September 29, 2023).

[3] The Plan's emissions reduction requirements apply to all emissions sources meeting the Plan's applicability criteria within the borders of each covered state, including sources in Indian country within the borders of the state. *See* 88 FR 36690.

[4] Cross-State Air Pollution Rule Update for the 2008 Ozone NAAQS, 81 FR 74504 (October 26, 2016).

[5] Revised Cross-State Air Pollution Rule Update for the 2008 Ozone NAAQS, 86 FR 23054 (April 30, 2021).

[6] *See* 88 FR 36844. For some states, participation of the states' EGUs in the Group 3 trading program was deemed to address the states' good neighbor obligations with respect to the 1997 ozone NAAQS as well. *Id.*

[7] Orders, *Utah* v. *EPA,* No. 23–1157 (D.C. Cir. September 25, 2023, and October 11, 2023); *see also* Order, *Utah* v. *EPA,* No. 23–1157 (D.C. Cir. December 4, 2023) (denying additional stay motions).

[8] *Ohio* v. *EPA,* No. 23A349 (U.S. docketed October 18, 2023) (other named applicants are Indiana and West Virginia); *Kinder Morgan, Inc.* v. *EPA,* No. 23A350 (U.S. docketed October 18, 2023) (other named applicants are Enbridge (U.S.) Inc., TransCanada PipeLine USA Ltd., Interstate Natural Gas Association of America, and American Petroleum Institute); *American Forest & Paper Association* v. *EPA,* No. 23A351 (U.S. docketed October 18, 2023) (other named applicants are America's Power, Associated Electric Cooperative, Inc., Deseret Power Electric Cooperative, Midwest Ozone Group, National Mining Association, National Rural Electric Cooperative Association, Ohio Valley Electric Corporation, Portland Cement Association, and Wabash Valley Power Alliance); *United States Steel Corporation* v. *EPA,* No. 23A384 (U.S. docketed October 31, 2023).

[9] *Ohio* v. *EPA,* 144 S. Ct. 2040, 2058 (2024).

requirements for all emissions sources subject to the Plan as promulgated, not just the applicants for a stay before the Supreme Court. The Agency's determination on the scope of the administrative stay is discussed in section II.B. of this document. In addition, as discussed in section II.C. of this document, the EPA is modifying its trading program regulations for EGUs to ensure that the existing good neighbor obligations of Illinois, Indiana, Maryland, Michigan, New Jersey, New York, Ohio, Pennsylvania, Virginia, and Wisconsin with respect to the 2008 ozone NAAQS will continue to be met while the administrative stay is in effect. The approach being taken with respect to the EGUs in these states in this action is the same as the approach taken with respect to the EGUs in similarly situated states in the First and Second Interim Final Rules. Section II.D. of this document describes the specific regulatory amendments being adopted in this action to implement the administrative stay and modify the trading programs.

The amendments to the regulatory requirements for EGUs and non-EGU sources that are being finalized in this action in response to the Stay Order are intended to apply on an interim basis until the Plan's requirements can be reimplemented, as appropriate and in accordance with the final judgment of a reviewing court, through a future rulemaking action. The EPA generally anticipates that any future action bringing the Plan's requirements into effect after a stay would phase in the requirements so as to provide lead times to implement the Plan's identified emissions control strategies comparable to the lead times that the Plan would have provided in the absence of the stay, thereby giving parties sufficient time to prepare for implementation.

B. Scope of Administrative Stay

The first issue addressed by this action concerns the scope of the administrative stay being implemented in response to the Stay Order, and specifically the treatment of emissions sources whose owners and operators were not among the applicants for a stay before the Supreme Court. By its terms, the Stay Order extends only to the applicants.[10] Three of the named applicants are states—Ohio, Indiana, and West Virginia—and although the Good Neighbor Plan imposes no requirements on states, the EPA interprets the Stay Order as applying to all EGUs and non-EGU sources meeting the Plan's applicability criteria that are located in these states.[11] The named industry applicants for a stay include several owners of EGUs or non-EGU sources expected to meet the Plan's applicability criteria and several trade associations, including some trade associations whose identified members include other trade associations.[12] Beyond the individually named applicants, the full set of applicants also encompasses applicant trade associations' members, which in turn includes members of trade associations that are applicants by virtue of their membership in other applicant trade associations.[13]

Through the members of the applicant trade associations, the Stay Order covers a broad range of the EGUs and non-EGU sources that would otherwise be subject to the Plan's requirements in states other than Ohio, Indiana, and West Virginia. In the ordinary circumstances, if an EPA rule that requires pollution reductions becomes subject to a judicial stay, the Agency would apply the stay by its precise terms, because that approach would be expected to preserve the rule's health and environmental benefits to the maximum extent possible while the stay remains in effect. However, in this instance, to continue enforcing the Plan's requirements as to emissions sources not owned or operated by applicants while staying enforcement of the Plan's requirements as to sources owned or operated by applicants, the EPA would need to use trade association membership as an applicability criterion in distinguishing among covered and noncovered sources, which would be an inherently uncertain method by which to make such determinations. Although, to the EPA's knowledge, not all owners and operators of EGUs and non-EGU sources meeting the Plan's applicability criteria were members of applicant trade associations when the applications for a stay were submitted or when the Stay Order was issued, an entity that is not already a member of an applicant trade association could choose to become one. The Stay Order does not speak to whether there is a specific point in time at which an entity must be a member of an applicant trade association to be covered by the Court's stay as to applicants. The need to use trade association membership as an applicability criterion in this instance would therefore create uncertainty and a high likelihood of legal disputes over which individual sources must be excluded from enforcement of the Plan's requirements during the pendency of the Stay Order.[14]

In short, in the specific circumstances of the Plan and the related litigation, continuing to enforce the Plan's requirements for some sources but not others while using trade association membership as an applicability criterion to distinguish between covered and noncovered sources would entail extreme administrative complexity and such a degree of inherent uncertainty as to reach the point of impracticability. Accordingly, the EPA has determined that the only practicable way to comply with the Stay Order is to administratively stay enforcement of the Plan's requirements as to all sources covered by the Plan as promulgated.[15]

The EPA notes that in addition to being the only practicable means of complying with the Stay Order as to the Plan in these circumstances, the scope of the administrative stay being implemented in this action is consistent with the Supreme Court's rationale in granting the stay applications. The Court did not identify any specific, substantive flaw concerning the Plan's requirements for any regulated party, but rather preliminarily found that the EPA had likely failed to adequately respond to comments concerning the Plan's application if it were not in effect for one or more upwind states.[16] In

[10] The applicants named in the four stay applications are listed *supra* note 8.

[11] The EPA has already implemented an administrative stay as to all EGUs and non-EGU sources in West Virginia in the Second Interim Final Rule in response to a previous judicial order. *See* 88 FR 67103–04.

[12] For example, Midwest Ozone Group has represented that its members include American Forest & Paper Association, American Iron and Steel Institute, American Wood Council, Appalachian Region Independent Power Producers Association, Council of Industrial Boiler Owners, Indiana Energy Association, Indiana Utility Group, National Lime Association, Ohio Utility Group, and Steel Manufacturers Association. *See* Midwest Ozone Group comments on proposed Good Neighbor Plan, at 1 (June 21, 2022) (EPA–HQ–OAR–2021–0668–0323), available in the docket.

[13] *See New York State Club Association* v. *City of New York,* 487 U.S. 1, 9–10 (1988).

[14] The Agency reaches this conclusion only in light of the specific circumstances of the present case. The Agency does not view this decision as in any way precedential concerning how it would interpret, apply, or comply with any future judicial stay orders in any future matters, which necessarily would entail similarly case-specific review of all of the relevant facts and circumstances.

[15] The regulatory revisions being adopted in this action to implement an administrative stay of the effectiveness of the Plan's requirements for sources in 11 states will have no immediate effect on sources in the 12 states for which such an administrative stay was already implemented in the First and Second Interim Final Rules. However, if a judicial order that caused the EPA to administratively stay the effectiveness of the Plan's requirements for one of the 12 states in the earlier rules is lifted, the EPA would not take rulemaking action to end the administrative stay for the sources in that state while the Supreme Court's Stay Order remains in effect.

[16] *See* 144 S. Ct. at 2053–54 & n.10.

implementing an administrative stay as to all sources covered by the Plan as promulgated, the Agency recognizes that the grounds on which the Court stayed enforcement of the Plan's requirements as to the applicants could have applied to any such source whose owner or operator had applied to the Court for relief.[17]

C. Requirements To Meet Existing Good Neighbor Obligations

The second issue addressed in this action concerns how to ensure that the previously determined good neighbor obligations of Illinois, Indiana, Maryland, Michigan, New Jersey, New York, Ohio, Pennsylvania, Virginia, and Wisconsin with respect to the 2008 ozone NAAQS will continue to be met while the effectiveness of the Good Neighbor Plan's requirements is stayed. As noted in section II.A. of this document, before issuance of the Stay Order, participation of the EGUs in these ten states in the Group 3 trading program as amended by the Good Neighbor Plan was serving as the compliance mechanism for not only the EGU-related portions of the states' good neighbor obligations with respect to the 2015 ozone NAAQS but also the states' previously determined good neighbor obligations with respect to the 2008 ozone NAAQS. The Stay Order does not affect the states' good neighbor obligations as to the 2008 ozone NAAQS, which were determined in the CSAPR Update (for Wisconsin) and in the Revised CSAPR Update (for the other nine states), but it prevents the Group 3 trading program as amended by the Plan from being used as the compliance mechanism to address the obligations. Consequently, an alternate compliance mechanism is needed to address the states' good neighbor obligations with respect to the 2008 ozone NAAQS while the effectiveness of the Plan's requirements is stayed.

To address the 2008 ozone NAAQS good neighbor obligations for these ten states, the EPA is taking the same overall approach as was taken in the First and Second Interim Final Rules for states covered by earlier judicial orders. The central feature of the alternate compliance mechanism adopted under this approach is a requirement for the EGUs within the borders of the ten states to participate in the Group 2 trading program for the 2024 ozone season and future ozone seasons while the effectiveness of the Plan's requirements remains stayed.[18] The amounts of the state emissions budgets that will apply for each ozone season will be the amounts that would have applied for that ozone season under the CSAPR Update, for Wisconsin, or the Revised CSAPR Update, for the other nine states. Like EGUs in Alabama, Arkansas, Mississippi, Missouri, Oklahoma, and Texas, EGUs in Wisconsin participated in the Group 2 trading program immediately before implementation of the Plan and therefore will use ''Original Group 2'' allowances for compliance under the Group 2 trading program. Like EGUs in Kentucky, Louisiana, and West Virginia, EGUs in Illinois, Indiana, Maryland, Michigan, New Jersey, New York, Ohio, Pennsylvania, and Virginia participated in the pre-Plan version of the Group 3 trading program immediately before implementation of the Plan and therefore will use ''Expanded Group 2'' allowances for compliance under the Group 2 trading program.[19]

The amounts of the unit-level allocations of newly issued Group 2 allowances to EGUs within the borders of the ten states will be the same amounts of allowances that would have been allocated to the EGUs for the same ozone seasons under the CSAPR Update, for EGUs within the borders of Wisconsin, or under the Revised CSAPR Update, for EGUs within the borders of the other nine states.[20] In almost all cases, the EPA will record the allocated amounts of newly issued 2024 Group 2 allowances in the sources' compliance accounts without adjustment. However, a small number of transactions involving 2024 Group 3 allowances occurred before issuance of the Stay Order. To preserve the substantive effect of these pre-stay transactions, the Agency will adjust the quantities of newly issued 2024 Group 2 allowances recorded in the relevant sources' compliance accounts upward or downward by the amounts of the pre-stay transactions on a 1-for-1 basis.[21] The EPA will deduct all 2024 Group 3 allowances from all compliance accounts and general accounts as soon as practicable on or after November 21, 2024 and will record the newly issued 2024 Group 2 allowances with these adjustments in sources' compliance accounts as soon as practicable on or after December 6, 2024.

Consistent with the provisions applicable to EGUs in states covered by the First and Second Interim Final Rules, the EPA is providing EGUs in the ten states covered by this action an opportunity to have ''banked'' 2021–2023 Group 3 allowances converted to Group 2 allowances on a 1-for-1 basis.[22]

[17] Significantly, the Supreme Court issued an opinion that identified a specific, but far-reaching, issue that the Court deemed to have been raised with sufficient specificity in particular comments but that it was likely the EPA had not adequately addressed. That issue and those comments are unique to the Plan. This action is also informed by the unusual posture here—on emergency applications to the Supreme Court—and the issuance of an opinion that has allowed the EPA to assess the relevance of the specific concern to other regulated parties. As such, the EPA does not presently find, and does not concede in taking this action, that the Supreme Court's rationale would necessarily extend to any other action the EPA may take, if such action does not contain the potential record deficiency that the Court had identified in the rulemaking record of the Good Neighbor Plan as originally promulgated.

[18] Under both the Group 2 trading program and the Group 3 trading program, the programs' primary requirements are ''enforced'' based on comparisons of sources' reported emissions for the entire ozone season to the sources' allowance holdings on a specified date after the end of the ozone season. Because these comparisons have not yet been made for the 2024 ozone season, to ensure compliance with the Stay Order as to the applicants, in this action the EPA is eliminating any use of the Plan's state emissions budgets for the entire 2024 ozone season, including the portion of the ozone season that passed before issuance of the Stay Order.

[19] For further discussion of the regulatory provisions relating to Original Group 2 allowances and Expanded Group 2 allowances, see the First Interim Final Rule, 88 FR 49297–98.

[20] Unit-level allocations of Group 2 allowances (before any applicable adjustments) are made in accordance with a notice of data availability (NODA) issued by the EPA Administrator. *See* 40 CFR 97.811(a)(1). For EGUs within the borders of Wisconsin, the applicable NODA will be the NODA published at 81 FR 67190 (September 30, 2016) to implement the CSAPR Update. For EGUs within the borders of the other nine states, the applicable NODA will be the NODA published at 86 FR 26719 (May 17, 2021) to implement the Revised CSAPR Update. The provisions for state-determined allocations of Group 2 allowances included in the SIP revisions previously approved for Indiana and New York under the CSAPR Update before promulgation of the Revised CSAPR Update will not apply.

[21] Specifically, the recorded amounts of newly issued 2024 Group 2 allowances will differ from the allocated amounts as follows: a decrease of 3 allowances for Gilbert Generating Station (ID 2393) and an increase of 3 allowances for Warren (ID 3132) to reflect the pre-stay transfer of 3 2024 Group 3 allowances from Gilbert to Warren; a decrease of 50 allowances for Baldwin Energy Complex (ID 889) and an increase of 50 allowances for Midland Cogeneration Venture (ID 10745) to reflect the pre-stay transfer of 50 2024 Group 3 allowances from Baldwin to Midland; and a decrease of 8 allowances for PEI Power Corporation (also known as Archbald, ID 50279) to reflect the pre-stay deduction of 8 2024 Group 3 allowances to address Archbald's 2023 excess emissions. The EPA will not make any adjustments to reflect the pre-stay transfer of 570 2024 Group 3 allowances from Cardinal (ID 2828) to an Ohio Power Company general account or the pre-stay transfer of 285 2024 Group 3 allowances from Alcoa Allowance Management Inc. (also known as Warrick, ID 6705) to an Alcoa Allowance Management Inc. general account because these appear to be transfers between affiliated accounts with no substantive effect.

[22] Pursuant to the administrative stay of the effectiveness of the Plan's requirements (and in compliance with the Stay Order as to the stay applicants), the EPA will not carry out the recalibration of the bank of 2021–2023 Group 3 allowances that would otherwise have been scheduled to take place as soon as practicable on or after August 1, 2024.

To be converted, the Group 3 allowances must be held in the compliance account for an EGU within the borders of Illinois, Indiana, Maryland, Michigan, New Jersey, New York, Ohio, Pennsylvania, Virginia, or Wisconsin as of the conversion date, which will be as soon as practicable on or after December 23, 2024. Group 3 allowances held in the compliance accounts of EGUs in Wisconsin will be converted to Original Group 2 allowances, while Group 3 allowances held in the compliance accounts of EGUs in the other nine states will be converted to Expanded Group 2 allowances. Group 3 allowances held in other compliance accounts or in general accounts will not be converted.[23]

Finally, revisions are needed to two sets of provisions that were adopted in earlier rules to address situations that could arise after an EGU transitions from one trading program to another trading program, because the provisions as previously designed cannot accommodate the greater complexity of transition patterns necessitated by the Stay Order. The first set of provisions governs how EGUs that have transitioned between trading programs may use allowances from later trading programs to meet surrender requirements for past ozone seasons under earlier trading programs. The EPA is preserving the core functionality of these provisions by revising them to employ a simpler approach under which certain allowances from an EGU's current trading program may be used to meet certain surrender obligations under a previous trading program on a 1-for-1 basis. The second set of provisions governed potential future conversions of allowances that had been allocated for past ozone seasons but had not yet been recorded. The potential situation these provisions were designed to address has never arisen in practice, and the EPA is removing the provisions instead of revising them.

[23] When the Stay Order was issued, to ensure compliance, the Agency immediately stopped accepting transfers of Group 3 allowances between accounts. In conjunction with the regulatory revisions being adopted in this action, the EPA has determined that transfers of 2021–2023 Group 3 allowances between accounts can be accepted again after all 2024 Group 3 allowances have been recalled. Following the date of the recall of 2024 Group 3 allowances, account holders will have a period of approximately 30 days to make any desired transfers of 2021–2023 Group 3 allowances between accounts before the date of the conversion of 2021–2023 Group 3 allowances to Group 2 allowances. The EPA intends to notify all account holders regarding the availability, conditions, and timing of the conversion opportunity.

D. Specific Regulatory Revisions

This section describes the specific regulatory amendments that the EPA is adopting to carry out the Agency's response to the Stay Order. Supplementing the descriptions in this section, the EPA is also adding documents to the docket showing all the regulatory revisions that are being adopted in this action in redline-strikeout format.

The principal amendment to 40 CFR part 52 that the EPA is adopting to stay the effectiveness of the Good Neighbor Plan's requirements for non-EGU sources within the borders of California, Illinois, Indiana, Maryland, Michigan, New Jersey, New York, Ohio, Pennsylvania, and Virginia is a revision to the existing provision at § 52.40(c)(4), which under the First and Second Interim Final Rules stayed the effectiveness of the Plan's requirements for non-EGU sources within the borders of Arkansas, Kentucky, Louisiana, Mississippi, Missouri, Nevada, Oklahoma, Texas, Utah, and West Virginia.[24] The revision in this action expands the provision's list of states to include the remaining ten states where requirements for non-EGU sources would otherwise apply under the Plan as promulgated. In addition, parallel provisions staying the effectiveness of the Plan's requirements for non-EGU sources are being added to the state-specific subparts of part 52 for each of the relevant states.[25]

The amendments to 40 CFR parts 52 and 97 that the EPA is adopting to stay the effectiveness of the Good Neighbor Plan's requirements for EGUs within the borders of Illinois, Indiana, Maryland, Michigan, New Jersey, New York, Ohio, Pennsylvania, Virginia, and Wisconsin while ensuring continued implementation of requirements established to address good neighbor obligations under rules promulgated before the Plan include the following:

- New provisions are being added at § 52.38(b)(2)(iii)(D)(*5*) and (*4*) to stay the effectiveness of requirements for EGUs within the borders of Wisconsin and the other nine states, respectively, to participate in the Group 3 trading program for ozone seasons after 2023, and the existing provisions at § 52.38(b)(2)(ii)(D)(*2*) and (*1*), which require EGUs within the borders of most states covered by the First and Second Interim Final Rules to participate in the Group 2 trading program while the effectiveness of the Plan's requirements is stayed,[26] are being revised to extend the provisions to EGUs within the borders of Wisconsin and the other nine states, respectively. Parallel provisions are also being added to the state-specific subparts of part 52 for each of the relevant states.[27]
- The existing provisions at § 52.38(b)(2)(ii)(D)(*1*) and (b)(16)(ii)(A), which apply to states covered by the Revised CSAPR Update and the Plan as originally promulgated and address, among other things, the effects of SIP revisions approved to modify or replace the federal Group 2 trading program regulations, are being revised to provide that for EGUs in states for which the EPA has approved such SIP revisions, the EPA will administer the trading program in accordance with the SIP revisions, but only for SIP revisions approved after the effective date of this rule. The analogous existing provisions at § 52.38(b)(2)(ii)(D)(*2*) and (b)(16)(ii)(B), which apply to states covered by the CSAPR Update and the Plan as originally promulgated but not by the Revised CSAPR Update, will continue to apply with respect to SIP revisions approved either before or after this rule.
- The existing provisions at § 97.810(a) and (b), which identify the amounts of state emissions budgets, new unit set-asides, Indian country new unit set-asides, and variability limits by state and ozone season under the Group 2 trading program, are being revised to provide the same amounts for each of the ten states for ozone seasons after 2023 as would have been provided under the CSAPR Update or the Revised CSAPR Update (for Wisconsin or the other nine states, respectively) in the absence of the Plan. The amounts of the unit-level allocations of Group 2 allowances from the state emission budgets will be determined in accordance with § 97.811(a) as previously amended by the First Interim Final Rule.
- The existing provisions at § 97.821(e) and (f), which establish schedules for recording Group 2 allowances in sources' compliance

[24] *See* 88 FR 49297–98; 88 FR 67104.

[25] *See* §§ 52.284(b) (California), 52.731(c)(2) (Illinois), 52.789(c)(2) (Indiana), 52.1084(c)(2) (Maryland), 52.1186(f)(2) (Michigan), 52.1584(f)(2) (New Jersey), 52.1684(c)(2) (New York), 52.1882(c)(2) (Ohio), 52.2040(c)(2) (Pennsylvania), and 52.2440(c)(2) (Virginia).

[26] The provisions at § 52.38(b)(2)(ii)(D) do not apply to EGUs within the borders of Minnesota, Nevada, or Utah because these EGUs are not subject to previously established requirements to mitigate interstate air pollution with respect to other ozone NAAQS. *See* 88 FR 67104.

[27] *See* §§ 52.731(b)(6) (Illinois), 52.789(b)(6) (Indiana), 52.1084(b)(6) (Maryland), 52.1186(e)(6) (Michigan), 52.1584(e)(6) (New Jersey), 52.1684(b)(6) (New York), 52.1882(b)(6) (Ohio), 52.2040(b)(6) (Pennsylvania), 52.2440(b)(6) (Virginia), and 52.2587(e)(6) (Wisconsin).

accounts, and the existing provisions at § 97.811(d)(1) and (e)(1), which governed recalls of 2024 Group 2 allowances during the earlier transitions of states out of the Group 2 trading program, are being revised to establish the schedule for recording allocations of the new 2024 Group 2 allowances to be issued in response to the Stay Order and to more clearly distinguish these newly issued 2024 Group 2 allowances from the previously issued 2024 Group 2 allowances that were recorded in 2020 and then recalled during trading program transitions in 2021 and 2023.

- A new provision is being added at § 97.1011(d) to recall all 2024 Group 3 allowances previously recorded under the Plan and currently held in any compliance account or general account. To preserve the substantive effect of transfers and deductions of 2024 Group 3 allowances that occurred before issuance of the Stay Order and this recall, the revised recordation provision at § 97.821(e)(3) requires corresponding positive or negative adjustments to be made to the quantities of the newly issued 2024 Group 2 allowances that will be recorded in the relevant sources' compliance accounts.
- A new provision is being added at § 97.1026(e)(2) [28] to convert all banked 2021–2023 Group 2 allowances that as of the conversion date are held in the compliance accounts of EGUs within the borders of the ten states to Original Group 2 allowances or Expanded Group 2 allowances (for EGUs within the borders of Wisconsin or the other nine states, respectively) on a 1-for-1 basis.
- The existing provisions at §§ 97.526(e), 97.826(f), and 97.1026(f), which address how EGUs that have transitioned between trading programs may use allowances from later trading programs to meet surrender requirements for past ozone seasons under earlier trading programs, are being revised to prospectively apply a uniform approach where certain allowances from an EGU's current trading program may be used for this purpose on a 1-for-1 basis.
- The existing provisions at §§ 97.526(d)(2) and 97.826(d)(3) and (e)(2), which addressed potential future conversions of not-yet-recorded allowances that have been allocated for a past ozone season under one trading program to EGUs that have transitioned to another trading program, are being removed.
- The existing provisions at §§ 97.830(b)(1) and 97.834(d)(2)(i), which establish deadlines for affected units to commence monitoring and reporting activities under the Group 2 trading program, are being revised to provide each affected EGU within the borders of the ten states the same deadlines as would have applied to that EGU in the absence of the Plan.
- Conforming updates and other minor technical corrections are being made as necessary to the provisions at §§ 52.38(b)(14)(iii), 97.806(c)(4)(iv), 97.824(c)(2)(ii), 97.826(b) and (e)(1), 97.1024(c)(2)(ii), and 97.1026(b) and (e)(1) and several definitions in §§ 97.502, 97.802, and 97.1002, as well as to the provisions identified in previous items in this list.

III. Rulemaking Procedures and Findings of Good Cause

The EPA's authority for the rulemaking procedures followed in this action is provided by 5 U.S.C. 553.[29] In general, an agency issuing a rule under the procedures in section 553 must provide prior notice and an opportunity for public comment, but section 553(b)(B) includes an exemption from notice-and-comment requirements ''when the agency for good cause finds (and incorporates the finding and a brief statement of reasons therefor in the rule issued) that notice and public procedure thereon are impracticable, unnecessary, or contrary to the public interest.'' This action is being issued as an interim final rule without prior notice or opportunity for public comment because the EPA finds that the APA ''good cause'' exemption from notice-and-comment requirements applies here.

The basis for the finding of good cause is that following notice-and-comment procedures is unnecessary and impracticable for this action. With respect to the scope of the administrative stay being implemented in this action, the EPA has no discretion to enforce the Good Neighbor Plan's requirements against emissions sources located in applicant states or owned or operated by applicant industry entities while the Stay Order remains in effect. Further, as explained in section II.B. of this document, continuing to enforce the Plan's requirements against any sources owned and operated by non-applicants and using the applicability criterion of whether a given source is or is not owned or operated by a member of an applicant trade association to distinguish covered sources from noncovered sources is not a practicable option to comply with the Stay Order. With respect to the regulatory revisions that provide an alternate mechanism for EGUs in states where the Plan is newly stayed to continue to address the states' good neighbor obligations with respect to other ozone NAAQS, while some superficial discretion exists concerning the specific design of the regulatory revisions, no discretion exists as to the function of that design, which is to restore requirements substantively identical to those that would have applied in the absence of the Plan. As explained in section II.C. of this document, the EPA's design for the regulatory revisions in this action accomplishes this function. Taking comment so as to allow the public to advocate for not staying the effectiveness of the Good Neighbor Plan's requirements, not adopting regulatory revisions needed to implement requirements substantively identical to those that would have applied in the absence of the Plan, or adopting superficially different regulatory revisions to accomplish the same function would serve no purpose and is therefore unnecessary.

Following notice-and-comment procedures for this action would also be impracticable. Even though no specific statutory or judicial deadline applies, this action nevertheless needs to be completed quickly to provide clarity to the regulated community about the regulatory requirements that apply during a stay and to ensure that states' good neighbor obligations with respect to the 2008 ozone NAAQS continue to be met. The EPA has acted expeditiously to respond to the Stay Order. If the contents of this action were instead issued in the form of a proposal subject to notice-and-comment procedures, the comment period and the time needed after the close of the comment period to review any comments, prepare responses, and draft and review a final rule would likely require at least 90 additional days, extending the period before parties would know their regulatory requirements to six months or more after the issuance of the Stay Order.

The regulatory revisions made in this action will take effect immediately upon publication of the action in the **Federal Register**. In general, an agency issuing a rule under 5 U.S.C. 553 must provide for a period of at least 30 days between the rule's dates of publication and effectiveness, but section 553(d) specifies several exceptions to that general requirement, including two that apply to this action.

[28] The previous § 97.1026(e)(2) is being redesignated as § 97.1026(e)(1)(ii).

[29] Under CAA section 307(d)(1)(B), the EPA's revision of a FIP under CAA section 110(c) would normally be subject to the rulemaking procedural requirements of CAA section 307(d), including notice-and-comment procedures, but CAA section 307(d) does not apply ''in the case of any rule or circumstance referred to in subparagraphs (A) or (B) of [5 U.S.C. 553(b)].'' CAA section 307(d)(1).

First, under section 553(d)(1), an exception applies to a rule that ''grants or recognizes an exemption or relieves a restriction.'' Because the portions of this action that stay the effectiveness of the Plan's requirements for emissions sources in certain states grant or recognize an exemption (on an interim basis while the Stay Order remains in place), the normal 30-day minimum period between this action's dates of publication and effectiveness is not required. The EPA is making these portions of the action effective as of the action's publication date to comply with the Stay Order in a timely manner.

Second, under section 553(d)(3), the normal 30-day minimum period between a rule's dates of publication and effectiveness does not apply ''as otherwise provided by the agency for good cause found and published with the rule.'' With respect to the portions of this action that provide an alternate mechanism for EGUs in states where the Plan is newly stayed to continue to address the states' good neighbor obligations under rules issued before the Plan, the EPA finds good cause to make the regulatory revisions effective as of the action's publication date for the following reasons. First, these regulatory revisions benefit the public by avoiding the possibility that interruption of the previously established requirements would cause air quality degradation. Second, these regulatory revisions benefit the regulated community by clarifying the regulatory requirements that apply in light of the Stay Order. Finally, making these regulatory revisions effective less than 30 days after this action's publication date does not conflict with the purpose of the normal requirement for a 30-day minimum period, which is ''to give affected parties a reasonable time to adjust their behavior before the final rule takes effect.'' [30] The regulatory revisions in this action ensuring the continued achievement of states' previously established good neighbor obligations impose no requirements on any emissions source that differ substantively from the requirements that would have applied to that source in the absence of the Plan. Thus, no affected party needs time to adjust its behavior in preparation for these regulatory revisions.

IV. Statutory and Executive Order Reviews

Additional information about these statutes and Executive Orders can be found at *https://www.epa.gov/laws-regulations/laws-and-executive-orders.*

A. Executive Order 12866: Regulatory Planning and Review and Executive Order 14094: Modernizing Regulatory Review

This action is a significant regulatory action as defined in Executive Order 12866, as amended by Executive Order 14094. Accordingly, the EPA submitted this action to the Office of Management and Budget (OMB) for Executive Order 12866 review. Documentation of any changes made in response to the Executive Order 12866 review is available in the docket.

B. Paperwork Reduction Act

This action does not impose any new information collection burden under the Paperwork Reduction Act, 44 U.S.C. 3501 *et seq.* The OMB has previously approved the information collection activities that will apply to the EGUs affected by this action and has assigned OMB control numbers 2060–0258, 2060–0667, and 2060–0745. Additional information collection activities that will apply to non-EGU sources under the Good Neighbor Plan have been submitted to the OMB for approval in conjunction with that rulemaking. This action makes no changes to the information collection activities under the previously approved information collection requests (ICRs) for EGUs or the additional information collection activities for which approval has been requested in the Plan's ICR for non-EGU sources.

C. Regulatory Flexibility Act

This action is not subject to the Regulatory Flexibility Act (RFA), 5 U.S.C. 601–612. The RFA applies only to rules subject to notice-and-comment rulemaking requirements under 5 U.S.C. 553 or any other statute. This rule is not subject to notice-and-comment requirements because the Agency has invoked the APA ''good cause'' exemption under 5 U.S.C. 553(b)(B).

D. Unfunded Mandates Reform Act

This action does not contain any unfunded mandate as described in the Unfunded Mandates Reform Act, 2 U.S.C. 1531–1538, and does not significantly or uniquely affect small governments. This action imposes no enforceable duty on any state, local, or tribal governments or the private sector. This action simply stays the effectiveness of certain regulatory requirements for certain emissions sources on an interim basis in response to a procedural court order while ensuring that previously applicable regulatory requirements continue to be met.

E. Executive Order 13132: Federalism

This action does not have federalism implications. It will not have substantial direct effects on the states, on the relationship between the national government and the states, or on the distribution of power and responsibilities among the various levels of government. This action simply stays the effectiveness of certain regulatory requirements for certain emissions sources on an interim basis in response to a procedural court order while ensuring that previously applicable regulatory requirements continue to be met.

F. Executive Order 13175: Consultation and Coordination With Indian Tribal Governments

This action does not have tribal implications as specified in Executive Order 13175. This action simply stays the effectiveness of certain regulatory requirements for certain emissions sources on an interim basis in response to a procedural court order while ensuring that previously applicable regulatory requirements continue to be met. Thus, Executive Order 13175 does not apply to this action.

G. Executive Order 13045: Protection of Children From Environmental Health Risks and Safety Risks

The EPA interprets Executive Order 13045 as applying only to those regulatory actions that concern environmental health or safety risks that the EPA has reason to believe may disproportionately affect children, per the definition of ''covered regulatory action'' in section 2–202 of the Executive Order. This action responds to a court order issued by the United States Supreme Court and the EPA lacks discretion to deviate from the order. The EPA's assessment of health and climate benefits for the action establishing the requirements that are being stayed is discussed in Chapter 5 of the Regulatory Impact Analysis for the Good Neighbor Plan.[31]

H. Executive Order 13211: Actions Concerning Regulations That Significantly Affect Energy Supply, Distribution, or Use

This action is not a ''significant energy action'' because it is not likely to

[30] *Omnipoint Corporation* v. *FCC,* 78 F.3d 620, 630 (D.C. Cir. 1996).

[31] *See* Regulatory Impact Analysis for the Final Federal Good Neighbor Plan Addressing Regional Ozone Transport for the 2015 Ozone National Ambient Air Quality Standard, at 197–257 (March 2023) (EPA–HQ–OAR–2021–0668–1115), available in the docket.

have a significant adverse effect on the supply, distribution, or use of energy. This action simply stays the effectiveness of certain regulatory requirements for certain emissions sources on an interim basis in response to a procedural court order while ensuring that previously applicable regulatory requirements continue to be met.

I. National Technology Transfer and Advancement Act

This rulemaking does not involve technical standards.

J. Executive Order 12898: Federal Actions To Address Environmental Justice in Minority Populations and Low-Income Populations and Executive Order 14096: Revitalizing Our Nation's Commitment to Environmental Justice for All

The EPA believes that this type of action does not concern human health or environmental conditions and therefore cannot be evaluated with respect to potentially disproportionate and adverse effects on communities with environmental justice concerns. This action responds to a court order issued by the United States Supreme Court and the EPA lacks discretion to deviate from the order. The EPA's assessment of environmental justice considerations for the action establishing the requirements that are being stayed is discussed in section VII. of the Good Neighbor Plan preamble.[32]

K. Congressional Review Act

This action is subject to the Congressional Review Act (CRA), 5 U.S.C. 801–808, and the EPA will submit a rule report to each House of the Congress and to the Comptroller General of the United States. The CRA allows the issuing agency to make a rule effective sooner than otherwise provided by the CRA if the agency makes a good cause finding that notice-and-comment rulemaking procedures are impracticable, unnecessary, or contrary to the public interest (5 U.S.C. 808(2)). The EPA has made a good cause finding for this rule as discussed in section III. of this document, including the basis for that finding.

L. Judicial Review

CAA section 307(b)(1) governs judicial review of final actions by the EPA. This section provides, in part, that petitions for review must be filed in the D.C. Circuit (i) when the agency action consists of ''nationally applicable regulations promulgated, or final actions taken, by the Administrator,'' or (ii) when such action is locally or regionally applicable, if ''such action is based on a determination of nationwide scope or effect and if in taking such action the Administrator finds and publishes that such action is based on such a determination.'' For locally or regionally applicable final actions that are based on a determination of nationwide scope or effect, the CAA reserves to the EPA complete discretion to decide whether to invoke the provision in (ii).[33]

This action is ''nationally applicable'' within the meaning of CAA section 307(b)(1). In this action, in response to a court order, the EPA is amending on an interim basis the Good Neighbor Plan,[34] a nationally applicable rule that the EPA developed by applying a uniform legal interpretation and common, nationwide analytical methods to address the requirements of CAA section 110(a)(2)(D)(i)(I) concerning interstate transport of pollution (*i.e.,* ''good neighbor'' requirements) for the 2015 ozone NAAQS. Based on that nationwide analysis, the Good Neighbor Plan established FIP requirements for emissions sources in 23 states located across eight EPA Regions and ten federal judicial circuits. Given that this action amends an action implementing the good neighbor requirements of CAA section 110(a)(2)(D)(i)(I) in a large number of states located across the country and given the interdependent nature of interstate pollution transport and the common core of knowledge and analysis involved in promulgating the FIP requirements, this action is a ''nationally applicable'' action within the meaning of CAA section 307(b)(1).

In the alternative, to the extent a court finds this action to be locally or regionally applicable, the Administrator is exercising the complete discretion afforded to him under the CAA to make and publish a finding that this action is based on a determination of ''nationwide scope or effect'' within the meaning of CAA section 307(b)(1). In this action, in response to a court order, the EPA is amending on an interim basis the Good Neighbor Plan, an action in which the EPA interpreted and applied CAA section 110(a)(2)(D)(i)(I) for the 2015 ozone NAAQS based on a common core of nationwide policy judgments and technical analysis concerning the interstate transport of pollutants throughout the continental United States. Based on that nationwide analysis, the Good Neighbor Plan established FIP requirements for emissions sources in 23 states located across eight EPA Regions and ten federal judicial circuits. In response to a court order, this action temporarily stays the implementation of the Good Neighbor Plan for emissions sources in eleven states located across four EPA Regions and six federal judicial circuits and also implements necessary measures to ensure the status quo is maintained with respect to existing obligations under previously issued regulations (that were themselves nationally applicable or based on a determination of nationwide scope or effect found and published by the EPA[35]).

The Administrator finds that, like the Good Neighbor Plan, which it amends, this action is a matter on which national uniformity in judicial resolution of any petitions for review is desirable, to take advantage of the D.C. Circuit's administrative law expertise, and to facilitate the orderly development of the basic law under the Act. The Administrator also finds that consolidated review of this action in the D.C. Circuit will avoid piecemeal litigation in the regional circuits, further judicial economy, and eliminate the risk of inconsistent results for different states, and that a nationally consistent approach to the CAA's mandate concerning interstate transport of ozone pollution constitutes the best use of Agency resources.

For these reasons, this final action is nationally applicable or, alternatively, the Administrator is exercising the complete discretion afforded to him by the CAA and finds that this final action is based on a determination of nationwide scope or effect for purposes of CAA section 307(b)(1) and is publishing that finding in the **Federal Register**. Under CAA section 307(b)(1), petitions for judicial review of this action must be filed in the D.C. Circuit by January 6, 2025.

List of Subjects

40 CFR Part 52

Environmental protection, Administrative practice and procedure, Air pollution control, Incorporation by reference, Intergovernmental relations,

[32] *See* 88 FR 36844–46.

[33] In deciding whether to invoke the exception by making and publishing a finding that an action is based on a determination of nationwide scope or effect, the Administrator takes into account a number of policy considerations, including his judgment balancing the benefit of obtaining the D.C. Circuit's authoritative centralized review versus allowing development of the issue in other contexts and the best use of Agency resources.

[34] The Good Neighbor Plan is nationally applicable or based on a determination of nationwide scope or effect found and published by the EPA. *See* 88 FR 36859–60.

[35] *See* 86 FR 23163–64 (Revised CSAPR Update); 81 FR 74585–86 (CSAPR Update).

Nitrogen oxides, Ozone, Particulate matter, Sulfur dioxide.

40 CFR Part 97

Environmental protection, Administrative practice and procedure, Air pollution control, Electric power plants, Nitrogen oxides, Ozone, Particulate matter, Reporting and recordkeeping requirements, Sulfur dioxide.

Michael S. Regan,

Administrator.

For the reasons stated in the preamble, parts 52 and 97 of title 40 of the Code of Federal Regulations are amended as follows:

PART 52—APPROVAL AND PROMULGATION OF IMPLEMENTATION PLANS

■ 1. The authority citation for part 52 continues to read as follows:

Authority: 42 U.S.C. 7401 *et seq.*

Subpart A—General Provisions

■ 2. Amend § 52.38 by:
■ a. Revising and republishing paragraphs (b)(2)(ii)(D)(*1*) introductory text, (b)(2)(ii)(D)(*1*)(*i*), and (b)(2)(ii)(D)(*2*) introductory text;
■ b. Adding paragraphs (b)(2)(iii)(D)(*4*) and (*5*); and
■ c. Revising and republishing paragraphs (b)(14)(iii) and (b)(16)(ii).

The revisions, republications, and additions read as follows:

§ 52.38 What are the requirements of the Federal Implementation Plans (FIPs) for the Cross-State Air Pollution Rule (CSAPR) relating to emissions of nitrogen oxides?

* * * * *

(b) * * *

(2) * * *

(ii) * * *

(D) * * *

(*1*) While a stay under paragraph (b)(2)(iii)(D)(*1*) or (*4*) of this section is in effect for the sources in a State and Indian country located within the borders of such State with regard to emissions occurring in a control period in a given year—

(*i*) The provisions of subpart EEEEE of part 97 of this chapter (as modified in any approval after November 6, 2024 of a SIP revision for such State by the Administrator under paragraph (b)(8) of this section) or the provisions of a SIP revision approved after November 6, 2024 for such State by the Administrator under paragraph (b)(9) of this section, if any, shall apply to the sources in such State and areas of Indian country within the borders of such State subject to the State's SIP authority, and the provisions of subpart EEEEE of part 97 of this chapter shall apply to the sources in areas of Indian country within the borders of such State not subject to the State's SIP authority, with regard to emissions occurring in such control period; and

* * * * *

(*2*) While a stay under paragraph (b)(2)(iii)(D)(*2*) or (*5*) of this section is in effect for the sources in a State and Indian country located within the borders of such State with regard to emissions occurring in a control period in a given year—

* * * * *

(iii) * * *

(D) * * *

(*4*) The effectiveness of paragraph (b)(2)(iii)(A) of this section is stayed for sources in Illinois, Indiana, Maryland, Michigan, New Jersey, New York, Ohio, Pennsylvania, and Virginia and Indian country located within the borders of such States with regard to emissions occurring in 2024 and thereafter. While a stay under this paragraph (b)(2)(iii)(D)(*4*) is in effect for a State, such State shall be deemed not to be listed in paragraph (b)(2)(iii)(A) of this section for purposes of part 97 of this chapter for a control period after 2023.

(*5*) The effectiveness of paragraph (b)(2)(iii)(B) of this section is stayed for sources in Wisconsin and Indian country located within the borders of such State with regard to emissions occurring in 2024 and thereafter. While a stay under this paragraph (b)(2)(iii)(D)(*5*) is in effect for a State, such State shall be deemed not to be listed in paragraph (b)(2)(iii)(B) of this section for purposes of part 97 of this chapter for a control period after 2023.

* * * * *

(14) * * *

(iii) Notwithstanding any discontinuation pursuant to paragraph (b)(2) or (b)(13)(i) of this section of the applicability of subpart BBBBB, EEEEE, or GGGGG of part 97 of this chapter to the sources in a State and areas of Indian country within the borders of the State subject to the State's SIP authority with regard to emissions occurring in any control period, the following provisions shall continue to apply with regard to all CSAPR NO_X Ozone Season Group 1 allowances, CSAPR NO_X Ozone Season Group 2 allowances, and CSAPR NO_X Ozone Season Group 3 allowances at any time allocated for any control period to any source or other entity in the State and areas of Indian country within the borders of the State subject to the State's SIP authority and shall apply to all entities, wherever located, that at any time held or hold such allowances:

(A) The provisions of §§ 97.526(c), 97.826(c), and 97.1026(c) of this chapter (concerning the transfer of CSAPR NO_X Ozone Season Group 1 allowances, CSAPR NO_X Ozone Season Group 2 allowances, and CSAPR NO_X Ozone Season Group 3 allowances between certain Allowance Management System accounts under common control);

(B) The provisions of §§ 97.526(d), 97.826(d) and (e), and 97.1026(e) of this chapter (concerning the conversion of allowances of one type into allowances of another type, in the same or different quantities and issued for the same or different control periods, including conversions among CSAPR NO_X Ozone Season Group 1 allowances, CSAPR NO_X Ozone Season Original Group 2 allowances, CSAPR NO_X Ozone Season Expanded Group 2 allowances, and CSAPR NO_X Ozone Season Group 3 allowances); and

(C) The provisions of §§ 97.811(d) and (e) and 97.1011(d) of this chapter (concerning the recall of certain CSAPR NO_X Ozone Season Original Group 2 allowances and CSAPR NO_X Ozone Season Group 3 allowances).

* * * * *

(16) * * *

(ii)(A) Notwithstanding any provision of subpart EEEEE of part 97 of this chapter or any State's SIP, with regard to any State listed in paragraph (b)(2)(ii)(B) of this section and any control period that begins after December 31, 2020, the Administrator will not carry out any of the functions set forth for the Administrator in subpart EEEEE of part 97 of this chapter or in any emissions trading program provisions in a State's SIP approved under paragraph (b)(8) or (9) of this section, except as otherwise provided in paragraph (b)(2)(ii)(D)(*1*) or (b)(14)(iii) of this section.

(B) Notwithstanding any provision of subpart EEEEE of part 97 of this chapter or any State's SIP, with regard to any State listed in paragraph (b)(2)(ii)(C) of this section and any control period that begins after December 31, 2022, the Administrator will not carry out any of the functions set forth for the Administrator in subpart EEEEE of part 97 of this chapter or in any emissions trading program provisions in a State's SIP approved under paragraph (b)(8) or (9) of this section, except as otherwise provided in paragraph (b)(2)(ii)(D)(*2*) or (b)(14)(iii) of this section.

* * * * *

■ 3. Amend § 52.40 by revising and republishing paragraph (c)(4) to read as follows:

§ 52.40 What are the requirements of the Federal Implementation Plans (FIPs) relating to ozone season emissions of nitrogen oxides from sources not subject to the CSAPR ozone season trading program?

* * * * *

(c) * * *

(4) Notwithstanding any other provision of this part, the effectiveness of paragraphs (a) and (b), (c)(1) through (3), and (d) through (g) of this section and §§ 52.41 through 52.46 is stayed for sources located in Arkansas, California, Illinois, Indiana, Kentucky, Louisiana, Maryland, Michigan, Mississippi, Missouri, Nevada, New Jersey, New York, Ohio, Oklahoma, Pennsylvania, Texas, Utah, Virginia, and West Virginia, including Indian country located within the borders of such States.

* * * * *

Subpart F—California

■ 4. Amend § 52.284 by redesignating the text as paragraph (a) and adding paragraph (b) to read as follows:

§ 52.284 Interstate pollutant transport provisions; What are the FIP requirements for decreases in emissions of nitrogen oxides?

* * * * *

(b) Notwithstanding any other provision of this part, the effectiveness of paragraph (a) of this section is stayed.

Subpart O—Illinois

■ 5. Amend § 52.731 by:
■ a. Adding paragraph (b)(6); and
■ b. Redesignating paragraph (c) as paragraph (c)(1) and adding paragraph (c)(2).

The additions read as follows:

§ 52.731 Interstate pollutant transport provisions; What are the FIP requirements for decreases in emissions of nitrogen oxides?

* * * * *

(b) * * *

(6) Notwithstanding any other provision of this part, the effectiveness of paragraph (b)(3) of this section is stayed with regard to emissions occurring in 2024 and thereafter, provided that while such stay remains in effect, the provisions of paragraph (b)(2) of this section shall apply with regard to such emissions.

(c) * * *

(2) Notwithstanding any other provision of this part, the effectiveness of paragraph (c)(1) of this section is stayed.

Subpart P—Indiana

■ 6. Amend § 52.789 by:
■ a. Adding paragraph (b)(6); and
■ b. Redesignating paragraph (c) as paragraph (c)(1) and adding paragraph (c)(2).

The additions read as follows:

§ 52.789 Interstate pollutant transport provisions; What are the FIP requirements for decreases in emissions of nitrogen oxides?

* * * * *

(b) * * *

(6) Notwithstanding any other provision of this part, the effectiveness of paragraph (b)(3) of this section is stayed with regard to emissions occurring in 2024 and thereafter, provided that while such stay remains in effect, the provisions of paragraph (b)(2) of this section shall apply with regard to such emissions.

(c) * * *

(2) Notwithstanding any other provision of this part, the effectiveness of paragraph (c)(1) of this section is stayed.

Subpart V—Maryland

■ 7. Amend § 52.1084 by:
■ a. Adding paragraph (b)(6); and
■ b. Redesignating paragraph (c) as paragraph (c)(1) and adding paragraph (c)(2).

The additions read as follows:

§ 52.1084 Interstate pollutant transport provisions; What are the FIP requirements for decreases in emissions of nitrogen oxides?

* * * * *

(b) * * *

(6) Notwithstanding any other provision of this part, the effectiveness of paragraph (b)(3) of this section is stayed with regard to emissions occurring in 2024 and thereafter, provided that while such stay remains in effect, the provisions of paragraph (b)(2) of this section shall apply with regard to such emissions.

(c) * * *

(2) Notwithstanding any other provision of this part, the effectiveness of paragraph (c)(1) of this section is stayed.

Subpart X—Michigan

■ 8. Amend § 52.1186 by:
■ a. Adding paragraph (e)(6); and
■ b. Redesignating paragraph (f) as paragraph (f)(1) and adding paragraph (f)(2).

The additions read as follows:

§ 52.1186 Interstate pollutant transport provisions; What are the FIP requirements for decreases in emissions of nitrogen oxides?

* * * * *

(e) * * *

(6) Notwithstanding any other provision of this part, the effectiveness of paragraph (e)(3) of this section is stayed with regard to emissions occurring in 2024 and thereafter, provided that while such stay remains in effect, the provisions of paragraph (e)(2) of this section shall apply with regard to such emissions.

(f) * * *

(2) Notwithstanding any other provision of this part, the effectiveness of paragraph (f)(1) of this section is stayed.

Subpart FF—New Jersey

■ 9. Amend § 52.1584 by:
■ a. Adding paragraph (e)(6); and
■ b. Redesignating paragraph (f) as paragraph (f)(1) and adding paragraph (f)(2).

The additions read as follows:

§ 52.1584 Interstate pollutant transport provisions; What are the FIP requirements for decreases in emissions of nitrogen oxides?

* * * * *

(e) * * *

(6) Notwithstanding any other provision of this part, the effectiveness of paragraph (e)(3) of this section is stayed with regard to emissions occurring in 2024 and thereafter, provided that while such stay remains in effect, the provisions of paragraph (e)(2) of this section shall apply with regard to such emissions.

(f) * * *

(2) Notwithstanding any other provision of this part, the effectiveness of paragraph (f)(1) of this section is stayed.

Subpart HH—New York

■ 10. Amend § 52.1684 by:
■ a. Adding paragraph (b)(6); and
■ b. Redesignating paragraph (c) as paragraph (c)(1) and adding paragraph (c)(2).

The additions read as follows:

§ 52.1684 Interstate pollutant transport provisions; What are the FIP requirements for decreases in emissions of nitrogen oxides?

* * * * *

(b) * * *

(6) Notwithstanding any other provision of this part, the effectiveness of paragraph (b)(3) of this section is stayed with regard to emissions occurring in 2024 and thereafter, provided that while such stay remains in effect, the provisions of paragraph (b)(2) of this section shall apply with regard to such emissions.

(c) * * *

(2) Notwithstanding any other provision of this part, the effectiveness of paragraph (c)(1) of this section is stayed.

Subpart KK—Ohio

■ 11. Amend § 52.1882 by:
■ a. Adding paragraph (b)(6); and
■ b. Redesignating paragraph (c) as paragraph (c)(1) and adding paragraph (c)(2).

The additions read as follows:

§ 52.1882 Interstate pollutant transport provisions; What are the FIP requirements for decreases in emissions of nitrogen oxides?

* * * * *

(b) * * *

(6) Notwithstanding any other provision of this part, the effectiveness of paragraph (b)(3) of this section is stayed with regard to emissions occurring in 2024 and thereafter, provided that while such stay remains in effect, the provisions of paragraph (b)(2) of this section shall apply with regard to such emissions.

(c) * * *

(2) Notwithstanding any other provision of this part, the effectiveness of paragraph (c)(1) of this section is stayed.

Subpart NN—Pennsylvania

■ 12. Amend § 52.2040 by:
■ a. Adding paragraph (b)(6); and
■ b. Redesignating paragraph (c) as paragraph (c)(1) and adding paragraph (c)(2).

The additions read as follows:

§ 52.2040 Interstate pollutant transport provisions; What are the FIP requirements for decreases in emissions of nitrogen oxides?

* * * * *

(b) * * *

(6) Notwithstanding any other provision of this part, the effectiveness of paragraph (b)(3) of this section is stayed with regard to emissions occurring in 2024 and thereafter, provided that while such stay remains in effect, the provisions of paragraph (b)(2) of this section shall apply with regard to such emissions.

(c) * * *

(2) Notwithstanding any other provision of this part, the effectiveness of paragraph (c)(1) of this section is stayed.

Subpart VV—Virginia

■ 13. Amend § 52.2440 by:
■ a. Adding paragraph (b)(6); and
■ b. Redesignating paragraph (c) as paragraph (c)(1) and adding paragraph (c)(2).

The additions read as follows:

§ 52.2440 Interstate pollutant transport provisions; What are the FIP requirements for decreases in emissions of nitrogen oxides?

* * * * *

(b) * * *

(6) Notwithstanding any other provision of this part, the effectiveness of paragraph (b)(3) of this section is stayed with regard to emissions occurring in 2024 and thereafter, provided that while such stay remains in effect, the provisions of paragraph (b)(2) of this section shall apply with regard to such emissions.

(c) * * *

(2) Notwithstanding any other provision of this part, the effectiveness of paragraph (c)(1) of this section is stayed.

Subpart YY—Wisconsin

■ 14. Amend § 52.2587 by adding paragraph (e)(6) to read as follows:

§ 52.2587 Interstate pollutant transport provisions; What are the FIP requirements for decreases in emissions of nitrogen oxides?

* * * * *

(e) * * *

(6) Notwithstanding any other provision of this part, the effectiveness of paragraph (e)(3) of this section is stayed with regard to emissions occurring in 2024 and thereafter, provided that while such stay remains in effect, the provisions of paragraph (e)(2) of this section shall apply with regard to such emissions.

PART 97—FEDERAL NO_X BUDGET TRADING PROGRAM, CAIR NO_X AND SO_2 TRADING PROGRAMS, CSAPR NO_X AND SO_2 TRADING PROGRAMS, AND TEXAS SO_2 TRADING PROGRAM

■ 15. The authority citation for part 97 continues to read as follows:

Authority: 42 U.S.C. 7401, 7403, 7410, 7426, 7491, 7601, and 7651, *et seq.*

Subpart BBBBB—CSAPR NO_X Ozone Season Group 1 Trading Program

■ 16. Amend § 97.502 by revising and republishing the definitions of ''CSAPR NO_X Ozone Season Expanded Group 2 allowance'', ''CSAPR NO_X Ozone Season Group 2 allowance'', and ''CSAPR NO_X Ozone Season Group 3 allowance'' to read as follows:

§ 97.502 Definitions.

* * * * *

CSAPR NO_X Ozone Season Expanded Group 2 allowance means a CSAPR NO_X Ozone Season Group 2 allowance allocated for a control period after 2022 under subpart EEEEE of this part or § 97.1026(e)(1)(ii) or (e)(2)(ii) to a unit in a State listed in § 52.38(b)(2)(ii)(D)(*1*) of this chapter (and Indian country within the borders of such a State) or allocated or auctioned for a control period after 2022 in accordance with the provisions of a SIP revision approved after November 6, 2024 for such a State by the Administrator under § 52.38(b)(7), (8), or (9) of this chapter.

* * * * *

CSAPR NO_X Ozone Season Group 2 allowance means a limited authorization issued and allocated or auctioned by the Administrator under subpart EEEEE of this part, § 97.526, or § 97.1026, or by a State or permitting authority under a SIP revision approved by the Administrator under § 52.38(b)(7), (8), or (9) of this chapter, to emit one ton of NO_X during a control period of the specified calendar year for which the authorization is allocated or auctioned or of any calendar year thereafter under the CSAPR NO_X Ozone Season Group 2 Trading Program, where each CSAPR NO_X Ozone Season Group 2 allowance is either a CSAPR NO_X Ozone Season Original Group 2 allowance or a CSAPR NO_X Ozone Season Expanded Group 2 allowance.

* * * * *

CSAPR NO_X Ozone Season Group 3 allowance means a limited authorization issued and allocated or auctioned by the Administrator under subpart GGGGG of this part or § 97.826, or by a State or permitting authority under a SIP revision approved by the Administrator under § 52.38(b)(10), (11), or (12) of this chapter, to emit one ton or less of NO_X during a control period of the specified calendar year for which the authorization is allocated or auctioned or of any calendar year thereafter under the CSAPR NO_X Ozone Season Group 3 Trading Program.

* * * * *

■ 17. Amend § 97.526 by:
■ a. Removing and reserving paragraph (d)(2);
■ b. Revising and republishing paragraphs (e)(1) through (3); and
■ c. Adding paragraphs (e)(4) through (6).

The revisions, republications, and additions read as follows:

§ 97.526 Banking and conversion.

* * * * *

(e) * * *

(1) After the Administrator has carried out the procedures set forth in

paragraph (d)(1) of this section and before November 6, 2024, the owner or operator of a CSAPR NO_X Ozone Season Group 1 source in a State listed in § 52.38(b)(2)(i)(B) of this chapter (and Indian country within the borders of such a State) may satisfy a requirement to hold a given number of CSAPR NO_X Ozone Season Group 1 allowances for the control period in 2015 or 2016 by holding instead, in a general account established for this sole purpose, an amount of CSAPR NO_X Ozone Season Original Group 2 allowances for the control period in 2017 (or any later control period for which the allowance transfer deadline defined in § 97.802 has passed) computed as the quotient, rounded up to the nearest allowance, of such given number of CSAPR NO_X Ozone Season Group 1 allowances divided by the conversion factor determined under paragraph (d)(1)(ii) of this section.

(2)(i) Except as provided in paragraph (e)(2)(ii) of this section, after the Administrator has carried out the procedures set forth in paragraph (d)(1) of this section and § 97.826(d)(1) and before November 6, 2024, the owner or operator of a CSAPR NO_X Ozone Season Group 1 source in a State listed in § 52.38(b)(2)(ii)(B) of this chapter (and Indian country within the borders of such a State) may satisfy a requirement to hold a given number of CSAPR NO_X Ozone Season Group 1 allowances for the control period in 2015 or 2016 by holding instead, in a general account established for this sole purpose, an amount of CSAPR NO_X Ozone Season Group 3 allowances for the control period in 2021 (or any later control period for which the allowance transfer deadline defined in § 97.1002 has passed) computed as the quotient, rounded up to the nearest allowance, of such given number of CSAPR NO_X Ozone Season Group 1 allowances divided by the conversion factor determined under paragraph (d)(1)(ii) of this section and further divided by the conversion factor determined under § 97.826(d)(1)(i)(D).

(ii) After the Administrator has carried out the procedures set forth in paragraph (d)(1) of this section and §§ 97.826(d)(1) and 97.1026(e)(1) and before November 6, 2024, the owner or operator of a CSAPR NO_X Ozone Season Group 1 source in a State listed in § 52.38(b)(2)(iii)(D)(*1*) of this chapter (and Indian country within the borders of such a State) may satisfy a requirement to hold a given number of CSAPR NO_X Ozone Season Group 1 allowances for the control period in 2015 or 2016 by holding instead, in a general account established for this sole purpose, an amount of CSAPR NO_X Ozone Season Expanded Group 2 allowances for the control period in 2021 (or any later control period for which the allowance transfer deadline defined in § 97.802 has passed) computed as the quotient, rounded up to the nearest allowance, of such given number of CSAPR NO_X Ozone Season Group 1 allowances divided by the conversion factor determined under paragraph (d)(1)(ii) of this section and further divided by the conversion factor determined under § 97.826(d)(1)(i)(D).

(3) After the Administrator has carried out the procedures set forth in paragraph (d)(1) of this section and § 97.826(e)(1) and before November 6, 2024, the owner or operator of a CSAPR NO_X Ozone Season Group 1 source in a State listed in § 52.38(b)(2)(ii)(C) of this chapter and not listed in § 52.38(b)(2)(iii)(D)(*2*) of this chapter (and Indian country within the borders of such a State) may satisfy a requirement to hold a given number of CSAPR NO_X Ozone Season Group 1 allowances for the control period in 2015 or 2016 by holding instead, in a general account established for this sole purpose, an amount of CSAPR NO_X Ozone Season Group 3 allowances for the control period in 2023 (or any later control period for which the allowance transfer deadline defined in § 97.1002 has passed) computed as the quotient, rounded up to the nearest allowance, of such given number of CSAPR NO_X Ozone Season Group 1 allowances divided by the conversion factor determined under paragraph (d)(1)(ii) of this section and further divided by the conversion factor determined under § 97.826(e)(1)(ii).

(4) On or after November 6, 2024, the owner or operator of a source subject to the requirements of the CSAPR NO_X Ozone Season Group 2 Trading Program for the control period in the current year and required to demonstrate compliance under such program for such control period by holding CSAPR NO_X Ozone Season Original Group 2 allowances may satisfy a requirement to hold a given number of CSAPR NO_X Ozone Season Group 1 allowances for the control period in a previous year for which the allowance transfer deadline defined in § 97.502 has passed by holding instead in the source's compliance account an equal number of CSAPR NO_X Ozone Season Original Group 2 allowances for the control period in the current year.

(5) On or after November 6, 2024, the owner or operator of a source subject to the requirements of the CSAPR NO_X Ozone Season Group 2 Trading Program for the control period in the current year and required to demonstrate compliance under such program for such control period by holding CSAPR NO_X Ozone Season Expanded Group 2 allowances may satisfy a requirement to hold a given number of CSAPR NO_X Ozone Season Group 1 allowances for the control period in a previous year for which the allowance transfer deadline defined in § 97.502 has passed by holding instead in the source's compliance account an equal number of CSAPR NO_X Ozone Season Expanded Group 2 allowances for the control period in the current year.

(6) On or after November 6, 2024, the owner or operator of a source subject to the requirements of the CSAPR NO_X Ozone Season Group 3 Trading Program for the control period in the current year may satisfy a requirement to hold a given number of CSAPR NO_X Ozone Season Group 1 allowances for the control period in a previous year for which the allowance transfer deadline defined in § 97.502 has passed by holding instead in the source's compliance account an equal number of CSAPR NO_X Ozone Season Group 3 allowances for the control period in the current year.

Subpart EEEEE—CSAPR NO_X Ozone Season Group 2 Trading Program

■ 18. Amend § 97.802 by revising and republishing the introductory text for the definition of ''Allocate or allocation'', paragraph (2) of the definition of ''Common designated representative's assurance level'', and the definitions of ''CSAPR NO_X Ozone Season Expanded Group 2 allowance'', ''CSAPR NO_X Ozone Season Group 2 allowance'', and ''CSAPR NO_X Ozone Season Group 3 allowance'' to read as follows:

§ 97.802 Definitions.

* * * * *

Allocate or *allocation* means, with regard to CSAPR NO_X Ozone Season Group 2 allowances, the determination by the Administrator, State, or permitting authority, in accordance with this subpart, §§ 97.526 and 97.1026, and any SIP revision submitted by the State and approved by the Administrator under § 52.38(b)(7), (8), or (9) of this chapter, of the amount of such CSAPR NO_X Ozone Season Group 2 allowances to be initially credited, at no cost to the recipient, to:

* * * * *

Common designated representative's assurance level * * *

(2) Provided that the allocations of CSAPR NO_X Ozone Season Group 2 allowances for any control period taken

into account for purposes of this definition shall exclude any CSAPR NO_X Ozone Season Group 2 allowances allocated for such control period under § 97.526 or § 97.1026.

* * * * *

CSAPR NO_X Ozone Season Expanded Group 2 allowance means a CSAPR NO_X Ozone Season Group 2 allowance allocated for a control period after 2022 under this subpart or § 97.1026(e)(1)(ii) or (e)(2)(ii) to a unit in a State listed in § 52.38(b)(2)(ii)(D)(*1*) of this chapter (and Indian country within the borders of such a State) or allocated or auctioned for a control period after 2022 in accordance with the provisions of a SIP revision approved after November 6, 2024 for such a State by the Administrator under § 52.38(b)(7), (8), or (9) of this chapter.

CSAPR NO_X Ozone Season Group 2 allowance means a limited authorization issued and allocated or auctioned by the Administrator under this subpart, § 97.526, or § 97.1026, or by a State or permitting authority under a SIP revision approved by the Administrator under § 52.38(b)(7), (8), or (9) of this chapter, to emit one ton of NO_X during a control period of the specified calendar year for which the authorization is allocated or auctioned or of any calendar year thereafter under the CSAPR NO_X Ozone Season Group 2 Trading Program, where each CSAPR NO_X Ozone Season Group 2 allowance is either a CSAPR NO_X Ozone Season Original Group 2 allowance or a CSAPR NO_X Ozone Season Expanded Group 2 allowance.

* * * * *

CSAPR NO_X Ozone Season Group 3 allowance means a limited authorization issued and allocated or auctioned by the Administrator under subpart GGGGG of this part or § 97.826, or by a State or permitting authority under a SIP revision approved by the Administrator under § 52.38(b)(10), (11), or (12) of this chapter, to emit one ton or less of NO_X during a control period of the specified calendar year for which the authorization is allocated or auctioned or of any calendar year thereafter under the CSAPR NO_X Ozone Season Group 3 Trading Program.

* * * * *

■ 19. Amend § 97.806 by revising and republishing paragraph (c)(4)(iv) to read as follows:

§ 97.806 Standard requirements.

* * * * *

(c) * * *

(4) * * *

(iv) A CSAPR NO_X Ozone Season Group 2 allowance held for compliance with the requirements under paragraphs (c)(1)(i), (c)(1)(ii)(A), and (c)(2)(i) through (iii) of this section for a source or group of sources in a State listed in § 52.38(b)(2)(ii)(D)(*1*) of this chapter (and Indian country within the borders of such a State) for a control period after 2022 must be a CSAPR NO_X Ozone Season Expanded Group 2 allowance.

* * * * *

■ 20. Amend § 97.810 by:

■ a. Adding paragraphs (a)(4)(iv) through (vi), (a)(5)(iv) through (vi), (a)(10)(iv) through (vi), (a)(11)(iv) through (vi), (a)(14)(iv) through (vi), (a)(15)(iv) through (vi), (a)(16)(iv) through (vi), (a)(18)(iv) through (vi), and (a)(21)(iv) through (vi); and

■ b. Revising and republishing paragraphs (a)(23) and (b)(4), (5), (10), (11), (14), (15), (16), (18), (21), and (23).

The additions, revisions, and republications read as follows:

§ 97.810 State NO_X Ozone Season Group 2 trading budgets, new unit set-asides, Indian country new unit set-asides, and variability limits.

(a) * * *

(4) * * *

(iv) The NO_X Ozone Season Group 2 trading budget for 2024 and thereafter is 8,059 tons.

(v) The new unit set-aside for 2024 and thereafter is 244 tons.

(vi) [Reserved]

(5) * * *

(iv) The NO_X Ozone Season Group 2 trading budget for 2024 and thereafter is 9,564 tons.

(v) The new unit set-aside for 2024 and thereafter is 190 tons.

(vi) [Reserved]

* * * * *

(10) * * *

(iv) The NO_X Ozone Season Group 2 trading budget for 2024 and thereafter is 1,348 tons.

(v) The new unit set-aside for 2024 and thereafter is 122 tons.

(vi) [Reserved]

(11) * * *

(iv) The NO_X Ozone Season Group 2 trading budget for 2024 and thereafter is 9,786 tons.

(v) The new unit set-aside for 2024 and thereafter is 382 tons.

(vi) The Indian country new unit set-aside for 2024 and thereafter is 10 tons.

* * * * *

(14) * * *

(iv) The NO_X Ozone Season Group 2 trading budget for 2024 and thereafter is 1,253 tons.

(v) The new unit set-aside for 2024 and thereafter is 27 tons.

(vi) [Reserved]

(15) * * *

(iv) The NO_X Ozone Season Group 2 trading budget for 2024 and thereafter is 3,403 tons.

(v) The new unit set-aside for 2024 and thereafter is 167 tons.

(vi) The Indian country new unit set-aside for 2024 and thereafter is 3 tons.

(16) * * *

(iv) The NO_X Ozone Season Group 2 trading budget for 2024 and thereafter is 9,773 tons.

(v) The new unit set-aside for 2024 and thereafter is 290 tons.

(vi) [Reserved]

* * * * *

(18) * * *

(iv) The NO_X Ozone Season Group 2 trading budget for 2024 and thereafter is 8,373 tons.

(v) The new unit set-aside for 2024 and thereafter is 339 tons.

(vi) [Reserved]

* * * * *

(21) * * *

(iv) The NO_X Ozone Season Group 2 trading budget for 2024 and thereafter is 3,663 tons.

(v) The new unit set-aside for 2024 and thereafter is 150 tons.

(vi) [Reserved]

* * * * *

(23) *Wisconsin.* (i) The NO_X Ozone Season Group 2 trading budget for 2017 through 2022 and for 2024 and thereafter is 7,915 tons.

(ii) The new unit set-aside for 2017 through 2022 and for 2024 and thereafter is 151 tons.

(iii) The Indian country new unit set-aside for 2017 through 2022 and for 2024 and thereafter is 8 tons.

(b) * * *

(4)(i) The variability limit for Illinois for 2017 through 2020 is 3,066 tons.

(ii) The variability limit for Illinois for 2024 and thereafter is 1,692 tons.

(5)(i) The variability limit for Indiana for 2017 through 2020 is 4,894 tons.

(ii) The variability limit for Indiana for 2024 and thereafter is 2,008 tons.

* * * * *

(10)(i) The variability limit for Maryland for 2017 through 2020 is 804 tons.

(ii) The variability limit for Maryland for 2024 and thereafter is 283 tons.

(11)(i) The variability limit for Michigan for 2017 through 2020 is 3,575 tons.

(ii) The variability limit for Michigan for 2024 and thereafter is 2,055 tons.

* * * * *

(14)(i) The variability limit for New Jersey for 2017 through 2020 is 433 tons.

(ii) The variability limit for New Jersey for 2024 and thereafter is 263 tons.

(15)(i) The variability limit for New York for 2017 through 2020 is 1,078 tons.

(ii) The variability limit for New York for 2024 and thereafter is 715 tons.

(16)(i) The variability limit for Ohio for 2017 through 2020 is 4,100 tons.

(ii) The variability limit for Ohio for 2024 and thereafter is 2,052 tons.

* * * * *

(18)(i) The variability limit for Pennsylvania for 2017 through 2020 is 3,770 tons.

(ii) The variability limit for Pennsylvania for 2024 and thereafter is 1,758 tons.

* * * * *

(21)(i) The variability limit for Virginia for 2017 through 2020 is 1,937 tons.

(ii) The variability limit for Virginia for 2024 and thereafter is 769 tons.

* * * * *

(23) The variability limit for Wisconsin for 2017 through 2022 and for 2024 and thereafter is 1,662 tons.

* * * * *

■ 21. Amend § 97.811 by revising and republishing the paragraph (d) heading, paragraph (d)(1), the paragraph (e) heading, and paragraph (e)(1) to read as follows:

§ 97.811 Timing requirements for CSAPR NO_X Ozone Season Group 2 allowance allocations.

* * * * *

(d) *Recall of CSAPR NO_X Ozone Season Original Group 2 allowances allocated for control periods in 2021 through 2024.* (1) Notwithstanding any other provision of this subpart, part 52 of this chapter, or any SIP revision approved under § 52.38(b) of this chapter, the provisions of this paragraph and paragraphs (d)(2) through (7) of this section shall apply with regard to each CSAPR NO_X Ozone Season Original Group 2 allowance that was allocated for a control period in 2021 through 2024 to any unit (including a permanently retired unit qualifying for an exemption under § 97.805) in a State listed in § 52.38(b)(2)(ii)(B) of this chapter (and Indian country within the borders of such a State) and that was initially recorded under § 97.821(d) or (e)(1) in the compliance account for the source that includes the unit, whether such CSAPR NO_X Ozone Season Original Group 2 allowance was allocated pursuant to this subpart or pursuant to a SIP revision approved under § 52.38(b) of this chapter and whether such CSAPR NO_X Ozone Season Original Group 2 allowance remains in such compliance account or has been transferred to another Allowance Management System account.

* * * * *

(e) *Recall of CSAPR NO_X Ozone Season Original Group 2 allowances allocated for control periods in 2023 and 2024.* (1) Notwithstanding any other provision of this subpart, part 52 of this chapter, or any SIP revision approved under § 52.38(b) of this chapter, the provisions of this paragraph (e)(1) and paragraphs (e)(2) through (7) of this section shall apply with regard to each CSAPR NO_X Ozone Season Original Group 2 allowance that was allocated for a control period in 2023 or 2024 to any unit (including a permanently retired unit qualifying for an exemption under § 97.805) in a State listed in § 52.38(b)(2)(ii)(C) of this chapter and not listed in § 52.38(b)(2)(iii)(D)(*2*) of this chapter (and Indian country within the borders of such a State) and that was initially recorded under § 97.821(e)(1) in the compliance account for the source that includes the unit, whether such CSAPR NO_X Ozone Season Original Group 2 allowance was allocated pursuant to this subpart or pursuant to a SIP revision approved under § 52.38(b) of this chapter and whether such CSAPR NO_X Ozone Season Original Group 2 allowance remains in such compliance account or has been transferred to another Allowance Management System account.

* * * * *

■ 22. Amend § 97.821 by revising and republishing paragraph (e)(2), adding paragraphs (e)(3) and (4), and revising and republishing paragraph (f) to read as follows:

§ 97.821 Recordation of CSAPR NO_X Ozone Season Group 2 allowance allocations and auction results.

* * * * *

(e) * * *

(2) After the Administrator has carried out the procedures in § 97.811(d), for sources in a State listed in § 52.38(b)(2)(iii)(D)(*1*) of this chapter (and Indian country within the borders of such a State), by September 5, 2023, or, with regard to sources in West Virginia, as soon as practicable on or after September 29, 2023, the Administrator will record in each CSAPR NO_X Ozone Season Group 2 source's compliance account the CSAPR NO_X Ozone Season Expanded Group 2 allowances allocated to the CSAPR NO_X Ozone Season Group 2 units at the source in accordance with § 97.811(a) for the control periods in 2023 and 2024.

(3) After the Administrator has carried out the procedures in § 97.811(d), for sources in a State listed in § 52.38(b)(2)(iii)(D)(*4*) of this chapter (and Indian country within the borders of such a State), as soon as practicable on or after December 6, 2024, the Administrator will record in each CSAPR NO_X Ozone Season Group 2 source's compliance account the CSAPR NO_X Ozone Season Expanded Group 2 allowances allocated to the CSAPR NO_X Ozone Season Group 2 units at the source in accordance with § 97.811(a) for the control period in 2024, with the following adjustments:

(i) The quantity of CSAPR NO_X Ozone Season Expanded Group 2 allowances recorded in the compliance account for Gilbert Generating Station (plant ID 2393) will be the quantity allocated in accordance with § 97.811(a) minus 3.

(ii) The quantity of CSAPR NO_X Ozone Season Expanded Group 2 allowances recorded in the compliance account for Warren (plant ID 3132) will be the quantity allocated in accordance with § 97.811(a) plus 3.

(iii) The quantity of CSAPR NO_X Ozone Season Expanded Group 2 allowances recorded in the compliance account for Baldwin Energy Complex (plant ID 889) will be the quantity allocated in accordance with § 97.811(a) minus 50.

(iv) The quantity of CSAPR NO_X Ozone Season Expanded Group 2 allowances recorded in the compliance account for Midland Cogeneration Venture (plant ID 10745) will be the quantity allocated in accordance with § 97.811(a) plus 50.

(v) The quantity of CSAPR NO_X Ozone Season Expanded Group 2 allowances recorded in the compliance account for PEI Power Corporation (plant ID 50279) will be the quantity allocated in accordance with § 97.811(a) minus 8.

(4) After the Administrator has carried out the procedures in § 97.811(e), for sources in a State listed in § 52.38(b)(2)(iii)(D)(*5*) of this chapter (and Indian country within the borders of such a State), as soon as practicable on or after December 6, 2024, the Administrator will record in each CSAPR NO_X Ozone Season Group 2 source's compliance account the CSAPR NO_X Ozone Season Original Group 2 allowances allocated to the CSAPR NO_X Ozone Season Group 2 units at the source in accordance with § 97.811(a) for the control period in 2024.

(f) By July 1, 2024, or, for sources in a State listed in § 52.38(b)(2)(iii)(D)(*4*) or (*5*) of this chapter (and Indian country within the borders of such a State), as soon as practicable on or after December 6, 2024, and by July 1 of each year thereafter, the Administrator will record

in each CSAPR NO_X Ozone Season Group 2 source's compliance account the CSAPR NO_X Ozone Season Group 2 allowances allocated to the CSAPR NO_X Ozone Season Group 2 units at the source, or in each appropriate Allowance Management System account the CSAPR NO_X Ozone Season Group 2 allowances auctioned to CSAPR NO_X Ozone Season Group 2 units, in accordance with § 97.811(a), or with a SIP revision approved under § 52.38(b)(8) or (9) of this chapter, for the control period in the year after the year of the applicable recordation deadline under this paragraph.

* * * * *

■ 23. Amend § 97.824 by revising and republishing paragraph (c)(2)(ii) to read as follows:

§ 97.824 Compliance with CSAPR Ozone Season Group 2 emissions limitation.

* * * * *

(c) * * *

(2) * * *

(ii) Any other CSAPR NO_X Ozone Season Group 2 allowances that were transferred to and recorded in the compliance account pursuant to this subpart or that were recorded in the compliance account pursuant to § 97.526 or § 97.1026, in the order of recordation.

* * * * *

■ 24. Amend § 97.826 by:

■ a. Revising and republishing paragraph (b);

■ b. Removing and reserving paragraph (d)(3);

■ c. Revising and republishing paragraphs (e)(1) introductory text and (e)(1)(ii)(B);

■ d. Removing and reserving paragraph (e)(2); and

■ e. Revising and republishing paragraph (f).

The revisions and republications read as follows:

§ 97.826 Banking and conversion.

* * * * *

(b) Any CSAPR NO_X Ozone Season Group 2 allowance that is held in a compliance account or a general account will remain in such account unless and until the CSAPR NO_X Ozone Season Group 2 allowance is deducted or transferred under § 97.811(c), (d), or (e), § 97.823, § 97.824, § 97.825, § 97.827, or § 97.828, or paragraph (c), (d), or (e) of this section.

* * * * *

(e) * * *

(1) By September 18, 2023, the Administrator will temporarily suspend acceptance of CSAPR NO_X Ozone Season Group 2 allowance transfers submitted under § 97.822 and, before resuming acceptance of such transfers, will take the following actions with regard to every general account and every compliance account except a compliance account for a CSAPR NO_X Ozone Season Group 2 source in a State listed in § 52.38(b)(2)(ii)(A) or (b)(2)(iii)(D)(*1*) through (*3*) of this chapter (and Indian country within the borders of such a State):

* * * * *

(ii) * * *

(B) The product of the sum of the trading budgets for the control period in 2024 under § 97.1010(a)(1)(i) for all States listed in § 52.38(b)(2)(iii)(B) and (C) of this chapter and not listed in § 52.38(b)(2)(iii)(D)(*2*) or (*3*) of this chapter multiplied by 0.21 and further multiplied by a fraction whose numerator is the number of days from August 4, 2023 through September 30, 2023, inclusive, and whose denominator is 153.

* * * * *

(f) Notwithstanding any other provision of this subpart or any SIP revision approved under § 52.38(b)(8) or (9) of this chapter, CSAPR NO_X Ozone Season Expanded Group 2 allowances or CSAPR NO_X Ozone Season Group 3 allowances may be used to satisfy requirements to hold CSAPR NO_X Ozone Season Original Group 2 allowances under this subpart and CSAPR NO_X Ozone Season Group 3 allowances may be used to satisfy requirements to hold CSAPR NO_X Ozone Season Expanded Group 2 allowances under this subpart as follows, provided that nothing in this paragraph (f) alters the time as of which any such allowance holding requirement must be met or limits any consequence of a failure to timely meet any such allowance holding requirement:

(1)(i) Except as provided in paragraph (f)(1)(ii) of this section, after the Administrator has carried out the procedures set forth in paragraph (d)(1) of this section and before November 6, 2024, the owner or operator of a CSAPR NO_X Ozone Season Group 2 source in a State listed in § 52.38(b)(2)(ii)(B) of this chapter (and Indian country within the borders of such a State) may satisfy a requirement to hold a given number of CSAPR NO_X Ozone Season Original Group 2 allowances for a control period in 2017 through 2020 by holding instead, in a general account established for this sole purpose, an amount of CSAPR NO_X Ozone Season Group 3 allowances for the control period in 2021 (or any later control period for which the allowance transfer deadline defined in § 97.1002 has passed) computed as the quotient, rounded up to the nearest allowance, of such given number of CSAPR NO_X Ozone Season Original Group 2 allowances divided by the conversion factor determined under paragraph (d)(1)(i)(D) of this section.

(ii) After the Administrator has carried out the procedures set forth in paragraph (d)(1) of this section and § 97.1026(e)(1) and before November 6, 2024, the owner or operator of a CSAPR NO_X Ozone Season Group 2 source in a State listed in § 52.38(b)(2)(iii)(D)(*1*) of this chapter (and Indian country within the borders of such a State) may satisfy a requirement to hold a given number of CSAPR NO_X Ozone Season Original Group 2 allowances for a control period in 2017 through 2020 by holding instead, in a general account established for this sole purpose, an amount of CSAPR NO_X Ozone Season Expanded Group 2 allowances for the control period in 2023 (or any later control period for which the allowance transfer deadline defined in § 97.802 has passed) computed as the quotient, rounded up to the nearest allowance, of such given number of CSAPR NO_X Ozone Season Original Group 2 allowances divided by the conversion factor determined under paragraph (d)(1)(i)(D) of this section.

(2) After the Administrator has carried out the procedures set forth in paragraph (e)(1) of this section and before November 6, 2024, the owner or operator of a CSAPR NO_X Ozone Season Group 2 source in a State listed in § 52.38(b)(2)(ii)(C) of this chapter and not listed in § 52.38(b)(iii)(D)(*2*) of this chapter (and Indian country within the borders of such a State) may satisfy a requirement to hold a given number of CSAPR NO_X Ozone Season Original Group 2 allowances for a control period in 2017 through 2022 by holding instead, in a general account established for this sole purpose, an amount of CSAPR NO_X Ozone Season Group 3 allowances for the control period in 2023 (or any later control period for which the allowance transfer deadline defined in § 97.1002 has passed) computed as the quotient, rounded up to the nearest allowance, of such given number of CSAPR NO_X Ozone Season Original Group 2 allowances divided by the conversion factor determined under paragraph (e)(1)(ii) of this section.

(3) On or after November 6, 2024, the owner or operator of a source subject to the requirements of the CSAPR NO_X Ozone Season Group 2 Trading Program for the control period in the current year and required to demonstrate compliance under such program for such control period by holding CSAPR NO_X Ozone Season Expanded Group 2 allowances

may satisfy a requirement to hold a given number of CSAPR NO_X Ozone Season Original Group 2 allowances for the control period in a previous year for which the allowance transfer deadline defined in § 97.802 has passed by holding instead in the source's compliance account an equal number of CSAPR NO_X Ozone Season Expanded Group 2 allowances for the control period in the current year.

(4) On or after November 6, 2024, the owner or operator of a source subject to the requirements of the CSAPR NO_X Ozone Season Group 3 Trading Program for the control period in the current year may satisfy a requirement to hold a given number of CSAPR NO_X Ozone Season Original Group 2 allowances for the control period in a previous year for which the allowance transfer deadline defined in § 97.802 has passed by holding instead in the source's compliance account an equal number of CSAPR NO_X Ozone Season Group 3 allowances for the control period in the current year.

(5) On or after November 6, 2024, the owner or operator of a source subject to the requirements of the CSAPR NO_X Ozone Season Group 3 Trading Program for the control period in the current year may satisfy a requirement to hold a given number of CSAPR NO_X Ozone Season Expanded Group 2 allowances for the control period in a previous year for which the allowance transfer deadline defined in § 97.802 has passed by holding instead in the source's compliance account an equal number of CSAPR NO_X Ozone Season Group 3 allowances for the control period in the current year.

■ 25. Amend § 97.830 by revising and republishing paragraph (b)(1) to read as follows:

§ 97.830 General monitoring, recordkeeping, and reporting requirements.

* * * * *

(b) * * *

(1)(i) May 1, 2017, for a unit other than a unit described in paragraph (b)(1)(ii) or (iii) of this section;

(ii) May 1, 2023, for a unit in a State listed in § 52.38(b)(2)(iii)(D)(*1*) of this chapter (and Indian country within the borders of such a State) that did not commence commercial operation at least 180 calendar days before September 30, 2020;

(iii) May 1, 2024, for a unit in a State listed in § 52.38(b)(2)(iii)(D)(*4*) of this chapter (and Indian country within the borders of such a State) that did not commence commercial operation at least 180 calendar days before September 30, 2020, or a unit in a State listed in § 52.38(b)(2)(iii)(D)(*5*) of this chapter (and Indian country within the borders of such a State) that did not commence commercial operation at least 180 calendar days before September 30, 2022;

* * * * *

■ 26. Amend § 97.834 by revising and republishing paragraph (d)(2)(i) to read as follows:

§ 97.834 Recordkeeping and reporting.

* * * * *

(d) * * *

(2) * * *

(i)(A) The calendar quarter covering May 1, 2017, through June 30, 2017, for a unit other than a unit described in paragraph (d)(2)(i)(B) or (C) of this section;

(B) The calendar quarter covering May 1, 2023, through June 30, 2023, for a unit in a State listed in § 52.38(b)(2)(iii)(D)(*1*) of this chapter (and Indian country within the borders of such a State) that did not commence commercial operation at least 180 calendar days before September 30, 2020;

(C) The calendar quarter covering May 1, 2024, through June 30, 2024, for a unit in a State listed in § 52.38(b)(2)(iii)(D)(*4*) of this chapter (and Indian country within the borders of such a State) that did not commence commercial operation at least 180 calendar days before September 30, 2020, or a unit in a State listed in § 52.38(b)(2)(iii)(D)(*5*) of this chapter (and Indian country within the borders of such a State) that did not commence commercial operation at least 180 calendar days before September 30, 2022;

* * * * *

Subpart GGGGG—CSAPR NO_X Ozone Season Group 3 Trading Program

■ 27. Amend § 97.1002 by revising and republishing the introductory text for the definition of ''Allocate or allocation'', paragraph (2) of the definition of ''Common designated representative's assurance level'', and the definitions of ''CSAPR NO_X Ozone Season Expanded Group 2 allowance'', ''CSAPR NO_X Ozone Season Group 2 allowance'', and ''CSAPR NO_X Ozone Season Group 3 allowance'' to read as follows:

§ 97.1002 Definitions.

* * * * *

Allocate or *allocation* means, with regard to CSAPR NO_X Ozone Season Group 3 allowances, the determination by the Administrator, State, or permitting authority, in accordance with this subpart, § 97.826, and any SIP revision submitted by the State and approved by the Administrator under § 52.38(b)(10), (11), or (12) of this chapter, of the amount of such CSAPR NO_X Ozone Season Group 3 allowances to be initially credited, at no cost to the recipient, to:

* * * * *

Common designated representative's assurance level * * *

(2) Provided that the allocations of CSAPR NO_X Ozone Season Group 3 allowances for any control period taken into account for purposes of this definition shall exclude any CSAPR NO_X Ozone Season Group 3 allowances allocated for such control period under § 97.826.

* * * * *

CSAPR NO_X Ozone Season Expanded Group 2 allowance means a CSAPR NO_X Ozone Season Group 2 allowance allocated for a control period after 2022 under subpart EEEEE of this part or § 97.1026(e)(1)(ii) or (e)(2)(ii) to a unit in a State listed in § 52.38(b)(2)(ii)(D)(*1*) of this chapter (and Indian country within the borders of such a State) or allocated or auctioned for a control period after 2022 in accordance with the provisions of a SIP revision approved after November 6, 2024 for such a State by the Administrator under § 52.38(b)(7), (8), or (9) of this chapter.

* * * * *

CSAPR NO_X Ozone Season Group 2 allowance means a limited authorization issued and allocated or auctioned by the Administrator under subpart EEEEE of this part, § 97.526, or § 97.1026, or by a State or permitting authority under a SIP revision approved by the Administrator under § 52.38(b)(7), (8), or (9) of this chapter, to emit one ton of NO_X during a control period of the specified calendar year for which the authorization is allocated or auctioned or of any calendar year thereafter under the CSAPR NO_X Ozone Season Group 2 Trading Program, where each CSAPR NO_X Ozone Season Group 2 allowance is either a CSAPR NO_X Ozone Season Original Group 2 allowance or a CSAPR NO_X Ozone Season Expanded Group 2 allowance.

* * * * *

CSAPR NO_X Ozone Season Group 3 allowance means a limited authorization issued and allocated or auctioned by the Administrator under this subpart or § 97.826, or by a State or permitting authority under a SIP revision approved by the Administrator under § 52.38(b)(10), (11), or (12) of this chapter, to emit one ton or less of NO_X during a control period of the specified calendar year for which the authorization is allocated or auctioned

or of any calendar year thereafter under the CSAPR NO_X Ozone Season Group 3 Trading Program.

* * * * *

■ 28. Amend § 97.1011 by adding paragraph (d) to read as follows:

§ 97.1011 CSAPR NO_X Ozone Season Group 3 allowance allocations to existing units.

* * * * *

(d) *Recall of CSAPR NO_X* Ozone Season Group 3 allowances allocated for the control period in 2024. As soon as practicable on or after November 21, 2024, the Administrator will deduct from every general account and compliance account all CSAPR NO_X Ozone Season Group 3 allowances allocated for the control period in 2024 and will record the deductions in each such account.

■ 29. Amend § 97.1024 by revising and republishing paragraph (c)(2)(ii) to read as follows:

§ 97.1024 Compliance with CSAPR NO_X Ozone Season Group 3 primary emissions limitation; backstop daily NO_X emissions rate.

* * * * *

(c) * * *

(2) * * *

(ii) Any other CSAPR NO_X Ozone Season Group 3 allowances that were transferred to and recorded in the compliance account pursuant to this subpart or that were recorded in the compliance account pursuant to § 97.826, in the order of recordation.

* * * * *

■ 30. Amend § 97.1026 by revising and republishing paragraphs (b), (e), and (f) to read as follows:

§ 97.1026 Banking and conversion; bank recalibration.

* * * * *

(b) Any CSAPR NO_X Ozone Season Group 3 allowance that is held in a compliance account or a general account will remain in such account unless and until the CSAPR NO_X Ozone Season Group 3 allowance is deducted or transferred under § 97.1011(c) or (d), § 97.1012(c), § 97.1023, § 97.1024, § 97.1025, § 97.1027, or § 97.1028, or paragraph (c), (d), or (e) of this section.

* * * * *

(e)(1) Notwithstanding any other provision of this subpart, by September 18, 2023, or, with regard to sources in West Virginia, as soon as practicable on or after September 29, 2023, the Administrator will temporarily suspend acceptance of CSAPR NO_X Ozone Season Group 3 allowance transfers submitted under § 97.1022 and, before resuming acceptance of such transfers, will take the actions in paragraphs (e)(1)(i) and (ii) of this section with regard to every compliance account for a CSAPR NO_X Ozone Season Group 3 source in a State listed in § 52.38(b)(2)(iii)(D)(*1*) of this chapter (and Indian country within the borders of such a State):

(i) The Administrator will deduct all CSAPR NO_X Ozone Season Group 3 allowances allocated for the control periods in 2021 and 2022 from each such compliance account.

(ii) For each CSAPR NO_X Ozone Season Group 3 allowance deducted from a given source's compliance account under paragraph (e)(1)(i) of this section, the Administrator will allocate to the source and record in the source's compliance account one CSAPR NO_X Ozone Season Expanded Group 2 allowance for the control period in 2023.

(2) Notwithstanding any other provision of this subpart, as soon as practicable on or after December 23, 2024, the Administrator will temporarily suspend acceptance of CSAPR NO_X Ozone Season Group 3 allowance transfers submitted under § 97.1022 and, before resuming acceptance of such transfers, will take the actions in paragraphs (e)(2)(i) through (iii) of this section with regard to every compliance account for a source in a state listed in § 52.38(b)(2)(iii)(D)(*4*) or (*5*) of this chapter (and Indian country within the borders of such a State):

(i) The Administrator will deduct all CSAPR NO_X Ozone Season Group 3 allowances allocated for the control periods in 2021 through 2023 from each such compliance account.

(ii) For each CSAPR NO_X Ozone Season Group 3 allowance deducted from the compliance account for a source in a State listed in § 52.38(b)(2)(iii)(D)(*4*) of this chapter (and Indian country within the borders of such a State) under paragraph (e)(2)(i) of this section, the Administrator will allocate and record in the account one CSAPR NO_X Ozone Season Expanded Group 2 allowance for the control period in 2024.

(iii) For each CSAPR NO_X Ozone Season Group 3 allowance deducted from the compliance account for a source in a State listed in § 52.38(b)(2)(iii)(D)(*5*) of this chapter (and Indian country within the borders of such a State) under paragraph (e)(2)(i) of this section, the Administrator will allocate and record in the account one CSAPR NO_X Ozone Season Original Group 2 allowance for the control period in 2024.

(f) Notwithstanding any other provision of this subpart, CSAPR NO_X Ozone Season Original Group 2 allowances or CSAPR NO_X Ozone Season Expanded Group 2 allowances may be used to satisfy requirements to hold CSAPR NO_X Ozone Season Group 3 allowances under this subpart as follows, provided that nothing in this paragraph (f) alters the time as of which any such allowance holding requirement must be met or limits any consequence of a failure to timely meet any such allowance holding requirement:

(1) After the Administrator has carried out the procedures set forth in paragraph (e)(1) of this section and before November 6, 2024, the owner or operator of a CSAPR NO_X Ozone Season Group 3 source in a State listed in § 52.38(b)(2)(iii)(D)(*1*) of this chapter (and Indian country within the borders of such a State) may satisfy a requirement to hold a given number of CSAPR NO_X Ozone Season Group 3 allowances for the control period in 2021 or 2022 by holding instead, in a general account established for this sole purpose, an equal amount of CSAPR NO_X Ozone Season Expanded Group 2 allowances for the control period in 2023 (or any later control period for which the allowance transfer deadline defined in § 97.802 has passed).

(2) On or after November 6, 2024, the owner or operator of a source subject to the requirements of the CSAPR NO_X Ozone Season Group 2 Trading Program for the control period in the current year and required to demonstrate compliance under such program for such control period by holding CSAPR NO_X Ozone Season Original Group 2 allowances may satisfy a requirement to hold a given number of CSAPR NO_X Ozone Season Group 3 allowances for the control period in a previous year for which the allowance transfer deadline defined in § 97.1002 has passed by holding instead in the source's compliance account an equal number of CSAPR NO_X Ozone Season Original Group 2 allowances for the control period in the current year.

(3) On or after November 6, 2024, the owner or operator of a source subject to the requirements of the CSAPR NO_X Ozone Season Group 2 Trading Program for the control period in the current year and required to demonstrate compliance under such program for such control period by holding CSAPR NO_X Ozone Season Expanded Group 2 allowances may satisfy a requirement to hold a given number of CSAPR NO_X Ozone Season Group 3 allowances for the control period in a previous year for which the allowance transfer deadline

defined in § 97.1002 has passed by holding instead in the source's compliance account an equal number of CSAPR NO_X Ozone Season Expanded Group 2 allowances for the control period in the current year.

[FR Doc. 2024–25501 Filed 11–5–24; 8:45 am]

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GENERAL SERVICES ADMINISTRATION

41 CFR Chapter 302

[Notice-MA–2025–01; Docket No. 2024–0002; Sequence No. 50]

Federal Travel Regulation (FTR); Relocation Allowances—Waiver of Certain Federal Travel Regulation (FTR) Provisions Regarding Reimbursement of Relocation Expenses for Residential Realtor Broker Fees or Real Estate Commissions

AGENCY: Office of Government-wide Policy (OGP), General Services Administration (GSA).

ACTION: Notification of GSA Bulletin FTR 25–03.

SUMMARY: GSA Bulletin FTR 25–03 informs Federal agencies that certain provisions of the FTR governing official relocation entitlements for residence transactions are temporarily waived in light of practice changes in the residential real estate industry that affect broker compensation.

DATES: *Applicability Date:* This notification is effective upon the date of signature and retroactively applies to buyer broker fees/real estate commissions incurred by an employee on and after August 17, 2024, in connection with the purchase of a residence at the new official station incident to their relocation. This bulletin will remain in effect until explicitly canceled or superseded.

FOR FURTHER INFORMATION CONTACT: Mr. Rick Miller at 202–501–3822, or Ms. Jill Denning at 202–208–7642, Office of Government-wide Policy, Office of Asset and Transportation Management, or by email at *travelpolicy@gsa.gov.* Please cite Notice of GSA Bulletin FTR 25–03.

SUPPLEMENTARY INFORMATION:

Background

Prior to August 17, 2024, the customary practice in residential real estate transactions was for only the seller to pay a broker fee or commission. The seller's agent would then split the fee/commission with the buyer's agent upon sale of the home. As a result of changes to the residential real estate industry that went into effect on August 17, 2024, homebuyers now sign an agreement with their agent specifying the amount or rate of compensation the agent will receive, or how this amount will be determined. While sellers and their agents can still offer to pay a buyer's agent fee/commission, that exchange must be separately bargained for. This means that in some transactions, homebuyers will be required to pay the full buyer's agent fee/commission.

At present, eligible relocating Federal employees are reimbursed for the broker's fee or real estate commission they paid in the *sale* of their residence at the last official station pursuant to 41 CFR 302–11.200(a). However, 41 CFR 302–11.202(b) prohibits reimbursement for broker fees or commissions paid in connection with the *purchase* of a home at the new official station. Accordingly, OGP is temporarily waiving language in 41 CFR 302–11.200(a) and 302–11.202(b) to allow agencies to retroactively reimburse eligible relocating employees for buyer broker fees/real estate commissions incurred by an employee on and after August 17, 2024, in connection with the *purchase* of a residence at the new official station incident to their relocation.

GSA Bulletin FTR 25–03 can be viewed at *https://www.gsa.gov/ftrbulletins.*

Mehul Parekh,

Acting Associate Administrator, Office of Government-wide Policy.

[FR Doc. 2024–25815 Filed 11–5–24; 8:45 am]

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DEPARTMENT OF HEALTH AND HUMAN SERVICES

Administration for Children and Families

45 CFR Part 1304

RIN 0970–AD09

Head Start Program CLASS Implementation Date Delay

AGENCY: Office of Head Start (OHS), Administration for Children and Families (ACF), Department of Health and Human Services (HHS).

ACTION: Final rule; delay of implementation date.

SUMMARY: This final rule describes how the Office of Head Start officially delays the date for programs to meet the new competitive threshold for the Instructional Support domain of the Classroom Assessment Scoring System (CLASS®) used to determine whether a Head Start agency will be subject to an open competition under the Designation Renewal System (DRS). The implementation date in the Head Start Program Performance Standards that raises the CLASS® Instructional Support competitive threshold from 2.3 to 2.5 was August 1, 2025. This final rule officially delays this implementation date to August 1, 2027.

DATES:

Effective date: This final rule is effective on November 6, 2024.

Implementation date: The implementation date for the increased CLASS® Instructional Support competitive threshold of 2.5 as described in 45 CFR 1304.11(c)(1)(iii) is delayed until August 1, 2027.

FOR FURTHER INFORMATION CONTACT: Jessica Bialecki, Office of Head Start, 202–240–3901 or *Jessica.Bialecki@acf.hhs.gov.*

SUPPLEMENTARY INFORMATION:

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I. Table of Abbreviations

ACF—Administration for Children and Families
CLASS®—Classroom Assessment Scoring System
DRS—Designation Renewal System
HHS—U.S. Department of Health and Human Services
HSPPS—Head Start Program Performance Standards
OHS—Office of Head Start

II. Executive Summary

This final rule describes how the Office of Head Start (OHS) officially delays the date for programs to meet the new competitive threshold for the Instructional Support domain of the Classroom Assessment Scoring System (CLASS®) used to determine whether a Head Start agency will be subject to an open competition under the Designation Renewal System (DRS). The implementation date in the Head Start Program Performance Standards (HSPPS) that raises the CLASS® Instructional Support competitive threshold from 2.3 to 2.5 was August 1, 2025. This final rule officially delays

this implementation date to August 1, 2027. The 2.3 competitive threshold that was established through regulation in 2020 has not yet been fully implemented due to a pause in CLASS® observations during the COVID–19 pandemic. Therefore, the fiscal year 2024 (FY24) OHS monitoring cycle (2023–2024 program year) was the first time the 2.3 competitive threshold is fully implemented. The graduated approach established by the 2020 rule was put in place to allow sufficient time for grant recipients to make necessary quality improvements. However, the unexpected pause in CLASS® observations due to the pandemic shortened the 5-year implementation time frame to less than 2 years. This decision to delay the Instructional Support competitive threshold increase is also based on OHS' anticipated timeline for adopting an updated CLASS® tool—CLASS® 2nd Edition—and the associated training, technical assistance, and certification procedures required for both OHS and Head Start programs to implement this revised tool.

III. Background and Purpose

A. Background and History

OHS provides grant awards to local public and private non-profit and for-profit agencies to provide comprehensive education and child development services to economically disadvantaged children, birth to age five, and their families, to help young children develop the skills they need to be successful in school. The HSPPS define requirements grant recipients must meet to operate high quality Head Start programs. The HSPPS also provide a structure for OHS to monitor and enforce quality standards. One of these requirements is that programs meet or exceed a threshold score on each of three domains measured by the CLASS®. The CLASS® is an observation instrument that assesses the quality of teacher-child interactions in center-based preschool classrooms. The three domains of the CLASS® include: Emotional Support, Classroom Organization, and Instructional Support. A grant recipient is subject to an open competition if their average score across all classrooms observed is below the competitive threshold on any of these three domains. In 2020, OHS published a final rule establishing an increased competitive threshold of 2.3 for the Instructional Support domain through July 31, 2025. However, this threshold is being fully implemented for the first time during the FY24 monitoring cycle, due to delays caused by the COVID–19 pandemic. As described in 45 CFR 1304.11(c)(1)(iii), the competitive threshold for this domain would have further increased to 2.5 on August 1, 2025. This timeline was initially developed prior to the COVID–19 pandemic, to allow programs more time to ramp up the Instructional Support threshold for accountability. This notification officially extends the implementation deadline for the increased Instructional Support competitive threshold of 2.5 to August 1, 2027. Accordingly, the lower competitive threshold of 2.3 will be in place for CLASS® observations collected as part of monitoring reviews that occur through July 31, 2027.

The HSPPS requires that programs are observed using the CLASS® as part of the Head Start DRS (outlined in § 1304.11), and programs are required to meet specific thresholds for non-competitive grant renewal. While individual classrooms are observed and scored, OHS averages scores across all classrooms observed for a given program and calculates a program-level average score, which is used for competition determination. Through at least the fiscal year 2025 (FY25) monitoring cycle, OHS is using the 2008 version of the CLASS®, which consists of three domains: Emotional Support, Classroom Organization, and Instructional Support. The current thresholds for competition are 5, 5, and 2.3, respectively. Since OHS did not conduct CLASS® reviews for two years due to the COVID–19 pandemic, the 2020 final rule that established the new Instructional Support threshold of 2.3 was implemented for the first time in FY24. This final rule provides an extended timeframe for increasing the Instructional Support competitive threshold and gives OHS sufficient time to fully implement the 2.3 threshold before it increases to 2.5.

Further, in 2022, Teachstone, the company that owns the CLASS® tool, published CLASS® 2nd Edition. The second edition of the CLASS® tool is described as a more inclusive and equitable approach to observing adult-child interactions in the classroom. As a result, several, but not all, Head Start programs are opting to re-train program staff members on CLASS® 2nd Edition for their own professional development and classroom quality tracking purposes. This process requires additional time, as well as training and technical assistance support materials, to take the new certification test. However, for OHS to shift its entire oversight and technical assistance systems to CLASS® 2nd Edition, there needs to be a substantial scale-up of the training and certification processes that Teachstone and the Head Start technical assistance network provide. A number of these training supports have not yet been available at the capacity needed for a universal shift by OHS and the Head Start community to the updated measure. OHS understands the urgency with which its oversight system must adapt to CLASS® 2nd Edition. However, due to lack of adequate supports in place to train the entire Head Start system of observers and trainers, it will not be possible for OHS to transition to CLASS® 2nd Edition prior to the date originally set by the 2020 final rule for the increase in the Instructional Support competitive threshold (August 1, 2025).

B. Authority

We publish this final rule under the authority granted to the Secretary of Health and Human Services by section 641 (42 U.S.C. 9836) as amended by the Improving Head Start for School Readiness Act of 2007 (Pub. L. 110–134). Under this section, the Secretary is required to develop a system for designation renewal Specifically, the Act requires the Secretary to ''. . . modify, as necessary, program performance standards by regulation applicable to Head Start agencies and programs . . .'' [1] This rule meets the statutory requirements Congress put forth in its 2007 bipartisan reauthorization of the Head Start and addresses Congress's mandate that called for the Secretary to review and revise the performance standards. The Secretary has determined that the modifications to performance standards contained in this regulation are appropriate and needed to effectuate the goals of the performance standards and the purposes of the Act.

C. Basis and Purpose of Regulatory Action

In this final rule, OHS extends the timeline for the increased competitive threshold of 2.5 to August 1, 2027, to give programs more time to adjust to the Instructional Support competitive threshold of 2.3 that is being implemented for the first time in FY24, provide additional time to acclimate to the CLASS® 2nd Edition measure, and to strengthen ongoing technical assistance for program staff on the updated CLASS® measure.

This extended timeframe gives OHS additional time to consider the implications of adopting CLASS® 2nd Edition universally and determine the most appropriate plan for this change, and to ensure that grant recipients have sufficient notice to adjust to and adopt

[1] See section 641A(a)(1) and (2) of the Act.

this revised tool. Grant recipients will be provided ample notice from OHS before it begins using CLASS® 2nd Edition for monitoring purposes. Switching Head Start monitoring and technical assistance to use CLASS® 2nd Edition should not be implemented in the same year as the change in the competitive threshold for Instructional Support. This will place undue burden on programs and the Head Start monitoring and technical assistance system.

Extending the implementation date for the increased competitive threshold for the Instructional Support domain also allows OHS to prepare relevant program staff and members of the Head Start Training and Technical Assistance (TTA) network to be responsive to program needs for TTA as they make the transition to CLASS® 2nd Edition. Re-training the entire Head Start TTA network on CLASS 2nd Edition requires a multiple-day, in-person or online training and a certification test where staff must score within a specific range to pass. OHS anticipates needing the time that this extension allows to ensure its network of observers and trainers are certified on CLASS® 2nd Edition.

ACF recognizes that some Head Start programs are already starting to re-train their staff and several members of the TTA network have done so as well. At the same time, programs are learning and understanding what the new CLASS® 2nd Edition scores mean and how to interpret them, and the TTA network is learning how to provide follow-up TTA to support programs once they receive their new scores. The longer implementation window for the increased Instructional Support threshold allows programs and OHS to adjust programming, policies, and procedures to be responsive to this changing landscape.

IV. Discussion of Elements of the Final Rule

Section 1304.11 Basis for Determining Whether a Head Start Agency Will Be Subject to an Open Competition

ACF is changing the implementation date for the instructional support competitive threshold domain increase to 2.5 from August 1, 2025, to August 1, 2027.

V. Waiver of Notice and Comment Process

When engaging in rulemaking, HHS will ordinarily publish a notice of proposed rulemaking in the **Federal Register** to provide a period for public comment before the provisions of a rule take effect in accordance with section 553(b) of the Administrative Procedure Act (APA).[2] However, we can waive this notice and comment procedure if we find, for good cause, that the notice and comment process is impracticable, unnecessary, or contrary to the public interest, and incorporate a statement of the finding and the reasons therefore in the notice. HHS finds good cause to waive public comment under section 553(b) of the APA because it is unnecessary and contrary to the public interest to provide for public comment in this instance. The existing CLASS® competitive thresholds for Head Start programs continue to be in effect for competition determinations. As such, the delayed implementation date poses no harm or burden to programs or the public. A period for public comment would have only extended programs' concerns about meeting the new threshold by the previous implementation date of August 1, 2025.

VI. Regulatory Process Matters

We have examined the impacts of the final rule under Executive Order 12866, Executive Order 13563, Executive Order 13132, the Regulatory Flexibility Act (5 U.S.C. 601–612), and the Unfunded Mandates Reform Act of 1995 (Pub. L. 104–4). Executive Orders 12866 and 13563 direct us to assess all benefits, costs, and transfers of available regulatory alternatives and, when regulation is necessary, to select regulatory approaches that maximize net benefits (including potential economic, environmental, public health and safety, and other advantages; distributive impacts; and equity).

Section 3(f) of Executive Order 12866, as amended by Executive Order 14094, defines a ''significant regulatory action'' as an action that is likely to result in a rule: (1) Having an annual effect on the economy of $200 million or more, or adversely affecting 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; (2) creating a serious inconsistency or otherwise interfering with an action taken or planned by another agency; (3) materially altering the budgetary impacts of entitlement grants, user fees, or loan programs or the rights and obligations of recipients thereof; or (4) raising legal or policy issues for which centralized review would meaningfully further the President's priorities or the principles set forth in Executive Order 12866, as specifically authorized in a timely manner by the Administrator of the Office of Information and Regulatory Affairs in each case. The Regulatory Impact Analysis (RIA) for this final rule does not identify economic impacts that exceed the threshold for significance under Section 3(f)(1) of Executive Order 12866.

Congressional Review Act

Subtitle E of the Small Business Regulatory Enforcement Fairness Act of 1996 (also known as the Congressional Review Act or CRA) allows Congress to review ''major'' rules issued by Federal agencies before the rules take effect, see 5 U.S.C. 801(a). The CRA defines a major rule as one that has resulted, or is likely to result, in (1) an annual effect on the economy of $100 million or more; (2) a major increase in costs or prices for consumers, individual industries, Federal, State, or local government agencies, or geographic regions; or (3) significant adverse effects on competition, employment, investment, productivity, or innovation, or on the ability of United States-based enterprises to compete with foreign-based enterprises in domestic and export markets, *see* 5 U.S.C. 804(2). This action is not a major rule because it will not have an annual effect on the economy of $100 million or more.

Regulatory Flexibility Act

The Regulatory Flexibility Act (RFA), see 5 U.S.C. 605(b) as amended by the Small Business Regulatory Enforcement Fairness Act, requires federal agencies to determine, to the extent feasible, a rule's impact on small entities, explore regulatory options for reducing any significant impact on a substantial number of such entities, and explain their regulatory approach. The term ''small entities,'' as defined in the RFA, comprises small businesses, not-for-profit organizations that are independently owned and operated and are not dominant in their fields, and governmental jurisdictions with populations of less than 50,000. Under this definition, some Head Start grant recipients may be small entities. We consider a rule to have a significant impact on a substantial number of small entities if it has at least a three percent impact on revenue on at least five percent of small entities. However, the Secretary certifies, under 5 U.S.C. 605(b), as enacted by the Regulatory Flexibility Act (Pub. L. 96–354), that this rule will not have a significant impact on a substantial number of small entities. This final rule simply delays the date by which the threshold will increase for the CLASS® Instructional Support domain that would trigger competition for a Head Start grant

[2] 5 U.S.C. 553(b).

recipient. We do not expect increased costs for recipients due to this delayed implementation date; therefore, we do not expect there to be a significant impact on a substantial number of small entities.

Unfunded Mandates Reform Act of 1995

The Unfunded Mandates Reform Act of 1995 (Pub. L. 104–4, section 202(a)) requires us to prepare a written statement, which includes estimates of anticipated impacts, before proposing ''any rule that includes any Federal mandate that may result in the expenditure by State, local, and Tribal governments, in the aggregate, or by the private sector, of $100,000,000 or more (adjusted annually for inflation) in any one year.'' The current threshold after adjustment for inflation is $183 million, using the most current (2023) Implicit Price Deflator for the Gross Domestic Product. This final rule will not result in expenditures that meet or exceed this amount. Head Start grant recipients receive over $12 billion annually in Federal funding to implement the requirements of the program, including changes as a result of this final rule.

Federalism Assessment Executive Order 13132

Executive Order 13132 requires Federal agencies to consult with State and local government officials if they develop regulatory policies with federalism implications. Federalism is rooted in the belief that issues that are not national in scope or significance are most appropriately addressed by the level of government close to the people. This final rule will not have substantial direct impact on the States, on the relationship between the Federal Government and the States, or on the distribution of power and responsibilities among the various levels of government. Therefore, in accordance with section 6 of Executive Order 13132, it is determined that this action does not have sufficient federalism implications to warrant the preparation of a federalism summary impact statement.

Treasury and General Government Appropriations Act of 1999

Section 654 of the Treasury and General Government Appropriations Act of 1999 requires Federal agencies to determine whether a policy or regulation may negatively affect family well-being. If the agency determines a policy or regulation negatively affects family well-being, then the agency must prepare an impact assessment addressing seven criteria specified in the law. ACF believes it is not necessary to prepare a family policymaking assessment, see Public Law 105–277, because the action it takes in this final rule will not have any impact on the autonomy or integrity of the family as an institution.

Paperwork Reduction Act of 1995

The Paperwork Reduction Act (PRA) of 1995, 44 U.S.C. 3501 *et seq.,* minimizes government-imposed burden on the public. In keeping with the notion that government information is a valuable asset, it also is intended to improve the practical utility, quality, and clarity of information collected, maintained, and disclosed.

The PRA requires that agencies obtain Office of Management and Budget (OMB) approval, which includes issuing an OMB number and expiration date, before requesting most types of information from the public. Regulations at 5 CFR part 1320 implemented the provisions of the PRA and § 1320.3 of this part defines a ''collection of information,'' ''information,'' and ''burden.'' PRA defines ''information'' as any statement or estimate of fact or opinion, regardless of form or format, whether numerical, graphic, or narrative form, and whether oral or maintained on paper, electronic, or other media (5 CFR 1320.3(h)). This includes requests for information to be sent to the government, such as forms, written reports and surveys, recordkeeping requirements, and third-party or public disclosures (5 CFR 1320.3(c)). ''Burden'' means the total time, effort, or financial resources expended by persons to collect, maintain, or disclose information. This action does not include any new information collection requirements or changes to existing information collection requirements.

VII. Regulatory Impact Analysis

Need for Regulatory Action

As summarized previously, the 2.3 competitive threshold for the CLASS® Instructional Support domain that was established through regulation in 2020 has not yet been fully implemented due to a pause in CLASS® observations through OHS monitoring during the COVID–19 pandemic. Therefore, the FY24 OHS monitoring cycle (2023–2024 program year) was the first year in which the 2.3 competitive threshold was fully implemented with grant recipients. The graduated approach established by the 2020 final rule was put in place to allow sufficient time for grant recipients to make necessary quality improvement in the Instructional Support domain (a domain in which early childhood programs nationally tend to score lower, relative to other domains of the CLASS®). Increasing the competitive threshold to 2.5 in August 2025 does not allow sufficient time for the phase in approach envisioned in the 2020 final rule.

In addition, OHS currently uses the 2008 version of the CLASS®. But in 2022, the developer of the CLASS® tool released an updated version called CLASS® 2nd Edition. This updated version is marketed as a more equitable and inclusive measure of teacher-child interactions in classroom settings. As a result, many Head Start programs are already re-training staff members on CLASS® 2nd Edition; this process requires additional technical assistance and training support materials, multi-day training workshops, and additional time to take the new certification test, as well as significant costs. A number of these supports have not yet been available at the capacity or scale needed for a universal shift by OHS's monitoring system to the updated version of the tool. In addition, it will take time to ensure all OHS reviewers are certified in the new edition, and to revise OHS monitoring processes, materials, and training to reflect CLASS® 2nd Edition. Accordingly, OHS has not yet adopted this new version of the tool for federal monitoring purposes and is continuing to use the 2008 version of CLASS® through at least the FY25 monitoring cycle. However, we do intend to transition to CLASS® 2nd Edition in the future, and we want to provide programs with an adequate adjustment period with the new tool before making another system-wide change by increasing the competitive threshold for Instructional Support.

Cost Savings Analysis

There are approximately 1,900 grants in Head Start. Absent this final rule, the competitive threshold for the CLASS® Instructional Support threshold will increase from a 2.3 to a 2.5 on August 1, 2025. During the 2025–2026 program year, we estimate that approximately 280 grants will receive a CLASS® review from OHS. During the 2026–2027 program year, we estimate that approximately 400 grants will a receive a CLASS® review from OHS. Based on OHS monitoring data from CLASS® reviews conducted during the 2023–2024 program year, we estimate that approximately seven percent of grants reviewed in a given year would receive a score below 2.3 on CLASS® Instructional Support and approximately 13 percent would receive a score below 2.5. If we apply these percentages to the expected number of

CLASS® reviews to be conducted in the 2025–2026 and 2026–2027 program years, we observe the following approximate numbers of grants that would be triggered to compete under DRS due to their CLASS® Instructional Support score, either in the presence or absence of this final rule.

Program year	Grants to compete absent final rule (instructional support threshold = 2.5)	Grants to compete with final rule (instructional support threshold = 2.3)
2025–2026 (280 grants)	36	20
2026–2027 (400 grants)	52	28
Total	88	48

In other words, with this final rule, approximately 40 total fewer grants would be designated to compete due to their CLASS® Instructional Support scores received as a part of OHS monitoring during the 2025–2026 and 2026–2027 program years. The cost for competition associated with completing a competitive application is estimated at $3,538 per applicant. This assumption includes 60 hours per competitive application at a cost of approximately $58.96 per hour in staff time (we multiply an hourly wage of approximately $29.48 by two to account for fringe benefits). Applications would likely be completed by a combination of the Head Start assistant director and other managers in an early childhood program (*i.e.,* child development manager or family and community partnership manager). We base the average hourly wage for these positions on the U.S. Bureau of Labor Statistics Job Code 11–9031. We then multiply $3,538 per applicant by 80 to account for the 40 incumbent grant recipients applying for funds as well as 40 nonincumbent applicants for those service areas. This results in a baseline estimated cost of $283,040 for these 40 grant recipients to complete competitive applications if they did in fact have to compete, as well as 40 additional applicants. With this final rule, these baseline costs would not apply and are therefore cost savings in this analysis.

With this final rule, those 40 grant recipients that would have been triggered to compete due to receiving a CLASS® Instructional Support score below 2.5 (but not below 2.3) would instead need to complete an noncompetitive grant application for a continuing annual award. We assume it takes approximately 33 hours of staff time to complete a noncompetitive application. Using the same assumptions as above for hourly wage, we estimate that it costs approximately $1,946 per grant to complete a noncompetitive application. We multiply this by 40 grants, which results in a total cost of approximately $77,840 for these grant recipients to complete a noncompetitive continuation application. Taking this cost into account, the total cost savings associated with this final rule is approximately $205,200. This includes cost savings to those entities that are not existing Head Start recipients as there would be no funding opportunity to which they would submit a competitive application.

A qualitative opportunity cost for this new rule is fewer opportunities for entities that are not existing Head Start grant recipients to be able to compete and potentially grow as an early childhood provider in their community, for the 40 communities where grants were not designated for competition due to potentially low CLASS® Instructional Support scores. There is also a potential qualitative cost of children continuing to be served by grant recipients who may be providing lower-quality classroom learning environments that would have led to competition. However, for all the reasons summarized in the preamble of this final rule, ACF believes there is an added benefit of existing grant recipients not experiencing undue stress and potential increased financial burden associated with the competitive threshold increasing from 2.3 to 2.5 in August 2025. Additionally, these grant recipients will be able to continue to access and receive support through OHS's extensive TTA system, to facilitate continued quality improvement in classroom quality care and service provision for children and families. This RIA analyzes a 2-year time horizon covering FY 2026 and FY 2027.

Overall, ACF does not believe there will be a significant economic impact from this regulatory action since this final rule only delays the implementation date by two years for the CLASS® Instructional Support competitive threshold.

Jeff Hild, Principal Deputy Assistant Secretary of the Administration for Children and Families, performing the delegable duties of the Assistant Secretary, approved this document on October 8, 2024.

List of Subjects in 45 CFR Part 1304

Early learning and development, Education, Education of disadvantaged, Grant programs-social programs.

Dated: October 28, 2024.

Xavier Becerra,

Secretary, Department of Health and Human Services.

For the reasons set forth in the preamble, the ACF amends 45 CFR part 1304 as follows:

PART 1304—FEDERAL ADMINISTRATIVE PROCEDURES

■ 1. The authority citation for part 1304 continues to read as follows:

Authority: 42 U.S.C. 9801 *et seq.*

Subpart B—Designation Renewal

■ 2. Amend § 1304.11 by revising paragraph (c)(1)(iii) to read as follows:

§ 1304.11 Basis for determining whether a Head Start agency will be subject to an open competition.

* * * * *

(c) * * *

(1) * * *

(iii) For the Instructional Support domain, the competitive threshold is 2.3 through July 31, 2027, and 2.5 on and after August 1, 2027.

* * * * *

[FR Doc. 2024–25440 Filed 11–5–24; 8:45 am]

BILLING CODE 4184–40–P

FEDERAL COMMUNICATIONS COMMISSION

47 CFR Part 64

[CG Docket Nos. 02–278, 21–402, 17–59, FCC 23–107, FR ID 254728]

Rules and Regulations Implementing the Telephone Consumer Protection Act of 1991

AGENCY: Federal Communications Commission.

ACTION: Final rule; announcement of compliance date.

SUMMARY: In this document, the Federal Communications Commission (Commission) announces that the Office of Management and Budget (OMB) has approved the information collection associated with the rule adopted in the *Second Text Blocking Report and Order* requiring that texters and callers obtain a consumer's prior express written consent to robocall or robotext the consumer soliciting their business. The Commission requires that such consent apply to a single seller at a time. The Commission also requires that the consent must be in response to a clear and conspicuous disclosure to the consumer and that the content of the robotexts and robocalls be logically and topically associated with the website where the consumer gave consent. Compliance with the rule section, is required 12 months after publication in the **Federal Register** or 30 days after notice that the Office of Management and Budget has completed review of any information collection requirements that the Consumer and Governmental Affairs Bureau determines is required un the Paperwork Reduction Act, whichever is later. This document is consistent with the *Second Text Blocking Report and Order,* which states the Commission will publish a document in the **Federal Register** announcing a compliance date for the rule section.

DATES:

Effective date: November 6, 2024

Compliance date: Compliance with 47 CFR 64.1200(f)(9) is required as of January 27, 2025.

FOR FURTHER INFORMATION CONTACT: Mika Savir, Attorney Advisor, Consumer Policy Division, Consumer and Governmental Affairs Bureau, at (202) 418–0384 or *mika.savir@fcc.gov.*

SUPPLEMENTARY INFORMATION: This document announces that OMB approved the information collection requirement in 47 CFR 64.1200(f)(9) on September 26, 2024. The rule was adopted in the *Second Text Blocking Report and Order,* FCC 23–107, 89 FR 5098, January 26, 2024. The rule's effective date, accordingly, is January 27, 2025, which is 12 months after the rule was published in the **Federal Register**. The Commission publishes this document in the **Federal Register** as an announcement of the compliance date of the rule. If you have any comments on the burden estimates listed below, or how the Commission can improve the collections and reduce any burdens caused thereby, please contact Cathy Williams, Federal Communications Commission, Room 3–317, 45 L Street NE, Washington, DC 20554, regarding OMB Control Number 3060–0519. Please include the applicable OMB Control Number in your correspondence. The Commission will also accept your comments via email at *PRA@fcc.gov.* To request materials in accessible formats for people with disabilities (Braille, large print, electronic files, audio format), send an email to *fcc504@fcc.gov* or call the Consumer and Governmental Affairs Bureau at (202) 418–0530.

Synopsis

As required by the Paperwork Reduction Act of 1995 (44 U.S.C. 3507), the FCC is notifying the public that it received final OMB approval on September 26, 2024, for the information collection requirement contained in 47 CFR 64.1200(f)(9). Under 5 CFR part 1320, an agency may not conduct or sponsor a collection of information unless it displays a current, valid OMB Control Number. No person shall be subject to any penalty for failing to comply with a collection of information subject to the Paperwork Reduction Act that does not display a current, valid OMB Control Number. The OMB Control Number for the information collection requirement in 47 CFR 64.1200(f)(9) is 3060–0519. The foregoing notice is required by the Paperwork Reduction Act of 1995, Public Law 104–13, October 1, 1995, and 44 U.S.C. 3507.

The total annual reporting burdens and costs for the respondents are as follows:

OMB Control Number: 3060–0519.

OMB Approval Date: September 26, 2024.

OMB Expiration Date: September 30, 2027.

Title: Targeting and Eliminating Unlawful Text Messages, Implementation of the Telephone Consumer Protection Act of 1991, Advanced Methods to Target and Eliminate Unlawful Robocalls.

Form Number: N/A.

Respondents: 6,000.

Number of Respondents and Responses: 6,000 respondents × 1 response = 6,000 responses.

Estimated Time per Response: 8 hours per response.

Frequency of Response: Annual.

Obligation to Respond: Sellers who are required to comply with the prior express written consent requirements of the TCPA, and who are not currently obtaining one-to-one consent for telemarketing robocalls/robotexts will need to comply with the revised rule. Sellers who are already obtaining one-to-one consent for such calls/texts or who are not required to comply with TCPA prior express written consent requirements will not have to make any changes to comply with the new rule.

Total Annual Burden: 6,000 respondents × 1 response × 8 hours/response = 48,000 hours.

Total Annual Cost: 6,000 responses × 8 hours/response × $89.04 per hour = $4,273,920.

Annual ''In-House'' Cost: The Commission assumes that respondents use ''in-house'' personnel to update websites to ensure compliance. The national average wage for a web and digital interface designer, including benefits, is comparable to a federal employee GS–15/5. Thus, the Commission estimates respondents cost to be about $89.04 per hour to comply with the requirement.

Privacy Act Impact Assessment: No impact(s).

Nature and Extent of Confidentiality: There is no need for confidentiality with this collection of information.

Needs and Uses: To better protect consumers from unwanted and illegal calls and texts, the Commission adopted a rule to make it unequivocally clear that texters and callers must obtain a consumer's prior express written consent to robocall or robotext the consumer soliciting their business, from one seller at a time. This new rule prohibits abuse of consumer consent by comparison shopping and other websites. In addition to the one-to-one consent requirement, the Commission also requires that the consent must be in response to a clear and conspicuous disclosure to the consumer and that the content of the robotexts and robocalls must be logically and topically associated with the website where the consumer gave consent. The TCPA and the Commission's existing rules already place the burden of proof on the texter or caller to prove that they have obtained consent that satisfies federal laws and regulations. This new information collection does not change that obligation but may require website operators, including lead generators and

comparison shopping sites, to modify their sites to ensure that one-to-one consent is properly collected. The rule only applies to callers that are required to obtain prior express written consent from consumers under the TCPA. Some respondents may already be obtaining one-to-one consent from consumers and would not incur any implementation burdens. Other respondents may not need to obtain TCPA prior express written consent.

List of Subjects in 47 CFR Part 64

Communications common carriers, Telecommunications, Telephone.

Federal Communications Commission.

Marlene Dortch,

Secretary, Office of the Secretary.

Final Rules

For the reasons discussed in the preamble, the Federal Communications Commission amend 47 CFR part 64 as follows:

PART 64—MISCELLANEOUS RULES RELATING TO COMMON CARRIERS

■ 1. The authority citation for part 64 continues to read as follows:

Authority: 47 U.S.C. 151, 152, 154, 201, 202, 217, 218, 220, 222, 225, 226, 227, 227(b), 228, 251(a), 251(e), 254(k), 255, 262, 276, 403(b)(2)(B), (c), 616, 620, 716, 1401–1473, unless otherwise noted; Pub. L. 115–141, Div. P, sec. 503, 132 Stat. 348, 1091.

Subpart L—Restrictions on Telemarketing, Telephone Solicitation, and Facsimile Advertising

■ 2. Amend § 64.1200 by revising paragraph (f)(9) to read as follows:

§ 64.1200 Delivery Restrictions.

(f) * * *

(9) The term prior express written consent means an agreement, in writing, that bears the signature of the person called or texted that clearly and conspicuously authorizes no more than one identified seller to deliver or cause to be delivered to the person called or texted advertisements or telemarketing messages using an automatic telephone dialing system or an artificial or prerecorded voice. Calls and texts must be logically and topically associated with the interaction that prompted the consent and the agreement must identify the telephone number to which the signatory authorizes such advertisements or telemarketing messages to be delivered.

(i) The written agreement shall include a clear and conspicuous disclosure informing the person signing that:

(A) By executing the agreement, such person authorizes the seller to deliver or cause to be delivered to the signatory telemarketing calls or texts using an automatic telephone dialing system or an artificial or prerecorded voice; and

(B) The person is not required to sign the agreement (directly or indirectly), or agree to enter into such an agreement as a condition of purchasing any property, goods, or services. The term ''signature'' shall include an electronic or digital form of signature, to the extent that such form of signature is recognized as a valid signature under applicable federal law or state contract law.

(ii) [Reserved]

* * * * *

[FR Doc. 2024–24908 Filed 11–5–24; 8:45 am]

BILLING CODE 6712–01–P

FEDERAL COMMUNICATIONS COMMISSION

47 CFR Part 76

[MB Docket No. 23–203; FCC 24–29; FR ID 257860]

All-In Pricing for Cable and Satellite Television Service

AGENCY: Federal Communications Commission.

ACTION: Final rule; announcement of compliance date.

SUMMARY: In this document, the Federal Communications Commission (Commission or FCC) announces that the Office of Management and Budget (OMB) has approved, for a period of three years, an information collection associated with implementing the ''all-in'' rule, Truth in billing and advertising, adopted by the Commission on March 14, 2024, in the All-In Pricing for Cable and Satellite Television Report and Order (R&O), requiring cable operators and direct broadcast satellite (DBS) providers to specify the ''all-in'' price for video programming in their promotional materials that include pricing information and on subscribers' bills. This document is consistent with the R&O, which stated that the Commission would publish a document in the **Federal Register** announcing the compliance date of the ''all-in'' rule and revise the rule accordingly.

DATES:

Effective date: The amendment in this rule is effective November 6, 2024.

Compliance dates: The compliance date for 47 CFR 76.310, published on April 19, 2024, at 89 FR 28660, and effective April 19, 2024, is December 19, 2024, except that for cable operators with annual receipts of $47 million or less, compliance is not required until March 19, 2025.

FOR FURTHER INFORMATION CONTACT: Joseph Price of the Policy Division, Media Bureau, (202) 418–1423, or by email to *Joseph.Price@fcc.gov.*

SUPPLEMENTARY INFORMATION: This document announces that OMB approved the information collection requirements in 47 CFR 76.310 on September 23, 2024.

The Commission publishes this document as an announcement of the compliance date of the rules. If you have any comments on the burden estimates listed below, or how the Commission can improve the collections and reduce any burdens caused thereby, please contact Nicole Ongele, Federal Communications Commission, 45 L Street NE, Washington, DC 20554, regarding OMB Control Number 3060–1328. Please include the applicable OMB Control Number in your correspondence. The Commission will also accept your comments via email at *PRA@fcc.gov.*

To request materials in accessible formats for people with disabilities (Braille, large print, electronic files, audio format), send an email to *fcc504@fcc.gov* or call the Consumer and Governmental Affairs Bureau at (202) 418–0530 (voice), (202) 418–0432 (TTY).

Synopsis

As required by the Paperwork Reduction Act of 1995 (44 U.S.C. 3507), the FCC is notifying the public that it received final OMB approval on September 23, 2024, for the information collection requirements contained in 47 CFR 76.310.

Under 5 CFR part 1320, an agency may not conduct or sponsor a collection of information unless it displays a current, valid OMB Control Number.

No person shall be subject to any penalty for failing to comply with a collection of information subject to the Paperwork Reduction Act that does not display a current, valid OMB Control Number. The foregoing notification is required by the Paperwork Reduction Act of 1995, Public Law 104–13, October 1, 1995, and 44 U.S.C. 3507.

The total annual reporting burdens and costs for the respondents are as follows:

OMB Control Number: 3060–1330.

OMB Approval Date: September 23, 2024.

OMB Expiration Date: September 30, 2027.

Title: Section 76.310, Truth in Billing and Advertising.

Form Number: N/A.

Respondents: Business or other for-profit entities.

Number of Respondents and Responses: 400 respondents; 54,000,400 responses.

Estimated Time per Response: 0.0001 hours–0.5 hours.

Frequency of Response: On occasion reporting requirement; Third party disclosure requirement.

Obligation to Respond: Required to obtain or retain benefits. Statutory authority for this collection is contained in sections 1, 4(i), 303, 316, 335(a), 632(b), and 642 of the Communications Act of 1934, as amended, 47 U.S.C. 151, 154(i), 303, 316, 335(a), 552(b), and 562.

Total Annual Burden: 5,600 hours.

Total Annual Cost: No cost.

Needs and Uses: The collection will advance the public interest and safety because the ''all-in'' rule requires cable operators and direct broadcast satellite (DBS) providers to specify the ''all-in'' price for video programming in their promotional materials that includes pricing information and on subscribers' bills; the ''all-in'' rule is intended to increase transparency and promote competition in the video programming marketplace by allowing consumers to make better informed choices among the ranges of video programming service options available to them.

List of Subjects in 47 CFR Part 76

Television.

Federal Communications Commission.

Marlene Dortch,

Secretary, Office of the Secretary.

For the reasons discussed in the preamble, the Federal Communications Commission amends 47 CFR part 76 as follows:

PART 76—MULTICHANNEL VIDEO AND CABLE TELEVISION SERVICE

■ 1. The authority citation for part 76 continues to read as follows:

Authority: 47 U.S.C. 151, 152, 153, 154, 301, 302, 302a, 303, 303a, 307, 308, 309, 312, 315, 317, 325, 335, 338, 339, 340, 341, 503, 521, 522, 531, 532, 534, 535, 536, 537, 543, 544, 544a, 545, 548, 549, 552, 554, 556, 558, 560, 561, 562, 571, 572, 573.

■ 2. Amend § 76.310 by revising paragraph (c) to read as follows:

§ 76.310 Truth in billing and advertising.

* * * * *

(c) Compliance with this section is required by December 19, 2024, except that for cable operators with annual receipts of $47 million or less, compliance is not required until March 19, 2025.

[FR Doc. 2024–25672 Filed 11–5–24; 8:45 am]

BILLING CODE 6712–01–P

Proposed Rules

Federal Register
Vol. 89, No. 215
Wednesday, November 6, 2024

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

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

14 CFR Part 71

[Docket No. FAA–2024–2458; Airspace Docket No. 23–AGL–27]

RIN 2120–AA66

Amendment of VOR Federal Airways V–9, V–78, V–341, and V–430, and Canadian RNAV Route T–765, and Establishment of United States RNAV Route T–490; Northcentral United States

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Notice of proposed rulemaking (NPRM).

SUMMARY: This action proposes to amend Very High Frequency Omnidirectional Range (VOR) Federal Airways V–9, V–78, V–341, and V–430, and Canadian Area Navigation (RNAV) Route T–765; and establish United States (U.S.) RNAV route T–490. The FAA is proposing this action due to the planned decommissioning of the VOR portion of the Iron Mountain, MI (IMT) VOR/Distance Measuring Equipment (VOR/DME) navigational aid (NAVAID). The Iron Mountain VOR is being decommissioned in support of the FAA's VOR Minimum Operational Network (MON) program.

DATES: Comments must be received on or before December 23, 2024.

ADDRESSES: Send comments identified by FAA Docket No. FAA–2024–2458 and Airspace Docket No. 23–AGL–27 using any of the following methods:

* *Federal eRulemaking Portal:* Go to *www.regulations.gov* and follow the online instructions for sending your comments electronically.

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

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

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

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

FAA Order JO 7400.11J, 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: Colby Abbott, 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 National Airspace System (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 Operations Support Group, Central Service Center, Federal Aviation

Administration, 10101 Hillwood Parkway, Fort Worth, TX 76177.

Incorporation by Reference

VOR Federal Airways are published in paragraph 6010(a), U.S. Area Navigation Routes (T-routes) are published in paragraph 6011, and Canadian Area Navigation Routes (T-routes) are published in paragraph 6013 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.

Background

The FAA is planning to decommission the Iron Mountain, MI, VOR in April 2025. The Iron Mountain VOR was one of the candidate VORs identified for discontinuance by the FAA's VOR MON program and listed in the final policy statement notice, ''Provision of Navigation Services for the Next Generation Air Transportation System (NextGen) Transition to Performance-Based Navigation (PBN) (Plan for Establishing a VOR Minimum Operational Network),'' published in the **Federal Register** on July 26, 2016 (81 FR 48694), Docket No. FAA–2011–1082.

Although the VOR portion of the Iron Mountain VOR/DME is planned for decommissioning, the co-located DME portion of the NAVAID is being retained. The DME would continue to provide service supporting current and future NextGen PBN flight procedure requirements.

The Air Traffic Service (ATS) routes affected by the Iron Mountain VOR decommissioning are VOR Federal Airways V–9, V–78, V–341, and V–430. With the planned decommissioning of the Iron Mountain VOR, the remaining ground-based NAVAID coverage in the area is insufficient to enable the continuity of the affected airways. As such, proposed modifications to V–9, V–341, and V–430 would result in the airways being shortened and to V–78 would result in an existing gap in the airway being expanded.

To mitigate the loss of the V–9, V–78, V–341, and V–430 airway segments, pilots operating under instrument flight rules (IFR) could use adjacent VOR Federal Airways V–63, V–133, V–217, V–316, and V–413 to navigate around the affected area. IFR pilots with RNAV-equipped aircraft could navigate using the proposed RNAV route T–490 or the proposed extension of RNAV route T–765. Additionally, IFR pilots could request air traffic control (ATC) radar vectors to fly through or around the affected area. Pilots operating under visual flight rules who elect to navigate via airways could also take advantage of the adjacent VOR Federal airways or the ATC services listed previously.

Additionally, proposed modifications to Canadian RNAV route T–765 within U.S. airspace would mitigate proposed modifications to V–9 due to the planned Iron Mountain VOR decommissioning. The route would be extended southward within U.S. airspace to the Green Bay, WI, VOR/Tactical Air Navigation (VORTAC) NAVAID to address the proposed removal of the affected V–9 airway segment. The extended T–765 would provide pilots with RNAV-equipped aircraft a route alternative through the affected area to the U.S./Canada border and then cross-border connectivity with NAV CANADA's further extension of T–765 within Canadian airspace.

Finally, the proposed establishment of U.S. RNAV route T–490 would mitigate proposed modifications to V–430 and provide positive course guidance for RNAV-equipped aircraft around the Big Bear, MI, Military Operations Area (MOA). The route would be extended southward between the Ironwood, MI, VOR/DME and Escanaba, MI, VOR/DME NAVAIDs.

The Proposal

The FAA is proposing to amend 14 CFR part 71 by amending VOR Federal Airways V–9, V–78, V–341, and V–430, and Canadian RNAV Route T–765; and establishing U.S. RNAV Route T–490. This action is required due to the planned decommissioning of the VOR portion of the Iron Mountain, MI, VOR/DME NAVAID. The proposed ATS route actions are described below.

V–9: V–9 currently extends between the Leeville, LA, VORTAC and the Pontiac, IL, VOR/DME; and between the Janesville, WI, VOR/DME and the Houghton, MI, VOR/DME. The FAA proposes to remove the airway segment between the Green Bay, WI, VORTAC and the Houghton VOR/DME. As amended, the airway would be changed to extend between the Leeville VORTAC and the Pontiac VOR/DME, and between the Janesville VOR/DME and the Green Bay VORTAC. Additional changes to the airway have been proposed in a separate docket action.

V–78: V–78 currently extends between the Gopher, MN, VORTAC and the Escanaba, MI, VOR/DME; and between the Pellston, MI, VORTAC and the Saginaw, MI, VOR/DME. The FAA proposes to remove the airway segment between the Rhineland, WI, VOR/DME and the Escanaba, MI, VOR/DME. As amended, the airway would be changed to extend between the Gopher VORTAC and the Rhineland VOR/DME, and between the Pellston VORTAC and the Saginaw VOR/DME.

V–341: V–341 currently extends between the Cedar Rapids, IA, VOR/DME and the Green Bay, WI, VORTAC; and between the Iron Mountain, MI, VOR/DME and the Houghton, MI, VOR/DME. The FAA proposes to remove the airway segment between the Iron Mountain VOR/DME and the Houghton VOR/DME. As amended, the airway would be changed to extend between the Cedar Rapids VOR/DME and the Green Bay VORTAC.

V–430: V–430 currently extends between the Cut Bank, MT, VOR/DME and the Minot, ND, VOR/DME; and between the Grand Forks, ND, VOR/DME and the Escanaba, MI, VOR/DME. The FAA proposes to remove the airway segment between the Ironwood, MI, VOR/DME and the Escanaba VOR/DME. As amended, the airway would be changed to extend between the Cut Bank VOR/DME and the Minot VOR/DME, and between the Grand Forks VOR/DME and the Ironwood VOR/DME.

T–490: T–490 is a new U.S. RNAV route proposed to be established extending between the Ironwood, MI, VOR/DME and the Escanaba, MI, VOR/DME. The new RNAV route would mitigate the proposed V–430 airway segment removal and provide route guidance for aircraft routed around the Big Bear, MI, MOA.

T–765: T–765 currently extends between the between the Houghton, MI, VOR/DME and the BBLUE, MI, Waypoint (WP) on the U.S./Canada border; between the ASIXX, MN, WP on the U.S./Canada border and the KORTY, MN, WP on the U.S./Canada border; and between the LCROS, MN, WP on the U.S./Canada border and the CALDU, MN, WP on the U.S./Canada border. The FAA proposes to extend the route southward to the Green Bay, WI, VORTAC to serve as a RNAV replacement for the airway segment of V–9 proposed to be removed. As amended, the route would be changed to extend between the Green Bay VORTAC and the BBLUE WP; between the ASIXX WP and the KORTY WP; and between the LCROS WP and the CALDU WP.

The NAVAID radials listed in the VOR Federal airway descriptions in regulatory text of this NPRM are unchanged and stated in degrees True north.

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 6010(a) VOR Federal Airways.

* * * * *

V–9 [Amended]

From Leeville, LA; McComb, MS; INT McComb 004° and Magnolia, MS 194° radials; Magnolia; Sidon, MS; Marvell, AR; INT Marvell 326° and Walnut Ridge, AR 187° radials; Walnut Ridge; Farmington, MO; St. Louis, MO; Spinner, IL; to Pontiac, IL. From Janesville, WI; Madison, WI; Oshkosh, WI; to Green Bay, WI.

* * * * *

V–78 [Amended]

From Gopher, MN; INT Gopher 091° and Eau Claire, WI, 290° radials; Eau Claire; to Rhinelander, WI. From Pellston, MI; Alpena, MI; INT Alpena 232° and Saginaw, MI, 353° radials; to Saginaw.

* * * * *

V–341 [Amended]

From Cedar Rapids, IA; Dubuque, IA; Madison, WI; Oshkosh, WI; to Green Bay, WI.

* * * * *

V–430 [Amended]

From Cut Bank, MT; 10 miles, 74 miles 55 MSL, Havre, MT; 14 miles, 100 miles 50 MSL, Glasgow, MT; INT Glasgow 100° and Williston, ND, 263° radials; 22 miles, 33 miles 55 MSL, Williston; to Minot, ND. From Grand Forks, ND; Thief River Falls, MN; INT Thief River Falls 122° and Grand Rapids, MN, 292° radials; Grand Rapids; Duluth, MN; to Ironwood, MI.

* * * * *

Paragraph 6011 United States Area Navigation Routes.

* * * * *

T–490 Ironwood, MI (IWD) to Escanaba, MI (ESC) [New]

Ironwood, MI (IWD)	VOR/DME	(Lat. 46°31′56.12″ N, long. 090°07′33.06″ W)
BBEAR, MI	WP	(Lat. 45°48′57.67″ N, long. 088°06′42.85″ W)
Escanaba, MI	VOR/DME	(Lat. 45°43′21.49″ N, long. 087°05′22.55″ W)

* * * * *

Paragraph 6013 Canadian Area Navigation Routes.

* * * * *

T–765 Green Bay, WI (GRB) to CALDU, MN [Amended]

Green Bay, WI (GRB)	VORTAC	(Lat. 44°33′18.58″ N, long. 088°11′41.49″ W)
BBEAR, MI	WP	(Lat. 45°48′57.67″ N, long. 088°06′42.85″ W)
Houghton, MI (CMX)	VOR/DME	(Lat. 47°10′12.94″ N, long. 088°29′07.41″ W)
BBLUE, MI	WP	(Lat. 48°01′10.44″ N, long. 089°13′39.22″ W)
and		
ASIXX, MN	WP	(Lat. 48°30′56.17″ N, long. 092°37′34.98″ W)
International Falls, MN (INL)	VOR/DME	(Lat. 48°33′56.87″ N, long. 093°24′20.44″ W)
KORTY, MN	WP	(Lat. 48°35′20.54″ N, long. 093°27′59.55″ W)
and		
LCROS, MN	WP	(Lat. 49°03′44.39″ N, long. 094°44′18.17″ W)
CALDU, MN	WP	(Lat. 49°12′42.53″ N, long. 095°09′11.89″ W)

* * * * *

Issued in Washington, DC, on October 31, 2024.

Brian Eric Konie,

Manager (A), Rules and Regulations Group.

[FR Doc. 2024–25703 Filed 11–5–24; 8:45 am]

BILLING CODE 4910–13–P

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

14 CFR Part 71

[Docket No. FAA–2024–1981; Airspace Docket No. 24–ASO–22]

RIN 2120–AA66

Amendment of Class E Airspace; Kenansville, NC

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Notice of proposed rulemaking (NPRM).

SUMMARY: This action proposes to amend Class E airspace extending upward from 700 feet above the surface for Kenansville, NC, by adding airspace for ECU Health Duplin Heliport, Kenansville, NC. Controlled airspace is necessary for the safety and management of instrument flight rules (IFR) operations at this airport.

DATES: Comments must be received on or before December 23, 2024.

ADDRESSES: Send comments identified by FAA Docket No. FAA–2024–1981 and Airspace Docket No. 24–ASO–22 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:* 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 for 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 for 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, Office of Policy, Federal Aviation Administration, 800 Independence Avenue SW, Washington DC 20591; telephone: (202) 267–8783.

FOR FURTHER INFORMATION CONTACT: Marc Ellerbee, Operations Support Group, Eastern Service Center, Federal Aviation Administration, 1701 Columbia Avenue, College Park, GA 30337; Telephone: (404) 305–5589.

SUPPLEMENTARY INFORMATION:

Authority for This Rulemaking

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

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 edits, 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 regular business hours at the office of the Eastern Service Center, Federal Aviation Administration, Room 210, 1701 Columbia Ave., College Park, GA, 30337.

Incorporation by Reference

Class E airspace designations are published in Paragraph 6005 of FAA Order JO 7400.11, Airspace Designations and Reporting Points, which is incorporated by reference in 14 CFR 71.1 on an annual basis. This document proposes to amend the current version of that order, FAA Order JO 7400.11J, Airspace Designations and Reporting Points, dated July 31, 2024, and effective September 15, 2024. These updates will be published in the next update to FAA Order JO 7400.11. FAA Order JO 7400.11J 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 proposes an amendment to 14 CFR part 71 to amend Class E airspace by adding airspace extending upward from 700 feet above the surface within a 6-mile radius of the ECU Health Duplin Heliport, Kenansville,

NC. Controlled airspace is necessary for the safety and management of instrument flight rules (IFR) operations in the area.

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 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 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 final regulatory action by the FAA.

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

* * * * *

ASO NC E5 Kenansville, NC

Duplin County Airport, NC
(Lat. 35°00′00″ N, long. 77°58′54″ W)
ECU Health Duplin Heliport
(Lat. 34°57′53″ N, long. 77°57′39″ W)

That airspace extending upward from 700 feet above the surface within a 6.8-mile radius of Duplin County Airport and within a 6-mile radius of ECU Health Duplin Heliport.

* * * * *

Issued in College Park, Georgia, on October 31, 2024

Patrick Young,

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

[FR Doc. 2024–25696 Filed 11–5–24; 8:45 am]

BILLING CODE 4910–13–P

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

14 CFR Part 71

[Docket No. FAA–2024–1965; Airspace Docket No. 24–ASO–26]

RIN 2120–AA66

Amendment of Class E Airspace; New Bern, NC

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Notice of proposed rulemaking (NPRM).

SUMMARY: This action proposes to amend Class E airspace extending upward from 700 feet above the surface for New Bern, NC, by adding airspace for CarolinaEast Medical Center Heliport, New Bern, NC. This action also proposes to correct the state abbreviation in the header from AL to NC. Controlled airspace is necessary for the safety and management of instrument flight rules (IFR) operations at this airport.

DATES: Comments must be received on or before December 23, 2024.

ADDRESSES: Send comments identified by FAA Docket No. FAA–2024–1965 and Airspace Docket No. 24–ASO–26 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:* 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 for 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 for 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, Office of Policy, Federal Aviation Administration, 800 Independence Avenue SW, Washington DC 20591; telephone: (202) 267–8783.

FOR FURTHER INFORMATION CONTACT: Marc Ellerbee, Operations Support Group, Eastern Service Center, Federal Aviation Administration, 1701 Columbia Avenue, College Park, GA 30337; Telephone: (404) 305–5589.

SUPPLEMENTARY INFORMATION:

Authority for This Rulemaking

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

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 edits, 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 regular business hours at the office of the Eastern Service Center, Federal Aviation Administration, Room 210, 1701 Columbia Ave., College Park, GA, 30337.

Incorporation by Reference

Class E airspace designations are published in Paragraph 6005 of FAA Order JO 7400.11, Airspace Designations and Reporting Points, which is incorporated by reference in 14 CFR 71.1 on an annual basis. This document proposes to amend the current version of that order, FAA Order JO 7400.11J, Airspace Designations and Reporting Points, dated July 31, 2024, and effective September 15, 2024. These updates will be published in the next update to FAA Order JO 7400.11. FAA Order JO 7400.11J 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 proposes an amendment to 14 CFR part 71 to amend Class E airspace by adding airspace extending upward from 700 feet above the surface within a 6-mile radius of the CarolinaEast Medical Center Heliport, New Bern, NC. This action also proposes to correct the state abbreviation in the title from AL (Alabama) to NC (North Carolina). Controlled airspace is necessary for the safety and management of instrument flight rules (IFR) operations in the area.

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 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 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 final regulatory action by the FAA.

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

* * * * *

ASO NC E5 New Bern, NC

Coastal Carolina Regional Airport, NC
(Lat. 35°04′22″ N, long. 77°02′35″ W)
CarolinaEast Medical Center Heliport, NC
(Lat. 35°06′55″ N, long. 77°03′51″ W)

That airspace extending upward from 700 feet above the surface within a 7-mile radius of Coastal Carolina Regional Airport and a 6-mile radius of CarolinaEast Medical Center Heliport.

* * * * *

Issued in College Park, Georgia, on October 31, 2024

Patrick Young,

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

[FR Doc. 2024–25695 Filed 11–5–24; 8:45 am]

BILLING CODE 4910–13–P

DEPARTMENT OF HOMELAND SECURITY

Coast Guard

33 CFR Part 117

[Docket No. USCG–2023–0601]

RIN 1625–AA09

Drawbridge Operation Regulation; Atlantic Intracoastal Waterway; West Palm Beach, FL

AGENCY: Coast Guard, DHS.

ACTION: Supplemental notice of proposed rulemaking.

SUMMARY: The Coast Guard proposes to modify the operating schedule that governs the Flagler Memorial (SR A1A) Bridge, mile 1021.8, the Royal Park (SR 704) Bridge, mile 1022.6, and the

Southern Boulevard (SR 700/80) Bridge, mile 1024.7, across Atlantic Intracoastal Waterway (AICW), at West Palm Beach, FL. Palm Beach County and the communities surrounding the bridges have requested the Coast Guard consider placing additional weekday restrictions during peak traffic hours to assist with alleviating vehicle congestion. This proposed modification will allow the drawbridges to operate in concert and determine whether a permanent change to the schedules is needed. We invite your comments on this proposed rulemaking.

DATES: Comments and related material must reach the Coast Guard on or before December 6, 2024.

ADDRESSES: You may submit comments identified by docket number USCG–2023–0601 using Federal Decision Making Portal at *https://www.regulations.gov.*

See the ''Public Participation and Request for Comments'' portion of the **SUPPLEMENTARY INFORMATION** section below for instructions on submitting comments. This notice of proposed rulemaking with its plain-language, 100-word-or-less proposed rule summary will be available in this same docket.

FOR FURTHER INFORMATION CONTACT: If you have questions on this supplemental proposed rule, call or email Ms. Jennifer Zercher, Bridge Management Specialist, Seventh Coast Guard District; telephone (571) 607–5951, email *Jennifer.N.Zercher@uscg.mil.*

SUPPLEMENTARY INFORMATION:

I. Table of Abbreviations

CFR Code of Federal Regulations
DHS Department of Homeland Security
FR Federal Register
NPRM Notice of proposed rulemaking
SNPRM Supplemental Notice of Proposed Rulemaking
ANPRM Advance Notice of Proposed Rulemaking
Pub. L. Public Law
§ Section
U.S.C. United States Code
TD Temporary Deviation
AICW Atlantic Intracoastal Waterway
FDOT Florida Department of Transportation

II. Background, Purpose and Legal Basis

On July 31, 2023, the Coast Guard published a temporary deviation entitled ''Drawbridge Operation Regulation; Atlantic Intracoastal Waterway, West Palm Beach, FL'' in the **Federal Register** (88 FR 49287). The comment period ended September 29, 2023, with 529 comments received. Those comments were addressed in the NPRM.

On May 20, 2024, we published a NPRM entitled ''Drawbridge Operation Regulation; Atlantic Intracoastal Waterway, West Palm Beach, FL'' in the **Federal Register** (89 FR 43797). The comment period ended June 20, 2024, with 1,153 comments received. Those comments will be addressed in section III.

The Flagler Memorial (SR A1A) Bridge, across the AICW, mile 1021.8, at West Palm Beach, FL is a double-leaf bascule bridge with a 24-foot vertical clearance at mean high water in the closed position. The normal operating schedule is set forth in 33 CFR 117.261(u). The Royal Park (SR 704) Bridge, across the AICW, mile 1022.6, at West Palm Beach, FL is a double-leaf bascule bridge with a 21-foot vertical clearance at mean high water in the closed position. The normal operating schedule is set forth in 33 CFR 117.261(v). The Southern Boulevard (SR 700/80) Bridge, across the AICW, mile 1024.7, at West Palm Beach, FL is a double-leaf bascule bridge with a 25-foot vertical clearance at mean high water in the closed position. The normal operating schedule is set forth in 33 CFR 117.261(w).

Palm Beach County and the communities surrounding the bridges have requested the Coast Guard consider placing additional weekday restrictions during peak traffic hours to assist with alleviating vehicle congestion. Vehicle traffic across these bridges is exceeding the roadway capacity during certain times of the day. The Coast Guard is proposing to limit drawbridge openings during high vehicle traffic times to assist with vehicle congestion while requesting state and local agencies consider alternate mitigation measures to improve traffic flow and roadway congestion. The drawbridges will open twice an hour at all other times or as outlined in each drawbridge operating regulation.

III. Discussion of Comments and Change

Many of the comments received from the NPRM were similar to comments received during the temporary deviation. A total of 811 comments supported the proposed changes and included generic comments, such as ''I support'' or ''I support this initiative.'' The second highest group included 150 commentors who proposed alternate operating schedules. Those proposed alternate schedules included not opening during rush hour, only open once an hour always and changing the morning and afternoon rush hour times to various other intervals. The designated times included in the rule proposal to allow the drawbridge to open on the hour during rush hour was previously determined by local authorities. The Coast Guard feels that a modification to those time periods is not necessary because the blocks of time presented have been determined to be the best use of hourly openings. To allow the drawbridge to remain closed to navigation during the designated times or to only open once an hour always would result in an unreasonable obstruction to navigation on this waterway. The AICW is a Federal Project Waterway extending over 1,500 miles from Boston to Florida Bay. It is the main waterway artery for all recreational and commercial traffic that are unable to safely transit offshore. The Coast Guard has the responsibility to ensure reasonable access to this waterway is maintained. Allowing the bridges to remain closed to navigation or open only once an hour always would be contrary to our responsibility. We received 137 comments that were either outside the scope of the NPRM and/or did not provide an opinion on the proposed rule. Instead, the comments discussed adjacent drawbridges and school zones in the area. A total of 23 comments were against the proposed changes. Most felt that no change was needed as marine traffic was already placed on scheduled openings. The Coast Guard recognizes that vehicle traffic in the area appears to exceed roadway capacity, causing vehicle congestion. Placing additional weekday restrictions during peak traffic hours should assist with alleviating vehicle congestion. Other commentors stated that further limiting openings for marine traffic would cause longer delays when the bridge opened. Their concern was that more vessels would be waiting which in turn would increase the overall opening time. This action can be an unintended consequence of placing drawbridges on scheduled openings. The last concern was the proposed change would have an impact on charter and catamaran businesses in the area. The Coast Guard feels that the limited time the bridge will open once an hour will meet the reasonable needs of navigation. Lastly, 32 comments were duplicates and not considered actionable.

It was discovered the Royal Park (SR 704) Bridge proposed schedule change conflicted with the operating schedule when the Mar-a-Lago Security Zone was being enforced. An explanation of the change is provided in the below section.

IV. Discussion of Proposed Rule

In the NPRM we proposed to modify the drawbridge operating schedules for the three bridges to allow once an hour openings Monday through Friday, from 7:30 a.m. to 9 a.m. and from 4 p.m. to 6 p.m. However, the proposed change for the Royal Park (SR 704) Bridge shifted the hourly opening from the half hour to the three-quarter hour. This shift did not take into consideration the alternate operating schedule authorized for the bridge when the Mar-a-Lago Security Zone is being enforced. We are proposing the Royal Park (SR 704) Bridge be placed back on the half hour opening schedule with no changes to the proposed operating schedules for the Flagler Memorial (SR A1A) and Southern Boulevard (SR 80) Bridges. Additionally, the operating schedules for Flagler Memorial (SR A1A) and Royal Park (SR 704) Bridges during the enforcement of the Mar-a-Lago Security Zone has been updated to show the proposed rule change.

V. Regulatory Analyses

We developed this proposed rule after considering numerous statutes and Executive Orders related to rulemaking. Below we summarize our analyses based on these statutes and Executive Orders.

A. Regulatory Planning and Review

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

This regulatory action determination is based on the ability that vessels can still transit the bridge during the designated times and vessels able to pass without an opening may do so at any time.

B. Impact on Small Entities

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

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

If you think that your business, organization, or governmental jurisdiction qualifies as a small entity and that this rule would have a significant economic impact on it, please submit a comment (see **ADDRESSES**) explaining why you think it qualifies and how and to what degree this rule would economically affect it.

Under section 213(a) of the Small Business Regulatory Enforcement Fairness Act of 1996 (Pub. L. 104–121), we want to assist small entities in understanding this proposed rule. If the rule would affect your small business, organization, or governmental jurisdiction and you have questions concerning its provisions or options for compliance, please contact the person listed in the **FOR FURTHER INFORMATION CONTACT** section. The Coast Guard will not retaliate against small entities that question or complain about this proposed rule or any policy or action of the Coast Guard.

C. Collection of Information

This proposed rule would call for no new collection of information under the Paperwork Reduction Act of 1995 (44 U.S.C. 3501–3520).

D. Federalism and Indian Tribal Government

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

Also, this proposed rule does not have tribal implications under Executive Order 13175 (Consultation and Coordination with Indian Tribal Governments) because it would not have a substantial direct effect on one or more Indian tribes, on the relationship between the Federal Government and Indian tribes, or on the distribution of power and responsibilities between the Federal Government and Indian tribes. If you believe this proposed rule has implications for federalism or Indian tribes, please contact the person listed in the **FOR FURTHER INFORMATION CONTACT** section.

E. Unfunded Mandates Reform Act

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

F. Environment

We have analyzed this rule under Department of Homeland Security Management Directive 023–01, Rev.1, associated implementing instructions, and Environmental Planning Policy COMDTINST 5090.1 (series), which guide the Coast Guard in complying with the National Environmental Policy Act of 1969 (NEPA) (42 U.S.C. 4321–4370f). The Coast Guard has that this action is one of a category of actions that do not individually or cumulatively have a significant effect on the human environment. This proposed rule promulgates the operating regulations or procedures for drawbridges. Normally such actions are categorically excluded from further review, under paragraph L49, of Chapter 3, Table 3–1 of the U.S. Coast Guard Environmental Planning Implementation Procedures.

Neither a Record of Environmental Consideration nor a Memorandum for the Record are required for this rule. We seek any comments or information that may lead to the discovery of a significant environmental impact from this proposed rule.

VI. Public Participation and Request for Comments

We view public participation as essential to effective rulemaking, and will consider all comments and material received during the comment period. Your comment can help shape the outcome of this rulemaking. If you submit a comment, please include the docket number for this rulemaking, indicate the specific section of this document to which each comment applies, and provide a reason for each suggestion or recommendation.

Submitting comments. We encourage you to submit comments through the

Federal Decision Making Portal at *https://www.regulations.gov.* To do so, go to *https://www.regulations.gov,* type USCG–2023–0601 in the search box and click ''Search.'' Next, look for this document in the Search Results column, and click on it. Then click on the Comment option. If your material cannot be submitted using *https://www.regulations.gov,* contact the person in the **FOR FURTHER INFORMATION CONTACT** section of this document for alternate instructions.

Viewing material in docket. To view documents mentioned in this proposed rule as being available in the docket, find the docket as described in the previous paragraph, and then select ''Supporting & Related Material'' in the Document Type column. Public comments will also be placed in our online docket and can be viewed by following instructions on the *https://www.regulations.gov* Frequently Asked Questions web page. Also, if you go to the online docket and sign up for email alerts, you will be notified when comments are posted or a final rule is published of any posting or updates to the docket.

We review all comments received, but we will only post comments that address the topic of the proposed rule. We may choose not to post off-topic, inappropriate, or duplicate comments that we receive.

We accept anonymous comments. Comments we post to *https://www.regulations.gov* will include any personal information you have provided. For more about privacy and submissions in response to this document, see DHS's eRulemaking System of Records notice (85 FR 14226, March 11, 2020).

List of Subjects in 33 CFR Part 117

Bridges.

For the reasons discussed in the preamble, the Coast Guard proposes to amend 33 CFR part 117 as follows:

PART 117—DRAWBRIDGE OPERATION REGULATIONS

■ 1. The authority citation for part 117 continues to read as follows:

Authority: 33 U.S.C. 499; 33 CFR 1.05–1; DHS Delegation No. 0170.1. Revision No. 01.3.

■ 2. Amend § 117.261 by revising paragraph (u), (v), and (w)(1) to read as follows:

§ 117.261 Atlantic Intracoastal Waterway from St. Marys River to Key Largo.

* * * * *

(u) *Flagler Memorial (SR A1A) Bridge, mile 1021.8, at West Palm Beach.* (1) The draw will open on the quarter and three-quarter hour, except Monday through Friday (except Federal holidays) from 7:30 a.m. to 9 a.m. and from 4 p.m. to 6 p.m., the draw need only open on the quarter hour.

(2) When the security zone is enforced, the draw shall operate as follows:

(i) Monday through Friday (except on Federal holidays).

(A) 7:30 a.m. to 9 a.m., the draw need only open on the quarter hour.

(B) 9 a.m. to 2:15 p.m., the draw need only open on the quarter and three-quarter hour.

(C) 2:15 p.m. to 6 p.m., the draw need only open on the quarter hour.

(D) 6 p.m. to 7:30 a.m., the draw need only open on the quarter and three-quarter hour.

(ii) Saturday, Sunday, and Federal holidays the draw shall open on the quarter and three-quarter hour.

(v) *Royal Park (SR 704) Bridge, mile 1022.6, at West Palm Beach.* (1) The draw will open on the hour and half hour, except Monday through Friday (except Federal holidays) from 7:30 a.m. to 9 a.m. and from 4 p.m. to 6 p.m., the draw need only open on the half hour.

(2) When the security zone is enforced, the draw shall operate as follows:

(i) Monday through Friday (except on Federal holidays).

(A) 7:30 a.m. to 9 a.m., the draw need only open on the half-hour.

(B) 9 a.m. to 2:15 p.m., the draw need only open on the hour and half-hour.

(C) 2:15 p.m. to 6 p.m., the draw need only open on the half-hour.

(D) 6 p.m. to 7:30 a.m., the draw need only open on the hour and half-hour.

(ii) Saturday, Sunday, and Federal holidays the draw shall open on the hour and half-hour.

(w) *Southern Boulevard (SR 80) Bridge, mile 1024.7, at West Palm Beach.* (1) The draw will open on the quarter and three-quarter hour, except Monday through Friday (except Federal holidays) from 7:30 a.m. to 9 a.m. and from 4 p.m. to 6 p.m., the draw need only open on the quarter hour.

* * * * *

Dated: October 30, 2024.

Douglas M. Schofield,

Rear Admiral, U.S. Coast Guard Commander, Coast Guard Seventh District.

[FR Doc. 2024–25660 Filed 11–5–24; 8:45 am]

BILLING CODE 9110–04–P

GENERAL SERVICES ADMINISTRATION

48 CFR Part 570

[GSAR Case 2021–G530; Docket No. GSA–GSAR 2024–0019; Sequence No. 1]

RIN 3090–AK51

General Services Administration Acquisition Regulation (GSAR); Construction Labor Requirements for Lease Acquisitions

AGENCY: Office of Acquisition Policy, General Services Administration (GSA).

ACTION: Proposed rule.

SUMMARY: The General Services Administration is proposing to amend the General Services Administration Acquisition Regulation to add a new section that adopts the amended definition of the term ''public building or public work'' from the Department of Labor's Updating the Davis-Bacon and Related Acts Regulations final rule and to include compliance with the minimum wage and sick leave Executive Orders, and other requirements for leasehold acquisitions when there is a qualifying construction event as defined in this rule.

DATES: Interested parties should submit written comments to the Regulatory Secretariat Division at the address shown below on or before January 6, 2025 to be considered in the formation of the final rule.

ADDRESSES: Submit comments in response to GSAR Case 2021–G530 to: *Regulations.gov: https://www.regulations.gov.* Submit comments via the Federal eRulemaking portal by searching for ''GSAR Case 2021–G530''. Select the link ''Comment Now'' that corresponds with GSAR Case 2021–G530. Follow the instructions provided at the ''Comment Now'' screen. Please include your name, company name (if any), and ''GSAR Case 2021–G530'' on your attached document. If your comment cannot be submitted using *https://www.regulations.gov,* call or email the points of contact in the **FOR FURTHER INFORMATION CONTACT** section of this document for alternate instructions.

Instructions: Please submit comments only and cite GSAR Case 2021–G530 in all correspondence related to this case. Comments received generally will be posted without change to *https://www.regulations.gov,* including any personal and/or business confidential information provided. To confirm receipt of your comment(s), please check *https://www.regulations.gov* approximately two to three days after submission to verify posting.

FOR FURTHER INFORMATION CONTACT: Ms. Johnnie McDowell, Procurement Analyst, at 202–718–6112 or *gsarpolicy@gsa.gov* for clarification of content. For information pertaining to status or publication schedules, contact the Regulatory Secretariat Division at 202–501–4755 or *GSARegSec@gsa.gov.* Please cite GSAR Case 2020–G530.

SUPPLEMENTARY INFORMATION:

I. Background

The Federal Government is the largest single lessee of space in the United States. General Services Administration (GSA), as one of the nation's largest public real estate organizations, provides workspace for over one million Federal workers located in space owned by the Federal government and in leased properties including buildings, land, and sites across the country.

Since 1994, GSA has applied the Construction Wage Rate Requirements (CWRR), also known as the Davis-Bacon Act (DBA), clauses in contracts and subcontracts specifically for new building construction, whether planned lease construction or the complete rehabilitation or reconstruction of an existing building, where the Government is the sole or predominant tenant of the facility.

On August 23, 2023, the Department of Labor (DOL) published a final rule updating the regulations that implement the Davis-Bacon and Related Acts (DBRA) (see 88 FR 57526). The DOL rule, among other things, clarified the regulatory definitions of a ''building or work'' and ''public building or public work'' to include a portion of a building or work, or the installation of equipment or components into a building or work, even where the entire building or work is not owned, leased, or used by a Federal agency, so long as other requirements for coverage are met. Examples of other requirements for coverage include the Federal government's sufficient involvement with the lease, and the existence of a contract for construction that is authorized or financed by the Federal government.

In reviewing the clarifying language in DOL's recent revisions to the DBRA regulations, the Federal Acquisition Regulation (FAR) subpart 22.4 Labor Standards for Contracts Involving Construction, and GSAR Part 570 Acquiring Leasehold Interests in Real Property, GSA determined that proposing a new subpart addressing all of the requirements for lease contracts with a CWRR qualifying construction event was necessary.

II. Discussion and Analysis

The rule proposes to amend GSAR Subpart 570.1, General by creating a new section GSAR 570.119 Construction labor requirements for lease acquisitions to assist the leasing acquisition workforce in implementing the changes to the CWRR clauses. The new subpart will identify:

- When CWRR applies;
- Common terminology to ensure the Government, offeror, lessor, and subcontractors clearly understand the application and associated requirements;
- Why the Service Contract Labor Standards usually does not apply to lease contracts;
- Procedures for compliance monitoring and reporting; and
- All applicable clauses and executive orders required for lease contracts with a qualifying construction event.

A. Identify When CWRR Applies

The rule will require the application of the CWRR in all new and existing lease contracts with a qualifying construction event provided that the construction work itself is performed in whole or in part within the United States, District of Columbia, or the Commonwealth of Northern Mariana Islands.

B. Common Terminology

The key component of the rule is defining a qualifying construction event which prompts a lease contract to include the CWRR requirements. This rule also defines ancillary terms including tenant improvements, building shell and building specific amortized capital. These terms have long been used in GSA lease contracts.

C. Service Contract Labor Standards

The rule clarifies that the Service Contract Labor Standards (SCLS), also known as Service Contract Act (SCA), generally does not apply to contracts for the lease of space for government occupancy because these contracts usually do not have the principal purpose of furnishing services, as required for coverage under the SCLS. (See 41 U.S.C. 6702, 29 CFR 4.134(b)). In addition, workers carrying out the construction activities on lease contracts with a qualifying construction event are covered by the CWRR and therefore are exempt from coverage under the SCLS. (See 29 CFR 4.115(b)).

D. Procedures for Requirements, Compliance Monitoring and Reporting

The rule directs contracting officers to the Federal Acquisition Regulation (FAR) guidance to implement CWRR requirements in lease acquisitions involving qualifying construction events, including wage determinations (FAR 22.404), payroll certification and work safety and health (FAR 22.407), and compliance and monitoring (FAR 22.406–7).

E. List of All Applicable Clauses

The rule will add CWRR labor clauses to GSAR section 570.701 FAR provisions and clauses for all lease contracts with a qualifying construction event including the clauses that incorporate Executive Order (E.O.) 13706, Establishing Paid Sick Leave for Federal Contracts, and E.O. 14026, Increasing the Minimum Wage for Federal Contractors.

Although the majority of the required CWRR labor clauses were previously included in leasing contract templates per the DOL's All Agency Memorandum 176 and the remaining clauses were included as a result of the two applicable E.O.s, the application of the CWRR affected only a small number of lease contracts. The DOL DBRA final rule's clarification of the term ''public building or public works'' expanded GSA's application of CWRR for lease contracts involving construction and prompted this change.

F. Severability

If any portion (*e.g.,* section, clause, sentence) of this rule, as finalized, is held to be invalid or unenforceable facially, or as applied to any entity or circumstance, it shall be severable from the remainder of the rule, and shall not affect the remainder thereof, or its application to entities not similarly situated or to other dissimilar circumstances. The various portions of this proposed rule are independent and serve distinct purposes. Even if one aspect as finalized were rendered invalid, the other benefits of the rule would still be applicable. As an illustrative but not exhaustive example, were a court to stay or invalidate any changes to GSAR subpart 570.1 as finalized regarding the definition of ''public building or public works'', GSA would intend the broader proposed restructuring of GSAR 570 to remain effective.

III. Expected Impact of the Rule

This section is divided into an analysis of the qualitative and quantitative impact the rule will have on the public and the Government. The associated costs were calculated by analyzing Fiscal Years 2021 through Fiscal Year 2023 data from the Real

Estate Across the United States (REXUS) database.

According to the review of REXUS data, the estimated annual number of lease contract actions with a qualifying construction event is 727, of which 70 percent, or 509, were with small business entities. In this section, GSA based the calculations for the Regulatory Impact Analysis on the 2024 General Schedule Grade 12 Step 5 pay scale (using the rate for the rest of the United States) with a burden of 100% for fringe benefits. The following paragraphs detail activities which are required by this rule for lease contracts with a qualifying construction event:

A. Overall Impact

Although the rule will expand GSA's application of CWRR from less than 10 lease contracts per year to an estimated average of 727 annually, existing resources will greatly reduce the impact of this rule. Specifically, existing DOL training resources, GSA leasing guide and templates, and stakeholders' familiarity with the CWRR requirements and the two E.O.s will significantly reduce the impact of this rule. GSA analyzed the effects of the rule in four significant areas:

- Wage determinations;
- Payroll reviews and certifications;
- Familiarization of applicable clauses; and
- Monitoring and reporting.

A.1. Wage Determinations

First, GSA reviewed the process for incorporating the appropriate wage determinations throughout the lease contract with a qualifying construction event's life cycle. This rule will require the contracting officer to incorporate the wage determinations with the solicitation package and update with the most recent wage determinations at the time of a qualifying construction event. Lessors and their subcontractors are responsible for ensuring laborers and mechanics are being paid in accordance with the CWRR wage determination, accrue the correct sick time, and are paid at or above the E.O. 14026 minimum wage rate.

GSA estimates that lessors with qualifying construction events may initially take an average of 2 hours to implement the procedures for ensuring the wage determinations are included in any subcontract awarded to carry out the qualifying construction event. The 2 hours estimation is based on historical estimates from GSA construction contractors. GSA estimates that there will be an average of 1 subcontractor for each qualifying construction event, which takes into consideration circumstances in which lessors use their own employees to carry out the construction and circumstances in which more than one subcontractor work on the project. GSA estimated the regulatory cost for this part of the rule to be $137,316 (= 2 hours × $94.44 × 727 (rounded)).

A.2. Payroll Reviews and Certifications

Next GSA reviewed the CWRR requirement for contractors and subcontractors to submit weekly certified payroll to the contracting agency. (See FAR clause 52.222–8(b)). In analyzing the impact of the rule on payroll reviews and certifications, GSA found that most businesses use automated payroll software to process their payrolls. The impact of this rule associated with the use of these automated systems will be reduced because the majority of the data such as employee identifiers, number of withholdings/exemptions, hours worked, and rate of pay is already being captured.

GSA recognizes that for leasing, the payroll review and certification process will only apply to lease contracts with a qualifying construction event and will terminate at the successful completion of the qualifying construction event work. Therefore, lessors will not necessarily be required to review and submit the payroll data for an entire 52-week timeframe.

GSA also discovered, due to the frequency of the payroll data submissions, that after the completion of the first payroll review and certification, subsequent reviews required less time and effort. This reduction in review and certification time could be traced back to the lack of variances or major changes to the contractor payroll data. Most changes were due to employee turnover, new hires, and apprenticeship to journeyman ratios. Currently, GSA is looking at an enterprise-type solution to the payroll review and certification process through the procurement of commercial off-the-shelf products.

GSA estimates that lessors with qualifying construction events may initially take an average of 1.5 hours to develop and implement procedures for reviewing and certifying payroll data. GSA's calculation also includes the average weeks a qualifying construction event takes to complete the work, which is 24 weeks . GSA estimated the regulatory cost for the above scenario to be $2,471,684 (= 1.5 hours × $94.44 × 727 × 24 weeks (rounded)).

A.3. Labor Clause Familiarization

In analyzing the impact of the rule associated with the need to become familiar with the added clauses, GSA found that all of the clauses being applied through GSAR 570.701 already exist in current leasing contract templates. Therefore, the leasing acquisition workforce and the lessor community have general familiarity with the majority of the changes proposed in the rule.

GSA estimates that lessors with qualifying construction events may initially take an average of 2 hours to familiarize themselves with CWRR. The 2 hours estimation is based on historical information, complexity of the clause and the detailed training available to the lessor. GSA estimated the regulatory cost for this part of the rule to be $137,316 (= 2 hours × $94.44 × 727 (rounded)).

In addition, lessors are estimated to require 5 additional hours based on the complexity of the information to familiarize themselves with E.O. 13706. GSA estimated the regulatory cost for this part of the rule to be $343,289 (= 5 staff hours × $94.44 × 727).

Lessors were also estimated to take 3 hours to familiarize themselves with E.O. 14026. Minimum wage requirements have been part of the Federal, State and local laws for decades. The 3 hours accounts for some of the nuances made in the E.O. application. GSA estimated the regulatory cost for this part of the rule to be $205,974 (= 2 hours × $94.44 × 727).

A.4. Monitoring and Reporting

In analyzing the monitoring and reporting requirements, GSA found the initial impact would be on the increased number of leasing contracting officers, lessors, and subcontractors affected by the updated DOL rule. Although the CWRR clauses were in GSA templates, GSA did not apply the CWRR requirements to the majority of the lease contracts and did not require the development of internal processes to resolve payroll discrepancies, if needed, or reporting to DOL.

GSA will be responsible for submitting two enforcement or compliance reports annually, as necessary, to DOL. These reports include the submission or updating of the 3-year forecast report and the submission of semi or annual compliance reports.

GSA estimates that lessors with qualifying construction events may take an average of 1.5 hours to provide responses to payroll discrepancies with

supplemental payroll review documents or other information if required for investigations, which can be generated from databases very quickly. GSA estimated the regulatory cost for this part of the rule to be $102,987 (= 1.5 hours × $94.44 × 727 (rounded)).

B. Benefits

GSA believes that applying the DOL DBRA final rule through the CWRR statute to lease contracts with a qualifying construction event will result in benefits to the government, laborers and mechanics, and lessors and their subcontractors. Some possible benefits for each group are provided below:

B.1. For the Government

In updating its regulation, the DOL clearly explained the benefits to the Federal Government. For GSA, this change will ensure GSA leases are performed in accordance with current regulations. GSA has an interest in only contracting with those lessors that comply with all applicable Federal regulations, for that provides the greatest confidence that they will support the requirements of their lease contract.

B.2. For Laborers and Mechanics

Affected laborers and mechanics are expected to significantly benefit from the implementation of the changes to CWRR to the extent they increase the wages and fringe benefits paid to these workers. Any increase in wages will increase their ability to buy groceries, pay for housing (*i.e.,* rent or mortgage payments), purchase gasoline and other necessities as well as entertainment. In addition, laborers and mechanics will be provided with compliance and protections that may increase worker's job satisfaction and productivity levels.

B.3. For Lessors and Subcontractors

Lessors and their subcontractors, especially small businesses, will be knowledgeable of the regulations and well positioned to comply thus avoiding the risk of enforcement action from the DOL. Also, some proponents to modernizing DBA argue that DBA, also known as CWRR, payment of no less than prevailing wages to eligible workers may attract a more experienced level of laborers and mechanics to work on Government construction contracts.

C. Summary of Total Costs

The overall annual total cost, including both Public and Government costs, is outlined in the table below:

Action	Number of hours	Cost per qualifying event	Number of qualifying lease contracts	Total cost
Updating Wage Determinations (Public)	2	$94.44	727	$137,316
Payroll Reviews and Certification (Public)	*1.5	94.44	727	2,471,684
Familiarization with DBA Requirements (Public)	2	94.44	727	137,316
Familiarization With E.O. 13706 Establishing Paid Sick Leave for Federal Contractors (Public)	5	94.44	727	343,289
Familiarization With E.O. Executive Order 14026 Increasing the Minimum Wage for Federal Contractors (Public)	3	94.44	727	205,974
Total (Public)				3,295,579
Updating Wage Determinations (Government)	.5	94.44	727	34,329
Payroll Reviews and Certifications (Government)	2	94.44	727	137,316
Monitoring and Reporting CWRR,and Paid Sick Leave(Government)	1.5	94.44	727	102,987
Total Government				274,632
Total Public + Total Government				3,570,211

*For 24 weeks.

Although there are no quantifiable cost savings in implementing this proposed rule, the majority of the costs incurred (95%) are associated with the conducting of weekly payroll reviews and certification. GSA expects to have an automated resolution in the near future which is expected to significantly reduce the cost of performing this activity.

IV. Executive Orders 12866, 13563, and 14094

Executive Orders (E.O.s) 12866 and 13563 direct agencies to assess all costs and benefits of available regulatory alternatives and, if regulation is necessary, to select regulatory approaches that maximize net benefits (including potential economic, environmental, public health and safety effects, distributive impacts, and equity). E.O. 13563 emphasizes the importance of quantifying both costs and benefits, of reducing costs, of harmonizing rules, and of promoting flexibility. E.O. 14094 (Modernizing Regulatory Review) supplements and reaffirms the principles, structures, and definitions governing contemporary regulatory review established in E.O. 12866 and E.O. 13563.

This is not a significant regulatory action and, therefore, was not subject to review under section 6(b) of E.O. 12866, Regulatory Planning and Review, dated September 30, 1993.

V. Regulatory Flexibility Act

The change may have a significant economic impact on a substantial number of small entities within the meaning of the Regulatory Flexibility Act 5 U.S.C. 601, *et seq.* because of the application of the CWRR to a larger number of leases. An Initial Regulatory Flexibility Analysis (IRFA) has been prepared consistent with 5 U.S.C. 603.

The Regulatory Secretariat will be submitting a copy of the Initial Regulatory Flexibility Analysis (IRFA) to the Chief Counsel for Advocacy of the Small Business Administration. A copy of the IRFA may be obtained from the Regulatory Secretariat Division. GSA invites comments from small business concerns and other interested parties on the expected impact of this rule on small entities.

GSA will also consider comments from small entities concerning the existing regulations in subparts affected by this rule in accordance with 5 U.S.C. 610. Interested parties must submit such comments separately and should cite 5 U.S.C. 610 (GSAR Case 2021–G530) in correspondence.

The analysis is summarized as follows:

The General Services Administration (GSA) is proposing to amend the General Services Administration Acquisition Regulation (GSAR) to add a new section to adopt the amended definition of the term ''public building or public work'' from the Department of Labor's (DOL) Updating the Davis-Bacon Acts Regulations final rule and to include compliance with the minimum wage and sick leave Executive Orders and

other requirements for leasehold acquisitions of real property when there is a qualifying construction event as defined in this rule.

The objective of the rule is to amend GSAR Subpart 570.1, General, by creating section 571.119 Construction Labor requirements for lease acquisition and adding applicable labor clauses at 570.701 FAR provisions and clauses to clarify when GSA's lease contracts with a qualifying construction event would need to apply Construction Wage Rate Requirements (CWRR).

Title 40 of the United States Code (U.S.C.) Section 121 authorizes GSA to issue regulations, including the GSAR, to control the relationship between GSA and contractors.

The rule will apply to large and small businesses. For purposes of this assessment, information generated from the Real Estate Across the United States (REXUS) has been used as the basis for estimating the number of contractors that may be involved. GSA estimates that of the 7,618 lease contracts in its inventory approximately 727 annual lease contracts are projected annually to have a qualifying construction event of which over 509 (70 percent) are estimated to involve small business entities.

It is anticipated that these changes will ensure both large and small businesses comply with CWRR statutory requirements for lease contracts with a qualifying construction event. These changes will clarify the requirements for the acquisition workforce, offerors and lessors and ensure that all laborers and mechanics receive the appropriate wages, protections provided by the statute, and receive the paid sick leave and minimum wages provided by executive orders. Overall, the implementation of the changes to the application of CWRR will ensure small businesses can compete equally with large businesses when recruiting qualified and experienced laborers and mechanics.

The rule will not impose any additional reporting, recordkeeping and other compliance requirements than those required by the CWRR statute as updated in the DOL DBRA final rule.

There are no known significant alternative approaches to the rule. The changes to the Davis-Bacon and Related Acts final rule clarify that the definition of ''building or work'' and ''public building (or public work)'' applies to lease contracts involving public construction over $2,000.

VI. Paperwork Reduction Act

The Paperwork Reduction Act (44 U.S.C. chapter 35) does apply; however these changes to the GSAR do not impose additional information collection requirements to the paperwork burden previously approved under the Office of Management and Budget Control Numbers 1235–0008 and 1235–0018 (Davis-Bacon Certified Payroll); and OMB control number 1235–0023 (Requests to Approve Conformed Wage Classifications and Unconventional Fringe Benefit Plans Under the Davis-Bacon and Related Acts/Contract Work Hours and Safety Standards Act).

List of Subjects in 48 CFR Part 570

Government procurement.

Jeffrey A. Koses,

Senior Procurement Executive, Office of Acquisition Policy, Office of Government-wide Policy, General Services Administration.

Therefore, GSA proposes amending 48 CFR part 570 as set forth below:

■ 1. The authority citation for 48 CFR part 570 continues to read as follows:

Authority: 40 U.S.C. 121(c).

PART 570—ACQUIRING LEASEHOLD INTERESTS IN REAL PROPERTY

■ 2. Add section 570.119 to read as follows:

570.119 Construction labor requirements for lease acquisitions.

This section applies to all new and existing leases with a qualifying construction event where the work is performed in whole or in part within the 50 states, District of Columbia, or the Commonwealth of Northern Mariana Islands. See FAR subpart 22.4, GSAR Subpart 522.4, and the Public Buildings Service (PBS) Pricing Desk Guide located at *https://www.gsa.gov/real-estate/pricing-policy* for additional guidance, as applicable.

570.119–1 Definitions.

As used in this section—

Building specific amortized capital (BSAC) improvements means security items that are a separate capital investment in the property. See PBS Pricing Desk Guide for additional information at *https://www.gsa.gov/real-estate/pricing-policy.*

Building shell improvements means improvements to provide the complete enveloping structure, the base building systems, and the finished common areas (*e.g.,* building common and floor common) of a building that adjoin the occupant areas. See PBS Pricing Desk Guide for additional information at *https://www.gsa.gov/real-estate/pricing-policy.*

Public Building or Public Works includes construction activity involving just a portion of a building or work, including the installation, where appropriate, of equipment or components into a building or work, and even where the entire building or work is not owned, leased by, or to be used by a Federal agency so long as the other requirements for coverage are met. Examples of other requirements for coverage include the Federal government's sufficient involvement with the lease, and the existence of a contract for construction that is authorized or financed by the Federal government.

Qualifying construction event means an event that requires construction, alteration, or repair work as defined in FAR 22.401, in excess of $2,000 of Federal funds, required by the Government in or in connection with leases of real property. There may be one or more qualifying construction events during the lease term. A qualifying construction event exists where the construction, alteration, or repair work—

(1) Is carried on by authority of or with funds of a Federal agency to serve the interest of the general public, and there is sufficient involvement of the Federal government in the lease and specified construction so as to satisfy the definition of a public building or public work and supplemental language included in this section;

(2) Has a defined begin and end date; and

(3) Includes, at a minimum, one or more of the following:

(i) Initial occupancy build-out (*e.g.,* building shell improvements, tenant improvements, BSAC improvements-construction portions only);

(ii) Build-out projects associated with expansion or reduction in square footage;

(iii) Stand-alone alterations projects; or

(iv) Cyclical carpet replacement and re-painting required by the lease contract, not including maintenance.

Tenant improvements (TI) means finishes and fixtures that typically take space from the shell condition to a finished, usable condition. The resulting space is complete, meets applicable building codes, and meets the customer agency's functional needs. See PBS Pricing Desk Guide for additional information at *https://www.gsa.gov/real-estate/pricing-policy.*

570.119–2 Inapplicability.

The following paragraphs specify circumstances in which certain labor standards do not apply paragraphs specify circumstances in which certain labor standards do not apply:

(a) *Service Contract Labor Standards (SCLS).* The SCLS, also known as Service Contract Act (SCA), does not apply per 41 U.S.C.6702, 29 CFR 4.115(b), and 29 CFR 4.134(b)to lease contracts for government occupancy.

(b) Construction wage rate requirements (CWRR). The CWRR does not apply to the following work:

(1) Maintenance services which are regularly scheduled, routine, or

recurring tasks provided on an incidental basis and not performed as part of a qualifying construction event associated with the lease. Examples include—

(i) Janitorial services;

(ii) Utility services; and

(iii) Landscaping services.

(2) Repair or replacement work required under the lease contract which is not substantial or segregable. Examples include work of the following type where such work is not substantial or segregable—

(i) Repairing or replacing broken or damaged improvements (*e.g.,*locks, partitioning, flooring, or ceiling tiles);

(ii) Repairing or replacing building systems (*e.g.,* mechanical, electrical, plumbing); and

(iii) Repairing or replacing finishes in common areas (*e.g.,* carpet, paint, or ceiling tiles).

(3) Alteration or repair work within the Government's space which were not requested by the Government;

(4) Design work for a qualifying construction event; and

(5) Leases or projects in Guam, Puerto Rico, U.S. Virgin Islands, U.S. Territories or foreign countries.

570.119–3 Procedures.

(a) *Requirements.* Contracting officers must ensure solicitations and resultant contracts with an anticipated qualifying construction event include the appropriate labor clauses and wage determination(s). Contracting officers must also ensure that all existing lease contracts with qualifying construction events (whether ordered by lease amendments or other methods) are formalized in a contract modification, extension, or option that includes the appropriate labor clauses and wage determination(s).

(1) *Appropriate construction labor clauses.* Contracting officers shall include Construction Wage Rate Requirements (CWRR), also known as Davis-Bacon Act (DBA), clauses in any solicitation, resulting contract, and contract modification involving anticipated qualifying construction events (see 570.701(d)).

(2) *Wage determination requirements.* Contracting officers shall follow compliance outlined in FAR 22.404 and this section.

(i) Contracting officers shall include the most recent wage determination(s) for the applicable location(s) and the type(s) of construction work (*e.g.,* building, heavy, highway, residential) in solicitations, before requesting final proposal revisions, or, for qualifying construction events associated with lease modifications, with the initial pricing request to the lessor.

(ii) Contracting officers shall provide the most recent wage determination(s) to the apparent successful offeror if the wage determination(s) changes after the final proposal revisions are received but prior to the award of the lease contract.

(b) *Compliance monitoring procedures.* Contracting officers shall follow compliance and reporting requirements outlined in FAR 22.406–7, FAR 22.2109, or FAR 22.1905 for lease acquisitions with qualifying construction events:

(1) *Compliance Monitoring.* (i) The contracting officer must take reasonable steps during and after each qualifying construction event to ensure compliance with the requirements outlined in this section to include the:

(A) Payment of correct wage determination or minimum wage rates during each qualifying construction event.

(B) Receipt of payroll records from the lessor from each qualifying construction event, as required.

(C) Accessibility of all payroll records to the DOL during the 3-year retention period for investigation or audits.

(ii) The contracting officer is responsible for tracking discrepancies for qualifying construction events, including investigation, reporting, and resolution. Outstanding discrepancies unresolved at the completion of the construction work shall be followed up until resolved.

(2) *Reporting.* The PBS Leasing Office is responsible for the timely submission of reports to DOL including enforcement and forecasting reports (see FAR 22.406–13 and 522.406–13). The PBS Leasing Office shall submit a copy of these reports to the GSA Labor Advisor at *GSALaborAdvisor@gsa.gov.*

■ 3. Amend section 570.701 by adding paragraph (1) to the table to read as follows:

570.701 FAR provisions and clauses.

* * * * *

If . . .	Then include . . .
* * * *	* * *
(1) Insert the following clauses in the solicitation, resulting contract or contract modification that involve a qualifying construction event in excess of $2,000:.	52.222–4 Contract Work Hours and Safety Standards—Overtime Compensation. 52.222–5 Construction Wage Rate Requirements Secondary Site of the Work. 52.222–6 Construction Wage Rate Requirements. 52.222–7 Withholding of Funds. 52.222–8 Payrolls and Basic Records. 52.222–9 Apprentices and Trainees. 52.222–10 Compliance with Copeland Act Requirements. 52.222–11 Subcontracts (Labor Standards). 52.222–12 Contract Termination–Debarment. 52.222–13 Compliance with Construction Wage Rate Requirements and Related Regulations. 52.222–14 Disputes Concerning Labor Standards. 52.222–15 Certification of Eligibility. 52.222–55 Minimum Wages for Contractor Workers Under Executive Order 14026. 52.222–62 Paid Sick Leave Under Executive Order 13706.

[FR Doc. 2024–25656 Filed 11–5–24; 8:45 am]

BILLING CODE 6820–61–P

Notices

Federal Register
Vol. 89, No. 215
Wednesday, November 6, 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–2024–0001]

Importation of Phalaenopsis Spp. Orchid Plants for Planting in Approved Growing Media From Germany and the Netherlands Into the United States

AGENCY: Animal and Plant Health Inspection Service, USDA.

ACTION: Notice.

SUMMARY: We are proposing to authorize the importation of *Phalaenopsis* spp. orchid plants from Germany and the Netherlands in approved growing media into the United States. As a condition of entry, *Phalaenopsis* spp. orchid plants in approved growing media from Germany and the Netherlands would have to meet all relevant requirements included in the U.S. Department of Agriculture Plants for Planting Manual and detailed in a bilateral workplan. This proposed action would allow for the importation of *Phalaenopsis* spp. orchid plants for planting from Germany and the Netherlands in approved growing media while providing protection against the introduction of plant pests.

DATES: We will consider all comments that we receive on or before January 6, 2025.

ADDRESSES: You may submit comments by either of the following methods:

- *Federal eRulemaking Portal:* Go to *www.regulations.gov.* Enter APHIS–2024–0001 in the Search field. Select the Documents tab, then select the Comment button in the list of documents.
- *Postal Mail/Commercial Delivery:* Send your comment to Docket No. APHIS–2024–0001, 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 located 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: Dr. Narasimha Chary Samboju, Senior Regulatory Policy Specialist, PPQ, APHIS, 4700 River Road, Unit 133, Riverdale, MD 20737–1236; (301) 851–2038; *Narasimha.C.Samboju@aphis.usda.gov.*

SUPPLEMENTARY INFORMATION:

Background

Under the regulations in ''Subpart H–Plants for Planting'' (7 CFR 319.37–1 through 319.37–23, referred to below as the regulations), the Animal and Plant Health Inspection Service (APHIS) of the U.S. Department of Agriculture (USDA) prohibits or restricts the importation of plants for planting (including living plants, plant parts, seeds, and plant cuttings) to prevent the introduction of quarantine pests into the United States.

Section 319.37–10 restricts the importation of plants for planting in approved growing media, with exceptions. Paragraph (d) of § 319.37–10 states that certain types of plants for planting, as listed in the USDA Plants for Planting Manual, may be imported when they are established in a growing medium approved by the Administrator and produced in accordance with additional requirements specified in the manual.

Section 319.37–20 contains provisions for making changes to the list of plants for planting that may be imported in approved growing media, as well as restrictions for the importation of those types of plants for planting beyond the general restrictions in §§ 319.37–5 through 319.37–11. To initiate a change to the list, APHIS will publish in the **Federal Register** a notice for public comment announcing our proposal to add, change, or remove restrictions on the importation of a specific type of plants for planting. After close of the comment period, we will review comments and issue a second notice announcing the specific restrictions, if any, that APHIS has determined to be necessary to mitigate pest risk. Any changes to the list of types of plants for planting whose importation is subject to additional restrictions, and the specific restrictions applicable to them, will be made to the USDA Plants for Planting Manual and the Agricultural Commodity Import Requirements database (ACIR).[1]

Currently, the entry of *Phalaenopsis* spp. orchid plants in approved growing media from Germany and the Netherlands into the United States is not authorized. Germany and the Netherlands have requested that importation into the United States of *Phalaenopsis* spp. orchid plants in approved growing media be allowed pursuant to § 319.37–10(d).

To be eligible for importation, plants for planting in approved growing media must be of approved plant taxa and come from a facility that is part of an approved growing media program approved by APHIS. Basic requirements[2] applicable to all plant taxa in approved growing media are listed in chapter 7 of the USDA Plants for Planting Manual and ACIR. Among these basic requirements, taxa imported in approved growing media from approved facilities must:

- Be accompanied by a phytosanitary certificate issued by the national plant protection organization (NPPO) of the country in which the plants were grown;
- Be only in approved growing media;
- Be grown in compliance with a written agreement (bilateral work plan);
- Be developed from mother stock that was inspected and found free from evidence of quarantine pests;
- Be grown solely in a greenhouse in which sanitary procedures adequate to exclude quarantine pests are always employed;
- Be rooted and grown in an active state of foliar growth for at least 4 consecutive months immediately prior to importation into the United States;

[1] *https://acir.aphis.usda.gov/s/acir-global-search?category=Plants-for-Planting-and-Propagation.*

[2] The basic requirements are listed in full under ''Plants in Growing Media Program'' in chapter 7 of the Plants for Planting Manual: *https://acir.aphis.usda.gov/s/plants-for-planting-hub.*

• Be grown from seeds germinated in the greenhouse unit; or descended from a mother plant that was grown for at least 9 months in the exporting country prior to importation into the United States of the descendant plants;

• Be watered only with rainwater that has been boiled or pasteurized, with clean well water, or with potable water;

• Be rooted and grown in approved growing media;

• Be stored and packaged only in areas free of sand, soil, earth, and quarantine pests; and

• Be inspected in the greenhouse and found free from evidence of quarantine pests by an APHIS inspector or an inspector of the NPPO of the exporting country.

In addition, the grower is required to comply with the provisions of the program and to allow inspectors, and representatives of the NPPO of the exporting country, access to where the plants are grown. These requirements have been used successfully to mitigate the risk of pest introduction associated with the importation into the United States of approved plants established in approved growing media.

Beyond the basic requirements for import eligibility applicable to all taxa in approved growing media, the Plants for Planting Manual and ACIR contain approved growing media program requirements specific to plant taxa and the country in which they are grown. Programs for importation of *Phalaenopsis* spp. orchid plants in approved growing media from approved facilities have been established for four countries: China, Costa Rica, South Korea, and Taiwan.

In response to the request by Germany and the Netherlands, we conducted pest risk assessments to evaluate the risk to the United States, including territories, of importation of *Phalaenopsis* spp. orchid plants in approved growing media from Germany and the Netherlands. After a review of the scientific literature, port-of-entry pest interception data, and information from the NPPO of Germany and the Netherlands, we conducted pest risk assessments listing all potential pests with actionable regulatory status for the United States and its territories that occur in Germany and the Netherlands and are associated with *Phalaenopsis* spp. orchid plants anywhere in the world. We analyzed the pest risk potential of these organisms and determined that no organism in Germany of quarantine concern had a reasonable likelihood of following the pathway of *Phalaenopsis* spp. plants in growing media from Germany into the United States. Nonetheless, the general plants in growing media regulations outlined in the Plants for Planting Manual and ACIR will still apply for this pathway. This will ensure that *Phalaenopsis* spp. imported into the United States from Germany have been produced under the conditions evaluated by the pest risk assessment. For the pest risk assessment of the Netherlands, we found three pests, the arthropods *Lyprauta cambria* and *L. chacoensis,* and the fungus *Colletotrichum orchidearum,* are candidates for risk management measures because they meet the threshold to likely cause unacceptable consequences if introduced into the United States.

Based on the findings in the pest risk assessments, we prepared risk management documents (RMDs) [3] to determine mitigations that will be required of Germany, and that will adequately prevent the introduction of *Lyprauta cambria, L. chacoensis,* and *Colletotrichum orchidearum* from the Netherlands into the United States, for *Phalaenopsis* spp. orchid plants in approved growing media. In order for *Phalaenopsis* spp. orchid plants to be safely imported into the United States from Germany and the Netherlands, the RMDs specify that the plants must be grown in approved growing media and meet the requirements outlined in the USDA Plants for Planting Manual. The RMD for the Netherlands additionally provides mitigations required to prevent the introduction of *Lyprauta cambria, L. chacoensis,* and *Colletotrichum orchidearum,* into the United States via *Phalaenopsis* spp. orchid plants in approved growing media from the Netherlands. These requirements for each country are detailed in written agreements between APHIS and Germany and the Netherlands regarding risk management measures to prevent the entry of quarantine plant pests.

Therefore, in accordance with § 319.37–20(c), we are announcing the availability of our pest risk assessments and RMDs for public review and comment. These documents may be viewed on the *Regulations.gov* website or in our reading room (see **ADDRESSES** above for a link to *Regulations.gov* and information on the location and hours of the reading room). You may request paper copies of these documents by calling or writing to the person listed under **FOR FURTHER INFORMATION CONTACT**. Please refer to the subject of the analyses you wish to review when requesting copies.

After we review any comments that we receive on our proposed changes to the USDA Plants for Planting Manual and ACIR, we will publish a second notice. The second notice will inform the public of any changes to the list of countries approved for the importation into the United States of *Phalaenopsis* spp. orchid plants in approved growing media.

Authority: 7 U.S.C. 1633, 7701–7772, and 7781–7786; 21 U.S.C. 136 and 136a; 7 CFR 2.22, 2.80, and 371.3.

Done in Washington, DC, this 22nd day of October 2024.

Michael Watson,

Administrator, Animal and Plant Health Inspection Service.

[FR Doc. 2024–25740 Filed 11–5–24; 8:45 am]

BILLING CODE 3410–34–P

[3] The RMDs can be viewed on the *Regulations.gov* website (see the link under **ADDRESSES**) or by contacting the person listed under **FOR FURTHER INFORMATION CONTACT**.

DEPARTMENT OF AGRICULTURE

Animal and Plant Health Inspection Service

[Docket No. APHIS–2021–0071]

Privacy Act of 1974; System of Records

AGENCY: Animal and Plant Health Inspection Service, U.S. Department of Agriculture (USDA).

ACTION: Rescindment of a system of records notice.

SUMMARY: The U.S. Department of Agriculture is issuing a public notice of its intent to rescind an Animal and Plant Health Inspection Service (APHIS) Privacy Act system of records notice, Brucellosis Information System and Brucellosis Recording and Reporting System, USDA/APHIS–6. This system was created to maintain information on herds and individual animals tested, studied, or restricted under the brucellosis program; epidemiologic studies; State and Federal personnel; contractual personnel; livestock markets; slaughtering establishments; milk processing plants; livestock dealers (including agents and brokers); and laboratories engaged in or affected by brucellosis program activities. This system of records notice is rescinded because it has been superseded by another system of records published by the Department.

DATES: The rescindment will become applicable by December 6, 2024.

ADDRESSES: You may submit comments by either of the following methods:

• *Federal eRulemaking Portal:* Go to *http://www.regulations.gov.* Enter

APHIS–2021–0071 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–2021–0071, 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: Dr. Aimee Hunt, MPH, DACVPM, Veterinary Medical Officer, Strategy & Policy, Ruminant Health Center-Cattle, Veterinary Services, APHIS, Fort Collins, CO; (515) 686–1435; email: *VS.SP.Cattle.Health.Center@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's (USDA's) Animal and Plant Health Inspection Service (APHIS) is rescinding the system of records notice, Brucellosis Information System and Brucellosis Recording and Reporting System, USDA/APHIS–6, and removing it from its inventory. This system was created to maintain information on herds and individual animals tested, studied, or restricted under the brucellosis program; epidemiologic studies; State and Federal personnel; contractual personnel; livestock markets; slaughtering establishments; milk processing plants; livestock dealers (including agents and brokers); and laboratories engaged in or affected by brucellosis program activities. This system of records notice is rescinded because it has been superseded by another system of records published by the Department.

The records previously maintained in the Brucellosis Information System and Brucellosis Recording and Reporting System are now maintained within the 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 Brucellosis Information System and Brucellosis Recording and Reporting System 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. This notice hereby rescinds the Brucellosis Information System and Brucellosis Recording and Reporting System of records notice as identified below.

SYSTEM NAME AND NUMBER:

Brucellosis Information System and Brucellosis Recording and Reporting System, USDA/APHIS–6.

HISTORY:

Brucellosis Information System, USDA/APHIS–6, was published as a new system in its entirety on September 3, 1981 (46 FR 44206–44208; Docket No. 81–042).

Brucellosis Information System and Brucellosis Recording and Reporting System, USDA/APHIS–6, was modified and published in its entirety on February 27, 1987 (52 FR 6031–6038; Docket No. 86–408).

Done in Washington, DC, this 31st day of October 2024.

Michael Watson,

Administrator, Animal and Plant Health Inspection Service.

[FR Doc. 2024–25814 Filed 11–5–24; 8:45 am]

BILLING CODE 3410–34–P

DEPARTMENT OF AGRICULTURE

Forest Service

Information Collection; Bid for Advertised Timber

AGENCY: Forest Service, Agriculture (USDA).

ACTION: Notice; request for comment.

SUMMARY: In accordance with the Paperwork Reduction Act of 1995, the Forest Service is seeking comments from all interested individuals and organizations on the extension with no revision of a currently approved information collection, Bid for Advertised Timber.

DATES: Comments must be received in writing on or before January 6, 2025 to be assured of consideration. Comments received after that date will be considered to the extent practicable.

ADDRESSES: Comments concerning this notice should be addressed to Director, Forest Management, 1400 Independence Avenue SW, Mail Stop 1103, USDA Forest Service, P.O. Box 96090, Washington, DC 20090–6090.

Comments also may be submitted via facsimile to 202–205–1045 or by email to: *sm.fs.TSAdminForms@usda.gov.*

Comments submitted in response to this notice may be made available to the public through relevant websites and upon request. For this reason, please do not include in your comments information of a confidential nature, such as sensitive personal information or proprietary information. If you send an email comment, your email address will be automatically captured and included as part of the comment that is placed in the public docket and made available on the internet. Please note that responses to this public comment request containing any routine notice about the confidentiality of the communication will be treated as public comments that may be made available to the public notwithstanding the inclusion of the routine notice.

The public may inspect the draft supporting statement and/or comments received at the following website: *https://www.fs.usda.gov/forestmanagement/products/contracts.shtml.* The public may request an electronic copy of the draft supporting statement and/or any comments received be sent via return email. Requests should be emailed to *sm.fs.TSAdminForms@usda.gov*.

FOR FURTHER INFORMATION CONTACT: Kraig Kidwell, Washington Office Natural Resources Forest Management staff, by phone at 541–961–2614 and by email at *kraig.kidwell@usda.gov.* Individuals who use telecommunications devices for the hearing impaired may call 711 to reach the Telecommunications Relay Service, 24 hours a day, every day of the year, including holidays.

SUPPLEMENTARY INFORMATION:

Title: Bid for Advertised Timber.

OMB Number: 0596–0066.

Expiration Date of Approval: December 31, 2024.

Type of Request: Extension with no Revision of a currently approved information collection.

Abstract: Pursuant to statutory requirements at 16 U.S.C. 472a, unless extraordinary conditions exist as defined by regulation, the Secretary of Agriculture must (1) advertise sales of all National Forest System timber or forest products exceeding $10,000 in appraised value, (2) select bidding methods that ensure open and fair competition, (3) select bidding methods that ensure that the Federal Government receives not less than appraised value of the timber or forest product; and (4) monitor bidding patterns for evidence of unlawful bidding practices.

Pursuant to the Forest Service Small Business Timber Sale Set-Aside Program, developed in cooperation with the Small Business Administration, Forest Service regulations at 36 CFR 223.84 require the Forest Service bid form used by potential timber sale bidders include provisions for small business concerns. The data collected will be used by the agency to ensure that National Forest System timber will be sold at not less than appraised value, that bidders will meet specific criteria when submitting a bid, and that anti-trust violations will not occur during the bidding process.

The tax identification number of each bidder is entered into an automated bid monitoring system, which is used to determine if speculative bidding or unlawful bidding practices are occurring and is required to process electronic payments to the purchaser.

Respondents will be bidders on National Forest System timber sales. Forest Service Sale Officers will provide bid forms to potential bidders, and bidders will return the completed forms, dated and signed, to the Forest Service Sale Officer.

The data gathered in this information collection are not available from other sources.

Forms Associated With This Information Collection

FS–2400–42a—National Forest Timber and Forest Products for Sale (Advertisement and Short-Form Bid): This form will be used for soliciting and receiving bids on short-notice timber sales advertised for less than 30 days for less than $10,000 in advertised value. Respondents are bidders on National Forest System timber sales.

FS–2400–14—Bid for Advertised Timber (3 form versions: FS–2400–14UR—Unit Rate Bidding; FS–2400–14WA—Weighted Average Bidding; FS–2400–14TV—Total Value Bidding): These forms implement the same statutes, policies, and regulations and collect similar information from the same applicants. Respondents are bidders on National Forest System timber and forest product sales.

FS–2400–14BV—Bid for Integrated Resource Timber Contract (2 form versions: FS–2400–14BV—Best Value, Total Value Bidding; FS–2400–14BVU—Best Value, Unit Rate Bidding): These forms will be used for soliciting and receiving bids on contracts advertised for 30 days or longer and on contracts greater than $10,000 in advertised value.

FS–2400–14sb—Substitute Blocks of FS–2400–14UR, FS–2400–14WA, and FS–2400–14TV when sale contains specified roads to a higher standard than is needed to remove timber and the specified road construction cost is $50,000 or greater, or when sale contains specified roads to a higher standard than is needed to remove timber and the specified road construction cost is less than $50,000. Substitution language specific for Region 10 for small business set aside sales is also included in FS–2400–14sb.

Affected Public: Private sector.

Estimate of Burden per Response: 31 hours per response.

Estimated Annual Number of Respondents: 1,824.

Estimated Annual Number of Responses per Respondent: 1.6.

Estimated Total Annual Burden on Respondents: 118,017 hours.

Comment is Invited:

Comment is invited on: (1) whether this collection of information is necessary for the stated purposes and the proper performance of the functions of the Agency, including whether the information will have practical or scientific utility; (2) the accuracy of the Agency's estimate of the burden of the collection of information, including the validity of the methodology and assumptions used; (3) ways to enhance the quality, utility, and clarity of the information to be collected; and (4) ways to minimize the burden of the collection of information on respondents, including the use of automated, electronic, mechanical, or other technological collection techniques or other forms of information technology.

All comments received in response to this notice, including names and addresses when provided, will be a matter of public record. Comments will be summarized and included in the submission request for Office of Management and Budget approval.

JoLynn D. Anderson,

Agency Federal Register Officer, Policy Office.

[FR Doc. 2024–25714 Filed 11–5–24; 8:45 am]

BILLING CODE 3411–15–P

DEPARTMENT OF AGRICULTURE

Forest Service

Forestry Research Advisory Committee

AGENCY: Forest Service, Agriculture (USDA).

ACTION: Notice of meeting.

SUMMARY: The Forestry Research Advisory Committee (FRAC) will hold a public meeting according to the details shown below. The committee is authorized under the Agriculture and Food Act of 1981 (the Act) and operates in compliance with the Federal Advisory Committee Act. The purpose of this committee is to make recommendations to and advise the Secretary of Agriculture on forestry research. The Agriculture and Food Act directs the Secretary to appoint the FRAC, which advises on how to efficiently accomplish the purposes of the McIntire-Stennis Act of 1962. The FRAC focuses on developing and utilizing the Nation's forest resources, forestry schools, and forest industries. FRAC recommendations support states in carrying out a program of forestry research through land-grant colleges or agricultural experiment stations and other state-supported colleges and universities that offer graduate training in forestry. The FRAC also provides advice related to the Forest Service research program, which is authorized by the Forest and Rangeland Renewable Resources Research Act of 1978.

DATES: An in-person meeting will be held on November 21, 2024, from 12 p.m. to 5 p.m. and November 22, 2024, 9 a.m. to 4 p.m. Eastern Standard Time.

Written and Oral Comments: Anyone wishing to provide oral comments must pre-register by 11:59 p.m. Eastern Standard Time on November 13, 2024. Written public comments will be accepted by 11:59 p.m. Eastern Standard Time on November 13, 2024. Comments submitted after this date will be provided by the Forest Service to the committee, but the committee may not have adequate time to consider those comments prior to the meeting.

All committee meetings are subject to cancellation. For status of the meeting prior to attendance, please contact the person listed under **FOR FURTHER INFORMATION CONTACT**.

ADDRESSES: This meeting will be held in person at USDA Forest Service, Sidney R Yates Building, 201 14th Street SW, Washington, DC 20250 in the Yates Training Room. Committee information and meeting details can be found at the following website: *https://www.fs.usda.gov/research/about/frac or* by contacting the person listed under **FOR FURTHER INFORMATION CONTACT**.

Written Comments: Written comments must be sent by email to *arthur.a.duggan@usda.gov* or via mail (postmarked) to David Lytle, Research and Development 2NW, USDA Forest Service, 201 14th Street SW, Washington, DC 20250. The Forest Service strongly prefers comments be submitted electronically.

Oral Comments: Persons or organizations wishing to make oral comments must pre-register by 11:59

p.m. Eastern Standard Time, November 13, 2024, and speakers can only register for one speaking slot. Oral comments must be sent by email to *arthur.a.duggan@usda.gov* or via mail (postmarked) to David Lytle, Research and Development 2NW, USDA Forest Service, 201 14th Street SW, Washington, DC 20250.

FOR FURTHER INFORMATION CONTACT: Arthur Duggan, Jr., Science Quality Services Program Manager, by phone at (510) 542–0081 or email at *arthur.a.duggan@usda.gov.*

SUPPLEMENTARY INFORMATION: The purpose of the meeting is to:

1. Discuss questions Federal forestry researchers are addressing and how they are addressing them;
2. Discuss recommendations the FRAC can make to the Secretary of Agriculture to further forestry research advancements, and
3. Identify topics for future meetings.

The agenda will include time for individuals to make oral statements of three minutes or less. Individuals wishing to make an oral statement should make a request in writing at least three days prior to the meeting date to be scheduled on the agenda. Written comments may be submitted to the Forest Service up to 14 days after the meeting date listed under **DATES**.

Please contact the person listed under **FOR FURTHER INFORMATION CONTACT**, by or before the deadline, for all questions related to the meeting. All comments, including names and addresses when provided, are placed in the record and are available for public inspection and copying. The public may inspect comments received upon request.

Meeting Accommodations: The meeting location is compliant with the Americans with Disabilities Act, and the USDA provides reasonable accommodation to individuals with disabilities where appropriate. If you are a person requiring reasonable accommodation, please make requests in advance for sign language interpretation, assistive listening devices, or other reasonable accommodation to the person listed under the **FOR FURTHER INFORMATION CONTACT** section or contact USDA's TARGET Center at (202) 720–2600 (voice and TTY) or USDA through the Federal Relay Service at (800) 877–8339. Additionally, program information may be made available in languages other than English.

USDA programs are prohibited from discriminating based on race, color, national origin, religion, sex, gender identity (including gender expression), sexual orientation, disability, age, marital status, family/parental status, income derived from a public assistance program, political beliefs, or reprisal or retaliation for prior civil rights activity, in any program or activity conducted or funded by USDA (not all bases apply to all programs). Remedies and complaint filing deadlines vary by program or incident.

Equal opportunity practices in accordance with USDA's policies will be followed in all appointments to the committee. To ensure that the recommendations of the committee have taken into account the needs of the diverse groups served by USDA, membership shall include, to the extent practicable, individuals with demonstrated ability to represent the many communities, identities, races, ethnicities, backgrounds, abilities, cultures, and beliefs of the American people, including underserved communities. USDA is an equal opportunity provider, employer, and lender.

Dated: October 16, 2024.

Cikena Reid,

USDA Committee Management Officer.

[FR Doc. 2024–24412 Filed 11–5–24; 8:45 am]

BILLING CODE 3411–15–P

COMMISSION ON CIVIL RIGHTS

Notice of Public Meeting of the Puerto Rico Advisory Committee to the U.S. Commission on Civil Rights

AGENCY: Commission on Civil Rights.

ACTION: Announcement of meeting.

SUMMARY: Notice is hereby given, pursuant to the provisions of the rules and regulations of the U.S. Commission on Civil Rights (Commission), and the Federal Advisory Committee Act (FACA), that a meeting of the Puerto Rico Advisory Committee to the Commission will convene by virtual web conference on Tuesday, November 26, 2024, at 3:30 p.m. Atlantic Time/ Eastern Time. The purpose is to continue discussion on their project on the civil rights impacts of the Insular Cases in Puerto Rico.

DATES: November 26, 2024, Tuesday, at 3:30 p.m. Atlantic Time (3:30 p.m. ET).

ADDRESSES: Meeting will be held via Zoom.

Registration Link (Audio/Visual): https://tinyurl.com/27uh96fx; Passcode, if needed: USCCR–PR.

Join by Phone (Audio Only): 1–833 435 1820 USA Toll Free; Meeting ID: 160 059 7846 #.

FOR FURTHER INFORMATION CONTACT: Email Victoria Moreno, Designated Federal Officer at *vmoreno@usccr.gov,* or by phone at 434–515–0204.

SUPPLEMENTARY INFORMATION: This meeting will take place in Spanish with English interpretation. This committee meeting is available to the public through the registration link above. Any interested member of the public may listen to the meeting. An open comment period is provided to allow members of the public to make oral statement as time allows. Per the Federal Advisory Committee Act, public minutes of the meeting will include a list of persons who are present at the meeting. If joining via phone, callers can expect to incur regular charges for calls they initiate over wireless lines, according to their wireless plan. The Commission will not refund any incurred charges. Callers will incur no charge for calls they initiate over land-line connections to the toll-free telephone number. Closed captioning is available by selecting ''CC'' in the meeting platform. To request additional accommodations, please email *ebohor@usccr.gov* at least 10 business days prior to the meeting.

Members of the public are entitled to submit written comments; the comments must be received in the regional office within 30 days following the meeting. Written comments may be emailed to Victoria Moreno at *vmoreno@usccr.gov.* Persons who desire additional information may contact the Regional Programs Coordination Unit at 1–312–353–8311.

Records generated from this meeting may be inspected and reproduced at the Regional Programs Coordination Unit Office, as they become available, both before and after the meeting. Records of the meetings will be available via the following websites: *https://tinyurl.com/32weekzm* and *https://tinyurl.com/3df8ku76.* Persons interested in the work of this Committee are directed to the Commission's website, *http://www.usccr.gov,* or may contact the Regional Programs Coordination Unit at *ebohor@usccr.gov.*

Agenda

1. Welcome & Roll Call
2. Committee Discussion on Project Regarding the Civil Rights Impacts of the Insular Cases in Puerto Rico
3. Next Steps
4. Public Comment
5. Other Business
6. Adjourn

Dated: November 1, 2024.

David Mussatt,

Supervisory Chief, Regional Programs Unit.

[FR Doc. 2024–25809 Filed 11–5–24; 8:45 am]

BILLING CODE P

DEPARTMENT OF COMMERCE

Foreign-Trade Zones Board

[S–95–2024]

Foreign-Trade Zone 250—Sanford, Florida; Withdrawal of Application for Subzone

Notice is hereby given of the withdrawal of the application submitted by the Sanford Airport Authority, grantee of FTZ 250, requesting authority to establish a subzone on behalf of Boss Laser, LLC in Sanford, Florida. The application was docketed on August 15, 2024 (88 FR 67589, August 21, 2024). The withdrawal was requested by the grantee on October 31, 2024.

Dated: November 1, 2024.

Elizabeth Whiteman,

Executive Secretary.

[FR Doc. 2024–25771 Filed 11–5–24; 8:45 am]

BILLING CODE 3510–DS–P

DEPARTMENT OF COMMERCE

International Trade Administration

Meeting of the President's Export Council

AGENCY: International Trade Administration, U.S. Department of Commerce.

ACTION: Notice of an open meeting.

SUMMARY: The President's Export Council (Council) will hold a meeting to discuss how artificial intelligence (AI) can contribute to the competitiveness of U.S. businesses operating in international markets. The Council will deliberate recommendations related to uses of AI that ensure transparency, foster growth and innovation, and facilitate trade while securing intellectual property and maintaining workforce stability. The final agenda will be posted at least one week in advance of the meeting on the Council's website at *https://www.trade.gov/presidents-export-council.*

DATES: December 10, 2024, at 10:30 a.m. ET.

ADDRESSES: The President's Export Council meeting will be broadcast via live webcast on the internet. Please visit the Council's website at *https://www.trade.gov/presidents-export-council* for the link to the live webcast on the day of the meeting.

FOR FURTHER INFORMATION CONTACT: Tricia Van Orden, Designated Federal Officer, President's Export Council, Room 3427, 1401 Constitution Avenue NW, Washington, DC 20230, telephone: 202–482–5876, email: *tricia.vanorden@trade.gov.*

Press inquiries should be directed to the International Trade Administration's Office of Public Affairs, telephone: 202–482–3809.

SUPPLEMENTARY INFORMATION:

Background: The President's Export Council was first established by Executive Order on December 20, 1973, to advise the President on matters relating to U.S. export trade and to report to the President on its activities and recommendations for expanding U.S. exports. The Council was renewed most recently by Executive Order 14109 of September 29, 2023, for the two-year period ending September 30, 2025. This Committee is governed in accordance with the provisions of the Federal Advisory Committee Act (FACA), as amended, 5 U.S.C. 1001 *et seq.*

Public Submissions: The public is invited to submit written statements to the President's Export Council. Statements must be received by 4:00 p.m. ET on December 6, 2024, by the following methods:

a. Electronic Submissions

Submit statements electronically to Tricia Van Orden, Designated Federal Officer, President's Export Council via email: *tricia.vanorden@trade.gov.*

b. Paper Submissions

Send paper statements to Tricia Van Orden, Designated Federal Officer, President's Export Council, Room 3427, 1401 Constitution Avenue NW, Washington, DC 20230.

Statements will be posted on the Council's website (*https://www.trade.gov/presidents-export-council*) without change, including any business or personal information provided such as names, addresses, email addresses, or telephone numbers. All statements received, including attachments and other supporting materials, are part of the public record and subject to public disclosure. You should submit only information that you wish to make publicly available.

Meeting minutes: Copies of the Council's meeting minutes will be available within ninety (90) days of the meeting.

Dated: October 31, 2024.

Tricia Van Orden,

Designated Federal Officer, President's Export Council.

[FR Doc. 2024–25755 Filed 11–5–24; 8:45 am]

BILLING CODE 3510–25–P

DEPARTMENT OF COMMERCE

International Trade Administration

[A–351–860]

Ferrosilicon From Brazil: Preliminary Affirmative Determination of Sales at Less Than Fair Value, Postponement of Final Determination, and Extension of Provisional Measures

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

SUMMARY: The U.S. Department of Commerce (Commerce) preliminarily determines that ferrosilicon from Brazil is being, or is likely to be, sold in the United States at less than fair value (LTFV). The period of investigation (POI) is January 1, 2023, through December 31, 2023. Interested parties are invited to comment on this preliminary determination.

DATES: Applicable November 6, 2024.

FOR FURTHER INFORMATION CONTACT: Jaron Moore or Noah Wetzel, AD/CVD Operations, Office VIII, Enforcement and Compliance, International Trade Administration, U.S. Department of Commerce, 1401 Constitution Avenue NW, Washington, DC 20230; telephone: (202) 482–3640 or (202) 482–7466, respectively.

SUPPLEMENTARY INFORMATION:

Background

This preliminary determination is made in accordance with section 733(b) of the Tariff Act of 1930, as amended (the Act). Commerce published the notice of initiation of this investigation on April 24, 2024.[1] On July 23, 2024, Commerce tolled certain deadlines in this investigation by seven days.[2] On August 16, 2024, Commerce postponed the preliminary determination of this investigation until October 31, 2024.[3]

For a complete description of the events that followed the initiation of this investigation, *see* the Preliminary Decision Memorandum.[4] A list of topics included in the Preliminary Decision

[1] *See Ferrosilicon from Brazil, Kazakhstan, Malaysia, and the Russian Federation: Initiation of Less-Than-Fair-Value Investigations,* 89 FR 31137 (April 24, 2024) (*Initiation Notice*).

[2] *See* Memorandum, ''Tolling of Deadlines for Antidumping and Countervailing Duty Proceedings,'' dated July 23, 2024.

[3] *See Ferrosilicon from Brazil, Kazakhstan, and Malaysia: Postponement of Preliminary Determinations in the Less-Than-Fair-Value Investigations,* 89 FR 66678 (August 16, 2024).

[4] *See* Memorandum, ''Decision Memorandum for the Preliminary Affirmative Determination in the Less-Than-Fair-Value Investigation of Ferrosilicon from Brazil,'' dated concurrently with, and hereby adopted by, this notice (Preliminary Decision Memorandum).

Memorandum is included as appendix II to this notice. The Preliminary Decision Memorandum is a public document and is on file electronically via Enforcement and Compliance's Antidumping and Countervailing Duty Centralized Electronic Service System (ACCESS). ACCESS is available to registered users at *https://access.trade.gov.* In addition, a complete version of the Preliminary Decision Memorandum can be accessed directly at *https://access.trade.gov/public/FRNoticesListLayout.aspx.*

Scope of the Investigation

The product covered by this investigation is ferrosilicon from Brazil. For a complete description of the scope of this investigation, *see* appendix I.

Scope Comments

In accordance with the preamble to Commerce's regulations,[5] the *Initiation Notice* set aside a period of time for parties to raise issues regarding product coverage (*i.e.,* scope).[6] As noted in the Preliminary Decision Memorandum, Commerce is correcting a minor clerical error in the language of the scope.[7] *See* the revised scope in appendix I to this notice.

Methodology

Commerce is conducting this investigation in accordance with section 731 of the Act. Commerce has calculated export prices in accordance with section 772(a) of the Act. Normal value is calculated in accordance with section 773 of the Act. Pursuant to sections 776(a) and (b) of the Act, Commerce has preliminarily relied upon facts otherwise available, with adverse inferences, for Ligas de Aluminio S.A. (LIASA). For a full description of the methodology underlying the preliminary determination, *see* the Preliminary Decision Memorandum.

All-Others Rate

Sections 733(d)(1)(ii) and 735(c)(5)(A) of the Act provide that, in the preliminary determination, Commerce shall determine an estimated all-others rate for all exporters and producers not individually examined. This rate shall be an amount equal to the weighted average of the estimated weighted-average dumping margins established for exporters and producers individually investigated, excluding any zero and *de minimis* margins, and any margins determined entirely under section 776 of the Act.

In this investigation, Commerce preliminarily calculated a *de minimis* rate for Minasligas S.A. (Minasligas) and calculated a rate based entirely under section 776 of the Act for LIASA. Therefore, the only rate that is not zero, *de minimis,* or based entirely on facts otherwise available is the rate calculated for Companhia de Ferro Ligas da Bahia S.A. (Ferbasa). Consequently, the preliminary rate calculated for Ferbasa is also the preliminary rate assigned to all other producers and exporters.

Preliminary Determination

Commerce preliminarily determines that the following estimated weighted-average dumping margins exist:

Exporter/producer	Estimated weighted-average dumping margin (percent)	Cash deposit rate (adjusted for subsidy offset(s)) (percent)
Minasligas S.A	* 1.18	[8] 1.06
Companhia de Ferro Ligas da Bahia S.A	13.13	[9] 13.03
Ligas de Aluminio S.A	** 21.78	[10] 0.00
All Others	13.13	13.03

* *de minimis.*
** Rate based on facts available with adverse inferences.

Suspension of Liquidation

In accordance with section 733(d)(2) of the Act, Commerce will direct U.S. Customs and Border Protection (CBP) to suspend liquidation of entries of subject merchandise, as described in appendix I, entered, or withdrawn from warehouse, for consumption on or after the date of publication of this notice in the **Federal Register**. Further, pursuant to section 733(d)(1)(B) of the Act and 19 CFR 351.205(d), Commerce will instruct CBP to require a cash deposit equal to the estimated weighted-average dumping margin or the estimated all-others rate, as follows: (1) the cash deposit rate for the respondents listed above (except for Minasligas) will be equal to the company-specific estimated weighted-average dumping margins determined in this preliminary determination; (2) if the exporter is not a respondent identified above, but the producer is, then the cash deposit rate will be equal to the company-specific estimated weighted-average dumping margin established for that producer of the subject merchandise; and (3) the cash deposit rate for all other producers and exporters will be equal to the all-others estimated weighted-average dumping margin.

Because the estimated weighted-average dumping margin for Minasligas is *de minimis,* entries of shipments of subject merchandise from Minasligas will not be subject to suspension of liquidation or cash deposit requirements during the provisional measures period. In such situations, Commerce applies the exclusion to the provisional measures to the producer/exporter combination that was examined in the investigation. Accordingly, Commerce is directing CBP not to suspend liquidation of entries of subject merchandise produced and exported by Minasligas. Entries of shipments of subject merchandise from these companies in any other producer/exporter combination, or by third parties that sourced subject merchandise from the excluded producer/exporter combination, are subject to the provisional measures at the all-others rate.

Should the final estimated weighted-average dumping margin be zero or *de minimis* for the Minasligas, entries of shipments of subject merchandise from Minasligas will be excluded from the potential antidumping duty (AD) order. Such exclusion is not applicable to merchandise exported to the United States by this respondent in any other producer/exporter combinations or by third parties that sourced subject merchandise from the excluded producer/exporter combination.

[5] *See Antidumping Duties; Countervailing Duties, Final Rule,* 62 FR 27296, 27323 (May 19, 1997).

[6] *See Initiation Notice,* 89 FR 31137.

[7] *See* Preliminary Decision Memorandum.

[8] *See* Memorandum, ''Preliminary Determination Margin Calculation for Minasligas S.A.,'' dated October 31, 2024.

[9] *See* Memorandum, ''Preliminary Results Margin Calculation for Ferbasa,'' dated October 31, 2024.

[10] *See* Memorandum, ''Preliminary Calculation of Export Subsidy Offset for LIASA,'' dated October 31, 2024.

Commerce normally adjusts cash deposits for estimated antidumping duties by the amount of export subsidies countervailed in a companion countervailing duty (CVD) proceeding, when CVD provisional measures are in effect. Accordingly, where Commerce preliminarily made an affirmative determination for countervailable export subsidies, Commerce has offset the estimated weighted-average dumping margin by the appropriate CVD rate. Any such adjusted cash deposit rate may be found in the ''Preliminary Determination'' section above.

Should provisional measures in the companion CVD investigation expire prior to the expiration of provisional measures in this LTFV investigation, Commerce will direct CBP to begin collecting estimated AD cash deposits unadjusted for countervailed export subsidies at the time that the provisional CVD measures expire.

These suspension of liquidation instructions will remain in effect until further notice.

Disclosure

Commerce intends to disclose its calculations and analysis performed to interested parties in this preliminary determination within five days of any public announcement or, if there is no public announcement, within five days of the date of publication of this notice in accordance with 19 CFR 351.224(b).

Consistent with 19 CFR 351.224(e), Commerce will analyze and, if appropriate, correct any timely allegations of significant ministerial errors by amending the preliminary determination. However, consistent with 19 CFR 351.224(d), Commerce will not consider incomplete allegations that do not address the significance standard under 19 CFR 351.224(g) following the preliminary determination. Instead, Commerce will address such allegations in the final determination together with issues raised in the case briefs or other written comments.

Verification

As provided in section 782(i)(1) of the Act, Commerce intends to verify the information relied upon in making its final determination.

Public Comment

Case briefs or other written comments may be submitted to the Assistant Secretary for Enforcement and Compliance no later than seven days after the date on which the last verification report is issued in this investigation. Rebuttal briefs, limited to issues raised in the case briefs, may be filed not later than five days after the date for filing case briefs.[11] Interested parties who submit case or rebuttal briefs in this proceeding must submit: (1) a table of contents listing each issue; and (2) a table of authorities.[12]

As provided under 19 CFR 351.309(c)(2) and (d)(2), in prior proceedings we have encouraged interested parties to provide an executive summary of their briefs that should be limited to five pages total, including footnotes. In this investigation, we instead request that interested parties provide at the beginning of their briefs a public, executive summary for each issue raised in their briefs.[13] Further, we request that interested parties limit their executive summary of each issue to no more than 450 words, not including citations. We intend to use the executive summaries as the basis of the comment summaries included in the issues and decision memorandum that will accompany the final determination in this investigation. We request that interested parties include footnotes for relevant citations in the executive summary of each issue. Note that Commerce has amended certain of its requirements pertaining to the service of documents in 19 CFR 351.303(f).[14]

Pursuant to 19 CFR 351.310(c), interested parties who wish to request a hearing, limited to issues raised in the case and rebuttal briefs, must submit a written request to the Assistant Secretary for Enforcement and Compliance, U.S. Department of Commerce, within 30 days after the date of publication of this notice. Requests should contain the party's name, address, and telephone number, the number of participants and whether any participant is a foreign national, and a list of the issues to be discussed. If a request for a hearing is made, Commerce intends to hold the hearing at a time and date to be determined. Parties should confirm by telephone the date, time, and location of the hearing two days before the scheduled date.

Postponement of Final Determination and Extension of Provisional Measures

Section 735(a)(2) of the Act provides that a final determination may be postponed until not later than 135 days after the date of the publication of the preliminary determination if, in the event of an affirmative preliminary determination, a request for such postponement is made by exporters who account for a significant proportion of exports of the subject merchandise, or in the event of a negative preliminary determination, a request for such postponement is made by the petitioner. Section 351.210(e)(2) of Commerce's regulations requires that a request by exporters for postponement of the final determination be accompanied by a request for extension of provisional measures from a four-month period to a period not more than six months in duration.

On October 16 and 23, 2024, pursuant to 19 CFR 351.210(e), Minasligas, Ferbasa, and the petitioner requested that Commerce postpone the final determination and that provisional measures be extended to a period not to exceed six months, respectively.[15] In accordance with section 735(a)(2)(A) of the Act and 19 CFR 351.210(b)(2)(ii), because: (1) the preliminary determination is affirmative; (2) the requesting exporters account for a significant proportion of exports of the subject merchandise; and (3) no compelling reasons for denial exist, Commerce is postponing the final determination and extending the provisional measures from a four-month period to a period not greater than six months. Accordingly, Commerce will make its final determination no later than 135 days after the date of publication of this preliminary determination.

U.S. International Trade Commission Notification

In accordance with section 733(f) of the Act, Commerce will notify the U.S. International Trade Commission (ITC) of its preliminary determination. If the final determination is affirmative, the ITC will determine before the later of 120 days after the date of this preliminary determination or 45 days after the final determination whether these imports are materially injuring, or threaten material injury to, the U.S. industry.

Notification to Interested Parties

This determination is issued and published in accordance with sections

[11] *See* 19 CFR 351.309(d); *see also Administrative Protective Order, Service, and Other Procedures in Antidumping and Countervailing Duty Proceedings,* 88 FR 67069, 67077 (September 29, 2023) (*APO and Service Final Rule*).

[12] *See* 19 351.309(c)(2) and (d)(2).

[13] We use the term ''issue'' here to describe an argument that Commerce would normally address in a comment of the Issues and Decision Memorandum.

[14] *See APO and Service Final Rule.*

[15] *See* Minasligas' Letter, ''Request for Postponement of Final Determination and Extension of Provisional Measures,'' dated October 16, 2024; *see also* Ferbasa's Letter, ''Request for Extension of Final Determination,'' dated October 23, 2024; and Petitioner's Letter, ''Petitioner's Request to Postpone the Final Antidumping Duty Determinations,'' dated October 23, 2024.

733(f) and 777(i)(1) of the Act, and 19 CFR 351.205(c).

Dated: October 31, 2024.

Ryan Majerus,

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

Appendix I

Scope of the Investigation

The scope of this investigation covers all forms and sizes of ferrosilicon, regardless of grade, including ferrosilicon briquettes. Ferrosilicon is a ferroalloy containing by weight four percent or more iron, more than eight percent but not more than 96 percent silicon, three percent or less phosphorus, 30 percent or less manganese, less than three percent magnesium, and 10 percent or less of any other element. The merchandise covered also includes product described as slag, if the product meets these specifications.

Subject merchandise includes material matching the above description that has been finished, packaged, or otherwise processed in a third country, including by performing any grinding or any other finishing, packaging, or processing that would not otherwise remove the merchandise from the scope of the investigation if performed in the country of manufacture of the ferrosilicon.

Ferrosilicon is currently classifiable under subheadings 7202.21.1000, 7202.21.5000, 7202.21.7500, 7202.21.9000, 7202.29.0010, and 7202.29.0050 of the Harmonized Tariff Schedule of the United States (HTSUS). While the HTSUS numbers are provided for convenience and customs purposes, the written description of the scope remains dispositive.

Appendix II

List of Topics Discussed in the Preliminary Decision Memorandum

I. Summary
II. Background
III. Period of Investigation
IV. Application of Facts Available and Use of Adverse Inferences
V. Discussion of the Methodology
VI. Currency Conversion
VII. Adjustments to Cash Deposit Rates for Export Subsidies in the Companion Countervailing Duty Investigation
VIII. Recommendation

[FR Doc. 2024–25794 Filed 11–5–24; 8:45 am]

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DEPARTMENT OF COMMERCE

International Trade Administration

[A–834–812]

Ferrosilicon From Kazakhstan: Preliminary Affirmative Determination of Sales at Less Than Fair Value, Preliminary Negative Determination of Critical Circumstances, Postponement of Final Determination, and Extension of Provisional Measures

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

SUMMARY: The U.S. Department of Commerce (Commerce) preliminarily determines that ferrosilicon from Kazakhstan is being, or is likely to be, sold in the United States at less than fair value (LTFV). The period of investigation (POI) is January 1, 2023, through December 31, 2023. Interested parties are invited to comment on this preliminary determination.

DATES: Applicable November 6, 2024.

FOR FURTHER INFORMATION CONTACT: Samantha Kinney or Mira Warrier, AD/CVD Operations, Office II, Enforcement and Compliance, International Trade Administration, U.S. Department of Commerce, 1401 Constitution Avenue NW, Washington, DC 20230; telephone: (202) 482–2285 or (202) 482–8031, respectively.

SUPPLEMENTARY INFORMATION:

Background

This preliminary determination is made in accordance with section 733(b) of the Tariff Act of 1930, as amended (the Act). Commerce published the notice of initiation of this investigation on April 24, 2024.[1] On July 22, 2024, Commerce tolled certain deadlines in this investigation by seven days.[2] On August 16, 2024, Commerce postponed the preliminary determination of this investigation until October 31, 2024.[3]

For a complete description of the events that followed the initiation of this investigation, *see* the Preliminary Decision Memorandum.[4] A list of topics included in the Preliminary Decision Memorandum is included as appendix II to this notice. The Preliminary Decision Memorandum is a public document and is on file electronically via Enforcement and Compliance's Antidumping and Countervailing Duty Centralized Electronic Service System (ACCESS). ACCESS is available to registered users at *https://access.trade.gov.* In addition, a complete version of the Preliminary Decision Memorandum can be accessed directly at *https://access.trade.gov/public/FRNoticesListLayout.aspx.*

Scope of the Investigation

The product covered by this investigation is ferrosilicon from Kazakhstan. For a complete description of the scope of this investigation, *see* appendix I.

Scope Comments

In accordance with the preamble to Commerce's regulations,[5] in the *Initiation Notice* Commerce set aside a period of time for parties to raise issues regarding product coverage (*i.e.,* scope).[6] As noted in the Preliminary Decision Memorandum, Commerce is correcting a minor clerical error in the language of the scope.[7] *See* the revised scope in appendix I to this notice.

Methodology

Commerce is conducting this investigation in accordance with section 731 of the Act. Commerce has calculated export prices in accordance with section 772(a) of the Act. Normal value is calculated in accordance with section 773 of the Act. Pursuant to sections 776(a) and (b) of the Act, Commerce has preliminarily relied upon partial facts available, with adverse inferences, for YDD Corporation LLP (YDD). For a full description of the methodology underlying the preliminary determination, *see* the Preliminary Decision Memorandum.

Preliminary Negative Determination of Critical Circumstances

In accordance with section 733(e) of the Act and 19 CFR 351.206, Commerce preliminarily finds that critical circumstances do not exist for YDD, TNC Kazchrome JSC (Kazchrome), and all other companies not individually examined. For a full description of the methodology and results of Commerce's

[1] *See Ferrosilicon from Brazil, Kazakhstan, Malaysia, and the Russian Federation: Initiation of Less-Than-Fair-Value Investigations,* 89 FR 31137 (April 24, 2024) (*Initiation Notice*).

[2] *See* Memorandum, ''Tolling of Deadlines for Antidumping and Countervailing Duty Proceedings,'' dated July 22, 2024.

[3] *See Ferrosilicon from Brazil, Kazakhstan, and Malaysia: Postponement of Preliminary Determinations of Antidumping Duty Investigations,* 89 FR 66678 (August 16, 2024).

[4] *See* Memorandum, ''Decision Memorandum for the Preliminary Affirmative Determination in the Less-Than-Fair-Value Investigation of Ferrosilicon from Kazakhstan'' dated concurrently with, and hereby adopted by, this notice (Preliminary Decision Memorandum).

[5] *See Antidumping Duties; Countervailing Duties, Final Rule,* 62 FR 27296, 27323 (May 19, 1997).

[6] *See Initiation Notice,* 89 FR 31137.

[7] *See* Preliminary Decision Memorandum.

critical circumstances analysis, *see* the Preliminary Decision Memorandum.

All-Others Rate

Sections 733(d)(1)(ii) and 735(c)(5)(A) of the Act provide that, in the preliminary determination, Commerce shall determine an estimated all-others rate for all exporters and producers not individually examined. This rate shall be an amount equal to the weighted average of the estimated weighted-average dumping margins established for exporters and producers individually investigated, excluding any zero and *de minimis* margins, and any margins determined entirely under section 776 of the Act.

In this investigation, Commerce calculated estimated weighted-average dumping margins for Kazchrome and YDD that are not zero, *de minimis,* or based entirely on facts otherwise available. Commerce calculated the all-others rate using a weighted average of the estimated weighted-average dumping margins calculated for the examined respondents using each company's publicly-ranged values for the merchandise under consideration.[8]

Preliminary Determination

Commerce preliminarily determines that the following estimated weighted-average dumping margins exist:[9]

Exporter/producer	Estimated weighted-average dumping margin (percent)	Cash deposit rate (adjusted for subsidy offset(s)) (percent)
YDD Corporation LLP; ASIA FerroAlloys LLP; KazSilicon Metallurgical Combine LLP	4.22	Not Applicable.
TNC Kazchrome JSC	6.20	Not Applicable.
All Others	4.67	Not Applicable.

Suspension of Liquidation

In accordance with section 733(d)(2) of the Act, Commerce will direct U.S. Customs and Border Protection (CBP) to suspend liquidation of entries of subject merchandise, as described in appendix I, entered, or withdrawn from warehouse, for consumption on or after the date of publication of this notice in the **Federal Register**. Further, pursuant to section 733(d)(1)(B) of the Act and 19 CFR 351.205(d), Commerce will instruct CBP to require a cash deposit equal to the estimated weighted-average dumping margin or the estimated all-others rate, as follows: (1) the cash deposit rate for the respondents listed above will be equal to the company-specific estimated weighted-average dumping margins determined in this preliminary determination; (2) if the exporter is not a respondent identified above, but the producer is, then the cash deposit rate will be equal to the company-specific estimated weighted-average dumping margin established for that producer of the subject merchandise; and (3) the cash deposit rate for all other producers and exporters will be equal to the all-others estimated weighted-average dumping margin.

Commerce normally adjusts cash deposits for estimated antidumping duties by the amount of export subsidies countervailed in a companion countervailing duty (CVD) proceeding, when CVD provisional measures are in effect. Accordingly, where Commerce preliminarily made an affirmative determination for countervailable export subsidies, Commerce has offset the estimated weighted-average dumping margin by the appropriate CVD rate. Any such adjusted cash deposit rate may be found in the ''Preliminary Determination'' section above. Commerce notes there were no countervailable export subsidies found in the companion CVD proceeding.[10] These suspension of liquidation instructions will remain in effect until further notice.

Disclosure

Commerce intends to disclose its calculations and analysis performed to interested parties in this preliminary determination within five days of any public announcement or, if there is no public announcement, within five days of the date of publication of this notice in accordance with 19 CFR 351.224(b).

Consistent with 19 CFR 351.224(e), Commerce will analyze and, if appropriate, correct any timely allegations of significant ministerial errors by amending the preliminary determination. However, consistent with 19 CFR 351.224(d), Commerce will not consider incomplete allegations that do not address the significance standard under 19 CFR 351.224(g) following the preliminary determination. Instead, Commerce will address such allegations in the final determination together with issues raised in the case briefs or other written comments.

Verification

As provided in section 782(i)(1) of the Act, Commerce intends to verify the information relied upon in making its final determination.

Public Comment

Case briefs or other written comments may be submitted to the Assistant Secretary for Enforcement and Compliance no later than seven days after the date on which the last verification report is issued in this investigation.[11] Rebuttal briefs, limited to issues raised in the case briefs, may be filed not later than five days after the date for filing case briefs.[12] Interested parties who submit case briefs or rebuttal briefs in this proceeding must

[8] With two respondents under examination, Commerce normally calculates: (A) a weighted-average of the estimated weighted-average dumping margins calculated for the examined respondents; (B) a simple average of the estimated weighted-average dumping margins calculated for the examined respondents; and (C) a weighted-average of the estimated weighted-average dumping margins calculated for the examined respondents using each company's publicly-ranged U.S. sales values for the merchandise under consideration. Commerce then compares (B) and (C) to (A) and selects the rate closest to (A) as the most appropriate rate for all other producers and exporters. *See, e.g., Ball Bearings and Parts Thereof from France, Germany, Italy, Japan, and the United Kingdom: Final Results of Antidumping Duty Administrative Reviews, Final Results of Changed-Circumstances Review, and Revocation of an Order in Part,* 75 FR 53661, 53662 (September 1, 2010), and accompanying Issues and Decision Memorandum at Comment 1. As complete publicly ranged sales data were available, Commerce based the all-others rate on the publicly ranged sales data of the mandatory respondents. For a complete analysis of the data, *see* Memorandum, ''Preliminary Determination Margin Calculation for the All-Others Rate,'' dated concurrently with this **Federal Register** notice.

[9] Commerce preliminarily determines that YDD Corporation LLP, ASIA FerroAlloys LLP, and KazSilicon Metallurgical Combine LLP should be collapsed and treated as a single entity. *See* Preliminary Decision Memorandum.

[10] *See* Memoranda, ''Preliminary Determination Margin Calculation for TNC Kazchrome J.S.C.,'' and ''Preliminary Determination Margin Calculation for YDD Corporation LLP (YDD),'' both dated concurrently with this **Federal Register** notice.

[11] *See* 19 CFR 351.309(c)(1)(i); *see also* 19 CFR 351.303 (for general filing requirements).

[12] *See* 19 CFR 351.309(d); *see also Administrative Protective Order, Service, and Other Procedures in Antidumping and Countervailing Duty Proceedings,* 88 FR 67069, 67077 (September 29, 2023) (*APO and Service Final Rule*).

submit: (1) a table of contents listing each issue; and (2) a table of authorities.[13]

As provided under 19 CFR 351.309(c)(2) and (d)(2), in prior proceedings we have encouraged interested parties to provide an executive summary of their briefs that should be limited to five pages total, including footnotes. In this investigation, we instead request that interested parties provide at the beginning of their briefs a public, executive summary for each issue raised in their briefs.[14] Further, we request that interested parties limit their executive summary of each issue to no more than 450 words, not including citations. We intend to use the public executive summaries as the basis of the comment summaries included in the issues and decision memorandum that will accompany the final determination in this investigation. We request that interested parties include footnotes for relevant citations in the public executive summary of each issue. Note that Commerce has amended certain of its requirements pertaining to the service of documents in 19 CFR 351.303(f).[15]

Pursuant to 19 CFR 351.310(c), interested parties who wish to request a hearing, limited to issues raised in the case and rebuttal briefs, must submit a written request to the Assistant Secretary for Enforcement and Compliance, U.S. Department of Commerce, within 30 days after the date of publication of this notice. Requests should contain the party's name, address, and telephone number, the number of participants and whether any participant is a foreign national, and a list of the issues to be discussed. If a request for a hearing is made, Commerce intends to hold the hearing at a time and date to be determined. Parties should confirm by telephone the date, time, and location of the hearing two days before the scheduled date.

Postponement of Final Determination and Extension of Provisional Measures

Section 735(a)(2) of the Act provides that a final determination may be postponed until not later than 135 days after the date of the publication of the preliminary determination if, in the event of an affirmative preliminary determination, a request for such postponement is made by exporters who account for a significant proportion of exports of the subject merchandise, or in the event of a negative preliminary determination, a request for such postponement is made by the petitioner. Section 351.210(e)(2) of Commerce's regulations requires that a request by exporters for postponement of the final determination be accompanied by a request for extension of provisional measures from a four-month period to a period not more than six months in duration.

On October 23, 2024, pursuant to 19 CFR 351.210(e), Kazchrome, YDD, and the petitioners requested that Commerce postpone the final determination and that provisional measures be extended to a period not to exceed six months.[16] In accordance with section 735(a)(2)(A) of the Act and 19 CFR 351.210(b)(2)(ii), because: (1) the preliminary determination is affirmative; (2) the requesting exporters account for a significant proportion of exports of the subject merchandise; and (3) no compelling reasons for denial exist, Commerce is postponing the final determination and extending the provisional measures from a four-month period to a period not greater than six months. Accordingly, Commerce will make its final determination no later than 135 days after the date of publication of this preliminary determination.

U.S. International Trade Commission Notification

In accordance with section 733(f) of the Act, Commerce will notify the U.S. International Trade Commission (ITC) of its preliminary determination. If the final determination is affirmative, the ITC will determine before the later of 120 days after the date of this preliminary determination or 45 days after the final determination whether these imports are materially injuring, or threaten material injury to, the U.S. industry.

Notification to Interested Parties

This determination is issued and published in accordance with sections 733(f) and 777(i)(1) of the Act, and 19 CFR 351.205(c).

Dated: October 31, 2024.

Ryan Majerus,

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

Appendix I

Scope of the Investigation

The scope of this investigation covers all forms and sizes of ferrosilicon, regardless of grade, including ferrosilicon briquettes. Ferrosilicon is a ferroalloy containing by weight four percent or more iron, more than eight percent but not more than 96 percent silicon, three percent or less phosphorus, 30 percent or less manganese, less than three percent magnesium, and 10 percent or less of any other element. The merchandise covered also includes product described as slag, if the product meets these specifications.

Subject merchandise includes material matching the above description that has been finished, packaged, or otherwise processed in a third country, including by performing any grinding or any other finishing, packaging, or processing that would not otherwise remove the merchandise from the scope of the investigation if performed in the country of manufacture of the ferrosilicon.

Ferrosilicon is currently classifiable under subheadings 7202.21.1000, 7202.21.5000, 7202.21.7500, 7202.21.9000, 7202.29.0010, and 7202.29.0050 of the Harmonized Tariff Schedule of the United States (HTSUS). While the HTSUS numbers are provided for convenience and customs purposes, the written description of the scope remains dispositive.

Appendix II

List of Topics Discussed in the Preliminary Decision Memorandum

I. Summary
II. Background
III. Period of Investigation
IV. Affiliation and Single Entity Treatment
V. Application of Facts Available and Use of Adverse Inferences
VI. Discussion of the Methodology
VII. Preliminary Negative Determination of Critical Circumstances
VIII. Currency Conversion
IX. Adjustments to Cash Deposit Rates for Export Subsidies in the Companion Countervailing Duty Investigation
X. Recommendation

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[13] *See* 19 CFR 351.309(c)(2) and (d)(2).

[14] We use the term ''issue'' here to describe an argument that Commerce would normally address in a comment of the Issues and Decision Memorandum.

[15] *See APO and Service Final Rule.*

[16] *See* Kazchrome's Letter, ''Request to Postpone Final Antidumping Duty Determination,'' dated October 23, 2024; YDD's Letter, ''Request to Request to Extend Final Determination,'' dated October 23, 2024; and Petitioners' Letter, ''Petitioner's Request to Postpone the Final Antidumping Duty Determinations,'' dated October 23, 2024.

DEPARTMENT OF COMMERCE

International Trade Administration

[A–557–828]

Ferrosilicon From Malaysia: Preliminary Affirmative Determination of Sales at Less Than Fair Value, Preliminary Negative Determination of Critical Circumstances, Postponement of Final Determination, and Extension of Provisional Measures

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

SUMMARY: The U.S. Department of Commerce (Commerce) preliminarily determines that ferrosilicon from Malaysia is being, or is likely to be, sold in the United States at less than fair value (LTFV). The period of investigation (POI) is January 1, 2023, through December 31, 2023. Interested parties are invited to comment on this preliminary determination.

DATES: Applicable November 6, 2024.

FOR FURTHER INFORMATION CONTACT: Michael J. Heaney or Jacob Waddell, AD/CVD Operations, Office VI, Enforcement and Compliance, International Trade Administration, U.S. Department of Commerce, 1401 Constitution Avenue NW, Washington, DC 20230; telephone: (202) 482–4475 or (202) 482–1369, respectively.

SUPPLEMENTARY INFORMATION:

Background

This preliminary determination is made in accordance with section 733(b) of the Tariff Act of 1930, as amended (the Act). Commerce published the notice of initiation of this investigation on April 24, 2024.[1] On July 22, 2024, Commerce tolled certain deadlines in this administrative proceeding by seven days.[2] On August 16, 2024, Commerce postponed the preliminary determination of this investigation, and the revised deadline is now October 31, 2024.[3]

For a complete description of the events that followed the initiation of this investigation, *see* the Preliminary Decision Memorandum.[4] A list of topics included in the Preliminary Decision Memorandum is included as appendix II to this notice. The Preliminary Decision Memorandum is a public document and is on file electronically via Enforcement and Compliance's Antidumping and Countervailing Duty Centralized Electronic Service System (ACCESS). ACCESS is available to registered users at *https://access.trade.gov*. In addition, a complete version of the Preliminary Decision Memorandum can be accessed directly at *https://access.trade.gov/public/FRNoticesListLayout.aspx*.

Scope of the Investigation

The product covered by this investigation is ferrosilicon from Malaysia. For a complete description of the scope of this investigation, *see* appendix I.

Scope Comments

In accordance with the preamble to Commerce's regulations,[5] the *Initiation Notice* set aside a period of time for parties to raise issues regarding product coverage (*i.e.,* scope).[6] As noted in the Preliminary Decision Memorandum, Commerce is correcting a minor clerical error in the language of the scope.[7] *See* the revised scope in appendix I to this notice.

Methodology

Commerce is conducting this investigation in accordance with section 731 of the Act. Commerce has calculated export prices in accordance with section 772(a) of the Act. Constructed export prices have been calculated in accordance with section 772(b) of the Act. Normal value is calculated in accordance with section 773 of the Act. For a full description of the methodology underlying the preliminary determination, *see* the Preliminary Decision Memorandum.

Preliminary Negative Determination of Critical Circumstances

In accordance with section 733(e) of the Act and 19 CFR 351.206, Commerce preliminarily finds that critical circumstances do not exist for OM Sarawak Sdn. Bhd (OMSA), Pertama Ferroalloys Sdn. Bhd (Pertama), and all other companies not individually examined. For a full description of the methodology and results of Commerce's critical circumstances analysis, *see* the Preliminary Decision Memorandum.

All-Others Rate

Sections 733(d)(1)(ii) and 735(c)(5)(A) of the Act provide that, in the preliminary determination, Commerce shall determine an estimated all-others rate for all exporters and producers not individually examined. This rate shall be an amount equal to the weighted average of the estimated weighted-average dumping margins established for exporters and producers individually investigated, excluding any zero and *de minimis* margins, and any margins determined entirely under section 776 of the Act.

In this investigation, Commerce calculated estimated weighted-average dumping margins for OMSA and Pertama that are not zero, *de minimis,* or based entirely on facts otherwise available. Commerce calculated the all-others rate using a weighted average of the estimated weighted-average dumping margins calculated for the examined respondents using each company's publicly ranged values for the merchandise under consideration.[8]

Preliminary Determination

Commerce preliminarily determines that the following estimated weighted-average dumping margins exist:

[1] *See Ferrosilicon from Brazil, Kazakhstan, Malaysia, and the Russian Federation: Initiation of Less-Than-Fair-Value Investigations,* 89 FR 31137 (April 24, 2024) (*Initiation Notice*).

[2] *See* Memorandum, ''Tolling of Deadlines for Antidumping and Countervailing Duty Proceedings,'' dated July 22, 2024.

[3] *See Ferrosilicon from Brazil, Kazakhstan, and Malaysia: Postponement of Preliminary Determinations of Antidumping Duty Investigations,* 89 FR 66678 (August 16, 2024).

[4] *See* Memorandum, ''Decision Memorandum for the Preliminary Determination in the Less-Than-Fair-Value Investigation of Ferrosilicon from Malaysia,'' dated concurrently with, and hereby adopted by, this notice (Preliminary Decision Memorandum).

[5] *See Antidumping Duties; Countervailing Duties, Final Rule,* 62 FR 27296, 27323 (May 19, 1997).

[6] *See Initiation Notice,* 89 FR 31137.

[7] *See* appendix II; *see also* Preliminary Decision Memorandum.

[8] With two respondents under examination, Commerce normally calculates: (A) a weighted-average of the estimated weighted-average dumping margins calculated for the examined respondents; (B) a simple average of the estimated weighted-average dumping margins calculated for the examined respondents; and (C) a weighted-average of the estimated weighted-average dumping margins calculated for the examined respondents using each company's publicly ranged U.S. sales values for the merchandise under consideration. Commerce then compares (B) and (C) to (A) and selects the rate closest to (A) as the most appropriate rate for all other producers and exporters. *See, e.g., Ball Bearings and Parts Thereof from France, Germany, Italy, Japan, and the United Kingdom: Final Results of Antidumping Duty Administrative Reviews, Final Results of Changed-Circumstances Review, and Revocation of an Order in Part,* 75 FR 53661, 53662 (September 1, 2010), and accompanying Issues and Decision Memorandum at Comment 1. As complete publicly ranged sales data were available, Commerce based the all-others rate on the publicly ranged sales data of the mandatory respondents. For a complete analysis of the data, *see* the All-Others Rate Calculation Memorandum.

Exporter/producer	Weighted-average dumping margin (percent)	Cash deposit rate (adjusted for subsidy offset(s)) (percent)
OM Sarawak Sdn. Bhd	6.91	[9] 6.23
Pertama Ferroalloys Sdn. Bhd	9.01	[10] 8.73
All Others	7.84	7.28

Suspension of Liquidation

In accordance with section 733(d)(2) of the Act, Commerce will direct U.S. Customs and Border Protection (CBP) to suspend liquidation of entries of subject merchandise, as described in appendix I, entered, or withdrawn from warehouse, for consumption on or after the date of publication of this notice in the **Federal Register**. Further, pursuant to section 733(d)(1)(B) of the Act and 19 CFR 351.205(d), Commerce will instruct CBP to require a cash deposit equal to the estimated weighted-average dumping margin or the estimated all-others rate, as follows: (1) the cash deposit rate for the respondents listed above will be equal to the company-specific estimated weighted-average dumping margins determined in this preliminary determination; (2) if the exporter is not a respondent identified above, but the producer is, then the cash deposit rate will be equal to the company-specific estimated weighted-average dumping margin established for that producer of the subject merchandise; and (3) the cash deposit rate for all other producers and exporters will be equal to the all-others estimated weighted-average dumping margin.

Commerce normally adjusts cash deposits for estimated antidumping duties by the amount of export subsidies countervailed in a companion countervailing duty (CVD) proceeding, when CVD provisional measures are in effect. Accordingly, where Commerce preliminarily made an affirmative determination for countervailable export subsidies, Commerce has offset the estimated weighted-average dumping margin by the appropriate CVD rate. Any such adjusted cash deposit rate may be found in the ''Preliminary Determination'' section above.

Should provisional measures in the companion CVD investigation expire prior to the expiration of provisional measures in this LTFV investigation, Commerce will direct CBP to begin collecting estimated antidumping duty cash deposits unadjusted for countervailed export subsidies at the time that the provisional CVD measures expire.

These suspension of liquidation instructions will remain in effect until further notice.

Disclosure

Commerce intends to disclose its calculations and analysis performed to interested parties in this preliminary determination within five days of any public announcement or, if there is no public announcement, within five days of the date of publication of this notice in accordance with 19 CFR 351.224(b).

Consistent with 19 CFR 351.224(e), Commerce will analyze and, if appropriate, correct any timely allegations of significant ministerial errors by amending the preliminary determination. However, consistent with 19 CFR 351.224(d), Commerce will not consider incomplete allegations that do not address the significance standard under 19 CFR 351.224(g) following the preliminary determination. Instead, Commerce will address such allegations in the final determination together with issues raised in the case briefs or other written comments.

Verification

As provided in section 782(i)(1) of the Act, Commerce intends to verify the information relied upon in making its final determination.

Public Comment

Case briefs or other written comments may be submitted to the Assistant Secretary for Enforcement and Compliance no later than seven days after the date on which the last verification report is issued in this investigation. Rebuttal briefs, limited to issues raised in the case briefs, may be filed not later than five days after the date for filing case briefs.[11] Interested parties who submit case or rebuttal briefs in this proceeding must submit: (1) a table of contents listing each issue; and (2) a table of authorities.[12]

As provided under 19 CFR 351.309(c)(2) and (d)(2), in prior proceedings we have encouraged interested parties to provide an executive summary of their briefs that should be limited to five pages total, including footnotes. In this investigation, we instead request that interested parties provide at the beginning of their briefs a public, executive summary for each issue raised in their briefs.[13] Further, we request that interested parties limit their executive summary of each issue to no more than 450 words, not including citations. We intend to use the executive summaries as the basis of the comment summaries included in the issues and decision memorandum that will accompany the final determination in this investigation. We request that interested parties include footnotes for relevant citations in the executive summary of each issue. Note that Commerce has amended certain of its requirements pertaining to the service of documents in 19 CFR 351.303(f).[14]

Pursuant to 19 CFR 351.310(c), interested parties who wish to request a hearing, limited to issues raised in the case and rebuttal briefs, must submit a written request to the Assistant Secretary for Enforcement and Compliance, U.S. Department of Commerce, within 30 days after the date of publication of this notice. Requests should contain the party's name, address, and telephone number, the number of participants and whether any participant is a foreign national, and a list of the issues to be discussed. If a request for a hearing is made, Commerce intends to hold the hearing at a time and date to be determined. Parties should confirm by telephone the date, time, and location of the hearing two days before the scheduled date.

Postponement of Final Determination and Extension of Provisional Measures

Section 735(a)(2) of the Act provides that a final determination may be postponed until not later than 135 days after the date of the publication of the preliminary determination if, in the

[9] *See* Memorandum, ''Preliminary Analysis Memorandum for OM Material Sarawak Sdn. Bhd,'' dated October 31, 2024.

[10] *See* Memorandum, ''Preliminary Analysis Memorandum for Pertama Ferroalloys Sdn. Bhd,'' dated October 31, 2024.

[11] *See* 19 CFR 351.309(d); *see also Administrative Protective Order, Service, and Other Procedures in Antidumping and Countervailing Duty Proceedings,* 88 FR 67069, 67077 (September 29, 2023) (*APO and Service Final Rule*).

[12] *See* 19 351.309(c)(2) and (d)(2).

[13] We use the term ''issue'' here to describe an argument that Commerce would normally address in a comment of the Issues and Decision Memorandum.

[14] *See APO and Service Final Rule.*

event of an affirmative preliminary determination, a request for such postponement is made by exporters who account for a significant proportion of exports of the subject merchandise, or in the event of a negative preliminary determination, a request for such postponement is made by the petitioner. Section 351.210(e)(2) of Commerce's regulations requires that a request by exporters for postponement of the final determination be accompanied by a request for extension of provisional measures from a four-month period to a period not more than six months in duration.

Between October 21 and 23, 2024, pursuant to 19 CFR 351.210(e), OMSA, Pertama, and the petitioners each requested that Commerce postpone the final determination and that provisional measures be extended to a period not to exceed six months.[15] In accordance with section 735(a)(2)(A) of the Act and 19 CFR 351.210(b)(2)(ii), because: (1) the preliminary determination is affirmative; (2) the requesting exporters account for a significant proportion of exports of the subject merchandise; and (3) no compelling reasons for denial exist, Commerce is postponing the final determination and extending the provisional measures from a four-month period to a period not greater than six months. Accordingly, Commerce will make its final determination no later than 135 days after the date of publication of this preliminary determination.

U.S. International Trade Commission Notification

In accordance with section 733(f) of the Act, Commerce will notify the U.S. International Trade Commission (ITC) of its preliminary determination. If the final determination is affirmative, the ITC will determine before the later of 120 days after the date of this preliminary determination or 45 days after the final determination whether these imports are materially injuring, or threaten material injury to, the U.S. industry.

Notification to Interested Parties

This determination is issued and published in accordance with sections 733(f) and 777(i)(1) of the Act, and 19 CFR 351.205(c).

[15] *See* OMSA's Letter, ''OMSA's Request to Postpone Final Antidumping Duty Determination,'' dated October 21, 2024; *see also* Pertama's Letter, ''Request for Postponement of Final Determination and Provisional Measures Period,'' dated October 23, 2024; Petitioners' Letter, ''Petitioner's Request to Postpone the Final Antidumping Duty Determination,'' dated October 23, 2024.

Dated: October 31, 2024.

Ryan Majerus,

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

Appendix I

Scope of the Investigation

The scope of this investigation covers all forms and sizes of ferrosilicon, regardless of grade, including ferrosilicon briquettes. Ferrosilicon is a ferroalloy containing by weight four percent or more iron, more than eight percent but not more than 96 percent silicon, three percent or less phosphorus, 30 percent or less manganese, less than three percent magnesium, and 10 percent or less of any other element. The merchandise covered also includes product described as slag, if the product meets these specifications.

Subject merchandise includes material matching the above description that has been finished, packaged, or otherwise processed in a third country, including by performing any grinding or any other finishing, packaging, or processing that would not otherwise remove the merchandise from the scope of the investigation if performed in the country of manufacture of the ferrosilicon.

Ferrosilicon is currently classifiable under subheadings 7202.21.1000, 7202.21.5000, 7202.21.7500, 7202.21.9000, 7202.29.0010, and 7202.29.0050 of the Harmonized Tariff Schedule of the United States (HTSUS). While the HTSUS numbers are provided for convenience and customs purposes, the written description of the scope remains dispositive.

Appendix II

List of Topics Discussed in the Preliminary Decision Memorandum

I. Summary
II. Background
III. Period of Investigation
IV. Affiliation
V. Discussion of the Methodology
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IX. Recommendation

[FR Doc. 2024–25796 Filed 11–5–24; 8:45 am]

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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; Mackerel, Squid, and Butterfish Amendment 14 Data Collection

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 June 17, 2024, during a 60-day comment period. This notice allows for an additional 30 days for public comments.

Agency: National Oceanic and Atmospheric Administration, Commerce.

Title: Atlantic Mackerel, Squid, and Butterfish Amendment 14 Data Collection.

OMB Control Number: 0648–0679.

Form Number(s): None.

Type of Request: Regular submission (extension of a current information collection).

Number of Respondents: 10,035.

Average Hours per Response: Pre-trip notification to observer program, 5 minutes; Trip Cancellation notification to observer program, 1 minute; Released Catch Affidavit, 5 minutes; and Vessel Permit Swap Form, 5 minutes.

Total Annual Burden Hours: 766 hours.

Needs and Uses: This is a request for renewal of an approved information collection. Under the Magnuson-Stevens Fishery Conservation and Management Act, the Secretary of Commerce has the responsibility for the conservation and management of marine fishery resources. Much of this responsibility has been delegated to the NOAA's National Marine Fisheries Service (NMFS). Under this stewardship role, the Secretary was given certain regulatory authorities to ensure the most beneficial uses of these resources. One of the regulatory steps taken to care out the conservation and management objectives is to collect information from users of the resources.

This collection requires limited access mackerel and longfin squid/butterfish moratorium permit holders to bring all catch aboard the vessel and make it available for sampling by an observer. If catch is not made available to an observer before discard, that catch is defined as slippage, and the vessel operator must complete a ''Released Catch Affidavit'' form within 48 hours of the end of the fishing trip which details why catch was slipped, estimates the quantity and species composition of

the slipped catch, and records the time and location of the slipped catch.

This collection also requires any vessel with a limited access mackerel permit intending to land over 20,000 lb of mackerel to contact NMFS at least 48 hours in advance of a fishing trip to request an observer. Vessels currently contact NMFS via phone, and selection notices or waivers are issued by NMFS via VMS. If service providers are unable to provide coverage, an owner, operator, or vessel manager may request a waiver by calling the Northeast Fisheries Observer Program. Additionally, if a fishing trip is cancelled, vessels must notify NMFS of the cancelled trip to prevent observers from being deployed to a cancelled trip.

Affected Public: Business or other for-profit organizations; individual or households, state, local, or tribal government.

Frequency: Pre-trip notification to observer program, on occasion; Trip Cancellation notification to observer program, on occasion; Released Catch Affidavit, on occasion; and Vessel Permit Swap Form, maximum of once.

Respondent's Obligation: Mandatory.

Legal Authority: The Magnuson-Stevens Fishery Management and Conservation 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 0648–0679.

Sheleen Dumas,

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

[FR Doc. 2024–25759 Filed 11–5–24; 8:45 am]

BILLING CODE 3510–22–P

DEPARTMENT OF COMMERCE

National Oceanic and Atmospheric Administration

[RTID 0648–XE426]

Nominations to the Marine Fisheries Advisory Committee

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

ACTION: Notice; request for nominations.

SUMMARY: The Secretary of Commerce (Secretary) seeks nominations to fill vacancies on the Marine Fisheries Advisory Committee (MAFAC or Committee). MAFAC is responsible to advise the Secretary, NOAA, and NMFS on all matters concerning living marine resources that are the responsibility of the Department of Commerce. The Committee makes recommendations to assist in the development and implementation of departmental regulations, policies, and programs critical to the mission and goals of NMFS. Nominations are encouraged from all individuals involved with or representing interests affected by NMFS actions in managing living marine resources. Nominees should possess demonstrable expertise in a field related to the management of living marine resources and be able to fulfill the time commitment required for two annual meetings and year-round subcommittee work. Individuals serve for a term of three years for no more than two consecutive terms if re-appointed. NMFS seeks qualified nominees to fill pending vacancies.

DATES: Nominations must be emailed on or before December 23, 2024.

ADDRESSES: Nominations should be sent to Katie Zanowicz, MAFAC Assistant, NMFS Office of Policy, by email: *katie.zanowicz@noaa.gov.*

FOR FURTHER INFORMATION CONTACT: Katie Zanowicz, MAFAC Assistant; (301) 427–8034; email: *katie.zanowicz@noaa.gov.*

SUPPLEMENTARY INFORMATION: MAFAC was approved by the Secretary on December 28, 1970, and subsequently chartered under the Federal Advisory Committee Act, 5 U.S.C. 1001 *et seq.,* on February 17, 1971. The Committee meets twice a year, and holds supplementary meetings when necessary, as determined by NMFS or the Committee Chair. MAFAC is comprised of 15 to 21 individuals. Members are highly qualified, diverse individuals with experience in commercial, recreational, aquaculture, and non-commercial fisheries and businesses; seafood industry, including processing, marketing, restaurants and related industries; marine, ecosystems, or protected resources management and conservation; and human dimensions or social sciences associated with living marine resources and working waterfronts. Members may be from tribes or indigenous groups, environmental organizations, academia, consumer groups, and other living marine resource interest groups from all U.S. geographical regions, including the Western Pacific and Caribbean.

NMFS encourages nominations of diverse people, including women and individuals from underserved communities that meet the knowledge, experience, and other requirements of the positions described in this notice. See Executive Order 13985 (Advancing Racial Equity and Support for Underserved Communities Through the Federal Government) section 2 (defining ''underserved communities'' as populations sharing a particular characteristic, as well as geographic communities, that have been systematically denied a full opportunity to participate in aspects of economic, social, and civic life, such as Black, Latino, and Indigenous and Native American persons, Asian Americans and Pacific Islanders and other persons of color; members of religious minorities; lesbian, gay, bisexual, transgender, and queer (LGBTQ+) persons; persons with disabilities; persons who live in rural areas; and persons otherwise adversely affected by persistent poverty or inequality), available at *https://www.federalregister.gov/documents/2021/01/25/2021-01753/advancing-racial-equity-and-support-for-underserved-communities-through-the-federal-government.*

A MAFAC member cannot be a Federal employee; a state official, their designee, or an appointed member of a regional fishery management council; registered Federal lobbyist; or agent of a foreign principal. Selected candidates must pass a security check and submit a financial disclosure form. Membership is voluntary and, except for reimbursable travel and related expenses, service is without pay.

Each nomination must include the nominee's name, address, telephone number, and email address; a cover letter describing the nominee's interest in serving on the Committee and qualifications; and their curriculum vitae or resume. Up to three letters of support may be submitted. Self-nominations will be accepted.

Nominations should be sent to Katie Zanowicz (see **ADDRESSES**) and must be received by [*December 23, 2024*]. The full text of the Committee Charter and its current membership can be viewed at the NMFS web page at *https://www.fisheries.noaa.gov/national/partners/marine-fisheries-advisory-committee-charter.*

Dated: October 31, 2024.

Heidi Lovett,

Designated Federal Officer, Marine Fisheries Advisory Committee, National Marine Fisheries Service.

[FR Doc. 2024–25747 Filed 11–5–24; 8:45 am]

BILLING CODE 3510–22–P

DEPARTMENT OF COMMERCE

National Oceanic and Atmospheric Administration

[RTID 0648–XE431]

Taking and Importing Marine Mammals; Taking Marine Mammals Incidental to Ice Roads and Ice Trails Construction and Maintenance Activities on Alaska's North Slope

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

ACTION: Notice; issuance of revised Letter of Authorization.

SUMMARY: In accordance with the Marine Mammal Protection Act (MMPA), as amended, its implementing regulations, and NMFS' MMPA Regulations for Taking Marine Mammals Incidental to ice road and ice trail construction, maintenance, and operation in Alaska's North Slope, notification is hereby given that NMFS has issued a revised Letter of Authorization (LOA) to Hilcorp Alaska, LLC (Hilcorp), in place of Eni US Operating Co. Inc. (Eni), for the take of marine mammals incidental to specified construction and maintenance activities.

DATES: The LOA is effective through November 30, 2025.

ADDRESSES: The LOA, original LOA request, request for transferal, and supporting documentation are available online at: *https://www.fisheries.noaa.gov/action/incidental-take-authorization-hilcorp-alaska-and-eni-ice-road-and-ice-trail-construction-and.* In case of problems accessing these documents, please call the contact listed below (see **FOR FURTHER INFORMATION CONTACT**).

FOR FURTHER INFORMATION CONTACT: Jenna Harlacher, 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 issued or, if the taking is limited to harassment, a notice of a proposed incidental take authorization (ITA) may be provided to the public for review.

Authorization for incidental takings shall be granted if NMFS finds that the taking will have a negligible impact on the species or stock(s) and will not have an unmitigable adverse impact on the availability of the species or stock(s) for taking for subsistence uses (where relevant). Further, NMFS must prescribe the permissible methods of taking and other ''means of effecting the least practicable adverse impact'' on the affected species or stocks and their habitat, paying particular attention to rookeries, mating grounds, and areas of similar significance, and on the availability of such species or stocks for taking for certain subsistence uses (referred to in shorthand as ''mitigation''); and requirements pertaining to the mitigation, monitoring and reporting of such takings are set forth. The definitions of all applicable MMPA statutory terms cited above are included in the relevant sections below.

NMFS issued regulations in 2020 that govern the taking of marine mammals incidental to ice road and ice trail construction, maintenance, and operation in Alaska's North Slope. The regulations, which are effective through November 30, 2025, were issued in response to an application from Hilcorp Alaska, LLC (Hilcorp) and Eni US Operating Co. Inc. (Eni) (85 FR 83451, December 22, 2020). Under those regulations, NMFS issued LOAs to Hilcorp and Eni (85 FR 83451). Description of the activities, as well as analysis related to the issuance of those LOAs, is available in the proposed and final rules (85 FR 2988, January 17, 2020; 85 FR 83451, December 22, 2020).

Summary of Request

On October 4, 2024, Hilcorp requested the transfer of Eni's LOA to Hilcorp because Hilcorp was expected to become the owner and operator of the Unit previously owned and operated by Eni as of November 1, 2024. Eni confirmed this in an October 23, 2024, letter to NMFS. Hilcorp agrees to comply with the terms, conditions, stipulations, and restrictions of the original LOA to Eni. No other changes were requested. The revised LOA remains effective through November 30, 2025.

The revised LOA sets forth only a change in the LOA holder's name. There are no other changes to the LOA as described in the December 22, 2020, final rule and notice of issuance of LOAs (85 FR 83451).

Authorization

NMFS is changing the name of the holder of the LOA from ''Eni'' to ''Hilcorp''.

Dated: November 1, 2024.

Kimberly Damon-Randall,

Director, Office of Protected Resources, National Marine Fisheries Service.

[FR Doc. 2024–25813 Filed 11–5–24; 8:45 am]

BILLING CODE 3510–22–P

COMMITTEE FOR PURCHASE FROM PEOPLE WHO ARE BLIND OR SEVERELY DISABLED

Agency Information Collection Activities; Proposals, Submissions, and Approvals

AGENCY: Committee for Purchase From People Who Are Blind or Severely Disabled.

ACTION: Notice of information collection; request for comment.

SUMMARY: The Committee for Purchase From People Who Are Blind or Severely Disabled operates as the U.S. AbilityOne Commission (Commission). This notice announces the Commission's intent to submit the Information Collection Request (ICR) described below to the Office of Management and Budget (OMB) for approval under applicable provisions of the Paperwork Reduction Act. This notice provides an opportunity to interested members of the public and affected agencies to comment on a proposed Participating Employee Information (PEI) form.

DATES: Submit comments within 30 days of this notice, on or before December 5, 2024.

ADDRESSES: Submit comments through *www.regulations.gov.*

FOR FURTHER INFORMATION CONTACT: Christopher Stewart, Compliance and Enforcement Attorney, Office of General Counsel, U.S. AbilityOne Commission, 355 E Street SW, Suite 325, Washington, DC 20024; telephone: (703) 254–6172;

email: *cstewart@abilityone.gov.* If you are deaf, hard of hearing, or have a speech disability and wish to access telecommunications relay services, please dial 7–1–1.

SUPPLEMENTARY INFORMATION:

Overview of ICR: This notice pertains to an ICR the Commission intends to submit to OMB for approval of a form that a participating nonprofit agency (NPA) employer will fill out to document relevant information for each of its blind or significantly disabled employees whose work on a requirement on the Procurement List contract is counted by the NPA as direct labor hours. These individuals are called ''Participating Employees.''

This ICR is consistent with OMB regulations at 5 CFR part 1320, which implement provisions of the Paperwork Reduction Act of 1995 (44 U.S.C. 3501 *et seq.*). These regulations require the Commission to provide an opportunity to interested members of the public and affected agencies to comment on information collection and recordkeeping activities (*see* 5 CFR 1320.8(d)) such as those proposed to be implemented through this form. The Commission may not require completion of this form without receiving approval from OMB and is required to display a valid control number.

The Commission is responsible for implementing the Javits-Wagner-O'Day (JWOD) Act, 41 U.S.C. 8501–8506. In doing so, the Commission oversees the AbilityOne Program (Program), an employment program in which individuals who are blind or have significant disabilities provide products and services to Federal agencies, thereby creating employment opportunities for such individuals. The Commission maintains a Procurement List of mandatory source products and services provided by more than 400 qualified NPAs.

Consistent with the Commission's Strategic Plan, the Agency is working to ensure that Participating Employees in the AbilityOne program are afforded high quality employment opportunities with the possibility for lateral, upward, and outward, mobility. Measuring the Commission's success in this regard requires the Commission to gather data as to the matters covered by this form and the other forms on which the Commission is seeking public comment.

This PEI form will collect data from qualified NPAs regarding Participating Employees to ensure the integrity and further the mission of the AbilityOne Program. This form will provide data on matters such as employee wages, the nature of Participating Employees' disabilities, what job supports and accommodations the Participating Employees are receiving, and a description of employee career development activities that are available to Participating Employees, if an NPA is currently providing such activities.

The form described in this ICR is the second of three forms designed to modernize the Commission's information gathering efforts and align it with the Commission's Strategic Plan for FY 2022–2026, as well as with Commission regulations, including, *inter alia,* 41 CFR 51–4.3.

The Commission is also developing a new Policy 51.405 which will set forth an NPA's responsibility to provide Participating Employees with employee career development activities such as job individualization and employee career plans. Although the requirements of Policy 51.405 will be implemented over time, this form will allow those NPAs that are already providing such employee career development activities to provide data on what they offer.

The PEI form will be filled out and submitted annually for each Participating Employee through an electronic system that will be established by the Central Nonprofit Agency(ies) (CNAs) for the use of the NPAs.

The Commission published a 60-day notice for this form on May 3, 2024, (89 FR 36774). In that notice, the Commission called this form the ''Individual Employee Information'' form, but it is now called the Participating Employee Information form. The Commission received 48 comments in response.

A few commenters stated their support for the Commission's purposes of helping ensure the integrity of and furthering the mission of the Program. A commenter noted that some aspects of the information collection are simplified, while promoting the growth and development of Participating Employees. One commenter stated that the forms present a good opportunity to collect data to measure Program accountability and increase transparency.

The Commission also received comments questioning the necessity of collecting the proposed information and asserting that the information to be collected was too extensive or excessive. Some comments noted that the proposed data collection is not required by law. Some also stated that the rationale for collecting the information was too general to substantiate the collection. Finally, some commenters requested information about the Commission's planned use for the information.

In addition, the Commission received comments expressing concerns over the potential collection of personally identifiable information (PII) covered by the Privacy Act. Some suggested that personal identifiers could raise concerns for NPAs under the Americans with Disabilities Act (ADA), and still others were concerned that the Health Insurance Portability and Accountability Act (HIPAA) may be implicated. However, no commenter offered a legal analysis as to why HIPAA would be implicated.

Other commenters suggested revisions to the disabilities and job supports listed on the form. Commenters also noted that some employees might object to listing additional disabilities beyond those qualifying them for the program.

A number of commenters questioned why the wage data was required and stated that the wage data requested on the form would require significant work by different employees to complete.

Commenters expressed concerns about providing data regarding employees' career mobility and requested clarification as to how to fill out the form for an employee who did not desire career mobility.

One commenter requested clarification as to why the form requested both the date of hire and the date of eligibility for an employee.

As to the burden of completion, commenters opined that the Commission's estimated time for completing the form was too short, though only a few offered an alternative estimate. Similarly, one commenter questioned the Commission's assessment of the salary for someone completing the form, but here again, the Commission received little feedback as to an alternative amount. Some commenters contrasted the proposed form to the Commission's prior requirements for information, which required record keeping but not data reporting. Commenters noted that the CNAs presently collect some of the information collected in this form.

In response to the comments received, the Commission has significantly updated the form. First, to address the privacy concerns, the form will no longer require the name of any employee. Instead, the form will have only a form reference number. The NPA will maintain the information required to associate the form with the specific employee, and the NPA will make that information available for certain employees during qualification assessments. In order to share this information with CNA staff during such

qualification assessments (also known as compliance inspections), the NPA will have been required to collect any consent forms that might be required under law from the individual at the onset of employment, or the NPA will be required to meet an exemption under the law.

With respect to the Privacy Act, the law does not apply because the forms will not be retrievable by the Commission via a search of any personally identifiable information. Moreover, searches of the forms will be limited to the broad category of an NPA and any form references numbers that may appear in that search will not be able to be correlated to any personally identifiable information. Therefore, the Commission is confident that the Privacy Act is not implicated in the collection of this information.

With regard to HIPAA, the Commission believes that, even to the extent some NPAs are covered entities under that law, submitting the form would constitute an exception for disclosures required for ''[e]ntities subject to government regulatory programs for which health information is necessary for determining compliance with program standards[.]'' 45 CFR 164.512(d)(1)(III). Moreover, the Commission has removed personal identifiers from the form, creating another built-in layer of privacy.

If the NPA believes that submitting the form would constitute a transaction under 45 CFR part 162, the NPA should consult with its HIPAA compliance officer for any updates to its existing HIPAA release form(s).

With regard to the Americans with Disabilities Act (ADA) and the inclusion of information on the form about an employee's disability and the reasonable accommodations the employee is receiving, it is true that the ADA requires that such information be kept confidential, subject to only limited exceptions. However, an exception exists where release of the information is required or necessitated by another Federal law. Since disability is a statutory prerequisite to be able to count an individual's direct labor hours toward an NPA's ratio under the JWOD Act, proof of disability is necessary for complying with the law. To the extent NPAs have any additional concerns, they may also obtain the authority to release this information for these very limited purposes upon hire.

This form does not change an NPA's record keeping requirements except insofar as the NPA is required to maintain a record of which employee is associated with which Form Reference Number. That duty is a natural consequence of NPAs' regulatory requirements to maintain a file on each employee as required to participate in the AbilityOne Program. *See* 51.4.3(b) and (c).

With regard to comments about the difficulty of providing information on wages, the Commission has deleted the questions regarding the average hours worked per week and median wages. Instead, the form asks only about the employee's W–2 wages in the past calendar year and the employee's hourly wage as reflected on the most recent pay stub for the employee.

The listed disabilities were reorganized, as were the significant job supports, and supports were added in response to specific suggestions.

The form makes clear that only the disability(ies) that qualifies the individual for the program must be recorded on the form, although employees may choose to provide information on other disabilities (particularly those for which they are receiving job supports).

With regard to career mobility, collecting and analyzing data in this area is necessary to identify the career opportunities available in this program. The Commission has also added an option permitting the NPA to note an employee's desire not to participate in career mobility and, in addition, to record whether the employee's desire not to move to a job with higher pay was due to the employee's concern with losing government-funded health care or other benefits.

With respect to burden, the Commission agrees with commenters that some of the information requested in this form is already being collected by one of the CNAs. Once this form is approved, the CNAs will be required to have an electronic data system that can collect this information, and the Commission will ensure the CNAs will not be collecting information that duplicates the information in this form. Moreover, the Commission believes that making the form available in electronic format will significantly ease the burden of compliance. Nevertheless, based on all of the comments received, the Commission has revised its estimate for completing the form upward to two hours.

A draft version of the PEI form is available at *www.abilityone.gov.*

To calculate the burden for completion of the form in units of hours, the Commission multiplied the estimated total number of annual responses by 2, the number of hours the Commission estimates will be needed to complete the form. NPAs can assess the burden to their particular organization by multiplying the time by their total number of Participating Employees.

The cost burden is based upon national average pay data from the U.S. Bureau of Labor Statistics, using the May 2022 National Occupational Employment and Wage Estimate of $30.88 as the median hourly wage for a Human Resources Specialist (OC 13–1070). (*https://www.bls.gov/oes/current/oes_nat.htm#11-0000*) The table below represents the time and cost burden the Commission estimates this form will necessitate. The Commission believes that collecting this critical data will further the Program's mission and ultimately result in an expansion in opportunities for the individuals employed through the AbilityOne Program.

	Requested	Program change due to new statute	Program change due to agency discretion	Change due to adjustment in agency estimate	Change due to potential violation of the PRA	Previously approved
Annual Number of Responses for this IC	37,377					
Annual IC Time Burden (Hour)	74,754					
Annual IC Cost Burden (Dollars)	$2,308,404					

With respect to this collection of information via the proposed form, the Commission welcomes comments on the following:

1. The necessity to collect this information to support the Commission's mission and oversight responsibilities.

2. Whether there are better or different means of requesting the information sought in the form.

3. Whether there are additional pieces of information that should be collected in the form.

4. Methodology to improve the accuracy of the estimated time burden.

5. Suggestions or methods to minimize the burdens associated with collecting the information described in this ICR.

Michael R. Jurkowski,

Director, Business Operations.

[FR Doc. 2024–25793 Filed 11–5–24; 8:45 am]

BILLING CODE 6353–01–P

DEPARTMENT OF DEFENSE

Office of the Secretary

[Transmittal No. 21–69]

Arms Sales Notification

AGENCY: Defense Security Cooperation Agency, Department of Defense (DoD).

ACTION: Arms sales notice.

SUMMARY: The DoD is publishing the unclassified text of an arms sales notification.

FOR FURTHER INFORMATION CONTACT: Pamela Young at (703) 953–6092, *pamela.a.young14.civ@mail.mil,* or *dsca.ncr.rsrcmgmt.list.cns-mbx@mail.mil.*

SUPPLEMENTARY INFORMATION: This 36(b)(1) arms sales notification is published to fulfill the requirements of section 155 of Public Law 104–164 dated July 21, 1996. The following is a copy of a letter to the Speaker of the House of Representatives with attached Transmittal 21–69 and Policy Justification.

Dated: November 1, 2024.

Stephanie J. Bost,

Alternate OSD Federal Register Liaison Officer, Department of Defense.

BILLING CODE 6001–FR–P

DEFENSE SECURITY COOPERATION AGENCY
2800 Defense Pentagon
Washington, DC 20301-2800

SEP 2 1 2023

The Honorable Kevin McCarthy
Speaker of the House
U.S. House of Representatives
H-209, The Capitol
Washington, DC 20515

Dear Mr. Speaker:

Pursuant to the reporting requirements of Section 36(b)(1) of the Arms Export Control Act, as amended, we are forwarding herewith Transmittal No. 21-69 concerning the Army's proposed Letter(s) of Offer and Acceptance to the Kingdom of Saudi Arabia for defense articles and services estimated to cost $500 million. After this letter is delivered to your office, we plan to issue a news release to notify the public of this proposed sale.

Sincerely,

James A. Hursch
Director

Enclosures:
1. Transmittal
2. Policy Justification
3. Regional Balance (Classified document provided under separate cover)

BILLING CODE 6001–FR–C

Transmittal No. 21–69

Notice of Proposed Issuance of Letter of Offer Pursuant to Section 36(b)(1) of the Arms Export Control Act, as amended

(i) *Prospective Purchaser:* Kingdom of Saudi Arabia

(ii) *Total Estimated Value:*

Major Defense Equipment *	$ 0 million
Other	$500 million
TOTAL	$500 million

Funding Source: National Funds

(iii) *Description and Quantity or Quantities of Articles or Services under Consideration for Purchase:*

Major Defense Equipment (MDE):
None

Non-MDE:
A Foreign Military Sales Order (FMSO) II to provide funds for blanket order requisitions under a Cooperative Logistics Supply Support Agreement (CLSSA) for common spares/repair parts to support the Royal Saudi Land Force's (RSLF) fleet of Abrams tanks, M–60 tanks, Bradley Fighting Vehicles, mortar carriers, Combat Engineer Vehicles, High Mobility Multipurpose Wheeled Vehicles (HMMWVs), Mine Resistance Ambush Protected (MRAP) vehicles, Light Armored Vehicles (LAVs), howitzers, additional support vehicles, components & accessories, pistols, rifles, crew-served weapons, recoilless rifles, mortars, vehicle periscopes, night vision devices, TOW launchers and missile parts, computer units, radar sets, generators, testing/calibration equipment, communication

equipment and other related elements of logistics and program support.

(iv) *Military Department:* Army (SR–B–KYZ)

(v) *Prior Related Cases, if any:* SR–B–UBW, SR–B–KRK, SR–B–KSB, SR–B–KYL, SR–KYM, SR–B–KYN

(vi) *Sales Commission, Fee, etc., Paid, Offered, or Agreed to be Paid:* None

(vii) *Sensitivity of Technology Contained in the Defense Article or Defense Services Proposed to be Sold:* None

(viii) *Date Report Delivered to Congress:* September 21, 2023

* As defined in Section 47(6) of the Arms Export Control Act.

POLICY JUSTIFICATION

Saudi Arabia—Cooperative Logistics Supply Support Arrangement (CLSSA) Program, Foreign Military Sales Order (FMSO) II

The Kingdom of Saudi Arabia has requested to buy a Foreign Military Sales Order (FMSO) II to provide funds for blanket order requisitions under a Cooperative Logistics Supply Support Agreement (CLSSA) for common spares/repair parts to support the Royal Saudi Land Force's (RSLF) fleet of Abrams tanks, M–60 tanks, Bradley Fighting Vehicles, mortar carriers, Combat Engineer Vehicles, High Mobility Multipurpose Wheeled Vehicles (HMMWVs), Mine Resistance Ambush Protected (MRAP) vehicles, Light Armored Vehicles (LAVs), howitzers, additional support vehicles, components & accessories, pistols, rifles, crew-served weapons, recoilless rifles, mortars, vehicle periscopes, night vision devices, TOW launchers and missile parts, computer units, radar sets, generators, testing/calibration equipment, communication equipment and other related elements of logistics and program support. The total estimated program cost is $500 million.

This proposed sale will support U.S. foreign policy and national security objectives by supporting a strategic partner's self-defense and promoting stability in the Middle East.

The proposed sale will maintain Saudi Arabia's capability to meet current and future threats by allowing the RSLF to continue to purchase needed spare/repair parts, through their current CLSSA program, to replenish in-country stocks required for general maintenance and sustain the operability of RSLF equipment. The RSLF has participated in the CLSSA program since 1965 and will have no difficulty absorbing these items into its armed forces.

The proposed sale of this equipment and support will not alter the basic military balance in the region.

There are no principal contractors involved with this potential sale. There are no known offset agreements proposed in connection with this potential sale.

Implementation of this proposed sale will not require the permanent assignment of any U.S. Government or contractor representatives to Saudi Arabia.

There will be no adverse impact on U.S. defense readiness as a result of this proposed sale.

[FR Doc. 2024–25823 Filed 11–5–24; 8:45 am]

BILLING CODE 6001–FR–P

DEPARTMENT OF DEFENSE

Office of the Secretary

[Transmittal No. 23–64]

Arms Sales Notification

AGENCY: Defense Security Cooperation Agency, Department of Defense (DoD).

ACTION: Arms sales notice.

SUMMARY: The is publishing the unclassified text of an arms sales notification.

FOR FURTHER INFORMATION CONTACT: Pamela Young at (703) 953–6092, *pamela.a.young14.civ@mail.mil,* or *dsca.ncr.rsrcmgmt.list.cns-mbx@mail.mil*.

SUPPLEMENTARY INFORMATION: This 36(b)(1) arms sales notification is published to fulfill the requirements of section 155 of Public Law 104–164 dated July 21, 1996. The following is a copy of a letter to the Speaker of the House of Representatives with attached Transmittal 23–64, Policy Justification, and Sensitivity of Technology.

Dated: November 1, 2024.

Stephanie J. Bost,

Alternate OSD Federal Register Liaison Officer, Department of Defense.

BILLING CODE 6001–FR–P

DEFENSE SECURITY COOPERATION AGENCY
2800 Defense Pentagon
Washington, DC 20301-2800

September 11, 2023

The Honorable Kevin McCarthy
Speaker of the House
U.S. House of Representatives
H-209, The Capitol
Washington, DC 20515

Dear Mr. Speaker:

Pursuant to the reporting requirements of Section 36(b)(1) of the Arms Export Control Act, as amended, we are forwarding herewith Transmittal No. 23-64, concerning the Army's proposed Letter(s) of Offer and Acceptance to the Government of Poland for defense articles and services estimated to cost $4.0 billion. We will issue a news release to notify the public of this proposed sale upon delivery of this letter to your office.

Sincerely,

James A. Hursch
Director

Enclosures:
1. Transmittal
2. Policy Justification
3. Sensitivity of Technology

BILLING CODE 6001–FR–C

Transmittal No. 23–64

Notice of Proposed Issuance of Letter of Offer Pursuant to Section 36(b)(1) of the Arms Export Control Act, as amended

(i) *Prospective Purchaser:* Government of Poland

(ii) *Total Estimated Value:*

Major Defense Equipment *	$1.5 billion
Other	$2.5 billion
TOTAL	$4.0 billion

Funding Source: National Funds

(iii) *Description and Quantity or Quantities of Articles or Services under Consideration for Purchase:* The Government of Poland has requested to buy phase two of a two-phase program for an Integrated Air and Missile Defense (IAMD) Battle Command System (IBCS) enabled PATRIOT Configuration-3+ with modernized sensors and components, including:

Major Defense Equipment (MDE):

Ninety-three (93) Integrated Air and Missile Defense (IAMD) Battle Command System (IBCS) Engagement Operation Centers (EOCs)

One hundred seventy-five (175) IBCS Integrated Fire Control Network (IFCN) Relays

Non-MDE:

Also included are network encryptors; IBCS software development and component integration; U.S. Government and contractor technical support; System Integration Lab (SIL) infrastructure; SIL test tools and equipment; U.S. Government and contractor technical support for SIL; flight test infrastructure and equipment; flight test targets; flight test range costs and fees; U.S. Government and Original Equipment Manufacturer (OEM) flight test services and support; and other related elements of logistics and program support.

(iv) *Military Department:* Army (PL–B–UEN)

(v) *Prior Related Cases, if any:* PL–B–UCJ, PL–B–UEK, PL–B–UEL, PL–B–UEM

(vi) *Sales Commission, Fee, etc., Paid, Offered, or Agreed to be Paid:* None

(vii) *Sensitivity of Technology Contained in the Defense Article or Defense Services Proposed to be Sold:* See Attached Annex

(viii) *Date Report Delivered to Congress:* September 11, 2023

* As defined in Section 47(6) of the Arms Export Control Act.

POLICY JUSTIFICATION

Poland—Integrated Air and Missile Defense (IAMD) Battle Command System (IBCS)

The Government of Poland has requested to buy phase two of a two-phase program for an Integrated Air and Missile Defense (IAMD) Battle Command System (IBCS) enabled PATRIOT Configuration-3+ with modernized sensors and components; the sale includes ninety-three (93) Integrated Air and Missile Defense (IAMD) Battle Command System (IBCS) Engagement Operation Centers (EOCs) and one hundred seventy-five (175) IBCS Integrated Fire Control Network (IFCN) relays. Also included are network encryptors; IBCS software development and component integration; U.S. Government and contractor technical support; System Integration Lab (SIL) infrastructure; SIL test tools and equipment; U.S. Government and contractor technical support for SIL; flight test infrastructure and equipment; flight test targets; flight test range costs and fees; U.S. Government and Original Equipment Manufacturer (OEM) flight test services and support; and other related elements of logistics and program support. The total estimated program cost is $4.0 billion.

This proposed sale will support the foreign policy goals and national security objectives of the United States by improving the security of a North Atlantic Treaty Organization Ally that is a force for political stability and economic progress in Europe.

The proposed sale will improve Poland's missile defense capability and contribute to Poland's goal of updating its military capability while further enhancing interoperability with the United States and other allies. Poland will have no difficulty absorbing this equipment into its armed forces.

The proposed sale of this equipment and support will not alter the basic military balance in the region.

The principal contractor will be Northrup Grumman, Huntsville, AL. The purchaser has requested offsets. Any offset agreement will be defined in negotiations between the purchaser and the contractor(s).

Implementation of this proposed sale will require approximately forty (40) U.S. Government and/or forty-five (45) contractor representatives to travel to Poland for an extended period for equipment deprocessing and fielding, system checkout, training, and technical and logistics support.

There will be no adverse impact on U.S. defense readiness as a result of this proposed sale.

Transmittal No. 23–64

Notice of Proposed Issuance of Letter of Offer Pursuant to Section 36(b)(1) of the Arms Export Control Act

Annex

Item No. vii

(vii) *Sensitivity of Technology:*

1. The Integrated Air and Missile Defense (IAMD) Battle Command System (IBCS) is the centerpiece of the U.S. Army's modernization strategy for air and missile defense capability. The system's resilient, open, modular, scalable architecture is foundational to deploying a truly integrated network of all available assets in the battlespace, regardless of source, service, or domain. IBCS enables the efficient and affordable integration of current and future systems, including assets deployed over IP-enabled networks, counter-unmanned aerial systems (UAS), 4th and 5th-generation aircraft, space-based sensors, and more. It senses, identifies, tracks, and defeats evolving air and missile threats, enabling revolutionary ''multi-domain, any sensor, best effector'' operations.

2. The highest level of classification of defense articles, components, and services included in this potential sale is SECRET.

3. If a technologically advanced adversary were to obtain knowledge of the specific hardware and software elements, the information could be used to develop countermeasures that might reduce weapon system effectiveness or be used in the development of a system with similar or advanced capabilities.

4. A determination has been made that the Government of Poland can provide substantially the same degree of protection for the sensitive technology being released as the U.S. Government. This sale is necessary in furtherance of the U.S. foreign policy and national security objectives outlined in the Policy Justification.

5. All defense articles and services listed in this transmittal have been authorized for release and export to the Government of Poland.

[FR Doc. 2024–25766 Filed 11–5–24; 8:45 am]

BILLING CODE 6001–FR–P

DEPARTMENT OF DEFENSE

Office of the Secretary

[Transmittal No. 23–72]

Arms Sales Notification

AGENCY: Defense Security Cooperation Agency, Department of Defense (DoD).

ACTION: Arms sales notice.

SUMMARY: The DoD is publishing the unclassified text of an arms sales notification.

FOR FURTHER INFORMATION CONTACT: Pamela Young at (703) 953–6092, *pamela.a.young14.civ@mail.mil,* or *dsca.ncr.rsrcmgmt.list.cns-mbx@mail.mil.*

SUPPLEMENTARY INFORMATION: This 36(b)(1) arms sales notification is published to fulfill the requirements of section 155 of Public Law 104–164 dated July 21, 1996. The following is a copy of a letter to the Speaker of the House of Representatives with attached Transmittal 23–72, Policy Justification, and Sensitivity of Technology.

Dated: November 1, 2024.

Stephanie J. Bost,

Alternate OSD Federal Register Liaison Officer, Department of Defense.

BILLING CODE 6001–FR–P

DEFENSE SECURITY COOPERATION AGENCY
2800 DEFENSE PENTAGON
WASHINGTON, DC 20301-2800

September 15, 2023

The Honorable Kevin McCarthy
Speaker of the House
U.S. House of Representatives
H-209, The Capitol
Washington, DC 20515

Dear Mr. Speaker:

Pursuant to the reporting requirements of Section 36(b)(1) of the Arms Export Control Act, as amended, we are forwarding herewith Transmittal No. 23-72, concerning the Air Force's proposed Letter(s) of Offer and Acceptance to the Government of Canada for defense articles and services estimated to cost $313.4 million. We will issue a news release to notify the public of this proposed sale upon delivery of this letter to your office.

Sincerely,

James A. Hursch
Director

Enclosures:
1. Transmittal
2. Policy Justification
3. Sensitivity of Technology

BILLING CODE 6001–FR–C

Transmittal No. 23–72

Notice of Proposed Issuance of Letter of Offer Pursuant to Section 36(b)(1) of the Arms Export Control Act, as amended

(i) *Prospective Purchaser:* Government of Canada

(ii) *Total Estimated Value:*

Major Defense Equipment *	$ 75.2 million
Other	$238.2 million
Total	$313.4 million

(iii) *Description and Quantity or Quantities of Articles or Services under Consideration for Purchase:* The Government of Canada has requested to buy munitions and other systems to be integrated into MQ–9Bs purchased through Direct Commercial Sales, to include:

Major Defense Equipment (MDE):
- Twelve (12) AN/APY–8 Lynx Synthetic Aperture Radars
- Two hundred nineteen (219) AGM–114R2 Hellfire II Missiles
- Eighteen (18) KMU–572 Tail Kits for the GBU–38 Joint Direct-Attack Munition (JDAM) and GBU–54 Laser JDAM (LJDAM)
- Twelve (12) Mk82 500-lb General Purpose (GP) Bombs
- Six (6) Mk82 Filled Inert Bombs

Non-MDE:

Also included are Due Regard Radars; SAGE 750 and SNC 4500 Electronic Surveillance Measures Systems; AN/ARC–210 radios; Compact Multi-Band Data Link (CMDL); KY–100M Narrowband/Wideband Terminals; KOR–24A Small Tactical Terminals; High-Bandwidth Compact Telemetry Modules (HCTM); KIV–77 cryptographic appliques and other Identification Friend or Foe (IFF) equipment; AN/PYQ–10C Simple Key Loaders (SKL); Common

Munitions Built-In-Test/Reprogramming Equipment (CMBRE); FMU–139 Joint Programmable Fuses (JPF); M299 Hellfire launchers and training missiles; DSU–38 Precision Laser Guidance Sets; classified publications and technical documentation; munitions support and support equipment; secure communications, precision navigation, and cryptographic equipment; spare and repair parts, consumables, accessories, and repair and return support; unclassified software delivery and support; testing and integration support and equipment; maps and charts; personnel training and training equipment; transportation support; warranties; studies and surveys; Contractor Logistics Support (CLS); U.S. Government and contractor engineering, technical, and logistics support services; and other related elements of logistics and program support.

(iv) *Military Department:* Air Force (CN–D–BAB)

(v) *Prior Related Cases, if any:* CN–D–GBV

(vi) *Sales Commission, Fee, etc., Paid, Offered, or Agreed to be Paid:* None known at this time

(vii) *Sensitivity of Technology Contained in the Defense Article or Defense Services Proposed to be Sold:* See Attached Annex

(viii) *Date Report Delivered to Congress:* September 15, 2023

* As defined in Section 47(6) of the Arms Export Control Act.

POLICY JUSTIFICATION

Canada—MQ–9B Integrated Systems

The Government of Canada has requested to buy munitions and other systems to be integrated into MQ–9Bs purchased through Direct Commercial Sales, to include: twelve (12) AN/APY–8 Lynx Synthetic Aperture radars; two hundred nineteen (219) AGM–114R2 Hellfire II missiles; eighteen (18) KMU–572 tail kits for the GBU–38 Joint Direct-Attack Munition (JDAM) and GBU–54 Laser JDAM (LJDAM); twelve (12) Mk82 500-lb General Purpose (GP) bombs; and six (6) Mk82 Filled Inert bombs. Also included are Due Regard Radars; SAGE 750 and SNC 4500 Electronic Surveillance Measures Systems; AN/ARC–210 radios; Compact Multi-Band Data Link (CMDL); KY–100M Narrowband/Wideband Terminals; KOR–24A Small Tactical Terminals; High-Bandwidth Compact Telemetry Modules (HCTM); KIV–77 cryptographic appliques and other Identification Friend or Foe (IFF) equipment; AN/PYQ–10C Simple Key Loaders (SKL); Common Munitions Built-In-Test/Reprogramming Equipment (CMBRE); FMU–139 Joint Programmable Fuses (JPF); M299 Hellfire launchers and training missiles; DSU–38 Precision Laser Guidance Sets; classified publications and technical documentation; munitions support and support equipment; secure communications, precision navigation, and cryptographic equipment; spare and repair parts, consumables, accessories, and repair and return support; unclassified software delivery and support; testing and integration support and equipment; maps and charts; personnel training and training equipment; transportation support; warranties; studies and surveys; Contractor Logistics Support (CLS); U.S. Government and contractor engineering, technical, and logistics support services; and other related elements of logistics and program support. The estimated total cost is $313.4 million.

This proposed sale will support the foreign policy and national security objectives of the United States by helping to improve the military capability of Canada, a NATO ally that is an important force for ensuring political stability and economic progress, and a contributor to military, peacekeeping and humanitarian operations around the world.

The proposed sale will improve Canada's capability to meet current and future threats by enabling unmanned surveillance and reconnaissance patrols of its northern arctic territories. It will also enable Canada to optimally fulfill its North American Aerospace Defense (NORAD) and NATO missions while increasing interoperability with U.S. and NATO forces. Canada will have no difficulty absorbing these articles and services into its armed forces.

The proposed sale of this equipment and support will not alter the basic military balance in the region.

The principal contractor will be General Atomics Aeronautical Systems, Poway, CA. The purchaser typically requests offsets. Any offset agreement will be defined in negotiations between the purchaser and the contractor.

Implementation of this proposed sale will not require the assignment of any additional U.S. Government or contractor representatives to Canada.

There will be no adverse impact on U.S. defense readiness as a result of this proposed sale.

Transmittal No. 23–72

Notice of Proposed Issuance of Letter of Offer Pursuant to Section 36(b)(1) of the Arms Export Control Act

Annex

Item No. vii

(vii) *Sensitivity of Technology:*

1. The AN/APY–8 Lynx Synthetic Aperture Radar (SAR) and Ground Moving Target Indicator (GMTI) system provides all-weather surveillance, tracking and targeting for military and commercial customers from manned and unmanned vehicles.

2. The AGM–114–R2 Hellfire II is a missile equipped with a Semi-Active Laser (SAL) seeker that homes-in on the reflected light of a laser designator. The AGM–114R can be launched from higher altitudes than previous variants because of its enhanced guidance and navigation capabilities which include a Height-of-Burst (HOB)/proximity sensor. With its multi–purpose warhead, the missile can destroy hard, soft, and enclosed targets. Inert missiles have no explosive fill and are used for integration testing.

3. The M299 launcher provides mechanical and electrical interface between the Hellfire missile and aircraft.

4. Joint Direct-Attack Munitions (JDAM) consist of a bomb body paired with a warhead-specific tail kit containing an Inertial Navigation System (INS)/Global Positioning System (GPS) guidance capability that converts unguided free-fall bombs into accurate, adverse weather ''smart'' munitions. The JDAM weapon can be delivered from modest standoff ranges at high or low altitudes against a variety of land and surface targets during the day or night. The JDAM can receive target coordinates via preplanned mission data from the delivery aircraft, by onboard aircraft sensors (*i.e.,* FLIR, Radar, etc.) during captive carry, or from a third-party source via manual or automated aircrew cockpit entry. Inert bombs have no explosive fill and are used for integration testing.

a. The GBU–38v1 is a 500-pound JDAM, consisting of a KMU–572 tail kit and BLU–111 or Mk–82 bomb body.

b. The GBU–54 Laser Joint Direct Attack Munition (LJDAM) is a 500-pound JDAM which incorporates all the capabilities of the JDAM guidance tail kit and adds a precision laser guidance set. The LJDAM gives the weapon system an optional semi-active laser guidance in addition to the INS/GPS guidance. This provides the optional capability to strike moving targets. The GBU–54 consists of a DSU–38 laser

guidance set and bomb body with appropriate KMU–5XX tail kit.

5. The SAGE 750 Electronic Surveillance Measures (ESM) System is a UK-produced, digital electronic intelligence (ELINT) sensor which analyzes the electromagnetic spectrum to map the source of active emissions. Using highly accurate Direction Finding (DF) antennas, SAGE builds target locations and provides situational awareness, advance warning of threats and the ability to cue other sensors.

6. The SNC 4500 Auto Electronic Surveillance Measures (ESM) System is a digital electronic intelligence (ELINT) sensor which analyzes the electromagnetic spectrum to map the source of active emissions. Using highly accurate Direction Finding (DF) antennas, the SNC 4500 builds target locations and provides situational awareness, advance warning of threats and the ability to cue other sensors.

7. ARC–210 radios are voice communications radio systems equipped with HAVE QUICK II and Second Generation Antijam Tactical UHF Radio for NATO (SATURN), which employ cryptographic technology. Other waveforms may be included as needed.

8. CMDL is on the leading edge of miniaturized, high-performance, wide-band data links. Operating in Ku, C, L or S-band, with both analog and digital waveforms. It is interoperable with military and commercial products including: Tactical Common Data Link (TCDL) terminals, the complete line of ROVER products, and COFDM receivers.

9. The KY–100M is a lightweight terminal for secure voice and data communications. The KY–100M provides wideband/narrowband half-duplex communication. Operating in tactical ground, marine and airborne applications, the KY–100M enables secure communication with a broad range of radio and satellite equipment.

10. The KOR–24A Small Tactical Terminal Link-16 is a command, control communications, and intelligence (C31) system incorporating high-capacity, jam-resistant, digital communication links for exchange of near real-time tactical information, including both data and voice, among air, ground, and sea elements.

11. The KIV–77 is a cryptographic applique for IFF. It can be loaded with Mode 5 classified elements.

12. The AN/PYQ–10 Simple Key Loader is a handheld device used for securely receiving, storing, and transferring data between compatible cryptographic and communications equipment.

13. Common Munitions Built-In-Test (BIT)/Reprogramming Equipment (CMBRE) is supporting equipment used to interface with weapon systems to initiate and report BIT results, and upload/download flight software. CMBRE supports multiple munitions platforms with a range of applications that perform preflight checks, periodic maintenance checks, loading of Operational Flight Program (OFP) data, loading of munitions mission planning data, loading of Global Positioning System (GPS) cryptographic keys, and declassification of munitions memory.

14. The FMU–139 Joint Programmable Fuze (JPF) is a multi-delay, multi-arm and proximity sensor compatible with general purpose blast, frag and hardened-target penetrator weapons. The JPF settings are cockpit selectable in flight when used with numerous precision-guided weapons.

15. The highest level of classification of defense articles, components, and services included in this potential sale is SECRET.

16. If a technologically advanced adversary were to obtain knowledge of the specific hardware and software elements, the information could be used to develop countermeasures that might reduce weapon system effectiveness or be used in the development of a system with similar or advanced capabilities.

17. A determination has been made that Canada can provide substantially the same degree of protection for the sensitive technology being released as the U.S. Government. This sale is necessary in furtherance of the U.S. foreign policy and national security objectives outlined in the Policy Justification.

18. All defense articles and services listed in this transmittal have been authorized for release and export to the Government of Canada.

[FR Doc. 2024–25769 Filed 11–5–24; 8:45 am]

BILLING CODE 6001–FR–P

DEPARTMENT OF DEFENSE

Office of the Secretary

[Transmittal No. 23–0O]

Arms Sales Notification

AGENCY: Defense Security Cooperation Agency, Department of Defense (DoD).

ACTION: Arms sales notice.

SUMMARY: The DoD is publishing the unclassified text of an arms sales notification.

FOR FURTHER INFORMATION CONTACT: Pamela Young at (703) 953–6092, *pamela.a.young14.civ@mail.mil,* or *dsca.ncr.rsrcmgmt.list.cns-mbx@mail.mil.*

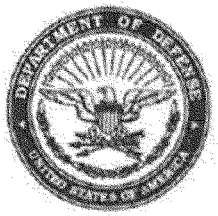
SUPPLEMENTARY INFORMATION: This 36(b)(5)(C) arms sales notification is published to fulfill the requirements of section 155 of Public Law 104–164 dated July 21, 1996. The following is a copy of a letter to the Speaker of the House of Representatives with attached Transmittal 23–0O.

Dated: November 1, 2024.

Stephanie J. Bost,

Alternate OSD Federal Register Liaison Officer, Department of Defense.

BILLING CODE 6001–FR–P



DEFENSE SECURITY COOPERATION AGENCY
2800 Defense Pentagon
Washington, DC 20301-2800

September 21, 2023

The Honorable Kevin McCarthy
Speaker of the House
U.S. House of Representatives
H-209, The Capitol
Washington, DC 20515

Dear Mr. Speaker:

Pursuant to the reporting requirements of Section 36(b)(5)(C) of the Arms Export Control Act (AECA), as amended, we are forwarding Transmittal No. 23-0O. This notification relates to enhancements or upgrades from the level of sensitivity of technology or capability described in the Section 36(b)(1) AECA certification 20-23 of April 10, 2020.

Sincerely,

James A. Hursch
Director

Enclosure:
1. Transmittal

BILLING CODE 6001–FR–C

Transmittal No. 23–0O

REPORT OF ENHANCEMENT OR UPGRADE OF SENSITIVITY OF TECHNOLOGY OR CAPABILITY (SEC. 36(B)(5)(C), AECA)

(i) *Purchaser:* Government of the Republic of Korea

(ii) *Sec. 36(b)(1), AECA Transmittal No.:* 20–23

Date: April 10, 2020

Implementing Agency: Air Force

(iii) *Description:* On April 10, 2020, Congress was notified by Congressional certification transmittal number 20–23, of the possible sale, under Section 36(b)(1) of the Arms Export Control Act, of follow-on support and services for the Republic of Korea's F–35 aircraft, engines, and weapons; publications and technical documentation; support equipment; spare and repair parts; repair and return; test equipment; software delivery and support; pilot flight equipment; personnel training equipment; U.S. Government and contractor technical and logistics support services; and other related elements of program support. The estimated total cost was $675 million. There was no Major Defense Equipment (MDE) included.

This transmittal notifies the addition of the following non-MDE items: continued Contractor Logistics Support (CLS) for the F–35 program; electronic warfare (EW) data and Reprogramming Lab support; Cartridge Actuated Devices/Propellant Actuated Devices (CAD/PAD); classified software development, delivery, and support; aircraft engine Component Improvement Program (CIP) support; transportation support; and engineering technical assistance. No MDE is being added to this case. The estimated total value of the new non-MDE items is $565 million, however only a net increase in total non-MDE of $545 million is required. The estimated total case value will increase to $1.22 billion.

(iv) *Significance:* The proposed sale will sustain the Republic of Korea's F–35 fleet readiness and increase aircraft reliability and maintainability.

(v) *Justification:* This proposed sale will support the foreign policy goals and national security objectives of the United States by improving the security of a major ally that is a force for political stability and economic progress in the Indo-Pacific region.

(vi) *Sensitivity of Technology:*

The Electronic Warfare Reprogramming Lab is used by USG engineers in the reprogramming and creation of shareable Mission Data Files for foreign F–35 customers.

The highest level of classification of defense articles, components, and services included in this potential sale is SECRET.

(vii) *Date Report Delivered to Congress:* September 21, 2023

[FR Doc. 2024–25822 Filed 11–5–24; 8:45 am]

BILLING CODE 6001–FR–P

DEPARTMENT OF DEFENSE

Office of the Secretary

[Transmittal No. 23–0K]

Arms Sales Notification

AGENCY: Defense Security Cooperation Agency, Department of Defense (DoD).

ACTION: Arms sales notice.

SUMMARY: The DoD is publishing the unclassified text of an arms sales notification.

FOR FURTHER INFORMATION CONTACT: Pamela Young at (703) 953–6092, *pamela.a.young14.civ@mail.mil,* or *dsca.ncr.rsrcmgmt.list.cns-mbx@mail.mil.*

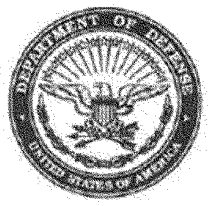
SUPPLEMENTARY INFORMATION: This 36(b)(5)(C) arms sales notification is published to fulfill the requirements of section 155 of Public Law 104–164 dated July 21, 1996. The following is a copy of a letter to the Speaker of the House of Representatives with attached Transmittal 23–0K.

Dated: November 1, 2024.

Stephanie J. Bost,

Alternate OSD Federal Register Liaison Officer, Department of Defense.

BILLING CODE 6001–FR–P



DEFENSE SECURITY COOPERATION AGENCY
2800 Defense Pentagon
Washington, DC 20301-2800

SEP 6 2023

The Honorable Kevin McCarthy
Speaker of the House
U.S. House of Representatives
H-209, The Capitol
Washington, DC 20515

Dear Mr. Speaker:

Pursuant to the reporting requirements of Section 36(b)(5)(C) of the Arms Export Control Act (AECA), as amended, we are forwarding Transmittal No. 23-0K. This notification relates to enhancements or upgrades from the level of sensitivity of technology or capability described in the Section 36(b)(1) AECA certification 16-59 dated September 8, 2017.

Sincerely,

James A. Hursch
Director

Enclosures:
1. Transmittal
2. Regional Balance (Classified document provided under separate cover)

BILLING CODE 6001–FR–C

Transmittal No. 23-0K

REPORT OF ENHANCEMENT OR UPGRADE OF SENSITIVITY OF TECHNOLOGY OR CAPABILITY (SEC. 36(B)(5)(C), AECA)

(i) *Purchaser:* Government of Bahrain

(ii) *Sec. 36(b)(1), AECA Transmittal No.:* 16-59

Date: September 8, 2017

Implementing Agency: Air Force

Funding Source: National Funds

(iii) *Description:* On September 8, 2017, Congress was notified by congressional certification transmittal number 16-59 of the possible sale under Section 36(b)(1) of the Arms Export Control Act of the possible upgrade of Bahrain's existing twenty (23) F-16 Block 40 aircraft to the F-16V configuration. The requested sale was comprised of twenty-three (23) F110 GE-129 engines (includes 3 spares); twenty-three (23) APG-83 Active Electronically Scanned Array Radars (includes 3 spares); twenty-three (23) Modular Mission Computers (includes 3 spares); twenty-three (23) Embedded Global Navigation Systems/LN260 EGI (includes 3 spares); forty (40) LAU-129 launchers; twenty-three (23) Improved Programmable Display Generators (iPDGs) (includes 3 spares); twenty-five (25) AN/AAQ-33 SNIPER Pods; two (2) AIM-9X Sidewinder Missiles; two (2) AGM-88 High-Speed Anti-Radiation Missiles (HARM); two (2) WGU-43 Guidance Control Unit (GBU) Guidance Control Unit (GCU) (for GBU-24 Paveway III); two (2) BSU-84 Air Foil Group (AFG) (for GBU-24 Paveway III); five (5) KMU-572 Joint Direct Attack Munition (JDAM) Tailkits (for GBU-38 JDAM and GBU-54 Laser JDAM); two (2) GBU-39 Small Diameter Bombs (SDB) Guided Test Vehicles (GTV); two (2) AGM-84 Harpoon Missiles; three (3) MAU-210 ECCG (for GBU-50 Enhanced Paveway II); three (3) BLU-109 Inert Bomb Bodies; four (4) MK-82/BLU-111 Inert Bomb Bodies; and two (2) FMU-152 or FMU-139 Fuzes. Also included were one (1) Joint Mission Planning System; one (1) F-16V simulator; twenty (20) AN/ALQ-211 AIDEWS Systems; one (1) avionics level test station; six (6) DB-110 Advanced Reconnaissance Systems; two (2) LAU-118A Launchers; forty-five (45) AN/ARC-238 SINCGARS Radio or equivalent; twenty-three (23) AN/APX126 Advanced Identification Friend or Foe (AIFF) systems or equivalent; twenty-three (23) cryptographic appliques; two (2) CATM-9L/M, two (2) AIM-120C-7 Advanced Medium Range Air-to-Air Missile (AMRAAM) Captive Air Training Missiles (CATM); three (3) MXU-651 AFG (for GBU-50 Enhanced Paveway II); four (4) DSU-38 Precision Laser Guidance sets (PLGS) (for GBU-54 Laser JDAM); four (4) AGM-154 Joint Stand-Off Weapon (JSOW) Captive Flight Vehicles (CFV); three (3) MK-84/BLU-117 Inert Bomb Bodies; two (2) FMU-152 D-1 Inert Fuzes; three (3) BRU-57 Bomb Racks; two (2) BRU-61 Bomb Racks for SDB; two (2) ADU-890 SDB adapter cable for CMBRE; two (2) ADU-891 AMRAAM/AIM-9X adapter cable for CMBRE; telemetry for all flight test assets secure communication equipment; spares and repair parts; support equipment; personnel training and training equipment; publications and technical documentation; U.S. Government and contractor technical support services; containers; missile support and test equipment; integration test; site survey; design; construction studies/analyses/services; associate operations, maintenance, training; support facilities; cybersecurity; critical computer resources support; force protection; and other related elements of logistics and program support. The estimated total cost was $1.082 billion. Major Defense Equipment (MDE) constituted $406 million of this total.

On September 28, 2018, Congress was notified by Congressional certification transmittal number 18-0C of the possible sale, under Section 36(b)(5)(C) of the Arms Export Control Act, of:

1. The inclusion of twenty-three (23) Multifunction Information Distribution System Joint Tactical Radio System (MIDS-JTRS) Concurrent Multi-Networking-4 (CMN-4) which are MDE;

2. The inclusion of an additional nineteen (19) AN/ALQ-211 Advanced Integrated Defensive Electronic Warfare Suite (AIDEWS) Systems (non-MDE), which will increase the number from twenty (20) to thirty-nine (39). These additional nineteen (19) were not included in the total value of the AIDEWS systems previously notified. This change was due to a change in system requirements and a desire to prioritize system components with long lead procurement timelines; and

3. The inclusion of additional test weapons quantities and MDE designations outlined below:

a. BLU-109—Increase from quantity of three (3) to four (4)

b. Bomb Practice GBU-39 Guided Test Vehicle (GTV)—MDE item not on original notification

c. MK-82 Inert Filled Bomb Body—Increase in quantity of four (4) to six (6)—MDE not on original notification

d. KMU-572 JDAM Tail Kit—Quantity of five (5) not included on original Congressional Notification and MDE designation not on original notification

e. MXU-650 Air Foil Group—Quantity of two (2) not included on original Congressional Notification and MDE designation not on original notification

f. MXU-651 Air Foil Group—MDE designation not on original notification

g. MAU-210 Enhanced Computer Control Group—Increase in quantity of three (3) to four (4) and MDE designation not on original notification. Also, correct that this MAU is for the GBU-49, not the GBU-50 as outlined in the original notification.

h. FMU-152—Quantity of six (6) not included on original Congressional Notification and MDE designation not on original notification.

These changes were due to unit pack minimum required quantities, items not properly identified as MDE on the original notification, and errors in requirements identification by the procuring office.

The inclusion of these MDE items did not increase the value of MDE beyond what was originally notified. The inclusion of AIDEWS caused the total case value to rise from $1.082 billion to $1.292 billion.

On October 1, 2019, Congress was notified by Congressional certification transmittal number 0T–19, under Section 36(b)(5)(A) of the Arms Export Control Act, of the inclusion of an additional five (5) AN/AAQ–33 SNIPER Pods, which increased the number from twenty-five (25) to thirty (30). These additional five (5) were not included in the total value of the SNIPER Pods previously notified. The addition of these items resulted in a net increase in cost of MDE of $11.6 million. The revised MDE total value was $417.6 million. The total case value remained $1.292 billion.

This transmittal notifies the following change in MDE items: the ''twenty-three (23) Embedded Global Navigation Systems/LN260 EGI (includes 3 spares)'' previously notified will be changed to ''twenty-three (23) Embedded Global Navigation Systems/LN260 EGI (includes 3 spares) and/or EGI devices with M-code technology.'' The following non-MDE items will also be included: MS–110 Reconnaissance Pod Retrofit Kits; additional spare parts and repair and return support; and additional integration, training, and sustainment equipment and support. The estimated total value of new MDE items is $7 million but will not result in a net increase in the total MDE cost. The total MDE value will remain $417.6 million. The total cost of added non-MDE items is $139 million. The total estimated case value will increase by $139 million to $1.431 billion.

(iv) *Significance:* This notification is being provided as the included replacement and additional items represent in an increase in capability over what was originally notified. The proposed sale increases Bahrain's F–16 fleet's reconnaissance capability and contributes to greater interoperability with the United States. Bahrain is upgrading its F–16 program as a deterrent to regional threats and to strengthen its homeland defense.

(v) *Justification:* This proposed sale will support the foreign policy and national security of the United States by helping to improve the security of a Major Non-NATO Ally in developing and maintaining a strong and ready self-defense capability. This proposed sale will enhance U.S. national security objectives in the region.

(vi) *Sensitivity of Technology:* The M-code capable Embedded Global Positioning System (GPS) Inertial Navigation System (INS) (EGI), with an embedded GPS Precise Positioning Service (PPS) Receiver Application Module-Standard Electronic Module (GRAM–S/M), is a self-contained navigation system that provides acceleration, velocity, position, attitude, platform azimuth, magnetic and true heading, altitude, body angular rates, time tags, and coordinated universal time (UTC) synchronized time. The embedded GRAM–S/M enables access to both the encrypted P(Y) and M-Code signals, providing protection against active spoofing attacks, enhanced military exclusivity, integrity, and anti-jam.

The MS–110 is a tactical reconnaissance pod with long-range, day/night, multi-spectral sensor technology. The multi-spectral sensor lets the end user see color and better distinguish subtle features than a DB–110 pod's dual band imagery. The pod can transmit imagery via a datalink to ground-stations for near real time analysis and exploitation. The MS–110 Retrofit Kit converts a DB–110 pod into an MS–110 pod.

The Sensitivity of Technology Statement contained in the original notification applies to additional items reported here.

The highest level of classification of defense articles, components, and services included in this potential sale is SECRET.

(vii) *Date Report Delivered to Congress:* September 6, 2023

[FR Doc. 2024–25765 Filed 11–5–24; 8:45 am]

BILLING CODE 6001–FR–P

DEPARTMENT OF DEFENSE

Office of the Secretary

[Transmittal No. 23–40]

Arms Sales Notification

AGENCY: Defense Security Cooperation Agency, Department of Defense (DoD).

ACTION: Arms sales notice.

SUMMARY: The DoD is publishing the unclassified text of an arms sales notification.

FOR FURTHER INFORMATION CONTACT: Pamela Young at (703) 953–6092, *pamela.a.young14.civ@mail.mil,* or *dsca.ncr.rsrcmgmt.list.cns-mbx@mail.mil.*

SUPPLEMENTARY INFORMATION: This 36(b)(1) arms sales notification is published to fulfill the requirements of section 155 of Public Law 104–164 dated July 21, 1996. The following is a copy of a letter to the Speaker of the House of Representatives with attached Transmittal 23–40, Policy Justification, and Sensitivity of Technology.

Dated: November 1, 2024.

Stephanie J. Bost,

Alternate OSD Federal Register Liaison Officer, Department of Defense.

BILLING CODE 6001–FR–P

DEFENSE SECURITY COOPERATION AGENCY
2800 Defense Pentagon
Washington, DC 20301-2800

OCT 3 2023

The Honorable Kevin McCarthy
Speaker of the House
U.S. House of Representatives
H-209, The Capitol
Washington, DC 20515

Dear Mr. Speaker:

Pursuant to the reporting requirements of Section 36(b)(1) of the Arms Export Control Act, as amended, we are forwarding herewith Transmittal No. 23-40, concerning the Army's proposed Letter(s) of Offer and Acceptance to the Government of Oman for defense articles and services estimated to cost $70 million. We will issue a news release to notify the public of this proposed sale upon delivery of this letter to your office.

Sincerely,

James A. Hursch
Director

Enclosures:
1. Transmittal
2. Policy Justification
3. Sensitivity of Technology
4. Regional Balance (Classified document provided under separate cover)

BILLING CODE 6001–FR–C

Transmittal No. 23–40

Notice of Proposed Issuance of Letter of Offer Pursuant to Section 36(b)(1) of the Arms Export Control Act, as amended

(i) *Prospective Purchaser:* Government of Oman

(ii) *Total Estimated Value:*

Major Defense Equipment *	$60 million
Other	$10 million
Total	$70 million

Funding Source: National Funds

(iii) *Description and Quantity or Quantities of Articles or Services under Consideration for Purchase:*

Major Defense Equipment (MDE):

Three hundred one (301) Tube-Launched, Optically-Tracked, Wireless-Guided (TOW) 2B, Radio Frequency (RF) Missiles (BGM–71F–7–RF) (includes 7 ''Fly-to-Buy'' Missiles)

Non-MDE:

Also included are U.S. Government and contractor technical, program, logistics, and engineering support services, and other related elements of logistics and program support.

(iv) *Military Department:* Army (MU–B–UKV)

(v) *Prior Related Cases, if any:* None

(vi) *Sales Commission, Fee, etc., Paid, Offered, or Agreed to be Paid:* None known at this time

(vii) *Sensitivity of Technology Contained in the Defense Article or Defense Services Proposed to be Sold:* See Attached Annex

(viii) *Date Report Delivered to Congress:* October 3, 2023

* As defined in Section 47(6) of the Arms Export Control Act.

POLICY JUSTIFICATION

Oman—TOW 2B Radio Frequency Missiles (BGM–71F–7–RF) and Support

The Government of Oman has requested to buy three hundred one (301) Tube-Launched, Optically-Tracked, Wireless-Guided (TOW) 2B, Radio Frequency (RF) Missiles (BGM–71F–7–RF) (includes 7 ''Fly-to-Buy'' Missiles). Also included are U.S. Government and contractor technical, program, logistics, and engineering support services, and other related elements of logistics and program support. The estimated total cost is $70 million.

This proposed sale will support the foreign policy and national security of the United States by helping to improve the security of a friendly country that continues to be an important force for political stability and economic progress in the Middle East.

The proposed sale will improve the Royal Army of Oman's capability to meet current and future threats by enhancing the strength of its homeland defense. Oman will have no difficulty absorbing this equipment and services into its armed forces.

The proposed sale of this equipment and support will not alter the basic military balance in the region.

The principal contractor will be Raytheon Missiles & Defense, Tucson, Arizona. There are no known offset agreements proposed in connection with this potential sale.

Implementation of this proposed sale will not require the assignment of any additional U.S. Government or U.S. contractor representatives to Oman.

There will be no adverse impact on U.S. defense readiness as a result of this proposed sale.

Transmittal No. 23–40

Notice of Proposed Issuance of Letter of Offer Pursuant to Section 36(b)(1) of the Arms Export Control Act

Annex

Item No. vii

(vii) *Sensitivity of Technology:*

1. The Tube-Launched, Optically-Tracked, Wireless-Guided (TOW) 2B Radio Frequency (RF) Missile (BGM–71F–7–RF) is a top attack missile designed to defeat armored vehicles, reinforced urban structures, field fortifications and other such targets. TOW missiles are fired from a variety of TOW launchers used by the U.S. Army, USMC, and non-U.S. forces. The TOW 2B RF missile can be launched from the same launcher as the wire-guided TOW 2B missile without modification to the launcher. The TOW 2B missile (both wire and RF-guided) contains two tracker beacons (Xenon and thermal) for the launcher to track and guide the missile in flight. Guidance commands from the launcher are provided to the missile by the RF link contained within the missile case.

2. The highest level of classification of defense articles, components, and services included in this potential sale is SECRET.

3. If a technologically advanced adversary were to obtain knowledge of the specific hardware and software elements, the information could be used to develop countermeasures that might reduce weapon system effectiveness or be used in the development of a system with similar or advanced capabilities.

4. A determination has been made that the Government of Oman can provide substantially the same degree of protection for the sensitive technology being released as the U.S. Government. This sale is necessary in furtherance of the U.S. foreign policy and national security objectives outlined in the Policy Justification.

5. All defense articles and services listed in this transmittal have been authorized for release and export to the Government of Oman.

[FR Doc. 2024–25825 Filed 11–5–24; 8:45 am]

BILLING CODE 6001–FR–P

DEPARTMENT OF DEFENSE

Office of the Secretary

TRICARE; Calendar Year (CY) 2025; TRICARE Prime and TRICARE Select Out-of-Pocket Expenses

AGENCY: Office of the Secretary, Department of Defense.

ACTION: Notice of calendar year (CY) 2025 TRICARE Prime and TRICARE Select out-of-pocket expenses.

SUMMARY: This notice provides the Calendar Year (CY) 2025 TRICARE Prime and TRICARE Select out-of-pocket expenses.

DATES: The CY 2025 rates contained in this notice are effective January 1, 2025.

ADDRESSES: Defense Health Agency (DHA), TRICARE Health Plan, 7700 Arlington Boulevard, Suite 5101, Falls Church, Virginia 22042–5101.

FOR FURTHER INFORMATION CONTACT: Debra Fisher, 703–275–6224, *dha.ncr.healthcare-ops.mbx.thp-policy-and-programs-branch@health.mil.*

SUPPLEMENTARY INFORMATION: The National Defense Authorization Acts for Fiscal Years 2012 and 2017, and subsequent implementing regulations (*e.g.,* § 199.17 of title 32 of the Code of Federal Regulations), established rates for TRICARE beneficiary out-of-pocket expenses and how they may be increased by the annual cost of living adjustment (COLA) percentage used to increase military retired pay or via budget neutrality rules. The CY 2025 retiree COLA increase is 2.5%.

The DHA has updated the CY 2025 out-of-pocket expenses as shown below:

CALENDAR YEAR 2025 TRICARE PRIME AND TRICARE SELECT OUT-OF-POCKET EXPENSES—ACTIVE DUTY FAMILY MEMBERS (ADFM) CATEGORY

[Page 1 of 1]

Out of pocket expense	Select Group A CY25	Select Group B CY25	Prime * Group A CY25	Prime * Group B CY25
Annual enrollment fee:				
Individual	$0	$0	$0	$0
Family	$0	$0	0	0
Annual deductible:				
E1–E4, individual	$50	$64	0	0
E1–E4, family	$100	$128	0	0
E5 & above, individual	$150	$193	0	0
E5 & above, family	$300	$386	0	0
Annual catastrophic cap	$1,000	$1,288	1,000	1,288

CALENDAR YEAR 2025 TRICARE PRIME AND TRICARE SELECT OUT-OF-POCKET EXPENSES—ACTIVE DUTY FAMILY MEMBERS (ADFM) CATEGORY—Continued

[Page 1 of 1]

Out of pocket expense	Select Group A CY25	Select Group B CY25	Prime * Group A CY25	Prime * Group B CY25
Preventive visit	$0	$0	0	0
Primary care	$27 (IN); 20% (OON)	$19 (IN); 20% (OON)	0	0
Specialty care	$38 (IN); 20% (OON)	$32 (IN); 20% (OON)	0	0
ER visit	$105 (IN); 20% (OON)	$51 (IN); 20% (OON)	0	0
Urgent care center visit	$27 (IN); 20% (OON)	$25 (IN); 20% (OON)	0	0
Ambulatory surgery	$25 (IN or OON)	$32 (IN); 20% (OON)	0	0
Ambulance, outpatient ground	$86 (IN); 20% (OON)	$19 (IN); 20% (OON)	0	0
Ambulance, outpatient air	20%; (IN or OON)	20%; (IN or OON)	0	0
Durable medical equipment	15% (IN); 20% (OON)	10% (IN); 20% (OON)	0	0
Inpatient admission	$23.45 per day; $25 min. per admission.	$77 per adm. (IN); 20% (OON)	0	0
Inpatient SNF/rehab facility	$23.45 per day; $25 min. per admission.	$32 per day (IN); $64 per day (OON)	0	0

* When TRICARE Prime enrollees other than active duty service members self-refer to specialty or non-emergent inpatient care without a referral from a network provider and/or authorization from the regional contractor, the TRICARE Point of Service deductible and copayment applies in lieu of TRICARE Prime copayments.

CALENDAR YEAR 2025 TRICARE PRIME AND TRICARE SELECT OUT-OF-POCKET EXPENSES—RETIREE BENEFICIARY CATEGORY

[Page 1 of 2]

Out of pocket expense	Select Group A CY25	Select Group B CY25	Prime * Group A CY25	Prime * Group B CY25
Annual enrollment fee:				
Individual	$181.92	$579	$372	$450
Family	$364.92	$1,158.96	744	900.96
Annual deductible:				
Individual	$150	$193 (IN); $386 (OON)	0	0
Family	$300	$386 (IN); $772 (OON)	0	0
Annual catastrophic cap	$4,261	$4,509	3,000	4,509
Preventive visit	$0	$0	0	0
Primary care	$37 (IN); 25% (OON)	$32 (IN); 25% (OON)	25	25
Specialty care	$51 (IN); 25% (OON)	$51 (IN); 25% (OON)	38	38
ER visit	$140 (IN); 25% (OON)	$103 (IN); 25% (OON)	77	77
Urgent care center visit	$37 (IN); 25% (OON)	$51 (IN); 25% (OON)	38	38
Ambulatory surgery	20% (IN); 25% (OON)	$122 (IN); 25% (OON)	77	77
Ambulance, outpatient ground	$115 (IN); 25% (OON)	$77 (IN); 25% (OON)	51	51
Ambulance, outpatient air	25%; (IN or OON)	25%; (IN or OON)	20	20

Note: The calendar year catastrophic cap for TRICARE Select Group A retirees who are survivors of active duty deceased sponsors or medically retired Uniformed Service members and their dependents is $3,000.

CALENDAR YEAR 2025 TRICARE PRIME AND TRICARE SELECT OUT-OF-POCKET EXPENSES—RETIREE BENEFICIARY CATEGORY

[Page 2 of 2]

Out of pocket expense	Select Group A CY25	Select Group B CY25	Prime * Group A CY25	Prime * Group B CY25
Durable medical equipment	20% (IN); 25% (OON)	20% (IN); 25% (OON)	20%	20%.
Inpatient admission:				
In-network	$250/day up to 25% of hospital charges, plus 20% of sep. billed services.	$225 per adm	$193 per adm	$193 per adm.
Out of network	‡ $1,221/day up to 25% of hosp. charges, plus 25% of sep. billed services.	25%	$193 per adm	$193 per adm.
Inpatient SNF/rehab facility	$250/day up to 25% of hospital charges, plus 20% of sep. billed services (IN); 25% (OON).	$64 per day (IN); lesser of $386 per day or 20% (OON).	$38 per day	$38 per day.

‡ This is the CY24 rate. The CY25 out of pocket expense will be available mid-December once the DRG payment rates are calculated.

* When TRICARE Prime enrollees other than active duty service members self-refer to specialty or non-emergent inpatient care without a referral from a network provider and/or authorization from the regional contractor, the TRICARE Point of Service deductible and copayment applies in lieu of TRICARE Prime copayments.

The CY 2025 rates contained in this notice are effective January 1, 2025.

Dated: October 31, 2024.

Aaron T. Siegel,

Alternate OSD Federal Register Liaison Officer, Department of Defense.

[FR Doc. 2024–25753 Filed 11–5–24; 8:45 am]

BILLING CODE 6001–FR–P

DEPARTMENT OF DEFENSE

Office of the Secretary

[Transmittal No. 23–65]

Arms Sales Notification

AGENCY: Defense Security Cooperation Agency, Department of Defense (DoD).

ACTION: Arms sales notice.

SUMMARY: The DoD is publishing the unclassified text of an arms sales notification.

FOR FURTHER INFORMATION CONTACT: Pamela Young at (703) 953–6092, *pamela.a.young14.civ@mail.mil,* or *dsca.ncr.rsrcmgmt.list.cns-mbx@mail.mil*

SUPPLEMENTARY INFORMATION: This 36(b)(1) arms sales notification is published to fulfill the requirements of section 155 of Public Law 104–164 dated July 21, 1996. The following is a copy of a letter to the Speaker of the House of Representatives with attached Transmittal 23–65, Policy Justification, and Sensitivity of Technology.

Dated: November 1, 2024.

Stephanie J. Bost,

Alternate OSD Federal Register Liaison Officer, Department of Defense.

BILLING CODE 6001–FR–P

DEFENSE SECURITY COOPERATION AGENCY
2800 Defense Pentagon
Washington, DC 20301-2800

September 13, 2023

The Honorable Kevin McCarthy
Speaker of the House
U.S. House of Representatives
H-209, The Capitol
Washington, DC 20515

Dear Mr. Speaker:

Pursuant to the reporting requirements of Section 36(b)(1) of the Arms Export Control Act, as amended, we are forwarding herewith Transmittal No. 23-65, concerning the Air Force's proposed Letter(s) of Offer and Acceptance to the Government of the Republic of Korea for defense articles and services estimated to cost $5.06 billion. We will issue a news release to notify the public of this proposed sale upon delivery of this letter to your office.

Sincerely,

James A. Hursch
Director

Enclosures:
1. Transmittal
2. Policy Justification
3. Sensitivity of Technology

BILLING CODE 6001–FR–C

Transmittal No. 23–65

Notice of Proposed Issuance of Letter of Offer Pursuant to Section 36(b)(1) of the Arms Export Control Act, as amended

(i) *Prospective Purchaser:* Government of the Republic of Korea

(ii) *Total Estimated Value:*

Major Defense Equipment *	$3.08 billion
Other	$1.98 billion
TOTAL	$5.06 billion

(iii) *Description and Quantity or Quantities of Articles or Services under Consideration for Purchase:*

Major Defense Equipment (MDE):
Up to twenty-five (25) F–35 Joint Strike Fighter Conventional Take Off and Landing (CTOL) Aircraft
Up to twenty-six (26) Pratt & Whitney F135–PW–100 Engines (25 installed, 1 spare)

Non-MDE:
Also included are AN/PYQ–10 Simple Key Loaders (SKL); KIV–78 Cryptographic Appliques; Electronic Warfare (EW) Reprogramming Lab support; Cartridge Actuated Devices/Propellant Actuated Devices (CAD/PAD); classified software delivery and support; Contractor Logistics Support (CLS); aircraft and munitions support and support equipment; spare parts, consumables, accessories, and repair/return support; aircraft engine component improvement program (CIP) support; secure communications, precision

navigation, and cryptographic devices; major modifications, maintenance, and maintenance support, to include Block 4 upgrade; transportation, ferry, and refueling support; personnel training and training equipment, including simulators; classified and unclassified publications and technical documents; studies and surveys; U.S. Government and engineering, technical, and logistics support services; and other related elements of logistics and program support.

(iv) *Military Department:* Air Force (KS–D–SAF)

(v) *Prior Related Cases, if any:* KS–D–SAC, KS–D–QGC

(vi) Sales Commission, Fee, etc., Paid, Offered, or Agreed to be Paid: None

(vii) *Sensitivity of Technology Contained in the Defense Article or Defense Services Proposed to be Sold:* See Attached Annex

(viii) *Date Report Delivered to Congress:* September 13, 2023

* As defined in Section 47(6) of the Arms Export Control Act.

POLICY JUSTIFICATION

Republic of Korea (ROK)—F–35 Aircraft

The Government of the Republic of Korea has requested to buy up to twenty-five (25) F–35 Joint Strike Fighter Conventional Take Off and Landing (CTOL) aircraft; and up to twenty-six (26) Pratt & Whitney F135–PW–100 engines (25 installed, 1 spare). Also included are AN/PYQ–10 Simple Key Loaders (SKL); KIV–78 Cryptographic Appliques; Electronic Warfare (EW) Reprogramming Lab support; Cartridge Actuated Devices/Propellant Actuated Devices (CAD/PAD); classified software delivery and support; Contractor Logistics Support (CLS); aircraft and munitions support and support equipment; spare parts, consumables, accessories, and repair/return support; aircraft engine component improvement program (CIP) support; secure communications, precision navigation, and cryptographic devices; major modifications, maintenance, and maintenance support, to include Block 4 upgrade; transportation, ferry, and refueling support; personnel training and training equipment, including simulators; classified and unclassified publications and technical documents; studies and surveys; U.S. Government and engineering, technical, and logistics support services; and other related elements of logistics and program support. The estimated total cost is $5.06 billion.

This proposed sale will support the foreign policy goals and national security objectives of the United States by improving the security of a major ally that is a force for political stability and economic progress in the Indo-Pacific region.

The proposed sale will improve the Republic of Korea's capability to meet current and future threats by providing credible defense capability to deter aggression in the region and ensure interoperability with U.S. forces. The proposed sale will augment Korea's operational aircraft inventory and enhance its air-to-air and air-to-ground self-defense capability. Korea already has F–35s in its inventory and will have no difficulty absorbing these articles and services into its armed forces.

The proposed sale of this equipment and support will not alter the basic military balance in the region.

The principal contractors will be Lockheed Martin Aeronautics Company, Fort Worth, TX, and Pratt & Whitney Military Engines, East Hartford, CT. The purchaser typically requests offsets. Any offset agreement will be defined in negotiations between the purchaser and the contractor.

Implementation of this proposed sale will not require the assignment of any additional U.S. Government or contractor representatives to the Republic of Korea.

There will be no adverse impact on U.S. defense readiness as a result of this proposed sale.

Transmittal No. 23–65

Notice of Proposed Issuance of Letter of Offer Pursuant to Section 36(b)(1) of the Arms Export Control Act

Annex

Item No. vii

(vii) *Sensitivity of Technology:*

1. The F–35A aircraft is a single seat, single engine, all-weather, stealth, fifth-generation, multirole aircraft. It contains sensitive technology including the low observable airframe/outer mold line, the Pratt and Whitney F135 engine, AN/APG–81 radar, an integrated core processor central computer, a mission systems/electronic warfare suite, a multiple sensor suite, technical data/documentation and associated software. Sensitive elements of the F–35A are also included in operational flight and maintenance trainers. Sensitive and classified elements of the F–35A aircraft include hardware, accessories, components, and associated software for the following major subsystems:

a. The Pratt and Whitney F135 engine is a single 40,000-pound thrust class engine designed for the F–35 and assures highly reliable, affordable performance. The engine is designed to be utilized in all F–35 variants, providing unmatched commonality and supportability throughout the worldwide base of F–35 users.

b. The AN/APG–81 Active Electronically Scanned Array (AESA) is a high processing power/high transmission power electronic array capable of detecting air and ground targets from a greater distance than mechanically scanned array radars. It also contains a synthetic aperture radar (SAR), which creates high-resolution ground maps and provides weather data to the pilot and provides air and ground tracks to the mission system, which uses it as a component to fuse sensor data.

c. The Electro-Optical Targeting System (EOTS) provides long-range detection and tracking as well as an infrared search and track (IRST) and forward-looking infrared (FLIR) capability for precision tracking, weapons delivery and bomb damage assessment (BDA). The EOTS replaces multiple separate internal or podded systems typically found on legacy aircraft.

d. The Electro-Optical Distributed Aperture System (EODAS) provides the pilot with full spherical coverage for air-to-air and air-to-ground threat awareness, day/night vision enhancements, a fire control capability and precision tracking of wingmen/friendly aircraft. The EODAS provides data directly to the pilot's helmet as well as the mission system.

e. The F–35 Electronic Warfare (EW) system is a reprogrammable, integrated system that provides radar warning and electronic support measures (ESM) along with a fully integrated countermeasures (CM) system. The EW system is the primary subsystem used to enhance situational awareness, targeting support and self-defense through the search, intercept, location and identification of in-band emitters and to automatically counter IR and RF threats.

f. The F–35 Communications, Navigation, and Identification (CNI) system provides the pilot with unmatched connectivity to flight members, coalition forces and the battlefield. It is an integrated subsystem designed to provide a broad spectrum of secure, anti-jam voice and data communications, precision radio navigation and landing capability, self-identification, beyond visual range target identification and connectivity to off-board sources of information. It also includes an inertial navigation and global positioning system (GPS) for precise location information. The functionality is tightly integrated within

the mission system to enhance efficiency.

g. The F–35 CNI system includes two data links: Multi-Function Advanced Data Link (MADL) and Link 16. MADL is designed specifically for the F–35 and allows for Low Probability of Intercept (LPI) communications between F–35s. Link 16 is a command, control, communications, and intelligence (C3I) system incorporating jam-resistant, digital communication links for exchange of near real-time tactical information, including both data and voice, among air, ground, and sea elements. It provides the warfighter key theater functions such as surveillance, identification, air control, weapons engagement coordination, and direction for all services and allied forces. Link-16 equipment allows the F–35 to communicate with battlespace participants using widely-distributed J-series message protocols.

h. The F–35 Autonomic Logistics Global Sustainment (ALGS) provides a fully integrated logistics management solution. ALGS integrates a number of functional areas, including supply chain management, repair, support equipment, engine support and training. The ALGS infrastructure employs a state-of-the-art information system that provides real-time, decision-worthy information for sustainment decisions by flight line personnel. Prognostic health monitoring technology is integrated with the air system and is crucial to predictive maintenance of vital components.

i. The F–35 Operational Data Integrated Network (ODIN) provides an intelligent information infrastructure that binds all the key concepts of ALGS into an effective support system. ALIS establishes the appropriate interfaces among the F–35 Air Vehicle, the warfighter, the training system, government information technology (IT) systems, and supporting commercial enterprise systems. Additionally, ALIS provides a comprehensive tool for data collection and analysis, decision support and action tracking.

j. The F–35 Training System includes several training devices to provide integrated training for pilots and maintainers. The pilot training devices include a Full Mission Simulator (FMS) and Deployable Mission Rehearsal Trainer (DMRT). The maintenance training devices include an Aircraft Systems Maintenance Trainer (ASMT), Ejection System Maintenance Trainer (ESMT), Outer Mold Line (OML) Lab, Flexible Linear Shaped Charge (FLSC) Trainer, F135 Engine Module Trainer and Weapons Loading Trainer (WLT). The F–35 Training System can be integrated, where both pilots and maintainers learn in the same Integrated Training Center (ITC). Alternatively, the pilots and maintainers can train in separate facilities (Pilot Training Center and Maintenance Training Center).

k. Other subsystems, features, and capabilities include the F–35's low observable air frame, Integrated Core Processor (ICP) Central Computer, Helmet Mounted Display System (HMDS), Pilot Life Support System (PLSS), Off-Board Mission Support (OMS) System, and publications/maintenance manuals. The HMDS provides a fully sunlight readable, binocular display presentation of aircraft information projected onto the pilot's helmet visor. The use of a night vision camera integrated into the helmet eliminates the need for separate Night Vision Goggles. The PLSS provides a measure of Pilot Chemical, Biological, and Radiological Protection through use of an OnBoard Oxygen Generating System (OBOGS); and an escape system that provides additional protection to the pilot. OBOGS takes the Power and Thermal Management System (PTMS) air and enriches it by removing gases (mainly nitrogen) by adsorption, thereby increasing the concentration of oxygen in the product gas and supplying breathable air to the pilot. The OMS provides a mission planning, mission briefing, and a maintenance/intelligence/tactical debriefing platform for the F–35.

2. The AN/APQ–10 Simple Key Loader is a handheld device used for securely receiving, storing, and transferring data between compatible cryptographic and communications equipment.

3. The KIV–78 is a cryptographic applique for IFF. It can be loaded with Mode 5 classified elements.

4. The Electronic Warfare Reprogramming Lab is used by USG engineers in the reprogramming and creation of shareable Mission Data Files for foreign F–35 customers.

5. The highest level of classification of defense articles, components, and services included in this potential sale is SECRET.

6. If a technologically advanced adversary were to obtain knowledge of the specific hardware and software elements, the information could be used to develop countermeasures that might reduce weapon system effectiveness or be used in the development of a system with similar or advanced capabilities.

7. A determination has been made that the Republic of Korea can provide substantially the same degree of protection for the sensitive technology being released as the U.S. Government. This sale is necessary in furtherance of the U.S. foreign policy and national security objectives outlined in the Policy Justification.

8. All defense articles and services listed in this transmittal have been authorized for release and export to the Republic of Korea.

[FR Doc. 2024–25767 Filed 11–5–24; 8:45 am]

BILLING CODE 6001–FR–P

DEPARTMENT OF DEFENSE

Office of the Secretary

[Transmittal No. 23–67]

Arms Sales Notification

AGENCY: Defense Security Cooperation Agency, Department of Defense (DoD).

ACTION: Arms sales notice.

SUMMARY: The DoD is publishing the unclassified text of an arms sales notification.

FOR FURTHER INFORMATION CONTACT: Pamela Young at (703) 953–6092, *pamela.a.young14.civ@mail.mil,* or *dsca.ncr.rsrcmgmt.list.cns-mbx@mail.mil*

SUPPLEMENTARY INFORMATION: This 36(b)(1) arms sales notification is published to fulfill the requirements of section 155 of Public Law 104–164 dated July 21, 1996. The following is a copy of a letter to the Speaker of the House of Representatives with attached Transmittal 23–67, Policy Justification, and Sensitivity of Technology.

Dated: November 1, 2024.

Stephanie J. Bost,

Alternate OSD Federal Register Liaison Officer, Department of Defense.

BILLING CODE 6001–FR–P

DEFENSE SECURITY COOPERATION AGENCY
2800 Defense Pentagon
Washington, DC 20301-2800

September 13, 2023

The Honorable Kevin McCarthy
Speaker of the House
U.S. House of Representatives
H-209, The Capitol
Washington, DC 20515

Dear Mr. Speaker:

Pursuant to the reporting requirements of Section 36(b)(1) of the Arms Export Control Act, as amended, we are forwarding herewith Transmittal No. 23-67, concerning the Air Force's proposed Letter(s) of Offer and Acceptance to the Government of Poland for defense articles and services estimated to cost $389 million. We will issue a news release to notify the public of this proposed sale upon delivery of this letter to your office.

Sincerely,

James A. Hursch
Director

Enclosures:
1. Transmittal
2. Policy Justification
3. Sensitivity of Technology

BILLING CODE 6001–FR–C

Transmittal No. 23–67

Notice of Proposed Issuance of Letter of Offer Pursuant to Section 36(b)(1) of the Arms Export Control Act, as amended

(i) *Prospective Purchaser:* Government of Poland

(ii) *Total Estimated Value:*

Major Defense Equipment *	$ 0 million
Other	$389 million
TOTAL	$389 million

Funding Source: National Funds

(iii) *Description and Quantity or Quantities of Articles or Services under Consideration for Purchase:* Foreign Military Sales (FMS) case PL–D–QBC was below the congressional notification threshold at $82 million ($0 in MDE) and included non-MDE items and services in support of F–16 aircraft sustainment. The Government of Poland has requested the case be amended to include additional non-MDE items and services as indicated below. This amendment will push the current case above the total case value notification threshold and thus requires notification of the entire case.

Major Defense Equipment (MDE):

None

Non-MDE:

Included are Electronic Warfare database reprogramming support; classified and unclassified software delivery and support; classified and unclassified publications and technical documentation; spare parts, consumables, accessories, and repair and return support; computer program identification numbers; engine Component Improvement Program support; minor modifications; maintenance and maintenance support; studies and surveys; U.S. Government and contractor engineering, technical,

and logistics support services; and other related elements of logistics and program support.

(iv) *Military Department:* Air Force (PL–D–QBC)

(v) *Prior Related Cases, if any:* PL–D–QAW, PL–D–QAR, PL–D–QAO

(vi) Sales Commission, Fee, etc., Paid, Offered, or Agreed to be Paid: None known at this time

(vii) *Sensitivity of Technology Contained in the Defense Article or Defense Services Proposed to be Sold:* See Attached Annex

(viii) *Date Report Delivered to Congress:* September 13, 2023

* As defined in Section 47(6) of the Arms Export Control Act.

POLICY JUSTIFICATION

Poland—F–16 Sustainment

The Government of Poland has requested to buy additional non-MDE articles and services, as indicated below, that will be added to a previously implemented case whose value was under the congressional notification threshold. The original FMS case, valued at $82 million, included articles and services in support of F–16 aircraft sustainment. This notification is for the combined non-MDE F–16 sustainment articles and services, which includes Electronic Warfare database reprogramming support; classified and unclassified software delivery and support; classified and unclassified publications and technical documentation; spare parts, consumables, accessories, and repair and return support; computer program identification numbers; engine Component Improvement Program support; minor modifications; maintenance and maintenance support; studies and surveys; U.S. Government and contractor engineering, technical, and logistics support services; and other related elements of logistics and program support. The estimated total cost is $389 million.

This proposed sale will support the foreign policy goals and national security objectives of the United States by improving the security of a North Atlantic Treaty Organization Ally that is a force for political stability and economic progress in Europe.

The proposed sale will improve Poland's capability to meet current and future threats by increasing the reliability of their F–16 fleet. Poland has purchased sustainment support for the F–16s in its inventory for many years and will have no difficulty absorbing these articles and services into its armed forces.

The proposed sale of this equipment and support will not alter the basic military balance in the region.

The principal contractor will be Lockheed Martin, Fort Worth, TX. There are no known offset agreements proposed in connection with this potential sale.

Implementation of this proposed sale will not require the assignment of any additional U.S. Government or contractor representatives to Poland.

There will be no adverse impact on U.S. defense readiness as a result of this proposed sale.

Transmittal No. 23–67

Notice of Proposed Issuance of Letter of Offer Pursuant to Section 36(b)(1) of the Arms Export Control Act

Annex

Item No. vii

(vii) *Sensitivity of Technology:*

1. The Electronic Warfare Integrated Reprogramming Database (EWIRDB) is used by U.S. Government engineers in the reprogramming and creation of shareable Mission Data Files for the exported EW systems.

2. The highest level of classification of defense articles, components, and services included in this potential sale is SECRET.

3. If a technologically advanced adversary were to obtain knowledge of the specific hardware and software elements, the information could be used to develop countermeasures that might reduce weapon system effectiveness or be used in the development of a system with similar or advanced capabilities.

4. A determination has been made that Poland can provide substantially the same degree of protection for the sensitive technology being released as the U.S. Government. This sale is necessary in furtherance of the U.S. foreign policy and national security objectives outlined in the Policy Justification.

5. All defense articles and services listed in this transmittal have been authorized for release and export to Poland.

[FR Doc. 2024–25768 Filed 11–5–24; 8:45 am]

BILLING CODE 6001–FR–P

DEPARTMENT OF DEFENSE

Office of the Secretary

[Transmittal No. 23–0Q]

Arms Sales Notification

AGENCY: Defense Security Cooperation Agency, Department of Defense (DoD).

ACTION: Arms sales notice.

SUMMARY: The DoD is publishing the unclassified text of an arms sales notification.

FOR FURTHER INFORMATION CONTACT: Pamela Young at (703) 953–6092, *pamela.a.young14.civ@mail.mil,* or *dsca.ncr.rsrcmgmt.list.cns-mbx@mail.mil*.

SUPPLEMENTARY INFORMATION: This 36(b)(5)(C) arms sales notification is published to fulfill the requirements of section 155 of Public Law 104–164 dated July 21, 1996. The following is a copy of a letter to the Speaker of the House of Representatives with attached Transmittal 23–0Q.

Dated: November 1, 2024.

Stephanie J. Bost,

Alternate OSD Federal Register Liaison Officer, Department of Defense.

BILLING CODE 6001–FR–P

DEFENSE SECURITY COOPERATION AGENCY
2800 Defense Pentagon
Washington, DC 20301-2800

September 20, 2023

The Honorable Kevin McCarthy
Speaker of the House
U.S. House of Representatives
H-209, The Capitol
Washington, DC 20515

Dear Mr. Speaker:

Pursuant to the reporting requirements of Section 36(b)(5)(C) of the Arms Export Control Act (AECA), as amended, we are forwarding Transmittal No. 23-0Q. This notification relates to enhancements or upgrades from the level of sensitivity of technology or capability described in the Section 36(b)(1) AECA certification 22-02 of December 21, 2021.

Sincerely,

James A. Hursch
Director

Enclosure:
1. Transmittal

BILLING CODE 6001–FR–C

Transmittal No. 23–0Q

REPORT OF ENHANCEMENT OR UPGRADE OF SENSITIVITY OF TECHNOLOGY OR CAPABILITY (SEC. 36(B)(5)(C), AECA)

(i) *Purchaser:* Government of Lithuania

(ii) *Sec. 36(b)(1), AECA Transmittal No.:* 22–02

Date: December 21, 2021

Military Department: Army

Funding Source: National Funds and Foreign Military Financing (FMF)

(iii) *Description:* On December 21, 2021, Congress was notified by Congressional certification transmittal number 22–02, of the possible sale, under Section 36(b)(1) of the Arms Export Control Act, of three hundred forty-one (341) Javelin FGM–148F missiles and thirty (30) Javelin Command Launch Units (CLUs). Also included were battery chargers; Enhanced Producibility Basic Skills Trainer (EPBST); training; publications; support equipment; United States Government technical assistance; and other related elements of logistics and program support. The estimated total cost was $125 million. Major Defense Equipment (MDE) constituted $109.3 million of this total.

This transmittal notifies the inclusion of an additional one thousand six hundred ninety-two (1,692) Javelin FGM–148F Missiles (includes thirty-two (32) Fly-to-Buy Missiles); and three hundred fifty (350) Javelin Light Weight Command Launch Units (LWCLUs) (MDE). Also included is technical assistance in support of Javelin program management, logistics, oversight, and successful delivery of the weapon system. The estimated value of the new MDE items is $436.1 million, and the estimated value of the new non-MDE items is $10 million. The revised estimated total MDE value is $545.4 million, and the revised total case value is $571.1 million.

(iv) *Significance:* The proposed sale will support Lithuania's ability to build its long-term defense capacity to defend its sovereignty and territorial integrity to meet its national defense requirements. It is vital to the U.S. national interest to assist Lithuania in developing and maintaining a strong and ready self-defense capability.

(v) *Justification:* This proposed sale will support the foreign policy and

national security of the United States by helping to improve the security of a North Atlantic Treaty Organization Ally that is an important force for ensuring peace and stability in Europe.

(vi) *Sensitivity of Technology:*

The Javelin Weapon System is comprised of two major tactical components, which are a reusable Light Weight Command Launch Unit (LWCLU) and a round contained in a disposable launch tube assembly. The Light Weight Command Launch Unit has been identified as Major Defense Equipment (MDE). The LWCLU incorporates an integrated day-night sight that provides a target engagement capability in adverse weather and countermeasure environments. The LWCLU may also be used in a stand-alone mode for battlefield surveillance and target detection. The LWCLU's thermal sight is a 3rd generation Forward Looking Infrared (FLIR) sensor. To facilitate initial loading and subsequent updating of software, all on-board missile software is uploaded via the LWCLU after mating and prior to launch.

The Sensitivity of Technology Statement contained in the original notification applies to other items reported here.

The highest level of classification of defense articles, components, and services included in this potential sale is SECRET.

(vii) *Date Report Delivered to Congress:* September 20, 2023

[FR Doc. 2024–25824 Filed 11–5–24; 8:45 am]

BILLING CODE 6001–FR–P

DEPARTMENT OF DEFENSE

Office of the Secretary

[Transmittal No. 23–42]

Arms Sales Notification

AGENCY: Defense Security Cooperation Agency, Department of Defense (DoD).

ACTION: Arms sales notice.

SUMMARY: The DoD is publishing the unclassified text of an arms sales notification.

FOR FURTHER INFORMATION CONTACT: Pamela Young at (703) 953–6092, *pamela.a.young14.civ@mail.mil,* or *dsca.ncr.rsrcmgmt.list.cns-mbx@mail.mil.*

SUPPLEMENTARY INFORMATION: This 36(b)(1) arms sales notification is published to fulfill the requirements of section 155 of Public Law 104–164 dated July 21, 1996. The following is a copy of a letter to the Speaker of the House of Representatives with attached Transmittal 23–42, and Policy Justification.

Dated: November 1, 2024.

Stephanie J. Bost,

Alternate OSD Federal Register Liaison Officer, Department of Defense.

BILLING CODE 6001–FR–P

DEFENSE SECURITY COOPERATION AGENCY
2800 Defense Pentagon
Washington, DC 20301-2800

SEP 2 0 2023

The Honorable Kevin McCarthy
Speaker of the House
U.S. House of Representatives
H-209, The Capitol
Washington, DC 20515

Dear Mr. Speaker:

Pursuant to the reporting requirements of Section 36(b)(1) of the Arms Export Control Act, as amended, we are forwarding herewith Transmittal No. 23-42, concerning the Army's proposed Letter(s) of Offer and Acceptance to the Government of Kuwait for defense articles and services estimated to cost $150 million. We will issue a news release to notify the public of this proposed sale upon delivery of this letter to your office.

Sincerely,

James A. Hursch
Director

Enclosures:
1. Transmittal
2. Policy Justification
3. Sensitivity of Technology
4. Regional Balance (Classified document provided under separate cover)

BILLING CODE 6001–FR–C

Transmittal No. 23–42

Notice of Proposed Issuance of Letter of Offer Pursuant to Section 36(b)(1) of the Arms Export Control Act, as amended

(i) *Prospective Purchaser:* Government of Kuwait

(ii) *Total Estimated Value:*

Major Defense Equipment *	$ 0 million
Other	$150 million
Total	$150 million

Funding Source: National Funds

(iii) *Description and Quantity or Quantities of Articles or Services under Consideration for Purchase:*

Major Defense Equipment (MDE):

None

Non-MDE:

The Government of Kuwait has requested the replacement of expiring limited life components and certifications testing in order to support an operational life of thirty (30) years for Patriot Advanced Capability-3 (PAC–3) missiles. Included in this potential sale are: test and repair of PAC–3 missiles; stockpile reliability testing and field

returns; repair and return of classified and unclassified PAC–3 missile items and ground support equipment (GSE) component level parts; replenishment of classified and unclassified missile spares, GSE spares, and seeker spares; tools to improve the turnaround time of the repair and recertification efforts; air transportation services for missile processing; U.S. Government and contractor technical and logistics support; training devices; organizational equipment; support equipment; test equipment; technical data and publications; personnel training and training equipment; and other related elements of logistics and program support.

(iv) *Military Department:* Army (KU–B–UYK)

(v) *Prior Related Cases, if any:* KU–B–UMI

(vi) *Sales Commission, Fee, etc., Paid, Offered, or Agreed to be Paid:* None

(vii) *Sensitivity of Technology Contained in the Defense Article or Defense Services Proposed to be Sold:* None

(viii) *Date Report Delivered to Congress:* September 20, 2023

* As defined in Section 47(6) of the Arms Export Control Act.

POLICY JUSTIFICATION

Kuwait—Repair and Recertification of Patriot Advanced Capability-3 Missiles

The Government of Kuwait has requested the replacement of expiring limited life components and certifications testing in order to support an operational life of thirty (30) years for Patriot Advanced Capability-3 (PAC–3) missiles. Included in this potential sale are: test and repair of PAC–3 missiles; stockpile reliability testing and field returns; repair and return of classified and unclassified PAC–3 missile items and ground support equipment (GSE) component level parts; replenishment of classified and unclassified missile spares, GSE spares, and seeker spares; tools to improve the turnaround time of the repair and recertification efforts; air transportation services for missile processing; U.S. Government and contractor technical and logistics support; training devices; organizational equipment; support equipment; test equipment; technical data and publications; personnel training and training equipment; and other related elements of logistics and program support. The estimated total cost is $150 million.

This proposed sale will support the foreign policy and national security objectives of the United States (U.S.) by helping to improve the infrastructure of a Major Non-NATO ally that has been an important force for political stability and economic progress in the Middle East.

This proposed sale will improve Kuwait's capability to sustain their missile density and ensure readiness for air operations. Kuwait will use this capability as a deterrent to regional threats and to strengthen homeland defense. Kuwait will have no difficulty absorbing this infrastructure, support, and associated services into its armed forces.

The proposed sale of this equipment and support will not alter the basic military balance in the region.

The principal contractor will be the Lockheed Martin Corporation, Camden, Arkansas. There are no known offset agreements proposed in connection with this potential sale.

Implementation of this proposed sale will not require the assignment of any additional U.S. Government or contractor representatives to Kuwait.

There will be no adverse impact on U.S. defense readiness as a result of this proposed sale.

[FR Doc. 2024–25820 Filed 11–5–24; 8:45 am]

BILLING CODE 6001–FR–P

DEPARTMENT OF EDUCATION

Applications for New Awards; American Indian Vocational Rehabilitation Services

AGENCY: Office of Special Education and Rehabilitative Services, Department of Education.

ACTION: Notice.

SUMMARY: The Department of Education (Department) is issuing a notice inviting applications for fiscal year (FY) 2025 for American Indian Vocational Rehabilitation Services (AIVRS).

DATES:

Applications Available: November 6, 2024.

Deadline for Transmittal of Applications: March 6, 2025.

Note: For new potential grantees unfamiliar with grantmaking at the Department, please consult our ''Getting Started with Discretionary Grant Applications'' web page at *https://www.ed.gov/grants-and-programs/apply-grant/getting-started-discretionary-grant-applications*.

Pre-Application Webinar Information: No later than December 12, 2024, the Office of Special Education and Rehabilitative Services will post pre-recorded informational webinars designed to provide technical assistance to interested applicants. The webinars may be found at *https://ncrtm.ed.gov/index.php/grant-info*.

ADDRESSES: For the addresses for obtaining and submitting an application, please refer to our Common Instructions for Applicants to Department of Education Discretionary Grant Programs, published in the **Federal Register** on December 7, 2022 (87 FR 75045) and available at *https://www.federalregister.gov/documents/2022/12/07/2022-26554/common-instructions-for-applicants-to-department-of-education-discretionary-grant-programs*.

FOR FURTHER INFORMATION CONTACT: Adrienne Rodriguez, U.S. Department of Education, 400 Maryland Avenue SW, Room 4A10, Washington, DC 20202–5076. Telephone: (202) 987–0049. Email: *Adrienne.Rodriguez@ed.gov*.

If you are deaf, hard of hearing, or have a speech disability and wish to access telecommunications relay services, please dial 7–1–1.

SUPPLEMENTARY INFORMATION:

Full Text of Announcement

I. Funding Opportunity Description

Purpose of Program: The purpose of this program is to provide grants to Indian Tribes to provide vocational rehabilitation (VR)services, including culturally appropriate services, to eligible American Indians with disabilities who reside on or near Federal or State reservations, consistent with such eligible individual's strengths, resources, priorities, concerns, abilities, capabilities, interests, and informed choice, so that such individuals may prepare for, and engage in, high-quality employment that will increase opportunities for economic self-sufficiency.

Assistance Listing Number (ALN): 84.250R.

OMB Control Number: 1820–0018.

Priority: In accordance with 34 CFR 75.105(b)(2)(iv), this priority is from section 121(b)(4) of the Rehabilitation Act of 1973, as amended (Rehabilitation Act) (29 U.S.C. 741(b)(4)).

Competitive Preference Priority: For FY 2025 and any subsequent year in which we make awards from the list of unfunded applications from this competition, this priority is a competitive preference priority. Under 34 CFR 75.105(c)(2)(i), we award an additional five points to an application that meets this priority.

This priority is:

Continuation of Previously Funded Tribal Programs.

In making new awards under this program, we give priority to applications for the continuation of programs that have been funded under the AIVRS program.

Program Authority: 29 U.S.C. 741.

Note: Projects will be awarded and must be operated in a manner consistent with the nondiscrimination requirements contained in Federal civil rights laws.

Applicable Regulations: (a) The Education Department General Administrative Regulations in 34 CFR parts 75, 77, 81, 82, and 84; (b) The Office of Management and Budget Guidelines to Agencies on Governmentwide Debarment and Suspension (Nonprocurement) in 2 CFR part 180, as adopted and amended as regulations of the Department in 2 CFR part 3485; (c) The Guidance for Federal Financial Assistance in 2 CFR part 200, as adopted and amended as regulations of the Department in 2 CFR part 3474; (d) The regulations for this program in 34 CFR part 371.

Note: As of October 1, 2024, grant applicants must follow the provisions stated in the OMB Guidance for Federal Financial Assistance (89 FR 30046, April 22, 2024) when preparing an application. For more information about these regulations please visit: *https://www.cfo.gov/resources-coffa/uniform-guidance/*.

Special Application Requirements: For FY 2025 and any subsequent year in which we make awards from the list of unfunded applications from this competition, the following Special Application Requirements from 34 CFR 371.21(a)–(k) apply:

Each applicant under the program must provide evidence that—

(a) Effort will be made to provide a broad scope of VR services in a manner and at a level of quality at least comparable to those services provided by the DSU.

(b) All decisions affecting eligibility for VR services, the nature and scope of available VR services, and the provision of such services will be made by a representative of the Tribal VR program funded through this grant and such decisions will not be delegated to another agency or individual.

(c) Priority in the delivery of VR services will be given to those American Indians with disabilities who are the most significantly disabled.

(d) An order of selection of individuals with disabilities to be served under the program will be specified if services cannot be provided to all eligible American Indians with disabilities who apply.

(e) All VR services will be provided according to an individualized plan for employment (IPE) that has been developed jointly by the representative of the Tribal VR program and each American Indian with disabilities being served.

(f) American Indians with disabilities living on or near Federal or State reservations where Tribal VR service programs are being carried out under this part will have an opportunity to participate in matters of general policy development and implementation affecting VR service delivery by the Tribal VR program.

(g) Cooperative working arrangements will be developed with the DSU, or DSUs, as appropriate, which are providing VR services to other individuals with disabilities who reside in the State or States being served.

(h) Any comparable services and benefits available to American Indians with disabilities under any other program, which might meet in whole or in part the cost of any VR service, will be fully considered in the provision of VR services.

(i) Any American Indian with disabilities who is an applicant or recipient of services, and who is dissatisfied with a determination made by a representative of the Tribal VR program and files a request for a review, will be afforded a review under procedures developed by the grantee comparable to those under the provisions of section 102(c)(1)–(5) and (7) of the Rehabilitation Act.

(j) The Tribal VR program funded under this part must assure that any facility used in connection with the delivery of VR services meets facility and program accessibility requirements consistent with the requirements, as applicable, of the Architectural Barriers Act of 1968, the Americans with Disabilities Act of 1990, section 504 of the Rehabilitation Act, and the regulations implementing these laws.

(k) The Tribal VR program funded under this part must ensure that providers of VR services are able to communicate in the native language of, or by using an appropriate mode of communication with, applicants and eligible individuals who have limited English proficiency, unless it is clearly not feasible to do so.

Note: Applicants for the AIVRS program must provide evidence in their applications that their projects meet each of the Special Application Requirements in 34 CFR 371.21(a)–(k). This evidence must be provided using a Special Application Requirements form in Section D of the application package. This form must be completed by the applicant and submitted as an attachment to the application. An application is not complete without the Special Application Requirements form and will not be considered eligible for review without that completed form submitted by the applicant. The form must be uploaded under ''other attachments'' in *grants.gov.*

II. Award Information

Type of Award: Discretionary grants.

Estimated Available Funds: The Administration intends to use approximately $4,000,000 for new awards for this program for FY 2025.

Contingent upon the availability of funds and the quality of applications, we may make additional awards in subsequent years from the list of unfunded applications from this competition.

Estimated Range of Awards (per year): $300,000–$750,000.

Estimated Average Size of Awards (per year): $500,000.

Note: The estimated range of awards and estimated average size of the award is for each individual year of the five years of the grant and not the total for all five years.

Estimated Number of Awards: 8.

Project Period: Up to 60 months.

Note: The Department is not bound by any estimates in this notice.

III. Eligibility Information

1. *Eligible Applicants:* Applications may be made only by Indian Tribes (and consortia of those Indian Tribes) located on Federal and State reservations. The definition of ''Indian Tribe'' in section 7(19)(B) of the Rehabilitation Act is ''any Federal or State Indian tribe, band, rancheria, pueblo, colony, or community, including any Alaskan native village or regional village corporation (as defined in or established pursuant to the Alaska Native Claims Settlement Act) and a Tribal organization (as defined in section 4(l) of the Indian Self-Determination and Education Assistance Act (25 U.S.C. 450b(l)).''

''Reservation'' is defined in 34 CFR 371.6 as ''a Federal or State Indian reservation, public domain Indian allotment, former Indian reservation in Oklahoma, land held by incorporated Native groups, regional corporations and village corporations under the provisions of the Alaska Native Claims Settlement Act; or a defined area of land recognized by a State or the Federal Government where there is a concentration of tribal members and on which the tribal government is providing structured activities and services.''

Under 34 CFR 371.2, the applicant for an AIVRS grant must be—

(1) The governing body of an Indian Tribe, either on behalf of the Indian Tribe or on behalf of a consortium of Indian Tribes; or

(2) A Tribal organization that is a separate legal organization from an Indian Tribe.

To receive an AIVRS grant, a Tribal organization that is not a governing body of an Indian Tribe must—

(1) Have as one of its functions the vocational rehabilitation of American Indians with disabilities; and

(2) Have the approval of the Tribe to be served by such organization.

If a grant is made to the governing body of an Indian Tribe, either on its own behalf or on behalf of a consortium, or to a Tribal organization to perform services benefiting more than one Indian Tribe, the approval of each such Indian Tribe is a prerequisite to the making of such a grant.

2. a. *Cost Sharing or Matching:* Cost sharing is required by section 121(a) of the Rehabilitation Act and 34 CFR 371.40 at 10 percent of the total cost of the project. However, if an applicant can demonstrate that they do not have sufficient resources to contribute the non-Federal share of the cost of the project, the applicant may request a waiver, in part or in whole, to the cost sharing requirement in accordance with section 121(a) of the Rehabilitation Act of 1973 and the implementing regulations at 34 CFR 371.40(c).

b. *Indirect Cost Rate Information:* This program uses an unrestricted indirect cost rate. Applicants for this program are the governing bodies of Indian Tribes (or consortia of governing bodies) and have negotiated indirect cost rate agreements with a cognizant agency if indirect costs will be charged to the grant. For more information regarding indirect costs, or to obtain a negotiated indirect cost rate, please see *https://www.ed.gov/about/ed-offices/ofo#Indirect-Cost-Division.*

c. *Administrative Cost Limitation:* This program does not include any program-specific limitation on administrative expenses. All administrative expenses must be reasonable and necessary and conform to Cost Principles described in 2 CFR part 200 subpart E of the Guidance for Federal Financial Assistance.

3. *Subgrantees:* A grantee under this competition may not award subgrants to entities to directly carry out project activities described in its application. While subgrants are not permitted, under 34 CFR 371.42(a), grantees are permitted to provide the VR services by contract or otherwise enter into an agreement with a designated State unit (DSU), a community rehabilitation program, or another agency to assist in the implementation of the Tribal VR program, as long as such contract or agreement is identified in the application.

IV. Application and Submission Information

1. *Application Submission Instructions:* Applicants are required to follow the Common Instructions for Applicants to Department of Education Discretionary Grant Programs, published in the **Federal Register** on December 7, 2022 (87 FR 75045) and available at *https://www.federalregister.gov/documents/2022/12/07/2022-26554/common-instructions-for-applicants-to-department-of-education-discretionary-grant-programs,* which contain requirements and information on how to submit an application.

Note: RSA invites an applicant to indicate whether it intends to consolidate its AIVRS grant funds into a current or future 477 plan in accordance with the provisions of Public Law 115–93, the Indian Employment, Training and Related Services Consolidation Act of 2017 (25 U.S.C. 3401 *et seq.*). Any request to consolidate AIVRS funds into a 477 plan must be made separately to the U.S. Department of Interior. For further information on the integration of grant funds under this program and related programs, contact the Division of Workforce Development, Office of Indian Services, Bureau of Indian Affairs, U.S. Department of the Interior at Office of Indian Services, Division of Workforce Development, Bureau of Indian Affairs, 1849 C Street NW, MS–3645–MIB, Washington, DC 20245, Telephone: (202) 219–3938; Email: *477PlanSubmission@bia.gov.*

AIVRS grantees who are in their last year of AIVRS funding from a previous grant and have currently integrated that previous grant under an approved 477 plan must apply for a new AIVRS grant under this competition by submitting an application that meets all requirements included in this notice. If such an applicant receives a new AIVRS grant under this competition and wants to consolidate the new AIVRS grant in a 477 plan, it must notify the U.S. Department of Interior that it plans to do so.

2. *Intergovernmental Review:* This competition is not subject to Executive Order 12372 and the regulations in 34 CFR part 79.

3. *Funding Restrictions:* We reference regulations outlining funding restrictions in the *Applicable Regulations* section of this notice.

V. Application Review Information

1. *Selection Criteria:* The selection criteria for this competition are from 34 CFR 75.210, have a maximum score of 100 points, and are as follows:

(a) Need for Project and Significance (10 Points):

The Secretary considers the need for and significance of the proposed project. In determining the need for and significance of the proposed project, the Secretary considers the following factors:

(1) The extent to which the proposed project demonstrates the magnitude of the need for the services to be provided or the activities to be carried out by the proposed project.

(2) The extent to which the specific nature and magnitude of gaps or challenges are identified and the extent to which these gaps or challenges will be addressed by the services, supports, infrastructure, or opportunities described in the proposed project.

(3) The potential contribution of the proposed project to improve the provision of rehabilitative services, increase the number or quality of rehabilitation counselors, or develop and implement effective strategies for providing vocational rehabilitation services to individuals with disabilities.

(4) The extent to which the proposed project is likely to build local, State, regional, or national capacity to provide, improve, sustain, or expand training or services that address the needs of underserved populations.

(b) Quality of the Project Design (20 Points):

The Secretary considers the quality of the design of the proposed project. In determining the quality of the design of the proposed project, the Secretary considers the following factors:

(1) The extent to which the goals, objectives, and outcomes to be achieved by the proposed project are clearly specified, measurable, and ambitious yet achievable within the project period, and aligned with the purposes of the grant program.

(2) The extent to which the design of the proposed project demonstrates meaningful community engagement and input to ensure that the project is appropriate to successfully address the needs of the target population or other identified needs and will be used to inform continuous improvement strategies.

(3) The extent to which the proposed project will include coordination with other Federal investments, as well as appropriate agencies and organizations

providing similar services to the target population.

(c) Quality of Project Services (20 Points):

The Secretary considers the quality of the services to be provided by the proposed project. In determining the quality of the services to be provided by the proposed project, the Secretary considers the quality and sufficiency of strategies for ensuring equitable and adequate access and participation for project participants who experience barriers based on one or more of the following: economic disadvantage; gender; race; ethnicity; color; national origin; disability; age; language; migration; living in a rural location; experiencing homelessness or housing insecurity; involvement with the justice system; pregnancy, parenting, or caregiver status; and sexual orientation. This determination includes the steps developed and described in the form Equity For Students, Teachers, And Other Program Beneficiaries (OMB Control No. 1894–0005) (section 427 of the General Education Provisions Act (20 U.S.C. 1228a)).

In addition, the Secretary considers the following factors:

(1) The extent to which the services to be provided by the proposed project were determined with input from the community to be served to ensure that they are appropriate and responsive to the needs of the intended recipients or beneficiaries, including underserved populations, of those services.

(2) The likelihood that the services to be provided by the proposed project will lead to meaningful improvements in the skills and competencies necessary to gain employment in high-quality jobs, careers, and industries or build capacity for independent living.

(3) The extent to which the services to be provided by the proposed project involve the collaboration of appropriate partners, including those from underserved populations, to maximize the effectiveness of project services.

(d) Quality of Project Personnel (15 Points):

The Secretary considers the quality of the personnel who will carry out the proposed project. In determining the quality of project personnel, the Secretary considers the extent to which the applicant demonstrates that it has project personnel or a plan for hiring of personnel who are members of groups that have historically encountered barriers, or who have professional or personal experiences with barriers, based on one or more of the following: economic disadvantage; gender; race; ethnicity; color; national origin; disability; age; language; migration; living in a rural location; experiencing homelessness or housing insecurity; involvement with the justice system; pregnancy, parenting, or caregiver status; and sexual orientation.

In addition, the Secretary considers the extent to which the key personnel in the project, when hired, have the qualifications required for the proposed project, including formal training or work experience in fields related to the objectives of the project, and represent or have lived experiences of the target population.

(e) Adequacy of Resources (10 Points):

The Secretary considers the adequacy of resources for the proposed project. In determining the adequacy of resources for the proposed project, the Secretary considers the following factors:

(1) The adequacy of support for the project, including facilities, equipment, supplies, and other resources, from the applicant or the lead applicant organization.

(2) The extent to which the budget is adequate to support the proposed project and the costs are reasonable in relation to the objectives, design, and potential significance of the proposed project.

(3) The extent to which the costs are reasonable in relation to the number of persons to be served, the depth and intensity of services, and the anticipated results and benefits.

(f) Quality of the Management Plan (15 Points):

The Secretary considers the quality of the management plan for the proposed project. In determining the quality of the management plan for the proposed project, the Secretary considers the following factors:

(1) The feasibility of the management plan to achieve project objectives and goals on time and within budget, including clearly defined responsibilities, timelines, and milestones for accomplishing project tasks.

(2) The adequacy of plans for ensuring the use of quantitative and qualitative data, including meaningful community member and partner input, to inform continuous improvement in the operation of the proposed project.

(3) The extent to which the time commitments of the project director and principal investigator and other key project personnel are appropriate and adequate to meet the objectives of the proposed project.

(g) Quality of the Project Evaluation (10 Points):

The Secretary considers the quality of the evaluation or other evidence-building of the proposed project. In determining the quality of the evaluation or other evidence-building, the Secretary considers the following factors:

(1) The extent to which the methods of evaluation are thorough, feasible, relevant, and appropriate to the goals, objectives, and outcomes of the proposed project.

(2) The extent to which the methods of evaluation or other evidence-building include the use of objective performance measures that are clearly related to the intended outcomes of the project and will produce quality data that are quantitative and qualitative.

(3) The extent to which the methods of evaluation or other evidence-building will provide performance feedback and provide formative, diagnostic, or interim data that is a periodic assessment of progress toward achieving intended outcomes.

2. *Review and Selection Process:* We remind potential applicants that in reviewing applications in any discretionary grant competition, the Secretary may consider, under 34 CFR 75.217(d)(3), the past performance of the applicant in carrying out a previous award, such as the applicant's use of funds, achievement of project objectives, and compliance with grant conditions. The Secretary may also consider whether the applicant failed to submit a timely performance report or submitted a report of unacceptable quality.

In addition, in making a competitive grant award, the Secretary requires various assurances, including those applicable to Federal civil rights laws that prohibit discrimination in programs or activities receiving Federal financial assistance from the Department (34 CFR 100.4, 104.5, 106.4, 108.8, and 110.23).

3. *Risk Assessment and Specific Conditions:* Consistent with 2 CFR 200.206, before awarding grants under this competition the Department conducts a review of the risks posed by applicants. Under 2 CFR 200.208, the Secretary may impose specific conditions and, under 2 CFR 3474.10, in appropriate circumstances, high-risk conditions on a grant if the applicant or grantee is not financially stable; has a history of unsatisfactory performance; has a financial or other management system that does not meet the standards in 2 CFR part 200, subpart D; has not fulfilled the conditions of a prior grant; or is otherwise not responsible.

4. *Integrity and Performance System:* If you are selected under this competition to receive an award that over the course of the project period may exceed the simplified acquisition threshold (currently $250,000), under 2 CFR 200.206(a)(2) we must make a

judgment about your integrity, business ethics, and record of performance under Federal awards—that is, the risk posed by you as an applicant—before we make an award. In doing so, we must consider any information about you that is in the integrity and performance system (currently referred to as the Federal Awardee Performance and Integrity Information System (FAPIIS)), accessible through the System for Award Management. You may review and comment on any information about yourself that a Federal agency previously entered and that is currently in FAPIIS.

Please note that, if the total value of your currently active grants, cooperative agreements, and procurement contracts from the Federal Government exceeds $10,000,000, the reporting requirements in 2 CFR part 200, Appendix XII, require you to report certain integrity information to FAPIIS semiannually. Please review the requirements in 2 CFR part 200, Appendix XII, if this grant plus all the other Federal funds you receive exceed $10,000,000.

VI. Award Administration Information

1. *Award Notices:* If your application is successful, we notify your U.S. Representative and U.S. Senators and send you a Grant Award Notification (GAN), or we may send you an email containing a link to access an electronic version of your GAN. We also may notify you informally.

If your application is not evaluated or not selected for funding, we notify you.

2. *Administrative and National Policy Requirements:* We identify administrative and national policy requirements in the application package and reference these and other requirements in the *Applicable Regulations* section of this notice.

We reference the regulations outlining the terms and conditions of an award in the *Applicable Regulations* section of this notice and include these and other specific conditions in the GAN. The GAN also incorporates your approved application as part of your binding commitments under the grant.

3. *Open Licensing Requirements:* Unless an exception applies, if you are awarded a grant under this competition, you will be required to openly license to the public grant deliverables created in whole, or in part, with Department grant funds. When the deliverable consists of modifications to pre-existing works, the license extends only to those modifications that can be separately identified and only to the extent that open licensing is permitted under the terms of any licenses or other legal restrictions on the use of pre-existing works. Additionally, a grantee or subgrantee that is awarded competitive grant funds must have a plan to disseminate these public grant deliverables. This dissemination plan can be developed and submitted after your application has been reviewed and selected for funding. For additional information on the open licensing requirements please refer to 2 CFR 3474.20.

4. *Reporting:* (a) If you apply for a grant under this competition, you must ensure that you have in place the necessary processes and systems to comply with the reporting requirements in 2 CFR part 170 should you receive funding under the competition. The standards for determining whether you are covered by 2 CFR part 170 are set out in 2 CFR 170.105.

(b) At the end of your project period, you must submit a final performance report, including financial information, as directed by the Secretary. If you receive a multiyear award, you must submit an annual performance report that provides the most current performance and financial expenditure information as directed by the Secretary under 34 CFR 75.118. The Secretary may also require more frequent performance reports under 34 CFR 75.720(c). For specific requirements on reporting, please go to *www.ed.gov/fund/grant/apply/appforms/appforms.html.*

5. *Performance Measures:* For the purposes of reporting under 34 CFR 75.110, the Department has established four performance measures for the AIVRS program. The measures are:

(a) Of all those exiting the program, the percentage of individuals who leave the program with an employment outcome after receiving services under an IPE.

(b)(1) The percentage of individuals who leave the program with an employment outcome after receiving services under an IPE.

(2) The percentage of individuals who leave the program without an employment outcome after receiving services under an IPE.

(3) The percentage of individuals who have not left the program and are continuing to receive services under an IPE.

(c) The percentage of projects that demonstrate an average annual cost per employment outcome of no more than $35,000.

(d) The percentage of projects that demonstrate an average annual cost of services per participant of no more than $10,000.

Each grantee must annually report the data needed to measure its performance on these measures through the Annual Performance Reporting Form for the AIVRS program. *Note:* For purposes of this section, the term ''employment outcome'' means, with respect to an individual, (a) entering or retaining full-time or, if appropriate, part-time competitive employment in the integrated labor market; (b) satisfying the vocational outcome of supported employment; or (c) satisfying any other vocational outcome the Secretary of Education may determine to be appropriate (including satisfying the vocational outcome of customized employment, self-employment, telecommuting, or business ownership). (Section 7(11) of the Rehabilitation Act (29 U.S.C. 705(11)).

6. *Continuation Awards:* In making a continuation award under 34 CFR 75.253, the Secretary considers, among other things: whether a grantee has made substantial progress in achieving the goals and objectives of the project; whether the grantee has expended funds in a manner that is consistent with its approved application and budget; and, if the Secretary has established performance measurement requirements, whether the grantee has made substantial progress in achieving the performance targets in the grantee's approved application.

In making a continuation award, the Secretary also considers whether the grantee is operating in compliance with the assurances in its approved application, including those applicable to Federal civil rights laws that prohibit discrimination in programs or activities receiving Federal financial assistance from the Department (34 CFR 100.4, 104.5, 106.4, 108.8, and 110.23).

VII. Other Information

Accessible Format: On request to the program contact person listed under **FOR FURTHER INFORMATION CONTACT**, individuals with disabilities can obtain this document and a copy of the application package in an accessible format. The Department will provide the requestor with an accessible format that may include Rich Text Format (RTF) or text format (txt), a thumb drive, an MP3 file, braille, large print, audiotape, compact disc, or other accessible format.

Electronic Access to This Document: The official version of this document is the document published in the **Federal Register**. You may access the official edition of the **Federal Register** and the Code of Federal Regulations at *www.govinfo.gov.* At this site you can view this document, as well as all other Department documents published in the **Federal Register**, in text or Portable Document Format (PDF). To use PDF

you must have Adobe Acrobat Reader, which is available free at the site.

You may also access Department documents published in the **Federal Register** by using the article search feature at: *www.federalregister.gov.* Specifically, through the advanced search feature at this site, you can limit your search to documents published by the Department.

Glenna Wright-Gallo,

Assistant Secretary for Special Education and Rehabilitative Services.

[FR Doc. 2024–25774 Filed 11–5–24; 8:45 am]

BILLING CODE 4000–01–P

DEPARTMENT OF EDUCATION

Accrediting Agencies Currently Undergoing Review for the Purpose of Recognition by the U.S. Secretary of Education

AGENCY: Accreditation Group, Office of Postsecondary Education, U.S. Department of Education.

ACTION: Call for written third-party comments.

SUMMARY: This notice provides information to members of the public on submitting written comments for accrediting agencies currently undergoing review for the purpose of recognition by the U.S. Secretary of Education.

FOR FURTHER INFORMATION CONTACT: Herman Bounds, Director, Accreditation Group, Office of Postsecondary Education, U.S. Department of Education, 400 Maryland Avenue SW, Fifth Floor, Washington, DC 20202, telephone: (202) 453–7615, or email: *herman.bounds@ed.gov.*

SUPPLEMENTARY INFORMATION: This request for written third-party comments concerning the performance of accrediting agencies under review by the Secretary of Education is required by 496(n)(1)(A) of the Higher Education Act (HEA) of 1965, as amended, and pertains to the winter 2026 meeting of the National Advisory Committee on Institutional Quality and Integrity (NACIQI). The meeting date and location have not been determined but will be announced in a later **Federal Register** notice. In addition, a later **Federal Register** notice will describe how to register to provide oral comments at the meeting. *Note:* Written comments about the specific agencies identified below will not be accepted or provided to NACIQI members if those comments are submitted after the deadline provided in this **Federal Register** notice, which is December 6, 2024. Written comments must be submitted to the mailbox identified below. Do not submit written comments directly to Department officials or to NACIQI members.

Agencies Under Review and Evaluation: The Department requests written comments from the public on the following accrediting agencies, which are currently undergoing review and evaluation by the Accreditation Group, and which will be reviewed at the winter 2026 NACIQI meeting.

The agencies are listed by the type of application each agency has submitted. Please note, each agency's current scope of recognition is indicated below. If any agency requested to expand its scope of recognition, both the current scope of recognition and the requested scope of recognition are identified below.

Applications for Renewal of Recognition

1. *American Board of Funeral Service Education.* Scope of Recognition: The accreditation of institutions and programs awarding diplomas, associate degrees, and bachelor's degrees in funeral service or mortuary science, including the accreditation of distance learning courses and programs offered by these programs and institutions. Geographic Area of Accrediting Activities: The United States.

2. *Accrediting Commission of Career Schools and Colleges.* Scope of Recognition: The accreditation of postsecondary, non degree-granting institutions and degree-granting institutions in the United States, including those granting associate, baccalaureate and master's degrees, that are predominantly organized to educate students for occupational, trade and technical careers, and including institutions that offer programs via distance education. Geographic Area of Accrediting Activities: The United States.

3. *Association of Institutions of Jewish Studies.* Scope of Recognition: The accreditation of postsecondary institutions of Jewish Studies within the United States exclusively offering educational programs leading to a certificate, associate degree, baccalaureate degree or their equivalent credential in Jewish Studies or Classical Torah Studies. Geographic Area of Accrediting Activities: The United States.

4. *American Speech-Language-Hearing Association.* Scope of Recognition: The accreditation and pre-accreditation (Accreditation Candidate) of education programs in audiology and speech-language pathology leading to the first professional or clinical degree at the master's or doctoral level, and the accreditation of these programs offered via distance education. Geographic Area of Accrediting Activities: The United States.

5. *Commission on Massage Therapy Accreditation.* Scope of Recognition: The accreditation of institutions and programs that award postsecondary certificates, postsecondary diplomas, academic associate degrees and occupational associate degrees, in the practice of massage therapy, bodywork, and aesthetics/esthetics and skin care, and programs that include distance education. Geographic Area of Accrediting Activities: The United States.

6. *Council on Naturopathic Medical Education.* Scope of Recognition: The accreditation and preaccreditation of graduate-level, four-year naturopathic medical education programs leading to the Doctor of Naturopathic Medicine (NMN) or Doctor of Naturopathy (ND), including those offered by distance education. Geographic Area of Accrediting Activities: The United States.

7. *Montessori Accreditation Council for Teacher Education.* Scope of Recognition: The accreditation of Montessori teacher education institutions and programs including those offered via distance education. Geographic Area of Accrediting Activities: The United States.

8. *Midwifery Education Accreditation Council.* Scope of Recognition: The accreditation and pre-accreditation of direct-entry midwifery educational institutions and programs conferring degrees and certificates, including the accreditation of such programs offered via distance learning. Geographic Area of Accrediting Activities: The United States.

9. *National Accrediting Commission of Career Arts and Sciences.* Scope of Recognition: The accreditation of postsecondary schools and departments of cosmetology arts and sciences and massage therapy, including those offered via distance education. Geographic Area of Accrediting Activities: The United States.

10. *National League for Nursing, Commission for Nurse Education Accreditation.* Scope of Recognition: The preaccreditation and accreditation of nursing education programs which offer a certification or diploma or degree at the practical/vocational, diploma, associate, baccalaureate, masters, and doctoral levels, including those offered via distance education. This recognition extends to the Appeals Panel. Geographic Area of Accrediting Activities:

The United States. Requested Scope of Recognition: The preaccreditation and accreditation of nursing education programs which offer a certification or diploma or degree at the practical/vocational, diploma, associate, baccalaureate, masters, post-graduate, and doctoral levels, including those offered via distance education. This recognition extends to the Appeals Panel. Geographic Area of Accrediting Activities: The United States.

Compliance Reports

1. *Association of Advanced Rabbinical and Talmudic Schools.* Scope of Recognition: The accreditation and preaccreditation (''Correspondent'' and ''Candidate'') of advanced rabbinical and Talmudic schools to include Associate, Baccalaureate, Masters, Doctorate, and First Rabbinic and First Talmudic degree programs. Geographic Area of Accrediting Activities: The United States. The Compliance report includes findings of noncompliance with the criteria in 34 Code of Federal Regulations (CFR) part 602 identified in the November 3, 2023, letter from the senior Department official following the July 15,2023, NACIQI meeting, available at: *https://surveys.ope.ed.gov/erecognition/#/public-documents.*

2. *Academy of Nutrition and Dietetics, Accreditation Council for Education in Nutrition and Dietetics.* Scope of Recognition: The accreditation and pre-accreditation of Didactic and Coordinated Programs in Nutrition and Dietetics at both the undergraduate and graduate level, postbaccalaureate Nutrition and Dietetics Internships, and Nutrition and Dietetics Technician Programs at the associate degree level and for its accreditation of such programs offered via distance education. Geographic Area of Accrediting Activities: The United States. The compliance report includes findings of noncompliance with the criteria in 34 CFR part 602 identified in the November 3, 2023, letter from the senior Department official following the July 15, 2023, NACIQI meeting, available at *https://surveys.ope.ed.gov/erecognition/#/public-documents.*

3. *National Association of Schools of Art and Design, Commission on Accreditation.* Scope of Recognition: The accreditation of freestanding institutions and units offering art/design and art/design-related programs (both degree- and non-degree-granting), including those offered via distance education. Geographic Area of Accrediting Activities: The United States. The compliance report includes findings of noncompliance with the criteria in 34 CFR part 602 identified in the November 3, 2023, letter from the senior Department official following the July 15, 2023, NACIQI meeting, available at *https://surveys.ope.ed.gov/erecognition/#/public-documents.*

4. *Northwest Commission on Colleges and Universities.* Scope of Recognition: The accreditation and pre-accreditation (''Candidacy status'') of institutions, including the accreditation of programs offered via correspondence education, and distance education within these institutions. This recognition also extends to the Executive Committee. Geographic Area of Accrediting Activities: The United States. The compliance report includes findings of noncompliance with the criteria in 34 CFR part 602 identified in the November 3, 2023, letter from the senior Department official following the July 15, 2023, NACIQI meeting, available at *https://surveys.ope.ed.gov/erecognition/#/public-documents*.

Submission of Written Comments Regarding a Specific Accrediting Agency Under Review

Written comments about the recognition of any of the accrediting agencies listed above must be received by December 6, 2024, in the *ThirdPartyComments@ed.gov* mailbox. Please include in the subject line ''Written Comments: (agency name).'' The electronic mail (email) must include the name(s), title, organization/affiliation, mailing address, email address, and telephone number of the person(s) making the comment. Comments should be submitted as a PDF, Microsoft Word document or in a medium compatible with Microsoft Word that is attached to an email or provided in the body of an email message. Comments about an agency that has submitted a compliance report scheduled for review by the Department must relate to the criteria for recognition cited in the senior Department Official's letter that requested the report, or in the Secretary's appeal decision, if any. Comments about an agency that has submitted a petition for initial recognition, renewal of recognition, or an expansion of scope must relate to the agency's compliance with the Criteria for the recognition of Accrediting Agencies or the Criteria for the recognition of state agencies, which are available at: *https://www2.ed.gov/admins/finaid/accred/index.html*.

Only written materials submitted by the deadline to the email address listed in this notice, and in accordance with these instructions, become part of the official record concerning agencies scheduled for review and are considered by the Department and NACIQI in their deliberations. Written comments about the specific agencies identified in this **Federal Register** notice that are submitted after the deadline will not be considered by the Department or provided to NACIQI for purposes of the current cycle review. However, comments may be provided orally at the winter 2026 NACIQI meeting, which has not yet been scheduled, but which will be announced in a future **Federal Register** notice.

Electronic Access to this Document: The official version of this document is the document published in the **Federal Register**. Free internet access to the official edition of the **Federal Register** and the Code of Federal Regulations is available via the Federal Digital System at: *www.gpo.gov/fdsys.* At this site, you can view this document, as well as all other documents of the Department published in the **Federal Register**, in text or Adobe Portable Document Format (PDF). To use PDF, you must have Adobe Acrobat Reader, which is available free at the site. You may also access documents of the Department published in the **Federal Register** by using the article search feature at: *www.federalregister.gov.* Specifically, through the advanced search feature at this site, you can limit your search to documents published by the Department.

Authority: 20 U.S.C. 1011c; 20 U.S.C. 1099b.

Nasser Paydar,

Assistant Secretary for the Office of Postsecondary Education.

[FR Doc. 2024–25785 Filed 11–5–24; 8:45 am]

BILLING CODE P

ENVIRONMENTAL PROTECTION AGENCY

[EPA–HQ–OPP–2024–0061; FRL–11680–09–OCSPP]

Pesticide Product Registration; Receipt of Applications for New Uses (September 2024)

AGENCY: Environmental Protection Agency (EPA).

ACTION: Notice.

SUMMARY: EPA has received applications to register new uses for pesticide products containing currently registered active ingredients. Pursuant to the Federal Insecticide, Fungicide, and Rodenticide Act (FIFRA), EPA is hereby providing notice of receipt and opportunity to comment on these applications.

DATES: Comments must be received on or before December 6, 2024.

ADDRESSES: Submit your comments, identified by docket identification (ID) number EPA–HQ–OPP–2024–0061, through the Federal eRulemaking Portal at *https://www.regulations.gov.* Follow the online instructions for submitting comments. Do not submit electronically any information you consider to be Confidential Business Information (CBI) or other information whose disclosure is restricted by statute. Additional instructions on commenting and visiting the docket, along with more information about dockets generally, is available at *https://www.epa.gov/dockets.*

FOR FURTHER INFORMATION CONTACT: Charles Smith, Registration Division (RD) (7505T), main telephone number: (202) 566–1030, email address: *RDFRNotices@epa.gov.* The mailing address for each contact person is Office of Pesticide Programs, Environmental Protection Agency, 1200 Pennsylvania Ave. NW, Washington, DC 20460–0001. As part of the mailing address, include the contact person's name, division, and mail code.

SUPPLEMENTARY INFORMATION:

I. General Information

A. Does this action apply to me?

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

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

B. What should I consider as I prepare my comments for EPA?

1. *Submitting CBI.* Do not submit this information to EPA through *regulations.gov* or email. Clearly mark the part or all of the information that you claim to be CBI. For CBI information in a disk or CD–ROM that you mail to EPA, mark the outside of the disk or CD–ROM as CBI and then identify electronically within the disk or CD–ROM the specific information that is claimed as CBI. In addition to one complete version of the comment that includes information claimed as CBI, a copy of the comment that does not contain the information claimed as CBI must be submitted for inclusion in the public docket. Information so marked will not be disclosed except in accordance with procedures set forth in 40 CFR part 2.

2. *Tips for preparing your comments.* When preparing and submitting your comments, see the commenting tips at *https://www.epa.gov/dockets/commenting-epa-dockets.*

II. Registration Applications

EPA has received applications to register new uses for pesticide products containing currently registered active ingredients. Pursuant to the provisions of FIFRA section 3(c)(4) (7 U.S.C. 136a(c)(4)), EPA is hereby providing notice of receipt and opportunity to comment on these applications. Notice of receipt of these applications does not imply a decision by the Agency on these applications.

Notice of Receipt—New Uses

1. *EPA Registration Numbers:* 279–3055, 279–3313, 279–3108. *Docket ID number:* EPA–HQ–OPP–2023–0555. *Applicant:* FMC Corporation, 2929 Walnut Street, Philadelphia, PA 19104. *Active ingredient:* Bifenthrin. *Product type:* Insecticide. *Proposed Use:* Citrus, oil; coffee, green bean; kiwifruit, fuzzy; safflower; tropical and subtropical, palm fruit, edible peel, subgroup 23C; clover, forage and hay. Conversions and expansions for cottonseed subgroup 20C; leaf petiole vegetable subgroup 22B; rapeseed subgroup 20A; vegetable, brassica, head and stem, group 5–16, except cabbage; edible podded bean subgroup 6–22A; edible podded pea subgroup 6–22B; succulent shelled bean subgroup 6–22C; succulent shelled pea subgroup 6–22D; pulses, dried shelled bean, except soybean, subgroup 6–22E; pulses, dried shelled pea subgroup 6–22F. *Contact:* RD.

2. *EPA File Symbol:* 92953–R. *Docket ID number:* EPA–HQ–OPP–2024–0437. *Applicant:* Callington, Inc., 1170 Tree Swallow Drive, Suite 402, Winter Springs, FL 32708. *Active ingredient:* Permethrin. *Product type:* Insecticide. *Proposed Use:* Aircraft cabin use. *Contact:* RD.

Authority: 7 U.S.C. 136 *et seq.*

Dated: October 15, 2024.

Kimberly Smith,

Acting Director, Information Technology and Resources Management Division, Office of Program Support.

[FR Doc. 2024–25763 Filed 11–5–24; 8:45 am]

BILLING CODE 6560–50–P

FEDERAL MARITIME COMMISSION

Notice of Agreement Filed and Request for Public Comments

The Commission hereby gives notice of filing of the following agreement under the Shipping Act of 1984. The Commission is reviewing the agreement to assess whether it is likely, by reducing competition, to cause an unreasonable reduction in transportation service or an unreasonable increase in transportation cost or to substantially lessen competition in the purchasing certain services. *See* 46 U.S.C. 41307(b). The Commission is also reviewing the agreement to ensure that it complies with restrictions on ocean common carriers imposed by 46 U.S.C. 41105, other Shipping Act provisions, and the Commission's regulations.

This agreement is an alliance between three major container shipping companies that call at ports in the United States: HMM Co., Ltd.; Ocean Network Express Pte. Ltd.; and Yang Ming Joint Service Agreement. It authorizes the Parties to share vessels, charter or exchange vessel space, discuss and agree on the size, number and operational characteristics of vessels operated under the agreement, and engage in related activities. For a complete recitation of discussions and activities the Parties are authorized to conduct under this agreement, please review the agreement which is available in its entirety on the Commission's website (*www.fmc.gov*) or by contacting the Office of Agreements at (202)–523–5793 or *tradeanalysis@fmc.gov.*

Interested parties may submit comments, relevant information, or documents regarding the agreement to the Secretary by email at *Secretary@fmc.gov,* or by mail, Federal Maritime Commission, 800 North Capitol Street, Washington, DC 20573. Comments will be most helpful to the Commission if received within 15 days of the date this notice appears in the **Federal Register**. Comments submitted are confidential and not subject to public disclosure.

Agreement No.: 201435.

Agreement Name: Premier Alliance Agreement.

Parties: HMM Co., Ltd.; Ocean Network Express Pte. Ltd.; Yang Ming Joint Service Agreement, FMC No. 201392.

Filing Party: Joshua Stein, Cozen O'Connor.

Parties' Synopsis: The Agreement would authorize the parties to charter and exchange space on one another's vessels and to coordinate and cooperate with respect to the Parties'

transportation services in the trades between Asia, the Middle East, Europe, Central America, the Caribbean and the United States.

Proposed Effective Date: 12/12/2024.

Location: https://www2.fmc.gov/FMC.Agreements.Web/Public/AgreementHistory/86578.

Dated: November 1, 2024.

Alanna Beck,

Federal Register Alternate Liaison Officer.

[FR Doc. 2024–25819 Filed 11–5–24; 8:45 am]

BILLING CODE 6730–02–P

FEDERAL MINE SAFETY AND HEALTH REVIEW COMMISSION

Sunshine Act Meetings

TIME AND DATE: 2 p.m., Tuesday, November 12, 2024.

PLACE: The Richard V. Backley Hearing Room, Room 511, 1331 Pennsylvania Avenue NW, Suite 504 North, Washington, DC 20004 (enter from F Street entrance).

STATUS: Open.

MATTERS TO BE CONSIDERED: The Commission will consider and act upon the following in open session: *Consol Pennsylvania Coal Co.,* Docket No. PENN 2021–0084. (Issues include whether the Judge erred in concluding that a missing keeper pin violated 30 CFR 75.1725(a), that the violation was significant and substantial, and that the violation was caused by low negligence, and whether the Judge erred in concluding that the operator's permissibility violation was significant and substantial.)

Any person attending this meeting who requires special accessibility features and/or auxiliary aids, such as sign language interpreters, must inform the Commission in advance of those needs. Subject to 29 CFR 2706.150(a)(3) and 2706.160(d).

CONTACT PERSON FOR MORE INFORMATION: Emogene Johnson (202) 434–9935/(202) 708–9300 for TDD; Relay/1–800–877–8339 for toll free.

Phone Number for Listening to Meeting: 1–(866) 236–7472. Passcode: 678–100.

Authority: 5 U.S.C. 552b.

Dated: November 1, 2024.

Sarah L. Stewart,

Deputy General Counsel.

[FR Doc. 2024–25857 Filed 11–4–24; 11:15 am]

BILLING CODE 6735–01–P

FEDERAL RESERVE SYSTEM

Change in Bank Control Notices; Acquisitions of Shares of a Bank or Bank Holding Company

The notificants listed below have applied under the Change in Bank Control Act (Act) (12 U.S.C. 1817(j)) and § 225.41 of the Board's Regulation Y (12 CFR 225.41) to acquire shares of a bank or bank holding company. The factors that are considered in acting on the applications are set forth in paragraph 7 of the Act (12 U.S.C. 1817(j)(7)).

The public portions of the applications listed below, as well as other related filings required by the Board, if any, are available for immediate inspection at the Federal Reserve Bank(s) indicated below and at the offices of the Board of Governors. This information may also be obtained on an expedited basis, upon request, by contacting the appropriate Federal Reserve Bank and from the Board's Freedom of Information Office at *https://www.federalreserve.gov/foia/request.htm.* Interested persons may express their views in writing on the standards enumerated in paragraph 7 of the Act.

Comments received are subject to public disclosure. In general, comments received will be made available without change and will not be modified to remove personal or business information including confidential, contact, or other identifying information. Comments should not include any information such as confidential information that would not be appropriate for public disclosure.

Comments regarding each of these applications must be received at the Reserve Bank indicated or the offices of the Board of Governors, Ann E. Misback, Secretary of the Board, 20th Street and Constitution Avenue NW, Washington, DC 20551–0001, not later than November 21, 2024.

A. Federal Reserve Bank of Chicago (Colette A. Fried, Assistant Vice President) 230 South LaSalle Street, Chicago, Illinois 60690–1414. Comments can also be sent electronically to *Comments.applications@chi.frb.org:*

1. *The Consolidated Amendment and Restatement of the Backlund Better Bank Revocable Living Trust and the B.F. Backlund Revocable Trust, the Backlund Family Trust, the Steve E. Backlund Restated Revocable Trust Agreement, Steve E. Backlund, as trustee, all of Peoria Heights, Illinois; the Backlund Investment Co. Employee Stock Ownership Plan and Trust, Steve E. Backlund, Tera R. Backlund, James P. Ghiglieri, III, Melissa L. May, Robert D. Mowrer, Jr., Timothy H. Peterson, and H. Scott Smith, as co-trustees, all of Peoria Heights, Illinois; Robert D. Mowrer, Jr., Aledo, Texas; Michael E. Peterson and Helene M. Peterson, both of Peoria, Illinois; and Timothy H. Peterson, Dunlap, Illinois;* as a group acting in concert, to retain voting shares of Backlund Investment Co., Peoria Heights, Illinois, and thereby indirectly retain voting shares of Better Banks, Peoria, Illinois, and State Street Bank and Trust Company, Quincy, Illinois.

Board of Governors of the Federal Reserve System.

Michele Taylor Fennell,

Associate Secretary of the Board.

[FR Doc. 2024–25800 Filed 11–5–24; 8:45 am]

BILLING CODE P

FEDERAL RESERVE SYSTEM

Formations of, Acquisitions by, and Mergers of Bank Holding Companies

The companies listed in this notice have applied to the Board for approval, pursuant to the Bank Holding Company Act of 1956 (12 U.S.C. 1841 *et seq.*) (BHC Act), Regulation Y (12 CFR part 225), and all other applicable statutes and regulations to become a bank holding company and/or to acquire the assets or the ownership of, control of, or the power to vote shares of a bank or bank holding company and all of the banks and nonbanking companies owned by the bank holding company, including the companies listed below.

The public portions of the applications listed below, as well as other related filings required by the Board, if any, are available for immediate inspection at the Federal Reserve Bank(s) indicated below and at the offices of the Board of Governors. This information may also be obtained on an expedited basis, upon request, by contacting the appropriate Federal Reserve Bank and from the Board's Freedom of Information Office at *https://www.federalreserve.gov/foia/request.htm.* Interested persons may express their views in writing on the standards enumerated in the BHC Act (12 U.S.C. 1842(c)).

Comments received are subject to public disclosure. In general, comments received will be made available without change and will not be modified to remove personal or business information including confidential, contact, or other identifying information. Comments should not include any information such as confidential information that would not be appropriate for public disclosure.

Comments regarding each of these applications must be received at the Reserve Bank indicated or the offices of the Board of Governors, Ann E. Misback, Secretary of the Board, 20th Street and Constitution Avenue NW, Washington, DC 20551–0001, not later than December 6, 2024.

A. Federal Reserve Bank of Chicago (Colette A. Fried, Assistant Vice President) 230 South LaSalle Street, Chicago, Illinois 60690–1414. Comments can also be sent electronically to *Comments.applications@chi.frb.org:*

1. *Backlund Investment Co. Employee Stock Ownership Plan, Peoria Heights, Illinois;* to become a bank holding company by acquiring 25.2 percent of the voting shares of Backlund Investment Co., also of Peoria Heights, Illinois, and thereby indirectly acquiring voting shares of Better Banks, Peoria, Illinois, and State Street Bank and Trust Company, Quincy, Illinois.

Board of Governors of the Federal Reserve System.

Michele Taylor Fennell,

Associate Secretary of the Board.

[FR Doc. 2024–25801 Filed 11–5–24; 8:45 am]

BILLING CODE P

GENERAL SERVICES ADMINISTRATION

[OMB Control No. 3090–0310; Docket No. 2024–0001; Sequence No. 7]

Submission for OMB Review; Nondiscrimination in Federal Financial Assistance for Real Property Recipients

AGENCY: Office of Civil Rights (OCR), General Services Administration (GSA).

ACTION: Notice; request for comments.

SUMMARY: In accordance with the Paperwork Reduction Act of 1995, and the Office of Management and Budget (OMB) regulations, GSA invites the public to comment on a revision to existing information collection 3090–0310, to add a Nondiscrimination in Federal Financial Assistance for Real Property Recipients form. This information is needed to facilitate nondiscrimination in GSA's Federal Financial Assistance Programs, consistent with Federal civil rights laws and regulations that apply to recipients of Federal financial assistance.

DATES: Submit comments on or before: December 6, 2024.

ADDRESSES: Written comments and recommendations for this 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 Review—Open for Public Comments'' or by using the search function.

FOR FURTHER INFORMATION CONTACT: Lisa Lee Anderson, External Programs Branch Chief, OCR, at (202) 501–0767 or via email at *civilrights@gsa.gov.*

SUPPLEMENTARY INFORMATION:

A. Purpose

GSA has mission responsibilities related to monitoring and enforcing compliance with Federal civil rights laws and regulations that apply to Federal financial assistance programs administered by GSA. Specifically, those laws provide that no person on the ground of race, color, national origin, disability, sex, or age shall be excluded from participation in, be denied the benefits of, or be otherwise subjected to discrimination under any program in connection with which Federal financial assistance is extended under laws administered in whole, or in part, by GSA.

These mission responsibilities generate the requirement to request and obtain certain data from recipients of Federal surplus real property conveyances under the Federal Public Benefit Conveyance Program for the purpose of determining compliance, such as the number of individuals that speak non-English languages encountered by the recipient's program(s) and how the recipient is addressing meaningful access for individuals that are Limited English Proficient; whether the recipients provide disability access in compliance with applicable laws and standards; whether there has been complaints or lawsuits filed against the recipient based on prohibited discrimination; whether there has been any findings of discrimination; and whether the recipient's facilities are accessible to qualified individuals with disabilities.

B. Annual Reporting Burden

Respondents: 75.

Responses per Respondent: 1.

Total Responses: 75.

Hours per Response: 2.

Total Burden Hours: 150.

C. Public Comments

A 60-day notice was published in the **Federal Register** at 89 FR 64462 on August 7, 2024. No comments were received.

Lois Mandell,

Director, Regulatory Secretariat Division, General Services Administration.

[FR Doc. 2024–25742 Filed 11–5–24; 8:45 am]

BILLING CODE 6820–34–P

GENERAL SERVICES ADMINISTRATION

[OMB Control No. 3090–0287; Docket No. 2024–0001; Sequence No. 11]

Submission for OMB Review; Background Investigations for Child Care Workers; GSA Form 176

AGENCY: Office of Mission Assurance, General Services Administration (GSA).

ACTION: Notice and request for comments.

SUMMARY: In accordance with the Paperwork Reduction Act of 1995, and the Office of Management and Budget (OMB) regulations, GSA invites the public to comment on a request to review and approve an extension of a previously approved information collection requirement regarding the collection of personal data for background investigations for childcare workers accessing GSA owned and leased controlled facilities.

DATES: Submit comments on or before: December 6, 2024.

ADDRESSES: Written comments and recommendations for this 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 Review—Open for Public Comments'' or by using the search function.

FOR FURTHER INFORMATION CONTACT: Mr. Phil Ahn, Security Officer, Office of Mission Assurance, GSA, 202–219–0273, or via email at *phillip.ahn@gsa.gov.*

SUPPLEMENTARY INFORMATION:

A. Purpose

Homeland Security Presidential Directive (HSPD) 12 ''Policy for a Common Identification Standard for Federal Employees and Contractors'' requires the implementation of a governmentwide standard for secure and reliable forms of identification for Federal employees and contractors. OMB's implementing instructions requires all contract employees requiring routine access to federally controlled facilities for greater than six (6) months to receive a background

investigation. The minimum background investigation is Tier 1 and the Office of Personnel Management offers a Tier 1C for child care.

However, there is no requirement in the law or HSPD–12 that requires childcare employees to be subject to the Tier 1C since employees of childcare providers are neither government employees nor government contractors. The childcare providers are required to complete the criminal history background checks mandated in the Crime Control Act of 1990, Public Law 101–647, dated November 29, 1990, as amended by Public Law 102–190, dated December 5, 1991. These statutes require that each employee of a childcare center located in a federal building or in leased space must undergo a background check.

According to GSA policy, childcare workers (as described above) will need to submit the following:

1. An original signed copy of a *Basic National Agency Check Criminal History,* GSA Form 176; and

2. Two sets of fingerprints on FBI Fingerprint Cards, for SF–87 and/or electronic prints from an enrollment center.

3. Electronically submit the e-qip (SF85) application for completion of the Tier 1C.

This is not a request to collect new information; this is a request to change the form that is currently being used to collect this information.

B. Annual Reporting Burden

Respondents: 1,200.
Responses per Respondent: 1.
Hours per Response: 1.
Total Burden Hours: 1,200.

C. Public Comments

A 60-day notice published in the **Federal Register** at 89 FR 59099 on July 22, 2024. One comment was received.

Comment: There have been suggestions that the child care provider keep form 176 on file for each employee—seems redundant—since HSPD and OPM have these files requiring the provider is over kill and really these clearance documents that the federal government require should not be in a private company's file as many of the questions asked are not things the private sector employers can ask for and by having them it can lead to the suggestion that we have used these question to dismiss employees or used to not hire them based on answers to clearance questions.

Response: There is no requirement to keep a Form 176 on file for each employee. However, the childcare provider must comply with applicable requirements and adequately demonstrate such compliance, if necessary.

Lois Mandell,

Director, Regulatory Secretariat Division, General Services Administration.

[FR Doc. 2024–25741 Filed 11–5–24; 8:45 am]

BILLING CODE 6820–23–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Centers for Medicare & Medicaid Services

[Document Identifier: CMS–10829]

Agency Information Collection Activities: Submission for OMB Review; Comment Request

AGENCY: Centers for Medicare & Medicaid Services, Health and Human Services (HHS).

ACTION: Notice.

SUMMARY: The Centers for Medicare & Medicaid Services (CMS) is announcing an opportunity for the public to comment on CMS' intention to collect information from the public. Under the Paperwork Reduction Act of 1995 (PRA), federal agencies are required to publish notice in the **Federal Register** concerning each proposed collection of information, including each proposed extension or reinstatement of an existing collection of information, and to allow a second opportunity for public comment on the notice. Interested persons are invited to send comments regarding the burden estimate or any other aspect of this collection of information, including the necessity and utility of the proposed information collection for the proper performance of the agency's functions, the accuracy of the estimated burden, ways to enhance the quality, utility, and clarity of the information to be collected, and the use of automated collection techniques or other forms of information technology to minimize the information collection burden.

DATES: Comments on the collection(s) of information must be received by the OMB desk officer by *December 6, 2024.*

ADDRESSES: Written comments and recommendations for the proposed information collection should be sent within 30 days of publication of this notice to *www.reginfo.gov/public/do/PRAMain.* Find this particular information collection by selecting ''Currently under 30-day Review—Open for Public Comments'' or by using the search function.

To obtain copies of a supporting statement and any related forms for the proposed collection(s) summarized in this notice, please access the CMS PRA website by copying and pasting the following web address into your web browser: *https://www.cms.gov/Regulations-and-Guidance/Legislation/PaperworkReductionActof1995/PRA-Listing.*

FOR FURTHER INFORMATION CONTACT: William Parham at (410) 786–4669.

SUPPLEMENTARY INFORMATION: Under the Paperwork Reduction Act of 1995 (PRA) (44 U.S.C. 3501–3520), federal agencies must obtain approval from the Office of Management and Budget (OMB) for each collection of information they conduct or sponsor. The term ''collection of information'' is defined in 44 U.S.C. 3502(3) and 5 CFR 1320.3(c) and includes agency requests or requirements that members of the public submit reports, keep records, or provide information to a third party. Section 3506(c)(2)(A) of the PRA (44 U.S.C. 3506(c)(2)(A)) requires federal agencies to publish a 30-day notice in the **Federal Register** concerning each proposed collection of information, including each proposed extension or reinstatement of an existing collection of information, before submitting the collection to OMB for approval. To comply with this requirement, CMS is publishing this notice that summarizes the following proposed collection(s) of information for public comment:

1. *Type of Information Collection Request:* Revision of an approved collection; *Title of Information Collection:* Improper Payment Pre-Testing and Assessment (IPPTA) Data Request Form; *Use:* To comply with the Payment Integrity Information Act of 2019 (PIIA), HHS finalized the IPPTA to prepare State Exchanges for the measurement of improper payments of advance payments of the premium tax credit (APTC), to test processes and procedures that support HHS's review of determinations of APTC made by State Exchanges, and to provide a mechanism for HHS and State Exchanges to share information that would aid in developing an efficient measurement process. The PIIA requires executive agencies to report on Federal programs susceptible to significant improper payments. The APTC program was identified as a Federal program susceptible to significant improper payments. Currently in operation are 19 State Exchanges, which do not use the Federal platform to perform eligibility and enrollment determinations. Each State Exchange was selected to participate in the IPPTA data collection

for a period of 2 calendar years, which began in 2024 or will begin in 2025 depending on which group the State Exchange is assigned. HHS has revised the approved data request form to include new instructions and a data mapping tool to aid State Exchanges in their understanding and collecting of necessary data. This collection of data and data documentation is intended to allow HHS to test the data elements as specified in the scenarios provided to each State Exchange in the pre-testing and assessment data request form to enable HHS to comply with the requirements of the Payment Integrity Information Act of 2019 (PIIA) and implementing guidance. *Form Number:* CMS–10829 (OMB control number: 0938–1439); *Frequency:* Annually; *Affected Public:* State, Local, and Federal Government; *Number of Respondents:* 11; *Number of Responses:* 11; *Total Annual Hours:* 265. (For policy questions regarding this collection contact Halina DeSantis at 410–786–1000).

William N. Parham, III,

Director, Division of Information Collections and Regulatory Impacts, Office of Strategic Operations and Regulatory Affairs.

[FR Doc. 2024–25791 Filed 11–5–24; 8:45 am]

BILLING CODE 4120–01–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Centers for Medicare & Medicaid Services

[Document Identifiers: CMS–R–71 and CMS–R–262]

Agency Information Collection Activities: Proposed Collection; Comment Request

AGENCY: Centers for Medicare & Medicaid Services, Health and Human Services (HHS).

ACTION: Notice.

SUMMARY: The Centers for Medicare & Medicaid Services (CMS) is announcing an opportunity for the public to comment on CMS' intention to collect information from the public. Under the Paperwork Reduction Act of 1995 (PRA), Federal agencies are required to publish notice in the **Federal Register** concerning each proposed collection of information (including each proposed extension or reinstatement of an existing collection of information) and to allow 60 days for public comment on the proposed action. Interested persons are invited to send comments regarding our burden estimates or any other aspect of this collection of information, including the necessity and utility of the proposed information collection for the proper performance of the agency's functions, the accuracy of the estimated burden, ways to enhance the quality, utility, and clarity of the information to be collected, and the use of automated collection techniques or other forms of information technology to minimize the information collection burden.

DATES: Comments must be received by January 6, 2025.

ADDRESSES: When commenting, please reference the document identifier or OMB control number. To be assured consideration, comments and recommendations must be submitted in any one of the following ways:

1. *Electronically.* You may send your comments electronically to *http://www.regulations.gov*. Follow the instructions for ''Comment or Submission'' or ''More Search Options'' to find the information collection document(s) that are accepting comments.

2. *By regular mail.* You may mail written comments to the following address: CMS, Office of Strategic Operations and Regulatory Affairs, Division of Regulations Development, Attention: Document Identifier/OMB Control Number: ____, Room C4–26–05, 7500 Security Boulevard, Baltimore, Maryland 21244–1850.

To obtain copies of a supporting statement and any related forms for the proposed collection(s) summarized in this notice, please access the CMS PRA website by copying and pasting the following web address into your web browser: *https://www.cms.gov/Regulations-and-Guidance/Legislation/PaperworkReductionActof1995/PRA-Listing.*

FOR FURTHER INFORMATION CONTACT: William N. Parham at (410) 786–4669.

SUPPLEMENTARY INFORMATION:

Contents

This notice sets out a summary of the use and burden associated with the following information collections. More detailed information can be found in each collection's supporting statement and associated materials (see **ADDRESSES**).

CMS–R–71 Quality Improvement Organization (QIO) Assumption of Responsibilities and Supporting Regulations

CMS–R–262 CMS Plan Benefit Package (PBP) and Formulary CY 2026

Under the PRA (44 U.S.C. 3501–3520), Federal agencies must obtain approval from the Office of Management and Budget (OMB) for each collection of information they conduct or sponsor. The term ''collection of information'' is defined in 44 U.S.C. 3502(3) and 5 CFR 1320.3(c) and includes agency requests or requirements that members of the public submit reports, keep records, or provide information to a third party. Section 3506(c)(2)(A) of the PRA requires Federal agencies to publish a 60-day notice in the **Federal Register** concerning each proposed collection of information, including each proposed extension or reinstatement of an existing collection of information, before submitting the collection to OMB for approval. To comply with this requirement, CMS is publishing this notice.

Information Collections

1. *Type of Information Collection Request:* Extension of a currently approved collection; *Title of Information Collection:* Quality Improvement Organization (QIO) Assumption of Responsibilities and Supporting Regulations; *Use:* The Peer Review Improvement Act of 1982 amended Title XI of the Social Security Act to create the Utilization and Quality Control Peer Review Organization (PRO) program which replaces the Professional Standards Review Organization (PSRO) program and streamlines peer review activities. The term PRO has been renamed Quality Improvement Organization (QIO). This information collection describes the review functions to be performed by the QIO. It outlines relationships among QIOs, providers, practitioners, beneficiaries, intermediaries, and carriers. *Form Number:* CMS–R–71 (OMB control number: 0938–0445); *Frequency:* Yearly; *Affected Public:* Business or other for-profit and Not-for-profit institutions; *Number of Respondents:* 6,120; *Total Annual Responses:* 502,246; *Total Annual Hours:* 1,091,597. (For policy questions regarding this collection contact Cheryl Lehane at 617–461–4888.)

2. *Type of Information Collection Request:* Revision of a currently approved collection; *Title of Information Collection:* CMS Plan Benefit Package (PBP) and Formulary CY 2026; *Use:* Under the Medicare Modernization Act (MMA), Medicare Advantage (MA) and Prescription Drug Plan (PDP) organizations are required to submit plan benefit packages for all Medicare beneficiaries residing in their service area. The plan benefit package submission consists of the Plan Benefit Package (PBP) software, formulary file, and supporting documentation, as necessary. MA and PDP organizations

use the PBP software to describe their organization's plan benefit packages, including information on premiums, cost sharing, authorization rules, and supplemental benefits. They also generate a formulary to describe their list of drugs, including information on prior authorization, step therapy, tiering, and quantity limits.

CMS requires that MA and PDP organizations submit a completed PBP and formulary as part of the annual bidding process. During this process, organizations prepare their proposed plan benefit packages for the upcoming contract year and submit them to CMS for review and approval. CMS uses this data to review and approve the benefit packages that the plans will offer to Medicare beneficiaries. This allows CMS to review the benefit packages in a consistent way across all submitted bids during with incredibly tight timeframes. This data is also used to populate data on Medicare Plan Finder, which allows beneficiaries to access and compare Medicare Advantage and Prescription Drug plans. *Form Number:* CMS–R–262 (OMB control number: 0938–0763); *Frequency:* Annually; *Affected Public:* Public sector (Individuals and Households), Private sector (Business or other for-profits and Not-for-profit institutions); *Number of Respondents:* 785; *Total Annual Responses:* 8,337; *Total Annual Hours:* 46,026. (For policy questions regarding this collection contact Kristy Holtje at 410–786–2209 or *kristy.holtje@cms.hhs.gov*).

William N. Parham, III,

Director, Division of Information Collections and Regulatory Impacts, Office of Strategic Operations and Regulatory Affairs.

[FR Doc. 2024–25792 Filed 11–5–24; 8:45 am]

BILLING CODE 4120–01–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Centers for Medicare & Medicaid Services

[Document Identifier: CMS–R–308]

Agency Information Collection Activities: Submission for OMB Review; Comment Request

AGENCY: Centers for Medicare & Medicaid Services, Health and Human Services (HHS).

ACTION: Notice.

SUMMARY: The Centers for Medicare & Medicaid Services (CMS) is announcing an opportunity for the public to comment on CMS' intention to collect information from the public. Under the Paperwork Reduction Act of 1995 (PRA), Federal agencies are required to publish notice in the **Federal Register** concerning each proposed collection of information, including each proposed extension or reinstatement of an existing collection of information, and to allow a second opportunity for public comment on the notice. Interested persons are invited to send comments regarding the burden estimate or any other aspect of this collection of information, including the necessity and utility of the proposed information collection for the proper performance of the agency's functions, the accuracy of the estimated burden, ways to enhance the quality, utility, and clarity of the information to be collected, and the use of automated collection techniques or other forms of information technology to minimize the information collection burden.

DATES: Comments on the collection(s) of information must be received by the OMB desk officer by December 6, 2024.

ADDRESSES: Written comments and recommendations for the proposed information collection should be sent within 30 days of publication of this notice to *www.reginfo.gov/public/do/PRAMain.* Find this particular information collection by selecting ''Currently under 30-day Review—Open for Public Comments'' or by using the search function.

To obtain copies of a supporting statement and any related forms for the proposed collection(s) summarized in this notice, please access the CMS PRA website by copying and pasting the following web address into your web browser: *https://www.cms.gov/Regulations-and-Guidance/Legislation/PaperworkReductionActof1995/PRA-Listing.*

FOR FURTHER INFORMATION CONTACT: William Parham at (410) 786–4669.

SUPPLEMENTARY INFORMATION: Under the Paperwork Reduction Act of 1995 (PRA) (44 U.S.C. 3501–3520), Federal agencies must obtain approval from the Office of Management and Budget (OMB) for each collection of information they conduct or sponsor. The term ''collection of information'' is defined in 44 U.S.C. 3502(3) and 5 CFR 1320.3(c) and includes agency requests or requirements that members of the public submit reports, keep records, or provide information to a third party. Section 3506(c)(2)(A) of the PRA (44 U.S.C. 3506(c)(2)(A)) requires Federal agencies to publish a 30-day notice in the **Federal Register** concerning each proposed collection of information, including each proposed extension or reinstatement of an existing collection of information, before submitting the collection to OMB for approval. To comply with this requirement, CMS is publishing this notice that summarizes the following proposed collection(s) of information for public comment:

1. *Type of Information Collection Request:* Extension of a currently approved collection; *Title of Information Collection:* State Children's Health Insurance Program and Supporting Regulations; *Use:* States must submit title XXI plans and amendments for approval by the Secretary. We use the plan and its subsequent amendments to determine if the state has met the requirements of title XXI. Information provided in the state plan, state plan amendments, and from the other information we are collecting will be used by advocacy groups, beneficiaries, applicants, other governmental agencies, providers groups, research organizations, health care corporations, health care consultants. States will use the information collected to assess state plan performance, health outcomes and an evaluation of the amount of substitution of private coverage that occurs as a result of the subsidies and the effect of the subsidies on access to coverage. *Form Number:* CMS–R–308 (OMB control number: 0938–0841); *Frequency:* Yearly, once, and occasionally; *Affected Public:* State, Local, or Tribal Governments; *Number of Respondents:* 51; *Total Annual Responses:* 16,024,071; *Total Annual Hours:* 803,280. (For policy questions regarding this collection contact Joyce Jordan at 410–786–3413.)

William N. Parham, III

Director, Division of Information Collections and Regulatory Impacts, Office of Strategic Operations and Regulatory Affairs.

[FR Doc. 2024–25738 Filed 11–5–24; 8:45 am]

BILLING CODE 4120–01–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: Medicare Rural Hospital Flexibility Program Performance

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 January 6, 2025.

ADDRESSES: Submit your comments to *paperwork@hrsa.gov* or mail the HRSA Information Collection Clearance Officer, Room 14N39, 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: Medicare Rural Hospital Flexibility Program Performance, OMB No. 0915–0363—Revision.

Abstract: The mission of the Federal Office of Rural Health Policy (FORHP) within HRSA is to sustain and improve access to quality care services for rural communities. FORHP administers the Medicare Rural Hospital Flexibility Program (Flex Program) authorized by section 1820(g) of the Social Security Act (42 U.S.C. 1395i–4(g)). The purpose of the Flex Program is to enable state designated entities to support critical access hospitals in quality improvement, quality reporting, and performance improvement; to assist facilities seeking designation as critical access hospitals; and to create a program to establish or expand the provision of rural emergency medical services. HRSA currently collects information from grant recipients that participate in the Flex Program using an OMB-approved set of performance measures, the Medicare Rural Hospital Flexibility Program Performance Measures, and seeks to revise its approved information collection. HRSA is proposing significant changes to the method by which performance measures are collected, the organization of the measures, and the measures themselves.

Need and Proposed Use of the Information: These measures cover principal topic areas of interest to FORHP, including: (a) quality reporting, (b) quality improvement interventions, (c) financial and operational improvement initiatives, (d) population health management, and (e) rural EMS integration. In addition to informing HRSA's progress toward meeting the goals set in the Government Performance and Results Act, the information is important in identifying and understanding programmatic improvement across program areas, as well as guiding future iterations of the Flex Program and prioritizing areas of need and support.

Performance measures are collected electronically in the Performance Improvement and Measurement System (PIMS), which awardees currently access through the HRSA Electronic Handbooks, a data collection platform. As part of a broader change affecting all programs across FORHP, HRSA proposes to change the method of PIMS report submission from the Electronic Handbooks to a different electronic data collection platform. In addition, HRSA proposes to reduce the total number of forms submitted. The current collection involves eight forms and HRSA proposes reducing this to six forms, one for recipients to select which program areas they are working in and one for each program area selected.

Performance measures in PIMS are currently organized by a series of checkboxes, where a state entity selects which hospitals are participating in a funded intervention, and if that hospital has shown improvement after that intervention. HRSA proposes to change the organization of the measures to align with a format that would resemble a work plan submission, which is an existing requirement recipients must meet. Instead of the series of checkboxes used in the current collection, we are proposing a series of dropdown menus where respondents can choose more specific information.

Finally, HRSA proposes revisions to performance measures in PIMS that include changes to align with current terminology used by HRSA and a broadening of scope for some activities, as well as providing examples of more specific measures. Dropdown menus would contain lists of both common projects completed across the Flex Program and common outcome measures associated with each project. Respondents would not be required to collect all of the measures listed, rather they would be able to choose from a list of examples.

With these changes, HRSA estimates the burden on the recipients would remain the same. Even though HRSA is proposing to include more specific performance measures in PIMS reporting, the additional measures reflect data the recipients are currently collecting, in outside forms and spreadsheets. The reporting in PIMS to HRSA currently does not include all the specific outcome measure information collected by recipients, so the changes to the measure collection system would include that specific outcome measure information. However, instead of moving between multiple forms and spreadsheets outside of the PIMS system and copying information into it, recipients will be able to simply update their work plan in PIMS following the end of the program year with their outcome data.

Likely Respondents: Respondents are the Flex Program recipients. There are currently 45 states participating in the Flex Program.

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
Performance Improvement Measurement System	45	1	45	70	3,150
Total	45		45		3,150

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. 2024–25717 Filed 11–5–24; 8:45 am]

BILLING CODE 4165–15–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

[Document Identifier: OS–0937–0166]

Agency Information Collection Request; 60-Day Public Comment Request

AGENCY: Office of the Secretary, HHS.

ACTION: Notice.

SUMMARY: In compliance with the requirement of the Paperwork Reduction Act of 1995, the Office of the Secretary (OS), Department of Health and Human Services, is publishing the following summary of a proposed collection for public comment.

DATES: Comments on the ICR must be received on or before January 6, 2025.

ADDRESSES: Submit your comments to *Sherrette.Funn@hhs.gov* or by calling (202) 264–0041 and *PRA@HHS.GOV.*

FOR FURTHER INFORMATION CONTACT: When submitting comments or requesting information, please include the document identifier 0937–0166–60D and project title for reference, to Sherrette A. Funn, email: *Sherrette.Funn@hhs.gov, PRA@HHS.GOV* or call (202) 264–0041 the Reports Clearance Officer.

SUPPLEMENTARY INFORMATION: Interested persons are invited to send comments regarding this burden estimate or any other aspect of this collection of information, including any of the following subjects: (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.

Title of the Collection: HHS 42 CFR subpart B; Sterilization of Persons in Federally Assisted Family Planning Projects.

Type of Collection: Renewal.

OMB No.: 0937–0166.

Abstract: The Department of Health and Human Service, Office of Population Affairs is requesting an extension of a currently approved collection for the disclosure and recordkeeping requirements codified at 42 CFR part 50, subpart B (''Sterilization of Persons in Federally Assisted Family Planning Projects''). The consent form solicits information to assure voluntary and informed consent to persons undergoing sterilization in programs of health services which are supported by federal financial assistance administered by the United States Public Health Service (PHS). It provides additional procedural protection to the individual and the regulation requires that the consent form be a copy of the form that is appended to the PHS regulation. In 2003, the PHS sterilization consent form was revised to conform to OMB government-wide standards for the collection of race/ethnicity data and to incorporate the PRA burden statement as part of the consent form. We are requesting a three-year extension.

ANNUALIZED BURDEN HOUR TABLE

Forms (if necessary)	Respondents (if necessary)	Number of respondents	Number of responses per respondents	Average burden per response	Total burden hours
Information Disclosure for *Sterilization Consent Form.*.	Citizens Seeking Sterilization.	100,000	1	1	100,000
Record-keeping for *Sterilization Consent Form.*	Citizens Seeking Sterilization.	100,000	1	15/60	25,000
Total					125,000

Sherrette A. Funn,

Paperwork Reduction Act Reports Clearance Officer, Office of the Secretary.

[FR Doc. 2024–25748 Filed 11–5–24; 8:45 am]

BILLING CODE 4150–28–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Meeting of the Presidential Advisory Council on HIV/AIDS

AGENCY: Office of the Secretary, Office of the Assistant Secretary for Health, Department of Health and Human Services.

ACTION: Notice of a meeting.

SUMMARY: As stipulated by the Federal Advisory Committee Act, the U.S. Department of Health and Human Service is hereby giving notice that the Presidential Advisory Council on HIV/

AIDS (PACHA or the Council) will convene the 83rd full council meeting on Wednesday, December 11–Thursday, December 12, 2024 at the DoubleTree Hotel in Montgomery, Alabama. The meeting will include panels on the history of the civil rights movement in the South and how it impacts HIV disparities today, the intersection of HIV, stigma, and social determinants of health, the epidemiology of HIV in Alabama and local solutions for advancing health justice and addressing HIV disparities. The meeting will also include subcommittee updates and a ''PACHA-to-the-People'' community engagement session. The meeting will be open to the public and there will be a public comment session during the meeting; pre-registration is required to provide public comment. To pre-register to provide public comment, please send an email to *PACHA@hhs.gov* and include your name, organization, and title by close of business Wednesday, December 4, 2024. If you decide you would like to provide public comment but do not pre-register, you may submit your written statement by emailing *PACHA@hhs.gov* by close of business Thursday, December 19, 2024. The meeting agenda will be posted on the PACHA page on *HIV.gov* at *https://www.hiv.gov/federal-response/pacha/about-pacha* prior to the meeting.

DATES: The meeting will convene on Wednesday, December 11, 2024 from approximately 3 p.m. to 7 p.m. (ET) and Thursday, December 12, 2024 from approximately 10 a.m. to 6 p.m. (ET).

ADDRESSES: DoubleTree Hotel at 120 Madison Avenue, Montgomery, Alabama 36104. To stream the meeting, please visit *www.hhs.gov/live.*

FOR FURTHER INFORMATION CONTACT: Ms. Chloe Loving, MPH, Committee Manager for PACHA, at *PACHA@hhs.gov* or 202–795–7697. Additional information can be obtained by accessing the Council's page on the *HIV.gov* site at *www.hiv.gov/pacha.*

SUPPLEMENTARY INFORMATION: PACHA was established by Executive Order 12963, dated June 14, 1995, as amended by Executive Order 13009, dated June 14, 1996 and is currently operating under the authority given in Executive Order 14109, dated September 29, 2023. The Council was established to provide advice, information, and recommendations to the Secretary regarding programs and policies intended to promote effective HIV diagnosis, treatment, prevention, and quality care services. The functions of the Council are solely advisory in nature.

The Council consists of not more than 35 members. Council members are selected from prominent community leaders with particular expertise in, or knowledge of, matters concerning HIV and AIDS, public health, global health, population health, philanthropy, marketing or business, as well as other national leaders held in high esteem from other sectors of society. PACHA selections also include persons with lived HIV experience and persons disproportionately affected by HIV. Council members are appointed by the Secretary.

Dated: October 29, 2024.

Caroline Talev,

Executive Director, Presidential Advisory Council on HIV/AIDS, Senior Management Analyst, Office of Infectious Disease and HIV/AIDS Policy, Office of the Assistant Secretary for Health, Department of Health and Human Services.

[FR Doc. 2024–25818 Filed 11–5–24; 8:45 am]

BILLING CODE 4150–43–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; Research Initiative for Vaccine and Antibiotic Allergy (UG3/UH3 Clinical Trial Not Allowed).

Date: December 5, 2024.

Time: 12:00 p.m. to 6:00 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 3G56, Rockville, MD 20892 (Video Assisted Meeting).

Contact Person: Poonam Tewary, 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 3G56, Rockville, MD 20892, (240) 669–5047, (301) 761–7219, *tewaryp@mail.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 31, 2024.

Lauren A. Fleck,

Program Analyst, Office of Federal Advisory Committee Policy.

[FR Doc. 2024–25750 Filed 11–5–24; 8:45 am]

BILLING CODE 4140–01–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

National Institutes of Health

National Center for Complementary & Integrative Health; Notice of Closed Meeting

Pursuant to section 1009 of the Federal Advisory Committee Act, as amended, notice is hereby given of the following meeting.

The meeting will be closed to the public in accordance with the provisions set forth in sections 552b(c)(4) and 552b(c)(6), title 5 U.S.C., as amended. The grant applications and the discussions could disclose confidential trade secrets or commercial property such as patentable material, and personal information concerning individuals associated with the grant applications, the disclosure of which would constitute a clearly unwarranted invasion of personal privacy.

Name of Committee: National Center for Complementary and Integrative Health Special Emphasis Panel; REsearch Across Complementary and Integrative Health Institutions (REACH) Virtual Resource Centers (U24 Clinical Trial Not Allowed).

Date: December 3, 2024.

Time: 11:00 a.m. to 4:00 p.m.

Agenda: To review and evaluate grant applications.

Address: National Center for Complementary and Integrative Democracy II, 6707 Democracy Blvd., Bethesda, MD 20892.

Meeting Format: Virtual Meeting.

Contact Person: Marta V. Hamity, Ph.D., Scientific Review Officer, Office of Scientific Review, Division of Extramural Activities, NCCIH/NIH, 6707 Democracy Boulevard, Suite 401, Bethesda, MD 20892, *marta.hamity@nih.gov.*

(Catalogue of Federal Domestic Assistance Program Nos. 93.213, Research and Training in Complementary and Alternative Medicine, National Institutes of Health, HHS).

Dated: November 1, 2024.

David W. Freeman,

Supervisory Program Analyst, Office of Federal Advisory Committee Policy.

[FR Doc. 2024–25781 Filed 11–5–24; 8:45 am]

BILLING CODE 4140–01–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

National Institutes of Health

National Institute of Diabetes and Digestive and Kidney 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 Diabetes and Digestive and Kidney Diseases Special Emphasis Panel; Time-Sensitive Obesity PAR Review.

Date: December 3, 2024.

Time: 2:30 p.m. to 3:30 p.m.

Agenda: To review and evaluate grant applications.

Address: National Institutes of Health, NIDDK, Democracy II, Suite 7000A, 6707 Democracy Boulevard, Bethesda, MD 20892.

Meeting Format: Virtual Meeting.

Contact Person: Michele L. Barnard, Ph.D., Scientific Review Officer, National Institute of Diabetes and Digestive and Kidney, National Institute of Health, 6707 Democracy Boulevard, Rm. 7353, Bethesda, MD 20892–2542, (301) 594–8898, *barnardm@extra.niddk.nih.gov.*

(Catalogue of Federal Domestic Assistance Program Nos. 93.847, Diabetes, Endocrinology and Metabolic Research; 93.848, Digestive Diseases and Nutrition Research; 93.849, Kidney Diseases, Urology and Hematology Research, National Institutes of Health, HHS)

Dated: October 31, 2024.

Miguelina Perez,

Program Analyst, Office of Federal Advisory Committee Policy.

[FR Doc. 2024–25725 Filed 11–5–24; 8:45 am]

BILLING CODE 4140–01–P

DEPARTMENT OF HOMELAND SECURITY

Coast Guard

[Docket No. USCG–2024–0884]

Great Lakes Pilotage Advisory Committee; Vacancies; Correction

AGENCY: U.S. Coast Guard, Department of Homeland Security.

ACTION: Notice; request for applications; correction.

SUMMARY: The Coast Guard published a notice on October 22, 2024, regarding two vacancies on the Great Lakes Pilotage Advisory Committee (Committee). The Great Lakes Pilotage Advisory Committee provides advice and makes recommendations to the Secretary of Homeland Security via the Commandant of the U.S. Coast Guard on matters relating to Great Lakes pilotage. The October 22 notice contained incorrect vacancy descriptions. This document corrects those errors.

FOR FURTHER INFORMATION CONTACT: Mr. Francis Levesque, Alternate Designated Federal Officer of the Great Lakes Pilotage Advisory Committee; telephone 571–308–4941 or email at *francis.r.levesque@uscg.mil.*

Correction

In the **Federal Register** of October 22, 2024, in FR Doc. 2024–0884, on page 84360, in the third column, correct sub-paragraphs one and two to read: 1. ''One member chosen from among nominations made by Great Lakes port authorities and marine terminals;''

2. One member chosen from among nominations made by Great Lakes maritime labor organizations.''

Dated: November 1, 2024.

Michael T. Cunningham,

Chief, Office of Regulations and Administrative Law, U.S. Coast Guard.

[FR Doc. 2024–25770 Filed 11–5–24; 8:45 am]

BILLING CODE 9110–04–P

DEPARTMENT OF THE INTERIOR

Bureau of Indian Affairs

[256A2100DD/AAKC001030/A0A501010.999900; OMB Control Number 1035–0005]

Agency Information Collection Activities; Tribal Trust Evaluations for Compact Tribes

AGENCY: Bureau of Trust Funds Administration, Interior.

ACTION: Notice of information collection; request for comment.

SUMMARY: In accordance with the Paperwork Reduction Act of 1995, we, the Bureau of Trust Funds Administration (BTFA) are proposing to renew an information collection.

DATES: Interested persons are invited to submit comments on or before January 6, 2025.

ADDRESSES: Send your comments on this information collection request (ICR) by mail to Theresa Powless, Bureau of Trust Funds Administrative, Program Specialist, 4400 Masthead Street NE, Albuquerque, NM 87109; or by email to *Theresa_Powless@btfa.gov.* Please reference OMB Control Number 1035–0005 in the subject line of your comments.

FOR FURTHER INFORMATION CONTACT: To request additional information about this ICR, contact Theresa Powless, Bureau of Trust Funds Administrative, Program Specialist, 4400 Masthead Street NE, Albuquerque, NM 87109; or by email to *Theresa_Powless@btfa.gov,* or by telephone at (505) 418–2541. Individuals in the United States who are deaf, deafblind, hard of hearing, or have a speech disability may dial 711 (TTY, TDD, or TeleBraille) to access telecommunications relay services. Individuals outside the United States should use the relay services offered within their country to make international calls to the point-of-contact in the United States. You may also view the ICR at *https://www.reginfo.gov/public/Forward?SearchTarget=PRA&textfield=1035-0005.*

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.

As part of our continuing effort to reduce paperwork and respondent burdens, we invite the public and other Federal agencies 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.

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. We will include or summarize each comment in our request to OMB to approve this ICR. Before including your address, phone number, email address, or other personal identifying information in your comment, you should be aware that your entire comment—including your personal identifying information—may be made publicly available at any time. While you 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: As codified in 25 U.S.C. 4001 *et seq.,* The American Indian Trust Fund Management Reform Act of 1994 (the Reform Act) makes provisions for the Bureau of Trust Funds Administration (formerly known as the Office of the Special Trustee for American Indians) to administer trust fund accounts for individuals and Tribes. This collection of information is required to fulfill the mission of the Bureau of Trust Funds Administration (BTFA) and the Secretary of the Interior's responsibility for evaluating all Public Law 93–638 Compact Tribes administering or managing trust programs, functions, services, and/or activities on behalf of the Secretary of the Interior. This responsibility is federally mandated pursuant to 25 U.S.C. 458cc(d) and 25 CFR 1000.350. BTFA is responsible under 25 U.S.C. 4041 for overseeing the implementation of trust reforms, trust accounting, and coordination of trust policies intra-bureau-wide related to the management of Indian trust funds and assets. The BTFA, Division of Trust Evaluation and Review (DTER), formerly the Office of Trust Audit and Review (OTRA), is responsible for conducting tribal trust evaluations on Tribes performing Indian trust programs and functions pursuant to a Tribal Self-Governance Compact or Annual Funding Agreement. In addition, DTER has a congressional mandate to conduct Annual Tribal Trust Evaluations for Tribes that compact trust programs, functions, services, and/or activities under Public Law 93–638 Self-Governance Compacts on behalf of the Secretary of the Interior. This authority is contained in 25 U.S.C. 5363(d)(1) & (2) and the enabling regulations in 25 CFR 1000.350. DTER currently collects Indian trust data and documentation from Tribes in fulfillment of performing the Tribal trust evaluations for compacted Tribes. These evaluations are enabled by performing desk reviews (via email electronic questionnaires), and on-site visits to Tribes.

Under 25 CFR 1000.355, the Secretary's designated representative will conduct trust evaluations for each self-governance Tribe that has an annual funding agreement. The end result is the issuance of a report, which is required by 25 CFR 1000.365. Currently, DTER conducts either desk reviews and/or on-site reviews (pre- and post-COVID–19 pandemic) of trust operations where a Tribe has compacted a trust program. During that review, under current methodology, interviews are conducted and documents are requested. A draft report is written and provided to the Tribe for comment where applicable. Comments received back are incorporated into the report, and a final report is issued to the Tribe.

Title of Collection: Tribal Trust Evaluations for Public Law 93–639 Compact Tribes.

OMB Control Number: 1035–0005.

Form Number: None.

Type of Review: Extension of a currently approved collection.

Respondents/Affected Public: Tribes that have an annual funding agreement in place to compact Indian trust programs.

Total Estimated Number of Annual Respondents: 64 Tribes. Federal agencies are exempt from the PRA and are not included in the total annual respondents/responses/burden hour estimates.

Total Estimated Number of Annual Responses: 1,024.

Estimated Completion Time per Response: 2 hours for reporting and 1 hour for recordkeeping.

Total Estimated Number of Annual Burden Hours: 3,072.

Respondent's Obligation: Mandatory.

Frequency of Collection: Once per fiscal or calendar year (year the respective Tribe operates under).

Total Estimated Annual Nonhour Burden Cost: None.

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. 2024–25778 Filed 11–5–24; 8:45 am]

BILLING CODE 4337–15–P

DEPARTMENT OF THE INTERIOR

Bureau of Indian Affairs

[256A2100DD/AAKC001030/A0A501010.999900; OMB Control Number 1076–0135]

Agency Information Collection Activities; Submission to the Office of Management and Budget for Review and Approval; Reporting System for Demonstration Project

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 with revisions.

DATES: Interested persons are invited to submit comments on or before December 9, 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=202405-1076-009* 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=1076-0135.*

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: This information allows the Division of Workforce Development (DWD), which reports to the BIA—Indian Services, to document satisfactory compliance with statutory, regulatory, and other requirements of the various integrated programs. Public Law 102–477 authorized tribal governments to integrate federally funded employment, training, and related services and programs into a single, coordinated, comprehensive service delivery plan. Funding agencies include the Department of Labor and the Department of Health and Human Services. BIA is statutorily required to serve as the lead agency and provides a single, universal report format for use by tribal governments to report on integrated activities and expenditures. The DWD shares the information collected from these reports with the Department of Labor and the Department of Health and Human Services.

Proposed Revisions

BIA proposes to revise the narrative report instructions for the information collection. All proposed revisions to this information collection were drafted in partnership with the Tribal Public Law 477 Work Group and presented during the September 26, 2023 (88 FR 55472) and August 29, 2024 (89 FR 63963) meetings.

Title of Collection: Reporting System for Public Law 102–477 Demonstration Project.

OMB Control Number: 1076–0135.

Form Number: BIA–8205.

Type of Review: Revision of a currently approved collection.

Respondents/Affected Public: Indian tribes participating in Public Law 102–477 and individuals.

Total Estimated Number of Annual Respondents: 258.

Total Estimated Number of Annual Responses: 258.

Estimated Completion Time per Response: Varies from half an hour to six hours.

Total Estimated Number of Annual Burden Hours: 1,017.

Respondent's Obligation: Required to Obtain a Benefit.

Frequency of Collection: Once annually for the reporting, and once annually for the job placement and training application.

Total Estimated Annual Nonhour Burden Cost: $355.

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. 2024–25780 Filed 11–5–24; 8:45 am]

BILLING CODE 4337–15–P

DEPARTMENT OF THE INTERIOR

Bureau of Indian Affairs

[256A2100DD/AAKC001030/A0A501010.999900; OMB Control Number 1076–0190]

Agency Information Collection Activities; Submission to the Office of Management and Budget for Review and Approval; Indian Highway Safety Grants

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 December 6, 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=202405-1076-012* 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=1076-0190.*

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: This data collected is a requirement for the BIA Indian Highway Safety Program (IHSP) to fulfil the data obligations of 23 CFR 1300.11 and will be used for review and consideration by the IHSP Selection Committee for consideration of grant awards. This information is collected from Tribal entities concerning population, land base, highway miles and statistical data concerning vehicle fatalities, crashes, traffic enforcement actions and proposed financial data.

Title of Collection: Indian Highway Safety Grants.

OMB Control Number: 1076–0190.

Form Number: None.

Type of Review: Extension of a currently approved collection.

Respondents/Affected Public: Tribal governments.

Total Estimated Number of Annual Respondents: 485 per year, on average.

Total Estimated Number of Annual Responses: 2,256 per year, on average.

Estimated Completion Time per Response: For applications, 4 hours, on average; for monthly reports, 3–11 hours, on average; and for annual reports, 5–9 hours, on average.

Total Estimated Number of Annual Burden Hours: 15,316 on average.

Respondent's Obligation: Required to obtain or retain a benefit.

Frequency of Collection: Annually for grant applications and annual reports; monthly for reports.

Total Estimated Annual Nonhour Burden Cost: None.

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. 2024–25776 Filed 11–5–24; 8:45 am]

BILLING CODE 4337–15–P

INTERNATIONAL TRADE COMMISSION

[Investigation Nos. 701–TA–450 and 731–TA–1122 (Third Review)]

Laminated Woven Sacks From China; Scheduling of Expedited Five-Year Reviews

AGENCY: United States International Trade Commission.

ACTION: Notice.

SUMMARY: The Commission hereby gives notice of the scheduling of expedited reviews pursuant to the Tariff Act of 1930 (''the Act'') to determine whether revocation of the antidumping duty order and countervailing duty order on laminated woven sacks from China would be likely to lead to continuation or recurrence of material injury within a reasonably foreseeable time.

DATES: October 4, 2024.

FOR FURTHER INFORMATION CONTACT: Alec Resch (202–708–1448), 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 October 4, 2024, the Commission determined that the domestic interested party group response to its notice of institution (89 FR 54522, July 1, 2024) of the subject five-year reviews was adequate and that the respondent interested party group response was inadequate. The Commission did not find any other circumstances that would warrant conducting full reviews.[1] Accordingly, the Commission determined that it would conduct expedited reviews pursuant to section 751(c)(3) of the Act (19 U.S.C. 1675(c)(3)).[2]

For further information concerning the conduct of these reviews and rules

[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 Johanson voted to conduct full reviews.

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 reviews has been placed in the nonpublic record, and will be made available to persons on the Administrative Protective Order service list for these reviews on December 18, 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 reviews and that have provided individually adequate responses to the notice of institution,[3] and any party other than an interested party to the reviews may file written comments with the Secretary on what determination the Commission should reach in the reviews. Comments are due on or before 5:15 p.m. on December 26, 2024, and may not contain new factual information. Any person that is neither a party to the five-year reviews nor an interested party may submit a brief written statement (which shall not contain any new factual information) pertinent to the reviews by December 26, 2024. However, should the Department of Commerce (''Commerce'') extend the time limit for its completion of the final results of its reviews, 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 reviews must be served on all other parties to the reviews (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.

[3] The Commission has found the response submitted on behalf of the Laminated Woven Sacks Fair Trade Coalition to be individually adequate. Comments from other interested parties will not be accepted (*see* 19 CFR 207.62(d)(2)).

Determination.—The Commission has determined these reviews are 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: These reviews are being conducted under authority of title VII of the Act; this notice is published pursuant to § 207.62 of the Commission's rules.

By order of the Commission.

Issued: November 1, 2024.

Lisa Barton,

Secretary to the Commission.

[FR Doc. 2024–25772 Filed 11–5–24; 8:45 am]

BILLING CODE 7020–02–P

INTERNATIONAL TRADE COMMISSION

[Investigation Nos. 701–TA–602 and 731–TA–1412 (Review)]

Steel Wheels 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 countervailing and antidumping duty orders on steel wheels 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 22451), and determined on July 5, 2024, that it would conduct expedited reviews (89 FR 67102, August 19, 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 31, 2024. The views of the Commission are contained in USITC Publication 5557 (October 2024), entitled *Steel Wheels from China: Investigation Nos. 701–TA–602 and 731–TA–1412 (Review).*

By order of the Commission.

Issued: October 31, 2024.

Lisa Barton,

Secretary to the Commission.

[FR Doc. 2024–25749 Filed 11–5–24; 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)).

INTERNATIONAL TRADE COMMISSION

[Investigation Nos. 701–TA–701 and 731–TA–1659 (Final)]

Frozen Warmwater Shrimp From Indonesia and Ecuador; Termination of Investigations

AGENCY: United States International Trade Commission.

ACTION: Notice.

On October 28, 2024, the Department of Commerce published notices in the **Federal Register** of a negative final countervailing duty determination in connection with the subject investigation concerning Indonesia and of a negative final determination of sales at less than fair value in connection with the subject investigation concerning Ecuador (89 FR 85512 and 89 FR 85508). Accordingly, the U.S. International Trade Commission's countervailing duty investigation concerning frozen warmwater shrimp from Indonesia (Investigation No. 701–TA–701 (Final)) and its antidumping duty investigation concerning frozen warmwater shrimp from Ecuador (Investigation No. 731–TA–1659 (Final)) are terminated.

DATES: October 28, 2024.

FOR FURTHER INFORMATION CONTACT: Calvin Chang (202–205–3062), Office of Investigations, U.S. International Trade Commission, 500 E Street SW, Washington, DC 20436. Hearing-impaired individuals are advised that information on this matter can be obtained by contacting the Commission's TDD terminal on 202–205–1810. Persons with mobility impairments who will need special assistance in gaining access to the Commission should contact the Office of the Secretary at 202–205–2000. General information concerning the Commission may also be obtained by accessing its internet server (*https://www.usitc.gov*). The public record for these investigations may be viewed on the Commission's electronic docket (EDIS) at *https://edis.usitc.gov.*

Authority: These investigations are being terminated under authority of title VII of the Tariff Act of 1930 and pursuant to section 207.40(a) of the Commission's Rules of Practice and Procedure (19 CFR 207.40(a)). This notice is published pursuant to section 201.10 of the Commission's rules (19 CFR 201.10).

By order of the Commission.

Issued: October 31, 2024.

Lisa Barton,

Secretary to the Commission.

[FR Doc. 2024–25739 Filed 11–5–24; 8:45 am]

BILLING CODE 7020–02–P

DEPARTMENT OF LABOR

Employee Benefits Security Administration

225th Meeting of the Advisory Council on Employee Welfare and Pension Benefit Plans; Notice of Meeting

Pursuant to the authority contained in section 512 of the Employee Retirement Income Security Act of 1974 (ERISA), 29 U.S.C. 1142, the 225th open meeting of the Advisory Council on Employee Welfare and Pension Benefit Plans (also known as the ERISA Advisory Council) will be held on December 12–13, 2024.

On Thursday, December 12, 2024, the meeting will begin at 1 p.m. and end at approximately 5 p.m. (ET). On Friday, December 13, 2024, the meeting will begin at 9 a.m. and end at approximately 3 p.m. (ET), with a break for lunch.

The meeting will take place at the U.S. Department of Labor, 200 Constitution Avenue NW, Washington, DC 20210 in Room 6, C5320. The meeting will also be accessible via videoconference and some participants, as well as members of the public, may elect to attend virtually. Instructions and registration for public videoconference access will be available on the ERISA Advisory Council's web page at *https://www.dol.gov/agencies/ebsa/about-ebsa/about-us/erisa-advisory-council* approximately one week prior to the meeting.

The purpose of the open meeting is for Advisory Council members to finalize their observations and recommendations on the issues they studied in 2024, present their observations and recommendations to the Department of Labor, and receive an update from leadership of the Employee Benefits Security Administration (EBSA).

The issues studied by the ERISA Advisory Council in 2024 are: (1) Claims and Appeals Procedures, and (2) Qualified Default Investment Alternatives (QDIAs)—Start to Finish, Default to Payout. Descriptions of these topics are available on the ERISA Advisory Council's web page at *https://www.dol.gov/agencies/ebsa/about-ebsa/about-us/erisa-advisory-council.*

Organizations or members of the public wishing to submit a written statement may do so on or before Thursday, December 5, 2024, to Pinar Shapiro, Executive Secretary, ERISA Advisory Council. Statements should be transmitted electronically as an email attachment in text or pdf format to *ERISAAdvisoryCouncil@dol.gov.* Statements transmitted electronically that are included in the body of the email will not be accepted. Relevant statements received on or before Thursday, December 5, 2024, will be included in the record of the meeting and made available through the EBSA Public Disclosure Room. No deletions, modifications, or redactions will be made to the statements received as they are public records. *Warning:* Do not include any personally identifiable or confidential business information that you do not want publicly disclosed.

Individuals or representatives of organizations interested in addressing the ERISA Advisory Council at the public meeting must submit a written request to the Executive Secretary on or before Thursday, December 5, 2024, via email to *ERISAAdvisoryCouncil@dol.gov.*

Requests to address the Council must include: (1) the name, title, organization, address, email address, and telephone number of the individual who would appear; (2) if applicable, the name of the organization(s) whose views would be represented; and (3) a concise summary of the statement that would be presented. If permitted, oral presentations will be limited to ten minutes, but an extended statement may be submitted for the record.

Individuals who need special accommodations should contact the Executive Secretary on or before Thursday, December 5, 2024, via email to *ERISAAdvisoryCouncil@dol.gov.*

For more information about the meeting, contact the Executive Secretary at the address or telephone number above.

Signed at Washington, DC this 31st day of October, 2024.

Lisa M. Gomez,

Assistant Secretary, Employee Benefits Security Administration.

[FR Doc. 2024–25736 Filed 11–5–24; 8:45 am]

BILLING CODE 4510–29–P

DEPARTMENT OF LABOR

Mine Safety and Health Administration

Petition for Modification of Application of Existing Mandatory Safety Standards

AGENCY: Mine Safety and Health Administration, Labor.

ACTION: Notice.

SUMMARY: This notice is a summary of a petition for modification submitted to the Mine Safety and Health Administration (MSHA) by American Soda, LLC.

DATES: All comments on the petition must be received by MSHA's Office of Standards, Regulations, and Variances on or before December 6, 2024.

ADDRESSES: You may submit comments identified by Docket No. MSHA–2024–0031 by any of the following methods:

1. *Federal eRulemaking Portal: https://www.regulations.gov.* Follow the instructions for submitting comments for MSHA–2024–0031.

2. *Fax:* 202–693–9441.

3. *Email: petitioncomments@dol.gov.*

4. *Regular Mail or Hand Delivery:* MSHA, Office of Standards, Regulations, and Variances, 201 12th Street South, Suite 4E401, Arlington, Virginia 22202–5452.

Attention: S. Aromie Noe, Director, Office of Standards, Regulations, and Variances. Persons delivering documents are required to check in at the receptionist's desk, 4th Floor West. Individuals may inspect copies of the petition and comments during normal business hours at the address listed above. Before visiting MSHA in person, call 202–693–9455 to make an appointment.

FOR FURTHER INFORMATION CONTACT: S. Aromie Noe, Office of Standards, Regulations, and Variances at 202–693–9440 (voice), *Petitionsformodification@dol.gov* (email), or 202–693–9441 (fax). (These are not toll-free numbers.)

SUPPLEMENTARY INFORMATION: Section 101(c) of the Federal Mine Safety and Health Act of 1977 and title 30 of the Code of Federal Regulations (CFR) part 44 govern the application, processing, and disposition of petitions for modification.

I. Background

Section 101(c) of the Federal Mine Safety and Health Act of 1977 (Mine Act) allows the mine operator or representative of miners to file a petition to modify the application of any mandatory safety standard to a coal or other mine if the Secretary of Labor determines that:

1. An alternative method of achieving the result of such standard exists which will at all times guarantee no less than the same measure of protection afforded the miners of such mine by such standard; or

2. The application of such standard to such mine will result in a diminution of safety to the miners in such mine.

In addition, sections 44.10 and 44.11 of 30 CFR establish the requirements for filing petitions for modification.

II. Petition for Modification

Docket Number: M–2024–001–M.

Petitioner: American Soda, LLC, P.O. Box 1167, 400 County Road 85, Green River, WY 82935.

Mine: American Soda LLC Mine, MSHA ID No. 48–01295, located in Sweetwater County, Wyoming.

Regulation Affected: 30 CFR 57.22305, Approved equipment (III mines).

Modification Request: The petitioner requests a modification of 30 CFR 57.22305 to permit an alternative method of compliance for the respiratory protection of miners. The petitioner proposes to use a non-MSHA approved, intrinsically safe battery-powered air purifying respirator (PAPR) product called a Dräger X-plore 8700 EX to protect miners from potential exposure to respirable dust and ammonia gas during normal mining conditions in or beyond the last open crosscut and where methane may enter the air current.

The petitioner states that:

(a) American Soda, LLC, is requesting relief from 30 CFR 57.22305 to provide an alternative method of respiratory protection for mine employees exposed to respirable dust and ammonia gas. Application of this standard will reduce the health and safety of our miners by not affording them safe and effective equipment.

(b) In conjunction with this petition for modification, energy and resources are being spent to engineer controls to reduce hazards from respirable dust and silica. This is a continuing process that requires time and capital to accomplish. While this process is taking place American Soda, LLC, is trying to provide the maximum level of protection and comfort to the miners.

(c) To offer miners at this facility the best possible protection from exposure to respirable dust and ammonia gas, American Soda, LLC, wishes to incorporate the latest available technology in respiratory protection. American Soda, LLC, is submitting a petition for modification for the ''Dräger X-plore 8700 EX.''

(d) MSHA has given American Soda, LLC, the opportunity to provide protection to our miners. The approval of the TR–800 and the CleanSpace EX has given our miners the maximum protection available against silica crystal, respirable dust and ammonia gas. Mining is a dynamic operation, and no two tasks are the same. We therefore are seeking as many options for our miners as possible. This petition is in an effort to add another more ergonomic option for our miners.

(e) Due to the discontinuing of the 3M Airstream PAPR, American Soda, LLC, has been forced to seek a replacement PAPR for the health and safety of our miners.

(f) American Soda, LLC's research regarding available PAPRs identified two with MSHA approval. The 3M Airstream model has been discontinued by the manufacturer. The Kasco K80 ET8 unit is currently the only unit available with MSHA approval. Although the Kasco K80 ET8 unit meets MSHA approval for intrinsic safety, the unit poses recognizable safety and health deficiencies. When we examined the hood and unit, we found it very cumbersome to don. It also restricted communication considerably, to the point where the user would have to remove the entire hood to both hear and talk. We felt this put an unnecessary burden on miners as they require the best conditions in communication. Once donned the unit restricted peripheral vision thus introducing additional risk to the miner.

(g) Our currently approved petition for modification units in use today are the TR–800 and the CleanSpace EX. The Dräger X-plore 8700 EX would give our miners a third, more ergonomic option.

(h) As stated previously, American Soda, LLC, is committed to the health and safety of our miners and provides our employees with the best available respiratory protection. The Dräger X-plore 8700 EX provides a level of respiratory protection and safety equal to the already approved TR–800 and Clean space EX with additional enhancements to meet the needs of miners. The unit provides an alternative means of respiratory protection for different tasks. This affords miners an additional, more ergonomic, option to provide respiratory protection for employees.

(i) The Dräger X-plore 8700 EX unit is certified by UL under ANSI/UL 60079–11 standard. Per this certification, the Dräger X-plore 8700 EX unit is specialized to be used in hazardous locations, has met the most onerous level of intrinsic safety protection, and the level of protection is acceptable for use in mines susceptible to firedamp.

(j) The Dräger X-plore 8700 EX unit provides a NIOSH approved high-capacity, high efficiency (HEPA) particulate/vapor filter for the half facemask and a NIOSH approved HEPA particulate filter for the full facemask.

(k) The Dräger X-plore 8700 EX does not restrict the vision or impair communication of the miner.

(l) The Dräger X-plore 8700 EX incorporates technology which places the filter housing and fan assembly on an ergonomically comfortable belt.

(m) The Dräger X-plore 8700 EX respirator provides a level of comfort beyond additional PAPR units when operating mining equipment due to limited space and mobility in the machine operator's cab.

(n) The Dräger X-plore 8700 EX helmet meets Z89.1, Type 1, Class G helmet Standard.

(o) The Dräger X-plore 8700 EX eye protection meets ANSI Z87.1 Standard.

(p) The Dräger X-plore 8700 EX unit can be easily disassembled and cleaned.

The petitioner proposes the following alternative method:

(a) Prior to energizing the Dräger X-plore 8700 EX in or beyond the last open crosscut or in areas where methane may enter the air current, a methane test shall be conducted in the mine atmosphere as defined in 30 CFR 57.2.

(b) Before the Dräger X-plore 8700 EX can be used in or beyond the last open crosscut, a check of the instrument for any physical damage and the integrity of the case shall be conducted. The battery shall be removed and inspected for corrosion, including the contact points to ensure connection. The battery shall be reinserted, and the unit shall be powered up and then shut down to ensure proper connections. An inspection to ensure the battery compartment cover is securely fastened and an inspection of the battery for swelling and damage shall be conducted. Training shall be required for all miners on the pre-operational inspection and use of the Dräger X-plore 8700 EX.

(c) The Dräger X-plore 8700 EX shall not be used in or beyond the last open crosscut or in areas where methane may enter the air current until MSHA has initially inspected the equipment and determined that it is in compliance with all the terms and conditions of the Proposed Decision and Order (PDO) granted by MSHA.

(d) The Dräger X-plore 8700 EX shall not be used if methane is detected in concentrations at or above 1.0 percent. When 1.0 percent or more methane is detected while the Dräger X-plore 8700 EX is being used, the equipment shall be de-energized immediately. The Dräger X-plore 8700 EX shall be withdrawn from the affected areas.

(e) All handheld methane detectors shall be MSHA approved and maintained in permissible and proper operating condition, as defined by 30 CFR 57.22227. All methane detectors must provide visual and audible

warnings when methane is detected at or above 1.0 percent.

(f) A competent person, as defined in 30 CFR 57.2, shall continuously monitor for methane immediately before and during the use of the Dräger X-plore 8700 EX in or beyond the last open crosscut or in areas where methane may enter the air current. For a crew working together, at least one competent person shall continuously monitor for methane. Alternatively, continuous monitoring systems along longwall faces, which provide an audible and visual alarm when 1.0 percent methane is detected, shall satisfy this requirement.

(g) Batteries contained in the Dräger X-plore 8700 EX must be ''changed out'' or ''charged'' in intake air. Before each shift when the Dräger X-plore 8700 EX is to be used, all batteries for the equipment must be charged sufficiently such that they are not expected to be replaced on that shift.

(h) The Dräger LBT 04 LI–ION shall be charged on the surface or underground in accordance with 30 CFR 57.22224.

(i) The Dräger LBT 04 LI–ION shall be charged only by the Dräger X-plore 8000 EX standard charger or the Dräger X-plore 8000 multiple charger.

(j) The battery pack shall not be disassembled or modified by anyone other than permitted by the manufacturer of the equipment.

(k) The battery pack shall not be exposed to water or allowed to get wet. This does not preclude incidental exposure of sealed battery packs.

(l) The battery shall not be exposed to direct sunlight or used or stored near a source of heat.

(m) The battery shall not be used at the end of its life cycle (*e.g.,* when there is a performance decrease of greater than 20 percent in battery operated equipment). The battery shall be disposed of properly.

(n) The mine operator shall investigate the potential for electromagnetic interference between the Dräger X-plore 8700 EX and all safety devices carried or worn by miners, such as proximity detection system miner wearable components, gas detectors, tracking system components, and communication devices. Before any Dräger X-plore 8700 EX devices are placed into service, the mine operator shall report to their MSHA District whether any interference is identified along with the procedures the mine operator will implement to eliminate the interference. All miners shall be trained in these procedures.

(o) Personnel engaged in the use of Dräger X-plore 8700 EX shall be properly trained to recognize the hazards and limitations associated with the use of the PAPR in areas where methane could be present.

(p) All section foremen, section crew members, and other personnel who will be involved with or affected by the use of the PAPR shall receive training in accordance with 30 CFR 48.7 on the requirements of the PDO granted by MSHA within 60 days of the date the PDO granted by MSHA becomes final. Such training must be completed before any Dräger X-plore 8700 EX is used in or beyond the last open crosscut or in areas where methane may enter the air current.

(q) Within 60 days after the PDO granted by MSHA becomes final, the operator shall submit proposed revisions for its approved 30 CFR part 48 training plan to the Mine Safety and Health District Manager. These proposed revisions shall include donning a Self-Contained Self Rescuer (SCSR) while using the PAPR, and initial and refresher training regarding the terms and conditions stated in the PDO granted by MSHA. When training is conducted on the terms and conditions in the PDO granted by MSHA, an MSHA Certificate of Training (Form 5000–23) shall be completed and include the notation ''Dräger X-plore 8700 EX PAPR training''.

(r) The operator shall post the PDO granted by MSHA in unobstructed locations on the bulletin boards and/or in other conspicuous places where notices to miners are ordinarily posted, for a period of not less than 60 consecutive days.

(s) Affected mine employees shall be trained in the proper use and care of the Dräger X-plore 8700 EX unit in accordance with established manufacturer guidelines.

(t) If 1.0 percent or more methane is detected, the procedures in 30 CFR 7.22234 shall be followed.

(u) The miners at American Soda LLC mine are not represented by a labor organization and there are no designated representatives of miners. A copy of this petition has been posted for all miners to see on the mine bulletin board on August 22, 2024.

In support of the proposed alternative method, the petitioner has also submitted: a Dräger X-plore 8700 EX Certificate of Conformity, a Dräger X-plore 8700 EX ATEX Certificate, a battery pack operating manual, and a Dräger X-plore 8700 EX data sheet.

The petitioner asserts that that application of the standard in 30 CFR 57.22305 will reduce the safety of the miners affected and has proposed to establish an alternative method.

Song-ae Aromie Noe,

Director, Office of Standards, Regulations, and Variances.

[FR Doc. 2024–25720 Filed 11–5–24; 8:45 am]

BILLING CODE 4520–43–P

DEPARTMENT OF LABOR

Occupational Safety and Health Administration

[Docket No. OSHA–2007–0039]

Intertek Testing Services NA, Inc.: Application for Expansion of Recognition

AGENCY: Occupational Safety and Health Administration (OSHA), Labor.

ACTION: Notice.

SUMMARY: In this notice, OSHA announces the application of Intertek Testing Services NA, Inc., for expansion of the recognition as a Nationally Recognized Testing Laboratory (NRTL) and presents the agency's preliminary finding to grant the application.

DATES: Submit comments, information, and documents in response to this notice, or requests for an extension of time to make a submission, on or before November 21, 2024.

ADDRESSES: Submit comments by any of the following methods:

Electronically: You may submit comments, including attachments, electronically at *http://www.regulations.gov,* the Federal eRulemaking Portal. Follow the online instructions for submitting comments.

Instructions: All submissions must include the agency's name and the docket number for this rulemaking (Docket No. OSHA–2007–0039). All comments, including any personal information you provide, are placed in the public docket without change and may be made available online at *https://www.regulations.gov.* Therefore, OSHA cautions commenters about submitting information they do not want made available to the public or submitting materials that contain personal information (either about themselves or others), such as Social Security numbers and birthdates.

Docket: To read or download comments or other material in the docket, go to *http://www.regulations.gov.* Documents in the docket (including this **Federal Register** notice) are listed in the *http://www.regulations.gov* index; however, some information (*e.g.,* copyrighted material) is not publicly available to

read or download through the website. All submissions, including copyrighted material, are available for inspection through the OSHA Docket Office. Contact the OSHA Docket Office at (202) 693–2350 (TTY (877) 889–5627) for assistance in locating docket submissions.

Extension of comment period: Submit requests for an extension of the comment period on or before November 21, 2024 to the Office of Technical Programs and Coordination Activities, Directorate of Technical Support and Emergency Management, Occupational Safety and Health Administration, U.S. Department of Labor, 200 Constitution Avenue NW, Room N–3653, Washington, DC 20210, or by fax to (202) 693–1644.

FOR FURTHER INFORMATION CONTACT: Information regarding this notice is available from the following sources:

Press inquiries: Contact Mr. Frank Meilinger, Director, OSHA Office of Communications, phone: (202) 693–1999 or email: *meilinger.francis2@dol.gov.*

General and technical information: Contact Mr. Kevin Robinson, Director, Office of Technical Programs and Coordination Activities, Directorate of Technical Support and Emergency Management, Occupational Safety and Health Administration, phone: (202) 693–1911 or email: *robinson.kevin@dol.gov.*

SUPPLEMENTARY INFORMATION:

I. Notice of the Application for Expansion

OSHA is providing notice that Intertek Testing Services NA, Inc. (ITSNA), is applying for expansion of the current recognition as a NRTL. ITSNA requests the addition of two test standards to the NRTL scope of recognition.

OSHA recognition of a NRTL signifies that the organization meets the requirements specified in 29 CFR 1910.7. Recognition is an acknowledgment that the organization can perform independent safety testing and certification of the specific products covered within the scope of recognition. Each NRTL's scope of recognition includes: (1) the type of products the NRTL may test, with each type specified by the applicable test standard; and (2) the recognized site(s) that has/have the technical capability to perform the product-testing and product-certification activities for test standards within the NRTL's scope. Recognition is not a delegation or grant of government authority; however, recognition enables employers to use products approved by the NRTL to meet OSHA standards that require product testing and certification.

The agency processes applications by a NRTL for initial recognition and for an expansion or renewal of this recognition, following requirements in appendix A to 29 CFR 1910.7. This appendix requires that the agency publish two notices in the **Federal Register** in processing an application. In the first notice, OSHA announces the application and provides a preliminary finding. In the second notice, the agency provides a final decision on the application. These notices set forth the NRTL's scope of recognition or modifications of that scope. OSHA maintains an informational web page for each NRTL, including ITSNA, which details the NRTL's scope of recognition. These pages are available from the OSHA website at *http://www.osha.gov/dts/otpca/nrtl/index.html.*

ITSNA currently has thirty-five facilities (sites) recognized by OSHA for product testing and certification, with the headquarters located at: Intertek Testing Services NA, Inc., 545 East Algonquin Road, Suite F, Arlington Heights, Illinois 60005. A complete list of ITSNA's scope of recognition is available at *https://www.osha.gov/nationally-recognized-testing-laboratory-program/its.*

II. General Background on the Application

ITSNA submitted an application dated June 24, 2024 (OSHA–2007–0039–0058), requesting the addition of two test standards to the NRTL scope of recognition. OSHA staff performed a detailed analysis of the application packet and reviewed other pertinent information. OSHA did not perform any on-site reviews in relation to this application.

Table 1, below, lists the appropriate test standards found in ITSNA's application for expansion for testing and certification of products under the NRTL Program.

TABLE 1—PROPOSED APPROPRIATE TEST STANDARDS FOR INCLUSION IN ITSNA'S NRTL SCOPE OF RECOGNITION

Test standard	Test standard title
UL 60335–2–89	Household and Similar Electrical Appliances—Safety—Part 2–89: Particular Requirements for Commercial Refrigerating Appliances and Ice-makers with an Incorporated or Remote Refrigerant Unit or Compressor.
UL 60335–2–24	Household and Similar Electrical Appliances—Safety—Part 2–24: Particular Requirements for Refrigerating Appliances, Ice-Cream Appliances, and Ice-Makers.

III. Preliminary Findings on the Application

ITSNA submitted an acceptable application for expansion of the scope of recognition. OSHA's review of the application file and pertinent documentation indicates that ITSNA can meet the requirements prescribed by 29 CFR 1910.7 for expanding the recognition to include the addition of these two test standards for NRTL testing and certification listed in Table 1. This preliminary finding does not constitute an interim or temporary approval of ITSNA's application.

OSHA seeks comment on this preliminary determination.

IV. Public Participation

OSHA welcomes public comment as to whether ITSNA meets the requirements of 29 CFR 1910.7 for expansion of recognition as a NRTL. Comments should consist of pertinent written documents and exhibits.

Commenters needing more time to comment must submit a request in writing, stating the reasons for the request by the due date for comments. OSHA will limit any extension to 10 days unless the requester justifies a longer time period. OSHA may deny a request for an extension if it is not adequately justified.

To review copies of the exhibits identified in this notice, as well as comments submitted to the docket, contact the Docket Office, Occupational Safety and Health Administration, U.S. Department of Labor. These materials also are generally available online at *https://www.regulations.gov* under Docket No. OSHA–2007–0039 (for further information, see the ''*Docket*'' heading in the section of this notice titled **ADDRESSES**).

OSHA staff will review all comments to the docket submitted in a timely manner. After addressing the issues raised by these comments, staff will make a recommendation to the Assistant Secretary of Labor for Occupational Safety and Health on whether to grant ITSNA's application for expansion of the scope of recognition. The Assistant Secretary will make the final decision on granting the application. In making this decision, the Assistant Secretary may undertake other proceedings prescribed in Appendix A to 29 CFR 1910.7.

OSHA will publish a public notice of the final decision in the **Federal Register**.

V. Authority and Signature

James S. Frederick, Deputy Assistant Secretary of Labor for Occupational Safety and Health, authorized the preparation of this notice. Accordingly, the agency is issuing this notice pursuant to 29 U.S.C. 657(g)(2), Secretary of Labor's Order No. 8–2020 (85 FR 58393, Sept. 18, 2020), and 29 CFR 1910.7.

Signed at Washington, DC, on October 30, 2024.

James S. Frederick,

Deputy Assistant Secretary of Labor for Occupational Safety and Health.

[FR Doc. 2024–25723 Filed 11–5–24; 8:45 am]

BILLING CODE 4510–26–P

DEPARTMENT OF LABOR

Office of the Workers' Compensation Programs

Agency Information Collection Activities; Comment Request; Rehabilitation Maintenance Certificate (OWCP–17)

AGENCY: Division of Federal Employees Compensation, Office of the Workers' Compensation Programs, Labor.

ACTION: Notice.

SUMMARY: The Department of Labor (DOL) is soliciting comments concerning a proposed extension for the authority to conduct the information collection request (ICR) titled, ''Rehabilitation Maintenance Certificate (OWCP–17).'' 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 January 6, 2025.

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 Anjanette Suggs by telephone at 202–354–9660 or by email at *suggs.anjanette@dol.gov.*

Submit written comments about, or requests for a copy of, this ICR by mail or courier to the U.S. Department of Labor, Office of Workers' Compensation Programs, Room S3323, 200 Constitution Avenue NW, Washington, DC 20210 or by email: *suggs.anjanette@dol.gov.*

FOR FURTHER INFORMATION CONTACT: Contact Anjanette Suggs by telephone at 202–354–9660 or by email at *suggs.anjanette@dol.gov.*

SUPPLEMENTARY INFORMATION: The Office of Workers' Compensation Programs (OWCP) administers the Federal Employees' Compensation Act (FECA) and the Longshore and Harbor Workers' Compensation Act (LHWCA). These acts provide vocational rehabilitation services to eligible workers with disabilities. The FECA (5 U.S.C. 8111(b)) provides that OWCP may pay an individual undergoing vocational rehabilitation a maintenance allowance, not to exceed $200 a month. The LHWCA (33 U.S.C. 908(g)) provides that person(s) undergoing such vocational rehabilitation shall receive maintenance allowances as additional compensation. Form OWCP–17 is used to collect information necessary to determine the amount of any maintenance allowance to be paid. This information collection is currently approved for use through February 28, 2025.

Interested parties are encouraged to provide comments to the contact shown in the **ADDRESSES** section. Written comments will receive consideration, and be summarized and included in the request for OMB approval of the final ICR. In order to help ensure appropriate consideration, comments should mention OMB Number 1240–0012.

Submitted comments will also be a matter of public record for this ICR and posted on the internet, without redaction. The DOL encourages commenters not to include personally identifiable information, confidential business data, or other sensitive statements/information in any comments.

The 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-Office of Workers' Compensation Programs.

Type of Review: Extension.

Title of Collection: Rehabilitation Maintenance Certificate.

Form: Rehabilitation Maintenance Certificate OWCP–17.

OMB Control Number: 1240–0012.

Affected Public: Individuals or households.

Estimated Number of Respondents: 148.

Frequency: As needed.

Total Estimated Annual Responses: 1,288.

Estimated Average Time per Response: 10 minutes.

Estimated Total Annual Burden Hours: 575.

Total Estimated Annual Other Cost Burden: $0.00.

Authority: 44 U.S.C. 3506(c)(2)(A).

Dated: October 30, 2024.

Anjanette Suggs,

Agency Clearance Officer.

[FR Doc. 2024–25721 Filed 11–5–24; 8:45 am]

BILLING CODE 4510–CH–P

NATIONAL ARCHIVES AND RECORDS ADMINISTRATION

[NARA–2025–006]

Freedom of Information Act (FOIA) Advisory Committee Meeting

AGENCY: Office of Government Information Services (OGIS), National Archives and Records Administration (NARA).

ACTION: Notice of meeting.

SUMMARY: We are announcing an upcoming Freedom of Information Act (FOIA) Advisory Committee meeting in accordance with the Federal Advisory Committee Act and the second United States Open Government National Action Plan.

DATES: The meeting will be on December 5, 2024, from 10 a.m. to 1 p.m. EST. You must register by 11:59 p.m. EST on December 3, 2024, to attend. (See registration information below.)

ADDRESSES: This meeting will be a virtual meeting. We will send access instructions for the meeting to those who register according to the instructions below.

FOR FURTHER INFORMATION CONTACT: Kirsten Mitchell, Designated Federal Officer for this committee, by email at *foia-advisory-committee@nara.gov,* or by telephone at 202.741.5770.

SUPPLEMENTARY INFORMATION:

Agenda and meeting materials: We will post all meeting materials, including the agenda, at *https://www.archives.gov/ogis/foia-advisory-committee/2024-2026-term.*

This meeting will be the third of the 2024–2026 committee term. The purpose of the meeting will be to hear reports from and consider any recommendations from each of the three subcommittees: Implementation, Statutory Reform, and Volume and Frequency.

Procedures: This virtual meeting is open to the public in accordance with the Federal Advisory Committee Act (5 U.S.C. 1001–1014). If you wish to offer oral public comments during the public comments periods of the meetings, you must register in advance through Eventbrite *https://www.eventbrite.com/e/foia-advisory-committee-mtg-virtual-december-5-2024-tickets-1065203415089.* You must provide an email address so that we can provide you with information to access the meeting online. Public comments will be limited to three minutes per individual. We will also live-stream the meeting on the National Archives YouTube channel, *https://www.youtube.com/live/XlNub2WdnrU,* and include a captioning option. To request additional accommodations (*e.g.,* a transcript), email *foia-advisory-committee@nara.gov* or call 202.741.5770. Members of the media who wish to register, those who are unable to register online, and those who require special accommodations, should contact Kirsten Mitchell (contact information listed above).

Merrily Harris,

Committee Management Officer.

[FR Doc. 2024–25756 Filed 11–5–24; 8:45 am]

BILLING CODE 7515–01–P

NATIONAL SCIENCE FOUNDATION

Astronomy and Astrophysics Advisory Committee; Notice of Meeting

In accordance with the Federal Advisory Committee Act (Pub. L. 92–463, as amended), the National Science Foundation (NSF) announces the following meeting:

Name and Committee Code: Astronomy and Astrophysics Advisory Committee (13883) (Virtual).

Date and Time: November 19, 2024; 10:00am–4:00pm.

Place: National Science Foundation, 2415 Eisenhower Avenue, Room E 3430, Alexandria, VA 22314.

This is a virtual meeting. Members and the public may attend virtually via Zoom.

Attendance information for the meeting will be forthcoming on the AC's website at: *https://www.nsf.gov/mps/ast/aaac.jsp.*

The link for registration for Zoom is: *https://nsf.zoomgov.com/webinar/register/WN_ICy042ZyTtylN3bhME58MQ.*

Type of Meeting: Open.

Contact Person: Dr. Daniel Fabrycky, Program Director, Division of Astronomical Sciences, Suite W 9176, National Science Foundation, 2415 Eisenhower Avenue, Alexandria, VA 22314; Telephone: 703–292–8490.

Purpose of Meeting: To provide advice and recommendations to the National Science Foundation (NSF), the National Aeronautics and Space Administration (NASA) and the U.S. Department of Energy (DOE) on issues within the field of astronomy and astrophysics that are of mutual interest and concern to the agencies. To prepare the annual report.

Agenda: To provide updates on Agency activities and to discuss the Committee's draft annual report due 15 March 2025.

Dated: October 31, 2024.

Crystal Robinson,

Committee Management Officer.

[FR Doc. 2024–25737 Filed 11–5–24; 8:45 am]

BILLING CODE 7555–01–P

NATIONAL SCIENCE FOUNDATION

Advisory Committee for Technology, Innovation and Partnerships; Cancellation of Meeting

AGENCY: National Science Foundation.

ACTION: Notice; cancellation of meeting date.

The National Science Foundation published a notice in the **Federal Register** October 21, 2024, in FR Doc. 2024–24376 at 89 FR 84205–84206, concerning a meeting of the Advisory Committee for Technology, Innovation and Partnerships. The meeting scheduled for Friday, November 15, 2024, at 12 p.m. (ET) is cancelled.

FOR FURTHER INFORMATION CONTACT: Please contact Crystal Robinson, *crrobins@nsf.gov* or 703–292–8687.

Dated: October 31, 2024.

Crystal Robinson,

Committee Management Officer, National Science Foundation.

[FR Doc. 2024–25735 Filed 11–5–24; 8:45 am]

BILLING CODE 7555–01–P

POSTAL SERVICE

International Product Change—Priority Mail Express International, Priority Mail International & First-Class Package International Service Agreement

AGENCY: Postal Service™.

ACTION: Notice.

SUMMARY: The Postal Service gives notice of filing a request with the Postal Regulatory Commission to add a Priority Mail Express International, Priority Mail International & First-Class Package International Service contract to the list of Negotiated Service Agreements in the Competitive Product List in the Mail Classification Schedule.

DATES: *Date of notice:* November 6, 2024.

FOR FURTHER INFORMATION CONTACT: Christopher C. Meyerson, (202) 268–7820.

SUPPLEMENTARY INFORMATION: The United States Postal Service® hereby gives notice that, pursuant to 39 U.S.C. 3642 and 3632(b)(3), on October 30, 2024, it filed with the Postal Regulatory Commission a *USPS Request to Add Priority Mail Express International, Priority Mail International & First-Class Package International Service Contract 48 to Competitive Product List.* Documents are available at *www.prc.gov,* Docket Nos. MC2025–212 and K2025–210.

Christopher Doyle,

Attorney, Ethics & Legal Compliance.

[FR Doc. 2024–25729 Filed 11–5–24; 8:45 am]

BILLING CODE 7710–12–P

SECURITIES AND EXCHANGE COMMISSION

[Release No. 34–101492; File No. SR–CboeEDGA–2024–045]

Self-Regulatory Organizations; Cboe EDGA Exchange, Inc.; Notice of Filing and Immediate Effectiveness of a Proposed Rule Change To Amend Its Fees Schedule by Replacing Its Inverted Pricing Model With a Maker-Taker Model for Its Equity Trading Platform

October 31, 2024.

Pursuant to Section 19(b)(1) of the Securities Exchange Act of 1934 (the ''Act''),[1] and Rule 19b–4 thereunder,[2] notice is hereby given that on October 28, 2024, Cboe EDGA Exchange, Inc. (the ''Exchange'' or ''EDGA'') filed with the Securities and Exchange Commission (the ''Commission'') the proposed rule change as described in Items I, II, and III below, which Items have been prepared by the Exchange. The Commission is publishing this notice to solicit comments on the proposed rule change from interested persons.

I. Self-Regulatory Organization's Statement of the Terms of Substance of the Proposed Rule Change

Effective November 1, 2024, Cboe EDGA Exchange, Inc. (the ''Exchange'' or ''EDGA'') proposes to amend its Fee Schedule. The text of the proposed rule change is provided in Exhibit 5.

The text of the proposed rule change is available on the Exchange's website (*http://markets.cboe.com/us/equities/regulation/rule_filings/edga/*), at the Exchange's Office of the Secretary, and at the Commission's Public Reference Room.

II. Self-Regulatory Organization's Statement of the Purpose of, and Statutory Basis for, the Proposed Rule Change

In its filing with the Commission, the Exchange included statements concerning the purpose of and basis for the proposed rule change and discussed any comments it received on the proposed rule change. The text of these statements may be examined at the places specified in Item IV below. The Exchange has prepared summaries, set forth in sections A, B, and C below, of the most significant aspects of such statements.

[1] 15 U.S.C. 78s(b)(1).

[2] 17 CFR 240.19b–4.

A. Self-Regulatory Organization's Statement of the Purpose of, and Statutory Basis for, the Proposed Rule Change

1. Purpose

Many exchanges today utilize maker-taker pricing under which a rebate is provided to orders that add liquidity and a fee is assessed to orders that remove liquidity. The Exchange currently utilizes an inverse of the maker-taker pricing model referred to as a taker-maker pricing model in which a fee is provided to orders that add liquidity and a rebate is provided to orders that remove liquidity. As described below, the Exchange proposes to amend its Fee Schedule applicable to its equities trading platform (''EDGA Equities'') by replacing its inverted pricing model with a maker-taker model. The Exchange proposes to implement these changes effective November 1, 2024.

The Exchange first notes that it operates in a highly competitive market in which market participants can readily direct order flow to competing venues if they deem fee levels at a particular venue to be excessive or incentives to be insufficient. More specifically, the Exchange is only one of 16 registered equities exchanges, as well as a number of alternative trading systems and other off-exchange venues that do not have similar self-regulatory responsibilities under the Securities Exchange Act of 1934 (the ''Act''), to which market participants may direct their order flow. The Exchange submits this proposal in response to industry feedback and for business and competitive reasons. Specifically, the Exchange notes that the market share of taker-maker exchanges has been steadily declining in recent years. The Exchange analyzed its internal data and found that, the market share of inverted markets has dropped from approximately 8% in April 2020 to 2.6% in July 2024. Similarly, the average monthly notional volume of taker-maker exchanges has declined from approximately $528.0 billion in 2021 to an average monthly notional volume of $267.4 billion in 2024 (year-to-date). In addition to the decline in taker-maker exchanges' market share, the Exchange has received feedback from at least one Member that the economics of the inverted exchange model are no longer profitable, which has led to the Exchange to believe that a transition to a maker-taker model may help to improve the Exchange's market share. Finally, in addition to replacing its inverted pricing model with a maker-taker model, the Exchange also proposes to eliminate tiered pricing, which provides Members opportunities to qualify for higher rebates or reduced fees where certain volume criteria and thresholds are met. By eliminating tiered pricing incentives, the Exchange can instead redirect its resources and funding to focus on providing a simplified fee structure, whereby Members, regardless of their size or trading volume, can receive the same rebates and pay the same fees for certain order types.

Fee Code Rate Changes

In securities priced at or above $1.00, the Exchange currently charges a standard fee of $0.0030 per share for orders that add liquidity to EDGA and provides a standard rebate of $0.0016 per share for orders that remove liquidity from EDGA. Currently, for securities priced below $1.00 the Exchange does not charge a standard fee to add or remove liquidity. The Exchange also assesses a standard fee of $0.0030 per share in orders that route liquidity away from EDGA in securities priced at or above $1.00 and assesses a standard fee of 0.30% of the dollar value of the transaction in orders that route liquidity away from EDGA in securities priced below $1.00.

Effective November 1, 2024, the Exchange now proposes to provide a standard rebate of $0.0027 per share to all orders that add liquidity in securities priced at or above $1.00 and proposes to charge a standard fee of $0.0030 to all orders that remove liquidity in securities priced at or above $1.00. Certain order types that add liquidity to EDGA will receive lower rebates than the standard rate of $0.0027 (discussed *infra*).

As a result of the proposed change, the Exchange proposes to make corresponding changes to the following fee codes for securities priced at or above $1.00:

Adding Liquidity Fee Codes

• Orders appended with fee code 3, which is appended to orders that add liquidity to EDGA in Tape A or Tape C securities during the pre and post market,[3] are currently charged a fee of $0.00300 per share. The Exchange proposes that orders appended with fee

[3] *See* EDGA Equities Rules 1.5(r) and 1.5(s). The term ''Post-Closing Session'' shall mean the time between 4:00 p.m. and 8:00 p.m. Eastern Time. The term ''Pre-Opening Session'' shall mean the time between 8:00 a.m. and 9:30 a.m. Eastern Time. The Exchange notes that Post-Closing Session shall have the same meaning as ''post market'' on the EDGA Fee Schedule and Pre-Opening Session shall have the same meaning as ''pre market'' on the EDGA Fee Schedule.

code 3 will now receive a rebate of $0.00270 per share.

• Orders appended with fee code 4, which is appended to orders that add liquidity to EDGA in Tape B securities during the pre and post market, are currently charged a fee of $0.00300 per share. The Exchange proposes that orders appended with fee code 4 will now receive a rebate of $0.00270 per share.

• Orders appended with fee code B, which is appended to orders that add liquidity to EDGA in Tape B securities, are currently charged a fee of $0.00300 per share. The Exchange proposes that orders appended with fee code B will now receive a rebate of $0.00270 per share.

• Orders appended with fee code DM, which is appended to orders that add liquidity to EDGA using MidPoint Discretionary orders (''MDOs'') [4] within the discretionary range, are currently charged a fee of $0.00300 per share. The Exchange proposes that orders appended with fee code DM will now receive a rebate of $0.00200 per share.

• Orders appended with fee code DQ, which is appended to QDP Orders [5] that add liquidity to EDGA, are currently charged a fee of $0.001800 per share. The Exchange proposes that orders appended with fee code DQ will now receive a rebate of $0.00200 per share.

• Orders appended with fee code HA, which is appended to non-displayed orders [6] that add liquidity to EDGA, are currently charged a fee of $0.00300 per share. The Exchange proposes that orders appended with fee code HA will now receive a rebate of $0.00250 per share.

• Orders appended with fee code MM, which is appended to non-displayed orders that add liquidity to EDGA using Mid-Point Peg, [7] are currently charged a fee of $0.00100 per share. The Exchange proposes that orders appended with fee code MM will now receive a rebate of $0.00250 per share.

• Orders appended with fee code RP, which is appended to non-displayed orders that add liquidity to EDGA using Supplemental Peg, [8] are currently charged a fee of $0.00300 per share. The Exchange proposes that orders appended with fee code RP will now receive a rebate of $0.00250 per share.

• Orders appended with fee code V, which is appended to orders that add liquidity to EDGA in Tape A securities, are currently charged a fee of $0.00300 per share. The Exchange proposes that orders appended with fee code V will now receive a rebate of $0.00270 per share.

• Orders appended with fee code Y, which is appended to orders that add liquidity to EDGA in Tape C securities, are currently charged a fee of $0.00300 per share. The Exchange proposes that orders appended with fee code Y will now receive a rebate of $0.00270 per share.

The Exchange notes that certain fee codes will receive a rebate that is less than the proposed standard rebate of $0.00270 per share. In the case of fee codes DM and DQ, these fee codes are appended to MDOs that add liquidity and execute within a discretionary range or MDOs utilizing the optional QDP instruction and will receive a proposed rebate of $0.00200, which is lower than the standard rebate. In both instances, the order being added to EDGA executes at a non-displayed price and the Exchange provides lower rebates to non-displayed orders in order to incentivize adding displayed liquidity to EDGA. The same rationale is true for non-displayed orders appended with fee codes HA, MM, and RP. For fee codes HA, MM, and RP, the Exchange proposes to provide a lower rebate of $0.00250 per share as these fee codes are appended to various non-displayed orders that add liquidity to EDGA. Given the Exchange seeks to encourage displayed liquidity, the Exchange believes it is reasonable to offer the proposed lower rebate for non-displayed liquidity-adding orders.

In addition to the proposed rate changes for existing fee codes described above, the Exchange proposes to introduce two new fee codes for orders that add liquidity and discontinue an existing fee code used for liquidity-adding orders. First, the Exchange proposes to introduce fee codes DD and DN A description of each is provided below:

• Fee code DD will be appended to orders that add liquidity to EDGA using a displayed MDO that executes at a price not within the discretionary range. Orders appended with fee code DD will receive a rebate of $0.00270 per share. There will be no rebates for securities priced below $1.00.

• Fee code DN will be appended to orders that add liquidity to EDGA using a non-displayed MDO that executes at a price not within the discretionary range. Orders appended with fee code DN will receive a rebate of $0.00200 per share. There will no rebates for securities priced below $1.00.

Next, the Exchange proposes to discontinue fee code DA, which is appended to an order that adds liquidity to EDGA using an MDO and executes outside the discretionary range. The Exchange proposes to discontinue this fee code as it has introduced fee codes DD and DN, which provide additional granularity into how an MDO may be entered and execute on EDGA. Specifically, an MDO may be entered as either a displayed or non-displayed order and may execute at a price within or outside the discretionary range.[9] The discretionary range appended to an MDO is always non-displayed.[10] As such, when an MDO executes at a price within the discretionary range, it executes at a non-displayed price, will be appended with fee code DM, and will receive a lower rebate ($0.00200) than a displayed order ($0.00270). However, an MDO that executes at a price outside the discretionary range may be displayed or non-displayed. As such, introducing fee codes DD and DN will allow the Exchange to provide the standard rebate of $0.00270 to displayed MDOs that execute outside the discretionary range and a lower rebate of $0.00200 to non-displayed MDOs that execute outside the discretionary range. The lower, non-displayed rebate is commensurate with the rebate received by orders appended with fee code DM, which are similarly not displayed.

Removing Liquidity Fee Codes

• Orders appended with fee code 6, which is appended to orders that remove liquidity from EDGA during the pre and post market, currently receive a

[4] *See* EDGA Equities Rule 11.8(e). A MidPoint Discretionary Order (''MDO'') is a limit order to buy that is pegged to the NBB, with or without an offset, with discretion to execute at prices up to and including the midpoint of the NBBO, or a limit order to sell that is pegged to the NBO, with or without an offset, with discretion to execute at prices down to and including the midpoint of the NBBO.

[5] *See* EDGA Equities Rule 11.8(e)(10). Quote Depletion Protection (''QDP'') is an optional instruction that a User may include on an MDO to limit the order's ability to exercise discretion in certain circumstances.

[6] *See* EDGA Equities Rule 11.6(e)(2). Non-Displayed is an instruction the User may attach to an order stating that the order is not to be displayed by the System on the EDGA Book.

[7] *See* EDGA Equities Rule 11.8(d). A MidPoint Peg Order is a non-displayed Market Order or Limit Order with an instruction to execute at the midpoint of the NBBO, or, alternatively, pegged to the less aggressive of the midpoint of the NBBO or one minimum price variation inside the same side of the NBBO as the order.

[8] *See* EDGA Equities Rule 11.8(g). A Supplemental Peg Order is a non-displayed Limit Order that is eligible for execution at the NBB for a buy order and NBO for a sell order against an order that is in the process of being routed to an away Trading Center if such order that is in the process of being routed away is equal to or less than the aggregate size of the Supplemental Peg Order interest available at that price.

[9] *See* EDGA Equities Rule 11.8(e)(4).

[10] *See* EDGA Equities Rule 11.6(d).

rebate of $0.00160 per share. The Exchange proposes that orders appended with fee code 6 will now be charged a fee of $0.00300 per share.

• Orders appended with fee code BB, which is appended to orders that remove liquidity from EDGA in Tape B securities, currently receive a rebate of $0.00160 per share. The Exchange proposes that orders appended with fee code BB will now be charged a fee of $0.00300 per share.

• Orders appended with fee code DX, which is appended to QDP orders that remove liquidity from EDGA, are currently charged a fee of $0.00040 per share. The Exchange proposes that orders appended with fee code DX will now be charged a fee of $0.00300 per share.

• Orders appended with fee code HR, which is appended to non-displayed orders that remove liquidity from EDGA, currently execute at no cost. The Exchange proposes that orders appended with fee code HR will now be charged a fee of $0.00300 per share.

• Orders appended with fee code MT, which is appended to orders that remove liquidity designated as Mid-Point Peg from EDGA, currently execute at no cost. The Exchange proposes that orders appended with fee code MT will now be charged a fee of $0.00300 per share.

• Orders appended with fee code N, which is appended to orders that remove liquidity from EDGA in Tape C securities, currently receive a rebate of $0.00160 per share. The Exchange proposes that orders appended with fee code N will now be charged a fee of $0.00300 per share.

• Orders appended with fee code W, which is appended to orders that remove liquidity from EDGA in Tape A securities, currently receive a rebate of $0.00160 per share. The Exchange proposes that orders appended with fee code W will now be charged a fee of $0.00300 per share.

Next, the Exchange proposes to discontinue fee codes, DR and DT. The fee code DR is appended to orders that remove liquidity from EDGA using an MDO and that executes outside the discretionary range. The fee code DT is appended to orders that remove liquidity from EDGA using an MDO that executes within the discretionary range. Based on the proposal to transition EDGA to a maker-taker exchange, and the proposed changes to MDO order behavior on Exchange,[11] MDOs can only act as liquidity providing orders, unless they have a QDP instruction. Because MDOs without a QDP instruction will only add liquidity, and a separate fee code (*i.e.,* DX) already exists for MDOs with QDP instructions that remove liquidity, fee codes DR and DT are no longer necessary.

Routing Fee Codes

Fee Code Description Changes and Removal

In addition to the proposed rate changes for certain fee codes associated with the switch to maker-taker pricing, the Exchange also proposes to amend certain fee code descriptions associated with fee codes used for routing strategies. The Exchange notes that certain routing strategies are being discontinued [12] and as such, will no longer be referenced in certain fee code descriptions. The proposed changes are as follows:

• Fee code BY, which is appended to orders that are routed to BYX using Destination Specific (''DIRC''),[13] ROUC,[14] ROBB [15] or ROCO [16] routing strategies will be amended to remove the references to the ROBB and ROCO routing strategies, as these strategies are being removed from EDGA.

• Fee code NX, which is appended to orders routed to NYSE National using ROBB, ROCO or ROUC routing strategies will be amended to remove the references to the ROBB and ROCO routing strategies, as these strategies are being removed from EDGA.

• Fee code Z, which is appended to orders routed to a non-exchange destination using ROCO or ROUZ [17] routing strategies will be amended to remove the reference to the ROCO routing strategy, as this strategy is being removed from EDGA.

In addition to the description changes proposed above, the Exchange also proposes to discontinue fee codes PA,[18] PL,[19] PT,[20] and PX [21] as the RMPT [22] and RMPL [23] routing strategies are being discontinued.

Routing Tier Changes

Pursuant to footnote 1 of the Fee Schedule, the Exchange currently offers two Routing Tiers that provide a reduced fee to Members' qualifying orders where (i) a Member adds or removes a specific level of volume using certain routing strategies (''Routing Tier 1'') or (ii) routes a specified level of volume using the ROUT routing option (''Routing Tier 2''). However, the Exchange no longer wishes to, nor is required to, maintain such tiers. As such, the Exchange now proposes to

[11] The Exchange notes that in connection with transitioning EDGA to a maker-taker fee model, certain order types, including MDOs, will behave differently. Here, MDOs entered onto EDGA will now act as liquidity providers and will not remove liquidity. The Exchange has filed a separate proposal codifying the change in behavior of MDOs, and certain other order types, as well as the removal of certain routing options. *See* SR–CboeEDGA–2024–042.

[12] *Id.*

[13] *See* EDGA Equities Rule 11.11(g)(13). Destination Specific is a routing option under which an order checks the System for available shares and then is sent to an away trading center or centers specified by the User.

[14] *See* EDGA Equities Rule 11.11(g)(1). ROUC is a routing option under which an order checks the System for available shares and then is sent to destinations on the System routing table, Nasdaq OMX BX, and NYSE. If shares remain unexecuted after routing, they are posted on the EDGX (sic) Book, unless otherwise instructed by the User.

[15] *See* EDGA Equities Rule 11.11(g)(3)(D). ROBB checks the System for available shares and then sends the order to destinations on the System routing table. If shares remain unexecuted after routing, they are posted on the book, unless otherwise instructed by the User. *See also* Cboe US Equities FIX Specification, at p. 26, available at: *https://cdn.cboe.c/resources/membership/Cboe_US_Equities_FIX_Specification.pdf.*

[16] *See* EDGA Equities Rule 11.11(g)(3)(E). ROCO checks the System for available shares and then sends the order to destinations on the System routing table. If shares remain unexecuted after routing, they are posted on the book, unless otherwise instructed by the User. *See also* Cboe US Equities FIX Specification, at p. 26, available at: *https://cdn.cboe.c/resources/membership/Cboe_US_Equities_FIX_Specification.pdf.*

[17] *See* EDGA Equities Rule 11.11(g)(3)(C). ROUZ checks the System for available shares and then sends the order to destinations on the System routing table. If shares remain unexecuted after routing, they are posted on the book, unless otherwise instructed by the User. *See also* Cboe US Equities FIX Specification, at p. 26, available at: *https://cdn.cboe.c/resources/membership/Cboe_US_Equities_FIX_Specification.pdf.*

[18] Fee code PA is appended to orders that add liquidity to EDGA using the RMPT or RMPL routing strategies.

[19] Fee code PL is appended to orders routed to BZX, EDGX, NYSE, NYSE Arca or Nasdaq using the RMPL routing strategy.

[20] Fee code PT is appended to orders that remove liquidity from EDGA using the RMPT or RMPL routing strategies.

[21] Fee code PX is appended to orders routed using the RMPL routing strategy to a destination not covered by Fee Code PL or routing using the RMPT routing strategy.

[22] *See* EDGA Equities Rule 11.11(g)(12)(A). RMPT utilizes a MidPoint Peg Order to check the System for available shares and any remaining shares are then sent to destinations on the System routing table that support midpoint eligible orders. If any shares remain unexecuted after routing, they are posted on the EDGA Book as a MidPoint Peg Order, unless otherwise instructed by the User. *See also* Cboe US Equities FIX Specification, at p. 26, available at: *https://cdn.cboe.c/resources/membership/Cboe_US_Equities_FIX_Specification.pdf.*

[23] *See* EDGA Equities Rule 11.11(g)(12)(B). RMPL utilizes a MidPoint Peg Order to check the System for available shares and any remaining shares are then sent to destinations on the System routing table that support midpoint eligible orders. If any shares remain unexecuted after routing, they are posted on the EDGA Book as a MidPoint Peg Order, unless otherwise instructed by the User. *See also* Cboe US Equities FIX Specification, at p. 26, available at: *https://cdn.cboe.c/resources/membership/Cboe_US_Equities_FIX_Specification.pdf.*

discontinue Routing Tier 1 and Routing Tier 2. This proposed change will enable the Exchange to redirect future resources and funding into a standard rebate that is achievable by all Members, regardless of their size or trading volume, thereby diversifying the mix of liquidity and deepening the Exchange's liquidity pool, as well as enhancing execution opportunities and price discovery and transparency for all Members. In this regard, the Exchange believes that the proposed changes further the Commission's goal in adopting Regulation NMS of fostering competition among orders, which promotes ''more efficient pricing of individual stocks for all types of orders, large and small.''

Add/Remove Volume Tier Changes

Pursuant to footnote 7 of the Fee Schedule, the Exchange currently offers certain Add/Remove Volume Tiers that provide an enhanced rebate or a reduced fee for Members' qualifying orders. Specifically, the Exchange offers four Add/Remove Volume Tiers applicable to fee codes 3, 4, B, V, and Y that each provide a reduced fee to Members' qualifying orders where a Member reaches certain add or remove volume-based criteria (the ''Add Volume Tiers''). In addition, the Exchange offers one Add/Remove Volume Tier applicable to fee codes N, W, 6, and BB that provides an enhanced rebate to Members' qualifying orders where a Member reaches certain add or remove volume-based criteria (the ''Remove Volume Tier''). The Exchange now proposes to discontinue the Add Volume Tiers and the Remove Volume Tier as the Exchange no longer wishes to, nor is required to, maintain such tiers. More specifically, this proposed change will enable the Exchange to redirect future resources and funding into a standard rebate that is achievable by all Members, regardless of their size or trading volume, thereby diversifying the mix of liquidity on the Exchange, promoting market depth, execution incentives and enhanced execution opportunities, as well as price discovery and transparency for all Members.

Other Conforming Changes

Commensurate with the proposed changes discussed earlier in the proposal, the Exchange proposes to: (1) remove the ''Definitions'' section of the Fee Schedule; (2) modify the ''General Notes'' section of the Fee Schedule; and (3) mark as ''Reserved'', Footnote 1. As the Exchange has proposed to discontinue the Routing Tier 1 and Routing Tier 2 and the Add/Remove Volume Tiers under footnotes 1 and 7, respectively, the Exchange now proposes to remove the Definitions section of the Fee Schedule because it is no longer applicable to the remaining footnotes of the Fee Schedule. Additionally, because the Exchange proposes to discontinue Routing Tier 1 and Routing Tier 2, as well as the Add/Remove Volume Tiers, the Exchange is removing certain notes regarding Routing Tier 1 and Routing Tier 2, and Add/Remove Tiers, from the General Notes section of the Fee Schedule. Finally, because the Exchange proposes to discontinue Routing Tier 1 and Routing Tier 2 under Footnote 1, the Exchange seeks to mark Footnote 1 as ''Reserved.''

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.[24] Specifically, the Exchange believes the proposed rule change is consistent with the Section 6(b)(5)[25] 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)[26] requirement that the rules of an exchange not be designed to permit unfair discrimination between customers, issuers, brokers, or dealers as well as Section 6(b)(4)[27] as it is designed to provide for the equitable allocation of reasonable dues, fees and other charges among its Members and other persons using its facilities.

As described above, the Exchange operates in a highly competitive market in which market participants can readily direct order flow to competing venues if they deem fee levels at a particular venue to be excessive or incentives to be insufficient. As previously discussed, the overall market share of exchanges offering a taker-maker pricing model has significantly declined. According to data analyzed by the Exchange, the average market share of taker-maker exchanges has declined from approximately 8% in April 2020 to approximately 2.6% in July 2024.[28] This trend is also seen in volumes on taker-maker exchanges, which have declined from approximately 10 billion shares per month in 2022 to approximately 7.7 billion shares year-to-date in 2024. The Exchange believes that its proposal to replace its current taker-maker pricing model with a maker-taker pricing model without volume-based pricing incentives reflects a competitive pricing structure designed to incentivize market participants to direct their order flow to the Exchange, which the Exchange believes would enhance market quality to the benefit of all Members.

Specifically, the Exchange believes its proposal to remove existing volume-based pricing tiers and switch to a maker-taker pricing model, with a standard rebate achievable by all Members, regardless of their size or trading volume, will help to incentivize and diversify the mix of liquidity on the Exchange, thereby promoting market depth, execution incentives and enhanced execution opportunities, as well as price discovery and transparency for all Members. As such, the proposed changes further the Commission's goal in adopting Regulation NMS of fostering competition among orders, which promotes ''more efficient pricing of individual stocks for all types of orders, large and small.'' Competing equity exchanges provide similar rebates or assess similar fees for similar types of orders, to that of the Exchange.[29] In this regard, the rebates and fees proposed by the Exchange are intended to compete with the rebates and fees of other competing equities exchanges while continuing to encourage Members to submit order flow to the Exchange. Additionally, the Exchange notes that the proposed rebates and fees are reasonable, equitable and non-discriminatory because they are open to all Members on an equal basis, wherein all Members will have the same opportunity to receive the same rebate and pay the same fees without needing to satisfy volume-based criteria.

The proposed introduction of a $0.0027 standard rebate for fee codes B, V, Y, 3, and 4 is reasonable as it is designed to be the only standard rebate

[24] 15 U.S.C. 78f(b).

[25] 15 U.S.C. 78f(b)(5).

[26] *Id.*

[27] 15 U.S.C. 78f(b)(4)

[28] Source: Cboe internal data.

[29] For instance, LTSE pays adders of liquidity a standard rebate of $0.0028 ($0.0001 more than the Exchange's proposed standard rebate), and charges removers of liquidity a standard fee of $0.0030 (the same as the Exchange's proposed standard remove fee). *See* LTSE Fee Schedule, Transaction Fees, available at: *https://ltse.com/trading/fee-schedules.*

available to Members on the Exchange. The Exchange is increasing EDGA's standard rebate from its current rebate of $0.0016 to $0.0027, in order to provide a rebate that is higher than most other competing maker-taker exchanges [30] and that is equally attainable by all Members regardless of their size or trading volume. In doing so, the Exchange believes the proposed standard rebate will incentivize liquidity provision and diversify its pool of liquidity providers, thereby promoting market depth, execution incentives and enhanced execution opportunities, as well as price discovery and transparency for all Members. Furthermore, the Exchange believes that its proposal to introduce a standard rate of $0.0030 applicable to fee codes N, W, 6, and BB is reasonable as it is equal to the standard fee assessed to Members on the Exchange's affiliate maker-taker exchanges.[31] The proposed $0.0030 standard fee is also unchanged from the add fee assessed by the Exchange under its current inverted pricing model. As such, Members will not have to consider an increased EDGA remove fee when routing their orders to the marketplace.

The Exchange continues to believe that volume-based pricing provides for benefits or discounts that are reasonably related to: (i) the value to an exchange's market quality; (ii) associated higher levels of market activity, such as higher levels of liquidity provision and/or growth patterns; and (iii) the introduction of higher volumes of orders into the price and volume discovery processes. However, given the decline in the inverted market share (discussed above), and feedback from Members that the inverted fee model is no longer as desirable (discussed above), the Exchange believes that shifting its resources and funding from tiered pricing to a simplified maker-taker model, and implementing a simplified rebate more easily attainable by all Member, regardless of size or trading volume, will help to diversify and deepen the Exchange's liquidity providers and liquidity pool, thereby promoting market depth, execution incentives and enhanced execution opportunities, as well as price discovery and transparency for all Members. In this regard, the Exchange believes that the proposed changes further the Commission's goal in adopting Regulation NMS of fostering competition among orders, which promotes ''more efficient pricing of individual stocks for all types of orders, large and small.''

In addition to the proposed standard rebate of $0.0027 applicable to fee codes 3, 4, B, V, and Y, the Exchange has also proposed lower rebates for certain order types. Specifically, orders yielding fee codes DM, DN, and DQ will receive a lower rebate of $0.00200 per share, while orders yielding fee codes HA, MM, and RP will receive a lower rebate of $0.00250 per share. In general, as discussed above, the Exchange believes that providing slightly lower rebates to non-displayed orders and MDOs that utilize QDP or execute at a non-displayed price is reasonable as it is consistent with the Exchange's overall pricing philosophy of encouraging added, displayed liquidity to EDGA. More specifically, the Exchange proposes that orders yielding fee codes DM, DN, and DQ receive a slightly lower rebate than orders yielding fee codes HA, MM, and RP, because the former fee codes are assigned to non-displayed orders designated with order features designed to prevent a Member's orders from executing at more aggressive prices—such as, Midpoint Discretionary Orders (''MDOs'') [32] and Quote Depletion Protection (''QDP'') [33]—thereby potentially limiting the instances in which they may provide liquidity on the Exchange. In contrast, orders yielding fee codes HA, MM, and RP, are assigned to non-displayed orders not entered as MDOs or with the Exchange's QDP feature, and as such, are more likely to add liquidity to the Exchange's order book.

Together, with the proposed standard rebate, the Exchange believes that its proposed fee structure will provide a reasonable means to encourage liquidity adding displayed and non-displayed orders in Members' order flow to the Exchange and to incentivize Members to continue to provide liquidity adding volume to the Exchange by offering them an opportunity to receive a rebate. By providing higher rebates for displayed liquidity, and slightly lower rebates for non-displayed liquidity, the Exchange believes the proposed fees will help encourage the entry of displayed orders, thereby deepening the Exchange's displayed liquidity pool, fostering price discovery, promoting market transparency, and improving market quality, for all investors.

The Exchange believes that its proposal to modify the description of fee codes BY, NX, and Z as well as its proposal to eliminate fee codes PA, PL, PT, and PX is reasonable, equitable, and non-discriminatory as the Exchange is discontinuing certain routing strategies as part of its transition from a taker-maker pricing structure to a maker-taker pricing structure. The revised descriptions in fee codes BY, NX, and Z will provide an accurate description of the routing strategies eligible for certain fee codes, which will be available to all Members on an equal basis. Further, the elimination of fee codes PA, PL, PT, and PX will remove these fee codes from the Fee Schedule for all Members as the routing strategies will no longer be supported.

Similarly, the Exchange believes that its proposal to eliminate fee code DA and introduce fee codes DD and DN is reasonable, equitable, and non-discriminatory as the Exchange is seeking to utilize fee codes that provide additional granularity into the usage of MDOs on the Exchange. By eliminating fee code DA and replacing it with fee codes DD and DN, the Exchange will be

[30] *See* MIAX Pearl Equities Fee Schedule, Transaction Rebates/Fees, Standard Rates, available at *https://www.miaxglobal.com/sites/default/files/fee_schedule-files/MIAX_Pearl_Equities_Fee_Schedule_07012024.pdf* (MIAX Pearl offers a standard rebate of $0.0022 per share in securities priced at or above $1.00); *see also* Nasdaq Price List, Add Remove Rates, available at *https://www.nasdaqtrader.com/Trader.aspx?id=PriceListTrading2* (Nasdaq offers a standard rebate of $0.0018 per share in securities priced at or above $1.00).

[31] *See* Cboe BZX Equity Fee Schedule, Standard Rates, available at *https://www.cboe.com/us/equities/membership/fee_schedule/bzx/*. *See also* Cboe EDGX Equity Fee Schedule, Standard Rates, available at *https://www.cboe.com/us//membership/fee_schedule/edgx/*.

[32] MidPoint Discretionary Order (''MDO''). A limit order to buy that is pegged to the NBB, with or without an offset, with discretion to execute at prices up to and including the midpoint of the NBBO, or a limit order to sell that is pegged to the NBO, with or without an offset, with discretion to execute at prices down to and including the midpoint of the NBBO. An MDO's pegged price and Discretionary Range are bound by its limit price. An MDO to buy or sell with a limit price that is less (higher) than its pegged price, including any offset, is posted to the EDGA Book at its limit price. The pegged prices of an MDO are derived from the NBB or NBO, and cannot independently establish or maintain the NBB or NBO. An MDO in a stock priced at $1.00 or more can only be executed in sub-penny increments when it executes at the midpoint of the NBBO or against a contra-side order pursuant to Rule 11.10(a)(4)(D). Notwithstanding that an MDO Order may be a Limit Order, its operation and available modifiers are limited to those available in Rule 11.8(e). *See* Rule 11.8(e).

[33] Quote Depletion Protection (''QDP''). QDP is an optional instruction that a User may include on an MDO to limit the order's ability to exercise discretion in certain circumstances. A ''QDP Active Period'' will be enabled or refreshed for buy (sell) MDOs if the best bid (offer) displayed on the EDGA Book is executed below one round lot. During the QDP Active Period, an MDO entered with a QDP instruction will not exercise discretion, and is executable only at its ranked price. When a QDP Active Period is initially enabled, or refreshed by a subsequent execution or cancellation of the best bid (offer) then displayed on the EDGA Book, it will remain enabled for two milliseconds. Unless the User chooses otherwise, an MDO to buy (sell) entered with a QDP instruction will default to a Non-Displayed instruction and will include an Offset Amount equal to one Minimum Price Variation below (above) the NBB (NBO). *See* Rule 11.8(e)(10).

able to provide rebates commensurate with either displayed MDOs or non-displayed MDOs. This change benefits all Members equally in that fee code DA will no longer be available to any Member and all Members utilizing MDOs will have their orders appended with the appropriate fee code for the display option chosen for its MDO. The Exchange notes that the usage of the MDO order type is optional, and Members may choose to submit (or not submit) MDOs as part of their order flow to the Exchange. Additionally, the Exchange believes that its proposal to eliminate fee codes DR and DT is reasonable, equitable, and non-discriminatory, because as noted above, MDOs will now act only as liquidity providers, unless they have a QDP instruction. Because MDOs without a QDP instruction will only add liquidity, and a separate fee code (*i.e.,* DX) already exists for MDOs with QDP instructions that remove liquidity, fee codes DR and DT are no longer necessary. This change benefits all Members equally in that fee codes DR and DT will no longer be available to any Member and Members that enter MDOs with a QDP instruction permitting such orders to remove liquidity, can append their orders with fee code, DX. Finally, removing fee codes DA, DR, and DT will help to streamline the fee schedule, and make the fee schedule clearer and more accurate.

In addition, the Exchange does not propose to change the standard fee (Free) or standard rebate (Free) for securities priced below $1.00, or the standard fee for routing orders in securities priced above $1.00 or below $1.00. The Exchange believes that these proposed standard rebates and fees are reasonable, equitable, and non-discriminatory, as Members have indicated that a Free/Free structure is currently a viable incentive for them to add or remove liquidity on EDGA, today. Moreover, the routing fees for both above $1.00 and below $1.00, are remaining unchanged, because they remain consistent with the fees typically assessed to the Exchange by other venues for routing liquidity and are also the routing fees Members are accustomed to be assessed on EDGA, today. Additionally, because theses proposed fees remain unchanged, they do raise any new or novel issues not already considered by the Commission.

The Exchange also proposes to increase the remove fee for fee codes DX, HR, and MT. The Exchange believes that these proposed fees are reasonable, equitable, and non-discriminatory because they are intended to reflect the Exchange's transition to a maker-taker fee model and reflect a fee structure typical of a maker-taker model where standard remove fees are utilized to provide rebates to Members adding liquidity. Accordingly, because orders appended with these fee codes all remove liquidity, the Exchange proposes to assess them the standard remove fee of $0.0030. In turn, the Exchange proposes to pay a standard rebate of $0.0027 to orders appended with fee codes DD, DM, and DN, as these orders add liquidity. The Exchange similarly believes that its proposal to eliminate the Routing Tiers and the Add/Remove Volume Tiers is reasonable because the Exchange is not required to maintain these tiers or provide Members an opportunity to receive enhanced rebates or reduced fees. The Exchange believes its proposal to eliminate these tiers is also equitable and not unfairly discriminatory because the change applies to all Members equally, in that the tiers will no longer be available for any Member. The Exchange notes that the proposed change to remove the Routing Tiers and the Add/Remove Volume Tiers merely results in Members not receiving an enhanced rebate or paying a reduced fee which, as noted above, the Exchange is not required to offer or maintain. Further, the proposed change to eliminate the Routing Tiers and the Add/Remove Volume Tiers enables the Exchange to redirect resources and funding into the Exchange's proposed fee structure, which is intended to incentivize increased order flow without the use of volume-based criteria.

The Exchange does not propose to make any changes to fee codes 7–AZ, C–D, F–G, I–J, NA, O, P, Q, RX–SW, and X. These fee codes append to routed orders and the fees associated with these codes align with the fees assessed to the Exchange by the each of the recipient trading venues. These fees are not impacted by the transition to a maker-taker fee model, and as such, the Exchange does not propose to any changes. Fee code, OO, appends to EDGA opening or re-opening orders, and the economics of such orders are not impacted by a transition from an inverted fee model to a maker-taker fee model. Accordingly, the Exchange does not propose any changes to fee code, OO. Similarly, fee code, S, appends to directed ISOs, which the Exchange routes to away trading venues. The current fee is not impacted by a transition from an inverted fee model to a maker-taker fee model, and as such, the Exchange is not proposing a change to fee code, S. Finally, the Exchange believes that the proposed removal of the ''Definitions'' section of the Fee Schedule and proposed removal of content regarding Routing Tier 1 and Routing Tier 2,[34] and the Add/Remove Volume Tiers from the ''General Notes'' section of the Fee Schedule is reasonable as the changes are intended to remove references to terms and tiers that are no longer applicable due to the Exchange's elimination of the Routing Tiers, Add/Remove Volume Tiers, and certain routing strategies. The proposed changes are equitable and non-discriminatory as they will apply to all Members equally, in that the revised ''General Notes'' section of the Fee Schedule will be available to all Members and the ''Definitions'' section of the Fee Schedule will no longer be available to any Member. Additionally, these proposed changes will help to make the fee schedule clearer and more accurate.

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. Rather, as discussed above, the Exchange believes that the proposed changes would encourage the submission of additional order flow to a public exchange, thereby promoting market depth, execution incentives and enhanced execution opportunities, as well as price discovery and transparency for all Members. As a result, the Exchange believes that the proposed changes further the Commission's goal in adopting Regulation NMS of fostering competition among orders, which promotes ''more efficient pricing of individual stocks for all types of orders, large and small.''

The Exchange believes the proposed rule changes do not impose any burden on intramarket competition that is not necessary or appropriate in furtherance of the purposes of the Act. Particularly, the proposed change to a maker-taker fee structure, proposed fee code changes, elimination of Routing Tiers, and elimination of Add/Remove Volume Tiers will apply to all Members equally in that all Members are eligible for the revised fee structure and proposed fee code changes and all Members will no longer be eligible for the Routing Tiers or Add/Remove Volume Tiers. The Exchange does not believe the proposed changes burden

[34] As the Exchange seeks to discontinue Routing Tier 1 and Routing Tier 2, noted under Footnote 1, the Exchange is marking Footnote 1 as, ''Reserved.''

competition, but rather, enhances competition as it is intended to increase the competitiveness of EDGA by amending existing pricing incentives in order to attract order flow and incentivize a more diverse mix of liquidity providers to increase their participation on the Exchange, thereby promoting market depth, execution incentives and enhanced execution opportunities, as well as price discovery and transparency for all Members. Greater overall order flow, trading opportunities, and pricing transparency benefits all market participants on the Exchange by enhancing market quality and continuing to encourage Members to send orders, thereby contributing towards a robust and well-balanced market ecosystem.

The Exchange further believes that the proposed rule change will not impose any burden on intramarket competition that is not necessary or appropriate in furtherance of the purposes of the Act because, while in some circumstances different fees are assessed and different rebates are paid, these different fees and rebates are not based on the type of Member entering the orders that match or on the volume of orders submitted by a Member but on the type of order entered, and all Members may submit any type of order for any type of security and will be subject to the same fee or rebate for that type of order and security. EDGA believes that applying a simplified fee and rebate structure, that is not based on tiered volume and is equally attainable by all types of participants, avoids imposing a burden on competition by ensuring that individual Members do not gain a competitive advantage over other Members based solely on their size or volume of orders they are able to submit to the Exchange.

Next, the Exchange believes the proposed rule changes do not impose any burden on intermarket competition that is not necessary or appropriate in furtherance of the purposes of the Act. As previously discussed, the Exchange operates in a highly competitive market. Members have numerous alternative venues that they may participate on and direct their order flow, including other equities exchanges, off-exchange venues, and alternative trading systems. Additionally, the Exchange represents a small percentage of the overall market. Based on publicly available information, no single equities exchange has more than 17% of the market share.[35] Therefore, no exchange possesses significant pricing power in the execution of order flow. Indeed, participants can readily choose to send their orders to other exchange and off-exchange venues if they deem fee levels at those other venues to be more favorable. Moreover, the Commission has repeatedly expressed its preference for competition over regulatory intervention in determining prices, products, and services in the securities markets. Specifically, in Regulation NMS, the Commission highlighted the importance of market forces in determining prices and SRO revenues and, also, recognized that current regulation of the market system ''has been remarkably successful in promoting market competition in its broader forms that are most important to investors and listed companies.'' [36] The fact that this market is competitive has also long been recognized by the courts. In *NetCoalition* v. *Securities and Exchange Commission,* the D.C. Circuit stated as follows: ''[n]o one disputes that competition for order flow is 'fierce.' . . . As the SEC explained, '[i]n the U.S. national market system, buyers and sellers of securities, and the broker-dealers that act as their order-routing agents, have a wide range of choices of where to route orders for execution'; [and] 'no exchange can afford to take its market share percentages for granted' because 'no exchange possesses a monopoly, regulatory or otherwise, in the execution of order flow from broker dealers'. . . .'' [37] Accordingly, the Exchange does not believe its proposed fee change imposes any burden on competition that is not necessary or appropriate in furtherance of the purposes of the Act.

C. Self-Regulatory Organization's Statement on Comments on the Proposed Rule Change Received From Members, Participants, or Others

The Exchange neither solicited nor received comments on the proposed rule change.

III. Date of Effectiveness of the Proposed Rule Change and Timing for Commission Action

The foregoing rule change has become effective pursuant to Section 19(b)(3)(A) of the Act [38] and paragraph (f) of Rule 19b–4 [39] thereunder. At any time within 60 days of the filing of the proposed rule change, the Commission summarily may temporarily suspend such rule change if it appears to the Commission that such action is necessary or appropriate in the public interest, for the protection of investors, or otherwise in furtherance of the purposes of the Act. If the Commission takes such action, the Commission will institute proceedings to determine whether the proposed rule change should be approved or disapproved.

IV. Solicitation of Comments

Interested persons are invited to submit written data, views and arguments concerning the foregoing, including whether the proposed rule change is consistent with the Act. Comments may be submitted by any of the following methods:

Electronic Comments

- Use the Commission's internet comment form (*https://www.sec.gov/rules/sro.shtml*); or
- Send an email to *rule-comments@sec.gov.* Please include file number SR–CboeEDGA–2024–045 on the subject line.

Paper Comments

- Send paper comments in triplicate to Secretary, Securities and Exchange Commission, 100 F Street NE, Washington, DC 20549–1090.

All submissions should refer to file number SR–CboeEDGA–2024–045. 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

[35] *See* Cboe Global Markets, U.S. Equities Market Volume Summary, Month-to-Date (August 20, 2024), available at *https://www.cboe.com/us/equities/market_statistics/.*

[36] *See* Securities Exchange Act Release No. 51808 (June 9, 2005), 70 FR 37496, 37499 (June 29, 2005).

[37] *NetCoalition* v. *SEC,* 615 F.3d 525, 539 (D.C. Cir. 2010) (quoting Securities Exchange Act Release No. 59039 (December 2, 2008), 73 FR 74770, 74782–83 (December 9, 2008) (SR–NYSEArca–2006–21)).

[38] 15 U.S.C. 78s(b)(3)(A).

[39] 17 CFR 240.19b–4(f).

that you wish to make available publicly. We may redact in part or withhold entirely from publication submitted material that is obscene or subject to copyright protection. All submissions should refer to file number SR–CboeEDGA–2024–045 and should be submitted on or before November 27, 2024.

For the Commission, by the Division of Trading and Markets, pursuant to delegated authority.[40]

Vanessa A. Countryman,

Secretary.

[FR Doc. 2024–25732 Filed 11–5–24; 8:45 am]

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SECURITIES AND EXCHANGE COMMISSION

[Release No. 34–101490; File No. SR–CboeEDGX–2024–066]

Self-Regulatory Organizations; Cboe EDGX Exchange, Inc.; Notice of Filing and Immediate Effectiveness of a Proposed Rule Change To Amend the Short Term Option Series Program in Rule 19.6, Interpretation and Policy .05

October 31, 2024.

Pursuant to Section 19(b)(1) of the Securities Exchange Act of 1934 (the ''Act''),[1] and Rule 19b–4 thereunder,[2] notice is hereby given that on October 29, 2024, Cboe EDGX Exchange, Inc. (the ''Exchange'' or ''EDGX'') filed with the Securities and Exchange Commission (the ''Commission'') the proposed rule change as described in Items I and II below, which Items have been prepared by the Exchange. The Exchange filed the proposal as a ''non-controversial'' proposed rule change pursuant to Section 19(b)(3)(A)(iii) of the Act [3] and Rule 19b–4(f)(6) thereunder.[4] The Commission is publishing this notice to solicit comments on the proposed rule change from interested persons.

I. Self-Regulatory Organization's Statement of the Terms of Substance of the Proposed Rule Change

EDGX Exchange, Inc. (the ''Exchange'' or ''EDGX Options'') proposes to amend the Short Term Option Series Program in Rule 19.6, Interpretation and Policy .05.[5] The text of the proposed rule change is provided in Exhibit 5.

The text of the proposed rule change is also available on the Exchange's website (*http://markets.cboe.com/us/options/regulation/rule_filings/edgx/*), 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 the Short Term Option Series Program in Rule 19.6, Interpretation and Policy .05 (Series of Options Contracts Open for Trading). Specifically, the Exchange proposes to expand the Short Term Option Series Program to permit the listing of two Monday expirations for options on SPDR Gold Shares (''GLD''), iShares Silver Trust (''SLV''), and iShares 20+ Year Treasury Bond ETF (''TLT'') (collectively ''Exchange Traded Products'' or ''ETPs'').[6] This is a competitive filing that is based on a proposal submitted by Nasdaq ISE, LLC (''ISE'') and recently approved by the Commission.[7]

Currently, as set forth in Rule 19.6, Interpretation and Policy .05, after an option class has been approved for listing and trading on the Exchange as a Short Term Option Series, the Exchange may open for trading on any Thursday or Friday that is a business day (''Short Term Option Opening Date'') series of options on that class that expire at the close of business on each of the next five Fridays that are business days and are not Fridays in which standard expiration options series, Monthly Options Series, or Quarterly Options Series expire (''Friday Short Term Option Expiration Dates''). The Exchange may have no more than a total of five Short Term Option Expiration Dates. Further, if the Exchange is not open for business on the respective Thursday or Friday, the Short Term Option Opening Date for Short Term Option Weekly Expirations will be the first business day immediately prior to that respective Thursday or Friday. Similarly, if the Exchange is not open for business on a Friday, the Short Term Option Expiration Date for Short Term Option Weekly Expirations will be the first business day immediately prior to that Friday.

Additionally, the Exchange may open for trading series of options on the symbols provided in Table 1 of Rule 19.6, Interpretation and Policy .05(h) that expire at the close of business on each of the next two Mondays, Tuesdays, Wednesdays, and Thursdays, respectively, that are business days and are not business days in which monthly options series or Quarterly Options Series expire (''Short Term Option Daily Expirations'').[8] For those symbols listed in Table 1, the Exchange may have no more than a total of two Short Term Option Daily Expirations beyond the current week for each of Monday, Tuesday, Wednesday, and Thursday expirations, as applicable, at one time.

Proposal

At this time, the Exchange proposes to expand the Short Term Option Daily Expirations to permit the listing and trading of options on GLD, SLV, and TLT expiring on Mondays. The Exchange proposes to permit two Short Term Option Expiration Dates beyond the current week for each Monday expiration at one time, and would update Table 1 in Rule 19.6, Interpretation and Policy .05(h) for each of those symbols accordingly.

The proposed Monday GLD, SLV, and TLT expirations will be similar to the current Monday SPY, QQQ, and IWM Short Term Option Daily Expirations set forth in Rule 19.6, Interpretation and

[40] 17 CFR 200.30–3(a)(12).

[1] 15 U.S.C. 78s(b)(1).

[2] 17 CFR 240.19b–4.

[3] 15 U.S.C. 78s(b)(3)(A)(iii).

[4] 17 CFR 240.19b–4(f)(6).

[5] The Exchange initially filed the proposed changes on October 16, 2024 (SR–CboeEDGX–2024–066). On October 29, 2024, the Exchange submitted this proposal.

[6] Today, the Exchange permits the listing of two Wednesday expirations for options on United States Oil Fund, LP (''USO''), United States Natural Gas Fund, LP (''UNG''), GLD, SLV, and TLT. *See* Securities Exchange Act Release No. 99037 (November 29, 2023), 88 FR 84370 (December 5, 2023) (SR–CboeEDGX–2023–071) (''Wednesday Notice''). The Exchange began listing Wednesday expirations on these five symbols on November 21, 2023. *See* Exchange Notice, Reference ID: C2023111702.

[7] *See* Securities Exchange Act Release No. 100837 (August 27, 2024) (SR–ISE–2024–21) (Notice of Filing of Amendment No. 1 and Order Granting Accelerated Approval of a Proposed Rule Change, as Modified by Amendment No. 1, to Adopt Rules to Permit the Listing of Two Monday Expirations for Options on SPDR Gold Shares, iShares Silver Trust, and iShares 20+ Year Treasury Bond ETF) (''Nasdaq ISE Approval'').

[8] As set forth in Table 1, the Exchange currently only permits Wednesday expirations for USO, UNG, GLD, SLV, and TLT.

Policy .05(h) such that the Exchange may open for trading on any Friday or Monday that is a business day (beyond the current week) series of options on GLD, SLV, and TLT to expire on any Monday of the month that is a business day and is not a Monday in which standard expiration options series, Monthly Options Series, or Quarterly Options Series expire, provided that Monday expirations that are listed on a Friday must be listed at least one business week and one business day prior to the expiration (''Monday GLD Expirations,'' ''Monday SLV Expirations,'' and ''Monday TLT Expirations'') (collectively, ''Monday ETP Expirations'').[9] In the event Short Term Option Daily Expirations expire on a Monday and that Monday is the same day that a standard expiration options series, Monthly Options Series, or Quarterly Options Series expires, the Exchange would skip that week's listing and instead list the following week; the two weeks would therefore not be consecutive. Today, Monday expirations in SPY, QQQ, and IWM similarly skip the weekly listing in the event the weekly listing expires on the same day in the same class as a standard expiration options series, Monthly Options Series, or Quarterly Options Series.

The interval between strike prices for the proposed Monday ETP Expirations will be the same as those currently applicable in the Short Term Option Series Program.[10] Specifically, the Monday ETP Expirations will have a strike interval of (i) $0.50 or greater for strike prices below $100, and $1 or greater for strike prices between $100 and $150 for all option classes that participate in the Short Term Option Series Program, (ii) $0.50 for option classes that trade in one dollar increments and are in the Short Term Option Series Program, or (iii) $2.50 or greater for strike prices above $150.[11] As is the case with other equity options series listed pursuant to the Short Term Option Series Program, the Monday ETP Expirations series will be P.M.-settled.

Pursuant to Rule 19.6, Interpretation and Policy .05(h), with respect to the Short Term Option Series Program, if a Monday is not a business day, the series shall expire on the first business day immediately following that Monday.

Currently, for each option class eligible for participation in the Short Term Option Series Program, the Exchange is limited to opening thirty (30) series for each expiration date for the specific class.[12] The thirty (30) series restriction does not include series that are open by other securities exchanges under their respective weekly rules; the Exchange may list these additional series that are listed by other options exchanges.[13] With the proposed changes, this thirty (30) series restriction would apply to Monday GLD, SLV, and TLT Short Term Option Daily Expirations as well. In addition, the Exchange will be able to list series that are listed by other exchanges, assuming they file similar rules with the Commission to list Monday ETP Expirations.

With this proposal, Monday ETP Expirations would be treated similarly to existing Monday SPY, QQQ, and IWM Expirations. With respect to standard expiration option series, Short Term Option Daily Expirations will be permitted to expire in the same week in which standard expiration option series on the same class expire.[14] Not listing Short Term Option Daily Expirations for one week every month because there was a standard options series on that same class on the Friday of that week would create investor confusion.

Further, as with Monday SPY, QQQ, and IWM Expirations, the Exchange would not permit Monday ETP Expirations to expire on a business day in which standard expiration option series, Monthly Options Series, or Quarterly Options Series expire.[15] Therefore, all Short Term Option Daily Expirations would expire at the close of business on each of the next two Mondays, Tuesdays, Wednesdays, and Thursdays, respectively, that are business days beyond the current week and are not business days in which standard expiration option series, Monthly Options Series, or Quarterly Options Series expire. The Exchange believes that it is reasonable to not permit two expirations on the same day in which a standard expiration option series, Monthly Options Series, a Quarterly Options Series would expire because those options would be duplicative of each other.

The Exchange does not believe that any market disruptions will be encountered with the introduction of Monday ETP Expirations. The Exchange currently trades P.M.- settled Short Term Option Series that expire Monday for SPY, QQQ and IWM and has not experienced any market disruptions nor issues with capacity. In addition, the Exchange has not experienced any market disruptions or issues with capacity in expanding the five ETPs to the Wednesday expirations.[16] Today, the Exchange has surveillance programs in place to support and properly monitor trading in Short Term Option Series that expire Monday for SPY, QQQ and IWM. Further, the Exchange has the necessary capacity and surveillance programs in place to support and properly monitor trading in the proposed Monday ETP Expirations.

Because the Exchange proposes to limit the number of Monday Expirations for options on GLD, SLV, and TLT to two expirations beyond the current week, the Exchange believes that the addition of these Monday ETP Expirations should encourage Market-Makers to continue to deploy capital more efficiently and improve displayed market quality. Similar to SPY, QQQ and IWM Monday Expirations, the introduction of Monday ETP Expirations will, among other things, expand hedging tools available to market participants and allow for a reduced premium cost of buying portfolio protection. The Exchange believes that Monday ETP Expirations will allow market participants to hedge their portfolios with options on commodities (gold and silver) as well as treasury securities, and tailor their investment and hedging needs more effectively.

2. Statutory Basis

The Exchange believes the proposed rule change is consistent with the Securities Exchange Act of 1934 (the ''Act'') and the rules and regulations thereunder applicable to the Exchange and, in particular, the requirements of Section 6(b) of the Act.[17] Specifically, the Exchange believes the proposed rule change is consistent with the Section 6(b)(5)[18] 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

[9] Today, USO, UNG, GLD, SLV, and TLT may trade on Wednesdays. *See id.* They may also trade on Fridays, as is the case for all options series in the Short Term Option Series Program.

[10] *See* Rule 19.6, Interpretation and Policy .05(e).

[11] *Id.*

[12] *See* Rule 19.6, Interpretation and Policy .05(a).

[13] *See* Rule 19.6, Interpretation and Policy .05(a).

[14] *See* Rule 19.6, Interpretation and Policy .05(b).

[15] *See* Rule 19.6, Interpretation and Policy .05(h).

[16] Today, the Exchange permits the listing of two Wednesday expirations for options on GLD, SLV, and TLT. *See* Wednesday Notice. The Exchange began listing Wednesday expirations on these symbols on November 21, 2023. *See* Exchange Notice, Reference ID: C2023111702.

[17] 15 U.S.C. 78f(b).

[18] 15 U.S.C. 78f(b)(5).

system, and, in general, to protect investors and the public interest.

Similar to Monday expirations in SPY, QQQ, and IWM, the proposal to permit Monday ETP Expirations, subject to the proposed limitation of two expirations beyond the current week, would protect investors and the public interest by providing the investing public and other market participants more choice and flexibility to closely tailor their investment and hedging decisions in these options and allow for a reduced premium cost of buying portfolio protection, thus allowing them to better manage their risk exposure. The Exchange believes that there is general demand for alternative expirations in these symbols.

The Exchange represents that it has an adequate surveillance program in place to detect manipulative trading in the proposed option expirations, in the same way that it monitors trading in the current Short Term Option Series for Monday SPY, QQQ and IWM expirations. The Exchange also represents that it has the necessary system capacity to support the new expirations. Finally, the Exchange does not believe that any market disruptions will be encountered with the introduction of these option expirations. As discussed above, the Exchange believes that its proposal is a modest expansion of weekly expiration dates for GLD, SLV, and TLT given that it will be limited to two Monday expirations beyond the current week.

The Exchange believes that the proposal is consistent with the Act as the proposal would overall add a small number of Monday ETP Expirations by limiting the addition of two Monday expirations beyond the current week. The addition of Monday ETP Expirations would remove impediments to and perfect the mechanism of a free and open market by encouraging Market Makers to continue to deploy capital more efficiently and improve displayed market quality. The Exchange believes that the proposal will allow Members to expand hedging tools and tailor their investment and hedging needs more effectively in GLD, SLV, and TLT as these funds are most likely to be utilized by market participants to hedge the underlying asset classes. The ETPs currently trade within ''complexes'' where, in addition to the underlying security, there are multiple instruments available for hedging. Given the multi-asset class nature of these products and available hedges in highly correlated instruments, the Exchange believes that its proposal to add Monday expirations on these products will provide market participants with additional useful hedging tools for the underlying asset classes.

Similar to Monday SPY, QQQ, and IWM expirations, the introduction of Monday ETP Expirations is consistent with the Act as it will, among other things, expand hedging tools available to market participants and allow for a reduced premium cost of buying portfolio protection. The Exchange believes that Monday ETP Expirations will allow market participants to purchase options on GLD, SLV, and TLT based on their timing as needed and allow them to tailor their investment and hedging needs more effectively, thus allowing them to better manage their risk exposure. Today, the Exchange lists Monday SPY, QQQ, and IWM Expirations.[19]

In particular, the Exchange believes the Short Term Option Series Program has been successful to date and that Monday ETP Expirations should simply expand the ability of investors to hedge risk against market movements stemming from economic releases or market events that occur throughout the month in the same way that the Short Term Option Series Program has expanded the landscape of hedging.

There are no material differences in the treatment of Monday SPY, QQQ and IWM expirations compared to the proposed Monday ETP Expirations. Given the similarities between Monday SPY, QQQ and IWM expirations and the proposed Monday ETP Expirations, the Exchange believes that applying the provisions in Rule 19.6, Interpretation and Policy .05 that currently apply to Monday SPY, QQQ and IWM expirations is justified. For example, the Exchange believes that allowing Monday ETP Expirations and monthly ETP expirations in the same week will benefit investors and minimize investor confusion by providing Monday ETP Expirations in a continuous and uniform manner.

Finally, the Exchange notes the proposed rule change is substantively the same as a rule change proposed by ISE, which the Commission recently approved.[20]

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.

While the proposal will expand the Short Term Options Expirations to allow Monday ETP Expirations to be listed on the Exchange, the Exchange believes that this limited expansion for Monday expirations for options on GLD, SLV, and TLT will not impose an undue burden on competition; rather, it will meet customer demand. The Exchange believes that Members will continue to be able to expand hedging tools and tailor their investment and hedging needs more effectively in GLD, SLV, and TLT.

Similar to Monday SPY, QQQ and IWM expirations, the introduction of Monday ETP Expirations does not impose an undue burden on competition. The Exchange believes that it will, among other things, expand hedging tools available to market participants and allow for a reduced premium cost of buying portfolio protection. The Exchange believes that Monday ETP Expirations will allow market participants to purchase options on GLD, SLV, and TLT based on their timing as needed and allow them to tailor their investment and hedging needs more effectively.

The Exchange does not believe the proposal will impose any burden on inter-market competition, as nothing prevents the other options exchanges from proposing similar rules to list and trade Monday ETP Expirations. As noted above, the Commission recently approved a substantively identical proposal of another exchange.[21] Further, the Exchange does not believe the proposal will impose any burden on intramarket competition, as all market participants will be treated in the same manner under this proposal.

C. Self-Regulatory Organization's Statement on Comments on the Proposed Rule Change Received From Members, Participants, or Others

The Exchange neither solicited nor received comments on the proposed rule change.

III. Date of Effectiveness of the Proposed Rule Change and Timing for Commission Action

The Exchange has filed the proposed rule change pursuant to Section 19(b)(3)(A)(iii) of the Act[22] and Rule 19b–4(f)(6) thereunder.[23] Because the foregoing proposed rule change does not: (i) significantly affect the protection of investors or the public interest; (ii) impose any significant burden on competition; and (iii) become operative for 30 days from the date on which it was filed, or such shorter time as the Commission may designate, it has

[19] *See* Rule 19.6, Interpretation and Policy .05(h).

[20] *See* Nasdaq ISE Approval.

[21] *See* Nasdaq ISE Approval.

[22] 15 U.S.C. 78s(b)(3)(A)(iii).

[23] 17 CFR 240.19b–4(f)(6).

become effective pursuant to Section 19(b)(3)(A)(iii) of the Act [24] and subparagraph (f)(6) of Rule 19b–4 thereunder.[25]

A proposed rule change filed under Rule 19b–4(f)(6) [26] normally does not become operative prior to 30 days after the date of the filing. However, pursuant to Rule 19b–4(f)(6)(iii),[27] the Commission may designate a shorter time if such action is consistent with the protection of investors and the public interest. The Exchange has requested that the Commission waive the 30-day operative delay so that the proposal may become operative immediately upon filing. According to the Exchange, the proposed rule change is a competitive response to a substantively identical filing submitted by ISE that was recently approved by the Commission.[28] The Commission believes that the proposed rule change presents no novel issues and that waiver of the 30-day operative delay is consistent with the protection of investors and the public interest. Accordingly, the Commission hereby waives the 30-day operative delay and designates the proposed rule change as operative upon filing.[29]

At any time within 60 days of the filing of the proposed rule change, the Commission summarily may temporarily suspend such rule change if it appears to the Commission that such action is necessary or appropriate in the public interest, for the protection of investors, or otherwise in furtherance of the purposes of the Act. If the Commission takes such action, the Commission shall institute proceedings to determine whether the proposed rule should be approved or disapproved.

IV. Solicitation of Comments

Interested persons are invited to submit written data, views, and arguments concerning the foregoing, including whether the proposed rule change is consistent with the Act. Comments may be submitted by any of the following methods:

Electronic Comments

- Use the Commission's internet comment form (*https://www.sec.gov/rules/sro.shtml*); or
- Send an email to *rule-comments@sec.gov.* Please include file number SR–CboeEDGX–2024–066 on the subject line.

Paper Comments

- Send paper comments in triplicate to Secretary, Securities and Exchange Commission, 100 F Street NE, Washington, DC 20549–1090.

All submissions should refer to file number SR–CboeEDGX–2024–066. This file number should be included on the subject line if email is used. To help the Commission process and review your comments more efficiently, please use only one method. The Commission will post all comments on the Commission's internet website (*https://www.sec.gov/rules/sro.shtml*). Copies of the submission, all subsequent amendments, all written statements with respect to the proposed rule change that are filed with the Commission, and all written communications relating to the proposed rule change between the Commission and any person, other than those that may be withheld from the public in accordance with the provisions of 5 U.S.C. 552, will be available for website viewing and printing in the Commission's Public Reference Room, 100 F Street NE, Washington, DC 20549, on official business days between the hours of 10 a.m. and 3 p.m. Copies of the filing also will be available for inspection and copying at the principal office of the Exchange. Do not include personal identifiable information in submissions; you should submit only information that you wish to make available publicly. We may redact in part or withhold entirely from publication submitted material that is obscene or subject to copyright protection. All submissions should refer to file number SR–CboeEDGX–2024–066 and should be submitted on or before November 27, 2024.

For the Commission, by the Division of Trading and Markets, pursuant to delegated authority.[30]

Vanessa A. Countryman,

Secretary.

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[24] 15 U.S.C. 78s(b)(3)(A)(iii).

[25] 17 CFR 240.19b–4(f)(6). In addition, Rule 19b–4(f)(6)(iii) requires a self-regulatory organization to give the Commission written notice of its intent to file the proposed rule change, along with a brief description and text of the proposed rule change, at least five business days prior to the date of filing of the proposed rule change, or such shorter time as designated by the Commission. The Exchange has satisfied this requirement.

[26] 17 CFR 240.19b–4(f)(6).

[27] 17 CFR 240.19b–4(f)(6)(iii).

[28] *See supra* note 7.

[29] For purposes only of waiving the 30-day operative delay, the Commission has also considered the proposed rule's impact on efficiency, competition, and capital formation. *See* 15 U.S.C. 78c(f).

[30] 17 CFR 200.30–3(a)(12), (59).

SECURITIES AND EXCHANGE COMMISSION

[Release No. 34–101486; File No. SR–DTC–2024–010]

Self-Regulatory Organizations; The Depository Trust Company; Order Approving of Proposed Rule Change To Decommission the ID Net Service

October 31, 2024.

I. Introduction

On September 12, 2024, The Depository Trust Company (''DTC'') filed with the Securities and Exchange Commission (''Commission'') proposed rule change SR–DTC–2024–010 (''Proposed Rule Change'') pursuant to Section 19(b)(1) of the Securities Exchange Act of 1934 (''Act'') [1] and Rule 19b–4 thereunder,[2] to decommission the ID Net service (''ID Net Service'' or ''ID Net'').[3] The Proposed Rule Change was published for comment in the **Federal Register** on September 27, 2024.[4] The Commission has received no comments on the Proposed Rule Change. For the reasons discussed below, the Commission is approving the Proposed Rule Change.

II. Background

DTC serves as a central securities depository providing, in part, custodial services for equity securities, which include the safekeeping, record keeping, book-entry transfer, and pledge of securities among its Participants.[5] The ID Net Service is a joint service offering of DTC and its affiliate, National Securities Clearing Corporation (''NSCC''), available on a voluntary basis to broker/dealers that are participants of both NSCC and DTC and banks that are participants of DTC.[6] ID Net allows broker/dealer users to net their affirmed institutional transactions (''Affirmed Transactions'') with their transactions in NSCC's Continuous Net Settlement

[1] 15 U.S.C. 78s(b)(1).

[2] 17 CFR 240.19b–4.

[3] Capitalized terms not defined herein are defined in the Rules, By-Laws and Organization Certificate of DTC (''Rules'') and the DTC Settlement Service Guide (''Settlement Guide''), *available at https://www.dtcc.com/legal/rules-and-procedures.aspx.*

[4] *See* Securities Exchange Act Release No. 101132 (Sept. 23, 2024), 89 FR 79320 (Sept. 27, 2024) (File No. SR–DTC–2024–010) (''Notice of Filing'').

[5] *See* The Depository Trust Company, Disclosure Framework for Covered Clearing Agencies and Financial Market Infrastructures (Mar. 2023) (''Disclosure Framework''), *available at https://www.dtcc.com/-/media/Files/Downloads/legal/policy-and-compliance/DTC_Disclosure_Framework.pdf.*

[6] NSCC also filed a proposed rule change with the Commission in connection with decommissioning the ID Net Service. *See* Securities Exchange Act Release No. 101131 (Sept. 23, 2024), 89 FR 79324 (Sept. 27, 2024) (File No. SR–NSCC–2024–008).

(''CNS'') system.[7] An institutional transaction is one between a broker/dealer and its institutional customer. Such institutional customers are not Participants of DTC. Unlike exchange trades and most prime broker trades, most institutional delivery transactions do not currently flow through CNS but instead settle at DTC on a trade-for-trade basis.[8] DTC may accept Affirmed Transactions submitted by a utility that provides a matching service (''Matching Utility'').[9] The counterparties on an Affirmed Transaction submitted by a Matching Utility to DTC are a (i) DTC Participant, acting as clearing broker to the Affirmed Transaction and a (ii) DTC Participant bank, acting as the custodian for an institutional customer. The Affirmed Transaction is processed on a trade-for-trade basis at DTC, unless it is designated for ID Net processing by the Matching Utility and meets certain eligibility requirements.

In order for an Affirmed Transaction to be eligible for processing in ID Net, (i) both counterparties to the Affirmed Transaction must be a Member of NSCC and a Participant of DTC, or a bank that is a Participant of DTC, that has subscribed to ID Net; and (ii) the transaction must be (a) in a security eligible for processing through NSCC's CNS and (b) affirmed within established timeframes set forth in the Settlement Guide.[10]

If an Affirmed Transaction is designated for ID Net and meets the eligibility criteria, then DTC will direct the transaction to ID Net, which facilitates the netting of a broker/dealer's side of an Affirmed Transaction with that broker/dealer's CNS activity, via omnibus accounts that are maintained by NSCC at DTC and designated for ID Net activity. If a bank is a counterparty to the ID Net-eligible Affirmed Transaction, then it will either receive or deliver the subject shares versus payment, on a trade-for-trade basis, via the ID Net omnibus accounts.

While ID Net allows broker/dealers to realize the benefit of netting for Affirmed Transactions by allowing the broker/dealer to net its ID Net-eligible Affirmed Transactions with its transactions in CNS, banks using ID Net settle ID Net transactions on a trade-for-trade basis as they would for other Affirmed Transactions. In this regard, DTC states that ID Net's main benefit is to streamline clearance and settlement of ID Net-eligible Affirmed Transactions for broker/dealers.[11]

III. Description of the Proposed Rule Change

DTC states that as part of DTC's and NSCC's continuous evaluations to the efficiency and effectiveness of the services they provide and in order to streamline and simplify their services and processes, DTC and NSCC have identified ID Net as an underused service that may be eliminated as part of modernization efforts.[12] They each propose to decommission the ID Net Service due to factors including: (i) limited uptake and usage of the service since its adoption; and (ii) the operational complexity of maintaining the service, which also connects with and impacts other core clearance and settlement processes.[13]

To implement the proposed change, DTC proposes removing all provisions relating to ID Net from the Settlement Guide, including (i) the entire text of the section titled ''ID Net,'' which contains the DTC Procedures for processing of ID Net transactions,[14] and (ii) a reference to ID Net relating to messaging in the section titled ''Affirmed Transactions.'' [15]

In addition, DTC proposes removing the associated ID Net Fee of 2 cents per transaction from the Guide to the DTC Fee Schedule (''Fee Guide'') [16] because the fee would be obsolete without the ID Net Service. Instead, such transactions would, by default, be charged the standard fee charged for Affirmed Transactions of 4 cents per transaction.[17]

DTC believes that the decommission of the ID Net Service would have minimal impact on its Participants, as only 13 broker/dealers and 20 banks are subscribed to the ID Net Service and the service is not used by all of those broker/dealers and banks.[18] Furthermore, without ID Net, Affirmed Transactions can simply settle trade-for-trade, directly between the counterparties like they already do.

DTC states that it has performed direct outreach to Participants that use the ID Net Service and has also announced its plans to decommission the ID Net Service in an Important Notice, and that there have been no material objections or concerns raised by Participants.[19]

IV. Discussion and Commission Findings

Section 19(b)(2)(C) of the Act [20] directs the Commission to approve a proposed rule change of a self-regulatory organization if it finds that such proposed rule change is consistent with the requirements of the Act and rules and regulations thereunder applicable to such organization. After careful review of the Proposed Rule Change, the Commission finds that the Proposed Rule Change is consistent with the requirements of the Act and the rules and regulations thereunder applicable to DTC. In particular, the Commission finds that the Proposed Rule Change is consistent with Section 17A(b)(3)(F) of the Act.[21]

A. Consistency With Section 17A(b)(3)(F) of the Act

Section 17A(b)(3)(F) of the Act requires that the rules of a clearing

[7] CNS is NSCC's system for accounting and settling CNS-eligible securities. *See* NSCC Rule 11 (describing the CNS System) and Procedure VII (describing the CNS Accounting Operation), *available at www.dtcc.com/-/media/Files/Downloads/legal/rules/nscc_rules.pdf.* To be CNS-eligible, a security must be eligible for book-entry transfer on the books of DTC and must be capable of being processed in the CNS system. All eligible compared and recorded transactions for a particular settlement date are netted by issue into one net long (buy), net short (sell) or flat position for each Member, and those positions are further netted with positions of the same issue that remain open after their originally scheduled settlement date. As central counterparty, NSCC becomes the contra-party for settlement purposes, assuming the obligation of its Members that are receiving securities to receive and pay for those securities and the obligation of Members that are delivering securities to make the delivery. CNS netting thus reduces the number of securities movements required to settle transactions.

[8] *See* DTC Settlement Guide, *supra* note 3.

[9] The Matching Utility must be (i) a clearing agency registered with the Commission, (ii) an entity that has obtained an exemption from such registration from the Commission, or (iii) a ''qualified vendor'' for trade confirmation/affirmation services as defined by the rules of a self-regulatory organization. *See* DTC Settlement Guide, *supra* note 3, at 40. TCC ITP Matching (US) LLC (''ITP''), a DTC and NSCC affiliate, is currently the only Matching Utility that submits Affirmed Transactions to DTC. *See* Notice of Filing, *supra* note 4, at 79320 n.8.

[10] *See* Settlement Guide, *supra* note 3, at 40–41.

[11] *See* Notice of Filing, *supra* note 4, at 79321.

[12] *Id.*

[13] DTC states that this complexity includes (i) special eligibility checks versus the ID Net eligibility criteria and (ii) leveraging of the omnibus accounts to simultaneously allow (a) a bank to process ID Net-eligible transactions on a trade-for-trade basis and (b) the broker/dealer side of an ID Net-eligible transaction to settle via CNS. Notice of Filing, *supra* note 4, at 79321 n.12.

[14] *See* Settlement Guide, *supra* note 3, at 40–46.

[15] *Id.* at 38.

[16] *See* Fee Guide, *available at www.dtcc.com/~/media/Files/Downloads/legal/fee-guides/DTC-Fee-Schedule.pdf.*

[17] *Id.*

[18] DTC states that ID Net-related transactions currently comprise less than 1 percent of all activity processed by CNS. DTC believes that ID Net usage has been limited since its implementation in 2008 because, in part, the service needs both parties to an ID Net transaction to be subscribers of ID Net, which is not always the case. *See* Notice of Filing, *supra* note 4, at 79321 n.11.

[19] *See* Notice of Filing, *supra* note 4, at 79321; see also DTC Important Notice regarding decommission of the ID Net Service, *available at https://www.dtcc.com/-/media/Files/pdf/2023/8/8/18852-23.pdf.*

[20] 15 U.S.C. 78s(b)(2)(C).

[21] 15 U.S.C. 78q–1(b)(3)(F).

agency, such as DTC, be designed to, among other things, promote the prompt and accurate clearance and settlement of securities transactions.[22] The Commission believes that the Proposed Rule Change is consistent with Section 17A(b)(3)(F) of the Act for the reasons stated below.

The Proposed Rule Change would amend the Settlement Guide to reflect the decommission of ID Net and remove the ID Net Fee from the Fee Guide. As discussed in Parts II and III, ID Net is an underused service that is operationally complex to maintain, and its main benefit is to broker/dealers' streamline clearance and settlement of ID Net-eligible Affirmed Transactions, which may otherwise settle on a trade-for-trade basis. As such, ID Net's decommission would have minimal impact on DTC and its Participants considering its limited usage. Affirmed Transactions that would have otherwise been directed to ID Net will settle trade-for-trade directly between counterparties, like most other Affirmed Transactions currently do. Therefore, these transactions will continue to settle promptly and accurately, as other Affirmed Transactions do, outside of the ID Net Service. For these reasons, the Commission finds that the Proposed Rule Change should continue to support DTC's ability to provide prompt and accurate clearance and settlement of securities transactions, consistent with Section 17A(b)(3)(F) of the Act.[23]

V. Conclusion

On the basis of the foregoing, the Commission finds that the Proposed Rule Change is consistent with the requirements of the Act, and in particular, with the requirements of Section 17A of the Act[24] and the rules and regulations promulgated thereunder.

It is therefore ordered, pursuant to Section 19(b)(2) of the Act[25] that proposed rule change SR–DTC–2024–010, be, and hereby is, *approved*.[26]

For the Commission, by the Division of Trading and Markets, pursuant to delegated authority.[27]

Vanessa A. Countryman,

Secretary.

[FR Doc. 2024–25726 Filed 11–5–24; 8:45 am]

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[22] *Id.*

[23] *Id.*

[24] 15 U.S.C. 78q–1.

[25] 15 U.S.C. 78s(b)(2).

[26] In approving the Proposed Rule Change, the Commission considered its impact on efficiency, competition, and capital formation. 15 U.S.C. 78c(f).

[27] 17 CFR 200.30–3(a)(12).

SECURITIES AND EXCHANGE COMMISSION

[Release No. 34–101491; File No. SR–CBOE–2024–008]

Self-Regulatory Organizations; Cboe Exchange, Inc.; Order Disapproving a Proposed Rule Change To Adopt a New Rule Regarding Order and Execution Management Systems

October 31, 2024.

I. Introduction

On February 13, 2024, Cboe Exchange, Inc. (''Cboe'' or the ''Exchange'') filed with the Securities and Exchange Commission (''Commission''), pursuant to section 19(b)(1) of the Securities Exchange Act of 1934 (the ''Exchange Act'' or ''Act''),[1] and Rule 19b–4 thereunder,[2] a proposal to adopt a new rule regarding order and execution management systems (''OEMSs''). The proposed rule change was published for comment in the **Federal Register** on March 5, 2024.[3]

On April 16, 2024, pursuant to section 19(b)(2) of the Exchange Act,[4] the Commission designated a longer period within which to approve the proposed rule change, disapprove the proposed rule change, or institute proceedings to determine whether to approve or disapprove the proposed rule change.[5] On May 31, 2024, the Commission instituted proceedings under section 19(b)(2)(B) of the Exchange Act[6] to determine whether to approve or disapprove the proposed rule change.[7] The Commission received comment letters in response to the Notice and the OIP. On August 30, 2024, the Commission issued a notice of designation of a longer period of time within which to approve or disapprove the proposed rule change.[8] For the reasons discussed below, this order disapproves the proposed rule change.[9]

[1] 15 U.S.C. 78s(b)(1).

[2] 17 CFR 240.19b–4.

[3] *See* Securities Exchange Act Release No. 99620 (Feb. 28, 2024), 89 FR 15907 (Mar. 5, 2024) (''Notice''). Comments received can be found on the Commission's website at: *https://www.sec.gov/comments/sr-cboe-2024-008/srcboe2024008.htm.*

[4] 15 U.S.C. 78s(b)(2).

[5] *See* Securities Exchange Act Release No. 99963 (Apr. 16, 2024), 89 FR 29389 (Apr. 22, 2024).

[6] 15 U.S.C. 78s(b)(2)(B).

[7] *See* Securities Exchange Act Release No. 100256 (May 31, 2024), 89 FR 48463 (June 6, 2024) (''OIP'').

[8] *See* Securities Exchange Act Release No. 100880 (Aug. 30, 2024), 89 FR 72537 (Sept. 5, 2024).

[9] In disapproving the 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). *See infra* notes 130–138 and accompanying text.

II. Description of the Proposed Rule Change

Nine years ago, the Exchange's parent company, Cboe Global Markets, Inc, first acquired an OEMS, followed by another OEMS approximately two years later.[10] Since the acquisition of these assets, Cboe has submitted filings for each OEMS (which can be used to route orders to the Exchange).[11] Now, as described in more detail in the Notice, the Exchange seeks Commission approval of a rule providing that any OEMS[12] that meets the conditions in proposed Rule 3.66 will not be deemed a facility of the Exchange as that term is defined in the Act. Section 3(a)(2) of the Act defines ''facility'' as follows:

> The term ''facility'' when used with respect to an exchange includes its premises, tangible or intangible property whether on the premises or not, any right to the use of such premises or property or any service thereof for the purpose of effecting or reporting a transaction on an exchange (including, among other things, any system of communication to or from the exchange, by ticker or otherwise, maintained by or with the consent of the exchange), and any right of the exchange to the use of any property or service.[13]

The Exchange's proposal would apply to, among others, the Exchange-affiliated OEMS known as Silexx.[14] Silexx is developed, offered, and maintained by Cboe Silexx, LLC. The Exchange and Cboe Silexx, LLC are each a wholly-owned subsidiary of Cboe Global Markets, Inc.[15]

The Exchange states that a function of OEMSs (such as Silexx) is to allow market participants to enter and route orders to trade securities for execution on any U.S. exchange, including the Exchange.[16] The Exchange

[10] *See* Notice, 89 FR 15907 n.5.

[11] *Id.*

[12] ''OEMSs generally permit users to route orders to other market participants that use the same OEMS platform or directly to trading venues. OEMS platforms generally provide their users with the capability to create orders, route them for execution, and input parameters to control the size, timing, and other variables of their trades.'' Notice, 89 FR 15907–08. For additional description of the functionalities of an OEMS, *see id.*

[13] 15 U.S.C. 78c(a)(2). Section 3(a)(1) defines an ''exchange'' as ''any organization, association, or group of persons . . . which constitutes, maintains, or provides a market place or facilities for bringing together purchasers and sellers of securities or for otherwise performing with respect to securities the functions commonly performed by a stock exchange.'' The statute then specifically provides that an exchange ''includes . . . the market facilities maintained by such exchange.'' 15 U.S.C. 78c(a)(1).

[14] *See infra* note 19 and accompanying text defining the term ''Exchange-affiliated OEMS''.

[15] References to ''Silexx'' are to the OEMS Silexx (the Silexx system) that is provided by the legal entity, Cboe Silexx, LLC.

[16] *See* Notice, 89 FR 15907 and n.3.

acknowledges that this function of Silexx has been subject to the rule filing requirements of section 19(b) of the Exchange Act since 2017.[17] The Exchange seeks to remove certain OEMSs, including Silexx, from the rule filing requirements of section 19(b), and therefore Commission oversight, if the Exchange and any affiliated OEMS are ''ultimately operated as a separate business.'' [18]

To accomplish this, the Exchange proposes new Rule 3.66, which would provide that, ''for so long as the Exchange provides or is affiliated with any entity that provides, or the Exchange or an affiliate has a contractual relationship with any entity that provides, an OEMS platform'', such OEMS (hereafter an ''Exchange-affiliated OEMS'') will not be regulated as a ''facility'' of the Exchange and thus not subject to section 6 of the Act if it meets certain conditions.[19] The proposed conditions would provide that:

(a) use of the OEMS is voluntary (*i.e.,* solely within the discretion of a Trading Permit Holder (''TPH'') [20]) and not required for a TPH to access to the Exchange (*i.e.,* the OEMS is a nonexclusive means of access to the Exchange); [21]

(b) if a TPH using the OEMS establishes a direct connection to the Exchange via an Exchange port, that connection is established in the same manner and in accordance with the same terms, conditions, and fees as any third-party OEMS as set forth in the Exchange's rules, technical specifications, and fees schedule; [22]

(c) the OEMS (or the entity that owns the OEMS) is not a registered broker-dealer; [23]

(d) for any orders ultimately routed through the OEMS to the Exchange:

(1) users and their brokers are solely responsible for routing decisions; and

(2) the Exchange processes those orders in the same manner as any other orders received by the Exchange (*i.e.,* orders submitted through the OEMS to the Exchange receive no preferential treatment on the Exchange); [24]

(e) any fees charged to a user of the OEMS are unrelated to that user's Exchange activity or to Exchange fees set forth on the Exchange's fees schedule; [25]

(f) the OEMS uses any premises or service from the Exchange that is a facility, such as market data, pursuant to the same terms, conditions, and fees as any other user of Exchange premises and services as set forth in the Exchange's rules, technical specifications, and fees schedule; [26]

(g) a third-party not required to register as a national securities exchange under section 6 of the Act can offer a similar OEMS; [27] and

(h) the Exchange has established and maintains procedures and internal controls reasonably designed to prevent the OEMS from receiving any competitive advantage or benefit as a result of its affiliation/relationship with the Exchange, including the provision of information to the entity or personnel operating the OEMS regarding updates to the system (such as technical specifications) until such information is available generally to similarly situated market participants.[28]

In the Notice, the Exchange states that unaffiliated OEMSs are generally not subject to the rule filing requirements of section 19(b) of the Act, and further states that when the Exchange or an Exchange affiliate owns an OEMS platform, the Exchange has been advised by Commission staff that Exchange affiliation with an OEMS causes the OEMS routing functionality to be considered a ''facility'' under the Act and thus subject to the rule filing requirements under section 19(b) of the Act.[29] The Exchange states that this should not be so: that even if an OEMS is offered by the Exchange, an Exchange affiliate, or pursuant to a contractual relationship, if it is operated as a separate business from the Exchange and is operated on the same terms as third-party OEMSs, it is not a facility as defined by the Act.[30] The Exchange seeks to incorporate in its rulebook its interpretation of the definitions of a ''facility'' of an ''exchange'' as set forth in sections 3(a)(2) and (3)(a)(1) of the Act, respectively.

The Exchange states that an OEMS that is offered by the Exchange, an Exchange affiliate, or pursuant to a contractual relationship with the Exchange, and that is operated as a separate business from the Exchange, receives no competitive advantage over other OEMS platforms as a result of its affiliation with the Exchange as long as the conditions of proposed Rule 3.66 are followed.[31] The Exchange also ''notes it currently offers certain port fee waivers to users of Silexx.'' [32] However, the Exchange does not provide fee waivers to third party OEMS users that are not Silexx customers.[33]

III. Discussion and Commission Findings

A. The Applicable Standard for Review

Under Section 19(b)(2)(C) of the Exchange Act, [34] the Commission shall approve a proposed rule change of a self-regulatory organization (''SRO'') if it finds that such proposed rule change is consistent with the requirements of the Exchange Act and the rules and regulations thereunder that are applicable to such organization.[35] The Commission shall disapprove a proposed rule change if it does not make such a finding.[36] Rule 700(b)(3) of the Commission's Rules of Practice states that the ''burden to demonstrate that a proposed rule change is consistent with the [Exchange Act] and the rules and regulations issued thereunder . . . is on the self-regulatory organization that proposed the rule change'' and that a ''mere assertion that the proposed rule change is consistent with those requirements . . . is not sufficient.'' [37]

[17] *See* Notice, 89 FR 15907, n.4–5 (distinguishing use of an OEMS to enter and route orders from use of an OEMS to manage executions and perform other tasks); *See also id.* at 15910 (stating ''market participants may, among other things, use OEMS platforms to enter and route orders for ultimate execution at a trading venue, which may cause an OEMS to be deemed to be used for the ''purpose of effecting or reporting a transaction on an exchange'' under the facility definition).

[18] *See* Notice, 89 FR 15908.

[19] *Id.* at 15909.

[20] *See* Cboe By-Laws Section 1.1 (defining the term to mean any individual, corporation, partnership, limited liability company or other entity authorized by the Rules that holds a Trading Permit. Pursuant to Cboe Rule 1.1, a Trading Permit is a license issued by the Exchange that grants the holder the right to access one or more of the facilities of the Exchange for the purpose of effecting transactions in securities traded on the Exchange without the services of another person acting as broker, and otherwise to access the facility of the Exchange for purposes of trading or reporting transactions or transmitting orders or quotations in securities traded on the Exchange.).

[21] *See* proposed Rule 3.66(a).

[22] *See* proposed Rule 3.66(b).

[23] *See* proposed Rule 3.66(c).

[24] *See* proposed Rule 3.66(d).

[25] *See* proposed Rule 3.66(e).

[26] *See* proposed Rule 3.66(f).

[27] *See* proposed Rule 3.66(g).

[28] *See* proposed Rule 3.66(h).

[29] *See* Notice, 89 FR 15908–15914.

[30] *See* Notice, 89 FR 15908–09. Since 2017, however, the Exchange has been submitting rule filings pursuant to the requirements of section 19(b) of the Act in connection with its OEMS Silexx and in connection with another previously-offered OEMS platform. *See* Securities Exchange Act Release Nos. 82088 (Nov. 15, 2017), 82 FR 55443 (Nov. 21, 2017) (SR–CBOE–2017–068); and 75302 (June 25, 2015), 80 FR 37685 (July 1, 2015) (SR–CBOE–2015–062).

[31] *See* Notice, 89 FR 15908–09.

[32] Notice, 89 FR 15908, n.13.

[33] Pursuant to the Exchange's fee schedule, port fee waivers are only available to Silexx users. *See* Cboe Options Exchange Fee Schedule at *https://cdn.cboe.com/resources/membership/Cboe_FeeSchedule.pdf.* (last visited Oct. 16, 2024).

[34] 15 U.S.C. 78s(b)(2)(C).

[35] 15 U.S.C. 78s(b)(2)(C)(i).

[36] 15 U.S.C. 78s(b)(2)(C)(ii); see also 17 CFR 201.700(b)(3).

[37] 17 CFR 201.700(b)(3).

Rule 700(b)(3) also states that ''the description of a proposed rule change, its purpose and operation, its effect, and a legal analysis of its consistency with applicable requirements must all be sufficiently detailed and specific to support an affirmative Commission finding.'' [38] Any failure of an SRO to provide this information may result in the Commission not having a sufficient basis to make an affirmative finding that a proposed rule change is consistent with the Exchange Act and the applicable rules and regulations.[39] Moreover, ''unquestioning reliance'' on an SRO's representations in a proposed rule change is not sufficient to justify Commission approval of a proposed rule change.[40]

B. Overview

Whether an Exchange-affiliated OEMS is a facility of the Exchange is a threshold question.[41] If an Exchange-affiliated OEMS satisfies the statutory definitions of ''facility'' of an ''exchange'' in section 3 of the Exchange Act, then the facility is a part of the Exchange and is subject to Commission oversight.[42] When it enacted section 6 of the Exchange Act, Congress required exchanges to register with the Commission in order to ensure more oversight than had previously existed.[43] Section 19(b) of the Exchange Act [44] requires that an SRO file with the Commission proposed rules or any proposed changes in, additions to, or deletions from its rules, and establishes the process and standard for Commission review of these rule filings. During that process, the Commission reviews whether such rule filings, including rule filings regarding exchange facilities, are consistent with the requirements of the Exchange Act, particularly section 6.[45] Section 6(b)(4) requires that the rules of an exchange ''provide for the equitable allocation of reasonable dues, fees, and other charges among its members and issuers and other persons using its facilities;'' section 6(b)(5) requires, among other things, that the rules of an exchange be designed to ''remove impediments to and perfect the mechanism of a free and open market and a national market system, and, in general, to protect investors and the public interest; and are not designed to permit unfair discrimination between customers, issuers, brokers, or dealers''; and section 6(b)(8) requires that the rules of the exchange not ''impose any burden on competition not necessary or appropriate in furtherance of the purposes'' of the Exchange Act.[46]

The Exchange has previously filed proposed rule changes in connection with its affiliated OEMSs,[47] but here proposes a rule that would provide that its affiliated OEMSs are not subject to regulation by the Commission under section 6(b) or section 19(b) of the Act.[48] As such, the instant proposal presents three questions: (1) whether the Exchange-affiliated OEMS (Silexx) for which the Exchange has been submitting rule filings is a ''facility'' of the Exchange; (2) if so, whether proposed Rule 3.66 alters that conclusion; and (3) whether proposed Rule 3.66 is consistent with the Exchange Act, including section 6(b). We conclude that the Exchange-affiliated OEMS Silexx is a facility of the Exchange under section 3 of the Exchange Act. We also conclude that the Exchange has not met its burden to demonstrate that the proposed rule change is consistent with the requirements of the Exchange Act and the rules and regulations thereunder applicable to a national securities exchange, and in particular, with section 6(b) of the Exchange Act.

As discussed further below, because the Commission has determined that the Exchange-affiliated OEMS Silexx is a facility of the Exchange, the terms on which it is offered to market participants are ''rules of an exchange,'' subject to the rule filing requirement under section 19(b) of the Exchange Act.[49] Because the Exchange proposes a rule that improperly would remove the Exchange-affiliated OEMS Silexx from the statutory rule filing requirement, the Commission cannot conclude that the proposed rule is consistent with the Act, and in particular, with section 6(b) of the Act.[50]

C. Exchange-Affiliated OEMSs as Facilities

Cboe is proposing a rule change that would have the effect of interpreting section 3(a)(2) of the Act to place certain Exchange-affiliated OEMSs outside the statutory definition of facility.[51] The Commission received several comments stating that an Exchange-affiliated OEMS is within the statutory definition of a ''facility'' of an ''exchange,'' and opposing Cboe's proposal.[52]

One commenter states that the definition of a ''facility'' is a key pillar of the Commission's regulatory framework and a vital component in

[38] *Id.*

[39] *See id.*

[40] *Susquehanna Int'l Group, LLP* v. *Securities and Exchange Commission,* 866 F.3d 442, 447 (D.C. Cir. 2017).

[41] *See* I*ntercontinental Exch., Inc. (ICE), et al.* v. *SEC,* 23 F.4th 1013 (D.C. Cir. 2022), at 1026 (''ICE Decision'').

[42] *See* 15 U.S.C 78(c)(a)(2) and (1) (defining ''facility'' and ''exchange'').

[43] *See* 4 T. Hazen, Law of Securities Regulation, section 14.8 (2024); S. Rep. No. 73–792, at 4, 6 (Apr. 17, 1934).

[44] *See* 15 U.S.C. 78s(b)(1) (governing the requirements for Commission process and review of proposed rule changes); 17 CFR 240.19b–4 (setting forth the requirements for submitting proposed rule changes).

[45] *See* 15 U.S.C. 78f(b)(4), (b)(5), and (b)(8) (setting forth some of the requirements applicable to a national securities exchange).

[46] 15 U.S.C. 78f(b)(4), (5) and (b)(8).

[47] *See, e.g.,* Securities Exchange Act Release Nos. 82088 (Nov. 15, 2017), 82 FR 55443 (Nov. 21, 2017) (SR–CBOE–2017–068) (Notice of Filing and Immediate Effectiveness of a Proposed Rule Change to Describe Functionality of and Adopt Fees for a New Front-End Order Entry and Management Platform); and 75302 (June 25, 2015), 80 FR 37685 (July 1, 2015) (SR–CBOE–2015–062) (Notice of Filing and Immediate Effectiveness of a Proposed Rule Change Relating to Front-End Order Entry and Management Tools in Connection With Purchase of Livevol Assets). These filings were submitted pursuant to section 19(b)(3)(A) of the Act for immediate effectiveness. Relatedly, the Commission has long considered the relationship between services offered by affiliates of a registered national securities exchange. *See* Regulation of Exchanges and Alternative Trading Systems, Securities Exchange Act No. 40760 (Dec. 8, 1998), 63 FR 70844 at 70891 (Dec. 22, 1998) (''A subsidiary or affiliate of a registered exchange could not integrate, or otherwise link the alternative trading system with the exchange, including using the premises or property of such exchange for effecting or reporting a transaction, without being considered a 'facility of the exchange.'''). *See also infra* note 59 (citing other examples where the Commission has considered services offered by affiliates of a registered national securities exchange).

[48] *See* Notice at 89 FR 15909.

[49] 15 U.S.C. 78s(b).

[50] 15 U.S.C. 78f(b).

[51] *See* proposed Rule 3.66.

[52] *See* Letter from Tyler Gellasch, President and CEO, Healthy Markets Association, to Vanessa Countryman, Secretary, Securities and Exchange Commission (Mar. 25, 2024) (''Healthy Markets Letter''); Letter from Gregory Babyak, Global Head of Regulatory Affairs, Bloomberg L.P., to Vanessa Countryman, Secretary, Securities and Exchange Commission (Mar. 26, 2024) (''Bloomberg Letter I''); Letter from Jim Considine, Chief Financial Officer, McKay Brothers, LLC, to Vanessa Countryman, Secretary, Securities and Exchange Commission (Mar. 26, 2024) (''McKay Brothers Letter''); Letter from Gregory Babyak, Global Head of Regulatory Affairs, Bloomberg L.P., to Vanessa Countryman, Secretary, Securities and Exchange Commission (May 24, 2024) (''Bloomberg Letter II''); Letter from Ellen Greene, Managing Director, Equities and Options Market Structure, and Joseph Corcoran, Managing Director, Associate General Counsel, SIFMA, to Vanessa Countryman, Secretary, Securities and Exchange Commission (Jun. 18, 2024) (''SIFMA Letter I''); Letter from Gregory Babyak, Global Head of Regulatory Affairs, Bloomberg L.P., to Vanessa Countryman, Secretary, Securities and Exchange Commission (Jun. 27, 2024) (''Bloomberg Letter III''); Letter from Ellen Greene, Managing Director, Equities and Options Market Structure, and Joseph Corcoran, Managing Director, Associate General Counsel, SIFMA, to Vanessa Countryman, Secretary, Securities and Exchange Commission (Oct. 14, 2024) (''SIFMA Letter II''); and Letter from Gregory Babyak, Global Head of Regulatory Affairs, Bloomberg L.P., to Vanessa Countryman, Secretary, Securities and Exchange Commission (Oct. 17, 2024) (''Bloomberg Letter IV'').

setting the Commission's scope of authority over exchanges.[53] The commenter states that the proposal falls squarely within a history of the exchanges' efforts to limit the Commission's authority to oversee core exchange functions [54] and that this proposal, if approved, would redefine the well-established definitions of a ''facility'' and ''exchange'' that were recently affirmed by the D.C. Circuit.[55] The commenter further states that the Exchange essentially seeks to ''re-define 'facility' in a manner that removes these Exchange-affiliated OEMSs from the ambit of 'facility,' '' [56] and that exchanges cannot effectively ''exempt themselves'' out of the statutory definition, as doing so would ''change the contours of the statute'' with broad implications.[57] Another commenter states that ''allowing exchanges to craft rules to adopt overly narrow interpretations of what constitutes an exchange facility would enable exchanges to shift functionality that has traditionally been considered part of the exchange outside of the exchange and beyond the Commission's oversight.'' [58]

Whether a service or other product is a facility of an exchange requires an analysis of the particular facts and circumstances,[59] and the D.C. Circuit's ICE Decision provides a recent example of this analysis.[60]

In the ICE Decision, the D.C. Circuit, reviewing a Commission order, analyzed whether a service or property provided by a corporate affiliate of a registered national securities exchange was a facility of that exchange subject to the rule filing requirements of section 19(b) of the Act.[61] Consistent with the Commission's analysis of the facts in that order,[62] the D.C. Circuit assessed whether an exchange-affiliate's service offering was: (1) a service or property that falls within the definition of ''facility'' in section 3(a)(2) of the Act; and (2) the type of facility that is part of the definition of ''exchange'' in section 3(a)(1) of the Act (*i.e.,* a *market* facility).[63] The D.C. Circuit found two types of wireless connectivity services offered by three data service affiliates (''IDS'') of the New York Stock Exchange LLC, and its affiliated registered national securities exchanges (collectively, the ''NYSE Exchanges'' or ''NYSE'') to be facilities of the NYSE Exchanges.[64]

Statutory Analysis

As stated above, section 3(a)(2) of the Act provides that the term ''facility'' when used with respect to an exchange includes its premises, tangible or intangible property whether on the premises or not, any right to the use of such premises or property or any service thereof for the purpose of effecting or reporting a transaction on an exchange (including, among other things, any system of communication to or from the exchange, by ticker or otherwise, maintained by or with the consent of the exchange), and any right of the exchange to the use of any property or service.[65]

Section 3(a)(1) defines an ''exchange'' as ''any organization, association, or group of persons . . . which constitutes, maintains, or provides a market place or facilities for bringing together purchasers and sellers of securities or for otherwise performing with respect to securities the functions commonly performed by a stock exchange.'' [66] The statute then specifically provides that an exchange ''includes . . . the market facilities maintained by such exchange.'' [67]

Consistent with the text of the statute and the ICE Decision interpreting that text, an OEMS owned or operated by a national securities exchange or its affiliate is a facility of an exchange within the meaning of section 3 of the Act when it enables users to enter or route orders to the exchange for execution or receive market data from the exchange. This is because the OEMS is a ''system of communication to or from the exchange . . . maintained by or with the consent of the exchange'' offered ''for the purpose of effecting or reporting a transaction'' on the exchange. A national securities exchange and its affiliated OEMS provider, when the OEMS enables users to enter or route orders to the exchange for execution or receive market data from the exchange, together constitute a ''group of persons'' that ''maintains, or provides a market place or facilities for bringing together purchasers and sellers of securities. . . .''

In the ICE Decision, the D.C. Circuit first considered whether wireless connectivity services offered by a corporate affiliate of the NYSE Exchanges satisfied the definition of facility, and concluded that such services are ''facilities of an exchange'' because they are ''system[s] of communication to or from the exchange . . . maintained by or with the consent of the exchange'' offered ''for the purpose of effecting or reporting transactions on the exchange.'' [68] In particular, the Court stated that the statutory definition of facility describes the Wireless Bandwidth Connections ''to a tee,'' [69] as they ''allow[] a market

[53] *See* Bloomberg Letter I at 3 (stating the services provided by Silexx (*i.e.,* allowing users to enter and route order to trade securities) fall under the ''facility'' definition). *See also* Bloomberg Letter III at 3, 4.

[54] *See* Bloomberg Letter I at 6.

[55] *See* Bloomberg Letter I at 2–3.

[56] Bloomberg Letter II at 2–3.

[57] *See* Bloomberg Letter II at 5.

[58] *See* SIFMA Letter I at 4. *See also* McKay Brothers Letter at 2.

[59] *See* Securities Exchange Act Release No. 76127 (Oct. 9, 2015), 80 FR 62584, 62586, n.9 (Oct. 16, 2015) (SR–NYSE–2015–36) (Order Approving Proposed Rule Change amending Section 907.00 of the Listed Company Manual). In addition, the Commission has found that where a system of communication occupies a ''special position'' with respect to the exchange, such that it is ''uniquely linked to and endorsed by'' that exchange to provide such function, then that function will constitute a ''facility'' under the Act. *See, e.g.,* Securities Exchange Act Release No. 44983 (Oct. 25, 2001), 66 FR 55225 (Nov. 1, 2001) (''PCX Order'') (considering the introducing broker function, order routing function, and electronic communications network (''ECN'') for trading securities ineligible for trading on ArcaEx provided by Wave, a broker-dealer in which the PCX exchange had an indirect ownership interest and that was affiliated with PCX's ArcaEx electronic trading facility, and determining that the optional order-routing functionality was a facility of PCX, but the introducing broker and ECN functions were not). *See also* Securities Exchange Act Release No. 63241 (Nov. 3, 2010), 75 FR 69792 (Nov. 15, 2010) (stating that, in general, the outbound order routing service provided to exchanges by broker-dealers is regulated as a facility of the exchange); 90209 (Oct. 15, 2020), 85 FR 67044 (Oct. 21, 2020) (concluding that certain wireless connections are facilities because they represent premises and property of the exchanges). *But compare* Securities Exchange Act Release No. 44201 (Apr. 18, 2001), 66 FR 21025, 21029 (Apr. 26, 2001) (File No. 79–9) (Order Granting Application for a Conditional Exemption by the National Association of Securities Dealers, Inc. Relating to the Acquisition and Operation of a Software Development Company by the Nasdaq Stock Market, Inc.).

[60] *See ICE, et al.* v. *SEC,* 23 F.4th 1013.

[61] *See id.* at 1022–1024.

[62] *See* Securities Exchange Act Release No. 90209 (October 15, 2020), 85 FR 67044, 67049 (October 21, 2020) (SR–NYSE–2020–05, SR–NYSEAMER–2020–05, SR–NYSEARCA–2020–08, SR–NYSECHX–2020–02, SR–NYSENAT–2020–03, SR–NYSE–2020–11, SR–NYSEAMER–2020–10, SR–NYSEArca–2020–15, SR–NYSECHX–2020–05, SR–NYSENAT–2020–08) (Order Granting Accelerated Approval to Establish a Wireless Fee Schedule Setting Forth Available Wireless Bandwidth Connections and Wireless Market Data Connections) (''Wireless Approval Order'').

[63] *See ICE, et al.* v. *SEC,* 23 F.4th 1013, at 1022–1024.

[64] Specifically, and as discussed further below, the Court found that each wireless connectivity service was within the definition of ''facility'' in section 3(a)(2) of the Act; and, further, the Court agreed with the Commission that IDS and the NYSE Exchanges form a ''group of persons'' that together ''maintains or provides a market place or facilities,'' rendering the wireless connectivity services to be within the definition of an ''exchange'' in section 3(a)(1) of the Act. *See ICE, et al.* v. *SEC,* 23 F.4th 1013, at 1022–1024.

[65] 15 U.S.C. 78c(a)(2).

[66] 15 U.S.C. 78c(a)(1).

[67] *Id.*

[68] *ICE, et al.* v. *SEC,* 23 F.4th 1013, at 1022.

[69] *Id.* In the ICE matter, there were two types of wireless connections under consideration: (i)

Continued

participant to transmit data, including price quotes and orders, between the participant's co-located equipment at the Mahwah data center and the participant's co-located equipment at a third-party data center, and thus to effect or report transactions on the [NYSE] Exchanges.'' [70] The Court focused on the purpose of the service, unpersuaded by the NYSE Exchanges' view that it was meaningful that the service was offered separately from other services needed to access the matching engine.[71] Specifically, it was not important that the connections ran between NYSE's Mahwah data center and a third-party data center, or that the connections did not connect a market participant's equipment directly to the NYSE Exchanges' matching engines.[72] Considering the statutory language in section 3(a)(2) of the Act, which provides that a facility is ''for the purpose of effecting or reporting a transaction on an exchange'' and includes ''any system of communication to or from the exchange . . . maintained by or with the consent of the exchange,'' the D.C. Circuit focused on ''system of communication,'' ''consent of the exchange'' and ''for the purpose of effecting or reporting transactions.'' [73] Regarding ''consent of the exchange,'' the Court reasoned that because the wireless connectivity services were offered by an affiliate of the NYSE Exchanges, these services, ''could not exist without the consent of the [NYSE] Exchanges.'' [74]

Next, the D.C. Circuit considered whether the subject wireless connectivity services were ''the type of facility'' that section 3(a)(1) of the Exchange Act includes in the definition of ''exchange.'' Even though the wireless connections were provided and maintained by a corporate affiliate of the NYSE Exchanges (IDS), and not by the NYSE Exchanges themselves, the Court observed that IDS and the NYSE Exchanges are ''closely connected corporate affiliates'' and ''certainly'' were a ''group of persons'' that together ''maintains or provides a market place or facilities.'' [75]

Using the framework from the ICE Decision, we consider whether the Exchange-affiliated OEMS Silexx is a facility of Cboe based on the facts presented and conclude that it is. As an OEMS offered by a corporate affiliate of Cboe, Silexx allows a market participant to ''create orders, route them for execution, and input parameters to control the size, timing, and other variables of their trades.'' [76] Market participants may use Silexx to, among other things, enter and route orders to Cboe and other exchanges, as well as access and transmit exchange and market data.[77] Silexx therefore provides functionality that is for the purpose of ''effecting or reporting'' transactions in securities on Cboe. The fact that the OEMS can also be used for the purpose of effecting or reporting transactions on other exchanges does not change this outcome. Therefore, Silexx is a system of communication, maintained by or with the consent of an exchange, namely Cboe, which can be used for the purpose of effecting or reporting a transaction on Cboe. It fits squarely within the definition of a facility.

The Exchange states that Rule 3b–16, which further defines the statutory definition of ''exchange,'' contains an express exemption for ''activities'' that should not be considered exchange functions (and therefore should not be deemed to be facilities), including for ''rout[ing] orders to a national securities exchange.'' [78] Contrary to the Exchange's view that an Exchange-affiliated OEMS such as Silexx is not a facility since it only routes orders and therefore falls under Rule 3b–16's exception, Rule 3b–16 states that an ''organization, association, or group of persons shall not be considered to constitute, maintain, or provide 'a market place or facilities for bringing together purchasers and sellers of securities or for otherwise performing with respect to securities the functions commonly performed by a stock exchange,' *solely because,*'' inter alia, it ''[r]outes orders to a national securities exchange, a market operated by a national securities association, or a broker-dealer for execution.'' [79]

The qualifier ''solely because'' means that engaging in order routing is not by itself sufficient to render a service provider an exchange. As the D.C. Circuit observed, ''[where services] are included in the statutory definition of exchange because they are part of a group of persons that together perform and facilitate exchange functions going far beyond merely routing orders . . ., [it is not required that] every part of an exchange, nor every person that is part of a group that constitutes an exchange, must have all [the characteristics of] an exchange.'' [80] The Court stated further, ''[t]hat the Wireless Connections lack [all] these characteristics, therefore, does not preclude their being regulated as part of an exchange.'' [81] Further, while the NYSE Exchanges suggested to the D.C. Circuit that the Commission's position could lead to a result in which all property of and services provided by any corporate affiliate of a registered exchange are facilities because of affiliation with a registered exchange, the D.C. Circuit rejected this concern, instead finding that the closely connected corporate affiliates' activities were the relevant consideration.[82] In this case, there similarly can be closely connected activity between the Exchange-affiliated OEMS Silexx and Cboe. As discussed below, the Cboe group markets Silexx to its market participants (*i.e.,* traders) as a data and access system, describing it as a system to ''easily trade equities, options, futures, and options on futures from a single platform—giving you speed to market with powerful order-entry tools.'' [83] Accordingly, Cboe itself describes Silexx as providing more than solely order routing. As a result, Cboe cannot avail itself of Rule 3b–16's order

bandwidth connections (''Wireless Bandwidth Connections'') that enable market participants to send trading orders and relay market data between their equipment in the Mahwah data center and third party data centers; and (ii) market data connections (''Wireless Market Data Connections'') that enable market participants in a third party data center to receive connectivity to certain proprietary market data feeds from one or more of the NYSE Exchanges. *See id.* at 1018.

[70] *Id.* at 1022.

[71] *See id.*

[72] *Id.*

[73] *Id.*

[74] *Id.* at 1023. Regarding ''system of communication'' and ''for the purpose of effecting or reporting transactions,'' *see* text accompanying *supra* notes 68–69 (summarizing why the D.C. Circuit concluded that the definition of facility described the Wireless Bandwidth Connection ''to a tee.''). *See also* text accompanying *infra* notes 76–77.

[75] *Id.* at 1024.

[76] *See* Notice, 89 FR 15907.

[77] *See* Notice, 89 FR 15907, 15909. *See also e.g.,* Cboe | Silexx, FAQ, *https://help.silexx.com/faq* (''SILEXX OEMS Obsidian API offers a complete solution for data and execution services for a low monthly fee. This allows traders to maintain full control of their proprietary strategy, while giving them full access to market data and execution.'') (last visited Oct. 30, 2024).

[78] *See* Letter from Laura G. Dickman, Vice President, Associate General Counsel, Cboe Global Markets, Inc., to Vanessa Countryman, Secretary, Securities and Exchange Commission (Sept. 3, 2024) (''Exchange Response II'') at 7.

[79] Rule 3b–16, 17 CFR 240.3b–16(b) (emphasis added).

[80] *See ICE, et al.* v. *SEC,* 23 F.4th 1013, at 1027. *See also* SIFMA Letter II at 3 (stating that any analysis under section 3(a)(1) and Rule 3b–16 requires a review of the relationships among the ''organization, association, or group of persons'' involved to determine whether, acting together, they ''constitute, maintain, or provide'' a service that facilitates securities transactions or the communication of market data).

[81] *See ICE, et al.* v. *SEC,* 23 F.4th 1013, at 1027.

[82] *See ICE, et al.* v. *SEC,* 23 F.4th 1013, at 1024–25.

[83] Cboe Silexx: Global markets at your fingertips, *https://www.cboe.com/services/silexx/* (last visited Oct. 1, 2024).

routing exception to claim that Silexx is not a facility under the Exchange Act.

Proposed Rule 3.66 Fails To Ensure That the Exchange and Exchange-Affiliated OEMS are Separate Businesses That Operate in a Manner Independent From One Another

Cboe maintains that proposed Rule 3.66, if approved, would alter the section 3 analysis because its requirements would establish sufficient separation between the Exchange-affiliated OEMS and Cboe, and that it would render the businesses ''independent'' from one another.[84] According to Cboe, because of the Rule 3.66 conditions, an Exchange-affiliated OEMS provider would not be part of the group of persons providing an exchange (and therefore the OEMS would not be a facility). As described further below, with reference to the ICE Decision, Rule 3.66 fails to achieve its purported goal of ensuring that the Exchange and Exchange-affiliated OEMS are separate businesses that operate in a manner independent from one another.

In the Notice, Cboe states that in the case of a ''Rule 3.66 OEMS,'' [85] Cboe would not have any right to use a Rule 3.66 OEMS for the purpose of effecting or reporting a transaction on an exchange; nor would a Rule 3.66 OEMS be a system of communication to or from Cboe maintained by or with the consent of the Cboe.[86] In support of these views, Cboe states that use of a Rule 3.66 OEMS for purposes of effecting or reporting a transaction on Cboe is solely within the discretion of the OEMS user, and the OEMS offers a non-exclusive means to access the Exchange.[87] Cboe states that the need for a TPH to purchase a port to connect the Exchange-affiliated OEMS to the Exchange's core trading system delinks the OEMS and the Exchange core trading system and therefore the OEMS is not a system of communication to or from the Exchange maintained by or with the consent of the Exchange.[88] These arguments are not persuasive for the same reason that the D.C. Circuit rejected similar arguments in the ICE Decision. For instance, the Wireless Bandwidth Connection was characterized by NYSE and IDS as optional, as not providing exclusive access to any exchange, and as a system solely within the discretion of a market participant choosing to connect its equipment in two data centers.[89] Yet, the D.C. Circuit determined that the connection was an important link (in fact, a ''vital and proximate link'') in a chain to the NYSE matching engines and that this was the case though a market participant would require additional connections from a NYSE Exchange in order to access the matching engine.[90] Similarly, a Rule 3.66 OEMS such as Silexx would provide to its users a vital and proximate link in a chain to the Cboe matching engine [91] even though a market participant would require ports from Cboe to access the matching engine and could use alternatives to do so.

Several commenters state that Cboe's arguments about delinking are not persuasive. As one commenter states, a direct connection to an exchange is not required by the definitions in sections 3(a)(1) or (a)(2).[92] We agree. Rather, what matters is whether market participants purchasing the services of an Exchange-affiliated OEMS are doing so for the purpose of creating orders that will be entered or routed to exchanges, including the Exchange, for execution, and for receiving market data from the Exchange, even if they also trade elsewhere.[93] While Cboe characterizes an OEMS as having a range of uses, it downplays Silexx's role as a system to create and route orders to and access liquidity on Cboe and other exchanges, particularly options exchanges.[94] While Cboe rejects the idea that Silexx has been and will be used as a system of communication,[95] as already discussed, its functions include the routing of orders and providing access to liquidity on Cboe.[96]

Cboe states that even if provided directly by the Exchange (as opposed to an exchange affiliate or contractor), an OEMS would not be a facility if an OEMS and an Exchange port are independently maintained and operated systems.[97] As already discussed, NYSE argued that IDS was independent of the NYSE Exchanges to no avail. The D.C. Circuit determined that the ''closely connected corporate affiliates'' were a group of persons within the meaning of the definition of exchange in section 3(a)(1) of the Act; [98] and that IDS was part of a group that directly brings together purchasers and sellers of securities, and was offering services in the form of a system of communication (wireless connections) *for the purpose of* bringing together purchasers and sellers of securities.[99] The provision of a system of communication by an affiliate *for the purpose of* bringing together purchasers and sellers of securities on the NYSE Exchanges (and elsewhere) was sufficient to satisfy the statutory definition of ''facility'' of an ''exchange.'' Cboe attempts to distinguish OEMSs and thereby avoid a similar conclusion. But its arguments are not persuasive.

First, Cboe seeks to distinguish an OEMS from wireless connections like those at issue in the ICE Decision, stating that ''an OEMS platform is a software tool that allows users to manage trading activity, but does not on its own provide a user the ability to transmit information (including orders)

[84] Notice, 89 FR 15909. ''[T]he Exchange proposes to adopt Rule 3.66 to provide that an OEMS platform operated in a manner independent from the Exchange despite affiliation with the Exchange will not be deemed a facility of the Exchange.'' *Id.*

[85] Herein, the term ''Rule 3.66'' OEMS refers to an ''Exchange-affiliated OEMS'' that meets the proposed Rule 3.66 conditions.

[86] *See* Notice, 89 FR 15910.

[87] *Id.*

[88] *See* Notice, 89 FR 15911; *See* Letter from Laura G. Dickman, Vice President, Associate General Counsel, Cboe Global Markets, Inc., to Vanessa Countryman, Secretary, Securities and Exchange Commission (Apr. 19, 2024) (''Exchange Response I'') at 4–6.

[89] *See* Wireless Approval Order, *supra* note 62, 85 FR 67044 at n.23 (citing the notice of NYSE's proposal in which NYSE described the Wireless Bandwidth Connection as part of a chain of connections: ''At either end of a Wireless Bandwidth Connection, a market participant uses a cross connect or other cable to connect its equipment to the wireless equipment in the Mahwah Data Center and Third Party Data Center. Cross connects in the Mahwah Data Center lead to the market participant's server in co-location, [and from there to the trading and execution systems of the NYSE Exchanges]'').

[90] *See ICE, et al.* v. *SEC,* 23 F.4th 1013 at 1023–1024.

[91] Bloomberg Letter IV at 7 (observing ''the universal adoption of Silexx among Cboe TPHs.'').

[92] *See* SIFMA Letter II at 3. *See also* SIFMA Letter I at 3 (''[T]he Exchange argues that an affiliated OEMS is not a facility . . . by focusing on whether there is a direct technological connection between the affiliated OEMS and the Exchange's 'core trading system' and downplaying an affiliated OEMS's importance in the overall chain of connection to an exchange.'') *See* SIFMA Letter I at 3.

[93] *See also* SIFMA Letter I at 5 (stating (i) the Exchange and affiliated OEMSs (such as Silexx) are closely connected by virtue of their ownership by the same parent company; (ii) the facts and circumstances indicate that ''affiliated OEMSs have the ability to function as 'systems of communication' to or from the Exchange 'for the purpose of effecting or reporting a transaction' on the Exchange'' (satisfying section 3(a)(2)); (iii) this makes clear that the Exchange and affiliated OEMSs constitute a ''group of persons'' (within the meaning of section 3(a)(1)).

[94] It should be noted that ''The Option Chain is the most widely utilized module within the SILEXX OEMS Platform.'' Cboe | Silexx, Option Chain, *https://help.silexx.com/modules/option-chain* (last visited Oct. 27, 2024). Meanwhile, ''Cboe is the largest U.S. options market operator'' according to Cboe. Cboe U.S. Options, *https://www.cboe.com/market_data_services/us/options/* (last visited Oct. 27, 2024).

[95] *See* Notice, 89 FR 15910.

[96] *See supra* note 94.

[97] *See* Notice, 89 FR 15911.

[98] *ICE, et al.* v. *SEC,* 23 F.4th 1013, at 1024.

[99] *ICE, et al.* v. *SEC,* 23 F.4th 1013, at 1025 (emphasis in original).

to or from an exchange.'' [100] According to Cboe, an OEMS is ''fundamentally different from transmission facilities that connect to or near an exchange, such as the wireless services at issue in [the D.C. Circuit decision]. . . .'' [101] While an OEMS is not the same as a wireless connection, it is comparable in terms of how it fits within the statutory definition of facility. As previously stated, Cboe markets Silexx as a data and access system to ''easily trade equities, options, futures, and options on futures from a single platform—giving you speed to market with powerful order-entry tools.'' [102] Like a wireless connection, an OEMS is a system of communication that requires a market participant to make other purchases of equipment and services to reach an exchange's matching engine. Neither a Wireless Bandwidth Connection, a Wireless Market Data connection, nor an OEMS is sufficient on its own to enable a market participant to conduct trading on an exchange. What each has in common, however, is that it exists to enable market participants to enter and route orders to trade securities efficiently on a variety of U.S. exchanges, including the affiliated exchange. In short, while the Exchange-affiliated OEMS has multiple uses, one of those uses is ''effecting or reporting transactions'' on Cboe, which places it within the definition of a facility.[103]

Second, the Exchange states that its proposal is supported by Commission precedent. The Exchange points to the PCX Order in which ''the Commission . . . recognized a national securities exchange's affiliation with an entity providing services related to the exchange does not necessarily equate to the affiliate being deemed a facility of the exchange.'' [104] While it is correct that not every affiliate providing exchange-related services has been determined to be a facility of that exchange, affiliates providing routing services (which enable market participants to enter and route orders to trade securities efficiently on a variety of U.S. exchanges) routinely have.[105] As explained further by a commenter, Cboe's reliance on the PCX Order is misplaced because an affiliated OEMS's functions are more akin to an optional order routing function—which was determined to be an exchange facility, than to an introducing broker-function—which was determined not to be an exchange facility.[106]

The Exchange also points to two examples where the Commission determined that services offered by the Nasdaq Stock Market (''Nasdaq'') were not facilities of an exchange because they were not providing an exchange function.[107] With respect to Nasdaq ACES, that system was designed to permit the routing of orders to a broker-dealer for handling consistent with that broker-dealer's best execution and other regulatory obligations; it was not designed to enable access to the exchange.[108] In contrast, Silexx is designed to enable users to enter or route orders to the Exchange for execution or receive market data from the Exchange, even though that may not be its only use. With respect to Nasdaq's index dissemination service, Cboe focuses on the Commission's statement that if Nasdaq were to ''tie pricing'' of the service to Nasdaq exchange services, or condition a company's inclusion in an index on a Nasdaq listing, then the index dissemination service would become a Nasdaq facility.[109] However, the Commission did not say the inverse, that for a service to be a facility, there must be a pricing or some other explicit linkage to the exchange. As discussed above, the particular facts and circumstances are key. Like a wireless connection, the services provided by an OEMS are purchased for the purpose of effecting transactions on exchanges, including Cboe.

Proposed Rule 3.66 Fails To Achieve it Purported Goal Because Its Conditions Are Insufficient To Establish Independence

Cboe states that Rule 3.66 would provide for the independence of the OEMS from the Exchange.[110] One commenter states ''[t]he Exchange's central factual argument[,] that the exchange-owned OEMSs are independently operated from the interests and control of the Exchange appears to be without merit and contrary to the facts provided in the proposal.'' [111] We agree.

Cboe states that in the ICE Decision whether there is a '' 'unity of interests' was perhaps the key statutory criterion.'' [112] More specifically, Cboe states that its proposal is consistent with the following statement in the ICE Decision: ''[O]ne corporation that is affiliated with but not controlled by another may or may not, depending upon the circumstances, be considered a 'group of persons' for the purposes of the statute.'' [113] According to Cboe, Rule 3.66 would establish ''concrete, enforceable structural separations between Cboe and any affiliated OEMS (including Silexx) that are designed to prevent anticompetitive conduct'' and would ''render[ ] the D.C. Circuit's statement about 'closely connected corporate affiliates' inapplicable here.'' [114] Cboe states that because the proposed Rule 3.66 conditions would establish that the Exchange and affiliated OEMS are not ''closely connected corporate affiliates,'' they are not a ''group of persons'' within the meaning of section 3(a)(1) of the Act.[115] After careful consideration, including consideration of the comments received, proposed Rule 3.66 fails at its purported goal of establishing the independence of an affiliated OEMS from the Exchange business.

The stated purpose of proposed Rule 3.66 is ''to provide that [the Exchange-

[100] Exchange Response II at 3.

[101] *Id.* at 4.

[102] Cboe Silexx: Global markets at your fingertips, *https://www.cboe.com/services/silexx/* (last visited Oct. 1, 2024).

[103] *See, e.g.,* Bloomberg Letter I at 6–7; Bloomberg Letter II at 6; SIFMA Letter I at 3.

[104] *See* Exchange Response II at 12 (discussing the PCX Order establishing the Archipelago Exchange trading facility). *See id.* at 12–15.

[105] *See supra* note 59 (discussing the PCX Order and outbound router examples).

[106] *See* SIFMA Letter II at 5 (stating that the PCX Order is distinguishable because an affiliated OEMS does not function in a manner similar to an introducing broker providing sponsored access to an exchange which did not ''route'' orders but merely allowed sponsored non-members to electronically connect to exchange trading facility ArcaEx to enter their own orders through broker-dealer Wave's membership in the exchange, whereas affiliated OEMS's functions are more akin to Wave's optional order routing function, which the Commission found to be an exchange facility.)

[107] *See* Exchange Response I at 4; *See also* Exchange Response II at 13–15. The Exchange discusses two separate Nasdaq proposed rule changes where Nasdaq proposed to remove from its rulebook references to fees charged for index and ETF values disseminated through its index dissemination service and where Nasdaq proposed to delete references to its ACES communication system from its rulebook.

[108] *See generally* Securities Exchange Act Release No. 56237 (Aug. 9, 2007), 72 FR 46118 (Aug. 16, 2007) (SR–NASDAQ–2007–043).

[109] *See* Exchange Response II at 14 (quoting from Securities Exchange Act Release No. 58897 (Nov 3, 2008), 73 FR 66952 (Nov. 12, 2008) (SR–NASDAQ–2007–018).

[110] Exchange Response II at 8. The Exchange states that the proposed Rule 3.66 guardrails operate to take the Cboe affiliate outside the Act's ''group of persons'' provision—which is the only possible basis for regulating OEMSs as an exchange facility. *Id.*

[111] Bloomberg Letter II at 12–13. *See also* Bloomberg Letter III at 4–5 (adding that independence from the Exchange at an operational level ''cannot be a basis for simply excluding the facility from oversight entirely''). The commenter went on to state that the affiliation with the corporate group that operates the exchange ''provides ample incentive and opportunity for the exchange to exploit the OEMS unfairly to its benefit, and the detriment of investors.'' Bloomberg Letter III at 5.

[112] Exchange Response II at 11.

[113] *See ICE, et al.* v. *SEC,* 23 F.4th 1013, at 1024.

[114] *See* Exchange Response II at 11–12.

[115] *See* Exchange Response II at 8–9.

affiliated] OEMS platform operate[s] in a manner independent from the Exchange despite affiliation with the Exchange.'' [116] We understand that the goal of proposed Rule 3.66 is to establish that corporate affiliation notwithstanding, if Cboe and an affiliated OEMS (*e.g.,* Silexx) comply with the proposed rule they could not ''act in concert,'' and therefore the OEMS would not be a ''facility'' of Cboe. As a result, according to the Exchange, an Exchange-affiliated OEMS should be able to operate without being subjected to Commission oversight, including rule filing requirements.[117] But proposed Rule 3.66 does not establish that an affiliated OEMS and the Exchange are prevented from acting in concert.

Historically, there has been a close connection in the operation of the Exchange and Exchange-affiliated OEMSs. For example, since 2019, the Exchange has provided for a logical port fee waiver for Exchange-affiliated OEMS users and has not provided a similar waiver for users of other OEMSs. In justifying this fee waiver in 2019, the Exchange viewed OEMS subscription fees as ''inclusive of fees to access the exchange.'' [118] The Exchange has traditionally considered the relationship it has with customers as inclusive of both their use of Exchange and Exchange-affiliated OEMS services, demonstrating the close connection between the affiliates. In its proposal, the Exchange offers a new and different rationale from that used in its 2019 filing, but the implication of this rationale is the same: the Exchange and Exchange-affiliated OEMSs enjoy a close connection and work with each other to achieve their aligned interests. In the proposal, the Exchange explains that the fee waiver exists to ''offset'' the ''competitive disadvantage'' of the Exchange-affiliated OEMS having to comply with section 19(b) rule filing requirements.[119] In the Exchange's view, disadvantages borne by an Exchange-affiliated OEMS can be offset by a subsidy in the form of a fee waiver borne by the Exchange.[120]

If, however, the Exchange and OEMS operated independently, there would be separate and independent relationships between the Exchange and its customers on the one hand and the Exchange-affiliated OEMS and its customers on the other. In its second comment letter, the Exchange has offered to ''discontinue this fee waiver [for] off-floor Silexx'',[121] because Silexx on-floor users, *i.e.,* floor brokers, are utilizing a facility of the Exchange while off-floor Silexx users are not. The distinction between on-floor and off-floor versions of the Exchange-affiliated OEMS is not explained in the proposed rule [122] and the impact of the withdrawal discussed in the Exchange's second response letter on the Exchange and the Exchange-affiliated OEMS and their mutual customers appears to be limited.[123] This retention of the fee waiver for on-floor users provides further indication of a close connection between the Exchange and Silexx. Moreover the Exchange's intention to preserve, at least in large part,[124] this preferential fee waiver for on-floor Silexx customers provides an example of how the two entities would continue to ''act in concert'' even if the proposed rule were approved.[125] The impact of the Exchange's fee waiver has been and is likely to remain (if the proposed rule is approved) significant with one commenter stating this fee waiver ''undoubtedly contributed to the universal adoption of Silexx among Cboe TPHs.'' [126]

The Exchange's view that the Silexx for on-floor users is a facility of the Exchange while Silexx for off-floor users is not a facility of the Exchange is not the only inconsistency in the proposed rule. Many of the proposed rule's conditions run counter to its purported goal of independence. For example, proposed Rule 3.66(b) provides that if a TPH using the OEMS establishes a direct connection to the Exchange via an Exchange port, that connection is established in the same manner and in accordance with the same terms, conditions, and fees as any *third-party OEMS* as set forth in the Exchange's rules, technical specifications, and fees schedule.[127] Relatedly, proposed Rule 3.66(g) would provide that a third-party not required to register as a national securities exchange under section 6 of the Act can offer a *similar* OEMS.[128]

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[116] Notice, 89 FR 15909.

[117] *Id.*

[118] *See* Securities Exchange Act Release No. 87727 (Dec. 12, 2019), 84 FR 69428, 69439 (Dec. 18, 2019).

[119] Notice, 89 FR 15908, n.13.

[120] We do not find compelling the Exchange's argument that the Exchange-affiliated OEMS operate at a competitive disadvantage. First, the Exchange has been submitting rule filings for several years, and it has not demonstrated that its affiliated OEMS has been disadvantaged compared to unaffiliated OEMSs that operate in the same market. *See* Notice, 89 FR 15907, n.4–5. Second, the Exchange provided no information that would indicate that its efforts to mitigate this concern through the Exchange's Silexx user logical port fee waiver is inadequate. *Id.* at n.13. Finally, the Exchange did not demonstrate that a burden on competition on a ''facility'' or unregulated affiliate is a material consideration under section 6(b) of the Act. A commenter opines that ''nothing in Section 6 of the Exchange Act contemplates that exchange rules should address competition between unregistered and unregulated entities such as OEMSs.'' SIFMA Letter II at 7. Moreover, as the D.C. Circuit states in the ICE Decision: ''The SEC is not tasked with deciding whether subjecting an organization to the rule-approval process would burden its ability to compete. That decision was made by the Congress [and b]ecause the Wireless Connections satisfy the statutory definitions in Sections 3(a) and (b), its rules must be filed with and approved by the SEC—full stop.'' *ICE, et al.* v. *SEC,* 23 F.4th 1013, at 1026.

[121] *See* Exchange Response II at 13, n.78. It appears the Exchange changed its position on the Silexx fee waiver during the course of the proceedings related to the proposal. In the proposal, the Exchange concedes that ''the ability to provide this pricing may demonstrate that the Exchange's ability to act with Cboe Silexx,'' but because it was subject to section 19(b) rule filing it would be permissible, *i.e.,* ''if the Exchange adopted procedures and internal controls in accordance with proposed Rule 3.66, those barriers would prevent Cboe Silexx [sic] or any other Exchange-affiliated OEMS [sic] to adopt such fees without submission of a rule filing.'' Notice, 89 FR 15908, n.13. Meanwhile, in its second comment letter, the Exchange indicates that it ''intends to continue to operate the on-floor version of Silexx as a facility of the exchange'' if the proposal is approved without any proposed rule text mentioning, let alone distinguishing between, the on-floor and off-floor Silexx versions. *See* Exchange Response II at 11, n.63.

[122] A commenter observed the Exchange's changing positions on the Silexx fee waiver represents a ''materially different application of the original Proposal and a distinction that has not been fully articulated or explained'' in the proposal. Bloomberg Letter IV at 3. If the Exchange's intention is to change its position, we agree with the commenter that the Exchange failed to meet its burden to provide a proposed rule change ''sufficiently detailed and specific to support an affirmative Commission finding.'' *Id.* (citing 17 CFR 201.700(b)(3)(i)).

[123] *See* Exchange Response II at 13, n.78. Notably, Cboe states that ''with respect to Silexx, the majority of off-floor users are not associated with a TPH'' and are therefore generally not subject to logical port fees. *See* Exchange Response II at 14, n.85.

[124] *See* Exchange Response II at 13, n.78.

[125] *See ICE, et al.* v. *SEC,* 23 F.4th 1013, at 1025. In the ICE Decision the D.C. Circuit commented that in the case of ''one corporation that is affiliated with but not controlled by another'' these affiliates ''may or may not, depending upon the circumstances, be considered a 'group of persons' for the purposes of the statute.'' *Id.* at 1025. ''Whether two or more persons are or may be acting in concert is likely the key consideration. These, however, are possibilities we need not confront in the present case.'' *Id.* We note that the Exchange's intention to retain a fee waiver to benefit solely on-floor customers it shares with the affiliated OEMS is an indication that the proposed rule is not designed to prevent further acts in concert of the two affiliates' mutual commercial interests. As mentioned above, no other third-party OEMS' customers enjoy a similar waiver from the Exchange.

[126] Bloomberg Letter IV at 7. *See also* Bloomberg Letter II at 11 (stating, ''[N]ot only do these fee waivers undercut the central argument that the OEMS service is operating at a competitive disadvantage, it also undercuts the entire premise of the Proposal—that the OEMS is operated in a manner that is independent from the Exchange. This fee waiver also raises concerns surrounding how the existing fees are not 'designed to permit unfair discrimination' and 'not impose any burden on competition not necessary or appropriate in furtherance of the purposes of the Act.' '').

[127] *See* Exchange Response II at 8.

[128] *Id.* at 17.

These provisions fall short of addressing how *users* of a third party OEMS would be assured that their access to the Exchange is not disadvantaged by choosing a third-party OEMS over an affiliated OEMS. Additionally, the requirement that a third-party OEMS is *similar* would not necessarily mean the user of the third party OEMS would not be disadvantaged as compared to the user of an affiliated OEMS.

In addition, proposed Rule 3.66(e) would require that ''any fees charged to a user of the OEMS are unrelated to that user's Exchange activity or to Exchange fees set forth on the Exchange's fees schedule.'' [129] Nothing in this provision would preclude an Exchange-affiliated OEMS from charging a different price to each user, thereby effectively establishing different prices to access the Exchange, and potentially unfairly discriminating against certain users without being required to provide any justification.[130] As one commenter states, under the proposed rule, the Exchange-affiliated OEMS becomes ''an unregulated entity that, among other things, can separately negotiate terms with each user.'' [131] The commenter observes that as a consequence ''each OEMS user would not necessarily be 'on precisely the same terms' with the Exchange as other users and would not be protected by Exchange Act 'standards that prohibit denials of access and other unfair discrimination against any member regarding access to' Cboe's services.'' [132]

Further, proposed Rule 3.66(h) would require that ''the Exchange has established and maintains procedures and internal controls reasonably designed to prevent the *OEMS* from receiving any competitive advantage or benefit as a result of its affiliation/relationship with the *Exchange,* the provision of information to the entity or personnel operating the OEMS regarding updates to the system (such as technical specifications) until such information is available generally to similarly situated market participants.'' [133] However, this provision runs in only one direction. It does not similarly require that there be policies and procedures in place to prevent the *Exchange* from receiving any competitive advantage as a result of its affiliation/relationship with the *OEMS* thus failing to satisfy the requirements of section 6(b) that the rules of an exchange not impose a burden on competition that is not necessary or appropriate.[134]

Commenters observe that it is not just the Exchange-affiliated OEMS that can benefit from the affiliation with the Exchange, but the Exchange can benefit from the affiliation with the OEMS as well.[135] As one commenter states, ''Exchange-affiliated OEMSs not subject to the SRO rule filing process could adopt rules, create new order types, raise fees, or implement new or different tiers of service to benefit the Exchange.'' [136] The commenter further states ''[t]hrough these or other mechanisms, the affiliated OEMS and the Exchange, together as a group, could effectively force market participants, including broker-dealers which are obligated to obtain best execution for customer orders, to purchase and use (regardless of the cost or other conditions) the Exchange's affiliated OEMS to maintain access to the Exchange . . . [s]uch preferential treatment or other barriers to accessing the Exchange could result in inequitable allocations of fees among members, impediments to a free and open market and national market system, unfair discrimination among customers, and unnecessary burdens on competition, in violation of Section 6(b) of the Exchange Act.'' [137]

The proposal's elimination of a publicly available Exchange-affiliated OEMS fee schedule could permit the Exchange-affiliated OEMS to engage in unfair discrimination among Exchange customers. This is because the Commission would not be reviewing whether any differences in the application of a fee or rebate are based on meaningful distinctions between customers, issuers, brokers or dealers and whether those meaningful distinctions are unfairly discriminatory between customers, issuers, brokers or dealers.[138] In sum, we agree with commenters that because proposed Rule 3.66 does not aim to prevent *the Exchange* from receiving any competitive advantage from its affiliation/relationship with *the OEMS* it would not establish the independence as purported.

Additionally, proposed Rule 3.66 requires reliance on the Exchange's enforcement of the conditions of Rule 3.66 against a proposed-to-be unregulated Exchange-affiliated OEMS. One commenter states that ''it is unclear how the Exchange would enforce the proposed rule or even monitor for compliance with it[,].'' [139] Cboe did not address this concern directly and it remains unclear how Cboe would monitor for compliance.

For all of the foregoing reasons, we cannot find that the proposal to allow the Exchange-affiliated OEMSs to not be regulated as a facility of the Exchange and not be subject to section 6 of the Act is consistent with the requirements of section 6 of the Act.

IV. Conclusion

For the reasons set forth above, the Commission does not find, pursuant to section 19(b)(2) of the Exchange Act,[140] that the proposed rule change is consistent with the requirements of the Exchange Act and the rules and regulations thereunder applicable to a national securities exchange, and in particular, with sections 3(a)(1), 3(a)(2), and 6(b) of the Exchange Act.[141]

It is therefore ordered, pursuant to section 19(b)(2) of the Exchange Act,[142] that proposed rule change (SR–CBOE–2024–008) be, and it hereby is, disapproved.

By the Commission.

Vanessa A. Countryman,

Secretary.

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[129] *Id.* at 16.

[130] *See* 15 U.S.C. 78f(b)(5). Should this differential pricing benefit the Exchange with additional trading resulting in increased liquidity and fees, this would be an advantage to the Exchange resulting from business ties to, or enterprise relationship with the Exchange-affiliated OEMS.

[131] SIFMA Letter II at 4.

[132] *Id.* at 4–5.

[133] Notice, 89 FR 15909 (emphasis added).

[134] *See* 15 U.S.C. 78f(b)(8). For example, as written, proposed Rule 3.66 would not preclude the Exchange-affiliated OEMS from offering discounts on its pricing to incentivize routing of orders to the Exchange or prevent the Exchange-affiliated OEMS from providing lower fees or rebates for large market makers that happen to represent significant proportions of Exchange volumes. *See generally,* proposed Rule 3.66.

[135] *See e.g.,* Bloomberg Letter II at 13.

[136] SIFMA Letter I at 7.

[137] SIFMA Letter I at 7. *See also* Bloomberg Letter II at 13 (citing Q2 2019 Earnings Call, CBOE Global Markets, Inc. (Aug. 2, 2019) stating, ''Aside from the Proposal, the facts on the ground indicate the two entities attempt to leverage a competitive advantage through their unique relationship. For example, the Exchange has stated in the past that Silexx has been promoted as the avenue through which people will trade certain exchange products and there have been efforts to more fully integrate these within the operating segments of the overall business.'').

[138] *See* 15 U.S.C. 78f(b)(5). As such, we cannot conclude that the proposed rule is not designed to permit unfair discrimination customers, issuers, brokers or dealer as required by section 6(b)(5).

[139] SIFMA Letter II at 6 (citing 15 U.S.C. 78f(b)(1), which requires that a registered exchange have ''the capacity to be able to carry out the purposes of [the Exchange Act] and to comply, and . . . to enforce compliance by its members and persons associated with its members, with the provision of [the Exchange Act], the rules and regulations thereunder, and the rules of the exchange.'').

[140] 15 U.S.C. 78s(b)(2).

[141] 15 U.S.C. 78c(a)(1), (a)(2), and 15 U.S.C. 78f(b).

[142] 15 U.S.C. 78s(b)(2).

SECURITIES AND EXCHANGE COMMISSION

[Release No. 34–101497; File No. SR–NASDAQ–2024–063]

Self-Regulatory Organizations; The Nasdaq Stock Market LLC; Notice of Filing and Immediate Effectiveness of Proposed Rule Change To Amend Options 7, Section 3

October 31, 2024.

Pursuant to Section 19(b)(1) of the Securities Exchange Act of 1934 (''Act''),[1] and Rule 19b–4 thereunder,[2] notice is hereby given that on October 18, 2024, The Nasdaq Stock Market LLC (''Nasdaq'' or ''Exchange'') filed with the Securities and Exchange Commission (''Commission'') the proposed rule change as described in Items I, II, and III below, which Items have been prepared by the Exchange. The Commission is publishing this notice to solicit comments on the proposed rule change from interested persons.

I. Self-Regulatory Organization's Statement of the Terms of Substance of the Proposed Rule Change

The Exchange proposes to amend The Nasdaq Options Market LLC (''NOM'') Rules at Options 7, Section 3.

While these amendments are effective upon filing, the Exchange has designated the proposed amendments to be operative on January 1, 2025.

The text of the proposed rule change is available on the Exchange's website at *https://listingcenter.nasdaq.com/rulebook/nasdaq/rules,* at the principal office of the Exchange, and at the Commission's Public Reference Room.

II. Self-Regulatory Organization's Statement of the Purpose of, and Statutory Basis for, the Proposed Rule Change

In its filing with the Commission, the Exchange included statements concerning the purpose of and basis for the proposed rule change and discussed any comments it received on the proposed rule change. The text of these statements may be examined at the places specified in Item IV below. The Exchange has prepared summaries, set forth in sections A, B, and C below, of the most significant aspects of such statements.

[1] 15 U.S.C. 78s(b)(1).

[2] 17 CFR 240.19b–4.

A. Self-Regulatory Organization's Statement of the Purpose of, and Statutory Basis for, the Proposed Rule Change

1. Purpose

The purpose of the proposed rule change is to amend the Exchange's SQF Port Fees and SQF Purge Port Fees. Specifically, the Exchange proposes to raise its SQF Port Fees and SQF Purge Port Fees in Options 7, Section 9, B by 10%.

Today, NOM assesses SQF Ports and SQF Purge Ports a per port, per month fee based on a tiered fee schedule. Specifically, NOM assesses an SQF Port and an SQF Purge Port Fee of $1,500 per port, per month for the first 5 ports (1–5), a $1,000 per port, per month fee for the next 15 ports (6–20), and a $500 per port, per month fee for all ports over 20 ports (21 and above). With this proposal, NOM would assess Market Makers the following SQF Port and an SQF Purge Port Fees: $1,650 per port, per month for the first 5 ports (1–5), a $1,100 per port, per month fee for the next 15 ports (6–20), and a $550 per port, per month fee for all ports over 20 ports (21 and above). The fees represent a 10% increase from the current tiered fees.

The proposed SQF Port Fee and SQF Purge Port Fee increases would enable the Exchange to maintain and improve its market technology and services to remain competitive with its peers. Over the years, customer demand for risk protections and capacity has increased. The Exchange continues to invest in maintaining, improving, and enhancing its port protocols—for the benefit and often at the behest of its customers. Such enhancements include refreshing hardware, upgrading risk protections and information security, and offering customers additional capacity. The Exchange has not increased NOM's SQF Port Fee since 2016,[3] and has not increased its SQF Purge Port Fee since 2018 [4] where inflation has been between roughly 14%–16%, as measured using the metric described below. Nevertheless, the Exchange proposes to increase its SQF Port Fee by 10%, only with respect to inflation that has occurred since 2016 and its SQF Purge Port Fee by 10%, only with respect to inflation that has occurred since 2018.

As discussed below, the Exchange proposes to adjust its fees by an industry- and product-specific inflationary measure. It is reasonable and consistent with the Act for the Exchange to recoup its investments, at least in part, by adjusting its fees. Continuing to operate at fees frozen at 2016 and 2018 levels, respectively, impacts the Exchange's ability to enhance its offerings and the interests of market participants and investors.

The fee increases the Exchange proposes are based on an industry-specific Producer Price Index (''PPI''), which is a tailored measure of inflation.[5] As a general matter, the Producer Price Index is a family of indexes that measures the average change over time in selling prices received by domestic producers of goods and services. PPI measures price change from the perspective of the seller. This contrasts with other metrics, such as the Consumer Price Index (''CPI''), that measure price change from the purchaser's perspective.[6] About 10,000 PPIs for individual products and groups of products are tracked and released each month.[7] PPIs are available for the output of nearly all industries in the goods-producing sectors of the U.S. economy—mining, manufacturing, agriculture, fishing, and forestry—as well as natural gas, electricity, and construction, among others. The PPI program covers approximately 69 percent of the service sector's output, as measured by revenue reported in the 2017 Economic Census.

For purposes of this proposal, the relevant industry-specific PPI is the Hosting, Activer Server Pages, and Other IT Infrastructure Provisioning Services (''Data PPI'') within the Data Processing and Related Services Industry, which is an industry net-output PPI that measures the average change in selling prices received by companies that provide data processing services.

The Data Processing and Related Services industry was introduced to the PPI in January 2002 by the Bureau of Labor Statistics (''BLS'') as part of an ongoing effort to expand Producer Price Index coverage of the services sector of the U.S. economy and is identified as NAICS–518210 in the North American Industry Classification System.[8] According to the BLS ''[t]he primary output of NAICS 518210 is the provision of electronic data processing services. In the broadest sense, computer services companies help their

[3] *See* Securities Exchange Act Release No. 79619 (December 20, 2016), 81 FR 95250 (December 27, 2016) (SR–NASDAQ–2016–178).

[4] *See* Securities Exchange Act Release No. 83193 (May 9, 2018), 83 FR 22539 (May 15, 2018) (SR–NASDAQ–2018–036).

[5] *See https://data.bls.gov/timeseries/PCU5182105182105.*

[6] *See https://www.bls.gov/ppi/overview.htm.*

[7] *See Id.*

[8] *See https://data.bls.gov/timeseries/PCU5182105182105.*

customers efficiently use technology. The processing services market consists of vendors who use their own computer systems—often utilizing proprietary software—to process customers' transactions and data. Companies that offer processing services collect, organize, and store a customer's transactions and other data for record-keeping purposes. Price movements for the NAICS 518210 index are based on changes in the revenue received by companies that provide data processing services. Each month, companies provide net transaction prices for a specified service. The transaction is an actual contract selected by probability, where the price-determining characteristics are held constant while the service is repriced. The prices used in index calculation are the actual prices billed for the selected service contract.'' [9]

The Exchange believes the Data PPI is the most appropriate subset of the Data Processing and Related services industry to be considered in the context of the proposed rule change to modify the SQF Port Fee and the SQF Purge Port Fee because the Exchange uses its ''proprietary software,'' *i.e.,* its own proprietary matching engine software, respectively, to receive options quotes on the Exchange's proprietary trading platform.

For purposes of this proposed rule change, with respect to the SQF Port Fee, the Exchange examined the Data PPI value for the period from December 2016 to August 2024. The Data PPI had a starting value of 100.8 in December 2016 and an ending value of 116.445 in August 2024, a 15.52% increase. For purposes of this proposed rule change, with respect to the SQF Purge Port Fee, the Exchange examined the Data PPI value for the period from May 2018 to August 2024. The Data PPI had a starting value of 102.1 in May 2018 and an ending value of 116.445 in August 2024, a 14.04% increase. This data indicates that companies who are also in the data storage and processing business have generally increased prices for a specified service covered under NAICS 518210 by an average of 15.52% and 14.04%, respectively, during this period. Based on that percentage change, the Exchange proposes to make a one-time fee increase of only 10%, which reflects an increase covering roughly the entire period since the last price adjustment to the SQF Port Fee and the SQF Purge Port Fee was made.

The Exchange further believes the Data PPI is an appropriate measure for purposes of the proposed rule change on the basis that it is a stable metric with limited volatility, unlike other consumer-side inflation metrics. In fact, the Data PPI has not experienced a greater than 2.16% increase for any one calendar year period since Data PPI was introduced into the PPI in January 2002. The average calendar year change from January 2002 to December 2023 was .62%, with a cumulative increase of 15.67% over this 21-year period. The Exchange believes the Data PPI is considerably less volatile than other inflation metrics such as CPI, which has had individual calendar-year increases of more than 6.5%, and a cumulative increase of over 73% over the same period.[10]

The Exchange believes the Data PPI, and significant investments into, and enhanced performance of, the Exchange support the reasonableness of the proposed fee increases.[11]

2. Statutory Basis

The Exchange believes that its proposal is consistent with Section 6(b) of the Act,[12] in general, and furthers the objectives of Sections 6(b)(4) and 6(b)(5) of the Act,[13] in particular, in that it provides for the equitable allocation of reasonable dues, fees and other charges among members and issuers and other persons using any facility, and is not designed to permit unfair discrimination between customers, issuers, brokers, or dealers.

This belief is based on two factors. First, the current fees do not properly reflect the quality of the SQF Ports and SQF Purge Ports, as the SQF Port Fee and SQF Purge Port Fee has been static in nominal terms, and therefore falling in real terms due to inflation. Second, the Exchange believes that investments made in enhancing the risk protections and capacity of SQF Ports and SQF Purge Ports has increased the performance of these ports.

The Proposed Rule Change Is Reasonable

As noted above, the Exchange has not increased any of the fees included in the proposal since 2016 and 2018, respectively. However, in the years following the last fee increases, the Exchange has made significant investments in upgrades to its SQF Ports and SQF Purge Ports, enhancing the quality of its services, as measured by, among other things, increased capacity. In other words, Exchange customers have greatly benefitted, while the Exchange's ability to recoup its investments has been hampered. Between 2016 and 2024, the inflation rate is 3.47% per year, on average, producing a cumulative inflation rate of 31.37%.[14] Also, between 2018 and 2024, the inflation rate is 3.86% per year, on average, producing a cumulative inflation rate of 25.50%.[15] Using the more targeted inflation number of Data PPI, the cumulative inflation rate was 15.52% between 2016 and 2024, and 14.04% between 2018 and 2024. The Exchange believes the Data PPI is a reasonable metric to base this fee increase on because it is targeted to producer-side increases in the data processing industry, which based on the definition adopted by BLS would include the Exchange's port protocols.

Notwithstanding inflation, as noted above, the Exchange has not increased its fees at all for over eight and six years, respectively, for the subject services. The proposed SQF Port Fee and SQF Purge Port Fee represent a modest increase from the current SQF Port Fee and SQF Purge Port Fee. The Exchange believes the proposed SQF Port Fee and SQF Purge Port Fee increases are reasonable in light of the Exchange's continued expenditure in maintaining a robust technology ecosystem. Furthermore, the Exchange continues to invest in maintaining and enhancing its port products—for the benefit and often at the behest of its customers and global investors. Such enhancements include refreshing several aspects of the technology ecosystem including software, hardware, and network while introducing new and innovative products. The goal of the enhancements discussed above, among other things, is to provide more modern connectivity to the match engine. Accordingly, the Exchange continues to expend resources to innovate and modernize its technology so that it may benefit its

[9] *See https://www.bls.gov/ppi/factsheets/producer-price-index-for-the-data-processing-and-related-servicesindustry-naics-518210.htm.*

[10] *See https://www.usinflationcalculator.com/.*

[11] *See supra* discussion of SQF Port and SQF Purge Port enhancements. Additionally, other exchanges have filed for increases in certain fees, based in part on comparisons to inflation. See, *e.g.,* Securities Exchange Act Release Nos. 34–100004 (April 22, 2024), 89 FR 32465 (April 26, 2024) (SR–CboeBYX–2024–012); and 34–100398 (June 21, 2024), 89 FR 53676 (June 27, 2024) (SR–BOX–2024–16)l; Securities Exchange Act Release No. 34–100994 (September 10, 2024), 89 FR 75612 (September 16, 2024) (SR–NYSEARCA–2024–79).

[12] 15 U.S.C. 78f(b).

[13] 15 U.S.C. 78f(b)(4) and (5).

[14] *See https://www.officialdata.org/us/inflation/2015?amount=1.*

[15] *See https://www.officialdata.org/us/inflation/2015?amount=1.*

Participants in offering SQF Ports and SQF Purge Ports.

The Proposed Fees Are Equitably Allocated and Not Unfairly Discriminatory

The Exchange also believes that the proposed fee increases are equitably allocated and not unfairly discriminatory because they would apply to all Market Makers uniformly. Market Makers are the only market participants that are assessed the SQF Port Fee and SQF Purge Port Fee because they are the only market participants that are permitted to quote on the Exchange.[16] These liquidity providers are critical market participants in that they are the only market participants that provide liquidity to the Exchange on a continuous basis. SQF Ports and SQF Purge Ports are only utilized in a Market Maker's assigned options series. The Exchange believes that the proposed fee increases are equitably allocated and not unfairly discriminatory because they would apply uniformly to all Market Makers that subscribe to SQF Ports and SQF Purge Ports to quote on the Exchange. The Exchange also believes that the proposal represents an equitable allocation of reasonable dues, fees and other charges because Exchange fees have fallen in real terms during the relevant period.

B. Self-Regulatory Organization's Statement on Burden on Competition

The Exchange does not believe that the proposed fees will impose any burden on competition that is not necessary or appropriate in furtherance of the purposes of the Act.

Intramarket Competition

The Exchange believes that the proposed fees do not impose an undue burden on intramarket competition because they would apply to all Market Makers uniformly. Market Makers are the only market participants that are assessed an SQF Port Fee and an SQF Purge Port Fee because they are the only market participants that are permitted to quote on the Exchange.[17] These liquidity providers are critical market participants in that they are the only market participants that provide liquidity to the Exchange on a continuous basis. SQF Ports and SQF Purge Ports are only utilized in a Market Maker's assigned options series. The Exchange believes that the proposed fee increases are equitably allocated and not unfairly discriminatory because they would apply uniformly to all Market Makers that subscribe to SQF Ports and SQF Purge Ports to quote on the Exchange.

Intermarket Competition

The Exchange believes that the proposed fees do not impose an undue burden on intermarket competition or on other SROs that is not necessary or appropriate. In determining the proposed fees, the Exchange utilized an objective and stable metric with limited volatility. Utilizing Data PPI over a specified period of time is a reasonable means of recouping the Exchange's investment in SQF Ports and SQF Purge Ports. The Exchange believes utilizing Data PPI, a tailored measure of inflation, to increase the SQF Port Fee and SQF Purge Port Fee to recoup the Exchange's investment in maintaining and enhancing SQF Ports and SQF Purge Ports does not impose a burden on competition.

C. Self-Regulatory Organization's Statement on Comments on the Proposed Rule Change Received From Members, Participants, or Others

No written comments were either solicited or received.

III. Date of Effectiveness of the Proposed Rule Change and Timing for Commission Action

The foregoing rule change has become effective pursuant to Section 19(b)(3)(A)(ii) of the Act.[18]

At any time within 60 days of the filing of the proposed rule change, the Commission summarily may temporarily suspend such rule change if it appears to the Commission that such action is: (i) necessary or appropriate in the public interest; (ii) for the protection of investors; or (iii) otherwise in furtherance of the purposes of the Act. If the Commission takes such action, the Commission shall institute proceedings to determine whether the proposed rule should be approved or disapproved.

IV. Solicitation of Comments

Interested persons are invited to submit written data, views and arguments concerning the foregoing, including whether the proposed rule change is consistent with the Act. Comments may be submitted by any of the following methods:

Electronic Comments

- Use the Commission's internet comment form (*https://www.sec.gov/rules/sro.shtml*); or
- Send an email to *rule-comments@sec.gov.* Please include file number SR–NASDAQ–2024–063 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–NASDAQ–2024–063. 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–NASDAQ–2024–063 and should be submitted on or before November 27, 2024.

For the Commission, by the Division of Trading and Markets, pursuant to delegated authority.[19]

Vanessa A. Countryman,

Secretary.

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[16] Unlike other market participants, Market Makers are subject to market making and quoting obligations. *See* Options 2, Sections 4 and 5.

[17] Unlike other market participants, Market Makers are subject to market making and quoting obligations. *See* Options 2, Sections 4 and 5.

[18] 15 U.S.C. 78s(b)(3)(A)(ii).

[19] 17 CFR 200.30–3(a)(12).

SECURITIES AND EXCHANGE COMMISSION

[Release No. 34–101488; File No. SR–Phlx–2024–54]

Self-Regulatory Organizations; Nasdaq PHLX LLC; Notice of Filing of Proposed Rule Change To Amend Options 3, Section 13 Related to XND

October 31, 2024.

Pursuant to Section 19(b)(1) of the Securities Exchange Act of 1934 (''Act''),[1] and Rule 19b–4 thereunder,[2] notice is hereby given that on October 18, 2024, Nasdaq PHLX LLC (''Phlx'' or ''Exchange'') filed with the Securities and Exchange Commission (''SEC'' or ''Commission'') a proposed rule change as described in Items I, II, and III below, which Items have been prepared by the Exchange. The Commission is publishing this notice to solicit comments on the proposed rule change from interested persons.

I. Self-Regulatory Organization's Statement of the Terms of Substance of the Proposed Rule Change

The Exchange proposes to amend Options 3, Section 13, Price Improvement XL (''PIXL'').

The text of the proposed rule change is available on the Exchange's website at *https://listingcenter.nasdaq.com/rulebook/phlx/rules,* at the principal office of the Exchange, and at the Commission's Public Reference Room.

II. Self-Regulatory Organization's Statement of the Purpose of, and Statutory Basis for, the Proposed Rule Change

In its filing with the Commission, the Exchange included statements concerning the purpose of and basis for the proposed rule change and discussed any comments it received on the proposed rule change. The text of these statements may be examined at the places specified in Item IV below. The Exchange has prepared summaries, set forth in sections A, B, and C below, of the most significant aspects of such statements.

A. Self-Regulatory Organization's Statement of the Purpose of, and Statutory Basis for, the Proposed Rule Change

1. Purpose

The Exchange proposes to amend Options 3, Section 13, Price Improvement XL (''PIXL'') to permit orders for the accounts of appointed Market Makers to be solicited for PIXL Auctions for XND options only. XND options are options based on 1/100 the value of the Nasdaq-100 (''XND'' or ''XND options''). Today, Cboe Exchange, Inc. (''Cboe'') permits orders for the accounts of Market-Makers with an appointment in SPX to be solicited for the Initiating Order submitted for execution against an Agency Order in SPX options into an AIM Auction pursuant to Rule 5.37.[3]

The Exchange proposes to amend Options 3, Section 13(a)(8) to permit orders for the accounts of Market Makers with an appointment in XND to be solicited for the Initiating Order[4] submitted for execution against a PIXL Order in XND options into a PIXL Auction pursuant to Options 3, Section 13. Today, Options 3, Section 13(a)(8) provides that, ''[a]n Initiating Order may not be a solicited order for the account of any Exchange Lead Market Maker, SQT, RSQT or non-streaming Market Maker assigned in the affected series.'' No similar restriction applies to crossing transactions in open outcry trading, where XND options also trade. As further discussed below, brokers seeking liquidity to execute against Public Customer orders on the trading floor regularly solicit appointed XND Market Makers for this liquidity, as they are generally the primary source of pricing and liquidity for those options.

The Exchange believes not permitting Market Makers appointed in XND to participate as contras in the PIXL Auction in XND makes it difficult for brokers to find sufficient liquidity to fill their customer orders. For example, if a Public Customer order is not fully executable against electronic bids and offers, a floor broker can attempt to execute the order, or remainder thereof, on the trading floor, where the liquidity to trade with this remainder is generally provided by Market Makers in the open outcry trading crowd. Additionally, brokers may solicit liquidity from upstairs Market Maker firms.

The Exchange believes brokers will have difficulty finding sufficient liquidity to initiate PIXL Auctions from only market participants that are not Market-Makers appointed in XND, thereby denying smaller, retail-sized XND options price improvement benefits. The Exchange believes it is appropriate to permit orders for the account of appointed XND Market Makers, similar to Cboe's SPX, to be submitted as the contra order, as the Exchange believes the liquidity provided by XND Market Makers will need to be available for brokers to initiate PIXL Auctions in XND and create potential price improvement opportunities for those retail-sized orders. If XND Market Makers cannot be solicited for XND PIXL Auctions, the Exchange believes brokers may not be able to initiate as many XND PIXL Auctions for their retail orders, which may reduce the price improvement opportunities available for those orders. The Exchange notes that today, there are three electronic Market Maker firms with XND appointments.

In multi-list classes, many Market Makers serve as both appointed Market Makers on the Exchange and as away market makers that are registered on other options exchanges. These firms, as a result, can use their accounts for their away market maker activities for being solicited with respect to PIXL Auctions. In general, solicited orders submitted as the Initiating Order for PIXL Auctions are almost always comprised of orders for the accounts of away market makers. However, XND is an exclusively listed class on the Exchange, so a firm cannot serve as an XND away market maker. Permitting orders for the account of an appointed XND Market Makers, similar to Cboe's SPX, to be submitted as the contra order will allow brokers to more efficiently locate liquidity to initiate PIXL Auctions to fill their Public Customer orders, particularly during times of volatility, which may create additional execution and price improvement opportunities for Public Customers at all times. The Exchange believes the proposed rule change will, therefore, provide retail-sized orders with similar price improvement opportunities with PIXL as is the case with the trading floor. Permitting XND Market Makers to serve as contra parties to crossing transactions submitted into a PIXL Auction will also further align PIXL Auctions with XND crossing executions that occur on the trading floor. XND Market Makers frequently serve as contra parties to crossing transactions on the trading floor.

Implementation

The Exchange proposes to implement this rule change on or before Q2 of 2025.

[1] 15 U.S.C. 78s(b)(1).

[2] 17 CFR 240.19b–4.

[3] *See* Securities Exchange Act Release No. 91116 (February 11, 2021), 86 FR 10154 (February 18, 2021) (SR–Cboe–2020–050) Order Approving a Proposed Rule Change, as Modified by Amendment Nos. 1 and 2, To Amend Rules 5.37 and 5.73 Related to the Solicitation of Market Makers for SPX Initiating Orders in the Automated Improvement Mechanism and FLEX Automated Improvement Mechanism.

[4] The ''Initiating Order'' is an order comprised of principal interest or a solicited order(s) submitted to trade against the order the submitting agency order on behalf of a Public Customer, broker-dealer, or any other entity or ''PIXL Order.'' *See* Phlx Options 3, Section 13.

2. Statutory Basis

The Exchange believes that its proposal is consistent with Section 6(b) of the Act,[5] in general, and furthers the objectives of Section 6(b)(5) of the Act.[6] Specifically, the Exchange believes the proposed rule change is consistent with the Section 6(b)(5)[7] 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.

In particular, the Exchange believes the proposed rule change will benefit investors. The proposed rule change will permit the primary XND liquidity providers on the Exchange to provide the liquidity necessary for brokers to initiate XND PIXL Auctions for their Public Customer orders. If brokers can solicit the primary liquidity providers in XND for PIXL Auctions the Exchange believes brokers will be able to more efficiently locate liquidity to fill their Public Customer orders, particularly during times of volatility. The Exchange believes the proposed rule change will, therefore, provide retail-sized orders with similar price improvement opportunities as on the trading floor. As a result, the Exchange believes the proposed rule change will permit sufficient liquidity to be available for PIXL Auctions, which may create additional execution and price improvement opportunities for Public Customers, including retail customers.

The Exchange also believes the proposed rule change will promote just and equitable principles of trade and remove impediments to and perfect the mechanism of a free and open market and a national market system because it will align the XND PIXL Auction process with the open outcry crossing process, and thus align the execution and price improvement opportunities available in both auctions by permitting the same participants to be solicited as contras in both types of auctions in XND. Currently, XND Market Makers may be solicited with respect to crossing transactions on the trading floor. However, pursuant to Options 3, Section 13 governing PIXL, XND Market Makers would not be able to be solicited to initiate PIXL Auctions. The Exchange believes there is no reason to restrict XND Market Makers' ability to provide liquidity into XND PIXL Auctions when they are able to similarly provide, and do provide, that liquidity for open outcry XND crossing transactions. Today, Cboe permits orders for the accounts of Market-Makers with an appointment in SPX to be solicited for the Initiating Order submitted for execution against an Agency Order in SPX options into an AIM Auction pursuant to Cboe Rule 5.37.

The Exchange believes the proposed rule change will promote competition in XND PIXL Auctions, including competition to initiate XND PIXL Auctions, which will remove impediments to and perfect the mechanism of a free and open market and a national market system, and, in general, to protect investors. As noted above, there are three electronic Market Maker firms with XND appointments. The Exchange believes the availability of this liquidity available to PIXL Orders will positively affect the experience for PIXL Orders and overall quality of the auctions. Furthermore, the Exchange believes increasing the number of market participants available to be solicited may increase competition to provide Initiating Orders, which may lead to a PIXL Auction being initiated at a better price. More market participants competing to provide Initiating Orders may lead to solicited parties providing more aggressive initial prices. The Exchange believes the ability of all market participants, including appointed Market Makers that did not submit an Initiating Order, to submit responses to a PIXL Auction will continue to provide competition for executions against Agency Orders. The Exchange does not believe the proposed rule change will adversely impact the quoting behavior of XND Market Makers.

The Exchange believes any risk that appointed Market Makers may misuse the nonpublic information of an upcoming XND PIXL Auction is de minimis. Currently, that same risk is present for non-appointed Market Makers, but the Exchange has not observed any trends of solicited market participants separately submitting unrelated orders as a result of knowledge of impending PIXL Auctions in other classes. Phlx Options 3, Section 13(d) prohibits a pattern or practice of submitting multiple orders in response to a PAN at a particular price point that exceeds, in the aggregate, the size of the PIXL Order, will be deemed conduct inconsistent with just and equitable principles of trade and a violation of General 9, Section 1(c). Further, Phlx General 9, Section 21 requires members to establish, maintain, and enforce written policies and procedures reasonably designed to prevent the misuse of material, nonpublic information by members and their associated persons.

Finally, the Exchange believes the proposed rule change is not designed to permit unfair discrimination between customers, issuers, brokers, or dealers because it will permit orders for accounts of appointed XND Market Makers to be solicited in the same manner as orders for the accounts of all other market participants in XND PIXL Auctions. Currently, all market participants other than appointed XND Market Makers would be able to be solicited as the contra and submit responses in PIXL Auctions, while appointed XND Market Makers would be restricted to only submitting responses. The Exchange believes that this proposal may increase execution and price improvement opportunities for Public Customers' XND orders, where the ability for away market makers to provide liquidity is limited.

B. Self-Regulatory Organization's Statement on Burden on Competition

The Exchange does not believe that the proposed rule change will impose any burden on competition that is not necessary or appropriate in furtherance of the purposes of the Act.

The Exchange does not believe the proposed rule change will impose any burden on intra-market competition that is not necessary or appropriate in furtherance of the purposes of the Act because it will provide XND Market Makers with the same execution opportunities in PIXL Auctions that would be available to all other market participants. Additionally, the proposed rule change will align open outcry and electronic crossing auctions for XND and the execution and price improvement opportunities available in both auctions by permitting the same participants to be solicited as contras in both types of auctions across XND. As a result, the Exchange believes it is appropriate for the electronic crossing mechanism to more closely replicate the open outcry crossing process in XND in order to minimize any impact on the market for those options. Unlike in multi-list classes, Market Maker firms cannot serve as XND market makers at other options exchanges. The Exchange further believes the restriction of this change to XND will preserve certain aspects of market structure that are important to maintain Market Maker

[5] 15 U.S.C. 78f(b)

[6] 15 U.S.C. 78f(b)(5).

[7] 15 U.S.C. 78f(b)(5).

incentives to provide electronic liquidity in XND options.

The Exchange does not believe the proposed rule change will impose any burden on intermarket competition that is not necessary or appropriate in furtherance of the purposes of the Act because it relates to orders in an exclusively listed class submitted into a PIXL Auction on the Exchange. Additionally, the Exchange notes that Cboe permits orders for the accounts of Market-Makers with an appointment in SPX to be solicited for the Initiating Order submitted for execution against an Agency Order in SPX options into an AIM Auction pursuant to Cboe Rule 5.37. The Exchange believes the proposed rule change may improve price competition for smaller-sized orders within PIXL Auctions for XND options, because the primary liquidity providers will be available for the solicitation necessary to initiate those auctions.

C. Self-Regulatory Organization's Statement on Comments on the Proposed Rule Change Received From Members, Participants, or Others

No written comments were either solicited or received.

III. Date of Effectiveness of the Proposed Rule Change and Timing for Commission Action

Within 45 days of the date of publication of this notice in the **Federal Register** or within such longer period (i) as the Commission may designate up to 90 days of such date if it finds such longer period to be appropriate and publishes its reasons for so finding or (ii) as to which the Exchange consents, the Commission shall: (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/sro.shtml*); or
- Send an email to *rule-comments@sec.gov.* Please include file number SR–Phlx–2024–54 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–Phlx–2024–54. 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–Phlx–2024–54 and should be submitted on or before November 27, 2024.

For the Commission, by the Division of Trading and Markets, pursuant to delegated authority.[8]

Vanessa A. Countryman,

Secretary.

[FR Doc. 2024–25728 Filed 11–5–24; 8:45 am]

BILLING CODE 8011–01–P

[8] 17 CFR 200.30–3(a)(12).

SECURITIES AND EXCHANGE COMMISSION

[Release No. 34–101489; File No. SR–ICC–2024–012]

Self-Regulatory Organizations; ICE Clear Credit LLC; Notice of Filing of Proposed Rule Change Relating to the ICC End-of-Day Price Discovery Policies and Procedures

October 31, 2024.

Pursuant to Section 19(b)(1) of the Securities Exchange Act of 1934,[1] and Rule 19b–4 thereunder,[2] notice is hereby given that on October 21, 2024, ICE Clear Credit LLC (''ICC'') filed with the Securities and Exchange Commission (''Commission'') the proposed rule change as described in Items I, II and III below, which Items have been primarily prepared by ICC. The Commission is publishing this notice to solicit comments on the proposed rule change from interested persons.

I. Clearing Agency's Statement of the Terms of Substance of the Proposed Rule Change

The principal purpose of the proposed rule change is to revise the End-of-Day Price Discovery Policies and Procedures (''EOD Procedures''). These revisions do not require any changes to the ICC Clearing Rules (the ''Rules'').

II. Clearing Agency's Statement of the Purpose of, and Statutory Basis for, the Proposed Rule Change

In its filing with the Commission, ICC 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. ICC has prepared summaries, set forth in sections (A), (B), and (C) below, of the most significant aspects of these statements.

(A) Clearing Agency's Statement of the Purpose of, and Statutory Basis for, the Proposed Rule Change

(a) Purpose

ICC proposes to revise the EOD Procedures, which sets out ICC's end-of-day (''EOD'') price discovery process that provides prices for cleared contracts using submissions made by Clearing Participants (''CPs''). ICC believes such revisions will facilitate the prompt and accurate clearance and settlement of securities transactions and derivative agreements, contracts, and

[1] 15 U.S.C. 78s(b)(1).

[2] 17 CFR 240.19b–4.

transactions for which it is responsible. ICC proposes to make such changes effective following Commission approval of the proposed rule change. The proposed amendments are described in detail as follows.

The primary purpose of the proposed revisions is to address Commodity Futures Trading Commission (''CFTC'') exam findings. As requested for clarification purposes by the CFTC, the proposed changes highlight that the meaning of the term 'Most-Actively-Traded-Instrument' (''MATI'') is context-dependent. As MATI is defined to refer to the most-liquid instrument in a specified group of instruments, application of MATI is context-dependent on the specific group of instruments under review.

In order to clarify the meaning of MATI the proposed revisions provide examples of the meaning of MATI when used in the context of different groups of instruments defined as: (i) index risk factors,[3] (ii) single name risk factors [4] and (iii) single name risk sub-factors.[5] The proposed examples illustrate the most common contexts for the use of the term MATI throughout the EOD Procedures. Specifically, ICC proposes to revise Section 1.2.3., in which the term MATI is defined, to include the following examples of the application of the term MATI to different groups of instruments. In the context of index risk factors, the proposed revisions provide that the MATI for this category typically is the contract (i) with a scheduled termination date corresponding to the 5-year ''tenor'' and (ii) being the most recent series and version of the applicable cleared credit default swap (''CDS'') index instrument. In the context of single name risk factors, the proposed revisions provide an example of the MATI for a Standard North American Corporate single name risk factor (which is an example of a single name risk factor) which typically is the contract (i) with a scheduled termination date corresponding to the 5-year ''tenor,'' (ii) having US Dollar as the currency of denomination, (iii) having a coupon of 100 basis points, (iv) referencing deliverable obligations having a senior debt tier, and (v) having 'XR14' [6] restructuring clause. In the context of single name risk sub-factor, proposed revisions provide the example of the MATI which is the most actively traded coupon and scheduled termination date in the group of single name instruments sharing the same reference entity, currency of denomination, reference entity debt tier and restructuring clause. In addition, ICC proposes to add a second example of the MATI in the context of a specific coupon within a single name risk sub-factor, which is the most actively traded schedule termination date (*i.e.,* tenor) in the group of single name instruments sharing the same reference entity, currency of denomination, reference entity debt tier, restructuring clause and coupon.

In addition, ICC proposes additional clarifying revisions to Section 1.2.3. of the EOD Procedures to clarify that the term Most Actively Traded Coupon (''MATC'') refers to the coupon of the MATI for a single name risk factor, or single name risk sub-factor, depending on the stated context.

ICC believes its proposed revisions to describe the use of the terms MATI and MATC provides a clearer, more robust context to the information presented in the EOD Procedures. Also, ICC proposes to revise Section 5, Table 12 'Glossary of Commonly Used Terms', to align with the revised terms presented earlier in the EOD Procedures.

Furthermore, ICC proposes revisions to Sections 2.1.2. of the EOD Procedures to clarify the definition and use of consensus bid-offer widths (''BOW''). As background, BOWs are estimates of the bid-offer widths for the two-way market available for each clearing-eligible instrument at a specific time on each business day.[7] ICC proposes to clarify in Section 2.1.2. to describe consensus BOW as the estimate of the prevailing market BOW during a given period. In addition, such revisions clarify that ICC determines a consensus BOW for each on-the-run index and for all single name benchmark-instruments at the appropriate EOD BOW execution time. ICC also proposes to add further detail to Section 2.1.2. with respect to ICC's estimates of consensus BOWs to add that such estimations are performed with respect to each index risk factor MATI. Also, with respect to consensus BOWs for single name instruments, ICC proposes to add additional detail to Section 2.1.2. to clarify that ICC estimates a consensus BOW from Clearing Participant submitted mid-prices for all single name benchmark-instruments.

In addition, ICC proposes to revise Section 2.1.4. of the EOD Procedures to more accurately describe the calculation of EOD BOWs, which is the BOW calculated for each clearing-eligible instrument at the applicable end of the clearing day. Specifically, ICC proposes to revise Section 2.1.4.a. to clarify that the reference to consensus BOW means such consensus BOW established of the instrument for which the EOD BOW is being calculated. Furthermore, ICC proposes to revise Section 2.1.4.b. which describes the process for calculating EOD BOWs for single name instruments. Such proposed revisions are intended to improve clarity and readability. In the description of the factors ICC applies to each consensus BOW, the proposes revisions clarify that such list of factors includes observed intraday price variability. Also, the proposed revisions add the description that the benchmark-instrument BOW resulting after applying the listed factors to the benchmark-instrument consensus BOW is referred to in the EOD Procedures as the benchmark-instrument 'systematic' BOW. Further, ICC proposes to add details related to ICC's determination of the systematic BOW for each benchmark-instrument for non-MATC coupons to clarify that ICC's calculation involves use of the benchmark-instrument consensus BOW established for non-MATC benchmark-instruments belonging to the given single name risk sub-factor. The proposed amendments also modify the titles in Table 2, Table 4, and Table 6, which present very similar information, to clarify their distinct uses. ICC proposes to (i) modify the title of Table 2 to indicate the presented data is for the purpose of determining the variability band for each market proxy group, (ii) modify the title of Table 4 to indicate the presented data is for the purpose of selecting which market proxy group's variability band to apply to each index risk factor, and (iii) modify the title of Table 6 to indicate the presented data is for the purpose of selecting which market-proxy groups' variability band to apply to the benchmark-instruments associated with each given single name risk factor. Furthermore, ICC proposes to revise the content of Table 4 to remove obsolete

[3] Index risk factor is defined in Section 1.2.1.a. of the EOD Procedures as a group of clearable CDS index instruments sharing the same index or sub-index (*e.g.,* CDX.NA.IG), but having any combination of series, version and scheduled termination date (*i.e.,* tenor).

[4] Single name risk factor is defined in Section 1.2.1.b. of the EOD Procedures as the group of clearable single name CDS instruments sharing the same refence entity but having any combination of currency of denomination, reference obligation debt tier, restructuring clause, coupon and scheduled termination date.

[5] Single name sub-risk factor is defined in Section 1.2.1.b. of the EOD Procedures as a group of clearable single name CDS instruments sharing the same refence entity, currency of denomination, reference obligation debt tier, but having any combination of coupon and scheduled termination date.

[6] Under applicable ISDA Credit Derivatives Definitions, 'XR14' references no restructuring under the 2014 ISDA Definitions.

[7] Section 2.1 of the EOD Procedures.

references to the CDX–NAIGHVOL and iTraxx HiVol index risk factors as those index types are no longer clearing eligible at ICC. Also, ICC proposes to update the content of Table 6 to clarify that both the Standard Latin American and Standard Australia single name risk factors includes not only sovereign single instruments, but also corporate instruments, to more accurately reflect the single name risk factors currently cleared at ICC.

Finally, ICC purposes to revise Section 2.5. of the EOD Procedures to revise the instruments for which ICC publishes daily EOD prices on the Intercontinental Exchange, Inc. (''ICE, Inc.'') website. This proposed change is to address a CFTC exam finding related to publication of CDS index instrument daily settlement prices. ICC currently publishes EOD prices for a subset of cleared index instruments to the website, but proposes to revise this practice to instead publish EOD prices for every clearing eligible index instrument as required by the CFTC. Furthermore, ICC proposes to revise Section 2.5. to clarify the description of the single name instruments for which it publishes daily EOD prices on the website. Section 2.5. currently states that ICC publishes prices for every listed risk sub-factor, and ICC proposes to clarify this description to state that for every single name risk sub-factor, ICC publishes the price of all MATI for each clearable coupon, which is a more accurate description of the daily single name settlement prices ICC publishes on the ICE, Inc. Website. ICC believes the proposed daily publication of settlement prices for all clearing eligible index instruments will improve pricing transparency to market participants and the public.

ICC also proposes a number of other drafting clarifications and conforming changes to the EOD Procedures, such as updating the use of relevant defined terms, section cross-references and other non-substantive drafting improvements The amendments would also update the revision history section to the EOD Procedures.

(b) Statutory Basis

ICC believes that the proposed rule change is consistent with the requirements of Section 17A of the Act [8] and the regulations thereunder applicable to it, including the applicable standards under Rule 17Ad–22.[9] In particular, Section 17A(b)(3)(F) of the Act [10] requires that the rule change be consistent with the prompt and accurate clearance and settlement of securities transactions and derivative agreements, contracts and transactions cleared by ICC, the safeguarding of securities and funds in the custody or control of ICC or for which it is responsible, and the protection of investors and the public interest. ICC believes that the proposed amendments promote its ability to maintain the effectiveness and integrity of its EOD price discovery process. The clarifications to the MATI, MATC and BOW further ensure that the EOD Procedures remain effective, clear, and up-to-date to support the effectiveness of ICC's EOD price discovery process. The proposed rule change is therefore consistent with the prompt and accurate clearing and settlement of the contracts cleared by ICC, the safeguarding of securities and funds in the custody or control of ICC or for which it is responsible, and the protection of investors and the public interest, within the meaning of Section 17A(b)(3)(F) of the Act.[11]

The amendments would also satisfy relevant requirements of Rule 17Ad–22.[12] Rule 17Ad–22(e)(2)(i) and (v) [13] requires each covered clearing agency to establish, implement, maintain, and enforce written policies and procedures reasonably designed to provide for governance arrangements that are clear and transparent and specify clear and direct lines of responsibility. The EOD Procedures continue to subject the ICC EOD price discovery process to a governance and oversight structure that promotes transparency and accountability and clearly assigns and documents responsibility for relevant actions and decisions. ICC believes that the proposed changes would promote transparency in ICC's price discovery process by providing additional clarity and transparency in ICC's EOD price discovery process by clarifying and defining the use of MATI, MATC and consensus BOW. As such, the proposed revisions continue to ensure that ICC maintains policies and procedures that are reasonably designed to provide for clear and transparent governance arrangements and specify clear and direct lines of responsibility, consistent with the requirements of Rule 17Ad–22(e)(2)(i) and (v).[14]

Rule 17Ad–22(e)(3)(i) [15] requires each covered clearing agency to establish, implement, maintain, and enforce written policies and procedures reasonably designed to 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 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, that are subject to review on a specified periodic basis and approved by the board of directors annually. ICC maintains a sound risk management framework that identifies, measures, monitors, and manages the range of risks that it faces. The EOD Procedures is a key aspect of ICC's risk management approach, which continues to be subject to review on a specified periodic basis and approved by the Board annually. The proposed amendments provide for additional clarity regarding the calculation of EOD prices, and the expansion of the daily publication of EOD prices. In ICC's view, such changes would promote transparency in ICC's price discovery process and thus enhance implementation of the EOD Procedures. The proposed changes would thus strengthen ICC's ability to manage risk associated with its price discovery process, and ICC's risk management more generally as ICC uses the resulting EOD prices for risk management purposes, and ICC would continue to derive reliable, market-driven prices from its price discovery process. As such, the amendments would satisfy the requirements of Rule 17Ad–22(e)(3)(i).[16]

(B) Clearing Agency's Statement on Burden on Competition

ICC does not believe the proposed rule change would have any impact, or impose any burden, on competition. The proposed changes to the EOD Procedures will apply uniformly across all market participants. Therefore, ICC does not believe the amendments would impose any burden on competition not necessary or appropriate in furtherance of the purposes of the Act.

(C) Clearing Agency's Statement on Comments on the Proposed Rule Received From Members, Participants or Others

Written comments relating to the proposed rule change have not been solicited or received. ICC will notify the Commission of any written comments received by ICC.

[8] 15 U.S.C. 78q–1.

[9] 17 CFR 240.17ad–22.

[10] 15 U.S.C. 78q–1(b)(3)(F).

[11] Id.

[12] 17 CFR 240.17ad–22.

[13] 17 CFR 240.17ad–22(e)(2)(i) and (v).

[14] Id.

[15] 17 CFR 240.17ad–22(e)(3)(i).

[16] Id.

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–ICC–2024–012 on the subject line.

Paper Comments

Send paper comments in triplicate to Secretary, Securities and Exchange Commission, 100 F Street NE, Washington, DC 20549–1090.

All submissions should refer to file number SR–ICC–2024–012. This file number should be included on the subject line if email is used. To help the Commission process and review your comments more efficiently, please use only one method. The Commission will post all comments on the Commission's internet website (*https://www.sec.gov/rules-regulations/self-regulatory-organization-rulemaking*). Copies of the submission, all subsequent amendments, all written statements with respect to the proposed rule change that are filed with the Commission, and all written communications relating to the proposed rule change between the Commission and any person, other than those that may be withheld from the public in accordance with the provisions of 5 U.S.C. 552, will be available for website viewing and printing in the Commission's Public Reference Room, 100 F Street NE, Washington, DC 20549, on official business days between the hours of 10 a.m. and 3 p.m. Copies of such filings will also be available for inspection and copying at the principal office of ICE Clear Credit and on ICE Clear Credit's website at *https://www.ice.com/clear-credit/regulation.*

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–ICC–2024–012 and should be submitted on or before November 27, 2024.

For the Commission, by the Division of Trading and Markets, pursuant to delegated authority.[17]

Vanessa A. Countryman,

Secretary.

[FR Doc. 2024–25730 Filed 11–5–24; 8:45 am]

BILLING CODE 8011–01–P

SECURITIES AND EXCHANGE COMMISSION

[Release No. 34–101496; File No. SR–BX–2024–044]

Self-Regulatory Organizations; Nasdaq BX, Inc.; Notice of Filing and Immediate Effectiveness of Proposed Rule Change To Amend BX Options 7, Section 3

October 31, 2024.

Pursuant to Section 19(b)(1) of the Securities Exchange Act of 1934 (''Act''),[1] and Rule 19b–4 thereunder,[2] notice is hereby given that on October 18, 2024, Nasdaq BX, Inc. (''BX'' or ''Exchange'') filed with the Securities and Exchange Commission (''Commission'') the proposed rule change as described in Items I, II, and III below, which Items have been prepared by the Exchange. The Commission is publishing this notice to solicit comments on the proposed rule change from interested persons.

I. Self-Regulatory Organization's Statement of the Terms of Substance of the Proposed Rule Change

The Exchange proposes to amend Options 7, Section 3.

While these amendments are effective upon filing, the Exchange has designated the proposed amendments to be operative on January 1, 2025.

The text of the proposed rule change is available on the Exchange's website at *https://listingcenter.nasdaq.com/rulebook/bx/rules,* at the principal office of the Exchange, and at the Commission's Public Reference Room.

II. Self-Regulatory Organization's Statement of the Purpose of, and Statutory Basis for, the Proposed Rule Change

In its filing with the Commission, the Exchange included statements concerning the purpose of and basis for the proposed rule change and discussed any comments it received on the proposed rule change. The text of these statements may be examined at the places specified in Item IV below. The Exchange has prepared summaries, set forth in sections A, B, and C below, of the most significant aspects of such statements.

A. Self-Regulatory Organization's Statement of the Purpose of, and Statutory Basis for, the Proposed Rule Change

1. Purpose

The purpose of the proposed rule change is to amend the Exchange's SQF Port Fee and SQF Purge Port Fee. Specifically, the Exchange proposes to raise its SQF Port Fee and SQF Purge Port Fee in Options 7, Section 3 by 10%.

Today, BX assesses an SQF Port and an SQF Purge Port a $500 per port, per month fee. With this proposal, BX would assess Market Makers an SQF Port Fee and an SQF Purge Port Fee of $550 per port, per month (a 10% increase from $500).

The proposed SQF Port Fee and SQF Purge Port Fee increases would enable the Exchange to maintain and improve its market technology and services to remain competitive with its peers. Over the years, customer demand for risk protections and capacity has increased. The Exchange continues to invest in maintaining, improving, and enhancing its port protocols—for the benefit and often at the behest of its customers. Such enhancements include refreshing hardware, upgrading risk protections and information security, and offering customers additional capacity. The Exchange has not increased BX's SQF Port Fee since 2016,[3] and has not increased its SQF Purge Port Fee since 2017[4] where inflation has been between roughly 14%–17%, as measured using the metric described below. Nevertheless, the Exchange proposes to increase its SQF Port Fee by 10%, only

[17] 17 CFR 200.30–3(a)(12).

[1] 15 U.S.C. 78s(b)(1).

[2] 17 CFR 240.19b–4.

[3] *See* Securities Exchange Act Release No. 76952 (January 21, 2016), 81 FR 4721 (January 27, 2016) (SR–BX–2016–003).

[4] *See* Securities Exchange Act Release No. 83192 (May 9, 2018), 83 FR 22563 (May 15, 2018) (SR–BX–2018–017).

with respect to inflation that has occurred since 2016, and its SQF Purge Port Fee by 10%, only with respect to inflation that has occurred since 2017.

As discussed below, the Exchange proposes to adjust its fees by an industry- and product-specific inflationary measure. It is reasonable and consistent with the Act for the Exchange to recoup its investments, at least in part, by adjusting its fees. Continuing to operate at fees frozen at 2016 and 2017 levels, respectively, impacts the Exchange's ability to enhance its offerings and the interests of market participants and investors.

The fee increases the Exchange proposes are based on an industry-specific Producer Price Index (''PPI''), which is a tailored measure of inflation.[5] As a general matter, the Producer Price Index is a family of indexes that measures the average change over time in selling prices received by domestic producers of goods and services. PPI measures price change from the perspective of the seller. This contrasts with other metrics, such as the Consumer Price Index (''CPI''), that measure price change from the purchaser's perspective.[6] About 10,000 PPIs for individual products and groups of products are tracked and released each month.[7] PPIs are available for the output of nearly all industries in the goods-producing sectors of the U.S. economy—mining, manufacturing, agriculture, fishing, and forestry—as well as natural gas, electricity, and construction, among others. The PPI program covers approximately 69 percent of the service sector's output, as measured by revenue reported in the 2017 Economic Census.

For purposes of this proposal, the relevant industry-specific PPI is the Hosting, Activer Server Pages, and Other IT Infrastructure Provisioning Services (''Data PPI'') within the Data Processing and Related Services Industry, which is an industry net-output PPI that measures the average change in selling prices received by companies that provide data processing services.

The Data Processing and Related Services industry was introduced to the PPI in January 2002 by the Bureau of Labor Statistics (''BLS'') as part of an ongoing effort to expand Producer Price Index coverage of the services sector of the U.S. economy and is identified as NAICS–518210 in the North American Industry Classification System.[8] According to the BLS ''[t]he primary output of NAICS 518210 is the provision of electronic data processing services. In the broadest sense, computer services companies help their customers efficiently use technology. The processing services market consists of vendors who use their own computer systems—often utilizing proprietary software—to process customers' transactions and data. Companies that offer processing services collect, organize, and store a customer's transactions and other data for record-keeping purposes. Price movements for the NAICS 518210 index are based on changes in the revenue received by companies that provide data processing services. Each month, companies provide net transaction prices for a specified service. The transaction is an actual contract selected by probability, where the price-determining characteristics are held constant while the service is repriced. The prices used in index calculation are the actual prices billed for the selected service contract.'' [9]

The Exchange believes the Data PPI is the most appropriate subset of the Data Processing and Related services industry to be considered in the context of the proposed rule change to modify the SQF Port Fee and the SQF Purge Port Fee because the Exchange uses its ''proprietary software,'' *i.e.,* its own proprietary matching engine software, respectively, to receive options quotes on the Exchange's proprietary trading platform.

For purposes of this proposed rule change, with respect to the SQF Port Fee, the Exchange examined the Data PPI value for the period from January 2016 to August 2024. The Data PPI had a starting value of 100.2 in January 2016 and an ending value of 116.445 in August 2024, a 16.21% increase. For purposes of this proposed rule change, with respect to the SQF Purge Port Fee, the Exchange examined the Data PPI value for the period from May 2018 to August 2024. The Data PPI had a starting value of 102.1 in May 2018 and an ending value of 116.445 in August 2024, a 14.04% increase. This data indicates that companies who are also in the data storage and processing business have generally increased prices for a specified service covered under NAICS 518210 by an average of 16.21% and 14.04%, respectively, during this period. Based on that percentage change, the Exchange proposes to make a one-time fee increase of only 10%, which reflects an increase covering roughly the entire period since the last price adjustment to the SQF Port Fee and the SQF Purge Port Fee was made.

The Exchange further believes the Data PPI is an appropriate measure for purposes of the proposed rule change on the basis that it is a stable metric with limited volatility, unlike other consumer-side inflation metrics. In fact, the Data PPI has not experienced a greater than 2.16% increase for any one calendar year period since Data PPI was introduced into the PPI in January 2002. The average calendar year change from January 2002 to December 2023 was .62%, with a cumulative increase of 15.67% over this 21-year period. The Exchange believes the Data PPI is considerably less volatile than other inflation metrics such as CPI, which has had individual calendar-year increases of more than 6.5%, and a cumulative increase of over 73% over the same period.[10]

The Exchange believes the Data PPI, and significant investments into, and enhanced performance of, the Exchange support the reasonableness of the proposed fee increases.[11]

2. *Statutory Basis*

The Exchange believes that its proposal is consistent with Section 6(b) of the Act,[12] in general, and furthers the objectives of Sections 6(b)(4) and 6(b)(5) of the Act,[13] in particular, in that it provides for the equitable allocation of reasonable dues, fees and other charges among members and issuers and other persons using any facility, and is not designed to permit unfair discrimination between customers, issuers, brokers, or dealers.

This belief is based on two factors. First, the current fees do not properly reflect the quality of the SQF Ports and SQF Purge Ports, as the SQF Port Fee and SQF Purge Port Fee has been static in nominal terms, and therefore falling in real terms due to inflation. Second, the Exchange believes that investments made in enhancing the risk protections

[5] *See https://data.bls.gov/timeseries/PCU5182105182105.*

[6] *See https://www.bls.gov/ppi/overview.htm.*

[7] *See Id.*

[8] *See https://data.bls.gov/timeseries/PCU5182105182105.*

[9] *See https://www.bls.gov/ppi/factsheets/producer-price-index-for-the-data-processing-and-related-servicesindustry-naics-518210.htm.*

[10] *See https://www.usinflationcalculator.com/.*

[11] *See supra* discussion of SQF Port and SQF Purge Port enhancements. Additionally, other exchanges have filed for increases in certain fees, based in part on comparisons to inflation. See, *e.g.,* Securities Exchange Act Release Nos. 34–100004 (April 22, 2024), 89 FR 32465 (April 26, 2024) (SR–CboeBYX–2024–012); and 34–100398 (June 21, 2024), 89 FR 53676 (June 27, 2024) (SR–BOX–2024–16)l; Securities Exchange Act Release No. 34–100994 (September 10, 2024), 89 FR 75612 (September 16, 2024) (SR–NYSEARCA–2024–79).

[12] 15 U.S.C. 78f(b).

[13] 15 U.S.C. 78f(b)(4) and (5).

and capacity of SQF Ports and SQF Purge Ports has increased the performance of these ports.

The Proposed Rule Change Is Reasonable

As noted above, the Exchange has not increased any of the fees included in the proposal since 2016 and 2018, respectively. However, in the years following the last fee increases, the Exchange has made significant investments in upgrades to its SQF Ports and SQF Purge Ports, enhancing the quality of its services, as measured by, among other things, increased capacity. In other words, Exchange customers have greatly benefitted, while the Exchange's ability to recoup its investments has been hampered. Between 2016 and 2024, the inflation rate is 3.47% per year, on average, producing a cumulative inflation rate of 31.37%.[14] Also, between 2018 and 2024, the inflation rate is 3.86% per year, on average, producing a cumulative inflation rate of 25.50%.[15] Using the more targeted inflation number of Data PPI, the cumulative inflation rate was 16.21% between 2016 and 2024, and 14.04%, between 2018 and 2024. The Exchange believes the Data PPI is a reasonable metric to base this fee increase on because it is targeted to producer-side increases in the data processing industry, which based on the definition adopted by BLS would include the Exchange's port protocols.

Notwithstanding inflation, as noted above, the Exchange has not increased its fees at all for over eight and six years, respectively, for the subject services. The proposed SQF Port Fee and SQF Purge Port Fee represent a modest increase from the current SQF Port Fee and SQF Purge Port Fee. The Exchange believes the proposed SQF Port Fee and SQF Purge Port Fee increases are reasonable in light of the Exchange's continued expenditure in maintaining a robust technology ecosystem. Furthermore, the Exchange continues to invest in maintaining and enhancing its port products—for the benefit and often at the behest of its customers and global investors. Such enhancements include refreshing several aspects of the technology ecosystem including software, hardware, and network while introducing new and innovative products. The goal of the enhancements discussed above, among other things, is to provide more modern connectivity to the match engine. Accordingly, the Exchange continues to expend resources to innovate and modernize its technology so that it may benefit its Participants in offering SQF Ports and SQF Purge Ports.

The Proposed Fees Are Equitably Allocated and Not Unfairly Discriminatory

The Exchange also believes that the proposed fee increases are equitably allocated and not unfairly discriminatory because they would apply to all Market Makers uniformly. Market Makers are the only market participants that are assessed the SQF Port Fee and SQF Purge Port Fee because they are the only market participants that are permitted to quote on the Exchange.[16] These liquidity providers are critical market participants in that they are the only market participants that provide liquidity to the Exchange on a continuous basis. SQF Ports and SQF Purge Ports are only utilized in a Market Maker's assigned options series. The Exchange believes that the proposed fee increases are equitably allocated and not unfairly discriminatory because they would apply uniformly to all Market Makers that subscribe to SQF Ports and SQF Purge Ports to quote on the Exchange. The Exchange also believes that the proposal represents an equitable allocation of reasonable dues, fees and other charges because Exchange fees have fallen in real terms during the relevant period.

B. Self-Regulatory Organization's Statement on Burden on Competition

The Exchange does not believe that the proposed fees will impose any burden on competition that is not necessary or appropriate in furtherance of the purposes of the Act.

Intramarket Competition

The Exchange believes that the proposed fees do not impose an undue burden on intramarket competition because they would apply to all Market Makers uniformly. Market Makers are the only market participants that are assessed an SQF Port Fee and an SQF Purge Port Fee because they are the only market participants that are permitted to quote on the Exchange.[17] These liquidity providers are critical market participants in that they are the only market participants that provide liquidity to the Exchange on a continuous basis. SQF Ports and SQF Purge Ports are only utilized in a Market Maker's assigned options series. The Exchange believes that the proposed fee increases are equitably allocated and not unfairly discriminatory because they would apply uniformly to all Market Makers that subscribe to SQF Ports and SQF Purge Ports to quote on the Exchange.

Intermarket Competition

The Exchange believes that the proposed fees do not impose an undue burden on intermarket competition or on other SROs that is not necessary or appropriate. In determining the proposed fees, the Exchange utilized an objective and stable metric with limited volatility. Utilizing Data PPI over a specified period of time is a reasonable means of recouping the Exchange's investment in SQF Ports and SQF Purge Ports. The Exchange believes utilizing Data PPI, a tailored measure of inflation, to increase the SQF Port Fee and SQF Purge Port Fee to recoup the Exchange's investment in maintaining and enhancing SQF Ports and SQF Purge Ports does not impose a burden on competition.

C. Self-Regulatory Organization's Statement on Comments on the Proposed Rule Change Received From Members, Participants, or Others

No written comments were either solicited or received.

III. Date of Effectiveness of the Proposed Rule Change and Timing for Commission Action

The foregoing rule change has become effective pursuant to Section 19(b)(3)(A)(ii) of the Act.[18]

At any time within 60 days of the filing of the proposed rule change, the Commission summarily may temporarily suspend such rule change if it appears to the Commission that such action is: (i) necessary or appropriate in the public interest; (ii) for the protection of investors; or (iii) otherwise in furtherance of the purposes of the Act. If the Commission takes such action, the Commission shall institute proceedings to determine whether the proposed rule should be approved or disapproved.

IV. Solicitation of Comments

Interested persons are invited to submit written data, views and arguments concerning the foregoing, including whether the proposed rule change is consistent with the Act. Comments may be submitted by any of the following methods:

[14] *See https://www.officialdata.org/us/inflation/2015?amount=1.*

[15] *See https://www.officialdata.org/us/inflation/2015?amount=1.*

[16] Unlike other market participants, Market Makers are subject to market making and quoting obligations. *See* Options 2, Sections 4 and 5.

[17] Unlike other market participants, Market Makers are subject to market making and quoting obligations. *See* Options 2, Sections 4 and 5.

[18] 15 U.S.C. 78s(b)(3)(A)(ii).

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–BX–2024–044 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–BX–2024–044. This file number should be included on the subject line if email is used. To help the Commission process and review your comments more efficiently, please use only one method. The Commission will post all comments on the Commission's internet website (*https://www.sec.gov/rules/sro.shtml*). Copies of the submission, all subsequent amendments, all written statements with respect to the proposed rule change that are filed with the Commission, and all written communications relating to the proposed rule change between the Commission and any person, other than those that may be withheld from the public in accordance with the provisions of 5 U.S.C. 552, will be available for website viewing and printing in the Commission's Public Reference Room, 100 F Street NE, Washington, DC 20549, on official business days between the hours of 10 a.m. and 3 p.m. Copies of the filing also will be available for inspection and copying at the principal office of the Exchange. Do not include personal identifiable information in submissions; you should submit only information that you wish to make available publicly. We may redact in part or withhold entirely from publication submitted material that is obscene or subject to copyright protection. All submissions should refer to file number SR–BX–2024–044 and should be submitted on or before November 27, 2024.

For the Commission, by the Division of Trading and Markets, pursuant to delegated authority.[19]

Vanessa A. Countryman,

Secretary.

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[19] 17 CFR 200.30–3(a)(12).

SECURITIES AND EXCHANGE COMMISSION

[Release No. 34–101487; File No. SR–NSCC–2024–008]

Self-Regulatory Organizations; National Securities Clearing Corporation; Order Approving of Proposed Rule Change To Decommission the ID Net Service

October 31, 2024.

I. Introduction

On September 12, 2024, National Securities Clearing Corporation (''NSCC'') filed with the Securities and Exchange Commission (''Commission'') proposed rule change SR–NSCC–2024–008 (''Proposed Rule Change'') pursuant to Section 19(b)(1) of the Securities Exchange Act of 1934 (''Act'') [1] and Rule 19b–4 thereunder,[2] to amend the NSCC Rules & Procedures (''Rules'') to decommission the ID Net service (''ID Net Service'' or ''ID Net'').[3] The Proposed Rule Change was published for comment in the **Federal Register** on September 27, 2024.[4] The Commission has received no comments on the Proposed Rule Change. For the reasons discussed below, the Commission is approving the Proposed Rule Change.

II. Background

NSCC provides central counterparty services, including clearing, settlement, risk management, and a guarantee of completion, for virtually all broker-to-broker trades involving equity securities, corporate and municipal debt securities, and certain other securities. Within NSCC's Continuous Net Settlement system (''CNS''), which is NSCC's system for accounting and settling CNS-eligible securities,[5] all eligible compared and recorded transactions for a particular settlement date are netted by issue into one net long (buy), net short (sell) or flat position for each Member, and those positions are further netted with positions of the same issue that remain open after their originally scheduled settlement date. As central counterparty, NSCC becomes the contra-party for settlement purposes, assuming the obligation of its Members that are receiving securities to receive and pay for those securities and the obligation of Members that are delivering securities to make the delivery. CNS netting thus reduces the number of securities movements required to settle transactions.

The ID Net Service is a joint service offering of NSCC and its affiliate, The Depository Trust Company (''DTC''), available on a voluntary basis to broker/dealers that are participants of both NSCC and DTC and banks that are participants of DTC.[6] ID Net allows broker/dealer users to net their affirmed institutional transactions (''Affirmed Transactions'') with their CNS transactions.

An institutional transaction is one between a broker/dealer and its institutional customer. Such institutional customers are not Participants of DTC. Unlike exchange trades and most prime broker trades, most institutional delivery transactions do not currently flow through CNS but instead settle at DTC on a trade-for-trade basis.[7] DTC may accept Affirmed Transactions submitted by a utility that provides a matching service (''Matching Utility'').[8] The counterparties on an Affirmed Transaction submitted by a Matching Utility to DTC are a (i) DTC Participant, acting as clearing broker to the Affirmed Transaction and a (ii) DTC Participant bank, acting as the custodian for an institutional customer. The Affirmed Transaction is processed on a trade-for-trade basis at DTC unless it is designated for ID Net processing by the Matching Utility and meets certain eligibility requirements. In order for an Affirmed Transaction to be eligible for processing in ID Net, (i) both counterparties to the Affirmed Transaction must be a Member of NSCC and a Participant of DTC, or a bank that is a Participant of DTC, that has subscribed to ID Net and (ii) the

[1] 15 U.S.C. 78s(b)(1).

[2] 17 CFR 240.19b–4.

[3] Capitalized terms not defined herein are defined in the Rules, *available at www.dtcc.com/legal/rules-and-procedures.aspx.*

[4] *See* Securities Exchange Act Release No. 101131 (Sept. 23, 2024), 89 FR 79324 (Sept. 27, 2024) (File No. SR–NSCC–2024–008) (''Notice of Filing'').

[5] *See* NSCC Rule 11 (describing the CNS System) and Procedure VII (describing the CNS Accounting Operation), *supra* note 3. To be CNS-eligible, a security must be eligible for book-entry transfer on the books of DTC and must be capable of being processed in the CNS system.

[6] DTC also filed a proposed rule change with the Commission in connection with decommissioning the ID Net Service. *See* Securities Exchange Act Release No. 101132 (Sept. 23, 2024), 89 FR 79320 (Sept. 27, 2024) (File No. SR–DTC–2024–010).

[7] *See* DTC Settlement Service Guide, *available at www.dtcc.com/-/media/Files/Downloads/legal/service-guides/Settlement.pdf.*

[8] The Matching Utility must be (i) a clearing agency registered with the Commission, (ii) an entity that has obtained an exemption from such registration from the Commission, or (iii) a ''qualified vendor'' for trade confirmation/affirmation services as defined by the rules of a self-regulatory organization. *See* DTC Settlement Service Guide, *supra* note 7, at 40. TCC ITP Matching (US) LLC (''ITP''), an NSCC and DTC affiliate, is currently the only Matching Utility that submits Affirmed Transactions to DTC. *See* Notice of Filing, *supra* note 4, at 79325 n.6.

transaction must be (a) in a security eligible for processing through CNS and (b) affirmed within established timeframes set forth in the DTC Settlement Service Guide.[9]

If an Affirmed Transaction is designated for ID Net and meets the eligibility criteria, then DTC will direct the transaction to ID Net, which facilitates the netting of a broker/dealer's side of an Affirmed Transaction with that broker/dealer's CNS activity, via omnibus accounts that are maintained by NSCC at DTC and designated for ID Net activity. If a bank is a counterparty to the ID Net-eligible Affirmed Transaction, then it will either receive or deliver the subject shares versus payment, on a trade-for-trade basis, via the ID Net omnibus accounts.

While ID Net allows broker/dealers to realize the benefit of netting for Affirmed Transactions by allowing the broker/dealer to net its ID Net-eligible Affirmed Transactions with its transactions in CNS, banks using ID Net settle ID Net transactions on a trade-for-trade basis as they would for other Affirmed Transactions. In this regard, NSCC states that ID Net's main benefit is to streamline clearance and settlement of ID Net-eligible Affirmed Transactions for broker/dealers.[10]

III. Description of the Proposed Rule Change

NSCC states that as part of NSCC's and DTC's continuous evaluations to the efficiency and effectiveness of the services they provide and in order to streamline and simplify their services and processes, NSCC and DTC have identified ID Net as an underused service that may be eliminated as part of modernization efforts.[11] They each propose to decommission the ID Net Service due to factors including: (i) limited uptake and usage of the service since its adoption; (ii) the operational complexity of maintaining the service, which also connects with and impacts other core clearance and settlement processes; [12] and (iii) the prior elimination of the NSCC Clearing Fund offset for ID Net transactions.[13]

To implement the proposed change, NSCC would remove Rule 65 and Procedure XVI from the Rules and make other conforming changes throughout the Rules to reflect the decommission of the service. The ID Net Service is primarily described in NSCC Rule 65 and Procedure XVI of the Rules, and these would no longer be necessary or relevant upon the decommission of the ID Net Service. As a result, Rule 65 and Procedure XVI would be deleted in their entirety and would be reserved for future use by NSCC.

NSCC also proposes removing associated defined terms ''Eligible ID Net Security'' and ''ID Net Subscriber'' from Rule 1 and remove a reference to ID Net transactions from the definition of ''Net Unsettled Position'' in Rule 1. In addition, NSCC would remove Section 1(f) of Rule 3, concerning certain lists required to be maintained by NSCC, to reflect that NSCC would no longer be required to maintain a list of Eligible ID Net Securities and would make a conforming change to renumber existing Section 1(g) of Rule 3 to Section 1(f). NSCC would also remove Section 2(a)(vii) of Rule 18, which concerns procedures for when NSCC ceases to act for a Member, to reflect that uncompleted ID Net Service transactions would no longer be considered for purposes of determining excluded transactions in a cease to act scenario.

Additionally, NSCC proposes modifying Procedure VII, concerning its CNS Accounting Operation, to remove various references to the ID Net Service and ID Net transactions. Specifically, NSCC would revise the Introduction in Section A to remove a reference to Eligible ID Net Securities being included in CNS Securities for purpose of Procedure VII. NSCC would also modify Section D.1., concerning the process for exemptions from deliveries, to remove a statement regarding the treatment of securities available in an agency account established at a Qualified Securities Depository for the processing of transactions through the ID Net Service. In addition, NSCC would modify Section E.4, concerning the allocation algorithm for CNS deliveries, to remove a statement regarding the treatment of long positions in a receiving ID Net Subscriber's agency account established at a Qualified Securities Depository. NSCC would also delete Section H.5. of Procedure VII concerning the reporting of ID Net transactions on NSCC's Miscellaneous Activity Report and make conforming changes to renumber subsequent rules in Section H.

Finally, NSCC proposes updating Section I.(A)(1)(b) of Procedure XV, concerning NSCC's Clearing Fund calculations, to remove a reference to ID Net transactions from the Mark-to-Market component of the Clearing Fund formula.

NSCC believes that the decommission of the ID Net Service would have minimal impact on its Members, as only 13 broker/dealers and 20 banks are subscribed to the ID Net Service and the service is not used by all of those broker/dealers and banks.[14] Furthermore, without ID Net, Affirmed Transactions can simply settle trade-for-trade, directly between the counterparties like they already do. NSCC also notes that there would be minimal impact to risk management from both an NSCC and Member perspective given that the ID Net Service is a non-guaranteed service of NSCC [15] and there is no longer a Clearing Fund offset for ID Net transactions.[16]

NSCC states that it has performed direct outreach to Members that use the ID Net Service and has also announced its plans to decommission the ID Net Service in an Important Notice, and that there have been no material objections or concerns raised by Members.[17]

IV. Discussion and Commission Findings

Section 19(b)(2)(C) of the Act [18] directs the Commission to approve a proposed rule change of a self-regulatory organization if it finds that such proposed rule change is consistent with the requirements of the Act and rules and regulations thereunder applicable to such organization. After careful review of the Proposed Rule Change, the Commission finds that the Proposed Rule Change is consistent with the requirements of the Act and the rules and regulations thereunder applicable to NSCC. In particular, the

[9] *See* DTC Settlement Service Guide, *supra* note 7, at 40–41.

[10] *See* Notice of Filing, *supra* note 4, at 79325.

[11] *Id.*

[12] NSCC states that this complexity includes (i) special eligibility checks versus the ID Net eligibility criteria and (ii) leveraging of the omnibus accounts to simultaneously allow (a) a bank to process ID Net-eligible transactions on a trade-for-trade basis and (b) the broker/dealer side of an ID Net-eligible transaction to settle via CNS. Notice of Filing, *supra* note 4, at 79325 n.9.

[13] In 2021, NSCC adopted a proposed rule change to remove transactions processed through the ID Net Service from the calculation of Members' Required Deposits to the Clearing Fund. *See* Securities Exchange Act Release No. 93070 (Sep. 20, 2021), 86 FR 53125 (Sep. 24, 2021) (SR–NSCC–2021–011).

[14] NSCC states that active users of the ID Net service constitute less than 10% of NSCC's full-service Members. NSCC believes that ID Net usage has been limited since its implementation in 2008 because, in part, the service needs both parties to an ID Net transaction to be subscribers of ID Net, which is not always the case. *See* Notice of Filing, *supra* note 4, at 79325 n.10.

[15] *See* NSCC Rule 65, Section 5(c), *supra* note 3.

[16] *See supra* note 13.

[17] *See* Notice of Filing, *supra* note 4, at 79326; see also NSCC Important Notice regarding decommission of the ID Net Service, *available at https://www.dtcc.com/-/media/Files/pdf/2023/8/8/a9327.pdf.*

[18] 15 U.S.C. 78s(b)(2)(C).

Commission finds that the Proposed Rule Change is consistent with Section 17A(b)(3)(F) of the Act.[19]

A. Consistency With Section 17A(b)(3)(F) of the Act

Section 17A(b)(3)(F) of the Act requires that the rules of a clearing agency, such as NSCC, be designed to, among other things, promote the prompt and accurate clearance and settlement of securities transactions.[20] The Commission believes that the Proposed Rule Change is consistent with Section 17A(b)(3)(F) of the Act for the reasons stated below.

The Proposed Rule Change would modify the NSCC Rules to reflect the decommission of the ID Net Service. As discussed in Parts II and III, ID Net is an underused service that is operationally complex to maintain, and its main benefit is to broker/dealers' streamline clearance and settlement of ID Net-eligible Affirmed Transactions, which may otherwise settle on a trade-for-trade basis. As such, ID Net's decommission would have minimal impact on NSCC and its Members considering its limited usage. Affirmed Transactions that would have otherwise been directed to ID Net will settle trade-for-trade directly between counterparties, like most other Affirmed Transactions currently do. Therefore, these transactions will continue to settle promptly and accurately, as other Affirmed Transactions do, outside of the ID Net Service. For these reasons, the Commission finds that the Proposed Rule Change should continue to support NSCC's ability to provide prompt and accurate clearance and settlement of securities transactions, consistent with Section 17A(b)(3)(F) of the Act.[21]

V. Conclusion

On the basis of the foregoing, the Commission finds that the Proposed Rule Change is consistent with the requirements of the Act, and in particular, with the requirements of Section 17A of the Act[22] and the rules and regulations promulgated thereunder.

It is therefore ordered, pursuant to Section 19(b)(2) of the Act[23] that proposed rule change SR–NSCC–2024–008, be, and hereby is, *approved*.[24]

For the Commission, by the Division of Trading and Markets, pursuant to delegated authority.[25]

Vanessa A. Countryman,

Secretary.

[FR Doc. 2024–25727 Filed 11–5–24; 8:45 am]

BILLING CODE 8011–01–P

SMALL BUSINESS ADMINISTRATION

[Disaster Declaration #20705 and #20706; VIRGINIA Disaster Number VA–20011]

Presidential Declaration Amendment of a Major Disaster for the Commonwealth of Virginia

AGENCY: U.S. Small Business Administration.

ACTION: Amendment 4.

SUMMARY: This is an amendment of the Presidential declaration of a major disaster for the Commonwealth of Virginia (FEMA–4831–DR), dated October 1, 2024.

Incident: Tropical Storm Helene.

DATES: Issued on October 25, 2024.

Incident Period: September 25, 2024 through October 3, 2024.

Physical Loan Application Deadline Date: December 2, 2024.

Economic Injury (EIDL) Loan Application Deadline Date: July 1, 2025.

ADDRESSES: Visit the MySBA Loan Portal at *https://lending.sba.gov* to apply for a disaster assistance loan.

FOR FURTHER INFORMATION CONTACT: Alan Escobar, Office of Disaster Recovery & Resilience, U.S. Small Business Administration, 409 3rd Street SW, Suite 6050, Washington, DC 20416, (202) 205–6734.

SUPPLEMENTARY INFORMATION: The notice of the President's major disaster declaration for the Commonwealth of Virginia, dated October 1, 2024, is hereby amended to update the incident period for this disaster as beginning September 25, 2024 and continuing through October 3, 2024.

All other information in the original declaration remains unchanged.

(Catalog of Federal Domestic Assistance Number 59008)

Alejandro Contreras,

Acting Deputy Associate Administrator, Office of Disaster Recovery & Resilience.

[FR Doc. 2024–25744 Filed 11–5–24; 8:45 am]

BILLING CODE 8026–09–P

SMALL BUSINESS ADMINISTRATION

[Disaster Declaration #20757 and #20758; VIRGINIA Disaster Number VA–20013]

Presidential Declaration Amendment of a Major Disaster for Public Assistance Only for the Commonwealth of Virginia

AGENCY: U.S. Small Business Administration.

ACTION: Amendment 1.

SUMMARY: This is an amendment of the Presidential declaration of a major disaster for Public Assistance Only for the Commonwealth of Virginia (FEMA–4831–DR), dated October 10, 2024.

Incident: Tropical Storm Helene.

DATES: Issued on October 25, 2024.

Incident Period: September 25, 2024 through October 3, 2024.

Physical Loan Application Deadline Date: December 9, 2024.

Economic Injury (EIDL) Loan Application Deadline Date: July 10, 2025.

ADDRESSES: *Visit the MySBA Loan Portal at https://lending.sba.gov* to apply for a disaster assistance loan.

FOR FURTHER INFORMATION CONTACT: Alan Escobar, Office of Disaster Recovery & Resilience, U.S. Small Business Administration, 409 3rd Street SW, Suite 6050, Washington, DC 20416, (202) 205–6734.

SUPPLEMENTARY INFORMATION: The notice of the President's major disaster declaration for Private Non-Profit organizations in the Commonwealth of Virginia, dated October 10, 2024 is hereby amended to update the incident period for this disaster as beginning September 25, 2024 and continuing through October 3, 2024.

All other information in the original declaration remains unchanged.

(Catalog of Federal Domestic Assistance Number 59008)

Alejandro Contreras,

Acting Deputy Associate Administrator, Office of Disaster Recovery & Resilience.

[FR Doc. 2024–25761 Filed 11–5–24; 8:45 am]

BILLING CODE 8026–09–P

SMALL BUSINESS ADMINISTRATION

[Disaster Declaration #20757 and #20758; VIRGINIA Disaster Number VA–20013]

Presidential Declaration Amendment of a Major Disaster for Public Assistance Only for the Commonwealth of Virginia

AGENCY: U.S. Small Business Administration.

ACTION: Amendment 2.

[19] 15 U.S.C. 78q–1(b)(3)(F).

[20] *Id.*

[21] *Id.*

[22] 15 U.S.C. 78q–1.

[23] 15 U.S.C. 78s(b)(2).

[24] In approving the Proposed Rule Change, the Commission considered its impact on efficiency, competition, and capital formation. 15 U.S.C. 78c(f).

[25] 17 CFR 200.30–3(a)(12).

SUMMARY: This is an amendment of the Presidential declaration of a major disaster for Public Assistance Only for the Commonwealth of Virginia (FEMA–4831–DR), dated October 10, 2024.

Incident: Tropical Storm Helene.

DATES: Issued on October 25, 2024.

Incident Period: September 25, 2024 through October 3, 2024.

Physical Loan Application Deadline Date: December 9, 2024.

Economic Injury (EIDL) Loan Application Deadline Date: July 10, 2025.

ADDRESSES: *Visit the MySBA Loan Portal at https://lending.sba.gov* to apply for a disaster assistance loan.

FOR FURTHER INFORMATION CONTACT: Alan Escobar, Office of Disaster Recovery & Resilience, U.S. Small Business Administration, 409 3rd Street SW, Suite 6050, Washington, DC 20416, (202) 205–6734.

SUPPLEMENTARY INFORMATION: The notice of the President's major disaster declaration for Private Non-Profit organizations in the Commonwealth of Virginia, dated October 10, 2024, is hereby amended to include the following areas as adversely affected by the disaster.

Primary Counties: Albemarle, Appomattox, Botetourt, Buckingham, Charlotte, Floyd, Greene, Madison, Nelson, Patrick, and the Independent City of Roanoke.

All other information in the original declaration remains unchanged.

(Catalog of Federal Domestic Assistance Number 59008)

Alejandro Contreras,

Acting Deputy Associate Administrator, Office of Disaster Recovery & Resilience.

[FR Doc. 2024–25760 Filed 11–5–24; 8:45 am]

BILLING CODE 8026–09–P

SMALL BUSINESS ADMINISTRATION

[Disaster Declaration #20589 and #20590; HAVASUPAI TRIBE Disaster Number AZ–20006]

Presidential Declaration of a Major Disaster for the Havasupai Tribe

AGENCY: U.S. Small Business Administration.

ACTION: Notice.

SUMMARY: This is a Notice of the Presidential declaration of a major disaster for the Havasupai Tribe (FEMA–4840–DR), dated October 25, 2024.

Incident: Flooding.

DATES: Issued on October 25, 2024.

Incident Period: August 22, 2024 through August 23, 2024.

Physical Loan Application Deadline Date: December 24, 2024.

Economic Injury (EIDL) Loan Application Deadline Date: July 25, 2025.

ADDRESSES: *Visit the MySBA Loan Portal at https://lending.sba.gov* to apply for a disaster assistance loan.

FOR FURTHER INFORMATION CONTACT: Alan Escobar, Office of Disaster Recovery & Resilience, U.S. Small Business Administration, 409 3rd Street SW, Suite 6050, Washington, DC 20416, (202) 205–6734.

SUPPLEMENTARY INFORMATION: Notice is hereby given that as a result of the President's major disaster declaration on October 25, 2024, applications for disaster loans may be submitted online using the MySBA Loan Portal *https://lending.sba.gov* or other locally announced locations. Please contact the SBA disaster assistance customer service center by email at *disastercustomerservice@sba.gov* or by phone at 1–800–659–2955 for further assistance.

The following areas have been determined to be adversely affected by the disaster:

Primary Area (Physical Damage and Economic Injury Loans): Havasupai Tribe

Contiguous County (Economic Injury Loans Only): Arizona

Coconino

The Interest Rates are:

	Percent
For Physical Damage:	
Homeowners with Credit Available Elsewhere	5.625
Homeowners without Credit Available Elsewhere	2.813
Businesses with Credit Available Elsewhere	8.000
Businesses without Credit Available Elsewhere	4.000
Non-Profit Organizations with Credit Available Elsewhere	3.250
Non-Profit Organizations without Credit Available Elsewhere	3.250
For Economic Injury:	
Business and Small Agricultural Cooperatives without Credit Available Elsewhere	4.000
Non-Profit Organizations without Credit Available Elsewhere	3.250

The number assigned to this disaster for physical damage is 205896 and for economic injury is 205900.

(Catalog of Federal Domestic Assistance Number 59008)

Alejandro Contreras,

Acting Deputy Associate Administrator, Office of Disaster Recovery & Resilience.

[FR Doc. 2024–25786 Filed 11–5–24; 8:45 am]

BILLING CODE 8026–09–P

SMALL BUSINESS ADMINISTRATION

[Disaster Declaration #20842 and #20843; HAVASUPAI TRIBE Disaster Number AZ–20008]

Presidential Declaration of a Major Disaster for Public Assistance Only for the Havasupai Tribe

AGENCY: U.S. Small Business Administration.

ACTION: Notice.

SUMMARY: This is a Notice of the Presidential declaration of a major disaster for Public Assistance Only for the Havasupai Tribe (FEMA–4840–DR), dated October 25, 2024.

Incident: Flooding.

DATES: Issued on October 25, 2024.

Incident Period: August 22, 2024 through August 23, 2024.

Physical Loan Application Deadline Date: December 24, 2024.

Economic Injury (EIDL) Loan Application Deadline Date: July 25, 2025.

ADDRESSES: *Visit the MySBA Loan Portal at https://lending.sba.gov* to apply for a disaster assistance loan.

FOR FURTHER INFORMATION CONTACT: Alan Escobar, Office of Disaster Recovery & Resilience, U.S. Small Business Administration, 409 3rd Street SW, Suite 6050, Washington, DC 20416, (202) 205–6734.

SUPPLEMENTARY INFORMATION: Notice is hereby given that as a result of the President's major disaster declaration on October 25, 2024, Private Non-Profit organizations that provide essential services of a governmental nature may file disaster loan applications online using the MySBA Loan Portal *https://lending.sba.gov* or other locally announced locations. Please contact the SBA disaster assistance customer service center by email at *disastercustomerservice@sba.gov* or by phone at 1–800–659–2955 for further assistance.

The following area has been determined to be adversely affected by the disaster:

Primary Area (Physical Damage and Economic Injury Loans): Havasupai Tribe

The Interest Rates are:

	Percent
For Physical Damage:	
Non-Profit Organizations with Credit Available Elsewhere ...	3.250
Non-Profit Organizations without Credit Available Elsewhere	3.250
For Economic Injury:	
Non-Profit Organizations without Credit Available Elsewhere	3.250

The number assigned to this disaster for physical damage is 208426 and for economic injury is 208430.

(Catalog of Federal Domestic Assistance Number 59008)

Alejandro Contreras,

Acting Deputy Associate Administrator, Office of Disaster Recovery & Resilience.

[FR Doc. 2024–25787 Filed 11–5–24; 8:45 am]

BILLING CODE 8026–09–P

SMALL BUSINESS ADMINISTRATION

[Disaster Declaration #20757 and #20758; VIRGINIA Disaster Number VA–20013]

Presidential Declaration of a Major Disaster for Public Assistance Only for the Commonwealth of Virginia

AGENCY: U.S. Small Business Administration.

ACTION: Notice.

SUMMARY: This is a Notice of the Presidential declaration of a major disaster for Public Assistance Only for the Commonwealth of Virginia (FEMA–4831–DR), dated October 10, 2024.

Incident: Tropical Storm Helene.

DATES: Issued on October 10, 2024.

Incident Period: September 25, 2024, and continuing.

Physical Loan Application Deadline Date: December 9, 2024.

Economic Injury (EIDL) Loan Application Deadline Date: July 10, 2025.

ADDRESSES: *Visit the MySBA Loan Portal at https://lending.sba.gov* to apply for a disaster assistance loan.

FOR FURTHER INFORMATION CONTACT: Alan Escobar, Office of Disaster Recovery & Resilience, U.S. Small Business Administration, 409 3rd Street SW, Suite 6050, Washington, DC 20416, (202) 205–6734.

SUPPLEMENTARY INFORMATION: Notice is hereby given that as a result of the President's major disaster declaration on October 10, 2024, Private Non-Profit organizations that provide essential services of a governmental nature may file disaster loan applications online using the MySBA Loan Portal *https://lending.sba.gov* or other locally announced locations. Please contact the SBA disaster assistance customer service center by email at *disastercustomerservice@sba.gov* or by phone at 1–800–659–2955 for further assistance.

The following areas have been determined to be adversely affected by the disaster:

Primary Counties: Bedford, Bland, Independent City of Bristol, Buchanan, Carroll, Independent City of Covington, Craig, Independent City of Danville, Dickenson, Independent City of Galax, Giles, Grayson, Lee, Montgomery, Independent City of Norton, Pittsylvania, Pulaski, Independent City of Radford, Russell, Scott, Smyth, Tazewell, Washington, Wise, Wythe.

The Interest Rates are:

	Percent
For Physical Damage:	
Non-Profit Organizations with Credit Available Elsewhere	3.250
Non-Profit Organizations without Credit Available Elsewhere	3.250
For Economic Injury:	
Non-Profit Organizations without Credit Available Elsewhere	3.250

The number assigned to this disaster for physical damage is 207578 and for economic injury is 207580.

(Catalog of Federal Domestic Assistance Number 59008)

Alejandro Contreras,

Acting Deputy Associate Administrator, Office of Disaster Recovery & Resilience.

[FR Doc. 2024–25743 Filed 11–5–24; 8:45 am]

BILLING CODE 8026–09–P

SMALL BUSINESS ADMINISTRATION

[Disaster Declaration #20434 and #20435; MINNESOTA Disaster Number MN–20003]

Presidential Declaration Amendment of a Major Disaster for Public Assistance Only for the State of Minnesota

AGENCY: U.S. Small Business Administration.

ACTION: Amendment 4.

SUMMARY: This is an amendment of the Presidential declaration of a major disaster for Public Assistance Only for the State of Minnesota (FEMA–4797–DR), dated June 28, 2024.

Incident: Severe Storms and Flooding.

DATES: Issued on October 31, 2024.

Incident Period: June 16, 2024 through July 4, 2024.

Physical Loan Application Deadline Date: December 2, 2024.

Economic Injury (EIDL) Loan Application Deadline Date: March 28, 2025.

ADDRESSES: *Visit the MySBA Loan Portal at https://lending.sba.gov* to apply for a disaster assistance loan.

FOR FURTHER INFORMATION CONTACT: Alan Escobar, Office of Disaster Recovery & Resilience, U.S. Small Business Administration, 409 3rd Street SW, Suite 6050, Washington, DC 20416, (202) 205–6734.

SUPPLEMENTARY INFORMATION: The notice of the President's major disaster declaration for Private Non-Profit organizations in the State of Minnesota, dated June 28, 2024, is hereby amended to extend the deadline for filing applications for physical damages as a result of this disaster to December 2, 2024. This notice is further amended to include the following areas as adversely affected by the disaster.

Primary Counties: Dodge, Winona.

All other information in the original declaration remains unchanged.

(Catalog of Federal Domestic Assistance Number 59008)

Alejandro Contreras,

Acting Deputy Associate Administrator, Office of Disaster Recovery & Resilience.

[FR Doc. 2024–25788 Filed 11–5–24; 8:45 am]

BILLING CODE 8026–09–P

SMALL BUSINESS ADMINISTRATION

[Disaster Declaration #20705 and #20706; VIRGINIA Disaster Number VA–20011]

Presidential Declaration Amendment of a Major Disaster for the Commonwealth of Virginia

AGENCY: U.S. Small Business Administration.

ACTION: Amendment 5.

SUMMARY: This is an amendment of the Presidential declaration of a major disaster for the Commonwealth of Virginia (FEMA–4831–DR), dated October 1, 2024.

Incident: Tropical Storm Helene.

DATES: Issued on October 25, 2024.

Incident Period: September 25, 2024 through October 3, 2024.

Physical Loan Application Deadline Date: December 2, 2024.

Economic Injury (EIDL) Loan Application Deadline Date: July 1, 2025.

ADDRESSES: *Visit the MySBA Loan Portal at https://lending.sba.gov* to apply for a disaster assistance loan.

FOR FURTHER INFORMATION CONTACT: Alan Escobar, Office of Disaster Recovery & Resilience, U.S. Small Business Administration, 409 3rd Street SW, Suite 6050, Washington, DC 20416, (202) 205–6734.

SUPPLEMENTARY INFORMATION: The notice of the President's major disaster declaration for the Commonwealth of Virginia, dated October 1, 2024, is hereby amended to include the following areas as adversely affected by the disaster:

Primary Counties (Physical Damage and Economic Injury Loans): Lee.

Contiguous Counties (Economic Injury Loans Only):

Kentucky: Bell.

Tennessee: Claiborne.

All other information in the original declaration remains unchanged.

(Catalog of Federal Domestic Assistance Number 59008)

Alejandro Contreras,

Acting Deputy Associate Administrator, Office of Disaster Recovery & Resilience.

[FR Doc. 2024–25745 Filed 11–5–24; 8:45 am]

BILLING CODE 8026–09–P

SOCIAL SECURITY ADMINISTRATION

[Docket No: SSA–2024–0044]

Agency Information Collection Activities: Proposed Request and Comment Request

The Social Security Administration (SSA) publishes a list of information collection packages requiring clearance by the Office of Management and Budget (OMB) in compliance with Public Law 104–13, the Paperwork Reduction Act of 1995, effective October 1, 1995. This notice includes revisions of OMB-approved information collections.

SSA is soliciting comments on the accuracy of the agency's burden estimate; the need for the information; its practical utility; ways to enhance its quality, utility, and clarity; and ways to minimize burden on respondents, including the use of automated collection techniques or other forms of information technology. Mail, email, or fax your comments and recommendations on the information collection(s) to the OMB Desk Officer and SSA Reports Clearance Officer at the following addresses or fax numbers.

(OMB) Office of Management and Budget, Attn: Desk Officer for SSA

(SSA) Social Security Administration, OLCA, Attn: Reports Clearance Director, Mail Stop 3253 Altmeyer, 6401 Security Blvd., Baltimore, MD 21235, Fax: 833–410–1631, Email address: *OR.Reports.Clearance@ssa.gov*

Or you may submit your comments online through *https://www.reginfo.gov/public/do/PRAmain* by clicking on Currently under Review—Open for Public Comments and choosing to click on one of SSA's published items. Please reference Docket ID Number [SSA–2024–0044] in your submitted response.

I. The information collections below are pending at SSA. SSA will submit them to OMB within 60 days from the date of this notice. To be sure we consider your comments, we must receive them no later than January 6, 2025. Individuals can obtain copies of the collection instruments by writing to the above email address.

1. Integrated Registration Services (IRES) System—20 CFR 401.45—0960–0626. IRES is an internet-based application that replaces the respondent's handwritten paper-based signature with a user identification number (User ID) and a password. IRES provides registration, authentication, and authorization gateway services for Business-to-Government (B2G) suites of services, including, but not limited to:

a. Business Services Online (BSO)
- Claimant Representative Services

b. Government Services Online (GSO) (OMB #0960–0757)
- Office of Child Support Enforcement (OCSE) Services
- Secure exchange of information between SSA and third parties in support of SSA and other federal government-supported programs

c. Customer Support Application (CSA)
- CSA provides customer support service for IRES. CSA allows users to complete the registration process via a telephone interview with a Social Security customer service representative.

The IRES System verifies the identity of individuals, businesses, organizations, entities, and government agencies seeking to use SSA's secured internet and telephone applications. Individuals need this verification to electronically request and exchange business data with SSA. Requestors provide SSA with the information needed to establish their identities. Once SSA verifies identity, the IRES system issues the requestor a user identification number and a password to conduct business with SSA. Respondents are employers; employees; third party submitters of wage data business entities providing taxpayer identification information; appointed representatives; representative payees; and data exchange partners conducting business in support of SSA programs.

Type of Request: Revision of an OMB-approved information collection.

Modality of completion	Number of respondents	Frequency of response	Average burden per response (minutes)	Estimated total annual burden (hours)	Average theoretical hourly cost amount (dollars) *	Total annual opportunity cost (dollars) **
IRES Internet Registrations	266,210	1	5	22,184	* $42.82	** $949,919
IRES Internet Requestors	14,472,710	1	2	482,424	* 42.82	** 20,657,396
IRES CS (CSA) Registrations	2,216	1	11	406	* 42.82	** 17,385
Total	14,741,136			505,014		** 21,624,700

* We based this figure on an overall average of the average U.S. citizen's hourly salary, as reported by Bureau of Labor Statistics data (*https://www.bls.gov/oes/current/oes_nat.htm#00-00000*); hourly wages for Information and Record Keeping Analysts hourly salary, as reported by Bureau of Labor Statistics data. (Information and Record Clerks, All Other (*bls.gov*)); and average hourly wages for paralegals/legal assistants (Paralegals and Legal Assistants (*bls.gov*); and lawyers (Lawyers (*bls.gov*) as posted by the U.S. Bureau of Labor Statistics.

** This figure does not represent actual costs that SSA is imposing on recipients of Social Security payments to complete this application; rather, these are theoretical opportunity costs for the additional time respondents will spend to complete the application. *There is no actual charge to respondents to complete the application.*

2. Notification of a Social Security Number (SSN) to an Employer for Wage Reporting Purposes—20 CFR 422.103(a)—0960–0778. Individuals applying for employment must provide an SSN or indicate they have applied for one. However, when an individual applies for an initial SSN, there is a delay between the assignment of the number and the delivery of the SSN card. At an individual's request, SSA uses Form SSA–132 to send the individual's SSN to an employer. Mailing this information to the employer: (1) ensures the employer has

the correct SSN for the individual; (2) allows SSA to receive correct earnings information for wage reporting purposes; and (3) reduces the delay in the initial SSN assignment and delivery of the SSN information directly to the employer. It also enables SSA to verify the employer as a safeguard for the applicant's personally identifiable information. The respondents are individuals applying for an initial SSN who ask SSA to mail confirmation of their application or the SSN to their employers.

Type of Request: Revision of an OMB-approved information collection.

Modality of completion	Number of respondents	Frequency of response	Average burden per response (minutes)	Estimated total annual burden (hours)	Average theoretical hourly cost amount (dollars) *	Average wait time in field office (minutes) **	Total annual opportunity cost (dollars) ***
SSA–132	361,902	1	5	30,159	* $31.48	** 24	*** $5,506,482

* We based this figure on the average U.S. worker's hourly wages, as reported by Bureau of Labor Statistics data (*https://www.bls.gov/oes/current/oes_nat.htm#00-0000*).
** We based this figure on the average FY 2024 wait times for field offices, based on SSA's current management information data.
*** This figure does not represent actual costs that SSA is imposing on recipients of Social Security payments to complete this application; rather, these are theoretical opportunity costs for the additional time respondents will spend to complete the application. *There is no actual charge to respondents to complete the application.*

II. SSA submitted the information collections below to OMB for clearance. Your comments regarding these information collections would be most useful if OMB and SSA receive them 30 days from the date of this publication. To be sure we consider your comments, we must receive them no later than December 6, 2024. Individuals can obtain copies of these OMB clearance packages by writing to the *OR.Reports.Clearance@ssa.gov.*

1. Requests for Self-Employment Information, Employee Information, and Employer Information—20 CFR 422.120—0960–0508. When SSA cannot identify Form W–2 wage data for an individual, we place the data in an earnings suspense file and contact the individual (and certain instances the employer) to obtain the correct information. If the respondent furnishes the name and Social Security Number (SSN) information that agrees with SSA's records, or provides information that resolves the discrepancy, SSA adds the reported earnings to the respondent's Social Security record. We use Forms SSA–L2765, SSA–L3365, and SSA–L4002 for this purpose. The respondents are self-employed individuals and employees whose name and SSN information do not agree with their employer's and SSA's records.

Type of Request: Revision of an OMB approved information collection.

Modality of completion	Number of respondents	Frequency of response	Average burden per response (minutes)	Estimated total annual burden (hours)	Average theoretical hourly cost amount (dollars) **	Total annual opportunity cost (dollars) ***
SSA–L2765 *	1	1	10	1	** $31.48	*** $31.48
SSA–L3365 *	1	1	10	1	** 31.48	*** 31.48
SSA–L4002 *	1	1	10	1	** 31.48	*** 31.48
Totals	1			3		*** 94.44

* SSA does not currently send out any of these collections; however, we included 1 hour burden placeholders for each collection, in the event we need to send these notices out in the near future.
** We based this figure on average U.S. worker's hourly wages, as reported by Bureau of Labor Statistics data (*https://www.bls.gov/oes/current/oes_nat.htm*).
*** This figure does not represent actual costs that SSA is imposing on recipients of Social Security payments to complete this application; rather, these are theoretical opportunity costs for the additional time respondents will spend to complete the application. *There is no actual charge to respondents to complete the application.*

2. Representative Payee Report of Benefits and Dedicated Account—20 CFR 416.546, 416.635, 416.640, and 416.665—0960–0576. SSA requires representative payees (RPs) to manage the dedicated account in accordance with our rules, including using the funds for permitted expenditures and reporting on the use of funds. When the SSI recipient requires a dedicated account, SSA notifies the RP to inform them of the need to open the dedicated account and of the rules for managing a dedicated account, including the required submission of a written report accounting for the use of money paid to Supplemental Security Income (SSI) recipients into the dedicated account. SSA allows the respondent to submit their own written report, or use Form SSA–6233, which simplifies the process for the respondents. SSA uses Form SSA–6233 to: (1) ensure the RPs use the payments for the recipient's current maintenance and personal needs and properly conserves the remainder; and (2) confirm the funds paid into the dedicated account are spent and saved in compliance with the law. Respondents are RPs for SSI recipients.

Type of Request: Revision of an OMB-approved information collection.

Modality of completion	Number of respondents	Frequency of response	Average burden per response (minutes)	Estimated total annual burden (hours)	Average theoretical hourly cost amount (dollars) **	Average wait time in field office or for teleservice centers (minutes) **	Total annual opportunity cost (dollars) ***
SSA–6233	68,000	1	20	22,667	$31.48 *	21 **	$1,462,781 ***

* We based this figure on average U.S. worker's hourly wages, as reported by Bureau of Labor Statistics data (*https://www.bls.gov/oes/current/oes_nat.htm#00-0000*).
** We based this figure on averaging both the average FY 2024 wait times for field offices (24 minutes) and teleservice centers (19 minutes), based on SSA's current management information data.

*** This figure does not represent actual costs that SSA is imposing on recipients of Supplemental Security Income payments to complete this application; rather, these are theoretical opportunity costs for the additional time respondents will spend to complete the application. *There is no actual charge to respondents to complete the application.*

3. *Social Security Number Verification Services—20 CFR 401.45—0960–0660.* Internal Revenue Service regulations require employers to provide wage and tax data to SSA using Form W–2, or its electronic equivalent. As part of this process, the employer must furnish the employee's name and SSN. In addition, the employee's name and SSN must match SSA's records for SSA to post earnings to the employee's earnings record, which SSA maintains. SSA offers the Social Security Number Verification Service (SSNVS), which allows employers to verify the reported names and SSNs of their employees match those in SSA's records. SSNVS is a cost-free, voluntary method for employers to verify employee information via the internet. SSA annotates data an employer supplies to SSA for verification that does not match SSA's records with a no match indicator and returns it to the employer. The respondents are employers who need to verify SSN data using SSA's records.

Type of Request: Revision of an OMB-approved information collection.

Modality of completion	Number of respondents	Frequency of response	Number of responses	Average burden per response (minutes)	Estimated total annual burden (hours)	Average theoretical hourly cost amount (dollars) **	Total annual opportunity cost (dollars) ***
SSNVS	44,891	60	2,663,460	5	221,955	$43.65 *	$9,688,336 **

* We based this figure on the average hourly wage for Accountants and Auditors, as reported by the U.S. Bureau of Labor Statistics data (Accountants and Auditors (*bls.gov*)).
** This figure does not represent actual costs that SSA is imposing on recipients of Social Security payments to complete this application; rather, these are theoretical opportunity costs for the additional time respondents will spend to complete the application. *There is no actual charge to respondents to complete the application.*

4. Request for Deceased Individual's Social Security Record—20 CFR 402.130—0960–0665. The Freedom of Information Act (FOIA), at 5 U.S.C. 552(a)(3) of the U.S. Code, provides instructions for members of the public to request records from Federal Agencies. When a member of the public requests an individual's Social Security record under FOIA, SSA needs the name and address of the requestor as well as a description of the requested record to process the request. While SSA respondents may submit these requests in writing, SSA also allows for the use of Form SSA–711, Deceased Individual's Social Security Records, for FOIA requests for a deceased individual's records for genealogical research, family estate matters, and other reasons. SSA then uses the information the respondent provides on Form SSA–711, or via an internet request through SSA's electronic Freedom of Information Act Xpress (FOIAXpress) website, to: (1) verify the wage earner is deceased; and (2) access the correct Social Security record. Respondents are members of the public requesting deceased individuals' Social Security records.

Type of Request: Revision of an OMB-approved information collection.

Modality of completion	Number of respondents	Frequency of response	Number of responses	Average burden per response (minutes)	Estimated total annual burden (hours)	Average theoretical hourly cost amount (dollars) **	Average wait time in field office or for teleservice centers (minutes) **
Internet Request through FOIAXpress	49,800	1	7	5,810	* $31.48		*** $182,899
SSA–711 (paper)	200	1	7	23	* $31.48	** 21	*** $2,928
Total	50,000			5,833			*** $185,827

* We based this figure on average U.S. worker's hourly wages, as reported by Bureau of Labor Statistics data (*https://www.bls.gov/oes/current/oes_nat.htm*).
** We based this figure on averaging both the average FY 2024 wait times for field offices and teleservice centers, based on SSA's current management information data.
*** This figure does not represent actual costs that SSA is imposing on recipients of Social Security payments to complete this application; rather, these are theoretical opportunity costs for the additional time respondents will spend to complete the application. *There is no actual charge to respondents to complete the application.*

5. Sheltered Workshop Wage Reporting—0960–0771. Sheltered workshops are private non-profit organizations or institutions that implement a recognized program of rehabilitation for handicapped workers or provide such workers with remunerative employment or other occupational rehabilitating activity of an educational or therapeutic nature. Sheltered workshops perform a service for their clients by reporting monthly wages directly to SSA. SSA uses the information these workshops provide to verify and post monthly wages to SSI recipient's records. Most workshops report monthly wage totals to their local SSA office, so we can adjust the client's SSI payment amount in a timely manner and prevent overpayments. Sheltered workshops are motivated to report wages voluntarily as a service to their clients. Respondents are sheltered workshops that report monthly wages for services performed in the workshop.

Type of Request: Revision of an OMB-approved information collection.

Modality of completion	Number of respondents	Frequency of response	Total number of responses	Average burden per response (minutes)	Estimated total annual burden (hours)	Average theoretical hourly cost amount (dollars) **	Average wait time in field office (minutes) **	Total annual opportunity cost (dollars) ***
Sheltered Workshop Wage Reporting	244	12	2,928	15	732	$23.28 *	24 **	$44,302 ***

* We based this on average Rehabilitation Counselors hourly salary, as reported in Bureau of Labor Statistics data (Rehabilitation Counselors (*bls.gov*))
** We based this figure on the average FY 2024 wait times for field offices, based on SSA's current management information data.
*** This figure does not represent actual costs that SSA is imposing on recipients of Social Security payments to complete this application; rather, these are theoretical opportunity costs for the additional time respondents will spend to complete the application. *There is no actual charge to respondents to complete the application.*

Dated: November 1, 2024.

Naomi Sipple,

Reports Clearance Officer, Social Security Administration.

[FR Doc. 2024–25782 Filed 11–5–24; 8:45 am]

BILLING CODE 4191–02–P

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

[Docket No. FAA–2024–1988]

Agency Information Collection Activities: Requests for Comments; Clearance of a Renewed Approval of Information Collection: Small Unmanned Aircraft Systems (sUAS) Safety Event Reporting

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

ACTION: Notice and request for comments.

SUMMARY: In accordance with the Paperwork Reduction Act of 1995, FAA invites public comments about our intention to request the Office of Management and Budget (OMB) approval to renew an information collection. The **Federal Register** Notice with a 60-day comment period soliciting comments on the following collection of information was published on July 31, 2024. The collection involves information that must be reported to the FAA about small unmanned aircraft system (sUAS) safety events if they result in serious injury or damage exceeding certain thresholds.

DATES: Written comments should be submitted by December 6, 2024.

ADDRESSES: Written comments and recommendations for the proposed information collection should be sent within 30 days of publication of this notice to *www.reginfo.gov/public/do/PRAMain.* Find this particular information collection by selecting ''Currently under 30-day Review—Open for Public Comments'' or by using the search function.

FOR FURTHER INFORMATION CONTACT: Benjamin Walsh by email at: *ben.walsh@faa.gov;* phone: 202–267–8233.

SUPPLEMENTARY INFORMATION:

Public Comments Invited: You are asked to comment on any aspect of this information collection, including (a) Whether the proposed collection of information is necessary for FAA's performance; (b) the accuracy of the estimated burden; (c) ways for FAA to enhance the quality, utility and clarity of the information collection; and (d) ways that the burden could be minimized without reducing the quality of the collected information. The agency will summarize and/or include your comments in the request for OMB's clearance of this information collection.

OMB Control Number: 2120–0767.

Title: Small Unmanned Aircraft Systems (sUAS) Safety Event Reporting.

Form Numbers: N/A (web portal: *https://faadronezone.faa.gov*).

Type of Review: Renewal of an information collection.

Background: The **Federal Register** Notice with a 60-day comment period soliciting comments on the following collection of information was published on July 31, 2024 (89 FR 61575). The title of this information collection is being changed from ''Small Unmanned Aircraft Systems (sUAS) Accident Reporting'' to ''Small Unmanned Aircraft Systems (sUAS) Safety Event Reporting'' to reflect the change made to the title of the applicable regulation (14 CFR 107.9) in 2022. The regulations at 14 CFR 107.9 requires that a small unmanned aircraft system safety event be reported if it causes: (1) serious injury to any person or any loss of consciousness; or (2) damage to any property, other than the small unmanned aircraft, unless the cost of repair or fair market value in the event of total loss does not exceed $500. The information collected by the FAA through its DroneZone web portal, Flight Standards District Offices, one of the Regional Operations Centers, or the Washington Operations Center for each small UAS safety event will be used to investigate and determine regulatory compliance. In addition, the safety event information will go into the FAA aircraft accident database for safety analysis purposes by the FAA Office of Accident Investigation and Analysis, pursuant to its statutory safety mission. As is currently the case for manned aircraft accidents, small UAS safety event data will be made available to the public and the National Transportation Safety Board (NTSB).

Respondents: Small Unmanned Aircraft System operators that experience a safety event that must be reported to the FAA per 14 CFR, 107.9. Approximately 41 per year.

Frequency: On occasion.

Estimated Average Burden per Response: 15 minutes.

Estimated Total Annual Burden: 10.25 hours.

Issued in Washington, DC, on November 1, 2024.

Joseph Morra,

Manager, Emerging Technologies Division, AFS–700.

[FR Doc. 2024–25812 Filed 11–5–24; 8:45 am]

BILLING CODE 4910–13–P

DEPARTMENT OF TRANSPORTATION

Federal Highway Administration

[Docket No. FHWA–2023–0036]

Notice of Availability of Interim Congestion Mitigation and Air Quality Improvement (CMAQ) Program Guidance as Revised by the Bipartisan Infrastructure Law (BIL)

AGENCY: Federal Highway Administration (FHWA), Department of Transportation (DOT).

ACTION: Notice of availability of Interim Guidance; request for comment.

SUMMARY: This notice announces the availability of FHWA CMAQ Program Interim Guidance (Interim Guidance). The Interim Guidance provides information and guidance on eligibility, transfer, and other CMAQ Program requirements under the BIL, enacted as the Infrastructure Investment and Jobs Act. The CMAQ Program requirements in the BIL took effect on October 1, 2021, and apply to all funding obligated on or after that date, whether carryover

or new. Because the CMAQ Program requirements in the BIL are in effect and the Interim Guidance contains information that is needed to plan CMAQ-funded projects and use CMAQ funds, the Interim Guidance is effective on the date of publication of this notice in the **Federal Register**. The Interim Guidance replaces the November 12, 2013 Interim CMAQ Program Guidance under MAP–21 and the July 2014 Revised Interim Guidance on CMAQ Operating Assistance under MAP–21. The FHWA invites public comments on the Interim Guidance and will consider all timely comments submitted to the docket in developing final guidance.

DATES: The Interim Guidance is effective November 6, 2024. Comments must be received on or before January 6, 2025. Late comments will be considered to the extent practicable.

ADDRESSES: The Interim Guidance is available for review on *www.regulations.gov* using the docket number noted above. To ensure that you do not duplicate your docket submissions, please submit comments by only one of the following means:

- *Federal eRulemaking Portal:* Go to *http://www.regulations.gov* and follow the online instructions for submitting comments.
- *Mail:* Docket Management Facility, U.S. Department of Transportation, 1200 New Jersey Avenue SE, West Building Ground Floor, Room W12–140, Washington, DC 20590.
- *Hand Delivery:* West Building Ground Floor, Room W12–140, 1200 New Jersey Avenue SE, Washington, DC 20590, between 9 a.m. and 5 p.m. ET, Monday through Friday, except Federal holidays. The telephone number is (202) 366–9329.
- *Instructions:* You must include the agency name and docket number at the beginning of your comments. All comments received will be posted without change to *http://www.regulations.gov,* including any personal information provided.

FOR FURTHER INFORMATION CONTACT: Cecilia Ho, Air Quality and Noise Team Leader, FHWA Office of Natural Environment, 202–366–9862, *Cecilia.Ho@dot.gov,* or Lev Gabrilovich, FHWA Office of the Chief Counsel, 202 366–3813, *Lev.Gabrilovich@dot.gov.* FHWA is located at 1200 New Jersey Avenue SE, Washington, DC 20590. Office hours are from 8:00 a.m. to 4:30 p.m. ET, Monday through Friday, except Federal holidays.

SUPPLEMENTARY INFORMATION:

Electronic Access and Filing

A copy of this notice, all comments received on this Notice, and all background material may be viewed online at *http://www.regulations.gov* using the docket number listed above. Electronic retrieval help and guidelines are also available at *http://www.regulations.gov.* An electronic copy of this document also may be downloaded from the Office of the Federal Register's website at *www.FederalRegister.gov* and the Government Publishing Office's website at *www.GovInfo.gov.*

I. Background

The primary goal of the CMAQ program is to provide funding to State and local governments to support transportation projects and programs that reduce emissions of criteria pollutants and to help improve air quality for areas that are designated nonattainment or maintenance for the National Ambient Air Quality Standards (NAAQS) for ozone, carbon monoxide, or particulate matter (both PM_{10} and $PM_{2.5}$) (23 U.S.C. 149). The BIL, enacted as the Infrastructure Investment and Jobs Act (IIJA) (Pub. L. 117–58, Nov. 15, 2021), amended the CMAQ program (BIL, sec. 11115). The Interim Guidance reflects the BIL amendments and provides guidance on project eligibility requirements and addresses program administration processes and other relevant policy and regulatory requirements. The Interim Guidance replaces the November 12, 2013 Interim CMAQ Program Guidance under MAP–21 [1] and the July 2014 Revised Interim Guidance on CMAQ Operating Assistance under MAP–21.[2]

The Interim Guidance is available at the docket indicated above, and it is effective on the date of publication of this notice in the **Federal Register**. The FHWA will consider all timely comments submitted to the docket in developing final guidance. The FHWA anticipates publishing a notice of availability of the final guidance in the **Federal Register**.

II. Section-by-Section Analysis

To facilitate review, public comments, and implementation, this notice summarizes the Interim Guidance by section. This notice also highlights changes to the CMAQ Program as amended by the BIL, and it highlights the main changes from the previous CMAQ guidance. While much of the 2013 CMAQ Interim Guidance is retained, the guidance has been reorganized to better reflect eligible CMAQ project categories. Please read the Interim Guidance for details.

1. Section I: Overview

Section I is the Overview, formerly Introduction and Program Purpose sections under the 2013 Interim Guidance. Section I(A) of the Interim Guidance, CMAQ Program Purpose, describes the primary purpose of the CMAQ Program, which provides funding to State and local governments to support transportation projects and programs that reduce emissions of criteria pollutants and help improve air quality in areas that are designated under the Clean Air Act as nonattainment or maintenance areas for ozone, carbon monoxide, or particulate matter with respect to the NAAQS. (23 U.S.C. 149). Section I(B) provides background and guidance on strategic priorities and use of the Federal-aid highway formula funding. Section I(C) describes the purpose of the Interim Guidance and highlights the topics it addresses: authorization levels and apportionment; flexibility and transferability provisions available to States; project eligibility; project selection processes; program administration; annual reporting; and performance management.

2. Section II: Governing Authorities

Section II of the Interim Guidance is new and lists the governing authorities. They include three sections of the BIL: section 11101(a)(1), which authorizes funds for the CMAQ program; section 11104(b)(5), which provides for apportionment of CMAQ funds under 23 U.S.C. 104; and section 11115, which amends 23 U.S.C. 149.

3. Section III: Funding and Financing CMAQ Projects and Programs

This section of the Interim Guidance explains the funding and financing of CMAQ projects and programs. Section III(A) summarizes the authorization levels of the CMAQ program under the BIL (FY 2022 through FY 2026). Section III(B), formerly section IV of the 2013 Guidance, then describes the apportionment of CMAQ funds, which are apportioned to States via the method provided in the law, a priority set-aside, State flexibility (mandatory vs. flexible CMAQ funding), and a lock and dam and marine highways limitation. Some of these funds are set aside for priority use in fine particulate matter ($PM_{2.5}$) areas to support projects and programs that reduce $PM_{2.5}$ emissions. *See* 23

[1] *https://www.fhwa.dot.gov/environment/air_quality/cmaq/policy_and_guidance/2013_guidance/index.cfm.*

[2] *https://www.fhwa.dot.gov/environment/air_quality/cmaq/policy_and_guidance/cmaq13ig.cfm.*

U.S.C. 149(k). Section 149(k)(3) of title 23 U.S.C. exempts certain $PM_{2.5}$ nonattainment and maintenance areas from the $PM_{2.5}$ set-aside requirements, based on population size and other criteria.

Section III.B.3, formerly section V.D. in the 2013 Interim Guidance, addresses mandatory versus flexible funds. While States must use CMAQ funds to support eligible projects and programs in nonattainment and maintenance areas (23 U.S.C. 149(b)), all States receive a minimum amount of CMAQ funds regardless of the nonattainment and maintenance area status. States that do not have any nonattainment or maintenance areas have additional flexibility in how and where they can obligate CMAQ funds.

The Interim Guidance adds new language in Section III.B.4 to address a limitation added in the BIL that caps State obligations for lock and dam and marine highway projects (newly eligible under 23 U.S.C. 149(b)(10) and 149(b)(11)) for each fiscal year at no more than 10 percent of CMAQ funds apportioned to the State. 23 U.S.C. 149(c)(4).

Section III(C) of the Interim Guidance, formerly section V.F., addresses the Federal share. Like other Federal-aid programs, CMAQ Federal share is typically 80 percent; however, there are some exceptions. Notably, States can program a full 100 percent Federal share for certain project types listed under 23 U.S.C. 120(c)(1).

Section III(D) addresses CMAQ fund transfers. CMAQ funds can be transferred for transit projects to be administered by the Federal Transit Administration (FTA) under chapter 53 of title 49, U.S.C. In addition, a State may transfer up to 50 percent of CMAQ funds made available each fiscal year to other apportioned programs under title 23. 23 U.S.C. 126. Note that for CMAQ, the apportioned funds eligible for transfer cannot come from the states $PM_{2.5}$ set-aside.

As discussed in Section III(E), (formerly section VIII.C.) CMAQ projects can also be financed via public-private partnerships (PPPs). For these projects, a metropolitan planning organization (MPO), State departments of transportation (State DOT), or other project sponsor may enter into an agreement with any public, private, or nonprofit entity to cooperatively implement any CMAQ project through a public private agreement or partnership (23 U.S.C. 149(f)). A private or non-profit entity's resources replace or supplement State or local funds and possibly a portion of the Federal aid in a selected project. The CMAQ funds should be devoted to PPPs that benefit the general public by supporting projects that reduce emissions. Eligible activities for participation by entities under the partnership provisions include ownership or operation of any land, facility, vehicle, or other physical assets; and cost sharing of project expense; among others. 23 U.S.C. 149(f)(2).

4. Section IV: CMAQ Program Administration

Program Administration, formerly section IX of the 2013 Interim Guidance, addresses elements of the administration of the CMAQ program. Section IV(A) of the Interim Guidance discusses Federal agency responsibilities and coordination. The FHWA has oversight responsibility for administering the CMAQ program. The FHWA coordinates closely with FTA, and the U.S. Environmental Protection Agency in implementing the program. When CMAQ funds are transferred from FHWA to FTA to support transit projects, FTA will administer those CMAQ-funded transit projects. In cases where FTA lacks statutory authority (*e.g.,* school bus fleets), FHWA will administer those projects for purposes of the CMAQ program.

Section IV(B) of the Interim Guidance discusses project selection. The FHWA encourages the State and the MPO to coordinate during the project selection process to help ensure that CMAQ funds are used appropriately to maximize their effectiveness in improving air quality and in meeting the program's requirements as well as in supporting the goals established in the BIL (see section I.B. of the Interim Guidance). In $PM_{2.5}$ areas, projects that reduce $PM_{2.5}$ emissions must be given priority, using the $PM_{2.5}$ set-aside funds. The BIL added that in these $PM_{2.5}$ areas, projects must be selected that prioritize benefits to disadvantaged communities or low-income populations to the extent practicable. 23 U.S.C. 149(k)(1)(B). In all areas, cost effectiveness should be considered during project selection. Transportation control measures in an applicable State Implementation Plan should also be given priority to ensure they are implemented in a timely fashion.

Section IV(C) of the Interim Guidance addresses the evaluation and assessment of projects. Administration of the CMAQ Program includes an annual reporting process that populates a cumulative database of all CMAQ projects, as required under 23 U.S.C. 149(i)(l). This data is available to the public via the CMAQ Public Access System. FHWA also develops and regularly updates a table of CMAQ eligible projects and their cost-effectiveness [3] (dollars in tons of emissions reduced).

5. Section V: Project Eligibility

Each CMAQ project or program must meet eligibility criteria for the Program before receiving CMAQ funds. Each CMAQ project must meet three basic criteria: (1) it must be a transportation project,[4] (2) it must be located in or benefit a nonattainment or maintenance area and, (3) it must contribute to the attainment or maintenance of the NAAQS and be effective at reducing air pollution (23 U.S.C. 149(b)). States that do not have ozone, CO or $PM_{2.5}$ nonattainment or maintenance areas are able to use all of their CMAQ funds for either CMAQ- or Surface Transportation Block Grant (STBG)-eligible projects. 23 U.S.C. 149((d)(1). Section V(A) of the Interim Guidance discusses each of these criteria. In addition, the project or program must meet the eligibilities listed in 23 U.S.C. 149 or have been otherwise determined to contribute to the attainment or maintenance of ozone, PM, or carbon monoxide.

Section V(B) describes projects ineligible for CMAQ funding. Section V(C) describes eligible programs and project types. All of the eligible programs and project types described in former section VII.F. of the 2013 Interim Guidance are retained. Note that the project eligibility material has been reorganized to better reflect the logical grouping of projects in their method to reduce emissions and congestion. In addition, the reorganization better highlights the many types of eligible projects. The new project and program eligible groupings are: vehicle/fuel technology (such as alternative fuel vehicles, electric and natural gas vehicles and infrastructure, and diesel engine replacements/retrofits), improved public transportation (such as transit facilities, bus replacements and service expansion), traffic flow improvements (such as traffic signalization, intersection improvements and high occupancy lanes), intelligent transportation systems (such as traveler information systems, incident management and vehicle to infrastructure communications equipment), transportation demand management (such as ride sharing, bicycle and pedestrian facilities, shared micromobility, and employer based programs), lock and dam and marine

[3] *https://www.fhwa.dot.gov/environment/air_quality/cmaq/reference/cost_effectiveness_tables/index.cfm.*

[4] 23 U.S.C. 101(a)(20).

highways, vehicle activity programs (such as idle reduction), and other projects (such as dust mitigation). New language is added in the other projects grouping to clarify the eligibility of incentives. The BIL added new eligibilities for the lock and dam and marine highways (23 U.S.C. 149(b)(10) and 149(b)(11)) and shared micromobility (23 U.S.C. 149(b)(7)), and the BIL specifically highlighted the explicit eligibility for the purchase of medium- or heavy-duty zero emissions vehicles and related charging equipment (23 U.S.C. 149(b)(8)(C)). These new eligible project types are included in the Interim Guidance.

Section V(D) of the Interim Guidance address eligible costs. Project costs that may be eligible include both capital investments and operating assistance. Examples of capital expenses associated with CMAQ-eligible projects that may be eligible expenses include congestion pricing, freight, or bike sharing equipment. Operating assistance is eligible. 23 U.S.C. 149(m). General operating assistance is directed to the startup operating costs for new transportation services or the incremental costs of expanding such services including transit, commuter and intercity passenger rail services, intermodal facilities, and travel demand management strategies, including traffic operation centers and carshares. General operating assistance is available to help start up projects and is limited in duration. However, some projects are eligible for unlimited operating assistance. Such projects include a system for which CMAQ funding was eligible, made available, obligated or expended in FY 2012 and State-supported Amtrak route with valid cost-sharing agreement even in areas with no current nonattainment areas. The BIL added availability for operating assistance with no time limitation for transit systems located in non-urbanized areas or in urbanized areas with a population of 200,000 or fewer. 23 U.S.C. 149(m)(2). Other eligible project costs can include public education and outreach, training, and transit fare subsidies in limited circumstances.

As discussed in section V(E) of the Interim Guidance. All Federal projects including all CMAQ projects must conform to the appropriate cost principles for Federal aid. The CMAQ projects are subject to title 2, Code of Federal Regulations (CFR) part 200, Uniform Administrative Requirements, Cost Principles, and Audit Requirements for Federal Awards. In addition, all CMAQ funded projects, must meet applicable transportation planning (23 U.S.C. 149(e)), Clean Air Act conformity requirements (40 CFR part 93), National Environmental Policy Act (42 U.S.C. 4321 *et seq.*), and basic eligibility requirements for titles 23 and 49 U.S.C.

6. Section VI: CMAQ Performance Management

Section VI of the Interim Guidance addresses performance management. Pursuant to 23 U.S.C. 150(c)(5), FHWA established three performance measures, codified in subparts G and H of 23 CFR part 490, for State DOTs and MPOs to use to assess traffic congestion and on-road mobile source emissions for the purpose of carrying out the CMAQ Program. In addition, 23 U.S.C. 149(l) requires that each MPO serving a transportation management area (TMA as defined in 23 U.S.C. 134) with a population over 1,000,000 people representing a nonattainment or maintenance area develop a performance plan. The BIL (sec. 11115(6)) added that, upon request of such an MPO, DOT can assist the MPO in tracking progress made in minority or low-income populations as part of such a performance plan. The FHWA publishes lists of State DOTs and MPOs who are required to establish targets and report progress for the performance measures related to CMAQ, including who must prepare an MPO CMAQ Performance Plan.[5]

7. Appendix A: List of Transportation Control Measures

Appendix A to the Interim Guidance is new and includes a list of the transportation control measures listed in section 108(f)(1)(A) of the Clean Air Act, 42 U.S.C. 7408(f)(1)(A), that are eligible for CMAQ funds. Appendix A also notes one exception. Under 23 U.S.C. 149(b)(1)(A), the program described in 42 U.S.C. 7408(f)(1)(A)(xvi) is not eligible for CMAQ funds.

Request for Comments

The FHWA invites public comments on the Interim Guidance's implementation of the BIL changes to the CMAQ Program and other changes to the July 2014 Revised Interim Guidance on CMAQ Operating Assistance under MAP–21. The FHWA will consider all timely comments submitted to the docket in developing final guidance for the CMAQ Program. The FHWA anticipates publishing a notice of availability of the final guidance in the **Federal Register**.

Authority: 23 U.S.C. 104(b)(4), 126, and 149; Pub. L. 117–58.

[5] *https://www.fhwa.dot.gov/environment/air_quality/cmaq/measures/cmaq_applicability/index.cfm.*

Signed in Washington, DC, under authority delegated in 49 CFR 1.85.

Kristin R. White,

Acting Administrator, Federal Highway Administration.

[FR Doc. 2024–25523 Filed 11–5–24; 8:45 am]

BILLING CODE 4910–22–P

DEPARTMENT OF THE TREASURY

Internal Revenue Service

Proposed Collection; Comment Request for Regulation Project

AGENCY: Internal Revenue Service (IRS), Treasury.

ACTION: Notice and request for comments.

SUMMARY: The Internal Revenue Service (IRS), 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 information collections, as required by the Paperwork Reduction Act of 1995. The IRS is soliciting comments concerning, De Minimis Error Safe Harbor Exceptions to Penalties for Failure To File Correct Information Returns or Furnish Correct Payee Statements.

DATES: Written comments should be received on or before January 6, 2025 to be assured of consideration.

ADDRESSES: Direct all written comments to Andres Garcia, Internal Revenue Service, Room 6526, 1111 Constitution Avenue NW, Washington, DC 20224, or by email to *pra.comments@irs.gov.* Include ''OMB Number 1545–2301—De Minimis Error Safe Harbor Exceptions to Penalties for Failure To File Correct Information Returns or Furnish Correct Payee Statements'' in the subject line of the message.

FOR FURTHER INFORMATION CONTACT: Requests for additional information or copies of this collection should be directed to Martha R. Brinson, at (202) 317–5753, or at Internal Revenue Service, Room 6526, 1111 Constitution Avenue NW, Washington, DC 20224, or through the internet at *Martha.R.Brinson@irs.gov.*

SUPPLEMENTARY INFORMATION:

Title: De Minimis Error Safe Harbor Exceptions to Penalties for Failure To File Correct Information Returns or Furnish Correct Payee Statements.

OMB Number: 1545–2301.

Regulation Project Number: TD 9984.

Abstract: Treasury Decision (TD) 9984 contains regulation implementing statutory safe harbor rules that protect persons required to file information

returns or to furnish payee statement from Internal Revenue Code penalties for failure to file correct information returns or furnish correct payee statements. The statutory safe harbor rules treat information returns and payee statements with erroneous dollar amounts as correct returns or statements for certain penalty purposes if the errors are de minimis in dollar amount. The final regulations also prescribe the time and manner in which a payee may elect not to have the statutory safe harbor rules apply. The collection of information will be the election, revocation of the election, notification of the election, and specified record retention regarding these actions. The collection is necessary for the effective operation of the exception and election. Respondents are payees or filers.

Current Actions: There is no change to the collection requirements since the previous OMB approval.

Type of Review: Extension of a currently approved collection.

Affected Public: Individuals or Households.

Estimated Number of Responses: 16,123,292.

Estimated Time per Response: 4 minutes.

Estimated Total Annual Burden Hours: 1,074,886.

The following paragraph applies to all of the collections of information covered by this notice:

An agency may not conduct or sponsor, and a person is not required to respond to, a collection of information unless the collection of information displays a valid OMB control number. Books or records relating to a collection of information must be retained as long as their contents may become material in the administration of any internal revenue law. Generally, tax returns and tax return information are confidential, as required by 26 U.S.C. 6103.

Request for Comments: Comments submitted in response to this notice will be summarized and/or included in the request for OMB approval. Comments will be of public record. Comments are invited on: (a) whether the collection of information is necessary for the proper performance of the functions of the agency, including whether the information has practical utility; (b) the accuracy of the agency's estimate of the burden of the collection of information; (c) ways to enhance the quality, utility, and clarity of the information to be collected; (d) ways to minimize the burden of the collection of information on or other forms of information technology; and (e) estimates of capital or start-up costs and costs of operation, maintenance, and purchase of services to provide information.

Approved: October 28, 2024.

Martha R. Brinson,

Tax Analyst.

[FR Doc. 2024–25719 Filed 11–5–24; 8:45 am]

BILLING CODE 4830–01–P

DEPARTMENT OF THE TREASURY

Agency Information Collection Activities; Submission for OMB Review; Comment Request; Form 637 Application for Registration and Questionnaires

AGENCY: Departmental Offices, U.S. Department of the Treasury.

ACTION: Notice.

SUMMARY: The Internal Revenue Service, as part of its continuing effort to reduce paperwork and respondent burden, invites the general public and other federal agencies to take this opportunity to comment on proposed and/or continuing information collections, as required by the Paperwork Reduction Act of 1995. The IRS is soliciting comments concerning Form 637, Application for Registration (For Certain Excise Tax Activities) and Questionnaires and IRS Notice 2023–06, IRS Notice 2024–06, Notice 2024–37, and IRS Notice 2024–49.

DATES: Comments should be received on or before December 6, 2024 to be assured of consideration.

ADDRESSES: Written comments and recommendations for the proposed information collection should be sent within 30 days of publication of this notice to *www.reginfo.gov/public/do/PRAMain.* 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 submissions may be obtained from Melody Braswell by emailing *PRA@treasury.gov,* calling (202) 622–1035, or viewing the entire information collection request at *www.reginfo.gov.*

SUPPLEMENTARY INFORMATION:

Internal Revenue Service (IRS)

Title: Application for Registration (For Certain Excise Tax Activities) and Questionnaires; IRS Notice 2023–06; IRS Notice 2024–06; IRS Notice 2024–37; IRS Notice 2024–49.

OMB Number: 1545–1835.

Form Number: Form 637—IRS Notice 2023–06, IRS Notice 2024–06, IRS Notice 2024–37, and IRS Notice 2024–49.

Abstract: Form 637 is used to apply for excise tax registration. The registration applies to a person required to be registered under Internal Revenue Code (IRC) section 4101 for purposes of the Federal excise tax on taxable fuel imposed under IRC sections 4041 and 4081; other persons required to be registered by IRC section 4101 for certain fuel activities for tax credits; certain manufacturers or sellers and purchasers required to be registered by IRC section 4222 to be exempt from the excise tax on taxable articles; certain persons required to be registered by IRC section 4662 to be exempt from the excise tax on taxable chemicals; and certain persons required to be registered by IRC section 4682 to be exempt from the excise tax on ozone-depleting chemicals. The data from Form 637 is used to determine if the applicant qualifies for registration.

IRS Notice 2023–26 provides guidance on the new sustainable aviation fuel credits under IRC sections 40B and 6426(k) and related credit and payment rules under IRC sections 34(a)(3), 38, 87, and 6427(e)(1) (SAF credit). This notice also provides rules related to the section 4101 registration requirements. The certificate, reseller statement, and declaration created by IRS Notice 2023–06 will allow the IRS to verify that claimants are making proper credit and payment claims with respect to the SAF credit.

IRS Notice 2024–06 allows taxpayers to use the Renewable Fuel Standard (RFS) methodology to calculate the amount of the SAF credit. IRS Notice 2024–06 updated the certificate to include the RFS methodology.

IRS Notice 2024–37 allows taxpayers to use the 40BSAF–GREET 2024 methodology to calculate the amount of the SAF credit. IRS Notice 2024–37 also allows use of domestic corn and soybean grown using climate smart agriculture pursuant to a program called the U.S. Department of Agriculture (USDA) Climate Smart Agriculture (CSA) Pilot Program (USDA CSA Pilot Program) to be considered in determining the amount of the SAF credit. If all the elements are met, the registered producer can increase the emissions reduction, allowing for a larger amount of the SAF credit.

IRS Notice 2024–49 provides guidance on the registration requirements under IRC sections 45Z and 4101 for the clean fuel production credit. Section 45Z(f)(1)(A)(i)(I) provides that no clean fuel production credit shall be determined with respect to any transportation fuel unless the taxpayer

is registered as a producer of clean fuel under section 4101 at the time of production. IRS Notice 2024–49 provides guidance on the time, form, and manner of such registration. IRS Notice 2024–49 provides that applicants will use Form 637 to apply for registration with the IRS and can apply for Activity Letter ''CN'' (for a producer of clean transportation fuel which is not SAF), or Activity Letter ''CA'' (for a producer of clean transportation fuel which is SAF), or both, in accordance with the instructions provided in the notice until Form 637 is updated.

Current Actions: IRS Notice 2024–37 has added a new certificate, revised the certificate from Notice 2024–06, and included new recordkeeping requirements. IRS Notice 2024–49 is revising Form 637 to add new activity codes and activity letters to be requested on Form 637.

Type of Review: Revision of a currently approved collection.

Affected Public: Individuals or households, Business or other for-profit, and not-for-profit entities.

Estimated Number of Responses: 9,949.

Estimated Time per Response: Varies, 30 minutes to 14 hours.

Estimated Total Annual Burden Hours: 32,344.

Authority: 44 U.S.C. 3501 et seq.

Melody Braswell,

Treasury PRA Clearance Officer.

[FR Doc. 2024–25779 Filed 11–5–24; 8:45 am]

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