



FEDERAL REGISTER

Vol. 89

Friday,

No. 226

November 22, 2024

Pages 92569–92786

OFFICE OF THE FEDERAL REGISTER



The **FEDERAL REGISTER** (ISSN 0097-6326) is published daily, Monday through Friday, except official holidays, by the Office of the Federal Register, National Archives and Records Administration, under the Federal Register Act (44 U.S.C. Ch. 15) and the regulations of the Administrative Committee of the Federal Register (1 CFR Ch. I). The Superintendent of Documents, U.S. Government Publishing Office, is the exclusive distributor of the official edition. Periodicals postage is paid at Washington, DC.

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DEPARTMENT OF AGRICULTURE

Agricultural Marketing Service

7 CFR Part 927

[Doc. No. AMS–SC–22–0079]

Pears Grown in Oregon and Washington; Marketing Order Approval Requirement

AGENCY: Agricultural Marketing Service, USDA.

ACTION: Final rule.

SUMMARY: This rulemaking amends Marketing Order No. 927, which regulates the handling of pears grown in Oregon and Washington. The amendment revises the Fresh Pear Committee's (Committee) approval requirement for recommending modifications to the marketing order's fresh pear handling regulations from 80 to 75 percent.

DATES: This rule is effective December 23, 2024.

FOR FURTHER INFORMATION CONTACT:

Geronimo Quinones, Marketing Specialist, or Matthew Pavone, Chief, Rulemaking Services Branch, Market Development Division, Specialty Crops Program, AMS, USDA, 1400 Independence Avenue SW, Stop 0237, Washington, DC 20250–0237; Telephone: (202) 720–8085, or Email: Geronimo.Quinones@usda.gov or Matthew.Pavone@usda.gov.

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

SUPPLEMENTARY INFORMATION: This action, pursuant to 5 U.S.C. 553, amends regulations issued to carry out a marketing order as defined in 7 CFR 900.2(j). This final rule is issued under

Marketing Order No. 927, as amended (7 CFR part 927), regulating the handling of pears grown in Oregon and Washington. Part 927 referred to as the "Order" is effective under the Agricultural Marketing Agreement Act of 1937, as amended (7 U.S.C. 601–674), hereinafter referred to as the "Act." The Committee locally administers the Order and is comprised of growers and handlers of pears operating within the area of production.

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

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

This final rule has been reviewed under Executive Order 12988, Civil Justice Reform. This rule shall not be deemed to preclude, preempt, or supersede any State program covering pears grown in Oregon and Washington.

The Act provides that administrative proceedings must be exhausted before parties may file suit in court. Under

section 8c(15)(A) of the Act (7 U.S.C. 608c(15)(A)), any handler subject to an order may file with the U.S. Department of Agriculture (USDA) a petition stating that the order, any provision of the order, or any obligation imposed in connection with the order is not in accordance with law and request a modification of the order or to be exempted therefrom. A handler is afforded the opportunity for a hearing on the petition. After the hearing, USDA would rule on the petition. The Act provides that the district court of the United States in any district in which the handler is an inhabitant, or has his or her principal place of business, has jurisdiction to review USDA's ruling on the petition, provided an action is filed no later than 20 days after the date of entry of the ruling.

Section 1504 of the Food, Conservation, and Energy Act of 2008 (2008 Farm Bill) (Pub. L. 110–246) amended section 8c(17) of the Act, which in turn required the addition of supplemental rules of practice to 7 CFR part 900 (73 FR 49307; August 21, 2008). The amendment of section 8c(17) of the Act and the supplemental rules of practice authorize the use of informal rulemaking (5 U.S.C. 553) to amend Federal fruit, vegetable, and nut marketing agreements and orders. USDA may use informal rulemaking to amend marketing orders depending upon the nature and complexity of the proposed amendment, the potential regulatory and economic impacts on affected entities, and any other relevant matters.

AMS has considered these factors and has determined that the amendment in this final rule is not unduly complex, and the nature of the amendment is appropriate for utilizing the informal rulemaking process to amend the Order. This final rule modifies the Committee's approval requirement for recommending modifications to the Order's fresh pear handling regulations from 80 to 75 percent. During the producer referendum, the amendment was favored by 99 percent of pear producers voting, who represented 99 percent of the volume of pears produced by those voting. A discussion of the potential regulatory and economic impacts on affected entities is discussed later in the "Final Regulatory Flexibility Analysis" section of this final rule. The amendment applies equally to all producers and handlers, regardless of

size. The amendment also has no additional impact on the reporting, record-keeping, or compliance costs of small businesses.

The Committee recommended this amendment to the Order following deliberations at a public meeting held on June 2, 2022. The Committee recommended this change by vote of nine in favor and two opposed, with one abstention. The two opposing voters did not feel the proposed change was necessary, and the abstention voter wanted an even lower voter approval requirement. The Committee submitted its formal recommendation to amend the Order through the informal rulemaking process on August 23, 2022, and subsequently provided AMS clarification about the recommendation on December 1, 2022.

A proposed rule soliciting public comments on the proposed amendment published in the **Federal Register** on October 10, 2023 (88 FR 69888). AMS received one comment in support of the proposal. After reviewing the comment, AMS published a proposed rule and referendum order in the **Federal Register** on April 29, 2024 (89 FR 33288). The proposed rule and referendum order directed that a referendum among Oregon and Washington pear growers be conducted from May 13, 2024, through May 27, 2024, to determine whether they favored the proposal. To become effective, the amendment had to be approved by either two-thirds of the producers voting in the referendum or by those representing at least two-thirds of the volume of pears grown by those voting in the referendum. During the referendum, producers showed overwhelming support for the amendment.

Final Regulatory Flexibility Analysis

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

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

There are approximately 700 growers of fresh pears in the production area and 27 handlers subject to regulation under the Order. At the time this analysis was

prepared, small agricultural producers of pears are defined by the Small Business Administration (SBA) as those having annual receipts equal to or less than \$3,500,000 (North American Industry Classification System code 111339, Other Non-citrus Fruit Farming), and small agricultural service firms are defined as those whose annual receipts are equal to or less than \$34,000,000 (North American Industry Classification System Code 115114, Postharvest Crop Activities) (13 CFR 121.201).

According to the National Agricultural Statistics Service (NASS), the 2024 average grower price received for fresh pears produced in Oregon and Washington was \$28.13 per 44-pound standard box or equivalent. Committee data indicates total production was 14,857,887 44-pound standard boxes or equivalent in the 2022–23 fiscal period. The total 2022–23 fiscal period value of assessable fresh “summer/fall” and “winter” pears grown in Oregon and Washington was roughly \$417,952,361 (14,857,887 44-pound standard boxes or equivalent multiplied by \$28.13 per box equals \$417,952,361). Dividing the crop value by the estimated number of growers (700), yields an estimated average receipt per grower of roughly \$597,075.

According to USDA Market News data, the reported average terminal price for 2024 Oregon and Washington fresh pears are roughly \$39.24 per 44-pound standard box or equivalent (data reported in $\frac{1}{8}$ bushel). Multiplying the Committee-reported 2022–23 Oregon and Washington total production of 14,857,887 44-pound standard boxes or equivalent by the estimated average price per box or equivalent of \$39.24 equals roughly \$583,023,486. Dividing this figure by 27 regulated handlers yields estimated average annual handler receipts of roughly \$21,593,462. Using the above data, the majority of growers and handlers of Oregon and Washington fresh pears may be classified as small entities.

AMS has determined that the amendment, as effectuated by this final rule, will not have a significant impact on a substantial number of small businesses. Rather, large and small entities alike would be expected to benefit from the Board’s improved ability to address important issues of interest to all on a timely basis. No small businesses are unduly or disproportionately burdened.

This final rule revises a provision in the Order’s subpart regulating handling of pears grown in Oregon and Washington. This change aligns the approval requirement for recommending

modifications to the Order’s fresh pear handling regulations, with all other Committee voting requirements within the Order. The revised voting requirements will result in less confusion for some Committee members, which can disrupt Committee operations.

The Committee considered the benefits and costs of maintaining the status quo as an alternative to this action. However, the Committee believes it is necessary to bring all voting requirements in-line for clarity and understanding to ensure the efficient execution of the Order.

Paperwork Reduction Act

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

This final rule does not impose additional reporting or recordkeeping requirements on either small or large pear handlers. As with all Federal marketing order programs, reports and forms are periodically reviewed to reduce information requirements and duplication by industry and public-sector agencies.

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

USDA has not identified any relevant Federal rules that duplicate, overlap, or conflict with this action.

The Committee’s meetings are widely publicized throughout the pear production area. All interested persons were invited to attend the meetings and encouraged to participate in Committee deliberations on all issues. Like all Committee meetings, the meeting held on June 2, 2022, was open to the public, and all entities, both large and small, were encouraged to express their views on the proposed amendment.

A proposed rule concerning this action published in the **Federal Register** on October 10, 2023 (88 FR 69888). A copy of the rule was sent via email to Committee staff for distribution to all Committee members and Oregon and Washington pear growers and handlers. The proposed rule was also made available by USDA through the internet and the Office of the Federal Register. A

60-day comment period ending December 11, 2023, was provided to allow interested persons an opportunity to respond to the proposal. AMS received one comment in support of the proposed amendment during the comment period. Based on all the information available to AMS, including the comment received in response to the proposed rule, no substantive changes were made to the amendment as proposed.

A proposed rule and referendum order was then published on April 29, 2024 (89 FR 33288). That document directed that a referendum among Oregon and Washington pear producers be conducted from May 13, 2024, through May 27, 2024, to determine whether they favored the proposal. To become effective, the amendment had to be approved by either two-thirds of the producers voting in the referendum or by those representing at least two-thirds of the volume of pears grown by those voting in the referendum. The referendum results show the amendment was supported by 99 percent of producers voting, who represented 99 percent of the volume of pears produced by those voting.

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

Order Amending the Order Regulating the Handling of Pears Grown in Oregon and Washington¹

Findings and Determinations

The findings and determinations hereinafter set forth are supplementary to the findings and determinations which were previously made in connection with the issuance of Marketing Order 927; and all said previous findings and determinations are hereby ratified and affirmed, except insofar as such findings and determinations may be in conflict with the findings and determinations set forth herein.

1. Marketing Order 927 as amended, and as hereby amended and all the terms and conditions thereof, will tend to effectuate the declared policy of the Act;

2. Marketing Order 927 as amended, and as hereby amended regulates the handling of pears grown in Oregon and Washington and is applicable only to persons in the respective classes of commercial and industrial activity specified in the Order;

3. Marketing Order 927 as amended, and as hereby amended is limited in application to the smallest regional production area, which is practicable, consistent with carrying out the declared policy of the Act, and the issuance of several marketing orders applicable to subdivisions of the production area would not effectively carry out the declared policy of the Act;

4. Marketing Order 927 as amended, and as hereby amended prescribes, insofar as practicable, such different terms applicable to different parts of the production area as are necessary to give due recognition to the differences in the production and marketing of pears produced or packed in the production area; and

5. All handling of pears grown or handled in the production area, as defined in Marketing Order 927 is in the current of interstate or foreign commerce or directly burdens, obstructs, or affects such commerce.

(b) Determinations.

It is hereby determined that:

1. The issuance of this amendatory Order, amending the aforesaid Order, is favored or approved by producers representing at least two-thirds of the volume of pears produced by those voting in a referendum on the question of approval and who, during the period of July 1, 2022, through June 30, 2023, were engaged within the production area in the production of such pears.

2. The issuance of this amendatory Order advances the interests of producers of pears in the production area pursuant to the declared policy of the Act.

Order Relative to Handling

It is therefore ordered, that on and after the effective date hereof, all handling of pears grown in Oregon and Washington shall be in conformity to, and in compliance with, the terms and conditions of the said Order as hereby proposed to be amended as follows:

The provisions of the proposed marketing order amending the Order contained in the proposed rule issued by the Administrator and published in the **Federal Register** (88 FR 69888) on October 10, 2023, will be and are the terms and provisions of this order amending the Order and are set forth in full herein.

List of Subjects in 7 CFR Part 927

Marketing agreements, Pears, Reporting and recordkeeping requirements.

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

PART 927—PEARS GROWN IN OREGON AND WASHINGTON

■ 1. The authority citation for 7 CFR part 927 continues to read as follows:

Authority: 7 U.S.C. 601–674.

■ 2. Amend § 927.52 by revising paragraph (a) to read as follows:

§ 927.52 Prerequisites to recommendations.

(a) Decisions of the Fresh Pear Committee or the Processed Pear Committee with respect to any recommendations to the Secretary pursuant to the establishment or modification of a supplemental rate of assessment for an individual variety or subvariety of pears shall be made by affirmative vote of not less than 75 percent of the applicable total number of votes, computed in the manner described in paragraph (b) of this section, of all members. Decisions of the Fresh Pear Committee pursuant to the provisions of § 927.50 shall be made by an affirmative vote of not less than 75 percent of the applicable total number of votes, computed in the manner prescribed in paragraph (b) of this section, of all members.

* * * * *

Erin Morris,

Associate Administrator, Agricultural Marketing Service.

[FR Doc. 2024–27383 Filed 11–21–24; 8:45 am]

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DEPARTMENT OF HOMELAND SECURITY

Coast Guard

33 CFR Part 165

[Docket Number USCG–2024–1021]

RIN 1625–AA00

Safety Zone; Gulf of Mexico and South Bay, Boca Chica Beach, TX

AGENCY: Coast Guard, Department of Homeland Security (DHS).

ACTION: Temporary final rule.

SUMMARY: The Coast Guard is establishing two temporary safety zones to protect personnel, vessels, and the marine environment from potential

¹ This order shall not become effective unless and until the requirements of § 900.14 of the rules of practice and procedure governing proceedings to formulate marketing agreements and marketing orders have been met.

hazards created by commercial spaceflight activities. One safety zone is in the navigable waters of South Bay, TX and the other is in the navigable waters of the Gulf of Mexico, within 12 nautical miles of the first. Entry of vessels or persons into these zones are prohibited unless specifically authorized by the Captain of the Port, Sector Corpus Christi (COTP) or a designated representative.

DATES: This rule is effective without actual notice from November 22, 2024, through November 25, 2024. For the purposes of enforcement, actual notice will be used from November 18, 2024, until November 22, 2024. It is subject to enforcement from 2 p.m. to 6 p.m. each day from November 18, 2024, through November 22, 2024, and November 25, 2024, and from 11 a.m. to 3 p.m. each day from November 23, 2024, through November 24, 2025.

ADDRESSES: To view documents mentioned in this preamble as being available in the docket, go to <https://www.regulations.gov>, type USCG–2024–1021 in the “SEARCH” box and click “SEARCH.” Click on Open Docket Folder on the line associated with this rule.

FOR FURTHER INFORMATION CONTACT: If you have questions about this rule, call or email Lieutenant Timothy Cardenas, Sector Corpus Christi Waterways Management Division, U.S. Coast Guard; telephone 361–939–5130, email Timothy.J.Cardenas@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 the authority in 5 U.S.C. 553(b)(B). This statutory provision authorizes an agency to issue a rule without prior notice and opportunity to comment when the agency for good cause finds that those procedures are “impracticable, unnecessary, or contrary to the public interest.” The Coast Guard finds that good cause exists for not publishing a notice of proposed rulemaking (NPRM) with respect to this rule because it is impracticable. We must establish this safety zone promptly to protect personnel, vessels, and the marine environment from potential hazards created by the possibility of being hit by free falling debris, descending vehicles

or vehicle components, and we lack sufficient time to provide a reasonable comment period and then consider those comments before issuing the rule.

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 contrary to the public interest because there are fewer than 30 days left before launch is to occur, and publication of this rule is needed to respond to the potential safety hazards associated with the launch of spacecraft over the waters of the Gulf of Mexico.

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 Corpus Christi (COTP) has determined that hazards inherent in rocket launching activity necessitate provisions to protect personnel, vessels, and the marine environment while it is taking place. The hazards inherent in SpaceX’s rocket launching activities include the chance of being hit by free falling debris, descending vehicles or vehicle components.

IV. Discussion of the Rule

This rule is subject to enforcement from 2 p.m. to 6 p.m. each day from November 18, 2024, through November 22, 2024, and November 25, 2024, and from 11 a.m. to 3 p.m. each day from November 23, 2024, through November 24, 2025. No vessel or person will be permitted to enter the temporary safety zones during the period in which the rule is subject to enforcement without obtaining permission from the COTP or a designated representative, who may be contacted on Channel 16 VHF–FM (156.8 MHz) or by telephone at 361–939–0450. The Coast Guard will issue Broadcast Notices to Mariners and Safety Marine Information Broadcasts.

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

Executive Order 12866, as amended by Executive Order 14094 (Modernizing Regulatory Review). Accordingly, this rule has not been reviewed by the Office of Management and Budget (OMB).

This regulatory action determination is based on the size, location, and duration of the safety zones. The safety zones cover an area of the South Bay, TX, approximately 4.5 square miles in size, and an area of the Gulf of Mexico, offshore of Boca Chica Beach, TX, approximately 115 square miles in size. The temporary safety zones will be subject to enforcement for a period of 4 hours a day, from 2 p.m. to 6 p.m. each day from November 18, 2024, through November 22, 2024, and November 25, 2024, and from 11 a.m. to 3 p.m. each day from November 23, 2024, through November 24, 2025. The rule does not completely prohibit vessel traffic within the waterway, and it allows mariners to request permission to enter the zones.

B. Impact on Small Entities

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

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

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

Small businesses may send comments on the actions of Federal employees who enforce, or otherwise determine compliance with, Federal regulations to the Small Business and Agriculture Regulatory Enforcement Ombudsman and the Regional Small Business Regulatory Fairness Boards. The Ombudsman evaluates these actions

annually and rates each agency's responsiveness to small business. If you wish to comment on actions by employees of the Coast Guard, call 1-888-REG-FAIR (1-888-734-3247). The Coast Guard will not retaliate against small entities that question or complain about this rule or any policy or action of the Coast Guard.

C. Collection of Information

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

D. Federalism and Indian Tribal Governments

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

Also, this rule does not have tribal implications under Executive Order 13175, Consultation and Coordination with Indian Tribal Governments, because it does not have a substantial direct effect on one or more Indian tribes, on the relationship between the Federal Government and Indian tribes, or on the distribution of power and responsibilities between the Federal Government and Indian tribes. If you believe this rule has implications for federalism or Indian tribes, please contact the person listed in the **FOR FURTHER INFORMATION CONTACT** section above.

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 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 establishment of two temporary safety zones for navigable waters in the Gulf of Mexico and South Bay. The safety zones are needed to protect personnel, vessels, and the marine environment from potential hazards created by rocket launching activity that may include free falling debris and/or descending vehicles or vehicle components under various means of control. It is categorically excluded from further review under paragraph L60(c), in Appendix A, Table 1 of DHS Instruction Manual 023-01-001-01, Rev. 1. A Record of Environmental Consideration is available for viewing in the docket. For instructions on how to locate it, see the **ADDRESSES** section above.

G. Protest Activities

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

List of Subjects in 33 CFR Part 165

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

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

PART 165—REGULATED NAVIGATION AREAS AND LIMITED ACCESS AREAS

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

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

- 2. Add § 165.T08-1021 to read as follows:

§ 165.T08-1021 Safety Zones; Gulf of Mexico and South Bay, Boca Chica Beach, TX.

(a) *Location.* The following areas are safety zones: Safety Zone A consists of all navigable waters of the Gulf of Mexico, from the surface to bottom, encompassed by a line connecting the following points beginning at Point 1: 26°2'36" N 097°9'8" W, thence to Point

2: 26°3'0" N 097°7'10" W, thence to Point 3: 26°7'0" N 097°57'0" W, thence to Point 4: 26°6'54" N 096°55'46" W, thence following the 12NM line to United States of America/Mexico Maritime Boundary Line, thence following the United States of America/Mexico Maritime Boundary Line to Point 5: 25°57'24.2" N 097°8'49" W, thence following the coast to Point 1. Safety Zone B consists of all navigable waters of South Bay, from the surface to bottom, encompassed by a line connecting the following points beginning at Point 6: 26°2'45" N 097°11'6.3" W, thence to Point 7: 26°2'45" N 097°10'53.4" W, thence following the coastline to Point 6. These coordinates are based on World Geodetic System (WGS) 84.

(b) *Enforcement period.* This section will be subject to enforcement from 2 p.m. to 6 p.m. each day from November 18, 2024, through November 22, 2024, and November 25, 2024, and from 11 a.m. to 3 p.m. each day from November 23, 2024, through November 24, 2025.

(c) *Regulations.* (1) In accordance with the general regulations in § 165.23, entry into the temporary safety zones is prohibited unless authorized by the Captain of the Port, Sector Corpus Christi (COTP) or a designated representative. They may be contacted on Channel 16 VHF-FM (156.8 MHz) or by telephone at 361-939-0450.

(2) If permission is granted, all persons and vessels shall comply with the instructions of the COTP or designated representative.

(d) *Information broadcasts.* The COTP or a designated representative will inform the public of the enforcement times and date for the safety zone through Broadcast Notices to Mariners and Safety Marine Information Broadcasts.

Dated: November 17, 2024.

T.H. Bertheau,

Captain, U.S. Coast Guard, Captain of the Port, Sector Corpus Christi.

[FR Doc. 2024-27454 Filed 11-20-24; 8:45 am]

BILLING CODE 9110-04-P

ENVIRONMENTAL PROTECTION AGENCY

40 CFR Part 52

[EPA-R04-OAR-2022-0786; FRL-10405-02-R4]

Air Plan Partial Approval and Partial Disapproval; North Carolina; Second Period Regional Haze Plan

AGENCY: Environmental Protection Agency (EPA).

ACTION: Final rule.

SUMMARY: The Environmental Protection Agency (EPA) is approving in part and disapproving in part a regional haze State Implementation Plan (SIP) revision submitted by the North Carolina Department of Environmental Quality, Division of Air Quality (DAQ), dated April 4, 2022 (“Haze Plan” or “2022 Plan”) under the Clean Air Act (CAA or Act) and EPA’s Regional Haze Rule (RHR) for the regional haze program’s second planning period. North Carolina’s 2022 SIP submission was submitted to address the requirement that states must periodically revise their long-term strategies for making reasonable progress toward the national goal of preventing any future, and remedying any existing, anthropogenic impairment of visibility, including regional haze, in mandatory Class I Federal areas (hereinafter referred to as “Class I areas”). The SIP submission also addresses other applicable requirements for the second planning period of the regional haze program. EPA is taking this action pursuant to sections 110 and 169A of the Act.

DATES: This rule is effective December 23, 2024.

ADDRESSES: EPA has established a docket for this action under Docket Identification No. EPA–R04–OAR–2022–0786. All documents in the docket are listed on the [regulations.gov](https://www.regulations.gov) website. Although listed in the index, some information may not be publicly available, *i.e.*, Confidential Business Information or other information whose disclosure is restricted by statute. Certain other material, such as copyrighted material, is not placed on the internet and will be publicly available only in hard copy form. Publicly available docket materials are available either electronically through www.regulations.gov or in hard copy at the Air Regulatory Management Section, Air Planning and Implementation Branch, Air and Radiation Division, U.S. Environmental Protection Agency, Region 4, 61 Forsyth Street SW, Atlanta, Georgia 30303–8960. EPA requests that, if at all possible, you contact the person listed in the **FOR FURTHER INFORMATION CONTACT** section to schedule your inspection. The Regional Office’s official hours of business are Monday through Friday 8:30 a.m. to 4:30 p.m., excluding Federal holidays.

FOR FURTHER INFORMATION CONTACT: Michele Notarianni, Multi-Air Pollutant Coordination Section, Air Planning and Implementation Branch, Air and Radiation Division, U.S. Environmental

Protection Agency, Region 4, 61 Forsyth Street SW, Atlanta, Georgia 30303–8960. Ms. Notarianni can be reached via telephone at (404) 562–9031 or electronic mail at notarianni.michele@epa.gov.

SUPPLEMENTARY INFORMATION:

I. Background

On April 4, 2022, the North Carolina DAQ submitted a revision to its SIP to address regional haze for the second planning period. DAQ made this SIP submission to satisfy the requirements of the CAA’s regional haze program pursuant to CAA sections 169A and 169B and 40 Code of Federal Regulations (CFR) 51.308.¹ Subsequently, North Carolina submitted a letter, dated July 30, 2024 (Commitment Letter), requesting partial conditional approval of its Haze Plan and committing to submit a SIP revision containing specific enforceable measures no later than one year from the effective date of a final conditional approval action.² Through a notice of proposed rulemaking published on August 20, 2024, (89 FR 67341) (hereinafter referred to as the NPRM), EPA proposed to approve in part and conditionally approve in part North Carolina’s April 4, 2022, SIP submission addressing the regional haze requirements for the second planning period contained in the CAA and 40 CFR 51.308. Comments on the NPRM were due on or before September 19, 2024. EPA received four sets of relevant comments on the NPRM.

After reviewing the entirety of the record including comments submitted, EPA is now taking final action to approve in part and disapprove in part North Carolina’s Haze Plan. Specifically, EPA is approving the portions of the Haze Plan addressing the requirements of 40 CFR 51.308(f)(1), (f)(4) through (6), and (g)(1) through (5). EPA is disapproving the portions of the Haze Plan addressing the requirements of 40 CFR 51.308(f)(2) and (3) and (i)(2) through (4) due to the inadequate record associated with the four-factor analysis (FFA) for Domtar Paper, LLC (Domtar) located in Plymouth, North Carolina, as described in more detail in section II. EPA is not finalizing its previously

¹ In a letter dated August 15, 2022, EPA found that North Carolina’s Haze Plan meets the completeness criteria outlined in 40 CFR part 51, appendix V. A completeness determination does not constitute a finding on the merits of the submission or whether it meets the relevant criteria for SIP approval. The August 15, 2022, letter is included in the docket for this rulemaking.

² The Commitment Letter is in the docket for this rulemaking.

proposed conditional approval.³ Therefore, the issues identified as part of the proposed conditional approval and in the Commitment Letter are now subsumed under the broader partial disapproval.

Disapproving a SIP submission establishes a two-year deadline for EPA to promulgate a Federal Implementation Plan (FIP) to address the relevant requirements under CAA section 110(c), unless EPA approves a subsequent SIP submission that meets these requirements.⁴ Therefore, EPA will be obligated under CAA section 110(c)(1) to promulgate a FIP within two years after the effective date of this partial disapproval, unless the State submits, and EPA approves, a SIP revision that satisfies the requirements of 40 CFR 51.308(f)(2) and (3) and (i)(2) through (4).

This final action represents a logical outgrowth of the proposal, following EPA’s proposed partial approval and partial conditional approval, and receipt of public comments. EPA specifically solicited comments on the adequacy of DAQ’s analyses, including the FFAs, determination of controls necessary for reasonable progress, and the adequacy of the submitted permit conditions, including associated monitoring, recordkeeping, and reporting, and whether the State met the requirements of 40 CFR 51.308(f)(2)(i) through (iv). See 89 FR 67358. Through this solicitation of comment, the public was on notice that EPA was specifically interested in the public’s perspective on its conclusions and may ultimately change its conclusions. A logical outgrowth of a proposal is to refrain from taking the proposed step. See *Am. Iron & Steel Inst. v. EPA*, 886 F.2d 390, 400 (D.C. Cir. 1989). For action on SIP submittals, EPA is required to act, so the Agency may not refrain from acting. As such, it is reasonable to view a disapproval as a logical outgrowth of a proposed approval (or proposed conditional approval) if comments

³ Under CAA section 110(k)(4), EPA may conditionally approve a SIP revision based on a commitment from a state to adopt specific enforceable measures by a date certain, but not later than one year from the date of conditional approval of the plan revision. In its Commitment Letter, the State committed to submit a SIP revision containing specific enforceable measures no later than one year from the effective date of a final conditional approval action. Because EPA is not finalizing the proposed conditional approval, North Carolina is not required to submit that SIP revision.

⁴ North Carolina’s Haze Plan was not submitted to address a requirement of part D, title I of the CAA, and is not required in response to a finding of substantial inadequacy as described in CAA section 110(k)(5) (SIP Call), so the partial disapproval will not trigger any offset or highway sanctions clocks. See CAA section 179(a).

cause EPA to change its proposed conclusions. Consistent with CAA section 110(k)(3), EPA may approve in part portions of the SIP submittal if those portions meet all applicable requirements.

II. Response to Comments

In response to the NPRM, EPA received comment letters from the National Parks Conservation Association (NPCA), Sierra Club, the Coalition to Protect America's National Parks, Center for Biological Diversity, and Southern Environmental Law Center (collectively referred to as the "Conservation Groups"); U.S. National Park Service (NPS); and 7 Directions of Service, Blue Ridge Outdoors Magazine, Center for Biological Diversity, CleanAIRE NC, Coalition to Protect America's National Parks, Dogwood Alliance, Forest Keeper, Friends of Big Ivy, I Heart Pisgah, Mountain True, NPCA, North Carolina Black Alliance, and Toxic Free North Carolina (collectively referred to as the "Organizations"). Additionally, EPA received comments from two members of the public. One set of comments from a member of the public is not relevant to this action, and the other set of comments is addressed below. All comments received are available in the docket for this action. A summary of the significant comments received from these commenters and EPA's responses to these comments is below.

Comment 1: The Conservation Groups contend that EPA's proposal to approve North Carolina's reliance on the Visibility Improvement State and Tribal Association of the Southeast's (VISTAS') visibility modeling is arbitrary and capricious because the Agency ignored significant flaws in this modeling. They state that they informed VISTAS and EPA of significant errors in the visibility modeling through a 2021 letter.⁵ EPA did not acknowledge these errors in the NPRM, and these errors affected the source selection process for all of the VISTAS states. Consequently, they assert that North Carolina improperly excluded major sources of haze-forming pollution from FFAs.⁶ These alleged errors are addressed in comments 1.a through 1.c below.

Comment 1.a: The Conservation Groups contend that the VISTAS

modeling significantly underpredicted the contribution of sulfates to visibility impairment at Class I areas on the 20 percent most impaired days and that this underprediction was largest during the summer months when visibility impairment is most problematic.⁷ They also assert that these errors resulted in the modeling not meeting VISTAS' model performance goals and modeling acceptance criteria for a number of Class I areas. They further assert that although North Carolina claims that it corrected for this underprediction through the use of relative response factors (RRFs), neither North Carolina nor EPA assessed whether use of RRFs adequately corrected for errors in the modeling.

Response 1.a: EPA disagrees that there are significant flaws in North Carolina's 2028 visibility modeling that resulted in excluding major sources of haze-forming pollution from evaluation via FFAs for the second planning period. As the Conservation Groups state, North Carolina relied upon the photochemical visibility modeling performed by VISTAS to project the impact of the State's 2028 sulfur dioxide (SO₂) and nitrogen oxides (NO_x) emissions on visibility in both in-state and out-of-state Class I areas. VISTAS performed the modeling in accordance with the principles described within EPA's "Modeling Guidance for Demonstrating Air Quality Goals for Ozone, PM_{2.5} and Regional Haze" (2018 Modeling Guidance).⁸ In 2018, EPA approved⁹ the Quality Assurance Project Plan prepared by VISTAS for performing the modeling and also reviewed and provided comments on the VISTAS Modeling Protocol. EPA also reviewed the VISTAS final modeling reports and data relied upon by North Carolina, and they appear reasonable.

Regarding sulfate predictions, figure 6–7 in North Carolina's Haze Plan shows the results of the normalized mean bias and normalized mean error statistical model performance tests for sulfates across the VISTAS region. Figure 6–7 does show that the modeled

sulfate levels are biased low, with some values falling outside of the model performance criteria. However, as discussed below, these biases are not uncommon in photochemical modeling analyses and can be addressed with additional analyses. Table 6–10 in the Haze Plan summarizes the sulfate model performance criteria for multiple statistical tests, and figures 6–32 through 6–55 in the Haze Plan graphically depict model performance at the Great Smoky Mountains National Park (Great Smoky Mountains) (North Carolina/Tennessee); Linville Gorge National Wilderness Area (Linville Gorge); and Swanquarter National Wilderness Area (Swanquarter) which are three of the five Class I areas in North Carolina.¹⁰

Model bias and error, either high or low, is not uncommon in photochemical modeling analyses due to uncertainties in model inputs and the scientific model formulation, and the fact that all air quality models are simplified approximations of the complex phenomena of atmospheric chemistry, fate, and transport of pollutants. Section 6.0 of EPA's 2018 Modeling Guidance discusses uncertainties that may affect model results and states that following the recommendations in the Guidance should help mitigate the uncertainty as much as possible. North Carolina acknowledges in the Haze Plan that model performance is biased low on the 20 percent most impaired days and provided an explanation of why this modeling was nonetheless appropriate for its regulatory determinations in the Haze Plan (which references the 2018 Modeling Guidance in several instances). The 2018 Modeling Guidance states that it is not appropriate to use a "bright-line test" for distinguishing between adequate and inadequate photochemical model performance for a single performance test statistic.¹¹ EPA's 2018 Modeling Guidance instead recommends using a "weight of evidence" approach for

⁵ Exhibit 11 of the Conservation Groups' comments contains the May 12, 2021, letter regarding the VISTAS regional haze modeling for the second planning period.

⁶ The amount of progress that is "reasonable progress" is based on applying the four statutory factors in CAA section 169A(g)(1) in an evaluation of potential control options for sources of visibility impairing pollutants, which is referred to as a "four-factor analysis."

⁷ Areas statutorily designated as mandatory Federal Class I areas consist of national parks exceeding 6,000 acres, wilderness areas and national memorial parks exceeding 5,000 acres, and all international parks that were in existence on August 7, 1977. CAA section 162(a). There are 156 mandatory Class I areas. The list of areas to which the requirements of the visibility protection program apply is in 40 CFR part 81, subpart D.

⁸ "Modeling Guidance for Demonstrating Air Quality Goals for Ozone, PM_{2.5} and Regional Haze," EPA 454/R-18-009, November 29, 2018, available at: https://www.epa.gov/sites/default/files/2020-10/documents/o3-pm-rh-modeling_guidance-2018.pdf.

⁹ The April 3, 2018, Quality Assurance Project Plan for the VISTAS II Regional Haze Project is located in appendix A–1 of the Haze Plan.

¹⁰ North Carolina has five Class I areas, two of which are shared with Tennessee: Great Smoky Mountains (North Carolina/Tennessee); Linville Gorge; Swanquarter; Shining Rock National Wilderness Area (Shining Rock); and Joyce Kilmer-Slickrock National Wilderness Area (Joyce Kilmer) (North Carolina/Tennessee). Joyce Kilmer relies on data from the Great Smoky Mountains IMPROVE monitoring site (GRSM1) because it does not have an IMPROVE monitor and the Shining Rock IMPROVE monitor did not have valid data in 2011 so model performance could not be evaluated.

¹¹ See 2018 Modeling Guidance at p. 69 ("Further, even with a single performance test, it is not appropriate to assign 'bright line' criteria that distinguish between adequate and inadequate model performance.").

evaluating model performance holistically.¹²

As discussed in section 5.2(d) of EPA's "Guideline on Air Quality Models" contained in 40 CFR part 51, appendix W, there are no specific levels of any model performance metric that indicate acceptable model performance. The decision regarding acceptability is heavily influenced by professional judgment of the reviewing authority, which is EPA in this case. Based upon the overall performance of the model for all pollutants affecting visibility, considered holistically, North Carolina's conclusions that the modeling is acceptable for use in the regional haze SIP analyses appear reasonable, and North Carolina provided a reasonable explanation of the model bias.

Just as importantly, North Carolina's steps to correct for this model bias appear reasonable. The Haze Plan explains that the model is applied in a relative sense through the calculation of RRFs following the procedures in 2018 Modeling Guidance for calculating 2028 future year visibility impacts, which mitigates concerns about the low bias in the sulfate model predictions. As described in EPA's 2018 Modeling Guidance, RRFs are "the fractional change in air quality concentrations that is simulated due to emissions changes between a base and a future year emissions scenario."¹³

Applying the model in a relative sense using the RRFs is an important tool in mitigating the impacts of the sulfate modeling underpredictions in the 2011 baseline year on the model projections for the 2028 future year. Section 4.1 of the 2018 Modeling Guidance provides a detailed explanation of why EPA recommends photochemical modeling be applied in a relative sense and explains that problems posed by model bias are expected to be reduced when using the relative approach. Section 7.2.6.1 of North Carolina's Haze Plan explains the calculation of 2028 visibility estimates using the RRF approaches contained in EPA's 2018 Modeling Guidance. Using the RRF approach with an average of five years of Interagency Monitoring of Protected Visual Environments (IMPROVE)¹⁴ data on the 20 percent most impaired days and 20 percent clearest days along with the relative

percent modeled change in all of the particulate matter (PM) species between 2011 and 2028 reduces the influence of the low bias in sulfate-modeled (and other PM species) values in the 2011 baseline year. The 2028 visibility impairment projection is derived primarily from the five-year average of actual IMPROVE monitoring data in 2009–2013 that was then scaled in a relative sense by the modeling results. If the model was being applied in an absolute sense, the low bias in the sulfate modeled values would have a larger impact on the 2028 visibility projections. For these reasons, North Carolina's use of the VISTAS model results to inform source selection appears reasonable due to the use of RRFs to minimize the impacts of model bias.

Comment 1.b: The Conservation Groups state that VISTAS relied on an "outdated" 2011 baseline year for its 2028 future year emissions projections and assumed that electric generating units (EGUs) would operate in the exact same manner in 2028 as they did in 2011. Thus, they assert that the model assumptions and results are incorrect because EGUs are likely to have different load utilization in 2028 than in 2011.

Response 1.b: North Carolina's use of a 2011 base emissions inventory year to project emissions out to 2028 (the end of the second planning period) appears reasonable in this instance. Although it is always preferable to use the most recent information available for modeling, the 2011 baseline year inventory used by VISTAS was the latest region-wide inventory available at the time that North Carolina's SIP submittal was being developed during the VISTAS technical work, which took place from December 2017 to February 26, 2021.¹⁵ In EPA's experience, coordination among states such as those in the VISTAS region takes time, and the modeling involved is time-consuming, highly technical, and resource intensive. The modeling generally requires hundreds of hours of time to gather the model input data (e.g., emissions, meteorology, land-use, etc.), prepare modeling protocols, perform the modeling, and analyze the results. The computational resources to run photochemical models are also very large. "Mainframe" clusters of a large number of computer processors are required to run the models, and even using these powerful computers, it takes weeks of computer run-time for a full-

year model simulation. Additionally, EPA's newer 2016-based modeling platform only became available in September 2019, after VISTAS had already invested a considerable amount of time and money into the regional haze modeling analysis.¹⁶ EPA develops the National Emissions Inventory (NEI) suitable for use in such models every three years.¹⁷ By design, the regional haze program requires states to spend significant time in the planning phase, and this generally necessitates the use of a baseline year that is substantially earlier than the date the state submits its SIP to EPA.

In addition, there is no RHR requirement regarding the baseline year for regional photochemical modeling (nor is photochemical modeling required). At the time VISTAS began their regional haze modeling, EPA did not have a more recent baseline emissions inventory year available for state use in the second period regional haze plans. Furthermore, North Carolina explains the use of this particular baseline year and states that the 2011 emissions inventory was the most recently available quality assured statewide emissions inventory when the VISTAS project began.¹⁸ Moreover, prior to using this data, the State discussed the selection of this baseline year emissions inventory and received confirmation from EPA to use this emissions inventory.¹⁹

The 2011 emissions inventory was used to estimate emissions of visibility impairing pollutants in 2028. VISTAS applied reductions expected from

¹⁶ See "Technical Support Document for EPA's Updated 2028 Regional Haze Modeling" at: <https://www.epa.gov/visibility/technical-support-document-epas-updated-2028-regional-haze-modeling>.

¹⁷ For more information on the NEI, see: <https://www.epa.gov/air-emissions-inventories/national-emissions-inventory-nei>.

¹⁸ See Haze Plan at p. 24 ("The year 2011 was selected as the modeling base year because the VISTAS 2028 emissions inventory is based on the 2011 Version 6 EPA modeling platform, which at the commencement of the VISTAS second round of planning for regional haze was the most current, complete modeling platform available. For the analyses in this SIP, this period consists of those years surrounding 2011 (i.e., 2009–2013)."). See also Haze Plan, p. 49 ("Calendar year 2011 satisfies the criteria in EPA's modeling guidance episode selection discussion and is consistent with the base year modeling platform. In addition, the 2011/2028 modeling platform was the most recent available platform when VISTAS started its modeling work. EPA's 2016-based platform became available at a later date after VISTAS had already invested a considerable amount of time and money into the modeling analysis. Using the 2016-based platform was not feasible from a monetary perspective, nor could such work be done in a timely manner.").

¹⁹ See the January 29, 2018, email from EPA (Richard Wayland) regarding use of a 2011 base year by VISTAS for regional haze in the docket for this rulemaking.

¹² See id. ("[T]he EPA recommends that a "weight of evidence" approach be used to determine whether a particular modeling application is valid for assessing the future attainment status of an area.").

¹³ See id. at p. 103.

¹⁴ IMPROVE visibility monitoring data is available at: <https://vista.cira.colostate.edu/Improve/>.

¹⁵ See "Timeline" for the VISTAS II Regional Haze Project at: <https://www.metro4-sesarm.org/content/vistas-regional-haze-project-intro>.

Federal and state regulations on the visibility impairing pollutants NO_x, PM, and SO₂. North Carolina's 2028 emissions projections are based on the State's technical analysis of the anticipated emissions rates and level of activity for EGUs, other point sources, non-point sources, on-road sources, and off-road sources based on their emissions in the 2011 base year, considering growth and additional emissions controls to be in place by 2028. In addition, the VISTAS emissions inventory for 2028 accounts for post-2011 emission reductions from promulgated Federal, state, local, and site-specific control programs. North Carolina's modeling of the EGUs and non-EGUs for the growth factors appears reasonable. The 2011 baseline year to 2028 future year emissions projections were modeled to account for projected changes in emissions over the second planning period.

Although North Carolina used the 2011 year as its emissions inventory base year, North Carolina also examined more recent emission inventory information for SO₂ and NO_x for the years 2017, 2018, and 2019 and compared these emissions to the 2028 emission projections that were used for modeling purposes in section 7.7.3 and tables 7–41 and 7–42 of its Haze Plan. This appears compliant with 40 CFR 51.308(f)(2)(iii) and is another backstop that helps to ensure that the State adequately considered more recent emissions inventory information. The technical information provided in the docket documents the projected 2028 emissions inventory in the Haze Plan. Given the aforementioned reasons, the use of the 2011 baseline year by VISTAS (and thus North Carolina) appears reasonable.

Comment 1.c: The Conservation Groups state that VISTAS used “outdated” monitoring data for its 2028 future year projections that did not reflect an observed shift in nitrate contribution to visibility impairment in the southeastern United States in the recent past. They therefore contend that this resulted in the exclusion of major NO_x sources from the modeling results.

Response 1.c: Regarding the Conservation Groups' claims that the 2009–2013 modeling base period did not reflect more recent changes in nitrate contributions, EPA discussed its views on this issue in detail in the NPRM. Nitrates are also discussed in response 3, below. EPA agrees that during the 2009–2013 timeframe, nitrate impacts have become more significant on some of the 20 percent most impaired days, especially taking into account the significant decrease in SO₂

emissions and acknowledged this in the NPRM. However, North Carolina's focus on SO₂ emitting sources during this period appears reasonable because sulfates remain the dominant visibility impairing pollutant at the Class I areas affected by North Carolina.

For the reasons discussed in responses 1.a through 1.c, the VISTAS modeling appears adequate for North Carolina's use in selecting sources for a FFA for the second planning period. However, the requirement to consider the four factors in establishing the long-term strategy (LTS) at 40 CFR 51.308(f)(2) and CAA section 169A(g)(1) encompasses the selection of sources for further analysis, and as discussed above, EPA is disapproving the portions of the Haze Plan addressing 40 CFR 51.308(f)(2) due to the inadequate record associated with the Domtar FFA.

Comment 2: The Conservation Groups claim the errors in the VISTAS modeling discussed in comment 1 above were carried forward into the source selection process for VISTAS states, including North Carolina, and that those errors caused VISTAS, and the states that relied on the VISTAS process, to improperly exclude sources from FFAs. In addition to the impact of the modeling errors, they state that North Carolina used VISTAS' unreasonable source screening process using Area of Influence (AoI) and Particulate Matter Source Apportionment Technology (PSAT) analyses and unreasonably high source selection thresholds. They therefore contend that EPA's proposal to approve the State's source selection method is arbitrary and capricious. The Conservation Groups' specific comments on this topic are addressed in comments 2.a through 2.g, below.

Comment 2.a: The Conservation Groups claim that the State employed unreasonably high source selection thresholds for AoI, which were too restrictive and resulted in the identification of only five North Carolina sources at that step. They assert that by using a percentage source selection threshold, the calculated threshold in absolute visibility impact terms was higher for Class I areas with the most severe visibility impairment. The Conservation Groups contend that fewer sources were identified at the AoI step for Class I areas with the worst visibility impairment. They also state that for the areas with the worst visibility impairment, more sources should be selected to make progress toward the natural visibility goal. In addition, they assert that neither North Carolina nor EPA provide justification for a three percent threshold at the AoI step, making its use arbitrary.

Response 2.a: EPA disagrees with this comment. As explained in the NPRM, the RHR does not require states to consider controls for all sources, all source categories, or any or all sources in a particular source category. See 89 FR 67346. Nor does the RHR expressly specify criteria for minimum source selection thresholds.

These flexibilities, however, are not unbounded. The RHR requires that “[t]he State should consider evaluating major and minor stationary sources or groups of sources, mobile sources, and area sources. The State must include in its implementation plan a description of the criteria it used to determine which sources or groups of sources it evaluated and how the four factors were taken into consideration in selecting the measures for inclusion in its long-term strategy.”²⁰ In addition, the technical basis for source selection must also be documented, as required by 40 CFR 51.308(f)(2)(iii), and North Carolina discussed the criteria it used to determine which sources or groups of sources were evaluated by the State, including the use of AoI analysis, photochemical modeling (e.g., PSAT), and associated source selection thresholds for AoI and PSAT tagging in its Haze Plan. North Carolina documented its use of these approaches in extensive detail within section 7.5 of the Haze Plan and appendices D–1 and D–2 of the Haze Plan (relating to AoI analysis) and section 7.6 of the Haze Plan and appendices E–1a, E–1b, E–2a, E–2b, E–2c, E–2d, E–2e, E–2f, E–3, E–4, E–5, E–6, E–7a, E–7b, and E–8 of the Haze Plan (relating to PSAT modeling).

North Carolina's source selection methodology—including the use of an AoI threshold of greater than or equal to three percent for sulfate and nitrate combined at any North Carolina Class I area for all sources within and outside of the State for follow-up PSAT tagging, and a one percent PSAT threshold on a pollutant-by-pollutant basis for source selection—appears reasonable and is documented in the Haze Plan. A specific approach is not required by the RHR.²¹

²⁰ See 40 CFR 51.308(f)(2)(i).

²¹ Both of these approaches (AoI and PSAT) are example methods in EPA's August 20, 2019, guidance titled: “Guidance on Regional Haze State Implementation Plans for the Second Implementation Period” (“2019 Guidance”) which is available at: https://www.epa.gov/sites/default/files/2019-08/documents/8-20-2019_-_regional_haze_guidance_final_guidance.pdf. See subsection “(b) Estimating baseline visibility impacts for source selection” on pages 12–15 of the 2019 Guidance. Photochemical modeling (zero-out and/or source apportionment is listed as item 4 on page 13 of the 2019 Guidance. VISTAS' AoI analyses involve items 1–3 on p. 13 of the 2019 Guidance.

The results of this methodology also appear reasonable. North Carolina selected for further analysis the three sources with the largest visibility impacts (accounting for both SO₂/sulfate and NO_x/nitrate²²) at North Carolina and nearby Class I areas. On the whole, SO₂ emissions from the three in-state sources selected by North Carolina for FFAs—Blue Ridge Paper Products—Canton Mill (BRPP); Domtar;²³ and PCS

Phosphate Inc.—Aurora (PCS)—are projected to impact visibility at Class I areas above North Carolina's one percent PSAT threshold.

Most anthropogenic impacts to visibility at the North Carolina Class I areas come from outside of North Carolina and, in fact, they primarily come from outside of the VISTAS states. This is also illustrated in table 7–14 of the Haze Plan, which provides the

contributions from 2028 SO₂ and NO_x emissions to visibility impairment from all source sectors for the 20 percent most impaired days in units of inverse megameters (Mm⁻¹). The entries in table 1, below, taken from table 7–14 of the Haze Plan, show the contributions made from North Carolina, all other VISTAS states, and other Regional Planning Organizations (RPOs) to North Carolina's Class I areas.

TABLE 1—CONTRIBUTIONS OF 2028 SO₂ AND NO_x EMISSIONS FROM ALL SOURCE SECTORS TO VISIBILITY IMPAIRMENT FOR THE 20 PERCENT MOST IMPAIRED DAYS FOR CLASS I AREAS IN NORTH CAROLINA [Mm⁻¹]*

Class I area	Sulfate + nitrate visibility impairment (Mm ⁻¹)							
	2028 total impairment (all species)	2028 sulfate + nitrate impairment	NC	All other VISTAS states	CENRAP region **	LADCO region **	MANE-VU region **	Boundary + all other regions within VISTAS modeling domain
Great Smoky Mountains	45.75	24.17	0.89	9.77	1.87	3.74	1.57	6.33
Joyce Kilmer	45.12	22.48	0.43	5.62	2.96	6.84	0.82	5.81
Linville Gorge	42.52	19.47	0.95	4.19	2.55	5.54	1.15	5.09
Shining Rock	42.09	19.20	1.13	3.97	2.80	5.11	0.75	5.44
Swanquarter	46.39	21.14	1.83	3.87	0.72	4.19	3.23	7.30

* As noted in North Carolina's Haze Plan, the columns to the right of "Projected 2028 Impairment on 20% Most Impaired Days" do not add up to the values in the "Projected 2028 Impairment on 20% Most Impaired Days" column due to international emissions and boundary emissions.

** "CENRAP" refers to Central Regional Air Planning Association (which is associated with the Central States Air Resource Agencies (CENSARA)); "LADCO" refers to Lake Michigan Air Directors Consortium; "MANE-VU" refers to Mid-Atlantic/Northeast Visibility Union; "WRAP" refers to Western Regional Air Partnership. See also: <https://www.epa.gov/visibility/visibility-regional-planning-organizations>.

Table 1 illustrates that North Carolina's in-state emissions account for a relatively small fraction of total sulfate plus nitrate visibility impairment at North Carolina's Class I areas which is as follows: approximately 3.68 percent for Great Smoky Mountains; 1.91 percent for Joyce Kilmer; 4.88 percent for Linville Gorge; 5.89 percent for Shining Rock; and 8.66 percent for Swanquarter.²⁴

The RHR affords North Carolina flexibility in its choice of both AoI and PSAT thresholds. North Carolina's source selection methodology appears reasonable, and therefore, North Carolina's choice of the three largest impacting sources in the State using its AoI and PSAT criteria appears adequate.

Comment 2.b: The Conservation Groups state that VISTAS considered sulfate and nitrate separately in the PSAT model analyses, which the Conservation Groups allege does not align with how these pollutants actually function in the atmosphere, where sulfate and nitrate act in combination,

along with other precursors, to contribute to visibility impairment. As a result, they argue that VISTAS likely underestimated the overall visibility impact of individual sources in its PSAT analysis.

Response 2.b: EPA disagrees with this comment. In the AoI screening analysis, VISTAS used the combined sulfate plus nitrate values to select sources to tag for the refined PSAT source apportionment modeling analyses. Section 7.5.5 of the Haze Plan explains how North Carolina used the results of the AoI analysis to select sources for further evaluation with PSAT. This section shows that facilities contributing greater than or equal to three percent for sulfate and nitrate combined at any North Carolina Class I area for all sources within and outside of the State were selected for PSAT tagging. See tables 7–20 through 7–24 for the specific sources with sulfate plus nitrate values greater than North Carolina's AoI source selection threshold.

Also, contrary to the Conservation Groups' assertion, sulfates and nitrates were modeled together in the PSAT modeling with the other PM species that impact visibility (e.g., direct PM, organic carbon, elemental carbon, etc.). Section 7.6.2 of the Haze Plan summarizes the results of the PSAT modeling. This section states that: "The adjusted PSAT results were used to calculate the percent contribution of each tagged facility to the total sulfate and nitrate point source (EGU + non-EGU) contribution at each Class I area."²⁵ Tables 7–31 through 7–35 contain the specific PSAT results for each of North Carolina's Class I areas. It is true that North Carolina considered the PSAT modeled results for sulfate and nitrate separately to compare against its selected one percent threshold. However, no additional sources would have been identified by using a combined sulfate plus nitrate metric. For these reasons, North Carolina's approach appears reasonable.

²² North Carolina selected sources for PSAT modeling based on the combined impact of sulfate plus nitrate. Sulfates and nitrates were modeled together in the PSAT modeling with the other PM species that impact visibility (e.g., direct PM, organic carbon, elemental carbon, etc.). There were no sources with a sulfate impact below the PSAT threshold(s), but a sulfate plus nitrate impact above the threshold(s).

²³ On December 1, 2023, DAQ issued Air Quality Permit No. 04291T51 authorizing modifications to the Domtar facility, which is available at: <https://edocs.deq.nc.gov/AirQuality/DocView.aspx?id=457541&dbid=0&repo=AirQuality&searchid=c271acf8-6535-4306-8cfb-9a0caa2b3d97>. Because these authorized permit modifications are subsequent to the North Carolina SIP submission, North Carolina

did not consider the modification to determine reasonable progress in the second planning period.

²⁴ These percentages were calculated by dividing the "NC" column by the "2028 Sulfate + Nitrate Impairment" column and multiplying by 100.

²⁵ See Haze Plan at p. 227.

Comment 2.c: The Conservation Groups state that VISTAS used an outdated 2028 emissions projection to “tag” sources. They note that although VISTAS documented that the initial 2028 emission inventory projections were updated for the final modeling, the associated PSAT modeling did not use the final 2028 inventory. They state that VISTAS scaled predicted sulfate and nitrate to the corresponding changes in SO₂ and NO_x emissions using a linear relationship between SO₂ and NO_x emissions and sulfate and nitrate concentrations. They argue ample evidence shows that there is a non-linear relationship between emissions and sulfate/nitrate concentrations. Moreover, the Conservation Groups contend that North Carolina significantly underestimated future 2028 emissions for multiple sources, pointing to a comparison of North Carolina’s 2028 future emission projections against recent actual emissions for five Duke Energy EGUs as an example: Duke Energy Carolinas (DEC)—Belews Creek Steam Station (DEC—Belews Creek), DEC—Cliffside Steam Station (DEC—Cliffside), DEC—Marshall Steam Station (DEC—Marshall), Duke Energy Progress, LLC (DEP)—Mayo Electric Generating Plant (DEP—Mayo), and DEP—Roxboro Steam Electric Plant (DEP—Roxboro).²⁶

They argue that this comparison shows that the State severely underestimated future emissions for these facilities and note that nothing in the Haze Plan indicates that there have been federally enforceable changes to these Duke Energy EGUs’ operating parameters that would justify such large differences between recent actual emissions and future year 2028 projections.

Response 2.c: Regarding the Conservation Groups’ claim that VISTAS used an outdated 2028 emissions projection to select sources for the PSAT modeling and that the linear scaling used to adjust the PSAT results for the updated 2028 emissions inventory introduced errors into the modeling, EPA acknowledges that VISTAS used the original 2028 emissions inventory to perform the PSAT modeling and that the original PSAT results were linearly scaled to reflect the updated 2028 emissions. Although linear scaling introduces some uncertainty to the final PSAT results, EPA agrees that adjusting the results to account for VISTAS’ updated 2028 emissions inventory using linear scaling is a better approach than relying on the

original PSAT modeling. Linear scaling of photochemical modeling results to account for changes in emissions is an accepted practice by EPA. An example is provided by EPA’s Modeled Emission Rates for Precursors (MERPs) for evaluating secondary particulate matter of 2.5 micrometers or less in diameter (PM_{2.5}) impacts in Prevention of Significant Deterioration (PSD) modeling analyses.²⁷ This guidance recommends an approach where the PM_{2.5} impacts are estimated using an archived national-scale photochemical modeling analysis, performed using Comprehensive Air Quality Model with Extensions (CAMx) and Community Multiscale Air Quality Modeling (CMAQ)²⁸ photochemical models, that uses hypothetical emissions sources, and then linearly scaling the photochemical modeling results using the ratio of the PSD project-specific source emissions to the modeled emissions from the hypothetical source (see Equation 1 on page 3 of the April 30, 2024, MERPs memorandum). This approach is widely used and accepted by state air quality agencies and EPA to account for secondarily formed PM_{2.5} resulting from precursor emissions (SO₂ and NO_x) for PSD modeling analyses. Since the MERPs analyses use linear scaling with CAMx and for the same PM_{2.5} precursors (SO₂ and NO_x) as VISTAS used for their regional haze modeling, this example clearly shows that linear scaling of PM precursor emissions is an accepted practice.

Regarding the Conservation Groups’ assertion that “[n]othing in the SIP Revision indicates that there have been federally enforceable changes to the Duke Energy EGUs’ operating parameters that would justify such large differences between recent actual emissions and future year 2028 projections,” as explained in response 4.f, under the RHR, sources that do not meet a state’s reasonable source selection criteria (such as these five Duke Energy EGUs) are not selected for a FFA and are therefore not required to have emission limits and supporting conditions adopted into the LTS in the SIP to support reasonable progress for the planning period.

With respect to the 2028 emissions projections for the Duke Energy EGUs,

²⁷ “Clarification on the Development of Modeled Emission Rates for Precursors (MERPs) as a Tier 1 Demonstration Tool for Ozone and PM_{2.5} under the PSD Permitting Program,” April 30, 2024, Memorandum from Tyler Fox to Regional Office Modeling Contacts is available at: https://www.epa.gov/sites/default/files/2020-09/documents/epa-454_r-19-003.pdf.

²⁸ See <https://www.epa.gov/cmaq> for further information on CMAQ.

North Carolina appears to have used the best assumptions available at the time of SIP development to project the 2011 base year emissions out to 2028 for the five Duke Energy EGUs discussed in this response. The State compared 2017, 2018, and 2019 actual SO₂ and NO_x emissions to 2028 projected emissions in tables 7–41 and 7–42 of their Haze Plan. The methodology used to make the 2028 projections is discussed in appendix B–3 of North Carolina’s Haze Plan. Table 9 in appendix B–3 provides a comparison of the different projection methodologies used by North Carolina including a comparison to the 2028 emissions projections performed separately by EPA for its 2028 Regional Haze Modeling.²⁹ The total of North Carolina’s 2028 projected SO₂ emissions for the five Duke Energy EGUs in table 9 of appendix B–3 used for its reasonable progress and PSAT modeling (VISTAS 2028elv5 inventory) is 8,732 tons per year (tpy), which is approximately eight percent less than the 9,456 tpy of emissions projected by EPA for 2028 for these five sources. EPA’s 2028 emissions for EGUs were projected from the more recent 2016 base-year emissions inventory using the Integrated Planning Model.³⁰ While North Carolina’s 2028 projection emissions are much less than the recent actual emissions in 2017–2019, North Carolina’s and EPA’s projected 2028 projections are similar. Therefore, North Carolina’s 2028 emissions projections appear reasonable for the reasonable progress and PSAT modeling analyses.

Comment 2.d: The Conservation Groups note that North Carolina relied on the PSAT modeling results for its multiple in-state sources that are located less than 50 kilometers (km) from a Class I area and claim that PSAT modeling has been shown to be unreliable for sources that are within a short distance from a Class I area, referencing Federal Land Manager (FLM)³¹ guidance that addresses

²⁹ Memorandum from Richard A. Wayland to Regional Air Division Directors, “Availability of Modeling Data and Associated Technical Support Document for EPA’s Updated 2028 Visibility Air Quality Modeling,” September 19, 2019, available at: <https://www.epa.gov/visibility/technical-support-document-epas-updated-2028-regional-haze-modeling>.

³⁰ “Documentation for EPA’s Power Sector Modeling Platform v6 Using the Integrated Planning Model,” November 2018, available at: <https://www.epa.gov/power-sector-modeling/documentation-epas-power-sector-modeling-platform-v6-november-2018-reference>.

³¹ EPA’s regulations define “Federal Land Manager” as “the Secretary of the department with authority over the Federal Class I area (or the Secretary’s designee) or, with respect to Roosevelt-Campobello International Park, the Chairman of the

²⁶ See table 2 of the 2024 Kordzi Report in Exhibit 1 of the Conservation Groups’ comment letter.

regional grid models. According to the Conservation Groups, this guidance shows that regional grid models are not preferred for sources located close to Class I areas and that the grid size used by VISTAS is too small to produce accurate results for those sources.

Response 2.d: The Conservation Groups state that PSAT modeling has been shown to be unreliable for sources located less than 50 km from a Class I area, which caused North Carolina to inappropriately screen out sources which should have undergone an FFA. However, they do not provide any specific model performance information demonstrating that the CAMx model nor the PSAT source apportionment tool have poor model performance for evaluating visibility impacts from sources located within 50 km of any of the Class I areas located in North Carolina.

Instead, the Conservation Groups provide qualitative arguments to support their assertion. They assert that the FLMs' Air Quality Related Values Work Group (FLAG) Guidance indicates that photochemical grid models are not the preferred model for evaluating visibility impacts from sources less than 50 km from Class I areas and reference the use of direct plume impact models. However, they are inappropriately citing the FLAG guidance and recommendations, which is not intended to apply to photochemical grid modeling or outside of the permitting context. The FLAG reference to direct plume models (e.g., Plume Visibility Model)³² is only for evaluating visibility impacts under the New Source Review (NSR)/PSD (NSR/PSD) permitting regulations and is not applicable to regional haze analyses. EPA's regional haze regulations and guidance do not require evaluations of direct plume impacts separate from the photochemical modeling analyses used for regional haze visibility analyses. Therefore, the argument is not relevant for the visibility analyses for regional haze.

The Conservation Groups also assert that since the horizontal grid size used

in the VISTAS CAMx modeling was 12 km, it is insufficient to resolve the details of emissions plumes from facilities within 50 km of a Class I area and that the model performance degrades substantially at the close-in distances. The general statement from the Conservation Groups is that model performance substantially degrades within 50 km is not supported by any specific evidence in the comments. Therefore, North Carolina's CAMx PSAT modeling appears reasonable for selecting sources for reasonable progress analyses.

The Conservation Groups separately contend that North Carolina's correlation analysis of the sulfate AoI versus PSAT presented in section 7.6.3 of the Haze Plan is flawed. They point out the scatter in the AoI/PSAT ratio data for distances less than 100 km in figure 7-77 of the Haze Plan and argue this makes the State's correlation conclusions invalid. They also refer to the scatter in the sulfate fractional bias values in figure 7-78 in the Haze Plan and argue the AoI versus PSAT correlation is invalid. EPA disagrees. While there is more scatter between the data points less than 100 km from the Class I area, there is clearly a trend that the AoI values are much larger than the PSAT values within 100 km compared to the ratios for further distances. There is logic to this result due to the way the AoI metric is calculated using the Extinction Weighted Residence Times (EWRT) multiplied by the Emissions (Q) divided Distance (d) ($EWRT \times Q/d$). The EWRT is calculated using the frequency that winds (represented by Hybrid Single-Particle Lagrangian Integrated Trajectory (HYSPLOT) back trajectories) pass over a specific geographic area (represented by a modeling grid cell) on the path to the Class I area.³³ For sources located less than 100 km from a Class I area, there is likely to be a higher frequency of the HYSPLIT back trajectories passing over the 12 km grid cell containing the source, thus the EWRT and AoI value will be larger. The CAMx PSAT modeling is a more refined photochemical modeling approach that calculates the atmospheric fate and transport of the PM precursors and their chemical reactions to form visibility impairing pollutants (e.g., ammonium sulfate). Therefore, compared to the AoI screening process, the refined PSAT technique is less likely to overestimate the visibility impacts for sources located within 100 km of the Class I area. Regarding the scatter of the data resulting in the AoI to PSAT fractional

bias correlation, EPA acknowledges that there is scatter in the data which is reflected in the 0.72 coefficient of determination (R^2) value shown in figure 7-78 in the Haze Plan. However, this level of correlation is not uncommon in these types of modeling data analyses, and the results are reasonable. For these reasons, North Carolina's correlation approach appears valid.

The photochemical modeling employed by VISTAS and North Carolina is the most refined methodology available for evaluating regional haze visibility impacts. Moreover, North Carolina's AoI screening process identified sources located within 50 km of its Class I areas, including the BRPP facility located approximately 17 km from Swanquarter that met the PSAT source selection criteria and underwent an FFA to evaluate reasonable progress. As discussed above, North Carolina demonstrated in section 7.6.3 of the Haze Plan that the AoI screening technique tends to overestimate visibility impacts for sources located within 100 km of a Class I area. Based upon this AoI overestimation, in section 7.7.3 of the Haze Plan, North Carolina explains why some sources located less than 100 km from its Class I areas were not tagged for PSAT modeling and thus were not selected for FFAs. North Carolina's justification regarding why the other sources within 100 km were not selected for FFAs appears reasonable.

Comment 2.e: The Conservation Groups claim that North Carolina did not justify its application of the one percent PSAT threshold and that North Carolina's use of this threshold at the PSAT step biased the process against heavily polluted Class I areas. They note that NPS' comments on the draft SIP revision explain that reliance on the percent-based threshold required source impacts to be 80 times larger for the most visually impaired Class I areas versus the least visually impaired Class I areas in order to be selected for an FFA. They also argue that PSAT tagging was unnecessary because the AoI step already identified the sources that contributed to impairment at Class I areas.

Response 2.e: EPA disagrees with the Conservation Groups' assertion that North Carolina did not justify its application of the one percent PSAT threshold. Section 7.7.1 of the Haze Plan explains the State's rationale for using a one percent PSAT threshold to select sources for a reasonable progress evaluation. Using a percentage-based threshold enabled the State to identify

Roosevelt-Campobello International Park Commission." See 40 CFR 51.301. The U.S. National Park Service (NPS), U.S. Fish and Wildlife Service (FWS), and U.S. Forest Service (USFS) are collectively referred to as the "Federal Land Managers" or "FLMs" throughout this notice.

³² The Plume Visibility Model "PLUVUE" is used for estimating visual range reduction and atmospheric discoloration caused by plumes resulting from the emissions of particles, nitrogen oxides, and sulfur oxides from a single source. See "PLUVUE II" at: <https://www.epa.gov/scram/air-quality-dispersion-modeling-alternative-models>. The User's Guide is available at: <https://gaftp.epa.gov/Air/aqmg/SCRAM/models/other/pluvueii/PluvueUG.pdf>.

³³ See section 7.5 of the Haze Plan for additional detail.

the sources that contribute the largest amount of impact on visibility at the Class I areas. While it is true that using a one percent PSAT threshold identifies sources which contribute larger visibility impacts at the most visually impaired Class I areas than at the least visually impaired Class I areas, North Carolina's targeting of sources with the largest visibility contributions to each Class I area regardless of magnitude of visibility impairment at a Class I area appears reasonable. Use of a percentage-based threshold produced a relative ranking of visibility impairment to allow the State to focus on the sources contributing to the largest amount of visibility impact at each individual Class I area, which has the potential to reduce visibility impacts the most. Regardless of whether a relative or absolute threshold is used, the number of sources selected depends on the chosen value of the threshold. North Carolina's source contribution threshold, which identified the largest sources to evaluate emissions measures using an FFA, appears reasonable.

Regarding the Conservation Groups' assertion that the PSAT tagging process was unnecessary, as the AoI step already identified the sources that contributed to impairment at Class I areas, EPA disagrees with the premise of this comment. The standard is not whether the approach is necessary or required, but rather, whether the approach is reasonable and is reasonably explained.³⁴ The two-step process of screening with the AoI analysis and then applying the more refined PSAT source apportionment modeling to sources that met the initial AoI screening criteria is a sound technical approach for identifying sources to evaluate for reasonable progress. Elements of North Carolina's AoI approach are discussed in EPA's 2019 Guidance as a viable method to assess source's visibility impacts to Class I areas.³⁵ North Carolina, along with many of the VISTAS states, also relied upon the AoI initial screening approach in its first planning period haze plan.³⁶ VISTAS used the AoI analysis as an initial screening step because it is a much simpler and less

resource intensive approach than using PSAT tagging to model hundreds to thousands of potential sources. The AoI screening approach identified a smaller subset of sources that could undergo refined analysis using PSAT modeling. The two-step process of the screening AoI analysis along with using the more refined PSAT source apportionment modeling appears valid and reasonable. Also, as discussed above, states have discretion under the RHR regarding choice of source selection methodology.

Comment 2.f: The Conservation Groups contend that EPA did not address the "significant flaws" in the VISTAS modeling and source selection process and that EPA concluded that North Carolina's selection of three in-state sources was reasonable because it enabled the identification of sources with the largest visibility impacts. They argue that this is contrary to EPA's guidance which states that a source selection threshold that captures only a small portion of a state's contribution to visibility impairment in Class I areas is more likely to be unreasonable and contrary to the CAA which does not authorize states or EPA to select only the largest contributors to visibility impairment. They assert that North Carolina should have used a different selection method with a lower threshold, such as a "Q/d" (emissions (Q) divided by distance to a Class I area (d)) with a threshold of five or lower, to capture the largest portion of in-state sources.

Response 2.f: EPA disagrees with the assertion that North Carolina's selection of the three largest sources contributing to visibility impairment at Class I areas is contrary to EPA's guidance. The PSAT modeling performed by VISTAS found that the three sources selected by North Carolina for FFAs have the largest contribution to visibility impairment of any point sources in the State. As discussed in response 2.a., the PSAT modeling results show that the total cumulative contribution to visibility impairment on the 20 percent most impaired days at North Carolina's Class I areas from all SO₂ and NO_x emitting sources in the State are relatively small, ranging from 1.91 percent for Joyce Kilmer to 8.66 percent for Swanquarter. Given state discretion in selecting sources to evaluate for emissions controls, and since the SO₂ and NO_x emissions from all point sources in North Carolina contribute a relatively small amount to the visibility impairment at its Class I areas, the State's selection of the three largest source contributors to visibility impairment appears reasonable.

Regarding the Conservation Groups' claim that the State should have adopted a different selection method (such as Q/d) with a lower threshold to select more sources in North Carolina being selected, as discussed above, a state is not required to evaluate all sources of emissions in each planning period. Instead, a state may reasonably select a set of sources for an analysis of control measures. Selecting a set of sources for analysis of control measures in each planning period is also consistent with the RHR, which sets up an iterative planning process and anticipates that a state may not need to analyze control measures for all its sources in a given SIP revision.³⁷ Moreover, use of Q/d (which simply involves dividing the quantity of emissions by the distance to a Class I area) does not consider transport direction/pathway, dispersion and photochemical processes, or the particular days that have the most anthropogenic impairment due to all sources.³⁸ Therefore, compared to photochemical modeling, using a simple Q/d technique, as the Conservation Groups suggest, would have resulted in a less accurate quantification of visibility impacts on Class I areas. As discussed in detail above, North Carolina's reliance on VISTAS modeling and the State's source selection methodology were well documented and appear reasonable.

Comment 2.g: The Conservation Groups state that EPA asserts North Carolina's source selection method is reasonable because: (1) SO₂ and NO_x emissions have decreased since the first planning period and are projected to continue decreasing, (2) visibility conditions at in-state Class I areas are projected to improve and have improved since the baseline period, and (3) North Carolina sources do not contribute to any Class I areas above their respective Uniform Rate of Progress (URP). They argue that projected visibility improvement at North Carolina's Class I areas and the fact that those areas are below their respective URPs are not a valid basis to approve the State's flawed selection method. They cite to EPA guidance stating that the URP is not a safe harbor and that states cannot avoid requiring sources to install reasonable controls merely because there have been emissions reductions owing to ongoing air pollution controls since the first planning period or because visibility is projected to improve at Class I areas.

³⁴ See 40 CFR 51.308(f)(2)(i), (iii); see also sections 2 and 2.1 of 2021 Clarifications Memo.

³⁵ EPA's 2019 Guidance at pp. 12–14 describes components of North Carolina's AoI approach, including Q/d, trajectory analyses, residence time analyses, and source apportionment photochemical modeling (e.g., CAMx PSAT).

³⁶ See, e.g., 77 FR 11858, 11869 (February 28, 2012) for a description of North Carolina's AoI approach in the first planning period. On May 24, 2016, EPA fully approved North Carolina's first period regional haze plan, effective June 23, 2016. See 81 FR 32652.

³⁷ See 2019 Guidance at 9.

³⁸ See 2019 Guidance at 13.

Response 2.g: EPA agrees that the URP is not a “safe harbor” to avoid requiring additional reasonable progress measures. However, factual information that all of the North Carolina and nearby Class I areas are below the URP was provided because being below the URP is relevant to whether a state needs to perform a “robust demonstration” based on the requirements in 40 CFR 51.308(f)(3)(ii)(A) and (B). Therefore, a comparison of the URP to projected visibility impairment in 2028 is needed to inform that requirement. Additionally, other information about measured progress towards natural conditions can be relevant in evaluating the source selection process. For example, significant improvements in visibility at impacted Class I areas since the beginning of the second planning period (starting in 2018) is relevant to whether a state is making progress towards natural conditions and may provide information that could influence the selection of sources to be analyzed for emissions controls in the second planning period. Regardless of the visibility information listed in the proposed rule, EPA independently evaluated North Carolina’s SIP documentation and came to the conclusion that North Carolina’s source selection methodology and thresholds for this second planning period appear reasonable for the reasons stated earlier in this response.

For the reasons discussed in responses 2.a through 2.g, North Carolina’s source selection methodology appears reasonable. However, the requirement to consider the four factors in establishing the LTS at 40 CFR 51.308(f)(2) and CAA section 169A(g)(1) encompasses the selection of sources for further analysis, and as discussed above, EPA is disapproving the portions of the Haze Plan addressing 40 CFR 51.308(f)(2) due to the inadequate record associated with the Domtar FFA.

Comment 3: The Conservation Groups assert that EPA incorrectly endorses North Carolina’s decision to exclude consideration of NO_x controls in any FFAs. They contend that VISTAS’ modeling did not accurately reflect the shift in the 20 percent most impaired days and the corresponding increase in the contribution of nitrate to visibility impairment at Southeastern Class I

areas. They state that nitrate concentrations are higher on winter days, nitrate contributes to a substantial portion of light extinction at Great Smoky Mountains and Joyce Kilmer, and nitrate is the biggest contributor to light extinction on multiple 20 percent most impaired days for these areas. They also note EPA’s general expectation that states will, at a minimum, consider both SO₂ and NO_x in this planning period, and assert that there are multiple sources of significant NO_x emissions that North Carolina should have analyzed for NO_x controls.

Response 3: EPA disagrees with this comment. The RHR does not prescribe which visibility impairing pollutants must be evaluated in the FFAs. EPA’s 2019 Guidance on page 11 states: “When selecting sources for analysis of control measures, a state may focus on the PM species that dominate visibility impairment at the Class I areas affected by emissions from the state and then select only sources with emissions of those dominant pollutants and their precursors.” On July 8, 2021, EPA issued a memorandum containing “Clarifications Regarding Regional Haze State Implementation Plans for the Second Implementation Period” (“2021 Clarifications Memo”).³⁹ Section 2.2 of EPA’s 2021 Clarifications Memo recommends that states which do not evaluate SO₂ and NO_x in both source selection and control evaluations show why such consideration of these pollutants would be unreasonable, especially if the state considered both of these pollutants in the first planning period.⁴⁰

North Carolina appears to have followed these recommended approaches here. North Carolina considered both SO₂ emissions (via sulfates visibility impacts) and NO_x emissions (via nitrates visibility impacts) in the source selection process. As part of the Haze Plan, DAQ presented the results of PSAT modeling

³⁹ “Clarifications Regarding Regional Haze State Implementation Plans for the Second Implementation Period.” <https://www.epa.gov/system/files/documents/2021-07/clarifications-regarding-regional-haze-state-implementation-plans-for-the-second-implementation-period.pdf>. EPA Office of Air Quality Planning and Standards, Research Triangle Park (July 8, 2021).

⁴⁰ North Carolina considered SO₂ for FFAs conducted in the first planning period.

conducted by VISTAS to estimate the projected impact of statewide SO₂ and NO_x emissions across all emissions sectors in 2028 on total light extinction for the 20 percent most impaired days in all Class I areas in the VISTAS modeling domain. The result of this process was that while sources were selected for SO₂ control analysis determinations, no sources in North Carolina met the State’s nitrate source selection thresholds, and therefore, North Carolina did not select any sources for a NO_x emissions control evaluation. Contrary to the Conservation Groups’ assertion that North Carolina made a “decision” not to consider NO_x controls in any FFA, it was North Carolina’s application of its source selection process in combination with data and modeling showing that SO₂ and not NO_x is the dominant visibility impairing pollutant that resulted in North Carolina only selecting sources for SO₂ emissions control analyses and not NO_x emissions control analyses.

Additionally, in order to better understand the trends in PM species contributions to visibility impairment, North Carolina examined more recent IMPROVE monitoring data. More recent IMPROVE monitoring data shows that ammonium sulfate remains the dominant visibility impairing pollutant at North Carolina’s Class I areas as discussed in section 2.5.2 of the Haze Plan (particularly figures 2–7 through 2–10 for the 2009–2013 period) and in section 2.6.2 (particularly figures 2–13 through 2–16 for the 2014–2018 period). The 2015–2019 IMPROVE monitoring data (the most recent data available at the time) cited within the Haze Plan (figures 10–1, 10–2, and 10–3) identifies the relative contributions of PM species contributing to the total visibility impairment at the North Carolina Class I areas, which are shown in table 2, below. In spite of increased nitrate contributions on the 20 percent most impaired days (as the Conservation Groups note, often on winter days), as indicated in that table, ammonium nitrate contributions to regional haze at the State’s Class I areas remain relatively low at 8 to 17 percent of the total visibility impairment as compared to ammonium sulfate at 50 to 58 percent.

TABLE 2—2015–2019 SPECIATED IMPROVE MONITORING DATA FOR NORTH CAROLINA'S CLASS I AREAS

	Ammonium sulfate (%)	Ammonium nitrate (%)	Organic carbon (%)	Coarse mass (%)	Elemental carbon (%)	Fine sea salt (%)	Fine soils (%)
Great Smoky Mountains	54	17	17	5	6	1	1
Joyce Kilmer	54	17	17	5	6	1	1
Linville Gorge	57	8	22	5	7	0	1
Shining Rock	58	10	19	5	5	1	1
Swanquarter	50	17	17	7	5	3	1

Additionally, in figure 10–7 of the Haze Plan, North Carolina provides a comparison of the sulfate and nitrate five-year averages for the 2009–2013 and 2015–2019 periods for all the Class I areas in the VISTAS region. North Carolina's conclusion that although nitrate contributions have increased for some Class I areas, sulfate remains the dominant visibility impairing species through 2019, appears reasonable.

Furthermore, in tables 7–20 through 7–24 of the Haze Plan, the State provided a calculation of the sulfate and nitrate EWRT used in the AoI analysis for Great Smoky Mountains, Joyce Kilmer, Linville Gorge, Shining Rock, and Swanquarter for the 20 percent most impaired days, demonstrating that the sulfate EWRT are significantly higher than the nitrate EWRT. This further supports the importance of focusing on SO₂ emissions reductions for this planning period. The State's rationale for focusing on SO₂ controls in the FFAs is summarized in North Carolina's SIP submittal and the NPRM.⁴¹

With respect to the Conservation Groups' assertion that nitrate is the biggest contributor to light extinction on multiple of the 20 percent of most impaired days for these North Carolina Class I areas during the 2014–2018 period (especially on winter days), as described above, the average nitrate contribution across the 20 percent most impaired days is still relatively small. Thus, while nitrate impairment may be relatively high on a particular day, the data that states are required to use for regional haze as specified in 40 CFR 51.301 and 40 CFR 51.308(f)(1) shows ammonium nitrate only contributes 8 to 17 percent of the total visibility impairment (during the 2015–2019 period).

North Carolina's justification for not evaluating sources selected for SO₂ emission control analyses for a separate NO_x emission control analysis appears reasonable for this planning period. The

trends in PM species' contributions to visibility impairment will continue to be evaluated in future planning periods. If the data warrants consideration of NO_x controls in future planning periods, EPA expects that North Carolina will address potential NO_x controls in future regional haze SIP revisions. However, the requirement to consider the four factors in establishing the LTS at 40 CFR 51.308(f)(2) and CAA section 169A(g)(1) encompasses decisions regarding the visibility impairing pollutants evaluated in the FFAs, and as discussed above, EPA is disapproving the portions of the Haze Plan addressing 40 CFR 51.308(f)(2) due to the inadequate record associated with the Domtar FFA.

Comment 4: The Conservation Groups assert that, to correct errors in the source selection method, EPA must require North Carolina to assess additional EGU sources identified by NPS and NPCA with emissions that likely contribute to visibility impairment at Class I areas. The Conservation Groups argue that the State arbitrarily refused to consider cost-effective control efficiency improvements at each Duke Energy EGU and identify specific concerns for DEC—Belews Creek, DEC—Cliffside, DEC—Marshall, and DEP—Roxboro.⁴² They contend that EPA must disapprove the State's reliance on unenforceable emission reductions to avoid conducting FFAs at these EGUs, and that EPA must disapprove the State's refusal to conduct FFAs for sources that the State's analysis shows are reasonably anticipated to contribute to visibility impairment. These specific arguments are addressed in comments 4.a through 4.g, below.

⁴² The Conservation Groups' letter identifies five Duke Energy EGUs on pages iv and 46 and identifies four Duke Energy EGUs in the Table of Contents on page v and in sections III.D.1.i–iv of the letter. The five Duke Energy EGUs listed on pages iv and 46 that the Conservation Groups recommend to be evaluated for emissions controls are: DEC—Belews Creek, DEC—Cliffside, DEC—Marshall, DEP—Roxboro, and DEP—Mayo. Sections III.D.1.i–iv do not include recommendations regarding improved control efficiencies specific to DEP—Mayo.

Comment 4.a: The Conservation Groups contend that states must consider recent actual and projected emission rates to determine if a source could reasonably attain a lower rate with existing measures. For DEC—Belews Creek, DEC—Cliffside, DEC—Marshall, and DEP—Roxboro, the Conservation Groups assert errors in North Carolina's analysis of potential emission reductions for NO_x and SO₂ and that, in each instance, EPA must disapprove the State's analysis, conduct its own FFA, and require cost effective control upgrades in a FIP.⁴³ The alleged errors for these four facilities are addressed in comments 4.b through 4.e, below.

Response 4.a: As explained in response 2.a and in the NPRM (89 FR 67346), the RHR does not require states to select and consider controls for all sources, all source categories, or any or all sources in a particular source category. Nor does the RHR expressly specify criteria for minimum source selection thresholds. States have discretion to choose reasonable source selection criteria, and sources that meet the state's criteria are selected for an evaluation of potential control options for specific visibility impairing pollutants by applying the four statutory factors in CAA section 169A(g)(1), which is referred to as an FFA.

The Conservation Groups contend that DEC—Marshall exceeded the AoI threshold set by North Carolina, but EPA notes that no Duke Energy EGU exceeded the State's PSAT threshold at any Class I area. Therefore, North Carolina did not evaluate any Duke Energy EGU for potential emissions

⁴³ The Conservation Groups provide the following information for these four Duke Energy EGUs: DEC—Belews Creek contributes to up to 2.01 percent of the sulfate plus nitrate impairment at Linville Gorge and up to 1.56 percent of the sulfate plus nitrate impairment at Shining Rock; DEC—Cliffside contributes to up to 1.85 percent of the sulfate plus nitrate impairment at Shining Rock and 2.49 percent at Linville Gorge; DEC—Marshall contributes to up to 6.73 percent of the sulfate plus nitrate impairment at Linville Gorge and up to 2.68 percent of the sulfate plus nitrate impairment at Shining Rock; and DEP—Roxboro contributes to up to 2.23 percent of the sulfate plus nitrate impairment at Swanquarter.

⁴¹ See Haze Plan, section 2 (particularly figures 2–13 through 2–18), section 7 (particularly figures 7–25 through 7–31), and section 10 (particularly figures 10–1 through 10–7); 89 FR 67353–54.

controls. This approach is consistent with the State's source selection results summarized in tables 7–30 through 7–35,⁴⁴ and North Carolina's decision not to assess Duke Energy EGUs for control efficiency improvements because they did not meet the State's source selection criteria appears reasonable.

As described in the 2019 Guidance,⁴⁵ North Carolina completed an additional reasonableness check on their source selection process by examining the unselected sources to see if there were any “uncontrolled or lightly controlled facilities that were large contributors to anthropogenic light extinction,” and found none.⁴⁶ In the NPRM (89 FR 67359), EPA documented an analysis that further examined the Duke Energy sources to verify North Carolina's claim that there were no uncontrolled or lightly controlled sources that were not selected. EPA evaluated the existing SO₂ controls at DEC—Belews Creek, DEC—Cliffside, DEC—Marshall, DEP—Mayo, and DEP—Roxboro. EPA analyzed whether these EGUs are well controlled for SO₂ and whether any cost-effective new emissions reduction measures for SO₂ would have likely resulted from a FFA had these sources met the State's source selection criteria.⁴⁷ Based on that analysis, it appears reasonable to assume that a FFA would likely result in the conclusion that no further SO₂ emissions controls are needed for these sources. All of these EGUs are subject to the Mercury and Air Toxics Standards (MATS) rule⁴⁸ alternative SO₂ emission limit of 0.2 pound (lb)/million British thermal units (MMBtu) and are equipped with wet flue gas desulfurization (WFGD) that routinely achieve a high SO₂ control effectiveness (approximately 93.8–99.2 percent).⁴⁹ EPA did not evaluate NO_x controls for these EGUs because North Carolina's conclusion that ammonium sulfate continues to be the dominant visibility impairing pollutant at North Carolina's

Class I areas appears reasonable. See section IV.C.2.a of the NPRM and response 3.

Comment 4.b: The Conservation Groups argue that North Carolina's analysis of potential emission reductions for DEC—Marshall suffer from the following errors regarding SO₂: (1) the wet scrubbers are operated erratically; (2) the units have the ability to continuously operate well below 0.10 lb/MMBtu for SO₂; (3) “EPA has concluded that underperforming wet scrubbers should be evaluated at 98 percent control (with a floor of 0.04 lb/MMBtu), and 95 percent control (with a floor of 0.06 lb/MMBtu) for dry scrubbers;” (4) “even lower limits can be achieved;” and (5) “Without any capital upgrade cost (and likely minimal operating and maintenance costs) the DEC—Marshall units are likely quite capable of much better SO₂ and NO_x removal efficiencies that could likely be achieved with cost-effective upgrades.” They also argue that North Carolina's analysis of potential NO_x emission reductions suffer from the following errors: (1) “Units 1, 2, and 4 are equipped with selective non-catalytic reduction (SNCR) systems that have achieved lower NO_x emission levels of approximately 0.20 lb/MMBtu, ‘with some months significantly below that level;’” (2) the selective catalytic reduction (SCR) system for Unit 3 is “operated very erratically, but has demonstrated the ability from 2010–2011 to consistently operate below 0.05 lbs/MMBtu;” and (3) “Without any capital upgrade cost (and likely minimal operating and maintenance costs) the DEC—Marshall units are quite capable of much better NO_x removal efficiencies with likely cost-effective upgrades.

Response 4.b: Regarding potential NO_x control upgrades at DEC—Marshall, North Carolina's decision to focus on SO₂ emission controls in the second planning period appears reasonable given the documented dominance of sulfate contributions to visibility impairment at North Carolina's Class I areas. See section IV.C.2.a of the NPRM and response 3. Thus, it appears reasonable to conclude that even if DEC—Marshall had met the State's source selection criteria, no NO_x emissions control analyses would be necessary for reasonable progress during this planning period. Additionally, North Carolina did not select this facility, and therefore, no FFA information is available. However, EPA's analysis confirms that the units are not uncontrolled or lightly controlled, are subject to the MATS rule alternative SO₂ emission limit of 0.2 lb/MMBtu, and are equipped with WFGD

that routinely achieve a high SO₂ control effectiveness (approximately 93.8 to 97.9 percent).⁵⁰

Comment 4.c: The Conservation Groups argue that North Carolina's analysis of potential emission reductions at DEC—Belews Creek suffer from the following errors regarding SO₂: (1) the wet scrubbers “are underperforming, with emission rates, at times, spiking above 0.30 lb/MMBtu;” (2) the scrubbers “have demonstrated the capability to consistently control SO₂ to 0.05 lbs/MMBtu or better on a monthly average basis for both units;” (3) “[s]imply increasing the amount of reagent used would be very cost-effective, require little or no capital investments, and would likely achieve much lower emissions;” and (4) the “assumption that SO₂ emissions will be reduced from 4,946 to 1,385 tons annually is not supported in the record, and not based on any enforceable requirement.” They also argue that North Carolina's analysis of potential emission reductions suffer from the following errors regarding NO_x: (1) the “2028 NO_x emission projections for Belews Creek are significantly less than the facility has emitted in recent years, yet there are no enforceable emission limitations in the SIP Revision that would ensure those 2028 estimates;” (2) the “SCR systems perform erratically, with emissions above 0.40 lb/MMBtu at times;” (3) “Belews Creek could likely achieve NO_x emission rates of 0.05 lbs/MMBtu or better on a consistent basis with better catalyst and absorber management;” and (4) “[s]imple upgrades to the SCR system would likely be cost-effective.”

Response 4.c: Regarding potential NO_x control upgrades at DEC—Belews Creek, North Carolina's decision to focus on SO₂ emission controls in the second planning period appears reasonable given the documented dominance of sulfate contributions to visibility impairment at North Carolina's Class I areas. See section IV.C.2.a of the NPRM and response 3. Thus, it appears reasonable to conclude that even if DEC—Belews Creek had met the State's source selection criteria, no NO_x emissions control analyses would be warranted.

Regarding the original and revised 2028 SO₂ emissions projections of 4,946 tpy and 1,385 tpy, respectively, for

⁴⁴ Table 7–29 of the Haze Plan lists facilities that met North Carolina's Aol threshold and thus were selected by the State for PSAT tagging. Tables 7–30 through 7–35 provide PSAT results for the North Carolina Class I areas.

⁴⁵ See 2019 Guidance at p. 19 (“For example, it may be difficult to show reasonableness of a threshold set so high that an uncontrolled or lightly controlled source that is one of the largest contributors to anthropogenic light extinction at a Class I area is excluded.”).

⁴⁶ See Haze Plan at p. 251.

⁴⁷ Between the years 2017–2022, the calculated annual FGD SO₂ control efficiencies for DEP—Mayo Unit 1A were between 96.3 and 97.9 percent.

⁴⁸ The MATS rule is located at 40 CFR part 63, subpart UUUUU.

⁴⁹ See North Carolina Duke Energy scrubber efficiency data file that is included in the docket for this action. See also 89 FR 67359; 2019 Guidance at 23.

⁵⁰ Between 2017 to 2022, the yearly average FGD SO₂ control efficiencies for Unit 1 ranged from 94.7 to 96.2 percent, Unit 2 ranged from 93.8 to 96.1 percent, Unit 3 ranged from 95.2 to 97.1 percent, and Unit 4 ranged from 96.7 to 97.9 percent. See North Carolina Duke Energy scrubber efficiency data file that is included in the docket for this action.

DEC—Belews Creek listed in table 7–41 of the Haze Plan, as explained in responses 1 and 2.c, North Carolina used the best assumptions available at the time of SIP development to project the 2011 base year emissions out to 2028 for sources in the State, including DEC—Belews Creek. North Carolina did document its 2028 point source emissions projection methodology in appendix B–3 of the Haze Plan. Table 9 in appendix B–3 shows that the 1,385 tpy 2028 projected SO₂ value in table 7–41 of the plan is from a blend of two versions (2.7 and 16.0) of the Eastern Regional Technical Advisory Committee (ERTAC) EGU Emissions Projection Tool⁵¹ that was used to create the VISTAS 2028elv5 emissions inventory. As stated in response 2.c, North Carolina’s and EPA’s projected 2028 emissions projections, summarized in appendix B–3 of the Haze Plan, are similar. Therefore, North Carolina’s 2028 SO₂ emissions projections for DEC—Belews Creek appear to be reasonable estimates.

Additionally, North Carolina did not select this facility, and therefore, no FFA information is available. However, EPA’s analysis confirms that the units are not uncontrolled or lightly controlled, are subject to the MATS rule alternative SO₂ emission limit of 0.2 lb/MMBtu, and are equipped with WFGD that routinely achieve a high SO₂ control effectiveness (approximately 94.1 to 96.5 percent).⁵²

Comment 4.d: The Conservation Groups argue that North Carolina’s analysis of potential emission reductions for DEP—Roxboro suffer from the following errors regarding SO₂: (1) the “projections for 2028 SO₂ are not based on historical data, but instead rely on unenforceable, predicted emission reductions, from 6,665 in 2020, to 2,258 tons in 2028;” (2) the wet scrubbers “are underperforming with emissions as high as 0.35 lb/MMBtu;” (3) the scrubbers “have demonstrated the capability to consistently control SO₂ to approximately 0.075 lb/MMBtu or better on a monthly average;” and (4) there are “likely very cost-effective scrubber upgrades available.” They also argue that North Carolina’s analysis of potential emission reductions suffer from the following errors regarding NO_x: (1) the “projections for 2028 NO_x

emissions are not based on historical data, but instead rely on unenforceable, predicted emission reductions;” (2) the “SCR systems perform erratically, with emissions sometimes spiking to nearly 0.5 lb/MMBtu, which is far worse than the rates commonly achievable and required of well-functioning SCR systems;” (3) the “SCR systems have ‘all have demonstrated the ability to continuously operate at approximately 0.10 lbs/MMBtu;’” and (4) there are “likely very cost-effective control upgrades available.”

Response 4.d: Regarding potential NO_x control upgrades and SCR performance at DEP—Roxboro, North Carolina’s decision to focus on SO₂ emission controls in the second planning period appears reasonable given the documented dominance of sulfate contributions to visibility impairment at North Carolina’s Class I areas. See section IV.C.2.a of the NPRM and response 3. Thus, it appears reasonable to conclude that even if DEP—Roxboro had met the State’s source selection criteria, no NO_x emissions control analyses would be warranted.

Regarding the original and revised 2028 SO₂ emissions projections of 6,665 tpy and 2,258 tpy, respectively, for DEP—Roxboro listed in table 7–41 of the Haze Plan, as explained in responses 1 and 2.c, North Carolina used the best assumptions available at the time of SIP development to project the 2011 base year emissions out to 2028 for sources in the State, including DEP—Roxboro. North Carolina did document its 2028 point source emissions projection methodology in appendix B–3 of the Haze Plan. Table 9 in appendix B–3 shows a 2028 projection of 6,666 tpy SO₂ for DEP—Roxboro is derived from ERTAC2.7 (2011 base year) whereas the VISTAS 2028 elv5 uses a 2,258 tpy SO₂ 2028 emissions projection. As stated in response 2.c, North Carolina’s and EPA’s projected 2028 emissions projections, summarized in appendix B–3 of the Haze Plan, are similar. Therefore, North Carolina’s 2028 SO₂ emissions projections for DEP—Roxboro appear to be reasonable estimates.

Additionally, North Carolina did not select this facility, and therefore, no FFA information is available. However, EPA’s analysis confirms that the units are not uncontrolled or lightly controlled, are subject to the MATS rule alternative SO₂ emission limit of 0.2 lb/MMBtu, and are equipped with WFGD that routinely achieve a high SO₂

control effectiveness (approximately 94.3 to 98.8 percent).⁵³

Comment 4.e: The Conservation Groups argue that North Carolina’s analysis of potential emission reductions from DEC—Cliffside suffer from the following errors regarding SO₂: (1) the “scrubber performance is erratic, with SO₂ spikes at Unit 5 periodically exceeding 0.35 lb/MMBtu;” (2) “Nevertheless, each of the scrubbers have demonstrated an ability to consistently achieve SO₂ emissions of 0.04 lb/MMBtu;” and (3) “[V]ery cost-effective controls are available for these units for likely just the increase in reagent,” yet the State failed to even consider such upgrades.” They also argue that North Carolina’s analysis of potential emission reductions suffer from the following errors regarding NO_x: (1) the “SCR systems are similarly irregular, with spikes at Unit 5 exceeding 0.30 lb/MMBtu NO_x;” (2) the “SCR systems have demonstrated an ability to consistently achieve NO_x emissions of 0.05 lb/MMBtu;” and (3) “Cost-effective improvements, such as optimizing the catalyst controls would likely be very cost-effective, but the State failed to even run such cost calculation.”

Response 4.e: Regarding potential NO_x control upgrades and SCR performance at DEC—Cliffside, North Carolina’s decision to focus on SO₂ emission controls in the second planning period appears reasonable given the documented dominance of sulfate contributions to visibility impairment at North Carolina’s Class I areas. See section IV.C.2.a of the NPRM and response 3. Thus, it appears reasonable to conclude that even if DEC—Cliffside had met the State’s source selection criteria, no NO_x emissions control analyses would be warranted. Additionally, North Carolina did not select this facility, and therefore, no FFA information is available. However, EPA’s analysis confirms that the units are not uncontrolled or lightly controlled, are subject to the MATS rule alternative SO₂ emission limit of 0.2 lb/MMBtu, and are equipped with WFGD that routinely achieve a high SO₂ control effectiveness (96.2 to 99.2 percent).⁵⁴

⁵³ Between 2017 to 2022, the yearly average FGD SO₂ control efficiencies for Unit 1 ranged from 95.9 to 97.1 percent, Unit 2 ranged from 94.3 to 96.6 percent, Unit 3A ranged from 98.2 to 98.8 percent, and Unit 4A ranged from 97.1 to 98.3 percent. See North Carolina Duke Energy scrubber efficiency data file that is included in the docket for this action.

⁵⁴ Between 2017 to 2022, the yearly average FGD SO₂ control efficiencies for Unit 5 ranged from 96.2 to 98.6 percent and Unit 6 ranged from 98.0 to 99.2

⁵¹ See <https://www.epa.gov/air-emissions-inventories/eastern-regional-technical-advisory-committee-ertac-electricity>.

⁵² Between 2017 to 2022, the yearly average FGD SO₂ control efficiencies for Unit 1 ranged from 94.1 to 96.5 percent and Unit 2 ranged from 95.0 to 96.2 percent. See North Carolina Duke Energy scrubber efficiency data file that is included in the docket for this action.

Comment 4.f: The Conservation Groups assert that EPA must disapprove North Carolina's reliance on unenforceable, hypothetical emission reductions for the Duke Energy EGUs to avoid conducting control analyses, to demonstrate reasonable progress, and to achieve the State's reasonable progress goals (RPGs). They note that the CAA and RHR require the Haze Plan to include enforceable limitations and other control measures to meet the RPGs for each Class I area and that EPA has made it clear that, to the extent that a state declines to evaluate pollution controls to reduce haze for any source based on that source's planned decline in utilization or reductions in emissions, it must incorporate those operating parameters or assumptions as enforceable limitations into the SIP.

The Conservation Groups disagree with North Carolina's statement that the "obligation to make reductions permanent and enforceable does not extend to any control or emissions reduction determination outside of the reasonable progress/four-factor analysis." The Conservation Groups state that the requirement to ensure that emission reductions are enforceable stems from the CAA and the RHR itself and quote the 2021 Clarification Memo for the proposition that existing and "on-the-way" measures must be included in the SIP if they are necessary for reasonable progress. The Conservation Groups also contend that neither the State, EPA, nor the public can verify that reasonable progress will be made if the State's assumed pollution reductions to achieve reasonable progress are not enforceable.

Response 4.f: EPA disagrees with the Conservation Groups assertion that North Carolina's analysis inappropriately relied on unenforceable emission reductions to avoid conducting control analyses for the DEC—Belews Creek, DEC—Cliffside, DEC—Marshall, DEP—Roxboro, and DEP—Mayo. North Carolina followed the recommendations in the 2019 Guidance to select sources based on 2028 emissions projections.⁵⁵ As explained in the NPRM, the State (through VISTAS) developed a 2011 statewide base year emissions inventory which was used to project emissions out to 2028, the end of the second planning

period. *See* 89 FR 67356. The accuracy of the 2028 emissions projections for these five Duke Energy EGUs is discussed in response 2.c. North Carolina relied on sophisticated PSAT modeling to identify visibility impacts of the State's AoI sources to any Class I areas, and no Duke Energy EGU met the State's PSAT threshold for sulfate or nitrate. Because none of these Duke Energy EGUs met the State's source selection criteria, North Carolina's decision to not consider whether control measures at these sources are necessary for reasonable progress appears reasonable. With respect to arguments that the RPGs must be developed based on enforceable measures, the RPGs reflect a state's best estimate of visibility conditions in the Class I area at the end of planning period (e.g., 2028 for the second planning period). Under the RHR, RPGs should account for all measures included in a state's LTS, other states' LTSs, as well as the implementation of other CAA requirements, including non-SIP based requirements. The measures underlying the RPGs—except for the LTS measures found necessary for reasonable progress—are not required to be adopted into the SIP.

Regarding the statement that "[t]he RHR provides that the measures necessary to the State's long-term strategy for ensuring reasonable progress and its reasonable progress goals must be 'as a result of [] enforceable emissions limitations . . .'" EPA agrees.⁵⁶ As explained in the NPRM (89 FR 67347), 40 CFR 51.308(f)(2)(i) requires states to determine the emission reduction measures for sources that are necessary to make reasonable progress by considering the four factors. Pursuant to 40 CFR 51.308(f)(2), measures that are determined necessary to make reasonable progress toward the national visibility goal must be included in a state's LTS and in its SIP. As noted above, however, the Duke Energy EGUs did not meet the State's source selection criteria, and therefore, North Carolina's decision to not to evaluate them for controls appears reasonable.

Regarding the Conservation Groups' references to the 2021 Clarification

Memo regarding in-place and on-the-way measures, these references relate to measures necessary for reasonable progress. They do not apply to the Duke Energy EGUs because these units did not meet the State's source selection criteria, and therefore, they do not have measures necessary for reasonable progress. As a result, no measures must be adopted into the SIP for these EGUs.

North Carolina provided a summary in table 7–43 of the SO₂ and NO_x controls, operating status, and applicable Federal rules for Duke Energy facilities with coal units.⁵⁷ There is no indication in the Haze Plan that the State is relying upon these existing measures listed in table 7–43 as existing effective controls pursuant to the 2019 Guidance at pages 22–25. In fact, North Carolina states on page 254 of its Haze Plan that "Based on current controlled and projected 2028 emissions, the NCDAQ concluded that it was not necessary to request that the facilities complete a reasonable progress/four-factor analysis to demonstrate progress toward achieving the modeled 2028 RPGs discussed in Section 8 of this SIP."

Comment 4.g: The Conservation Groups contend that North Carolina arbitrarily and unlawfully refused to conduct FFAs for the Duke Energy EGUs despite their undisputed contribution to visibility impairment in numerous Class I areas. They provide the following arguments to support this contention. First, the text of the CAA and the RHR require the State to evaluate the four statutory factors for any source reasonably anticipated to cause or contribute to any visibility impairment at any Class I area. The Conservation Groups state that North Carolina improperly rewrites the statute and regulation to require consideration of the four factors only when a source "significantly contributes" to visibility impairment. Second, the structure of the CAA makes clear the requirement to implement emission reductions to ensure reasonable progress is not contingent on whether a source significantly contributes to visibility impairment. They note that Congress expressly uses the modifier "significant" in numerous sections of the CAA and argue that the modifier is conspicuously absent from CAA section 169A. Third, the purpose of the CAA's visibility provisions to reduce and ultimately eliminate "any impairment of visibility" makes clear that Congress "intended for the term 'contributes' as used in 7491(b)(2) to encompass *smaller*

percent. *See* North Carolina Duke Energy scrubber efficiency data file that is included in the docket for this action.

⁵⁵ *See* 2019 Guidance at p. 17 ("Generally, we recommend that states use estimates of 2028 emissions (resolved by day and hour, as appropriate) to estimate visibility impacts (or related surrogates) when selecting sources, rather than values of recent year emissions.").

⁵⁶ "The long-term strategy must include the enforceable emissions limitations, compliance schedules, and other measures that are necessary to make reasonable progress, as determined pursuant to (f)(2)(i) through (iv)." *See* 40 CFR 51.308(f)(2). Measures necessary to make reasonable progress must be incorporated into the SIP and LTS. The CAA also requires that States incorporate these measures into their SIPs. *See* 42 U.S.C. 7491(b)(2), (b)(2)(B). The State may also elect to include additional measures that address regional haze, beyond those identified as necessary to make reasonable progress, to strengthen the SIP.

⁵⁷ *See* section 7.7.3.2, "Facilities Not Selected for PSAT Modeling," of the Haze Plan.

impacts than would be required to regulate only those sources that contribute ‘significantly.’” They claim that North Carolina “effectively rewrites those provisions of the Act and requires only the evaluation of emissions that it deems significant or large enough.” The Conservation Groups acknowledge that there is no bright line test for assessing contribution under the RHR, but state that EPA has “made clear that a state’s reasonable progress analysis must consider a meaningful set of sources and controls that impact visibility” and that if a state fails to do so, EPA must disapprove the SIP revision and issue a FIP.

Response 4.g: EPA agrees that CAA section 169A and the RHR do not use the phrases “significant contribution” or “significantly contribute” when discussing the four factors. The CAA and RHR do not explicitly list factors that a state must or may not consider when selecting the sources for which it will determine what control measures are necessary to make reasonable progress.⁵⁸ The appropriate threshold for selecting sources may reasonably differ across states and Class I areas due to varying circumstances. In setting a threshold, a state may consider the number of emissions sources affecting the Class I areas at issue, the magnitude of the individual sources’ impacts, and the amount of anthropogenic visibility impairment at the Class I areas.⁵⁹ As discussed in response 2.a, North Carolina considered the magnitude of the individual sources’ impacts at Class I areas using Aof screening and PSAT modeling which appears to be a reasonable approach to identifying sources in the State that are reasonably anticipated to cause or contribute to visibility impairment in any Class I area.

Comment 5: The Conservation Groups assert that EPA must disapprove North Carolina’s SIP revision because the public was not given the opportunity to comment on VISTAS modeling and other work products when they were being developed. Instead, they contend that North Carolina presented the VISTAS work products in its draft SIP as final products that are not subject to change, regardless of public input. The Conservation Groups also assert that a state must make its regional haze SIP and the associated technical work products from the RPOs that support the SIP available for public notice and comment. Additionally, they contend that when RPOs, like VISTAS, receive funding from EPA to develop work products that states rely on when

developing their regional haze SIPs, EPA must use its grant oversight authority to ensure the RPOs’ work products comply with all statutory and regulatory requirements.

Response 5: EPA agrees that technical information supporting North Carolina’s regional haze plan should be available for public review and comment but disagrees that the public was not given an opportunity to comment on relevant VISTAS work products relied upon by North Carolina for the Haze Plan. On August 30, 2021, the State opened the public comment period on its proposed Haze Plan through October 15, 2021, and on October 6, 2021, it held a public hearing on the Haze Plan. This proposed Haze Plan included VISTAS work products (located in appendices A–E) that the State relied upon in developing its plan.

North Carolina exceeded the minimum public notice and comment requirements for SIP revisions which are set forth in 40 CFR part 51.⁶⁰ The CAA does not require states to engage in public notice and comment while they are developing modeling and other technical work products for use in preparing SIP revisions.

Furthermore, the RHR allows states to rely on technical analyses developed by RPOs when that analysis is approved by all state participants, does not require RPOs to provide notice and comment for its work products, and does not require states to provide notice and comment during the technical development of their regional haze SIPs. See 40 CFR 51.308(f)(2)(iii). The RHR does require states to document the technical basis, including modeling, monitoring, cost, engineering, and emissions information, on which the State relied to determine the emission reduction measures that are necessary to make reasonable progress in each Class I area it affects. See *id.* As discussed above, the Haze Plan includes the VISTAS work products relied upon by the State.

EPA also disagrees with the comment that North Carolina “communicated in its Haze Plan that the VISTAS products on which the State relied for source selection and in setting its reasonable progress goals were *complete and done*” and presented the VISTAS work products as “final products that would not be changed, regardless of any public input.” The Conservation Groups did not cite to any such express language in the Haze Plan. To the extent that North Carolina relied on the VISTAS’ work products to satisfy regional haze

requirements, those work products were subject to public notice and comment at the state level; EPA evaluated the relevant aspects of the VISTAS work products as they relate to the review of the State’s Haze Plan; they were subject to notice and comment as part of EPA’s proposed rulemaking, and EPA would not fully approve a SIP revision that it determined does not meet regional haze requirements due to flawed work products.

With respect to the comment concerning grant obligations and “grant oversight authority,” EPA has not directly provided any grant money to VISTAS for the second planning period. Regardless, EPA disagrees with the Conservation Groups’ comments regarding the VISTAS work products for the reasons discussed in this notice of final rulemaking.

Comment 6: The Conservation Groups assert that EPA shirks its duty to review North Carolina’s source-specific FFAs. They state that EPA proposes to “rubber stamp” the SIP submission without engaging in any meaningful and independent analysis of North Carolina’s FFAs to ensure they comply with the CAA and the RHR. Moreover, they assert that “[d]espite EPA’s stated expectations for this planning period, North Carolina does not require any of the sources to adopt additional control measures to make reasonable progress” and that EPA accepts North Carolina’s decision to ignore “readily available, feasible, and cost-effective controls” which violates the CAA and RHR. The Conservation Groups’ specific comments on the FFAs for Domtar, PCS, and BRPP are addressed in comments 7 through 9, below.

Response 6: For various reasons, EPA disagrees with the Conservation Groups’ contentions. EPA’s partial approval and partial disapproval of the Haze Plan is a proper exercise of EPA’s authority under the CAA. Congress crafted the CAA to provide for states to take the lead in developing implementation plans, but balanced that decision by requiring EPA to review the plans to determine whether a SIP meets the requirements of the CAA. When reviewing SIPs, EPA must consider not only whether the state considered the appropriate factors in making decisions, but also whether it acted reasonably in doing so. In undertaking such a review, EPA does not usurp the state’s authority but ensures that such authority is reasonably exercised.

Contrary to the comment that the Agency “shirks” its CAA obligations, EPA has performed its duties with diligence and integrity. EPA carefully evaluated the Haze Plan and the

⁵⁸ See 2019 Guidance at 10.

⁵⁹ See *id.* at 19.

⁶⁰ See 40 CFR 51.102, 51.103, and 40 CFR part 51, appendix V, 2.1.

associated record and engaged in a thorough analysis of each control option, including each of the underlying cost assumptions used in the calculations. EPA independently evaluated each FFA, including costs, and compared each FFA's control determination against EPA's "Air Pollution Control Cost Manual" (CCM).⁶¹ After carefully considering the submitted comments and the entirety of the record, EPA is now shifting from its initial proposal of a partial approval and partial conditional approval to a partial approval and partial disapproval. At proposal, EPA specifically solicited comment on the adequacy of North Carolina's analyses, including the FFAs and determination of controls necessary for reasonable progress, and whether the State met the requirements of 40 CFR 51.308(f)(2)(i) through (iv). See 89 FR 67358. The partial disapproval represents a logical outgrowth of EPA's proposal which specifically solicited comments on these determinations and conclusions and reflects EPA's receipt and consideration of public comments. EPA responds to the Conservation Groups' specific comments on the FFAs for Domtar, PCS, and BRPP in responses 7 through 9, below.

Comment 7: The Conservation Groups provided several comments on the Domtar FFA.⁶² These comments are summarized in comments 7.a through 7.c below.

Comment 7.a: The Conservation Groups argue that EPA cannot approve North Carolina's flawed FFA for Domtar and must require the installation of reasonable and cost-effective controls via a FIP. They contend that North Carolina "baldly rejected wet scrubber controls as not cost-effective" at a cost of \$3,660/ton SO₂ removed for the No. 2 Hog Fuel Boiler (HFB2) and that EPA did not provide any rationale to support approval of the State's determination. They also contend that EPA does not acknowledge multiple errors in North Carolina's FFA of wet scrubber controls for HFB2, summarized as follows.

Control Efficiency—The Conservation Groups state that North Carolina underestimated the control efficiency that a wet scrubber can achieve. They note that modern wet scrubbers can achieve at least 98 percent control

efficiency, the vendor providing the wet scrubber quote states that its scrubbers can achieve up to 99 percent control, and the FFA does not explain these discrepancies with the 95 percent control efficiency assumed by North Carolina.

Costs—The Conservation Groups assert that North Carolina overestimated the cost of a wet scrubber by including unjustified or undocumented costs. They allege that the State unreasonably accepted the use of an inflated 1.3 retrofit factor, which Domtar attributed to "unanticipated delays for installing a wet scrubber." However, they contend that there is no indication in the FFA that retrofitting HFB2 with a wet scrubber is unusual and the delays are already considered in the contingency fee. The Conservation Groups also argue that the State, without adequate explanation or documentation, included sales tax although pollution control equipment is tax exempt, increased the quoted freight and construction management charges, and included a new induced fan at a cost of \$3,000,000.

Cost Effectiveness—The Conservation Groups assert that, after correcting for the control analysis errors, the cost effectiveness values are \$2,968/ton without a new induced fan and \$3,244/ton with a fan. They contend that these cost-effectiveness values and the \$3,660/ton value are below the cost threshold established by other states, claiming that Colorado, Nevada, and New Mexico used a threshold of \$10,000/ton of pollution reduced. While acknowledging the CAA does not require the State to use a bright line rule, they contend that the law requires states to explain why it has exercised its discretion in a given matter. The Conservation Groups argue that North Carolina must establish a threshold, or explain and justify some other objective measure, for determining cost-effectiveness that is in line with other states' chosen measures and apply that threshold consistently across its FFAs. They also note that EPA proposed to disapprove other second planning period SIPs where the states "applied arbitrary cost-effectiveness threshold or rejected controls that were reasonable and cost-effective."

Visibility Impact—The Conservation Groups argue that North Carolina and EPA disingenuously suggested that the State did not utilize visibility impact when rejecting wet scrubber controls for Domtar. They contend that North Carolina improperly considered visibility as a fifth factor in its decision to reject reasonable and cost-effective controls, which they state is contrary to EPA's previous assertions and Congress'

express exclusion of visibility impact as one of the four statutory reasonable progress factors. Therefore, the Conservation Groups argue that North Carolina's consideration of visibility impacts violates the CAA and the RHR and note that EPA has proposed to disapprove second planning period SIPs where states improperly relied on the lack of visibility benefit to reject reasonable controls.

Response 7a: EPA agrees in part and disagrees in part with the assertion that North Carolina did not provide an adequate rationale to support the State's determination that wet scrubber controls at HFB2 are not cost-effective. As described in more detail below, EPA disagrees with certain characterizations by the Conservation Groups about the rejected controls and cost analysis. At proposal, EPA specifically solicited comment on the adequacy of DAQ's analyses, including the FFAs and determination of controls necessary for reasonable progress, and whether the State met the requirements of 40 CFR 51.308(f)(2)(i) through (iv). See 89 FR 67358. After further consideration of the analyses, as well as the comments received, EPA agrees that overall, North Carolina did not provide an adequate rationale to explain why the wet scrubber controls were not cost-effective, and therefore, not included in the LTS as being necessary for reasonable progress. EPA's evaluation of the State's FFA, and explanation for why the justification is inadequate, is provided below. Due to the inadequate record substantiating the FFA conclusion regarding HFB2, together with the concerns discussed in response 7.b regarding the lack of enforceable measures in the record for HFB1, EPA is disapproving the portions of the Haze Plan addressing 40 CFR 51.308(f)(2) and (3) and (i)(2) through (4).

EPA's first basis for disapproval of North Carolina's LTS is the inadequate justification that the wet scrubber controls are not cost-effective for HFB2. There is no requirement in the CAA or the RHR for states to establish bright line cost effectiveness thresholds when evaluating control costs in FFAs. The CAA and the RHR require states to evaluate the costs of compliance, and EPA's 2019 Guidance recommends that states follow the recommendations in EPA's CCM to facilitate apples-to-apples comparisons of different controls options for the same source, and comparisons across different sources.⁶³

As described in section 7.8 and appendix I of the Haze Plan, the State did not set a specific cost per ton

⁶¹ The CCM is available at: <https://www.epa.gov/economic-and-cost-analysis-air-pollution-regulations/cost-reports-and-guidance-air-pollution>.

⁶² The Conservation Groups erred in reporting the 2020 NEI SO₂ emissions for Domtar at p. 28 of their comment letter. According to the 2020 NEI, the facility emitted 1,054 tons for Domtar, not 1,504 tons. The 2020 NEI is located at: <https://www.epa.gov/air-emissions-inventories/2020-national-emissions-inventory-nei-data>.

⁶³ See 2019 Guidance at 31.

threshold for the cost of compliance factor, but rather analyzed each facility using the information in EPA's CCM and 2019 Guidance to determine whether a given control measure is cost-effective. North Carolina determined the cost-effectiveness value for a wet scrubber on HFB2 to be \$3,660/ton SO₂, which is somewhat higher than the values calculated by the Conservation Groups (\$3,244/ton with a new induction fan and \$2,968/ton without a new induction fan). As explained below, regardless of the range of costs presented by both the State and the Conservation Groups, EPA finds that North Carolina did not adequately justify why a wet scrubber emissions control in that cost range was not necessary for reasonable progress.

North Carolina states in appendix I that HFB2 is a unique set-up. It combusts fuels such as, lignin, natural gas, biomass fuel (including paper cores and bleached and unbleached pulp stock), No. 2 fuel oil, used oil, sludge, gases collected in the High-Volume Low-Concentration (HVLC) system, Low-Volume High-Concentration gases, and stripper off gases, and it is used as a control device for several process gas streams at the facility. The State reviewed the RACT/BACT/LAER Clearinghouse⁶⁴ and did not identify devices similar to HFB2 to which the cost effectiveness of a wet scrubber could be compared. Therefore, as explained in section 7.8.3.1 of the Haze Plan, it requested that EPA adopt the existing measures into the SIP as required by CAA section 169A(b)(2) and 40 CFR 51.208(f)(2). Given the lack of other hog fuel boilers with similar controls, and the cost of compliance and the other statutory factors, North Carolina determined the control to not be necessary for reasonable progress.

For several reasons, including consideration of the comments received after proposal, EPA ultimately does not find North Carolina's justification for rejecting the controls compelling. First, although it may be accurate that most if not all hog fuel boilers in the country do not have wet scrubbers installed, Domtar and the State submitted a complete cost analysis and a vendor quote to install a wet scrubber on HFB2. It appears that it is possible to install a wet scrubber on the particular unit (and achieve at least a 95 percent SO₂ reduction), and neither Domtar nor the State argued otherwise. Unless a wet scrubber cannot be installed on HFB2, the lack of a similar scrubber in the

RACT/BACT/LAER Clearinghouse is not a relevant reason for rejecting the control. Second, although EPA has not established a bright line cost-effectiveness threshold and all regional haze FFAs and SIP decisions will be evaluated on a SIP-by-SIP basis, EPA notes that it has found or proposed to find, based on its state-specific evaluation of other SIPs, that at least one other state did not adequately justify its determination to not adopt controls as part of its FFA at cost-effectiveness values higher than the value North Carolina considered for Domtar. *See, e.g.,* Air Plan Partial Approval and Partial Disapproval; Utah; Regional Haze State Implementation Plan for the Second Implementation Period; Air Plan Disapproval; Utah; Interstate Transport of Air Pollution for the 2015 8-Hour Ozone National Ambient Air Quality Standards; proposed rule, 89 FR 67208 (August 19, 2024). It is up to each state to adequately justify particular cost decisions on a SIP-by-SIP basis, and in this case, EPA believes that North Carolina did not provide adequate information in the record for rejecting this particular emissions control. Due to this inadequate record, it was not reasonable for the State to conclude that a wet scrubber at HFB2 is not necessary for reasonable progress.

EPA acknowledges the Conservation Groups' assertions that the cost effectiveness values for HFB2 are below the thresholds used by other states during the second planning period, such as Colorado, Nevada, and New Mexico which elected to set cost effectiveness thresholds of \$10,000/ton of pollutant removed. However, North Carolina was not required by the CAA or RHR to adopt a similar bright-line cost effectiveness threshold when evaluating control costs in FFAs, and the relatively high thresholds of up to \$10,000/ton set by Colorado, Nevada, and New Mexico, do not automatically compel other states to follow suit. Each state has discretion to set (or not set) a reasonable cost threshold and provide a justification for FFA outcomes.

While EPA agrees with the Conservation Groups' overall conclusion that North Carolina did not adequately justify the cost control decisions, EPA does not necessarily agree with all of their specific contentions. For example, EPA disagrees with the argument that North Carolina underestimated the scrubber control efficiency at HFB2. The control efficiency of a wet scrubber is dependent upon a number of variables, including the type and design of the wet scrubber system used, the absorbing

and/or reacting solution or slurry used, packed bed height, sump fluid and makeup water balance, scrubber pH, and the concentration of SO₂ in the inlet waste gas flow.⁶⁵ Domtar justified the use of 95 percent control efficiency by citing to a wet scrubber estimate from a vendor stating that the scrubber system has been designed to achieve a 95 percent collection of SO₂ emissions.⁶⁶ The vendor's estimate for Domtar is tailored based on the facility's specifications using Domtar's emission test reports and assumptions from similar applications. EPA agrees with the State that the 95 percent control efficiency used in the FFA is reasonable given the vendor's estimate based on facility-specific information, the typical SO₂ removal efficiency range for wet scrubbers (90 to 98 percent),⁶⁷ and the fuel types burned in HFB2.

The Conservation Groups included numerous comments on specific elements of the cost calculations for the wet scrubber at HFB2. Since EPA is partially disapproving the LTS with respect to the emissions control decisions at Domtar, it is not necessary to weigh-in on all of the specific deficiencies. However, there are some specific issues where information provided here may help when re-evaluating the need for controls in a potential SIP revision.

EPA's CCM cannot properly account for all uncertainties, and thus, provides that a "retrofit factor" can be applied. The CCM states that it is typical for the retrofit factor of a wet scrubber to be between 0.7 and 1.3, depending on the level of difficulty. In any SIP revision, a retrofit factor greater than 1.0 should be adequately documented with a detailed justification to explain why it is appropriate to inflate the costs above those with an average retrofit difficulty.⁶⁸ Based on the information provided, EPA is not able to adequately discern whether a 1.3 retrofit factor in

⁶⁵ See page 1–21, section 5, Chapter 1 of the CCM.

⁶⁶ The wet scrubber quote from LDX Solutions to Domtar is included at pp. 48–53 (pdf numbering) in appendix G–2 of the Haze Plan.

⁶⁷ See table 1.1 on page 1–3, section 5, Chapter 1 of the CCM.

⁶⁸ See CCM section 5, Chapter 1, page 1–16: https://www.epa.gov/sites/default/files/2021-05/documents/wet_and_dry_scrubbers_section_5_chapter_1_control_cost_manual_7th_edition.pdf ("An RF of 1 should be used to estimate costs for a project of average difficulty. For retrofits that are more complicated than average, a retrofit factor of greater than 1 can be used to estimate capital costs provided the reasons for using a higher retrofit factor are appropriate and fully documented. Similarly, new construction and retrofits of existing plants that are less complicated should use an RF less than 1. Each project should be evaluated to determine the appropriate value for RF.")

⁶⁴ EPA's RACT/BACT/LAER Clearinghouse is available at: <https://www.epa.gov/calc/ractbactlaer-clearinghouse-rblc-basic-information>.

the cost analysis for the wet scrubber for HFB2 is inflated.

EPA disagrees with the Conservation Groups' statement that the costs of the "unanticipated delays" are included in the contingency costs. Domtar only included the costs of "unanticipated delays" in the retrofit costs. These retrofit costs address the unexpected magnitude of anticipated cost elements; the cost of unexpected delays; the cost of re-engineering and re-fabrication; the cost of correcting design errors; the cost that reflect additional difficulty associated with installing auxiliary equipment; additional insulation and painting of piping and ductwork; costs associated with engineering or supervision during installation; and unanticipated delays that cause production cost. The contingency costs include other unforeseen costs such as the cost difference from a change in bank interest rate from the historically low 3.25 percent that was used at the time the Haze Plan was submitted as well as accounting for the cost difference for assuming a higher end of the range equipment life. The contingency costs also take into account that any capital investment dollars in controls that are deemed reasonable under regional haze would be taking investment dollars away from mill projects that would have a return on investments. The retrofit costs are completely separate from the contingency costs, and therefore, EPA disagrees that any unanticipated delay costs in Domtar's FFA are being double counted.

EPA agrees with the Conservation Groups that a sales tax charge should not have been included in the cost analysis for the wet scrubber due to North Carolina's Sales and Use Tax Exemption for pollution abatement equipment (for air or stream) for manufacturing.⁶⁹ However, removing the sales tax from the cost analysis for the wet scrubber accounts for approximately one percent of the total direct cost, which would not appreciably change the overall cost/ton identified by the FFA.

EPA disagrees with the contention that North Carolina increased the quoted amounts for the freight charge and construction management without explanation. As explained in appendix I of the Haze Plan, North Carolina's approval of Domtar's decision to use the

CCM's methodology, instead of the vendor quote for the calculation of the freight cost, is reasonable because the quote was not detailed and was an estimate that did not consider the exact physical specifications and parameters of the plant. Furthermore, EPA disagrees that the construction cost was double-counted in the overall calculated \$/ton based on EPA's review of Domtar's FFA calculations because they are using the \$344,196 cost, as calculated using the methodologies from the CCM, instead of the \$125,000 vendor quote.

EPA also disagrees that a \$3,000,000 new induced fan was included in the FFA without any documentation or explanation. In section 7.8.1.2 of the Haze Plan, North Carolina notes that an additional fan power would be required to overcome the additional pressure drop through the wet scrubber. Specifically, in appendix I, North Carolina notes that Domtar monitored the existing fan at the facility during startup and commissioning of the new electrostatic precipitator (ESP) and found it to be sufficient to accommodate the ESP but without excess capacity. Therefore, a new induction fan is needed to operate a wet scrubber as well as the ESP and Domtar notes that the \$3,000,000 was a quote that it had received for a new induction fan. EPA notes that North Carolina has included appropriate justification for the need for a new induction fan in appendix G–2 and appendix I of the Haze Plan and also finds that the \$3,000,000 cost estimate was developed using reasonable cost assumptions and with adequate justification.⁷⁰

EPA also disagrees with the Conservation Groups' assertion that North Carolina relied on visibility considerations to reject the wet scrubber at HFB2. This is clear from statements in the Haze Plan and the NPRM. The Haze Plan states that North Carolina "evaluated the SO₂ emission reductions and associated improvements in visibility at the Swanquarter Wilderness Area associated with the wet scrubber control option for the No. 2 Hog Fuel Boiler. This information is included solely as supplementary information and is not relied upon by the State for its conclusions as noted in Section 7.8.2.2." Appendix I of the Haze Plan explains in section 3.1.2 that EPA requested clarification in section 7.8.1.2 that the visibility benefits modeling for the wet scrubber option related to the Domtar HFB2 FFA is supplementary information and is not being relied upon

by the State for its conclusions as noted in section 7.8.2.2. North Carolina responded that the "last paragraph of 7.8.1.2 of the SIP was revised to explain that the information is included solely as supplementary information and that North Carolina did not rely upon the information to support its conclusions documented in section 7.8.2.2 of the SIP. This clarification was also added to section 7.8.1.1 of the SIP for BRPP and section 7.8.1.3 of the SIP for PCS Phosphate." Furthermore, the NPRM states that North Carolina did not rely on the supplemental visibility information for the Domtar FFA analysis and conclusions and limits its evaluation to the four factors. See 89 FR 67355 n.69, 67359–61.

Comment 7.b: According to the Conservation Groups, EPA must require North Carolina's SIP to include enforceable fuel restrictions for the No. 1 Hog Fuel Boiler (HFB1). They state that EPA proposed to approve North Carolina's exclusion of HFB1 from a FFA because it is equipped to only burn natural gas and biomass with No. 2 fuel oil, which is projected to emit 12 tpy of SO₂ in 2028 (representing one percent of Domtar's total SO₂ emissions). However, they contend that EPA and North Carolina ignore that Domtar's permit authorizes HFB1 to burn HVLC gases and No. 2 fuel oil. While acknowledging the facility's assertion that it intends to keep the HVLC supply line disconnected indefinitely, the Conservation Groups state that there are no provisions in the SIP preventing the facility from reconnecting the supply line and burning high sulfur content fuel or requiring the facility to operate the unit "infrequently." Citing EPA's 2019 Guidance, they state that if a SIP lacks the necessary provisions to make reasonable progress, the state is required to adopt emissions limits as part of its LTS for incorporation into the regulatory portion of the SIP. Therefore, they assert that EPA, in a FIP, must make the fuel use restrictions enforceable or perform an FFA based on any fuels that HFB1 could burn in the future.

Response 7.b: Concerns regarding the lack of enforceable fuel restrictions for Domtar's HFB1 form the second basis for disapproval of North Carolina's LTS. North Carolina exempted HFB1 from FFA review based on the revised 2028 SO₂ emissions projection of 12 tpy SO₂ (comprising 1.2 percent of Domtar's total 2028 projected SO₂ emissions) and evaluated HFB2 via a FFA based on 2028 projected emissions of 1,010 tpy SO₂ (comprising 98.8 percent of Domtar's total 2028 projected SO₂

⁶⁹ Information regarding North Carolina's Sales and Use Tax Exemption is available at: <https://edpnc.com/incentives/pollution-abatement-and-recycling/#:~:text=Pollution%20abatement%20equipment%20for%20manufacturing,from%20sales%20and%20use%20tax.>

⁷⁰ The CCM allows for vendor quotes to be incorporated into the cost analysis. See page 1–1, section 5, Chapter 1 of EPA's CCM.

emissions).⁷¹ HFB1 did not operate in 2020, 2021, and 2022, and as the Conservation Groups note, the HVLC supply line is disconnected indefinitely.⁷² EPA acknowledges that performing a control analysis on an emissions unit with very low annual emissions, such as 12 tpy, would not likely yield any cost-effective controls because the low amount of SO₂ removed would result in a higher cost per ton calculated for each control evaluated. However, the information submitted in the Haze Plan documents higher SO₂ emissions from HFB1 in 2015, 2016, 2017, 2018, and 2019, and notes that there are no state or federally enforceable fuel restrictions on HFB1.⁷³ Based on the comments received and the information in the submitted SIP, EPA is concerned that the SIP submission does not include enforceable fuel restrictions for HFB1 at Domtar. See *Comm. for a Better Arvin v. EPA*, 786 F.3d 1169, 1175–77 (9th Cir. 2015). This concern regarding the lack of enforceable measures in the record for HFB1, together with the inadequate record substantiating the FFA conclusion regarding HFB2, collectively form the basis for EPA's disapproval of the portions of the Haze Plan addressing 40 CFR 51.308(f)(2) and (3) and (i)(2) through (4).

Comment 7.c: The Conservation Groups assert that EPA's proposal to endorse North Carolina's decision to not conduct analyses of NO_x controls for Domtar was arbitrary and capricious, identify three boilers (No. 5 Recovery Boiler, HFB1, and HFB2) as significant sources of NO_x emissions, and state that North Carolina failed to respond to its state-level comments related to NO_x control at the facility. Therefore, they contend that EPA must assess NO_x controls at the No. 5 Recovery Boiler, HFB1, and HFB2 and require the facility to install reasonable and cost-effective controls.

Response 7.c: For the reasons provided in response 3, EPA disagrees that the Agency's proposal to not require NO_x FFA control evaluations of

Domtar is arbitrary and capricious. As discussed therein and in the NPRM, North Carolina's decision to focus on SO₂ controls in this planning period appears reasonable given, among other things, IMPROVE monitoring data from the 2015–2019 five-year period showing that ammonium sulfate is the dominant visibility impairing pollutant contributing to regional haze at the Class I areas in the State.

EPA also disagrees that North Carolina failed to respond to the comments regarding a NO_x control evaluation of Domtar. The State provided responses to public comments regarding the August 30, 2021, proposed Haze Plan in appendix I of the final plan. North Carolina's responses to public comments on nitrate and NO_x are included in section 3.4.3 (“Exclusion of NO_x/Nitrate/PM”) of appendix I, pages 37–38, where the State explains why it did not evaluate NO_x controls during this planning period.⁷⁴

Comment 8: The Conservation Groups note that North Carolina relied on PCS' current title V permit limits for reasonable progress, which limits SO₂ emissions from Sulfur Acid Plants (SAPs) 5, 6, and 7 to 2.5, 2.5, and 1.75 pounds (lbs) per ton of sulfuric acid produced, respectively, on a 365-day rolling average. They also note that facility upgrades have lowered actual SO₂ emissions from SAPs 5, 6 and 7 to 1.1, 1.2, and 1.2 lbs per ton of sulfuric acid produced.

The Conservation Groups contend that the State did not analyze lowering the SO₂ emission limits or imposing work practice standards that are reflective of the actual emissions due to the plant upgrades; quote the statement in EPA's 2021 Clarification Memo that “[a] limit that is significantly higher than the emission rate a source is actually achieving does not keep the source from increasing its rate in the future;” and contend that if a control can achieve lower emissions rate, the State must assess it as part of an FFA. They disagree with North Carolina's interpretation that the quoted statement is only applicable to situations where current measures are not necessary to make reasonable progress, noting that the quote is located in a section of the 2021 Clarification Memo titled “Determining When Existing Measures are Necessary for Reasonable Progress.” The Conservation Groups also state that North Carolina relied on the upgrades and actual emissions rates in

determining that no additional controls are available for the purpose of addressing the existing visibility impairment attributable to anthropogenic sources at Swanquarter. They argue that the plant upgrades resulting in the actual lower emissions rates are existing measures and that the actual emission rates must form the basis for the lower emission limits for the plant, disagreeing with North Carolina's statement that there is no need to impose lower arbitrary limits and no basis on which a lower limit could be set that guarantees compliance. The Conservation Groups contend that EPA must disapprove North Carolina's control determinations for PCS because the State did not consider reasonable and highly cost-effective controls for the facility, and that the Agency must prepare a FIP that analyzes and requires lower emission limits that are reflective of actual emissions.

Response 8: EPA acknowledges the comments related to the PCS FFA. However, because EPA is partially disapproving the portions of the Haze Plan addressing 40 CFR 51.308(f)(2), it is not necessary to address the Conservation Groups' concerns regarding the PCS FFA at this time. At proposal, EPA solicited comments on, among other things, “the adequacy of the permit conditions, including associated monitoring, recordkeeping, and reporting, and whether the State has met the requirements of 40 CFR 51.308(f)(2)(i) through (iv).”⁷⁵ The decision to disapprove the portions of the Haze Plan addressing 40 CFR 51.308(f)(2) is a logical outgrowth of the proposal; EPA has given further consideration to the question of the adequacy of these provisions, the comments received, and the totality of the analyses that constitute the LTS and RPGs. As discussed above, EPA will be obligated under CAA section 110(c)(1) to promulgate a FIP within two years after the effective date of this partial disapproval, unless the state submits, and the EPA approves, a SIP revision that satisfies the requirements of 40 CFR 51.308(f)(2) and (3) and (i)(2) through (4) before EPA promulgates the FIP. The public will have the opportunity to comment on, among other things, whether the proposed FIP or the proposed SIP action satisfies the FFA requirements of 40 CFR 51.308(f)(2).

Comment 9: The Conservation Groups contend that the State's and EPA's analyses of BRPP are no longer relevant since, according to EPA's Enforcement and Compliance History Online database, the facility is permanently

⁷¹ See “Projected 2028 Emissions, Revised (tons)” in table 7–55 of the Haze Plan for the 2028 projected SO₂ emissions used in the percent calculations. As discussed in responses 2 and 4.f, the State's use of 2028 projected emissions appears reasonable.

⁷² See EPA's Emissions Inventory System (EIS) Gateway available at: <https://www.epa.gov/air-emissions-inventories/emissions-inventory-system-eis-gateway>. The 2023 annual emissions data for HFB1 will not be available until 2025.

⁷³ See Haze Plan at p. 276. See table 7–56 of the Haze Plan at p. 277 for HFB1 SO₂ emissions from 2015 through 2020 and appendix G–2 at p.12/280 pdf for HFB1 SO₂ emissions from 2016–2018 and p.71/280 pdf for HFB1 SO₂ emissions from 2018–2020.

⁷⁴ In section 10.4.1 “Exclusion of NO_x from Four-Factor Analysis” of the Haze Plan, North Carolina responded to FLM comments on this subject.

⁷⁵ See 89 FR 67358.

closed as of June 2023. Therefore, they assert that EPA's final SIP action must include coordinating and acting in accordance with the Comprehensive Environmental, Response, Compensation, and Liability Act (CERCLA) Superfund efforts for the site, along with ensuring all existing air permits for the facility are revoked.

Response 9: EPA agrees that North Carolina's FFA analysis and the Agency's evaluation of BRPP in the NPRM are no longer relevant. On September 18, 2024, BRPP requested the termination of its title V permit for the BRPP Canton Mill, Air Quality Permit No. 08961T32, with Facility ID 4400159, effective immediately.⁷⁶ This letter states that none of the sources in the BRPP title V permit have been operating since June 2023. On September 23, 2024, DAQ sent a letter rescinding the permit effective on the date of the letter.⁷⁷ Regarding CERCLA, the CAA does not require regional haze SIPs to provide for coordination and consistency with Superfund efforts.

Comment 10: The Conservation Groups assert that EPA cannot approve North Carolina's SIP revision because it does not include practically enforceable emissions limitations and because this deficiency is not cured in the Commitment Letter supporting the conditional approval. They also assert that EPA must disapprove the SIP revision because the Commitment Letter does not identify specific enforceable measures as required under CAA section 110(k)(4) and only contains mere promises to adopt unspecified and sometimes unenforceable monitoring, recordkeeping, and reporting measures to correct the deficiencies in the SIP revision and because EPA ignores additional practical enforceability issues in the permit provisions identified for incorporation into the SIP.

Response 10: It is unnecessary to respond to the Conservation Groups' comments regarding the sufficiency of the Commitment Letter or the practicable enforceability of the permit terms identified for incorporation into the SIP because EPA is shifting from its initial proposal of a partial approval and partial conditional approval to a partial approval and partial disapproval. This action does not incorporate any permit conditions into the SIP because the partial disapproval includes the LTS, and the Commitment Letter is now moot. EPA's decision to disapprove the

portions of the Haze Plan addressing 40 CFR 51.308(f)(2) is a logical outgrowth of the initial proposal and EPA's consideration of the comments received. As discussed above, EPA will be obligated under CAA section 110(c)(1) to promulgate a FIP within two years after the effective date of this partial disapproval, unless the State submits, and EPA approves, a SIP revision that satisfies the requirements of 40 CFR 51.308(f)(2) and (3) and (i)(2) through (4) before EPA promulgates the FIP. Any emission limitations identified for incorporation into the SIP in such a SIP revision (or into a FIP in the case of an eventual FIP) must be legally and practicably enforceable, and EPA encourages the State to consider the Conservation Groups' comments if the State opts to develop a SIP revision.

Comment 11: The Conservation Groups contend that EPA's proposal to conditionally approve North Carolina's RPGs violates the CAA and RHR. They assert that North Carolina impermissibly reversed the "long-standing" SIP planning sequence by setting its RPGs before conducting FFAs or finalizing its LTS. They argue that since the RPGs are based on VISTAS' modeling conducted in 2020, before the State identified the controls necessary for reasonable progress based on the four statutory factors and proposed its LTS, the RPGs do not meet the RHR requirement that they must be based on enforceable SIP measures. They also assert that the State and EPA ignored the 2019 Guidance explaining that a state must adjust its RPGs if it conducted modeling for RPGs before making final LTS determinations. The Conservation Groups maintain that EPA ignores that the State's RPGs do not reflect the visibility improvements that the LTS controls will achieve, must disapprove the RPGs, and must require the State to adjust them to reflect enforceable limitations in the SIP.

Response 11: EPA agrees with disapproving North Carolina's RPGs but differs on the reason for disapproval. EPA reiterates that the process for establishing RPGs for each Class I area is prescribed in the RHR amendments and discussed in related guidance.^{78 79 80} The RHR requires states with Class I areas to establish RPGs that reflect the visibility conditions projected to be achieved by the end of the second planning period as a result of the "enforceable emission limitations, compliance schedules, and other measures required under the long-term

strategy." See 40 CFR 51.308(f)(3). As previously explained, EPA is disapproving the portions of the Haze Plan addressing 40 CFR 51.308(f)(2). Therefore, because the requirements in 40 CFR 51.308(f)(3) are dependent upon 40 CFR 51.308(f)(2), EPA is disapproving the RPGs because they reflect a deficient LTS.

The sequencing of the development of the RPGs is inconsequential here because EPA has determined that the State's LTS is deficient. Therefore, because the Haze Plan does not include an approvable LTS, and compliance with 40 CFR 51.308(f)(3) is dependent on compliance with 40 CFR 51.308(f)(2), EPA is disapproving the RPGs, and the State should re-evaluate them as part of its potential SIP revision.

Comment 12: The Conservation Groups assert that EPA's proposal to approve North Carolina's interstate consultations is arbitrary and capricious, and violates the CAA and RHR. They contend that EPA did not conduct an independent analysis of the State's consultation process to determine whether it satisfies the regulatory requirements. Additionally, they argue that State's consultations were "incomplete, inadequately documented, and failed to provide for coordinated emissions management strategies with other states."

The Conservation Groups maintain that the VISTAS modeling was flawed and the source selection process was unreasonable, both of which were relied on by North Carolina to identify sources from other states that contribute to visibility impairment in its five Class I areas. They cite NPCA's analysis using the 2020 NEI and the 2023 Clean Air Markets Program Data (CAMPD) to show that there are 169 sources with Q/d greater than or equal to five, spanning 19 different states, that likely contribute to visibility impairment at North Carolina's Class I areas. They note that North Carolina did not request consultation with some of the states or regarding some sources that were identified by the NPCA, including consulting with Kentucky on Ghent Station that they contend is likely contributing to visibility impairment at Great Smoky Mountains with a Q/d of 40.36, and Louisiana, which has nine sources that they contend likely contribute to visibility impairment in North Carolina's Class I areas.

Regarding the adequacy of documentation of consultations, the Conservation Groups point to North Carolina's statement in its SIP revision that appendix F-1 contains the consultation letters from North Carolina to each VISTAS state, along with the

⁷⁶ The September 18, 2024, letter requesting permit termination is in the docket for this rulemaking.

⁷⁷ The September 24, 2024, permit rescission letter is in the docket for this rulemaking.

⁷⁸ See 40 CFR 51.308; 64 FR 35714 (July 1, 1999); and 82 FR 3078 (January 10, 2017).

⁷⁹ See 2019 Guidance at pp. 46–48.

⁸⁰ See 2021 Clarifications Memo at p. 6.

responses. However, the Conservation Groups found that appendix F–1 only contains North Carolina’s letters. Instead of providing the responses it received (only from Tennessee and West Virginia), the State provides only summaries of the responses. Furthermore, while North Carolina requested consultations with Kentucky, Georgia, and Virginia, the responses were not documented, including whether those states shared their FFAs for the identified sources, whether there were agreements or disagreements between the parties, or whether disagreements were reconciled.

Next, the Conservation Groups assert that North Carolina “effectively conducted an ‘agree to do nothing’ consultation process,” which violates the CAA and RHR requirement to engage in substantive consultation to develop coordinated strategies that reduce emissions with other states in order to make reasonable progress during the second planning period. They note that only one (Eastman Chemical Company in Tennessee) out of the 16 sources that the State requested consultation was required to install new emission controls. The Conservation Groups argue that North Carolina acquiesced to other states’ determinations for their respective sources. For example, they state that based on the VISTAS modeling and source selection process North Carolina relied on, the General James M. Gavin Power Plant (Gavin Plant) in Ohio is the biggest contributor to visibility impairment in Great Smoky Mountains, Joyce Kilmer, and Shining Rock, the second biggest contributor at Linville Gorge, and the fourth biggest contributor at Swanquarter. Nonetheless, they state that North Carolina decided it was satisfied with Ohio’s determination that the Gavin Plant would not be required to install new emission controls.

Response 12: In response to the Conservation Groups’ comments that the VISTAS modeling was flawed, North Carolina’s source selection process was unreasonable, and the State should have requested consultation based on NPCA’s Q/d analysis, *see* responses 1 and 2.

EPA disagrees with the contention that EPA’s review of North Carolina’s interstate consultation process was a box checking exercise. EPA independently reviewed all of the consultation documentation provided by North Carolina within its Haze Plan. EPA also disagrees with the comment that North Carolina conducted a “do-nothing” approach to consultation, which violates CAA and RHR requirements to engage in substantive

consultation to develop “coordinated emission reduction strategies” with other states. 40 CFR 51.308(f)(2) requires a state to consult with those states that have emissions that are reasonably anticipated to contribute to visibility impairment in the mandatory Class I area. The State appears to have reasonably complied with 40 CFR 51.308(f)(2)(ii) by consulting with 10 other states and requesting FFAs for 16 facilities located within those states with visibility impacts to North Carolina’s Class I areas exceeding the State’s sulfate PSAT threshold at one or more of North Carolina’s Class I areas.⁸¹ Further, EPA disagrees with the Conservation Groups’ assertion that North Carolina acquiesced to other states’ determinations for their respective sources. For example, North Carolina assessed and agreed with Ohio’s response on the Gavin Plant, and therefore, no further action is required under the RHR’s consultation provisions.⁸² 40 CFR 51.308(f)(2)(ii) does not require further action when a state agrees with another state’s determination that no emission reductions are necessary to make reasonable progress.

Moreover, EPA disagrees with the Conservation Groups’ contention that North Carolina did not adequately document its consultation process within its Haze Plan. Although the RHR requires a state to demonstrate that it has included in its implementation plan all measures agreed to during interstate consultations or a regional planning process, or measures that will provide equivalent visibility improvement, and to describe any actions taken in the event states disagree with one another

⁸¹ The 16 sources are: Entergy Arkansas Inc.—Independence Plant in Arkansas; Plant Bowen in Georgia; Gibson and Indiana Michigan Power DBA AEP Rockport in Indiana; Tennessee Valley Authority (TVA)—Shawnee in Kentucky; New Madrid Power Plant—Marston in Missouri; Cardinal Power Plant—Cardinal Operating Company (Cardinal Power Plant); Duke Energy Ohio—Wm. H. Zimmer Station (Duke—Zimmer); and General James M. Gavin Power Plant (Gavin Power Plant) in Ohio; Homer City Gen LP/Center and Genon NE Mgmt Co/Keystone Station in Pennsylvania; Eastman and TVA—Cumberland in Tennessee; Jewell Coke Company LLP in Virginia; and Allegheny—Harrison and Monongahela—Pleasants Power Station in West Virginia. North Carolina requested FFAs of non-VISTAS sources through VISTAS.

⁸² Appendix F–3d of the Haze Plan includes the June 22, 2020, letter from North Carolina, through VISTAS, requesting a FFA of the Gavin Plant and a October 29, 2020, letter of response from Ohio. The 2020 Ohio letter states that the Gavin Plant operates two coal-fired boilers (B003 and B004) which have FGDs that operate year-round with a 95 percent control efficiency. Ohio requested an SO₂ FFA from the Gavin Plant, and Ohio stated in its letter that the plant was considered effectively controlled for NO_x with a SCR system with 90 percent control efficiency.

on the emission reduction measures necessary to achieve reasonable progress in Class I areas, the RHR does not prescribe a specific type of documentation to demonstrate that the interstate consultation requirements of 40 CFR 51.308(f)(2)(ii) have been met. North Carolina documented its correspondence in appendix F–1 with the states listed in table 10–2 and summarized responses from those states in section 10.1.1 of the Haze Plan. Therefore, it appears that the State reasonably satisfied the RHR’s documentation requirements. However, the interstate consultation requirement at 40 CFR 51.308(f)(2)(ii) is a part of 40 CFR 51.308(f)(2), which is subject to the partial disapproval. To the extent that the Domtar facility contributes to visibility impairment at out-of-state Class I areas, EPA recognizes that the State (or EPA in the case of an eventual FIP), may need to reconsider the interstate consultation element under 40 CFR 51.308(f)(2)(ii). To the extent that the Conservation Groups have concerns about facilities outside of North Carolina, including the Gavin Plant in Ohio and Ghent Station in Kentucky, any public comments related to out-of-state sources should be provided during the public comment periods regarding those states’ haze plans. North Carolina lacks authority to regulate these out-of-state sources, and therefore, EPA cannot require other states to implement control measures through action on North Carolina’s Haze Plan.

Comment 13: The Conservation Groups maintain that EPA blindly proposes to approve the State’s consultation with the FLMs by not conducting an independent review or analysis. They note that North Carolina provided the FLMs an opportunity to consult on the draft SIP revision, but argue that the State failed to engage in meaningful consultation with the FLMs and largely ignored and failed to adequately respond to the FLMs’ comments. For these reasons, they argue EPA’s proposal to approve the State’s FLM consultation process is arbitrary and capricious and violates the CAA and RHR.

The Conservation Groups argue that North Carolina treated the FLM consultation process as a “box checking exercise” by providing terse and inadequate responses to FLMs’ recommendations. The Conservation Groups contend that North Carolina did not incorporate FLM suggestions that North Carolina should conduct FFAs of NO_x controls for the State’s major sources due to inaccurate modeling results; the source screening process used “unreasonably high thresholds;”

lower thresholds⁸³ would have led to identification of additional facilities; and the State should conduct FFAs of NO_x controls for the Duke Energy EGUs.

The Conservation Groups contend that since North Carolina's source selection, source-specific analyses, LTS, and RPGs violate the CAA and RHR, the State's FLM consultations were based on a SIP revision that did not meet the statutory and regulatory requirements. They argue that EPA must issue a FIP that corrects the errors in the SIP revision and consult with the FLMs anew, meaningfully considering, incorporating, and responding to FLM recommendations.

Response 13: The FLMs play important roles in addressing visibility at Class I areas, and 40 CFR 51.308(i)(3) requires states to include a description of how they address any comments provided by the FLMs during the opportunity for consultation. However, neither the CAA nor the RHR require a state to agree with the FLM recommendations, nor do they specify the degree of consideration that must be given to those comments. Rather, 40 CFR 51.308(i)(3) requires a state to "include a description of how it addressed any comments provided by the Federal Land Managers" within its haze plan.

North Carolina appears to have reasonably complied with this requirement by documenting how it addressed the FLMs' comments contained in appendix H and appendix I in both section 10.4 of the Haze Plan and in section 3.2 of appendix I of its Haze Plan.⁸⁴ For example, North Carolina provides an in-depth rationale (approximately 15 pages) for why it disagrees with NPS' comment recommending inclusion of NO_x in the FFAs in section 10.4.1 of the Haze Plan.⁸⁵ Further, FLM consultation must take place at least 60 days prior to the state public comment period on any haze plan or plan revision pursuant to 40 CFR 51.308(i)(2). North Carolina initiated consultation with the FLMs on April 5, 2021, which was 147 days before the opening of the State's public

comment period on August 30, 2021. In addition, North Carolina met with NPS upon request on May 14 and May 25, 2021, to discuss NPS' feedback in more detail.⁸⁶

EPA recognizes that North Carolina appears to have reasonably followed all of processes required for FLM consultation consistent with 40 CFR 51.308(i). However, EPA is disapproving North Carolina's FLM consultation under 40 CFR 51.308(i)(2) through (4) because compliance with that requirement is dependent on fulfilling the substantive requirements of 40 CFR 51.308(f)(2) (LTS). For reasons discussed elsewhere in this notice, EPA is disapproving the portions of the Haze Plan addressing 40 CFR 51.308(f)(2) and (3). When EPA disapproves an LTS, the state (in the case of a SIP revision) or EPA (in the case of a FIP) must redevelop an LTS that complies with the statutory and regulatory requirements and provide meaningful consultation on the substance of the LTS created to replace the substantively disapproved one. Even though it appears North Carolina reasonably consulted with the FLMs to develop the LTS, because the LTS is disapproved, the consultation component must also be disapproved. Therefore, the State (for a SIP revision) or EPA (for a FIP) must again consult with the FLMs on a revised LTS in order to develop an approvable LTS.

Regarding the merits of the FLM comments summarized by the Conservation Groups and repeated by the NPS in its comments on this rulemaking, *see* responses 17 and 18. Regarding a FIP, as discussed above, EPA will be obligated under CAA section 110(c)(1) to promulgate a FIP within two years after the effective date of this partial disapproval, unless the State submits, and EPA approves, a SIP revision that satisfies the requirements of 40 CFR 51.308(f)(2) and (3) and (i)(2) through (4) before EPA promulgates the FIP.⁸⁷

Comment 14: The Conservation Groups assert that EPA should not rely on North Carolina's environmental justice (EJ) analysis due to deficiencies and that the Agency should conduct an independent analysis. The Conservation Groups contend that North Carolina failed to respond to their and other commenters' EJ concerns raised during the State's public hearing. They also maintain that North Carolina's EJ

analysis is inadequate because it does not consider the communities surrounding the facilities but instead focuses on the communities surrounding the Class I areas and that they are not aware of any other state that employed this approach. They state that out of the 400-page SIP revision (not including appendices), North Carolina's efforts only include two pages discussing public participation plans, three pages of maps, and less than one page in its response to comments. The Conservation Groups assert that the SIP revision is "entirely void of any analysis of how it would benefit North Carolina-identified communities of concern for environmental justice."

The Conservation Groups argue that EPA's proposal fails to recognize the unreasonable approach that the State used to identify the geographic areas for consideration in the EJScreens Reports, an approach they describe as unique, and that they are not aware of any other state that employed this approach. They also assert that EPA's final action must provide clarification to the states that impacts local to the sources should be considered because North Carolina's analysis failed to consider the impacts of SO₂ and NO_x on communities near the emission sources. They argue that North Carolina's SIP revision does not contain any analysis on how it would benefit the identified communities with EJ concerns, except in the State's assertion about the visibility improvement in its Class I areas through reductions in SO₂ and NO_x have reduced impacts on the public, including vulnerable communities.

The Conservation Groups state that the pollutants that contribute to visibility impairment in Class I areas can also cause significant public health impacts in the area surrounding the source, particularly communities of color and low-income communities. They argue that EPA's final action should consider and independently analyze the impacts the sources have on communities across the State, particularly in communities that are disproportionately burdened by environmental pollution and explain how a strong regional haze plan will address those adverse impacts.

Based on the Executive Orders (E.O.s) in place since 1994, they maintain that EPA is required to incorporate EJ as "part of its mission by identifying and addressing . . . disproportionately high and adverse human health or environmental effects of its program, policies, and activities," which they argue to be applicable to regional haze SIP actions' impacts on minority populations and low-income

⁸³ The Conservation Groups say "higher thresholds" on page 46 of their comments, but EPA believes that this is an error because the context of the statement indicates that they intended to say "lower thresholds."

⁸⁴ Section 3.2 of appendix I addresses NPS comments received during the State comment period on the proposed Haze Plan. Section 10.4 of the Haze Plan addresses FLM comments received prior to the State comment period on a draft plan, including section 10.4.2 related to source selection and section 10.4.3 related to evaluation of NO_x controls for the Duke Energy EGUs.

⁸⁵ *See* section 10.4.1 of the Haze Plan at pp. 320–335.

⁸⁶ FWS and USFS representatives were also invited to attend the May 14 and 25, 2021, North Carolina-NPS consultation meeting. *See* section 10.4 of the Haze Plan.

⁸⁷ *See* response 15.

populations. Additionally, they argue the directive to incorporate EJ into all of the Agency's actions was reaffirmed by the Biden Administration through back-to-back E.O.s directed to Federal agencies, including EPA, and again in 2023 when the Administration issued the "Executive Order on Revitalizing Our Nation's Commitment to Environmental Justice for All."⁸⁸

The Conservation Groups maintain that EPA has the resources, including EJSreen, to provide a robust analysis of the EJ impacts of North Carolina's SIP revision. Using the EJSreen toolkit, their analysis shows five facilities (DEC—Belews Creek; DEC—Cliffside, DEC—Marshall, Domtar, and PCS) are surrounded by communities that have EJ indicators in the high percentiles.

Response 14: EPA disagrees with this comment but acknowledges the EJSreen information provided by the Conservation Groups. The regional haze statutory provisions do not explicitly address considerations of EJ and neither do the regional haze regulatory requirements of the second planning period in 40 CFR 51.308(f), (g), and (i). However, the lack of explicit direction does not preclude the State from addressing EJ in its SIP submission. As explained in "EPA Legal Tools to Advance Environmental Justice,"⁸⁹ the CAA provides states with the discretion to consider EJ in developing rules and measures related to regional haze. While a state may consider EJ under the reasonable progress factors, neither the statute nor the regulation requires states to conduct an EJ analysis for EPA to approve a SIP submission. The 2021 Clarifications Memo states in section 5.6: "EPA encourages states to consider whether there may be equity and environmental justice impacts when developing their regional haze strategies for the second planning period. . . . States have discretion to consider environmental justice in determining the measures that are necessary to make reasonable progress and formulating their long-term strategies, as long as such consideration is reasonable and not contrary to the regional haze requirements."

In this instance, North Carolina elected to consider EJ under the reasonable progress factors in section

10.6 and appendix F–5 of the Haze Plan. The State ran EJSreen for four of its five Class I areas (excluding the Great Smoky Mountains due to its size), and based on the results of the EJSreen, it outlined a five-step outreach plan in section 10.6 to ensure the opportunity for meaningful community involvement during the state-level comment period for the Haze Plan. In appendix I of the Haze Plan, in response to an EJ comment received during the public comment period, the State notes that EPA's 2021 Clarifications Memo encourages states to consider EJ and encourages states to consider whether there may be equity and EJ impacts when developing their regional haze strategies for the second planning period while noting that states have discretion to consider EJ in determining the measures that are necessary to make reasonable progress and formulating LTS, as long as such consideration is reasonable and not contrary to the regional haze requirements. North Carolina explains in its response that at the time of the issuance of the memo, the State had mostly completed the proposed plan for public comment which was issued on August 30, 2021. The response also states that North Carolina's EJ analysis and additional outreach was an adequate response given the short amount of time between when EPA issued its July 8, 2021, guidance and when regional haze SIPs were due to EPA on July 31, 2021.

As discussed above, the CAA and RHR neither prohibit nor require an evaluation of EJ with a regional haze SIP. EPA has evaluated North Carolina's SIP submission against the statutory and regulatory regional haze requirements and determined that it satisfies those minimum requirements. For these reasons, the State is not required to address the Conservation Groups' alleged EJ inadequacies in its SIP revision, and EPA is not required to conduct an independent EJ analysis.

Comment 15: The Conservation Groups assert that EPA must disapprove North Carolina's SIP revision and issue a regional haze FIP for the State for the reasons discussed in the comments summarized in comments 1 through 14, above. They also contend that the Agency should issue a regional FIP covering the Region 4 states because "multiple states in Region 4 have developed second planning period SIPs that violate" the CAA and RHR, pointing to reliance on "invalid VISTAS modeling and source selection process," and must disapprove Georgia's SIP revision. The Conservation Groups also contend that EPA must act swiftly to issue a FIP because North Carolina's

Haze Plan for the second planning is years behind schedule.

Response 15: EPA has responded to the Conservation Groups' rationale for disapproval and a FIP in responses 1 through 14. As discussed above, the Agency is approving in part and disapproving in part North Carolina's Haze Plan. Therefore, EPA will be obligated under CAA section 110(c)(1) to promulgate a FIP within two years after the effective date of this partial disapproval, unless the State submits, and EPA approves, a SIP revision that satisfies the requirements of 40 CFR 51.308(f)(2) and (3) and (i)(2) through (4) before EPA promulgates the FIP. The Conservation Groups' comments regarding a regional FIP are beyond the scope of this rulemaking because this rulemaking relates solely to North Carolina's Haze Plan and EPA has not proposed action on all of the regional haze SIPs submitted by other states in Region 4. Regarding Georgia's regional haze plan, EPA proposed to approve that SIP revision in a separate rulemaking on June 3, 2024, and the Agency will take final action through that separate rulemaking.⁹⁰

Comment 16: NPS states that North Carolina's SIP process missed a key CAA section 169A(d) consultation requirement because the State's public notice of its regional haze SIP did not include a summary of the FLMs' conclusions and recommendations. NPS asserts that this statutory requirement ensures public transparency in the SIP development process by requiring states to alert the public that the FLMs provide comments and to provide a short summary of the recommendations in the notice to ease the burden of locating and interpreting these comments in the draft SIP revisions. Therefore, NPS recommends that EPA acknowledge and address this procedural error when taking final action on North Carolina's SIP.

Response 16: Section 169A(d) of the CAA requires states to include a summary of the conclusions and recommendations of the FLMs in the notice to the public. This section sets the expectation as to what states must share with the public regarding the FLMs' comments. North Carolina's August 30, 2021, proposed haze plan subject to public notice contained the FLMs' conclusions and recommendations in appendix H, which is sufficient because it provides the entirety of the FLMs' conclusions and recommendations, rather than a state-generated summary. However, because EPA is disapproving the portions of the

⁸⁸ The "Executive Order on Revitalizing Our Nation's Commitment to Environmental Justice for All" is available at: <https://www.whitehouse.gov/briefing-room/presidential-actions/2023/04/21/executive-order-on-revitalizing-our-nations-commitment-to-environmental-justice-for-all/>.

⁸⁹ See "EPA Legal Tools to Advance Environmental Justice", May 2022, available at: <https://www.epa.gov/system/files/documents/2022-05/EJ%20Legal%20Tools%20May%202022%20FINAL.pdf> at pp. 35–36.

⁹⁰ See 89 FR 47481.

Haze Plan addressing 40 CFR 51.308(f)(2) and (3), North Carolina (for a SIP revision) or EPA (for a FIP) must again satisfy the requirements of CAA section 169A(d).

Comment 17: NPS disagrees with EPA's proposal to approve the source and pollutant selection portion of the LTS. NPS states that North Carolina unreasonably applied the AoI and PSAT results to exclude significant sources and pollutants from analysis, that it has raised these concerns with the State since May 2021, and that neither North Carolina nor EPA substantively addressed these concerns.

Source Selection Approach—NPS argues that North Carolina's source selection thresholds are "excessively high" and are "flawed and counterproductive" to remedying existing visibility impairment. According to NPS, the VISTAS source selection approach, relying on a percent-of-total-impact threshold for selecting each facility, results in an individual facility needing to have a greater impact on visibility to be selected for more impaired Class I areas than with less impaired ones. NPS states that the AoI percent-of-total-impact threshold for selecting a facility is 74 times higher for Mammoth Cave National Park (Mammoth Cave) and 19 times higher for Great Smoky Mountains when compared to Everglades National Park, the least impacted NPS Class I area in the region. NPS argues that this approach resulted in the selection of very few sources for FFAs in a region experiencing significant visibility impairment and states that no North Carolina source was selected for impacts to Great Smoky Mountains or other NPS Class I areas. NPS also argues that it is difficult to assess reasonable progress if few sources are brought forward for FFAs. NPS asserts that neither EPA nor North Carolina substantively addressed this issue or described how the source selection thresholds are consistent with the need to demonstrate reasonable progress.

Pollutant Selection Approach—NPS asserts that North Carolina used an outdated 2011 modeling platform to draw conclusions about which pollutants are responsible for visibility impairment. NPS states that recent monitoring data shows that the ammonium nitrate contribution on the 20 percent most-impaired days has increased since 2011 and is now a significant component of visibility impairment in Mammoth Cave and Shenandoah National Park (Shenandoah). While NPS agrees that sulfate is the dominant contributor to visibility impairment in those areas, it

notes that nitrate contributions have more than doubled in recent years and are also significant. NPS encourages EPA to consider the 2021 Clarification Memo's direction on pollutant selection in assessing North Carolina's approach and recommends the evaluation of North Carolina's sources for opportunities to reduce NO_x emissions.

Response 17: See response 1 regarding the 2011 base year and response 2 regarding North Carolina's source selection approach. See response 3 regarding nitrate contributions at the North Carolina Class I areas and pollutant selection. Additionally, there is no evidence provided by NPS that Mammoth Cave or Shenandoah are affected by emissions from within North Carolina (in particular, NO_x emissions which may impact nitrate). Therefore, contributions to nitrate at those Class I areas are not relevant to North Carolina's Haze Plan.

Comment 18: NPS notes that North Carolina did not conduct FFAs of NO_x and SO₂ emissions at five Duke Energy EGUs identified by NPS for such an evaluation, instead concluding that SO₂ emissions from these EGUs are effectively controlled without any substantive analysis.⁹¹ NPS asserts that EPA's proposed determination that FFAs are not necessary for these EGUs and that they are effectively controlled for SO₂ is flawed and inconsistent with EPA guidance because it: (1) does not consider the full suite of EPA guidance on effective controls, (2) relied on flawed assumptions to estimate SO₂ control efficiencies, and (3) did not assess NO_x emissions. NPS recommends that EPA require FFAs for SO₂ and NO_x at these EGUs which should consider whether scrubber upgrades or optimizations are cost effective.

EPA Guidance—NPS maintains that EPA narrowly viewed the Agency's guidance in relying heavily on two effective control examples in the 2019 Guidance—(1) EGUs with add-on flue gas desulfurization (FGD) that meet the 0.2 lb/MMBtu MATS SO₂ limit for coal-fired EGUs, and (2) EGUs that installed FGD during the first implementation period that operates year-round with an effectiveness of at least 90 percent. NPS states that EPA did not consider additional guidance that "caveats how 'off-ramps' to source selection should be used," pointing to section 2.3 of the 2021 Clarifications Memo. NPS states that, with respect to MATS, the guidance recommends that states should

also consider control equipment past performance in their reasonable progress determinations and recommends reasonable actions to ensure controls are maintained and operated to achieve optimal performance. NPS states that the Duke Energy EGUs have operated at lower emission rates in the past and that its evaluation of SO₂ and NO_x emissions information in the CAMPD demonstrates that SO₂ and NO_x emissions generally increased in recent years, suggesting that the controls at these facilities may not be operating to maintain optimum performance or achievable emission rates.

NPS also argues that FGD installed after 2007 should meet a control effectiveness of 95 percent or higher, pointing to a "caveat" in the 2019 Guidance regarding the 90 percent control efficiency "off-ramp" that EPA cites in its proposal to approve. This "caveat" states that EPA expects any FGD system installed to meet CAA requirements since 2007 would have an effectiveness of 95 percent or higher. NPS also points to EPA's January 4, 2017, Texas Best Available Retrofit Technology (BART) FIP in which it contends that EPA set a 95 percent SO₂ control benchmark for deciding if a scrubber should be evaluated for upgrades or replacement.

SO₂ Control Assumptions—NPS states that EPA's evaluation of SO₂ removal efficiency at the Duke Energy EGUs relied on assumptions that may slightly overestimate scrubber efficiency. NPS maintains that the equation used by EPA to estimate uncontrolled emissions overestimated these emissions and the resulting control efficiencies. NPS recommends using AP-42 emission factors for bituminous coal, and other fuels, to estimate the uncontrolled emissions. Using the AP-42 factor for bituminous coal, NPS estimates that scrubber performance is periodically lower than 95 percent for DEC—Cliffside Unit 5, DEC—Belews Creek Units 1 and 2, DEP—Roxboro Units 2 and 4A, and DEC—Marshall Units 1 and 2 and is periodically lower than 90 percent for units at DEP—Roxboro, DEC—Belews Creek, and DEC—Cliffside. NPS recommends reviewing permit limits to ensure that optimum scrubber performance is consistently achieved and to prevent backsliding.

NO_x Emissions—NPS recommends that EPA and North Carolina evaluate the NO_x controls at the Duke EGUs. According to the NPS, replacing existing SNCR systems with modern SCR systems at DEC—Marshall (Units 1, 2, and 4) would be cost effective at \$4,000–\$6,000/ton and would reduce

⁹¹ The five Duke Energy EGUs identified by NPS are DEC—Belews Creek, DEC—Cliffside, DEC—Marshall, DEP—Roxboro, and DEP—Mayo.

NO_x emissions by up to 5,700 tpy. Additionally, NPS found that performance of the SCR for Duke Energy's EGUs have deteriorated in recent years. NPS recommends analyzing past performance as a potential control option for the Duke EGUs with SCR.

*Response 18: EPA Guidance—*See response 4 regarding evaluation of these Duke Energy sources via a SO₂ FFA. Regarding the NPS comments that the SO₂ and NO_x emissions at these Duke Energy EGUs have generally increased in recent years, which suggests that the controls at these facilities may not be operating to maintain optimum performance or achievable emission rates, North Carolina did not select DEC—Belews Creek, DEC—Cliffside, DEC—Marshall, DEP—Mayo, or DEP—Roxboro for an FFA because the visibility impacts from these sources were below North Carolina's source selection thresholds. Because these sources were not selected for an FFA, North Carolina's decision not to evaluate them for controls appears reasonable.

EPA clarifies that North Carolina and EPA are not relying on section 2.3 ("Sources that are Not Selected Based on Existing Effective Controls") of the 2021 Clarifications Memo and 2019 Guidance (pp. 22–25) for DEC—Belews Creek, DEC—Cliffside, DEC—Marshall, DEP—Mayo, or DEP—Roxboro. Section 2.3 of the 2021 Memo is applicable to sources that met the source selection criteria set by the State under the RHR and, instead of a FFA, the State provided a showing that the source has existing, effective controls such that a FFA is unlikely to result in new additional controls. None of these five Duke Energy EGUs met North Carolina's source selection criteria for a FFA (*i.e.*, none met or exceeded the PSAT sulfate or nitrate thresholds). However, in the NPRM (89 FR 67359), EPA evaluated these Duke Energy EGUs to evaluate the reasonableness of North Carolina's source selection thresholds.⁹² EPA documented an analysis that further examined the Duke Energy sources to verify North Carolina's claim that there were no uncontrolled or lightly controlled sources in North Carolina that were not selected. Regarding scrubber control efficiencies, in the NPRM (89 FR 67359), EPA provided data from 2017–2021 indicating that existing WFGD systems at the five Duke

Energy facilities routinely achieve 92 to 98 percent SO₂ removal efficiencies. In this rulemaking action, EPA also considered data from 2022 and found that the Duke Energy emissions units have annual average scrubber removal efficiencies ranging between 93.8–99.2 percent with all units having a six year average (2017–2022) SO₂ removal efficiency of greater than 95 percent.⁹³ Therefore, it appears reasonable to assume that an FFA would likely result in the conclusion that no further SO₂ emissions controls (including WFGD upgrades) are necessary. See 89 FR 67359.

Regarding EPA's potential overestimate of scrubber efficiency, EPA agrees that using the AP–42 equation assumption for bituminous coal (uncontrolled) combustion would slightly reduce the calculated scrubber efficiencies.⁹⁴ However, such a small change in efficiency is negligible here. Adjusting EPA's scrubber efficiency calculations would change the annual average efficiencies from 93.8–99.2 percent to 93.5–99.2 percent and the six-year average efficiencies would still all be greater than 95 percent.

Regarding NPS' statement that FGDs installed after 2007 should meet a control effectiveness of 95 percent or higher,⁹⁵ this is a general recommendation from EPA's 2019 Guidance that applies to states that are providing demonstrations that selected sources already have effective emission control technology in place and is not intended to be a "bright-line" recommendation. EPA disagrees that EPA's January 4, 2017, Texas BART FIP sets a 95 percent SO₂ control benchmark for deciding if a scrubber should be evaluated for upgrades or replacement. First, there is nothing in the RHR that establishes such a requirement. Second, the Duke Energy sources were not selected, and therefore, no control analysis was required for the second planning period. Additionally, the analysis in the first planning period Texas BART FIP is not relevant to the current situation for the North Carolina second planning period SIP. The Texas FIP examined EGU sources following the EPA's first planning period BART

Guidelines,⁹⁶ which is not relevant here. The BART Guidelines established presumptive scrubber efficiencies and emissions rates⁹⁷ that are not a requirement for the second planning period. Also, the Texas BART FIP analyzed sources that either did not have scrubbers or were operating old inefficient scrubbers that only achieved 60–80 percent SO₂ efficiency. In addition, the Texas coal burning EGU sources also differed in the type of coal burned. All of the North Carolina EGUs burn bituminous coal, whereas all of the Texas EGUs burn low-sulfur subbituminous coal or lignite.

*SO₂ Control Assumptions—*Regarding NPS' recommendations to review permit limits to ensure that optimum scrubber performance is consistently achieved and to prevent backsliding, as explained earlier, because these sources were not selected for an FFA, North Carolina's decision not to evaluate them for controls appears reasonable.

*NO_x Emissions—*With respect to the recommendation that EPA require NO_x FFAs for these five Duke Energy EGUs, see response 3.

Comment 19: The Organizations contend that the Haze Plan fails to reduce pollution and falls short on the State's obligation to improve air quality for protected parks, wilderness areas, and communities. Additionally, they state that they are disappointed that EPA has proposed to approve this highly flawed and problematic plan.

Specifically, they contend that the State's plan relied on a flawed modeling system prepared by VISTAS. They contend that VISTAS modeling used decade-old data, does not accurately represent nor include NO_x emissions contributing to haze pollution, and does not include many of the biggest polluting facilities in the state that are exacerbating haze pollution.

The Organizations also contend that North Carolina used unreasonably high source selection thresholds that excluded Duke Energy's coal-fired power plants from a full review for control analyses or requirements. The Organizations state that these Duke facilities are some of the biggest haze polluters in the State.

The Organizations state that EPA shirked its duty to review North

⁹³ See North Carolina Duke Energy scrubber efficiency data file that is included in the docket for this action.

⁹⁴ AP–42, Compilation of Air Pollutant Emissions Factors from Stationary Sources" is available at: <https://www.epa.gov/air-emissions-factors-and-quantification/ap-42-compilation-air-emissions-factors-stationary-sources>.

⁹⁵ See *id.* at p. 24, footnote 53 ("While a 90 percent control effectiveness is used in this example, we expect that any FGD system installed to meet CAA requirements since 2007 would have an effectiveness of 95 percent or higher.").

⁹⁶ See 40 CFR part 51, appendix Y—"Guidelines for BART Determinations Under the Regional Haze Rule" (BART Guidelines).

⁹⁷ See BART Guidelines at section IV.E.4 ("You must require 750 MW power plants to meet specific control levels for SO₂ of either 95 percent control or 0.15 lbs/MMBtu, for each EGU greater than 200 MW that is currently uncontrolled unless you determine that an alternative control level is justified based on a careful consideration of the statutory factors.").

⁹² See 2019 Guidance at p. 19 ("For example, it may be difficult to show reasonableness of a threshold set so high that an uncontrolled or lightly controlled source that is one of the largest contributors to anthropogenic light extinction at a Class I area is excluded.").

Carolina's FFA; deferred to North Carolina's highly deficient EJ analysis; and proposed an action that is inconsistent with EPA's proposed disapprovals in whole or part of haze plans from other states such as Arizona, Missouri, North Dakota, Wyoming, and Utah. They urge EPA to issue either a FIP for North Carolina or a FIP for all states in Region 4, given that all Region 4 states relied on VISTAS modeling that they contend is invalid for source selection.

Response 19: Regarding the Organizations' assertions related to VISTAS modeling, *see* response 1. Regarding the Organizations' comments concerning source selection thresholds, *see* response 2. Regarding the Organizations' arguments related to the North Carolina Duke Energy power plants, *see* response 4. Regarding the Organization's comments that EPA neglected its duty to review the FFAs, *see* response 6. Regarding the Organizations' comments about EJ, *see* response 14. Regarding the Organizations' comments about a FIP, *see* response 15.

The Organizations' comment regarding rulemaking consistency is unclear with respect to the specific alleged inconsistencies between this action and the cited proposed actions. Therefore, EPA is unable to respond to this comment other than to note that EPA is now shifting from its initial proposal of a partial approval and partial conditional approval to a partial approval and partial disapproval.

Comment 20: EPA received one set of relevant comments from a member of the public (hereinafter referred to as the "Commenter"). The Commenter states the national parks and forests in the Southern Appalachia region experience some of the worst air pollution in the country and notes that air pollution poses a threat to human health (e.g., heart attacks, heart failure, cancer, and respiratory diseases), especially in marginalized communities. The Commenter maintains that the RHR requires states to develop a plan to reduce anthropogenic air pollution that affects Class I areas, that local economies of communities surrounding Class I areas are dependent on tourism to these areas and contends that park visitation drops by eight percent when air quality is poor.

The Commenter asserts that the Haze Plan misses opportunities to reduce emissions and many industrial pollution sources will remain unchecked, and that it will continue to allow up to 53,000 tons of haze-causing pollutants (SO₂ and NO_x) to be emitted. The Commenter contends that the State

excluded "the largest and dirtiest sources of air pollution," coal-burning power plants, from its plan and that the State also excluded two harmful air pollutants, soot and NO_x, from consideration.

The Commenter refers to EPA's proposed approval as a "rubber-stamp" of North Carolina's "do-nothing regional haze plan." The Commenter maintains that North Carolina's plan is "weak" because it is based on flawed modeling from VISTAS and that EPA "shirked its duty" to review the State's source-specific FFAs; "incorrectly" allowed the State to exclude NO_x controls in its FFAs; supported the State's exclusion of Duke Energy's five coal-burning power plants from any control analyses or requirements; and deferred to the State's "highly deficient" EJ analysis. The Commenter asserts that a weak air quality plan in North Carolina will continue to place the disproportionate environmental burden on black and low-income communities.

Response 20: Regarding the Commenter's assertions that the modeling from VISTAS is flawed, *see* response 1. With respect to the concern regarding the exclusion of NO_x and soot⁹⁸ controls, *see* response 3.⁹⁹ Regarding the statement that North Carolina excluded "Duke Energy's five coal-burning power plants" from any control analyses or requirements, it is unclear which Duke Energy power plants are being referenced, however, should those five power plants be referring to DEC—Belews Creek, DEC—Cliffside, DEC—Marshall, DEP—Mayo, and DEP—Roxboro, *see* response 4. Regarding the statements that EPA "shirked its duty" to review the State's source-specific FFAs and that North Carolina's plan is a "do-nothing regional haze plan," *see* response 6. With respect to the EJ comments, *see* response 14. Regarding "53,000 tons of haze-causing pollutants (SO₂ and NO_x)," the Commenter did not identify the source of data for this figure, and thus, EPA is unable to respond to this aspect of the comment.

III. EJ Considerations

As explained in *EPA Legal Tools to Advance Environmental Justice* and the 2021 Clarifications Memo, CAA section 169A and the RHR provide states with the discretion to consider EJ in developing rules and measures related

to regional haze.¹⁰⁰ In this instance, DAQ exercised this discretion. In reviewing DAQ's analysis, EPA defers to North Carolina's reasonable exercise of its discretion in considering EJ in this way. The information associated with DAQ's analysis is included in the NPRM for informational purposes only; it does not form any part of the basis of EPA's action.

DAQ describes North Carolina's EJ Program for regional haze in section 10.6 of the 2022 Plan which includes outreach plans to provide an opportunity for meaningful involvement of all people regardless of race, color, national origin, or income during the comment period of this regional haze plan for North Carolina. DAQ ran EJSscreen,¹⁰¹ an EJ mapping and screening tool that provided a nationally consistent dataset and approach for combining various environmental and demographic indicators, around the North Carolina Class I areas except for Great Smoky Mountains because the area is too large to perform the EJSscreen analysis. Based on the EJSscreen results, which are included in appendix F-5 of the Haze Plan, DAQ implemented its outreach plan, including conducting specific outreach during the comment period on the August 30, 2021, proposed haze plan to communities within potentially underserved block groups that overlap or are within one mile of the North Carolina Class I areas. DAQ also provided project information and updates to the Eastern Band of the Cherokee Nation. Section IV of the technical support document provides a more detailed summary of how North Carolina opted to consider EJ in development of the 2022 Plan. While EPA commends North Carolina's consideration of EJ when developing its SIP revision, the EJ analyses submitted by DAQ were considered but were not the basis for EPA's action.

IV. Final Action

EPA is approving in part and disapproving in part North Carolina's April 4, 2022, SIP submission addressing the regional haze requirements for the second planning period contained in 40 CFR 51.308(f). Specifically, EPA is approving the portions of the Haze Plan addressing the requirements of 40 CFR 51.308(f)(1), (f)(4) through (6), and (g)(1) through (5).

¹⁰⁰ EPA Legal Tools to Advance Environmental Justice (May 2022) is available at: <https://www.epa.gov/system/files/documents/2022-05/EJ%20Legal%20Tools%20May%202022%20FINAL.pdf>; 2021 Clarifications Memo at p. 16.

¹⁰¹ EPA's EJSscreen tool is available at: <https://www.epa.gov/ejscreen>.

⁹⁸ The Commenter did not define the term "soot." EPA assumes the Commenter is referring to particulate matter.

⁹⁹ In table 2, the directly emitted PM species are coarse mass, elemental carbon, fine sea salt and fine soils.

EPA is disapproving the portions of the Haze Plan addressing the requirements of 40 CFR 51.308(f)(2) and (3) and (i)(2) through (4). Thus, EPA will be obligated under CAA section 110(c)(1) to promulgate a FIP within two years after the effective date of this partial disapproval, unless the State submits, and EPA approves, a SIP revision that satisfies the requirements of 40 CFR 51.308(f)(2) and (3) and (i)(2) through (4) before EPA promulgates the FIP.

V. Statutory and Executive Order Reviews

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

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 not a significant regulatory action as defined in Executive Order 12866, as amended by Executive Order 14094, and was therefore not subject to a requirement for Executive Order 12866 review.

B. Paperwork Reduction Act (PRA)

This action does not impose an information collection burden under the PRA because it does not contain any information collection activities.

C. Regulatory Flexibility Act (RFA)

I certify that this action will not have a significant economic impact on a substantial number of small entities under the RFA. This action will not impose any requirements on small entities because it merely partially approves and partially disapproves a SIP submission as meeting or not meeting Federal requirements, respectively.

D. Unfunded Mandates Reform Act (UMRA)

This action does not contain an unfunded mandate as described in

UMRA, 2 U.S.C. 1531–1538, and does not significantly or uniquely affect small governments. The action imposes no enforceable duty on any state, local or Tribal governments or the private sector.

E. Executive Order 13132: Federalism

This action does not have federalism implications. It will not have substantial direct effects on the states, on the relationship between the national government and the states, or on the distribution of power and responsibilities among the various levels of government.

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

This action does not have Tribal implications, as specified in Executive Order 13175, because 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 and will not impose substantial direct costs on Tribal governments or preempt Tribal law. Thus, Executive Order 13175 does not apply to this action.

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

EPA interprets Executive Order 13045 as applying only to those regulatory actions that concern environmental health or safety risks that EPA has reason to believe may disproportionately affect children, per the definition of “covered regulatory action” in section 2–202 of the Executive Order. Therefore, this action is not subject to Executive Order 13045 because it merely partially approves and partially disapproves a SIP submission as meeting or not meeting Federal requirements, respectively. Furthermore, EPA's Policy on Children's Health does not apply to this action.

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

This action is not subject to Executive Order 13211 because it is not a significant regulatory action under Executive Order 12866.

I. National Technology Transfer and Advancement Act (NTTAA)

This rulemaking does not involve technical standards.

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

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 communities with EJ concerns to the greatest extent practicable and permitted by law. Executive Order 14096 (Revitalizing Our Nation's Commitment to Environmental Justice for All, 88 FR 25251, April 26, 2023) builds on and supplements E.O. 12898 and defines EJ as among other things, the just treatment and meaningful involvement of all people regardless of income, race, color, national origin, or Tribal affiliation, or disability in agency decision-making and other Federal activities that affect human health and the environment.

DAQ evaluated EJ considerations as part of its SIP submittal even though the CAA and applicable implementing regulations neither prohibit nor require an evaluation. EPA's evaluation of DAQ's EJ considerations are described above in the section titled, “EJ Considerations.” The analysis was done for the purpose of providing additional context and information about this rulemaking to the public, not as a basis of the action. EPA is finalizing action under the CAA on bases independent of North Carolina's evaluation of EJ. 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. In addition, there is no information in the record upon which this decision is based that is inconsistent with the stated goal of Executive Order 12898/14096 of achieving EJ for communities with EJ concerns.

K. Congressional Review Act (CRA)

This action is subject to the CRA, and EPA will submit a rule report to each House of the Congress and to the Comptroller General of the United States. This action is not a “major rule” as defined by 5 U.S.C. 804(2).

L. 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 21, 2025. Filing a petition for reconsideration by the Administrator of this final rule does not affect the finality of this rule 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 may not be challenged later in proceedings to enforce its requirements (see section 307(b)(2) of the CAA).

List of Subjects in 40 CFR Part 52

Environmental protection, Air pollution control, Incorporation by

reference, Nitrogen dioxide, Particulate matter, Sulfur oxides.

Dated: November 14, 2024.
Cesar Zapata,
Acting Regional Administrator, Region 4.

For the reasons stated in the preamble, 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 II—North Carolina

■ 2. In § 52.1770, amend the table in paragraph (e) by adding an entry for “Regional Haze Plan—Second Planning Period” at the end of the table to read as follows:

§ 52.1770 Identification of plan.
(e) * * *

EPA-APPROVED NORTH CAROLINA NON-REGULATORY PROVISIONS

Provision	State effective date	EPA approval date	Federal Register citation	Explanation
* Regional Haze Plan—Second Planning Period.	* 4/4/2022	* 11/22/2024	* [Insert first page of Federal Register citation].	* Approval of the portions of the Haze Plan addressing the requirements of 40 CFR 51.308(f)(1), (f)(4)–(6), and (g)(1)–(5). Disapproval of the portions of the Haze Plan addressing the requirements of 40 CFR 51.308(f)(2), (f)(3), and (i)(2)–(4).

■ 3. Section 52.1776 is added to read as follows:

§ 52.1776 Visibility protection.

(a) *Disapproval*. On April 4, 2022, the North Carolina Department of Environmental Quality, Division of Air Quality submitted a revision to its SIP to address regional haze for the second planning period. The portions of this SIP revision addressing the requirements of 40 CFR 51.308(f)(2) and (3) and (i)(2) through (4) are disapproved.

(b) [Reserved]

[FR Doc. 2024–26980 Filed 11–21–24; 8:45 am]
BILLING CODE 6560–50–P

ENVIRONMENTAL PROTECTION AGENCY

40 CFR Part 52

[EPA–R05–OAR–2024–0184; FRL–11968–02–R5]

Air Plan Approval; Wisconsin; Nitrogen Oxide Emissions Control Requirements

AGENCY: Environmental Protection Agency (EPA).

ACTION: Final rule.

SUMMARY: The Environmental Protection Agency (EPA) is approving Wisconsin’s additions and amendments to chapters NR 400, NR 428, and NR 484 of the Wisconsin Administrative Code (Wis. Adm. Code). These changes clarify

existing requirements and ensure clear and consistent implementation of Wisconsin’s control requirements for emissions of nitrogen oxide (NO_x). EPA proposed to approve this action on July 17, 2024, and received no comments.

DATES: This final rule is effective on December 23, 2024.

ADDRESSES: EPA has established a docket for this action under Docket ID No. EPA–R05–OAR–2024–0184. 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, *i.e.*, Confidential Business Information (CBI), Proprietary Business Information (PBI), or other information whose disclosure is restricted by statute. Certain other material, such as copyrighted material, is not placed on the internet and will be publicly available only in hard copy form. Publicly available docket materials are available either through <https://www.regulations.gov> or at the Environmental Protection Agency, Region 5, Air and Radiation Division, 77 West Jackson Boulevard, Chicago, Illinois 60604. This facility is open from 8:30 a.m. to 4:30 p.m., Monday through Friday, excluding Federal holidays. We recommend that you telephone Katie Mullen, at (312) 353–3490 before visiting the Region 5 office.

FOR FURTHER INFORMATION CONTACT: Katie Mullen, Air and Radiation Division (AR 18J), Air and Radiation Division (AR18J), Environmental

Protection Agency, Region 5, 77 West Jackson Boulevard, Chicago, Illinois 60604, (312) 353–3490, mullen.kathleen@epa.gov.

SUPPLEMENTARY INFORMATION:

Throughout this document whenever “we,” “us,” or “our” is used, we mean EPA.

I. Background Information

Wisconsin’s April 10, 2024, submittal requested that EPA approve revisions to NO_x control requirements in chapters NR 400, NR 428, and NR 484 of the Wis. Adm. Code. Wisconsin’s proposed revisions clarify emission limits for units using more than one type of fuel, incorporate procedures for approving a site-specific emission limit alternative to ensure that limits are achievable in practice, revise and clarify existing compliance and monitoring requirements, clarify an applicability exception, update cross references, and include definitions. On July 17, 2024 (89 FR 58097), EPA proposed to approve revisions to NO_x control requirements in chapters NR 400, NR 428, and NR 484 of the Wis. Adm. Code. Specifically, EPA proposed to approve Wisconsin rule(s) 400.03(4)(mf), 428.02(7i), 428.02(7p), 428.02(7u), 428.02(7w), 428.04(2)(i), 428.04(4)(c), 428.05(2)(b), 428.05(2)(f), 428.05(3)(f), 428.05(5)(c), 428.055, 428.07(1)(a)2, 428.08(2)(e)(title), 428.08(2)(f)(title), 428.08(2)(g), 428.08(3), 428.21(3)(d), 428.22(1), 428.22(3), 428.24(1)(c), and 484.04 Table 2 Row (15m), effective

April 1, 2024. An explanation of the Clean Air Act (CAA) requirements, a detailed analysis of the revisions, and EPA's reasons for proposing approval were provided in the notice of proposed rulemaking, and will not be restated here. The public comment period for this proposed rule ended on August 16, 2024. EPA received no comments on the proposal.

II. Final Action

EPA is approving the revisions in NR 400, 428, and 484 of the Wisconsin Administrative Code, which simply clarify and streamline Wisconsin's existing NO_x emission control requirements.

III. Incorporation by Reference

In this rule, 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 the Wisconsin Regulations described in section I of this preamble and set forth in the amendments to 40 CFR part 52 below. EPA has made, and will continue to make, these documents generally available through <https://www.regulations.gov>, and at the EPA Region 5 Office (please contact the person identified in the **FOR FURTHER INFORMATION CONTACT** section of this preamble for more information).

IV. Statutory and Executive Order Reviews

Under the 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 14094 (88 FR 21879, April 11, 2023);
- Does not impose an information collection burden under the provisions of the Paperwork Reduction Act (44 U.S.C. 3501 *et seq.*);
- Is certified as not having a significant economic impact on a substantial number of small entities under the Regulatory Flexibility Act (5 U.S.C. 601 *et seq.*);

- Does not contain any unfunded mandate or significantly or uniquely affect small governments, as described in the Unfunded Mandates Reform Act of 1995 (Pub. L. 104–4);

- Does not have federalism implications as specified in Executive Order 13132 (64 FR 43255, August 10, 1999);

- Is not subject to Executive Order 13045 (62 FR 19885, April 23, 1997) because it approves a state program;

- Is not a significant regulatory action subject to Executive Order 13211 (66 FR 28355, May 22, 2001); and

- Is not subject to requirements of section 12(d) of the National Technology Transfer and Advancement Act of 1995 (15 U.S.C. 272 note) because application of those requirements would be inconsistent with the CAA.

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 communities with environmental justice (EJ) concerns to the greatest extent practicable and permitted by law. EPA defines EJ as “the fair treatment and meaningful involvement of all people regardless of race, color, national origin, or income with respect to the development, implementation, and enforcement of environmental laws, regulations, and policies.” 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 WDNR did not evaluate EJ 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 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 EJ for communities with EJ concerns.

This action is subject to the Congressional Review Act, and EPA will submit a rule report to each House of the Congress and to the Comptroller General of the United States. This action is not a “major rule” as defined by 5 U.S.C. 804(2).

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 21, 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 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, Intergovernmental relations, Nitrogen dioxide, Ozone, Volatile organic compounds.

Dated: November 4, 2024.

Debra Shore,

Regional Administrator, Region 5.

For the reasons stated in the preamble, title 40 CFR part 52 is 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.*

- 2. Section 52.2570 is amended by adding paragraph (c)(151) to read as follows:

§ 52.2570 Identification of plan.

* * * * *

(c) * * *

(151) On April 10, 2024, the Wisconsin Department of Natural Resources submitted revised rules to clarify existing requirements and ensure clear and consistent implementation of Wisconsin's control requirements for emissions of nitrogen oxide (NO_x).

(i) *Incorporation by reference.* The following sections of the Wisconsin Administrative Code are incorporated by reference.

(A) NR 400.03(4)(mf), as published in the Wisconsin Register March 2024 No. 819, effective April 1, 2024.

(B) NR 428.02(7i), NR 428.02(7p), NR 428.02(7u), NR 428.02(7w), NR 428.04(2)(i), NR 428.04(4)(c), NR 428.05(2)(b), NR 428.05(2)(f), NR 428.05(3)(f), NR 428.05(5)(c), NR 428.055, NR 428.07(1)(a)2, NR 428.08(2)(e)title, NR 428.08(2)(f)title, NR 428.08(2)(g), NR 428.08(3), NR 428.21(3)(d), NR 428.22(1) introductory text, NR 428.22(3), and NR 428.24(1)(c), as published in the Wisconsin Register March 2024 No. 819, effective April 1, 2024.

(C) NR 484.04 Table 2 Row (15m), as published in the Wisconsin Register March 2024 No. 819, effective April 1, 2024.

[FR Doc. 2024–26114 Filed 11–21–24; 8:45 am]

BILLING CODE 6560–50–P

DEPARTMENT OF THE INTERIOR

Bureau of Land Management

43 CFR Part 3170

[BLM_HQ_FRN_MO4500181705]

RIN 1004–AF01

Waste Prevention, Production Subject to Royalties, and Resource Conservation

AGENCY: Bureau of Land Management, Interior.

ACTION: Direct final rule.

SUMMARY: On April 10, 2024, the Bureau of Land Management (BLM) published a final rule that aims to reduce the waste of natural gas from venting, flaring, and leaks during oil and gas production activities on Federal and Indian leases. This direct final rule corrects technical errors in that final rule, including revisions to equations for consistency with, or to better reflect, the regulatory text. It separately lists definitions of the variables for those equations for increased clarity. It also corrects typographical errors and makes minor re-arrangements of provisions for better clarity.

DATES: This direct final rule is effective on December 23, 2024, without further notice, unless the BLM receives significant adverse comment by December 23, 2024. If the BLM receives a significant adverse comment that leads it to conclude that the rule is controversial, the BLM will publish a timely withdrawal of this direct final rule in the **Federal Register** and the technical corrections described in this direct final rule will not go into effect.

The incorporation by reference of certain material listed in the rule was approved by the Director of the Federal Register as of June 10, 2024.

ADDRESSES:

Mail, personal, or messenger delivery: U.S. Department of the Interior, Director (630), Bureau of Land Management, 1849 C St. NW, Room 5646, Washington, DC 20240, Attention: 1004–AF01.

Federal eRulemaking Portal: <https://www.regulations.gov>. In the Searchbox, enter “RIN 1004–AF01” and click the “Search” button. Follow the instructions at this website.

FOR FURTHER INFORMATION CONTACT: John Ajak, Acting Division Chief, Division of Fluid Minerals at 505–549–9654 or jajak@blm.gov for information about the final rule. Please use “RIN 1004–AF01” in the subject line.

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.

For a short, plain language summary of the direct final rule, please see the direct final rule summary document in docket BLM–2024–0001 on www.regulations.gov.

SUPPLEMENTARY INFORMATION:

I. Background

This direct final rule corrects technical errors in 43 CFR subpart 3179 of the final rule that published in the **Federal Register** on April 10, 2024 (89 FR 25378), entitled, “Waste Prevention, Production Subject to Royalties, and Resource Conservation” (Waste Prevention rule). The Waste Prevention rule established various measures to reduce waste of natural gas from onshore Federal and Indian oil and gas leases, including measures that are intended to ensure that, when such gas is wasted, the public or Indian mineral owners are compensated for that gas through royalty payments. To assist in meeting these objectives, § 3179.71(b) requires operators to measure flared gas for high-pressure flares for volumes greater than 1,050 Mcf per month above the averaging period (as defined in 43 CFR 3170.3). The Waste Prevention rule also sets out, in § 3179.71(g) and (h), three equations intended to be used by operators when reporting or allocating flared gas. In addition, the Waste Prevention rule established a Leak Detection and Repair (LDAR) program

for production facilities located on Federal or Indian surface estates.

API 22.3 is referenced in the amendatory text of this document and was previously approved for § 3179.71.

II. Direct Final Rulemaking

The BLM is publishing corrections to the Waste Prevention rule as a direct final rule. This rule merely corrects inadvertent errors that would otherwise cause unnecessary confusion for the operators attempting to comply with the reporting requirements of the Waste Prevention rule, but does not impose new requirements. None of the changes are inconsistent with the BLM’s explanation of the Waste Prevention rule in its preamble. Therefore, the Department of the Interior has determined that it is appropriate for this rule to go into effect at the close of a 30-day comment period unless BLM receives a significant adverse comment.

A significant adverse comment is one that explains: (1) why the rule is inappropriate, including challenges to the rule’s underlying premise or approach; or (2) why the direct final rule will be ineffective or unacceptable without additional changes. After the 30-day comment period closes, the BLM will assess whether any of the comments received qualify as a significant adverse comment. If the BLM finds that there is a significant adverse comment, then it will withdraw this direct final rule. If no such comment is received, this direct final rule will become effective on December 23, 2024, without further BLM action. The BLM will not consider a comment recommending an addition to the rule to be significant or adverse unless the comment explains how this direct final rule would be ineffective without additional change. Aside from the technical corrections described in this direct final rule, this rule does not affect the Waste Prevention rule.

III. Discussion

The BLM is making technical corrections to Equations 2 and 3 in § 3179.71, as further discussed below. In addition, the BLM is restyling Equation 1 by moving the value to be determined from the right side of the equal sign to the left, in keeping with mathematical convention. In addition, for clarity, the rule as now corrected separately lists the variable definitions for each equation (in the final rule, the variable definitions for Equations 1 and 2 were combined in a single list). This rule also adds clarifying language in § 3179.71(b) and (g) and removes unintended and unworkable references to low-pressure flare volumes, discussed below, and

corrects typographical errors, such as in § 3179.2(a) (removing a second unintended instance of the word “provide”) and in § 3179.71(b) (correcting the reference to paragraph (h) so that it refers instead to the intended paragraph (g)).

In response to public comment on the proposed rule and based on further consideration, the BLM included equations in § 3179.71(g) and (h) of the final Waste Prevention rule to guide operators in reporting estimated volumes of flared gas. The BLM included Equations 1 and 2 in paragraph (g) for operators to use in estimating the flared volumes for high-pressure flares measuring less than 1,050 Mcf per month. The BLM included Equation 3 in paragraph (h) to assist operators in allocating flared volumes when gas from multiple leases, unit participating areas (unit PAs), or communitization areas (CAs) is commingled and then measured at a single flare, as authorized in § 3179.71(a).

Following publication of the final rule, the BLM received questions from several industry groups. One group observed that Equation 2 does not account for the on-lease use of gas when accounting for the disposition of the total gas produced, contrary to the Waste Prevention rule preamble acknowledgment that “[t]he BLM authorizes royalty-free use of lease production for operations and production purposes, *including placing oil or gas in marketable condition.*” 89 FR 25420 (emphasis added). Equation 2 calculates total gas produced by multiplying total oil produced by the gas-to-oil ratio, which is derived from operator-submitted Oil and Gas Operations Reports (OGORs) over a 6-month period (Equation 1). The equation in the April 10 rule would calculate the total volume of gas produced and then subtract the volume of gas sold to arrive at the total flared volume. The BLM agrees that Equation 2 in the Waste Prevention rule inadvertently omitted a variable for straightforward recognition of deductions for gas used on-lease (V_{LU}) that is necessary to put the product in marketable condition. This rule corrects that inadvertent omission.

Equation 3 allocates total flared volume from a commingled high-pressure flare to individual leases, unit PAs, or CAs that send gas to a common flare. The Waste Prevention rule provided in § 3179(h) that the allocation is to be “based on the oil production while flaring.” Because of an error in Equation 3, however, that equation uses the volume of oil *sold*, commonly

referred to as net standard volume (NSV). The BLM is correcting that typographical error in this final rule. As corrected, Equation 3 allocates the flared volume based on the total volume of oil produced (V_{opi}), which is consistent with the text of paragraph (h).

In the Waste Prevention rule, § 3179.71(g) would apply when, “the flared volume for a high-pressure flare is less than or equal to 1,050 Mcf per month,” instead of simply “less than,” as the BLM intended and as reflected in Table 1 to § 3179.71(f). The BLM is correcting this typographical error by removing the reference to “or equal to” in § 3179.71(g).

In § 3179.71(g) of the Waste Prevention rule, the BLM required estimation of low-pressure flare volumes based on Equations 1 and 2. Industry representatives, however, correctly pointed out that Equations 1 and 2 do not work for low-pressure flare volumes. The inclusion of “and for low-pressure flares” in the first sentence of § 3179.71(g) was therefore a mistake and would require operators to use inappropriate formulas to estimate low-pressure flare volumes. The preamble to the Waste Prevention rule discussing § 3179.71 did not mention calculating low-pressure flare volumes, see 89 FR 25413 through 25415, and neither did the proposed rule. Generally, low-pressure flares combust tank vapors that lack sufficient pressure to enter the sales line, so, under § 3179.41(b)(7), normal operating losses from oil storage tanks are unavoidable losses and thus are not subject to royalty obligations. Because low-pressure flare volumes are also normally small in volume, and difficult to measure, there are several industry-accepted methods operators may use in estimating and reporting low-pressure flare volumes on the OGOR. For these reasons, this rule clarifies that the requirements in § 3179.71(g) apply to high-pressure flares, and the first sentence now states, “For high-pressure flares with volumes less than 1,050 Mcf per month, the flared volume may be estimated, or measured.”

The BLM is also correcting a typographical error in § 3179.71(b). That section—which currently requires operators to “measure flared gas for high-pressure flares for volumes greater than 1,050 Mcf per month above the averaging period”—inadvertently omitted the words “or equal to” after “greater.” The correct phrasing appears in Table 1 to § 3179.71(f) and is referenced twice in the final rule’s preamble. See 89 FR 25413 (“requiring measurement on flared volumes less than 1,050 Mcf per month over the averaging period would encompass

flaring operations that would meet the BLM’s emergency criteria”); *id.* at 89 FR 25413 (“The study[. . .] supports the final rule requirement to measure high-pressure flares with volumes greater than or equal to 1,050 Mcf per month over the averaging period”).

This direct final rule also corrects “above the averaging period” in § 3179.71(b) to read “over the averaging period,” as BLM intended. There is no substantive difference, but “over” is a more standard expression (as in the above-quoted Waste Prevention rule preamble) and should prevent any confusion.

There are two other inadvertent errors in § 3179.71(b). The Waste Prevention rule provided that “operators may estimate the volume flared, as described in paragraph (h) of this section.” Paragraph (h), however, applies to combusting gas that is combined across multiple units, unit PAs, or CAs. Paragraph (h) and its Equation 3 make no sense for operators who are not combining gas for flaring. The intended reference in paragraph (b) was to paragraph (g), and this direct final rule corrects that typographical error.

A second inadvertent error in § 3179.71(b) is that it encourages operators to estimate volumes of low-pressure flaring, as provided in paragraph (g). For the reasons discussed above, paragraph (g) and its Equations 1 and 2 are not appropriate or intended for use in estimating low-pressure flare volumes. Accordingly, the BLM is removing the inadvertent language. The corrected second sentence in § 3179(b) now states, “For high-pressure flares measuring less than 1,050 Mcf per month over the averaging period, operators may estimate the volume flared, as described in paragraph (g) of this section.”

In this direct final rule, the BLM also adds the full wording for the acronym AVO, which stands for Audio-Visual-Olfactory, in § 3179.100(b)(2)(i). The AVO acronym appears in the List of Acronyms (81 FR 25328) in the Waste Prevention rule preamble. However, the AVO acronym explanation does not appear within the regulatory text. For clarity, this final rule will add the AVO acronym explanation to § 3179.100(b)(2)(i) to read, “Well pads with only wellheads and no production equipment or storage must include quarterly Audio-Visual-Olfactory (AVO) inspections for leak detection.” This change is not substantive and only provides further clarity for a reader who does not have access to the preamble with its List of Acronyms.

IV. Procedural Matters

A. Regulatory Planning and Review (Executive Order (E.O.) 12866, E.O. 13563)

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

E.O. 13563 reaffirms the principles of E.O. 12866, as amended by E.O. 14094, while calling for improvements in the Nation's regulatory system to promote predictability, reduce uncertainty, and use the best, most innovative, and least burdensome tools for achieving regulatory ends. E.O. 13563 directs agencies to consider regulatory approaches that reduce burdens and maintain flexibility and freedom of choice for the public where these approaches are relevant, feasible, and consistent with regulatory objectives. E.O. 13563 emphasizes further that agencies must base regulations on the best available science and that the rulemaking process must allow for public participation and an open exchange of ideas. The BLM developed this rule in a manner consistent with those requirements.

B. Regulatory Flexibility Act

The Regulatory Flexibility Act (RFA, 5 U.S.C. 601–612) requires an agency to prepare a regulatory flexibility analysis for all rules unless the agency certifies that the rule will not have a significant economic impact on a substantial number of small entities. The RFA applies only to rules for which an agency is required to first publish a proposed rule. *See* 5 U.S.C. 603(a) and 604(a). As the BLM is not required to publish a notice of proposed rulemaking for this direct final rule, the RFA does not apply.

C. Congressional Review Act

This rule is not a major rule under the Congressional Review Act, 5 U.S.C. 804(2). Specifically, the direct final rule: (a) will not have an annual effect on the economy of \$100 million or more; (b) will not cause a major increase in costs or prices for consumers, individual industries, Federal, State, or local government agencies, or geographic regions; and (c) will not have significant adverse effects on competition, employment, investment, productivity, innovation, or on the ability of United States-based enterprises to compete with foreign-based enterprises in domestic and export markets.

Regulatory or Economic Impacts

This direct final rule only corrects errors and provides consistency and clarity to the April 10 rule. The changes neither create new requirements nor eliminate substantive requirements from the Waste Prevention rule. Therefore, the regulatory impacts are unchanged from those analyzed for the Waste Prevention rule, and there is no need for a separate regulatory impact analysis for this rule.

D. Unfunded Mandates Reform Act

This rule does not impose an unfunded mandate on State, local, or Tribal governments, or the private sector, of more than \$100 million per year. The rule does not have a significant or unique effect on State, local, or Tribal governments, or the private sector. The rule merely corrects inadvertent errors in the Waste Prevention rule and other potential sources of confusion. Therefore, a statement containing the information required by the Unfunded Mandates Reform Act (2 U.S.C. 1531 *et seq.*) is not required.

E. Takings (E.O. 12630)

This rule does not result in a taking of private property or otherwise have regulatory takings implications under E.O. 12630. The rule primarily corrects inadvertent errors and sources of confusion in the Waste Prevention rule without substantive change; therefore, the rule will not result in private property being taken for public use without just compensation. A takings implication assessment is not required.

F. Federalism (E.O. 13132)

Under the criteria of section 1 of E.O. 13132, this rule does not have sufficient federalism implications to warrant the preparation of a federalism summary impact statement. This rule 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. A federalism summary impact statement is not required.

G. Civil Justice Reform (E.O. 12988)

This direct final rule complies with the requirements of E.O. 12988. Among other things, this rule:

- (a) Meets the criteria of section 3(a) requiring that all regulations be reviewed to eliminate errors and ambiguity and be written to minimize litigation;
- (b) Meets the criteria of section 3(b)(2) requiring that all regulations be written

in clear language and contain clear legal standards.

H. Consultation With Indian Tribes (E.O. 13175 and Departmental Policy)

The Department of the Interior strives to strengthen its government-to-government relationship with Indian Tribes through a commitment to consultation with Tribes and recognition of their right to self-governance and Tribal sovereignty. The BLM evaluated this direct final rule under E.O. 13175 and the Department's and the BLM's consultation policies and determined that it has no substantial direct effects on federally recognized Indian Tribes and that consultation under the Tribal consultation policies is not required. The rule merely revises the BLM's regulation to correct inadvertent errors and other potential sources of confusion.

I. Paperwork Reduction Act (44 U.S.C. 3501 *et seq.*)

This rule does not impose any new information collection burden under the Paperwork Reduction Act. OMB previously approved the information collection activities contained in the April 10 rule and assigned OMB control number 1004–0211. This rule does not impose an information collection burden because the BLM is only clarifying, not increasing, the information collection requirements.

J. National Environmental Policy Act

This direct final rule does not constitute a major Federal action significantly affecting the quality of the human environment. A detailed statement under the National Environmental Policy Act (NEPA, 42 U.S.C. 4321 *et seq.*) is not required because this rule is covered by a categorical exclusion applicable to regulatory functions “that are of an administrative, financial, legal, technical, or procedural nature.” 43 CFR 46.210(i). In addition, the BLM has determined that this rule does not involve any of the extraordinary circumstances listed in 43 CFR 46.215 that would require further analysis under NEPA.

K. Effects on the Energy Supply (E.O. 13211)

This direct final rule is not a significant energy action as defined in E.O. 13211. Therefore, a Statement of Energy Effects is not required.

List of Subjects in 43 CFR Part 3170

Administrative practice and procedure, Flaring, Immediate assessments, Incorporation by reference,

Indians—lands, Mineral royalties, Oil and gas exploration, Oil and gas measurement, Public lands—mineral resources, Reporting and record keeping requirements, Royalty-free use, Venting.

For the reasons set out in the preamble, the Bureau of Land Management amends 43 CFR part 3170 as follows:

PART 3170—ONSHORE OIL AND GAS PRODUCTION

■ 1. The authority citation for part 3170 continues to read as follows:

Authority: 25 U.S.C. 396d and 2107; 30 U.S.C. 189, 306, 359, and 1751; and 43 U.S.C. 1732(b), 1733, and 1740.

■ 2. In § 3179.2, revise paragraph (a) introductory text to read as follows:

§ 3179.2 Scope.

(a) Except as provided in paragraph (b), this subpart applies to:

* * * * *

■ 3. Revise § 3179.71 to read as follows:

§ 3179.71 Measurement of flared oil-well gas volume.

(a) The operator may commingle flared gas from more than one lease, unit PA, or CA to a common high-pressure flare without BLM approval, subject to the allocation requirement in paragraph (h). The site facility diagram required under § 3173.11 must indicate that the high-pressure flare is a common, commingled flare and list the leases, unit PAs, or CAs contributing gas to the common flare.

(b) The operator must measure flared gas for high-pressure flares for volumes

greater than or equal to 1,050 Mcf per month over the averaging period. For high-pressure flares measuring less than 1,050 Mcf per month over the averaging period, operators may estimate the volume flared, as described in paragraph (g) of this section.

(c) High-pressure flares requiring measurement must use either orifice plates and orifice meter tubes, or ultrasonic meters. High-pressure flare measurement systems must meet the following requirements:

(1) Orifice metering systems must comply with the low-volume measurement requirements in § 3175.80, low-volume electronic gas measurement requirements in § 3175.100, and the low-volume gas sampling and analysis requirements in § 3175.110 with the gas sampling location requirements provided in paragraph (d) or (e) of this section.

(2) Ultrasonic metering systems must comply with the following requirements:

(i) Each ultrasonic meter make and model must be tested for flare use. Flare gas meter testing must be conducted and reported pursuant to API 22.3 (incorporated by reference, see § 3179.30) and results must be made available to the AO upon request.

(ii) Ultrasonic meters must be installed and operated for flare use according to the manufacturer's specifications and those specifications must be provided to the AO upon request.

(iii) Ultrasonic metering systems must comply with the low-volume electronic gas measurement requirements in

§ 3175.100, and the low-volume gas sampling analysis requirements in § 3175.110, except for the gas sampling requirements in paragraph (d) or (e) of this section.

(3) Operators must evaluate the production facility to determine which type of flare measurement is safe for the facility.

(d) The gas sample must be taken from one of the following locations when the high-pressure flare is measuring a single lease, unit PA, or CA:

(1) At the flare meter;

(2) At the gas FMP, if there is a gas FMP at the well site and the gas composition is the same as that of the flare-meter gas; or

(3) At another location approved by the AO with a Sundry Notice submission.

(e) The gas sample must be taken from one of the following locations for a common high-pressure flare that measures more than one lease, unit PA, or CA:

(1) At the flare meter; or

(2) At another location approved by the AO with a Sundry Notice submission.

(f) Appropriate meters must be installed at all high-pressure flares pursuant to paragraph (c) of this section, and gas sampling must be taken from the appropriate location pursuant to paragraph (d) or (e) of this section according to the following phase-in timeline:

TABLE 1 TO PARAGRAPH (f)—DEADLINE FOR COMPLIANCE WITH HIGH-PRESSURE FLARE MEASUREMENT, AND GAS SAMPLING LOCATION

Flare flow category	Deadline for measurement compliance for high-pressure flares and gas sampling location
≥30,000 Mcf per month	December 10, 2024.
<30,000 Mcf per month and ≥6,000 Mcf per month	June 10, 2025.
<6,000 Mcf per month and ≥1,050 Mcf per month	December 10, 2025.
<1,050 Mcf per month	Not applicable.

(g) For high-pressure flares with volumes less than 1,050 Mcf per month, the flared volume may be estimated, or measured. Estimated flared gas volumes must be based on production reported on the ONRR OGORs over the previous 6 months and calculated as follows:

Equation 1 to Paragraph (g)

$$GOR_r = \sum_{m=1}^6 \frac{V_g}{V_o}$$

Where:

GOR_r = The gas-to-oil ratio for the previous 6 months of production as reported on the OGOR

m = The previous 6 months of flaring

V_g = The total volume of gas produced from oil wells in the previous 6 months as reported on the OGOR

V_o = The total volume of oil produced from oil wells in the previous 6 months as reported on the OGOR

Equation 2 to Paragraph (g)

$$V_f = (V_{op} \times GOR_r) - V_{LU} - V_s$$

Where:

V_f = The estimated gas flared from oil wells to be reported on the OGOR

V_{op} = The total oil produced from oil wells while flaring

GOR_r = The gas-to-oil ratio for the previous 6 months of production as calculated from Equation 1 to Paragraph (g) using volumes reported on the OGOR

V_{LU} = The total gas used on lease, unit PA, or CA pursuant to subpart 3178

V_s = The total gas volume produced and sent through a gas FMP from oil wells while flaring

(h) If a flare is combusting gas that is combined across multiple leases, unit PAs, or CAs, the operator may measure the gas at a single point at the flare and allocate flared volumes based on the oil production while flaring from each lease, unit PA, or CA as follows:

Equation 3 to Paragraph (h)

$$VF_i = VF_t \cdot \frac{V_{opi}}{\sum_{i=1}^n V_{opi}}$$

Where:

n = The total number of leases, unit PAs, or CAs sending gas to a common flare

VF_i = The volume flared from the i th lease, unit PA, or CA sent to a common flare

VF_t = The total volume flared from a common flare

V_{opi} = The total volume of oil produced from oil wells on the i th lease, unit PA, or CA while flaring

(i) Measurement points for flared volumes are not FMPs for the purposes of subpart 3175.

■ 4. Revise § 3179.100 to read as follows:

§ 3179.100 Leak detection and repair program.

(a) Pursuant to paragraph (b) of this section, the operator must maintain a BLM administrative statewide LDAR program designed to prevent the waste of Federal or Indian gas.

(b) Operators must submit a statewide LDAR program to the BLM state office with jurisdiction over the production for review. The LDAR program must cover operations and production equipment located on a Federal or Indian oil and gas lease and not operations and production equipment located on State or private tracts, even though those

tracts are committed to a federally approved unit PA or CA. When there is a change of operator, the new operator must update the LDAR program on the annual update and revision timeline. Operators must submit the LDAR program in writing for review until such time as the BLM's electronic filing system is capable of receiving LDAR program submissions. At minimum, the LDAR program must contain the following information, as applicable:

(1) Identification of the leases, unit PAs, CAs by geographic State for all States within BLM's administrative State boundaries to which the LDAR program applies; and

(2) Identification of the method and frequency of leak detection inspection used at the lease, unit PA, or CA. Acceptable methods, as well as other methods approved by the BLM, and frequency include the following:

(i) Well pads with only wellheads and no production equipment or storage must include quarterly Audio-Visual-Olfactory (AVO) inspections for leak detection;

(ii) Well pads with any production and processing equipment and oil storage must include AVO inspections every other month and quarterly optical gas imaging for leak detection; and

(iii) Other leak detection inspection methods and frequency acceptable to the BLM (*e.g.*, continuous monitoring).

(3) Identification of the operator's recordkeeping process for leak detection and repair pursuant to § 3179.102.

(c) The BLM will review the operator's LDAR program and notify the operator if the BLM deems the program to be inadequate. The notification will explain the basis for the BLM's determination, identify the plan's inadequacies, describe any additional measures that could address the inadequacies, and provide a reasonable time frame in which the operator must submit a revised LDAR program to the BLM for review.

(d) For leases in effect on June 10, 2024, the operator must submit a statewide LDAR program to the state office no later than December 10, 2025.

(e) Operators must review and update submitted LDAR programs on an annual basis in the month in which the operator submitted the first LDAR program to ensure the identified leases, unit PAs, and CAs, leak detection methods, and frequency of inspections are current. If the operator's LDAR program requires no changes, then the operator must notify the BLM state office that the LDAR program submitted and reviewed by the BLM remains in effect. Any updates to the LDAR program must be submitted in writing to the BLM state office for review until such time as the BLM's electronic system is capable of receiving the annual LDAR updates.

Delegation of Signing Authority

The action taken herein is pursuant to an existing delegation of authority.

Steven H. Feldgus,

Principal Deputy Assistant Secretary, Land and Minerals Management.

[FR Doc. 2024-27333 Filed 11-21-24; 8:45 am]

BILLING CODE 4331-29-P

FEDERAL COMMUNICATIONS COMMISSION

47 CFR Part 52

[WC Docket No. 18-336; FCC 24-111; FR ID 258492]

Implementation of the National Suicide Hotline Act of 2018

Correction

In Rule Document 2024-25912, appearing on pages 88890 through 88905, in the issue of Tuesday, November 12, 2024, make the following correction:

On page 88890, in the first column, in the **DATES** section, in the 9th and 10th lines "December 13, 2024" should read "December 12, 2024".

[FR Doc. C1-2024-25912 Filed 11-20-24; 4:15 pm]

BILLING CODE 0099-10-D

Proposed Rules

Federal Register

Vol. 89, No. 226

Friday, November 22, 2024

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

DEPARTMENT OF AGRICULTURE

Food Safety and Inspection Service

9 CFR Part 381

[Docket No. FSIS–2023–0028]

RIN 0583–AD96

Salmonella Framework for Raw Poultry Products

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

ACTION: Notification of public meetings.

SUMMARY: FSIS is hosting two virtual public meetings to give stakeholders an opportunity to present their views on and discuss the *Salmonella* Framework for Raw Poultry Products proposed rule and proposed determination. The first meeting will focus on the proposed final product standards under Component Three of the proposed Framework. The second meeting will focus on Component Two's proposed regulatory amendments to enhance establishment process control monitoring and will also address additional aspects of the proposed *Salmonella* Framework raised by stakeholders. FSIS is holding these public meetings to solicit stakeholder views on the proposed *Salmonella* Framework and to facilitate dialogue among stakeholders and the Agency.

DATES: The virtual public meetings will be held on Tuesday, December 3, 2024, from 1 p.m.–4 p.m. Eastern Standard Time (EST) and Thursday, December 5, 2024, from 1 p.m.–4 p.m. EST.

ADDRESSES: The meetings will be virtual and will be viewed via the Teams link provided by email when you register for the meetings. Attendees must be pre-registered for the meetings. See the pre-registration instructions under “Registration and Meeting Materials.”

Written comments on the *Salmonella* Framework for Raw Poultry Products Proposed Rule and Proposed Determination may be submitted by one of the following methods:

- *Federal eRulemaking Portal:* This website provides the ability to type short comments directly into the comment field on this web page or attach a file for lengthier comments. Go to: <https://www.regulations.gov>. Follow the on-line instructions at that site for submitting comments.

- *Mail:* Send to Docket Clerk, U.S. Department of Agriculture, Food Safety and Inspection Service, 1400 Independence Avenue SW, Mailstop 3758, Washington, DC 20250–3700.

- *Hand- or courier-delivered submittals:* Deliver to 1400 Independence Avenue SW, Jamie L. Whitten Building, Room 350–E, Washington, DC 20250–3700.

Instructions: All items submitted by mail or electronic mail must include the Agency name and docket number FSIS–2023–0028. Comments received in response to this docket will be made available for public inspection and posted without change, including any personal information, to <https://www.regulations.gov>.

FOR FURTHER INFORMATION CONTACT: Julie Lastra, Director Internal Affairs by telephone at (202) 731–4584 or email at Julie.Lastra@usda.gov.

SUPPLEMENTARY INFORMATION:

Background

FSIS is the public health agency in USDA whose mission is to ensure that meat, poultry, and egg products are safe, wholesome, and properly labeled and packaged. In October 2022, FSIS published a *Salmonella* Framework document, a precursor to a proposed rule and determination, which shared the agency's thinking on an alternative approach to reducing *Salmonella* contamination in raw poultry and related illnesses.¹ The Framework document was informed by months of information-gathering and discussions with a wide range of stakeholders, researchers, and scientists. On August 7, 2024, FSIS published the *Salmonella* Framework for Raw Poultry Products proposed rule and proposed determination (89 FR 64678), which, if finalized, would constitute a new strategy to control *Salmonella* in poultry products. The proposed rule and

determination consist of three components. Component One focuses on a non-regulatory approach for mitigating the risk of introducing *Salmonella* into the processing establishment.

Component Two of the proposal would revise the regulations in 9 CFR 381.65(g) and (h) that require that all poultry slaughter establishments develop, implement, and maintain written procedures to prevent contamination by enteric pathogens throughout the entire slaughter and dressing operation and maintain records documenting those procedures. FSIS is proposing to amend these regulations to establish new requirements pertaining to how establishments monitor and document whether their processes for preventing microbial contamination are in control. The proposed revisions are intended to clarify existing regulatory requirements related to process control monitoring in 9 CFR 381.65(g) and (h). Under this proposal, establishments would be required to incorporate statistical process control (SPC) monitoring principles into their microbial monitoring programs (MMPs).

Component Three of the proposed Framework would establish final product standards that would define whether certain raw poultry products contaminated with a certain *Salmonella* level and particular serotypes are adulterated as defined in the Poultry Products Inspection Act (PPIA) (21 U.S.C. 451 *et seq.*). The *Salmonella* level and serotypes in the proposed final product standards were informed by two peer-reviewed quantitative risk assessments developed by FSIS—one for *Salmonella* in chicken and one for *Salmonella* in turkey²—and a thorough review of multiple FSIS efforts initiated to inform the proposal, including scientific information provided at a February 2022 research and science roundtable,³ stakeholder input received at a November 2022 virtual public

² *Quantitative Risk Assessment for Salmonella in Raw Chicken and Chicken Products and Quantitative Risk Assessment for Salmonella in Raw Turkey and Turkey Products* available at: <https://www.fsis.usda.gov/science-data/risk-assessments/poultry-risk-assessment-files-salmonella-framework>.

³ *Salmonella* in Poultry: Research and Science Roundtable. Available at: <https://www.fsis.usda.gov/news-events/events-meetings/salmonella-poultry-research-and-science-roundtable>.

¹ Proposed Regulatory Framework to *Salmonella* Illnesses Attributable to Poultry. Available at: <https://www.fsis.usda.gov/inspection/inspection-programs/inspection-poultry-products/reducing-salmonella-poultry/proposed>.

meeting,⁴ a 2023 National Advisory Committee on Microbiological Criteria for Food (NACMCF) report,⁵ and an externally peer-reviewed 2023 risk profile.⁶ The proposed final product standards would apply to raw chicken carcasses, chicken parts, comminuted chicken, and comminuted turkey. As stated in the proposal, FSIS has tentatively determined that these products are adulterated if they contain any type of *Salmonella* at or above 10 colony forming units/per milliliter or gram (10 cfu/mL(g)) in analytical portion (i.e., mL of rinsate or gram of product) and contain any detectable level of at least one of the *Salmonella* serotypes of public health significance identified for that commodity. The proposed *Salmonella* serotypes of public health significance identified for raw chicken carcasses, chicken parts, and comminuted chicken are Enteritidis, Typhimurium, and I 4,[5],12:i:-, and for raw comminuted turkey are Hadar, Typhimurium, and Muenchen.

In the proposal, FSIS requested comments on various aspects of all three Components in the proposed *Salmonella* Framework. The comment period was originally scheduled to close on October 7, 2024, but was extended until January 17, 2025.⁷

Public Meetings

FSIS is announcing that it will hold two virtual public meetings during the open comment period. The first meeting will be held on Tuesday, December 3, 2024, from 1 p.m.–4 p.m. EST, and will focus on the final product standards under Component Three. The second will be held on Thursday, December 5, 2024, from 1 p.m.–4 p.m. EST, and will focus on the enhanced process control monitoring provisions under Component Two and any additional issues raised by stakeholders on the proposed Framework. The purpose of the meetings is to give stakeholders an

opportunity to present their views on certain aspects of the proposed *Salmonella* Framework and to facilitate discussion among stakeholders and the agency. An agenda will be published online before the public meetings. FSIS will finalize the agenda on or before the meeting dates and post it on the FSIS website for the December 3, 2024 meeting at: <https://www.fsis.usda.gov/news-events/events-meetings/product-standards-and-salmonella-framework-raw-poultry-products> and the December 5, 2024 meeting at: <https://www.fsis.usda.gov/news-events/events-meetings/process-control-monitoring-and-salmonella-framework-raw-poultry>.

Registration and Meeting Materials

There is no fee to register for the meetings, but pre-registration is mandatory for participants attending. All attendees must register online by visiting the event page for the December 3, 2024 meeting at: <https://www.fsis.usda.gov/news-events/events-meetings/product-standards-and-salmonella-framework-raw-poultry-products> and the December 5, 2024 meeting at: <https://www.fsis.usda.gov/news-events/events-meetings/process-control-monitoring-and-salmonella-framework-raw-poultry>. After registering, they will receive an email acknowledging their registration. Stakeholders interested in presenting their views on a particular topic must notify FSIS when they register and must submit a brief description of the information they would like to present. Stakeholders interested in presenting must register by November 26, 2024. FSIS will review the stakeholder submissions and extend invitations for selected stakeholders to speak at the meetings. The Agency's goal is to have presentations from a wide variety of stakeholders, including industry, consumer groups, and academia. FSIS will provide time for the stakeholders in the larger audience to provide input and ask the presenting stakeholders questions. Attendees that do not plan to speak at the meetings may register at any time up to the day of the meeting.

Transcripts

As soon as the meeting transcripts are available, they will be accessible on the FSIS website for the December 3, 2024 meeting at: <https://www.fsis.usda.gov/news-events/events-meetings/product-standards-and-salmonella-framework-raw-poultry-products> and the December 5, 2024 meeting at: <https://www.fsis.usda.gov/news-events/events-meetings/process-control-monitoring-and-salmonella-framework-raw-poultry>.

USDA Non-Discrimination Statement

In accordance with Federal civil rights law and U.S. Department of Agriculture (USDA) civil rights regulations and policies, USDA, its Mission Areas, agencies, staff offices, employees, and institutions participating in or administering USDA programs are prohibited from discriminating based on race, color, national origin, religion, sex, gender identity (including gender expression), sexual orientation, disability, age, marital status, family/parental status, income derived from a public assistance program, political beliefs, or reprisal or retaliation for prior civil rights activity, in any program or activity conducted or funded by USDA (not all bases apply to all programs). Remedies and complaint filing deadlines vary by program or incident.

Program information may be made available in languages other than English. Persons with disabilities who require alternative means of communication to obtain program information (e.g., Braille, large print, audiotape, American Sign Language) should contact the responsible Mission Area, agency, or staff office; the USDA TARGET Center at (202) 720-2600 (voice and TTY); or the Federal Relay Service at (800) 877-8339.

To file a program discrimination complaint, a complainant should complete a Form AD-3027, *USDA Program Discrimination Complaint Form*, which can be obtained online at <https://www.usda.gov/forms/electronic-forms>, from any USDA office, by calling (866) 632-9992, or by writing a letter addressed to USDA. The letter must contain the complainant's name, address, telephone number, and a written description of the alleged discriminatory action in sufficient detail to inform the Assistant Secretary for Civil Rights (ASCR) about the nature and date of an alleged civil rights violation. The completed AD-3027 form or letter must be submitted to USDA by:

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

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

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

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Paul Kiecker,
Administrator.

[FR Doc. 2024-27280 Filed 11-21-24; 8:45 am]

BILLING CODE 3410-DM-P

⁴ Public Meeting on Reducing *Salmonella* in Poultry available at: <https://www.fsis.usda.gov/news-events/events-meetings/public-meeting-reducing-salmonella-poultry>.

⁵ NACMR final report: *Response to Questions Posed by the Food Safety and Inspection Service: Enhancing Salmonella Control in Poultry Products* (March 13, 2023). Available at: <https://www.fsis.usda.gov/policy/advisory-committees/national-advisory-committee-microbiological-criteria-foods-nacmcf/2021>.

⁶ Risk Profile for Pathogenic *Salmonella* in Poultry available at: <https://www.regulations.gov/docket/FSIS-2023-0028>.

⁷ FSIS Constituent Update—October 11, 2024; FSIS Extends Comment Period on Proposed *Salmonella* Framework for Raw Poultry Products. Available at: <https://www.fsis.usda.gov/news-events/press-releases/constituent-update-october-11-2024>.

NUCLEAR REGULATORY COMMISSION

10 CFR Parts 1, 2, 10, 11, 19, 20, 21, 25, 26, 30, 40, 50, 51, 53, 70, 72, 73, 74, 75, 95, 140, 150, 170, and 171

[NRC–2019–0062]

RIN 3150–AK31

Risk-Informed, Technology-Inclusive Regulatory Framework for Advanced Reactors

AGENCY: Nuclear Regulatory Commission.

ACTION: Proposed rule; extension of comment period.

SUMMARY: On October 31, 2024, the U.S. Nuclear Regulatory Commission (NRC) solicited comments on the part 53 proposed rulemaking, which would revise the NRC's regulations by adding a risk-informed, performance-based, and technology-inclusive regulatory framework for commercial nuclear plants in response to the Nuclear Energy Innovation and Modernization Act (NEIMA). The public comment period was originally scheduled to close on December 30, 2024. The NRC has decided to extend the public comment period to allow more time for members of the public to develop and submit their comments and for the NRC staff to engage with stakeholders on the proposed rule language.

DATES: The due date of comments requested in the document published on October 31, 2024 (89 FR 86918), is extended. Comments should be filed no later than February 28, 2025. Comments received after this date will be considered, if it is practical to do so, but the NRC is able to ensure consideration only for comments received on or before this date.

ADDRESSES: You may submit comments by any of the following methods however, the NRC encourages electronic comment submission through the Federal rulemaking website:

- *Federal Rulemaking Website:* Go to <https://www.regulations.gov> and search for Docket ID NRC–2019–0062. Address questions about NRC dockets to Helen Chang; telephone: 301–415–3228; email: Helen.Chang@nrc.gov. For technical questions contact the individuals listed in the **FOR FURTHER INFORMATION CONTACT** section of this document.

- *Email comments to:* Rulemaking.Comments@nrc.gov. If you do not receive an automatic email reply confirming receipt, then contact us at 301–415–1677.

- *Fax comments to:* Secretary, U.S. Nuclear Regulatory Commission at 301–415–1101.

- *Mail comments to:* Secretary, U.S. Nuclear Regulatory Commission, Washington, DC 20555–0001, ATTN: Rulemakings and Adjudications Staff.

- *Hand deliver comments to:* 11555 Rockville Pike, Rockville, Maryland 20852, between 7:30 a.m. and 4:15 p.m. eastern time, Federal workdays; telephone: 301–415–1677.

You can read a plain language description of this proposed rule at <https://www.regulations.gov/docket/NRC-2019-0062>. For additional direction on obtaining information and submitting comments, see “Obtaining Information and Submitting Comments” in the **SUPPLEMENTARY INFORMATION** section of this document.

FOR FURTHER INFORMATION CONTACT:

Robert Beall, Office of Nuclear Material Safety and Safeguards, telephone: 301–415–3874; email: Robert.Beall@nrc.gov; or Anders Gilbertson, Office of Nuclear Reactor Regulation, telephone: 301–415–1541; email: Anders.Gilbertson@nrc.gov. Both are staff of the U.S. NRC, Washington, DC 20555–0001.

SUPPLEMENTARY INFORMATION:

I. Obtaining Information and Submitting Comments

A. Obtaining Information

Please refer to Docket ID NRC–2019–0062 when contacting the NRC about the availability of information for this action. You may obtain publicly available information related to this action by any of the following methods:

- *Federal Rulemaking Website:* Go to <https://www.regulations.gov> and search for Docket ID NRC–2019–0062.

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

- *NRC's PDR:* The PDR, where you may examine and order copies of publicly available documents, is open by appointment. To make an appointment to visit the PDR, please send an email to PDR.Resource@nrc.gov or call 1–800–397–4209 or 301–415–

4737, between 8 a.m. and 4 p.m. eastern time, Monday through Friday, except Federal holidays.

B. Submitting Comments

The NRC encourages electronic comment submission through the Federal rulemaking website (<https://www.regulations.gov>). Please include Docket ID NRC–2019–0062 in your comment submission. To facilitate NRC review, please distinguish between comments on the proposed rule and comments on the proposed guidance.

The NRC cautions you not to include identifying or contact information that you do not want to be publicly disclosed in your comment submission. The NRC will post all comment submissions at <https://www.regulations.gov> as well as enter the comment submissions into ADAMS. The NRC does not routinely edit comment submissions to remove identifying or contact information.

If you are requesting or aggregating comments from other persons for submission to the NRC, then you should inform those persons not to include identifying or contact information that they do not want to be publicly disclosed in their comment submission. Your request should state that the NRC does not routinely edit comment submissions to remove such information before making the comment submissions available to the public or entering the comment into ADAMS.

II. Discussion

On October 31, 2024, the NRC solicited comments on the “Risk-Informed, Technology-Inclusive Regulatory Framework for Advanced Reactors” proposed rule (also known as “part 53”). This proposed rule responds to NEIMA by creating an alternative regulatory framework for licensing future commercial nuclear plants. The new alternative requirements and implementing guidance would adopt technology-inclusive approaches and use risk-informed and performance-based techniques to ensure an equivalent level of safety to that of operating commercial nuclear plants while providing flexibility for licensing and regulating a variety of technologies and designs for commercial nuclear reactors. The public comment period was originally scheduled to close on December 30, 2024. The NRC has decided to extend the public comment period on this document until February 28, 2025, to allow more time for members of the public to submit their comments and for the NRC staff to engage with stakeholders on the proposed rule language.

The NRC may post materials related to this document, including public comments, on the Federal rulemaking website at <https://www.regulations.gov> under Docket ID NRC–2019–0062. In addition, the Federal rulemaking website allows members of the public to receive alerts when changes or additions occur in a docket folder. To subscribe: (1) navigate to the docket folder (NRC–2019–0062); (2) click the “Dockets” link; (3) click the part 53 rulemaking link; (4) click the “Subscribe” link; (5) enter your email address in the pop-up window and click on the “Subscribe” link.

Dated: November 14, 2024.

For the Nuclear Regulatory Commission.

Melissa Ralph,

Deputy Director, Division of Rulemaking, Environmental, and Financial Support, Office of Nuclear Material Safety and Safeguards.

[FR Doc. 2024–26937 Filed 11–21–24; 8:45 am]

BILLING CODE 7590–01–P

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

14 CFR Part 39

[Docket No. FAA–2024–2427; Project Identifier AD–2024–00484–T]

RIN 2120–AA64

Airworthiness Directives; The Boeing Company Airplanes

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Notice of proposed rulemaking (NPRM).

SUMMARY: The FAA proposes to adopt a new airworthiness directive (AD) for all The Boeing Company Model DC–9–81 (MD–81), DC–9–82 (MD–82), DC–9–83 (MD–83), DC–9–87 (MD–87), and MD–88 airplanes, and Model DC–9–10, DC–9–20, DC–9–30, DC–9–40, and DC–9–50 series airplanes. This proposed AD was prompted by the discovery of jammed elevators during takeoff. This proposed AD would require revising the “Certificate Limitations” section of the existing airplane flight manual (AFM) to include a procedure to confirm elevator surfaces are not jammed in the trailing edge down (TED) position. The FAA is proposing this AD to address the unsafe condition on these products.

DATES: The FAA must receive comments on this proposed AD by January 6, 2025.

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

- **Federal eRulemaking Portal:** Go to [regulations.gov](https://www.regulations.gov). Follow the instructions for submitting comments.

- **Fax:** 202–493–2251.

- **Mail:** U.S. Department of Transportation, Docket Operations, M–30, West Building Ground Floor, Room W12–140, 1200 New Jersey Avenue SE, Washington, DC 20590.

- **Hand Delivery:** Deliver to Mail address above between 9 a.m. and 5 p.m., Monday through Friday, except Federal holidays.

AD Docket: You may examine the AD docket at [regulations.gov](https://www.regulations.gov) under Docket No. FAA–2024–2427; or in person at Docket Operations between 9 a.m. and 5 p.m., Monday through Friday, except Federal holidays. The AD docket contains this NPRM, any comments received, and other information. The street address for Docket Operations is listed above.

FOR FURTHER INFORMATION CONTACT:

Katherine Venegas, Aviation Safety Engineer, FAA, 3960 Paramount Boulevard, Lakewood, CA 90712; phone: 562–627–5353; email: katherine.venegas@faa.gov.

SUPPLEMENTARY INFORMATION:

Comments Invited

The FAA invites you to send any written relevant data, views, or arguments about this proposal. Send your comments to an address listed under the **ADDRESSES** section. Include “Docket No. FAA–2024–2427; Project Identifier AD–2024–00484–T” at the beginning of your comments. The most helpful comments reference a specific portion of the proposal, explain the reason for any recommended change, and include supporting data. The FAA will consider all comments received by the closing date and may amend this proposal because of those comments.

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

Confidential Business Information

CBI is commercial or financial information that is both customarily and actually treated as private by its owner. Under the Freedom of Information Act (FOIA) (5 U.S.C. 552), CBI is exempt from public disclosure. If your comments responsive to this NPRM contain commercial or financial

information that is customarily treated as private, that you actually treat as private, and that is relevant or responsive to this NPRM, it is important that you clearly designate the submitted comments as CBI. Please mark each page of your submission containing CBI as “PROPIN.” The FAA will treat such marked submissions as confidential under the FOIA, and they will not be placed in the public docket of this NPRM. Submissions containing CBI should be sent to Katherine Venegas, Aviation Safety Engineer, FAA, 3960 Paramount Boulevard, Lakewood, CA 90712; phone: 562–627–5353; email: katherine.venegas@faa.gov. Any commentary that the FAA receives that is not specifically designated as CBI will be placed in the public docket for this rulemaking.

Background

The FAA has received a report indicating that both the left and right elevator were jammed during takeoff resulting in a runway excursion. Elevator surface jamming in the TED direction caused by high-speed wind events can occur while the airplane is parked. This condition may not be detected by feel during preflight control column movement prior to takeoff. The FAA is issuing this AD to address the unsafe condition, which if not addressed, could result in a runway excursion during a rejected takeoff.

FAA’s Determination

The FAA is issuing this NPRM after determining that the unsafe condition described previously is likely to exist or develop on other products of the same type design.

Proposed AD Requirements in This NPRM

This proposed AD would require revising the “Certificate Limitations” section of the existing AFM to include a procedure to confirm elevator surfaces are not jammed in the TED position.

Compliance With AFM Revisions

Section 91.9 (14 CFR 91.9) prohibits any person from operating a civil aircraft without complying with the operating limitations specified in the AFM. FAA regulations also require operators to furnish pilots with any changes to the AFM (14 CFR 121.137) and pilots in command to be familiar with the AFM (14 CFR 91.505).

Interim Action

The FAA considers that this proposed AD would be an interim action. Boeing is developing a design change to address the unsafe condition. If final action is

later identified, the FAA might consider further rulemaking.

Costs of Compliance

The FAA estimates that this AD, if adopted as proposed, would affect 104

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

ESTIMATED COSTS

Action	Labor cost	Parts cost	Cost per product	Cost on U.S. operators
AFM revision	1 work-hour × \$85 per hour = \$85	\$0	\$85	\$8,840

Authority for This Rulemaking

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

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

Regulatory Findings

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

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

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

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

List of Subjects in 14 CFR Part 39

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

The Proposed Amendment

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

PART 39—AIRWORTHINESS DIRECTIVES

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

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

§ 39.13 [Amended]

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

The Boeing Company: Docket No. FAA–2024–2427; Project Identifier AD–2024–00484–T.

(a) Comments Due Date

The FAA must receive comments on this airworthiness directive (AD) by January 6, 2025.

(b) Affected ADs

None.

(c) Applicability

This AD applies to all The Boeing Company airplanes identified in paragraphs

(c)(1) through (7) of this AD, certificated in any category.

(1) Model DC–9–81 (MD–81), DC–9–82 (MD–82), DC–9–83 (MD–83), and DC–9–87 (MD–87) airplanes.

(2) Model MD–88 airplanes.

(3) Model DC–9–11, DC–9–12, DC–9–13, DC–9–14, DC–9–15, and DC–9–15F airplanes.

(4) Model DC–9–21 airplanes.

(5) Model DC–9–31, DC–9–32, DC–9–32 (VC–9C), DC–9–32F, DC–9–33F, DC–9–34, DC–9–34F, and DC–9–32F (C–9A, C–9B) airplanes.

(6) Model DC–9–41 airplanes.

(7) Model DC–9–51 airplanes.

(d) Subject

Air Transport Association (ATA) of America Code 27, Flight controls.

(e) Unsafe Condition

This AD was prompted by the discovery of jammed elevators during takeoff. The FAA is issuing this AD to address the unsafe condition, which if not addressed, could result in a runway excursion during a rejected takeoff.

(f) Compliance

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

(g) Revision of Existing AFM

Within 3 months after the effective date of this AD, revise the "Certificate Limitations" section of the existing airplane flight manual (AFM) to include the information specified in figure 1 to paragraph (g) of this AD. This may be done by inserting a copy of figure 1 to paragraph (g) of this AD into the AFM.

Figure 1 to Paragraph (g)—Elevator Surfaces Procedure

(As required by AD ****)

Prior to every flight, elevator surfaces must be confirmed as not jammed in the Trailing Edge Down (TED) position. Both elevators must be faired with or above the stabilizer surface, or maintenance action is required to verify elevator freedom of movement.

(h) Alternative Methods of Compliance (AMOCs)

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

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

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

(i) Related Information

For more information about this AD, contact Katherine Venegas, Aviation Safety Engineer, FAA, 3960 Paramount Boulevard, Lakewood, CA 90712; phone: 562-627-5353; email: katherine.venegas@faa.gov.

(j) Material Incorporated by Reference

None.

Issued on November 18, 2024.

Peter A. White,

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

[FR Doc. 2024-27330 Filed 11-21-24; 8:45 am]

BILLING CODE 4910-13-P

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

[Docket No. FAA-2024-2410; Project Identifier AD-2024-00509-T]

RIN 2120-AA64

Airworthiness Directives; The Boeing Company Airplanes

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Notice of proposed rulemaking (NPRM).

SUMMARY: The FAA proposes to adopt a new airworthiness directive (AD) for certain The Boeing Company Model 787-8, 787-9, and 787-10 airplanes.

This proposed AD was prompted by possible horizontal stabilizer pivot pin lockring, outer pivot pin, and outboard spacer misalignment at final assembly. This proposed AD would require inspection of the left-side and right-side horizontal stabilizer pivot pin assemblies for misalignment and incorrect gapping, and applicable on-condition actions. The FAA is proposing this AD to address the unsafe condition on these products.

DATES: The FAA must receive comments on this proposed AD by January 6, 2025.

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

- *Federal eRulemaking Portal:* Go to [regulations.gov](https://www.regulations.gov). Follow the instructions for submitting comments.

- *Fax:* 202-493-2251.

- *Mail:* U.S. Department of Transportation, Docket Operations, M-30, West Building Ground Floor, Room W12-140, 1200 New Jersey Avenue SE, Washington, DC 20590.

- *Hand Delivery:* Deliver to Mail address above between 9 a.m. and 5 p.m., Monday through Friday, except Federal holidays.

AD Docket: You may examine the AD docket at [regulations.gov](https://www.regulations.gov) under Docket No. FAA-2024-2410; or in person at Docket Operations between 9 a.m. and 5 p.m., Monday through Friday, except Federal holidays. The AD docket contains this NPRM, any comments received, and other information. The street address for Docket Operations is listed above.

Material Incorporated by Reference:

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

- You may view this material at the FAA, Airworthiness Products Section, Operational Safety Branch, 2200 South 216th St., Des Moines, WA. For information on the availability of this material at the FAA, call 206-231-3195. It is also available at [regulations.gov](https://www.regulations.gov) under Docket No. FAA-2024-2410.

FOR FURTHER INFORMATION CONTACT:

Joseph Hodgkin, Aviation Safety Engineer, FAA, 2200 South 216th St., Des Moines, WA 98198; phone: 206-231-3962; email: Joseph.J.Hodgin@faa.gov.

SUPPLEMENTARY INFORMATION:**Comments Invited**

The FAA invites you to send any written relevant data, views, or arguments about this proposal. Send your comments to an address listed under the **ADDRESSES** section. Include “Docket No. FAA-2024-2410; Project Identifier AD-2024-00509-T” at the beginning of your comments. The most helpful comments reference a specific portion of the proposal, explain the reason for any recommended change, and include supporting data. The FAA will consider all comments received by the closing date and may amend this proposal because of those comments.

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

Confidential Business Information

CBI is commercial or financial information that is both customarily and actually treated as private by its owner. Under the Freedom of Information Act (FOIA) (5 U.S.C. 552), CBI is exempt from public disclosure. If your comments responsive to this NPRM contain commercial or financial information that is customarily treated as private, that you actually treat as private, and that is relevant or responsive to this NPRM, it is important that you clearly designate the submitted comments as CBI. Please mark each page of your submission containing CBI as “PROPIN.” The FAA will treat such marked submissions as confidential under the FOIA, and they will not be placed in the public docket of this NPRM. Submissions containing CBI should be sent to Joseph Hodgkin, Aviation Safety Engineer, FAA, 2200 South 216th St., Des Moines, WA 98198; phone: 206-231-3962; email: Joseph.J.Hodgin@faa.gov. Any commentary that the FAA receives that is not specifically designated as CBI will be placed in the public docket for this rulemaking.

Background

The FAA has received a report indicating possible horizontal stabilizer pivot pin lockring, outer pivot pin, and outboard spacer misalignment at final assembly. One operator further reported a left side pivot assembly that did not have a visible gap between the outboard nut and trap fitting. A misaligned pivot

pin lockring caused a pivot pin outboard spacer to not be set flush against the horizontal stabilizer pivot bearing and outboard washer. Decreased lateral load capacity can cause the loss of pivot pin retention parts. This condition, if not addressed, could result in the loss of the horizontal stabilizer and continued safe flight & landing.

FAA's Determination

The FAA is issuing this NPRM after determining that the unsafe condition described previously is likely to exist or develop on other products of the same type design.

Material Incorporated by Reference Under 1 CFR Part 51

The FAA reviewed Boeing Alert Requirements Bulletin B787–81205–SB550013–00 RB, Issue 001, dated August 30, 2024. This material specifies procedures for a detailed inspection of the left-side and right-side horizontal stabilizer pivot pin assemblies for misalignment and incorrect gapping and applicable on-condition actions. On-condition actions include replacement of the left or right horizontal stabilizer pivot pin assembly if any misalignment or incorrect gapping is found.

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

Proposed AD Requirements in This NPRM

This proposed AD would require accomplishing the actions specified in the material already described, except for any differences identified as exceptions in the regulatory text of this proposed AD. For information on the procedures and compliance times, see this material at *regulations.gov* under Docket No. FAA–2024–2410.

Costs of Compliance

The FAA estimates that this AD, if adopted as proposed, would affect 145 airplanes of U.S. registry. The FAA estimates the following costs to comply with this proposed AD:

ESTIMATED COSTS

Action	Labor cost	Parts cost	Cost per product	Cost on U.S. operators
Inspection	2 work-hours × \$85 per hour = \$170	\$0	\$170	\$24,650

The FAA estimates the following costs to do any necessary replacements that would be required based on the

results of the proposed inspection. The agency has no way of determining the

number of aircraft that might need this replacement:

ON-CONDITION COSTS

Action	Labor cost	Parts cost	Cost per product
Replacement	12 work-hours × \$85 per hour = \$1,020	\$47,730	\$48,750

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

Authority for This Rulemaking

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

The FAA is issuing this rulemaking under the authority described in Subtitle VII, Part A, Subpart III, Section 44701: General requirements. Under that section, Congress charges the FAA with promoting safe flight of civil aircraft in air commerce by prescribing regulations for practices, methods, and procedures the Administrator finds necessary for safety in air commerce. This regulation is within the scope of

that authority because it addresses an unsafe condition that is likely to exist or develop on products identified in this rulemaking action.

Regulatory Findings

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

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

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

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

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

List of Subjects in 14 CFR Part 39

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

The Proposed Amendment

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

PART 39—AIRWORTHINESS DIRECTIVES

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

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

§ 39.13 [Amended]

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

The Boeing Company: Docket No. FAA–2024–2410; Project Identifier AD–2024–00509–T.

(a) Comments Due Date

The FAA must receive comments on this airworthiness directive (AD) by January 6, 2025.

(b) Affected ADs

None.

(c) Applicability

This AD applies to The Boeing Company Model 787–8, 787–9, and 787–10 airplanes, certificated in any category, as identified in Boeing Alert Requirements Bulletin B787–81205–SB550013–00 RB, Issue 001, dated August 30, 2024.

(d) Subject

Air Transport Association (ATA) of America Code 55, Stabilizers.

(e) Unsafe Condition

This AD was prompted by possible misalignment, at final assembly, of the horizontal stabilizer pivot pin locking, outer pivot pin, and outboard spacer. The FAA is issuing this AD to address a pivot pin outboard spacer that is not set correctly flush against the horizontal stabilizer pivot bearing and outboard washer, caused by a misaligned pivot pin locking. The unsafe condition, if not addressed, could result in decreased lateral load capacity, which could cause the loss of pivot pin retention parts and lead to loss of the horizontal stabilizer and loss of continued safe flight and landing.

(f) Compliance

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

(g) Required Actions

Except as specified by paragraph (h) of this AD: At the applicable times specified in the “Compliance” paragraph of Boeing Alert Requirements Bulletin B787–81205–SB550013–00 RB, Issue 001, dated August 30, 2024, do all applicable actions identified in, and in accordance with, the Accomplishment Instructions of Boeing Alert Requirements Bulletin B787–81205–SB550013–00 RB, Issue 001, dated August 30, 2024.

Note 1 to paragraph (g): Guidance for accomplishing the actions required by this AD can be found in Boeing Alert Service Bulletin B787–81205–SB550013–00, Issue 001, dated August 30, 2024, which is referred to in Boeing Alert Requirements Bulletin B787–81205–SB550013–00 RB, Issue 001, dated August 30, 2024.

(h) Exception to Requirements Bulletin Specifications

Where the Compliance Time columns of the tables in the “Compliance” paragraph of Boeing Alert Requirements Bulletin B787–81205–SB550013–00 RB, Issue 001, dated August 30, 2024, refers to the Issue 001 date of Requirements Bulletin B787–81205–SB550013–00 RB, this AD requires using the effective date of this AD.

(i) Alternative Methods of Compliance (AMOCs)

(1) The Manager, AIR–520, Continued Operational Safety Branch, FAA, has the

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

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

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

(j) Related Information

(1) For more information about this AD, contact Joseph Hodgin, Aviation Safety Engineer, FAA, 2200 South 216th St., Des Moines, WA 98198; phone: 206–231–3962; email: Joseph.J.Hodgin@faa.gov.

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

(k) Material Incorporated by Reference

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

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

(i) Boeing Alert Requirements Bulletin B787–81205–SB550013–00 RB, Issue 001, dated August 30, 2024.

(ii) [Reserved]

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

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

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

Issued on November 12, 2024.

Peter A. White,

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

[FR Doc. 2024–27327 Filed 11–21–24; 8:45 am]

BILLING CODE 4910–13–P

POSTAL REGULATORY COMMISSION**39 CFR Part 3050**

[Docket No. RM2025–4; Order No. 8002]

Periodic Reporting

AGENCY: Postal Regulatory Commission.

ACTION: Notice of proposed rulemaking.

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

DATES: *Comments are due:* December 10, 2024.

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

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

SUPPLEMENTARY INFORMATION:**Table of Contents**

- I. Introduction
- II. Proposal
- III. Notice and Comment
- IV. Ordering Paragraphs

I. Introduction

On November 13, 2024, the Postal Service filed a petition pursuant to 39 CFR 3050.11 requesting that the Commission initiate a rulemaking proceeding to consider changes to analytical principles relating to periodic reports.¹ The Petition presents a methodology for developing shape-specific labor productivity data for non-MODS manual distribution activities using eFlash volumes and workhours derived from costs for the corresponding In-Office Cost System (IOCS)-based non-MODS cost pools. Petition at 1.

II. Proposal

Background. The Postal Service states that measuring labor productivity associated with manual letter and flat distribution operations “is a longstanding challenge for modeling the

¹ Petition of the United States Postal Service to Initiate a Proceeding to Change Analytical Principles and Notice of Filing Non-Public Materials, November 13, 2024 (Petition). The proposed change is attached to the Petition (Proposal).

costs of mail processing flows in the development of avoided costs for worksharing.” *Id.* Proposal at 1. The Postal Service notes that directly measuring the number of manually processed pieces is “costly” in the absence of passive data collection, which is possible in automated operations. *Id.* Additionally, the reliability of measuring productivity depends on accurately measuring workhours. *Id.*

The Postal Service notes that MODS workhours “have long been used both to develop labor costs by cost pool and in labor productivity statistics for mail processing plants,” but operation-level workhour data have not been used to develop costs for non-MODS operations. *Id.* The Postal Service states that manual productivities’ volume inputs use either indirect volume measurements or special studies of distribution productivity, which are limited in frequency and scope. *Id.* at 2. The Postal Service notes that, currently, the projection of manually processed mail volumes is determined as fractions of automation piece counts, which has not been updated since Fiscal Year (FY) 2015 “due to concerns regarding the reliability of those conversion methods.” *Id.* It also notes that manual productivity for incoming secondary letter distribution dates to Docket No. MC95–1, when plants conducted significant amounts of manual incoming secondary sortation for letters and flats.² Although manual productivity has focused on plant and Network Distribution Center (NDC) operations, manual distribution work is “concentrated at non-MODS post offices, stations, and branches” making productivities applicable to non-MODS operations an important aspect for modeling manual mail processing costs. *Id.*

The Postal Service asserts that the eFlash system can be used as a source of manual processing volumes for non-MODS operations and covers letters, flats, and parcels distribution. *Id.* at 3. These volumes are obtained by converting linear measurements (in inches) of pieces staged for processing into piece counts and is standard operating procedure for both larger and smaller post offices. *Id.* Additionally, the Postal Service states that eFlash data also includes workhours for letter, flat,

and parcel operations in Labor Distribution Code (LDC) 43. *Id.*

The Postal Service explains that, to determine whether eFlash workhours could be used in productivity calculations, it investigated “both the extent to which the eFlash workhours covered the corresponding mail processing cost pools and the extent to which the eFlash workhours included activities other than the expected shape-related processing work.” *Id.* The Postal Service notes that the concerns are “post office activities may be relatively fluid over the course of the workday, such that actual and clocked work activities may systematically differ, and relatedly that a substantial amount of post office distribution labor may be clocked into non-shape-specific mail processing operations.” *Id.* at 3–4. The Postal Service’s investigation indicated that eFlash workhours underestimate total labor used in the shape-related cost pools and that, as a result, the use of eFlash workhours will overstate labor productivities. *Id.* at 4–6.

Proposal. Based on the discussion above, the Postal Service states that its proposed productivities would use “eFlash-based aggregate volumes for letters, flats, and parcels, from the L43L, L43F, and L43P lines, respectively, for the numerator of the productivity (pieces per workhour).” *Id.* at 6–7. The Postal Service also states that, to obtain corresponding workhour estimates, the proposed methodology would convert the total cost for the non-MODS manual letters, flats, and parcels cost pools into hours using the mail processing wage rate, and the resulting workhours would then be used as the denominator of the productivity calculation. *Id.* at 7. Table 4 of the Proposal demonstrates the proposed conversion of costs to workhours for FY 2023. *See id.* table 4. The Postal Service then combines the eFlash volumes with the converted workhours, which results in the productivities presented in table 5 of the Proposal. *See id.* at 8, table 5.

The Postal Service maintains that the proposed changes are an improvement to the currently used productivity data. *Id.* at 8. It states that the proposed changes “employ[] current data collected in ongoing systems that directly represent post office distribution operations and can be updated annually.” *Id.* The proposed changes would also eliminate the use of “stale” data. *Id.* at 8–9; *see generally supra.*

Impact. The Postal Service explains that “the new [labor] productivity will (other things equal) decrease model costs if the new productivity is higher or increase them if the new productivity is lower.” Petition, Proposal at 10. “The change in model costs will then affect the model’s proportional adjustment factor in the opposite direction. . . .” *Id.*

The Postal Service then explains that the magnitude of the effect of the productivity change will depend upon the extent to which various categories of mail require manual processing in Function 4 operations. *Id.* The Postal Service again notes that most parcel volume receives Function 4 sorts whereas most letter and flat volumes bypass it, either because of automation or presorting to carrier route. *Id.*

The Postal Service presents the impact of Function 4 letter productivity on the letter cost model results in USPS–FY23–10 (table 7), the impact of Function 4 flat productivity on the First-Class and USPS Marketing Mail flat cost model in USPS–FY23–11 (table 8), and the impact of Function 4 flat productivity on the piece costs in the Periodicals model in USPS–FY23–11 (table 9). *See id.* at 11–12. In addition, the impact of Function 4 parcel productivity on the Parcel Select mail processing cost model are filed under seal. *Id.* at 12.

III. Notice and Comment

The Commission establishes Docket No. RM2025–4 for consideration of matters raised by the Petition. More information on the Petition may be accessed via the Commission’s website at <https://www.prc.gov>. Interested persons may submit comments on the Petition and the Proposal by December 10, 2024. Pursuant to 39 U.S.C. 505, Nikki Brendemuehl is designated as an officer of the Commission (Public Representative) to represent the interests of the general public in this proceeding.

IV. Ordering Paragraphs

It is ordered:

1. The Commission establishes Docket No. RM2025–4 for consideration of the matters raised by the Petition of the United States Postal Service to Initiate a Proceeding to Change Analytical Principles and Notice of Filing Non-Public Materials, filed November 13, 2024.

² *Id.* However, manual processing volume for parcels is generated as a “byproduct of tracking scans taken during proceeding activities.” *Id.*

2. Comments by interested persons in this proceeding are due December 10, 2024.

3. Pursuant to 39 U.S.C. 505, the Commission appoints Nikki Brendemuehl to serve as an officer of

the Commission (Public Representative) to represent the interests of the general public in this docket.

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

By the Commission.

Erica A. Barker,
Secretary.

[FR Doc. 2024–27284 Filed 11–21–24; 8:45 am]

BILLING CODE 7710–FW–P

Notices

Federal Register

Vol. 89, No. 226

Friday, November 22, 2024

This section of the FEDERAL REGISTER contains documents other than rules or proposed rules that are applicable to the public. Notices of hearings and investigations, committee meetings, agency decisions and rulings, delegations of authority, filing of petitions and applications and agency statements of organization and functions are examples of documents appearing in this section.

DEPARTMENT OF AGRICULTURE

Animal and Plant Health Inspection Service

[Docket No. APHIS–2023–0058]

Veterinary Services User Fees; Correction

AGENCY: Animal and Plant Health Inspection Service, U.S. Department of Agriculture (USDA).

ACTION: Notice; Correction.

SUMMARY: The Animal and Plant Health Inspection Service is correcting a notice that published in the **Federal Register** on November 8, 2024. The notice announced proposed adjusted user fee rates for the costs of providing certain goods and services, including veterinary diagnostic goods and services and veterinary services for imports and exports of live animals and animal products. The notice erroneously omitted a proposed adjusted fee in one of the tables provided. This document updates that table.

FOR FURTHER INFORMATION CONTACT: For information on the user fee activities covered by this notice, contact Ms. Lisa Slimmer, User Fee Financial Team Manager, Veterinary Services Money Management, 920 Main Campus Drive, Raleigh, NC 27606; (919) 414–7205.

SUPPLEMENTARY INFORMATION: On November 8, 2024, the Animal and Plant Health Inspection Service published a notice (89 FR 88697–88712)

that is open for comment until December 9, 2024, and announced proposed adjusted user fee rates for the costs of providing certain goods and services, including veterinary diagnostic goods and services and veterinary services for imports and exports of live animals and animal products. The notice erroneously omitted a proposed adjusted fee for “Bacterial disease CF antigens, all other” in table 21. This notice corrects the inadvertent omission and updates table 21.

Correction

In FR Doc. 2024–25826, appearing at 89 FR 88697–88712 in the **Federal Register** on November 8, 2024, the following correction is made:

Table 21 [Corrected]

On page 88709, table 21 is printed in its entirety with the addition, in alphabetical order, of a row for “Bacterial disease CF antigens, all other” to read as follows:

TABLE 21—USER FEES FOR VETERINARY DIAGNOSTIC REAGENTS PRODUCED AT NVSL OR OTHER AUTHORIZED SITES

Reagent	Unit	Current fee	Proposed adjusted fee
Anaplasma card test antigen	2 mL	\$103.00	\$209.00
Anaplasma card test kit without antigen	Kit	139.00	282.00
Anaplasma CF antigen	2 mL	47.00	96.00
Anaplasma stabulate	4.5 mL	188.00	404.00
Avian origin bacterial antisera	1 mL	52.00	215.00
Bacterial agglutinating antigens other than brucella and salmonella pullorum	5 mL	59.00	140.00
Bacterial conjugates	1 mL	105.00	108.00
Bacterial disease CF antigens, all other	1 mL	32.00	65.00
Bacterial ELISA antigens	1 mL	32.00	65.00
Bacterial or protozoal antisera, all other	1 mL	66.00	146.00
Bacterial reagent culture ¹	Culture	79.00	242.00
Bacterial reference culture ²	Culture	249.00	645.00
Bacteriophage reference culture	Culture	188.00	381.00
Bovine serum factor	1 mL	19.00	39.00
Brucella abortus CF antigen	60 mL	165.00	350.00
Brucella agglutination antigens, all other	60 mL	165.00	334.00
Brucella buffered plate antigen	60 mL	188.00	404.00
Brucella canis tube antigen	25 mL	124.00	264.00
Brucella card test antigen (packaged)	Package	98.00	199.00
Brucella card test kit without antigen	Kit	119.00	248.00
Brucella cells	Gram	20.00	41.00
Brucella cells, dried	Pellet	6.25	13.00
Brucella ring test antigen	60 mL	263.00	527.00
Brucella rivanol solution	60 mL	32.00	65.00
Dourine CF antigen	1 mL	97.00	597.00
Dourine stabulate	4.5 mL	116.00	235.00
Equine and bovine origin babesia species antisera	1 mL	139.00	334.00
Equine negative control CF antigen	1 mL	293.00	593.00
Flazo-orange	3 mL	14.00	29.00
Glanders CF antigen	1 mL	84.00	170.00
Hemoparasitic disease CF antigens, all other	1 mL	590.00	1,194.00
Leptospira transport medium	10 mL	4.75	9.75
Monoclonal antibody	1 mL	103.00	209.00
Mycobacterium spp. old tuberculin	1 mL	26.00	53.00
Mycobacterium spp. PPD	1 mL	20.00	41.00

TABLE 21—USER FEES FOR VETERINARY DIAGNOSTIC REAGENTS PRODUCED AT NVSL OR OTHER AUTHORIZED SITES—
Continued

Reagent	Unit	Current fee	Proposed adjusted fee
Mycoplasma hemagglutination antigens	5 mL	197.00	430.00
Negative control serums	1 mL	20.00	43.00
Rabbit origin bacterial antiserum	1 mL	56.00	114.00
Salmonella pullorum microagglutination antigen	5 mL	17.00	35.00
Stabilates, all other	4.5 mL	730.00	1,478.00

¹ A reagent culture is a bacterial culture that has been subcultured one or more times after being tested for purity and identity. It is intended for use as a reagent with a diagnostic test such as the leptospiral agglutination test.
² A reference culture is a bacterial culture that has been thoroughly tested for purity and identity. It should be suitable as a master seed for future cultures.

Done in Washington, DC, this 19th day of November 2024.
Michael Watson,
Administrator, Animal and Plant Health Inspection Service.
[FR Doc. 2024–27520 Filed 11–21–24; 8:45 am]
BILLING CODE 3410–34–P

DEPARTMENT OF AGRICULTURE
Natural Resources Conservation Service
[Docket No. NRCS–2024–0019]
Notice of Intent To Prepare an Environmental Impact Statement for the North Cache Valley Watershed Plan Project in Franklin County, Idaho and Cache County, Utah
AGENCY: Natural Resources Conservation Service, USDA.
ACTION: Notice of intent (NOI) to prepare an environmental impact statement (EIS).

SUMMARY: The Natural Resources Conservation Service (NRCS) Idaho State Office announces its intent to prepare an EIS for the North Cache Valley Project Watershed Plan (Watershed Plan), located within the North Cache Valley Watershed in Lewiston, Utah. The proposed Watershed Plan will examine alternative solutions to provide improved agricultural water management and to enhance recreational facilities. The project is being planned for areas within the watershed located in Franklin County, Idaho and Cache County, Utah. The project area is comprised of the irrigation service area within the watershed which fits into the watershed plan’s primary purpose of Agricultural Water Management. The Project Area includes developed and undeveloped agricultural land and small farm communities. The primary purpose for this Watershed Plan is to provide more reliable management of agricultural water in the Project Area and to enhance

existing recreational opportunities in the watershed. This Watershed Plan is needed to improve impaired drainage infrastructure; provide an efficient and reliable irrigation water supply; improve water management and measurement; reduce seepage loss in existing conveyance systems; and to expand the limited recreational opportunities in the watershed. NRCS is requesting comments to identify significant issues, potential alternatives, information, and analyses relevant to the proposed action from all interested individuals, Federal and State agencies, and Tribes.
DATES: We will consider comments that we receive by December 23, 2024. We will consider comments received after close of the comment period to the extent possible.
ADDRESSES: We invite you to submit comments in response to this notice. You may submit your comments through one of the methods below:
• *Federal eRulemaking Portal:* Go to <http://www.regulations.gov> and search for docket ID NRCS–2024–0019. Follow the online instructions for submitting comments; or
• *Mail or Hand Delivery:* Dan Murdock, Water Resources Planning Specialist, USDA, NRCS, Idaho State Office, 9173 W Barnes Drive, Suite C, Boise, Idaho 83709. In your comments, specify the docket ID NRCS–2024–0019.
All comments received will be posted without change and made publicly available on www.regulations.gov.
FOR FURTHER INFORMATION CONTACT: Dan Murdock, telephone: (208) 685–6990; email: daniel.murdock@usda.gov.
Individuals who require alternative means for communication should contact the U.S. Department of Agriculture (USDA) Target Center at (202) 720–2600 (voice and text telephone (TTY)) or dial 711 for Telecommunications Relay service (both voice and text telephone users can initiate this call from any telephone).
SUPPLEMENTARY INFORMATION:

Purpose and Need
The primary purposes for the Watershed Plan is to improve agricultural water management and recreation development in the Project Area. Watershed planning is authorized under the Watershed Protection and Flood Prevention Act of 1954 (Pub. L. 83–566), as amended, and the Flood Control Act of 1944 (Pub. L. 78–534).
Franklin County, Idaho is the Sponsoring Local Organization for this project with Cub River Irrigation Company (CRIC) and Cache County, Utah as co-sponsors. The project is essential to improve agricultural water management and enhance recreational development in the watershed.
This action is needed to address drainage, water management, and recreation issues for the Project Area. This action is needed to better manage and remove drainage and flood flows in a timely manner; provide an efficient, reliable irrigation water supply; construct a sustainable distribution system; increase pumping efficiencies; and conserve water. Water conservation would be accomplished by reducing open channel inefficiencies, seepage losses, and evaporation.
Estimated Federal funds required for the construction of the proposed action may exceed \$25 million and the proposed action will, therefore, require congressional approval per the 2018 Agriculture Appropriations Act amended funding threshold. In accordance with the regulation in 7 CFR 650.7(a)(2), an EIS is required for projects requiring congressional approval.
Preliminary Proposed Action and Alternatives, Including No Action
The EIS objective is to formulate and evaluate alternatives for the purposes of agricultural water management and public recreation in the Franklin County, Idaho Project Area. The EIS is expected to evaluate three alternatives:

two action alternatives and one no action alternative.

The alternatives that may be considered for detailed analysis include:

- **Alternative 1—No Action**

Alternative: Taking no action would consist of activities conducted if no Federal action or funding were provided. If the No Action Alternative is selected, water flows would pass through the same historic channels, waterways, and drainage crossings as they currently do with issues continuing, dependent on the nature, timing, and severity of the events. Agricultural fields would continue to flood during rain-on-snow events, including the extensive saturation and killing of crops. Irrigation water would continue to be lost through seepage and evaporation from the earthen canals and existing irrigation methods would remain unchanged or continue to change as farmers choose to install pumps and pressurize their own irrigation systems. Additionally, the soils saturated seasonally by the canal seepage would continue to be saturated and soured and unusable for agricultural production. No new stations would be constructed to consolidate the system. There would be no recreational access points constructed on the Bear River. No Federal action or funding would be associated with the No Action Alternative.

- **Alternative 2—Proposed Action—Bear River Two Pump Station.** This alternative would include various actions to provide agricultural water management and public recreation benefits to the area. The Proposed Action would install 19,000 feet of conduit and place five pumps for drainage management. In many areas, the existing canal and ditches will be left open and used for flood control purposes, as they historically have been, including improvements to the Choll's Spill to allow the water flows to pass to the Cub River with minimal manual regulation and reduced risks. The existing canal along 800 West below 800 South in Lewiston, Utah, would also remain open and convey the water flows. Irrigation pipelines will be dual purposed in locations where it would not be cost effective or feasible to build conduits and will allow water to be pumped out using a mobile pump with a quick connection to the irrigation system to back pressure the system and allow discharge to the system drains used to winterize the irrigation system. This alternative also includes measures to construct two new pump stations, relocate one pump station, remove four pump stations, and enclose 19.5 miles of open canal for agricultural water

management purposes. This alternative would pull Bear River water from two pump station (a north and a south site), preventing the need to enlarge the existing electrical grid. Finally, this alternative would construct a public recreational access site to the Bear River adjacent to 2000 South in Lewiston, Utah, along the banks of the Bear River. This site would consist of public parking and a boat ramp for non-motorized watercraft.

- **Alternative 3—Proposed Action—Bear River One Pump Station.** The Proposed Action would include all the same project measures as Alternative 2 with the following difference: under this alternative, all the Bear River water used by CRIC would be pulled from a single pump station rather than from two, requiring larger pipeline diameters and bigger pumps. This alternative would also require an enlargement of the electrical grid expected to cost around \$1 million dollars.

Summary of Expected Impacts

As mentioned above, the estimated Federal contribution to construction cost will exceed \$25 million.

The EIS will be prepared as required by section 102(2)(C) of the National Environmental Policy Act of 1969 (NEPA); the Council on Environmental Quality Regulations (40 CFR parts 1500–1508); and NRCS regulations that implement NEPA in 7 CFR part 650.

Resource concerns for scoping were identified and categorized as relevant or not relevant to the proposed action. Franklin County, Idaho and NRCS evaluated the current conditions for resources in the Project Area including soil, water, air, plants, animals, and humans along with relevant resource concerns for each proposed solution. Environmental resources in the Project Area consist of the natural and human-made environment. Resource concerns to be identified and addressed in the Watershed Plan-EIS include: soils; prime and unique farmland; upland erosion; surface and groundwater quality and quantity; wetlands and Waters of the United States; floodplains; air quality; climate change; endangered and threatened plant and animal species; riparian areas; invasive species; fish and wildlife; migratory birds; cultural and historic resources; environmental justice; public health and safety; and transportation, among others.

Anticipated Permits and Authorizations

The following permits and authorizations are anticipated to be required:

- **Federal Emergency Management Agency, Floodplain Development Permit.** Implementation of the proposed action would require coordination with the local floodplain administrator and may require a Floodplain Development Permit to ensure all development and engineering requirements for construction within the Special Flood Hazard Areas are implemented.

- **Clean Water Act (CWA) and National Pollutant Discharge Elimination System (NPDES).** The project would require water quality certification under section 401 of the CWA, permitting under section 402 of the NPDES, and section 404 of the CWA for potential wetland impacts.

- **Encroachment Permit.** The proposed action would require coordination and permitting with the Idaho Transportation Department and the Utah Department of Transportation for temporary construction work within State and Federal roadway rights-of-way.

- **Utah Pollutant Discharge Elimination System (UPDES) Construction Permit.** A construction permit will be required through the UPDES.

- **Stream Alteration Permit.** The proposed action will require coordination and permits with the Idaho Department of Water Resources and Utah Division of Water Rights for bank alterations of the Bear River for the pump stations and recreational access. This permit is typically done jointly by both Idaho and Utah with the U.S. Army Corps of Engineers to get State and section 404 of the Clean Water Act approval and authorization through a single application.

- **National Historic Preservation Act (NHPA) Section 106.** Consultation with Tribal Nations and interested parties would be conducted as required by the NHPA.

- **Local Encroachment.** Consultation and potential encroachment permits would be required with Franklin County, Idaho; Lewiston City, Utah; and Cache County, Utah, for all construction work within the local roadway rights-of-way.

Schedule of Decision-Making Process

A Draft EIS (DEIS) will be prepared and circulated for review and comment by agencies, Tribes, consulting parties, and the public for 45 days as required by the regulations in 40 CFR 1503.1, 1502.20, 1506.11, and 1502.17, and 7 CFR 650.13. The DEIS is anticipated to be published in the **Federal Register**, approximately 24 months after publication of this NOI. A Final EIS is anticipated to be published within 3

months of completion of the public comment period for the DEIS.

NRCS will decide whether to implement one of the action alternatives as evaluated in the EIS. A Record of Decision will be completed after the required 30-day waiting period and will be publicly available. The responsible Federal official and decision maker for NRCS is the Idaho NRCS State Conservationist. The Responsible Federal Official (RFO) and decision maker for NRCS is the Idaho State Conservationist.

Public Scoping Process

A public scoping meeting was held on November 19, 2020. Comments received, including the names and addresses of those who commented, were part of the public record. Scoping meeting presentation materials were available for review and comment for 30 days from November 19, 2020, through December 18, 2020.

Federal, State, Tribal, local agencies and representatives, and the public were invited to take part in the watershed plan scoping period. Franklin County, Idaho, and NRCS organized the public scoping meeting to provide an opportunity to review and evaluate the project alternatives, express concern, or support, and gain further information regarding the project. To determine the most viable alternatives for the EIS, Franklin County, Idaho, used input obtained during public scoping discussions to focus on relevant resource concerns and issues and eliminated those that were not relevant from further detailed study.

NRCS will coordinate the scoping process to correspond with section 106 of the National Historic Preservation Act (NHPA) (54 U.S.C. 306108) as allowed in 36 CFR 800.2(d)(3) and 800.8.

Identification of Potential Alternatives, Information, and Analyses

NRCS invites agencies, Tribes, consulting parties, and individuals that have special expertise, legal jurisdiction, or interest in the North Cache Valley Watershed Plan-EIS to provide written comments concerning the scope of the analysis and identification of potential alternatives, information, and analyses relevant to the Proposed Action.

The information about historic and cultural resources within the area potentially affected by the proposed project will assist NRCS in identifying and evaluating impacts to such resources in the context of both NEPA and NHPA.

NRCS will consult with Native American Tribes on a government-to-

government basis in accordance with the regulations in 36 CFR 800.2 and 800.3, Executive Order 13175, and other policies. Tribal concerns, including impacts on Indian trust assets and potential impacts to cultural resources and historic properties, will be given due consideration.

Authorities

This document is published as specified by the NEPA regulations regarding publication of an NOI to issue an EIS (40 CFR 1501.9(d)). Watershed planning is authorized under the Watershed Protection and Flood Prevention Act of 1954, as amended and the Flood Control Act of 1944.

Federal Assistance Programs

The title and number of the Federal Assistance Program as found in the Assistance Listing ¹ to which this document applies is 10.904, Watershed Protection and Flood Prevention.

Executive Order 12372

Executive Order 12372, “Intergovernmental Review of Federal Programs,” requires consultation with State and local officials that would be directly affected by proposed Federal financial assistance. The objectives of the Executive order are to foster an intergovernmental partnership and a strengthened federalism, by relying on State and local processes for State and local government coordination and review of proposed Federal financial assistance and direct Federal development. This project is subject to the provisions of Executive Order 12372, which requires intergovernmental consultation with State and local officials.

USDA Non-Discrimination Policy

In accordance with Federal civil rights law and USDA civil rights regulations and policies, USDA, its agencies, offices, and employees, and institutions participating in or administering USDA programs are prohibited from discriminating based on race, color, national origin, religion, sex, gender identity (including gender expression), sexual orientation, disability, age, marital status, family or 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.

¹ See <https://sam.gov/content/assistance-listings>.

Individuals who require alternative means of communication for program information (for example, braille, large print, audiotape, American Sign Language, etc.) should contact the responsible Agency or USDA TARGET Center at (202) 720-2600 (voice and telephone) or dial 711 for Telecommunications Relay Service (both voice and text telephone users can initiate this call from any phone). Additionally, program information may be made available in languages other than English.

To file a program discrimination complaint, complete the USDA Program Discrimination Complaint Form, AD-3027, found online at: <https://www.usda.gov/oascr/how-to-file-a-program-discrimination-complaint> and at any USDA office or write a letter addressed to USDA and provide in the letter all the information requested in the form. To request a copy of the complaint form, call (866) 632-9992. Submit your completed form or letter to USDA by: (1) mail to: U.S. Department of Agriculture, Office of the Assistant Secretary for Civil Rights, 1400 Independence Avenue SW, Washington, DC 20250-9410; (2) Fax: (202) 690-7442; or (3) email: program.intake@usda.gov.

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Loretta Kassib,

Acting Idaho State Conservationist, Natural Resources Conservation Service.

[FR Doc. 2024-27417 Filed 11-21-24; 8:45 am]

BILLING CODE 3410-16-P

COMMISSION ON CIVIL RIGHTS

Notice of Public Meetings of the Indiana Advisory Committee to the U.S. Commission on Civil Rights

AGENCY: U.S. Commission on Civil Rights.

ACTION: Notice of virtual panel briefings.

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, that the Indiana Advisory Committee (Committee) to the U.S. Commission on Civil Rights will hold three additional panel briefings via Zoom. The purpose of these briefings is to hear testimony on hate crimes nationally and in Indiana.

DATES:

- PANEL V: Monday, November 18, 2024, from 11 a.m.–1 p.m. eastern time;
- PANEL VI: Tuesday, November 19, 2024, from 11 a.m.–1 p.m. eastern time;

• PANEL VII: Friday, November 22, 2024, from 11 a.m.–1 p.m. eastern time.
ADDRESSES: These briefings will be held via Zoom.

PANEL V (Federal, State, Indiana Hate Crime Laws)

- *Registration Link (Audio/Visual):* <https://bit.ly/3AEBMXn>
- *Join by Phone (Audio Only):* 1–833–435–1820 USA Toll Free; Webinar ID: 160 239 2572#

PANEL VI (Impact of Hate Crimes—Incidents in Indiana & Healing Affected Communities)

- *Registration Link (Audio/Visual):* <https://bit.ly/3CpAcJp>
- *Join by Phone (Audio Only):* 1–833–435–1820 USA Toll Free; Webinar ID: 161 819 6910#

PANEL VII (Hate Crime Data Collection)

- *Registration Link (Audio/Visual):* <https://bit.ly/3NTfoMX>
- *Join by Phone (Audio Only):* 1–833–435–1820 USA Toll Free; Webinar ID: 160 145 7076#

FOR FURTHER INFORMATION CONTACT: Ivy Davis, Director of Eastern Regional Office and Designated Federal Officer, at ero@usccr.gov or 1–202–539–8468.

SUPPLEMENTARY INFORMATION: These Committee meetings are available to the public through the registration links above. Any interested members of the public may attend these meetings. Before adjourning each meeting, the Chair will recognize members of the public to make brief oral statements, as time allows. Pursuant to the Federal Advisory Committee Act, public minutes of the meeting will include a list of persons who are present at these meetings. If joining via phone, callers can expect to incur regular charges for calls they initiate over wireless lines, according to their wireless plans. 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 svillanueva@usccr.gov at least 10 business days prior to each meeting.

Members of the public are entitled to submit written comments; the comments must be received in the regional office within 30 days after the scheduled meeting. Written comments may be emailed to Ivy Davis at ero@usccr.gov; please include Indiana Committee in the subject line of the transmitting email. Persons who desire

additional information may contact the Regional Programs Coordination Unit at 1–202–539–8468.

Records generated from these meetings may be inspected and reproduced at the Regional Programs Coordination Unit Office, as they become available, both before and after each meeting. Records of the meetings will be available via the file sharing website, <https://bit.ly/47mDPeL>. 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 svillanueva@usccr.gov.

Agenda

- I. Welcoming Remarks
- II. Panel Briefing
 - Panelists’ Opening Statements
 - Discussion among Committee members and panelists in response to members’ questions
- III. Public Comments
- IV. Adjourn

Exceptional Circumstance: Pursuant to 41 CFR 102–3.150, the notice for this meeting is given fewer than 15 calendar days prior to the scheduled meetings to ensure that invited panelists are able to attend.

Dated: November 19, 2024.

David Mussatt,
Supervisory Chief, Regional Programs Unit.
 [FR Doc. 2024–27437 Filed 11–21–24; 8:45 am]

BILLING CODE P

DEPARTMENT OF COMMERCE

International Trade Administration

[A–301–803]

Citric Acid and Certain Citrate Salts From Colombia: Final Results of Antidumping Duty Administrative Review; 2022–2023

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

SUMMARY: The U.S. Department of Commerce (Commerce) determines that citric acid and certain citrate salts (citric acid) from Colombia was not sold in the United States at less than normal value during the period of review (POR), July 1, 2022, through June 30, 2023.

DATES: Applicable November 22, 2024.

FOR FURTHER INFORMATION CONTACT: Kate Fracke, AD/CVD Operations, Office III, Enforcement and Compliance, International Trade Administration, U.S. Department of Commerce, 1401 Constitution Avenue NW, Washington, DC 20230; telephone: (202) 482–3299.

SUPPLEMENTARY INFORMATION:

Background

On July 29, 2024, Commerce published the *Preliminary Results* of this review in the **Federal Register** and invited interested parties to comment on those results.¹ No interested party submitted comments on the *Preliminary Results*. Accordingly, the final results remain unchanged from the *Preliminary Results* and, thus, there is no decision memorandum accompanying this notice. On July 22, 2024, Commerce tolled certain deadlines in this administrative proceeding by seven days.² The deadline for the final results is now November 26, 2024. Commerce conducted this administrative review in accordance with section 751(a)(1)(B) of the Tariff Act of 1930, as amended (the Act).

Scope of the Order³

The merchandise covered by the scope of the *Order* includes all grades and granulation sizes of citric acid, sodium citrate, and potassium citrate in their unblended forms, whether dry or in solution, and regardless of packaging type. The scope also includes blends of citric acid, sodium citrate, and potassium citrate; as well as blends with other ingredients, such as sugar, where the unblended form(s) of citric acid, sodium citrate, and potassium citrate constitute 40 percent or more, by weight, of the blend.

The scope also includes all forms of crude calcium citrate, including dicalcium citrate monohydrate, and tricalcium citrate tetrahydrate, which are intermediate products in the production of citric acid, sodium citrate, and potassium citrate.

The scope includes the hydrous and anhydrous forms of citric acid, the dihydrate and anhydrous forms of sodium citrate, otherwise known as citric acid sodium salt, and the monohydrate and monopotassium forms of potassium citrate. Sodium citrate also includes both trisodium citrate and monosodium citrate which are also known as citric acid trisodium salt and citric acid monosodium salt, respectively.

The scope does not include calcium citrate that satisfies the standards set

¹ See *Citric Acid and Certain Citrate Salts from Colombia: Preliminary Results of Antidumping Duty Administrative Review; 2022–2023*, 89 FR 60867 (July 29, 2024) (*Preliminary Results*), and accompanying Preliminary Decision Memorandum.

² See Memorandum, “Tolling of Deadlines for Antidumping and Countervailing Duty Proceedings,” dated July 22, 2024.

³ See *Citric Acid and Certain Citrate Salts from Belgium, Colombia and Thailand: Antidumping Duty Orders*, 83 FR 35214 (July 25, 2018) (*Order*).

forth in the United States Pharmacopeia and has been mixed with a functional excipient, such as dextrose or starch, where the excipient constitutes at least 2 percent, by weight, of the product.

Citric acid and sodium citrate are classifiable under 2918.14.0000 and 2918.15.1000 of the Harmonized Tariff Schedule of the United States (HTSUS), respectively. Potassium citrate and crude calcium citrate are classifiable under 2918.15.5000 and, if included in a mixture or blend, 3824.99.9397 of the HTSUS. Blends that include citric acid, sodium citrate, and potassium citrate are classifiable under 3824.99.9397 of the HTSUS. Although the HTSUS subheadings are provided for convenience and customs purposes, the written description of the merchandise is dispositive.

Final Results of Review

Commerce determines that the following weighted-average dumping margin exists for the period July 1, 2022, through June 30, 2023:

Producer or exporter	Weighted-average dumping margin (percent)
Sucroal S.A	0.00

Disclosure

There are no new calculations to disclose in accordance with 19 CFR 351.224(b) for these final results.

Assessment Rate

Pursuant to section 751(a)(2)(A) of the Act, and 19 CFR 351.212(b)(1), Commerce shall determine, and U.S. Customs and Border Protection (CBP) shall assess, antidumping duties on all appropriate entries covered by this review. Because the respondent’s weighted-average dumping margin or importer-specific assessment rates are zero in the final results of review, we intend to instruct CBP to liquidate entries without regard to antidumping duties.⁴ The final results of this administrative review shall be the basis for the assessment of antidumping duties on entries of merchandise covered by the final results of this review and for future deposits of estimated duties, where applicable.⁵

Commerce’s “automatic assessment” will apply to entries of subject merchandise during the POR produced

by the mandatory respondent for which the company did not know that the merchandise it sold to an intermediary (e.g., a reseller, trading company, or exporter) was destined for the United States. In such instances, we will instruct CBP to liquidate unreviewed entries at the all-others rate if there is no rate for the intermediate company(ies) involved in the transaction.⁶

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

Cash Deposit Requirements

The following cash deposit requirements will be effective for all shipments of the subject merchandise entered, or withdrawn from warehouse, for consumption on or after the publication date of the final results of this administrative review, as provided by section 751(a)(2)(C) of the Act: (1) the cash deposit rates for the company identified above in the “Final Results of Review” section will be equal to the company-specific weighted-average dumping margin established in the final results of this administrative review (i.e., 0.00 percent); (2) for merchandise exported by a company not covered in this administrative review but covered in a completed prior segment of the proceeding, the cash deposit rate will continue to be the company-specific rate published for the most recently completed segment of this proceeding; (3) if the exporter is not a firm covered in this review or completed prior segment of this proceeding but the producer is, the cash deposit rate will be the company-specific rate established for the most recently-completed segment of this proceeding for the producer of the subject merchandise; and (4) the cash deposit rate for all other producers or exporters will continue to be 28.48 percent, the rate established in the investigation of this proceeding.⁷ These cash deposit requirements, when imposed, shall remain in effect until further notice.

Notification to Importers

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

Administrative Protective Order (APO)

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

Notification to Interested Parties

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

Dated: November 18, 2024.
Abdelali Elouaradia,
Deputy Assistant Secretary for Enforcement and Compliance.
[FR Doc. 2024–27449 Filed 11–21–24; 8:45 am]
BILLING CODE 3510–DS–P

DEPARTMENT OF COMMERCE
International Trade Administration
[A–570–084; C–570–085]

Certain Quartz Surface Products From the People’s Republic of China: Final Results of 2021–2023 Antidumping Duty and 2021–2022 Countervailing Duty Administrative Reviews

AGENCY: Enforcement and Compliance, International Trade Administration, Department of Commerce.
SUMMARY: The U.S. Department of Commerce (Commerce) determines that certain Malaysian exporters of certain quartz surface products (quartz surface products) continue to be ineligible to participate in the scope certification process established for the antidumping duty (AD) and countervailing duty

⁴ See *Antidumping Proceedings: Calculation of the Weighted-Average Dumping Margin and Assessment Rate in Certain Antidumping Proceedings; Final Modification*, 77 FR 8101, 8102–03 (February 14, 2012); see also 19 CFR 351.106(c)(2).
⁵ See section 751(a)(2)(C) of the Act.

⁶ See *Antidumping and Countervailing Duty Proceedings: Assessment of Antidumping Duties*, 68 FR 23954 (May 6, 2003).
⁷ See *Order*, 83 FR at 35215.

(CVD) orders on quartz surface products from the People's Republic of China (China) for all imports of quartz surface products from Malaysia. Specifically, we found that these Malaysian exporters did not demonstrate that the quartz slab used to produce their exports to the United States was sourced from a country other than China.

DATES: Applicable November 22, 2024.

FOR FURTHER INFORMATION CONTACT: Ajay Menon, AD/CVD Operations, Office IX, Enforcement and Compliance, International Trade Administration, U.S. Department of Commerce, 1401 Constitution Avenue NW, Washington, DC 20230; telephone: (202) 482-0208.

SUPPLEMENTARY INFORMATION:

Background

Commerce published the *Preliminary Results* of this administrative review on August 5, 2024.¹ For a description of the events that occurred since the *Preliminary Results*, see the Issues and Decision Memorandum.²

Scope of the Orders³

The products covered by the *Orders* are quartz surface products from China. For a complete description of the scopes of the *Orders*, see the Issues and Decision Memorandum.⁴

Analysis of Comments Received

All issues raised in interested parties' case briefs are addressed in the Issues and Decision Memorandum. A list of these issues is attached as an appendix to this notice. The Issues and Decision

Memorandum is a public document and is on file electronically via Enforcement and Compliance's Antidumping and Countervailing Duty Centralized Electronic Service System (ACCESS). ACCESS is available to registered users at <https://access.trade.gov>. In addition, a complete version of the Issues and Decision Memorandum can be accessed directly at <https://access.trade.gov/public/FRNoticesListLayout.aspx>.

Final Results

Commerce conducted these reviews in accordance with section 751 of the Tariff Act of 1930, as amended (the Act). We determine that Bada Industries, Karina Stone, Unique Stone Sdn. Bhd. (Unique Stone), and Universal Quartz have not demonstrated that the quartz slab used to produce their Malaysian exports to the United States during the periods of review was sourced from a country other than China. As a result, we find that Bada Industries, Karina Stone, Unique Stone, and Universal Quartz continue to be ineligible to participate in the certification process for quartz surface products from Malaysia.

Assessment Rates

Pursuant to section 751(a)(2)(C) of the Act and 19 CFR 351.212(b)(2), Commerce has determined, and U.S. Customs and Border Protection (CBP) shall assess, antidumping and countervailing duties on all appropriate entries covered by this review.⁵ For the period November 4, 2021, through December 31, 2022, we will instruct CBP to liquidate any entries for the exporters under review at 371.47 percent, the combination of the China-wide rate established in the AD investigation and the all-others rate established in the CVD investigation.⁶ For the period of January 1, 2023, through June 30, 2023, we will instruct CBP to liquidate any entries for the exporters under review at 326.15 percent, the China-wide rate established in the AD investigation.⁷

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

Cash Deposit Requirements—AD

Because Commerce continues to find that the Malaysian exporters subject to this review (*i.e.*, Bada Industries, Karina Stone, Unique Stone, and Universal Quartz) are ineligible to participate in the certification process, the following cash deposit instructions remain effective for all shipments of the subject merchandise from China entered, or withdrawn from warehouse, for consumption on or after the publication date of the final results of this administrative review, as provided by section 751(a)(2)(C) of the Act: (1) for the Malaysian exporters subject to this review (*i.e.*, Bada Industries, Karina Stone, Unique Stone, and Universal Quartz), the AD cash deposits continue to be equal to the current China-wide rate (*i.e.*, 326.15 percent); (2) for previously investigated or reviewed exporter of subject merchandise that have a separate rate, the cash deposit rate will continue to be the exporter's existing cash deposit rate; (3) for all Chinese exporters of subject merchandise that do not have a separate rate, the cash deposit rate will be the rate established for the China-wide entity, *i.e.*, 326.15 percent;⁸ and (4) for all exporters of subject merchandise that are not located in China and that are not eligible for a separate rate, the cash deposit rate will be the rate applicable to the Chinese exporter(s) that supplied that non-Chinese exporter. These existing cash deposit requirements shall remain in effect until further notice.

Cash Deposit Requirements—CVD

In accordance with section 751(a)(2)(C) of the Act, for the exporters subject to this review (*i.e.*, Bada Industries, Karina Stone, Unique Stone, and Universal Quartz), CBP shall continue to collect cash deposits of estimated countervailing duties for the companies subject to this review at the all-others rate (*i.e.*, 45.32 percent).⁹ For all non-reviewed firms, CBP will continue to collect cash deposits of estimated countervailing duties at the all-others rate or the most recent company-specific rate applicable to the company, as appropriate. These existing cash deposit requirements shall remain in effect until further notice.

Administrative Protective Order (APO)

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

¹ See *Certain Quartz Surface Products from the People's Republic of China: Preliminary Results of 2021–2023 Antidumping Duty and 2021–2022 Countervailing Duty Administrative Reviews*, 89 FR 63400 (August 9, 2024).

² See Memorandum, “Issues and Decision Memorandum for the Final Results of the Antidumping Duty and Countervailing Administrative Reviews of Certain Quartz Surface Products from the People's Republic of China,” dated concurrently with, and hereby adopted by, this notice (Issues and Decision Memorandum).

³ See *Certain Quartz Surface Products from the People's Republic of China: Antidumping and Countervailing Duty Orders*, 84 FR 33053 (July 11, 2019) (*Orders*).

⁴ Commerce normally does not issue administrative reviews under section 751 of the Act which cover companion AD and CVD orders in the same **Federal Register** notice because these are different segments under different proceedings. However, these reviews were conducted for the express purpose of determining if certain exporters which cannot currently participate in a certification regime established under 19 CFR 351.228 are eligible to certify as a result of these reviews and these are companion orders. Similar to scope rulings, under 19 CFR 351.225(m)(2), and circumvention inquiries, under 19 CFR 351.226(m)(2), Commerce has determined that segments conducted to address a parties' certification eligibility under 19 CFR 351.228 may be conducted in a single decision applicable to both proceedings.

⁵ See 19 CFR 351.106(c)(2).

⁶ See *Orders*, 84 FR at 33054–33055.

⁷ *Id.* at 33054.

⁸ *Id.*

⁹ *Id.*, 84 FR at 33055.

Timely written notification of the return/destruction of APO materials or conversion to judicial protective order is hereby requested. Failure to comply with the regulations and terms of an APO is a sanctionable violation.

Notification to Interested Parties

These final results are issued and published in accordance with sections 751(a)(1) and 777(i)(1) of the Act, and 19 CFR 351.221(b)(5).

Dated: November 15, 2024.

Abdelali Elouaradia,

Deputy Assistant Secretary for Enforcement and Compliance.

Appendix

List of Topics Discussed in the Issues and Decision Memorandum

- I. Summary
- II. Background
- III. Scope of the Orders
- IV. Discussion of the Issues
 - Comment 1: Whether AM Stone and Artelye Provided Sufficient Information To Establish That Their Imported Quartz Slabs Were Produced in Malaysia
 - Comment 2: Whether Commerce Applied Adverse Facts Available (AFA) to Cooperative Respondents
- V. Recommendation

[FR Doc. 2024–27362 Filed 11–21–24; 8:45 am]

BILLING CODE 3510–DS–P

DEPARTMENT OF COMMERCE

International Trade Administration

[A–570–156, C–570–157, A–588–881]

Aluminum Lithographic Printing Plates From Japan and the People's Republic of China: Antidumping Order; Aluminum Lithographic Printing Plates From the People's Republic of China: Countervailing Duty Order

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

SUMMARY: Based on affirmative final determinations by the U.S. Department of Commerce (Commerce) and the U.S. International Trade Commission (ITC), Commerce is issuing the antidumping duty (AD) orders on aluminum lithographic printing plates (printing plates) from the People's Republic of China (China) and Japan and a countervailing duty (CVD) order on printing plates from China.

DATES: Applicable November 22, 2024.

FOR FURTHER INFORMATION CONTACT:

Benito Ballesteros (AD China), Caroline Carroll (AD Japan), and Ajay Menon (CVD China), AD/CVD Operations, Office IX, Enforcement and Compliance, International Trade Administration,

U.S. Department of Commerce, 1401 Constitution Avenue NW, Washington, DC 20230; telephone: (202) 482–7435; (202) 482–4948, and (202) 482–0208, respectively.

SUPPLEMENTARY INFORMATION:

Background

In accordance with sections 705(d) and 735(d) of the Tariff Act of 1930, as amended (the Act), on September 27, 2024, Commerce published its affirmative final determinations of sales at less than fair value (LTFV) for printing plates from China and Japan,¹ and its affirmative final determination that countervailable subsidies are being provided to producers and exporters of printing plates from China.²

On November 12, 2024, pursuant to sections 705(d) and 735(d) of the Act, the ITC notified Commerce of its final affirmative determinations that an industry in the United States is materially injured by reason of dumped imports of printing plates from China and Japan, and subsidized imports of printing plates from China, within the meaning of sections 705(b)(1)(A)(i) and 735(b)(1)(A)(i) of the Act.³ On November 18, 2024, the ITC published its final determinations in the **Federal Register**.⁴ Further, the ITC determined that critical circumstances do not exist with respect to LTFV imports and subsidized imports of printing plates from China.⁵

Scope of the Orders

The products covered by these orders are printing plates from China and Japan. For a complete description of the scope of the orders, *see* the appendix to this notice.

AD Orders

On November 12, 2024, in accordance with section 735(d) of the Act, the ITC notified Commerce of its final

determinations that an industry in the United States is materially injured within the meaning of section 735(b)(1)(A)(i) of the Act by reason of imports of printing plates from China and Japan that are sold in the United States at LTFV.⁶ Therefore, in accordance with sections 735(c)(2) and 736 of the Act, Commerce is issuing these AD orders. Because the ITC determined that imports of printing plates from China and Japan are materially injuring a U.S. industry, unliquidated entries of such merchandise from China and Japan, entered or withdrawn from warehouse for consumption, are subject to the assessment of antidumping duties.

Therefore, in accordance with section 736(a)(1) of the Act, Commerce will direct U.S. Customs and Border Protection (CBP) to assess, upon further instruction by Commerce, antidumping duties equal to the amount by which the normal value of the merchandise exceeds the export price (or constructed export price) of the merchandise on all relevant entries of printing plates from China and Japan. Antidumping duties will be assessed on unliquidated entries of printing plates entered, or withdrawn from warehouse, for consumption on or after May 1, 2024, the date of publication of the *LTFV Preliminary Determinations*,⁷ but will not include entries occurring after the expiration of the provisional measures period and before publication of the ITC's final injury determination, as further described below.

Critical Circumstances—AD China

With respect to the ITC's negative critical circumstances determination on imports of printing plates from China, we will instruct CBP to lift suspension and to refund any cash deposits made to secure the payment of estimated antidumping duties with respect to entries of the subject merchandise from China entered, or withdrawn from warehouse, for consumption on or after February 1, 2024 (*i.e.*, 90 days prior to the date of the publication of the *China LTFV Preliminary Determination*), but before May 1, 2024 (*i.e.*, the date of

⁶ See ITC Notification Letter.

¹ See *Aluminum Lithographic Printing Plates from the People's Republic of China: Final Affirmative Determination of Sales at Less-Than-Fair-Value and Final Affirmative Determination of Critical Circumstances*, 89 FR 79256 (September 27, 2024) (*China Final LTFV Determination*); and *Aluminum Lithographic Printing Plates from Japan: Final Affirmative Determination of Sales at Less-Than-Fair-Value*, 89 FR 79250 (September 27, 2024).

² See *Aluminum Lithographic Printing Plates from the People's Republic of China: Final Affirmative Countervailing Duty Determination and Final Affirmative Determination of Critical Circumstances*, 89 FR 79248 (September 27, 2024).

³ See ITC's Letter, "Notification of ITC Final Determination," dated November 12, 2024 (ITC Notification Letter).

⁴ See *Aluminum Lithographic Printing Plates from China and Japan: Determinations* 89 FR 90737 (November 18, 2024).

⁵ *Id.*

⁷ See *Aluminum Lithographic Printing Plates from the People's Republic of China: Preliminary Affirmative Determination of Sales at Less Than Fair Value, Preliminary Affirmative Determination of Critical Circumstances, and Postponement of Final Determination and Extension of Provisional Measures*, 89 FR 35062 (May 1, 2024) (*China LTFV Preliminary Determination*); and *Aluminum Lithographic Printing Plates from Japan: Preliminary Affirmative Determination of Sales at Less Than Fair Value, Postponement of Final Determination, and Extension of Provisional Measures*, 89 FR 35065 (May 1, 2024) (collectively, *LTFV Preliminary Determinations*).

publication of the *China LTFV Preliminary Determination*).

Continuation of Suspension of Liquidation and Cash Deposits—AD

Except as noted in the “Provisional Measures—AD” section of this notice, Commerce intends to instruct CBP to continue to suspend liquidation on all relevant entries of printing plates from China and Japan, in accordance with

section 736 of the Act. These instructions suspending liquidations will remain in effect until further notice.

Commerce also intends to instruct CBP to require cash deposits equal to the estimated weighted-average dumping margins indicated in the tables below, adjusted by the relevant export subsidy offsets. Accordingly, effective on the date of publication in the **Federal Register** of the notice of the ITC’s final

affirmative injury determination, CBP must require, at the same time as importers would normally deposit estimated customs duties on subject merchandise, a cash deposit equal to the rates listed in the tables below.

Estimated Weighted-Average Dumping Margins

The estimated weighted-average dumping margins are as follows:

CHINA

Exporter	Producer	Weighted-average dumping margin (percent)	Cash deposit rate (adjusted for subsidy offsets) (percent) ⁸
Fujifilm Printing Plate (China) Co., Ltd	Fujifilm Printing Plate (China) Co., Ltd	115.85	115.84
China-wide Entity .....	.....	317.44	317.43

JAPAN

Exporter/producer	Weighted-average dumping margin (percent)
Fujifilm Corporation; Fujifilm Shizuoka Co., Ltd	91.83
Miraclon Corporation Ltd	160.11
All Others	91.83

Provisional Measures—AD

Section 733(d) of the Act states that suspension of liquidation pursuant to an affirmative preliminary determination may not remain in effect for more than four months, except where exporters representing a significant proportion of exports of the subject merchandise request that Commerce extend the four-month period to no more than six months. At the request of exporters that accounted for a significant proportion of exports of printing plates from China and Japan, Commerce extended the four-month period to no more than six months.⁹ In the underlying investigations, Commerce published the *LTFV Preliminary Determinations* on May 1, 2024. Therefore, the six-month period beginning on the date of the publication of the *LTFV Preliminary Determinations* ended on October 27, 2024. Pursuant to section 737(b) of the Act, the collection of cash deposits at the rates listed above will begin on the date of publication of the ITC’s final injury determination. Therefore, in accordance with section 736(a)(1) of the Act and our practice, Commerce will instruct CBP to terminate the

suspension of liquidation and to liquidate, without regard to antidumping duties, unliquidated entries of printing plates from China and Japan entered, or withdrawn from warehouse, for consumption on or after October 28, 2024, the first day provisional measures were no longer in effect, until and through the day preceding the date of publication of the ITC’s final injury determination in the **Federal Register**. Suspension of liquidation and the collection of cash deposits will resume on the date of publication of the ITC’s final determination in the **Federal Register**.

CVD Order

As stated above, based on the above-referenced affirmative final determination by the ITC that an industry in the United States is materially injured within the meaning of section 705(b)(1)(A)(i) of the Act by reason of subsidized imports of printing plates from China,¹⁰ in accordance with section 705(c)(2) of the Act, Commerce is issuing this CVD order. Moreover, because the ITC determined that imports of printing plates from China are materially injuring a U.S. industry,

unliquidated entries of subject merchandise from China entered, or withdrawn from warehouse, for consumption, are subject to the assessment of countervailing duties.

Therefore, in accordance with section 706(a) of the Act, Commerce intends to direct CBP to assess, upon further instructions by Commerce, countervailing duties on all relevant entries of printing plates from China, which are entered, or withdrawn from warehouse, for consumption on or after March 1, 2024, the date of publication of the *China CVD Preliminary Determination*, but will not include entries occurring after the expiration of the provisional measures period and before the publication of the ITC’s final injury determination under section 705(b) of the Act, as further described in the “Provisional Measures—CVD” section of this notice.¹¹

Critical Circumstances—CVD

With respect to the ITC’s negative critical circumstances determination on imports of printing plates from China, we will instruct CBP to lift suspension and to refund any cash deposits made to secure the payment of estimated

⁸ See *China Final LTFV Determination*, 89 FR 79257.

⁹ See *LTFV Preliminary Determinations*.

¹⁰ See ITC Notification Letter.

¹¹ See *Aluminum Lithographic Printing Plates from the People’s Republic of China: Preliminary Affirmative Countervailing Duty Determination*, and

Alignment of Final Determination with Final Antidumping Duty Determination, 89 FR 15134 (March 1, 2024) (*China CVD Preliminary Determination*).

countervailing duties with respect to entries of the subject merchandise from China entered, or withdrawn from warehouse, for consumption on or after December 2, 2023 (*i.e.*, 90 days prior to the date of the publication of the *China CVD Preliminary Determination*), but before March 1, 2024 (*i.e.*, the date of publication of the *China CVD Preliminary Determination*).

Suspension of Liquidation and Cash Deposits—CVD

In accordance with section 706 of the Act, Commerce intends to instruct CBP

to reinstitute the suspension of liquidation of printing plates from China, effective on the date of publication of the ITC’s final affirmative injury determination in the **Federal Register**, and to assess, upon further instruction by Commerce, pursuant to section 706(a)(1) of the Act, countervailing duties on each entry of subject merchandise in an amount based on the net countervailable subsidy rates below. On or after the date of publication of the ITC’s final injury determination in the **Federal Register**, CBP must require, at the same time as

importers would normally deposit estimated customs duties on this merchandise, a cash deposit equal to the rates listed in the table below. These instructions suspending liquidation will remain in effect until further notice. The all-others rate applies to all producers or exporters not specifically listed below, as appropriate.

Estimated Countervailing Duty Subsidy Rates

The estimated countervailing duty subsidy rates are as follows:

Company	Subsidy rate (percent ad valorem)
Fujifilm Printing Plate (China) Co., Ltd. ¹²	35.66
Shanghai National Ink Co. Ltd	229.54
All Others	35.66

Provisional Measures—CVD

Section 703(d) of the Act states that the suspension of liquidation pursuant to an affirmative preliminary determination may not remain in effect for more than four months. Commerce published the *China CVD Preliminary Determination* on March 1, 2024.¹³ As such, the four-month period beginning on the date of the publication of the *China CVD Preliminary Determination* ended on June 28, 2024.

Therefore, in accordance with section 703(d) of the Act, we instructed CBP to terminate the suspension of liquidation and to liquidate, without regard to countervailing duties, unliquidated entries of printing plates from China or withdrawn from warehouse, for consumption, on or after June 29, 2024, the date on which the provisional measures expired, until and through the day preceding the date of publication of the ITC’s final injury determination in the **Federal Register**. Suspension of liquidation and the collection of cash deposits will resume on the date of publication of the ITC’s final determination in the **Federal Register**.

Establishment of the Annual Inquiry Service Lists

On September 20, 2021, Commerce published the *Final Rule* in the **Federal Register**.¹⁴ On September 27, 2021, Commerce also published the

Procedural Guidance in the **Federal Register**.¹⁵ The *Final Rule* and *Procedural Guidance* provide that Commerce will maintain an annual inquiry service list for each order or suspended investigation, and any interested party submitting a scope ruling application or request for circumvention inquiry shall serve a copy of the application or request on the persons on the annual inquiry service list for that order, as well as any companion order covering the same merchandise from the same country of origin.

In accordance with the *Procedural Guidance*, for orders published in the **Federal Register** after November 4, 2021, Commerce will create an annual inquiry service list segment in Commerce’s online e-filing and document management system, Antidumping and Countervailing Duty Electronic Service System (ACCESS), available at <https://access.trade.gov>, within five business days of publication of the notice of the order. Each annual inquiry service list will be saved in ACCESS, under each case number, and under a specific segment type called “AISL-Annual Inquiry Service List.”¹⁶

¹⁵ See Scope Ruling Application; Annual Inquiry Service List; and Informational Sessions, 86 FR 53205 (September 27, 2021) (Procedural Guidance).

¹⁶ This segment will be combined with the ACCESS Segment Specific Information (SSI) field which will display the month in which the notice of the order or suspended investigation was published in the **Federal Register**, also known as the anniversary month. For example, for an order under case number A–000–000 that was published in the **Federal Register** in January, the relevant segment and SSI combination will appear in ACCESS as “AISL-January Anniversary.” Note that there will be only one annual inquiry service list

Interested parties who wish to be added to the annual inquiry service list for an order must submit an entry of appearance to the annual inquiry service list segment for the order in ACCESS within 30 days after the date of publication of the order. For ease of administration, Commerce requests that law firms with more than one attorney representing interested parties in an order designate a lead attorney to be included on the annual inquiry service list. Commerce will finalize the annual inquiry service list within five business days thereafter. As mentioned in the *Procedural Guidance*,¹⁷ the new annual inquiry service list will be in place until the following year, when the *Opportunity Notice* for the anniversary month of the order is published.

Commerce may update an annual inquiry service list at any time as needed based on interested parties’ amendments to their entries of appearance to remove or otherwise modify their list of members and representatives, or to update contact information. Any changes or announcements pertaining to these procedures will be posted to the ACCESS website at <https://access.trade.gov>.

Special Instructions for Petitioner and Foreign Governments

In the *Final Rule*, Commerce stated that, “after an initial request and placement on the annual inquiry service list, both petitioners and foreign governments will automatically be placed on the annual inquiry service list

¹² Commerce has found the following company to be cross-owned with Fujifilm Printing Plate (China) Co., Ltd.: Fujifilm (China) Investment Co., Ltd.

¹³ See *China CVD Preliminary Determination*.

¹⁴ See *Regulations to Improve Administration and Enforcement of Antidumping and Countervailing Duty Laws*, 86 FR 52300 (September 20, 2021) (*Final Rule*).

segment per case number, and the anniversary month will be pre-populated in ACCESS.

¹⁷ See *Procedural Guidance*, 86 FR 53206.

in the years that follow.”¹⁸ Accordingly, as stated above, the petitioner and the Governments of China and Japan should submit their initial entries of appearance after publication of this notice in order to appear in the first annual inquiry service lists for these orders. Pursuant to 19 CFR 351.225(n)(3), the petitioner and the Governments of China and Japan will not need to resubmit their entries of appearance each year to continue to be included on the annual inquiry service list. However, the petitioner and the Governments of China and Japan are responsible for making amendments to their entries of appearance during the annual update to the annual inquiry service list in accordance with the procedures described above.

Notification to Interested Parties

This notice constitutes the AD orders with respect to printing plates from China and Japan and the CVD order with respect to printing plates from China, pursuant to sections 706(a) and 736(a) of the Act. Interested parties can find a list of AD and CVD orders currently in effect at <https://www.trade.gov/datavisualization/adcvd-proceedings>.

These orders are issued and published in accordance with sections 706(a) and 736(a) of the Act and 19 CFR 351.211(b).

Dated: November 18, 2024.

Abdelali Elouaradia,

Deputy Assistant Secretary for Enforcement and Compliance.

Appendix

Scope of the Orders

The merchandise covered by these orders are aluminum lithographic printing plates. Aluminum lithographic printing plates consist of a flat substrate containing at least 90 percent aluminum. The aluminum-containing substrate is generally treated using a mechanical, electrochemical, or chemical graining process, which is followed by one or more anodizing treatments that form a hydrophilic layer on the aluminum-containing substrate. An image-recording, oleophilic layer that is sensitive to light, including but not limited to ultra-violet, visible, or infrared, is dispersed in a polymeric binder material that is applied on top of the hydrophilic layer, generally on one side of the aluminum lithographic printing plate. The oleophilic light-sensitive layer is capable of capturing an image that is transferred onto the plate by either light or heat. The image applied to an aluminum lithographic printing plate facilitates the production of newspapers, magazines, books, yearbooks, coupons, packaging, and other printed materials through an offset printing process, where an aluminum lithographic printing plate facilitates the transfer of an

image onto the printed media. Aluminum lithographic printing plates within the scope of these orders include all aluminum lithographic printing plates, irrespective of the dimensions or thickness of the underlying aluminum substrate, whether the plate requires processing after an image is applied to the plate, whether the plate is ready to be mounted to a press and used in printing operations immediately after an image is applied to the plate, or whether the plate has been exposed to light or heat to create an image on the plate or remains unexposed and is free of any image.

Subject merchandise also includes aluminum lithographic printing plates produced from an aluminum sheet coil that has been coated with a light-sensitive image-recording layer in a subject country and that is subsequently unwound and cut to the final dimensions to produce a finished plate in a third country (including the United States), or exposed to light or heat to create an image on the plate in a third country (including in a foreign trade zone within the United States).

Excluded from the scope of these orders are lithographic printing plates manufactured using a substrate produced from a material other than aluminum, such as rubber or plastic.

Aluminum lithographic printing plates are currently classifiable under Harmonized Tariff Schedule of the United States (HTSUS) subheadings 3701.30.0000 and 3701.99.6060. Further, merchandise that falls within the scope of these orders may also be entered into the United States under HTSUS subheadings 3701.99.3000 and 8442.50.1000. Although the HTSUS subheadings are provided for convenience and customs purposes, the written description of the scope of these orders is dispositive.

[FR Doc. 2024–27426 Filed 11–21–24; 8:45 am]

BILLING CODE 3510–DS–P

DEPARTMENT OF COMMERCE

National Oceanic and Atmospheric Administration

[RTID 0648–XE193]

Takes of Marine Mammals Incidental to Specified Activities; Taking Marine Mammals Incidental to Gary Paxton Industrial Park Vessel Haulout Project in Sitka, Alaska

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

ACTION: Notice; issuance of an incidental harassment authorization.

SUMMARY: In accordance with the regulations implementing the Marine Mammal Protection Act (MMPA) as amended, notification is hereby given that NMFS has issued an incidental harassment authorization (IHA) to City and Borough of Sitka (CBS) to

incidentally harass marine mammals during construction activities associated with Gary Paxton Industrial Park Vessel Haulout Project in Sawmill Cove in Sitka, Alaska.

DATES: This authorization is effective one year from the date of issuance.

ADDRESSES: Electronic copies of the application and supporting documents, as well as a list of the references cited in this document, may be obtained online at: <https://www.fisheries.noaa.gov/national/marine-mammal-protection/incidental-take-authorizations-construction-activities>. In case of problems accessing these documents, please call the contact listed below.

FOR FURTHER INFORMATION CONTACT: Kate Fleming, Office of Protected Resources (OPR), NMFS, (301) 427–8401.

SUPPLEMENTARY INFORMATION:

Background

The MMPA prohibits the “take” of marine mammals, with certain exceptions. Sections 101(a)(5)(A) and (D) of the MMPA (16 U.S.C. 1361 *et seq.*) direct the Secretary of Commerce (as delegated to NMFS) to allow, upon request, the incidental, but not intentional, taking of small numbers of marine mammals by U.S. citizens who engage in a specified activity (other than commercial fishing) within a specified geographical region if certain findings are made and either regulations are proposed or, if the taking is limited to harassment, a notice of a proposed IHA is provided to the public for review.

Authorization for incidental takings shall be granted if NMFS finds that the taking will have a negligible impact on the species or stock(s) and will not have an unmitigable adverse impact on the availability of the species or stock(s) for taking for subsistence uses (where relevant). Further, NMFS must prescribe the permissible methods of taking and other “means of effecting the least practicable adverse impact” on the affected species or stocks and their habitat, paying particular attention to rookeries, mating grounds, and areas of similar significance, and on the availability of the species or stocks for taking for certain subsistence uses (referred to in shorthand as “mitigation”); and requirements pertaining to the mitigation, monitoring and reporting of the takings are set forth. The definitions of all applicable MMPA statutory terms cited above are included in the relevant sections below.

Summary of Request

On January 18, 2024, NMFS received a request from CBS for an IHA to take

¹⁸ See *Final Rule*, 86 FR 52335.

marine mammals incidental to construction associated with the Gary Paxton Industrial Park Vessel Haulout Project in Sawmill Cove in Sitka, Alaska. Following NMFS' review of the application, CBS submitted a revised version on March 20, 2024, and another on April 27, 2024. The application was deemed adequate and complete on May 20, 2024. CBS's request is for take of nine species of marine mammals by Level B harassment and, for a subset of those species, by Level A harassment. Neither CBS nor NMFS expect serious injury or mortality to result from this activity and, therefore, an IHA is appropriate.

NMFS previously issued an IHA to CBS for similar work (82 FR 47717, October 13, 2017). CBS complied with all the requirements (e.g., mitigation, monitoring, and reporting) of the previous IHA, and information regarding their monitoring results may be found in the Potential Effects of Specified Activities on Marine Mammals and Their Habitat section.

This IHA covers one year of a larger project; CBS intends to request a future take authorization for subsequent facets of the project. In year 1, construction of the following elements are planned: 150-ton capacity vessel haulout piers, expanded uplands including stormwater collection and treatment, and a vessel washdown pad. The larger multi-year project involves construction of a queuing float, approach dock and gangway, a pile-supported deck area, vessel haulout ramp, an uplands shipyard, and pile anodes. While not planned to be constructed as part of this project, CBS's goal is to eventually construct additional haulout piers to accommodate removal of vessels up to 300 tons.

Description of Specified Activity

Overview

The CBS is constructing a vessel haulout facility at Gary Paxton Industrial Park in Sawmill Cove in Sitka, Alaska. Across 62 construction days across a 1-year period, CBS plans to vibratory and impact install 36-in steel haulout pier support piles (both vertical and battered), vibratory install 24-in steel fender piles, and vibratory install and remove 24-in steel temporary template pipe piles. These methods of pile driving would introduce underwater sounds that may result in take, by Level A and Level B harassment, of marine mammals.

A detailed description of the planned construction project is provided in the **Federal Register** notice for the proposed IHA (89 FR 56317, July 9, 2024). Since

that time, no changes have been made to the planned activities. Therefore, a detailed description is not provided here. Please refer to the **Federal Register** notice for the description of the specific activity.

Comments and Responses

A notice of NMFS' proposal to issue an IHA to CBS was published in the **Federal Register** on July 9, 2024 (89 FR 56317). That notice described, in detail, CBS's activity, the marine mammal species that may be affected by the activity, and the anticipated effects on marine mammals. In that notice, we requested public input on the request for authorization described therein, our analyses, the proposed authorization, and any other aspect of the notice of proposed IHA, and requested that interested persons submit relevant information, suggestions, and comments. During the 30-day public comment period, NMFS did not receive any substantive public comments.

Changes From the Proposed IHA to Final IHA

On May 3, 2024, NMFS published (89 FR 36762) and solicited public comment on its draft updated Technical Guidance for Assessing the Effects of Anthropogenic Sound on Marine Mammal Hearing Underwater and In-Air Criteria for Onset of Auditory Injury and Temporary Threshold Shifts (Version 3.0) (2024 Technical Guidance), which includes updated thresholds and weighting functions to inform auditory injury (AUD INJ) estimates. The public comment period ended on June 17th, 2024, and the 2024 Technical Guidance was finalized on October 24, 2024. The 2024 Technical Guidance represents the best available science and has been incorporated into the analysis in this final IHA. The relevant updated hearing group names, thresholds, and weighting functions may be found in the executive summary of the 2024 Technical Guidance. The resultant updated isopleths for this project are presented in table 9 of the Estimated Take of Marine Mammals section. There were no substantive changes to Level A harassment isopleths for low frequency cetaceans (they increased slightly during vibratory activities and decreased slightly during impact pile driving). However, for high-frequency cetaceans (categorized as mid-frequency cetaceans prior to application of the 2024 Technical Guidance), phocids, and otariids, Level A harassment isopleths increased substantially during all pile driving activities. Additionally, for very high frequency cetaceans (categorized as high

frequency cetaceans prior to application of the 2024 Technical Guidance), Level A harassment isopleths decreased slightly during vibratory activities and substantially during impact pile driving.

Necessary modifications to mitigation zones are presented in table 12 in the Mitigation section. In cases where the Level A harassment zones were smaller, the mitigation zones were not adjusted. In cases where the Level A harassment zones were larger, the mitigation zones were increased to either meet the Level A harassment isopleth, or to whatever distance was established after consideration of practicability and observability.

For all species, the total number of takes proposed for authorization is equal to the total number of takes authorized by Level A and Level B harassment; for some species, estimates of take by Level A harassment were updated based on the analysis under the 2024 Updated Technical Guidance. Updated take numbers are presented in table 10.

Specifically, species with increased take by Level A harassment include Pacific white-sided dolphin (*Lagenorhynchus obliquidens*), harbor porpoise (*Phocoena phocoena*), Steller sea lion (*Eumetopias jubatus*), California sea lion (*Zalophus californianus*), Northern fur seal (*Callorhinus ursinus*), and harbor seal (*Phoca vitulina*). Take by Level A harassment increased from 5 from 6 for harbor porpoise, 89 to 240 Steller sea lion (88 to 237 Eastern Distinct Population Segment (DPS); 1 to 3 Western DPS), and 34 to 53 for harbor seal. For Pacific white-sided dolphin, California sea lion, and Northern fur seal, no take by Level A harassment was proposed for authorization; however, based on our re-analysis under the 2024 Technical Guidance, we have authorized up to 4 takes by Level A harassment for Pacific white-sided dolphin. For both California sea lion and Northern fur seal, three takes by either Level A or Level B harassment have been authorized. The negligible impact analyses has been updated to consider the increases to take by Level A harassment for Pacific white-sided dolphin, harbor porpoise, Steller sea lion, California sea lion, Northern fur seal, and harbor seal.

NMFS also corrected a number of typographical errors. In table 6 of the proposed IHA **Federal Register** notice (89 FR 56317, July 9, 2024), the total number of 24-inch (-in) steel piles to be vibratory installed and removed via vibratory installation was erroneously listed as 2 instead of 4 (permanent piles) and 2 instead of 8 (template piles).

Additionally, the total number of 36-in steel piles to be installed via impact pile driving was erroneously listed as 4 instead of 2 (support piles) and 8 instead of 2 (batter piles). These values have been corrected in table 5 of this notice. There are no changes to Level A and Level B isopleths or associated take estimates or mitigation measures associated with these typographical corrections.

Next, in table 8 of the proposed IHA Federal Register notice (89 FR 56317, July 9, 2024), the proposed take as a percentage of stock was incorrectly reported as <1 instead of 2.2 for the Hawai'i stock of humpback whale and as 14.2 instead of 2.3 for the Eastern North Pacific Stock of killer whale. These errors have been corrected in table 10 and do not affect the small numbers of negligible impact analysis and determination.

Finally, in the small numbers section of the proposed IHA Federal Register notice (89 FR 56317, July 9, 2024), the harbor porpoise take estimates proposed for authorization were erroneously listed as 16 takes by Level B harassment and 6 takes by Level A harassment instead of 17 takes by Level B harassment and 5 takes by Level A

harassment. Take estimates were correctly listed elsewhere in the notice.

Description of Marine Mammals in the Area of Specified Activities

Sections 3 and 4 of CBS's application summarize available information regarding status and trends, distribution and habitat preferences, and behavior and life history of the potentially affected species. NMFS fully considered all of this information, and we refer the reader to these descriptions, instead of reprinting the information. Additional information regarding population trends and threats may be found in NMFS' Stock Assessment Reports (SARs; <https://www.fisheries.noaa.gov/national/marine-mammal-protection/marine-mammal-stock-assessments>) and more general information about these species (e.g., physical and behavioral descriptions) may be found on NMFS' website (<https://www.fisheries.noaa.gov/find-species>).

Table 1 lists all species or stocks for which take is expected and authorized for this activity and summarizes information related to the population or stock, including regulatory status under the MMPA and Endangered Species Act (ESA) and potential biological removal (PBR), where known. PBR is defined by the MMPA as the maximum number of

animals, not including natural mortalities, that may be removed from a marine mammal stock while allowing that stock to reach or maintain its optimum sustainable population (as described in NMFS' SARs). While no serious injury or mortality is anticipated or authorized here, PBR and annual serious injury and mortality from anthropogenic sources are included here as gross indicators of the status of the species or stocks and other threats.

Marine mammal abundance estimates presented in this document represent the total number of individuals that make up a given stock or the total number estimated within a particular study or survey area. NMFS' stock abundance estimates for most species represent the total estimate of individuals within the geographic area, if known, that comprises that stock. For some species, this geographic area may extend beyond U.S. waters. All managed stocks in this region are assessed in NMFS' U.S. Alaska and Pacific SARs. All values presented in table 1 are the most recent available at the time of publication (including from the draft 2023 SARs) and are available online at: <https://www.fisheries.noaa.gov/national/marine-mammal-protection/marine-mammal-stock-assessments>.

TABLE 1—MARINE MAMMAL SPECIES¹ LIKELY TO OCCUR NEAR THE PROJECT AREA THAT MAY BE TAKEN BY CBS'S ACTIVITIES

Common name	Scientific name	Stock	ESA/ MMPA status; strategic (Y/N) ²	Stock abundance (CV, N_{min} , most recent abundance survey) ³	PBR	Annual M/S ^{1 4}
Order Artiodactyla—Cetacea—Mysticeti (baleen whales)						
<i>Family Eschrichtiidae:</i> Gray Whale	<i>Eschrichtius robustus</i>	Eastern N Pacific	- , -, N	26,960 (0.05, 25,849, 2016) ..	801	131
<i>Family Balaenopteridae</i> (rorquals): Humpback Whale	<i>Megaptera novaeangliae</i>	Hawai'i	- , -, N	11,278 (0.56, 7,265, 2020)	127	27.09
		Mexico-North Pacific	T, D, Y	N/A (N/A, N/A, 2006) ⁵	UND	0.57
<i>Family Delphinidae:</i> Killer Whale	<i>Orcinus orca</i>	Eastern North Pacific Alaska Resident.	- , -, N	1,920 (N/A, 1,920, 2019) ⁶	19	1.3
		Eastern North Pacific Gulf of Alaska, Aleutian Islands and Bering Sea Transient.	- , -, N	587 (N/A, 587, 2012) ⁶	5.9	0.8
		Eastern Northern Pacific Northern Resident.	- , -, N	302 (N/A, 302, 2018) ⁶	2.2	0.2
		West Coast Transient	- , -, N	349 (N/A, 349, 2018) ⁶	3.5	0.4
Pacific White-Sided Dol- phin.	<i>Lagenorhynchus obliquidens</i>	N Pacific	- , -, N	26,880 (N/A, N/A, 1990)	UND	0
<i>Family Phocoenidae (por- poises):</i> Harbor Porpoise	<i>Phocoena phocoena</i>	Yakutat/Southeast Alaska Off- shore Waters.	- , -, N	N/A (N/A, N/A, 1997) ⁷	UND	22.2
Order Carnivora—Pinnipedia						
<i>Family Otariidae (eared seals and sea lions):</i> CA Sea Lion	<i>Zalophus californianus</i>	U.S.	- , -, N	257,606 (N/A, 233,515, 2014)	14,011	>321
Northern Fur Seal	<i>Callorhinus ursinus</i>	Eastern Pacific	- , D, Y	626,618 (0.2, 530,376, 2019)	11,403	373
Steller Sea Lion	<i>Eumetopias jubatus</i>	Western	E, D, Y	49,837 (N/A, 49,837, 2022) ⁸	299	267
		Eastern	- , -, N	36,308 (N/A, 36,308, 2022) ⁹	2,178	93.2
<i>Family Phocidae (earless seals):</i>						

TABLE 1—MARINE MAMMAL SPECIES¹ LIKELY TO OCCUR NEAR THE PROJECT AREA THAT MAY BE TAKEN BY CBS'S ACTIVITIES—Continued

Common name	Scientific name	Stock	ESA/ MMPA status; strategic (Y/N) ²	Stock abundance (CV, N_{min} , most recent abundance survey) ³	PBR	Annual M/SI ⁴
Harbor Seal	<i>Phoca vitulina</i>	Sitka/Chatham Strait	-, -, N	13,289 (N/A, 11,883, 2015) ...	356	77

¹ Information on the classification of marine mammal species can be found on the web page for The Society for Marine Mammalogy's Committee on Taxonomy (<https://marinemammalscience.org/science-and-publications/list-marine-mammal-species-subspecies>; Committee on Taxonomy, 2022).

² ESA status: Endangered (E), Threatened (T)/MMPA status: Depleted (D). A dash (-) indicates that the species is not listed under the ESA or designated as depleted under the MMPA. Under the MMPA, a strategic stock is one for which the level of direct human-caused mortality exceeds PBR or which is determined to be declining and likely to be listed under the ESA within the foreseeable future. Any species or stock listed under the ESA is automatically designated under the MMPA as depleted and as a strategic stock.

³ NMFS marine mammal SARs online at: <https://www.fisheries.noaa.gov/national/marine-mammal-protection/marine-mammal-stock-assessment-reports-region>. CV is coefficient of variation; N_{min} is the minimum estimate of stock abundance. In some cases, CV is not applicable [explain if this is the case]

⁴ These values, found in NMFS's SARs, represent annual levels of human-caused mortality plus serious injury from all sources combined (e.g., commercial fisheries, ship strike). Annual M/SI often cannot be determined precisely and is in some cases presented as a minimum value or range. A CV associated with estimated mortality due to commercial fisheries is presented in some cases.

⁵ Abundance estimates are based upon data collected more than 8 years ago and, therefore, current estimates are considered unknown.

⁶ N_{est} is based upon counts of individuals identified from photo-ID catalogs.

⁷ New stock split from Southeast Alaska stock.

⁸ N_{est} is best estimate of counts, which have not been corrected for animals at sea during abundance surveys. Estimates provided are for the United States only. The overall N_{min} is 73,211 and overall PBR is 439.

⁹ N_{est} is best estimate of counts, which have not been corrected for animals at sea during abundance surveys. Estimates provided are for the United States only.

A detailed description of the species likely to be affected by CBS's GPIP vessel haulout project, including brief introductions to the species and relevant stocks as well as available information regarding population trends and threats, and information regarding local occurrence, were provided in the **Federal Register** notice for the proposed IHA (89 FR 56317; July 9, 2024); since that time, we are not aware of any changes in the status of these species and stocks; therefore, detailed descriptions are not provided here. Please refer to that **Federal Register** notice for these descriptions. Please also refer to NMFS' website (<https://www.fisheries.noaa.gov/find-species>) for generalized species accounts.

Marine Mammal Hearing

Hearing is the most important sensory modality for marine mammals underwater, and exposure to anthropogenic sound can have

deleterious effects. To appropriately assess the potential effects of exposure to sound, it is necessary to understand the frequency ranges marine mammals are able to hear. Not all marine mammal species have equal hearing capabilities (e.g., Richardson *et al.*, 1995; Wartzok and Ketten, 1999; Au and Hastings, 2008). To reflect this, Southall *et al.* (2007, 2019) recommended that marine mammals be divided into hearing groups based on directly measured (behavioral or auditory evoked potential techniques) or estimated hearing ranges (behavioral response data, anatomical modeling, *etc.*). Subsequently, NMFS (2018, 2024) described generalized hearing ranges for these marine mammal hearing groups. Generalized hearing ranges were chosen based on the approximately 65-decibel (dB) threshold from the normalized composite audiograms, with the exception for lower limits for low-frequency cetaceans where the lower bound was deemed to

be biologically implausible and the lower bound from Southall *et al.* (2007) retained. Note that between the proposed FRN (89 FR 56317, July 9, 2024) and the issuance of the final IHA, NMFS' 2024 Technical Guidance was finalized (89 FR 84872, 24 October 2024) and has been incorporated into this analysis. The marine mammal hearing groups and their associated hearing ranges included in the proposed FRN (89 FR 56317, July 9, 2024) are provided in table 2. The re-named marine mammal hearing groups that have been incorporated into this final IHA are presented in table 3. The references, analysis, and methodology used in the development of the thresholds are described in the 2024 Technical Guidance, which may be accessed at: <https://www.fisheries.noaa.gov/national/marine-mammal-protection/marine-mammal-acoustic-technical-guidance>.

TABLE 2—MARINE MAMMAL HEARING GROUPS [NMFS, 2018]

Hearing group	Generalized hearing range*
Low-frequency (LF) cetaceans (baleen whales)	7 Hz to 35 kHz.
Mid-frequency (MF) cetaceans (dolphins, toothed whales, beaked whales, bottlenose whales)	150 Hz to 160 kHz.
High-frequency (HF) cetaceans (true porpoises, <i>Kogia</i> , river dolphins, Cephalorhynchids, <i>Lagenorhynchus cruciger</i> & <i>L. australis</i>).	275 Hz to 160 kHz.
Phocid pinnipeds (PW) (underwater) (true seals)	50 Hz to 86 kHz.
Otariid pinnipeds (OW) (underwater) (sea lions and fur seals)	60 Hz to 39 kHz.

* Represents the generalized hearing range for the entire group as a composite (*i.e.*, all species within the group), where individual species' hearing ranges are typically not as broad. Generalized hearing range chosen based on ~65-dB threshold from normalized composite audiogram, with the exception for lower limits for LF cetaceans (Southall *et al.*, 2007) and PW pinniped (approximation).

TABLE 3—MARINE MAMMAL HEARING GROUPS
[NMFS 2024]

Hearing group	Generalized hearing range *
Low-frequency (LF) cetaceans (baleen whales)	7 Hz to 36 kHz.
High-frequency (HF) cetaceans (dolphins, toothed whales, beaked whales, bottlenose whales)	150 Hz to 160 kHz.
Very High-frequency (VHF) cetaceans (true porpoises, <i>Kogia</i> , river dolphins, Cephalorhynchid, <i>Lagenorhynchus cruciger</i> & <i>L. australis</i>).	200 Hz to 165 kHz.
Phocid pinnipeds (PW) (underwater) (true seals)	40 Hz to 90 kHz.
Otariid pinnipeds (OW) (underwater) (sea lions and fur seals)	60 Hz to 68 kHz.

* Represents the generalized hearing range for the entire group as a composite (*i.e.*, all species within the group), where individual species' hearing ranges may not be as broad. Generalized hearing range chosen based on ~65 dB threshold from composite audiogram, previous analysis in NMFS 2018, and/or data from Southall *et al.* 2007; Southall *et al.* 2019. Additionally, animals are able to detect very loud sounds above and below that "generalized" hearing range.

For more detail concerning these groups and associated frequency ranges, please see NMFS (2024) for a review of available information.

Potential Effects of Specified Activities on Marine Mammals and Their Habitat

The effects of underwater noise from CBS's construction activities have the potential to result in the harassment of marine mammals in the vicinity of the project area. The notice of proposed IHA (89 FR 56317; July 9, 2024) included a discussion of the effects of anthropogenic noise on marine mammals and the potential effects of underwater noise from CBS's construction on marine mammals and their habitat. That information and analysis is referenced in this final IHA determination and is not repeated here; please refer to the notice of proposed IHA (89 FR 56317; July 9, 2024).

Estimated Take of Marine Mammals

This section provides an estimate of the number of incidental takes authorized through the IHA, which informed NMFS' consideration of "small numbers," the negligible impact determinations, and impacts on subsistence uses.

Harassment is the only type of take expected to result from these activities. Except with respect to certain activities not pertinent here, section 3(18) of the MMPA defines "harassment" as any act of pursuit, torment, or annoyance, which (i) has the potential to injure a marine mammal or marine mammal stock in the wild (Level A harassment); or (ii) has the potential to disturb a marine mammal or marine mammal stock in the wild by causing disruption of behavioral patterns, including, but not limited to, migration, breathing, nursing, breeding, feeding, or sheltering (Level B harassment).

Authorized takes are primarily by Level B harassment, as use of the acoustic sources (*i.e.*, pile driving) has the potential to result in disruption of

behavioral patterns for individual marine mammals. There is also some potential for AUD INJ (Level A harassment) to result, for all hearing groups because, after applying the 2024 Technical Guidance, the predicted AUD INJ zones have increased such that Protected Species Observers (PSO) may be unable to observe most of these species during impact pile driving. The mitigation and monitoring measures are expected to minimize the severity of the taking to the extent practicable.

As described previously, no serious injury or mortality is anticipated or authorized for this activity. Below we describe how the authorized take numbers are estimated.

For acoustic impacts, generally speaking, we estimate take by considering: (1) acoustic thresholds above which NMFS believes the best available science indicates marine mammals will be behaviorally harassed or incur some degree of permanent hearing impairment; (2) the area or volume of water that will be ensonified above these levels in a day; (3) the density or occurrence of marine mammals within these ensonified areas; and, (4) the number of days of activities. We note that while these factors can contribute to a basic calculation to provide an initial prediction of potential takes, additional information that can qualitatively inform take estimates is also sometimes available (*e.g.*, previous monitoring results or average group size). Below, we describe the factors considered here in more detail and present the take estimates.

Acoustic Thresholds

NMFS recommends the use of acoustic thresholds that identify the received level of underwater sound above which exposed marine mammals would be reasonably expected to be behaviorally harassed (equated to Level B harassment) or to incur AUD INJ of some degree (equated to Level A harassment).

Level B Harassment—Though significantly driven by received level, the onset of behavioral disturbance from anthropogenic noise exposure is also informed to varying degrees by other factors related to the source or exposure context (*e.g.*, frequency, predictability, duty cycle, duration of the exposure, signal-to-noise ratio, distance to the source), the environment (*e.g.*, bathymetry, other noises in the area, predators in the area), and the receiving animals (hearing, motivation, experience, demography, life stage, depth) and can be difficult to predict (*e.g.*, Southall *et al.*, 2007, 2021; Ellison *et al.*, 2012). Based on what the available science indicates and the practical need to use a threshold based on a metric that is both predictable and measurable for most activities, NMFS typically uses a generalized acoustic threshold based on received level to estimate the onset of behavioral harassment. NMFS generally predicts that marine mammals are likely to be behaviorally harassed in a manner considered to be Level B harassment when exposed to underwater anthropogenic noise above root-mean-squared pressure received levels (RMS SPL) of 120 dB (referenced to 1 micropascal (re 1 μ Pa)) for continuous (*e.g.*, vibratory pile driving, drilling) and above RMS SPL 160 dB re 1 μ Pa for non-explosive impulsive (*e.g.*, seismic airguns) or intermittent (*e.g.*, scientific sonar) sources. Generally speaking, Level B harassment take estimates based on these behavioral harassment thresholds are expected to include any likely takes by temporary threshold shift (TTS) as, in most cases, the likelihood of TTS occurs at distances from the source less than those at which behavioral harassment is likely. TTS of a sufficient degree can manifest as behavioral harassment, as reduced hearing sensitivity and the potential reduced opportunities to detect important signals (conspecific

communication, predators, prey) may result in changes in behavior patterns that would not otherwise occur.

CBS's activity includes the use of continuous (vibratory pile driving) and impulsive (impact pile driving) sources, and therefore the RMS SPL thresholds of 120 and 160 dB re 1 μ Pa are applicable.

Level A Harassment—NMFS' 2024 Technical Guidance (NMFS, 2024) identifies dual criteria to assess AUD INJ (Level A harassment) to 5 different marine mammal groups (based on hearing sensitivity) as a result of exposure to noise from two different types of sources (impulsive or non-impulsive). Note that between the proposed FRN (89 FR 56317, July 9, 2024) and the issuance of the final IHA, NMFS' 2024 Technical Guidance was

finalized (89 FR 84872, 24 October 2024) and has been incorporated into this analysis. CBS's activity includes the use of impulsive (impact pile driving) and non-impulsive (continuous pile driving) sources.

The thresholds identifying the onset of Permanent Threshold Shift (PTS) based on 2018 Technical Guidance and included in the proposed FRN (89 FR 56317, July 9, 2024) are provided in table 4. The references, analysis, and methodology used in the development of the thresholds used in the proposed IHA are described in NMFS' 2018 Technical Guidance, which may be accessed at: <https://www.fisheries.noaa.gov/national/marine-mammal-protection/marine-mammal-acoustic-technical-guidance>. The updated thresholds, which identify

the Onset of AUD INJ based on the 2024 Technical Guidance, have been incorporated in this final IHA are presented in table 5. The references, analysis, and methodology used in the development of the thresholds are described in the 2024 Technical Guidance, which may be accessed at: <https://www.fisheries.noaa.gov/national/marine-mammal-protection/marine-mammal-acoustic-technical-guidance>. NMFS defines AUD INJ as "damage to the inner ear that can result in destruction of tissue . . . which may or may not result in PTS" (NMFS 2024). NMFS defined PTS as a permanent, irreversible increase in the threshold of audibility at a specified frequency or portion of an individual's hearing range above a previously established reference level (NMFS, 2024).

TABLE 4—THRESHOLDS IDENTIFYING THE ONSET OF PTS BASED ON 2018 TECHNICAL GUIDANCE

Hearing group	PTS onset acoustic thresholds* (received level)	
	Impulsive	Non-impulsive
Low-Frequency (LF) Cetaceans	Cell 1: $L_{pk,flat}$: 219 dB; $L_{E,LF,24h}$: 183 dB	Cell 2: $L_{E,LF,24h}$: 199 dB.
Mid-Frequency (MF) Cetaceans	Cell 3: $L_{pk,flat}$: 230 dB; $L_{E,MF,24h}$: 185 dB	Cell 4: $L_{E,MF,24h}$: 198 dB.
High-Frequency (HF) Cetaceans	Cell 5: $L_{pk,flat}$: 202 dB; $L_{E,HF,24h}$: 155 dB	Cell 6: $L_{E,HF,24h}$: 173 dB.
Phocid Pinnipeds (PW) (Underwater)	Cell 7: $L_{pk,flat}$: 218 dB; $L_{E,PW,24h}$: 185 dB	Cell 8: $L_{E,PW,24h}$: 201 dB.
Otariid Pinnipeds (OW) (Underwater)	Cell 9: $L_{pk,flat}$: 232 dB; $L_{E,OW,24h}$: 203 dB	Cell 10: $L_{E,OW,24h}$: 219 dB.

* Dual metric acoustic thresholds for impulsive sounds: Use whichever results in the largest isopleth for calculating PTS onset. If a non-impulsive sound has the potential of exceeding the peak sound pressure level thresholds associated with impulsive sounds, these thresholds should also be considered.

Note: Peak sound pressure (L_{pk}) has a reference value of 1 μ Pa, and cumulative sound exposure level (L_E) has a reference value of 1 μ Pa²s. In this table, thresholds are abbreviated to reflect ANSI standards (ANSI, 2013). However, peak sound pressure is defined by ANSI as incorporating frequency weighting, which is not the intent for this Technical Guidance. Hence, the subscript "flat" is being included to indicate peak sound pressure should be flat weighted or unweighted within the generalized hearing range. The subscript associated with cumulative sound exposure level thresholds indicates the designated marine mammal auditory weighting function (LF, MF, and HF cetaceans, and PW and OW pinnipeds) and that the recommended accumulation period is 24 hours. The cumulative sound exposure level thresholds could be exceeded in a multitude of ways (*i.e.*, varying exposure levels and durations, duty cycle). When possible, it is valuable for action proponents to indicate the conditions under which these acoustic thresholds will be exceeded.

TABLE 5—THRESHOLDS IDENTIFYING THE ONSET OF AUDITORY INJURY BASED ON 2024 TECHNICAL GUIDANCE

Hearing group	AUD INJ onset thresholds* (received level)	
	Impulsive	Non-impulsive
Hearing group.		
Low-Frequency (LF) Cetaceans	Cell 1: $L_{p,0-pk,flat}$: 222 dB; $L_{E,p,LF,24h}$: 183 dB	Cell 2: $L_{E,p,LF,24h}$: 197 dB.
High-Frequency (HF) Cetaceans	Cell 3: $L_{p,0-pk,flat}$: 230 dB; $L_{E,p,HF,24h}$: 193 dB	Cell 4: $L_{E,p,HF,24h}$: 201 dB.
Very High-Frequency (VHF) Cetaceans	Cell 5: $L_{p,0-pk,flat}$: 202 dB; $L_{E,p,VHF,24h}$: 159 dB	Cell 6: $L_{E,p,VHF,24h}$: 181 dB.
Phocid Pinnipeds (PW) (Underwater)	Cell 7: $L_{p,0-pk,flat}$: 223 dB; $L_{E,p,PW,24h}$: 183 dB	Cell 8: $L_{E,p,PW,24h}$: 195 dB.
Otariid Pinnipeds (OW) (Underwater)	Cell 9: $L_{p,0-pk,flat}$: 230 dB; $L_{E,p,OW,24h}$: 185 dB	Cell 10: $L_{E,p,OW,24h}$: 199 dB.

* Dual metric thresholds for impulsive sounds: Use whichever results in the largest isopleth for calculating AUD INJ onset. If a non-impulsive sound has the potential of exceeding the peak sound pressure level thresholds associated with impulsive sounds, these thresholds are recommended for consideration.

Note: Peak sound pressure level ($L_{p,0-pk}$) has a reference value of 1 μ Pa, and weighted cumulative sound exposure level ($L_{E,p}$) has a reference value of 1 μ Pa²s. In this table, thresholds are abbreviated to be more reflective of International Organization for Standardization standards (ISO 2017). The subscript "flat" is being included to indicate peak sound pressure are flat weighted or unweighted within the generalized hearing range of marine mammals (*i.e.*, 7 Hz to 165 kHz). The subscript associated with cumulative sound exposure level thresholds indicates the designated marine mammal auditory weighting function (LF, HF, and VHF cetaceans, and PW and OW pinnipeds) and that the recommended accumulation period is 24 hours. The weighted cumulative sound exposure level thresholds could be exceeded in a multitude of ways (*i.e.*, varying exposure levels and durations, duty cycle). When possible, it is valuable for action proponents to indicate the conditions under which these thresholds will be exceeded.

Ensonified Area

Here, we describe operational and environmental parameters of the activity that are used in estimating the area ensonified above the acoustic thresholds, including source levels and transmission loss coefficient.

The sound field in the project area is the existing background noise plus

additional construction noise from the planned project. Marine mammals are expected to be affected via sound generated by the primary components of the project (*i.e.*, pile driving and removal).

The project includes vibratory pile installation and removal, and impact pile driving. Source levels for these

activities are based on reviews of measurements of the same or similar types and dimensions of piles available in the literature. Source levels for each pile size and activity each year are presented in table 6. Source levels for vibratory installation and removal of piles of the same diameter are assumed to be the same.

TABLE 6—ESTIMATES OF MEAN UNDERWATER SOUND LEVELS * GENERATED DURING VIBRATORY AND IMPACT PILE INSTALLATION AND VIBRATORY PILE REMOVAL

Pile driving method	Pile type	Pile size	dB RMS	dB peak	dB SEL	Reference
Impact	Steel Pipe Support Pile	36-in	193	210	183	Caltrans 2015, 2020.
Vibratory Installation and Extraction.	Steel Pipe Batter Pile .....	.....	.....	.....	.....	NMFS 2023 Calculations.
	Steel Pipe Support	36-in	166	N/A	N/A	
	Steel Pipe Batter .....	.....	.....	.....	.....	NMFS 2023 Calculations
	Steel Pipe Fender	24-in	163	N/A	N/A	
	Steel Pipe Template .....	.....	.....	.....	.....

Note: dB peak = peak sound level; rms = root mean square; SEL = sound exposure level.

* All sound levels are referenced at 10 m.

TL is the decrease in acoustic intensity as an acoustic pressure wave propagates out from a source. *TL* parameters vary with frequency, temperature, sea conditions, current, source and receiver depth, water depth, water chemistry, and bottom composition and topography. The general formula for underwater *TL* is:

$$TL = B \times \log_{10} (R_1/R_2),$$

where

TL = transmission loss in dB

B = transmission loss coefficient

*R*₁ = the distance of the modeled SPL from the driven pile, and

*R*₂ = the distance from the driven pile of the initial measurement

Absent site-specific acoustical monitoring with differing measured *TL*, a practical spreading value of 15 is used as the *TL* coefficient in the above formula. Site-specific *TL* data for the

Sitka Sound are not available; therefore, the default coefficient of 15 is used to determine the distances to the Level A harassment and Level B harassment thresholds.

The ensonified area associated with Level A harassment is more technically challenging to predict due to the need to account for a duration component. Therefore, NMFS developed an optional User Spreadsheet tool to accompany the 2024 Technical Guidance that can be used to relatively simply predict an isopleth distance for use in conjunction with marine mammal density or occurrence to help predict potential takes. We note that because of some of the assumptions included in the methods underlying this optional tool, we anticipate that the resulting isopleth estimates are typically going to be overestimates of some degree, which may result in an overestimate of

potential take by Level A harassment. However, this optional tool offers the best way to estimate isopleth distances when more sophisticated modeling methods are not available or practical. For stationary sources such as pile driving, the optional User Spreadsheet tool predicts the distance at which, if a marine mammal remained at that distance for the duration of the activity, it would be expected to incur AUD INJ, which includes, but is not limited to, PTS. Inputs used in the optional User Spreadsheet tool, and the resulting estimated isopleths, are reported below. Table 8 provides the calculated Level A isopleths that are based on the 2018 Technical Guidance, which were presented in the proposed FRN (89 FR 56317, July 9, 2024) while table 9 provides the updated Level A isopleths using the 2024 Technical Guidance.

TABLE 7—USER SPREADSHEET INPUTS

	Vibratory				Impact	
	36-in haulout pier support pile	36-in haulout pier batter pile	24-in haulout pier fender pile	24-in template pile	36-in haulout pier support pile	36-in haulout pier batter pile
	Installation			Installation or removal	Installation	
Spreadsheet Tab Used	A.1) Vibratory pile driving				E.1) Impact pile driving	
Source Level (SPL)	166 RMS		163 RMS		183 SEL	
Transmission Loss Coefficient	15					
Weighting Factor Adjustment (kHz)	2.5				2	
Activity Duration per day (minutes)	60	120	30	20	.....	.....

TABLE 7—USER SPREADSHEET INPUTS—Continued

	Vibratory				Impact	
	36-in haulout pier support pile	36-in haulout pier batter pile	24-in haulout pier fender pile	24-in template pile	36-in haulout pier support pile	36-in haulout pier batter pile
	Installation			Installation or removal	Installation	
Number of strikes per pile .....	.....	.....	.....	.....	2,000	3,000
Number of piles per day	2		4	8	2	
Distance of sound pressure level measurement	10					

TABLE 8—LEVEL A HARASSMENT AND LEVEL B HARASSMENT ISOPLETHS AND ASSOCIATED AREAS FROM VIBRATORY AND IMPACT PILE DRIVING AND VIBRATORY REMOVAL, USING THE 2018 TECHNICAL GUIDANCE

Pile size/type	Method	Level A harassment: isopleths (m), areas (km²)					Level B harassment: isopleth (m), areas (km²)
		LF	MF	HF	PW	OW	
Haulout Pier Support Pile							
36-in Steel Pipe Pile	Vibratory Installation	23.4, (0.006)	2.1, (0.001)	34.5, (0.009)	14.2, (0.004)	1.0, (0.001)	11,659, (9.41)
	Impact Installation	2,516, (3.13)	89.5, (0.022)	2,997, (3.64)	1,347, (1.49)	98, (0.024)	1,585, (1.94)
Haulout Pier Batter Pile							
36-in Steel Pipe Pile	Vibratory Installation	37.1, (0.010)	3.3, (0.003)	54.8, (0.013)	22.5, (0.006)	1.6, (0.001)	11,659, (9.41)
	Impact Installation	3,297, (3.97)	117.3, (0.029)	3,928, (4.64)	1,765, (2.24)	128, (0.032)	1,585, (1.94)
Haulout Pier Fender Pile							
24-in Steel Pipe Pile	Vibratory Installation	14.7, (0.004)	1.3, (0.001)	21.8, (0.006)	9.0, (0.003)	0.6, (0.001)	7,356, (7.61)
Template Pile							
24-in Steel Pipe Pile	Vibratory Installation and Removal.	17.9, (0.005)	1.6, (0.001)	26.4, (0.008)	10.9, (0.003)	0.8, (0.001)	7,356, (7.61)

TABLE 9—LEVEL A HARASSMENT AND LEVEL B HARASSMENT ISOPLETHS AND ASSOCIATED AREAS * FROM VIBRATORY AND IMPACT PILE DRIVING AND VIBRATORY REMOVAL, USING THE 2024 TECHNICAL GUIDANCE

Pile size/type	Method	Level A harassment: isopleths (m), areas (km ²)					Level B harassment: isopleth (m), areas (km ²)
		LF	HF ¹	VHF ²	PW	OW	
Haulout Pier Support Pile							
36-in Steel Pipe Pile	Vibratory Installation	31.5	12.1	25.8	40.6	13.7	11,659, (9.41)
	Impact Installation	2,507	319.9	3,880, (4.59)	2,227.3, (2.86)	830.3, (0.62)	1,585, (1.94)
Haulout Pier Batter Pile							
36-in Steel Pipe Pile	Vibratory Installation	50.1	19.2	40.9	64.4	21.7	11,659, (9.41)
	Impact Installation	3,285.4	419.2	5,084.2 (5.73)	2,918.6 (3.55)	1,087.9 (1.01)	1,585, (1.94)
Haulout Pier Fender Pile							
24-in Steel Pipe Pile	Vibratory Installation	19.9	7.6	16.3	25.6	8.6	7,356, (7.61)
Template Pile							
24-in Steel Pipe Pile	Vibratory Installation and Removal.	24.1	9.3	19.7	31.0	10.4	7,356, (7.61)

* Level A harassment areas (km²) have been presented only in cases where they are necessary to calculate updates to take by Level A harassment based on the 2024 Technical Guidance and methodology used in the Proposed IHA (89 FR 56317, July 9, 2024). In cases where the shutdown zone meets or exceeds the Level A harassment isopleth, take by Level A harassment was not reanalyzed.

¹ Species that were considered Mid-Frequency cetaceans under the NMFS 2018 Technical Guidance are now considered High Frequency cetaceans.

² Species that were considered High-Frequency cetaceans under the NMFS 2018 Technical Guidance are now considered Very High Frequency cetaceans.

Marine Mammal Occurrence and Take Estimation

In this section we provide information about the occurrence of marine mammals, including density or other relevant information which will inform the take calculations.

Additionally, we describe how the occurrence information is synthesized to produce a quantitative estimate of the take that is reasonably likely to occur and authorized. Available information regarding marine mammal occurrence in the vicinity of the project area includes site-specific and nearby survey information and historic data sets. Prior data sets consulted included: (1) PSO monitoring completed at the project site on 8 days between September 20 and 29, 2023 during the geotechnical investigation preceding this project (Solstice, 2023), (2) PSO monitoring completed at the project site on 22 days between October and November 2017 during the Multipurpose Dock Project (TMC, 2017), (3) PSO monitoring completed at O'Connell Bridge (approximately 7 km to the east of the project site) on 4 days in June 2019 (CBS, 2019); (4) Land-based surveys conducted at Sitka's Whale Park completed weekly between September and May 1995–2000 (Straley and Pendell (2017)); and, (5) data available on the Global Biodiversity Information Facility (see CBS's application for further details).

To estimate take, CBS referred to the above referenced data sets to estimate total (Level A and Level B combined) takes per day for each species and multiplied this factor by the total number of construction days. NMFS finds it more appropriate to describe the take estimate inputs according to a daily occurrence probability in which groups per day and group size are estimated for each species and multiplied by the number of days of each type of pile driving activity. The equation used to estimate take by Level B harassment for all species is:

$$\text{Exposure Estimate} = \text{group size} \times \text{groups per day} \times \text{days of pile driving activity}.$$

CBS initially planned to implement shutdown zones for mid-frequency cetaceans and otariids (except Steller sea lions) that met or exceeded the Level A harassment isopleths for all activities. Using the 2018 Technical Guidance, the calculated Level A harassment zones during impact installation of 36-in steel piles, planned to occur on 30 construction days, exceeded the shutdown zones for phocids, high frequency cetaceans, and low frequency cetaceans. After applying the 2024

Technical Guidance, the calculated Level A harassment zones for this activity exceeded the shutdown zones for all species except killer whale. The best available abundance estimates for these species cover the general region of Sitka Sound and Silver Bay; therefore, we used proportional comparisons of predicted harassment areas to estimate predicted take by Level A harassment. In the absence of density data, best available monitoring data for the general area were used to estimate take by Level A harassment. Specifically, to calculate estimated take by Level A harassment for all species except California sea lion and Northern fur seal, which are expected to be very rare for the area) we proportionally compared, by hearing group, the portion of the largest Level A harassment area square kilometers (km²) that exceeds the planned shutdown zone area (km²) to the area (km²) of the largest Level B harassment zone across that pile type (typically from vibratory pile driving). This ratio was then multiplied by the group size, daily sightings, and number of construction days, according to the equation below. For LF cetaceans, there was no meaningful change to the calculated Level A harassment isopleths after applying the 2024 Technical Guidance. For killer whales, the shutdown zone still exceeds the calculated Level A harassment isopleths. Therefore, the take estimates for these species (LF cetaceans and killer whale) have not changed. The estimated take by Level A harassment has been updated for all other species to account for larger Level A harassment isopleths which exceed the shutdown zone.

$$\text{Take by Level A harassment} = \frac{\text{Level A harassment area (km}^2\text{)}}{\text{maximum Level B harassment area (km}^2\text{)}} \times \text{group size} \times \text{groups per day} \times \text{days of pile driving}.$$

For Steller sea lions, during impact pile driving of 36-in steel pipe piles (batter and support), the shutdown zone will be established at 60 meters (m) rather than the larger Level A harassment isopleths due to practicability; local monitoring data suggests that Steller sea lions frequently occur within close proximity of the project site. The method described above did not produce an estimate of take by Level A harassment consistent with the best available data for this species at the project location. Therefore, recent monitoring data collected at this site (Solstice, 2023), were used to calculate take by Level A harassment. The proportion of Steller sea lions detected between 60 m and the largest level A zone (130 m based on

2018 Technical Guidance, updated to 1,087 m based on the 2024 Technical Guidance) was multiplied by group size, number of daily sightings, and the number of construction days when impact pile driving would occur according to this equation:

$$\text{Take by Level A harassment} = \text{group size} \times \text{groups per day} \times \text{days of impact pile driving activity} \times \frac{\text{proportion of Steller sea lions observed occurring between 60 m and the largest level A zone during geotechnical drilling}}{\text{proportion of Steller sea lions observed occurring between 60 m and the largest level A zone during geotechnical drilling}}.$$

Take estimates were rounded up to the nearest whole number in table 10.

Gray Whale

CBS requested take by Level B harassment of 31 gray whales, based on an estimated 1 gray whale every 2 days for 62 construction days. However, during weekly surveys conducted from September to May between 1995 and 2000, gray whales were infrequently observed in groups of 3 from Whale Park. As such, NMFS proposed 1 group of 3 gray whales every 14 construction days (62/14 construction days = 4.4 2-week construction week periods), resulting in 14 takes by Level B harassment (1 group × 3 gray whales × 4.4 construction periods = 13.2 takes by Level B harassment).

The shutdown zone exceeds the calculated Level A harassment zone except during impact pile driving of 36-in steel piles (support and battered), estimated across 30 construction days. As such, it is possible that gray whales may occur in the Level A harassment zone and stay long enough to incur AUD INJ before exiting during those 30 days. For 36-in support piles, the ratio of the Level A harassment area (km²) that exceeds the shutdown zone to the maximum predicted Level B harassment area (km²) is 0.06. This activity is estimated to take place on 20 construction days. For 36-in batter piles, the ratio of the Level A harassment area (km²) that exceeds the shutdown zone to the Level B harassment area is 0.16. This activity is estimated to take place on 10 construction days. As such, 3 takes by Level A harassment are estimated [(0.06 × 4.4 construction periods × 1 group × 3 gray whales) + (0.16 × 4.4 construction periods × 1 group × 3 gray whales) = 2.9 takes by Level A harassment].

Any individuals exposed to the higher levels associated with the potential for AUD INJ closer to the source might also be behaviorally disturbed, however, for the purposes of quantifying take we do not count those exposures of one individual as a take by both Level A and

Level B harassment. Therefore, takes by Level B harassment calculated as described above were further modified to deduct the authorized amount of take by Level A harassment. Therefore, NMFS has authorized 3 takes by Level A harassment and 11 takes by Level B harassment for gray whale, for a total of 14 takes. When allocating take across stocks, take estimates are rounded up to the nearest whole number.

Humpback Whale

CBS requested take by Level B harassment of 248 humpback whales, based on an estimated 4 humpback whales occurring every 1 construction day for 62 construction days. NMFS concurred with this take estimate, acknowledging that 2 groups of 2 humpback whales occurring each construction day is reasonable based on previous monitoring data (2 groups \times 2 humpback whales \times 62 construction days = 248 takes by Level B harassment of humpback whale).

The shutdown zone exceeds the calculated Level A harassment zone except during impact pile driving of 36-in steel piles (support and battered), estimated across 30 construction days. As such, it is possible that humpback whales may occur in the Level A harassment zone and stay long enough to incur AUD INJ before exiting. For 36-in support piles, the ratio of the Level A harassment area (km^2) that exceeds the shutdown zone to the maximum predicted Level B harassment area (km^2) is 0.06. This activity is estimated to take place on 20 construction days. For 36-in batter piles, the ratio of the Level A harassment area (km^2) that exceeds the shutdown zone to the Level B harassment area is 0.16. This activity is estimated to take place on 10 construction days. As such, 12 takes by Level A harassment are estimated [(0.06 \times 20 construction days \times 2 groups \times 2 humpback whales) + (0.16 \times 10 construction days \times 2 groups \times 2 humpback whales) = 11.2 takes by Level A harassment].

Any individuals exposed to the higher levels associated with the potential for AUD INJ closer to the source might also be behaviorally disturbed, however, for the purposes of quantifying take we do not count those exposures of one individual as a take by both Level A and Level B harassment. Therefore, takes by Level B harassment calculated as described above were further modified to deduct the amount of take by Level A harassment. Therefore, NMFS has authorized 12 takes by Level A harassment and 236 takes by Level B harassment for humpback whale, for a total of 248 takes. When allocating take

across stocks, take estimates are rounded up to the nearest whole number.

Killer Whale

CBS requested take by Level B harassment of 31 killer whales, based on an estimated 1 killer whale occurring every 2 construction days for 62 construction days. However, because killer whales were unpredictably observed from Whale Park in groups of 4–8 during weekly surveys conducted from September to May between 1995 and 2000, NMFS found it more appropriate to propose 1 group of 8 killer whales every 7 construction days (62/7 construction days = 8.9 construction weeks), and has authorized the resulting 71 takes by Level B harassment (1 group \times 8 killer whales \times 8.9 construction weeks = 71 takes by Level B harassment). No takes by Level A harassment were requested or are authorized.

Pacific White-Sided Dolphin

CBS requested take by Level B harassment of 16 Pacific white-sided dolphin, based on an estimated 1 Pacific white-sided dolphin occurring every 4 construction days for 62 construction days. However, although a rare occurrence, Pacific white-sided dolphin were observed in groups averaging 4 individuals when sighted from Whale Park during weekly surveys conducted from September to May between 1995 and 2000. As such, NMFS finds it more appropriate to authorize 1 group of 4 Pacific white-sided dolphin every 14 construction days (62 \div 14 = 4.4 2-week construction periods), resulting in 18 authorized takes by Level B harassment (1 group \times 4 Pacific white-sided dolphin \times construction 4.4 periods = 17.6 takes by Level B harassment). No takes by Level A harassment were requested or proposed for authorization (89 FR 56317, July 9, 2024).

However, using the 2024 Technical Guidance, the re-calculated Level A harassment zone exceeds the planned shutdown zone during impact installation of 36-in steel piles (estimated to occur on 30 construction days). NMFS therefore finds it appropriate to authorize 4 takes by Level A harassment of Pacific white-sided dolphin, which is derived from the following: For 36-in support piles, the ratio of the Level A harassment area (km^2) that exceeds the shutdown zone to the maximum predicted Level B harassment area (km^2) is 0.003. This activity is estimated to take place on 20 construction days (20 construction days \div 14 days = 1.43 2-week construction periods). For 36-in batter piles, the ratio

of the Level A harassment area (km^2) that exceeds the shutdown zone to the Level B harassment area is 0.01. This activity is estimated to take place on 10 construction days (10 construction days \div 14 days = 0.71 2-week periods). As such, 0.05 takes by Level A harassment are estimated [(0.0 \times 1.43 construction days \times 1 group \times 4 Pacific white-sided dolphin) + (0.01 \times 0.71 construction days \times 1 group \times 4 Pacific white-sided dolphin) = 0.05 takes by Level A harassment]. The take by Level A harassment estimate was then increased to the minimum estimated group size of 4 for Pacific white-sided dolphin.

Any individuals exposed to the higher levels associated with the potential for AUD INJ closer to the source might also be behaviorally disturbed, however, for the purposes of quantifying take we do not count those exposures of one individual as a take by both Level A and Level B harassment. Therefore, takes by Level B harassment calculated as described above were further modified to deduct the amount of take by Level A harassment. Thus, NMFS has authorized 4 takes by Level A harassment and 14 takes by Level B harassment for Pacific white-sided dolphin, for a total of 18 takes. When allocating take across stocks, take estimates are rounded up to the nearest whole number.

Harbor Porpoise

CBS requested take by Level B harassment of 16 harbor porpoise, based on an estimated 1 harbor porpoise occurring every 4 construction days for 62 construction days. However, harbor porpoise were rarely observed from Whale Park in groups of five during weekly surveys conducted from September to May between 1995 and 2000. As such, NMFS finds it more appropriate to authorize 1 group of 5 harbor porpoise every 14 construction days (62 \div 14 construction days = 4.4 2-week construction week periods), resulting in 22 takes by Level B harassment (1 group \times 5 harbor porpoises \times 4.4 construction periods = 22 takes by Level B harassment).

During impact pile driving of 36-in steel piles, estimated across 30 construction days, the expected Level A harassment zone is larger than the planned shutdown zone (see Figure 1 of the Marine Mammal Mitigation and Monitoring Plan). As such, it is possible that harbor porpoise may enter the Level A harassment zone and stay long enough to incur AUD INJ before exiting. For 36-in support piles, the ratio of the Level A harassment area (km^2) that exceeds the shutdown zone to the maximum predicted Level B harassment

area (km²) is 0.49 after applying the 2024 Technical Guidance (increased from 0.38). This activity is estimated to take place on 20 construction days (20 construction days ÷ 14 days = 1.43 2-week construction periods). For 36-in batter piles, the ratio of the portion of the Level A harassment area that exceeds the shutdown zone area (km²) to the maximum predicted Level B harassment area is 0.60 after applying the 2024 Technical Guidance (increased from 0.48). This activity is estimated to take place on 10 construction days (10 construction days ÷ 14 days = 0.71 2-week construction periods). As such, six instead of five takes by Level A harassment are authorized [(0.49 × 1 group × 5 harbor porpoise × 1.43 2-week construction periods) + (0.60 × 1 group × 5 harbor porpoises × 0.71 2-week construction periods) = 5.6 takes by Level A harassment].

Any individuals exposed to the higher levels associated with the potential for AUD INJ closer to the source might also be behaviorally disturbed; however, for the purposes of quantifying take we do not count those exposures of one individual as a take by both Level A and Level B harassment. Therefore, takes by Level B harassment calculated as described above were further modified to deduct the amount of take by Level A harassment. Thus, NMFS has authorized 6 takes by Level A harassment and 16 takes by Level B harassment for harbor porpoise, for a total of 22 takes.

Steller Sea Lion

CBS requested take by Level B harassment of 496 Steller sea lions, based on an estimated 8 Steller sea lions occurring every 1 construction day for 62 construction days. NMFS concurs with this take estimate, acknowledging that four groups of two Steller sea lions occurring each construction day is reasonable based on previous monitoring data (2 groups × 4 Steller sea lion × 62 construction days = 496 takes by Level B harassment of Steller sea lion).

During impact pile driving of 36-in steel piles, estimated across 30 construction days, the expected Level A harassment zone is larger than the shutdown zone. As such, it is possible that Steller sea lion may enter the Level A harassment zone and stay long enough to incur AUD INJ before exiting. For 36-in support piles, the ratio of the Level A harassment area that exceeds the planned shutdown zone (km²) to the maximum predicted Level B harassment area (km²) for is 0.07 after applying the 2024 Technical Guidance (increased from 0.001). This activity is estimated to

take place on 20 construction days. For 36-in batter piles, the ratio of the Level A harassment area (km²) to the maximum predicted Level B harassment area is 0.1 after applying the 2024 Technical Guidance (increased from 0.002). This activity is estimated to take place on 10 construction days. As such, one take by Level A harassment was estimated [(0.07 × 20 construction days × 2 groups × 4 Steller sea lion × 20 construction days) + (0.1 × 10 construction days × 2 groups × 4 Steller sea lion × 10 construction days) = 19.2 takes by Level A harassment].

However, the 19.2 takes by Level A harassment estimated using the method described above likely does not reflect the true occurrence of Steller sea lion in the project area. Based on monitoring data collected during geotechnical survey conducted to inform CBS's IHA application, Steller sea lions are expected to disproportionately occur within close proximity to the project site. All (100 percent) Steller sea lions documented during that survey were observed between 60 m and 1,087.9 m, which corresponds to the Level A zones during impact pile driving of 36-in piles after applying the 2024 Technical Guidance. These scenarios may occur on up to 30 construction days. Therefore 240 additional takes by Level A harassment are anticipated (2 groups of 4 Steller sea lion × 30 construction days × 1 = 240 takes by Level A harassment).

Any individuals exposed to the higher levels associated with the potential for AUD INJ closer to the source might also be behaviorally disturbed, however, for the purposes of quantifying take we do not count those exposures of one individual as a take by both Level A and Level B harassment. Therefore takes by Level B harassment calculated as described above are further modified to deduct the authorized amount of take by Level A harassment. Thus, NMFS has authorized 240 takes by Level A harassment and 256 takes by Level B harassment for Steller sea lion, for a total of 496 takes.

California Sea Lion

CBS requested take by Level B harassment of five California sea lions, based on an estimated one California sea lion occurring every month that construction is planned (October to March = 5 months) to account for the unlikely but small possibility that California sea lion could occur in the project area. However, NMFS finds it more appropriate to estimate take by Level B harassment according to duration of in-water work (62 construction days/30 days in 1 month = 2.06 construction months). As such,

NMFS authorized take by Level B harassment of three California sea lion (1 group × 1 California sea lion × 2.06 construction months = 2.06 takes by Level B harassment of California sea lion). After applying the 2024 Technical Guidance, calculated Level A harassment isopleths increased to 830 m and 1,087 m during impact pile driving activities, which is much further than the distances at which we estimate this species can reliably be observed by PSOs. As such NMFS has authorized a maximum total of 3 takes by either Level B or Level A harassment.

Northern Fur Seal

CBS requested take by Level B harassment of five northern fur seals, based on an estimated one northern fur seal occurring every month that construction is planned (October–March = 5 months) to account for the unlikely but small possibility that northern fur seals could occur in the project area. However, NMFS finds it more appropriate to estimate take by Level B harassment according to the duration of in-water work (62 construction days/30 days in 1 month = 2.06 months). As such, NMFS authorized take by Level B harassment of three northern fur seals (1 group × 1 northern fur seal × 2.06 construction months = 2.06 takes by Level B harassment of northern fur seal). After applying the 2024 Technical Guidance, calculated Level A harassment isopleths increased to 830 m and 1,087 m during impact pile driving activities, which is much further than the distances at which we estimate this species can reliably be observed by PSOs. As such, NMFS has authorized a maximum total of 3 takes by either Level B or Level A harassment.

Harbor Seal

CBS requested take by Level B harassment of 124 harbor seals, based on an estimated 2 harbor seals occurring every 2 construction days for 62 construction days. However, because harbor seals are frequently documented in the project area, NMFS finds it more appropriate to authorize 186 takes by Level B harassment of harbor seal, based on the maximum groups size of 3 documented at the project site in 2017 (1 group × 3 harbor seal × 62 construction days = 186 takes by Level B harassment).

During impact pile driving of 36-in steel piles, estimated across 30 construction days, the expected Level A harassment zone is larger than the planned shutdown zone. As such, it is possible that harbor seal may enter the Level A harassment zone and stay long enough to incur AUD INJ before exiting.

For 36-in support piles, the ratio of the Level A harassment area (km²) that exceeds the planned shutdown zone to the Level B harassment area (km²) is 0.27 after applying the 2024 Technical Guidance (increased from 0.16). This activity is estimated to take place on 20 construction days. For 36-in batter piles, the ratio of the Level A harassment area that exceeds the shutdown zone area (km²) to the maximum predicted Level B harassment area is 0.24 after applying the 2024 Technical Guidance (increased from 0.23). This activity is estimated to take place on 10 construction days. As such, 34 takes by Level A harassment are estimated [(0.27 × 20 construction days × 1 group × 3 harbor seals) + (0.34

× 10 construction days × 1 group × 3 harbor seals) = 52.8 takes by Level A harassment].

Any individuals exposed to the higher levels associated with the potential for AUD INJ closer to the source might also be behaviorally disturbed, however, for the purposes of quantifying take we do not count those exposures of one individual as a take by both Level A and Level B harassment. Therefore, takes by Level B harassment calculated as described above are further modified to deduct the amount of take by Level A harassment. Thus, NMFS has authorized 53 takes by Level A harassment and 133 takes by Level B harassment for harbor seal, for a total of 186 takes.

The total takes authorized for all species are summarized in table 10 below, which reflects changes incorporated after applying the 2024 Technical Guidance. Take by Level A harassment is authorized for a total of 3 individuals for gray whale, 12 individuals for humpback whale, 4 individuals for Pacific white-sided dolphin (increased from 0), 6 individuals for harbor porpoise (increased from 5), 240 individuals for Steller sea lion (increased from 88), 53 (increased from 34) individuals for harbor seal, 3 individuals of California sea lion (increased from 0), and 3 individuals of Northern fur seal (increased from 0).

TABLE 10—TAKE BY STOCK AND HARASSMENT TYPE AND AS A PERCENTAGE OF STOCK ABUNDANCE PRESENTED IN PROPOSED FRN (89 FR 56317, JULY 9, 2024) AND AS AUTHORIZED BASED ON THE UPDATED 2024 TECHNICAL GUIDANCE

Species	Stock	Proposed authorized take ¹		Authorized take ¹		Authorized take as a percentage of stock abundance
		Level B harassment	Level A harassment	Level B harassment	Level A harassment	
Gray Whale	Eastern N. Pacific	11	3	11	3	<1
Humpback Whale ² ...	Mexico—North Pacific.	5	1	5	1	<1
Killer Whale ³	Hawai'i	231	11	231	11	2.2
	ENP Alaska Resident	44	0	44	0	2.3
	ENP Northern Resident.	7	0	7	0	2.3
	ENP Gulf of Alaska, Aleutian Islands, and Bering Sea.	14	0	14	0	2.4
	West Coast Transient.	8	0	8	0	2.3
Pacific white-sided dolphin.	North Pacific	18	0	14	4	<1
Harbor Porpoise	Yakutat/Southeast Alaska Offshore Waters.	17	5	16	6	(⁴)
Steller sea lion ⁵	Western DPS	5	1	4	3	<1
	Eastern DPS	402	88	252	237	1.3
California sea lion	United States	3	0	3		<1
Northern fur seal	Eastern Pacific	3	0	3		<1
Harbor Seal	Sitka/Chatham Strait	152	34	133	53	1.4

¹ When allocating take across stocks, take estimates are rounded up to the nearest whole number.

² 2 percent of take by Level A and Level B harassment of humpback whales are allocated to the Mexico DPS according to NMFS, 2021.

³ Take by level B harassment of killer whale is allocated across stocks according to the proportion of the stock compared to total number of animals in all four stocks that could occur in the project area: Alaska Residents, 60.7 percent; Northern Residents, 9.6 percent; Gulf of Alaska, Aleutian Islands, and Bering Sea: 18.6 percent; West Coast Transient, 11.1 percent.

⁴ A reliable abundance estimate for this stock is currently unavailable.

⁵ 1.2 percent take by Level A and Level B harassment of Steller sea lions are allocated to the Western DPS according to Hastings *et al.* (2020).

Mitigation

In order to issue an IHA under section 101(a)(5)(D) of the MMPA, NMFS must set forth the permissible methods of taking pursuant to the activity, and other means of effecting the least practicable impact on the species or stock and its habitat, paying particular

attention to rookeries, mating grounds, and areas of similar significance, and on the availability of the species or stock for taking for certain subsistence uses (latter not applicable for this action). NMFS regulations require applicants for incidental take authorizations to include information about the availability and feasibility (economic and technological)

of equipment, methods, and manner of conducting the activity or other means of effecting the least practicable adverse impact upon the affected species or stocks, and their habitat (50 CFR 216.104(a)(11)).

In evaluating how mitigation may or may not be appropriate to ensure the least practicable adverse impact on

species or stocks and their habitat, as well as subsistence uses where applicable, NMFS considers two primary factors:

(1) The manner in which, and the degree to which, the successful implementation of the measure(s) is expected to reduce impacts to marine mammals, marine mammal species or stocks, and their habitat, as well as subsistence uses. This considers the nature of the potential adverse impact being mitigated (likelihood, scope, range). It further considers the likelihood that the measure will be effective if implemented (probability of accomplishing the mitigating result if implemented as planned), the likelihood of effective implementation (probability implemented as planned); and

(2) The practicability of the measures for applicant implementation, which may consider such things as cost, and impact on operations.

Mitigation for Marine Mammals and Their Habitat

Shutdown Zones—For all pile driving activities, CBS plans to implement shutdowns within designated zones.

The purpose of a shutdown zone is generally to define an area within which shutdown of the activity will occur upon sighting of a marine mammal (or in anticipation of an animal entering the defined area). Shutdown zones vary based on the activity type and marine mammal species or hearing group (table 11 and table 12). In most cases, the shutdown zones are based on the estimated Level A harassment isopleth distances for each hearing group. However, in cases where it would be challenging to detect marine mammals at the Level A harassment isopleth (e.g., for all species during impact pile driving except killer whale, after application of the 2024 Technical Guidance) and/or frequent shutdowns would create practicability concerns (e.g., Steller sea lions during impact pile driving), smaller shutdown zones are planned (table 12).

Construction supervisors and crews, PSOs, and relevant CBS staff must avoid direct physical interaction with marine mammals during construction activity. If a marine mammal comes within 10 m of such activity, operations must cease and vessels must reduce speed to the minimum level required to maintain

steerage and safe working conditions, as necessary to avoid direct physical interaction. If an activity is delayed or halted due to the presence of a marine mammal, the activity may not commence or resume until, either the animal has voluntarily exited and been visually confirmed beyond the shutdown zone indicated in table 11, or 15 minutes have passed without re-detection of the animal.

Finally, construction activities must be halted upon observation of a species for which incidental take is not authorized or a species for which incidental take has been authorized but the authorized number of takes has been met entering or within any harassment zone. If a marine mammal species not covered under this IHA enters a harassment zone, all in-water activities will cease until the animal leaves the zone or has not been observed for at least 15 minutes, and NMFS would be notified about species and precautions taken. Pile driving will proceed if the unauthorized species is observed leaving the harassment zone or if 15 minutes have passed since the last observation.

TABLE 11—SHUTDOWN ZONES PRESENTED IN THE PROPOSED FRN
[89 FR 56317, July 9, 2024]

Pile size/type	Method	Shutdown zones (m)					
		LF	MF	HF	PW	OW	
						Steller sea lion	Other OW
Haulout Pier Support Pile							
36-in Steel Pipe Pile	Vibratory Installation	30	10	40	20	10	10
	Impact Installation	2,000	90	300	130	60	100
Haulout Pier Batter Pile							
36-in Steel Pipe Pile	Vibratory Installation	40	10	60	30	10	10
	Impact Installation	2,000	120	300	130	60	130
Haulout Pier Fender Pile							
24-in Steel Pipe Pile	Vibratory Installation	20	10	30	10	10	10
Template Pile							
24-in Steel Pipe Pile	Vibratory Installation and removal	20	10	30	20	10	10

TABLE 12—FINAL SHUTDOWN ZONES BASED ON THE 2024 TECHNICAL GUIDANCE

Pile size/type	Method	Shutdown zones (m)						
		LF	HF ¹		VHF ²	PW	OW	
			Killer whale	Other HF			Steller sea lion	Other OW
Haulout Pier Support Pile								
36-in Steel Pipe Pile	Vibratory Installation	³ 40	³ 20	³ 20	40	³ 50	³ 20	³ 20
	Impact Installation	2,000	³ 320	⁴ 300	300	130	60	⁴ 130
Haulout Pier Batter Pile								
36-in Steel Pipe Pile	Vibratory Installation	³ 60	³ 20	³ 20	60	³ 70	³ 30	³ 30

TABLE 12—FINAL SHUTDOWN ZONES BASED ON THE 2024 TECHNICAL GUIDANCE—Continued

Pile size/type	Method	Shutdown zones (m)						
		LF	HF ¹		VHF ²	PW	OW	
			Killer whale	Other HF			Steller sea lion	Other OW
	Impact Installation	2,000	³ 420	⁴ 300	300	130	60	130
Haulout Pier Fender Pile								
24-in Steel Pipe Pile	Vibratory Installation	20	10	10	30	³ 30	10	10
Template Pile								
24-in Steel Pipe Pile	Vibratory Installation and removal ...	³ 30	10	10	30	40	20	20

¹ Species that were considered Mid-Frequency cetaceans under the NMFS 2018 Technical Guidance are now considered High Frequency cetaceans.

² Species that were considered High-Frequency cetaceans under the NMFS 2018 Technical Guidance are now considered Very High Frequency cetaceans.

³ Shutdown zones have been increased to meet the calculated Level A harassment isopleths using the 2024 Technical Guidance.

⁴ Shutdown zones have been increased to the extent that this hearing group is expected to be reliably observable.

Protected Species Observers—The number and placement of PSOs during all construction activities (described in the Monitoring and Reporting section) would ensure that the entire shutdown zone is visible during impact pile driving. In such cases, PSOs will monitor the Level A harassment zone and corresponding shutdown zone to the greatest extent practicable. CBS will employ at least three PSOs for all pile driving activities.

Monitoring for Level A and Level B Harassment—PSOs will monitor the shutdown zones and beyond to the extent that PSOs can see. Monitoring beyond the shutdown zones enables observers to be aware of, and communicate the presence of, marine mammals in the project areas outside the shutdown zones and thus prepare for a potential cessation of activity should the animal enter the shutdown zone. If a marine mammal enters either harassment zone, PSOs will document the marine mammal's presence and behavior.

Pre-and Post-Activity Monitoring—Prior to the start of daily in-water construction activity, or whenever a break in pile driving of 30 minutes or longer occurs, PSOs will observe the shutdown zones and as much as the harassment zones as possible for a period of 30 minutes. Pre-start clearance monitoring must be conducted during periods of visibility sufficient for the lead PSO to determine that the shutdown zones are clear of marine mammals. If the shutdown zone is obscured by fog or poor lighting conditions, in-water construction activity will not be initiated until the entire shutdown zone is visible. Pile driving may commence following 30 minutes of observation when the determination is made that the shutdown zones are clear of marine mammals. If a marine mammal is

observed entering or within shutdown zones, pile-driving activity must be delayed or halted. If pile driving is delayed or halted due to the presence of a marine mammal, the activity may not commence or resume until either the animal has voluntarily exited and been visually confirmed beyond the shutdown zone or 15 minutes have passed without re-detection of the animal. If a marine mammal for which take by Level B harassment is authorized is present in the Level B harassment zone, activities may begin.

Soft-Start—The use of soft-start procedures are believed to provide additional protection to marine mammals by providing warning and/or giving marine mammals a chance to leave the area prior to the hammer operating at full capacity. For impact pile driving, contractors will be required to provide an initial set of three strikes from the hammer at reduced energy, with each strike followed by a 30-second waiting period. This procedure will be conducted a total of three times before impact pile driving begins. Soft start will be implemented at the start of each day's impact pile driving and at any time following cessation of impact pile driving for a period of 30 minutes or longer. Soft start is not required during vibratory pile driving activities.

Based on our evaluation of the applicant's planned measures, NMFS has determined that the planned mitigation measures provide the means of effecting the least practicable impact on the affected species or stocks and their habitat, paying particular attention to rookeries, mating grounds, and areas of similar significance. Note that the applicant opted to forgo the use of a bubble curtain as a mitigation measure as its use would decrease production rates due to the need to reposition the curtain around piles and vessel traffic, the need to maintain and operate the

compressor, and delays associated with mechanical malfunctions.

Monitoring and Reporting

In order to issue an IHA for an activity, section 101(a)(5)(D) of the MMPA states that NMFS must set forth requirements pertaining to the monitoring and reporting of such taking. The MMPA implementing regulations at 50 CFR 216.104(a)(13) indicate that requests for authorizations must include the suggested means of accomplishing the necessary monitoring and reporting that will result in increased knowledge of the species and of the level of taking or impacts on populations of marine mammals that are expected to be present while conducting the activities. Effective reporting is critical both to compliance as well as ensuring that the most value is obtained from the required monitoring.

Monitoring and reporting requirements prescribed by NMFS should contribute to improved understanding of one or more of the following:

- Occurrence of marine mammal species or stocks in the area in which take is anticipated (e.g., presence, abundance, distribution, density);
- Nature, scope, or context of likely marine mammal exposure to potential stressors/impacts (individual or cumulative, acute or chronic), through better understanding of: (1) action or environment (e.g., source characterization, propagation, ambient noise); (2) affected species (e.g., life history, dive patterns); (3) co-occurrence of marine mammal species with the activity; or (4) biological or behavioral context of exposure (e.g., age, calving or feeding areas);
- Individual marine mammal responses (behavioral or physiological) to acoustic stressors (acute, chronic, or cumulative), other stressors, or

cumulative impacts from multiple stressors;

- How anticipated responses to stressors impact either: (1) long-term fitness and survival of individual marine mammals; or (2) populations, species, or stocks;
- Effects on marine mammal habitat (e.g., marine mammal prey species, acoustic habitat, or other important physical components of marine mammal habitat); and
- Mitigation and monitoring effectiveness.

Visual Monitoring—Marine mammal monitoring during pile driving activities must be conducted by NMFS-approved PSOs in a manner consistent with the following:

- PSOs must be independent of the activity contractor (for example, employed by a subcontractor), and have no other assigned tasks during monitoring periods;
- At least one PSO must have prior experience performing the duties of a PSO during construction activity pursuant to a NMFS-issued incidental take authorization;
- Other PSOs may substitute other relevant experience, education (degree in biological science or related field) or training for experience performing the duties of a PSO during construction activities pursuant to a NMFS-issued incidental take authorization;
- Where a team of three or more PSOs is required, a lead observer or monitoring coordinator will be designated. The lead observer will be required to have prior experience working as a marine mammal observer during construction activity pursuant to a NMFS-issued incidental take authorization; and
- PSOs must be approved by NMFS prior to beginning any activity subject to this IHA.

PSOs must also have the following additional qualifications:

- Ability to conduct field observations and collect data according to assigned protocols;
- Experience or training in the field identification of marine mammals, including identification of behaviors;
- Sufficient training, orientation, or experience with the construction operation to provide for personal safety during observations;
- Writing skills sufficient to prepare a report of observations including, but not limited to, the number and species of marine mammals observed; dates and times when in-water construction activities were conducted; dates, times, and reason for implementation of mitigation (or why mitigation was not

implemented when required); and marine mammal behavior; and

- Ability to communicate orally, by radio or in person, with project personnel to provide real-time information on marine mammals observed in the area as necessary.

Visual monitoring will be conducted by a minimum of 3 trained PSOs positioned at suitable vantage points, such as the project site, Sawmill Creek Road and Medveje Hatchery (see figure 1 in CBS's Marine Mammal Mitigation and Monitoring Plan). During vibratory pile driving, at least one PSO will have an unobstructed view of all water within the shutdown zone. During impact pile driving, a second PSO will be placed at Sawmill Creek Road to ensure the largest shutdown zone extending into Eastern Channel is observable and a third PSO would be placed at Medveje Hatchery to ensure as much of the shutdown zone in Silver Bay is observable as possible. All PSOs will be stationed on elevated platforms to aid in monitoring marine mammals.

Monitoring will be conducted 30 minutes before, during, and 30 minutes after all in water construction activities. In addition, PSOs will record all incidents of marine mammal occurrence, regardless of distance from activity, and will document any behavioral reactions in concert with distance from piles being driven or removed. Pile driving activities include the time to install or remove a single pile or series of piles, as long as the time elapsed between uses of the pile driving equipment is no more than 30 minutes.

Reporting

CBS will submit a draft marine mammal monitoring report to NMFS within 90 days after the completion of pile driving activities, or 60 days prior to a requested date of issuance of any future IHAs for the project, or other projects at the same location, whichever comes first. The marine mammal monitoring report will include an overall description of work completed, a narrative regarding marine mammal sightings, and associated PSO data sheets. Specifically, the report will include:

- Dates and times (begin and end) of all marine mammal monitoring;
- Construction activities occurring during each daily observation period, including: (1) the number and type of piles that were driven and the method (e.g., impact or vibratory); and, (2) total duration of driving time for each pile (vibratory driving) and number of strikes for each pile (impact driving);
- PSO locations during marine mammal monitoring;

- Environmental conditions during monitoring periods (at beginning and end of PSO shift and whenever conditions change significantly), including Beaufort sea state and any other relevant weather conditions including cloud cover, fog, sun glare, and overall visibility to the horizon, and estimated observable distance;

- Upon observation of a marine mammal, the following information: (1) name of PSO who sighted the animal(s) and PSO location and activity at time of sighting; (2) time of sighting; (3) identification of the animal(s) (e.g., genus/species, lowest possible taxonomic level, or unidentified), PSO confidence in identification, and the composition of the group if there is a mix of species; (4) distance and location of each observed marine mammal relative to the pile being driven for each sighting; (5) estimated number of animals (min/max/best estimate); (6) estimated number of animals by cohort (adults, juveniles, neonates, group composition, etc.); (7) animal's closest point of approach and estimated time spent within the harassment zone; and, (8) description of any marine mammal behavioral observations (e.g., observed behaviors such as feeding or traveling), including an assessment of behavioral responses thought to have resulted from the activity (e.g., no response or changes in behavioral state such as ceasing feeding, changing direction, flushing, or breaching);

- Number of marine mammals detected within the harassment zones, by species; and

- Detailed information about implementation of any mitigation (e.g., shutdowns and delays), a description of specific actions that ensued, and resulting changes in behavior of the animal(s), if any.

A final report must be prepared and submitted within 30 calendar days following receipt of any NMFS comments on the draft report. If no comments are received from NMFS within 30 calendar days of receipt of the draft report, the report shall be considered final. All PSO data will be submitted electronically in a format that can be queried such as a spreadsheet or database and will be submitted with the draft marine mammal report.

In the event that personnel involved in the construction activities discover an injured or dead marine mammal, the Holder must report the incident to the OPR, NMFS

(PR.ITP.MonitoringReports@noaa.gov and itp.fleming@noaa.gov) and Alaska Regional Stranding network (877-925-7773) as soon as feasible. If the death or injury was clearly caused by the

specified activity, the Holder must immediately cease the activities until NMFS OPR is able to review the circumstances of the incident and determine what, if any, additional measures are appropriate to ensure compliance with the terms of this IHA. The Holder must not resume their activities until notified by NMFS. The report must include the following information:

- Time, date, and location (latitude/longitude) of the first discovery (and updated location information if known and applicable);
- Species identification (if known) or description of the animal(s) involved;
- Condition of the animal(s) (including carcass condition if the animal is dead);
- Observed behaviors of the animal(s), if alive;
- If available, photographs or video footage of the animal(s); and
- General circumstances under which the animal was discovered.

Negligible Impact Analysis and Determination

NMFS has defined negligible impact as an impact resulting from the specified activity that cannot be reasonably expected to, and is not reasonably likely to, adversely affect the species or stock through effects on annual rates of recruitment or survival (50 CFR 216.103). A negligible impact finding is based on the lack of likely adverse effects on annual rates of recruitment or survival (*i.e.*, population-level effects). An estimate of the number of takes alone is not enough information on which to base an impact determination. In addition to considering estimates of the number of marine mammals that might be “taken” through harassment, NMFS considers other factors, such as the likely nature of any impacts or responses (*e.g.*, intensity, duration), the context of any impacts or responses (*e.g.*, critical reproductive time or location, foraging impacts affecting energetics), as well as effects on habitat, and the likely effectiveness of the mitigation. We also assess the number, intensity, and context of estimated takes by evaluating this information relative to population status. Consistent with the 1989 preamble for NMFS’ implementing regulations (54 FR 40338, September 29, 1989), the impacts from other past and ongoing anthropogenic activities are incorporated into this analysis via their impacts on the baseline (*e.g.*, as reflected in the regulatory status of the species, population size and growth rate where known, ongoing sources of

human-caused mortality, or ambient noise levels).

The incorporation of the 2024 Updated Technical Guidance does not alter the original scope of the activity analyzed or our effects analysis in a manner that materially affects the basis for original findings under the IHA. Shutdown zones have been increased to meet or exceed the Level A harassment zone calculated using the 2024 Technical Guidance where practicable. In cases where the shutdown zones cannot be increased due to observability or practicability concerns, a slightly larger proportion of overall proposed take has been authorized as take by Level A harassment. However, the total take authorized remains the same as the take proposed for authorization during the public comment period for all species. Accordingly, we have determined that even with the incorporation of the 2024 Technical Guidance, this project will have a negligible impact on the affected species stocks and the negligible impact analysis presented in the proposed FRN remains applicable.

To avoid repetition, the discussion of our analysis applies to all the species listed in table 1, given that the anticipated effects of this activity on these different marine mammal stocks are expected to be similar. There is little information about the nature or severity of the impacts, or the size, status, or structure of any of these species or stocks that would lead to a different analysis for this activity.

Pile driving and removal activities associated with the project, as outlined previously, have the potential to disturb or displace marine mammals. Specifically, the specified activities may result in take, in the form of Level B harassment and, for some species, Level A harassment from underwater sounds generated by pile driving and removal. Potential takes could occur if individuals are present in the ensonified zone when these activities are underway.

No serious injury or mortality is expected, even in the absence of required mitigation measures, given the nature of the activities.

Following the incorporation of the 2024 Updated Technical Guidance take by Level A harassment is authorized for all species except killer whale. Any take by Level A harassment is expected to arise from, at most, a small degree of AUD INJ (*i.e.*, minor degradation of hearing capabilities within regions of hearing that align most completely with the energy produced by impact pile driving such as the low-frequency region below 2 kHz), not severe hearing

impairment or impairment within the ranges of greatest hearing sensitivity. Animals would need to be exposed to higher levels and/or longer duration than are expected to occur here in order to incur any more than a small degree of AUD INJ.

Further, the amount of take by Level A harassment authorized is very low for all marine mammal stocks and species, except Steller sea lion. NMFS expects no more than 3 takes by Level A harassment for gray whale, 12 takes by Level A harassment for humpback whale; 4 takes by Level A harassment for Pacific white-sided dolphin, 6 takes by Level A harassment for harbor porpoise; 53 takes by Level A harassment for harbor seal; 3 takes by Level A or Level B harassment for California sea lion; and, 3 takes by Level A or Level B harassment for Northern fur seal. Although 240 takes by Level A harassment for Steller sea lion are authorized, if hearing impairment occurs, it is most likely that the affected animal would lose only a few dB in its hearing sensitivity. Due to the small degree anticipated, any AUD INJ potential incurred would not be expected to affect the reproductive success or survival of any individuals, much less result in adverse impacts on the species or stock.

Additionally, some subset of the individuals that are behaviorally harassed could also simultaneously incur some small degree of TTS for a short duration of time. However, since the hearing sensitivity of individuals that incur TTS is expected to recover completely within minutes to hours, it is unlikely that the brief hearing impairment would affect the individual’s long-term ability to forage and communicate with conspecifics, and would therefore not likely impact reproduction or survival of any individual marine mammal, let alone adversely affect rates of recruitment or survival of the species or stock.

Effects on individuals that are taken by Level B harassment in the form of behavioral disruption, on the basis of reports in the literature as well as monitoring from other similar activities, would likely be limited to reactions such as avoidance, increased swimming speeds, increased surfacing time, or decreased foraging (if such activity were occurring) (*e.g.*, Thorson and Reyff, 2006). Most likely, individuals would simply move away from the sound source and temporarily avoid the area where pile driving is occurring. If sound produced by project activities is sufficiently disturbing, animals are likely to simply avoid the area while the activities are occurring. We expect that

any avoidance of the project areas by marine mammals would be temporary in nature and that any marine mammals that avoid the project areas during construction would not be permanently displaced. Short-term avoidance of the project areas and energetic impacts of interrupted foraging or other important behaviors is unlikely to affect the reproduction or survival of individual marine mammals, and the effects of behavioral disturbance on individuals is not likely to accrue in a manner that would affect the rates of recruitment or survival of any affected stock.

The project is also not expected to have significant adverse effects on affected marine mammals' habitats. The project activities would not modify existing marine mammal habitat for a significant amount of time. The activities may cause a low level of turbidity in the water column and some fish may leave the area of disturbance, thus temporarily impacting marine mammals' foraging opportunities in a limited portion of the foraging range; but, because of the short duration of the activities and the relatively small area of the habitat that may be affected (with no known particular importance to marine mammals), the impacts to marine mammal habitat are not expected to cause significant or long-term negative consequences.

While Steller sea lions are common in the project area, there are no essential primary constituent elements, such as haulouts or rookeries, present. The nearest haulout is well over 25 km away. Therefore, the project is not expected to have significant adverse effects on the critical habitat of Western DPS Steller sea lions. No areas of specific biological importance (*e.g.*, ESA critical habitat, BIAs, or other areas) for any other species are known to co-occur with the project area.

In addition, it is unlikely that minor noise effects in a small, localized area of habitat would have any effect on each stock's ability to recover. In combination, we believe that these factors, as well as the available body of evidence from other similar activities, demonstrate that the potential effects of the specified activities would have only minor, short-term effects on individuals. The specified activities are not expected to impact rates of recruitment or survival and would therefore not result in population-level impacts.

In summary and as described above, the following factors primarily support our determination that the impacts resulting from this activity are not expected to adversely affect any of the species or stocks through effects on annual rates of recruitment or survival:

- No serious injury or mortality is anticipated or authorized;
- Level A harassment would be of a low degree, and except for Eastern DPS Steller sea lion and harbor seal, of very small amounts;
- For all species, Silver Bay and East Channel are a very small and peripheral part of their range;
- Anticipated takes by Level B harassment are relatively low for all stocks. Level B harassment would be primarily in the form of behavioral disturbance, resulting in avoidance of the project areas around where impact or vibratory pile driving is occurring, with some low-level TTS that may limit the detection of acoustic cues for relatively brief amounts of time in relatively confined footprints of activities;
- Effects on species that serve as prey for marine mammals from the activities are expected to be short-term and, therefore, any associated impacts on marine mammal feeding are not expected to result in significant or long-term consequences for individuals, or to accrue to adverse impacts on their populations;
- The ensounded areas are very small relative to the overall habitat ranges of all species and stocks, and would not adversely affect ESA-designated critical habitat for any species or any areas of known biological importance;
- The lack of anticipated significant or long-term negative effects to marine mammal habitat; and
- CBS will implement mitigation measures including visual monitoring, soft-start, and shutdown zones to minimize the numbers of marine mammals exposed to injurious levels of sound, and to ensure that take by Level A harassment is, at most, a small degree of AUD INJ.

Based on the analysis contained herein of the likely effects of the specified activity on marine mammals and their habitat, and taking into consideration the implementation of the planned monitoring and mitigation measures, NMFS finds that the total marine mammal take from the planned activity will have a negligible impact on all affected marine mammal species or stocks.

Small Numbers

As noted previously, only take of small numbers of marine mammals may be authorized under sections 101(a)(5)(A) and (D) of the MMPA for specified activities other than military readiness activities. The MMPA does not define small numbers and so, in practice, where estimated numbers are available, NMFS compares the number

of individuals taken to the most appropriate estimation of abundance of the relevant species or stock in our determination of whether an authorization is limited to small numbers of marine mammals. When the predicted number of individuals to be taken is fewer than one-third of the species or stock abundance, the take is considered to be of small numbers. Additionally, other qualitative factors may be considered in the analysis, such as the temporal or spatial scale of the activities.

The amount of take NMFS authorized is below one third of the estimated stock abundance for all species. This is likely a conservative estimate because we assume all takes are of different individual animals, which likely would not be the case. Some individuals may return multiple times in a day, but PSOs will count them as separate takes if they cannot be individually identified.

The most recent abundance estimate for the Mexico-North Pacific stock of humpback whale is likely unreliable as it is more than eight years old. The most relevant estimate of this stock's abundance in Southeast Alaska is 918 humpback whales (Wade, 2021), so the 4 authorized takes by Level B harassment and 1 authorized take by Level A harassment is small relative to the estimated abundance (<1 percent), even if each authorized take occurred to a new individual.

There is no abundance information available for the Yakutat/Southeast Alaska stock of harbor porpoise. However, the take numbers are sufficiently small (16 takes by Level B harassment and 6 takes by Level A harassment, updated from 17 takes by Level B harassment and 5 takes by Level A harassment after applying the 2024 Technical Guidance) that we can safely assume that they are small relative to any reasonable assumption of likely population abundance for these stocks. For reference, current abundance estimates for harbor porpoise stocks in Southeast Alaska include 1,619 (Northern Southeast Alaska Inland Waters) and 890 (Southern Southeast Alaska Inland Waters).

Based on the analysis contained herein of the planned activity (including the planned mitigation and monitoring measures) and the anticipated take of marine mammals, NMFS finds that small numbers of marine mammals would be taken relative to the population size of the affected species or stocks.

Unmitigable Adverse Impact Analysis and Determination

In order to issue an IHA, NMFS must find that the specified activity will not have an “unmitigable adverse impact” on the subsistence uses of the affected marine mammal species or stocks by Alaskan Natives. NMFS has defined “unmitigable adverse impact” in § 216.103 as an impact resulting from the specified activity that: (1) is likely to reduce the availability of the species to a level insufficient for a harvest to meet subsistence needs by (i) causing the marine mammals to abandon or avoid hunting areas, (ii) directly displacing subsistence users, or (iii) placing physical barriers between the marine mammals and the subsistence hunters; and, (2) cannot be sufficiently mitigated by other measures to increase the availability of marine mammals to allow subsistence needs to be met.

For marine mammals, Alaska Natives have traditionally harvested harbor seals and Steller sea lions in Sitka, Alaska. During the most recent ADF&G subsistence harvest report (2013), about 11 percent of Sitka households used subsistence-caught marine mammals, however, this is the most recent data available and there has not been a survey since 2013 (ADF&G, 2023).

The project is not likely to adversely impact the availability of any marine mammal species or stocks that are commonly used for subsistence purposes or impact subsistence harvest of marine mammals in the region because:

- There is no recent recorded subsistence harvest of marine mammals in the area;
- Construction activities are temporary and localized to the Gary Paxton Industrial Park, and industrial area;
- Construction will not take place during the herring spawning season when subsistence species are more active;
- Mitigation measures will be implemented to minimize disturbance of marine mammals in the action area; and
- The project will not result in significant changes to availability of subsistence resources.

Based on the description of the specified activity, the measures described to minimize adverse effects on the availability of marine mammals for subsistence purposes, and the planned mitigation and monitoring measures, NMFS has determined that there will not be an unmitigable adverse impact on subsistence uses from CBS’s planned activities.

Endangered Species Act

Section 7(a)(2) of the ESA of 1973 (ESA; 16 U.S.C. 1531 *et seq.*) requires that each Federal agency insure that any action it authorizes, funds, or carries out is not likely to jeopardize the continued existence of any endangered or threatened species or result in the destruction or adverse modification of designated critical habitat. To ensure ESA compliance for the issuance of IHAs, NMFS consults internally whenever we propose to authorize take for endangered or threatened species, in this case with the Alaska Regional Office (AKRO).

NMFS is authorizing take of western DPS of Steller sea lions and the Mexico DPS of humpback whales, which are listed under the ESA. The NMFS AKRO issued a Biological Opinion under Section 7 of the ESA on the issuance of an IHA to CBS under section 1010(a)(5)(D) of the MMPA by NMFS OPR. The biological opinion concluded that the action is not likely to jeopardize the continued existence of the listed species.

National Environmental Policy Act (NEPA)

To comply with the NEPA of 1969 (42 U.S.C. 4321 *et seq.*) and NOAA Administrative Order (NAO) 216–6A, NMFS must review our proposed action (*i.e.*, the issuance of an IHA) with respect to potential impacts on the human environment.

This action is consistent with categories of activities identified in Categorical Exclusion B4 (IHAs with no anticipated serious injury or mortality) of the Companion Manual for NAO 216–6A, which do not individually or cumulatively have the potential for significant impacts on the quality of the human environment and for which we have not identified any extraordinary circumstances that would preclude this categorical exclusion. Accordingly, NMFS has determined that the issuance of the IHA qualifies to be categorically excluded from further NEPA review.

Authorization

NMFS has issued an IHA to CBS for the potential harassment of small numbers of nine marine mammal species incidental to the Gary Paxton Industrial Park Vessel Haulout project in Sitka, Alaska, that includes the previously explained mitigation, monitoring and reporting requirements.

Dated: November 18, 2024.

Kimberly Damon-Randall,

*Director, Office of Protected Resources,
National Marine Fisheries Service.*

[FR Doc. 2024–27342 Filed 11–21–24; 8:45 am]

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DEPARTMENT OF COMMERCE

National Oceanic and Atmospheric Administration

Marine and Coastal Area-Based Management Advisory Committee Meeting

AGENCY: National Oceanic and Atmospheric Administration (NOAA), Department of Commerce.

ACTION: Notice of public meeting.

SUMMARY: This notice sets forth the proposed schedule and agenda of a forthcoming meeting of the Marine and Coastal Area-based Management Advisory Committee (MCAM). The members will discuss and provide advice on issues outlined under **SUPPLEMENTARY INFORMATION** below.

DATES: The meeting will be held on December 9, 2024, from 2 p.m. to 5 p.m. eastern time.

ADDRESSES: The meeting will be held virtually on the Google Meets Platform. Registration is not required. Participants may join the meeting by computer or by phone:

Join by computer: meet.google.com/pfb-mrfv-mtv.

Join by phone: (US) +1 475–221–6328
PIN: 102 658 159#.

The MCAM website may be found at <https://oceanservice.noaa.gov/ocean/marine-coastal-fac/meetings.html>.

FOR FURTHER INFORMATION CONTACT: Ellie Roberts, Program Analyst, NOAA’s Office of National Marine Sanctuaries, ellie.roberts@noaa.gov, (240) 533–0676.

SUPPLEMENTARY INFORMATION: As required by section 10(a)(2) of the Federal Advisory Committee Act, 5 U.S.C. 1009(a)(2), notice is hereby given of a meeting of the MCAM. The MCAM was established in 2022 to advise the Under Secretary of Commerce for Oceans and Atmosphere on science-based approaches to area-based protection, conservation, restoration, and management in coastal and marine areas, including the Great Lakes. The MCAM charter is located online at <https://oceanservice.noaa.gov/ocean/marine-coastal-fac/>.

I. Matters To Be Considered

The meeting time and agenda are subject to change. The meeting is

convened to discuss the following topics: area-based management in the U.S.; tracking conservation progress; Indigenous-led conservation and co-stewardship; and various administrative and organizational matters. For the most up-to-date meeting times, agenda, and meeting materials, refer to the MCAM website at (<https://oceanservice.noaa.gov/ocean/marine-coastal-fac/meetings.html>).

II. Public Comment Instructions

The meeting will be open to public comment (check the meeting agenda on the MCAM website to confirm the time for oral public comments). Written comments should be received by the Designated Federal Official by December 4, 2024, to provide sufficient time for Committee review. Written comments received after December 4, 2024, will be distributed to the Committee, but may not be reviewed prior to the meeting date. To submit written comments, please email Ellie Roberts, ellie.roberts@noaa.gov. Written comments NOAA receives are considered part of the public record, and the entirety of the comment, including the name of the commenter, email address, attachments, and other supporting materials will be publicly accessible. Sensitive personally identifiable information, such as account numbers and Social Security numbers, should not be included with the comment. Do not submit comments that contain profanity, vulgarity, threats, or other inappropriate language.

III. Special Accommodations

This meeting is physically accessible to people with disabilities. Requests for sign language interpretation or other auxiliary aids should be directed to Ellie Roberts at ellie.roberts@noaa.gov, at least 5 days prior to the meeting date.

John Armor,

Designated Federal Official, Marine and Coastal Area-based Management Advisory Committee, Director, Office of National Marine Sanctuaries, National Ocean Service, National Oceanic and Atmospheric Administration.

[FR Doc. 2024-27386 Filed 11-21-24; 8:45 am]

BILLING CODE 3510-NK-P

DEPARTMENT OF COMMERCE

National Oceanic and Atmospheric Administration

[RTID 0648-XE465]

Takes of Marine Mammals Incidental to Specified Activities; Taking Marine Mammals Incidental to the Skagway Ore Terminal Redevelopment Project

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

ACTION: Notice; issuance of renewal incidental harassment authorization.

SUMMARY: In accordance with the regulations implementing the Marine Mammal Protection Act (MMPA), as amended, notification is hereby given that NMFS has issued a renewal incidental harassment authorization (IHA) to Municipality of Skagway (MOS) to incidentally harass marine mammals incidental to the terminal redevelopment project in Skagway, Alaska.

DATES: This renewal IHA is valid from the date of issuance through September 30, 2025.

ADDRESSES: Electronic copies of the original application, Renewal request, and supporting documents (including NMFS **Federal Register** notices of the original proposed and final authorizations, and the previous IHA), as well as a list of the references cited in this document, may be obtained online at: <https://www.fisheries.noaa.gov/permit/incidental-take-authorizations-under-marine-mammal-protection-act>. In case of problems accessing these documents, please call the contact listed below.

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 promulgated or, if the taking is limited to harassment, an IHA is issued.

Authorization for incidental takings shall be granted if NMFS finds that the taking will have a negligible impact on the species or stock(s) and will not have an unmitigable adverse impact on the availability of the species or stock(s) for taking for subsistence uses (where relevant). Further, NMFS must prescribe the permissible methods of taking and other “means of effecting the least practicable adverse impact” on the affected species or stocks and their habitat, paying particular attention to rookeries, mating grounds, and areas of similar significance, and on the availability of such species or stocks for taking for certain subsistence uses (referred to here as “mitigation measures”). NMFS must also prescribe requirements pertaining to monitoring and reporting of such takings. The definition of key terms such as “take,” “harassment,” and “negligible impact” can be found in the MMPA and NMFS’s implementing regulations (see 16 U.S.C. 1362; 50 CFR 216.103).

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

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

2. The request for renewal must include the following:

- An explanation that the activities to be conducted under the requested renewal IHA are identical to the

activities analyzed under the initial IHA, are a subset of the activities, or include changes so minor (e.g., reduction in pile size) that the changes do not affect the previous analyses, mitigation and monitoring requirements, or take estimates (with the exception of reducing the type or amount of take).

- A preliminary monitoring report showing the results of the required monitoring to date and an explanation showing that the monitoring results do not indicate impacts of a scale or nature not previously analyzed or authorized.

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

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

History of Request

On August 29, 2023, NMFS issued an IHA to MOS to take marine mammals incidental to the terminal redevelopment project in Skagway, Alaska (88 FR 60652, September 5, 2023), effective from October 1, 2023, through September 30, 2024. On February 5, 2024, NMFS received a request from MOS to modify the 2023 IHA; adding 2 takes by Level A harassment and 45 takes by Level B harassment for northern fur seal, and to adjust take requests based on average species densities throughout the year due to work occurring in all seasons and, consequently, increasing authorized take by Level B harassment to 270 for Steller sea lion. On May 3, 2024, NMFS issued MOS a modification of the initial 2023 IHA (89 FR 36765).

On July 22, 2024, NMFS received an application for the renewal of the initial IHA (as modified). After discussions with MOS about the work to be conducted under the renewal IHA, we received a revised renewal request on September 30, 2024. As described in the application for renewal IHA, the activities for which incidental take is requested consist of a subset of the

activities that were covered by the initial authorization but which were not completed prior to its expiration. As required, the applicant also provided a final monitoring report, available online at: <https://www.fisheries.noaa.gov/action/incidental-take-authorization-municipality-skagways-skagway-ore-terminal-redevelopment>. The report confirms that the applicant has implemented the required mitigation and monitoring, and which also shows that no impacts of a scale or nature not previously analyzed or authorized have occurred as a result of the activities conducted. The notice of the proposed renewal IHA was published on October 22, 2024 (89 FR 84333).

Description of the Specified Activities and Anticipated Impacts

MOS planned to redevelop the Skagway Ore Terminal in Skagway, Alaska, with 196 days of pile installation and removal. This project involved installation and removal of 36 temporary steel pile guides, removal of 692 piles, and installation of 244 permanent steel piles. Two different installation methods were used: vibratory pile driving and impact pile driving. Due to unexpected delays, MOS did not complete the construction during the initial 1-year period, completing removal of 385 piles and installation of 101 piles.

This renewal is to cover a subset of the activities covered in the initial IHA that was not completed during the effective IHA period and which is planned to occur during the effective period of the renewal IHA. Specifically, MOS plans to install two maximum-diameter 24-in piles and remove ten timber piles, which are necessary to stabilize a single existing fender. The remainder of the initially planned work would not be conducted under this renewal IHA.

The likely or possible impacts of the MOS's activity on marine mammals is unchanged from the impacts described in the initial IHA. Potential non-acoustic stressors could result from the physical presence of the equipment, vessels, and personnel; however, any impacts to marine mammals are expected to primarily be acoustic in nature. Sounds resulting from pile installation, removal, and drilling may result in the incidental take of marine mammals by Level A and Level B harassment in the form of auditory injury or behavioral harassment.

Detailed Description of the Activity

A detailed description of the construction activities for which take is authorized here may be found in the

notices of the proposed and final IHAs for the initial authorization (88 FR 23627, April 18, 2023; 88 FR 60652, September 5, 2023). As previously mentioned, this request is for a subset of the activities considered for the initial IHA that were not completed prior to its expiration and which are planned to occur under this renewal IHA. The location, timing, and nature of the activities, including the types of equipment planned for use, are identical to those described in the previous notice for the initial IHA. The renewal IHA would be effective from the date of issuance through September 30, 2025.

Description of Marine Mammals

A description of the marine mammals in the area of the activities for which authorization of take is authorized here, including information on abundance, status, distribution, and hearing, may be found in the notice of the proposed IHA for the initial authorization and the notice of issuance of a modified IHA (88 FR 23627, April 18, 2023; 89 FR 36765, May 3, 2024).

NMFS has reviewed the monitoring data from the initial IHA, recent draft Stock Assessment Reports, and determined that neither this nor any other new information affects which species have the potential to be affected or the pertinent information in the Description of the Marine Mammals in the Area of Specified Activities contained in the supporting documents for the initial IHA and modified IHA (88 FR 23627, April 18, 2023; 89 FR 36765, May 3, 2024).

Potential Effects on Marine Mammals and Their Habitat

A description of the potential effects of the specified activity on marine mammals and their habitat for the limited subset of activities for which the authorization of take is authorized here may be found in the notice of the proposed IHA for the initial authorization (88 FR 23627, April 18, 2023). NMFS has reviewed the monitoring data from the initial IHA, recent draft Stock Assessment Reports, information on relevant unusual mortality events, and other scientific literature, and determined that neither this nor any other new information affects our initial analysis of impacts on marine mammals and their habitat.

Estimated Take

A detailed description of the methods and inputs used to estimate take for the specified activity are found in the notices of the proposed and final IHAs for the initial authorization and the notice of issuance of the modified IHA

(88 FR 23627, April 18, 2023; 88 FR 60652, September 5, 2023; 89 FR 36765, May 3, 2024). Specifically, the action area and marine mammal density and occurrence data applicable to this authorization remain unchanged from the initial and modified IHA. Similarly, source levels, type of activity, methods of take, and types of take remain unchanged from the initial and modified IHA. However, there are changes to the estimated Level A harassment zones based on the revised amount of piles driven per day and the 2024 Updated Technical Guidance, further discussed below. The estimated number of takes authorized is based on the subset of activities to be completed under this renewal IHA, and therefore represents a proportion of the initial authorized takes. These takes reflect the estimated remaining number of days of work and number of piles to be driven.

Estimated take by Level A and Level B harassment was calculated using the same methodology as in the initial and modified IHA.

On May 3, 2024, NMFS published (89 FR 36762) and solicited public comment on its draft 2024 Updated Technical Guidance, which includes updated thresholds and weighting functions to inform auditory injury estimates, and once finalized replaced the 2018 Technical Guidance referenced in the initial and modified IHA notices. The public comment period ended on June 17, 2024, and the 2024 Updated Technical Guidance was finalized on October 24, 2024 (89 FR 84872).

In this renewal, use of the 2024 Updated Technical Guidance results in changes to the estimated Level A harassment zones, but there are no changes to the estimated Level B harassment zones (table 1). In the proposed renewal we compared the

outcomes of the Updated Technical Guidance and there was not substantial differences for any species, so the, at the time, draft 2024 Updated Technical Guidance was used in the analysis. Therefor there are no changes from the proposed renewal IHA to the final renewal IHA. The updated Level A harassment zones are used to revise estimations of potential take by Level A harassment. In table 2, we have presented values based on the methodology that was included in the previous authorizations, incorporating the previously described changes (number of piles per day and the Updated Technical Guidance). Takes are a proportion of the initial authorized takes and based on the days of work included in this renewal IHA. Mitigation zones, in consideration of the updated isopleths, are discussed in the Mitigation section.

TABLE 1—LEVEL A AND LEVEL B HARASSMENT ISOPLETHS (m) FOR IMPACT AND VIBRATORY PILE DRIVING

Activity	Level A harassment zone (m) ¹					Level B harassment zone (m)
	LF	HF	VHF	Phocids	Otariids	
24-in steel pile, Impact Installation	1,970.4	251.4	3,049.2	1,750.4	652.5	857.7
24-in steel pile,* Vibratory Installation and Removal	5.6	2.2	4.6	7.2	2.4	3,981
14-in timber pile, Vibratory Removal	3.7	1.4	3	4.7	1.6	3,415

¹ Zones are based on the 2024 Updated Technical Guidance, further described above. This is new information that was not available at the time of the initial and modified IHA. Species groups have also been re-named in the Updated Technical Guidance.

* Based on the up to 30-in piles included in the initial IHA that also included pile sizes: 10.75-in, 14-in, 16-in, 20-in, 24-in, 28-in, and 30-in.

TABLE 2—AMOUNT OF TAKING, BY LEVEL A AND LEVEL B HARASSMENT, BY SPECIES AND STOCK AND PERCENT OF TAKE BY STOCK

Species	Stock	Initial IHA authorized Level A take	Initial IHA authorized Level B take	Renewal Level A take	Renewal Level B take	Percent of stock
Humpback Whale	Hawaii	2	13	0	*2	<1
	Mexico—North Pacific	0	1	0	0	0
Minke Whale	Alaska	2	6	0	*1	<1
Killer Whale ¹	Eastern North Pacific, Northern Residents, Southeast Alaska + Eastern North Pacific, Alaska Residents + West Coast Transients + Gulf, Aleutian, Bering Sea Transients.	2	90	0	*25	<1
Dall's Porpoise	Alaska	43	193	0	4	<1
Harbor Porpoise ...	Northern Southeast Alaska Inland Waters.	17	75	0	*2	<1
Harbor Seal	Alaska—Lynn Canal/Stephens Passage.	193	2,760	11	54	<1
Steller Sea Lion ...	Eastern U.S. + Western U.S.	2	270	0	10	<1
Northern Fur Seal	Pribilof Islands/Eastern Pacific stock	2	45	0	3	<1

* Rounded up to assumed average group size based on Dahlheim *et al.*, 2009.

¹ Dahlheim *et al.* (2009) observed mean group sizes of 25 (resident ecotype) and 5 (transient ecotype) for killer whales in Southeast Alaska. While MOS observed only two killer whales during the initial IHA, it is possible that a larger group could enter the area during the renewal activities.

Description of Mitigation, Monitoring and Reporting Measures

The mitigation, monitoring, and reporting measures included as

requirements in this authorization are substantially similar to those included in the FR notice announcing the issuance of the initial IHA, and the

discussion of the least practicable adverse impact included in that document remains accurate (88 FR 60652, September 5, 2023). The only

changes from the initial IHA are to the required shutdown zones and the removal of the acoustic monitoring requirement. The required shutdown zones (table 3) changed due to the changes in Level A harassment zone

distances (table 1). As the initial IHA required shutdown zones equal to the Level A harassment zones, we retain that approach to mitigation in reflection of the new zones updated on the basis of the best scientific information

available. Additionally, acoustic monitoring (as was required through the initial IHA) is not planned here, due to the minimal pile driving planned under this renewal IHA.

TABLE 3—SHUTDOWN AND MONITORING ZONES

Activity	Minimum shutdown zone (m)					Harassment zone (m)
	LF cetacean	HF cetacean	VHF cetacean	Phocids	Otariids	
24-in steel pile, Impact Installation	1,975	255	3,050	1,755	655	860
24-in steel pile, Vibratory Installation and Removal	10	10	10	10	10	3,985
14-in timber pile, Vibratory Removal	10	10	10	10	10	3,415

The following mitigation, monitoring, and reporting measures for this renewal are:

- The MOS must avoid direct physical interaction with marine mammals during construction activity. If a marine mammal comes within 10-m of such activity, operations must cease and vessels must reduce speed to the minimum level required to maintain steerage and safe working conditions, as necessary to avoid direct physical interaction;
- Conduct training between construction supervisors and crews and the marine mammal monitoring team and relevant MOS staff prior to the start of all pile driving activity and when new personnel join the work, so that responsibilities, communication procedures, monitoring protocols, and operational procedures are clearly understood;
- Pile driving activity must be halted upon observation of either a species for which incidental take is not authorized or a species for which incidental take has been authorized but the authorized number of takes has been met, entering or within the harassment zone;
- MOS will establish and implement the shutdown zones. The purpose of a shutdown zone is generally to define an area within which shutdown of the activity would occur upon sighting of a marine mammal (or in anticipation of an animal entering the defined area). Shutdown zones typically vary based on the activity type and marine mammal hearing group;
- Monitoring must take place from 30 minutes prior to initiation of construction activity (*i.e.*, pre-start clearance monitoring) through 30 minutes post-completion of construction activity;
- Pre-start clearance monitoring must be conducted during periods of visibility sufficient for the lead Protected Species Observer (PSO) to determine the shutdown zones clear of

- marine mammals. Construction may commence when the determination is made;
- If construction is delayed or halted due to the presence of a marine mammal, the activity may not commence or resume until either the animal has voluntarily exited and been visually confirmed beyond the shutdown zone or 15 minutes have passed without re-detection of the animal;
 - MOS must use soft start techniques when impact pile driving. Soft start requires contractors and equipment to slowly approach the work site creating a visual disturbance allowing animals in close proximity to construction activities a chance to leave the area prior to stone resetting or new stone placement. A soft start must be implemented at the start of each day's construction activity and at any time following cessation of activity for a period of 30 minutes or longer;
 - The MOS must employ up to four PSOs to monitor the shutdown and Level B harassment zones during pile driving activities;
 - Monitoring will be conducted 30 minutes before, during, and 30 minutes after construction activities. In addition, observers shall record all incidents of marine mammal occurrence, regardless of distance from activity, and shall document any behavioral reactions in concert with distance from construction activity;
 - The MOS must submit a draft report detailing all monitoring within 90 calendar days of the completion of marine mammal monitoring or 60 days prior to the issuance of any subsequent IHA for this project, whichever comes first;
 - The MOS must prepare and submit final report within 30 days following resolution of comments on the draft report from NMFS;
 - The MOS must submit all PSO datasheets and/or raw sighting data (in

- a separate file from the Final Report referenced immediately above); and
- The MOS must report injured or dead marine mammals.

Comments and Responses

A notice of NMFS' proposal to issue a renewal IHA to MOS was published in the **Federal Register** October 22, 2024 (89 FR 84333). That notice either described, or referenced descriptions of, the MOS's activity, the marine mammal species that may be affected by the activity, the anticipated effects on marine mammals and their habitat, estimated amount and manner of take, and proposed mitigation, monitoring and reporting measures. NMFS received no public comments.

Determinations

The renewal request consists of a subset of activities analyzed through the initial authorization described above. In analyzing the effects of the activities for the initial IHA, NMFS determined that MOS's activities would have a negligible impact on the affected species or stocks and that authorized take numbers of each species or stock were small relative to the relevant stocks (*e.g.*, less than one-third the abundance of all stocks). The mitigation measures and monitoring and reporting requirements as described above are substantially similar to those required through initial IHA; hydroacoustic monitoring is excluded because it was completed under the initial IHA, and the shutdown zones have been revised to reflect the piles to be driven in the subset of work. The minor changes described above do not affect the least practicable adverse impact determinations.

NMFS has concluded that there is no new information suggesting that our findings should change from those reached for the initial IHA. Based on the information and analysis contained here and in the referenced documents, NMFS has determined the following: (1) the

required mitigation measures will effect the least practicable impact on marine mammal species or stocks and their habitat; (2) the authorized takes will have a negligible impact on the affected marine mammal species or stocks; (3) the authorized takes represent small numbers of marine mammals relative to the affected stock abundances; (4) MOS's activities will not have an unmitigable adverse impact on taking for subsistence purposes as no relevant subsistence uses of marine mammals are implicated by this action, and; (5) appropriate monitoring and reporting requirements are included.

National Environmental Policy Act

To comply with the National Environmental Policy Act of 1969 (NEPA; 42 U.S.C. 4321 *et seq.*) and NOAA Administrative Order (NAO) 216-6A, NMFS must review our action (*i.e.*, the issuance of an IHA renewal) with respect to potential impacts on the human environment.

This action is consistent with categories of activities identified in Categorical Exclusion B4 (incidental take authorizations with no anticipated serious injury or mortality) of the Companion Manual for NOAA Administrative Order 216-6A, which do not individually or cumulatively have the potential for significant impacts on the quality of the human environment and for which we have not identified any extraordinary circumstances that would preclude this categorical exclusion. Accordingly, NMFS determined that the issuance of the initial IHA qualified to be categorically excluded from further NEPA review. NMFS has determined that the application of this categorical exclusion remains appropriate for this renewal IHA.

Endangered Species Act

The NMFS Alaska Regional Office issued a Biological Opinion under section 7 of the Endangered Species Act (ESA; 16 U.S.C. 1531 *et seq.*) on the issuance of an IHA and potential renewal IHA to MOS under section 101(a)(5)(D) of the MMPA by the NMFS OPR. The Biological Opinion concluded that the action is not likely to jeopardize the continued existence of ESA-listed humpback whales or Steller sea lions.

Renewal

NMFS has issued a renewal IHA to MOS for the take of marine mammals incidental to conducting the terminal redevelopment construction in Skagway, Alaska, from the date of issuance through September 30, 2025.

Dated: November 19, 2024.

Kimberly Damon-Randall,

*Director, Office of Protected Resources,
National Marine Fisheries Service.*

[FR Doc. 2024-27442 Filed 11-21-24; 8:45 am]

BILLING CODE 3510-22-P

DEPARTMENT OF COMMERCE

National Oceanic and Atmospheric Administration

[RTID 0648-XE479]

Pacific Fishery Management Council; Public Meetings

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

ACTION: Notice of public meetings.

SUMMARY: The Pacific Fishery Management Council (Pacific Council) will convene a series of three online meetings of its Advisory Bodies to discuss Pacific Council projects funded under the Inflation Reduction Act (IRA); all three meetings are open to the public.

DATES: The online meetings will be held on Wednesday, December 11, 2024, from 10 a.m. to 2 p.m., Pacific time, or until business for the day is completed; Friday, December 13, 2024, from 12 p.m. to 4 p.m., or until business for the day is completed; and Tuesday, December 17, 2024, from 12 p.m. to 4 p.m., or until business for the day is completed.

ADDRESSES: These meetings will be held online. Specific meeting information, including directions on how to join the meetings and system requirements, will be provided in the meeting announcement on the Pacific Council's website (see www.pcouncil.org). You may send an email to Mr. Kris Kleinschmidt (kris.kleinschmidt@noaa.gov) or contact him at (503) 820-2412 for technical assistance.

Council address: Pacific Fishery Management Council, 7700 NE Ambassador Place, Suite 101, Portland, OR 97220-1384.

FOR FURTHER INFORMATION CONTACT:

Gilly Lyons, Staff Officer, Pacific Council; telephone: (503) 820-2427.

SUPPLEMENTARY INFORMATION: The Pacific Council will hold a series of three online meetings to discuss its IRA projects and associated project planning and development. Members of Advisory Bodies in attendance may also discuss project timelines, work products, milestones, and Advisory Body roles and responsibilities. Each meeting will

focus on a separate IRA project: December 11—*Innovating the Implementation of Council Actions to Respond to a Dynamic Ocean Environment*; December 13—*Considering the Effects of Council Management Actions on Human Well-Being in Vulnerable Fishing Communities Impacted by a Changing Marine Ecosystem*; and December 17—*Developing Climate-Ready Fishing Methods that Mitigate Bycatch of Non-Target, Associated Species in a Changing Ecosystem*. Detailed meeting agendas will be available on the Pacific Council's website prior to the meeting.

Although non-emergency issues not contained in the meeting agenda may be discussed, those issues may not be the subject of formal action during these meetings. Action will be restricted to those issues specifically listed in this document and any issues arising after publication of this document that require emergency action under section 305(c) of the Magnuson-Stevens Fishery Conservation and Management Act, provided the public has been notified of the intent to take final action to address the emergency.

Special Accommodations

Requests for sign language interpretation or other auxiliary aids should be directed to Mr. Kris Kleinschmidt (kris.kleinschmidt@noaa.gov; (503) 820-2412) at least 10 days prior to the meeting date.

Authority: 16 U.S.C. 1801 *et seq.*

Dated: November 18, 2024.

Rey Israel Marquez,

Acting Deputy Director, Office of Sustainable Fisheries, National Marine Fisheries Service.

[FR Doc. 2024-27370 Filed 11-21-24; 8:45 am]

BILLING CODE 3510-22-P

DEPARTMENT OF COMMERCE

National Oceanic and Atmospheric Administration

[RTID 0648-XE451]

Takes of Marine Mammals Incidental to Specified Activities; Taking Marine Mammals Incidental to Pacific Gas & Electric Sediment Remediation Project, San Francisco Bay

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

ACTION: Notice; issuance of renewal incidental harassment authorization.

SUMMARY: In accordance with the regulations implementing the Marine Mammal Protection Act (MMPA), as

amended, notification is hereby given that NMFS has issued a renewal incidental harassment authorization (IHA) to Pacific Gas & Electric (PG&E) to incidentally harass marine mammals incidental to construction associated with a sediment remediation project in San Francisco Bay, CA.

DATES: This renewal IHA is valid from May 1, 2025 through April 30, 2026.

ADDRESSES: Electronic copies of the original application, Renewal request, and supporting documents (including NMFS **Federal Register** notices of the original proposed and final authorizations, and the previous IHA), as well as a list of the references cited in this document, may be obtained online at: <https://www.fisheries.noaa.gov/action/incidental-take-authorization-pacific-gas-electric-sediment-remediation-project-san>. In case of problems accessing these documents, please call the contact listed below.

FOR FURTHER INFORMATION CONTACT: Kristy Jacobus, Office of Protected Resources, NMFS, (301) 427-8401.

SUPPLEMENTARY INFORMATION:

Background

The MMPA prohibits the “take” of marine mammals, with certain exceptions. Sections 101(a)(5)(A) and (D) of the MMPA (16 U.S.C. 1361 *et seq.*) direct the Secretary of Commerce (as delegated to NMFS) to allow, upon request, the incidental, but not intentional, taking of small numbers of marine mammals by U.S. citizens who engage in a specified activity (other than commercial fishing) within a specified geographical region if certain findings are made and either regulations are promulgated or, if the taking is limited to harassment, an IHA is issued.

Authorization for incidental takings shall be granted if NMFS finds that the taking will have a negligible impact on the species or stock(s) and will not have an unmitigable adverse impact on the availability of the species or stock(s) for taking for subsistence uses (where relevant). Further, NMFS must prescribe the permissible methods of taking and other “means of effecting the least practicable adverse impact” on the affected species or stocks and their habitat, paying particular attention to rookeries, mating grounds, and areas of similar significance, and on the availability of such species or stocks for taking for certain subsistence uses (referred to here as “mitigation measures”). NMFS must also prescribe requirements pertaining to monitoring and reporting of such takings. The definition of key terms such as “take,”

“harassment,” and “negligible impact” can be found in the MMPA and NMFS’s implementing regulations (see 16 U.S.C. 1362; 50 CFR 216.103).

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

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

2. The request for renewal must include the following:

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

- A preliminary monitoring report showing the results of the required monitoring to date and an explanation showing that the monitoring results do not indicate impacts of a scale or nature not previously analyzed or authorized.

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

will remain the same and appropriate, and the findings in the initial IHA remain valid.

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

History of Request

On January 22, 2024, NMFS issued an IHA to PG&E to take marine mammals incidental to construction associated with sediment remediation in San Francisco Bay, CA (89 FR 5865, January 30, 2024), effective from May 1, 2024, through April 30, 2025. On September 26, 2024, NMFS received an application for the renewal of that initial IHA. As described in the application for renewal IHA, the activities for which incidental take is requested are nearly identical to those covered in the initial IHA. Although PG&E anticipates that construction will begin during the timeframe of the initial IHA, no work has yet commenced and therefore no preliminary monitoring data are available. The notice of the proposed renewal incidental harassment authorization was published on October 16, 2024 (89 FR 83459). There are no changes from the proposed renewal IHA to the final renewal IHA.

Description of the Specified Activities and Anticipated Impacts

The planned activities are nearly identical to those analyzed in the initial IHA. As the first phase of a 5- to 7-year project to remediate sediments impacted with polycyclic aromatic hydrocarbons (PAHs) in San Francisco Bay, PG&E is planning to install hydroacoustic data collection piles, piles to attach a turbidity curtain, sediment pins to promote slope stability, and install and remove piles to relocate the Red and White Fleet (RWF). A detailed description of these activities can be found in the Notice of the initial Proposed IHA (88 FR 82836, November 27, 2023). Under the initial IHA, eight 24-inch steel shell piles and eight 36-inch steel shell piles were to be installed and removed for the RWF Relocation. Under the renewal IHA, PG&E plans to install and remove 10 24-inch piles and 10 36-inch steel shell piles for the RWF Relocation. No more than four of each of these piles would be installed or removed per day. As

analyzed in the initial IHA, installation of these piles would be done through primarily vibratory pile driving with impact pile driving only as needed to seat the piles. Removal would be through vibratory methods. The remainder of the work would be identical to that of the initial IHA, and the total proposed number of days of in-water work would be the same.

Under the initial IHA, take by Level B harassment from pile driving was authorized for harbor seal (*Phoca vitulina*), northern elephant seal (*Mirounga angustirostris*), California sea lion (*Zalophus californianus*), northern fur seal (*Callorhinus ursinus*), Steller sea lion (*Eumetopias jubatus*), bottlenose dolphin (*Tursiops truncatus*), and harbor porpoise (*Phocoena phocoena*). Under the renewal IHA,

NMFS is authorizing take, by Level B harassment only, of the same number of these species as were authorized under the initial IHA.

Documents related to the initial IHA including the **Federal Register** notices for the proposed IHA (88 FR 82836, November 27, 2023) and final IHA (89 FR 5865, January 30, 2024) and PG&E's application can be found at <https://www.fisheries.noaa.gov/action/incidental-take-authorization-pacific-gas-electric-sediment-remediation-project-san>.

Detailed Description of the Activity

A detailed description of the pile driving activities for which take is authorized here may be found in the Notices of the Proposed and Final IHAs (88 FR 82836, November 27, 2023; 89 FR 5865, January 30, 2024) for the initial

authorization. The location, timing, and nature of the activities, including the types of equipment planned for use, are identical to those described in the previous notices.

The only minor change for this renewal IHA is the addition of two 24-inch and two 36-inch steel shell piles in the RWF relocation, which would be installed with vibratory pile driving and impact pile driving only as needed to seat the piles. The piles would be removed with vibratory methods. The addition of these piles would not change the number of in-water work days (50 days; see table 1). The renewal would be effective for a period not exceeding 1 year from the date of expiration of the initial IHA. The effective dates would be from May 1, 2025, to April 30, 2026.

TABLE 1—SCHEDULE OF IN-WATER CONSTRUCTION

Type of pile	Total number of pile installation/removal	Number of piles installed/removed per day	Days of pile driving or removal
Turbidity Curtain (Steel H-Piles or Steel Shell Pile ≤ 24 inches).	40 (20 installed, 20 removed)	4	10
RWF Temporary Relocation (24-inch and 36-inch Steel Shell Piles).	40 (20 installed, 20 removed)	4	10
Sediment Pin Installation (14- to 16-inch timber or plastic).	120 (installation only)	8	15
Hydroacoustic Data Collection Piles (18-inch composite).	20 (10 installed, 10 removed)	2	10
Total	180 .....	.....	45
Total (+10% buffer) .....	.....	.....	* 50

* Rounded to maximum number of full days.

Description of Marine Mammals

A description of the marine mammals in the area of the activities, including information on abundance, status, distribution, and hearing, may be found in the Notice of the Proposed IHA (88 FR 82836, November 27, 2023) for the initial authorization. NMFS has reviewed the 2023 draft Stock Assessment Reports, information on relevant Unusual Mortality Events, and other scientific literature, and determined there is no new information that affects which species or stocks have the potential to be affected or the pertinent information in the Description of the Marine Mammals in the Area of Specified Activities contained in the supporting documents for the initial IHA. The abundance estimate for the eastern stock of the Steller sea lion has decreased from 43,201 to 36,308 according to the 2023 draft SAR (Young

et al., 2024), but this does not change estimated take numbers or influence the findings made in support of the initial IHA.

Potential Effects on Marine Mammals and Their Habitat

A description of the potential effects of the specified activity on marine mammals and their habitat for the activities for which take is authorized here may be found in the Notice of the Proposed IHA (88 FR 82836, November 27, 2023) for the initial authorization. NMFS has reviewed recent draft Stock Assessment Reports, information on relevant Unusual Mortality Events, and other scientific literature, and determined that there is no new information that affects our initial analysis of impacts on marine mammals and their habitat.

Estimated Take

A detailed description of the methods and inputs used to estimate take for the specified activity is found in the Notices of the Proposed and Final IHAs (88 FR 82836, November 27, 2023; 89 FR 5865, January 30, 2024) for the initial authorization. The only changes PG&E would make for the renewal IHA is to add 2 24-inch steel shell piles and 2 36-inch steel shell piles, resulting in a total of 10 of each piles, for installation and removal in the RWF Relocation portion of the project. The source levels, days of operation, and marine mammal occurrence data applicable to this authorization remain unchanged from the previously issued IHA. Similarly, the stocks taken, methods of take, and types of take remain unchanged from the previously issued IHA, as do the number of takes, which are indicated below in table 2.

TABLE 2—SUMMARY OF MARINE MAMMAL TAKES BY SPECIES

Species	Stock	Proposed level B harassment takes	Stock abundance	Percent of stock (%)
Harbor seal	California	1,000	30,968	3.2
Northern elephant seal	California breeding	25	187,386	0.01
California sea lion	United States	9,550	257,606	3.7
Northern fur seal	California; Eastern North Pacific	5	14,050; 626,618	0.04; 0.001
Steller sea lion	Eastern	5	36,308	0.01
Bottlenose dolphin	Coastal California	25	453	5.5
Harbor porpoise	San Francisco-Russian River	100	7,777	1.3

On October 24, 2024 NMFS published (89 FR 84872) its final Updated Technical Guidance (<https://www.fisheries.noaa.gov/s3/2024-10/Tech-Memo-Guidance-3.0-OCT2024-508-OPR1.pdf>), which includes updated thresholds and weighting functions to inform auditory injury estimates, and is replacing the 2018 Technical Guidance referenced in the Notices for the

Proposed and Final IHA (88 FR 82836, November 27, 2023; 89 FR 5865, January 30, 2024). In consideration of the best available science, NMFS conducted calculations using the Updated Technical Guidance and NMFS optional user spreadsheet, using the source levels and spreadsheet inputs provided in the Notices for the Proposed and Final IHAs (88 FR 82836, November 27, 2023; 89

FR 5865, January 30, 2024), for the purpose of understanding how Level A harassment (auditory injury) zones would change from the initial IHA. The relevant updated weighting functions may be found in the executive summary of the Updated Technical Guidance, on page 3. The updated marine mammal hearing groups and updated thresholds can be found in tables 3 and 4.

TABLE 3—MARINE MAMMAL HEARING GROUPS
[NMFS, 2024]

Hearing group	Generalized hearing range *
Low-frequency (LF) cetaceans (baleen whales)	7 Hz to 36 kHz.
High-frequency (HF) cetaceans (dolphins, toothed whales, beaked whales, bottlenose whales)	150 Hz to 160 kHz.
Very High-frequency (VHF) cetaceans (true porpoises, <i>Kogia</i> , river dolphins, Cephalorhynchid, <i>Lagenorhynchus cruciger</i> & <i>L. australis</i>).	200 Hz to 165 kHz.
Phocid pinnipeds (PW) (underwater) (true seals)	40 Hz to 90 kHz.
Otariid pinnipeds (OW) (underwater) (sea lions and fur seals)	60 Hz to 68 kHz.

* Represents the generalized hearing range for the entire group as a composite (*i.e.*, all species within the group), where individual species' hearing ranges may not be as broad. Generalized hearing range chosen based on ~65-dB threshold from composite audiogram, previous analysis in NMFS, 2018, and/or data from Southall *et al.*, 2007; Southall *et al.*, 2019. Additionally, animals are able to detect very loud sounds above and below that "generalized" hearing range.

TABLE 4—ONSET OF AUDITORY INJURY (AUD INJ)
[NMFS, 2024]

Hearing group	AUD INJ onset thresholds* (received level)	
	Impulsive	Non-impulsive
Low-Frequency (LF) Cetaceans	Cell 1: $L_{p,0-pk,flat}$: 222 dB; $L_{E,p,LF,24h}$: 183 dB	Cell 2: $L_{E,p,LF,24h}$: 197 dB
High-Frequency (HF) Cetaceans	Cell 3: $L_{p,0-pk,flat}$: 230 dB; $L_{E,p,HF,24h}$: 193 dB	Cell 4: $L_{E,p,HF,24h}$: 201 dB
Very High-Frequency (VHF) Cetaceans	Cell 5: $L_{p,0-pk,flat}$: 202 dB; $L_{E,p,VHF,24h}$: 159 dB	Cell 6: $L_{E,p,VHF,24h}$: 181 dB
Phocid Pinnipeds (PW) (Underwater)	Cell 7: $L_{p,0-pk,flat}$: 223 dB; $L_{E,p,PW,24h}$: 183 dB	Cell 8: $L_{E,p,PW,24h}$: 195 dB
Otariid Pinnipeds (OW) (Underwater)	Cell 9: $L_{p,0-pk,flat}$: 230 dB ; $L_{E,p,OW,24h}$: 185 dB	Cell 10: $L_{E,p,OW,24h}$: 199 dB

*Dual metric thresholds for impulsive sounds: Use whichever results in the largest isopleth for calculating AUD INJ onset. If a non-impulsive sound has the potential of exceeding the peak sound pressure level thresholds associated with impulsive sounds, these thresholds are recommended for consideration.

Note: Peak sound pressure level ($L_{p,0-pk}$) has a reference value of 1 μ Pa, and weighted cumulative sound exposure level ($L_{E,p}$) has a reference value of 1 μ Pa²s. In this table, thresholds are abbreviated to be more reflective of International Organization for Standardization standards (ISO, 2017). The subscript "flat" is being included to indicate peak sound pressure are flat weighted or unweighted within the generalized hearing range of marine mammals (*i.e.*, 7 Hz to 165 kHz). The subscript associated with cumulative sound exposure level thresholds indicates the designated marine mammal auditory weighting function (LF, HF, and VHF cetaceans, and PW and OW pinnipeds) and that the recommended accumulation period is 24 hours. The weighted cumulative sound exposure level thresholds could be exceeded in a multitude of ways (*i.e.*, varying exposure levels and durations, duty cycle). When possible, it is valuable for action proponents to indicate the conditions under which these thresholds will be exceeded.

NMFS has also considered whether modifications to mitigation requirements, *i.e.*, shutdown zones, would be appropriate in light of the Updated Technical Guidance. Based on

the outcome of these analyses using the Updated Technical Guidance, alternate Level A harassment zones are presented in table 5, as well as the Level A harassment zones from the initial IHA,

based on the 2018 Technical Guidance, for comparison. Mitigation zones, in consideration of the Updated Technical Guidance where appropriate, are discussed in the *Description of*

Proposed Mitigation, Monitoring and Reporting Measures section.

Although some estimated Level A harassment zones have increased using the 2024 guidance, consistent with the

initial IHA, no Level A harassment takes are anticipated, because PG&E will change the shutdown zones accordingly and consistent with the intent of the

measures prescribed through the initial IHA, as discussed in *Description of Proposed Mitigation, Monitoring and Reporting Measures* section.

TABLE 5—LEVEL A HARASSMENT ZONES USING 2018 TECHNICAL GUIDANCE AND UPDATED 2024 TECHNICAL GUIDANCE

Pile type and method	Level A harassment zones using 2018 technical guidance (m)				Level A harassment zones using updated 2024 technical guidance (m)			
	HF Cetacean ^a	VHF Cetacean ^b	Phocids	Otariids	HF Cetacean	VHF Cetacean	Phocids	Otariids
Hydroacoustic Data Collection								
18-inch Composite, Impact	<1	19	9	<1	2	25	14	5
18-inch Composite, Vibratory	<1	6	3	1	1	2	3	1
Turbidity Curtain								
Steel H-Pile, Vibratory	0	<1	<1	<1	<1	<1	<1	<1
Steel Shell Pile ≤24-inch, Vibratory	<1	4	2	1	<1	2	3	1
RWF Temporary Relocation Piles								
Steel Shell Pile 24-inch, Vibratory	<1	4	2	<1	<1	2	3	1
Steel Shell Pile 24-inch, Impact, Attenuated ^c	11	351	158	12	37	454	261	97
Steel Shell Pile ≤36 inch, Vibratory	3	28	14	2	13	27	42	14
Sediment Pins								
14 to 16-inch Timber, Vibratory	2	23	10	1	8	17	27	9
14 to 16-inch Timber, Impact	<1	14	6	<1	2	18	10	4
14 to 16-inch Composite, Vibratory	<1	6	3	<1	2	4	7	2
14 to 16-inch Composite, Impact	<1	9	4	<1	1	11	7	2

^a In the 2018 guidance and initial IHA, HF cetaceans were referred to as MF (mid-frequency) cetaceans.

^b In the 2018 guidance and initial IHA, VHF cetaceans were referred to as HF (high-frequency) cetaceans.

^c 5-dB reduction in sound due to use of bubble curtain assumed.

Description of Mitigation, Monitoring and Reporting Measures

The mitigation, monitoring, and reporting measures included as requirements in this authorization are nearly identical to those included in the **Federal Register** notice announcing the issuance of the initial IHA (89 FR 5865, January 30, 2024), and the discussion of the least practicable adverse impact included in that document and the Notice of the Proposed IHA (88 FR 782836, November 27, 2023) remain accurate. Consistent with the mitigation required through the initial IHA, shutdown zones proposed for the renewal IHA are based on the largest Level A harassment zone for each pile size/type and driving method, as updated using the Updated 2024 Technical Guidance rather than the 2018 Technical Guidance. The zones are calculated identically to those presented in the Notice of the Proposed IHA (88 FR 82836, November 27, 2023), with reference to the updated Technical Guidance. The following mitigation, monitoring, and reporting measures for this renewal include:

- PG&E must shut down construction operations if a marine mammal comes within 10 m of construction activity to avoid direct physical interaction with marine mammals;
- PG&E must establish shutdown zones for all pile driving activities. Shutdown zones are based on the largest Level A harassment zone for each pile size/type and driving method;
- PG&E must shut down during active pile driving if marine mammals approach shutdown zones (see table 6);
- NMFS-approved protected species observers (PSOs) must be used to monitor the full shutdown zones and as much of the Level B harassment zone as possible;
- PSOs must monitor the shutdown zones for at least 30 minutes prior to pile driving, throughout pile driving, and 30 minutes after;
- If marine mammals are found within the shutdown zone, pile driving must be delayed until the animal has moved out of the shutdown zone;
- PG&E must shut down if any species for which take has not been authorized, or a species for which take has been authorized but the authorized

take numbers have been met, approaches or enters the Level B harassment zones;

- Should environmental conditions deteriorate such that marine mammals within the entire shutdown zone would not be visible (e.g., fog, heavy rain), pile driving must be delayed until observers are confident marine mammals within the shutdown zone could be detected;
- PG&E must implement impact pile driving soft starts whereby hammer energy is gradually ramped up;
- A bubble curtain must be used during impact pile driving of steel piles;
- PG&E must submit a draft marine mammal monitoring report to NMFS within 90 days after the completion of pile driving activities or 60 calendar days prior to the requested issuance of any subsequent IHA for construction activity at the same location, whichever comes first. A final report must be prepared and submitted within 30 calendar days following receipt of any NMFS comments on the draft report;
- All injured or dead marine mammals must be reported to the Office of Protected Resources and to the West Coast regional stranding network.

TABLE 6—RENEWAL IHA SHUTDOWN ZONES

Pile type and method	Shutdown zone for all species (m)	Change from initial IHA
Hydroacoustic Data Collection		
18-inch Composite, Impact	30	Increased 10 m.
18-inch Composite, Vibratory Removal	10	No change.
Turbidity Curtain		
Steel H-Pile, Vibratory Installation and Removal	10	No change.
Steel Shell Pile ≤24 inch, Vibratory Installation and Removal	10	No change.
RWF Relocation Piles		
Steel Shell Pile 24 inch, Vibratory Installation and Removal	10	No change.
Steel Shell Pile 24 inch, Impact, Attenuated	450	Increased 90 m.
Steel Shell Pile 36 inch, Vibratory	40	Increased 10 m.
Sediment Pins		
14- to 16-inch Timber, Vibratory	30	No change.
14- to 16-inch Timber, Impact	20	No change.
14- to 16-inch Composite, Vibratory	10	No change.
14- to 16-inch Composite, Impact	20	No change.

Comments and Responses

A notice of NMFS' proposal to issue a renewal IHA to PG&E was published in the **Federal Register** on October 16, 2024 (89 FR 83459). That notice either described, or referenced descriptions of, PG&E's activity, the marine mammal species that may be affected by the activity, the anticipated effects on marine mammals and their habitat, estimated amount and manner of take, and proposed mitigation, monitoring and reporting measures. NMFS received one comment letter from an individual. The comments and our responses are summarized below.

Comment 1: A member of the public asserted that the addition of two 24-inch piles and two 36-inch piles and associated pile driving would cumulatively increase stress on the local marine mammal populations. Although expressing support for the mitigation measures, the commenter asserts that the mitigation measures are not adequate to address the impacts of the small amount of increased pile driving. The commenter also asserts that NMFS should reconsider its qualification of Categorical Exclusion under the National Environmental Policy Act (NEPA) for this project and that an environmental impact statement would be necessary.

Response: NMFS acknowledges that pile driving noise is a stressor to marine mammals but disagrees that the addition of two 24-inch and two 36-inch steel piles would cumulatively increase stress on the local marine mammal population to a meaningful degree. As discussed in

the notice of proposed IHA for the initial IHA (88 FR 82836, November 27, 2023), pile driving can result in auditory impacts, behavioral harassment, and disruption in foraging. However, NMFS expects that any negative effects from pile driving will be temporary and localized to a small area within San Francisco Bay. The addition of four piles would result in lengthening the project on the scale of hours and would not result in larger isopleths. NMFS expects that this small increase in time of pile driving would result in negligible impacts to the marine mammals in the vicinity of the project and would not result in a cumulative increase in stress to the overall population of marine mammals in San Francisco Bay.

NMFS disagrees that the mitigation is not adequate to address the increased pile driving activities. As previously mentioned, the addition of the four piles would increase the time frame of the project on the scale of hours and would not increase harassment distances. NMFS expects that the required mitigation measures, which include implementation of shutdown zones, monitoring of zones using PSOs, soft start procedures for impact pile driving, and use of a bubble curtain for impact pile driving of steel piles, is sufficient to effect the least practicable adverse impact.

NMFS disagrees that the application of Categorical Exclusion B4 from further analysis under NEPA is inappropriate, and the commenter provides no rational basis for this assertion. The issuance of a renewal IHA to PG&E for take of

marine mammals incidental to pile driving activities is consistent with activities identified in categorical exclusion B4. The addition of four steel piles, of the same size and type as analyzed under the initial IHA, does not result in any changes to the anticipated environmental impacts and, therefore, application of CE B4 remains appropriate.

Determinations

NMFS has concluded that there is no new information suggesting that our analysis or findings should change from those reached for the initial IHA. This includes consideration of the estimated abundance of the eastern stock of the Steller sea lion decreasing, updated analysis reflecting the 2024 Technical Guidance, and corresponding updates to required shutdown zones. Based on the information and analysis contained here and in the referenced documents, NMFS has determined the following: (1) the required mitigation measures will effect the least practicable impact on marine mammal species or stocks and their habitat; (2) the authorized takes will have a negligible impact on the affected marine mammal species or stocks; (3) the authorized takes represent small numbers of marine mammals relative to the affected stock abundances; (4) PG&E's activities will not have an unmitigable adverse impact on taking for subsistence purposes as no relevant subsistence uses of marine mammals are implicated by this action, and; (5) appropriate monitoring and reporting requirements are included.

National Environmental Policy Act

To comply with the National Environmental Policy Act of 1969 (NEPA; 42 U.S.C. 4321 *et seq.*) and NOAA Administrative Order (NAO) 216–6A, NMFS must review our proposed action (*i.e.*, the issuance of an IHA) with respect to potential impacts on the human environment.

This action is consistent with categories of activities identified in Categorical Exclusion B4 (incidental take authorizations with no anticipated serious injury or mortality) of the Companion Manual for NOAA Administrative Order 216–6A, which do not individually or cumulatively have the potential for significant impacts on the quality of the human environment and for which we have not identified any extraordinary circumstances that would preclude this categorical exclusion. Accordingly, NMFS determined that the issuance of the initial IHA qualified to be categorically excluded from further NEPA review. NMFS has determined that the application of this categorical exclusion remains appropriate for this renewal IHA.

Endangered Species Act

Section 7(a)(2) of the Endangered Species Act of 1973 (ESA; 16 U.S.C. 1531 *et seq.*) requires that each Federal agency insure that any action it authorizes, funds, or carries out is not likely to jeopardize the continued existence of any endangered or threatened species or result in the destruction or adverse modification of designated critical habitat. To ensure ESA compliance for the issuance of IHAs, NMFS consults internally whenever we propose to authorize take for endangered or threatened species.

No incidental take of ESA-listed species is authorized or expected to result from this activity. Therefore, NMFS has determined that formal consultation under section 7 of the ESA is not required for this action.

Renewal

NMFS has issued a renewal IHA to PG&E for the take of marine mammals incidental to conducting pile driving activities associated with the Sediment Remediation Project in San Francisco Bay, CA effective from May 1, 2025 to April 30, 2026.

Dated: November 18, 2024.

Kimberly Damon-Randall,

*Director, Office of Protected Resources,
National Marine Fisheries Service.*

[FR Doc. 2024–27346 Filed 11–21–24; 8:45 am]

BILLING CODE 3510–22–P

DEPARTMENT OF COMMERCE**National Oceanic and Atmospheric Administration**

[RTID 0648–XE480]

Mid-Atlantic Fishery Management Council (MAFMC); Public Meetings

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

ACTION: Notice of public meetings.

SUMMARY: The Mid-Atlantic Fishery Management Council (Council) will hold public meetings of the Council and its Executive Committee, including joint sessions with the Atlantic States Marine Fisheries Commission (ASMFC) Summer Flounder, Scup, and Black Sea Bass Management Board and Policy Board.

DATES: The meetings will be held Tuesday, December 10, 2024, through Thursday, December 12, 2024. For agenda details, see **SUPPLEMENTARY INFORMATION**.

ADDRESSES: This meeting will be an in-person meeting with a virtual option. Council members, other meeting participants, and members of the public will have the option to participate in person at The Westin Annapolis, 100 Westgate Circle, Annapolis, MD 21401, or virtually via Webex webinar. Webinar connection instructions and briefing materials will be available at: <https://www.mafmc.org/briefing/december-2024>.

Council address: Mid-Atlantic Fishery Management Council, 800 N State St., Suite 201, Dover, DE 19901; telephone: (302) 674–2331; www.mafmc.org.

FOR FURTHER INFORMATION CONTACT: Christopher M. Moore, Ph.D. Executive Director, Mid-Atlantic Fishery Management Council; telephone: (302) 526–5255. The Council's website, www.mafmc.org, also has details on the meeting location, proposed agenda, webinar listen-in access, and briefing materials.

SUPPLEMENTARY INFORMATION: The following items are on the agenda, although agenda items may be addressed out of order (changes will be noted on the Council's website when possible.)

Tuesday, December 10, 2024

Executive Committee—Closed Session

Review 2024 Ricks E. Savage Award nominations.

Council Convenes With the Atlantic States Marine Fisheries Commission's (ASMFC) Summer Flounder, Scup, and Black Sea Bass Management Board

2025 Summer Flounder Recreational Measures Review

Review Advisory Panel and Monitoring Committee recommendations.

Review previously adopted 2025 recreational measures and recommend changes if warranted.

2025 Scup Recreational Measures Review

Review Advisory Panel and Monitoring Committee recommendations.

Review previously adopted 2025 recreational measures and recommend changes if warranted.

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2025 Black Sea Bass Recreational Measures

Review Advisory Panel and Monitoring Committee recommendations.

Recommend conservation equivalency or coastwide management and associated measures for 2025.

ASMFC Summer Flounder, Scup, and Black Sea Bass Board Adjourns Council Convenes With the ASMFC Policy Board

Recreational Sector Separation and Catch Accounting Amendment

Consider approval of draft scoping/public information document.

ASMFC Policy Board Adjourns

2024 Ecosystem Approach to Fisheries Management (EAFM) Risk Assessment

Review final report.

2025 Spiny Dogfish Specifications

Review recommendations from the SSC, Monitoring Committee, Advisory Panel, and staff.

Review previously adopted 2025 specifications and management measures, and recommend changes if necessary.

Wednesday, December 11, 2024

Atlantic Surfclam and Ocean Quahog Species Separation Requirements Amendment Final Action

Review report from Atlantic Surfclam and Ocean Quahog Species Separation Requirements Amendment Implementation Issues Workshop.

Take up postponed motion to consider Alternative 5 as the preferred Amendment alternative.

Select Council preferred alternative and take final action.

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2025–2029 Council Research Priorities

Review and approve the 2025–2029 Council Research Priorities.

2025 Implementation Plan

Review and approve the 2025 Implementation Plan.

Butterfish Mesh Requirements

Review recommendations from the Law Enforcement Committee and staff.

Consider adopting modifications to butterfly mesh requirements.

Ricks E Savage Award Presentation

Presentation of the 2023 Ricks E Savage Award.

Thursday, December 12, 2024

Manomet's River Herring Portal

Staff from Manomet will present the results of a Council-funded project to develop a hub for river herring and shad run data.

Business Session

Committee Reports (SSC), Highly Migratory Species (HMS), Northeast Trawl Advisory Panel (NTAP); Executive Director's Report; Organization Reports; and Liaison Reports.

Other Business and General Public Comment

Although non-emergency issues not contained in this agenda may come before these groups for discussion, in accordance with the Magnuson-Stevens Fishery Conservation and Management Act (Magnuson-Stevens Act), those issues may not be the subject of formal action during these meetings. Actions will be restricted to those issues specifically identified in this notice and any issues arising after publication of this notice that require emergency action under Section 305(c) of the Magnuson-Stevens Fishery Conservation and Management Act, provided the public has been notified of the Council's intent to take final action to address the emergency.

Special Accommodations

These meetings are physically accessible to people with disabilities. Requests for sign language interpretation or other auxiliary aid should be directed to Shelley Spedden, (302) 526–5251, at least 5 days prior to the meeting date.

Authority: 16 U.S.C. 1801 *et seq.*

Dated: November 18, 2024.

Rey Israel Marquez,

Acting Deputy Director, Office of Sustainable Fisheries, National Marine Fisheries Service.

[FR Doc. 2024–27371 Filed 11–21–24; 8:45 am]

BILLING CODE 3510–22–P

DEPARTMENT OF COMMERCE**National Oceanic and Atmospheric Administration**

[RTID 0648–XE419]

Fisheries of the Gulf of Mexico; Southeast Data, Assessment, and Review (SEDAR); Public Meeting

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

ACTION: Notice of SEDAR 98 Data Workshop for Gulf of Mexico Red Snapper.

SUMMARY: The SEDAR 98 assessment process of Gulf of Mexico red snapper will consist of a Data Workshop, and a series of assessment webinars, and a Review Workshop. See **SUPPLEMENTARY INFORMATION**.

DATES: The SEDAR 98 Data Workshop will be held from 8:30 a.m. on December 10, 2024, until 1 p.m. on December 13, 2024. The established times may be adjusted as necessary to accommodate the timely completion of discussion relevant to the assessment process. Such adjustments may result in the meeting being extended from or completed prior to the time established by this notice.

ADDRESSES:

Meeting address: The SEDAR 98 Data Workshop will be held at the Renaissance Battle House Hotel & Spa, 26 North Royal Street, Mobile, AL 36602.

SEDAR address: 4055 Faber Place Drive, Suite 201, North Charleston, SC 29405.

FOR FURTHER INFORMATION CONTACT: Julie A. Neer, SEDAR Coordinator; (843) 571–4366; email: Julie.neer@safmc.net.

SUPPLEMENTARY INFORMATION: The Gulf of Mexico, South Atlantic, and Caribbean Fishery Management Councils, in conjunction with NOAA Fisheries and the Atlantic and Gulf States Marine Fisheries Commissions have implemented the Southeast Data, Assessment and Review (SEDAR) process, a multi-step method for determining the status of fish stocks in the Southeast Region. SEDAR is a multi-step process including: (1) Data/Assessment Workshop, and (2) a series of webinars. The product of the Data/

Assessment Workshop is a report which compiles and evaluates potential datasets and recommends which datasets are appropriate for assessment analyses, and describes the fisheries, evaluates the status of the stock, estimates biological benchmarks, projects future population conditions, and recommends research and monitoring needs. Participants for SEDAR Workshops are appointed by the Gulf of Mexico, South Atlantic, and Caribbean Fishery Management Councils and NOAA Fisheries Southeast Regional Office, HMS Management Division, and Southeast Fisheries Science Center. Participants include data collectors and database managers; stock assessment scientists, biologists, and researchers; constituency representatives including fishermen, environmentalists, and NGO's; International experts; and staff of Councils, Commissions, and state and federal agencies.

The items of discussion in the Data Workshop are as follows:

An assessment data set and associated documentation will be developed during the workshop.

Participants will evaluate proposed data and select appropriate sources for providing information on topics such as life history characteristics, catch statistics, discard estimates, length and age composition, and fishery dependent and fishery independent measures of stock abundance.

Although non-emergency issues not contained in this agenda may come before this group for discussion, those issues may not be the subject of formal action during these meetings. Action will be restricted to those issues specifically identified in this notice and any issues arising after publication of this notice that require emergency action under section 305(c) of the Magnuson-Stevens Fishery Conservation and Management Act, provided the public has been notified of the intent to take final action to address the emergency.

Special Accommodations

These meetings are physically accessible to people with disabilities. Requests for sign language interpretation or other auxiliary aids should be directed to the Council office (see **ADDRESSES**) at least 10 business days prior to each workshop.

Note: The times and sequence specified in this agenda are subject to change.

Authority: 16 U.S.C. 1801 *et seq.*

Dated: November 18, 2024.

Rey Israel Marquez,

Acting Deputy Director, Office of Sustainable Fisheries, National Marine Fisheries Service.

[FR Doc. 2024-27369 Filed 11-21-24; 8:45 am]

BILLING CODE 3510-22-P

COMMITTEE FOR PURCHASE FROM PEOPLE WHO ARE BLIND OR SEVERELY DISABLED

Procurement List; Proposed Deletions

AGENCY: Committee for Purchase From People Who Are Blind or Severely Disabled.

ACTION: Proposed deletions from the Procurement List.

SUMMARY: The Committee is proposing to delete product(s) and service(s) from the Procurement List that were furnished by nonprofit agencies employing persons who are blind or have other severe disabilities.

DATES: Comments must be received on or before: December 22, 2024.

ADDRESSES: Committee for Purchase From People Who Are Blind or Severely Disabled, 355 E Street SW, Suite 325, Washington, DC 20024.

FOR FURTHER INFORMATION CONTACT: For further information or to submit comments contact: Michael R. Jurkowski, Telephone: (703) 489-1322, or email CMTEFedReg@AbilityOne.gov.

SUPPLEMENTARY INFORMATION: This notice is published pursuant to 41 U.S.C. 8503(a)(2) and 41 CFR 51-2.3. Its purpose is to provide interested persons an opportunity to submit comments on the proposed actions.

Deletions

The following product(s) and service(s) are proposed for deletion from the Procurement List:

Product(s)

NSN(s)—Product Name(s):

8415-01-576-9915—Undershirt, FREE, Army, Unisex, Foliage Green, Size XS
8415-01-576-9930—Undershirt, FREE, Army, Unisex, Foliage Green, Size S
8415-01-577-0407—Undershirt, FREE, Army, Unisex, Foliage Green, Size M
8415-01-577-0408—Undershirt, FREE, Army, Unisex, Foliage Green, Size L
8415-01-577-0409—Undershirt, FREE, Army, Unisex, Foliage Green, Size XL
8415-01-577-0410—Undershirt, FREE, Army, Unisex, Foliage Green, Size XXL
8415-01-588-0506—Undershirt, FREE, Army, Unisex, Desert Sand, Size XS
8415-01-588-0740—Undershirt, FREE, Army, Unisex, Desert Sand, Size S
8415-01-588-0746—Undershirt, FREE, Army, Unisex, Desert Sand, Size M
8415-01-588-0772—Undershirt, FREE, Army, Unisex, Desert Sand, Size L

8415-01-588-0774—Undershirt, FREE, Army, Unisex, Desert Sand, Size XL
8415-01-588-0794—Undershirt, FREE, Army, Unisex, Desert Sand, Size XXL
Authorized Source of Supply: BESTWORK INDUSTRIES FOR THE BLIND, INC, Cherry Hill, NJ

Contracting Activity: W6QK ACC-APG NATICK, NATICK, MA

Service(s)

Service Type: Administrative Support Services

Mandatory for: US Army, Natick Contracting Division (ACC-APG), General Greene Avenue, Natick, MA; General Green Avenue, Natick, MA

Authorized Source of Supply: Work, Incorporated, Dorchester, MA

Contracting Activity: DEPT OF THE ARMY, W6QK ACC-APG NATICK

Service Type: Mailing Services

Mandatory for: US Department of Energy, Office of Science Chicago Office, Argonne National Laboratory, Argonne, IL; 9800 S Cass Avenue; Argonne, IL

Mandatory Source of Supply: Jewish Child and Family Services, Chicago, IL

Contracting Activity: ENERGY, DEPARTMENT OF, SE-SC CHICAGO SERVICE CENTER

Michael R. Jurkowski,

Director, Business Operations.

[FR Doc. 2024-27392 Filed 11-21-24; 8:45 am]

BILLING CODE 6353-01-P

COMMITTEE FOR PURCHASE FROM PEOPLE WHO ARE BLIND OR SEVERELY DISABLED

Procurement List; Deletions

AGENCY: Committee for Purchase From People Who Are Blind or Severely Disabled.

ACTION: Deletions from the Procurement List.

SUMMARY: This action deletes product(s) from the Procurement List that were furnished by nonprofit agencies employing persons who are blind or have other severe disabilities.

DATES: Date added to and deleted from the Procurement List: December 22, 2024.

ADDRESSES: Committee for Purchase From People Who Are Blind or Severely Disabled, 355 E Street SW, Suite 325, Washington, DC 20024.

FOR FURTHER INFORMATION CONTACT: For further information or to submit comments contact: Michael R. Jurkowski, Telephone: (703) 489-1322, or email CMTEFedReg@AbilityOne.gov.

SUPPLEMENTARY INFORMATION:

Deletions

On October 18, 2024 (89 FR 83842), the Committee for Purchase From

People Who Are Blind or Severely Disabled published notice of proposed deletions from the Procurement List. This notice is published pursuant to 41 U.S.C. 8503(a)(2) and 41 CFR 51-2.3.

After consideration of the relevant matter presented, the Committee has determined that the product(s) listed below are no longer suitable for procurement by the Federal Government under 41 U.S.C. 8501-8506 and 41 CFR 51-2.4.

Regulatory Flexibility Act Certification

I certify that the following action will not have a significant impact on a substantial number of small entities. The major factors considered for this certification were:

1. The action will not result in additional reporting, recordkeeping or other compliance requirements for small entities.

2. The action may result in authorizing small entities to furnish the product(s) to the Government.

3. There are no known regulatory alternatives which would accomplish the objectives of the Javits-Wagner-O'Day Act (41 U.S.C. 8501-8506) in connection with the product(s) deleted from the Procurement List.

End of Certification

Accordingly, the following product(s) are deleted from the Procurement List:

Product(s)

NSN(s)—Product Name(s):

2540-01-314-7834—Cushion, Seat, Vehicular, 14.5" x 18"

Authorized Source of Supply: Lions Services, Inc., Charlotte, NC

Contracting Activity: DLA LAND AND MARITIME, COLUMBUS, OH

NSN(s)—Product Name(s):

7110-00-823-7675—Conference Table, 72" x 34" x 29½", Seats 8, Walnut Laminate

7110-00-958-0780—Conference Table, 60" x 30" x 29½", Seats 6, Walnut Laminate

7110-00-902-3052—Conference Table—120" x 48" x 29½", Seats 12, Walnut Laminate

7110-00-903-3061—Conference Table—96" x 38" x 29½", Seats 10, Walnut Laminate

Authorized Source of Supply: Knox County Association for Remarkable Citizens, Inc., Vincennes, IN

Contracting Activity: GSA/FAS FURNITURE SYSTEMS MGT DIV, PHILADELPHIA, PA

Michael R. Jurkowski,

Director, Business Operations.

[FR Doc. 2024-27393 Filed 11-21-24; 8:45 am]

BILLING CODE 6353-01-P

COUNCIL OF THE INSPECTORS GENERAL ON INTEGRITY AND EFFICIENCY

Senior Executive Service Performance Review Board Membership

AGENCY: Council of the Inspectors
General on Integrity and Efficiency.

ACTION: Notice.

DATES: Applicable October 1, 2024.

FOR FURTHER INFORMATION CONTACT:
Andrew Cannarsa, CIGIE Executive
Director, (202) 292-2600. Individual
Office of Inspectors General at the
telephone numbers listed below.

SUPPLEMENTARY INFORMATION:

I. Background

The Inspector General Act of 1978, as amended, created the Offices of Inspectors General as independent and objective units to conduct and supervise audits and investigations relating to Federal programs and operations. The Inspector General Reform Act of 2008 established the Council of the Inspectors General on Integrity and Efficiency (CIGIE) to address integrity, economy, and effectiveness issues that transcend individual Government agencies; and increase the professionalism and effectiveness of personnel by developing policies, standards, and approaches to aid in the establishment of a well-trained and highly skilled workforce in the Offices of Inspectors General. CIGIE is an interagency council whose executive chair is the Deputy Director for Management, Office of Management and Budget, and is comprised principally of the 73 Inspectors General (IGs).

II. CIGIE Performance Review Board

Under 5 U.S.C. 4314(c)(1) through (5), and in accordance with regulations prescribed by the Office of Personnel Management, each agency is required to establish one or more Senior Executive Service (SES) performance review boards. The purpose of these boards is to review and evaluate the initial appraisal of a senior executive's performance by the supervisor, along with any recommendations to the appointing authority relative to the performance of the senior executive. The current members of the Council of the Inspectors General on Integrity and Efficiency Performance Review Board, as of October 1, 2024, are as follows:

Agency for International Development,
Phone Number: (202) 712-1150,
CIGIE Liaison—Paul K. Martin,
(202) 712-4119, pkmartin@oig.usaid.gov
• Paul K. Martin—Inspector General

- Toayoa Aldridge—Assistant Inspector General for Audits, Inspections and Evaluations
 - Gabriele Tonsil—Deputy Assistant Inspector General for Audits, Inspections and Evaluations
 - Marc Meyer—Assistant Inspector General for Investigations
 - Eric Maddox—Deputy Assistant Inspector General for Investigations
 - Dianne Campbell—Assistant Inspector General for Management
- Department of Agriculture, Phone Number: (202) 720-8001, CIGIE Liaison—Angel N. Bethea (202) 720-8001, angel.bethea@oig.usda.gov
- Virginia E.B. Rone—Deputy Inspector General
 - Christy A. Slamowitz—Counsel to the Inspector General
 - Janet Sorensen—Assistant Inspector General for Audit
 - Steven H Rickrode, Jr.—Deputy Assistant Inspector General for Audit
 - Yarisís Rivera Rojas—Deputy Assistant Inspector General for Audit
 - Nicole Gardner—Assistant Inspector General for Investigations
 - Mily Le—Assistant Inspector General for Management
 - Peter J. Sima-Eichler—Assistant Inspector General for Analytics and Innovation
- Department of Commerce, Phone Number: (202) 578-3324, CIGIE Liaison—Melina Avakian (202) 578-3324, mavakian@oig.doc.gov
- Roderick M. Anderson—Deputy Inspector General.
 - Richard L. Bachman—Assistant Inspector General for Audit and Evaluation.
 - E. Wade Green, Jr.—Counsel to the Inspector General.
 - Robert O. Johnston, Jr.—Chief of Staff.
 - Scott M. Kieffer—Assistant Inspector General for Investigations.
 - Frederick J. Meny—Assistant Inspector General for Audit and Evaluation.
 - Arthur L. Scott, Jr.—Assistant Inspector General for Audit and Evaluation.
 - Mark H. Zabarsky—Principal Assistant Inspector General for Audit and Evaluation.

Council of the Inspectors General on Integrity and Efficiency, Phone Number: (202) 292-2600, CIGIE Liaison—Denise Mangra (202) 292-2604, denise.mangra@cigie.gov
Andrew Cannarsa—Executive Director, Department of Defense, Phone Number: (703) 604-8324, CIGIE Liaison—Darcell E. Wilder (703) 699-7495, Darcell.wilder@dodig.mil

- Jaryd M. Bern—Assistant Inspector General for Legislative Affairs & Communications
 - Bryan T. Clark—Assistant Inspector General for Evaluations (Program, COCOM, and OCO Operations)
 - David A. Core—Principal Deputy General Counsel
 - Leo J. FitzHarris IV—Deputy Inspector General for Mission Support
 - Grant A. Fleming—Assistant Inspector General for Investigations (Operations)
 - Marguerite C. Garrison—Deputy Inspector General for Administrative Investigations
 - Carol N. Gorman—Assistant Inspector General for Audit (Readiness and Cyber Operations)
 - Paul Hadjiyane—General Counsel
 - James R. Ives—Principal Assistant Inspector General for Investigations
 - Carmine J. Malone—Assistant Inspector General for Audit (Readiness and Cyber Operations)
 - Brett A. Mansfield—Deputy Inspector General for Audit
 - Kelly P. Mayo—Deputy Inspector General for Investigations
 - Troy M. Meyer—Deputy Inspector General for Overseas Contingency Operations
 - Harris S. Quddos—Chief Information Officer
 - Michael J. Roark—Deputy Inspector General for Evaluations
 - Ogochukwu A. Ekwuabu—Assistant Inspector General for Strategic Planning and Performance
 - Gregory P. Shilling—Assistant Inspector General for Investigations (Internal Operations)
 - Janet L. Stallings—Principal Assistant Inspector General for Audit
 - Steven A. Stebbins—Principal Deputy Inspector General
 - Randolph R. Stone—Assistant Inspector General for Evaluations (Space, Intelligence, Engineering and Oversight)
 - Richard B. Vasequez—Assistant Inspector General for Audit (Readiness and Global Operations)
 - Lorin T. Venable—Assistant Inspector General for Audit (Financial Management and Reporting)
 - David G. Yacobucci—Assistant Inspector General for Data Analytics
 - Willie L. Young—Principal Assistant Inspector General for Mission Support
- Department of Education, Phone Number: (202) 245-6900, CIGIE Liaison—Theresa Perolini (202) 987-0174, Theresa.Perolini@ed.gov
- René Rocque—Deputy Inspector

- General
 - Sean Dawson—Assistant Inspector General for Audit
 - Jason Williams—Assistant Inspector General for Investigations
 - Terry Harris—Deputy Assistant Inspector General for Investigations
 - Antonio Murray—Acting Assistant Inspector General for Technology Services
 - Antigone Potamianos—Counsel to the Inspector General
 - Joy Stith—Assistant Inspector General for Management Services
 - Takiyah Golden—Deputy Assistant Inspector General for Management Services
 - Theresa Perolini—Assistant Inspector General for Enterprise and External Affairs
- Department of Energy, Phone Number: (202) 586–1818, CIGIE Liaison—Ryan Cocolin (202) 381–6035, *Ryan.Cocolin@hq.doe.gov*
- Jennifer Quinones—Deputy Inspector General
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 - Lew Sessions—Assistant Inspector General for Investigations
 - Anthony Cruz—Assistant Inspector General for Inspections, Intelligence Oversight, and Special Projects
 - Deborah Thomas—Deputy Assistant Inspector General for Inspections, Intelligence Oversight, and Special Projects
 - Kshemendra Paul—Assistant Inspector General for Cyber Assessments and Data Analytics
 - Todd Wisniewski—Deputy Assistant Inspector General for Cyber Assessments and Data Analytics
 - Matthew Dove—Assistant Inspector General for Audits
 - John McCoy—Deputy Assistant Inspector General for Audits
 - Travis Farris—Chief Counsel to the Inspector General
 - Jonathan Black—Chief Advisor for Strategic Planning and Program Oversight
- Environmental Protection Agency, CIGIE Liaison—Jee Kim (202) 566–1429, *kim.jee@epa.gov*
- Nicole Murley—Deputy Inspector General
 - Stephanie Wright—Assistant Inspector General for Information Technology
 - Erica Kavanagh—Associate Deputy Inspector General
 - Mary Katherine Trimble—Assistant Inspector General for Audit
 - Paul Bergstrand—Assistant Inspector General for Special Review and Evaluation
- Federal Communications Commission, Phone Number: (202) 418–0470, CIGIE Liaison—Johnny Drake (202) 418–7328, *johnny.drake@fcc.gov*
- Fara Damelin—Inspector General
 - Sharon Diskin—Assistant Inspector General for Investigations
- Federal Labor Relations Authority, Phone Number: (771) 444–5712, CIGIE Liaison—Dana Rooney (771) 444–5712, *drooney@flra.gov*
- Dana Rooney—Inspector General
- Federal Maritime Commission, Phone Number: (202) 523–5863, CIGIE Liaison—Jon Hatfield (202) 523–5863, *jhatfield@fmc.gov*
- Jon Hatfield—Inspector General
- Federal Trade Commission, Phone Number: (202) 326–2355, CIGIE Liaison—Andrew Katsaros (202) 326–2355, *akatsaros@ftc.gov*
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 - Brian J. Gibson—Deputy Assistant Inspector General for Real Property Audits
 - James E. Adams—Assistant Inspector General for Investigations
 - Jason M. Suffredini—Deputy Assistant Inspector General for Investigations
 - Patricia D. Sheehan—Assistant Inspector General for Inspections
 - Kristine M. Preece—Assistant Inspector General for Administration
- Department of Health and Human Services, Phone Number: (202) 619–3148, CIGIE Liaison—Steven Driscoll (202) 860–4777, *Steven.Driscoll@oig.hhs.gov*
- Juliet Hodgkins—Principal Deputy Inspector General
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 - Robert Owens, Jr.—Deputy Inspector General for Management and Policy
 - Robert DeConti—Chief Counsel to the Inspector General
 - Christian Schrank—Deputy Inspector General for Investigations
 - Amy Frontz—Deputy Inspector General for Audit Services
 - Ann Maxwell—Deputy Inspector General for Evaluation and
- Inspections
- Maria Thompson—Assistant Inspector General/Chief Information Officer
 - Kaitlin Devine—Assistant Inspector General/Chief Data Officer
 - Lisa Re—Assistant Inspector General for Legal Affairs
 - Adam Globerman—Assistant Inspector General for Investigations
 - Derrick Franklin—Assistant Inspector General for Investigations
 - Scott Lampert—Assistant Inspector General for Investigations
 - Miranda Bennett—Assistant Inspector General for Investigations
 - Tamara Lilly—Assistant Inspector General for Audit Services (Cybersecurity and IT Audits)
 - Carla Lewis—Assistant Inspector General for Audit Services
 - John Hagg—Assistant Inspector General for Audit Services
 - Erin Bliss—Assistant Inspector General for Evaluation and Inspections
 - Melicia Seay—Assistant Inspector General for Evaluation and Inspections
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 - Thomas Kait—Deputy Inspector General for Inspections and Evaluations
- Department of Housing and Urban Development, Phone Number: (202) 708–0430, CIGIE Liaison—Kudakwashe Ushe (202) 875–9952, *kushe@hudoig.gov*
- Kudakwashe Ushe—Assistant Inspector General for Operations
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 - Sarah Sequeira—Deputy Assistant for Audit
 - Tocco Greene—Chief Information Officer
 - Audra Dortch—Assistant Inspector General for Investigation
 - Stephen Begg—Deputy Inspector General
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 - Gladis Griffith—Deputy Inspector

General & General Counsel (SL)

- Darrell Benjamin—Assistant Inspector General of Audits (SL)

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- Edward “Ted” Baugh—Deputy Assistant Inspector General for Investigations
- Justin Martell—General Counsel
- Kathleen Sedney—Assistant Inspector General for Audit
- Nicole Miller—Deputy Inspector General for Audits
- Melanie Sorenson—Deputy Assistant Inspector General for Audits
- Jorge Christian—Assistant Inspector General for Management
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- Carol S. Taraszka—Deputy Assistant Inspector General for Audit
- Kevin M. Strug—Deputy Assistant Inspector General for Audit, Office of Data Analytics
- Sarah E. Lake—Assistant Inspector General for Investigations
- Sandra D. Barnes—Deputy Assistant Inspector General for Investigations
- Sanjay Arnold—Assistant Inspector General for Information Technology
- Allison E. Russo—Assistant Inspector General for Evaluation and Inspections
- Mark L. Hayes—Assistant Inspector General for Management and Planning
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- Tawanda Holmes—Deputy Assistant Inspector General for Audit
- Michael C. Mikulka—Assistant Inspector General for Investigations—Labor Racketeering and Fraud
- Suzann K. Gallagher—Deputy Assistant Inspector General for Investigations—Labor Racketeering and Fraud
- Christopher T. Cooper—Deputy Assistant Inspector General for Investigations—Labor Racketeering and Fraud
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- Dr. Brett M. Baker—Inspector General

National Science Foundation, Phone Number: (703) 292–7100, CIGIE Liaison—Lisa Vonder Haar (703) 292–2989, *lvonderh@nsf.gov*

- Theresa Hull—Assistant Inspector General for Audits
- Megan Wallace—Assistant Inspector General for Investigations
- Javiar Inclan—Assistant Inspector General for Management
- Ken Chason—Counsel to the Inspector General and Deputy IG

Nuclear Regulatory Commission, Phone Number: (301) 415–5930, CIGIE Liaison—Christine Arroyo (301) 415–0526, *christine.arroyo@nrc.gov*

- Ziad Buhaissi—Deputy Inspector General
- Malion Bartley—Assistant Inspector General for Investigations
- Hruta Vikar—Assistant Inspector General for Audits

Office of Personnel Management, Phone Number: (202) 606–1200, CIGIE Liaison—Faiza Mathon-Mathieu (202) 606–2236, *Faiza.mathon-mathieu@opm.gov*

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- Michael R. Esser—Assistant Inspector General for Audits
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- Lewis F. Parker, Jr—Deputy Assistant Inspector General for Audits
- Drew M. Grimm—Assistant Inspector General for Investigations
- Conrad Quarles—Deputy Assistant Inspector General for Investigations
- Nicholas E. Hoyle—Assistant Inspector General for Management
- Robin A. Thottungal—Deputy Assistant Inspector General for Management/Chief Information Officer
- Monyca W. Peyton—Deputy Assistant Inspector General for Management
- Paul N. St. Hillaire—Assistant Inspector General for Legal and Legislative Affairs
- Faiza Mathon-Mathieu—Deputy Assistant Inspector General for Legal and Legislative Affairs

Special Inspector General for Pandemic Recovery, Phone Number: (202) 713–8437, CIGIE Liaison—Geoffrey A. Cherrington (202) 713–8437, *geoffrey.cherrington@sigpr.gov*

- Geoffrey Cherrington—Assistant Inspector General for External Affairs

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- Elizabeth Martin—Deputy Inspector General/Chief Diversity Officer
- Julius Rothstein—Deputy Inspector General/Attorney
- Robert Kwalwasser—Assistant Inspector General for Investigations

Railroad Retirement Board, Phone Number: (312) 751–4690, CIGIE Liaison—Patricia Marshall, (312) 751–3390, *patricia.marshall@oig.rrb.gov*

- Patricia Marshall—General Counsel to Inspector General/Deputy Inspector General
- Shanon E. Holman—Assistant Inspector General for Audit

Small Business Administration, Phone Number: (202) 205–6586, CIGIE

- Liaison—LaShaun Curry (202) 205–7367, lashaun.curry@sba.gov
- Sheldon Shoemaker—Deputy Inspector General
 - Shafee Carnegie—Assistant Inspector General for Investigations
 - Andrea Deadwyler—Assistant Inspector General for Audits
 - Francine Hines—Assistant Inspector General for Management and Operations
 - Hala Nsouli—Assistant Inspector General for Technology Solutions
- Social Security Administration, Phone Number: (410) 966–8385, CIGIE Liaison—Tamara Schulman, (202) 235–3658, Tamara.Schulman@ssa.gov
- Michelle L. Anderson—Assistant Inspector General for Audit
 - Mike Arbuco—Chief Operating Officer
 - Jeffrey Brown—Deputy Assistant Inspector General for Audit
 - B. Chad Bungard—Chief Strategy Officer
 - Mark Franco—Deputy Assistant Inspector General for Investigations
 - Joscelyn Funnié—Assistant Inspector General for Workforce Performance and Development
 - Kevin Huse—Deputy Assistant Inspector General for Investigations
 - Donald Jefferson—Assistant Inspector General for Investigations
 - Adriana Menchaca-Gendron—Assistant Inspector General for Resource Management
 - John Morenz—Assistant Inspector General for Information Technology
 - Michelle M. Murray—Chief Counsel to the Inspector General
 - Ted Planzos—Chief Investigative Counsel
 - Adam Schneider—Deputy Assistant Inspector General for Investigations
 - Mark Searight—Deputy Assistant Inspector General for Audit
- Department of State and the U.S. Agency for Global Media, Phone Number: (571) 348–3804, CIGIE Liaison—Bonnie J. Stephens, (571) 348–3892, bonnie.j.stephens@stateoig.gov
- Sandra J. Lewis—Deputy Inspector General
 - Nicole S. Matthis—Chief of Staff
 - Matthew N. Tuchow—General Counsel
 - Michael C. Zola—Deputy General Counsel
 - Norman P. Brown—Assistant Inspector General for the Office of Audits
 - Gayle L. Voshell—Deputy Assistant Inspector General for the Office of Audits
 - Beverly J. Charlton—Deputy Assistant Inspector General for
- Audits—Global Emergencies and Emerging Risks
- Arne B. Baker—Assistant Inspector General for the Office of Inspections
 - Lisa R. Rodely—Deputy Assistant Inspector General for the Office of Inspections
 - Robert J. Smolich—Assistant Inspector General for the Office of Investigations
 - Jason T. Loeffler—Deputy Assistant Inspector General for the Office of Investigations
 - Andrew S. Chiu—Assistant Inspector General for the Office of Management and Resources
 - Jeffrey D. McDermott—Assistant Inspector General for the Office of Evaluations and Special Projects
 - Molly E. Hines—Deputy Assistant Inspector General for the Office of Management and Resources—Management
 - Kevin J. Young—Deputy Assistant Inspector General for the Office of Management and Resources—Information Technology
 - Shawn P. McKee (SL)—Senior Advisor for Construction and Contracts, Audits
 - Jason T. Loeffler—Deputy Assistant Inspector General for Investigations
- Department of Transportation, Phone Number: (202) 366–1959, CIGIE Liaison—Nathan P. Richmond, (202) 493–0422, Nathan.Richmond@oig.dot.gov
- Mitchell Behm—Deputy Inspector General
 - Charles A. (Chuck) Ward—Principal Assistant Inspector General for Auditing and Evaluation
 - Nelda Smith—Assistant Inspector General for Aviation Audits
 - Dorry Dillard-Christian—Assistant Inspector General for Financial Audits
 - David Pouliott—Assistant Inspector General for Surface Transportation Audits
 - Carolyn Hicks—Assistant Inspector General for Acquisition and Procurement Audits
 - Kevin Dorsey—Assistant Inspector General for Information Technology Audits
 - Tiffany Mostert—Assistant Inspector General for Audit Operations and Special Reviews
 - Elise Chawaga—Assistant Inspector General for Investigations
 - Susan Ocampo—Deputy Assistant Inspector General for Investigations
 - Andrea Nossaman—Assistant Inspector General Strategic Communications and Programs
 - Omer Poirier—Chief Counsel
 - Karl Schuler—Assistant Inspector General for Administration and
- Management
- Department of the Treasury, Phone Number: (202) 622–1090, CIGIE Liaison—Letty Mayoral, (202) 927–5835, mayoralL@oig.treas.gov
- Richard K. Delmar—Deputy Inspector General
 - Jeffrey Lawrence—Assistant Inspector General for Management
 - Sally Luttrell—Assistant Inspector General for Investigations
 - Sean McDowell—Deputy Assistant Inspector General for Investigations
 - Deborah L. Harker—Assistant Inspector General for Audit
 - Susan Barron—Deputy Assistant Inspector General for Financial Sector Audits
 - Pauletta Battle—Deputy Assistant Inspector General for Financial Management and Transparency Audit
 - Marla Freedman—Executive Advisor for Audit
 - Robert Taylor Jr.—Executive Advisor for Audit
- Treasury Inspector General for Tax Administration/Department of the Treasury, Phone Number: (202) 622–6500, CIGIE Liaison—Erika Jaskolski, (502) 537–5154, erika.jaskolski@tigta.treas.gov
- Gladys Hernandez—Chief Counsel
 - Lori Creswell—Deputy Chief Counsel
 - Deann Baiza—Assistant Inspector General Management Planning and Workforce
 - Richard Varn II—Chief Information Officer
 - Trevor Nelson—Deputy Inspector General for Investigations
 - Heather Hill—Deputy Inspector General for Audit
 - Russell Martin—Deputy Inspector General for Inspections and Evaluations
 - Nancy LaManna—Assistant Inspector General for Inspections and Evaluations
 - Danny Verneuille—Assistant Inspector General for Audit, Security and Information Technology Services
 - Matthew Weir—Assistant Inspector General for Audit, Compliance and Enforcement Operations
 - Diana Tengesdal—Assistant Inspector General for Audit, Returns Processing and Accounting Services
 - Bryce Kisler—Assistant Inspector General for Audit, Management Services and Exempt Organizations
 - John Kirk—Assistant Inspector General for Investigations—Investigations Operations
 - Tyler Yetter—Assistant Inspector General for Investigations—

Investigations Operations
Department of Veterans Affairs, Phone
Number: (202) 264-9376, CIGIE
Liaison—Dr. Scherill Crowley, (202)
834-3312, Scherill.crowley1@va.gov

- John D. Daigh—Assistant Inspector General for Healthcare Inspections
- Leigh Ann Searight—Deputy Assistant Inspector General for Audits and Evaluations
- Brent Arronte—Deputy Assistant Inspector General for Audits and Evaluations
- Jeffery Brown—Deputy Assistant Inspector General for Audits and Evaluations

David Morris,
Chief Operating Officer.

[FR Doc. 2024-27432 Filed 11-21-24; 8:45 am]

BILLING CODE 6820-C9-P

DEPARTMENT OF DEFENSE

Department of the Air Force

[Docket ID: USAF-2024-HQ-0009]

Submission for OMB Review; Comment Request

AGENCY: Department of the Air Force,
Department of Defense (DoD).

ACTION: 30-Day information collection
notice.

SUMMARY: The DoD has submitted to the
Office of Management and Budget
(OMB) for clearance the following
proposal for collection of information
under the provisions of the Paperwork
Reduction Act.

DATES: Consideration will be given to all
comments received by December 23,
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:
Reginald Lucas, (571) 372-7574,
[whs.mc-alex.esd.mbx.dd-dod-
information-collections@mail.mil](mailto:whs.mc-alex.esd.mbx.dd-dod-information-collections@mail.mil).

SUPPLEMENTARY INFORMATION:

*Title; Associated Form; and OMB
Number:* DoD National Defense Science
and Engineering Graduate Program;
OMB Control Number 0701-0154.

Type of Request: Extension.

Number of Respondents: 3,971.

Responses per Respondent: 1.

Annual Responses: 3,971.

Average Burden per Response: 12
hours.

Annual Burden Hours: 47,652.

Needs and Uses: The National
Defense Science and Engineering
Graduate Fellowships program provides
3-year fellowships to students enrolled
in Ph.D. programs of interest to DoD.
Awards are under the authority of 10
U.S.C. 2191. The request for
applications is necessary to screen
applicants and to evaluate and select
students to award fellowships.

Information is used by the American
Society for Engineering Education, the
contractor selected to administer the
program, to down select the eligible
applicants by means of a peer review
panel. The information is also used by
scientists of the Air Force, Army, and
Navy, to make the final selection of
awardees.

Affected Public: Individuals or
households.

Frequency: On occasion.

Respondent's Obligation: Voluntary.

OMB Desk Officer: Ms. Jasmeet
Seehra.

DoD Clearance Officer: Mr. Reginald
Lucas.

Dated: November 19, 2024.

Stephanie J. Bost,

*Alternate OSD Federal Register Liason
Officer, Department of Defense.*

[FR Doc. 2024-27402 Filed 11-21-24; 8:45 am]

BILLING CODE 6001-FR-P

DEPARTMENT OF DEFENSE

Department of the Army

Performance Review Board Membership

AGENCY: Department of the Army, DoD.

ACTION: Notice.

SUMMARY: Notice is given of the names
of members of a Performance Review
Board for the Department of the Army.

DATES: Applicable November 5, 2024.

FOR FURTHER INFORMATION CONTACT:
Barbara Smith, Civilian Senior Leader
Management Office, 111 Army
Pentagon, Washington, DC 20310-0111,
email: Barbara.M.Smith.civ@army.mil
or phone: (703) 693-1126.

SUPPLEMENTARY INFORMATION: Section
4314(c)(1) through (5) of title 5, U.S.C.,
requires each agency to establish, in
accordance with regulations, one or
more Senior Executive Service
performance review boards. The boards
shall review and evaluate the initial
appraisal of senior executives' performance
by supervisors and make
recommendations to the appointing

authority or rating official relative to the
performance of these executives.

The Department of the Army
Performance Review Board will be
composed of a subset of the following
individuals:

1. Mr. Steve Austin, Assistant Chief of the Army Reserve, Office of the Chief of the Army Reserve
2. Mr. Mark Averill, Administrative Assistant to the Secretary of the Army, Office of the Administrative Assistant to the Secretary of the Army
3. Mr. Young Bang, Principal Deputy Assistant Secretary of the Army (Acquisitions, Logistics and Technology), Office of the Assistant Secretary of the Army (Acquisitions, Logistics and Technology)
4. LTG Maria Barrett, Commanding General, U.S. Army Cyber Command
5. Mr. Peter Bechtel, Assistant Deputy Chief of Staff, G-3/5/7, Deputy Chief of Staff, G-3/5/7
6. BG Christine Beeler, Program Executive Officer, U.S. Army Acquisition Support Center
7. Ms. Julie Blanks, Executive Director for Manpower and Reserve Affairs, Assistant Secretary of the Army (Manpower and Reserve Affairs)
8. Ms. Pamela Blechinger, Director, U.S. Army Training and Doctrine Command Analysis Center
9. Ms. Yvette Bourcicot, Principal Deputy Assistant Secretary of the Army (Manpower and Reserve Affairs), Office of the Assistant Secretary of the Army (Manpower and Reserve Affairs)
10. Mr. John Bradsher, Director, Operations and Integration, U.S. Army Intelligence and Security Command
11. Mr. William Brinkley, Deputy Chief of Staff, G-1/4/9, U.S. Army Training and Doctrine Command
12. GEN Gary Brito, Commander General, U.S. Army Training and Doctrine Command
13. Mr. Theodore Brown, Chief, Programs Integration Division, U.S. Army Corps of Engineers
14. MG Edmond Brown, Commanding General, U.S. Army Futures Command
15. Ms. Kimberly Buehler, Director, Small Business Programs, Office of the Secretary of the Army
16. HON Douglas Bush, Assistant Secretary of the Army (Acquisitions, Logistics and Technology), Office of the Assistant Secretary of the Army (Acquisitions, Logistics and Technology)
17. Mr. Michael Cadieux, Director, CCDC Ground Vehicle Systems Center, U.S. Army Combat Capabilities Development Command, U.S. Army Futures Command
18. Ms. Holly Carey, Director of Resource Integration Deputy, Chief of Staff, G-9, Washington, DC
19. GEN Christopher Cavoli, Commanding General, U.S. European Command and Supreme Allied Commander, U.S. European Command
20. LTG Robert Collins, Military Deputy/Director, Army Acquisition Corps, Office of the Assistant Secretary of the Army

- (Acquisition, Logistics and Technology)
21. MG Kimberly Colloton, Deputy Chief of Engineers/Deputy Commanding General, U.S. Army Corps of Engineers
22. Ms. Diana Connolly, Director, Office of Analytics Integration
23. HON Michael Connor, Assistant Secretary of the Army (Civil Works), Office of the Assistant Secretary of the Army (Civil Works)
24. Mr. Robert Cook, Principal Deputy Assistant Secretary of the Army (Financial Management and Comptroller), Office of the Assistant Secretary of the Army (Financial Management and Comptroller)
25. Mr. David Cooper, Chief Counsel, U.S. Army Corps of Engineers, Washington, DC
26. Ms. Denise Council-Ross, Principal Deputy General Counsel
27. LTG Jody Daniels, Chief of Army Reserve
28. Mr. Richard De Fatta, Deputy to the Commander, U.S. Army Space and Missile Defense Command/Army Forces Strategic Command
29. Mr. Mario Diaz, Deputy Under Secretary of the Army (Chair), Office of the Deputy Under Secretary of the Army
30. Ms. Karen Durham-Aguilera, Executive Director, U.S. Army National Cemeteries
31. LTG Brian Eifler, Deputy Chief of Staff, G-1, Office of the Deputy Chief of Staff, G-1
32. Mr. Paul Farnan, Principal Deputy Assist Secretary of the Army (Installations, Energy and Environment), Office of the Assistant Secretary of the Army (Installations, Energy and Environment)
33. Dr. Elizabeth Fleming, Deputy Director, Engineer Research and Development Center, U.S. Army Corps of Engineers
34. Mr. Todd Fore, Deputy Assistant Secretary of the Army, Civilian Personnel Office of the Assistant Secretary of the Army, Manpower and Reserve Affairs
35. Mr. Gregory Ford, Director, Criminal Investigation Division, HQ, U.S. Army Criminal Investigations Command
36. Mr. Michael Formica, Executive Deputy to the Commander, U.S. Army Training and Doctrine Command
37. LTG David Francis, Deputy, Commanding General/Chief of Staff, U.S. Army Training and Doctrine Command
38. Dr. Karl Friedl, Senior Research Scientist (Performance Physiology), U.S. Army Forces Command
39. LTG Karl Gingrich, Deputy Chief of Staff, G-8, Office of the Deputy Chief of Staff, G-8
40. LTG William H. Graham, Chief of Engineers/Commanding General, U.S. Army Corps of Engineers
41. LTG Anthony R. Hale, Deputy Chief of Staff, G-2, U.S. Army Deputy Chief of Staff, G-2
42. LTG Robert Harter, Chief of the Army Reserves and Commanding General of the U.S. Army Reserve Command
43. LTG Heidi Hoyle, Deputy Chief of Staff, G-4, U.S. Army Deputy Chief of Staff, G-4
44. HON Rachel Jacobson, Assistant Secretary of the Army (Installations, Energy and Environment), Office of the Assistant Secretary of the Army (Installations, Energy and Environment)
45. Ms. Laura Jankovich, Director of Management/Vice Director of the Army Staff, Office of the Director of the Army Staff, Office of the Chief of Staff of the Army
46. Mr. Jeffrey Jones, Deputy to the Commanding General, U.S. Army Cyber Command
47. Mr. David Kim, Director of Support, U.S. Force Modernization, U.S. Army Intelligence and Security Command
48. Mr. James Kirsch, Director, Aviation and Missile Center, U.S. Army Combat Capabilities Development Command
49. Mr. Daniel Klippstein, Assistant Deputy Chief of Staff, G-9, Office of the Deputy Chief of Staff, G-9
50. Mr. Michael Lacey, Deputy General Counsel (Operations and Personnel), Office of the General Counsel
51. Mr. Norman Lawrence, Deputy to the Commanding General, USAICoE & FH, U.S. Army Futures Command
52. Mr. Mark Lewis, Deputy to the Assistant Secretary of the Army (Manpower and Reserve Affairs), Office of the Assistant Secretary of the Army (Manpower and Reserve Affairs)
53. Mr. David Markowitz, Chief Data Officer and Analytics Officer, Office of the Chief Information Officer
54. LTG Donna W. Martin, The Inspector General, U.S. Department of the Army
55. LTG Patrick E. Matlock, Deputy Chief of Staff, G-3/5/7, Office of the Deputy Chief of Staff, G-3/5/7
56. Mr. David May, Senior Cyber Intelligence Advisor, Cyber Center of Excellence, U.S. Army Training and Doctrine Command
57. Ms. Elizabeth Millard-Harkema, Director, Resources Integration, Deputy Chief of Staff, G-2
58. Mr. Bruce B Miller, The Auditor General, U.S. Army Audit Agency
59. Ms. Hong Miller, Chief Human Capital Officer, U.S. Army Futures Command
60. Ms. Liz Miranda, Executive Deputy to the Commanding General, U.S. Army Materiel Command
61. Mr. Lawrence Mixon, Special Assistant to the Program Executive Officer (Intelligence, Electronic Warfare and Sensors), Office of the Program Executive Officer
62. LTG John Morrison, Deputy Chief of Staff, G-6, Office of the Deputy Chief of Staff, G-8
63. Mr. Donald Nitti, Deputy to the Commander, U.S. Army Aviation and Missile Command, U.S. Army Materiel Command
64. Mr. Levator Norsworthy, Jr., Deputy General Counsel (Acquisition)/Senior Deputy General Counsel, Office of the General Counsel
65. Ms. Kristina O'Brien, Deputy to the Commanding General, Military Surface Deployment and Distribution Command, U.S. Army Materiel Command
66. Ms. Karen Pane, Director of Human Resources, U.S. Army Corps of Engineers
67. Dr. Anne Petrock, Senior Research Scientist (Warheads Technology), U.S. Army Combat Capabilities Development Command, U.S. Army Futures Command
68. Mr. Jamie Pinkham, Principal Deputy Assistant Secretary of the Army (Civil Works), Office of the Assistant Secretary of the Army (Civil Works)
69. Dr. David Pittman, Director, Research and Development/Director, Engineering Research and Development Center, U.S. Army Corps of Engineers
70. GEN Andrew Poppas, Commanding General, U.S. Army Forces Command
71. LTG Laura Potter, Director of the Army Staff
72. Ms. Diane Randon, Assistant Deputy Chief of Staff, G-2, Office of the Deputy Chief of Staff, G-2
73. Dr. Peter Reynolds, Senior Research Scientist (Physical Sciences), U.S. Army Combat Capabilities Development Command, U.S. Army Futures Command
74. HON Carrie F Ricci, General Counsel, Office of the General Counsel
75. Mr. J. Randall Robinson, Executive Deputy to the Commanding General, U.S. Army Installations Management Command
76. Dr. Robert Sadowski, Senior Research Scientist (Robotics), U.S. Army Combat Capabilities Development Command, U.S. Army Futures Command
77. Mr. Matthew Sannito, Assistant Deputy Chief of Staff, Logistics, Office of the Deputy Chief of Staff, G-4
78. Mr. Thomas Sasala, Deputy Director, Office of Business Transformation
79. HON Agnes Schaefer, Assistant Secretary of the Army, Manpower and Reserve Affairs, Office of the Assistant Secretary of the Army, (Manpower and Reserve Affairs)
80. Mr. Scott Schoenfeld, Senior Research Scientist (Terminal Ballistics), Army Futures Command
81. Mr. Bryan Shone, Assistant Deputy Chief of Staff, G-8, Office of the Deputy Chief of Staff, G-8
82. LTG Stephen G. Smith, Deputy Commanding General/Chief of Staff, U.S. Army Forces Command
83. Ms. Sydney Smith, Director for Supply Policy, Office of the Deputy Chief of Staff, G-4
84. HON Carol Spangler, Assistant Secretary of the Army (Financial Management and Comptroller), Office of the Assistant Secretary of the Army, (Financial Management and Comptroller)
85. Mr. Robert Steinrauf, Director, Plans and Resources Directorate, Deputy Chief of Staff, G-1
86. LTG Douglas Stitt, Deputy Chief of Staff, G-1, Office of the Deputy Chief of Staff, G-1
87. Mr. Robin Swan, Director, Office of Business Transformation
88. Mr. Douglas Tamilio, Director, CCDC Soldier Center, U.S. Army Combat Capabilities Development Command, U.S. Army Futures Command
89. Ms. Kristen Taylor, Deputy Assistant Secretary of the Army (Plans, Programs and Resources), Office of the Assistant Secretary of the Army, (Financial Management and Comptroller)

90. Mr. Brian Toland, Command Counsel, Headquarters, U.S. Army Materiel Command
91. LTG Kevin Vereen, Deputy Chief of Staff, G-9, Office of the Deputy Chief of Staff, G-9
92. Mr. Roy Wallace, Assistant Deputy Chief of Staff, G-1, Office of the Deputy Chief of Staff, G-1
93. Mr. Ty Wamsley, Director Coastal and Hydraulics Laboratory, U.S. Army Engineer Research and Development Center
94. Mr. Joseph Welch, Executive Deputy to the Commanding General, U.S. Army Futures Command
95. Ms. Kathryn Yurkanin, Principal Deputy Chief of Legislative Liaison, Office of the Chief, Legislative Liaison
96. Ms. Michelle Zbylut, Deputy Assistant Secretary of the Army, Equity and Inclusion, Assistant Secretary of the Army (Manpower and Reserve Affairs)

James W. Satterwhite Jr.,

Army Federal Register Liaison Officer.

[FR Doc. 2024-27459 Filed 11-21-24; 8:45 am]

BILLING CODE 3710-08-P

DEPARTMENT OF DEFENSE

Department of the Army

Board of Visitors, United States Military Academy (USMA)

AGENCY: Department of the Army, DoD.

ACTION: Notice of committee meeting.

SUMMARY: Under the provisions of the Federal Advisory Committee Act of 1972, the Government in the Sunshine Act of 1976, the Department of Defense announces that the following Federal advisory committee meeting will take place.

DATES: The meeting will be held on Friday, November 22, 2024, time: 9 a.m.–11:30 a.m. Members of the public wishing to attend the meeting will be required to show a DoD government photo ID or submit to and pass a background check prior to entering West Point in order to gain access to the meeting location.

ADDRESSES: The meeting will be held in the Haig Room, Jefferson Hall, 758 Cullum Road, West Point, New York 10996.

FOR FURTHER INFORMATION CONTACT: Mr. David Nagle, the Designated Federal Officer for the committee, in writing at: USMA Secretary of the General Staff, ATTN: David Nagle, 646 Swift Road, West Point, NY 10996; by email at: david.nagle@westpoint.edu or BoV@westpoint.edu; or by telephone at (845) 938-3716.

SUPPLEMENTARY INFORMATION: Due to circumstances beyond the control of the

Designated Federal Officer and the Department of Defense, the United States Military Academy Board of Visitors was unable to provide public notification required by 41 CFR 102–3.150(a) concerning its November 22, 2024 meeting. Accordingly, the Advisory Committee Management Officer for the Department of Defense, pursuant to 41 CFR 102–3.150(b), waives the 15-calendar day notification requirement. The committee meeting is being held under the provisions of the Federal Advisory Committee Act of 1972 (5 U.S.C. appendix, as amended), the Government in the Sunshine Act of 1976 (5 U.S.C. 552b, as amended), and 41 CFR 102–3.150. The USMA BoV provides independent advice and recommendations to the President of the United States on matters related to morale, discipline, curriculum, instruction, physical equipment, fiscal affairs, academic methods, and any other matters relating to the Academy that the Board decides to consider.

Purpose of the Meeting: This is the 2024 Annual Meeting of the USMA BoV. Members of the Board will be provided updates on Academy issues. Agenda: Introduction; Board Business: Approve Minutes from the July 2024 BoV Meeting, select Spring 2025 meeting date, Open Discussion; Superintendent Remarks; Line of Effort (LOE) 1: Develop Leaders of Character Who Live Honorably, Lead Honorably, and Demonstrate Excellence; LOE 4: Continuously Transform Toward Preeminence; LOE 5: Strengthen Partnerships.

Public's Accessibility to the Meeting: Pursuant to 5 U.S.C. 552b and 41 CFR 102–3.140 through 102–3.165 and subject to the availability of space, this meeting is open to the public. Seating is on a first to arrive basis. Attendees are requested to submit their name, affiliation, and daytime phone number seven business days prior to the meeting to Mr. Nagle, via electronic mail, the preferred mode of submission, at the address listed in the **FOR FURTHER INFORMATION CONTACT** section. Pursuant to 41 CFR 102–3.140d, the committee is not obligated to allow a member of the public to speak or otherwise address the committee during the meeting, and members of the public attending the committee meeting will not be permitted to present questions from the floor or speak to any issue under consideration by the committee. Because the committee meeting will be held in a Federal Government facility on a military post, security screening is required. A DoD government photo ID is required to enter post. Without a DoD ID, members of the public must first go

to the Visitor Control Center in the Visitor Center and undergo a background check before being allowed access to the installation. Members of the public then need to park in Buffalo Soldier Field parking lot and ride the north-bound Central Post Area (CPA) shuttle bus to Thayer Road, get off at the Thayer Road Extension and walk up the road to the Guard Station; a member of the USMA staff will meet members of the public wishing to attend the meeting at 8:30am and escort them to the meeting location. Please note that all vehicles and persons entering the installation are subject to search and/or an identification check. Any person or vehicle refusing to be searched will be denied access to the installation. Members of the public should allow at least an hour for security checks and the shuttle ride. The United States Military Academy, Jefferson Hall, is fully handicap accessible. Wheelchair access is available at the south entrance of the building. For additional information about public access procedures, contact Mr. Nagle, the committee's Designated Federal Officer, at the email address or telephone number listed in the **FOR FURTHER INFORMATION CONTACT** section.

Written Comments or Statements: Pursuant to 41 CFR 102–3.105(j) and 102–3.140 and section 10(a)(3) of the Federal Advisory Committee Act, the public or interested organizations may submit written comments or statements to the committee, in response to the stated agenda of the open meeting or in regard to the committee's mission in general. Written comments or statements should be submitted to Mr. Nagle, the committee Designated Federal Officer, via electronic mail, the preferred mode of submission, at the address listed in the **FOR FURTHER INFORMATION CONTACT** section. Each page of the comment or statement must include the author's name, title or affiliation, address, and daytime phone number and must be received by the Designated Federal Official at least seven business days prior to the meeting to be considered by the committee. The Designated Federal Official will review all timely submitted written comments or statements with the committee Chairperson and ensure the comments are provided to all members of the committee before the meeting. Written comments or statements received after this date may not be provided to the committee until its next meeting.

Pursuant to 41 CFR 102–3.140d, the committee is not obligated to allow a member of the public to speak or otherwise address the committee during the meeting. However, the committee Designated Federal Official and

Chairperson may choose to invite certain submitters to present their comments verbally during the open portion of this meeting or at a future meeting. The Designated Federal Officer, in consultation with the committee Chairperson, may allot a specific amount of time for submitters to present their comments verbally.

James W. Satterwhite Jr.,

Army Federal Register Liaison Officer.

[FR Doc. 2024–27423 Filed 11–21–24; 8:45 am]

BILLING CODE 6001–FR–P

DEPARTMENT OF DEFENSE

Department of the Army

[Docket ID: USA–2024–HQ–0008]

Submission for OMB Review; Comment Request

AGENCY: Department of the Army, Department of Defense (DoD).

ACTION: 30-Day information collection notice.

SUMMARY: The DoD has submitted to the Office of Management and Budget (OMB) for clearance the following proposal for collection of information under the provisions of the Paperwork Reduction Act.

DATES: Consideration will be given to all comments received by December 23, 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: Reginald Lucas, (571) 372–7574, whs.mc-alex.esd.mbx.dd-dod-information-collections@mail.mil.

SUPPLEMENTARY INFORMATION:

Title; Associated Form; and OMB Number: Defense Biometric Identification Records System; OMB Control Number 0702–0127.

Type of Request: Revision.
Number of Respondents: 1,430,000.
Responses per Respondent: 1.
Annual Responses: 1,430,000.
Average Burden per Response: 7 minutes.

Annual Burden Hours: 166,833.
Needs and Uses: The Defense Biometric Identification Records System (also referred to as the DoD Automated Biometric Identification System (ABIS))

is an authoritative biometrics data repository that processes, matches, and stores biometric identity information data collected by global United States (U.S.) forces during the course of military operations. The information processed by DoD ABIS is collected by DoD military personnel worldwide across the full range of military operations for DoD warfighting, intelligence, law enforcement, security, force protection, base access, homeland defense, counterterrorism, business enterprise purposes, and in information environment mission areas. Records collected by DoD military personnel using hand-held biometric collection devices include biometric information, such as images, photos, and templates of biological (anatomical and physiological) and/or behavioral characteristics that can be used for automated recognition, including, fingerprints, palm prints, facial images, iris images, DNA, and voice samples. Biographic information (such as name, date of birth, place of birth, height, weight, eye color, hair color, race, etc.) and contextual information (*i.e.*, organization, telephone number, office symbol, security clearance, etc.) is also collected by the DoD military personnel during the enrollment process. The information collected and processed by DoD ABIS may be shared with, accessed, and leveraged by DoD partners, U.S. Government inter-agency and departmental stakeholders, and approved multi-national partners for intelligence, counterterrorism, military force protection, national security, and law enforcement purposes.

Affected Public: Individuals or households.

Frequency: On occasion.

Respondent's Obligation: Voluntary.

OMB Desk Officer: Ms. Jasmeet Seehra.

DoD Clearance Officer: Mr. Reginald Lucas.

Dated: November 19, 2024.

Stephanie J. Bost,

Alternate OSD Federal Register Liaison Officer, Department of Defense.

[FR Doc. 2024–27403 Filed 11–21–24; 8:45 am]

BILLING CODE 6001–fr–P

DEPARTMENT OF DEFENSE

Office of the Secretary

[Docket ID: DOD–2024–OS–0121]

Proposed Collection; Comment Request

AGENCY: Office of the Under Secretary of Defense for Personnel and Readiness,

(OUSD(P&R)), Department of Defense, (DoD).

ACTION: 60-Day information collection notice.

SUMMARY: In compliance with the *Paperwork Reduction Act of 1995*, the OUSD P&R announces a proposed public information collection and seeks public comment on the provisions thereof. Comments are invited on: whether the proposed collection of information is necessary for the proper performance of the functions of the agency, including whether the information shall have practical utility; the accuracy of the agency's estimate of the burden of the proposed information collection; ways to enhance the quality, utility, and clarity of the information to be collected; and ways to minimize the burden of the information collection on respondents, including through the use of automated collection techniques or other forms of information technology.

DATES: Consideration will be given to all comments received by January 21, 2025.

ADDRESSES: You may submit comments, identified by docket number and title, by any of the following methods:

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

Mail: Department of Defense, Office of the Assistant to the Secretary of Defense for Privacy, Civil Liberties, and Transparency, Regulatory Directorate, 4800 Mark Center Drive, Mailbox #24, Suite 05F16, Alexandria, VA 22350–1700.

Instructions: All submissions received must include the agency name, docket number and title for this **Federal Register** document. The general policy for comments and other submissions from members of the public is to make these submissions available for public viewing on the internet at <https://www.regulations.gov> as they are received without change, including any personal identifiers or contact information.

FOR FURTHER INFORMATION CONTACT: To request more information on this proposed information collection or to obtain a copy of the proposal and associated collection instruments, please write to ODASD(MC&FP), Mr. Trevor Dean, 1500 Defense Pentagon, Washington, DC 20301, (703) 571–2359.

SUPPLEMENTARY INFORMATION:

Title; Associated Form; and OMB Number: DoD Mortuary Affairs Forms; DD Form(s) 0565, 3045, 3046, 3047, 3048, 3049, 3050, 3116, 3122; OMB Control Number: 0704–0581.

Needs and Uses: The information collection requirement is necessary to

obtain and document information related to deceased personnel and their family members. The information collection documents selections made by family members and others as part of the required mortuary case file. Per 10 United States Code (U.S.C.) 1481, the DoD may provide for the recovery, care, and disposition of the remains for active-duty Regulars, Reserve Component members, applicants, trainees, military prisoners, and others. The DoD is further authorized, per 10 U.S.C. 1482 and 10 U.S.C. 1482a, to provide reimbursement, cover expenses, or otherwise provide mortuary services for decedents, including civilian employees serving with the armed forces. Mortuary affairs personnel must document information on the information collections to ensure proper care, transportation, escort, honors, and disposition of remains, as applicable. Depending on the circumstances, a Person Authorized to Direct Disposition (PADD) or person authorized to effect disposition may be asked to complete up to six forms. All PADDs will complete the DD Form 3045 but may additionally be asked to provide information on the DD Forms 3046, 3047, 3048, 3049, and/or 3050.

The DD Form 565 is a form to assist mortuary personnel with the identification of the remains of deceased personnel, family members, civilians, or other personnel that may be in the care of the DoD. Identification of deceased persons is a critical step in providing proper disposition of the remains. Information collected includes information on the respondent and a witness.

The DD Form 3116 is a report filed with Service casualty and mortuary affairs offices with information regarding the transportation of human remains of deceased active-duty personnel to their place of interment. The escort also reports on the condition of remains, casket and any incident during transportation to assist the Service casualty and mortuary affairs offices in their support of the person authorized to direct disposition of the remains. The report also informs the Service casualty and mortuary affairs offices of any issue needed to be resolved with the receiving funeral home.

The DD Form 3122 is an official request for military funeral honors at the funeral or memorial of an eligible deceased veteran. A request for military funeral honors for an eligible veteran must be supported by law. The form will be sent to military funeral honors coordinators for their review, analysis for eligibility, scheduling, and to

capture costs to provide the required military funeral honors elements. The form contains contact information for the next-of-kin requesting military funeral honors.

Affected Public: Individuals or households.

DD Form 0565

Annual Burden Hours: 63 hours.
Number of Respondents: 250.
Responses per Respondent: 1.
Annual Responses: 250.
Average Burden per Response: 15 minutes.

DD Form 3116

Annual Burden Hours: 225 hours.
Number of Respondents: 900.
Responses per Respondent: 1.
Annual Responses: 900.
Average Burden per Response: 15 minutes.

DD Form 3122

Annual Burden Hours: 62,500.
Number of Respondents: 250,000.
Responses per Respondent: 1.
Annual Responses: 250,000.
Average Burden per Response: 15 minutes.

DD Forms 3045

Annual Burden Hours: 225 hours.
Number of Respondents: 900.
Responses per Respondent: 1.
Annual Responses: 1.
Average Burden per Response: 15 minutes.

DD Forms 3046

Annual Burden Hours: 15 hours.
Number of Respondents: 60.
Responses per Respondent: 1.
Annual Responses: 1.
Average Burden per Response: 15 minutes.

DD Forms 3047

Annual Burden Hours: 15 hours.
Number of Respondents: 60.
Responses per Respondent: 1.
Annual Responses: 60.
Average Burden per Response: 15 minutes.

DD Forms 3048

Annual Burden Hours: 15 hours.
Number of Respondents: 60.
Responses per Respondent: 1.
Annual Responses: 60.
Average Burden per Response: 15 minutes.

DD Forms 3049

Annual Burden Hours: 15 hours.
Number of Respondents: 60.
Responses per Respondent: 1.
Annual Responses: 60.

Average Burden per Response: 15 minutes.

DD Forms 3050

Annual Burden Hours: 15 hours.
Number of Respondents: 60.
Responses per Respondent: 1.
Annual Responses: 60.
Average Burden per Response: 15 minutes.

Total

Annual Burden Hours: 63,088.
Number of Respondents: 252,350.
Annual Responses: 252,350
Frequency: On occasion.

Dated: November 19, 2024.

Stephanie J. Bost,

Alternate OSD Federal Register Liaison Officer, Department of Defense.

[FR Doc. 2024–27407 Filed 11–21–24; 8:45 am]

BILLING CODE 6001–FR–P

DEPARTMENT OF DEFENSE

Office of the Secretary

[Docket ID: DoD–2024–OS–0088]

Submission for OMB Review; Comment Request

AGENCY: Office of the Chief Information Officer (CIO), Department of Defense, (DoD).

ACTION: 30-Day information collection notice.

SUMMARY: The DoD has submitted to the Office of Management and Budget (OMB) for clearance the following proposal for collection of information under the provisions of the Paperwork Reduction Act.

DATES: Consideration will be given to all comments received by December 23, 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: Reginald Lucas, (571) 372–7574, whs.mc-alex.esd.mbx.dd-dod-information-collections@mail.mil.

SUPPLEMENTARY INFORMATION:

Title; Associated Form; and OMB Number: Basic Employee and Security Tracking Systems (BEAST); OMB Control Number 0704–0507.

Type of Request: Extension.
Number of Respondents: 150.

Responses per Respondent: 1.
Annual Responses: 150.
Average Burden per Response: 15 minutes.
Annual Burden Hours: 37.5.
Needs and Uses: The information collection requirement is necessary to obtain, track, and record the personnel security data, training information, and travel history within the White House Military Office and White House Communications Agency.
Affected Public: Individuals or households.
Frequency: On occasion.
Respondent's Obligation: Voluntary.
OMB Desk Officer: Ms. Jasmeet Sehra.
DoD Clearance Officer: Mr. Reginald Lucas.

Dated: November 19, 2024.

Stephanie J. Bost,

Alternate OSD Federal Register Liaison Officer, Department of Defense.

[FR Doc. 2024–27406 Filed 11–21–24; 8:45 am]

BILLING CODE 6001–FR–P

DEPARTMENT OF DEFENSE

Office of the Secretary

[Docket ID: DoD–2024–OS–0095]

Submission for OMB Review; Comment Request

AGENCY: Office of the Under Secretary of Defense for Personnel and Readiness (OUSDP&R), Department of Defense (DoD).

ACTION: 30-Day information collection notice.

SUMMARY: The DoD has submitted to the Office of Management and Budget (OMB) for clearance the following proposal for collection of information under the provisions of the Paperwork Reduction Act.

DATES: Consideration will be given to all comments received by December 23, 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:

Reginald Lucas, (571) 372–7574, whs.mc-alex.esd.mbx.dd-dod-information-collections@mail.mil.

SUPPLEMENTARY INFORMATION:

Title; Associated Form; and OMB Number: Record of Military Processing-

Armed Forces of the United States; DD Form 1966/USMEPCOM FORM 680–3A–E; OMB Control Number 0704–0173.

Type of Request: Revision.
Number of Respondents: 423,000.
Responses per Respondent: 2.
Annual Responses: 846,000.
Average Burden per Response: 21 minutes.
Annual Burden Hours: 296,100.
Needs and Uses: Title 10 United States Code (U.S.C.), sections 504, 505, 508, and 1012; title 14 U.S.C., sections 351 and 632; title 50 U.S.C., Appendix section 451; and Executive Order 9397 require applicants to meet standards for enlistment into the Armed Forces. This information collection is the basis for determining eligibility of applicants for enlistment in the Armed Forces and is needed to verify data given by the applicant and to determine his/her qualification of enlistment. The information collected aids in the determination of qualifications, terms of service, and grade in which a person, if eligible, will enter active duty or reserve status. The information collected is used to feed other DoD and service-specific forms that later would be used to issue identification cards and receive benefits associated with military service.
Affected Public: Individuals or households.
Frequency: On occasion.
Respondent's Obligation: Voluntary.
OMB Desk Officer: Ms. Jasmeet Sehra.
DoD Clearance Officer: Mr. Reginald Lucas.

Dated: November 19, 2024.

Stephanie J. Bost,

Alternate OSD Federal Register Liaison Officer, Department of Defense.

[FR Doc. 2024–27404 Filed 11–21–24; 8:45 am]

BILLING CODE 6001–FR–P

DEPARTMENT OF DEFENSE

Office of the Secretary

[Docket ID: DoD–2024–OS–0090]

Submission for OMB Review; Comment Request

AGENCY: Office of the Chief Information Officer (CIO), Department of Defense (DoD).

ACTION: 30-Day information collection notice.

SUMMARY: The DoD has submitted to the Office of Management and Budget (OMB) for clearance the following proposal for collection of information under the provisions of the Paperwork Reduction Act.

DATES: Consideration will be given to all comments received by December 23, 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:

Reginald Lucas, (571) 372–7574, whs.mc-alex.esd.mbx.dd-dod-information-collections@mail.mil.

SUPPLEMENTARY INFORMATION:

Title; Associated Form; and OMB Number: DoD’s Defense Industrial Base (DIB) Cybersecurity (CS) Activities Cyber Incident Reporting; OMB Control Number 0704–0489.

Type of Request: Revision.
Number of Respondents: 111.
Responses per Respondent: 5.
Annual Responses: 555.
Average Burden per Response: 2 hours.

Annual Burden Hours: 1,110.
Needs and Uses: DoD designated the DoD Cyber Crime Center (DC3) as the single focal point for receiving all cyber incident reporting affecting the unclassified networks of DoD contractors from industry and other government agencies. DoD collects cyber incident reports using the Defense Industrial Base Network (DIBNet) portal (<https://dibnet.dod.mil>). Mandatory reporting requirements are addressed in a separate information collection under OMB Control Number 0704–0478 entitled “Safeguarding Covered Defense Information, Cyber Incident Reporting, and Cloud Computing” authorizing the collection of mandatory cyber incident reporting in accordance with 10 United States Code (U.S.C.) 393: “Reporting on Penetrations of Networks and Information Systems of Certain Contractors,” 10 U.S.C. 391: “Reporting on Cyber Incidents with Respect to Networks and Information Systems of Operationally Critical Contractors and Certain Other Contractors, and 50 U.S.C. 3330: “Reports to the Intelligence Community on Penetrations of Networks and Information Systems of Certain Contractors.”

This information collection supports the voluntary sharing of cyber incident information from DoD contractors in accordance with 32 Code of Federal Regulations part 236, “DoD- DIB CS Activities,” which authorizes the DIB CS Program. Sharing cyber incident information is critical to DoD’s

understanding of cyber threats against DoD information systems, programs, and warfighting capabilities. This information helps DoD to inform and mitigate adversary actions that may affect DoD information resident on or transiting unclassified defense contractor networks. The Federal Information Security Modernization Act of 2014 authorizes DoD to oversee agency information security policies and practices, for systems that are operated by DoD, a contractor of the Department, or another entity on behalf of DoD that processes any information the unauthorized access, use, disclosure, disruption, modification, or destruction of which would have a debilitating impact on DoD's mission.

Activities under this information collection also support DoD's critical infrastructure protection responsibilities, as the sector specific agency for the DIB sector (see Presidential Policy Directive 21, "Critical Infrastructure Security and Resilience," available at <https://www.whitehouse.gov/the-press-office/2013/02/12/presidential-policy-directive-critical-infrastructure-security-and-resil>). The information collection requests data from the reporting companies to enable DoD to better understand the technical details of or related to a cyber-incident, including its potential adverse effect on the company's unclassified information system and the effect, if any, on DoD information residing on or transiting the company's information system; or a company's ability to provide operationally critical support to DoD. The collection includes a request for a company point of contact if DoD has questions regarding the shared information.

Defense contractors are encouraged to share information including cyber threat indicators that they believe may be of value in alerting the Government and others, as appropriate, to adversary activity so that we can develop mitigation strategies and proactively counter threat actor activity. Cyber incidents that are not compromises of covered defense information or do not adversely affect the contractor's ability to perform operationally critical support, may be of interest to the DIB and DoD for situational awareness purposes.

The information collection is based on the DoD contractor's internal assessment and determination that cyber information should be shared with DoD. Once the defense contractor determines that a report will be valuable to the community, they submit a cyber-incident report using the Incident

Collection Format (ICF) that can be accessed via the web portal (<https://dibnet.dod.mil>).

DoD established this portal as the single reporting site for cyber incident information, whether mandatory or voluntary. A defense contractor selects the "Report a Cyber Incident" button. The defense contractor will then be prompted for their DoD-approved medium assurance certificate to gain access to the ICF. The contractor is then directed to a Privacy Act Statement web page that clearly states all cyber incident reports are stored in accordance with the DIB CS Activities System of Record Notice. Contractors are then allowed to access the ICF and input data. Once a defense contractor completes the ICF, they are given a preview of the ICF to ensure that all the information they are providing is correct. After verifying the information is correct, the defense contractor will then click the "submit" button. A reporting submission ID number is provided when the report is submitted. DoD uses this number to track the report and actions related to the report.

The report is analyzed by cyber threat experts at DC3 and they, in turn, develop written products that include analysis of the threat, mitigations, and indicators of adversary activity. These anonymized products are shared with authorized DoD personnel, other Federal agencies and designated points of contact in defense companies participating in the DIB CS Program. The products developed by DC3 do not contain company attribution, proprietary or personal information, but are vital to improving network security within the Government and the DIB.

Affected Public: Businesses or other for-profit; Not-for-profit Institutions.

Frequency: On occasion.

Respondent's Obligation: Voluntary.

OMB Desk Officer: Ms. Jasmeet Seehra.

DoD Clearance Officer: Mr. Reginald Lucas.

Dated: November 19, 2024.

Stephanie J. Bost,

Alternate OSD Federal Register Liaison Officer, Department of Defense.

[FR Doc. 2024-27405 Filed 11-21-24; 8:45 am]

BILLING CODE 6001-FR-P

DEPARTMENT OF DEFENSE

Office of the Secretary of Defense

[Docket ID: DoD-2024-OS-0120]

Proposed Collection; Comment Request

AGENCY: Office of the Under Secretary of Defense for Acquisition and Sustainment (OUSD(A&S)), Department of Defense (DoD).

ACTION: 60-Day information collection notice.

SUMMARY: In compliance with the *Paperwork Reduction Act of 1995*, the OUSD A&S announces a proposed public information collection and seeks public comment on the provisions thereof. Comments are invited on: whether the proposed collection of information is necessary for the proper performance of the functions of the agency, including whether the information shall have practical utility; the accuracy of the agency's estimate of the burden of the proposed information collection; ways to enhance the quality, utility, and clarity of the information to be collected; and ways to minimize the burden of the information collection on respondents, including through the use of automated collection techniques or other forms of information technology.

DATES: Consideration will be given to all comments received by January 21, 2025.

ADDRESSES: You may submit comments, identified by docket number and title, by any of the following methods:

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

Mail: Department of Defense, Office of the Assistant to the Secretary of Defense for Privacy, Civil Liberties, and Transparency, Regulatory Directorate, 4800 Mark Center Drive, Mailbox #24 Suite 05F16, Alexandria, VA 22350-1700.

Instructions: All submissions received must include the agency name, docket number and title for this **Federal Register** document. The general policy for comments and other submissions from members of the public is to make these submissions available for public viewing on the internet at <https://www.regulations.gov> as they are received without change, including any personal identifiers or contact information.

FOR FURTHER INFORMATION CONTACT: To request more information on this proposed information collection or to obtain a copy of the proposal and associated collection instruments, please write to Office of the Under

Secretary of Defense, Attn: Defense Civilian Training Corps Director, 3000 Defense Pentagon, Washington, DC, 20301–3000, Mr. Mark Krzykso, 410–340–7707.

SUPPLEMENTARY INFORMATION:

Title; Associated Form; and OMB Number: Defense Civilian Training Corps (DCTC) Service Obligation Agreement; DD Form 3224; OMB Control Number 0704–DCOA.

Needs And Uses: Individuals selected for the DCTC agree to provide one year of DoD service for each year of DCTC program scholarship. Information provided is used for all actions directly related to documenting and ensuring disposition and/or satisfaction of the agreement.

Affected Public: Individuals or households.

Annual Burden Hours: 35.

Number of Respondents: 140.

Responses per Respondent: 1.

Annual Responses: 140.

Average Burden per Response: 15 minutes.

Frequency: One time; on occasion of selection acceptance into the DCTC program.

Dated: November 19, 2024.

Stephanie J. Bost,

Alternate OSD Federal Register Liaison Officer, Department of Defense.

[FR Doc. 2024–27408 Filed 11–21–24; 8:45 am]

BILLING CODE 6001–FR–P

DEPARTMENT OF EDUCATION

Presidential Advisory Commission on Advancing Educational Equity, Excellence, and Economic Opportunity for Black Americans; Notice of Meeting

AGENCY: White House Initiative on Advancing Educational Equity, Excellence, and Economic Opportunity for Black Americans, Office of the Secretary, U.S. Department of Education.

ACTION: Announcement of an open meeting.

SUMMARY: This notice sets forth the agenda for the December 11, 2024, open meeting of the Presidential Advisory Commission on Advancing Educational Equity, Excellence, and Economic Opportunity for Black Americans (PAC) and provides information to members of the public about how to attend the meeting and submit written comments related to the work of the PAC. Notice of the meeting is required by the Federal Advisory Committee Act and is intended to notify the public of its opportunity to attend.

DATES: The PAC will meet on December 11, 2024, from 10 a.m. to 12 p.m. eastern daylight time (EDT).

ADDRESSES: The meeting will be held at the White House located at 1600 Pennsylvania Avenue NW, Washington, DC 20500. The public can attend the meeting virtually.

FOR FURTHER INFORMATION CONTACT: Dr. Monique Toussaint, Designated Federal Official, U.S. Department of Education, White House Initiative on Advancing Educational Equity, Excellence, and Economic Opportunity for Black Americans, 400 Maryland Avenue SW, Washington, DC 20202. Telephone: (202) 260–0964. Email monique.toussaint@ed.gov.

SUPPLEMENTARY INFORMATION:

PAC's Statutory Authority and Function: The PAC is established by Executive Order 14050 (October 19, 2021) and is continued by Executive Order 14109 (September 29, 2023). The PAC is governed by the provisions of 5 U.S.C. chapter 10, which sets forth standards for the formation and use of advisory committees. The purpose of the PAC is to advise the President, through the Secretary of the U.S. Department of Education, on all matters pertaining to advancing educational equity, excellence, and economic opportunity for Black Americans and communities.

The PAC shall advise the President in the following areas: (i) what is needed for the development, implementation, and coordination of educational programs and initiatives at the Department and other agencies to improve educational opportunities and outcomes for Black Americans; (ii) how to promote career pathways for in-demand jobs for Black students, including registered apprenticeships, internships, fellowships, mentorships, and work-based learning initiatives; (iii) how to increase public awareness of and generate solutions for the educational and training challenges and equity disparities that Black Americans face and the causes of these challenges; and (iv) approaches to establish local and national partnerships with public, private, philanthropic, and nonprofit stakeholders to advance the mission and objectives of Executive Order 14050, consistent with applicable law.

Meeting Agenda: On December 11, 2024, the meeting agenda will include welcome remarks; a student speaker and/or performance; voting on Commission business, as needed; and a group discussion and presentation on the policy recommendations.

Access to the Meeting: An RSVP is required in order to attend the meeting

virtually. Please RSVP at <https://sites.ed.gov/whblackinitiative/our-commission/>. RSVPs must be received by 5 p.m. EDT on December 9, 2024. Members of the public that RSVP will get information on how to attend the meeting virtually as indicated on their registration.

Submission of Written Comments: The public may submit written comments pertaining to the work of the PAC via the registration site, <https://sites.ed.gov/whblackinitiative/our-commission/>, or to the whblackinitiative@ed.gov mailbox. Written comments related to the December 11, 2024, PAC meeting should be submitted no later than 5 p.m. EDT on December 9, 2024. If submitting a comment via email, please use the subject line “PAC Public Comment” and include in the email 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 Microsoft Word document or in a medium compatible with Microsoft Word (not a PDF file) that is attached to an electronic mail message (email) or provided in the body of an email message. Please do not send material directly to the PAC members.

Access to Records of the Meeting: The Department will post the official report of the meeting on the Initiative's website no later than 90 days after the meeting. Pursuant to 5 U.S.C. 1009, the public may also inspect the meeting materials and other PAC records at 400 Maryland Avenue SW, Washington, DC, by emailing whblackinitiative@ed.gov to schedule an appointment.

Reasonable Accommodations: The meeting platform is accessible to individuals with disabilities. If you will need an auxiliary aid or service to participate in the meeting (e.g., interpreting service, assistive listening device, or materials in an alternate format), notify the contact person listed in this notice at least one week before the meeting date. Although we will attempt to meet a request received after that date, we may not be able to make available the requested auxiliary aid or service because of insufficient time to arrange it.

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 this 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: Presidential Executive Order 14050.

Alexis Barrett,

Chief of Staff, Office of the Secretary.

[FR Doc. 2024–27425 Filed 11–21–24; 8:45 am]

BILLING CODE 4000–01–P

DEPARTMENT OF EDUCATION

[Docket No.: ED–2024–SCC–0113]

Agency Information Collection Activities; Submission to the Office of Management and Budget for Review and Approval; Comment Request; Student Assistance General Provisions—Subpart K—Cash Management

AGENCY: Federal Student Aid (FSA), Department of Education (ED).

ACTION: Notice.

SUMMARY: In accordance with the Paperwork Reduction Act (PRA) of 1995, the Department is proposing an extension without change of a currently approved information collection request (ICR).

DATES: Interested persons are invited to submit comments on or before December 23, 2024.

ADDRESSES: Written comments and recommendations for proposed information collection requests should be submitted within 30 days of publication of this notice. Click on this link www.reginfo.gov/public/do/PRAMain to access the site. Find this information collection request (ICR) by selecting “Department of Education” under “Currently Under Review,” then check the “Only Show ICR for Public Comment” checkbox. Reginfo.gov provides two links to view documents related to this information collection request. Information collection forms and instructions may be found by clicking on the “View Information Collection (IC) List” link. Supporting statements and other supporting documentation may be found by clicking on the “View Supporting Statement and Other Documents” link.

FOR FURTHER INFORMATION CONTACT: For specific questions related to collection

activities, please contact Beth Grebeldinger, (202) 570–8414.

SUPPLEMENTARY INFORMATION: The Department is especially interested in public comment addressing the following issues: (1) is this collection necessary to the proper functions of the Department; (2) will this information be processed and used in a timely manner; (3) is the estimate of burden accurate; (4) how might the Department enhance the quality, utility, and clarity of the information to be collected; and (5) how might the Department minimize the burden of this collection on the respondents, including through the use of information technology. Please note that written comments received in response to this notice will be considered public records.

Title of Collection: Student Assistance General Provisions—Subpart K—Cash Management.

OMB Control Number: 1845–0106.

Type of Review: Extension without change of a currently approved ICR.

Respondents/Affected Public: Private Sector; State, Local, and Tribal Governments; Individual or Households.

Total Estimated Number of Annual Responses: 2,503,922.

Total Estimated Number of Annual Burden Hours: 764,450.

Abstract: The Department of Education (the Department) amended the Student Assistance General Provisions regulations issued under the Higher Education Act of 1965, as amended (HEA), to implement the changes made to the Student Assistance General Provisions regulations Subpart K Cash Management 668.164 Disbursing funds. These regulations are intended to ensure students and parents have convenient access to their title IV, HEA program funds, do not incur unreasonable and uncommon financial account fees on these title IV funds and are not led to believe that they must open a particular financial account to receive their Federal student aid. This request is for an extension of the information collection for the requirements that are contained in the regulations 668.164 Disbursing funds. The regulations require that an institution that makes direct payments to a student or parent by electronic funds transfer (EFT) and that chooses to enter into an arrangement described in 668.164(e) or (f), including an institution that uses a third-party servicer to make those payments, must establish a selection process under which the student chooses one of several options for receiving those title IV, HEA fund payments. There has been no change to the regulations.

Dated: November 19, 2024.

Kun Mullan,

PRA Coordinator, Strategic Collections and Clearance, Governance and Strategy Division, Office of Chief Data Officer, Office of Planning, Evaluation and Policy Development.

[FR Doc. 2024–27418 Filed 11–21–24; 8:45 am]

BILLING CODE 4000–01–P

DEPARTMENT OF ENERGY

Privacy Act of 1974; System of Records

AGENCY: U.S. Department of Energy.

ACTION: Notice of a modified system of records.

SUMMARY: As required by the Privacy Act of 1974 and the Office of Management and Budget (OMB) Circulars A–108 and A–130, the Department of Energy (DOE or the Department) is publishing notice of a modification to an existing Privacy Act System of Records. DOE proposes to amend System of Records DOE–27 Foreign Travel Management System (FTMS). This System of Records Notice (SORN) is being modified to align with new formatting requirements, published by OMB, and to ensure appropriate Privacy Act coverage of business processes and Privacy Act information.

DATES: This modified SORN will become applicable following the end of the public comment period on December 23, 2024 unless comments are received that result in a contrary determination.

ADDRESSES: Written comments should be sent to Ken Hunt, Chief Privacy Officer, U.S. Department of Energy, 1000 Independence Avenue SW, Rm 8H–085, Washington, DC 20585, by facsimile at (202) 586–8151, or by email at privacy@hq.doe.gov.

FOR FURTHER INFORMATION CONTACT: Ken Hunt, Chief Privacy Officer, U.S. Department of Energy, 1000 Independence Avenue SW, Rm 8H–085, Washington, DC 20585, by facsimile at (202) 586–8151, by email at privacy@hq.doe.gov, or by telephone at (240) 686–9485.

SUPPLEMENTARY INFORMATION: On January 9, 2009, DOE published a Compilation of its Privacy Act Systems of Records, which included System of Records DOE–27 Foreign Travel Management System (FTMS). This notice proposes amendments to the system locations section of that system of records by removing the following system location where DOE–27 is no longer applicable: Environmental

Management Consolidated Business Center. In the “Routine Uses” section, this modified notice deletes a previous routine use concerning efforts responding to a suspected or confirmed loss of confidentiality of information as it appears in DOE’s compilation of its Privacy Act systems of records (January 9, 2009) and replaces it with one to assist DOE with responding to a suspected or confirmed breach of its records of Personally Identifiable Information (PII), modeled with language from OMB’s Memorandum M–17–12, “Preparing for and Responding to a Breach of Personally Identifiable Information” (January 3, 2017). Further, this notice adds one new routine use to ensure that DOE may assist another agency or entity in responding to the other agency’s or entity’s confirmed or suspected breach of PII, as appropriate, as aligned with OMB’s Memorandum M–17–12. The “System Manager” has been changed from “Office of Security Operations” to the “Office of the Chief Financial Officer.” An administrative change required by the FOIA Improvement Act of 2016 extends the length of time a requestor is permitted to file an appeal under the Privacy Act from 30 to 90 days. Both the “System Locations” and “Administrative, Technical and Physical Safeguards” sections have been modified to reflect the Department’s usage of cloud-based services for records storage. Language throughout the SORN has been updated to align with applicable Federal privacy laws, policies, procedures, and best practices.

SYSTEM NAME AND NUMBER:

DOE–27 Foreign Travel Management System (FTMS).

SECURITY CLASSIFICATION:

Unclassified.

SYSTEM LOCATION:

Systems leveraging this SORN may exist in multiple locations. All systems storing records in a cloud-based server are required to use government-approved cloud services and follow National Institute of Standards and Technology (NIST) security and privacy standards for access and data retention. Records maintained in a government-approved cloud server are accessed through secure data centers in the continental United States.

U.S. Department of Energy, Director, Office of the Chief Financial Officer, 1000 Independence Avenue SW, Washington, DC 20585.

U.S. Department of Energy, Germantown, 19901 Germantown Road, Germantown, MD 20874–1290.

U.S. Department of Energy, Bonneville Power Administration, P.O. Box 3621, Portland, OR 97208.

U.S. Department of Energy, Idaho Operations Office, 1955 Fremont Avenue, Idaho Falls, ID 83415.

SYSTEM MANAGER(S):

U.S. Department of Energy, Director, Office of the Chief Financial Officer, 1000 Independence Avenue SW, Washington, DC 20585.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

42 U.S.C. 7101 *et seq.*; 50 U.S.C. 2401 *et seq.*; 5 U.S.C. Chapter 3, Section 301; 5 U.S.C. Chapter 57; Federal Travel Regulation; Department of Energy Order 550.1, current version.

PURPOSE(S) OF THE SYSTEM:

Records in this system are maintained and used by DOE to document all official foreign travel by DOE employees and contractor employees, and any approvals.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

DOE employees, including National Nuclear Security Administration (NNSA) and contractor employees, authorized to travel to foreign countries on official government business.

CATEGORIES OF RECORDS IN THE SYSTEM:

Traveler’s name and the last four digits of their Social Security number, background data relating to proposed foreign travel; authorization number, travel itinerary; official or personal passport information, visa information, and summary report following completion of travel.

RECORD SOURCE CATEGORIES:

Individual travelers, supervisors, and travel offices.

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND PURPOSES OF SUCH USES:

1. A record from this system may be disclosed as a routine use to the General Services Administration for verification of transportation services.

2. A record from this system may be disclosed as a routine use to DOE contractors in performance of their contracts, and their officers and employees who have a need for the record in the performance of their duties. Those provided information under this routine use are subject to the same limitations applicable to Department officers and employees under the Privacy Act.

3. A record from this system may be disclosed as a routine use to the Department of State or border control or

immigration services for purpose of obtaining foreign country clearance for the traveler.

4. A record from this system may be disclosed as a routine use to the appropriate local, Tribal, State, or Federal agency when records, alone or in conjunction with other information, indicate a violation or potential violation of law whether civil, criminal, or regulatory in nature, and whether arising by general statute or particular program pursuant thereto.

5. A record from this system may be disclosed as a routine use to a member of Congress submitting a request involving a constituent when the constituent has requested assistance from the member concerning the subject matter of the record. The member of Congress must provide a copy of the constituent’s signed request for assistance.

6. A record from this system may be disclosed as a routine use to appropriate agencies, entities, and persons when (1) the Department suspects or has confirmed that there has been a breach of the system of records; (2) the Department has determined that as a result of the suspected or confirmed breach there is a risk of harm to individuals, DOE (including its information systems, programs, and operations), the Federal Government, or national security; and (3) the disclosure made to such agencies, entities, and persons is reasonably necessary to assist in connection with the Department’s efforts to respond to the suspected or confirmed breach or to prevent, minimize, or remedy such harm.

7. A record from this system may be disclosed as a routine use to another Federal agency or Federal entity, when the Department determines that information from this system of records is reasonably necessary to assist the recipient agency or entity in (1) responding to a suspected or confirmed breach or (2) preventing, minimizing, or remedying the risk of harm to individuals, the recipient agency or entity (including its information systems, programs, and operations), the Federal Government, or national security, resulting from a suspected or confirmed breach.

POLICIES AND PRACTICES FOR STORAGE OF RECORDS:

Records may be stored as paper records or electronic media.

POLICIES AND PRACTICES FOR RETRIEVAL OF RECORDS:

Records are retrieved by name, Social Security number, or travel authorization number.

POLICIES AND PRACTICES FOR RETENTION AND DISPOSAL OF RECORDS:

Retention and disposition of these records is in accordance with the National Archives and Records Administration-approved records disposition schedule with a retention of 6 years.

ADMINISTRATIVE, TECHNICAL, AND PHYSICAL SAFEGUARDS:

Electronic records may be secured and maintained on a cloud-based software server and operating system that resides in Federal Risk and Authorization Management Program (FedRAMP) and Federal Information Security Modernization Act (FISMA) hosting environment. Data located in the cloud-based server is firewalled and encrypted at rest and in transit. The security mechanisms for handling data at rest and in transit are in accordance with DOE encryption standards. Records are protected from unauthorized access through the following appropriate safeguards:

- *Administrative:* Access to all records is limited to lawful government purposes only, with access to electronic records based on role and either two-factor authentication or password protection. The system requires passwords to be complex and to be changed frequently. Users accessing system records undergo frequent training in Privacy Act and information security requirements. Security and privacy controls are reviewed on an ongoing basis.
- *Technical:* Computerized records systems are safeguarded on Departmental networks configured for role-based access based on job responsibilities and organizational affiliation. Privacy and security controls are in place for this system and are updated in accordance with applicable requirements as determined by NIST and DOE directives and guidance.
- *Physical:* Computer servers on which electronic records are stored are located in secured Department facilities, which are protected by security guards, identification badges, and cameras. Paper copies of all records are locked in file cabinets, file rooms, or offices and are under the control of authorized personnel. Access to these facilities is granted only to authorized personnel and each person granted access to the system must be an individual authorized to use or administer the system.

RECORD ACCESS PROCEDURES:

The Department follows the procedures outlined in title 10 CFR 1008.4. Valid identification of the

individual making the request is required before information will be processed, given, access granted, or a correction considered, to ensure that information is given, corrected, or records disclosed or corrected only at the request of the proper person.

CONTESTING RECORD PROCEDURES:

Any individual may submit a request to the System Manager and request a copy of any records relating to them. In accordance with 10 CFR 1008.11, any individual may appeal the denial of a request made by him or her for information about or for access to or correction or amendment of records. An appeal shall be filed within 90 calendar days after receipt of the denial. When an appeal is filed by mail, the postmark is conclusive as to timeliness. The appeal shall be in writing and must be signed by the individual. The words "PRIVACY ACT APPEAL" should appear in capital letters on the envelope and the letter. Appeals relating to DOE records shall be directed to the Director, Office of Hearings and Appeals (OHA), 1000 Independence Avenue SW, Washington, DC 20585.

NOTIFICATION PROCEDURES:

In accordance with the DOE regulation implementing the Privacy Act, 10 CFR part 1008, a request by an individual to determine if a system of records contains information about themselves should be directed to the U.S. Department of Energy, Headquarters, Privacy Act Officer. The request should include the requester's complete name and the time period for which records are sought.

EXEMPTIONS PROMULGATED FOR THE SYSTEM:

None.

HISTORY:

This SORN was last published in the **Federal Register**, 74 FR 1028–1029, on January 9, 2009.

Signing Authority

This document of the Department of Energy was signed on November 18, 2024, by Ann Dunkin, Senior Agency Official for Privacy, pursuant to delegated authority from the Secretary of Energy. That document with the original signature and date is maintained by DOE. For administrative purposes only, and in compliance with requirements of the Office of the Federal Register, the undersigned DOE **Federal Register** Liaison Officer has been authorized to sign and submit the document in electronic format for publication, as an official document of the Department of Energy. This administrative process in no way alters

the legal effect of this document upon publication in the **Federal Register**.

Signed in Washington, DC, on November 18, 2024.

Treena V. Garrett,

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

[FR Doc. 2024–27345 Filed 11–21–24; 8:45 am]

BILLING CODE 6450–01–P

DEPARTMENT OF ENERGY

[Docket No. 15–190–LNG]

Change in Control: Rio Grande LNG, LLC

AGENCY: Office of Fossil Energy and Carbon Management, Department of Energy.

ACTION: Notice of change in control.

SUMMARY: The Office of Fossil Energy and Carbon Management (FECM) of the Department of Energy (DOE) gives notice of receipt of a Statement and Notice of Change in Control (Notice) filed by Rio Grande LNG, LLC (Rio Grande LNG) on October 31, 2024. The Notice describes a change in Rio Grande LNG's upstream ownership. The Notice was filed under the Natural Gas Act (NGA).

DATES: Protests, motions to intervene, or notices of intervention, as applicable, and written comments are to be filed as detailed in the Public Comment Procedures section no later than 4:30 p.m., eastern time, December 9, 2024.

ADDRESSES:

Electronic Filing by email (Strongly encouraged): fergas@hq.doe.gov.

Postal Mail, Hand Delivery, or Private Delivery Services (e.g., FedEx, UPS, etc.): U.S. Department of Energy (FE–34), Office of Regulation, Analysis and Engagement, Office of Fossil Energy and Carbon Management, Forrestal Building, Room 3E–056, 1000 Independence Avenue SW, Washington, DC 20585.

Due to potential delays in DOE's receipt and processing of mail sent through the U.S. Postal Service, we encourage respondents to submit filings electronically to ensure timely receipt.

FOR FURTHER INFORMATION CONTACT:

Jennifer Wade or Peri Ulrey, U.S. Department of Energy (FE–34), Office of Regulation, Analysis, and Engagement, Office of Resource Sustainability, Office of Fossil Energy and Carbon Management, Forrestal Building, Room 3E–042, 1000 Independence Avenue SW, Washington, DC 20585, (202) 586–4749 or (202) 586–7893, jennifer.wade@hq.doe.gov or peri.ulrey@hq.doe.gov.

Cassandra Bernstein, U.S. Department of Energy (GC–76), Office of the

Assistant General Counsel for Energy Delivery and Resilience, Forrestal Building, Room 6D-033, 1000 Independence Avenue SW, Washington, DC 20585, (240) 780-1691, cassandra.bernstein@hq.doe.gov.

SUPPLEMENTARY INFORMATION:

Summary of Change in Control

Rio Grande LNG states that, by means of a transaction (Transaction) that closed on October 1, 2024, its upstream ownership structure has changed. According to Rio Grande LNG, BlackRock, Inc. (BlackRock), a publicly traded investment management firm domiciled in the United States, acquired 100% of the limited liability company interests in Global Infrastructure Management, LLC (GIM), a global independent infrastructure fund manager headquartered in New York. GIM indirectly owns GIP V Velocity Acquisition Partners, L.P. (GIP V Velocity), an indirect upstream owner of a minimum of 46.12% economic interest in Rio Grande LNG Intermediate Holdings, LLC (RGIH), which, in turn, indirectly owns 100% of Rio Grande LNG. Accordingly, as a result of the Transaction, BlackRock now indirectly owns a minimum of 46.12% economic interest in RGIH. In sum, Rio Grande LNG states that only the ownership of GIM is being modified as a result of the Transaction, and there are no modifications to RGIH's ownership of Rio Grande LNG.

Additional details can be found in the Notice, posted on the DOE website at: <https://www.energy.gov/sites/default/files/2024-11/Rio%20Grande%20DOE%20CIC%20Filing.pdf>.

DOE Evaluation

DOE will review the Notice in accordance with its Procedures for Changes in Control Affecting Applications and Authorizations to Import or Export Natural Gas (CIC Procedures).¹ Consistent with the CIC Procedures, this notice addresses Rio Grande LNG's existing authorization to export liquefied natural gas (LNG) to countries with which the United States has not entered into a free trade agreement (FTA) requiring national treatment for trade in natural gas and with which trade is not prohibited by United States law or policy (non-FTA countries), granted in DOE/FE Order No. 4492, as amended.² If no interested

person protests the change in control and DOE takes no action on its own motion, the proposed change in control will be deemed granted 30 days after publication in the **Federal Register**. If one or more protests are submitted, DOE will review any motions to intervene, protests, and answers, and will issue a determination as to whether the proposed change in control has been demonstrated to render the underlying authorizations inconsistent with the public interest.

Public Comment Procedures

Interested persons will be provided 15 days from the date of publication of this notice in the **Federal Register** to move to intervene, protest, and answer Rio Grande LNG's Notice.³ Protests, motions to intervene, notices of intervention, and written comments are invited in response to this notice only as to the change in control described in the Notice. All protests, comments, motions to intervene, or notices of intervention must meet the requirements specified by DOE's regulations in 10 CFR part 590, including the service requirements.

Filings may be submitted using one of the following methods:

(1) Submitting the filing electronically at fergas@hq.doe.gov;

(2) Mailing the filing to the Office of Regulation, Analysis, and Engagement at the address listed in the **ADDRESSES** section; or

(3) Hand delivering the filing to the Office of Regulation, Analysis, and Engagement at the address listed in the **ADDRESSES** section.

For administrative efficiency, DOE prefers filings to be filed electronically. All filings must include a reference to "Docket No. 15-190-LNG" in the title line, or "Rio Grande LNG, LLC Change in Control" in the title line.

For electronic submissions: Please include all related documents and attachments (e.g., exhibits) in the original email correspondence. Please do not include any active hyperlinks or password protection in any of the documents or attachments related to the filing. All electronic filings submitted to DOE must follow these guidelines to ensure that all documents are filed in a timely manner.

The Notice, and any filed protests, motions to intervene, notices of intervention, and comments will be available electronically on the DOE website at www.energy.gov/fecm/regulation.

³ Intervention, if granted, would constitute intervention only in the change in control portion of these proceedings, as described herein.

Signed in Washington, DC, on November 19, 2024.

Amy R. Sweeney,

Director, Office of Regulation, Analysis, and Engagement, Office of Resource Sustainability.

[FR Doc. 2024-27416 Filed 11-21-24; 8:45 am]

BILLING CODE 6450-01-P

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

[Project No. 175-032]

Pacific Gas and Electric Company; Notice of Application Accepted for Filing and Soliciting Motions To Intervene and Protests

Take notice that the following hydroelectric application has been filed with the Commission and is available for public inspection.

a. *Type of Application:* New Major License.

b. *Project No.:* 175-132.

c. *Date filed:* April 18, 2024.

d. *Applicant:* Pacific Gas and Electric Company.

e. *Name of Project:* Balch Hydroelectric Project.

f. *Location:* The existing project is located Fresno County, California, is in the Sierra Nevada, approximately 45 miles northeast of the City of Fresno and on the North Fork Kings River. The North Fork Kings River drains into the Kings River, which then drains into the San Joaquin River. PG&E's proposed FERC Project Boundary includes 694.67 acres of lands, of which 491.50 acres are United States (U.S.) lands, all of which are National Forest System.

g. *Filed Pursuant to:* Federal Power Act 16 U.S.C. 791a-825r.

h. *Applicant Contact:* Dave Gabbard, Vice President Power Generation, Pacific Gas and Electric Company, 300 Lakeside Drive, Oakland, CA 94612; telephone at (650) 207-9705; email at David.gabbard@pge.com.

i. *FERC Contact:* Benjamin Mann Project Coordinator, West Branch, Division of Hydropower Licensing; telephone at (202) 502-8127; email at benjamin.mann@ferc.gov.

j. *Deadline for filing motions to intervene and protests:* 60 days from the issuance date of this notice.

The Commission strongly encourages electronic filing. Please file motions to intervene and protests using the Commission's eFiling system at <https://ferconline.ferc.gov/FERC.aspx>.

Commenters can submit brief comments up to 6,000 characters, without prior registration, using the eComment system

¹ 79 FR 65541 (Nov. 5, 2014).

² Rio Grande LNG's Notice also applies to its existing authorization to export LNG to FTA countries in the same docket. DOE will respond to that portion of the filing separately pursuant to the CIC Procedures, 79 FR 65542.

at <https://ferconline.ferc.gov/Quick.aspx>. For assistance, please contact FERC Online Support at FERCOnlineSupport@ferc.gov, (866) 208-3676 (toll free), or (202) 502-8659 (TTY). In lieu of electronic filing, you may submit a paper copy. Submissions sent via the U.S. Postal Service must be addressed to: Debbie-Anne A. Reese, Secretary, Federal Energy Regulatory Commission, 888 First Street NE, Room 1A, Washington, DC 20426. Submissions sent via any other carrier must be addressed to: Debbie-Anne A. Reese, Secretary, Federal Energy Regulatory Commission, 12225 Wilkins Avenue, Rockville, Maryland 20852. All filings must clearly identify the project name and docket number on the first page: Balch Hydroelectric Project (P-175-032).

The Commission's Rules of Practice require all intervenors filing documents with the Commission to serve a copy of that document on each person on the official service list for the project. Further, if an intervenor files comments or documents with the Commission relating to the merits of an issue that may affect the responsibilities of a particular resource agency, they must also serve a copy of the document on that resource agency.

k. This application has been accepted but is not ready for environmental analysis at this time.

l. *The existing Balch Hydroelectric Project (project) includes the following facilities:* (1) a 135-foot-high, 396-foot-long diversion dam with a crest elevation of 4,098 feet that includes a 364-foot-long spillway and is located on the North Fork Kings River 9.9 miles upstream of the confluence with Kings River; (2) the 35-acre Black Rock Reservoir with a usable storage capacity of 1,260 acre-feet at a normal water surface elevation of 4,097 feet; (3) an 11-foot-high, concrete tunnel intake; (4) a water conveyance system consisting of: (a) a 19,336-foot-long tunnel with a maximum hydraulic capacity of 760 cubic feet per second (cfs) that includes the 308-foot-long Black Rock Adit, the 350-foot-long Weir Creek Adit, an unlined surge chamber, and two sluice channels; (5) a 4,905.6-foot-long penstock leading to the Balch No. 1 Powerhouse and a 4,933.3-foot-long penstock leading to the Balch No. 2 Powerhouse; (6) the 65.5-foot-long, 80.5-foot-wide Balch No. 1 Powerhouse housing one turbine-generator unit with an authorized installed capacity of 31.02 megawatts (MW) and a maximum hydraulic capacity of 213 cfs; (7) the 149-foot-long, 84-foot-wide Balch No. 2 Powerhouse housing two turbine-generator units with a total authorized

installed capacity of 105 MW and a maximum hydraulic capacity of 315 cfs; (8) a 165-foot-high, 238-foot-long afterbay dam with a crest elevation of 1,704 feet that includes a 238-foot-long spillway; (9) a 7-acre afterbay with a usable storage capacity of 135 acre-feet; (10) project roads and trails; (11) recreation facilities; (12) a 22-mile-long, 115-kilovolt (kV) transmission line connecting the project with the grid at Piedra Junction; (13) the 76-acre Balch Camp, which is the project operating headquarters and includes personnel housing; (14) a 6.2-mile-line, 12-kV distribution line connecting Balch Camp with the project's diversion dam; and (15) appurtenant facilities.

The Balch Project is located downstream of PG&E's Haas-Kings River Hydroelectric Project No. 1988 and Helms Pumped Storage Project No. 2735, which use the same reservoirs (Courtright Lake and Lake Wilshon) for operation. The project is operated as a peaking facility to generate power that is released from upstream storage to meet power demand and for irrigation purposes. Project operation is coordinated with Project No. 1988, whose releases from Lake Wilshon largely control inflow to Black Rock Reservoir; however, spill fluctuations at the project are possible at times when inflow exceeds powerhouse capacity and during powerhouse outages.

The current license requires PG&E to maintain the following continuous minimum flows in the North Kings River: (1) during normal water years: (a) from June 1 through November 31, 5 cfs from Black Rock Reservoir, 15 cfs from Balch Afterbay, and 30 cfs of total river flow; and (b) from December 1 through May 31, 2.5 cfs from Black Rock Reservoir, 10 cfs from Balch Afterbay, and 30 cfs of total river flow; (2) during dry water years, as defined by the California Department of Water Resources, year-round flows of 2.5 cfs from Black Rock Reservoir, 10 cfs from Balch Afterbay, and 20 cfs of total river flow.

PG&E proposes to continue operating the project in a manner that is consistent with current operation, with the exception of the following new proposed measures: (1) minimum flows and water year types, (2) a recreation plan, (3) a biological resources management plan, (4) a historic properties management plan, (5) low-level operations, (6) flood period operations, (7) a hazardous substance plan, (8) a gaging plan, (9) visual resources management, (10) a fire management and response plan, and (11) a transportation system management plan.

m. A copy of the application can be viewed on the Commission's website at <https://www.ferc.gov> using the "eLibrary" link. Enter the docket number excluding the last three digits in the docket number field to access the document. For assistance, contact FERC Online Support at FERCOnlineSupport@ferc.gov or call toll-free, (866) 208-3676 or (202) 502-8659 (TTY).

You may also register online at <https://ferconline.ferc.gov/FERCOnline.aspx> to be notified via email of new filings and issuances related to this or other pending projects. For assistance, contact FERC Online Support.

n. Anyone may submit a protest or a motion to intervene in accordance with the requirements of Rules of Practice and Procedure, 18 CFR 385.210, 385.211, and 385.214. In determining the appropriate action to take, the Commission will consider all protests filed, but only those who file a motion to intervene in accordance with the Commission's Rules may become a party to the proceeding. Any protests or motions to intervene must be received on or before the specified deadline date for the particular application.

All filings must (1) bear in all capital letters the title "PROTEST" or "MOTION TO INTERVENE"; (2) set forth in the heading the name of the applicant and the project number of the application to which the filing responds; (3) furnish the name, address, and telephone number of the person submitting the filing; and (4) otherwise comply with the requirements of 18 CFR 385.2001 through 385.2005. Agencies may obtain copies of the application directly from the applicant. A copy of any protest or motion to intervene must be served upon each representative of the applicant specified in the particular application.

The Commission's Office of Public Participation (OPP) supports meaningful public engagement and participation in Commission proceedings. OPP can help members of the public, including landowners, environmental justice communities, Tribal members, and others, access publicly available information and navigate Commission processes. For public inquiries and assistance with making filings such as interventions, comments, or requests for rehearing, the public is encouraged to contact OPP at (202) 502-6595 or OPP@ferc.gov.

o. *Procedural schedule:* The application will be processed according to the following preliminary schedule. Revisions to the schedule will be made as appropriate.

Milestone	Date
Issue Scoping Document 1	December 2024.
Comments on Scoping Document 1 Due	January 2025.
Issue Request for Additional Information (if necessary)	January 2025.
Issue Scoping Document 2 (if necessary)	March 2025.
Issue Notice of Ready for Environmental Analysis	November 2025.

Dated: November 15, 2024.

Debbie-Anne A. Reese,
Secretary.

[FR Doc. 2024-27356 Filed 11-21-24; 8:45 am]

BILLING CODE 6717-01-P

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

[Project No. 14867-003]

Notice of Application Accepted for Filing and Soliciting Motions To Intervene and Protests: Scott's Mill Hydro, LLC

Take notice that the following hydroelectric application has been filed with the Commission and is available for public inspection.

a. *Type of Application:* Original Major License.

b. *Project No.:* 14867-003.

c. *Date filed:* March 21, 2022.

d. *Applicant:* Scott's Mill Hydro, LLC.

e. *Name of Project:* Scott's Mill Hydroelectric Project.

f. *Location:* On the James River, near the City of Lynchburg, in Bedford and Amherst Counties, Virginia. No federal or tribal land would be occupied by project works or located within the project boundary.

g. *Filed Pursuant to:* Federal Power Act 16 U.S.C. 791(a)-825(r).

h. *Applicant Contact:* Mr. Mark Fendig, Luminaire Technologies, Inc., 9932 Wilson Highway, Mouth-of-Wilson, VA 24363; phone: (540) 320-6762.

i. *FERC Contact:* Jody Callihan at (202) 502-8278, or jody.callihan@ferc.gov

j. *Deadline for filing motions to intervene and protests:* 60 days from the issuance date of this notice.

The Commission strongly encourages electronic filing. Please file motions to intervene and protests using the Commission's eFiling system at <https://ferconline.ferc.gov/FEROnline.aspx>. Commenters can submit brief comments up to 6,000 characters, without prior registration, using the eComment system at <https://ferconline.ferc.gov/QuickComment.aspx>. For assistance, please contact FERC Online Support at FEROnlineSupport@ferc.gov, (866)

208-3676 (toll free), or (202) 502-8659 (TTY). In lieu of electronic filing, you may submit a paper copy. Submissions sent via the U.S. Postal Service must be addressed to: Debbie-Anne A. Reese, Secretary, Federal Energy Regulatory Commission, 888 First Street NE, Room 1A, Washington, DC 20426. Submissions sent via any other carrier must be addressed to: Debbie-Anne A. Reese, Secretary, Federal Energy Regulatory Commission, 12225 Wilkins Avenue, Rockville, Maryland 20852. All filings must clearly identify the project name and docket number on the first page: Scott's Mill Hydroelectric Project (P-14867-003).

The Commission's Rules of Practice require all intervenors filing documents with the Commission to serve a copy of that document on each person on the official service list for the project. Further, if an intervenor files comments or documents with the Commission relating to the merits of an issue that may affect the responsibilities of a particular resource agency, they must also serve a copy of the document on that resource agency.

k. This application has been accepted for filing but is not ready for environmental analysis.

l. The Scott's Mill Hydroelectric Project would consist of: (1) an existing masonry dam containing two spillways separated by a 25-foot-wide stone pier, with one 735-foot-long, 15-foot-high overflow spillway and the other a 140-foot-long, 16-foot-high arch-section spillway; (2) an impoundment with a surface area of 305 acres at the normal pool elevation of 516.4 feet North American Vertical Datum of 1988 (NAVD 88); (3) a new modular powerhouse containing nine generating units with a total installed capacity of 4.5 megawatts that would be installed immediately downstream of the existing arch-section spillway of the dam; (4) a new 1,200-foot-long overhead transmission line; and (5) appurtenant facilities.

To increase flow through the modular powerhouse, Scott's Mill proposes to remove the top 6.8 feet of the existing arch-section spillway of the dam and add 2-foot-high flashboards to the existing overflow spillway. Scott's Mill proposes to operate the project in a run-of-river mode, except on the 10 days of

peak annual electrical demand in the Pennsylvania-New Jersey-Maryland (PJM) regional transmission organization, during which time the project may operate in a peaking mode for up to two hours per day. The estimated annual energy production of the project is 20,700 megawatt-hours.

m. A copy of the application is available for review via the internet through the Commission's Home Page (<http://www.ferc.gov>), using the "eLibrary" link. Enter the docket number, excluding the last three digits in the docket number field, to access the document. For assistance, contact FERC at FEROnlineSupport@ferc.gov or call toll free, (886) 208-3676 or TTY (202) 502-8659.

You may also register online at <https://ferconline.ferc.gov/FEROnline.aspx> to be notified via email of new filings and issuances related to this or other pending projects. For assistance, contact FERC Online Support.

The Commission's Office of Public Participation (OPP) supports meaningful public engagement and participation in Commission proceedings. OPP can help members of the public, including landowners, environmental justice communities, Tribal members and others, access publicly available information and navigate Commission processes. For public inquiries and assistance with making filings such as interventions, comments, or requests for rehearing, the public is encouraged to contact OPP at (202) 502-6595 or OPP@ferc.gov.

n. Any qualified applicant desiring to file a competing application must submit to the Commission, on or before the specified intervention deadline date, a competing development application, or a notice of intent to file such an application. Submission of a timely notice of intent allows an interested person to file the competing development application no later than 120 days after the specified intervention deadline date. Applications for preliminary permits will not be accepted in response to this notice.

A notice of intent must specify the exact name, business address, and telephone number of the prospective applicant, and must include an unequivocal statement of intent to

submit a development application. A notice of intent must be served on the applicant(s) named in this public notice.

Anyone may submit comments, a protest, or a motion to intervene in accordance with the requirements of Rules of Practice and Procedure, 18 CFR 385.210, .211, and .214. In determining the appropriate action to take, the Commission will consider all protests or other comments filed, but only those who file a motion to intervene in accordance with the Commission's Rules may become a party to the proceeding. Any comments, protests, or motions to intervene must be received on or before the specified comment date for the particular application.

All filings must (1) bear in all capital letters the title "PROTEST" or "MOTION TO INTERVENE," "NOTICE OF INTENT TO FILE COMPETING APPLICATION," or "COMPETING APPLICATION;" (2) set forth in the heading the name of the applicant and the project number of the application to which the filing responds; (3) furnish the name, address, and telephone number of the person protesting or intervening; and (4) otherwise comply with the requirements of 18 CFR 385.2001 through 385.2005. Agencies may obtain copies of the application directly from the applicant. A copy of any protest or motion to intervene must be served upon each representative of the applicant specified in the particular application.

o. Procedural schedule: The application will be processed according to the following schedule. Revisions to the schedule will be made as appropriate.

Issue Scoping Document 1 for comments—January 2025

Comments on Scoping Document 1 due—February 2025

Request Additional Information (if necessary)—March 2025

Issue Scoping Document 2 (if necessary)—March 2025

Issue Notice of Ready for Environmental Analysis—March 2025

Dated: November 15, 2024.

Debbie-Anne A. Reese,
Secretary.

[FR Doc. 2024-27354 Filed 11-21-24; 8:45 am]

BILLING CODE 6717-01-P

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

Combined Notice of Filings

Take notice that the Commission has received the following Natural Gas Pipeline Rate and Refund Report filings:

Filings Instituting Proceedings

Docket Numbers: RP25-190-000.

Applicants: TotalEnergies Gas & Power North America, Inc., ExGen Texas Power, LLC.

Description: Joint Petition for Temporary Waivers of Capacity Release Regulations, et al. of ExGen Texas Power, LLC, et al.

Filed Date: 11/15/24.

Accession Number: 20241115-5140.

Comment Date: 5 p.m. ET 11/27/24.

Any person desiring to intervene, to protest, or to answer a complaint in any of the above proceedings must file in accordance with Rules 211, 214, or 206 of the Commission's Regulations (18 CFR 385.211, 385.214, or 385.206) on or before 5:00 p.m. Eastern time on the specified comment date. Protests may be considered, but intervention is necessary to become a party to the proceeding.

The filings are accessible in the Commission's eLibrary system (<https://elibrary.ferc.gov/idmws/search/fercgensearch.asp>) by querying the docket number.

eFiling is encouraged. More detailed information relating to filing requirements, interventions, protests, service, and qualifying facilities filings can be found at: <http://www.ferc.gov/docs-filing/efiling/filing-req.pdf>. For other information, call (866) 208-3676 (toll free). For TTY, call (202) 502-8659.

The Commission's Office of Public Participation (OPP) supports meaningful public engagement and participation in Commission proceedings. OPP can help members of the public, including landowners, environmental justice communities, Tribal members and others, access publicly available information and navigate Commission processes. For public inquiries and assistance with making filings such as interventions, comments, or requests for rehearing, the public is encouraged to contact OPP at (202) 502-6595 or OPP@ferc.gov.

Dated: November 18, 2024.

Carlos D. Clay,
Acting Deputy Secretary.

[FR Doc. 2024-27448 Filed 11-21-24; 8:45 am]

BILLING CODE 6717-01-P

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

Combined Notice of Filings #1

Take notice that the Commission received the following electric corporate filings:

Docket Numbers: EC25-21-000.

Applicants: CMS Generation Michigan Power L.L.C.

Description: Application for Authorization Under Section 203 of the Federal Power Act of CMS Generation Michigan Power L.L.C.

Filed Date: 11/13/24.

Accession Number: 20241113-5146.

Comment Date: 5 p.m. ET 12/4/24.

Docket Numbers: EC25-22-000.

Applicants: Richland Township Solar II, LLC, BCD 2024 Fund 4 II Lessee, LLC.

Description: Joint Application for Authorization Under Section 203 of the Federal Power Act of Richland Township Solar II, LLC, et al.

Filed Date: 11/15/24.

Accession Number: 20241115-5278.

Comment Date: 5 p.m. ET 12/6/24.

Docket Numbers: EC25-23-000.

Applicants: Heritage Power, LLC, J. Aron & Company LLC, Barclays Capital Inc.

Description: Joint Application for Authorization Under Section 203 of the Federal Power Act of Heritage Power, LLC, et al.

Filed Date: 11/15/24.

Accession Number: 20241115-5288.

Comment Date: 5 p.m. ET 12/6/24.

Take notice that the Commission received the following exempt wholesale generator filings:

Docket Numbers: EG25-36-000.

Applicants: EdSan 1C Solar, LLC.

Description: EdSan 1C Solar, LLC submits Notice of Self-Certification of Exempt Wholesale Generator Status.

Filed Date: 11/15/24.

Accession Number: 20241115-5173.

Comment Date: 5 p.m. ET 12/6/24.

Take notice that the Commission received the following electric rate filings:

Docket Numbers: ER19-2150-005.

Applicants: Shawville Power, LLC.

Description: Compliance filing: Informational Filing Regarding Upstream Transfer of Ownership to be effective N/A.

Filed Date: 11/15/24.

Accession Number: 20241115-5197.

Comment Date: 5 p.m. ET 12/6/24.

Docket Numbers: ER19-2151-005.

Applicants: New Castle Power, LLC.

Description: Compliance filing: Informational Filing Regarding

Upstream Transfer of Ownership to be effective N/A.

Filed Date: 11/15/24.

Accession Number: 20241115–5181.

Comment Date: 5 p.m. ET 12/6/24.

Docket Numbers: ER19–2152–005.

Applicants: Brunot Island Power, LLC.

Description: Compliance filing:

Informational Filing Regarding

Upstream Transfer of Ownership to be effective N/A.

Filed Date: 11/15/24.

Accession Number: 20241115–5171.

Comment Date: 5 p.m. ET 12/6/24.

Docket Numbers: ER19–2153–005.

Applicants: Gilbert Power, LLC.

Description: Compliance filing:

Informational Filing Regarding

Upstream Transfer of Ownership to be effective N/A.

Filed Date: 11/15/24.

Accession Number: 20241115–5172.

Comment Date: 5 p.m. ET 12/6/24.

Docket Numbers: ER19–2154–006.

Applicants: Sayreville Power, LLC.

Description: Compliance filing:

Informational Filing Regarding

Upstream Transfer of Ownership to be effective N/A.

Filed Date: 11/15/24.

Accession Number: 20241115–5189.

Comment Date: 5 p.m. ET 12/6/24.

Docket Numbers: ER19–2155–005.

Applicants: Portland Power, LLC.

Description: Compliance filing:

Informational Filing Regarding

Upstream Transfer of Ownership to be effective N/A.

Filed Date: 11/15/24.

Accession Number: 20241115–5186.

Comment Date: 5 p.m. ET 12/6/24.

Docket Numbers: ER19–2156–005.

Applicants: Warren Generation, LLC.

Description: Compliance filing:

Informational Filing Regarding

Upstream Transfer of Ownership to be effective N/A.

Filed Date: 11/15/24.

Accession Number: 20241115–5205.

Comment Date: 5 p.m. ET 12/6/24.

Docket Numbers: ER19–2157–005.

Applicants: Mountain Power, LLC.

Description: Compliance filing:

Informational Filing Regarding

Upstream Transfer of Ownership to be effective N/A.

Filed Date: 11/15/24.

Accession Number: 20241115–5180.

Comment Date: 5 p.m. ET 12/6/24.

Docket Numbers: ER19–2158–005.

Applicants: Orrtanna Power, LLC.

Description: Compliance filing:

Informational Filing Regarding

Upstream Transfer of Ownership to be effective N/A.

Filed Date: 11/15/24.

Accession Number: 20241115–5184.

Comment Date: 5 p.m. ET 12/6/24.

Docket Numbers: ER19–2159–005.

Applicants: Shawnee Power, LLC.

Description: Compliance filing:

Informational Filing Regarding
Upstream Transfer of Ownership to be effective N/A.

Filed Date: 11/15/24.

Accession Number: 20241115–5193.

Comment Date: 5 p.m. ET 12/6/24.

Docket Numbers: ER19–2160–005.

Applicants: Titus Power, LLC.

Description: Compliance filing:

Informational Filing Regarding
Upstream Transfer of Ownership to be effective N/A.

Filed Date: 11/15/24.

Accession Number: 20241115–5199.

Comment Date: 5 p.m. ET 12/6/24.

Docket Numbers: ER19–2161–005.

Applicants: Hamilton Power, LLC.

Description: Compliance filing:

Informational Filing Regarding
Upstream Transfer of Ownership to be effective N/A.

Filed Date: 11/15/24.

Accession Number: 20241115–5174.

Comment Date: 5 p.m. ET 12/6/24.

Docket Numbers: ER19–2162–005.

Applicants: Blossburg Power, LLC.

Description: Compliance filing:

Informational Filing Regarding
Upstream Transfer of Ownership to be effective N/A.

Filed Date: 11/15/24.

Accession Number: 20241115–5169.

Comment Date: 5 p.m. ET 12/6/24.

Docket Numbers: ER19–2163–005.

Applicants: Hunterstown Power, LLC.

Description: Compliance filing:

Informational Filing Regarding
Upstream Transfer of Ownership to be effective N/A.

Filed Date: 11/15/24.

Accession Number: 20241115–5177.

Comment Date: 5 p.m. ET 12/6/24.

Docket Numbers: ER19–2164–006.

Applicants: Tolna Power, LLC.

Description: Compliance filing:

Informational Filing Regarding
Upstream Transfer of Ownership to be effective N/A.

Filed Date: 11/15/24.

Accession Number: 20241115–5204.

Comment Date: 5 p.m. ET 12/6/24.

Docket Numbers: ER24–2023–001.

Applicants: Black Hills Colorado Electric, LLC.

Description: Compliance filing: Order Nos. 2023 and 2023–A Further Compliance Filing to be effective 9/1/2024.

Filed Date: 11/18/24.

Accession Number: 20241118–5140.

Comment Date: 5 p.m. ET 12/9/24.

Docket Numbers: ER24–2027–001.

Applicants: Golden Spread Electric Cooperative, Inc.

Description: Compliance filing: OATT Order No. 2023 Second Compliance to be effective 5/17/2024.

Filed Date: 11/18/24.

Accession Number: 20241118–5125.

Comment Date: 5 p.m. ET 12/9/24.

Docket Numbers: ER24–3089–001.

Applicants: PJM Interconnection, L.L.C.

Description: Tariff Amendment: Amendment of ER24–3089–000; Original WMPA No. 7373; AG1–558 to be effective 8/23/2024.

Filed Date: 11/18/24.

Accession Number: 20241118–5174.

Comment Date: 5 p.m. ET 12/9/24.

Docket Numbers: ER24–3130–000; ER24–3131–000; ER24–3132–000.

Applicants: West River Solar, LLC, Two Hearted Solar, LLC, Apex Solar, LLC.

Description: Supplement to 09/27/2024, Apex Solar, LLC, et al. tariff filing.

Filed Date: 11/15/24.

Accession Number: 20241115–5268.

Comment Date: 5 p.m. ET 12/6/24.

Docket Numbers: ER25–458–000.

Applicants: PJM Interconnection, L.L.C.

Description: Notice of Cancellation of ISA, SA No. 1134 entered into by and among PJM, Calpine Parlin, LLC, and Jersey Central Power & Light Company, accepted by the Commission.

Filed Date: 11/14/24.

Accession Number: 20241114–5304.

Comment Date: 5 p.m. ET 12/5/24.

Docket Numbers: ER25–459–000.

Applicants: PJM Interconnection, L.L.C.

Description: § 205(d) Rate Filing: Amendment to ISA, Service Agreement No. 4322; Queue No. Z1–036 to be effective 1/18/2025.

Filed Date: 11/18/24.

Accession Number: 20241118–5128.

Comment Date: 5 p.m. ET 12/9/24.

Docket Numbers: ER25–461–000.

Applicants: Midcontinent Independent System Operator, Inc., Duke Energy Business Services LLC.

Description: § 205(d) Rate Filing: Midcontinent Independent System Operator, Inc. submits tariff filing per 35.13(a)(2)(iii) 2024–11–18 SA 4389 DEI-Deriva Energy Solar E&P (J1721) to be effective 11/19/2024.

Filed Date: 11/18/24.

Accession Number: 20241118–5136.

Comment Date: 5 p.m. ET 12/9/24.

Docket Numbers: ER25–462–000.

Applicants: PJM Interconnection, L.L.C.

Description: § 205(d) Rate Filing: Original GIA & CSA, SA Nos. 7400 &

7401; Project Identifier AF1–164 to be effective 10/17/2024.

Filed Date: 11/18/24.

Accession Number: 20241118–5138.

Comment Date: 5 p.m. ET 12/9/24.

Docket Numbers: ER25–463–000.

Applicants: Alabama Power Company, Georgia Power Company, Mississippi Power Company.

Description: § 205(d) Rate Filing: Alabama Power Company submits tariff filing per 35.13(a)(2)(iii): Zinnia Energy Center LGIA Filing to be effective 11/6/2024.

Filed Date: 11/18/24.

Accession Number: 20241118–5143.

Comment Date: 5 p.m. ET 12/9/24.

Docket Numbers: ER25–464–000.

Applicants: Southwest Power Pool, Inc.

Description: § 205(d) Rate Filing: Submission of Tariff Revisions to the NRIS Interconnection Service Product to be effective 2/1/2025.

Filed Date: 11/18/24.

Accession Number: 20241118–5144.

Comment Date: 5 p.m. ET 12/9/24.

Docket Numbers: ER25–465–000.

Applicants: Tri-State Generation and Transmission Association, Inc.

Description: § 205(d) Rate Filing: Initial Filing of Service Agreement FERC No. 925 to be effective 11/6/2024.

Filed Date: 11/18/24.

Accession Number: 20241118–5147.

Comment Date: 5 p.m. ET 12/9/24.

Docket Numbers: ER25–466–000.

Applicants: Phoenix Energy Group, LLC.

Description: § 205(d) Rate Filing: MBR Amendment to be effective 1/17/2025.

Filed Date: 11/18/24.

Accession Number: 20241118–5148.

Comment Date: 5 p.m. ET 12/9/24.

Docket Numbers: ER25–467–000.

Applicants: CMS Energy Resource Management Company.

Description: § 205(d) Rate Filing: Market-Based Rate Tariff Update to be effective 1/17/2025.

Filed Date: 11/18/24.

Accession Number: 20241118–5150.

Comment Date: 5 p.m. ET 12/9/24.

Docket Numbers: ER25–468–000.

Applicants: Craven County Wood Energy Limited Partnership.

Description: § 205(d) Rate Filing: Market-Based Rate Tariff Update to be effective 1/17/2025.

Filed Date: 11/18/24.

Accession Number: 20241118–5153.

Comment Date: 5 p.m. ET 12/9/24.

Docket Numbers: ER25–469–000.

Applicants: Dearborn Industrial Generation, L.L.C.

Description: § 205(d) Rate Filing: Market-Based Rate Tariff Update to be effective 1/17/2025.

Filed Date: 11/18/24.

Accession Number: 20241118–5154.

Comment Date: 5 p.m. ET 12/9/24.

Docket Numbers: ER25–470–000.

Applicants: Genesee Power Station Limited Partnership.

Description: § 205(d) Rate Filing: Market-Based Rate Tariff Update to be effective 1/17/2025.

Filed Date: 11/18/24.

Accession Number: 20241118–5158.

Comment Date: 5 p.m. ET 12/9/24.

Docket Numbers: ER25–471–000.

Applicants: Grayling Generating Station Limited Partnership.

Description: § 205(d) Rate Filing: Market-Based Rate Tariff Update to be effective 1/17/2025.

Filed Date: 11/18/24.

Accession Number: 20241118–5161.

Comment Date: 5 p.m. ET 12/9/24.

Docket Numbers: ER25–472–000.

Applicants: XTS LLC.

Description: Baseline eTariff Filing: Petition for Initial Market-Based Rate Auth. w/Waivers & Expedited Treatment to be effective 1/1/2025.

Filed Date: 11/18/24.

Accession Number: 20241118–5163.

Comment Date: 5 p.m. ET 12/9/24.

Docket Numbers: ER25–473–000.

Applicants: Newport Solar LLC.

Description: § 205(d) Rate Filing: Market-Based Rate Tariff Update to be effective 1/17/2025.

Filed Date: 11/18/24.

Accession Number: 20241118–5165.

Comment Date: 5 p.m. ET 12/9/24.

The filings are accessible in the Commission's eLibrary system (<https://elibrary.ferc.gov/idmws/search/fercgensearch.asp>) by querying the docket number.

Any person desiring to intervene, to protest, or to answer a complaint in any of the above proceedings must file in accordance with Rules 211, 214, or 206 of the Commission's Regulations (18 CFR 385.211, 385.214, or 385.206) on or before 5:00 p.m. Eastern time on the specified comment date. Protests may be considered, but intervention is necessary to become a party to the proceeding.

eFiling is encouraged. More detailed information relating to filing requirements, interventions, protests, service, and qualifying facilities filings can be found at: <http://www.ferc.gov/docs-filing/efiling/filing-req.pdf>. For other information, call (866) 208–3676 (toll free). For TTY, call (202) 502–8659.

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communities, Tribal members and others, access publicly available information and navigate Commission processes.

For public inquiries and assistance with making filings such as interventions, comments, or requests for rehearing, the public is encouraged to contact OPP at (202) 502–6595 or OPP@ferc.gov.

November 18, 2024.

Carlos D. Clay,

Acting Deputy Secretary.

[FR Doc. 2024–27451 Filed 11–21–24; 8:45 am]

BILLING CODE 6717–01–P

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

[Project No. 2376–052]

Eagle Creek Reusens Hydro, LLC; Notice of Application Accepted for Filing and Soliciting Motions To Intervene and Protests

Take notice that the following hydroelectric application has been filed with the Commission and is available for public inspection.

a. *Type of Application:* New Major License.

b. *Project No.:* 2376–052.

c. *Date filed:* February 28, 2022.

d. *Applicant:* Eagle Creek Reusens Hydro, LLC (Reusens Hydro).

e. *Name of Project:* Reusens Hydroelectric Project (Reusens Project or project).

f. *Location:* The project is located on the James River in Bedford and Amherst Counties, Virginia.

g. *Filed Pursuant to:* Federal Power Act 16 U.S.C. 791(a) through 825(r).

h. *Applicant Contact:* Ms. Joyce Foster, Director, Licensing and Compliance Eagle Creek Renewable Energy, LLC, 7315 Wisconsin Avenue, Suite 1100W, Bethesda, MD 20814; Phone at (804) 338–5110 or email at Joyce.Foster@eaglecreekre.co; and Ms. Jody Smet, Vice President, Regulatory Affairs, Eagle Creek Renewable Energy, LLC, 7315 Wisconsin Ave., Suite 1100W, Bethesda, MD 20814; Phone at (240) 482–2700 or email at jody.smet@eaglecreekre.com.

i. *FERC Contact:* Laurie Bauer at (202) 502–6519, or laurie.bauer@ferc.gov.

j. *Deadline for filing motions to intervene and protests:* 60 days from the issuance date of this notice.

The Commission strongly encourages electronic filing. Please file motions to intervene and protests using the Commission's eFiling system at <https://>

www.ferc.gov/docs-filing/efiling.aspx. For assistance, please contact FERC Online Support at FERCOnlineSupport@ferc.gov, (866) 208-3676 (toll free), or (202) 502-8659 (TTY). In lieu of electronic filing, you may send a paper copy. Submissions sent via the U.S. Postal Service must be addressed to: Debbie-Anne A. Reese, Secretary, Federal Energy Regulatory Commission, 888 First Street NE, Room 1A, Washington, DC 20426. Submissions sent via any other carrier must be addressed to: Debbie-Anne A. Reese, Secretary, Federal Energy Regulatory Commission, 12225 Wilkins Avenue, Rockville, Maryland 20852. All filings must clearly identify the project name and docket number on the first page: Reusens Hydroelectric Project (P-2376-052).

The Commission's Rules of Practice require all intervenors filing documents with the Commission to serve a copy of that document on each person on the official service list for the project. Further, if an intervenor files comments or documents with the Commission relating to the merits of an issue that may affect the responsibilities of a particular resource agency, they must also serve a copy of the document on that resource agency.

k. This application has been accepted but is not ready for environmental analysis at this time.

l. *The Reusens Project consists of:* (1) a 24-foot-high, 416-foot-long concrete dam and spillway containing eight 16.75-foot-high, 44-foot-wide floodgates; (2) a 25-foot-high concrete curved auxiliary spillway; (3) a 500-acre impoundment with a gross storage capacity of 6,869 acre-feet at the normal pool elevation of 550.7 feet National Geodetic Vertical Datum of 1929; (4) an intake section of Powerhouse A containing three 6.83-foot-wide, 17.92-

foot-high steel, concrete, and timber gates and Powerhouse B containing two 6.67-foot-wide, 17.5-foot-high timber gates; (5) a 105.5-foot-long, 83-foot-wide, 86-foot-high steel frame, concrete and brick Powerhouse A containing three vertical Francis turbine-generator units with a total installed capacity of 7.5 megawatts (MW); (5) a 55-foot-long, 27-foot-wide, 84-foot-high steel frame, concrete and brick Powerhouse B containing two vertical Francis turbine-generator units with a total installed capacity of 5 MW; (6) a 100-foot-wide, 250-foot-long tailrace below Powerhouse A; (7) a 60-foot-wide, 50-foot-long tailrace below Powerhouse B; (8) a 280-foot-long transmission line to three 5,210 kilovolt-ampere 4/34.5 kilovolt step-up transformers which are connected to the grid via a 24-foot-long overhead line; and (9) appurtenant facilities.

The Reusens Project operates in a peaking mode with an average annual generation of 22,504 megawatt-hours between 2018 and 2021.

m. A copy of the application is available for review via the internet through the Commission's Home Page (<http://www.ferc.gov>), using the "eLibrary" link. Enter the docket number, excluding the last three digits in the docket number field, to access the document. For assistance, contact FERC at FERCOnlineSupport@ferc.gov or call toll free, (866) 208-3676 or TTY (202) 502-8659.

You may also register online at <https://ferconline.ferc.gov/ferconline.aspx> to be notified via email of new filings and issuances related to this or other pending projects. For assistance, contact FERC Online Support.

The Commission's Office of Public Participation (OPP) supports meaningful public engagement and participation in

Commission proceedings. OPP can help members of the public, including landowners, environmental justice communities, Tribal members, and others, access publicly available information and navigate Commission processes. For public inquiries and assistance with making filings such as interventions, comments, or requests for rehearing, the public is encouraged to contact OPP at (202) 502-6595, or OPP@ferc.gov.

n. Anyone may submit a protest or a motion to intervene in accordance with the requirements of Rules of Practice and Procedure, 18 CFR 385.210, 385.211, and 385.214. In determining the appropriate action to take, the Commission will consider all protests filed, but only those who file a motion to intervene in accordance with the Commission's Rules may become a party to the proceeding. Any protests or motions to intervene must be received on or before the specified deadline date for the particular application.

All filings must (1) bear in all capital letters the title "PROTEST" or "MOTION TO INTERVENE;" (2) set forth in the heading the name of the applicant and the project number of the application to which the filing responds; (3) furnish the name, address, and telephone number of the person protesting or intervening; and (4) otherwise comply with the requirements of 18 CFR 385.2001 through 385.2005. Agencies may obtain copies of the application directly from the applicant. A copy of any protest or motion to intervene must be served upon each representative of the applicant specified in the particular application.

o. *Procedural schedule:* The application will be processed according to the following schedule. Revisions to the schedule will be made as appropriate.

Issue Scoping Document 1 for comments	January 2025.
Scoping Document 1 comments due	February 2025.
Request Additional Information (<i>if necessary</i>)	March 2025.
Issue Scoping Document 2 (<i>if necessary</i>)	March 2025.
Issue Notice of Ready for Environmental Analysis	March 2025.

Dated: November 15, 2024.

Debbie-Anne A. Reese,
Secretary.

[FR Doc. 2024-27355 Filed 11-21-24; 8:45 am]

BILLING CODE 6717-01-P

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

[Docket No. OR25-3-000]

SFPP, L.P.; Notice of Petition for Declaratory Order

Take notice that on November 13, 2024, pursuant to Rule 207(a)(2) of the Federal Energy Regulatory

Commission's (Commission) Rules of Practice and Procedure, SFPP, L.P. filed a petition with the Commission for a declaratory order related to a proposed expansion of a portion of SFPP's East Line pipeline system that transports refined petroleum products from origin points in El Paso, Texas, to destination points at Tucson, Arizona.

Any person desiring to intervene or to protest this filing must file in accordance with Rules 211 and 214 of

the Commission's Rules of Practice and Procedure (18 CFR 385.211, 385.214). Protests will be considered by the Commission in determining the appropriate action to be taken, but will not serve to make protestants parties to the proceeding. Any person wishing to become a party must file a notice of intervention or motion to intervene, as appropriate. Such notices, motions, or protests must be filed on or before the comment date. Anyone filing a motion to intervene, or protest must serve a copy of that document on the Petitioner.

In addition to publishing the full text of this document in the **Federal Register**, the Commission provides all interested persons an opportunity to view and/or print the contents of this document via the internet through the Commission's Home Page (<https://www.ferc.gov>) using the "eLibrary" link. To access this document in eLibrary, type the docket number excluding the last three digits of this document in the docket number field. User assistance is available for eLibrary and the Commission's website during normal business hours from FERC Online Support at 202-502-6652 (toll free at 1-866-208-3676) or email at ferconlinesupport@ferc.gov, or the Public Reference Room at (202) 502-8371, TTY (202) 502-8659. Email the Public Reference Room at public.referenceroom@ferc.gov.

The Commission strongly encourages electronic filings of comments, protests and interventions in lieu of paper using the "eFiling" link at <https://www.ferc.gov>. Persons unable to file electronically may mail similar pleadings to the Federal Energy Regulatory Commission, 888 First Street NE, Washington, DC 20426. Hand delivered submissions in docketed proceedings should be delivered to Health and Human Services, 12225 Wilkins Avenue, Rockville, Maryland 20852.

The Commission's Office of Public Participation (OPP) supports meaningful public engagement and participation in Commission proceedings. OPP can help members of the public, including landowners, environmental justice communities, Tribal members and others, access publicly available information and navigate Commission processes. For public inquiries and assistance with making filings such as interventions, comments, or requests for rehearing, the public is encouraged to contact OPP at (202) 502-6595 or OPP@ferc.gov.

Comment Date: 5:00 p.m. Eastern time on December 16, 2024.

Dated: November 15, 2024.

Debbie-Anne A. Reese,

Secretary.

[FR Doc. 2024-27357 Filed 11-21-24; 8:45 am]

BILLING CODE 6717-01-P

ENVIRONMENTAL PROTECTION AGENCY

[EPA-HQ-OPPT-2020-0617; FRL-12434-01-OMS]

Agency Information Collection Activities; Submission to the Office of Management and Budget for Review and Approval; Comment Request; Toxic Substances Control Act (TSCA) Mercury Inventory Reporting (Renewal)

AGENCY: Environmental Protection Agency (EPA).

ACTION: Notice.

SUMMARY: The Environmental Protection Agency (EPA) submitted an information collection request (ICR), TSCA Mercury Inventory Reporting, (EPA ICR Number 2567.05, OMB Control Number 2070-0207) to the Office of Management and Budget (OMB) for review and approval in accordance with the Paperwork Reduction Act. This is a proposed extension of the ICR which is currently approved through February 28, 2025. Public comments were previously requested via the **Federal Register** on May 2, 2024 during a 60-day comment period. This notice allows for an additional 30 days for public comments.

DATES: Comments may be submitted on or before December 23, 2024.

ADDRESSES: Submit your comments, referencing Docket ID Number EPA-HQ-OPPT-2020-0617, to EPA online using www.regulations.gov (our preferred method), or by mail to: EPA Docket Center, Environmental Protection Agency, Mail Code 2821T, 1200 Pennsylvania Ave. NW, Washington, DC 20460. EPA's policy is that all comments received will be included in the public docket without change including any personal information provided, unless the comment includes profanity, threats, information claimed to be Confidential Business Information (CBI) or other information whose disclosure is restricted by statute.

Submit written comments and recommendations to OMB for the proposed information collection 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:

Katherine Sleasman, Office of Program Support (7602M), Office of Chemical Safety and Pollution Prevention, Environmental Protection Agency, 1200 Pennsylvania Ave. NW, Washington, DC 20460; telephone number: (202) 566-1206; email address: sleasman.katherine@epa.gov.

SUPPLEMENTARY INFORMATION: This is a proposed extension of the ICR, which is currently approved through February 28, 2025. 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.

Public comments were previously requested via the **Federal Register** on May 2, 2024, during a 60-day comment period (89 FR 35821). This notice allows for an additional 30 days for public comments. Supporting documents, which explain in detail the information that the EPA will be collecting, are available in the public docket for this ICR. The docket can be viewed online at www.regulations.gov or in person at the EPA Docket Center, WJC West, Room 3334, 1301 Constitution Ave. NW, Washington, DC. The telephone number for the Docket Center is 202-566-1744. For additional information about EPA's public docket, visit <https://www.epa.gov/dockets>.

Abstract: As directed under the Toxic Substances Control Act, EPA is required to assist in the preparation and publication in the **Federal Register** of an "inventory of mercury supply, use, and trade in the United States" (15 U.S.C. 2607(b)(10)(B) and (D)). Based on the inventory of information collected through this ICR, the Agency is directed to "identify any manufacturing processes or products that intentionally add mercury" and "recommend actions, including proposed revisions of Federal law or regulations, to achieve further reductions in mercury use" (15 U.S.C. 2607(b)(10)(C)).

The primary purpose of this ICR is to support the development of that inventory. In turn, the inventory will help the Agency identify uses of mercury and recommend means to achieve further reductions of such uses in commerce. In addition, the Agency seeks to obtain the information necessary to achieve its goal to further reduce the use of mercury in products and certain manufacturing processes in order to prevent future releases to the environment, as well as assist the United States in reporting implementation under the Minamata

Convention. EPA seeks to enhance its current information on how much mercury is used, in which products and manufacturing processes, and whether certain products are manufactured domestically, imported, or exported.

Reporting is required from any person who manufactures (including imports) mercury or mercury-added products, as well as any person who otherwise intentionally uses mercury in a manufacturing process under TSCA section 8(b). The Agency promulgated reporting requirements at 40 CFR part 713. To avoid duplication, EPA coordinated the reporting with the Interstate Mercury Education and Reduction Clearinghouse (IMERG).

Form number: 9600–024.

Respondents/affected entities: Entities potentially affected are those that manufacture (including import) mercury, manufacture (including import) mercury containing products, and those who intentionally use mercury in a manufacturing process.

Respondent's obligation to respond: Mandatory, per TSCA section 8(b) and 40 CFR 713.

Estimated number of respondents: 105 (total).

Frequency of response: Triennial.

Total estimated burden: 2,573 hours (per year). Burden is defined at 5 CFR 1320.3(b).

Total estimated cost: \$223,592 (per year), which includes \$0 annualized capital or operation & maintenance costs.

Changes in the Estimates: There is a decrease of 14,775 hours in the total estimated respondent burden compared with the ICR currently approved by OMB. This decrease reflects a change in EPA's method of estimating the number of expected reports. In 2021, EPA amended the original final rule to effectuate the vacatur ordered by the Second Circuit Court. In this ICR, with data available from the Mercury Inventory and with no new changes to the rule itself, this ICR utilizes data from the Reporting Year 2021 of the Mercury Inventory. In the RY 2021, there were 105 submissions (the previous ICR used an estimate of 252). This ICR assumes each respondent completes the entire form. Wages were also updated to 2022 dollars. This change is an adjustment.

Courtney Kerwin,

Director, Information Engagement Division.

[FR Doc. 2024–27396 Filed 11–21–24; 8:45 am]

BILLING CODE 6560–50–P

ENVIRONMENTAL PROTECTION AGENCY

[FRL OP–OFA–153]

Environmental Impact Statements; Notice of Availability

Responsible Agency: Office of Federal Activities, General Information 202–564–5632 or <https://www.epa.gov/nepa>. Weekly receipt of Environmental Impact Statements (EIS) Filed November 8, 2024 10 a.m. EST Through November 18, 2024 10 a.m. EST Pursuant to 40 CFR 1506.9.

Notice: Section 309(a) of the Clean Air Act requires that EPA make public its comments on EISs issued by other Federal agencies. EPA's comment letters on EISs are available at: <https://cdxapps.epa.gov/cdx-enepa-II/public/action/eis/search>.

EIS No. 20240216, Final, USGS, WI, Proposed Development of an Updated Facility for USGS National Wildlife Health Center Madison, Wisconsin, Review Period Ends: 12/23/2024, *Contact:* Jordan Sizemore 360–929–0783.

EIS No. 20240217, Final, NRC, MN, Site-Specific Environmental Impact Statement for License Renewal of Nuclear Plants Supplement 26, Second Renewal Regarding Subsequent License Renewal for Monticello Nuclear Generating Plant, Unit 1 Final Report, Review Period Ends: 12/23/2024, *Contact:* Jessica Umana 301–415–5207.

EIS No. 20240218, Draft, NMFS, PRO, Identification of Aquaculture Opportunity Areas in U.S. Federal Waters of the Gulf of Mexico, Comment Period Ends: 02/20/2025, *Contact:* Andrew Richard 727–551–5709.

EIS No. 20240219, Draft, NMFS, CA, Identification of Aquaculture Opportunity Areas in U.S. Federal Waters off of Southern California, Comment Period Ends: 02/20/2025, *Contact:* Celia Barroso 562–432–1850.

EIS No. 20240220, Final, BIA, OR, Coquille Indian Tribe Fee to Trust Gaming Facility Project, Review Period Ends: 12/23/2024, *Contact:* Brian Haug 503–347–0631.

EIS No. 20240221, Final, BIA, CA, Koi Nation Shiloh Resort and Casino, Review Period Ends: 12/23/2024, *Contact:* Chad Broussard 916–978–6165.

Dated: November 18, 2024.

Nancy Abrams,

Associate Director, Office of Federal Activities.

[FR Doc. 2024–27419 Filed 11–21–24; 8:45 am]

BILLING CODE 6560–50–P

ENVIRONMENTAL PROTECTION AGENCY

[FRL–12404–01–OA]

Animal Agriculture and Water Quality Subcommittee (AAWQ), Subcommittee of the Farm, Ranch, and Rural Communities Committee (FRRCC); Notice of Public Meeting Animal Agriculture and Water Quality Subcommittee

AGENCY: Environmental Protection Agency (EPA).

ACTION: Notice of meeting.

SUMMARY: Pursuant to the Federal Advisory Committee Act (FACA), notice is hereby given that the next meeting of the Animal Agriculture and Water Quality Subcommittee, a subcommittee of the Farm, Ranch, and Rural Communities Advisory Committee (FRRCC) will be held virtually on December 6, 2024. The goal of the AAWQ subcommittee is to provide recommendations that will inform the Agency's decisions regarding how to improve the implementation of the Clean Water Act (CWA) National Pollutant Discharge Elimination System (NPDES) Concentrated Animal Feeding Operation (CAFO) permitting program.

DATES: The public meeting of the AAWQ will be held virtually only on Friday, December 6, 2024, from approximately 8:30 a.m. to 5:30 p.m. (EST).

ADDRESSES: The meeting will take place virtually only. To register to attend virtually and receive information on how to listen to the meeting and to provide comments, please visit: www.epa.gov/faca/frcc-0. Virtual attendance will be via Zoom. The link to register for the meeting can be found on the FRRCC web page, www.epa.gov/faca/frcc-0. To provide public comments, attendees must submit request by Tuesday, November 26, 2024, at 11:59 p.m. (EST).

FOR FURTHER INFORMATION CONTACT: Dr. Venus Welch-White, Designated Federal Officer (DFO), at AAWQ@epa.gov or telephone. (202) 564–0595. General information regarding the FRRCC and AAWQ can be found on the EPA website at: www.epa.gov/faca/frcc.

SUPPLEMENTARY INFORMATION: Meetings of the AAWQ are open to the public. An agenda will be posted on AAWQ's website at <https://www.epa.gov/faca/frcc-0>.

Access and Accommodations: Requests for accessibility and/or accommodations for individuals with disabilities should be directed to AAWQ@epa.gov or at the phone number

(202) 564-0595. To ensure adequate time for processing, please make requests for accommodations at least 10 business days prior to the meeting. The deadline to make these request is Tuesday, November 26, 2024, at 11:59 p.m. (EST).

Dated: November 18, 2024.

Venus Welch-White,

Acting Deputy Director, Office of Agriculture and Rural Affairs, Office of the Administrator, U.S. EPA.

[FR Doc. 2024-27424 Filed 11-21-24; 8:45 am]

BILLING CODE 6560-50-P

ENVIRONMENTAL PROTECTION AGENCY

[EPA-HQ-OAR-2024-0039; FRL-12432-01-OMS]

Agency Information Collection Activities; Submission to the Office of Management and Budget for Review and Approval; Comment Request; Servicing of Motor Vehicle Air Conditioners (Renewal)

AGENCY: Environmental Protection Agency (EPA).

ACTION: Notice.

SUMMARY: The Environmental Protection Agency (EPA) has submitted an information collection request (ICR), Servicing of Motor Vehicle Air Conditioners (EPA ICR Number 1617.10, OMB Control Number 2060-0247) to the Office of Management and Budget (OMB) for review and approval in accordance with the Paperwork Reduction Act. This is a proposed extension of the ICR, which is currently approved through December 31, 2024. Public comments were previously requested via the **Federal Register** on May 22, 2024, during a 60-day comment period. This notice allows for an additional 30 days for public comments.

DATES: Comments may be submitted on or before December 23, 2024.

ADDRESSES: Submit your comments, referencing Docket ID Number EPA-HQ-OAR-2024-0039, to EPA online using www.regulations.gov (our preferred method), by email to a-and-r-docket@epa.gov, or by mail to: EPA Docket Center, Environmental Protection Agency, Mail Code 28221T, 1200 Pennsylvania Ave. NW, Washington, DC 20460.

EPA's policy is that all comments received will be included in the public docket without change including any personal information provided, unless the comment includes profanity, threats, information claimed to be Confidential Business Information (CBI) or other

information whose disclosure is restricted by statute.

Submit written comments and recommendations to OMB for the proposed information collection 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:

Allison Horwitch, Stratospheric Protection Division, Office of Atmospheric Programs (Mail Code 6205A), Environmental Protection Agency, 1200 Pennsylvania Ave. NW, Washington, DC 20460; telephone number: 202-564-2468; email address: horwitch.allison@epa.gov.

SUPPLEMENTARY INFORMATION: This is a proposed extension of the ICR, which is currently approved through December 31, 2024. 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.

Public comments were previously requested via the **Federal Register** on May 22, 2024, during a 60-day comment period (89 FR 44977). This notice allows for an additional 30 days for public comments. Supporting documents, which explain in detail the information that the EPA will be collecting, are available in the public docket for this ICR. The docket can be viewed online at www.regulations.gov or in person at the EPA Docket Center, WJC West, Room 3334, 1301 Constitution Ave. NW, Washington, DC. The telephone number for the Docket Center is 202-566-1744. For additional information about EPA's public docket, visit <http://www.epa.gov/dockets>.

Abstract: Section 609 of the Clean Air Act Amendments of 1990 (Act) provides general guidelines for the servicing of motor vehicle air conditioners (MVACs). It states that "no person repairing or servicing motor vehicles for consideration may perform any service on a motor vehicle air conditioner involving the refrigerant for such air conditioner without properly using approved refrigerant recycling equipment and no such person may perform such service unless such person has been properly trained and certified." In 1992, EPA developed regulations under section 609 that were published in 57 FR 31240 and codified at 40 CFR part 82 subpart B (section 82.30 *et seq.*). The information required to be collected under the section 609 regulations is: approved refrigerant

handling equipment; approved independent standards testing organizations; technician training and certification; and certification, reporting and recordkeeping.

Form Numbers: None.

Respondents/affected entities: The following is a list of NAICS codes for organizations potentially affected by the information requirements covered under this ICR. It is meant to include any establishment that may service or maintain motor vehicle air conditioners.

4411 Automobile Dealers
4413 Automotive Parts, Accessories, and Tire Stores
44711 Gasoline Stations with Convenience Stores
8111 Automotive Repair and Maintenance
81198 All Other Automotive Repair and Maintenance

Other affected groups include independent standards testing organizations and organizations with technician certification programs.

Respondent's obligation to respond: Mandatory (40 CFR 82.36, 82.38, 82.40, 82.42).

Estimated number of respondents: 53,147.

Frequency of response: On occasion, biennially, only once.

Total estimated burden: 4,666.5 hours (per year). Burden is defined at 5 CFR 1320.03(b) hours (per year).

Total estimated cost: \$250,163.29 (per year), includes \$0 annualized capital or operation & maintenance costs.

Changes in the Estimates: There is an increase of about 502 hours in the total estimated respondent burden compared with the ICR currently approved by OMB (EPA-HQ-OAR-2021-0040). This increase is due to a revision in the estimate of the total annual number of technicians certified under 40 CFR part 82 (40,000/year in 2021 to 47,000/year in 2024), and an increase in the number of motor vehicle repair establishments in the United States (165,800 in 2021 to about 170,000 in 2024).

Courtney Kerwin,

Director, Information Engagement Division.

[FR Doc. 2024-27400 Filed 11-21-24; 8:45 am]

BILLING CODE 6560-50-P

ENVIRONMENTAL PROTECTION AGENCY

[FRL-12392-01-R5]

Clean Air Act Operating Permit Program; Order on Petition for Objection to State Operating Permit for Warrick Newco LLC

AGENCY: Environmental Protection Agency (EPA).

ACTION: Notice of final order on petition.

SUMMARY: The Environmental Protection Agency (EPA) Administrator signed an Order dated October 9, 2024, denying a petition dated July 9, 2024, from Sierra Club. The petition requested that the EPA object to a Clean Air Act (CAA) title V operating permit issued by the Indiana Department of Environmental Management (IDEM) to Warrick Newco LLC for its aluminum production plant located in Newburgh, Warrick County, Indiana.

ADDRESSES: The final order, the petition, and other supporting information are available for public inspection during normal business hours at the following address: Environmental Protection Agency, Region 5, Air and Radiation Division, 77 West Jackson Boulevard, Chicago, Illinois 60604. This facility is open from 8:30 a.m. to 4:30 p.m., Monday through Friday, excluding Federal holidays. We recommend that you contact the individual listed in the **FOR FURTHER INFORMATION CONTACT** section before visiting the Region 5 office. Additionally, the final order and petitions are available electronically at: <https://www.epa.gov/title-v-operating-permits/title-v-petition-database>.

FOR FURTHER INFORMATION CONTACT: Priyanka Painuly, Air and Radiation Division (AR 18J), Environmental Protection Agency, Region 5, 77 West Jackson Boulevard, Chicago, Illinois 60604, (312) 886-7569, painuly.priyanka@epa.gov.

SUPPLEMENTARY INFORMATION: EPA received a petition from the Sierra Club dated July 9, 2024, requesting that EPA object to the issuance of operating permit no. T173-46378-00007, issued by IDEM to Warrick Newco LLC for its aluminum production plant located in Newburgh, Warrick County, Indiana. On October 9, 2024, the EPA Administrator issued an Order denying the petition. The order explains the basis for EPA's decision.

Sections 307(b) and 505(b)(2) of the CAA provide that a petitioner may request judicial review of those portions of an order that deny issues in a petition. Any petition for review shall be filed in the United States Court of Appeals for the appropriate circuit no later than January 21, 2025.

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

Dated: November 18, 2024.

Debra Shore,

Regional Administrator, Region 5.

[FR Doc. 2024-27366 Filed 11-21-24; 8:45 am]

BILLING CODE 6560-50-P

ENVIRONMENTAL PROTECTION AGENCY

[EPA-R01-OW-2024-0493; FRL-12409-01-R1]

Notice of Availability of Draft National Pollutant Discharge Elimination System (NPDES) Massachusetts Small Municipal Separate Storm Sewer Systems General Permit

AGENCY: Environmental Protection Agency (EPA).

ACTION: Notice of availability of Draft NPDES General Permit.

SUMMARY: The Regional Administrator, U.S. Environmental Protection Agency—Region 1 (EPA), is providing a Notice of Availability for the Draft National Pollutant Discharge Elimination System (NPDES) Massachusetts Small Municipal Separate Storm Sewer System General Permit (MA MS4 GP) for discharges to certain waters of the Commonwealth of Massachusetts. This Draft NPDES MA MS4 GP (“Draft GP”) establishes Notice of Intent (NOI) requirements, permit eligibility requirements, and conditions and practices for the management of stormwater discharges from small MS4s. The Draft GP is available on EPA Region 1's website at <https://www.epa.gov/npdes-permits/massachusetts-small-ms4-general-permit> and at www.regulations.gov, Docket No. EPA-R01-OW-2024-0493. The Fact Sheet for the Draft GP sets forth principal facts and the significant technical and legal issues considered in the development of the Draft General Permit and is also available at this website.

DATES: Comments must be received on or before February 20, 2025.

The public comment process and the public hearing will be conducted in accordance with 40 CFR part 124, EPA's Procedures for Decision making. All persons, including applicants, must raise all reasonably ascertainable issues and submit all reasonably available arguments supporting their positions on the Draft GP by the close of the public comment period, either by submitting written comments as listed in the **ADDRESSES** section of this **Federal Register**, or by submitting written or oral comments at the public hearing.

EPA will hold a virtual public hearing in accordance with 40 CFR 124.12 and will provide interested parties with the opportunity to provide written and/or oral comments for the official draft permit record. The virtual public hearing will be held Tuesday, January 28, 2025 at 6:30 p.m. EPA will begin pre-registering speakers for the hearing upon publication of this document in

the **Federal Register**. To register to speak at the virtual hearing, please use the online registration form available at: <https://www.epa.gov/npdes-permits/massachusetts-small-ms4-general-permit>. On January 27, 2025, EPA will post a general agenda for the hearing that will list pre-registered speakers in approximate order at: <https://www.epa.gov/npdes-permits/massachusetts-small-ms4-general-permit>.

In reaching a final decision on this Draft GP, EPA will respond to all significant comments and make responses available to the public on EPA Region 1's website. All comments must be postmarked or delivered electronically by the close of the public comment period.

ADDRESSES: Written comments on the Draft GP, identified by Docket ID No. EPA-R01-OW-2024-0493, may be submitted via the Federal eRulemaking Portal at <https://www.regulations.gov/> (enter Docket ID No. into search bar).

In the event that interested parties cannot access the Portal, comments may be emailed to Danielle Gaito at gaito.danielle@epa.gov or provided via mail to: U.S. EPA Region 1, Water Division, Attn: Danielle Gaito, 5 Post Office Square, Suite 100, Mail Code 06-4, Boston, Massachusetts 02109-3912. If comments are submitted in hard copy form, please also email a copy to the EPA contact above.

FOR FURTHER INFORMATION CONTACT: Additional information may be obtained from: Danielle Gaito, U.S. EPA Region 1, Water Division, Stormwater Permit Section at gaito.danielle@epa.gov or (617) 918-1297. The Administrative Record, including the Draft GP and Fact Sheet, are on file and may be inspected between 9 a.m. and 5 p.m. Monday through Friday, excluding legal holidays, at 5 Post Office Square, Boston, MA. Requests to view the Administrative Record can be made to the EPA contact above.

SUPPLEMENTARY INFORMATION: EPA is proposing to reissue three draft NPDES general permits for the discharge of stormwater from small MS4s to certain waters within the commonwealth of Massachusetts. The three permits are: MAR041000—Traditional cities and towns
MAR042000—Non-traditional state, federal, county and other publicly owned systems
MAR043000—Non-traditional transportation systems

For convenience, EPA grouped these three distinct permits together in a single document (referred to as the draft “permit” in singular) and have provided

a single fact sheet for all three. The Draft GP, appendices, and fact sheet are available at: <https://www.epa.gov/npdes-permits/massachusetts-small-ms4-general-permit>.

The conditions in the Draft GP are established pursuant to Clean Water Act (CWA) section 402(p)(3)(B)(iii) to ensure that pollutant discharges from small MS4s are reduced to the Maximum Extent Practicable (MEP), protect water quality, and satisfy the appropriate requirements of the CWA. The Draft GP applies to small municipal separate storm sewer systems in Massachusetts as defined in the regulations at 40 CFR 122.26(b)(16). When final, the Draft GP will replace the Final Massachusetts MS4 GP issued on April 4, 2016 and modified on December 7, 2020. This Draft GP carries forward and builds on the requirements of EPA's previous MA small MS4 general permits.

The non-numeric conditions and limits for stormwater discharges authorized under the Draft GP are in the form of best management practices (BMPs). The regulations at 40 CFR 122.44(k)(2) provide that permits may include BMPs to control or abate the discharge of pollutants when authorized under section 402(p) of the CWA for control of stormwater discharges. Due to the variability associated with stormwater, EPA believes the use of BMPs is currently the most appropriate method to regulate discharges of stormwater from municipal systems.

The Draft GP establishes requirements for small MS4s to "reduce the discharge of pollutants to the maximum extent practicable (MEP), including management practices, control techniques, and system, design and engineering methods" Section 402(p)(3)(B)(iii) of the CWA. The Draft GP requires small MS4s to update and continue to implement a comprehensive stormwater management program (SWMP) to reduce the discharge of pollutants. Part 2.3 of the Draft GP requires small MS4s to implement a SWMP that includes the following minimum control measures: public education and outreach; public participation; illicit discharge detection and elimination; construction stormwater management; stormwater management in new development and redevelopment; and good housekeeping in municipal operations. EPA views the MEP standard in the CWA as an iterative process and, as such, requirements should continually adapt to current conditions and BMP effectiveness. Accordingly, the Draft GP advances the MEP requirements of the 2016 MA MS4 Permit, particularly with respect to implementation of green

infrastructure and low impact design elements.

Section 402(p)(3)(B)(iii) of CWA authorizes EPA to include in an MS4 permit "such other provisions as [EPA] determine[s] appropriate for control of . . . pollutants." Parts 2.1 and 2.2 of the Draft GP carry forward water quality-based effluent limitations from the 2016 MA MS4 Permit to ensure that discharges do not cause or contribute to exceedances of water quality standards. The provisions, expressed in the form of additional control measures beyond the minimum control measures in the Part 2.3 of the Draft GP, apply specifically to stormwater discharges to impaired waterbodies with and without an EPA-approved total maximum daily load (TMDL). The Draft GP extends these requirements to additional waterbodies for which EPA approved a TMDL or Alternative Restoration Plan since the issuance of the 2016 MA MS4 Permit.

Other Legal Requirements:
Endangered Species Act (ESA): The Draft GP does not authorize stormwater discharges which adversely affect any species listed as threatened or endangered under the ESA or which result in the adverse modification or destruction of designated critical habitat. EPA has updated the provisions related to the ESA. Concurrently with the public notice of the Draft GP, EPA is requesting concurrence with the National Oceanic and Atmospheric Administration, National Marine Fisheries Service (NOAA Fisheries) and the United States Fish and Wildlife Service with EPA's preliminary finding based on the results of EPA's assessment of the potential effects to endangered and threatened species and their critical habitats as a result of the issuance of the Draft MS4 GP.

Essential Fish Habitat (EFH): In accordance with the 1996 Amendments (Pub. L. 104-267) to the Magnuson-Stevens Fishery Conservation and Management Act (16 U.S.C. 1801 *et seq.* (1998)), the Draft GP does not authorize stormwater discharges whose direct or indirect impacts do not prevent or minimize adverse effects on any EFH. EPA determined that the permit action will not adversely affect the EFH of designated species. 16 U.S.C. 1855(b). Additional mitigation is not warranted under section 305(b)(2) of the Magnuson-Stevens Act. EPA is providing this determination to NOAA Fisheries for their review concurrent with the public notice of the Draft GP.

National Historic Preservation Act (NHPA): The Draft GP does not authorize stormwater discharges which adversely affect properties listed or eligible for listing in the National

Registry of Historic Places under the NHPA. Concurrently with the public notice of the Draft GP, EPA will initiate consultation under the NHPA related to the stormwater management activities under the Draft GP.

Coastal Zone Management Act (CZMA): The CZMA, 16 U.S.C. 1451 *et seq.*, and its implementing regulations (15 CFR part 930) require a determination that any federally licensed activity affecting the coastal zone with an approved Coastal Zone Management Program (CZMP) is consistent with the CZMA. Concurrent with the public notice of the Draft GP, EPA is requesting concurrence from the Massachusetts Coastal Program (MassCZM) with EPA's Federal consistency review.

Authority: This action is being taken under the Clean Water Act, 33 U.S.C. 1251 *et seq.*

David Cash,

Regional Administrator, EPA Region 1.

[FR Doc. 2024-27291 Filed 11-21-24; 8:45 am]

BILLING CODE 6560-50-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 23, 2024.

A. Federal Reserve Bank of Dallas (Karen Smith, Assistant Vice President, Mergers & Acquisitions and Enforcement) 2200 North Pearl Street, Dallas, Texas 75201–2272. Comments can also be sent electronically to Comments.applications@dal.frb.org:

1. *Woodforest Financial Group Employee Stock Ownership Plan (Amended and Restated Effective January 1, 2021) and the Woodforest Financial Group Employee Stock Ownership Trust, both of The Woodlands, Texas*; to acquire up to 35 percent of the voting shares of Woodforest Financial Group, Inc., and thereby indirectly acquire voting shares of Woodforest National Bank, both of The Woodlands, Texas.

Board of Governors of the Federal Reserve System.

Michele Taylor Fennell,

Associate Secretary of the Board.

[FR Doc. 2024–27445 Filed 11–21–24; 8:45 am]

BILLING CODE 6210–01–P

FEDERAL RESERVE SYSTEM

Change in Bank Control Notices; Acquisitions of Shares of a Bank or Bank Holding Company

The notificants listed below have applied under the Change in Bank Control Act (Act) (12 U.S.C. 1817(j)) and § 225.41 of the Board's Regulation Y (12 CFR 225.41) to acquire shares of a bank or bank holding company. The factors that are considered in acting on the applications are set forth in paragraph 7 of the Act (12 U.S.C. 1817(j)(7)).

The public portions of the applications listed below, as well as other related filings required by the Board, if any, are available for immediate inspection at the Federal Reserve Bank(s) indicated below and at the offices of the Board of Governors. This information may also be obtained on an expedited basis, upon request, by contacting the appropriate Federal Reserve Bank and from the Board's

Freedom of Information Office at <https://www.federalreserve.gov/foia/request.htm>. Interested persons may express their views in writing on the standards enumerated in paragraph 7 of the Act.

Comments received are subject to public disclosure. In general, comments received will be made available without change and will not be modified to remove personal or business information including confidential, contact, or other identifying information. Comments should not include any information such as confidential information that would not be appropriate for public disclosure.

Comments regarding each of these applications must be received at the Reserve Bank indicated or the offices of the Board of Governors, Ann E. Misback, Secretary of the Board, 20th Street and Constitution Avenue NW, Washington, DC 20551–0001, not later than December 9, 2024.

A. Federal Reserve Bank of Cleveland (Nadine M. Wallman, Vice President) 1455 East Sixth Street, Cleveland, Ohio 44101–2566. Comments can also be sent electronically to

Comments.applications@clev.frb.org:

1. *The Kathryn St. Clair Trust, under agreement dated January 26, 2024, as amended on June 20, 2024, Irvine, Kentucky, Jaclyn R. St. Clair Shoop, trustee, Lexington, Kentucky*; to acquire voting shares of Citizens Guaranty Financial Corporation, Irvine, Kentucky, and thereby indirectly acquire voting shares of Citizens Guaranty Bank, Richmond, Kentucky.

B. Federal Reserve Bank of St. Louis (Holly A. Rieser, Senior Manager) P.O. Box 442, St. Louis, Missouri 63166–2034. Comments can also be sent electronically to

Comments.applications@stls.frb.org:

1. *The Dan Fleming Living Trust dated October 17, 1994, Daniel D. Fleming, trustee, Carlinville, Illinois; The William Revocable Trust dated December 30, 1993, William D. Fleming, trustee, The Andrew W. Fleming Trust U/A dated February 1, 2012, Andrew W. Fleming, trustee, Bailey D. Fleming Living Trust dated May 1, 2015, Bailey D. Fleming, trustee, The Jacob W. Fleming Trust dated July 4, 2008, Jacob W. Fleming, trustee, Andrew W. Fleming as custodian of Minor Child A, and Jacob W. Fleming as custodian of Minor Child B, Minor Child C, and Minor Child D, all of Litchfield, Illinois; The Eaden Fleming Trust dated February 1, 2018, Eaden Danae Nellyn Fleming, trustee, Mt. Olive, Illinois; and Fleming Financial, Inc., Litchfield, Illinois, Daniel D. Fleming, as president, and William D. Fleming, as secretary; as the*

Fleming Family Control Group, a group acting in concert, to retain voting shares of Country Bancorp, Inc., and thereby indirectly retain voting shares of Bank of Hillsboro, National Association, both of Hillsboro, Illinois.

C. Federal Reserve Bank of Dallas (Karen Smith, Assistant Vice President, Mergers & Acquisitions and Enforcement) 2200 North Pearl Street, Dallas, Texas 75201–2272. Comments can also be sent electronically to

Comments.applications@dal.frb.org:

1. *The ELM 2024 Gift Trust, Ross Rankin Moody, trustee, and the JDM 2024 Gift Trust, Ross Rankin Moody, trustee, all of Austin, Texas*; to join the Moody Family Group, a group acting in concert, to acquire voting shares of Moody Bancshares, Inc., Galveston, Texas, which controls Moody Bank Holding Company, Inc., Reno, Nevada, and thereby indirectly acquire voting shares of Moody National Bank, Galveston, Texas.

Board of Governors of the Federal Reserve System.

Michele Taylor Fennell,

Associate Secretary of the Board.

[FR Doc. 2024–27444 Filed 11–21–24; 8:45 am]

BILLING CODE 6210–01–P

FEDERAL TRADE COMMISSION

Agency Information Collection Activities; Proposed Collection; Comment Request; Extension

AGENCY: Federal Trade Commission.

ACTION: Notice.

SUMMARY: The Federal Trade Commission (“FTC” or “Commission”) requests that the Office of Management and Budget (“OMB”) extend for three years the current Paperwork Reduction Act (“PRA”) clearances for information collection requirements contained in four consumer financial regulations enforced by the Commission. Those clearances expire on November 30, 2024.

DATES: Comments must be filed by December 23, 2024.

ADDRESSES: Interested parties may file a comment online or on paper, by following the instructions in the Request for Comment part of the **SUPPLEMENTARY INFORMATION** section below. 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. The [reginfo.gov](https://www.reginfo.gov) web link is a United States Government website produced by the Office of Management and Budget (OMB) and the General Services Administration (GSA). Under PRA requirements, OMB’s Office of Information and Regulatory Affairs (OIRA) reviews Federal information collections.

FOR FURTHER INFORMATION CONTACT:

Carole Reynolds (creynolds@ftc.gov) or Stephanie Rosenthal (srosenthal@ftc.gov), Attorneys, Division of Financial Practices, Bureau of Consumer Protection, Federal Trade Commission, 600 Pennsylvania Ave. NW, Washington, DC 20580, (202) 326–3224.

SUPPLEMENTARY INFORMATION: The four regulations covered by this notice are:

(1) Regulations promulgated under the Equal Credit Opportunity Act, 15 U.S.C. 1691 *et seq.* (“ECOA”) (“Regulation B”) (OMB Control Number: 3084–0087);

(2) Regulations promulgated under the Electronic Fund Transfer Act, 15 U.S.C. 1693 *et seq.* (“EFTA”) (“Regulation E”) (OMB Control Number: 3084–0085);

(3) Regulations promulgated under the Consumer Leasing Act, 15 U.S.C. 1667 *et seq.* (“CLA”) (“Regulation M”) (OMB Control Number: 3084–0086); and

(4) Regulations promulgated under the Truth-In-Lending Act, 15 U.S.C. 1601 *et seq.* (“TILA”) (“Regulation Z”) (OMB Control Number: 3084–0088).

Type of Review: Extension without change of currently approved collection, except for new Regulation B requirements, which derive from statutory amendments.

Affected Public: Private Sector: Businesses and other for-profit entities.

Abstract: Under the Dodd-Frank Wall Street Reform and Consumer Protection Act (“Dodd-Frank Act”), Public Law 111–203, 124 Stat. 1376 (2010), almost all rulemaking authority for the ECOA, EFTA, CLA, and TILA transferred from the Board of Governors of the Federal Reserve System (“Board”) to the Consumer Financial Protection Bureau (“CFPB”) on July 21, 2011 (“transfer date”). To implement this transferred authority, the CFPB published new regulations in 12 CFR part 1002 (Regulation B), 12 CFR part 1005 (Regulation E), 12 CFR part 1013 (Regulation M), and 12 CFR part 1026 (Regulation Z) for those entities under its rulemaking jurisdiction.¹ Although

the Dodd-Frank Act transferred most rulemaking authority under ECOA, EFTA, CLA, and TILA to the CFPB, the Board retained rulemaking authority for certain motor vehicle dealers² under all of these statutes and also for certain interchange-related requirements under EFTA.³

As a result of the Dodd-Frank Act, the FTC and the CFPB generally share the authority to enforce Regulations B, E, M, and Z for entities for which the FTC had enforcement authority before the Act, except for certain motor vehicle dealers.⁴ Because of this shared enforcement jurisdiction, the two agencies have divided the FTC’s previously-cleared PRA burden estimates between them,⁵ except that the FTC has assumed all of the burden estimates associated with motor vehicle dealers⁶ and state-chartered credit

² Generally, these are dealers “predominantly engaged in the sale and servicing of motor vehicles, the leasing and servicing of motor vehicles, or both.” See Dodd-Frank Act, sec. 1029(a), (c), 12 U.S.C. 5519(a), (c).

³ See Dodd-Frank Act, sec. 1075, 15 U.S.C. 1693 (these requirements are implemented through Board Regulation II, 12 CFR part 235, rather than EFTA’s implementing Regulation E).

⁴ The FTC’s enforcement authority includes state-chartered credit unions; other federal agencies also have various enforcement authority over credit unions. For example, for large credit unions (exceeding \$10 billion in assets), the CFPB has certain authority. The National Credit Union Administration also has certain authority for state-chartered federally insured credit unions, and it additionally provides insurance for certain state-chartered credit unions through the National Credit Union Share Insurance Fund and examines credit unions for various purposes. There are approximately thirteen state-chartered credit unions exceeding \$10 billion in assets, and the CFPB assumes PRA burden for those entities. As of the fourth quarter of 2023, there were approximately 1,936 state-chartered credit unions with federal insurance; there also have been an estimated 112 or more which were privately insured, and an estimated 100 or more in Puerto Rico which were insured by a quasi-governmental entity. Because of the difficulty in parsing out PRA burden for such entities in view of the overlapping authority, the FTC’s figures include PRA burden for all state-chartered credit unions, unless otherwise noted. However, in view of fluctuations that began due to COVID–19 and have continued and to avoid undercounting, we have retained the prior estimate of 2,300 state-chartered credit unions, unless otherwise stated. As noted above, the CFPB’s figures as to state-chartered credit unions include burden for those entities exceeding \$10 billion in assets. See generally Dodd-Frank Act, secs. 1061, 1025, 1026. This attribution does not change actual enforcement authority. We also have retained the prior burden hours generally in the estimates below, in view of these considerations, adding only those applicable for new requirements issued by the CFPB for Regulation B, issued in implementation of the Dodd-Frank Act, sec. 1071, amending the Equal Credit Opportunity Act, codified at 15 U.S.C. 1691c–2, discussed below.

⁵ The CFPB also factors into its burden estimates respondents over which it has jurisdiction but the FTC does not.

⁶ See Dodd-Frank Act sec. 1029, 12 U.S.C. 5519(a), as to motor vehicle dealers, as limited by

unions, and has added estimates for the CFPB’s new requirements under Regulation B. The division of PRA burden hours not attributable to motor vehicle dealers and state-chartered credit unions is reflected in the CFPB’s PRA clearance requests to OMB, as well as in the FTC’s burden estimates below.

Pursuant to the Dodd-Frank Act, the FTC generally has sole authority to enforce Regulations B, E, M, and Z regarding certain motor vehicle dealers predominantly engaged in the sale and servicing of motor vehicles, the leasing and servicing of motor vehicles, or both, that, among other things, assign their contracts to unaffiliated third parties.⁷ Because the FTC has exclusive jurisdiction to enforce these rules for such motor vehicle dealers and retains its concurrent authority with the CFPB for other types of motor vehicle dealers, and in view of the different types of motor vehicle dealers, the FTC retains the entire PRA burden for motor vehicle dealers in the burden estimates below.

1. Regulation B

The ECOA prohibits discrimination in the extension of credit. Regulation B implements the ECOA, establishing disclosure requirements to assist customers in understanding their rights under the ECOA and recordkeeping requirements to assist agencies in enforcement. Regulation B applies to retailers, mortgage lenders, mortgage brokers, finance companies, and diverse others. In 2023, the CFPB amended Regulation B, to create subparts A and B, in implementing amendments mandated by section 1071 of the Dodd-Frank Act, 12 U.S.C. 1691c–2, pertaining to small business lending, including for small businesses owned by women or minorities.⁸ As a result,

subsection (b). Subsection (b) does not preclude CFPB regulatory oversight regarding, among others, businesses that extend retail credit or retail leases for motor vehicles in which the credit or lease offered is provided directly from those businesses, rather than unaffiliated third parties, to consumers. It is not practicable, however, for PRA purposes, to estimate the portion of dealers that engage in one form of financing versus another (and that would or would not be subject to CFPB oversight). Thus, FTC staff’s PRA burden analysis reflects a general estimated volume of motor vehicle dealers. This attribution does not change actual enforcement authority.

⁷ See Dodd-Frank Act, sec. 1029, 12 U.S.C. 5519(a), (c).

⁸ See CFPB, Final Rule, Small Business Lending Under the Equal Credit Opportunity Act (Regulation B) (CFPB Rule), 88 FR 35150 (May 31, 2023), available at <https://www.govinfo.gov/content/pkg/FR-2023-05-31/pdf/2023-07230.pdf>. The CFPB generally refers to these requirements as those pertaining to “small business lending.” See CFPB Rule, 88 FR at 35150. That term is also used herein.

The Federal Reserve Board has not issued its related rule for these requirements covering certain

¹ 12 CFR part 1002 (Reg. B) (81 FR 25323, Apr. 28, 2016); 12 CFR part 1005 (Reg. E) (81 FR 25323, Apr. 28, 2016); 12 CFR part 1013 (Reg. M) (81 FR 25323, Apr. 28, 2016); 12 CFR part 1026 (Reg. Z) (81 FR 25323, Apr. 28, 2016).

Regulation B, subpart A, now contains the prior Regulation B requirements; Regulation B, subpart B, contains the new small business lending requirements.⁹ The total burden hours and labor costs for Regulation B are shown below.

Estimated Annual Burden Hours:
3,877,492 hours (Total).

Recordkeeping: 1,296,378 hours.

Disclosures and Reporting: 2,581,114 hours.

Estimated Annual Labor Costs:
\$159,000,057 (Total).

Recordkeeping: \$32,783,491.

Disclosures and Reporting:
\$126,216,566.

Estimated Annual Non-Labor Costs: A range up to \$6 million.¹⁰

2. Regulation E

The EFTA requires that covered entities provide consumers with accurate disclosure of the costs, terms, and rights relating to electronic fund

motor vehicle dealers pursuant to the Dodd Frank Act, sec. 1029, 12 U.S.C. 5519. In May 2024, following the U.S. Supreme Court ruling in *Consumer Fin. Protection Bureau v. Community Fin. Servs. Ass'n of Am., Ltd. (CFPB v. CFSA)*, No. 22–448, 2024 WL 2193873 (U.S.S.C. May 16, 2024), available at https://www.supremecourt.gov/opinions/23pdf/22-448_o7jp.pdf, the CFPB issued informal guidance extending the compliance dates for the small business lending rule and indicated it would issue an interim final rule; on June 25, 2024, the CFPB issued an interim final rule, extending the compliance dates accordingly. See CFPB, Small Business Lending Rulemaking, available at <https://www.consumerfinance.gov/1071-rule/>; 89 FR 55024 (July 3, 2024), available at <https://www.govinfo.gov/content/pkg/FR-2024-07-03/pdf/2024-14396.pdf>, corrected, 89 FR 76713 (Sept. 19, 2024), available at <https://www.govinfo.gov/content/pkg/FR-2024-09-19/pdf/2024-21265.pdf>. The FTC has hereunder included estimates of burden for these requirements, based on currently available information, including the supplementary information with the CFPB Rule, 88 FR 35150, and its related CFPB Supporting Statement.

⁹ In implementing Regulation B, subpart B, the CFPB noted that merchant cash advances are covered under that part, and are “credit” subject to Regulation B (and ECOA). See, e.g., 88 FR 35223. When applicable, these entities (to the extent they are “creditors” under subpart A) also apparently would be subject to, for example, the requirement to provide notices whenever they take adverse action, such as denial of a credit application. The CFPB estimates about 100 merchant cash advance providers as active in the small business lending market. See CFPB Rule, 88 FR 35164. The FTC estimates below cover those providers as “creditors” for subpart A and re applicable transactions. As noted above, in view of fluctuations that occurred with COVID–19 and have continued (and with respect to which the Commission did not reduce its prior burden estimates to avoid undercounting, despite varied market contractions and shifts), these entities are included within the burden estimates below.

¹⁰ The range is due to differences in the diverse covered entities and varied circumstances that can apply. The high end is almost certainly overinclusive as explained further in response #13 (Estimated Capital and Other Non-Labor Costs) on Regulation B’s Supporting Statement.

transfers (“EFTs”) and certain other services. Regulation E implements the EFTA, establishing disclosure and other requirements to aid consumers and recordkeeping requirements to assist agencies with enforcement. It applies to financial institutions, retailers, gift card issuers and others that provide gift cards, service providers, various federal and state agencies offering EFTs, prepaid account entities, and others.

Estimated Annual Burden Hours:
Total: 7,435,956 hours.

Recordkeeping: 251,053 hours.

Disclosures: 7,184,903 hours.

Estimated Annual Labor Costs:
\$363,192,555 (Total).

Recordkeeping: \$6,150,791.

Disclosures: \$357,041,764.

Estimated Annual Non-Labor Costs:
\$0.

3. Regulation M

The CLA requires that covered entities provide consumers with accurate disclosure of the costs and terms of leases. Regulation M implements the CLA, establishing disclosure requirements to help consumers comparison shop and understand the terms of leases and recordkeeping requirements. It applies to vehicle lessors (such as auto dealers, independent leasing companies, and manufacturers’ captive finance companies), computer lessors (such as computer dealers and other retailers), furniture lessors, various electronic commerce lessors, diverse types of lease advertisers, and others.

Estimated Annual Burden Hours:
101,953 hours (Total).

Recordkeeping: 30,203 hours.

Disclosures: 71,750 hours.

Estimated Annual Labor Costs:
\$6,535,193 (Total).

Recordkeeping: \$1,936,018.

Disclosures: \$4,599,175.

Estimated Annual Non-Labor Costs:
\$0.

4. Regulation Z

The TILA was enacted to foster comparison credit shopping and informed credit decision-making by requiring creditors and others to provide accurate disclosures regarding the costs and terms of credit to consumers. Regulation Z implements the TILA, establishing disclosure requirements to assist consumers and recordkeeping requirements to assist agencies with enforcement. These requirements pertain to open-end and closed-end credit and apply to various types of entities, including mortgage companies; finance companies; auto dealerships; private education loan companies; merchants who extend credit for goods

or services; credit advertisers; acquirers of mortgages; and others. Additional requirements also exist in the mortgage area, including for high cost mortgages, higher-priced mortgage loans,¹¹ ability to pay of mortgage consumers, mortgage servicing, loan originators, and certain integrated mortgage disclosures.

Estimated Annual Burden Hours:
8,416,441 (Total).

Recordkeeping: 561,866 hours.

Disclosures: 7,854,575 hours.

Estimated Annual Labor Costs:
\$397,863,549 (Total).

Recordkeeping: \$13,765,727.

Disclosures: \$384,097,822.

Estimated Annual Non-Labor Costs:
\$0.

Request for Comment: On August 1, 2024, the Commission sought comment on the information collection requirements associated with Regulations B, E, M, and Z. 89 FR 62736 (Aug. 1, 2024). Eight comments were received. One comment supported the proposal, and stated that extension of clearance for these requirements and documentation of compliance is essential for the protection of consumers. Seven comments were unrelated to the proposal (and pertained to other issues, such as antitrust topics). Pursuant to the OMB regulations, 5 CFR part 1320, that implement the PRA, 44 U.S.C. 3501 *et seq.*, the FTC is providing this second opportunity for public comment while seeking OMB approval to renew the pre-existing clearance for the Rule.

Your comment—including your name and your state—will be placed on the public record of this proceeding. Because your comment will be made public, you are solely responsible for making sure that your comment does not include any sensitive personal information, such as anyone’s Social Security number; date of birth; driver’s license number or other state identification number, or foreign country equivalent; passport number; financial account number; or credit or debit card number. You are also solely responsible for making sure that your comment does not include any sensitive health information, such as medical records or other individually identifiable health information. In addition, your comment should not include any “trade secret or any commercial or financial information which . . . is privileged or confidential”—as provided by section

¹¹ While Regulation Z also requires the creditor to provide a short written disclosure regarding the appraisal process for higher-priced mortgage loans, the disclosure is provided by the CFPB. As a result, it is not a “collection of information” for PRA purposes (see 5 CFR 1320.3(c)(2)).

6(f) of the FTC Act, 15 U.S.C. 46(f), and FTC Rule 4.10(a)(2), 16 CFR 4.10(a)(2)—including in particular competitively sensitive information such as costs, sales statistics, inventories, formulas, patterns, devices, manufacturing processes, or customer names.

Josephine Liu,

Assistant General Counsel for Legal Counsel.

[FR Doc. 2024–27458 Filed 11–21–24; 8:45 am]

BILLING CODE 6750–01–P

GENERAL SERVICES ADMINISTRATION

[OMB Control No. 3090–0317; Docket No. 2024–0001; Sequence No. 12]

Information Collection; Notarized Document Submittal for System for Award Management Registration

AGENCY: Office of Acquisition Policy, General Services Administration (GSA).

ACTION: Notice; request for comments.

SUMMARY: Under the provisions of the Paperwork Reduction Act, the Regulatory Secretariat Division will be submitting to the Office of Management and Budget (OMB) a request to review and approve an existing OMB clearance regarding a notarized document submittal for System for Award Management (SAM) Registration.

DATES: Submit comments on or before January 21, 2025.

ADDRESSES: Submit comments regarding this burden estimate or any other aspect of this collection of information, including suggestions for reducing this burden to <https://www.regulations.gov>. Submit comments via the Federal eRulemaking portal by searching for the OMB Control number 3090–0317. Select the link “Comment Now” that corresponds with “Information Collection 3090–0317; Notarized Document Submittal for System for Award Management Registration”. Follow the instructions on the screen. Please include your name, company name (if any), and “Information Collection 3090–0317; Notarized Document Submittal for System for Award Management Registration” on your attached document.

Instructions: Please submit comments only and cite Information Collection 3090–0317; Notarized Document Submittal for System for Award Management Registration, in all correspondence related to this collection. 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 www.regulations.gov, approximately two-to-three days after submission to verify posting.

FOR FURTHER INFORMATION CONTACT: Ms. Salomeh Ghorbani, Director, IAE Outreach and Stakeholder Engagement Division, at 703–605–3467 or IAE_Admin@gsa.gov.

SUPPLEMENTARY INFORMATION: Federal Acquisition Regulation (FAR) subpart 4.11 prescribes policies and procedures for requiring contractor registration in the System for Award Management (SAM) database to: (1) Increase visibility of vendor sources (including their geographical locations) for specific supplies and services; and (2) establish a common source of vendor data for the Government.

In the past, the GSA Office of Inspector General (OIG) conducted an investigation into fraudulent activities discovered within SAM. Certain bad actors have, through electronic means, used public information to impersonate legitimate entities and established new entity registrations for those entities in SAM. By establishing fraudulent entity registrations, bad actors submitted bids in certain U.S. Government procurement systems or shipped deficient or counterfeit goods to the U.S. Government.

GSA established this information collection request (ICR) to collect additional information to support increased validation of entities registered and registering in the System for Award Management (SAM). This additional information is contained in a notarized letter in which an officer or other signatory authority of the entity formally appoints the Entity Administrator for the entity registering or recertifying in SAM. The original, signed letter is mailed to the Federal Service Desk for SAM prior to the registration’s activation or re-registration.

The collection of the notarized letter information is essential to GSA’s acquisition mission to meet the needs of all Federal agencies, as well as the needs of the grant community. A key element of GSA’s mission is to provide efficient and effective acquisition solutions across the Federal Government. SAM is essential to the accomplishment of that mission. In addition to Federal contracts, Federal assistance programs also rely upon the integrity and security of the information in SAM. Without assurances that the information in SAM is protected and is at minimal risk of compromise, GSA would risk losing the confidence of the

Federal acquisition and assistance communities which it serves. As a result, some entities may prefer not to do business with the Federal Government.

B. Annual Reporting Burden

Respondents: 686,400.

Responses per Respondent: 1.

Total Annual Responses: 686,400.

Hours per Response: 2.25.

Total Burden Hours: 1,544,400.

The information collection allows GSA to request the notarized letter and apply this approach to new registrants (an average of 7,200 per month) and to existing SAM registrants (an average of 50,000 re-register per month).

Entities registered and registering in SAM are provided the template for the requirements of the notarized letter. It is estimated that the Entity Administrator will take on average 0.5 hour to create the letter and 0.25 hour to mail the hard copy letter. GSA proposes that an Entity Administrator equivalent to a GS–5, Step 5 Administrative Support person within the Government would perform these tasks. The estimated hourly rate of \$24.70 (Base + Locality + Fringe) was used for the calculation.

Based on historical data of the ratio of small entities to other than small entities registering in SAM, GSA approximates 32,200 of the 57,200 new and existing entities (re-registrants) will have in-house resources to notarize documents. GSA proposes that the entities with in-house notaries will typically be large businesses where the projected salary of the executive or officer responsible for signing the notarized letter is on average approximately \$150 per hour. The projected time for signature and notarizing the letter internally is 0.5 hour.

The other remaining 25,000 new and existing entities (re-registrants) per month are estimated to be small entities where the projected salary of the executive or officer responsible signing the notarized letter is on average approximately \$100 per hour. These entities will more than likely have to obtain notary services from an outside source. The projected time for signature and notarizing the letter externally is 1 hour. The estimate includes a nominal fee (\$5.00) usually charged by third-party notaries.

C. Public Comments

Public comments are particularly invited on: Whether this collection of information is necessary, whether it will have practical utility; whether our estimate of the public burden of this collection of information is accurate,

and based on valid assumptions and methodology; ways to enhance the quality, utility, and clarity of the information to be collected; and ways in which we can minimize the burden of the collection of information on those who are to respond, through the use of appropriate technological collection techniques or other forms of information technology.

Obtaining Copies of Proposals:

Requesters may obtain a copy of the information collection documents from the Regulatory Secretariat Division by calling 202-501-4755 or emailing GSARegSec@gsa.gov. Please cite OMB Control No. 3090-0317, Notarized Document Submittal for System for Award Management Registration, in all correspondence.

Lois Mandell,

Director, Regulatory Secretariat Division.

[FR Doc. 2024-27428 Filed 11-21-24; 8:45 am]

BILLING CODE 6820-WY-P

GENERAL SERVICES ADMINISTRATION

[OMB Control No. 3090-0248; Docket No. 2024-0001; Sequence No. 10]

Submission for OMB Review; General Services Administration Acquisition Regulation; Electronic Data Interchange (EDI) Information

AGENCY: Office of Acquisition Policy, General Services Administration (GSA).

ACTION: Notice and request for public 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 for a placement of orders clause, and an ordering information provision.

DATES: Submit comments on or before: December 23, 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: Ms. Vernita Misidor, Procurement Analyst, GSA Acquisition Policy Division, by phone at 202-357-9681 or by email at gsarpolicy@gsa.gov.

SUPPLEMENTARY INFORMATION:

A. Purpose

GSA has various mission responsibilities related to the acquisition and provision of the Federal Acquisition Service's (FAS's) Special Order Program items. These mission responsibilities generate requirements that are realized through the solicitation and award of various types of FAS contracts.

As such, the General Services Administration Acquisition Regulation (GSAR) 516.506 specifically directs contracting officers to insert 552.216-72, Placement of Orders, and 552.216-73, Ordering Information, when the contract authorizes FAS and other activities to issue delivery or task orders. This clause and provision includes information reporting requirements for Offerors to receive electronic orders through computer-to-computer Electronic Data Interchange (EDI).

B. Annual Reporting Burden

Respondents: 18,590.

Responses per Respondent: 1.

Annual Responses: 18,590.

Hours per Response: .50.

Total Burden Hours: 9,295.

C. Public Comments

A 60-day notice published in the **Federal Register** at 89 FR 76831 on September 19, 2024. No comments were received.

Obtaining Copies of Proposals:

Requesters may obtain a copy of the information collection documents from the Regulatory Secretariat Division by calling 202-501-4755 or emailing GSARegSec@gsa.gov. Please cite OMB Control No. 3090-0248, Electronic Data Interchange (EDI) Information, in all correspondence.

Jeffrey A. Koses,

Senior Procurement Executive, Office of Acquisition Policy, Office of Government-wide Policy.

[FR Doc. 2024-27397 Filed 11-21-24; 8:45 am]

BILLING CODE 6820-61-P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Centers for Medicare & Medicaid Services

[Document Identifier: CMS-10902]

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 23, 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:* New collection (Request for a new OMB control number); *Title of Information Collection:* Environmental Health Hazards Checklist Medicare Coverage for Individuals Exposed to Environmental Health Hazards; *Use:* Section 1881A of the Act provides an enrollment basis for individuals who have been exposed to environmental health hazards. Currently, the only individuals eligible for Medicare under this provision are those who were present in Lincoln County, Montana, and have an asbestos-related disease (ARD) diagnosis. Eligible individuals must be diagnosed with one or more asbestos-related conditions and have been present in Lincoln County, Montana, for a total of at least 6 months (need not be consecutive) in the period ending 10 years or more before diagnosis of an asbestos-related condition. This form provides verification from a provider so that SSA can determine eligibility for Medicare enrollment.

SSA uses this information to determine whether an individual meets the requirements for Medicare enrollment on the basis of an Environmental Health Hazard. The form is faxed to the applicant's provider by SSA. The provider must complete and sign the form and submit it back to SSA via fax or mail. The information on the completed form is reviewed manually by SSA. Thus, the collection of this information does not involve the use of information technology. *Form Number:* CMS-10902 (OMB control number: 0938-New); *Frequency:* Once; *Affected Public:* Individuals and Households; *Number of Respondents:* 61; *Total Annual Responses:* 61; *Total Annual Hours:* 10. (For policy questions regarding this collection contact Tyrissa Woods at 410-786-0286 or Tyrissa.Woods@cms.hhs.gov).

William N. Parham III,

Director, Division of Information Collections and Regulatory Impacts, Office of Strategic Operations and Regulatory Affairs.

[FR Doc. 2024-27359 Filed 11-21-24; 8:45 am]

BILLING CODE 4120-01-P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Centers for Medicare & Medicaid Services

[Document Identifiers: CMS-10796]

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 21, 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-10796 Dual Eligible Special Needs Plan Contract With the State Medicaid Agency

Under the PRA (44 U.S.C. 3501-3520), Federal agencies must obtain approval from the Office of Management and Budget (OMB) for each collection of information they conduct or sponsor. The term "collection of information" is defined in 44 U.S.C. 3502(3) and 5 CFR 1320.3(c) and includes agency requests or requirements that members of the public submit reports, keep records, or provide information to a third party. Section 3506(c)(2)(A) of the PRA requires Federal agencies to publish a 60-day notice in the **Federal Register** concerning each proposed collection of information, including each proposed extension or reinstatement of an existing collection of information, before submitting the collection to OMB for approval. To comply with this requirement, CMS is publishing this notice.

Information Collections

1. *Type of Information Collection Request:* Revision of a currently approved collection; *Title of Information Collection:* Dual Eligible Special Needs Plan Contract with the State Medicaid Agency; *Use:* Special needs plans (SNPs) are Medicare Advantage (MA) plans created by the Medicare Prescription Drug, Improvement, and Modernization Act of 2003 (Pub. L. 108-173) that are specifically designed to provide targeted care and limit enrollment to special needs individuals. Under section 1859(b)(6) of the Act, D-SNPs restrict enrollment to individuals entitled to medical assistance under a state plan

under title XIX of the Social Security Act (hereinafter referred to as the Act).

Section 1859(f)(3)(D) of the Act and 42 CFR 422.107 established the requirement for D-SNPs to have contracts with state Medicaid agencies in addition to other contracting requirements that apply to all MA plans.

MA organizations with D-SNPs and states use the information in the contract to provide benefits, or arrange for the provision of Medicaid benefits, to which an enrollee is entitled. CMS reviews the D-SNP contract with the state Medicaid agency to ensure that it meets the minimum contract requirements at § 422.107(c) and (d). CMS uses the attestations and matrices in the appendices of this package to identify the types of D-SNPs an MA organization(s) offers and the location of the contract requirements in the document. *Form Number:* CMS-10796 (OMB control number: 0938-1410); *Frequency:* Yearly; *Affected Public:* State, Local, or Tribal Governments, Federal Government and Private Sector; *Number of Respondents:* 886; *Total Annual Responses:* 893; *Total Annual Hours:* 17,403. (For policy questions regarding this collection contact Marla Rothhouse at 410-786-8063 or Marla.rothhouse@cms.hhs.gov).

William N. Parham III,

Director, Division of Information Collections and Regulatory Impacts, Office of Strategic Operations and Regulatory Affairs.

[FR Doc. 2024-27358 Filed 11-21-24; 8:45 am]

BILLING CODE 4120-01-P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Food and Drug Administration

[Docket No. FDA-2023-D-0488]

Orthopedic Non-Spinal Bone Plates, Screws, and Washers—Premarket Notification (510(k)) Submissions; Guidance for Industry and Food and Drug Administration Staff; Availability

AGENCY: Food and Drug Administration, HHS.

ACTION: Notice of availability.

SUMMARY: The Food and Drug Administration (FDA or Agency) is announcing the availability of a final guidance entitled “Orthopedic Non-Spinal Bone Plates, Screws, and Washers—Premarket Notification (510(k)) Submissions.” This guidance document provides recommendations for information to include in 510(k) submissions for non-resorbable bone plate, screw, and washer devices. The

scope of this guidance includes devices that are indicated for orthopedic bone fixation but does not include devices indicated for spinal, mandibular, maxillofacial, cranial, and orbital fracture fixation.

DATES: The announcement of the guidance is published in the **Federal Register** on November 22, 2024.

ADDRESSES: You may submit either electronic or written comments on Agency guidances at any time as follows:

Electronic Submissions

Submit electronic comments in the following way:

- **Federal eRulemaking Portal:** <https://www.regulations.gov>. Follow the instructions for submitting comments. Comments submitted electronically, including attachments, to <https://www.regulations.gov> will be posted to the docket unchanged. Because your comment will be made public, you are solely responsible for ensuring that your comment does not include any confidential information that you or a third party may not wish to be posted, such as medical information, your or anyone else’s Social Security number, or confidential business information, such as a manufacturing process. Please note that if you include your name, contact information, or other information that identifies you in the body of your comments, that information will be posted on <https://www.regulations.gov>.

- If you want to submit a comment with confidential information that you do not wish to be made available to the public, submit the comment as a written/paper submission and in the manner detailed (see “Written/Paper Submissions” and “Instructions”).

Written/Paper Submissions

Submit written/paper submissions as follows:

- **Mail/Hand Delivery/Courier (for written/paper submissions):** Dockets Management Staff (HFA-305), Food and Drug Administration, 5630 Fishers Lane, Rm. 1061, Rockville, MD 20852.

- For written/paper comments submitted to the Dockets Management Staff, FDA will post your comment, as well as any attachments, except for information submitted, marked and identified, as confidential, if submitted as detailed in “Instructions.”

Instructions: All submissions received must include the Docket No. FDA-2023-D-0488 for “Orthopedic Non-Spinal Bone Plates, Screws, and Washers—Premarket Notification (510(k)) Submissions; Guidance for Industry and Food and Drug

Administration Staff.” Received comments will be placed in the docket and, except for those submitted as “Confidential Submissions,” publicly viewable at <https://www.regulations.gov> or at the Dockets Management Staff between 9 a.m. and 4 p.m., Monday through Friday, 240-402-7500.

- **Confidential Submissions—**To submit a comment with confidential information that you do not wish to be made publicly available, submit your comments only as a written/paper submission. You should submit two copies total. One copy will include the information you claim to be confidential with a heading or cover note that states “THIS DOCUMENT CONTAINS CONFIDENTIAL INFORMATION.” The Agency will review this copy, including the claimed confidential information, in its consideration of comments. The second copy, which will have the claimed confidential information redacted/blacked out, will be available for public viewing and posted on <https://www.regulations.gov>. Submit both copies to the Dockets Management Staff. If you do not wish your name and contact information to be made publicly available, you can provide this information on the cover sheet and not in the body of your comments and you must identify this information as “confidential.” Any information marked as “confidential” will not be disclosed except in accordance with 21 CFR 10.20 and other applicable disclosure law. For more information about FDA’s posting of comments to public dockets, see 80 FR 56469, September 18, 2015, or access the information at: <https://www.govinfo.gov/content/pkg/FR-2015-09-18/pdf/2015-23389.pdf>.

Docket: For access to the docket to read background documents or the electronic and written/paper comments received, go to <https://www.regulations.gov> and insert the docket number, found in brackets in the heading of this document, into the “Search” box and follow the prompts and/or go to the Dockets Management Staff, 5630 Fishers Lane, Rm. 1061, Rockville, MD 20852, 240-402-7500.

You may submit comments on any guidance at any time (see 21 CFR 10.115(g)(5)).

An electronic copy of the guidance document is available for download from the internet. See the **SUPPLEMENTARY INFORMATION** section for information on electronic access to the guidance. Submit written requests for a single hard copy of the guidance document entitled “Orthopedic Non-Spinal Bone Plates, Screws, and Washers—Premarket Notification (510(k)) Submissions; Guidance for

Industry and Food and Drug Administration Staff” to the Office of Policy, Center for Devices and Radiological Health, Food and Drug Administration, 10903 New Hampshire Ave., Bldg. 66, Rm. 5431, Silver Spring, MD 20993–0002. Send one self-addressed adhesive label to assist that office in processing your request.

FOR FURTHER INFORMATION CONTACT: Mahlet Zinah, Center for Devices and Radiological Health, Food and Drug Administration, 10903 New Hampshire Ave., Bldg. 66, Rm. 4452, Silver Spring, MD 20993–0002, 240–402–2623.

SUPPLEMENTARY INFORMATION:

I. Background

Non-spinal, non-resorbable bone plates, screws, and washers are implants intended for bone fixation. These are class II medical devices for which the safety and effectiveness are well-established. This guidance provides recommendations for the content and organization of premarket notification (510(k)) submissions including the information FDA recommends industry include in a 510(k) submission for these device types (*e.g.*, non-clinical testing, sterility, reprocessing, biocompatibility). This guidance is intended to facilitate consistency in information provided in submissions by addressing common deficiencies related to device

description and performance testing and by identifying applicable cross-cutting guidances and consensus standards.

A notice of availability of the draft guidance appeared in the **Federal Register** of March 29, 2023 (88 FR 18549). FDA considered comments received and revised the guidance as appropriate in response to the comments, including clarification regarding recommended language for indications for use statements as well as additional considerations for predicate device comparisons when leveraging information from previously cleared devices.

This guidance is being issued consistent with FDA’s good guidance practices regulation (21 CFR 10.115). The guidance represents the current thinking of FDA on “Non-Spinal Bone Plates, Screws, and Washers—Premarket Notification (510(k)) Submissions.” It does not establish any rights for any person and is not binding on FDA or the public. You can use an alternative approach if it satisfies the requirements of the applicable statutes and regulations.

II. Electronic Access

Persons interested in obtaining a copy of the guidance may do so by downloading an electronic copy from the internet. A search capability for all Center for Devices and Radiological

Health guidance documents is available at <https://www.fda.gov/medical-devices/device-advice-comprehensive-regulatory-assistance/guidance-documents-medical-devices-and-radiation-emitting-products>. This guidance document is also available at <https://www.regulations.gov> and <https://www.fda.gov/regulatory-information/search-fda-guidance-documents>. Persons unable to download an electronic copy of “Non-Spinal Bone Plates, Screws, and Washers—Premarket Notification (510(k)) Submissions; Guidance for Industry and Food and Drug Administration Staff” may send an email request to CDRH-Guidance@fda.hhs.gov to receive an electronic copy of the document. Please use the document number GUI00019023 and complete title to identify the guidance you are requesting.

III. Paperwork Reduction Act of 1995

While this guidance contains no new collection of information, it does refer to previously approved FDA collections of information. The previously approved collections of information are subject to review by the Office of Management and Budget (OMB) under the Paperwork Reduction Act of 1995 (PRA) (44 U.S.C. 3501–3521). The collections of information in the following table have been approved by OMB:

21 CFR part; guidance; or FDA form	Topic	OMB control No.
807, subpart E	Premarket notification	0910–0120
812	Investigational Device Exemption	0910–0078
“Requests for Feedback and Meetings for Medical Device Submissions: The Q-Submission Program”.	Q-submissions and Early Payor Feedback Request Programs for Medical Devices.	0910–0756
800, 801, 809, and 830	Medical Device Labeling Regulations; Unique Device Identification.	0910–0485
820	Current Good Manufacturing Practice (CGMP); Quality System (QS) Regulation.	0910–0073
50, 56	Protection of Human Subjects and Institutional Review Boards	0910–0130

Dated: November 12, 2024.
Kimberlee Trzeciak,
Deputy Commissioner for Policy, Legislation, and International Affairs.
[FR Doc. 2024–27114 Filed 11–21–24; 8:45 am]
BILLING CODE 4164–01–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES
Health Resources and Services Administration
Agency Information Collection Activities: Proposed Collection: Public Comment Request; Health Resources and Services Administration Uniform Data System
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 21, 2025.
ADDRESSES: Submit your comments to paperwork@hrsa.gov or mail the HRSA Information Collection Clearance Officer, Room 14NWH04, 5600 Fishers Lane, Rockville, Maryland 20857.
FOR FURTHER INFORMATION CONTACT: To request more information on the

proposed project or to obtain a copy of the data collection plans and draft instruments, email paperwork@hrsa.gov or call Joella Roland, the HRSA Information Collection Clearance Officer, at (301) 443-3983.

SUPPLEMENTARY INFORMATION: When submitting comments or requesting information, please include the ICR title for reference.

Information Collection Request Title: Health Resources and Services Administration (HRSA) Uniform Data System (UDS), OMB No. 0915-0193—Revision.

Abstract: The Health Center Program, administered by HRSA, is authorized under section 330 of the Public Health Service (PHS) Act (42 U.S.C. 254b). Health centers are community-based and patient-directed organizations that deliver affordable, accessible, quality, and cost-effective primary health care services to patients regardless of their ability to pay. Nearly 1,400 health centers operate approximately 15,500 service delivery sites that provide primary health care to more than 31 million people in every U.S. state, the District of Columbia, Puerto Rico, the U.S. Virgin Islands, and the Pacific Basin.

HRSA uses the UDS for annual reporting of program-specific data by Health Center Program awardees (those funded under section 330 of the PHS Act), Health Center Program look-alikes (entities meeting requirements of, but not funded under, section 330 of the PHS Act), and Nurse Education, Practice, Quality and Retention (NEPQR) and Advanced Nursing Education (ANE) Program awardees (specifically those funded under the practice priority areas of sections 831(b) and 811 of the PHS Act).

Some NEPQR and ANE Program awardees establish and expand nursing practice arrangements in noninstitutional settings to demonstrate methods to improve access to primary health care in medically underserved communities. Nursing grantees implementing nursing practice arrangements have historically used the same data collection system as the Health Center Program.

Need and Proposed Use of the Information: HRSA requires the collection of information through UDS to monitor and evaluate the performance of health centers under section 330 and select NEPQR and ANE recipients under sections 831(b) and 811. These data aid in program compliance, guide quality improvement initiatives, and inform federal health policy decisions. HRSA also leverages

UDS data to assess the impact of health centers and NEPQR and ANE recipients on patient health outcomes and to allocate funding and resources effectively across the Health Center Program. To keep this instrument relevant and responsive to the health center program's needs and the evolving healthcare landscape, periodic updates are essential. HRSA plans to make the following updates for the performance year 2025 UDS data collection:

Table 6A (Selected Diagnoses and Services Rendered) Additions

- *Tobacco Use Cessation Pharmacotherapies:* A new measure is being added to line 26c2 to identify the number of visits where patients received tobacco cessation pharmacotherapies as an intervention and the number of patients who received this pharmacologic treatment. While the Preventive Care and Screening: Tobacco Use: Screening and Cessation Intervention electronic-specified clinical quality measures (CMS138v12) (Table 6B, Line 14a) that is currently reported in the UDS assesses for cessation, it lacks the capacity to disaggregate and report a distinct percentage for patients receiving counseling or recommendation to cessation pharmacotherapies. Adding a line for reporting of tobacco use cessation pharmacotherapies will promote greater understanding of the breadth of tobacco cessation interventions provided at health centers, specifically allowing HRSA to see differences in tobacco use cessation approaches.

- *Medications for Opioid Use Disorder (MOUD):* A new measure for MOUD services will be reported on line 26c3 for the number of visits where MOUD was administered and the number of patients who received this medication-based intervention. This new measure will enhance the existing MOUD related measures that health centers currently report on in Appendix E: Other Data Elements (e.g., number of providers who treat opioid use disorder with MOUD). The inclusion of this measure is critical for supporting public health efforts to address the ongoing opioid epidemic. Greater understanding of the use of MOUD in health centers is necessary both to understand existing services and identify remaining healthcare gaps.

- *Alzheimer's Disease and Related Dementias (ADRD) Screening:* A new measure is being added to line 26f to capture the number of visits where patients received ADRD screenings and the number of patients who received the screenings. This measure will

encompass assessments representing standardized tools used for the evaluation of cognition and mental status of older adults. The addition of a measure to capture screening of ADRD will be valuable in understanding the level of need and resources required to continue to support the growing aging population served by the Health Center Program and will foster early detection for those at risk for ADRD.

Table 6B (Quality of Care Measures) Addition

- *Initiation and Engagement of Substance Use Disorder Treatment:* A new measure with two distinct rates is being added to Lines 23a and b to capture the initiation and engagement of substance use disorder treatment, in alignment with electronic-specified clinical quality measure CMS137v13. This measure will report on the percentage of patients 13 years and older with a new substance use disorder episode who received treatment, including (a) those who initiated treatment within 14 days and (b) those who engaged in ongoing treatment within 34 days. By incorporating this measure, HRSA strengthens its alignment with national performance standards and gains greater insight into how effectively health centers are initiating and engaging patients in substance use disorder treatment.

Table 6B (Quality of Care Measures) and Table 7 (Health Outcomes and Disparities)

Updates

- Tables 6B and 7 collect UDS clinical quality measures,¹ and where applicable, clinical quality measures will be updated in alignment with specifications of the issued performance year 2025 electronic-specified clinical quality measures. These specifications were released by the Centers for Medicare and Medicaid Services (CMS) on May 2, 2024, for use by eligible providers.² Clinical performance measure alignment across national programs promotes data standardization, quality, and transparency, and decreases reporting burden for providers and organizations participating in multiple federal programs.

¹ <https://www.cms.gov/medicare/quality/measures>.

² <https://ecqi.healthit.gov/now-available-updated-ecqm-specifications-and-implementation-resources-2025-performance-reporting-period>.

UDS+ Test Submissions for Health Centers

- Beginning with the 2024 UDS, health centers will be able to submit de-identified, patient-level data in fulfillment of data elements on Tables:
 - Table PBZC (Patients by ZIP Code)
 - Table 3A (Patients by Age and Sex Assigned at Birth)
 - Table 3B (Demographic Characteristics)
 - Table 4 (Selected Characteristics)
 - Table 6A (Selected Diagnoses and Services Rendered)
 - Table 6B (Quality of Care Measures)
 - Table 7 (Health Outcomes and Disparities)

UDS+ Patient-Level Reporting leverages a shift in processes by which health centers will submit their annual UDS reports while maintaining historic UDS measures. Health Centers are encouraged to submit data through UDS+.

UDS+ is currently in the testing phase and data submission supports system capacity building and progress towards full implementation. The technical test will inform next steps for scaling this innovation. High-quality accessible data are critical to strategically meeting the unique needs of health center patients

and identifying training and technical assistance opportunities for clinical process improvement. The growth in health information technology coupled with the near universal adoption of electronic health records across health centers has transformed patient care delivery and underscored the need for secure and rapid exchange of health data between disparate systems. Fast Healthcare Interoperability Resources® is a Health Level Seven International® standard for exchanging health care information electronically.³ The health care community is adopting this next generation exchange framework to advance interoperability.⁴ Leveraging Fast Healthcare Interoperability Resources® to collect patient-level data through the UDS+ system will support improved data granularity, allowing for the development of robust HRSA-supported patient care programs and improved equitable access to HRSA-supported high-quality, cost-effective primary care services. This electronic reporting mechanism will reduce reliance on manual data entry to populate the annual UDS report, in turn yielding a reduction in reporting effort burden, and will greatly increase the analytical value of UDS data for

informing policy and program decision-making.

Likely Respondents: Respondents will include Health Center Program award recipients and Health Center Program look-alikes carrying out programs under section 330 of the PHS Act and NEPQR and ANE award recipients funded under the practice priority areas of section 831(b) and 811 of the PHS Act.

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	Estimated number of respondents	Estimated number of responses per respondent	Average burden per response (in hours)	Estimated total burden hours
Universal Report	* 1,538	1.00	238	366,044
Grant Report	** 420	1.22	22	11,273
UDS+ Test Submissions	1,507	1.25	10	18,838
Total	3,465	.....	270	396,155

* Consists of 1,363 health center program awardees, 133 Health Center Look-alikes, and 42 NEPQR and ANE respondents.
** Health Centers submitted one or more grant reports in 2023: 339 (1 report), 70 (2 reports), 11 (3 reports).

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. 2024-27394 Filed 11-21-24; 8:45 am]
BILLING CODE 4165-15-P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Indian Health Service

Notice of Purchased/Referred Care Delivery Area Redesignation for the Pokagon Band of Potawatomi Indians of Michigan and Indiana

AGENCY: Indian Health Service, Department of Health and Human Services.

ACTION: Notice.

SUMMARY: Notice is hereby given that the Indian Health Service (IHS) has decided to expand the geographic boundaries of the Purchased/Referred Care Delivery Area (PRCDA) for the Pokagon Band of Potawatomi Indians of

Michigan and Indiana ("Pokagon Band") to include the counties of Kalamazoo, Kent, and Ottawa in the State of Michigan. The final PRCDA for the Pokagon Band now includes the Michigan counties of Allegan, Berrien, Cass, Kalamazoo, Kent, Ottawa, and Van Buren, and the Indiana counties of Elkhart, Kosciusko, La Porte, Marshall, St. Joseph, and Starke. The sole purpose of this expansion is to authorize additional Pokagon Band members and beneficiaries to receive Purchased/Referred Care (PRC) services.

DATES: This expansion is effective as of the date of publication of this notice.

ADDRESSES: This notice can be found at <https://www.federalregister.gov>. Written requests for information should be delivered to: CAPT John Rael, Director,

³ <https://ecqi.healthit.gov/fhir>.
⁴ <https://ecqi.healthit.gov/fhir>.

Office of Resource Access and Partnerships, Indian Health Service, 5600 Fishers Lane, Mail Stop 10E85C, Rockville, MD 20857.

FOR FURTHER INFORMATION CONTACT: CAPT John Rael, Director, Office of Resource Access and Partnerships by email at John.Rael@ihs.gov, or by phone at (301) 443-0969 (this is not a toll-free number).

SUPPLEMENTARY INFORMATION: The IHS provides services under regulations in effect as of September 15, 1987, and republished at 42 CFR part 136, subparts A–C. Subpart C defines a Contract Health Service Delivery Area (CHSDA), now referred to as a PRCDA, as the geographic area within which PRC will be made available by the IHS to members of an identified Indian community who reside in the PRCDA. Residence within a PRCDA by a person who is within the scope of the Indian health program, as set forth in 42 CFR 136.12, creates no legal entitlement to PRC but only potential eligibility for services. Services needed, but not available at an IHS/Tribal facility, are provided under the PRC program depending on the availability of funds, the relative medical priority of the services to be provided, and the actual availability and accessibility of alternate resources in accordance with the regulations.

The regulations at 42 CFR part 136, subpart C provide that, unless otherwise designated, a PRCDA shall consist of a county which includes all or part of a reservation and any county or counties which have a common boundary with the reservation. 42 CFR 136.22(a)(6). The regulations also provide that after Consultation with the Tribal governing body or bodies on those reservations included within the PRCDA, the Secretary may, from time to time, redesignate areas within the United States for inclusion in or exclusion from a PRCDA. 42 CFR 136.22(b). The regulations require that certain criteria must be considered before any redesignation is made. The criteria are as follows:

(1) The number of Indians residing in the area proposed to be so included or excluded;

(2) Whether the Tribal governing body has determined that Indians residing in the area near the reservation are socially and economically affiliated with the Tribe;

(3) The geographic proximity to the reservation of the area whose inclusion or exclusion is being considered; and

(4) The level of funding which would be available for the provision of PRC.

Additionally, the regulations require that any redesignation of a PRCDA be

made in accordance with the procedures of the Administrative Procedure Act (5 U.S.C. 553). 42 CFR 136.22(c). In compliance with this requirement, the IHS published a notice of proposed redesignation and requested public comments on May 17, 2024 (89 FR 43415). The IHS did not receive any comments in response to the notice of proposed redesignation.

In support of this expansion, the IHS makes the following findings:

1. By expanding the PRCDA to include Kalamazoo, Kent, and Ottawa Counties in the State of Michigan, the Pokagon Band's PRC-eligible population will increase by an estimated 537 Tribal citizens.

2. The Tribal citizens and certain other PRC-eligible individuals within the expanded PRCDA are socially and economically affiliated with the Pokagon Band based on a Tribal resolution in which the Pokagon Band Tribal Council identified its intent to expand the PRCDA to include Kalamazoo, Kent, and Ottawa Counties in Michigan, and stated that the Tribal citizens and certain other individuals residing in such areas are socially and economically affiliated with the Pokagon Band.

3. The expanded PRCDA counties form a contiguous area with the existing PRCDA, and Pokagon Band citizens reside in each of the expansion counties. For these reasons, the IHS has determined that the expansion counties are geographically proximate, meaning "on or near", to the Pokagon Band's reservation.

4. The Pokagon Band has indicated that its PRC program can continue providing the same level of care to the expanded PRC-eligible population. No additional financial resources will be allocated by the IHS to the Pokagon Band to provide services to the Pokagon Band's PRC-eligible population as a result of this PRCDA expansion.

An updated listing of the PRCDA's for all federally-recognized Tribes may be accessed via a link on the IHS PRCDA Expansion website (<https://www.ihs.gov/prc/prcda-expansion>).

Public Comments: The IHS did not receive any comments in response to the notice of proposed expansion.

Roselyn Tso,

Director, Indian Health Service.

[FR Doc. 2024-27457 Filed 11-21-24; 8:45 am]

BILLING CODE 4166-14-P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

National Institutes of Health

Center for Scientific Review; 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: Center for Scientific Review Special Emphasis Panel; Fellowships: Oncology.

Date: December 17, 2024.

Time: 10:00 a.m. to 8:00 p.m.

Agenda: To review and evaluate grant applications.

Address: National Institutes of Health, Rockledge II, 6701 Rockledge Drive, Bethesda, MD 20892.

Meeting Format: Virtual Meeting.

Contact Person: Nywana Sizemore, Ph.D., Scientific Review Officer, Center for Scientific Review, National Institutes of Health, 6701 Rockledge Drive, Room 6189, MSC 7804, Bethesda, MD 20892, 301-408-9916, sizemoren@csr.nih.gov.

(Catalogue of Federal Domestic Assistance Program Nos. 93.306, Comparative Medicine; 93.333, Clinical Research, 93.306, 93.333, 93.337, 93.393-93.396, 93.837-93.844, 93.846-93.878, 93.892, 93.893, National Institutes of Health, HHS)

Dated: November 18, 2024.

Lauren A. Fleck,

Program Analyst, Office of Federal Advisory Committee Policy.

[FR Doc. 2024-27364 Filed 11-21-24; 8:45 am]

BILLING CODE 4140-01-P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

National Institutes of Health

National Institute of Allergy and Infectious Diseases; Notice of Closed Meeting

Pursuant to section 1009 of the Federal Advisory Committee Act, as amended, notice is hereby given of the following meeting.

The meeting will be closed to the public in accordance with the

provisions set forth in sections 552b(c)(4) and 552b(c)(6), title 5 U.S.C., as amended. The grant applications and the discussions could disclose confidential trade secrets or commercial property such as patentable material, and personal information concerning individuals associated with the grant applications, the disclosure of which would constitute a clearly unwarranted invasion of personal privacy.

Name of Committee: National Institute of Allergy and Infectious Diseases Special Emphasis Panel; Cell and Gene Therapies for HIV Cure: Developing a Pipeline (P01 Clinical Trial Not Allowed).

Date: December 16–18, 2024.

Time: 10:00 a.m. to 5:00 p.m.

Agenda: To review and evaluate grant applications.

Place: National Institute of Allergy and Infectious Diseases, National Institutes of Health, 5601 Fishers Lane, Room 3G11, Rockville, MD 20892.

Contact Person: J. Bruce Sundstrom, Ph.D., Scientific Review Officer, Scientific Review Program, Division of Extramural Activities, National Institute of Allergy and Infectious Diseases, National Institutes of Health, 5601 Fishers Lane, Room 3G11, Rockville, MD 20892, 240–669–5045, sundstromj@niaid.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: November 18, 2024.

Lauren A. Fleck,

Program Analyst, Office of Federal Advisory Committee Policy.

[FR Doc. 2024–27363 Filed 11–21–24; 8:45 am]

BILLING CODE 4140–01–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

National Institutes of Health

National Institute of Allergy and Infectious Diseases; Notice of Meeting

Pursuant to section 1009 of the Federal Advisory Committee Act, as amended, notice is hereby given of a meeting of the AIDS Research Advisory Committee, NIAID.

The meeting will be held as a virtual meeting and will be open to the public as indicated below. Individuals who plan to view the virtual meeting and need special assistance or other reasonable accommodations to view the meeting should notify the Contact Person listed below in advance of the meeting. The meeting can be accessed from the NIH Videocast at the following link: <https://videocast.nih.gov/>.

Name of Committee: AIDS Research Advisory Committee, NIAID.

Date: January 27, 2025.

Time: 1:00 p.m. to 4:00 p.m.

Agenda: Report of Division Director and Division Staff.

Place: National Institute of Allergy and Infectious Diseases, National Institutes of Health, 5601 Fishers Lane, Room 8D49 Rockville, MD 20892 (Virtual Meeting).

Contact Person: Pamela Gilden, Branch Chief, Science Planning and Operations Branch, Division of AIDS, National Institute of Allergy and Infectious Diseases, National Institutes of Health 5601 Fishers Lane, Room 8D49 Rockville, MD 20852–9831, 301–594–9954, pamela.gilden@nih.gov.

Any interested person may file written comments with the committee up to 15 days after the meeting date by forwarding the statement to the Contact Persons listed on this notice. The statement should include the name, address, telephone number and when applicable, the business or professional affiliation of the interested person.

Any member of the public interested in presenting oral comments to the committee must notify the Contact Person listed on this notice at least 10 days in advance of the meeting. Interested individuals and representatives of organizations may submit a letter of intent, a brief description of the organization represented, and a short description of the oral presentation. Only one representative of an organization may be allowed to present oral comments and if accepted by the committee, presentations may be limited to three minutes. Both printed and electronic copies are requested for the record.

Information is also available on the Institute's/Center's home page: <https://www.niaid.nih.gov/about/committees-aids-research>, where an agenda and any additional information for the meeting will be posted when available.

(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: November 19, 2024.

Lauren A. Fleck,

Program Analyst, Office of Federal Advisory Committee Policy.

[FR Doc. 2024–27433 Filed 11–21–24; 8:45 am]

BILLING CODE 4140–01–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

National Institutes of Health

National Institute of Allergy and Infectious Diseases; Notice of Closed Meeting

Pursuant to section 1009 of the Federal Advisory Committee Act, as amended, notice is hereby given of the following meeting.

The meeting will be closed to the public in accordance with the provisions set forth in sections 552b(c)(4) and 552b(c)(6), title 5 U.S.C.,

as amended. The grant applications and the discussions could disclose confidential trade secrets or commercial property such as patentable material, and personal information concerning individuals associated with the grant applications, the disclosure of which would constitute a clearly unwarranted invasion of personal privacy.

Name of Committee: National Institute of Allergy and Infectious Diseases Special Emphasis Panel; Centers for AIDS Research (P30 Clinical Trial Not Allowed); Developmental Centers for AIDS Research (P30 Clinical Trial Not Allowed).

Date: December 17–18, 2024.

Time: 10:00 a.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 3G33, Rockville, MD 20892 (Video Assisted Meeting).

Contact Person: Poonam Pegu, 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 3G33, Rockville, MD 20892, 240–292–0719, poonam.pegu@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: November 18, 2024.

Lauren A. Fleck,

Program Analyst, Office of Federal Advisory Committee Policy.

[FR Doc. 2024–27365 Filed 11–21–24; 8:45 am]

BILLING CODE 4140–01–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

National Institutes of Health

National Institute of Allergy and Infectious Diseases; Notice of Meeting

Pursuant to section 1009 of the Federal Advisory Committee Act, as amended, notice is hereby given of a meeting of the Vaccine Research Center Board of Scientific Counselors, NIAID.

The meeting will be open to the public via Zoom, <https://nih.zoomgov.com/j/1617772822?pwd=UaZ1sTjftGCftXjzaWVccw9rlifRg9.1>. Individuals who plan to attend and need special assistance, such as sign language interpretation or other reasonable accommodations, should notify the Contact Person listed below in advance of the meeting.

The meeting will be closed to the public as indicated below in accordance

with the provisions set forth in section 552b(c)(6), title 5 U.S.C., as amended for the review, discussion, and evaluation of individual intramural programs and projects conducted by the National Institute Of Allergy And Infectious Diseases, including consideration of personnel qualifications and performance, and the competence of individual investigators, the disclosure of which would constitute a clearly unwarranted invasion of personal privacy.

Name of Committee: Vaccine Research Center Board of Scientific Counselors, NIAID.
Date: December 10, 2024.

Closed: 9:00 a.m. to 11:45 a.m.

Agenda: To review and evaluate personnel qualifications and performance, and competence of individual investigators.

Address: National Institute of Allergy and Infectious Diseases, National Institutes of Health, Convent Drive, Room 1100, Bethesda, MD 20892 (Video Assisted Meeting).

Open: 11:45 a.m. to 12:00 p.m.

Agenda: Concept review.

Address: National Institute of Allergy and Infectious Diseases, National Institutes of Health, Convent Drive, Room 1100, Bethesda, MD 20892 (Video Assisted Meeting).

Closed: 12:00 p.m. to 4:00 p.m.

Agenda: To review and evaluate personnel qualifications and performance, and competence of individual investigators.

Address: National Institute of Allergy and Infectious Diseases, National Institutes of Health, Convent Drive, Room 1100, Bethesda, MD 20892 (Video Assisted Meeting).

Contact Person: Sarah J. Austin, Vaccine Research Center, National Institute of Allergy and Infectious Diseases, National Institutes of Health, 40 Convent Drive, Room 1100, Bethesda, MD 20892, (301) 761-7187, austinsj@niaid.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: November 19, 2024.

Lauren A. Fleck,

Program Analyst, Office of Federal Advisory Committee Policy.

[FR Doc. 2024-27434 Filed 11-21-24; 8:45 am]

BILLING CODE 4140-01-P

DEPARTMENT OF HOMELAND SECURITY

U.S. Customs and Border Protection

Customs Broker Permit User Fee Payment for 2025

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

ACTION: General notice.

SUMMARY: This document provides notice to customs brokers that the

annual user fee that is assessed for each permit held by a customs broker, whether an individual, partnership, association, or corporation, is due no later than January 31, 2025. Pursuant to fee adjustments required by the Fixing America's Surface Transportation Act (FAST Act) and the U.S. Customs and Border Protection (CBP) regulations, the customs broker permit user fee payable for calendar year 2025 will be \$180.57.

DATES: Payment of the 2025 Customs Broker Permit User Fee is due no later than January 31, 2025.

FOR FURTHER INFORMATION CONTACT:

Mohammad O. Qureshi, Chief, Broker Management Branch, Office of Trade, (202) 909-3753, or mohammad.o.qureshi@cbp.dhs.gov.

SUPPLEMENTARY INFORMATION:

Background

Pursuant to section 111.96 of title 19 of the Code of Federal Regulations (CFR) (19 CFR 111.96(c)), U.S. Customs and Border Protection (CBP) assesses an annual user fee for each customs broker permit granted to an individual, partnership, association, or corporation. The CBP regulations provide that this fee is payable each calendar year for a national permit held by a customs broker and must be paid by the due date published annually in the **Federal Register**. See 19 CFR 24.22(h) and (i); 19 CFR 111.96(c).

Section 24.22 of title 19 of the CFR (19 CFR 24.22) sets forth the terms and conditions for when fees for certain services, including specific customs user fees, are required. The specific customs user fee amounts that appear in 19 CFR 24.22 are not the actual fees but represent the base year amounts that are subject to adjustment each fiscal year in accordance with the Fixing America's Surface Transportation Act (FAST Act) (Pub. L. 114-94, December 4, 2015). Section 32201 of the FAST Act amended section 13031 of the Consolidated Omnibus Budget Reconciliation Act (COBRA) of 1985 (19 U.S.C. 58c) by requiring the Secretary of the Treasury to adjust certain customs COBRA user fees and corresponding limitations to reflect certain increases in inflation. Paragraph (k) of section 24.22 of title 19 of the CFR (19 CFR 24.22(k)) sets forth the methodology to adjust fees for inflation and to determine the change in inflation, including the factor by which the fees and limitations will be adjusted, if necessary.

Customs brokers are subject to an annual customs broker permit user fee calculated using the base year amount in appendix A to 19 CFR part 24, as adjusted by the terms in 19 CFR

24.22(k). See 19 U.S.C. 58c(a)(7) and 19 CFR 24.22(h). In accordance with 19 CFR 24.22, CBP determines annually whether an adjustment to the fees and limitations is necessary and publishes a **Federal Register** notice specifying the amount of the fees and limitations for each fiscal year. On July 22, 2024, CBP published a **Federal Register** notice, entitled Customs User Fees To Be Adjusted for Inflation in Fiscal Year 2025 (CBP Decision 24-11), which announced, among other fee adjustments, that the annual customs broker permit user fee will increase to \$180.57 for calendar year 2025. See 89 FR 59126.

Thus, as required by 19 CFR 24.22, CBP provided notice in the **Federal Register** of the annual fee amount at least 60 days prior to the date that the payment is due for each customs broker national permit. This document notifies customs brokers that, for calendar year 2025, the due date for payment of the annual customs broker permit user fee is January 31, 2025. If a customs broker fails to pay the annual customs broker permit user fee by January 31, 2025, the national permit is revoked by operation of law. See 19 CFR 111.45(b) and 111.96(c).

Customs brokers may either submit the fee through the eCBP portal or submit the fee at the processing Center, as defined in 19 CFR 111.1, in accordance with the remittance procedures in 19 CFR 24.22(i). CBP encourages customs brokers to pay the annual customs broker permit user fee electronically via the eCBP portal, located at <https://e.cbp.dhs.gov/brokers/#/home>. Customs brokers who are first time users of the eCBP portal must create a *Login.gov* account. Instructions and training resources, such as user and quick reference guides, for customs brokers on how to create a *Login.gov* account and how to use the eCBP portal can be found on CBP's website at <https://www.cbp.gov/trade/eCBP>.

Rose M. Brophy,

Acting Executive Assistant Commissioner, Office of Trade.

[FR Doc. 2024-27380 Filed 11-21-24; 8:45 am]

BILLING CODE 9111-14-P

DEPARTMENT OF HOMELAND SECURITY

U.S. Customs and Border Protection

[OMB Control Number 1651–0004]

Agency Information Collection Activities; Extension; Application for Exportation of Articles Under Special Bond (CBP Form 3495)

AGENCY: U.S. Customs and Border Protection (CBP), Department of Homeland Security.

ACTION: 30-Day notice and request for comments.

SUMMARY: The Department of Homeland Security, U.S. Customs and Border Protection (CBP) will be submitting the following information collection request to the Office of Management and Budget (OMB) for review and approval in accordance with the Paperwork Reduction Act of 1995 (PRA). The information collection is published in the **Federal Register** to obtain comments from the public and affected agencies. **DATES:** Comments are encouraged and must be submitted (no later than December 23, 2024) to be assured of consideration.

ADDRESSES: Written comments and/or suggestions regarding the item(s) contained in this notice should be sent within 30 days of publication of this notice to www.reginfo.gov/public/do/PRAMain. Please submit written comments and/or suggestions in English. 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: Requests for additional PRA information should be directed to Seth Renkema, Chief, Economic Impact Analysis Branch, U.S. Customs and Border Protection, Office of Trade, Regulations and Rulings, 90 K Street NE, 10th Floor, Washington, DC 20229–1177, telephone number 202–325–0056 or via email CBP_PRA@cbp.dhs.gov. Please note that the contact information provided here is solely for questions regarding this notice. Individuals seeking information about other CBP programs should contact the CBP National Customer Service Center at 877–227–5511, (TTY) 1–800–877–8339, or CBP website at <https://www.cbp.gov/>.

SUPPLEMENTARY INFORMATION: CBP invites the general public and other Federal agencies to comment on the proposed and/or continuing information collections pursuant to the Paperwork Reduction Act of 1995 (44 U.S.C. 3501

et seq.). This proposed information collection was previously published in the **Federal Register** (89 FR 76865) on September 19, 2024, allowing for a 60-day comment period. This notice allows for an additional 30 days for public comments. This process is conducted in accordance with 5 CFR 1320.8. Written comments and suggestions from the public and affected agencies should address one or more of the following four points: (1) whether the proposed collection of information is necessary for the proper performance of the functions of the agency, including whether the information will have practical utility; (2) the accuracy of the agency’s estimate of the burden of the proposed collection of information, including the validity of the methodology and assumptions used; (3) suggestions to enhance the quality, utility, and clarity of the information to be collected; and (4) suggestions to 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. The comments that are submitted will be summarized and included in the request for approval. All comments will become a matter of public record.

Overview of This Information Collection

Title: Application for Exportation of Articles Under Special Bond.

OMB Number: 1651–0004.

Form Number: 3495.

Current Actions: CBP proposes to extend the expiration date of this information collection with no change to the burden hours or to the information being collected.

Type of Review: Extension (without change).

Affected Public: Businesses.

Abstract: CBP Form 3495, *Application for Exportation of Articles Under Special Bond*, is an application for exportation of articles entered under temporary bond pursuant to chapter 98, subchapter XIII, Harmonized Tariff Schedule of the United States (19 U.S.C. 1202), and 19 CFR 10.38. CBP Form 3495 is used by importers to notify CBP that the importer intends to export goods designated for examination that were subject to a duty exemption based on a temporary stay in this country. It also serves as a permit to export in order to satisfy the importer’s obligation to export the same goods and thereby get a duty exemption. This form is accessible at: <https://www.cbp.gov/>

newsroom/publications/forms?title=3495&=Apply.

Type of Information Collection: Form 3495.

Estimated Number of Respondents: 500.

Estimated Number of Annual Responses per Respondent: 30.

Estimated Number of Total Annual Responses: 15,000.

Estimated Time per Response: 8 minutes.

Estimated Total Annual Burden Hours: 2,000.

Dated: November 19, 2024.

Seth D. Renkema,

Branch Chief, Economic Impact Analysis Branch, U.S. Customs and Border Protection.

[FR Doc. 2024–27453 Filed 11–21–24; 8:45 am]

BILLING CODE 9111–14–P

DEPARTMENT OF HOMELAND SECURITY

U.S. Customs and Border Protection

[OMB Control Number 1651–0037]

Agency Information Collection Activities; Extension; Entry of Articles for Exhibition

AGENCY: U.S. Customs and Border Protection (CBP), Department of Homeland Security.

ACTION: 30-Day notice and request for comments.

SUMMARY: The Department of Homeland Security, U.S. Customs and Border Protection (CBP) will be submitting the following information collection request to the Office of Management and Budget (OMB) for review and approval in accordance with the Paperwork Reduction Act of 1995 (PRA). The information collection is published in the **Federal Register** to obtain comments from the public and affected agencies.

DATES: Comments are encouraged and must be submitted (no later than December 23, 2024) to be assured of consideration.

ADDRESSES: Written comments and/or suggestions regarding the item(s) contained in this notice should be sent within 30 days of publication of this notice to www.reginfo.gov/public/do/PRAMain. Please submit written comments and/or suggestions in English. 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: Requests for additional PRA information should be directed to Seth Renkema,

Chief, Economic Impact Analysis Branch, U.S. Customs and Border Protection, Office of Trade, Regulations and Rulings, 90 K Street NE, 10th Floor, Washington, DC 20229-1177, telephone number 202-325-0056 or via email CBP_PRA@cbp.dhs.gov. Please note that the contact information provided here is solely for questions regarding this notice. Individuals seeking information about other CBP programs should contact the CBP National Customer Service Center at 877-227-5511, (TTY) 1-800-877-8339, or CBP website at <https://www.cbp.gov/>.

SUPPLEMENTARY INFORMATION: CBP invites the general public and other Federal agencies to comment on the proposed and/or continuing information collections pursuant to the Paperwork Reduction Act of 1995 (44 U.S.C. 3501 *et seq.*). This proposed information collection was previously published in the **Federal Register** (89 FR 59921) on July 24, 2024, allowing for a 60-day comment period. This notice allows for an additional 30 days for public comments. This process is conducted in accordance with 5 CFR 1320.8. Written comments and suggestions from the public and affected agencies should address one or more of the following four points: (1) whether the proposed collection of information is necessary for the proper performance of the functions of the agency, including whether the information will have practical utility; (2) the accuracy of the agency's estimate of the burden of the proposed collection of information, including the validity of the methodology and assumptions used; (3) suggestions to enhance the quality, utility, and clarity of the information to be collected; and (4) suggestions to 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. The comments that are submitted will be summarized and included in the request for approval. All comments will become a matter of public record.

Overview of This Information Collection

Title: Entry of Articles for Exhibition.
OMB Number: 1651-0037.

Current Actions: CBP proposes to extend the expiration date of this information collection with no change to the burden hours or to the information collected.

Type of Review: Extension (without change).

Affected Public: Businesses.

Abstract: Goods entered for the purpose of exhibit at fairs, or for use in constructing, installing, or maintaining foreign exhibits at a designated trade fair may be entered free of duty under 19 U.S.C. 1752. In order to substantiate that the goods qualify for duty-free treatment, pursuant to 19 CFR part 147, the consignee of the merchandise must provide information to CBP about the imported goods, under the procedures discussed in as provided in 19 CFR 147.11, and using the form of entry specified in 19 CFR 147.11(c). Without the required information CBP will not be able to determine if the goods qualify for duty free treatment. A trade fair entry does not require the payment of taxes or fees except for the Harbor Maintenance Fee (HMF), which is required. Moreover, trade Fair entries are not exempt from HMF pursuant to 19 CFR 24.24(c). "The collection of information is made upon arrival at the port of the fair on a special form of entry, 19 CFR 147.11(c)."

Type of Information Collection:
Articles for Exhibition.

Estimated Number of Respondents:
50.

Estimated Number of Annual Responses per Respondent: 50.

Estimated Number of Total Annual Responses: 2,500.

Estimated Time per Response: 20 minutes.

Estimated Total Annual Burden Hours: 833.

Dated: November 19, 2024.

Seth D. Renkema,

Branch Chief, Economic Impact Analysis Branch, U.S. Customs and Border Protection.

[FR Doc. 2024-27452 Filed 11-21-24; 8:45 am]

BILLING CODE 9111-14-P

DEPARTMENT OF HOMELAND SECURITY

Notice of the Renewal of the Critical Infrastructure Partnership Advisory Council Charter

AGENCY: Cybersecurity and Infrastructure Security Agency (CISA), Department of Homeland Security.

ACTION: Notice of availability; renewal of the Critical Infrastructure Partnership Advisory Council Charter.

SUMMARY: On September 9, 2024, the Secretary of the Department of Homeland Security approved the renewal of the Critical Infrastructure Partnership Advisory Council (CIPAC) Charter. Through this notice, the Department is making the renewed CIPAC Charter publicly available and

highlighting updated information and guidelines that have been included in the renewed charter.

FOR FURTHER INFORMATION CONTACT:

Amy J. Campbell, 202-372-7014, amy.campbell@mail.cisa.dhs.gov.

SUPPLEMENTARY INFORMATION: DHS established the CIPAC on March 24, 2006¹ (71 FR 14930). Since its inception, DHS Secretaries have exempted the CIPAC from the requirements of the Federal Advisory Committee Act (FACA), Title 5, United States Code, Ch. 10, pursuant to their authority under 6 U.S.C. 451. The CIPAC facilitates interactions between government officials and representatives of owners and/or operators for each of the critical infrastructure sectors established by National Security Memorandum on Critical Infrastructure Security and Resilience (NSM-22) and identified in the current National Infrastructure Protection Plan. Please visit <https://www.cisa.gov/critical-infrastructure-partnership-advisory-council> for more information on CIPAC, activities supported by CIPAC, CIPAC Membership Roster, and Council information.

On September 9, 2024, the Secretary of Homeland Security renewed the CIPAC Charter for an additional two years. The renewed CIPAC Charter supersedes the CIPAC Charter dated November 29, 2022, and is available on the CIPAC website at <https://www.cisa.gov/critical-infrastructure-partnership-advisory-council>. The renewed CIPAC Charter includes administrative updates and clarifying information.

Amy J. Campbell,

Designated Federal Officer, Critical Infrastructure Partnership Advisory Council, Cybersecurity and Infrastructure Security Agency, Department of Homeland Security.

[FR Doc. 2024-27340 Filed 11-21-24; 8:45 am]

BILLING CODE 9111-LF-P

DEPARTMENT OF HOMELAND SECURITY

Transportation Security Administration

[Docket No. TSA-2011-0008]

Aviation Security Advisory Committee; Public Meeting

AGENCY: Transportation Security Administration, DHS.

¹ The CIPAC was established consistent with 6 U.S.C. 121 and 6 U.S.C. 451(a). Pursuant to the Cybersecurity and Infrastructure Security Agency Act of 2018, the National Protection and Programs Directorate (NPPD) was re-designated as CISA, and the authorities related to the CIPAC under 6 U.S.C. 121 were transferred to 6 U.S.C. 652.

ACTION: Committee management; notice of open Federal advisory committee meeting.

SUMMARY: The Transportation Security Administration (TSA) will hold a public meeting of the Aviation Security Advisory Committee (ASAC) on December 11, 2024. Members of the ASAC will meet in person at the TSA Headquarters. Members of the public will be able to participate virtually via Teams. The meeting agenda and information on public participation is provided below under the **SUPPLEMENTARY INFORMATION** section.

DATES: The meeting will take place on Thursday, December 11, 2024. The meeting will begin at 10 a.m. and adjourn at 1 p.m., eastern standard time (EST). As listed in the Public Participation section below, requests to attend the meeting, to address the ASAC, and/or for accommodations because of a disability, must be received by November 29, 2024.

ADDRESSES: The in-person meeting for ASAC members will be held at the TSA Headquarters, located at 6595 Springfield Center Drive, Springfield, Virginia 20598. See Public Participation section below for information on how to register to attend the meeting. Attendance information will be provided upon registration.

FOR FURTHER INFORMATION CONTACT: Tamika McCree Elhilali, Aviation Security Advisory Committee, Designated Federal Officer, U.S. Department of Homeland Security, Transportation Security Administration, 6595 Springfield Center Drive, (TSA-28), Springfield, Virginia 20598, ASAC@tsa.dhs.gov, 571-227-2632.

SUPPLEMENTARY INFORMATION:

Background

TSA is providing notice of this meeting in accordance with the Aviation Security Stakeholder Participation Act of 2014, Public Law 113-238 (128 Stat. 2842; Dec. 18, 2014), as codified at 49 U.S.C. 44946. The ASAC provides advice and industry perspective to the Administrator of TSA on aviation security matters, including the development, refinement, and implementation of policies, programs, rulemaking, and security directives pertaining to aviation security. While the ASAC is exempt from the Federal Advisory Committee Act (5 U.S.C. ch. 10), *see* 49 U.S.C. 44946(f), paragraph 44946(c)(4)(B) requires that TSA hold at least one public meeting each year.

Meeting Agenda

The Committee will meet to discuss items listed in the agenda below:

- Legislative Update
- TSA Budget Update
- Subcommittee and Work Group briefings on calendar year (CY) 2024 activities, key issues, and areas of focus for CY 2025:
 - Air Cargo
 - Airlines
 - Airports
 - General Aviation
 - Insider Threat
 - International Aviation
 - Security Technology
- Public Comments
- Closing Comments and Adjournment

Public Participation

The meeting will be open to the public via Teams. Members of the public who wish to participate are required to register via email by submitting their name, contact number, and affiliation (if applicable) to ASAC@tsa.dhs.gov by November 29, 2024. Attendees will be admitted on a first-to-register basis and attendance may be limited due to Teams meeting constraints. Attendance information will be provided upon registration.

Members of the public wishing to present oral or written statements must make advance arrangements by November 29, 2024. The statements must specifically address issues pertaining to the items listed in the Meeting Agenda above. Advance requests to present and/or written statements must be submitted via email to ASAC@tsa.dhs.gov. The public comment period will begin at approximately 12 p.m. and will end at 1 p.m. EST. Oral presenters are requested to limit their comments to 3 minutes.

The ASAC and TSA are committed to ensuring all participants have equal access regardless of disability status. If you need alternative formats or services because of a disability, to full participate, please contact the person listed in the **FOR FURTHER INFORMATION CONTACT** section by November 29, 2024.

Dated: November 18, 2024.

Eddie D. Mayenschein,

Assistant Administrator, Policy, Plans, and Engagement.

[FR Doc. 2024-27441 Filed 11-21-24; 8:45 am]

BILLING CODE 9110-05-P

DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT

[Docket No. FR-7092-N-40]

Privacy Act of 1974; System of Records

AGENCY: Office of Multifamily Housing, Office of Housing, HUD.

ACTION: Notice of a modified system of records.

SUMMARY: Pursuant to the provisions of the Privacy Act of 1974, as amended, the Department of the Housing and Urban Development (HUD), Office of Multifamily Housing, is modifying system of records for the Tenant Rental Assistance Certification System (TRACS). The modification makes clarifying changes to the authority for maintenance of the system, routine uses, policies and practices for retention and disposal of records. The updates are explained in the “Supplementary Section” of this notice. This notice supersedes the previously published SORN.

DATES: Comments will be accepted on or before December 23, 2024. This proposed action will be effective immediately upon publication. Routine uses will become effective on the date following the end of the comment period unless comments are received which result in a contrary determination.

ADDRESSES: You may submit comments, identified by docket number or by one of the following methods:

Federal e-Rulemaking Portal: <http://www.regulations.gov>. Follow the instructions provided on that site to submit comments electronically.

Fax: 202-619-8365.

Email: www.privacy@hud.gov.

Mail: Attention: Privacy Office; LaDonne White, Chief Privacy Officer; Office of the Executive Secretariat; 451 Seventh Street SW, Room 10139; Washington, DC 20410-0001.

Instructions: All submissions received must include the agency name and docket number for this rulemaking. All comments received will be posted without change to <https://www.regulations.gov>, including any personal information provided.

Docket: For access to the docket to read background documents or comments received, go to <https://www.regulations.gov>.

FOR FURTHER INFORMATION CONTACT: Ladonne White; 451 Seventh Street SW, Room 10139; Washington, DC 20410-0001; telephone number (202) 708-3054 (this is not a toll-free number). HUD welcomes and is prepared to receive calls from individuals who are deaf or hard of hearing, as well as individuals with speech or communication disabilities. To learn more about how to make an accessible telephone call, please visit <https://www.fcc.gov/consumers/guides/telecommunications-relayservice-trs>.

SUPPLEMENTARY INFORMATION: HUD, Office of Multifamily Housing maintains the TRACS System. HUD is publishing this notice to include these changes reflecting the modified items below:

1. *Authority of Maintenance of the System:* Updated to reflect accurate authority The Housing and Community Development Amendments of 1981, Public Law 97–35, 95 Stat. 408 citation, which was previously cited as Public Law 97–35, 95 Stat. 408.

2. *Routine Uses for Records Maintained in the System:* Updated to bring it to current applicable routine uses. Routine Use (3) language updated to reflect “applicants”. Routine Use (14) was removed as a redundant of exception (b)(8) of the Privacy Act.

3. *Policies and Practices for Retention and Disposal of Records:* Updated to reflect the accurate disposition authority number and retention instructions on all modules and subsystems cover TRACS module.

SYSTEM NAME AND NUMBER:

Tenant Rental Assistance Certification System (TRACS)–HUD/HOU–11.

SECURITY CLASSIFICATION:

Unclassified.

SYSTEM LOCATION:

The Department of Housing and Urban Development Headquarters, 451 Seventh Street SW, Washington, DC 20410–0001; and at HUD Field and Regional Office. TRACS is maintained at: the National Center for Critical Information Processing and Storage, 9325 Cypress Loop Road, Stennis, MS 39629.

SYSTEM MANAGER(S):

Lanier M. Hylton, Senior Program Manager, Office of Deputy Assistant Secretary for Multifamily Housing Programs, 451 7th Street SW, Room 6124 Washington, DC 20410, (202) 708–2495.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

The United States Housing Act of 1937, Public Law 93–383, 88 Stat. 653, as amended, 42 U.S.C. 1437 *et seq.*; The Housing and Community Development Act of 1987, Public Law 100–242, 101 Stat. 1864, section 165, 42 U.S.C 3543, The Housing and Community Development Amendments of 1981, Public Law 97–35, 95 Stat. 408; The Stewart B. McKinney Homeless Assistance Amendments Act of 1988, Public Law 100–628, 102 Stat. 3259, section 904 as amended, 42 U.S.C. 3544.

PURPOSE(S) OF THE SYSTEM:

TRACS performs edit checks and accepts tenant and voucher request data

needed to verify data quality, and interfaces with other HUD systems to validate tenant income, verify contract funding, obligate, and commit contract funds, provide information to other HUD divisions, and submit voucher requests for payment to minimize improper payments, and detect subsidy fraud, waste, and abuse in multifamily housing rental housing assistance programs. TRACS automates and integrates critical modules for TRACS activities related to the Contract Business System, the Tenant Business System, and the Voucher/Payment Business System:

- Integrated Multifamily Access Exchange (iMAX) provides efficient access to authorized industry partners (*i.e.*, Contract Administrators (CAs) and Owner/Agents (OAs)) to transmit tenant data and voucher data files to HUD and other authorized partners.

- Integrated Contracts (iCon) supports rental assistance contracts repository. Contracts are added (*e.g.*, for the Rental Assistance Demonstration (RAD) and Paperwork Reduction Act (PRA) 811 demo programs) and maintained by internal MFH staff.

- Automated Renewal and Amendment Management Subsystem (ARAMS) Supports funding functions for contract renewals and amendments. Headquarters staff enter and update funding transactions which are then interfaced to Line of Credit Control System (LOCCS).

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

Individuals receiving project-based rental housing assistance; property owner, management agent, and contract administrator who administers or receives subsidies.

CATEGORIES OF RECORDS IN THE SYSTEM:

Full Name, SSN, Date of Birth, Employment Status/History/Information, Address, Marital Status, Military Status or other information, Race/Ethnicity, Phone Number(s), Email Address(s), Salary, Sex, Taxpayer ID, User ID, Name of head of household member, Name of all household members, Name of Owners/management agent, Tenant/owners/management agent, Identification number: Alien Registration Number and Taxpayer Identification Number (TIN), Spouse name, and financial transactions pertaining to the contracts.

RECORD SOURCE CATEGORIES:

Records in the system are obtained from owners/management agents/ Housing Authorities and/or Contract administrators on behalf of the assisted

tenants. The TRACS system and contained subsystems may collect data and information from the following other systems: Geocode Service Center (GSC), Line of Credit Control System (LOCCS), HUD Central Accounting and Program System (HUDCAPS), Integrated Real Estate Management System (iREMS), Enterprise Income Verification (EIV), Multifamily Data Warehouse (MFH) Data Mart, and Web Access Security System (WASS).

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND PURPOSES OF SUCH USES:

(1) To contractors, grantees, experts, consultants, Federal agencies, and non-Federal entities, including, but not limited to, State and local governments and other research institutions or their parties, and entities and their agents with whom HUD has a contract, service agreement, grant, cooperative agreement, or other agreement for the purposes of statistical analysis and research in support of program operations, management, performance monitoring, evaluation, risk management, and policy development, to otherwise support the Department's mission, or for other research and statistical purposes not otherwise prohibited by law or regulation. Records under this routine use may not be used in whole or in part to make decisions that affect the rights, benefits, or privileges of specific individuals. The results of the matched information may not be disclosed in identifiable form.

(2) To Housing Authorities, (HAs) to verify the accuracy and completeness of tenant data used in determining eligibility and continued eligibility and the amount of housing assistance received.

(3) To Private Owners of assisted housing to verify the accuracy and completeness of the applicant and tenant data used in determining eligibility and continued eligibility and the amount of assistance received by the applicant.

(4) To HAs, owners, management agents and contract administrators to identify and resolve discrepancies in tenant data.

(5) To the Internal Revenue Service to report income using IRS Form 1099 and to disclose records to the Internal Revenue Service when HUD determines that the use of those records is relevant and necessary to report payments or discharge of indebtedness.

(6) To Social Security Administration and Immigration and Naturalization Service to verify alien status and continued eligibility in HUD's rental

assistance programs via Enterprise Income Verification (EIV).

(7) To the congressional office from the record of an individual in response to an inquiry from that congressional office made at the request of the individual to whom the record pertains.

(8) To the Universal Service Administrative Company (USAC), which is designated by the Federal Communications Commission (FCC) as the Federal administrator of the Universal Service Fund (USF or Fund) Lifeline Program (Lifeline), the Emergency Broadband Benefit (EBB) program and other Federal Telecommunications Benefit (FTB) programs that utilizes Lifeline eligibility criteria as specified by the Lifeline program, 47 CFR 54.409. The purpose of this routine use is to establish eligibility for the Lifeline, EBB and other FTB programs for families which also participate in a HUD rental assistance program.

(9) To any Federal, State, or local agency (*e.g.*, State agencies administering the State's unemployment compensation laws, Temporary Assistance to Needy Families, or Supplemental Nutrition Assistance Program agencies, U.S. Department of Health and Human Services, and U.S. Social Security Administration): To verify the accuracy and completeness of the data provided, to verify eligibility or continued eligibility in HUD's rental assistance programs, to identify and recover improper payments under the Payment Integrity Information Act of 2019, Public Law 116–117, and to aid in the identification of tenant errors, fraud, and abuse in assisted housing programs.

(10) To appropriate agencies, entities, and persons when: (1) HUD suspects or has confirmed that there has been a breach of the system of records; (2) HUD has determined that as a result of the suspected or confirmed breach there is a risk of harm to individuals, HUD (including its information systems, programs, and operations), the Federal Government, or national security; and (3) the disclosure made to such agencies, entities, and persons is reasonably necessary to assist in connection with HUD's efforts to respond to the suspected or confirmed breach or to prevent, minimize, or remedy such harm.

(11) To another Federal agency or Federal entity, when HUD determines that information from this system of records is reasonably necessary to assist the recipient agency or entity in (1) responding to suspected or confirmed breach, or (2) preventing, minimizing, or remedying the risk of harm to individuals, the recipient agency or

entity (including its information systems, programs, and operations), the Federal Government, or national security, resulting from a suspected or confirmed breach.

(12) To contractors, experts, and consultants with whom HUD has a contract, service agreement, or another assignment when HUD provides system access to HUD contractors to develop, maintain and troubleshoot application issues to support the Department's programs needed to meet its mission. Upgrades and migrations to this TRACS system are needed to meet the changes in technology and improve system performance.

(13) To Federal agencies, non-Federal entities, their employees, and agents (including contractors, their agents or employees; employees or contractors of the agents or designated agents); or contractors, their employees or agents with whom HUD has a contract, service agreement, grant, cooperative agreement, or computer matching agreement for the purpose of: (1) detection, prevention, and recovery of improper payments; (2) detection and prevention of fraud, waste, and abuse in major Federal programs administered by a Federal agency or non-Federal entity; (3) detection of fraud, waste, and abuse by individuals in their operations and programs; (4) for the purpose of establishing or verifying the eligibility of, or continuing compliance with statutory and regulatory requirements by, applicants for, recipients or beneficiaries of, participants in, or providers of services with respect to, cash or in-kind assistance or payments under Federal benefits programs or recouping payments or delinquent debts under such Federal benefits programs. Records under this routine use may be disclosed only to the extent that the information shared is necessary and relevant to verify pre-award and prepayment requirements prior to the release of Federal funds or to prevent and recover improper payments for services rendered under programs of HUD or of those Federal agencies and non-Federal entities to which HUD provides information under this routine use.

(14) To contractors, grantees, experts, consultants and their agents, or others performing or working under a contract, service, grant, cooperative agreement, or other agreement with HUD, when necessary to accomplish an agency function related to a system of records.

(15) To any component of the Department of Justice or other Federal agency conducting litigation or in proceedings before any court, adjudicative, or administrative body,

when HUD determines that the use of such records is relevant and necessary to the litigation and when any of the following is a party to the litigation or have an interest in such litigation: (1) HUD, or any component thereof; or (2) any HUD employee in his or her official capacity; or (3) any HUD employee in his or her individual capacity where the Department of Justice or agency conducting the litigation has agreed to represent the employee; or (4) the United States, or any agency thereof, where HUD determines that litigation is likely to affect HUD or any of its components.

(16) To appropriate Federal, State, local, Tribal, or other governmental agencies or multilateral governmental organizations responsible for investigating or prosecuting the violations of, or for enforcing or implementing, a statute, rule, regulation, order, or license, where HUD determines that the information would assist in the enforcement of civil or criminal laws and when such records, either alone or in conjunction with other information, indicate a violation or potential violation of law.

(17) To a court, magistrate, administrative tribunal, or arbitrator in the course of presenting evidence, including disclosures to opposing counsel or witnesses in the course of civil discovery, litigation, mediation, or settlement negotiations, or in connection with criminal law proceedings; when HUD determines that use of such records is relevant and necessary to the litigation and when any of the following is a party to the litigation or have an interest in such litigation: (1) HUD, or any component thereof; or (2) any HUD employee in his or her official capacity; or (3) any HUD employee in his or her individual capacity where HUD has agreed to represent the employee; or (4) the United States, or any agency thereof, where HUD determines that litigation is likely to affect HUD or any of its components.

POLICIES AND PRACTICES FOR STORAGE OF RECORDS:

Electronic and paper.

POLICIES AND PRACTICES FOR RETRIEVAL OF RECORDS:

Name, SSN, Home Address.

POLICIES AND PRACTICES FOR RETENTION AND DISPOSAL OF RECORDS:

TRACS retention and disposal requirements are assessed at the module level:

(a) ARAMS module (Contract Database) retention instruction is

Temporary: Delete data twenty-five years after the contract expiration date.

(b) Tenant Module retention (Extract of TRACS Tenant Data (HUD 50059 data)) instruction is Permanent: Transfer current year electronic data to the National Archives annually at end of calendar year. The initial transfer must include historic (1995–2006) and current electronic data. N1–207–06–2, item 14.B (a)(2).

(c) Voucher Module (Voucher Database) retention instruction is Temporary: Archive data to tape five (5) years after the last voucher date or any voucher from a contract that has been terminated five (5) years or longer. Delete data from the tape twenty-five (25) years after the last voucher date or any voucher from a contract that has been terminated twenty-five (25) years or longer. N1–207–06–2–Item 14 B a2(c).

(d) iMAX Module retention is Temporary: Delete data twenty-five years after contract expiration date. (NARA Job No. N1–207–06–2, item 14.B (a)(2)(b)).

(e) User Guides and Manuals for TRACS and all modules or subsystems retention instruction is Temporary: Destroy or delete when superseded or obsolete. N1–207–06–2, item 14.D(e).

(f) iCon module (Contract Database) retention is Temporary: Delete data twenty-five years after the contract expiration date. Backup and Recovery of digital media will be destroyed or otherwise rendered irrecoverable per NIST SP 800–88 Revision 1 “Guidelines for Media Sanitization” N1–207–06–2–Item 14 B a2(b).

(g) Tenant Database (HUD 50059 data) retention is Temporary. Archive data to tape three (3) years after the certification effective date. NARA Job No. N1–207–06–2, item 14.B (a).

(h) Tenant Archives Database (Sub-set of data derived from Tenant Database) Retention is Temporary. Delete data twenty-five (25) years after the tenant move-out date or twenty-five (25) years after the termination date. NARA Job No. 1–207–06–2, item 14.B(a)(1).

(i) System Documentation and Data Administration Records GRS 3.1 Item 50 & 51

a. Item 50—Documentation necessary for preservation of permanent electronic records. Permanent. Transfer to the National Archives with the permanent electronic records to which the documentation relates. DAA–GRS–2013–0005–0002

b. Item 51—All documentation for temporary electronic records and documentation not necessary for the preservation of permanent records Temporarily. Destroy 5 years after the project/activity/transaction is completed

or superseded, or the associated system is terminated, or the associated data is migrated to a successor system, but longer retention is authorized if required for business use. DAA–GRS–2013–0005–0034.

(j) System Development records. GRS 3.1 Item 10 & 11

a. Item 10—Infrastructure project records. Temporary. Destroy 5 years after the project is terminated, but longer retention is authorized if required for business use. DAA–GRS–2013–0005–0006.

b. Item 11—System development records. Temporary. Destroy 5 years after the system is superseded by a new iteration, or is terminated, defunded, or no longer needed for agency/IT administrative purposes, but longer retention is authorized if required for business use. DAA–GRS–2013–0005–0007.

(k) Systems and data security records GRS 3.2 Item 10

a. Item 10—Systems and data security records. Temporary. Destroy 1 year after the system is superseded by a new iteration or when no longer needed for agency/IT administrative purposes to ensure a continuity of security controls throughout the life of the system. DAA–GRS–2013–0006–0001

(l) System Access Records GRS 3.2 Item 31

a. Item 31—Systems requiring special accountability for access. Temporary. Destroy 6 years after the password is altered or the user account is terminated, but longer retention is authorized if required for business use. DAA–GRS–2013–0006–0004.

(m) Input and Output Files GRS 5.1 Item 20

a. Item 20—Temporary. Destroy immediately after copying to a recordkeeping system or otherwise preserving, but longer retention is authorized if required for business use. DAA–GRS–2016–0016–0002.

ADMINISTRATIVE, TECHNICAL, AND PHYSICAL SAFEGUARDS:

Access to TRACS is by password and user ID and is limited to authorized users. Role-based access levels or assignment roles are restricted to those with a need to know. When first gaining access to TRACS annually, all users must agree to the system’s Rules of Behavior, which specify the handling of personal information and any physical records. Access to facilities containing and storing physical copies of this data is controlled by security protocol signed to limit access to authorized individuals.

RECORD ACCESS PROCEDURES:

Individuals requesting records of themselves should address written inquiries to the Department of Housing Urban and Development, 451 7th Street SW, Washington, DC 20410–0001. For verification, individuals should provide their full name, current address, and telephone number. In addition, the requester must provide either a notarized statement or an unsworn declaration made under 24 CFR 16.4.

CONTESTING RECORD PROCEDURES:

The HUD rule for contesting the content of any record pertaining to the individual by the individual concerned is published in 24 CFR 16.8 or may be obtained from the system manager.

NOTIFICATION PROCEDURES:

Individuals requesting notification of records of themselves should address written inquiries to the Department of Housing Urban Development, 451 7th Street SW, Washington, DC 20410–0001. For verification purposes, individuals should provide their full name, office or organization where assigned, if applicable, and current address and telephone number. In addition, the requester must provide either a notarized statement or an unsworn declaration made under 24 CFR 16.4.

EXEMPTIONS PROMULGATED FOR THE SYSTEM:

None.

HISTORY:

Docket No. FR–7077–N–13, 88 FR 62813, September 13, 2023.

LaDonne L. White,

Chief Privacy Officer, Office of Administration.

[FR Doc. 2024–27420 Filed 11–21–24; 8:45 am]

BILLING CODE 4210–67–P

DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT

[Docket No. FR–7080–N–55]

30-Day Notice of Proposed Information Collection: Personal Financial and Credit Statement; OMB Control No.: 2502–0001

AGENCY: Office of Policy Development and Research, Chief Data Officer, HUD.

ACTION: Notice.

SUMMARY: HUD is seeking approval from the Office of Management and Budget (OMB) for the information collection described below. In accordance with the Paperwork Reduction Act, HUD is requesting comments from all interested parties on the proposed collection of information. The purpose of this notice

is to allow for an additional 30 days of public comment.

DATES:

Comments Due Date: December 23, 2024.

ADDRESSES: Interested persons are invited to submit comments regarding this proposal. Written comments and recommendations for the proposed information collection should be sent within 30 days of publication of this notice to www.reginfo.gov/public/do/PRAMain. Find this particular information collection by selecting “Currently under 30-day Review—Open for Public Comments” or by using the search function. Interested persons are also invited to submit comments regarding this proposal and comments should refer to the proposal by name and/or OMB Control Number and should be sent to: Colette Pollard, Reports Management Officer, REE, Department of Housing and Urban Development, 451 7th Street SW, Room 8210, Washington, DC 20410–5000;

email PaperworkReductionActOffice@hud.gov.

FOR FURTHER INFORMATION CONTACT:

Colette Pollard, Reports Management Officer, REE, Department of Housing and Urban Development, 7th Street SW, Room 8210, Washington, DC 20410; email Colette.Pollard@hud.gov or telephone (202) 402–3400. This is not a toll-free number. HUD welcomes and is prepared to receive calls from individuals who are deaf or hard of hearing, as well as individuals with speech or communication disabilities. To learn more about how to make an accessible telephone call, please visit <https://www.fcc.gov/consumers/guides/telecommunications-relay-service-trs>.

Copies of available documents submitted to OMB may be obtained from Ms. Pollard.

SUPPLEMENTARY INFORMATION: This notice informs the public that HUD is seeking approval from OMB for the information collection described in Section A.

The **Federal Register** notice that solicited public comment on the information collection for a period of 60 days was published on June 28, 2024 at 89 FR 54028.

A. Overview of Information Collection

Title of Information Collection: Personal Financial and Credit Statement.

OMB Approval Number: 2502–0001.

Type of Request: Reinstatement of previously approved collection for which approval has expired.

Form Number: HUD–92417.

Description of the need for the information and proposed use: On 7/31/22, this information collection expired. HUD is reinstating the collection to transfer the form HUD–92417 to another approved collection 2502–0029 and to discontinue 2502–0001.

Respondents: Individuals.

Estimated Number of Respondents: 1,230.

Information collection	Number of respondents	Frequency of response	Responses per annum	Burden hour per response	Annual burden hours
HUD–92417	1,230	1	1,824	8	9,840

B. Solicitation of Public Comment

This notice is soliciting comments from members of the public and affected parties concerning the collection of information described in Section A on the following:

(1) Whether the proposed collection of information is necessary for the proper performance of the functions of the agency, including whether the information will have practical utility;

(2) The accuracy of the agency’s estimate of the burden of the proposed collection of information;

(3) Ways to enhance the quality, utility, and clarity of the information to be collected; and

(4) Ways to minimize the burden of the collection of information on those who are to respond; including through the use of appropriate automated collection techniques or other forms of information technology, *e.g.*, permitting electronic submission of responses.

(5) ways to minimize the burden of the collection of information on those who are to respond, including the use of automated collection techniques or other forms of information technology.

HUD encourages interested parties to submit comment in response to these questions.

C. Authority

Section 3507 of the Paperwork Reduction Act of 1995, 44 U.S.C. chapter 35.

Colette Pollard,

*Department Reports Management Officer,
Office of Policy Development and Research,
Chief Data Officer.*

[FR Doc. 2024–27412 Filed 11–21–24; 8:45 am]

BILLING CODE 4210–67–P

DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT

[Docket No. FR–6460–N–02]

**Notice of Regulatory Waiver Requests
Granted for the Second Quarter of
Calendar Year 2024**

AGENCY: Office of the General Counsel, HUD.

ACTION: Notice.

SUMMARY: Section 106 of the Department of Housing and Urban Development Reform Act of 1989 (the HUD Reform Act) requires HUD to publish quarterly **Federal Register** notices of all regulatory waivers that HUD has approved. Each notice covers the quarterly period since the previous **Federal Register** notice. The purpose of this notice is to comply with the requirements of section 106 of the HUD

Reform Act. This notice contains a list of regulatory waivers granted by HUD during the period beginning on April 1, 2024 and ending on June 30, 2024.

FOR FURTHER INFORMATION CONTACT: For general information about this notice, contact Aaron Santa Anna, Associate General Counsel for Legislation and Regulations, Department of Housing and Urban Development, 451 7th Street SW, Room 10282, Washington, DC 20410–0500, telephone 202–708–5300 (this is not a toll-free number). HUD welcomes and is prepared to receive calls from individuals who are deaf or hard of hearing, as well as individuals with speech and communication disabilities.

To learn more about how to make an accessible telephone call, please visit please visit: <https://www.fcc.gov/consumers/guides/telecommunications-relay-service-trs>.

For information concerning a particular waiver that was granted and for which public notice is provided in this document, contact the person whose name and address follow the description of the waiver granted in the accompanying list of waivers that have been granted in the second quarter of calendar year 2024.

SUPPLEMENTARY INFORMATION: Section 106 of the HUD Reform Act added a new section 7(q) to the Department of Housing and Urban Development Act

(42 U.S.C. 3535(q)), which provides that:

1. Any waiver of a regulation must be in writing and must specify the grounds for approving the waiver;

2. Authority to approve a waiver of a regulation may be delegated by the Secretary only to an individual of Assistant Secretary or equivalent rank, and the person to whom authority to waive is delegated must also have authority to issue the particular regulation to be waived;

3. Not less than quarterly, the Secretary must notify the public of all waivers of regulations that HUD has approved, by publishing a notice in the **Federal Register**. These notices (each covering the period since the most recent previous notification) shall:

a. Identify the project, activity, or undertaking involved;

b. Describe the nature of the provision waived and the designation of the provision;

c. Indicate the name and title of the person who granted the waiver request;

d. Describe briefly the grounds for approval of the request; and

e. State how additional information about a particular waiver may be obtained.

Section 106 of the HUD Reform Act also contains requirements applicable to waivers of HUD handbook provisions that are not relevant to the purpose of this notice.

This notice follows procedures provided in HUD's Statement of Policy on Waiver of Regulations and Directives issued on April 22, 1991 (56 FR 16337). In accordance with those procedures and with the requirements of section 106 of the HUD Reform Act, waivers of regulations are granted by the Assistant Secretary with jurisdiction over the regulations for which a waiver was requested. In those cases in which a General Deputy Assistant Secretary granted the waiver, the General Deputy Assistant Secretary was serving in the absence of the Assistant Secretary in accordance with the office's Order of Succession.

This notice covers waivers of regulations granted by HUD from April 1, 2024 through June 30, 2024. For ease of reference, the waivers granted by HUD are listed by HUD program office (for example, the Office of Community Planning and Development, the Office of Fair Housing and Equal Opportunity, the Office of Housing, and the Office of Public and Indian Housing, etc.). Within each program office grouping, the waivers are listed sequentially by the regulatory section of title 24 of the Code of Federal Regulations (CFR) that is being waived. For example, a waiver of

a provision in 24 CFR part 58 would be listed before a waiver of a provision in 24 CFR part 570.

Where more than one regulatory provision is involved in the grant of a particular waiver request, the action is listed under the section number of the first regulatory requirement that appears in 24 CFR and that is being waived. For example, a waiver of both § 58.73 and § 58.74 would appear sequentially in the listing under § 58.73.

Waiver of regulations that involve the same initial regulatory citation are in time sequence beginning with the earliest-dated regulatory waiver.

Should HUD receive additional information about waivers granted during the period covered by this report (the second quarter of calendar year 2024) before the next report is published (the third quarter of calendar year 2024), HUD will include any additional waivers granted for the second quarter in the next report.

Accordingly, information about approved waiver requests pertaining to HUD regulations is provided in the Appendix that follows this notice.

Benjamin B. Klubes,

Principal Deputy General Counsel.

Appendix

Listing of Waivers of Regulatory Requirements Granted by Offices of the Department of Housing and Urban Development April 1, 2024 Through June 30, 2024

Note to Reader: More information about the granting of these waivers, including a copy of the waiver request and approval, may be obtained by contacting the person whose name is listed as the contact person directly after each set of regulatory waivers granted.

The regulatory waivers granted appear in the following order:

- I. Regulatory Waivers Granted by the Office of Community Planning and Development
- II. Regulatory Waivers Granted by the Office of Housing
- III. Regulatory Waivers Granted by the Office of Public and Indian Housing

I. Regulatory Waivers Granted by the Office of Community Planning and Development

For further information about the following regulatory waivers, please see the name of the contact person that immediately follows the description of the waiver granted.

- **Regulation:** 24 CFR 92.252(d)(1).

Project/Activity: Washoe County, Nevada, requested a waiver of 24 CFR 92.252(d)(1) to allow the use of the utility allowance established by the local public housing agency (PHA) for the Copper Mesa Apartments project.

Nature of Requirement: The HOME requirements for establishing utility allowances conflict with Project Based Voucher program requirements. It is not

possible to use two different utility allowances to set the rent for a single unit and it is administratively burdensome to require a project owner to establish and implement different utility allowances for HOME-assisted and non-HOME assisted units in a project.

Granted By: Marion M. McFadden, Principal Deputy Assistant Secretary for Community Planning and Development.

Date Granted: April 17, 2024.

Reason Waived: The HOME requirements for establishing utility allowances conflict with Project Based Voucher program requirements. It is not possible to use two different utility allowances to set the rent for a single unit and it is administratively burdensome to require a project owner to establish and implement different utility allowances for HOME-assisted and non-HOME assisted units in a project.

Contact: Virginia Sardone, Director, Office of Affordable Housing Programs, Office of Community and Development, Department of Housing and Urban Development, 451 Seventh Street SW, Room 7160, Washington, DC 20410, telephone (202) 708-2684.

- **Regulation:** 24 CFR 92.252(d)(1).

Project/Activity: Los Angeles County, California and Santa Ana, California requested waivers of 24 CFR 92.252(d)(1) to allow the use of the utility allowance established by the local public housing agency (PHA) for Metro at Florence (Los Angeles County, CA) and Westview House (Santa Ana, CA), two HOME-assisted rental projects.

Nature of Requirement: The HOME requirements for establishing utility allowances conflict with Project Based Voucher program requirements. It is not possible to use two different utility allowances to set the rent for a single unit and it is administratively burdensome to require a project owner to establish and implement different utility allowances for HOME-assisted and non-HOME assisted units in a project.

Granted By: Marion M. McFadden, Principal Deputy Assistant Secretary for Community Planning and Development.

Date Granted: April 22, 2024.

Reason Waived: The HOME requirements for establishing utility allowances conflict with Project Based Voucher program requirements. It is not possible to use two different utility allowances to set the rent for a single unit and it is administratively burdensome to require a project owner to establish and implement different utility allowances for HOME-assisted and non-HOME assisted units in a project.

Contact: Virginia Sardone, Director, Office of Affordable Housing Programs, Office of Community Planning & Development, Department of Housing and Urban Development, 451 Seventh Street SW, Room 7160, Washington, DC 20410, telephone (202) 708-2684.

- **Regulation:** Appendix I, Section B.2.a. of the Neighborhood Stabilization Program 2 Notice of Funding Availability (NOFA).

Project/Activity: Habitat for Humanity International's (HfHI) Dallas, TX affiliate redeveloped a property located at 4527 Jamaica Street, Dallas, TX with

Neighborhood Stabilization Program (NSP 2) funds made available through the American Recovery and Reinvestment Act of 2009 (the Recovery Act) and applied long-term affordability requirements to the property in accordance with Appendix I, Section B.2.a of the NSP 2 NOFA.

Nature of Requirement: The Housing and Economic Recovery Act of 2008 (HERA) and the Recovery Act required NSP grantees to ensure to the maximum extent practicable and for the longest feasible term, that the sale, rental, or redevelopment of abandoned or foreclosed NSP-assisted homes and residential properties remain affordable to individuals or families whose incomes do not exceed 120 percent of area median income. HUD implemented this requirement in Appendix I, Section B.2.a. of the NSP2 NOFA and provided that any applicant adopting the HOME Investment Partnerships (HOME) program standards at 24 CFR 92.252(a), (c), (e), and 92.254 to be in minimal compliance with the statutory requirement.

Granted By: Marion McFadden, Principal Deputy Assistant Secretary for Community Planning and Development.

Date Granted: April 22, 2024.

Reason Waived: The subject property, one of several hundred redeveloped nationally by HfHI, only met the affordability standard for six years. The HfHI Dallas affiliate foreclosed on the property because the home became occupied by squatters who no longer made mortgage payments, claimed sovereign citizen status, and made death threats against HfHI Dallas affiliate staff.

HUD determined that the grantee met the statutory requirement that the property remain affordable to individuals or families whose incomes do not exceed 120 percent of area median income to the maximum extent practicable and for the longest feasible term. Based on the explanation provided by HfHI and because HUD exercised its policy discretion when it adopted the HOME standard for continued affordability as a means to determine compliance, HUD found good cause to waive this requirement in this instance.

Contact: James E. Höemann, Director, Entitlement Communities Division, Office of Community Planning and Development, Department of Housing and Urban Development, 451 Seventh Street SW, Room 7282, Washington, DC 20410, telephone (202) 402-5716.

II. Regulatory Waivers Granted by the Office of Housing

For further information about the following regulatory waivers, please see the name of the contact person that immediately follows the description of the waiver granted.

- **Regulation:** 24 CFR 203.604 Servicing Responsibilities, Contact with the Mortgagor.

Project/Activity: Partial Waiver of required face-to-face contact with a mortgagor.

Nature of Requirement: 24 CFR 203.604 Servicing Responsibilities, Contact with the Mortgagor under Subpart C—Servicing Responsibilities of 24 CFR part 203 Single Family Mortgage Insurance, stipulates that mortgagees must have a face-to-face interview with the mortgagor, or make a reasonable effort to arrange a meeting, before

three full monthly installments due on the mortgage are unpaid. If default occurs in a repayment plan arranged other than during a personal interview, the mortgagee must have a face-to-face meeting with the mortgagor, or make a reasonable attempt to arrange such a meeting within 30 days after such default and at least 30 days before foreclosure is commenced.

Granted By: Julia R. Gordon, Assistant Secretary for Housing—Federal Housing Commissioner.

Date Granted: April 4, 2024.

Reason Waived: This Partial Waiver that was initially granted on March 13, 2020, at the onset of the Coronavirus Disease 2019 (COVID-19) Pandemic, was issued due to several reasons including, but not limited to, continued public health concerns around the spread of COVID-19. The extension of this Partial Waiver was issued because at the time of issuance, HUD was in the process of considering public comments to finalize rule making proposed to amend the current requirements of § 203.604. Without this Partial Waiver extension, mortgagees have had to restart in-person outreach efforts and face-to-face interviews, which requires significant effort in staffing, contracting, and updating internal processes and borrower communications for the interim period before potential new requirements take effect.

Contact: Elissa Saunders, Director, Office of Single Family Asset Management, Office of Housing, Department of Housing and Urban Development, 451 Seventh Street SW, Washington, DC 20410, telephone (202) 402-708-2121, elissa.o.saunders@hud.gov.

- **Regulation:** 24 CFR 3282.8(l), Applicability, Multifamily homes.

Project/Activity: Regulatory Waiver to allow for construction of a Two (2) Dwelling Unit Manufactured Home Bearing a HUD Certification Label. The waiver of 24 CFR 3282.8(l) was only available for the specific design and production of one (1) manufactured home and required a Notice to Purchaser.

Nature of Requirement: 24 CFR 3282.8(l), Applicability, Multifamily homes, states “homes designed and manufactured with more than one separate living unit are not covered by the standards and these regulations.” Under current regulations, manufactured home producers are not able to build and ship multi-dwelling unit manufactured homes bearing a HUD certification label.

The National Manufactured Housing and Construction Safety Standards Act of 1974 (the Act) gives HUD authority to set standards for all homes that meet the definition of a “manufactured home” which is broad enough to include multifamily manufactured homes. Under the National Manufactured Home Construction and Safety Standards, 24 CFR 3280 (“Standards”), a manufactured home must display a permanent label certifying to the best of the manufacturer’s knowledge and belief that the manufactured home has been inspected and meets all applicable requirements of the Standards or it cannot be sold. See 24 CFR 3280.11, 3282.252(a)(1). HUD procedural and enforcement regulations, 24 CFR part 3282, have historically excluded multi-dwelling

unit manufactured homes from the scope of the Standards even though the definition of “manufactured home” in both the Act and the Standards is broad enough to include such homes but for the explicit regulatory exclusion at 24 CFR 3282.8(l).

In April 2024, Cavco Industries, one of the largest builders of manufactured homes in the country, requested an Alternate Construction Approval Letter (“AC”) via the regulatory allowance set forth in 24 CFR 3282.14, Alternative Construction, indicating Cavco’s desire to build a multi-dwelling unit home. A complete request package for the design and construction was received and reviewed by the Office of Manufactured Housing Programs. Cavco stated its desire to build a single home for display at the HUD-hosted 2024 Innovative Housing Showcase held in June 2024. In order for the home to be produced and sold bearing a HUD certification label, the regulatory waiver and an AC Letter were necessary.

Granted by: Julia Gordon, Assistant Secretary for Housing—Federal Housing Commissioner.

Date Granted: April 26, 2024.

Reason Waived: The manufactured home design proposed by Cavco, without a waiver of regulation 24 CFR 3282.8(l), could not be approved or built because it had more than one separate living area included in the design. But for the applicability exclusion in 24 CFR 3282.8(l) and the 24 CFR 3280.2, definition of Dwelling, the home design complied with the current Standards. The design was reviewed by HUD and verified by IBTS that it provided quality, durability, and safety levels equivalent to those required by the Federal Standards. The AC Letter required a number of additional standards that are equivalent or superior to the current Standards, to account for the additional dwelling unit. Also, each dwelling unit, were it to be presented as a separate design, could have been approved under current Standards. Limiting the waiver and the AC Letter provided authority to build a multi-dwelling unit manufactured home that carries the HUD certification label but would not jeopardize public health or safety and would serve the purpose of the Act.

Moreover, the multi-dwelling unit manufactured home was showcased at the Innovative Housing Showcase in June 2024 where it served to inform and educate the general public on an innovative design along with the possibilities of construction practices for future manufactured homes. The home also exhibited an option available to address the nation’s affordable housing crisis. The design and build process provided further proof-of-concept testing of the engineering and design/build production process education, adding to the knowledge bank first assembled in the 2010’s. The regulatory waiver is good through September 26, 2024.

Contact: Teresa B. Payne, Administrator, Office of Manufactured Housing Programs, Office of Housing, Department of Housing and Urban Development, 451 Seventh Street SW, Room 9168, Washington, DC 20410, telephone (202) 402-5365, email Teresa.L.Payne@hud.gov.

III. Regulatory Waivers Granted by the Office of Public and Indian Housing

For further information about the following regulatory waivers, please see the name of the contact person that immediately follows the description of the waiver granted.

- **Regulation:** 24 CFR 982.517(b) and 24 CFR 983.301(f)(2)(ii).

Nature of Requirement: The cited regulation requires the PHA to maintain a utility allowance schedule, and the utility allowance for an individual family, must include the utilities and services that are necessary in the locality to provide housing that complies with HQS. The purpose of the waiver request is so the PHA can use the community wide utility allowance schedule used for the whole jurisdiction of the PHA. For redetermination of the initial rent to the owner, the PHA must use the most recently FMRs and the PHA utility allowance schedule. The PHA may use the amounts in effect at any time during the 30-day period immediately before the redetermination date.

Project/Activity: Fairfax County Redevelopment and Housing Authority (FCRHA), Dominion Square Project.

Granted By: Richard Monocchio, Principal Deputy Assistant Secretary for Public and Indian Housing.

Date Granted: April 3, 2024.

Reason Waived: HUD approved the waiver request to allow the use of a site-specific utility allowance to promote utility conservation, ensure the efficient use of Housing Assistance Payment (HAP) funding, and utility allowances with the actual consumption rates of residents.

Contact: Jerone L. Anderson, M.Ed, Housing Program Specialist, Housing Voucher Management and Operations Division, Office of Public and Indian Housing, Department of Housing and Urban Development, 451 Seventh Street SW, Washington, DC 20410, telephone: (202) 402-6709, email: Jerone.L.anderson@hud.gov.

- **Regulation:** 24 CFR 983.202(b)(2), 24 CFR 983.210(a), 24 CFR 983.210(c), 24 CFR 983.210(d), 24 CFR 983.351(a)(1), 24 CFR 983.260.

Nature of Requirement: 24 CFR 983.202(b)(2) elaborates on the purpose of the HAP contract, defining that a PHA makes housing assistance payments to the owner in accordance with the HAP contract and that housing assistance is paid for contract units leased and occupied by eligible families during the HAP contract term. 24 CFR 983.210(a) requires that the owner is maintaining the premises and all contract units in accordance with HUD's HQS under the requirements established within 24 CFR 983. 24 CFR 983.210(c) requires that each contract unit for which the owner is receiving housing assistance payments is leased to an eligible family referred by the PHA or selected from the owner-maintained waiting list in accordance with § 983.251, and the lease is in accordance with the HAP contract and HUD requirements. 24 CFR 983.210(d) requires that, to the best of the owner's knowledge, the members of the family residing in each contract unit for which the owner is receiving housing assistance payments, and the unit is the

family's only residence (exceptions notwithstanding). 24 CFR 983.351(a)(1) requires that during the term of the HAP contract, the PHA shall make housing assistance payments to the owner in accordance with the terms of the HAP contract. 24 CFR 983.260. pertains to how PHAs may handle the withdrawal or extension of assistance payments in the event of overcrowded, under-occupied, and accessible units.

Project/Activity: New York City Housing Authority (NYCHA)/Sack Wern.

Granted By: Richard Monocchio, Principal Deputy Assistant Secretary for Public and Indian Housing.

Date Granted: May 10, 2024.

Reason Waived: Under the authority provided at 24 CFR 5.110 and considering the good cause presented, HUD grants the waivers to temporarily relocate tenants without terminating their original lease and continue HAP payments for occupied units in the project while the rehabilitation work is completed for the following reasons:

- 24 CFR 983.202(b)(2) so that, during the temporary relocation period, housing assistance will be paid for units under contract and occupied by eligible families, and an addendum to the lease will be executed for the temporary units covering the period it takes to complete necessary health and safety improvements.
- 24 CFR 983.210(a) for the units that are unoccupied while lead abatement is being completed. Protections and procedures must be in place to minimize health and safety risks while work is being completed in unoccupied units.
- 24 CFR 983.210(c) so that the contract unit, for which the owner is receiving housing assistance, will be covered by any addendums subject to the temporary unit and ensure equal tenant protections during the period it takes to complete necessary health and safety improvements while the original tenant lease remains in place.
- 24 CFR 983.210(d) so that while tenants are temporarily relocated, they may continue to maintain residency at their leased unit.
- 24 CFR 983.351(a)(1) so that housing assistance payments shall be made for the months during which a contract unit is leased, or for a temporary unit, under a lease addendum, but that no housing assistance payments shall be made for units that are unoccupied.

- 24 CFR 983.260 so that during the temporary relocation period, families may occupy units that are larger than their leased unit and include accessibility features the family does not require.

Contact: Jerone L. Anderson, M.Ed, Housing Program Specialist, Housing Voucher Management and Operations Division, Office of Public and Indian Housing, Department of Housing and Urban Development, 451 Seventh Street SW, Washington, DC 20410, telephone: (202) 402-6709, email: Jerone.L.anderson@hud.gov.

- **Regulation:** 24 CFR 982.517(b) and 24 CFR 982.517(c).

Nature of Requirement: The cited regulation requires the PHA to maintain a community-wide utility allowance schedule, which must include the utilities and services

that are necessary in the locality to provide housing that complies with HQS. For determination and redetermination of the rent to the owner, the PHA must use the PHA's current utility allowance schedule.

Project/Activity: Housing Authority of the City of Austin (HACA), Chalmers East development.

Granted By: Richard Monocchio, Principal Deputy Assistant Secretary for Public and Indian Housing.

Date Granted: May 30, 2024.

Reason Waived: Under the authority provided at 24 § CFR 5.110 and considering the good cause presented, HUD grants the waivers to allow the PBV project-specific utility allowance to apply to tenant-based vouchers used at Chalmers East. HACA presented good cause by explaining that allowing the HACA to apply the project-specific utility allowance to the tenant-based HCV units at the project would: (1) more accurately reflect the lower utility costs at the project, as a result of energy-efficient appliances and green building systems, (2) encourage energy conservation by residents, and (3) avoid misuse of HAP for UA disbursements in excess of what is necessary for the family to maintain utilities. The results of the analysis the HACA provided demonstrate that use of the HACA's current community-wide UA would discourage conservation and efficient use of HAP.

Contact: Nathaniel Johnson, Senior Housing Program Specialist, Housing Voucher Management and Operations Division, Office of Public and Indian Housing, Department of Housing and Urban Development, 451 Seventh Street SW, Washington, DC 20410, telephone (202) 402-5156, email Nathaniel.Johnson@hud.gov.

- **Regulation:** 24 CFR 982.54(a), 24 CFR 960.202(c)(1).

Nature of Requirement: 24 CFR 982.54(a) states that the PHA must adopt a written administrative plan that establishes local policies for administration of the program in accordance with HUD requirements. The administrative plan and any revisions of the plan must be formally adopted by the PHA Board of Commissioners or other authorized PHA officials. The administrative plan states PHA policy on matters for which the PHA has discretion to establish local policies.

Project/Activity: Los Angeles County Development Authority (LACDA).

Granted By: Richard Monocchio, Principal Deputy Assistant Secretary for Public and Indian Housing.

Date Granted: May 30, 2024.

Reason Waived: Under the authority provided at 24 CFR 5.110 and based on the information submitted by the LACDA, HUD determined there was good cause to approve the waiver of 24 CFR 982.54(a) to immediately implement a policy to accept Safe Harbor verifications of income in its HCV program. HUD also found good cause to waive the regulation at 24 CFR 960.202(c)(1) to allow the same policy to be immediately implemented in the LACDA's public housing program, prior to formal board approval of changes to the ACOP. LACDA presented good cause by explaining that LACDA is requesting these regulatory waivers to have the ability to fully implement Safe Harbor

verifications before its administrative plan is updated this summer. Allowing for Safe Harbor determinations streamlines the admissions and income determinations process, addressing the urgent homelessness and housing affordability crisis in the LACDA's operating area. The LACDA is scheduled to have its Safe Harbor rule and discretionary policies approved for use in both the Administrative Plan and the Admissions and Continued Occupancy Policy (ACOP) by July 1, 2024, but approval of these waivers would allow immediate use of the Safe Harbor provision, which would benefit families who have an income determination from another federal means-tested program.

Contact: Susannah Roetlin, Senior Housing Program Specialist, Housing Voucher Management and Operations Division, Office of Public and Indian Housing, Department of Housing and Urban Development, 451 Seventh Street SW, Washington, DC 20420, telephone (303) 672-5090, email susannah.s.roetlin@hud.gov.

- **Regulation:** 24 CFR 982.201(e).

Nature of Requirement: Requires the PHA to receive information verifying that an applicant is eligible, including eligibility for any deductions, within the period of 60 days before the PHA issues a voucher to the applicant.

Project/Activity: Dallas County Department of Health and Human Services (DCHHS).

Granted By: Richard Monocchio, Principal Deputy Assistant Secretary for Public and Indian Housing.

Date Granted: May 31, 2024.

Reason Waived: The DCHHS requests the ability to utilize self-certification of date of birth and disability status, which is required for individuals when it impacts the income and tenant rent calculation and eligibility for the elderly/disabled deduction. The DCHHS requests to implement the alternative requirement specifically for people experiencing homelessness. Under the authority provided at 24 CFR 5.110, HUD has determined there is good cause to waive verifying date of birth and disability status for people experiencing homelessness at the

time of admission for purposes of determining the family's eligible expenses and deductions.

Contact: Susannah Roetlin, Senior Housing Program Specialist, Housing Voucher Management and Operations Division, Office of Public and Indian Housing, Department of Housing and Urban Development, 451 Seventh Street SW, Washington, DC 20420, telephone (303) 672-5090, email susannah.s.roetlin@hud.gov.

- **Regulation:** 24 CFR 983.301(f)(4).

Nature of Requirement: HUD may establish a process allowing PHAs to adopt project-specific utility allowances by notification in the **Federal Register** subject to public comment. Absent the establishment of such a project-specific utility allowance, the PHA's utility allowance schedule, as determined under 24 CFR 982.517(b)(2)(i) or (ii), applies to both the tenant-based and PBV programs.

Project/Activity: Kenner Housing Authority (KHA), Affordable Properties projects.

Granted By: Richard Monocchio, Principal Deputy Assistant Secretary for Public and Indian Housing.

Date Granted: June 17, 2024.

Reason Waived: Under the waiver authority provided at 24 CFR 5.110 and considering the good cause presented, HUD grants the waiver so that the KHA may establish a project-specific utility allowance for the KHA Affordable Properties projects. The good cause justification for a project-specific utility allowance centers on promoting utility conservation, ensuring the efficient use of Housing Assistance Payment (HAP) funding, and aligning utility allowances with the actual consumption rates of residents.

Contact: Jerone L. Anderson, M.Ed, Housing Program Specialist, Housing Voucher Management and Operations Division, Office of Public and Indian Housing, Department of Housing and Urban Development, 451 Seventh Street SW, Washington, DC 20410, telephone: (202) 402-6709, email: Jerone.L.anderson@hud.gov.

Extended Streamlined Waivers

- **Regulation:** 24 CFR 982.505(c)(4) Increase in Payment Standard During Housing Assistance Payment (HAP) Contract Term.

Project/Activity: Notice PIH 2023-29 Extension of Certain Regulatory Waivers for the Housing Choice Voucher (including Mainstream) Program and Streamlined Review Process.

Nature of Requirement: If the payment standard amount is increased during the term of the HAP contract, the increased payment standard amount shall be used to calculate the monthly housing assistance payment for the family beginning at the effective date of the family's first regular reexamination on or after the effective date of the increase in the payment standard amount.

Reason Waived: The PHAs were authorized to increase the payment standards for families at any time after the effective date of the payment standard increase, rather than waiting for the next regular reexamination. These waivers were approved consistent with the streamlined regulatory waiver process in Notice PIH 2023-29, which allowed PHAs to request regulatory waivers that would assist PHAs in responding to ongoing fluctuations and disruptions in the rental market by providing more flexibility with establishing and applying payment standards. These waivers were provided to the PHAs because allowing for earlier implementation of increased payment standards for families helped ensure that families living in rental markets with ongoing fluctuations and disruptions were not adversely impacted by rapidly increasing rents.

Granted By: Dominique Blom, General Deputy Assistant for Public and Indian Housing.

Contact: Tesia Anyanoso, Office of Field Operations/Coordination and Compliance Division, Office of Public and Indian Housing, Department of Housing and Urban Development, 451 Seventh Street SW, Suite 3180, Washington, DC 20410, telephone (202) 402-7026, email PIH_Expedited_Waivers@hud.gov.

Code	PHAs	Waiver signed
AL008	Selma Housing Authority	2/22/2024
CA007	County of Sacramento Housing Authority	1/31/2024
CA033	County of Monterey Housing Authority	1/31/2024
CA055	Housing Authority of the City of Vallejo	3/14/2024
FL032	Ocala Housing Authority	1/3/2024
FL068	Housing Authority of the City of Homestead	1/9/2024
IA045	Davenport Housing Commission	1/3/2024
IL124	Housing Authority of East Peoria	2/22/2024
IN004	Delaware County Housing Authority	1/9/2024
IN005	Housing Authority of the City of Muncie	2/22/2024
IN006	Housing Authority of the City of Anderson	2/9/2024
IN009	Housing Authority of the City of Richmond	2/9/2024
IN011	Housing Authority of the City of Gary	1/31/2024
IN019	Housing Authority of the City of Michigan City	3/14/2024
IN020	Housing Authority of the City of Mishawaka	1/9/2024
IN025	Housing Authority of the City of Charlestown	2/9/2024
IN047	Housing Authority of the City of Crawfordsville	1/3/2024
IN050	New Castle Housing Authority	1/31/2024
IN078	Housing Authority of the City of Greensburg	1/31/2024
IN086	Housing Authority of the City of Union City	1/9/2024
IN091	Housing Authority of the City of Peru	2/22/2024
IN901	Indiana Housing and Community Development	1/3/2024

Code	PHAs	Waiver signed
MO227	Housing Assistance Program of St Charles County	1/31/2024
NE181	Goldenrod Regional Housing Agency	1/9/2024
NH009	Lebanon Housing Authority	3/6/2024
NY009	Albany Housing Authority	3/6/2024
NY406	Village of Fairport	2/22/2024
OH029	Ashtabula Metropolitan Housing Authority	1/31/2024
PA047	Wilkes Barre Housing Authority	1/31/2024
RQ013	Municipality of Trujillo Alto	3/14/2024
SC028	Housing Authority of Georgetown	3/6/2024
TN026	Etowah Housing Authority	2/22/2024
TN054	Cleveland Housing Authority	1/3/2024
TN062	Dayton Housing Authority	1/31/2024
TX512	Deep East Texas Council of Governments	1/31/2024
UT028	Roosevelt City Housing Authority	2/22/2024
WI206	Door County Housing Authority	1/31/2024

• **Regulation:** 24 CFR 982.503(b)(1)(iv) Exception Payment Standards up to 120% of the SAFMRs for PHAs that are in mandatory SAFMR areas.

Project/Activity: Notice PIH 2023–29 Extension of Certain Regulatory Waivers for the Housing Choice Voucher (including Mainstream) Program and Streamlined Review Process.

Nature of Requirement: At the request of a PHA administering the HCV program under Small Area FMRs, HUD may approve an exception payment standard for a Small Area FMR area above the 110 percent of the published FMR in accordance with conditions set forth by Notice in the **Federal Register**.

Reason Waived: The PHAs were authorized to adopt a payment standard above the basic range, up to 120 percent of the Small Area FMR. These waivers were approved consistent with the streamlined regulatory waiver process in Notice PIH 2023–29, which allowed PHAs to request regulatory waivers that would assist PHAs in responding to ongoing fluctuations and disruptions in the rental market by providing more flexibility with establishing and applying payment standards. These waivers were provided to the PHAs because allowing for an exception payment standard up to 120 percent of the Small Area FMR helped ensure that families living in rental markets with ongoing fluctuations and disruptions were not

adversely impacted by rapidly increasing rents and were able to find rental units with their voucher.

Granted by: Dominique Blom, General Deputy Assistant for Public and Indian Housing.

Contact: Tesia Anyanaso, Office of Field Operations/Coordination and Compliance Division, Office of Public and Indian Housing, Department of Housing and Urban Development, 451 Seventh Street SW, Suite 3180, Washington, DC 20410, telephone (202) 402–7026, email PIH_Expedited_Waivers@hud.gov.

Code	PHAs	Waiver signed
AZ038	Chandler Housing Authority	2/9/2024
CA007	County of Sacramento Housing Authority	1/31/2024
CA033	County of Monterey Housing Authority	1/31/2024
IN011	Housing Authority of the City of Gary	1/31/2024
IN086	Housing Authority of the City of Union City	1/9/2024
IN901	Indiana Housing and Community Development	1/3/2024
PA015	Fayette County Housing Authority	1/31/2024
TN054	Cleveland Housing Authority	1/3/2024
UT016	Housing Authority of Carbon County	1/9/2024

• **Regulation:** 24 CFR 982.503(c)(1)–(2) and (4)–(5) Exception Payment Standards up to 120% of the FMR.

Project/Activity: Notice PIH 2023–29 Extension of Certain Regulatory Waivers for the Housing Choice Voucher (including Mainstream) Program and Streamlined Review Process.

Nature of Requirement: PHAs may request an exception payment standard of up to 120 percent of the applicable Fair Market Rent and apply it throughout their jurisdiction.

Reason Waived: The PHAs were authorized to adopt a payment standard above the basic range, up to 120 percent of the Fair Market

Rent, and apply it throughout their jurisdiction. These waivers were approved consistent with the streamlined regulatory waiver process in Notice PIH 2023–29, which allowed PHAs to request regulatory waivers that would assist PHAs in responding to ongoing fluctuations and disruptions in the rental market by providing more flexibility with establishing and applying payment standards. These waivers were provided to the PHAs because allowing for an exception payment standard up to 120 percent of the Small Area FMR helped ensure that families living in rental markets with ongoing fluctuations and disruptions were not

adversely impacted by rapidly increasing rents and were able to find rental units with their voucher.

Granted by: Dominique Blom, General Deputy Assistant for Public and Indian Housing.

Contact: Tesia Anyanaso, Office of Field Operations/Coordination and Compliance Division, Office of Public and Indian Housing, Department of Housing and Urban Development, 451 Seventh Street SW, Suite 3180, Washington, DC 20410, telephone (202) 402–7026, email PIH_Expedited_Waivers@hud.gov.

Code	PHAs	Waiver signed
AL008	Selma Housing Authority	2/22/2024
AR020	Little River County Housing Authority	1/31/2024
AR197	White River Regional Housing Authority	1/31/2024
CA033	County of Monterey Housing Authority	1/31/2024
CA055	Housing Authority of the City of Vallejo	3/14/2024
CA086	County of Humboldt Housing Authority	3/14/2024
CA144	Lake County Housing Commission	1/3/2024

Code	PHAs	Waiver signed
FL017	Housing Authority of the City of Miami Beach	1/3/2024
FL032	Ocala Housing Authority	1/3/2024
FL049	North Central Florida Regional County	3/14/2024
FL068	Housing Authority of the City of Homestead	1/9/2024
IA045	Davenport Housing Commission	1/3/2024
IL082	Housing Authority of the County of Jodaviess	3/14/2024
IN004	Delaware County Housing Authority	1/9/2024
IN005	Housing Authority of the City of Muncie	2/22/2024
IN006	Housing Authority of the City of Anderson	2/9/2024
IN009	Housing Authority of the City of Richmond	2/9/2024
IN019	Housing Authority of the City of Michigan City	3/14/2024
IN020	Housing Authority of the City of Mishawaka	1/9/2024
IN025	Housing Authority of the City of Charlestown	2/9/2024
IN047	Housing Authority of the City of Crawfordsville	1/3/2024
IN050	New Castle Housing Authority	1/31/2024
IN086	Housing Authority of the City of Union City	1/9/2024
KY026	Housing Authority of Glasgow	3/14/2024
KY157	Housing Authority of Floyd County	3/6/2024
KY161	Appalachian Foothills Housing Agency Inc	3/14/2024
MI880	Housing Services Mid-Michigan	2/22/2024
MO065	Chillicothe Housing Authority	3/6/2024
MO212	Ripley County Public Housing Agency	1/31/2024
MO227	Housing Assistance Program of St. Charles County	1/31/2024
MT006	Richland County Housing Authority	3/6/2024
NE181	Goldenrod Regional Housing Agency	1/9/2024
NH009	Lebanon Housing Authority	3/6/2024
NY001	Syracuse Housing Authority	3/6/2024
NY009	Albany Housing Authority	3/6/2024
NY406	Village of Fairport	2/22/2024
OH001	Columbus Metropolitan Housing Authority	2/9/2024
OH029	Ashtabula Metropolitan Housing Authority	1/31/2024
PA038	Lackawanna County Housing Authority	1/31/2024
PA047	Wilkes Barre Housing Authority	1/31/2024
RQ013	Municipality of Trujillo Alto	2/9/2024
SC002	Housing Authority of the City of Columbia	1/31/2024
SC028	Housing Authority of Georgetown	3/6/2024
TN006	Kingsport Housing and Redevelopment Authority	1/9/2024
TN026	Etowah Housing Authority	2/22/2024
TN054	Cleveland Housing Authority	1/3/2024
TN062	Dayton Housing Authority	1/31/2024
TX512	Deep East Texas Council of Governments	1/31/2024
WI048	New London Housing Authority	1/9/2024
WI206	Door County Housing Authority	1/31/2024
WV005	Housing Authority of the City of Parkersburg	2/9/2024

• **Regulation:** 24 CFR 982.503(b)(1)(iii) Exception Payment Standards up to 120% for PHAs that are currently approved for exception payment standard SAFMRs.

Project/Activity: Notice PIH 2023–29 Extension of Certain Regulatory Waivers for the Housing Choice Voucher (including Mainstream) Program and Streamlined Review Process.

Nature of Requirement: PHAs may request an extension of expedited waiver(s) to allow for establishment of payment standards up to 120 percent of its applicable FY2024 SAFMRs.

Reason Waived: The PHAs were authorized to adopt a payment standard above the basic

range, up to 120 percent of their approved Small Area FMR exception payment standards. These waivers were approved consistent with the streamlined regulatory waiver process in Notice PIH 2023–29, which allowed PHAs to request regulatory waivers that would assist PHAs in responding to ongoing fluctuations and disruptions in the rental market by providing more flexibility with establishing and applying payment standards. These waivers were provided to the PHAs because allowing for an exception payment standard up to 120 percent of the Small Area FMR exception payment standards helped ensure that families living in rental markets with ongoing fluctuations

and disruptions were not adversely impacted by rapidly increasing rents and were able to find rental units with their voucher.

Granted by: Dominique Blom, General Deputy Assistant for Public and Indian Housing.

Contact: Tesia Anyanaso, Office of Field Operations/Coordination and Compliance Division, Office of Public and Indian Housing, Department of Housing and Urban Development, 451 7th Street SW, Suite 3180, Washington, DC 20410, telephone (202) 402–7026, email PIH_Expedited_Waivers@hud.gov.

Code	PHAs	Waiver signed
CA033	County of Monterey Housing Authority	1/31/2024
FL021	Pahokee Housing Authority	2/9/2024
IN086	Housing Authority of the City of Union City	1/9/2024
IN901	Indiana Housing and Community Development	1/3/2024
KY040	Housing Authority of Mayfield	1/31/2024
MO227	Housing Assistance Program of St. Charles County	1/31/2024
TN006	Kingsport Housing and Redevelopment	1/9/2024

Code	PHAs	Waiver signed
UT016	Housing Authority of Carbon County	1/9/2024

[FR Doc. 2024–27381 Filed 11–21–24; 8:45 am]

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DEPARTMENT OF THE INTERIOR

Bureau of Indian Affairs

[256A2100DD/AAKC001030/
A0A501010.999900]

HEARTH Act Approval of Bay Mills Indian Community, Michigan, Leasing Ordinance

AGENCY: Bureau of Indian Affairs, Interior.

ACTION: Notice.

SUMMARY: The Bureau of Indian Affairs (BIA) approved the Bay Mills Indian Community, Michigan Leasing Ordinance under the Helping Expedite and Advance Responsible Tribal Homeownership Act of 2012 (HEARTH Act). With this approval, the Tribe is authorized to enter into agriculture, business, residential, wind and solar, public, religious, and recreational leases without further BIA approval.

DATES: BIA issued the approval on November 12, 2024.

FOR FURTHER INFORMATION CONTACT: Ms. Carla Clark, Bureau of Indian Affairs, Division of Real Estate Services, 1001 Indian School Road NW, Albuquerque, NM 87104, carla.clark@bia.gov, (702) 484–3233.

SUPPLEMENTARY INFORMATION:

I. Summary of the HEARTH Act

The HEARTH Act makes a voluntary, alternative land leasing process available to Tribes, by amending the Indian Long-Term Leasing Act of 1955, 25 U.S.C. 415. The HEARTH Act authorizes Tribes to negotiate and enter into business leases of Tribal trust lands with a primary term of 25 years, and up to two renewal terms of 25 years each, without the approval of the Secretary of the Interior (Secretary). The HEARTH Act also authorizes Tribes to enter into leases for residential, recreational, religious or educational purposes for a primary term of up to 75 years without the approval of the Secretary. Participating Tribes develop Tribal Leasing regulations, including an environmental review process, and then must obtain the Secretary's approval of those regulations prior to entering into leases. The HEARTH Act requires the Secretary to approve Tribal regulations

if the Tribal regulations are consistent with the Department of the Interior's (Department) leasing regulations at 25 CFR part 162 and provide for an environmental review process that meets requirements set forth in the HEARTH Act. This notice announces that the Secretary, through the Assistant Secretary—Indian Affairs, has approved the Tribal regulations for the Bay Mills Indian Community, Michigan.

II. Federal Preemption of State and Local Taxes

The Department's regulations governing the surface leasing of trust and restricted Indian lands specify that, subject to applicable Federal law, permanent improvements on leased land, leasehold or possessory interests, and activities under the lease are not subject to State and local taxation and may be subject to taxation by the Indian Tribe with jurisdiction. *See* 25 CFR 162.017. As explained further in the preamble to the final regulations, the Federal Government has a strong interest in promoting economic development, self-determination, and Tribal sovereignty. 77 FR 72440, 72447–48 (December 5, 2012). The principles supporting the Federal preemption of State law in the field of Indian leasing and the taxation of lease-related interests and activities applies with equal force to leases entered into under Tribal leasing regulations approved by the Federal Government pursuant to the HEARTH Act.

Section 5 of the Indian Reorganization Act, 25 U.S.C. 5108, preempts State and local taxation of permanent improvements on trust land. *Confederated Tribes of the Chehalis Reservation v. Thurston County*, 724 F.3d 1153, 1157 (9th Cir. 2013) (citing *Mescalero Apache Tribe v. Jones*, 411 U.S. 145 (1973)). Similarly, section 5108 preempts State taxation of rent payments by a lessee for leased trust lands, because “tax on the payment of rent is indistinguishable from an impermissible tax on the land.” *See Seminole Tribe of Florida v. Stranburg*, 799 F.3d 1324, 1331, n.8 (11th Cir. 2015). In addition, as explained in the preamble to the revised leasing regulations at 25 CFR part 162, Federal courts have applied a balancing test to determine whether State and local taxation of non-Indians on the reservation is preempted. *White Mountain Apache Tribe v. Bracker*, 448

U.S. 136, 143 (1980). The *Bracker* balancing test, which is conducted against a backdrop of “traditional notions of Indian self-government,” requires a particularized examination of the relevant State, Federal, and Tribal interests. We hereby adopt the *Bracker* analysis from the preamble to the surface leasing regulations, 77 FR at 72,447–48, as supplemented by the analysis below.

The strong Federal and Tribal interests against State and local taxation of improvements, leaseholds, and activities on land leased under the Department's leasing regulations apply equally to improvements, leaseholds, and activities on land leased pursuant to Tribal leasing regulations approved under the HEARTH Act. Congress's overarching intent was to “allow Tribes to exercise greater control over their own land, support self-determination, and eliminate bureaucratic delays that stand in the way of homeownership and economic development in Tribal communities.” 158 Cong. Rec. H. 2682 (May 15, 2012). The HEARTH Act was intended to afford Tribes “flexibility to adapt lease terms to suit [their] business and cultural needs” and to “enable [Tribes] to approve leases quickly and efficiently.” H. Rep. 112–427 at 6 (2012).

Assessment of State and local taxes would obstruct these express Federal policies supporting Tribal economic development and self-determination, and also threaten substantial Tribal interests in effective Tribal government, economic self-sufficiency, and territorial autonomy. *See Michigan v. Bay Mills Indian Community*, 572 U.S. 782, 810 (2014) (Sotomayor, J., concurring) (determining that “[a] key goal of the Federal Government is to render Tribes more self-sufficient, and better positioned to fund their own sovereign functions, rather than relying on Federal funding”). The additional costs of State and local taxation have a chilling effect on potential lessees, as well as on a Tribe that, as a result, might refrain from exercising its own sovereign right to impose a Tribal tax to support its infrastructure needs. *See id.* at 810–11 (finding that State and local taxes greatly discourage Tribes from raising tax revenue from the same sources because the imposition of double taxation would impede Tribal economic growth).

Similar to BIA's surface leasing regulations, Tribal regulations under the HEARTH Act pervasively cover all aspects of leasing. *See* 25 U.S.C. 415(h)(3)(B)(i) (requiring Tribal regulations be consistent with BIA surface leasing regulations). Furthermore, the Federal Government remains involved in the Tribal land leasing process by approving the Tribal leasing regulations in the first instance and providing technical assistance, upon request by a Tribe, for the development of an environmental review process. The Secretary also retains authority to take any necessary actions to remedy violations of a lease or of the Tribal regulations, including terminating the lease or rescinding approval of the Tribal regulations and reassuming lease approval responsibilities. Moreover, the Secretary continues to review, approve, and monitor individual Indian land leases and other types of leases not covered under the Tribal regulations according to 25 CFR part 162.

Accordingly, the Federal and Tribal interests weigh heavily in favor of preemption of State and local taxes on lease-related activities and interests, regardless of whether the lease is governed by Tribal leasing regulations or 25 CFR part 162. Improvements, activities, and leasehold or possessory interests may be subject to taxation by the Bay Mills Indian Community, Michigan.

Wizipan Garriott,

Principal Deputy Assistant Secretary—Indian Affairs, Exercising by delegation the authority of the Assistant Secretary—Indian Affairs.

[FR Doc. 2024–27401 Filed 11–21–24; 8:45 am]

BILLING CODE 4337–15–P

DEPARTMENT OF THE INTERIOR

Bureau of Indian Affairs

[256A2100DD/AAKC001030/
A0A501010.999900]

Final Environmental Impact Statement for the Coquille Indian Tribe Fee-to-Trust and Gaming Facility Project, City of Medford, Jackson County, Oregon

AGENCY: Bureau of Indian Affairs, Interior.

ACTION: Notice of availability.

SUMMARY: This notice advises the public that the Bureau of Indian Affairs (BIA), as lead agency, with the Coquille Indian Tribe (Tribe), City of Medford (City), Jackson County (County), and the Oregon Department of Transportation (ODOT) serving as cooperating agencies, intends to file a Final Environmental

Impact Statement (FEIS) with the U.S. Environmental Protection Agency (EPA) in connection with the Tribe's application to transfer into trust approximately 2.4 acres for gaming purposes in the City of Medford, Jackson County, Oregon (Medford Site).

DATES: The Record of Decision for the proposed action will be issued on or after 30 days from the date the EPA publishes its Notice of Availability in the **Federal Register**. The BIA must receive any comments on the FEIS before that date.

ADDRESSES: By mail or hand delivery to: Bryan Mercier, Regional Director, Bureau of Indian Affairs, Northwest Region, 911 NE 11th Avenue, Portland, Oregon 97232. Please include your name, return address, and "FEIS Comments, Coquille Indian Tribe Fee-to-Trust and Casino Project" on the first page of your written comments.

By email to: Tobiah Mogavero, NEPA Coordinator, Bureau of Indian Affairs, at: tobiah.mogavero@bia.gov, using "FEIS Comments, Coquille Indian Tribe Fee-to-Trust and Casino Project" as the subject of your email.

FOR FURTHER INFORMATION CONTACT: Mr. Tobiah Mogavero, NEPA Coordinator, Bureau of Indian Affairs, Northwest Region, (435) 210–0509, tobiah.mogavero@bia.gov. Information is also available online at <https://coquille-eis.com>.

SUPPLEMENTARY INFORMATION: The Notice of Availability (NOA) of the Draft EIS was published by the BIA (87 FR 72505) and EPA (87 FR 72482) in the **Federal Register** on November 25, 2022. The Draft EIS was originally made available for public comment for a 45-day period. However, the BIA extended the public comment period for an additional 45-day period that concluded on February 23, 2023, resulting in a total comment period of 90 days. Virtual public hearings were held on December 15, 2022, and January 31, 2023, to collect verbal comments on the Draft EIS.

Background

The following alternatives are considered in the FEIS: (1) Proposed Project; (2) Phoenix Site; (3) Expansion of the Mill Casino; and (4) and No Action/No Development Alternative. The BIA has selected Alternative 1, the Proposed Project, as the Preferred Alternative as discussed in the FEIS.

Environmental issues addressed in the FEIS include geology and soils, water resources, air quality, biological resources, cultural and paleontological resources, socioeconomic conditions (including environmental justice),

transportation and circulation, land use, public services, noise, hazardous materials, aesthetics, cumulative effects, and indirect and growth inducing effects.

The information and analysis contained in the FEIS, as well as its evaluation and assessment of the Preferred Alternative, will assist the Department in its review of the issues presented in the Tribe's application. Selection of the Preferred Alternative does not indicate the Department's final decision because the Department must complete its review process. The Department's review process consists of (1) issuing the notice of availability of the FEIS; (2) issuing a Record of Decision no sooner than 30 days following publication of a Notice of Availability of the FEIS by the EPA in the **Federal Register**; and (3) transfer of the Medford Site in to trust under the Coquille Restoration Act of 1989, 25 U.S.C. 715 *et seq.*

Locations where the FEIS is Available for Review: The FEIS is available for review at <https://coquille-eis.com>. Contact information is listed in the **FOR FURTHER INFORMATION CONTACT** section of this notice.

Public Comment Availability: Comments, including names and addresses of respondents, will be included as part of the administrative record and responses to comments on the Final EIS. 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 in your comment that your personal identifying information be withheld from public review, the BIA cannot guarantee that this will occur.

Authority

This notice is published pursuant to section 1503.1 of the Council of Environmental Quality Regulations (40 CFR part 1500 through 1508) and section 46.305 of the Department of the Interior Regulations (43 CFR part 46), implementing the procedural requirements of the NEPA of 1969, as amended (42 U.S.C. 4371, *et seq.*), and is in the exercise of authority delegated to the Assistant Secretary—Indian Affairs by 209 DM 8. This notice is also published in accordance with 40 CFR 93.155, which provides reporting

requirements for conformity determinations.

Bryan Newland,

Assistant Secretary—Indian Affairs.

[FR Doc. 2024-27409 Filed 11-21-24; 8:45 am]

BILLING CODE 4337-15-P

DEPARTMENT OF THE INTERIOR

Bureau of Indian Affairs

Notice of Availability of a Final Environmental Impact Statement and Final Conformity Determination for the Koi Nation of Northern California's Proposed Shiloh Resort and Casino Project, Sonoma County, California

AGENCY: Bureau of Indian Affairs, Interior.

ACTION: Notice of availability.

SUMMARY: This notice advises the public that the Bureau of Indian Affairs (BIA), as lead agency, with the National Indian Gaming Commission (NIGC) and United States Environmental Protection Agency (EPA) serving as cooperating agencies, has filed a Final Environmental Impact Statement (FEIS) with the EPA in connection with the Koi Nation of Northern California's (Koi Nation) application for acquisition in trust by the United States of approximately 68.60 acres adjacent to the Town of Windsor, Sonoma County, California for gaming and other purposes.

DATES: The Record of Decision for the proposed action will be issued on or after 30 days from the date the EPA publishes its Notice of Availability in the **Federal Register**. The BIA must receive any comments on the FEIS before that date.

ADDRESSES: You may send written comments by any of the following methods:

- *Mail or hand-delivery:* Amy Dutschke, Regional Director, Bureau of Indian Affairs, Pacific Region, 2800 Cottage Way, Sacramento, California 95825. Please include your name, return address, and "FEIS Comments, Shiloh Resort and Casino Project" on the first page of your written comments.

- *Email:* Chad Broussard, Environmental Protection Specialist, Bureau of Indian Affairs, at chad.broussard@bia.gov using "FEIS Comments, Shiloh Resort and Casino Project" as the subject of your email.

FOR FURTHER INFORMATION CONTACT: Chad Broussard, Environmental Protection Specialist, Bureau of Indian Affairs, Pacific Regional Office, 2800 Cottage Way, Room W-2820, Sacramento, California 95825;

telephone: (916) 978-6165; email: chad.broussard@bia.gov. Information is also available online at <https://www.shilohresortenvironmental.com/>.

SUPPLEMENTARY INFORMATION: The BIA previously prepared an EA that analyzed the potential environmental effects of the proposed action. The EA was made available for public comments from September 12, 2023, through November 13, 2023, providing for a total of 60 days to submit comments on the EA. Upon consideration of the public and agency comments received, the BIA decided to prepare an EIS to further analyze the environmental effects which may result from the proposed action. A Notice of Intent (NOI) to prepare an EIS was published in the **Federal Register** and The Press Democrat on March 8, 2024. A Notice of Availability (NOA) was published in the **Federal Register** by the BIA on July 8, 2024 (89 FR 55968) and the EPA on July 12, 2024 (89 FR 57150). The Draft EIS was made available for a 45-day public comment period beginning July 12, 2024, and ending on August 26, 2024. A public meeting was held July 30, 2024, to collect verbal comments. In accordance with section 176 of the Clean Air Act and the EPA's general conformity regulations, a Draft Conformity Determination has been prepared for the Shiloh Resort and Casino Project. The Final Conformity Determination is contained within appendix F-2 of the FEIS.

Background

The following alternatives are considered in the FEIS: (A) Proposed Project; (B) Reduced Intensity Alternative; (C) Non-Gaming Alternative; and (D) No Action Alternative. The BIA has selected Alternative A, the Proposed Project as the Preferred Alternative as discussed in the FEIS.

Environmental issues addressed in the FEIS include land resources; water resources; air quality and climate change; noise; biological resources; cultural and paleontological resources; transportation and circulation; land use; hazardous materials and hazards; public services and utilities; socioeconomic; environmental justice; visual resources; and cumulative, indirect, and growth-inducing effects.

The information and analysis contained in the FEIS, as well as its evaluation and assessment of the Preferred Alternative, will assist the Department in its review of the issues presented in the Tribe's application. Selection of the Preferred Alternative does not indicate the Department's final decision because the Department must

complete its review process. The Department's review process consists of (1) issuing the notice of availability of the FEIS; (2) issuing a Record of Decision no sooner than 30 days following publication of a Notice of Availability of the FEIS by the EPA in the **Federal Register**; and (3) transfer of the approximately 68.60 acres into trust.

Locations where the FEIS is Available for Review: The FEIS is available for review at <https://www.shilohresortenvironmental.com/>, Bureau of Indian Affairs, Pacific Region, 2800 Cottage Way, Sacramento, California 95825 (with advance notice and during regular business hours), and Windsor Regional Library located at 9291 Old Redwood Hwy. #100, Windsor, CA 95492, telephone (707) 838-1020 (during regular business hours). Contact information is listed in the **FOR FURTHER INFORMATION CONTACT** section of this notice.

Public Comment Availability: Comments, including names and addresses of respondents, will be included as part of the administrative record and responses to comments on the Final EIS. 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 in your comment that your personal identifying information be withheld from public review, the BIA cannot guarantee that this will occur.

Authority

This notice is published pursuant to section 1503.1 of the Council of Environmental Quality Regulations (40 CFR parts 1500 through 1508) and section 46.305 of the Department of the Interior Regulations (43 CFR part 46), implementing the procedural requirements of the NEPA, as amended (42 U.S.C. 4371, *et seq.*), and in accordance with the exercise of authority delegated to the Assistant Secretary—Indian Affairs by 209 DM 8. This notice is also published in accordance with 40 CFR 93.155, which provides reporting requirements for conformity determinations.

Wizipan Garriott,

Principal Deputy Assistant Secretary—Indian Affairs, Exercising by Delegation the Authority of the Assistant Secretary—Indian Affairs.

[FR Doc. 2024-27430 Filed 11-21-24; 8:45 am]

BILLING CODE 4337-15-P

DEPARTMENT OF THE INTERIOR**Office of the Secretary**

[Docket No. DOI-2024-0009; 245D0102DM, DS600000, DLSN00000.000000.DX6CS25]

Request for Information on Proposed Conflict of Interest Disclosure Policy

AGENCY: Office of the Secretary, Interior.

ACTION: Notice of request for public comments.

SUMMARY: The Department of the Interior (DOI) is developing a conflict of interest (COI) disclosure policy and corresponding term and condition for financial assistance awards (*i.e.*, grants and cooperative agreements) to address undue foreign influence in DOI-supported research and development (R&D). DOI is soliciting public comment on its proposed policy and accompanying award term and condition to ensure government resources are managed with integrity to the greatest public benefit.

DATES: Submit comments on or before January 21, 2025.

ADDRESSES: Comments may be submitted through the Federal eRulemaking Portal at <http://www.regulations.gov>. Type in DOI-2024-0009 in the search bar. Follow the instructions on the website for submitting comments.

FOR FURTHER INFORMATION CONTACT: Cara Whitehead, Director, Office of Grants Management, (202) 603-5735, Cara_Whitehead@ios.doi.gov. Mailing address: Department of the Interior, 1849 C Street NW, Mail Stop 3023 MIB, Washington, DC 20240.

SUPPLEMENTARY INFORMATION: On December 17, 2020, the U.S. Government Accountability Office (GAO) published GAO-21-130, *Federal Research: Agencies Need to Enhance Policies to Address Foreign Influence in Research*. The report alerted agencies of the need to develop conflict of interest policies to assess risks and protect U.S. investments in scientific research from undue foreign influences.

DOI plans to develop a conflict-of-interest policy to define core terms, require financial assistance award recipients to maintain written and enforceable policies, and mandate covered individuals to identify, disclose, manage, reduce, or eliminate COI. The policy will address required actions by DOI in instances where the covered individual intentionally fails to disclose COI information and will include a term and condition which will be incorporated into the DOI financial assistance award terms and conditions.

The DOI Office of Grants Management intends to implement the policy for all R&D competitive and non-competitive grant and cooperative agreements after obtaining and considering public comment.

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. If you submit a comment at <https://www.regulations.gov>, your entire comment, including any personal identifying information, will be posted on the website. If you submit a hardcopy comment that includes personal identifying information, such as your address, phone number, or email address, you may request at the top of your document that we withhold this information from public review. However, we cannot guarantee that we will be able to do so.

Definitions

Conflict of interest is a situation in which an individual, or the individual's spouse or dependent children, has a significant financial interest or financial relationship that could directly and significantly affect the design, conduct, reporting, or funding of research or other award-related activities.

Conflict of commitment is a situation in which an individual accepts or incurs conflicting obligations between or among multiple employers or other entities. Conflict of commitment includes conflicting commitments of time and effort, including obligations to dedicate time in excess of one organization's funding, policies, or commitments in favor of another organization's priorities. Conflict of commitment also includes obligations to improperly share information with, or to withhold information from, an employer or DOI, as well as other conflicting obligations that threaten research security and integrity. Such conflicts are also described as an organizational conflict of interest.

Covered individual or senior/key person is an individual who (a) contributes in a substantive, meaningful way to the scientific development or execution of a research and development project proposed to be carried out with a research and development award from a Federal research agency or (b) is designated as a covered individual by the Federal research agency concerned. As defined by the National Security Presidential Memorandum—33 (NSPM-33) Implementation Guidance, this means

principal investigators (Pis) and other senior/key persons seeking or receiving Federal research and development funding (*i.e.*, extramural funding) and researchers at Federal agency laboratories and facilities (*i.e.*, intramural researchers, whether or not federally employed), including Government-owned, contractor-operated laboratories and facilities. A covered individual may also include a current or former DOI employee.

Financial Interest can be anything of monetary value, whether or not the value is easily measurable.

Intramural Researcher is an agency employee who conducts research supported by the agency in which they are employed.

Investigator is a principal investigator (PI) and any other person, regardless of title or position, who is responsible for the purpose, design, funding, conduct or reporting of a project funded or proposed to be funded by DOI.

Principal Investigator (PI) means a principal investigator of a project funded under a DOI financial assistance award; PI is included in the definitions of senior/key personnel and Investigator.

Research and development (R&D) includes basic research, applied research, and experimental development. Basic research is experimental or theoretical work undertaken primarily to acquire new knowledge of the underlying foundations of phenomena and observable facts. Applied research is original investigation undertaken in order to acquire new knowledge and directed primarily towards a specific practical aim or objective. Experimental development is creative and systematic work, drawing on knowledge gained from research and practical experience, which is directed at producing new products or processes or improving existing products or processes. Like research, experimental development will result in gaining additional knowledge. Experimental development includes the production of materials, devices, and systems or methods, including the design, construction, and testing of experimental prototypes. Experimental development also includes technology demonstrations in cases where a system or component is being demonstrated at scale for the first time, and it is realistic to expect additional refinements to the design (feedback R&D) following the demonstration.¹

¹ <https://www.whitehouse.gov/wp-content/uploads/2018/06/a11.pdf>.

Significant financial interest is anything of monetary value, including, but not limited to, salary or other payments for services (e.g., consulting fees or honoraria); an existing loan; equity interest (e.g., stocks, stock options or other ownership interests); and intellectual property rights (e.g., patents, copyrights, and royalties from such rights), but does not include the following:

1. Salaries, royalties or other remuneration from the applicant organization;
2. Any ownership interests in the applicant organization if the organization is a commercial or for-profit entity;
3. Income from investment portfolio such as mutual funds and retirement account if the investigator does have direct control of the investment decisions in the portfolio;
4. Income from seminars, lectures, or teaching engagements sponsored by a public or non-profit entity;
5. Income from service on advisory committees or review panels for a public or nonprofit entity;
6. An equity interest that, when aggregated for the covered individual and the covered individual's spouse and dependent children, meets both of the following tests: does not exceed \$10,000 in value as determined through reference to public prices or other reasonable measures of fair market value, and does not represent more than a 5 percent ownership interest in any single entity;
7. An existing or offered loan or other financing to the covered individual or covered individual or covered individual's spouse and dependent children not exceeding \$10,000 in the aggregate; or
8. Salaries, royalties or other payments that, when aggregated for the covered individual and the covered individual's spouse and dependent children, are not expected to exceed \$10,000 during the prior 12-month period.

Responsibilities of Non-Federal Entities Regarding Conflict of Interest

Each non-Federal Entity shall:

1. Maintain a current, written, enforced policy addressing COI which aligns with the DOI COI policy.
2. Ensure that each subrecipient develops and implements a policy which corresponds with the DOI COI policy if the non-Federal entity implements the DOI award through one or more subrecipients.
3. Designate a non-Federal entity official to solicit and review disclosures of significant financial interests from

each covered individual who is planning to participate in, or is participating in, the project funded under a DOI award, including disclosures of subrecipient investigators.

4. Disclose to DOI any potential or actual conflict of interest and submit common disclosure forms for the *Biographical Sketch Common Form* and the *Current and Pending (Other) Support Common Form* for PIs and other senior/key personnel, program officers, and intramural researchers with the application for competitive and non-competitive DOI grant and cooperative agreement awards, per NSPM-disclosure requirements indicated in the NSPM-33 Implementation Guidance.

5. Require each investigator who is planning to participate in the DOI award to disclose to the non-Federal entity's designated official the investigator's significant financial interests (and those of the investigator's spouse and dependent children) no later than the time of application for the DOI award. Disclosures must be updated during the period of the award, either annually or upon learning of new reportable significant financial interests.

6. Require investigators engaged in subaward activities to comply with the COI policies of the pass-through entity.

Management of Conflict of Interest

Prior to the non-Federal entity's expenditure of any funds under a DOI award, the designated official of a non-Federal entity shall review all investigator disclosures of significant financial interests, identify whether any of the disclosures relate to the project funded under the DOI award, and determine whether an actual or potential COI exists. In instances where a COI may exist, the non-Federal entity must develop and implement a management plan which manages, reduces, or eliminates the COI. Conditions or restrictions of which one or more may be imposed to eliminate an actual or potential COI include but are not limited to:

1. Public disclosure of any COI (e.g., when presenting or publishing the project);
2. For projects involving human subjects, disclosure of any COI directly to participants;
3. Appointment of an independent monitor or oversight committee capable of taking measures to protect the purpose, design, conduct, and reporting of the project against bias resulting from any COI;
4. Modification of the project plan;
5. Change of personnel or personnel responsibilities, or disqualification of

personnel from participation in all or a portion of the project;

6. Reduction or elimination of the financial interest (e.g., sale of an equity interest) creating the COI; or

7. Severance of relationship(s) that create the COI.

DOI will review the *Biographical Sketch Common Form* and the *Current and Pending (Other) Support Common Form* submitted by the non-Federal entity to assess qualifications and any conflict of interest or commitment which may impact the proposed project activities.

Reporting of Financial Conflict of Interest

Prior to the non-Federal entity's expenditure of any funds under a DOI-funded project, the non-Federal entity must inform the DOI financial assistance officer identified in the award(s), in writing, of any COI which cannot be satisfactorily managed, mitigated, or eliminated in accordance with the non-Federal entity's policy.

Any conflict of interest identified by the non-Federal entity during the course of an ongoing project funded under a DOI award must be reported to DOI by the non-Federal entity within 60 days of the identified COI that cannot be managed, mitigated, or eliminated.

Notifications must include sufficient information to enable DOI to understand the nature and extent of the COI and assess the appropriateness of the non-Federal entity's management plan. The notification shall include, but is not limited to, the following information: (a) DOI award number; (b) Name of PI or contact PI; (c) Name of the investigator with the COI; (d) Name of the entity in which the investigator's interest has created a COI; (e) Nature of any applicable financial interest (e.g., equity, loan, consulting fee, travel reimbursement, honorarium) and/or applicable external relationships or activities; (f) Value of any applicable financial interest or a statement that the interest is one whose value cannot be readily determined through reference to public prices or other reasonable measures of fair market value; and (g) A description of how the financial interest relates to the project funded under a DOI award and the basis for the non-Federal entity's determination that there is a conflict with such project.

Remedies

Upon notification to DOI of a COI which cannot be managed, mitigated, or eliminated by the non-Federal entity or upon DOI independently learning of this, the DOI financial assistance officer must report the COI to the DOI Office of the Solicitor, Branch of Acquisitions

and Intellectual Property, to review and take appropriate action, as necessary.

DOI will consider and take appropriate actions, as necessary, such as requiring and enforcing a corrective action plan and imposing specific award conditions under 2 CFR 200.208 as necessary. As appropriate, DOI will also utilize available remedies for non-compliance and terminations provisions pursuant to 2 CFR 200.339 through 200.343, as appropriate under the circumstances. Available remedies include but are not limited to: (a) temporarily withholding payment; (b) disallowing all or part of the cost of an award activity; (c) wholly or partly suspending or terminating the award; (d) initiating referrals for consideration of suspension or debarment proceedings, and (e) withholding further Federal awards for the project or program.

Conflict of Interest Award Term and Conditions

DOI's COI financial assistance award term and condition will be revised as follows:

The DOI COI policy for financial assistance can be found at the Office of Grants Management website. This policy is applicable to all non-Federal entities applying for, or that receive, DOI funding by means of a financial assistance award (e.g., a grant or cooperative agreement) and, through the implementation of this policy by the entity, to each investigator who is planning to participate in, or is participating in, the project funded wholly or in part under the DOI financial assistance award.

The DOI COI policy establishes standards that provide a reasonable expectation that the design, conduct, and reporting of projects funded wholly or in part under DOI financial assistance awards will be free from bias resulting from financial conflict of interest or conflict of commitment. The recipient is subject to the requirements of the DOI COI policy and within each award for financial assistance, the recipient must certify that it is, compliant with all requirements in the DOI COI policy. The recipient must pass-through the requirements of the DOI COI policy to any subrecipient non-Federal entity.

Authority

The authority for this action is the Department's Financial Assistance Regulations at 2 CFR part 1402.

Cara Whitehead,

*Director, Office of Grants Management,
Department of the Interior.*

[FR Doc. 2024-27421 Filed 11-21-24; 8:45 am]

BILLING CODE 4334-63-P

DEPARTMENT OF THE INTERIOR

Bureau of Land Management

[BLM_AK_FRN_MO4500181119]

Notice of Availability of the Record of Decision and Approved Resource Management Plan for the Central Yukon Resource Management Plan/ Environmental Impact Statement, Alaska

AGENCY: Bureau of Land Management, Interior.

ACTION: Notice of availability.

SUMMARY: The Bureau of Land Management (BLM) announces the availability of the Record of Decision (ROD) and Approved Resource Management Plan (RMP) for the Central Yukon planning area of Alaska, located in Central and Northern Alaska. The State Director, Alaska, signed the ROD on November 12, 2024, which constitutes the decision of the BLM and makes the Approved RMP effective immediately.

DATES: The State Director, Alaska, signed the ROD/Approved RMP on November 12, 2024.

ADDRESSES: The ROD/Approved RMP is available online at the BLM National Environmental Policy Act Register at <https://eplanning.blm.gov/eplanning-ui/project/35315/510>. Printed copies of the ROD/Approved RMP will also be available for public inspection within weeks of publication of this notice at the following locations:

BLM Fairbanks District Office, 222 University Avenue, Fairbanks, AK 99709, telephone: (907) 474-2200.

BLM Alaska Public Information Center, James M. Fitzgerald Federal Building, 222 West 7th Avenue, Anchorage, AK 99513, telephone: (907) 271-5960.

Alaska Resources Library & Information Services, 3211 Providence Drive, Suite 111, Anchorage, AK 99508, telephone: (907) 272-7547.

Printed copies can be provided upon request by contacting the BLM Alaska Public Information Center listed above.

A copy of the Protest Resolution Report is available at: <https://>

www.blm.gov/programs/planning-and-nepa/public-participation/protest-resolution-reports.

FOR FURTHER INFORMATION CONTACT:

Melinda Bolton, BLM Alaska State Office; telephone: (907) 271-3342, email: mbolton@blm.gov. Individuals in the United States who are deaf, deafblind, hard of hearing, or have a speech disability may dial 711 (TTY, TDD, or TeleBraille) to access telecommunications relay services for contacting Ms. Bolton. Individuals outside the United States should use the relay services offered within their country to make international calls to the point-of-contact in the United States.

SUPPLEMENTARY INFORMATION: The Approved RMP replaces the Utility Corridor RMP (1991), the original Central Yukon RMP (1986), and portions of the Southwest Management Framework Plan (1981), and provides RMP-level decisions for unplanned lands west of Fairbanks. The Approved RMP provides a consolidated direction under one RMP to address land and resource use and development on BLM-managed public lands within the planning area.

The Approved RMP and ROD set forth a comprehensive framework for future public land management actions in the Central Yukon region of Alaska. The planning area consists of about 55.7 million acres of land, including approximately 13.3 million acres of public lands administered by the BLM Central Yukon Field Office.

The Approved RMP will guide management of these public lands for the next 15 to 20 years for the benefit of current and future generations as part of the BLM's multiple-use mission. This planning effort is updating management decisions for public land uses and resources, including subsistence resources, mineral exploration and development, and recreation.

The Central Yukon Proposed RMP/ Final EIS evaluated six alternatives for managing the planning area. Alternatives B, C1, C2 (preferred alternative from the Draft RMP/EIS), and D were developed using input from the public, Tribes, stakeholders, and cooperating agencies. Alternative E is the BLM's Approved RMP. This alternative was developed after considering public comments on the Draft RMP/EIS and provided in the Alaska National Interest Lands Conservation Act section 810 hearings, internal BLM discussions, government-to-government consultation, and cooperating agency input.

The Approved RMP does not recommend full revocation of the Alaska Native Claims Settlement Act 17(d)(1) Public Land Orders (PLOs) but does recommend revoking the withdrawals in part for the limited purpose of allotment selection by Alaska Native Vietnam-era veterans under Section 1119 of the Dingell Act. The Approved RMP also designates 21 Areas of Critical Environmental Concern (ACEC) or Research Natural Areas, encompassing approximately 3,601,000 acres (see Appendix M of the Approved RMP).

The BLM provided the Proposed RMP/Final EIS for a 30-day public protest period starting on April 26, 2024, and received six letters containing valid protest issues. The Assistant Director addressed the protests and issued a Protest Resolution Report (see **ADDRESSES**); no changes to the Central Yukon Proposed RMP/Final EIS were necessary.

The BLM provided the Proposed RMP/Final EIS to the Governor of Alaska for a 60-day Governor's consistency review on April 26, 2024. The Governor's Office identified concerns and potential inconsistencies between the Proposed RMP/Final EIS and State and local plans, policies, and programs. The BLM considered the concerns and potential inconsistencies and responded on August 13, 2024. While the BLM determined that the Proposed RMP/Final EIS was consistent with the State's land use plans, policies, and programs, it did add the three State plans to the Approved RMP, Appendix C. The additions were made in the interest of open discussion, were minor, and did not represent a change requiring the BLM to provide the public with an opportunity to comment as discussed in 43 CFR 1610.2(f)(5) and 1610.5–1. On September 13, 2024, the Governor of Alaska appealed the State Director's decision not to accept the State's recommendations to the BLM Director. After careful review and consideration, the BLM Director determined that the Alaska State Director properly considered all applicable State and local plans, policies, and programs in the Central Yukon planning effort, and that no changes are necessary to provide for a reasonable balance between the national interest and the State's interest. The Director's response to the State of Alaska's Appeal was transmitted to State Officials on November 12, 2024, prior to approval of the ROD. Consistent with the BLM regulations at 43 CFR 1610.3–2 the Director's Response will also be published in the **Federal Register**.

(Authority: 16 U.S.C. 3120(a); 40 CFR 1506.6(b))

Steven Cohn,

State Director, Alaska.

[FR Doc. 2024–27443 Filed 11–21–24; 8:45 am]

BILLING CODE 4331–10–P

DEPARTMENT OF THE INTERIOR

Office of Surface Mining Reclamation and Enforcement

**[S1D1S SS08011000 SX064A000
256S180110; S2D2S SS08011000
SX064A000 25XS501520; OMB Control
Number 1029–0087]**

Submission to the Office of Management and Budget for Review and Approval; Abandoned Mine Land Problem Area Description Form

AGENCY: Office of Surface Mining Reclamation and Enforcement, Interior.

ACTION: Notice of information collection; request for comment.

SUMMARY: In accordance with the Paperwork Reduction Act of 1995, we, the Office of Surface Mining Reclamation and Enforcement (OSMRE), are proposing to renew an information collection.

DATES: Interested persons are invited to submit comments on or before January 21, 2025.

ADDRESSES: Send your comments on this information collection request (ICR) by mail to Mark Gehlhar, Office of Surface Mining Reclamation and Enforcement, 1849 C Street NW, Room 1544–MIB, Washington, DC 20240, or by email to mgehlhar@osmre.gov. Please reference OMB Control Number 1029–0087 in the subject line of your comments.

FOR FURTHER INFORMATION CONTACT: To request additional information about this ICR, contact Mark Gehlhar by email at mgehlhar@osmre.gov, or by telephone at 202–208–2716. 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 <http://www.reginfo.gov/public/do/PRAMain>.

SUPPLEMENTARY INFORMATION: In accordance with the Paperwork Reduction Act of 1995 (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.

We are soliciting comments on the proposed ICR that is described below. We are especially interested in public comment addressing the following issues: (1) is the collection necessary to the proper functions of the agency; (2) will this information be processed and used in a timely manner; (3) is the estimate of burden accurate; (4) how might the agency enhance the quality, utility, and clarity of the information to be collected; and (5) how might the agency minimize the burden of this collection on the respondents, including through the use of information technology.

Comments that you submit in response to this notice are a matter of public record. We will include or summarize each comment in our request to OMB to approve this ICR. Before including your address, phone number, email address, or other personal identifying information in your comment, you should be aware that your entire comment—including your personal identifying information—may be made publicly available at any time. While you can ask us in your comment to withhold your personal identifying information from public review, we cannot guarantee that we will be able to do so.

Abstract: The problem area description (PAD) form is used to update the Office of Surface Mining Reclamation and Enforcement's electronic inventory of abandoned mine lands (e-AMLIS). From this inventory, the most serious problem areas are selected for reclamation through the apportionment of funds to States and Indian tribes.

Title of Collection: Abandoned Mine Land Problem Area Description Form.

OMB Control Number: 1029–0087.

Form Number: None.

Type of Review: Extension of a currently approved collection.

Respondents/Affected Public: State and Tribal governments.

Total Estimated Number of Annual Respondents: 27.

Total Estimated Number of Annual Responses: 1,710.

Estimated Completion Time per Response: Varies from 1.5 hours to 8 hours, depending on activity.

Total Estimated Number of Annual Burden Hours: 4,580.

Respondent's Obligation: Required to obtain or retain a benefit.

Frequency of Collection: One time.

Total Estimated Annual Nonhour Burden Cost: \$0.

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.*).

Mark J. Gehlhar,

*Information Collection Clearance Officer,
Office of Surface Mining Reclamation and
Enforcement.*

[FR Doc. 2024-27372 Filed 11-21-24; 8:45 am]

BILLING CODE 4310-05-P

INTERNATIONAL TRADE COMMISSION

Notice of Receipt of Complaint; Solicitation of Comments Relating to the Public Interest

AGENCY: U.S. International Trade Commission.

ACTION: Notice.

SUMMARY: Notice is hereby given that the U.S. International Trade Commission has received a complaint entitled *Certain Wireless Communication Devices and Components Thereof, DN 3785*; the Commission is soliciting comments on any public interest issues raised by the complaint or complainant's filing pursuant to the Commission's Rules of Practice and Procedure.

FOR FURTHER INFORMATION CONTACT: Lisa R. Barton, Secretary to the Commission, U.S. International Trade Commission, 500 E Street SW, Washington, DC 20436, telephone (202) 205-2000. The public version of the complaint can be accessed on the Commission's Electronic Document Information System (EDIS) at <https://edis.usitc.gov>. For help accessing EDIS, please email EDIS3Help@usitc.gov.

General information concerning the Commission may also be obtained by accessing its internet server at United States International Trade Commission (USITC) at <https://www.usitc.gov>. The public record for this investigation may be viewed on the Commission's Electronic Document Information System (EDIS) at <https://edis.usitc.gov>. Hearing-impaired persons are advised that information on this matter can be obtained by contacting the

Commission's TDD terminal on (202) 205-1810.

SUPPLEMENTARY INFORMATION: The Commission has received a complaint and a submission pursuant to § 210.8(b) of the Commission's Rules of Practice and Procedure filed on behalf of International Semiconductor Group Co., Ltd. on November 18, 2024. The complaint alleges violations of section 337 of the Tariff Act of 1930 (19 U.S.C. 1337) in the importation into the United States, the sale for importation, and the sale within the United States after importation of certain wireless communication devices and components thereof. The complaint names as respondents: Dell Technologies Inc. of Round Rock, TX; Dell Products L.P. of Round Rock, TX; Dell (Chengdu) Co. Ltd. of China; HP, Inc. of Palo Alto, CA; Hewlett Packard Enterprise Co. of Spring, TX; Lenovo Group Limited of China; and Lenovo (United States) Inc. of Morrisville, NC. The complainant requests that the Commission issue a limited exclusion order, cease and desist orders, and impose a bond upon respondents' alleged infringing articles during the 60-day Presidential review period pursuant to 19 U.S.C. 1337(j).

Proposed respondents, other interested parties, members of the public, and interested government agencies are invited to file comments on any public interest issues raised by the complaint or § 210.8(b) filing. Comments should address whether issuance of the relief specifically requested by the complainant in this investigation would affect the public health and welfare in the United States, competitive conditions in the United States economy, the production of like or directly competitive articles in the United States, or United States consumers.

In particular, the Commission is interested in comments that:

- (i) explain how the articles potentially subject to the requested remedial orders are used in the United States;
- (ii) identify any public health, safety, or welfare concerns in the United States relating to the requested remedial orders;
- (iii) identify like or directly competitive articles that complainant, its licensees, or third parties make in the United States which could replace the subject articles if they were to be excluded;
- (iv) indicate whether complainant, complainant's licensees, and/or third party suppliers have the capacity to replace the volume of articles potentially subject to the requested

exclusion order and/or a cease and desist order within a commercially reasonable time; and

(v) explain how the requested remedial orders would impact United States consumers.

Written submissions on the public interest must be filed no later than by close of business, eight calendar days after the date of publication of this notice in the **Federal Register**. There will be further opportunities for comment on the public interest after the issuance of any final initial determination in this investigation. Any written submissions on other issues must also be filed by no later than the close of business, eight calendar days after publication of this notice in the **Federal Register**. Complainant may file replies to any written submissions no later than three calendar days after the date on which any initial submissions were due, notwithstanding § 201.14(a) of the Commission's Rules of Practice and Procedure. No other submissions will be accepted, unless requested by the Commission. Any submissions and replies filed in response to this Notice are limited to five (5) pages in length, inclusive of attachments.

Persons filing written submissions must file the original document electronically on or before the deadlines stated above. Submissions should refer to the docket number ("Docket No. 3785") in a prominent place on the cover page and/or the first page. (See Handbook for Electronic Filing Procedures, Electronic Filing Procedures¹). Please note the Secretary's Office will accept only electronic filings during this time. Filings must be made through the Commission's Electronic Document Information System (EDIS, <https://edis.usitc.gov>). No in-person paper-based filings or paper copies of any electronic filings will be accepted until further notice. Persons with questions regarding filing should contact the Secretary at EDIS3Help@usitc.gov.

Any person desiring to submit a document to the Commission in confidence must request confidential treatment. All such requests should be directed to the Secretary to the Commission and must include a full statement of the reasons why the Commission should grant such treatment. See 19 CFR 201.6. Documents for which confidential treatment by the Commission is properly sought will be treated accordingly. All information, including confidential business

¹ Handbook for Electronic Filing Procedures: https://www.usitc.gov/documents/handbook_on_filing_procedures.pdf.

information and documents for which confidential treatment is properly sought, submitted to the Commission for purposes of this Investigation may be disclosed to and used: (i) by the Commission, its employees and Offices, and contract personnel (a) for developing or maintaining the records of this or a related proceeding, or (b) in internal investigations, audits, reviews, and evaluations relating to the programs, personnel, and operations of the Commission including under 5 U.S.C. appendix 3; or (ii) by U.S. Government employees and contract personnel,² solely for cybersecurity purposes. All nonconfidential written submissions will be available for public inspection at the Office of the Secretary and on EDIS.³

This action is taken under the authority of section 337 of the Tariff Act of 1930, as amended (19 U.S.C. 1337), and of §§ 201.10 and 210.8(c) of the Commission's Rules of Practice and Procedure (19 CFR 201.10, 210.8(c)).

By order of the Commission.

Issued: November 18, 2024.

Lisa Barton,

Secretary to the Commission.

[FR Doc. 2024-27375 Filed 11-21-24; 8:45 am]

BILLING CODE 7020-02-P

INTERNATIONAL TRADE COMMISSION

[Investigation Nos. 701-TA-716-719 and 731-TA-1683-1687 (Final)]

Epoxy Resins From China, India, South Korea, Taiwan, and Thailand; Scheduling of the Final Phase of Countervailing Duty and Antidumping Duty Investigations

AGENCY: United States International Trade Commission.

ACTION: Notice.

SUMMARY: The Commission hereby gives notice of the scheduling of the final phase of antidumping and countervailing duty investigation Nos. 701-TA-716-719 and 731-TA-1683-1687 (Final) pursuant to the Tariff Act of 1930 ("the Act") to determine whether an industry in the United States is materially injured or threatened with material injury, or the establishment of an industry in the United States is materially retarded, by reason of imports of epoxy resins from China, India, South Korea, Taiwan, and Thailand, provided for in subheading

3907.30.00 of the Harmonized Tariff Schedule of the United States, preliminarily determined by the Department of Commerce ("Commerce") to sold at less-than-fair-value and subsidized by the governments of China, India, and Taiwan. In addition, Commerce has made a preliminary negative determination of subsidization in the countervailing duty investigation of epoxy resins from South Korea.

DATES: November 13, 2024.

FOR FURTHER INFORMATION CONTACT:

Alejandro Orozco (202-205-3177), 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 these investigations may be viewed on the Commission's electronic docket (EDIS) at <https://edis.usitc.gov>.

SUPPLEMENTARY INFORMATION:

Scope.—For purposes of these investigations, Commerce has defined the subject merchandise as "fully or partially uncured epoxy resins, also known as epoxide resins, polyepoxides, oxirane resins, ethoxyline resins, diglycidyl ether of bisphenol, (chloromethyl)oxirane, or aromatic diglycidyl, which are polymers or prepolymers containing epoxy groups (i.e., three-membered ring structures comprised of two carbon atoms and one oxygen atom). Epoxy resins range in physical form from low viscosity liquids to solids. All epoxy resins are covered by the scope of this investigation irrespective of physical form, viscosity, grade, purity, molecular weight, or molecular structure, and packaging."¹

Background.—The final phase of these investigations is being scheduled pursuant to sections 705(b) and 731(b) of the Tariff Act of 1930 (19 U.S.C. 1671d(b) and 1673d(b)), as a result of affirmative preliminary determinations by Commerce that certain benefits which constitute subsidies within the meaning of § 703 of the Act (19 U.S.C. 1671b) are being provided to manufacturers, producers, or exporters in China, India, and Taiwan of epoxy

resins, and that such products from China, India, South Korea, Taiwan, and Thailand are being sold in the United States at less than fair value within the meaning of § 733 of the Act (19 U.S.C. 1673b). The investigations were requested in petitions filed on April 3, 2024, by the U.S. Epoxy Resin Producers Ad Hoc Coalition, which is comprised of Olin Corporation, Clayton, Missouri, and Westlake Corporation, Houston, Texas.

Although Commerce has preliminarily determined that countervailable subsidies are not being provided to producers and exporters of epoxy resins from South Korea, for purposes of efficiency the Commission hereby waives rule 207.21(b)² so that the final phase of the investigations may proceed concurrently in the event that Commerce makes a final affirmative determination with respect to such imports.

For further information concerning the conduct of this phase of the investigations, hearing procedures, and rules of general application, consult the Commission's Rules of Practice and Procedure, part 201, subparts A and B (19 CFR part 201), and part 207, subparts A and C (19 CFR part 207).

Participation in the investigations and public service list.—Persons, including industrial users of the subject merchandise and, if the merchandise is sold at the retail level, representative consumer organizations, wishing to participate in the final phase of these investigations as parties must file an entry of appearance with the Secretary to the Commission, as provided in § 201.11 of the Commission's rules, no later than 21 days prior to the hearing date specified in this notice. A party that filed a notice of appearance during the preliminary phase of the investigations need not file an additional notice of appearance during this final phase. The Secretary will maintain a public service list containing the names and addresses of all persons, or their representatives, who are parties to the investigations.

Please note the Secretary's Office will accept only electronic filings during this time. Filings must be made through the Commission's Electronic Document Information System (EDIS, <https://edis.usitc.gov>). No in-person paper-based filings or paper copies of any electronic filings will be accepted until further notice.

² Section 207.21(b) of the Commission's rules provides that, where Commerce has issued a negative preliminary determination, the Commission will publish a Final Phase Notice of Scheduling upon receipt of an affirmative final determination from Commerce.

² All contract personnel will sign appropriate nondisclosure agreements.

³ Electronic Document Information System (EDIS): <https://edis.usitc.gov>.

¹ For Commerce's complete scope see 89 FR 74889, 74891, 74896, and 74912 (September 13, 2024); and 89 FR 89591, 89594, 89605, 89608, and 89612 (November 13, 2024).

Limited disclosure of business proprietary information (BPI) under an administrative protective order (APO) and BPI service list.—Pursuant to § 207.7(a) of the Commission's rules, the Secretary will make BPI gathered in the final phase of these investigations available to authorized applicants under the APO issued in the investigations, provided that the application is made no later than 21 days prior to the hearing date specified in this notice. Authorized applicants must represent interested parties, as defined by 19 U.S.C. 1677(9), who are parties to the investigations. A party granted access to BPI in the preliminary phase of the investigations need not reapply for such access. A separate service list will be maintained by the Secretary for those parties authorized to receive BPI under the APO.

Staff report.—The prehearing staff report in the final phase of these investigations will be placed in the nonpublic record on January 13, 2025, and a public version will be issued thereafter, pursuant to § 207.22 of the Commission's rules.

Hearing.—The Commission will hold a hearing in connection with the final phase of these investigations beginning at 9:30 a.m. on January 28, 2025. Requests to appear at the hearing should be filed in writing with the Secretary to the Commission on or before January 22, 2025. Any requests to appear as a witness via videoconference must be included with your request to appear. Requests to appear via videoconference must include a statement explaining why the witness cannot appear in person; the Chair, or other person designated to conduct the investigation, may in their discretion for good cause shown, grant such a request. Requests to appear as remote witness due to illness or a positive COVID-19 test result may be submitted by 3 p.m. the business day prior to the hearing. Further information about participation in the hearing will be posted on the Commission's website at <https://www.usitc.gov/calendarpad/calendar.html>.

A nonparty who has testimony that may aid the Commission's deliberations may request permission to present a short statement at the hearing. All parties and nonparties desiring to appear at the hearing and make oral presentations should attend a prehearing conference, if deemed necessary, to be held at 9:30 a.m. on January 24, 2025. Parties shall file and serve written testimony and presentation slides in connection with their presentation at the hearing by no later than noon on January 27, 2025. Oral testimony and written materials to

be submitted at the public hearing are governed by sections 201.6(b)(2), 201.13(f), and 207.24 of the Commission's rules. Parties must submit any request to present a portion of their hearing testimony *in camera* no later than 7 business days prior to the date of the hearing.

Written submissions.—Each party who is an interested party shall submit a prehearing brief to the Commission. Prehearing briefs must conform with the provisions of § 207.23 of the Commission's rules; the deadline for filing is January 21, 2025. Parties shall also file written testimony in connection with their presentation at the hearing, and posthearing briefs, which must conform with the provisions of § 207.25 of the Commission's rules. The deadline for filing posthearing briefs is February 4, 2025. In addition, any person who has not entered an appearance as a party to the investigations may submit a written statement of information pertinent to the subject of the investigations, including statements of support or opposition to the petitions, on or before February 4, 2025. On February 18, 2025, the Commission will make available to parties all information on which they have not had an opportunity to comment. Parties may submit final comments on this information on or before February 20, 2025, but such final comments must not contain new factual information and must otherwise comply with § 207.30 of the Commission's rules. All written submissions must conform with the provisions of § 201.8 of the Commission's rules; any submissions that contain BPI must also 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.

Additional written submissions to the Commission, including requests pursuant to § 201.12 of the Commission's rules, shall not be accepted unless good cause is shown for accepting such submissions, or unless the submission is pursuant to a specific request by a Commissioner or Commission staff.

In accordance with §§ 201.16(c) and 207.3 of the Commission's rules, each document filed by a party to the investigations must be served on all other parties to the investigations (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.

Authority: These investigations are being conducted under authority of title VII of the Tariff Act of 1930; this notice is published pursuant to § 207.21 of the Commission's rules.

By order of the Commission.

Issued: November 18, 2024.

Lisa Barton,

Secretary to the Commission.

[FR Doc. 2024-27361 Filed 11-21-24; 8:45 am]

BILLING CODE 7020-02-P

INTERNATIONAL TRADE COMMISSION

[Investigation Nos. 701-TA-695-698 and 731-TA-1643-1644 and 1646-1657 (Final)]

Aluminum Extrusions From China, Colombia, Ecuador, India, Indonesia, Italy, Malaysia, Mexico, South Korea, Taiwan, Thailand, Turkey, United Arab Emirates, and Vietnam

Determinations

On the basis of the record¹ developed in the subject investigations, the United States International Trade Commission ("Commission") determines, pursuant to the Tariff Act of 1930 ("the Act"), that an industry in the United States is not materially injured or threatened with material injury by reason of imports of aluminum extrusions from China, Colombia, Ecuador, India, Indonesia, Italy, Malaysia, Mexico, South Korea, Taiwan, Thailand, Turkey, United Arab Emirates, and Vietnam, provided for in subheadings 7604.10.10, 7604.10.30, 7604.10.50, 7604.21.00, 7604.29.10, 7604.29.30, 7604.29.50, 7608.10.00, 7608.20.00, 7609.00.00, 7610.10.00, and 7610.90.00 of the Harmonized Tariff Schedule of the United States, that have been found by the U.S. Department of Commerce ("Commerce") to be sold in the United States at less than fair value ("LTFV"), and imports of the subject merchandise from China, Indonesia, Mexico, and Turkey that have been found to be subsidized by the governments of China, Indonesia, Mexico, and Turkey.^{2,3}

¹ The record is defined in § 207.2(f) of the Commission's Rules of Practice and Procedure (19 CFR 207.2(f)).

² 89 FR 80452; 89 FR 80458; 89 FR 80463; 89 FR 80468; 89 FR 80472; 89 FR 80477; 89 FR 80482; 89 FR 80487; 89 FR 80492; 89 FR 80496; 89 FR 80501; 89 FR 80506; 89 FR 80512; 89 FR 80517; 89 FR 80521; 89 FR 80526; 89 FR 80530; and 89 FR 80536. (October 3, 2024).

³ Chair Amy A. Karpel dissenting. Commissioner Rhonda K. Schmittlein did not participate.

Background

The Commission instituted these investigations effective October 4, 2023, following receipt of petitions filed with the Commission and Commerce by the U.S. Aluminum Extruders Coalition (consisting of Alexandria Extrusion Company, Alexandria, Minnesota; APEL Extrusions Inc., Coburg, Oregon; Bonnell Aluminum, Newnan, Georgia; Brazeway, Adrian, Michigan; Custom Aluminum Products, South Elgin, Illinois; Extrudex Aluminum, North Jackson, Ohio; International Extrusions, Garden City, Michigan; Jordan Aluminum Company, Memphis, Tennessee; M-D Building Products, Oklahoma City, Oklahoma; Merit Aluminum, Corona, California; MI Metals, Oldsmar, Florida; Pennex Aluminum, Wellsville, Pennsylvania; Tower Extrusions, Olney, Texas; and Western Extrusions, Carrollton, Texas) and the United Steel, Paper and Forestry, Rubber, Manufacturing, Energy, Allied Industrial and Service Workers International Union, Pittsburgh, Pennsylvania. The final phase of the investigations was scheduled by the Commission following notification of preliminary determinations by Commerce that imports of aluminum extrusions from China, Indonesia, Mexico, and Turkey were subsidized within the meaning of section 703(b) of the Act (19 U.S.C. 1671b(b)) and that imports of aluminum extrusions from China, Colombia, Ecuador, India, Indonesia, Italy, Malaysia, Mexico, South Korea, Taiwan, Thailand, Turkey, United Arab Emirates, and Vietnam were sold at LTFV within the meaning of 733(b) of the Act (19 U.S.C. 1673b(b)). Notice of the scheduling of the final phase of the Commission's investigations and of a public hearing to be held in connection therewith was given by posting copies of the notice in the Office of the Secretary, U.S. International Trade Commission, Washington, DC, and by publishing the notice in the **Federal Register** on May 23, 2024 (89 FR 45677).⁴ The Commission conducted its hearing on October 1, 2024. All persons who requested the opportunity were permitted to participate.

The Commission made these determinations pursuant to §§ 705(b) and 735(b) of the Act (19 U.S.C. 1671d(b) and 19 U.S.C. 1673d(b)). It completed and filed its determinations in these investigations on November 18, 2024. The views of the Commission are contained in USITC Publication 5560

(November 2024), entitled *Aluminum Extrusions from China, Colombia, Ecuador, India, Indonesia, Italy, Malaysia, Mexico, South Korea, Taiwan, Thailand, Turkey, United Arab Emirates, and Vietnam: Investigation Nos. 701-TA-695-698 and 731-TA-1643-1644 and 1646-1657 (Final)*.

By order of the Commission.

Issued: November 18, 2024.

Lisa Barton,

Secretary to the Commission.

[FR Doc. 2024-27376 Filed 11-21-24; 8:45 am]

BILLING CODE 7020-02-P

INTERNATIONAL TRADE COMMISSION

[Investigation No. 337-TA-1351 (Remand)]

Certain Active Matrix Organic Light-Emitting Diode Display Panels and Modules for Mobile Devices, and Components Thereof; Notice of Request for Submissions on the Public Interest

AGENCY: U.S. International Trade Commission.

ACTION: Notice.

SUMMARY: Notice is hereby given that on November 15, 2024, the presiding administrative law judge ("ALJ") issued an Initial Determination on Violation of Section 337. The ALJ also issued a Recommended Determination on remedy and bonding should a violation be found in the above-captioned investigation. The Commission is soliciting submissions on public interest issues raised by the recommended relief should the Commission find a violation. This notice is soliciting comments from the public and interested government agencies only.

FOR FURTHER INFORMATION CONTACT:

Cathy Chen, Esq., Office of the General Counsel, U.S. International Trade Commission, 500 E Street SW, Washington, DC 20436, telephone (202) 205-2392. Copies of non-confidential documents filed in connection with this investigation may be viewed on the Commission's electronic docket (EDIS) at <https://edis.usitc.gov>. For help accessing EDIS, please email EDIS3Help@usitc.gov. General information concerning the Commission may also be obtained by accessing its internet server at <https://www.usitc.gov>. Hearing-impaired persons are advised that information on this matter can be obtained by contacting the Commission's TDD terminal on (202) 205-1810.

SUPPLEMENTARY INFORMATION: Section 337 of the Tariff Act of 1930 provides

that, if the Commission finds a violation, it shall exclude the articles concerned from the United States unless, after considering the effect of such exclusion upon the public health and welfare, competitive conditions in the United States economy, the production of like or directly competitive articles in the United States, and United States consumers, it finds that such articles should not be excluded from entry. (19 U.S.C. 1337(d)(1)). A similar provision applies to cease and desist orders. (19 U.S.C. 1337(f)(1)).

The Commission is soliciting submissions on public interest issues raised by the recommended relief should the Commission find a violation, specifically: a limited exclusion order directed to certain active matrix organic light-emitting diode display panels and modules for mobile devices, and components thereof imported, sold for importation, and/or sold after importation by respondents Injured Gadgets, LLC; Wholesale Gadget Parts, Inc.; Phone LCD Parts LLC; Parts4LCD; Mianyang BOE Optoelectronics Technology Co., Ltd.; Captain Mobile Parts, Inc.; Group Vertical, LLC; Sourcery Plus, LLC; Mengtor Inc.; Electronics Universe, Inc. d/b/a Fixez.com and Repairs Universe, Inc.; LCTech International Inc. d/b/a/ *SEGMobile.com*; Parts4Cells Inc.; DFW Imports LLC d/b/a DFW Cellphone and Parts; Gadgetfix Corp.; and eTech Parts Plus LLC; and cease and desist orders directed to those same respondents except Mianyang BOE Optoelectronics Technology Co., Ltd. Parties are to file public interest submissions pursuant to 19 CFR 210.50(a)(4).

The Commission is interested in further development of the record on the public interest in this investigation. Accordingly, members of the public and interested government agencies are invited to file submissions of no more than five (5) pages, inclusive of attachments, concerning the public interest in light of the ALJ's Recommended Determination on Remedy and Bonding issued in this investigation on November 15, 2024. Comments should address whether issuance of the recommended remedial orders in this investigation, should the Commission find a violation, would affect the public health and welfare in the United States, competitive conditions in the United States economy, the production of like or directly competitive articles in the United States, or United States consumers.

In particular, the Commission is interested in comments that:

⁴ The Commission subsequently revised its schedule in a notice published in the **Federal Register** on August 16, 2024 (89 FR 66738).

(i) explain how the articles potentially subject to the recommended remedial orders are used in the United States;

(ii) identify any public health, safety, or welfare concerns in the United States relating to the recommended orders;

(iii) identify like or directly competitive articles that complainant, its licensees, or third parties make in the United States which could replace the subject articles if they were to be excluded;

(iv) indicate whether complainant, complainant's licensees, and/or third-party suppliers have the capacity to replace the volume of articles potentially subject to the recommended orders within a commercially reasonable time; and

(v) explain how the recommended orders would impact consumers in the United States.

Written submissions must be filed no later than by close of business on December 18, 2024.

Persons filing written submissions must file the original document electronically on or before the deadlines stated above. The Commission's paper filing requirements in 19 CFR 210.4(f) are currently waived. 85 FR 15798 (March 19, 2020). Submissions should refer to the investigation number ("Inv. No. 337-TA-1351 Remand") in a prominent place on the cover page and/or the first page. (See Handbook for Electronic Filing Procedures, https://www.usitc.gov/secretary/fed_reg_notices/rules/handbook_on_electronic_filing.pdf). Persons with questions regarding filing should contact the Secretary (202-205-2000).

Any person desiring to submit a document to the Commission in confidence must request confidential treatment by marking each document with a header indicating that the document contains confidential information. This marking will be deemed to satisfy the request procedure set forth in Rules 201.6(b) and 210.5(e)(2) (19 CFR 201.6(b) and 210.5(e)(2)). Documents for which confidential treatment by the Commission is properly sought will be treated accordingly. Any non-party wishing to submit comments containing confidential information must serve those comments on the parties to the investigation pursuant to the applicable Administrative Protective Order. A redacted non-confidential version of the document must also be filed simultaneously with any confidential filing and must be served in accordance with Commission Rule 210.4(f)(7)(ii)(A) (19 CFR 210.4(f)(7)(ii)(A)). All information, including confidential business information and documents for

which confidential treatment is properly sought, submitted to the Commission for purposes of this investigation may be disclosed to and used: (i) by the Commission, its employees and Offices, and contract personnel (a) for developing or maintaining the records of this or a related proceeding, or (b) in internal investigations, audits, reviews, and evaluations relating to the programs, personnel, and operations of the Commission including under 5 U.S.C. appendix 3; or (ii) by U.S. Government employees and contract personnel, solely for cybersecurity purposes. All contract personnel will sign appropriate nondisclosure agreements. All nonconfidential written submissions will be available for public inspection on EDIS.

This action is taken under the authority of section 337 of the Tariff Act of 1930, as amended (19 U.S.C. 1337), and in part 210 of the Commission's Rules of Practice and Procedure (19 CFR part 210).

By order of the Commission.

Issued: November 18, 2024.

Lisa Barton,

Secretary to the Commission.

[FR Doc. 2024-27360 Filed 11-21-24; 8:45 am]

BILLING CODE 7020-02-P

INTERNATIONAL TRADE COMMISSION

[Investigation No. 337-TA-1232 (Enforcement)]

Certain Chocolate Milk Powder and Packaging Thereof; Notice of a Commission Determination Finding Enforcement Respondents To Have Violated the GEO; Issuance of Cease and Desist Orders; Termination of the Investigation

AGENCY: U.S. International Trade Commission.

ACTION: Notice.

SUMMARY: Notice is hereby given that the U.S. International Trade Commission ("Commission") has determined to find Bharat Bazar Inc. ("Bharat Bazaar"); Coconut Hill Inc. d/b/a Coconut Hill ("Coconut Hill"); Organic Ingredients Inc. d/b/a Namaste Plaza Indian Super Market ("Organic Ingredients"); and New India Bazar Inc. d/b/a New India Bazar ("New India") (collectively, "Enforcement Respondents") to have violated the General Exclusion Order ("GEO") in this investigation. The Commission has also determined to issue cease and desist orders ("CDOs") against each of these four defaulting Enforcement

Respondents. The investigation is terminated.

FOR FURTHER INFORMATION CONTACT: Paul Lall, Office of the General Counsel, U.S. International Trade Commission, 500 E Street SW, Washington, DC 20436, telephone (202) 205-2043. Copies of non-confidential documents filed in connection with this investigation may be viewed on the Commission's electronic docket (EDIS) at <https://edis.usitc.gov>. For help accessing EDIS, please email EDIS3Help@usitc.gov. General information concerning the Commission may also be obtained by accessing its internet server at <https://www.usitc.gov>. Hearing-impaired persons are advised that information on this matter can be obtained by contacting the Commission's TDD terminal on (202) 205-1810.

SUPPLEMENTARY INFORMATION: The Commission instituted the original investigation on December 1, 2020, based on a complaint filed on behalf of Meenaxi Enterprise Inc. ("Meenaxi") of Edison, New Jersey. 85 FR 77237-38 (Dec. 1, 2020). The complaint alleged violations of section 337 of the Tariff Act of 1930, 19 U.S.C. 1337, based upon the importation into the United States, the sale for importation, and the sale within the United States after importation of certain chocolate milk powder and packaging thereof by reason of infringement of U.S. Trademark Registration No. 4,206,026 ("the '026 mark"). The Commission's notice of investigation named several respondents, including but not limited to Bharat Bazar of Union City, California; Coconut Hill of Sunnyvale, California; Organic Food Inc. d/b/a Namaste Plaza Indian Super Market ("Organic Food") of Fremont, California; and New India of San Jose, California. *Id.* at 77237. The Office of Unfair Import Investigations ("OUII") was also a party to the investigation. *Id.*

In the underlying investigation, all respondents were found in default. *See* Order No. 6 (Feb. 10, 2021), *unreviewed by Comm'n Notice* (Mar. 2, 2021); Order No. 23 (May 19, 2022), *unreviewed by Comm'n Notice* (Jun. 14, 2022). On May 24, 2021, Meenaxi moved for summary determination of violation of section 337 by the respondents found in default by Order No. 6 and requested a GEO. On December 1, 2021, the former chief administrative law judge ("former CALJ") granted the motion as an initial determination ("ID") (Order No. 15), but noted discrepancies with respect to respondent Organic Food, calling into question whether that respondent was ever properly served with the complaint and notice of investigation and with the

CALJ's order to show cause why the respondents should not be found in default, Order No. 5 (Jan. 13, 2021). *See* Order No. 15 at 1, n.1. No petitions for review of the ID were filed. The Commission determined *sua sponte* to review Order No. 15 and ordered reconsideration of Order No. 6 as to Organic Food and/or any other respondents who may not have been properly served with documents in the underlying investigation. *See* Comm'n Notice at 3 (Jan. 18, 2022). The Commission remanded the investigation to an ALJ for further proceedings. *Id.*

On remand, the current chief administrative law judge ("CALJ") issued Order No. 18, granting Meenaxi's unopposed motion for leave to amend the complaint and notice of investigation to (i) substitute Organic Food with proposed respondent Organic Ingredients of San Diego, California; (ii) correct the address of respondent New India; (iii) correct the address of respondent Bharat Bazar; and (iv) supplement the complaint with Exhibits 9-a, 9-b, and 9-c, concerning Organic Food and/or Organic Ingredients. Order No. 18 at 1-5 (Mar. 11, 2022), *unreviewed by* Comm'n Notice (Apr. 12, 2022); *see also* 87 FR 22940-41 (Apr. 18, 2022). Meenaxi also demonstrated that Bharat Bazar actually had been served with all of the documents in the investigation (prior to remand) despite incorrectly spelling Bharat Bazar's address as being on "Niled Road" instead of "Niles Road." *See* Order No. 18 at 4.

The CALJ conducted remand proceedings as to Organic Ingredients and New India with respect to service of the amended complaint and notice of investigation, and upon the failure of these respondents to respond to the amended complaint and notice of investigation, the CALJ ordered them to respond to an order to show cause why they should not be found in default. *See* Order No. 19 (Mar. 11, 2022); Order No. 21 at 2-3 (May 3, 2022). On May 19, 2022, the CALJ issued an ID finding Organic Ingredients and New India in default. Order No. 23 (May 19, 2022), *unreviewed by* Comm'n Notice (June 14, 2022). Accordingly, the Commission found all respondents in default (collectively with the respondents previously found in default, the "Defaulting Respondents").

On June 13, 2022, Meenaxi again moved for summary determination of violation by the Defaulting Respondents and requested a GEO. On July 6, 2022, OUII filed a response supporting the motion.

On August 3, 2022, the CALJ issued a remand ID ("RID") (Order No. 27),

granting the second motion for summary determination and finding a violation of section 337 with respect to the '026 mark. The RID found that all Defaulting Respondents met the importation requirement and that Meenaxi satisfied the domestic industry requirement. *See* 19 U.S.C. 1337(a)(1-3). No party petitioned for review of the RID.

On September 19, 2022, the Commission determined not to review the RID. *See* 87 FR 58130-32 (Sept. 23, 2022). On November 15, 2022, the Commission issued a final determination finding a violation, issuing a GEO prohibiting the unlicensed importation of chocolate milk powder and packaging thereof that infringe the '026 mark, and terminating the investigation. *See* 87 FR 70864-66 (Nov. 21, 2022). The GEO prohibits the unlicensed importation of "chocolate milk powder in consumer-sized container with the Bournvita label." *Id.*; GEO at 2 (Nov. 15, 2022). On the same day, the Commission issued an opinion explaining the basis for its final determination.

On November 9, 2023, the Commission determined to institute an enforcement proceeding under Commission Rule 210.75 to investigate alleged violations of the GEO by the four Enforcement Respondents. *See* Comm'n Notice, EDIS Doc. ID 808258 (Nov. 9, 2023); *see also* 88 FR 78786-87 (Nov. 16, 2023); 89 FR 15220 (Mar. 1, 2024). OUII is also named as a party. 88 FR at 78787.

On January 10, 2024, the presiding ALJ issued an order directing the Enforcement Respondents to show cause why they should not be found in default and why judgment should not be rendered against them for failing to respond to the enforcement complaint and notice of investigation. *See* Order No. 6 (Jan. 10, 2024). Order No. 6 directed the Enforcement Respondents to make any showing of good cause by no later than February 2, 2024. *Id.* at 3. No party responded to Order No. 6. *See* Order No. 8 at 1 (Feb. 13, 2024).

On March 14, 2024, the Commission determined that the four Enforcement Respondents were in default. *See* Order No. 8 (Feb. 13, 2024), *unreviewed by* Comm'n Notice (Mar. 15, 2024). On March 15, 2024, Meenaxi filed a motion requesting summary determination of violation of the GEO and the issuance of CDOs against the four Enforcement Respondents. *See* Order No. 9 (Aug. 16, 2024) ("ID") at 5.

On August 16, 2024, the presiding ALJ issued the subject ID (Order No. 9), granting Meenaxi's motion and recommending issuance of the requested CDOs. The ALJ concluded

that "the un rebutted evidence summarized below demonstrates that the Enforcement Respondents have imported and/or sold after importation chocolate milk powder products bearing the 'Bournvita' label" in violation of the GEO. ID at 16-17. The ID noted that Meenaxi alleges that the Enforcement Respondents have violated the GEO by offering for sale, selling, advertising, and aiding and abetting the sale for Cadbury's "BOURNVITA" products. *Id.* at 17-18. The ID explained that "[t]hese (or similar) products were found to infringe the '026 Mark during the violation phase" of this investigation. *Id.* at 18. No party filed a petition seeking review of the ID.

On August 19, 2024, the Commission issued a notice soliciting submissions on public interest issues raised by the recommended relief should the Commission find a violation of the GEO, specifically, CDOs against the four Enforcement Respondents: (1) Bharat Bazaar; (2) Coconut Hill; (3) Organic Ingredients; and (4) New India. 89 FR 68203-04 (Aug. 23, 2024). No comments were received in response to the notice.

On October 2, 2024, the Commission issued a notice determining to review the ID's findings that the Enforcement Respondents have violated the GEO. 89 FR 81547-49 (Oct. 8, 2024). The Commission requested briefing from the parties on (1) whether the sale of infringing products imported before the issuance of a GEO but sold in the United States after the issuance of that order constitutes a violation of the GEO; (2) whether a complainant must provide evidence of importation of infringing products after the date on which the GEO issued in order to establish a violation of a GEO in an enforcement proceeding; and (3) whether 19 U.S.C. 1337(g)(1) applies to allegations of a violation of a GEO in an enforcement proceeding involving defaulting enforcement respondents. *Id.* at 81548. The Commission also requested briefing from the parties, interested government agencies, and other interested persons on the issues of remedy, the public interest, and bonding. *Id.* at 81548-49.

On October 16, 2024, Meenaxi and OUII each filed submissions in response to the Commission's notice, arguing that the public interest does not preclude issuance of the requested CDOs. In its response, Meenaxi requested the same bond as previously issued in the underlying investigation during the period of Presidential review pursuant to section 337(j) (19 U.S.C. 1337(j)). No other party filed a response.

Having examined the record of this investigation, including the parties' submissions, the Commission has

determined to find that the conditions set forth in section 337(g)(1)(A)–(E) (19 U.S.C. 1337(g)(1)(A)–(E)) have been satisfied, and section 337(g)(1) directs the Commission, upon request, to issue a CDO against a respondent found in default, based on the allegations regarding a violation of the GEO in the complaint, which are presumed to be true, unless after consideration of the public interest factors in section 337(g)(1), it finds that such relief should not issue. The Commission has further determined that the appropriate remedy in this investigation is to issue a CDO against each Enforcement Respondent. The Commission has also determined that the public interest factors enumerated in subsection 337(g)(1) do not preclude the issuance of the CDOs. The Commission has further determined that the bond during the period of Presidential review pursuant to section 337(j) (19 U.S.C. 1337(j)) shall be in the amount of one hundred percent (100%) of the entered value of the infringing articles. The investigation is terminated.

The Commission's vote on this determination took place on November 18, 2024.

The authority for the Commission's determination is contained in section 337 of the Tariff Act of 1930, as amended (19 U.S.C. 1337), and in part 210 of the Commission's Rules of Practice and Procedure (19 CFR part 210).

By order of the Commission.

Issued: November 18, 2024.

Lisa Barton,

Secretary to the Commission.

[FR Doc. 2024–27374 Filed 11–21–24; 8:45 am]

BILLING CODE 7020–02–P

OFFICE OF MANAGEMENT AND BUDGET

Request for Feedback on Draft Materials for Broadening Public Participation and Community Engagement With the Federal Government

AGENCY: Office of Management and Budget, Executive Office of the President.

ACTION: Notice of public feedback period.

SUMMARY: The Office of Management and Budget (OMB) is seeking public feedback on a draft memorandum titled *Broadening Public Participation and Community Engagement with the Federal Government*. As drafted, the memorandum would provide Federal agencies with common definitions and

guiding principles for public participation and community engagement, a sample framework to help decide when and how to involve the public in decision-making processes, and steps to help advance effective and meaningful public engagement.

Additionally, OMB is preparing the first iteration of a U.S. Federal Public Participation and Community Engagement Toolkit to help Federal agencies better plan, implement, and assess the impact of participation and engagement. OMB also requests feedback on the draft outline of this toolkit.

The full text of the draft memorandum and the full draft outline of the toolkit are available for review at www.performance.gov/participation.

DATES: Feedback must be provided on or before November 29, 2024.

ADDRESSES: In an effort to improve accessibility, OMB is offering multiple options to provide feedback.

Written Feedback: Responses can be submitted through a simple, open-ended form at www.performance.gov/participation. Instructions for submitting feedback are available on the site.

Listening Sessions: Options to register for live events hosted by OMB to hear from the public are also available at www.performance.gov/participation. ASL interpretation, live captioning, and live audio translation in Spanish and Mandarin Chinese will be provided.

Privacy Act Statement: Response to this request is voluntary. OMB will use your feedback to inform sound decision making on topics related to this memorandum. All responses received may be publicly disclosed, including any personal and business confidential information provided. Please do not include in your responses any information of a confidential nature, such as sensitive personal information or proprietary information, or any information that you would not like to be made publicly available. The OMB System of Records Notice, OMB Public Input System of Records, OMB/INPUT/01, 88 FR 20,913 (Apr. 7, 2023), available at www.federalregister.gov/d/2023-07452, includes a list of routine uses associated with the collection of this information.

Individuals and organizations who respond to this request may be contacted for clarification, related discussions, events, or surveys.

FOR FURTHER INFORMATION CONTACT: Please email the Office of Management and Budget at publicparticipation@omb.eop.gov.

SUPPLEMENTARY INFORMATION: In developing these draft materials, OMB considered feedback received from the public and Federal agencies through OMB's Request for Information on Methods and Leading Practices for Advancing Public Participation and Community Engagement With the Federal Government, 89 FR 19,885 (Mar. 20, 2024), available at www.federalregister.gov/d/2024-05882, and related listening sessions.

The proposed memorandum on participation and engagement would complement guidance from OMB's Office of Information and Regulatory Affairs on *Broadening Public Participation and Community Engagement in the Regulatory Process* (July 10, 2023), available at www.whitehouse.gov/wp-content/uploads/2023/07/Broadening-Public-Participation-and-Community-Engagement-in-the-Regulatory-Process.pdf, which focuses on how agencies can better engage the public when developing regulations.

The toolkit would centralize materials to help agencies engage the American people, including individuals from underserved communities, in ways that better meet agency and community needs and priorities. The toolkit would also build on prior Federal efforts, such as the *U.S. Public Participation Playbook* (Feb. 3, 2015), available at digital.gov/guides/public-participation.

Lauren Stocker,

Deputy Associate Director, Performance and Personnel Management, Office of Management and Budget.

[FR Doc. 2024–27341 Filed 11–21–24; 8:45 am]

BILLING CODE 3110–01–P

NATIONAL SCIENCE FOUNDATION

Notice of Intent To Seek Approval To Renew With Changes an Information Collection

AGENCY: National Science Foundation.

ACTION: Notice and request for comments.

SUMMARY: The National Science Foundation (NSF) is announcing plans to request establishment and clearance of this collection. In accordance with the requirements of the Paperwork Reduction Act of 1995, we are providing opportunity for public comment on this action. After obtaining and considering public comment, NSF will prepare the submission requesting that OMB approve clearance of this collection for no longer than three years.

DATES: Written comments on this notice must be received by January 21, 2025 to

be assured of consideration. Comments received after that date will be considered to the extent practicable.

FOR FURTHER INFORMATION CONTACT: Suzanne H. Plimpton, Reports Clearance Officer, National Science Foundation, 2415 Eisenhower Avenue, Alexandria, Virginia 22314; or send email to splimpto@nsf.gov. Individuals who use a telecommunications device for the deaf (TDD) may call the Federal Information Relay Service (FIRS) at 1–800–877–8339, which is accessible 24 hours a day, 7 days a week, 365 days a year (including federal holidays).

Instructions: Please submit one copy of your comments by only one method. All submissions received must include the agency name and collection name identified above for this information collection. Commenters are strongly encouraged to transmit their comments electronically via email. Comments, including any personal information provided become a matter of public record. They will be summarized and/or included in the request for Office of Management and Budget approval of the information collection request.

SUPPLEMENTARY INFORMATION:

Comments: Comments are invited on (a) whether the proposed collection of information is necessary for the proper performance of the functions of the Agency, including whether the information shall have practical utility; (b) the accuracy of the Agency's estimate of the burden of the proposed collection of information; (c) ways to enhance the quality, utility, and clarity of the information on respondents, including through the use of automated collection techniques or other forms of information technology; (d) ways to 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.

Title of Collection: National Science Foundation's Education and Training Application.

OMB Number: 3145–0248.

Expiration Date of Approval: November 30, 2024.

Abstract: The U.S. National Science Foundation Education & Training Application (NSF ETAP) is a customizable, common application system designed to connect individuals—such as students and educators—with NSF-funded education and training opportunities. ETAP enables the NSF to gather high-quality data for monitoring, targeted research, and evaluations of its programs. The

system enhances the agency's ability to address key priorities, such as those outlined in the CHIPS and Science Act of 2022 (Pub. L. 117–167), which calls for new investments in STEM education while building a knowledge base on effective models for recruiting and retaining students in STEM fields.

A new system of records, NSF–80, titled Education and Training Application Data System (ETAP), was published in the **Federal Register** in October 2023 and contains records from this system.

ETAP is designed to collect data on applicants and participants in NSF-funded opportunities, thereby reducing the burden on Principal Investigators (PIs) and applicants while enhancing NSF's ability to monitor its education and workforce development programs and conduct evaluations of their impact. PIs of NSF awards can use the ETAP system to recruit prospective participants for a variety of NSF-funded opportunities, including research experiences, fellowships, scholarships, internships, teaching assistantships, dissertation grants, summer boot camps, and more. The centralized platform provided by ETAP allows potential applicants to easily discover and apply for these NSF-funded programs aimed at STEM professional development and growth.

The data collected through the system typically falls into three categories: (1) opportunity information (provided by PIs creating opportunities for applicants), (2) application information (provided by applicants applying for NSF-funded opportunities), and (3) admissions decisions and participation (provided by PIs confirming participants funded through NSF award funds). In addition to the information collected via the ETAP system, other collections are necessary for continuous improvement and outcome tracking: (1) usability and satisfaction feedback (to gather input for planning and assessing system enhancements), and (2) tracking educational outcomes (to obtain educational outcomes from administrative data from the National Student Clearinghouse, posing no burden to participants or PIs).

Estimate of Burden: We estimate that PIs (or their designated users) will spend an average of 4.7 hours using the system to set up and manage applications for their opportunities. PIs can determine whether applications to their opportunities are competitive; we estimate that 75% of opportunities will have competitive applications. For individuals applying for non-competitive opportunities, we estimate a time commitment of 3.25 hours to

submit information through the ETAP system. For competitive opportunities (which often require additional materials, such as a statement of purpose), this estimate increases to 7 hours. Additionally, we estimate that individuals writing letters of reference will spend approximately 0.5 hours drafting these letters in support of an applicant.

Respondents: Individuals engaged in opportunities funded by NSF.

Estimated Annual Number of Respondents: 103,239.

Estimated Annual Burden on Respondents: 271,736 hours.

Frequency of Responses: Three rounds of data collection.

Dated: November 18, 2024.

Suzanne H. Plimpton,
Reports Clearance Officer, National Science Foundation.

[FR Doc. 2024–27353 Filed 11–21–24; 8:45 am]

BILLING CODE 7555–01–P

NATIONAL TRANSPORTATION SAFETY BOARD

Sunshine Act Meeting

TIME AND DATE: 9:30 a.m. EDT, December 10, 2024.

PLACE: NTSB Conference Center, 429 L'Enfant Plaza SW, Washington, DC 20594.

STATUS: The one item is open to the public.

MATTER TO BE CONSIDERED:

73721 Pipeline Investigation Report—UGI Utilities Inc. Natural Gas Pipeline Explosion and Fire, West Reading, Pennsylvania, March 24, 2023

CONTACT PERSON FOR MORE INFORMATION:

Candi Bing at (202) 590–8384 or by email at bingc@ntsb.gov.

Media Information Contact: Keith Holloway by email at keith.holloway@ntsb.gov or at (202) 314–6100.

The public may view it through a live or archived webcast by accessing a link under “Upcoming Events” on the NTSB home page at www.ntsb.gov.

Schedule updates, including weather-related cancellations, are also available at www.ntsb.gov.

The National Transportation Safety Board is holding this meeting under the Government in the Sunshine Act, 5 U.S.C. 552(b).

Dated: Friday, November 15, 2024.

Candi R. Bing,
Federal Register Liaison Officer.

[FR Doc. 2024–27524 Filed 11–20–24; 4:15 pm]

BILLING CODE 7533–01–P

SECURITIES AND EXCHANGE COMMISSION

[Release No. 34–101646; File No. SR–CBOE–2024–042]

Self-Regulatory Organizations; Cboe Exchange, Inc.; Notice of Designation of a Longer Period for Commission Action on a Proposed Rule Change To Amend Its Rules To Permit Orders Comprised of Options and Futures Legs

November 18, 2024.

On September 27, 2024, Cboe Exchange, Inc. (“Exchange”) filed with the Securities and Exchange Commission (“Commission”), pursuant to Section 19(b)(1) of the Securities Exchange Act of 1934 (“Act”),¹ and Rule 19b–4 thereunder,² a proposed rule change to amend its rules to permit orders comprised of options and futures legs. The proposed rule change was published for comment in the **Federal Register** on October 8, 2024.³ The Commission has received no comment letters regarding the proposed rule change.

Section 19(b)(2) of the Act⁴ provides that within 45 days of the publication of notice of the filing of a proposed rule change, or within such longer period up to 90 days as the Commission may designate if it finds such longer period to be appropriate and publishes its reasons for so finding, or as to which the self-regulatory organization consents, the Commission shall either approve the proposed rule change, disapprove the proposed rule change, or institute proceedings to determine whether the proposed rule change should be disapproved. The 45th day after publication of the notice for this proposed rule change is November 22, 2024. The Commission is extending this 45-day time period.

The Commission finds it appropriate to designate a longer period within which to take action on the proposed rule change so that it has sufficient time to consider the proposed rule change. Accordingly, the Commission, pursuant to Section 19(b)(2) of the Act,⁵ designates January 6, 2025, as the date by which the Commission shall either approve or disapprove, or institute proceedings to determine whether to disapprove, the proposed rule change (File No. SR–CBOE–2024–042).

For the Commission, by the Division of Trading and Markets, pursuant to delegated authority.⁶

Sherry R. Haywood,
Assistant Secretary.

[FR Doc. 2024–27351 Filed 11–21–24; 8:45 am]

BILLING CODE 8011–01–P

SECURITIES AND EXCHANGE COMMISSION

[Release No. 34–101648; File No. 4–698]

Joint Industry Plan; Order Instituting Proceedings To Determine Whether To Approve or Disapprove an Amendment to the National Market System Plan Governing the Consolidated Audit Trail Regarding Reporting of Certain Verbal Activity, Floor and Upstairs Activity

November 18, 2024.

I. Introduction

On August 2, 2024, the Consolidated Audit Trail, LLC (“CAT LLC”), on behalf of the following parties to the National Market System Plan Governing the Consolidated Audit Trail (the “CAT NMS Plan” or “Plan”):¹ BOX Exchange LLC, Cboe BYX Exchange, Inc., Cboe BZX Exchange, Inc., Cboe EDGA Exchange, Inc., Cboe EDGX Exchange, Inc., Cboe C2 Exchange, Inc., Cboe Exchange, Inc., Financial Industry Regulatory Authority, Inc., Investors Exchange LLC, Long-Term Stock Exchange, Inc., MEMX, LLC, Miami International Securities Exchange LLC, MIAAX Emerald, LLC, MIAAX PEARL, LLC, Nasdaq BX, Inc., Nasdaq GEMX, LLC, Nasdaq ISE, LLC, Nasdaq MRX, LLC, Nasdaq PHLX LLC, The NASDAQ Stock Market LLC, New York Stock Exchange LLC, NYSE American LLC, NYSE Arca, Inc., NYSE Chicago, Inc., and NYSE National, Inc. (collectively, the “Participants”) filed with the Securities and Exchange Commission (“SEC” or “Commission”) pursuant to Section 11A(a)(3) of the Securities Exchange Act of 1934 (“Exchange Act”),² and Rule 608 thereunder,³ a proposed amendment to the CAT NMS Plan to amend existing requirements for the consolidated audit trail (“CAT”) regarding the reporting of certain verbal

activity, floor and upstairs activity (the “Verbal Quotes Amendment”).⁴ Notice of the Verbal Quotes Amendment was published in the **Federal Register** on August 20, 2024.⁵

This order institutes proceedings, under Rule 608(b)(2)(i) of Regulation NMS,⁶ to determine whether to disapprove the Verbal Quotes Amendment or to approve the Verbal Quotes Amendment with any changes or subject to any conditions the Commission deems necessary or appropriate.

II. Background

Rule 613(j)(9) of Regulation NMS and Section 1.1 of the CAT NMS Plan define the term “reportable event” as including, but not limited to, the original receipt or origination, modification, cancellation, routing, and execution (in whole or in part) of an order, and receipt of a routed order.⁷ The term “order” is defined in Rule 613(j)(8) of Regulation NMS and Section 1.1 of the CAT NMS Plan as including: (i) any order received by a member of a national securities exchange or national securities association from any person; (ii) any order originated by a member of a national securities exchange or national securities association; or (iii) any bid or offer.⁸ “Bid” and “offer” are defined in Rule 600(b)(16) of Regulation NMS as the bid price or offer price communicated by a member of an exchange or association to any broker-dealer or to any customer, at which it is willing to buy or sell one or more round lots of an NMS security, as principal or agent, but excluding indications of interest.⁹

Rule 613 and the CAT NMS Plan both require that the Industry Members and the Participants capture and report quotes and orders that meet the definition of a CAT reportable event, with no exclusion for verbal quotes and orders.¹⁰ The Commission previously

⁴ See Letter from Brandon Becker, CAT NMS Plan Operating Committee Chair, to Vanessa Countryman, Secretary, Commission, dated August 2, 2024.

⁵ See Securities Exchange Act Release No. 100727 (Aug. 14, 2024), 89 FR 67499 (Aug. 20, 2024) (the “Notice”).

⁶ 17 CFR 242.608(b)(2)(i).

⁷ 17 CFR 242.613(j)(9).

⁸ 17 CFR 242.613(j)(9).

⁹ 17 CFR 242.600(b)(8).

¹⁰ Unstructured verbal or manual communications on exchange floors and “upstairs” are reportable events under Rule 613 and the CAT NMS Plan because firm verbal quotes and orders, whether they occur on an exchange floor or “upstairs,” are reportable to CAT if they are a firm bid or offer. See Securities Exchange Act Release No. 90405 (Nov. 12, 2020), 85 FR 73544, at 73546–547 (Nov. 18, 2020) (“November 2020 Exemptive Order”).

⁶ 17 CFR 200.30–3(a)(31).

¹ The CAT NMS Plan is a national market system plan approved by the Commission pursuant to Section 11A of the Exchange Act and the rules and regulations thereunder. See Securities Exchange Act Release No. 79318 (Nov. 15, 2016), 81 FR 84696 (Nov. 23, 2016). The full text of the CAT NMS Plan is available at www.catnmsplan.com. Unless otherwise defined herein, capitalized terms used herein are defined as set forth in the CAT NMS Plan.

² 15 U.S.C 78k–1(a)(3).

³ 17 CFR 242.608.

¹ 15 U.S.C. 78s(b)(1).

² 17 CFR 240.19b–4.

³ See Securities Exchange Act Release No. 101228 (Oct. 1, 2024), 89 FR 81592.

⁴ 15 U.S.C. 78s(b)(2).

⁵ *Id.*

granted CAT LLC's request for temporary exemptive relief until July 31, 2026¹¹ for the reporting to CAT of the following activities: (i) "floor broker verbal announcements of firm orders on an exchange that are otherwise reported as systematized orders; (ii) market maker verbal announcements of firm quotes on an exchange trading floor; (iii) telephone discussions between an Industry Member and a client that may involve firm bid and offer communications; and (iv) unstructured electronic and verbal communications that are not currently captured by Industry Member order management or execution systems (e.g., Bloomberg chats, text messages)." ¹²

III. Summary of the Verbal Quotes Amendment

CAT LLC proposes to amend the CAT NMS Plan to state that the activities subject to the July 2023 Exemptive Order (the "Exempt Activities") shall not be reportable as Participant Data or Recorded Industry Member Data that Participants and Industry Members, as applicable, must record and report to the Central Repository.¹³ Specifically, proposed new Section 6.3(g) of the CAT NMS Plan would state the following:

"Notwithstanding any other provision of SEC Rule 613 or the CAT NMS Plan, the following categories of data shall not be reportable to the Central Repository under Section 6.3(d):

- (i) floor broker verbal announcements of firm orders on an exchange that are otherwise reported as systematized orders;
- (ii) market maker verbal announcements of firm quotes on an exchange trading floor;
- (iii) telephone discussions between an Industry Member and a client that may involve firm bid and offer communications; and
- (iv) unstructured electronic and verbal communications that are not currently captured by Industry Member order management or execution systems (e.g., electronic chats, text messages)." ¹⁴

CAT LLC states that the Verbal Quotes Amendment is intended to have an effect similar to permanent

incorporation into the CAT NMS Plan of the existing Commission-approved temporary exemptive relief within the July 2023 Exemptive Order, without the added conditions to relief.¹⁵ CAT LLC states that the Verbal Quotes Amendment is not intended to affect activity that is currently reported to CAT or to otherwise modify the categories in the July 2023 Exemptive Order.¹⁶

CAT LLC states that the Verbal Quotes Amendment is merited because of the impact on overall CAT costs of requiring reporting of the Exempt Activities.¹⁷ CAT LLC estimates that these costs could be in the billions.¹⁸ CAT LLC further states that the Verbal Quotes Amendment is appropriate because it is technologically infeasible to reliably, accurately, and consistently collect and report data concerning the Exempt Activities.¹⁹

CAT LLC also states that no technological developments have occurred that would make reporting the Exempt Activities cost-effective.²⁰ CAT LLC states that market participants continue to work on developing this technology, but that a number of Industry Members have conducted internal analyses on this question and concluded that there is currently no artificial intelligence software or algorithm with a feasible architecture to accurately capture and report the Exempt Activities to the CAT in an automated manner.²¹ CAT LLC states that, given that the technology has not developed in the four years since the original November 2020 Exemptive Order, it is "exceedingly unlikely" that it will develop to a usable point over the next two years.²² Moreover, because there is no existing technological solution, CAT LLC states that reporting the Exempt Activities would require substantial human intervention, which would also add significantly to the

costs.²³ Specifically, CAT LLC states that the only way for the Participants and Industry Members to report the Exempt Activities to the CAT would be to manually capture these events by requiring a human being to listen to every verbal interaction of every floor broker, market maker, or upstairs trader either live or from tape, and/or to sift through electronic communications to determine if and precisely when a quote was given and whether it was firm.²⁴ CAT LLC states that there also would be considerable costs to implement the reporting of the Exempt Activities beyond the above-described costs to maintain such reporting.²⁵ CAT LLC further states that reporting the Exempt Activities would also disrupt trading and reduce the use of firm quotations and orders.²⁶

CAT LLC states that these significant costs "would not provide enough value from a regulatory and surveillance perspective to outweigh their substantial costs" because most of the relevant data that could be gleaned from the Exempt Activities is already gathered in some other form in CAT.²⁷ CAT LLC states that on all exchanges with floor trading, every order must be systematized upon receipt by the floor broker on the floor of the exchange and is reportable to the CAT.²⁸ CAT LLC states that an order is "systematized" when (A) the order is sent electronically to the floor broker's system at the exchange; or (B) the order is manually systematized by the floor broker upon receipt outside of the floor broker's system and prior to representation in the floor trading crowd.²⁹ CAT LLC states that therefore all firm bids or offers represented by a floor broker must be associated with orders that have already been systematized.³⁰ CAT LLC states that because the Participants require that any firm verbal interest expressed by a floor broker must be related to a CAT reportable systematized order, and any resulting trade must be reported to CAT, all verbal interest expressed by a floor broker that may be a CAT Reportable Event is already reported to CAT.³¹ In addition, CAT LLC states that any cancellation or change to an order transmitted to an exchange floor broker must occur within

¹¹ See November 2020 Exemptive Order (granting the requested relief until July 31, 2023); Securities Exchange Act Release No. 98023 (July 28, 2023), 88 FR 51369 (Aug. 3, 2023) (the "July 2023 Exemptive Order") (extending the relief until July 31, 2026).

¹² See Notice, 89 FR at 67499.

¹³ See Notice, 89 FR at 67499.

¹⁴ See *id.* at 67501. CAT LLC states that the term "client" in the Verbal Quotes Amendment is intended to include both a non-Industry Member customer of the Industry Member or another Industry Member. *Id.* In addition, CAT LLC proposes to add references to new Section 6.3(g) to Section 6.3(d) and Section 6.4(d)(i) of the CAT NMS Plan. Specifically, CAT LLC proposes to add the parenthetical phrase "(subject to the exclusions outlined in Section 6.3(g))" to Section 6.3(d) and Section 6.4(d)(i) of the CAT NMS Plan. *Id.*

¹⁵ *Id.* The July 2023 Exemptive Order conditioned relief on the Participants providing the Commission a written status update on the reporting of these quotes and orders by July 31, 2025, including, for both verbal activity on exchange floors and upstairs activity separately, an analysis of the feasibility of traders contemporaneously recording firm bid and offer information for verbal and manual quotes and orders, and an implementation plan for the reporting of these quotes and orders. July 2023 Exemptive Order, 88 FR at 51370–71.

¹⁶ See Notice, 89 FR at 67501.

¹⁷ See *id.*

¹⁸ See *id.* A letter cited by CAT LLC provides additional detail on these estimates. See Letter from Howard Meyerson, Managing Director, Financial Information Forum, to Commission at 20 (Dec. 16, 2022) ("December 2022 FIF Letter").

¹⁹ *Id.*

²⁰ See Notice at 67502–03.

²¹ See *id.* (citing December 2022 FIF Letter at 5).

²² See Notice at 67502.

²³ See Notice at 67502–03.

²⁴ *Id.*

²⁵ *Id.*

²⁶ See Notice at 67503.

²⁷ *Id.*

²⁸ *Id.*

²⁹ See Notice at 67503.

³⁰ *Id.*

³¹ See Notice at 67502–03.

the systematized order record.³² CAT LLC states that there is additional information that would be associated with the Exempt Activities, but states that such additional information does not need to be captured to allow for effective surveillance and regulation of exchange floor activity.³³

CAT LLC states therefore that the ultimate regulatory value-add of expanding the existing CAT reporting to include the Exempt Activities is minimal given the scope of the data associated with the Exempt Activities that is already reported.³⁴ CAT LLC further states that communications related to the Exempt Activities do not lend themselves to the types of market manipulation considered in the adoption of Rule 613 because such communications are not widely disseminated.³⁵ CAT LLC concludes that any small incremental value added for regulatory purposes would be significantly outweighed by costs imposed on Industry Members, their customers, and the Participants, as well as the disruption to trading on Participant trading floors.³⁶

IV. Summary of Comments

The Commission received one comment letter in connection with the Verbal Quotes Amendment.³⁷ The commenter supports the Verbal Quotes Amendment stating that: (i) automated capture of the Exempt Activities is not possible based on current technology; (ii) the costs for manually capturing, interpreting and reporting the Exempt Activities will be significant;³⁸ (iii) the CAT NMS Plan and the Commission's approval order do not address these significant costs; (iv) Industry Members will curtail their current verbal activity in the absence of relief, which could result in reduced execution quality for customer orders and reduced market liquidity; (v) prices communicated in upstairs one-to-one unstructured communications are not firm because they are not binding on the communicating party and always

require a further affirmative action by the communicating party; (vi) that the regulatory value of the data is not clear; and (vii) the Exemptive Activities could be defined as "pre-order communications," but are not orders under Commission Rule 613 because they cannot result in a trade execution unless an order is transmitted and received subsequent to such a pre-order communication and prior to the time of trade execution."³⁹

FIF states that if the Commission does not provide permanent relief for reporting the Exempt Activities, it would be necessary for the Commission to: (i) provide support for this position based on Commission precedent;⁴⁰ (ii) publicly communicate its reasoning in writing; (iii) clearly explain the conditions under which specific verbal activity would be or would not be reportable to CAT; and (iv) ensure that the CAT system and CAT documentation are updated to clearly describe the required reporting (including how specific fields, such as duration, should be reported).⁴¹ FIF states that the Commission would need to complete these four steps at least three years prior to any implementation of CAT reporting for the Exempt Activities.⁴²

V. Proceedings To Determine Whether To Approve or Disapprove the Verbal Quotes Amendment and Grounds for Disapproval Under Consideration

The Commission is instituting proceedings pursuant to Rule 608(b)(2)(i) of Regulation NMS,⁴³ and Rules 700 and 701 of the Commission's Rules of Practice,⁴⁴ to determine whether to disapprove the Verbal Quotes Amendment or to approve the Verbal Quotes Amendment with any changes or subject to any conditions the Commission deems necessary or appropriate. The Commission is instituting proceedings to have sufficient time to consider the issues raised by the proposal, including comments received. Institution of proceedings does not indicate that the

Commission has reached any conclusions with respect to any of the issues involved. Rather, as described below, the Commission seeks and encourages interested persons to provide comment on the Verbal Quotes Amendment.

Rule 608(b)(2) of Regulation NMS provides that the Commission "shall approve a national market system plan or proposed amendment to an effective national market system plan, with such changes or subject to such conditions as the Commission may deem necessary or appropriate, if it finds that such plan or amendment is necessary or appropriate in the public interest, for the protection of investors and the maintenance of fair and orderly markets, to remove impediments to, and perfect the mechanisms of, a national market system, or otherwise in furtherance of the purposes of the [Exchange] Act."⁴⁵ Rule 608(b)(2) further provides that the Commission shall disapprove a national market system plan or proposed amendment if it does not make such a finding.⁴⁶ In the Notice, the Commission sought comment on the proposed amendment, including whether the proposed amendment is consistent with the Exchange Act.⁴⁷ In this order, pursuant to Rule 608(b)(2)(i) of Regulation NMS,⁴⁸ the Commission is providing notice of the grounds for disapproval under consideration:

- whether, consistent with Rule 608 of Regulation NMS, the Participants have demonstrated that the Verbal Quotes Amendment is necessary or appropriate in the public interest, for the protection of investors and the maintenance of fair and orderly markets, to remove impediments to, and perfect the mechanisms of, a national market system, or otherwise in furtherance of the purposes of the Exchange Act;⁴⁹ and
- whether, and if so how, the Verbal Quotes Amendment would affect efficiency, competition or capital formation.

Under the Commission's Rules of Practice, the "burden to demonstrate that a NMS plan filing is consistent with the Exchange Act and the rules and regulations issued thereunder . . . is on the plan participants that filed the NMS plan filing."⁵⁰ The description of the NMS plan filing, its purpose and operation, its effect, and a legal analysis of its consistency with applicable requirements must all be sufficiently

³² *Id.*

³³ *See id.*

³⁴ *See id.*

³⁵ *See id.*

³⁶ *Id.*

³⁷ *See* Letter from Howard Meyerson, Managing Director, Financial Information Forum ("FIF") to Secretary, Commission, dated September 9, 2024, available at <https://www.sec.gov/comments/4-698/4698-518035-1490942.pdf> ("September 2024 FIF Letter"), enclosing December 2022 FIF Letter.

³⁸ FIF states that the annual cost to report the Exempt Activities would be in excess of \$4.4 billion, subject to an increase for inflation in the period of time following the submission of the December 2022 FIF Letter. September 2024 FIF Letter at 3.

³⁹ September 2024 FIF Letter at 2–4.

⁴⁰ FIF states that unstructured verbal and electronic upstairs activities are not reportable to CAT under Rule 613 because they represent indications of interest—not orders. December 2022 FIF Letter at 11–12. CAT LLC states that the analysis in the December 2022 FIF Letter explaining why unstructured verbal and electronic upstairs activities are not reportable to CAT under Rule 613 (including the challenges that would be associated with reporting those activities) applies equally to communications on exchange trading floors. *See* Notice, *supra* note 5, at 67499.

⁴¹ September 2024 FIF Letter at 4.

⁴² *Id.*

⁴³ 17 CFR 242.608(b)(2)(i).

⁴⁴ 17 CFR 201.700; 17 CFR 201.701.

⁴⁵ 17 CFR 242.608(b)(2).

⁴⁶ *Id.*

⁴⁷ *See* Notice at 67504.

⁴⁸ 17 CFR 242.608(b)(2)(i).

⁴⁹ 17 CFR 242.608(b)(2).

⁵⁰ 17 CFR 201.701(b)(3)(ii).

detailed and specific to support an affirmative Commission finding, and “[a] mere assertion that the NMS plan filing is consistent with those requirements is not sufficient.”⁵¹ Any failure of the plan participants that filed the NMS plan filing to provide such detail and specificity may result in the Commission not having a sufficient basis to make an affirmative finding that the NMS plan filing is consistent with the Act and the applicable rules and regulations thereunder.⁵²

VI. Commission’s Solicitation of Comments

The Commission requests that interested persons provide written submissions of their views, data, and arguments with respect to the issues identified above, as well as any other concerns they may have with the Verbal Quotes Amendment. In particular, the Commission invites the written views of interested persons concerning whether the Verbal Quotes Amendment is consistent with the Exchange Act, the rules and regulations thereunder, or any other provisions of the CAT NMS Plan. The Commission asks that commenters address the sufficiency and merit of the Participants’ statements in support of the Verbal Quotes Amendment, and to consider the impact of the Verbal Quotes Amendment on efficiency, competition, and capital formation, in addition to any other comments they may wish to submit about the Verbal Quotes Amendment.

Although there do not appear to be any issues relevant to approval or disapproval that would be facilitated by an oral presentation of views, data, and arguments, the Commission will consider, pursuant to Rule 608(b)(2)(i) of Regulation NMS, any request for an opportunity to make an oral presentation.

Interested persons are invited to submit written data, views, and arguments regarding whether the Verbal Quotes Amendment should be approved or disapproved by December 13, 2024. Any person who wishes to file a rebuttal to any other person’s submission must file that rebuttal by December 27, 2024. Comments may be submitted by any of the following methods:

Electronic Comments

- Use the Commission’s internet comment form (<http://www.sec.gov/rules/sro.shtml>); or
- Send an email to rule-comments@sec.gov. Please include File Number 4–698 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 4–698 (CAT Verbal Quotes Amendment). 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 Verbal Quotes Amendment that are filed with the Commission, and all written communications relating to the Verbal Quotes Amendment 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 10:00 a.m. and 3:00 p.m. Copies of the filing also will be available for inspection and copying at the Participants’ principal offices. 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 4–698 (CAT Verbal Quotes Amendment) and should be submitted on or before December 13, 2024.

For the Commission, by the Division of Trading and Markets, pursuant to delegated authority.⁵³

Sherry R. Haywood,

Assistant Secretary.

[FR Doc. 2024–27352 Filed 11–21–24; 8:45 am]

BILLING CODE 8011–01–P

SMALL BUSINESS ADMINISTRATION

[Disaster Declaration #20711 and #20712; GEORGIA Disaster Number GA–20013]

Presidential Declaration Amendment of a Major Disaster for the State of Georgia

AGENCY: U.S. Small Business Administration.

ACTION: Amendment 10.

SUMMARY: This is an amendment of the Presidential declaration of a major disaster for the State of Georgia (FEMA–4830–DR), dated September 30, 2024.

Incident: Hurricane Helene.

DATES: Issued on November 13, 2024.

Incident Period: September 24, 2024 through October 30, 2024.

Physical Loan Application Deadline Date: January 7, 2025.

Economic Injury (EIDL) Loan Application Deadline Date: June 30, 2025.

ADDRESSES: Visit the MySBA Loan Portal at <https://lending.sba.gov> to apply for a disaster assistance loan.

FOR FURTHER INFORMATION CONTACT: Alan Escobar, Office of Disaster Recovery & Resilience, U.S. Small Business Administration, 409 3rd Street SW, Suite 6050, Washington, DC 20416, (202) 205–6734.

SUPPLEMENTARY INFORMATION: The notice of the President’s major disaster declaration for the State of Georgia, dated September 30, 2024, is hereby amended to extend the deadline for filing applications for physical damages as a result of this disaster to January 7, 2025.

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. 2024–27343 Filed 11–21–24; 8:45 am]

BILLING CODE 8026–09–P

SMALL BUSINESS ADMINISTRATION

Reporting and Recordkeeping Requirements Under Office of Management and Budget Review

AGENCY: U.S. Small Business Administration.

ACTION: 30-Day notice; request for comments.

SUMMARY: The Small Business Administration (SBA) will submit the information collection described below to the Office of Management and Budget (OMB) for review and clearance in accordance with the Paperwork Reduction Act of 1995, as amended, on or after the date of publication of this notice. SBA is publishing this notice to allow all interested members of the public an additional 30 days to provide comments on the collection of information.

⁵¹ *Id.*

⁵² *Id.*

⁵³ 17 CFR 200.30–3(a)(85).

DATES: Submit comments on or before December 23, 2024.

ADDRESSES: Written comments and recommendations for this information collection request should be sent within 30 days of publication of this notice to www.reginfo.gov/public/do/PRAMain. Find this particular information collection request by selecting “Small Business Administration”; “Currently Under Review,” then select the “Only Show ICR for Public Comment” checkbox. This information collection can be identified by title and/or OMB Control Number, which are provided below.

FOR FURTHER INFORMATION CONTACT: You may obtain information including a copy of the forms and supporting documents from the Agency Clearance Officer, Curtis Rich, at (202) 205-7030, or curtis.rich@sba.gov, or from www.reginfo.gov/public/do/PRAMain.

SUPPLEMENTARY INFORMATION:

Background

Section 1102 of the Coronavirus Aid, Relief, and Economic Security (CARES) Act, Public Law 116-136, authorized SBA to guarantee loans made by banks or other financial institutions under a temporary program titled the “Paycheck Protection Program” (PPP). These loans were available to eligible small businesses, certain non-profit organizations, veterans’ organizations, Tribal business concerns, independent contractors, and self-employed individuals adversely impacted by the COVID-19 Emergency. SBA’s authority to guarantee PPP loans expired on August 8, 2020. On December 27, 2020, SBA received reauthorization under the Economic Aid Act, Public Law 116-260, to resume guaranteeing PPP loans through March 31, 2021. The Economic Aid Act also allowed certain eligible borrowers that previously received a PPP loan to receive a second draw PPP loan (“Second Draw PPP Loan Program”) and amended certain other PPP statutory provisions. On March 11, 2021, the American Rescue Plan Act, Public Law 117-2, was enacted, amending various PPP statutory provisions. On March 30, 2021, the PPP Extension Act of 2021 was enacted, extending the SBA’s PPP program authority through June 30, 2021.

This information collection is used for the Second Draw PPP Loan Program. This approval is set to expire on November 30, 2024. Although SBA’s program authority has expired, this information collection is still needed. Therefore, as required by the Paperwork Reduction Act, SBA is publishing this notice as a prerequisite to seeking

OMB’s approval to use this information collection beyond November 30, 2024.

Summary of Information Collection

Title: Paycheck Protection Loan Program—Second Draw.

OMB Control Number: 3245-0417.

(I) SBA Form 2483-SD—Paycheck Protection Program Second Draw Application

Estimated Number of Respondents: 0.

Estimated Annual Responses: 0.

Estimated Annual Hour Burden: 14,962.

(II) SBA Form 2483-SD-C—Paycheck Protection Program Second Draw Application for Schedule C Filers Using Gross Income

Estimated Number of Respondents: 0.

Estimated Annual Responses: 0.

Estimated Annual Hour Burden: 9,316.

(III) SBA FORM 2484-SD—Paycheck Protection Program Second Draw Lender’s Application for 7(A) Guaranty

Estimated Number of Respondents: 0.

Estimated Annual Responses: 0.

Estimated Annual Hour Burden: 24,278.

Solicitation of Public Comments

SBA invites the public to submit comments, including specific and detailed suggestions on ways to improve the collection and reduce the burden on respondents. Commenters should also address (i) whether the information collection is necessary for the proper performance of SBA’s functions, including whether it has any practical utility; (ii) the accuracy of the estimated burdens; (iii) ways to enhance the quality, utility, and clarity of the information to be collected; and (iv) the use of automated collection techniques or other forms of information technology to minimize the information collection burden on those who are required to respond.

Curtis Rich,

Agency Clearance Officer.

[FR Doc. 2024-27439 Filed 11-21-24; 8:45 am]

BILLING CODE 8026-09-P

DEPARTMENT OF STATE

[Public Notice: 12592]

Notice of Determinations; Culturally Significant Object Being Imported for Exhibition—Determinations: “Mariana: Velázquez’s Portrait of a Queen From the Museo Nacional del Prado” Exhibition

SUMMARY: Notice is hereby given of the following determinations: I hereby determine that a certain object being imported from abroad pursuant to an agreement with its foreign owner or custodian for temporary display in the exhibition “Mariana: Velázquez’s Portrait of a Queen from the Museo Nacional del Prado” at the Norton Simon Museum of Art, Pasadena, California, and at possible additional exhibitions or venues yet to be determined, is of cultural significance, and, further, that its temporary exhibition or display within the United States as aforementioned is in the national interest. I have ordered that Public Notice of these determinations be published in the **Federal Register**.

FOR FURTHER INFORMATION CONTACT: Reed Liriano, Program Coordinator, Office of the Legal Adviser, U.S. Department of State (telephone: 202-632-6471; email: section2459@state.gov). The mailing address is U.S. Department of State, L/PD, 2200 C Street NW (SA-5), Suite 5H03, Washington, DC 20522-0505.

SUPPLEMENTARY INFORMATION: The foregoing determinations were made pursuant to the authority vested in me by the Act of October 19, 1965 (79 Stat. 985; 22 U.S.C. 2459), Executive Order 12047 of March 27, 1978, the Foreign Affairs Reform and Restructuring Act of 1998 (112 Stat. 2681, *et seq.*; 22 U.S.C. 6501 note, *et seq.*), Delegation of Authority No. 234 of October 1, 1999, Delegation of Authority No. 236-3 of August 28, 2000, and Delegation of Authority No. 523 of December 22, 2021.

Nicole L. Elkon,

Deputy Assistant Secretary for Professional and Cultural Exchanges, Bureau of Educational and Cultural Affairs, Department of State.

[FR Doc. 2024-27391 Filed 11-21-24; 8:45 am]

BILLING CODE 4710-05-P

DEPARTMENT OF TRANSPORTATION**Federal Aviation Administration****[Docket No. 2021–0076]****Agency Information Collection Activities: Requests for Comments; Clearance of a Renewed Approval of Information Collection: Renewal of AVIATOR (Automated Vacancy Information Access Tool for Online Referral) Customer Satisfaction Survey—Corrections****AGENCY:** Federal Aviation Administration (FAA), DOT.**ACTION:** Notice; correction.

SUMMARY: This is a correction to a notice that was published on November 14, 2024. The Docket Number in the initial submission was incorrect. It was published as “2120–0076”. The correct Docket Number is 2021–0076.

DATES: Written comments should be submitted by December 16, 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: Toni Main-Valentin by email at: toni.main-valentin@faa.gov; phone: 405–954–0870.

SUPPLEMENTARY INFORMATION:

Public Comments Invited: You are asked to comment on any aspect of this information collection, including (a) Whether the proposed collection of information is necessary for FAA’s performance; (b) the accuracy of the estimated burden; (c) ways for FAA to enhance the quality, utility and clarity of the information collection; and (d) ways that the burden could be minimized without reducing the quality of the collected information.

OMB Control Number: 2120–0699.

Title: AVIATOR (Automated Vacancy Information Access Tool for Online Referral) Customer Satisfaction Survey.

Form Numbers: N/A (electronic).

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 June 5, 2024 (89 FR 48213). The Government Performance and Results Act of 1993 (GPRA) Section 2(b)(3) requires agencies to “improve Federal

program effectiveness and public accountability by promoting a new focus on results, service quality, and customer satisfaction”. In addition, as stated in the White House “Memorandum for Heads of Executive Departments and Agencies” regarding Executive Order No. 12862, “the actions the order prescribes, such as surveying customers, surveying employees, and benchmarking, shall be continuing agency activities”. This collection supports the Department of Transportation (DOT) strategic goal of Organizational Excellence.

In compliance with the Government Paperwork Elimination Act (GPEA), all of our data collection will be 100% electronic using an online form; Applicants will be asked to complete the survey just before they exit the system. The AVIATOR Customer Satisfaction Survey is designed to identify potential problems with FAA’s automated staffing solutions as well as to evaluate customer satisfaction with the on-line application process. The information is not gathered by any other collection. It will be difficult, if not impossible, to improve the AVIATOR system’s overall performance and customer satisfaction without utilizing the survey as a performance measurement tool.

Respondents: 495,972 applicants (from January 1, 2021, to December 31, 2023) had the opportunity to complete a survey. This gives us a 3-year average of 165,324 applicants per year. We estimate that it takes 3 minutes to complete one survey. Our data indicates that 11.14% of applicants (18,424 averaged for 3 years) completed surveys during this timeframe.

Frequency: On occasion/as interested.

Estimated Average Burden per Response: Three (3) minutes per person.

Estimated Total Annual Burden: 18,424 respondents × 0.05 (3/60) = 921.

Issued in New Cumberland, PA, on November 6, 2024.

Erik L. Chuba,

IT Project Manager, Office of Information and Technology (AIT), Enterprise Program Management Services (EPMS), AEM–320, Business Management Portfolio, Branch B.

[FR Doc. 2024–27347 Filed 11–21–24; 8:45 am]

BILLING CODE 4910–13–P

DEPARTMENT OF TRANSPORTATION**Federal Aviation Administration****[Docket No. 2024–2158]****Agency Information Collection Activities: Requests for Comments; Clearance of Renewed Approval of Information Collection: Unmanned Aircraft Systems (UAS) BEYOND and Partnership for Safety Plan (PSP) Programs****AGENCY:** Federal Aviation Administration (FAA), DOT.**ACTION:** Notice and request for comments.

SUMMARY: In accordance with the Paperwork Reduction Act of 1995, FAA invites public comments about our intention to request the Office of Management and Budget (OMB) approval to renew an information collection. The **Federal Register** Notice with a 60-day comment period soliciting comments on the following collection of information was published on September 18, 2024. The collection involves operational data submissions by proponents who have been granted exemptions and operational data submissions by State, Local, Tribal, and Territorial (SLTT) participants in the UAS BEYOND program. The information to be collected will be used to inform FAA policy and decision-making regarding integrating UAS into the National Airspace System (NAS).

DATES: Written comments should be submitted by December 23, 2024.

ADDRESSES: Interested persons are invited to submit written comments on the proposed information collection to the Office of Information and Regulatory Affairs, Office of Management and Budget. Comments should be addressed to the attention of the Desk Officer, Department of Transportation/FAA, and sent via electronic mail to oira_submission@omb.eop.gov, or faxed to (202) 395–6974, or mailed to the Office of Information and Regulatory Affairs, Office of Management and Budget, Docket Library, Room 10102, 725 17th Street NW, Washington, DC 20503.

FOR FURTHER INFORMATION CONTACT: Kim Merchant by email at: kim.merchant@faa.gov; phone: 202–267–6148.

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: 2120–0800.

Title: Unmanned Aircraft Systems (UAS) BEYOND and Partnership for Safety Plan (PSP) Programs.

Form Numbers: The first two data collection instruments listed are to be used for the BEYOND program and are program specific; they will not include official form numbers. The last two data collection instruments listed are to be used for the BEYOND program, but also 44807 exemption holders.

- UAS Monthly Flight Report
- UAS Flight Anomaly Report
- UAS Exemption Monthly Flight Report (Pending)
- Automated Data Service Provider (ADSP) Monthly Report (Pending)

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 September 18, 2024 (89 FR 76614). The data collected during the Unmanned Aircraft Systems (UAS) BEYOND program is delineated as part of the Memorandum of Agreement (MOA) each Lead Participant signs with

the FAA, and entered into under the authority of 49 U.S.C. 106(l) and (m). The data collected from proponents granted exemptions is specified in the conditions and limitations of the exemptions under the authority provided by 49 U.S.C. 106(f), 40113, 44701, and 44807. The data collected from proponents granted certificates of authorization is specified in the conditions and limitations of the authorizations under the authority provided by 49 U.S.C. 40102(a) or 49 U.S.C. 40125. The data collected from proponents granted part 107 waivers is specified in the conditions and limitations of the waivers under the authority provided by 14 CFR part 107.

The purpose of the BEYOND program is for the Federal Aviation Administration (FAA) to work with State, local and Tribal (SLT) governments toward full, safe integration of UAS into the national airspace system (NAS). There are eight SLT governments in the BEYOND program currently. The FAA Reauthorization Act of 2024, section 920, enables the FAA to expand the BEYOND program to include additional SLT governments.

BEYOND participants and other select proponents submit operational data, including monthly flight data, Automated Data Service Provider (ADSP) monthly data, and anomaly data. The purpose of these submissions

is to monitor the safety of the flights and the effectiveness of the safety mitigations in place, and inform policy and decision-making related to the risks associated with operations involving command and control (C2) links, detect and avoid (DAA) capabilities, ADSP reliability, anomaly detection, and a host of other categories, to solve challenges in enabling UAS beyond visual line of sight (BVLOS) operations.

Respondents: Depending on the submission, the respondents are two groups:

1. State, Local, Tribal, or Territorial Governments—BEYOND Lead Participants.

2. Business or other for-profit—Team members of the BEYOND Lead Participants and proponents with reporting conditions and limitations in their operational approvals.

Frequency: The frequency depends on the report. See the table below for details.

Estimated Average Burden per Response: Depending on the submission, the overall estimated average burden per response varies from 60 to 90 minutes. See the table below for details.

Estimated Total Annual Burden: The estimated total annual burden for all submissions is 435 hours. See the following table for a breakdown by report or form.

Report/form	Affected public	Frequency	Number of respondents	Total number of responses	Estimated average burden per response (hours)	Estimated total annual burden (hours)
Operational Data: UAS Monthly Flight Reports.	Proponents with approval documents that include flight reporting C&Ls and BEYOND participants.	Monthly	15.00	180.00	1.00	180.00
UAS ADSP Monthly Reports.	ADSPs that have service level agreements with proponents that submit UAS Monthly Flight Reports.	Monthly	10.00	120.00	1.50	180.00
UAS Anomaly Reports.	Proponents with approval documents that include event reporting C&Ls and BEYOND participants.	On Occasion—Assuming 5 annually per proponent.	15.00	75.00	1.00	75.00
Totals .....	.....	.....	40.00	375.00	1.16	435.00

Issued in Washington, DC, on November 19, 2024.

Kim Merchant,

Manager, Special Projects Branch, Unmanned Aircraft Systems Integration Office, Federal Aviation Administration.

[FR Doc. 2024–27415 Filed 11–21–24; 8:45 am]

BILLING CODE 4910–13–P

DEPARTMENT OF TRANSPORTATION

Federal Railroad Administration

[Docket No. FRA–2024–0007]

Proposed Agency Information Collection Activities; Comment Request

AGENCY: Federal Railroad Administration (FRA), Department of Transportation (DOT).

ACTION: Notice of information collection; request for comment.

SUMMARY: Under the Paperwork Reduction Act of 1995 (PRA) and its implementing regulations, this notice announces that FRA is forwarding the Information Collection Request (ICR) summarized below to the Office of Management and Budget (OMB) for review and comment. The ICR describes the information collection and its expected burden. On August 5, 2024, FRA published a notice providing a 60-day period for public comment on the ICR. FRA received no comments in response to the notice.

DATES: Interested persons are invited to submit comments on or before December 23, 2024.

ADDRESSES: Written comments and recommendations for the proposed ICR should be sent within 30 days of publication of this notice to www.reginfo.gov/public/do/PRAMain. Find the particular ICR by selecting “Currently under Review—Open for Public Comments” or by using the search function.

FOR FURTHER INFORMATION CONTACT: Ms. Arlette Mussington, Information Collection Clearance Officer, at email: arlette.mussington@dot.gov or telephone: (571) 609–1285 or Ms. Joanne Swafford, Information Collection Clearance Officer, at email: joanne.swafford@dot.gov or telephone: (757) 897–9908.

SUPPLEMENTARY INFORMATION: The PRA, 44 U.S.C. 3501–3520, and its implementing regulations, 5 CFR part 1320, require Federal agencies to issue two notices seeking public comment on information collection activities before OMB may approve paperwork packages. See 44 U.S.C. 3506, 3507; 5 CFR 1320.8

through 1320.12. On August 5, 2024, FRA published a 60-day notice in the **Federal Register** soliciting public comment on the ICR for which it is now seeking OMB approval. See 89 FR 63469. FRA has received no comments related to the proposed collection of information.

Before OMB decides whether to approve this proposed collection of information, it must provide 30 days’ notice for public comment. Federal law requires OMB to approve or disapprove paperwork packages between 30 and 60 days after the 30-day notice is published. 44 U.S.C. 3507(b) and (c); 5 CFR 1320.12(d); see also 60 FR 44978, 44983, Aug. 29, 1995. The 30-day notice informs the regulated community of their opportunity to file relevant comments and affords the agency adequate time to consider public comments before it renders a decision. 60 FR 44983, Aug. 29, 1995. Therefore, respondents should submit their respective comments to OMB within 30 days of publication to best ensure having their full effect.

Comments are invited on the following ICR regarding: (1) whether the information collection activities are necessary for FRA to properly execute its functions, including whether the information will have practical utility; (2) the accuracy of FRA’s estimates of the burden of the information collection activities, including the validity of the methodology and assumptions used to determine the estimates; (3) ways for FRA to enhance the quality, utility, and clarity of the information being collected; and (4) ways to minimize the burden of information collection activities on the public, including the use of automated collection techniques or other forms of information technology.

The summary below describes the ICR that FRA will submit for OMB clearance as the PRA requires:

Title: Inspection and Maintenance of Steam Locomotives.

OMB Control Number: 2130–0505.

Abstract: The Locomotive Inspection Act (LIA) establishes safety and inspection requirements for locomotives in “use” on a “railroad line.”¹ The statute was first enacted in 1911 as part of a broad congressional effort to “reduce the loss of life and the injuries” caused by the dangerous conditions that prevailed on the railroads in the late 19th and early 20th centuries.² In 1911, Congress enacted the first iteration of

the LIA to address the harms posed by locomotive boilers,³ making it “unlawful” for a common carrier “to use any locomotive engine propelled by steam power in moving interstate or foreign traffic unless the boiler of said locomotive and appurtenances thereof are in proper condition and safe to operate in the service to which the same is put.”⁴ To help ensure the locomotive boilers and their appurtenances are in proper condition, the Steam Locomotive Inspection and Maintenance Standards require certain boiler pressure calculations and service-day inspections to be recorded and available to FRA.⁵

Type of Request: Extension without change (with changes in estimates) of a currently approved collection.

Affected Public: Businesses.

Form(s): FRA F 1, FRA F 2, FRA F 3, FRA F 4, FRA F 5, and FRA F 19.

Respondent Universe: 82 steam locomotive owners/operators.

Frequency of Submission: On occasion; annually.

Total Estimated Annual Responses: 5,672.

Total Estimated Annual Burden: 1,049 hours.

Total Estimated Annual Burden Hour Dollar Cost Equivalent: \$92,419.

FRA informs all interested parties that it may not conduct or sponsor, and a respondent is not required to respond to, a collection of information that does not display a currently valid OMB control number.

Authority: 44 U.S.C. 3501–3520.

Christopher S. Van Nostrand,
Deputy Chief Counsel.

[FR Doc. 2024–27338 Filed 11–21–24; 8:45 am]

BILLING CODE 4910–06–P

DEPARTMENT OF TRANSPORTATION

Maritime Administration

[Docket No. MARAD–2024–0144]

Request for Comments on the Renewal of a Previously Approved Collection: Automated Mutual Assistance Vessel Rescue (AMVER) System

AGENCY: Maritime Administration, DOT.
ACTION: Notice.

SUMMARY: The Maritime Administration (MARAD) invites public comments on our intention to request the Office of Management and Budget (OMB) approval to renew an information collection in accordance with the

¹ 49 U.S.C. 20701 *et seq.*

² *Johnson v. Southern Pac. Co.*, 196 U.S. 1, 19 (1904); see *Napier v. Atlantic Coast Line R.R.*, 272 U.S. 605, 607–608 (1926).

³ Act of Feb. 17, 1911 (Act of 1911), ch. 103, 36 Stat. 913 (known as the Boiler Inspection Act).

⁴ Act of 1911, sec. 2, 36 Stat. 913–914.

⁵ 49 CFR part 230.

Paperwork Reduction Act of 1995. The proposed collection OMB 2133–0025 Automated Mutual Assistance Vessel Rescue (AMVER) System is used to maintain a current plot of U.S.-Flag and U.S.-owned vessels. Since the last renewal, there was an increase in the total respondents to this collection, which has resulted in more responses and higher burden hours. There are no other changes to this collection. We are required to publish this notice in the **Federal Register** to obtain comments from the public and affected agencies.

ADDRESSES: Written comments and recommendations for the proposed information collections 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: Alex Sedlacek, 202–366–1031, Division of Sealift Operations and Emergency Response, Maritime Administration, U.S. Department of Transportation, 1200 New Jersey Ave. SE, Washington, DC 20590, Email: alexander.sedlacek@dot.gov.

SUPPLEMENTARY INFORMATION:

Title: Automated Mutual-Assistance Vessel Rescue (AMVER) System.

OMB Control Number: 2133–0025.

Type of Request: Extension with Change of a Previously Approved Collection.

Abstract: The collection of information will be used to gather information regarding the location of U.S.-flag vessels and certain other U.S. citizen-owned vessels for the purpose of search and rescue in the saving of lives at sea and for the marshalling of ships for national defense and safety purposes.

Respondents: U.S.-flag and U.S. citizen-owned vessels.

Affected Public: Business or other for profit.

Estimated Number of Respondents: 185.

Estimated Number of Responses: 33,855.

Estimated Hours per Response: .07.
Annual Estimated Total Annual Burden Hours: 2,370.

Frequency of Response: Annually.

A 60-day **Federal Register** Notice soliciting comments on this information collection was published on September 12, 2024 at 89 FR 74371 (**Federal Register** (FR) 2024–20679).

(Authority: The Paperwork Reduction Act of 1995; 44 U.S.C. chapter 35, as amended; and 49 CFR 1.49.)

By Order of the Maritime Administrator.

T. Mitchell Hudson, Jr.,

Secretary, Maritime Administration.

[FR Doc. 2024–27344 Filed 11–21–24; 8:45 am]

BILLING CODE 4910–81–P

DEPARTMENT OF TRANSPORTATION

National Highway Traffic Safety Administration

[Docket No. NHTSA–2024–0086]

Denial of Motor Vehicle Defect Petition

AGENCY: National Highway Traffic Safety Administration (NHTSA), Department of Transportation.

ACTION: Denial of petition for a defect investigation.

SUMMARY: This notice sets forth the reasons for the denial of a petition submitted on June 7, 2023, by Kimberlyn Hearn (the petitioner) to NHTSA’s Office of Defects Investigation (ODI). The petition requests that the Agency initiate an investigation into alleged remote attacks to the vehicle electrical control system associated with a variety of reported electrical malfunctions that render the petitioner’s Model Year 2019 Toyota Yaris vehicle (subject vehicle) allegedly unusable. On August 30, 2023, NHTSA opened Defect Petition DP23–004 to evaluate the petitioner’s request. After conducting a technical review of the petitioner’s submissions, seeing no other complaints for 2019 Toyota Yaris vehicles related to the types of “remote attacks” described by the petitioner, and reviewing information provided by Toyota in response to an Agency request for information regarding the 2019 Yaris CAN bus, NHTSA has concluded that there is insufficient evidence to pursue further investigation. Accordingly, the Agency has denied the petition.

FOR FURTHER INFORMATION CONTACT: Mr. Tariq Bond, Vehicle Defects Division—D, Office of Defects Investigation, NHTSA 1200 New Jersey Ave. SE, Washington, DC 20590. Telephone (202) 366–5472. Email: Tariq.Bond@dot.gov.

SUPPLEMENTARY INFORMATION:

Introduction

Interested persons may petition NHTSA requesting that the Agency initiate an investigation to determine whether a motor vehicle or an item of replacement equipment does not comply with an applicable motor vehicle safety standard or contains a defect that relates to motor vehicle safety. 49 U.S.C. 30162; 49 CFR 552.1. Upon receipt of a properly filed petition, the Agency conducts a

technical review of the petition, material submitted with the petition, and any additional information. 49 U.S.C. 30162(c); 49 CFR 552.6. The technical review may consist solely of a review of information already in the possession of the Agency or it may include the collection of information from the motor vehicle manufacturer or other sources. After conducting the technical review and considering appropriate factors, which may include, but are not limited to, allocation of Agency resources, Agency priorities, and the likelihood of success in litigation that might arise from a determination of noncompliance or a defect related to motor vehicle safety, the Agency will grant or deny the petition. *See* 49 U.S.C. 30162(d); 49 CFR 552.8.

Background Information

In a letter dated June 7, 2023, Kimberlyn Hearn (the petitioner) submitted a petition attributing electrical malfunctions of his 2019 Toyota Yaris (subject vehicle) to remote attacks by unknown parties targeted on the subject vehicle’s Controller Area Network (CAN bus).¹ The petitioner requested an Agency investigation of the susceptibility of the subject vehicle to the alleged attacks and for assistance securing a full refund of the vehicle price. Over four total submissions from the June 7, 2023 petition to August 2, 2023, the petitioner supported his request with a chronology of events detailing the vehicle fault, service history, and a listing of published cybersecurity articles. In addition, before filing the petition, the petitioner sent three pieces of related correspondence to the Agency from late December 2022 to February 2023.

NHTSA has based its decision on a review of the material cited by the petitioner in his petition, information submitted by Toyota in response to the Agency’s request, and other pertinent information in NHTSA’s databases. Staff from NHTSA’s Vehicle Research and Test Center (VRTC) supported the review at all stages.

Subject Vehicle History

The subject vehicle is a Model Year (MY) 2019 Toyota Yaris LE equipped with a 1.5L I4 gasoline engine. According to a vehicle history report, the subject vehicle has only been owned by one person (the petitioner), started receiving service in August of 2019, and has not experienced any reported

¹ Modern automobiles (including the subject vehicle) contain multitudes of microcontrollers that communicate over a self-contained computer network known as a Controller Area Network.

collisions or damage. The vehicle history report indicated regular servicing of the subject vehicle by the Toyota dealership that sold it to the petitioner, with no atypical problems evident through June of 2022 and after approximately 40,000 miles of service. During this time, the subject vehicle received remedies related to two Toyota field campaigns: Service Campaign 20TC03² (performed September 2020) and Safety Recall 21V617³ (performed January 2022).

In mid-November of 2022, with 46,136 miles of service,⁴ the petitioner reported hearing three beeps while driving at low speed, accompanied by engine shut down. After a delay, the petitioner was able to restart the vehicle, but a Check Engine Light (CEL) remained illuminated. The petitioner's dealer diagnosed the problem as a bad battery and installed a replacement battery.

Over the ensuing two weeks, and approximately 700 miles, the petitioner reported several instances of engine power loss, malfunctioning indicator lights, and a head unit delayed start malfunction, leading to service at a different Toyota dealer in early December 2022. That dealer's invoice reported that no problem had been identified after several service checks, inspection of the ECU wiring, and after approximately 30 miles of test driving over a two-day period. At the time of its release from this dealership, the invoice reported that the subject vehicle had an odometer reading of 47,009 miles. Toyota reported that the dealership had also contacted its Technical Assistance Center for further guidance.

The vehicle history report indicates that the subject vehicle traveled only 44 miles over the following three months, returning to its regular servicing dealership in late March 2023, about a week after another report from the petitioner of flashing warning lights and repeated horn activation while the petitioner was inside his house. The petitioner reported that this mid-March incident coincided with a suspicious vehicle driving by his house. The petitioner also stated that in late March, a service visit to his regular servicing dealership included the removal of an

aftermarket vehicle security system manufactured by Rockledge Securities.⁵

No further service records from Toyota or the vehicle history report appear after March 27, 2023. The petitioner reported eleven instances of continued malfunctions from March 30 through June 3, 2023 related to horn activation, inoperative key-fob, no-start condition, and fuel gauge inaccuracies. The petitioner also reported that two of these malfunctions coincided with suspicious vehicles driving by his house. The petitioner then began documenting various additional events, including a no-start condition followed by a jump-start, inaccurate/slowly responding fuel gauge, intermittent CEL, "nearly unreadable" instrument cluster, an inability to turn off the engine, and inoperative fan, wipers, and signals. Petitioner also cited attempts to maintain the battery state of charge by idling the subject vehicle in his driveway. At the time of the petitioner's last contact with NHTSA in August 2023, the petitioner reported that his subject vehicle was unusable, despite efforts to maintain the charge of its battery.

Subject Vehicle Connectivity

Although the petitioner asserts that his vehicle is under remote electronic attack, and stipulates that the subject vehicle is not defective; the Agency is still treating the submitted document as a part of a defect petition as initially requested.⁶ The Agency requested that Toyota describe the subject vehicle's CAN bus and connectivity to outside wireless data sources. In response to the Agency's request, Toyota stated:

- This vehicle is not equipped with a cellular communication module; therefore, it is not capable of communicating with a cellular network.
- This vehicle's multimedia system is capable of connecting a cellular phone to support hands-free features, such as hands-free calling and streaming audio from the phone.
- This vehicle does not have advanced connectivity features, such as Apple CarPlay or Android Auto.
- The multimedia system, which includes Bluetooth connectivity, operates on a local CAN bus network dedicated communication for the vehicle's multimedia system.

⁵ The model, capabilities, and installer of this device are unknown. However, the Rockledge Securities website advertises several vehicle security devices that may be wired into the vehicle and identifies the subject vehicle sales servicing dealership as one of several affiliated dealerships.

⁶ Petitioner's letter to ODI dated February 28, 2023 states: "my opinion and belief is that my 2019 Toyota Yaris is not defective. It was remotely hacked."

ODI Analysis

ODI reviewed complaint data and information in NHTSA's databases concerning all 2019 Toyota Yaris vehicles and identified no other cyberattack allegations similar to those reported by the petitioner. This body of information also did not show any potential trend of similar electrical or power loss symptoms regardless of reported cause.

The symptoms reported by the petitioner could not be duplicated by the Toyota dealer in three separate service visits and may have originated from any number of sources. Beyond these service visits, the effects of other influences such as the Rockledge aftermarket security system (including its installation and removal), and battery maintenance via external charger or driveway idling cannot be assessed at this time. Toyota has reported that difficulty communicating with the petitioner⁷ inhibits further efforts to inspect the vehicle. After assessing the material submitted by the petitioner, information submitted by Toyota in response to an Agency request regarding the petitioner's allegation, and other information in NHTSA's possession, NHTSA concludes that:

- Notwithstanding the conditions cited by the petitioner, the 2019 Toyota Yaris vehicle lacks the external cellular connectivity needed to make it vulnerable to remote cyberattacks.
- The subject vehicle's Bluetooth connectivity ability is limited to multimedia and hands-free communication.
- The Agency has uncovered no other evidence of related cyberattacks or similar symptoms in 2019 Toyota Yaris vehicles.

Accordingly, the Agency is denying the petition. As with all potential motor vehicle safety risks, NHTSA will continue to review any new information or incidents as they are submitted to the Agency.

Authority: 49 U.S.C. 30162(d) and 49 CFR part 552; delegation of authority at 49 CFR 1.95(a).⁸

Eileen Sullivan,

Associate Administrator, Enforcement.

[FR Doc. 2024-27431 Filed 11-21-24; 8:45 am]

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² 20TC03 was a quality campaign meant to reprogram the Engine Control Module (ECM) software due to the software installed being intended for vehicles with a different engine configuration.

³ 21V617 is a fuel pump recall meant to remedy a defective fuel pump by replacement.

⁴ Based on a contemporaneous service invoice.

⁷ The petitioner has insisted to the Agency and Toyota that only written communications are accepted and that he will refuse phone calls, emails, and in person visits.

⁸ The authority to determine whether to approve or deny defect petitions under 49 U.S.C. 30162(d) and 49 CFR part 552 has been further delegated to the Associate Administrator for Enforcement.

DEPARTMENT OF THE TREASURY**Office of Foreign Assets Control****Notice of OFAC Sanctions Action**

AGENCY: Office of Foreign Assets Control, Treasury.

ACTION: Notice.

SUMMARY: The U.S. Department of the Treasury's Office of Foreign Assets Control (OFAC) is publishing the names of one or more persons that have been placed on OFAC's Specially Designated Nationals and Blocked Persons List (SDN List) based on OFAC's determination that one or more applicable legal criteria were satisfied. All property and interests in property subject to U.S. jurisdiction of these persons are blocked, and U.S. persons are generally prohibited from engaging in transactions with them.

DATES: This action was issued on November 19, 2024. See **SUPPLEMENTARY INFORMATION** for relevant dates.

FOR FURTHER INFORMATION CONTACT: OFAC: Associate Director for Global Targeting, 202–622–2420; or Assistant Director for Sanctions Compliance, 202–622–2490 or <https://ofac.treasury.gov/contact-ofac>.

SUPPLEMENTARY INFORMATION:**Electronic Availability**

The SDN List and additional information concerning OFAC sanctions programs are available on OFAC's website: <https://ofac.treasury.gov>.

Notice of OFAC Action

On November 19, 2024, OFAC determined that the persons identified below meet one or more of the criteria for the imposition of sanctions set forth in section 1(a)–(c) of Executive Order 14059 of December 15, 2021, “Imposing Sanctions on Foreign Persons Involved in the Global Illicit Drug Trade,” 86 FR 71549 (December 17, 2021) (E.O. 14059). OFAC has selected to impose blocking sanctions pursuant to section 2(a)(i) of E.O. 14059 on the persons identified below.

Individuals

1. CASTANEDA MEZA, Juan Carlos (Latin: CASTAÑEDA MEZA, Juan Carlos) (a.k.a. “BONQUES BROTHERS”; a.k.a. “CALOCHO”), Mexico; DOB 01 Sep 1977; POB Nayarit, Mexico; nationality Mexico; Gender Male; C.U.R.P. CAMJ770901HNTSZN05 (Mexico) (individual) [ILLCIT–DRUGS–EO14059].

Designated pursuant to section (1)(a)(i) of Executive Order 14059 of December 15, 2021, “Imposing Sanctions on Foreign Persons Involved in the Global Illicit Drug Trade,” 86 FR 71549 (December 17, 2021) (E.O. 14059)

for having engaged in, or attempted to engage in, activities or transactions that have materially contributed to, or pose a significant risk of contributing to, the international proliferation of illicit drugs or their means of production.

2. CASTANEDA MEZA, Giovanni (Latin: CASTAÑEDA MEZA, Giovanni) (a.k.a. “BONQUES BROTHERS”; a.k.a. “BONQUES, Vanni”), Mexico; DOB 08 Aug 1987; POB Nayarit, Mexico; nationality Mexico; Gender Male; C.U.R.P. CAMG870808HNTSZV07 (Mexico) (individual) [ILLCIT–DRUGS–EO14059].

Designated pursuant to section (1)(a)(i) of Executive Order 14059 of December 15, 2021, “Imposing Sanctions on Foreign Persons Involved in the Global Illicit Drug Trade,” 86 FR 71549 (December 17, 2021) (E.O. 14059) for having engaged in, or attempted to engage in, activities or transactions that have materially contributed to, or pose a significant risk of contributing to, the international proliferation of illicit drugs or their means of production.

3. CASTANEDA MEZA, Ivan Atzayacatl (Latin: CASTAÑEDA MEZA, Ivan Atzayacatl) (a.k.a. “BONQUES BROTHERS”; a.k.a. “BONQUES, Axa”), Mexico; DOB 12 Sep 1984; POB Nayarit, Mexico; nationality Mexico; Gender Male; C.U.R.P. CAMI840912HNTSZV09 (Mexico) (individual) [ILLCIT–DRUGS–EO14059].

Designated pursuant to section (1)(a)(i) of Executive Order 14059 of December 15, 2021, “Imposing Sanctions on Foreign Persons Involved in the Global Illicit Drug Trade,” 86 FR 71549 (December 17, 2021) (E.O. 14059) for having engaged in, or attempted to engage in, activities or transactions that have materially contributed to, or pose a significant risk of contributing to, the international proliferation of illicit drugs or their means of production.

4. CASTELLANOS MEZA, Roberto (a.k.a. “BONQUES BROTHERS”; a.k.a. “BONQUES, Beto”), Mexico; DOB 06 Jun 1975; POB Nayarit, Mexico; nationality Mexico; Gender Male; C.U.R.P. CAMR750606HNTSZB00 (Mexico) (individual) [ILLCIT–DRUGS–EO14059].

Designated pursuant to section (1)(a)(i) of Executive Order 14059 of December 15, 2021, “Imposing Sanctions on Foreign Persons Involved in the Global Illicit Drug Trade,” 86 FR 71549 (December 17, 2021) (E.O. 14059) for having engaged in, or attempted to engage in, activities or transactions that have materially contributed to, or pose a significant risk of contributing to, the international proliferation of illicit drugs or their means of production.

5. ARIAS PONCE, Erandiny Jazmin, Mexico; DOB 29 Sep 1990; POB Nayarit, Mexico; nationality Mexico; Gender Female; C.U.R.P. AIPe900929MNTNRN09 (Mexico) (individual) [ILLCIT–DRUGS–EO14059].

Designated pursuant to section (1)(a)(i) of Executive Order 14059 of December 15, 2021, “Imposing Sanctions on Foreign Persons Involved in the Global Illicit Drug Trade,” 86 FR 71549 (December 17, 2021) (E.O. 14059) for having engaged in, or attempted to engage in, activities or transactions that have materially contributed to, or pose a significant risk of contributing to, the

international proliferation of illicit drugs or their means of production.

6. CASTILLO PEINADO, Araceli (a.k.a. “LA DONA” (Latin: “LA DOÑA”)), Mexico; DOB 04 Aug 1982; POB Chihuahua, Mexico; nationality Mexico; Gender Female; C.U.R.P. CAPA820804MCHSNR11 (Mexico) (individual) [ILLCIT–DRUGS–EO14059].

Designated pursuant to section (1)(a)(i) of Executive Order 14059 of December 15, 2021, “Imposing Sanctions on Foreign Persons Involved in the Global Illicit Drug Trade,” 86 FR 71549 (December 17, 2021) (E.O. 14059) for having engaged in, or attempted to engage in, activities or transactions that have materially contributed to, or pose a significant risk of contributing to, the international proliferation of illicit drugs or their means of production.

7. CASTILLO LOPEZ, Jose Adrian (a.k.a. MEDINA PEREZ, Juan Manual; a.k.a. SALAZAR SALDIVAR, Adrian; a.k.a. “CHEO”; a.k.a. “FRIAS, Adrian”; a.k.a. “GONZALES, Adrian”), Mexico; DOB 21 Dec 1975; POB Nayarit, Mexico; nationality Mexico; Gender Male; C.U.R.P. CALA751221HNTSPD07 (Mexico) (individual) [ILLCIT–DRUGS–EO14059].

Designated pursuant to section (1)(a)(i) of Executive Order 14059 of December 15, 2021, “Imposing Sanctions on Foreign Persons Involved in the Global Illicit Drug Trade,” 86 FR 71549 (December 17, 2021) (E.O. 14059) for having engaged in, or attempted to engage in, activities or transactions that have materially contributed to, or pose a significant risk of contributing to, the international proliferation of illicit drugs or their means of production.

8. CASTRO ALVAREZ, Jose Sinue, Mexico; DOB 12 Sep 1976; POB Sinaloa, Mexico; nationality Mexico; Gender Male; C.U.R.P. CAAS760912HSLSLN03 (Mexico) (individual) [ILLCIT–DRUGS–EO14059].

Designated pursuant to section (1)(a)(i) of Executive Order 14059 of December 15, 2021, “Imposing Sanctions on Foreign Persons Involved in the Global Illicit Drug Trade,” 86 FR 71549 (December 17, 2021) (E.O. 14059) for having engaged in, or attempted to engage in, activities or transactions that have materially contributed to, or pose a significant risk of contributing to, the international proliferation of illicit drugs or their means of production.

9. NAVARRO QUEZADA, Luis Alonso (a.k.a. ESTRADA ARIAS, Josue Francisco; a.k.a. “MOJARRAS”; a.k.a. “QUEZADA, Luis”), Mexico; DOB 18 Apr 1986; POB Nayarit, Mexico; nationality Mexico; Gender Male; C.U.R.P. NAQL860418HNTVZS05 (Mexico) (individual) [ILLCIT–DRUGS–EO14059].

Designated pursuant to section (1)(a)(i) of Executive Order 14059 of December 15, 2021, “Imposing Sanctions on Foreign Persons Involved in the Global Illicit Drug Trade,” 86 FR 71549 (December 17, 2021) (E.O. 14059) for having engaged in, or attempted to engage in, activities or transactions that have materially contributed to, or pose a significant risk of contributing to, the

international proliferation of illicit drugs or their means of production.

Lisa M. Palluconi,

Acting Director, Office of Foreign Assets Control.

[FR Doc. 2024–27435 Filed 11–21–24; 8:45 am]

BILLING CODE 4810–AL–P

DEPARTMENT OF VETERANS AFFAIRS

Advisory Committee on U.S. Outlying Areas and Freely Associated States, Notice of Meeting

The Department of Veterans Affairs (VA) gives notice under the Federal

Advisory Committee Act, 5 U.S.C. ch. 10, that the Advisory Committee on U.S. Outlying Areas and Freely Associated States (Committee) will hold a hybrid meeting (in-person and virtual) on December 10–12, 2024, at the Hyatt Regency Guam, Tumon, Guam. Public participation will commence as follows:

Dates	Times	Locations	Open session
December 10, 2024	6:00 a.m.–3:30 p.m. Chamorro Standard Time (ChST) = GMT +10.	Hyatt Regency Guam 1155 Pale San Vitores Road, Tumon, 4206, 96913, Guam.	Yes.
December 11, 2024	6:00 a.m.–3:30 p.m. ChST = GMT +10.	Hyatt Regency Guam, 1155 Pale San Vitores Road, Tumon, 4206, 96913, Guam.	Yes.
December 11, 2024	9:15 a.m.–11 a.m. ChST = GMT +10.	VA Community Based Outpatient Clinic, Naval Hospital, 96910, Guam.	No.
December 11, 2024	12:00 p.m.–2:00 p.m. ChST = GMT +10.	Guam Veterans Affairs Office, 253 Senator Juan Tim Toves, St. Asan, 96913, Guam.	No.
December 12, 2024	6:00 a.m.–10:30 a.m. ChST = GMT +10.	Hyatt Regency Guam, 1155 Pale San Vitores Road, Tumon, 4206, 96913, Guam.	Yes.

Meeting sessions are open to the public, except when the Committee is conducting a tour of VA facilities. Per 5 U.S.C. 552b(c)(6), tours of VA facilities are closed to protect Veterans' privacy and personal information.

The purpose of the Committee is to advise the Secretary of Veterans Affairs on covered Veterans. The term "covered Veteran" is defined as a Veteran residing in American Samoa, Guam, Puerto Rico, the Commonwealth of the Northern Mariana Islands, the Virgin Islands of the United States, the Federated States of Micronesia, the Republic of the Marshall Islands, and the Republic of Palau. The Committee advises on improving VA programs and services to serve covered Veterans better.

On Tuesday, December 10, 2024, the Committee will convene an open session from 6:00 a.m. to 3:30 p.m. ChST at the Hyatt Regency Guam. The agenda will include opening remarks by the Committee Chairman and Committee member introductions; welcoming remarks from the Deputy Executive Director of Outreach, Transition, and Economic Development; a briefing on the Veterans Benefits Administration (VBA) efforts to assist covered Veterans, family members, caregivers, and survivors; remarks by the VA Chief of Staff; a briefing conducted by the Advisory Committee Management Office; a review of the Committee charter and ethics; a briefing on the Veterans Health Administration initiatives and updates; a briefing regarding the Foreign Medical Program;

an overview of the Compact of Free Association Amendments Act; and a briefing from the Network Director—VISN 21 Sierra Pacific.

On Wednesday, December 11, 2024, the Committee will convene an open session from 6:00 a.m. to 3:30 p.m. ChST at the Hyatt Regency Guam where the Committee will receive information about the Veterans Experience Office, the role of the VBA regional offices, prescription drug information, travel funding, and telehealth. From 9:15–11:00 a.m. ChST and from 12:00–2:00 p.m. ChST the Committee will reconvene a closed session as it tours local VA facilities. Per 5 U.S.C. 552b(c)(6), tours of VA facilities are closed to protect Veterans' privacy and personal information. The Committee will reconvene an open session from 2:00–3:30 p.m. ChST at the Hyatt Regency Guam for a daily closeout with updates and reminders.

On Thursday, December 12, 2024, the Committee will convene an open session from 6:00–10:30 a.m. ChST at the Hyatt Regency Guam. The Committee will discuss observations from the tours of the VA facilities and receive briefings from the National Cemetery Administration and the Office of Public and Intergovernmental Affairs. Additionally, the Committee will receive public comments before the final close-out session.

The public is invited to address the Committee during the public comment period from 8:15–8:45 a.m. ChST on Thursday, December 12, 2024. Individuals will be allowed 3–5 minutes

to speak. Additionally, individuals who wish to provide public comments are invited to submit a one-page summary of their comments no later than Monday, December 2, 2024, for inclusion in the official meeting record. Members of the public may also submit written statements for the Committee's review to Mr. Bernard Johnson at fascommittee.vbaco@va.gov.

Members of the public may attend open sessions of the Committee meeting in person or virtually. Approximately 10 seats will be available for public stakeholders in attendance. The limited number of seats is due to the meeting room's capacity. Members of the public who wish to attend virtually can do so by dialing into the Microsoft Teams conference information below. Attendees requiring reasonable accommodations should notify Mr. Bernard Johnson at fascommittee.vbaco@va.gov no later than Monday, December 2, 2024.

Join on Your Computer or Mobile App

Tuesday, December 10, 2024

https://teams.microsoft.com/l/meetup-join/19%3ameeting_YTEyMjFlOTYtYjNiMC00ZDg5LWJlYzktNmJmMGQ0ZmZiMTEy%40thread.v2/0?context=%7b%22Tid%22%3a%22e95f1b23-abaf-45ee-821d-b7ab251ab3bf%22%2c%22Oid%22%3a%221406a839-e13f-4ef2-a64f-09afee2c251d%22%7d

You can dial 205–235–3524 and enter the access code below. Access code: 999 828 33#

Wednesday, December 11, 2024

https://teams.microsoft.com/l/meetup-join/19%3ameeting_ZTNkN2ZIYjYtZTU1My00MTJLWEyM2MtNGU1NTEzMWVjMWM3%40thread.v2/0?context=%7b%22Tid%22%3a%22e95f1b23-abaf-45ee-821d-b7ab251ab3bf%22%2c%22Oid%22%3a%221406a839-e13f-4ef2-a64f-09afee2c251d%22%7d

You can dial 205-235-3524 and enter the access code below. Access code: 829 539 449#

Thursday, December 12, 2024

https://teams.microsoft.com/l/meetup-join/19%3ameeting_NTczNTlkZDEtZGUxMC00MzRmLTgwNGUtOWE4YTU0ZDNiMzJk%40thread.v2/0?context=%7b%22Tid%22%3a%22e95f1b23-abaf-45ee-821d-b7ab251ab3bf%22%2c%22Oid%22%3a%221406a839-e13f-4ef2-a64f-09afee2c251d%22%7d

You can dial 205-235-3524 and enter the access code below. Access code: 591 775 265#

Dated: November 19, 2024.

Jelessa M. Burney,

Federal Advisory Committee Management Officer.

[FR Doc. 2024-27411 Filed 11-21-24; 8:45 am]

BILLING CODE 8320-01-P

DEPARTMENT OF VETERANS AFFAIRS

Veterans and Survivors Pension and Parents' Dependency and Indemnity Compensation (DIC) Cost of Living Adjustments (COLA)

AGENCY: Department of Veterans Affairs (VA).

ACTION: Notice.

SUMMARY: As required by law, VA is hereby giving notice of COLA in certain benefit rates and income limitations. These COLAs affect the Pension and Parents' DIC programs. The rate of the adjustment is tied to the increase in Social Security benefits effective December 1, 2023, as announced by the Social Security Administration (SSA). SSA has announced an increase of 3.2%.

DATES: The COLAs became effective on December 1, 2023.

FOR FURTHER INFORMATION CONTACT: Gabrielle Mancuso, Lead Management and Program Analyst, Pension and Fiduciary Service, Veterans Benefits Administration, Department of Veterans Affairs, 810 Vermont Avenue NW, Washington, DC 20420, 202-632-8863. (This is not a toll-free number.)

SUPPLEMENTARY INFORMATION: Under the provisions of 38 U.S.C. 5312 and Public Law 95-588 sec. 306, VA is required to increase the benefit rates and income limitations in the Pension and Parents' DIC programs by the same percentage, and effective the same date, as increases in the benefit amounts payable under Title II of the Social Security Act. VA is required to publish the increased rates and income limitations in the **Federal Register**.

The Social Security Administration announced a 3.2% COLA increase in Social Security benefits effective December 1, 2023. Therefore, applying the same percentage and rounding in accordance with 38 CFR 3.29, the following increased rates and income limitations for the VA Pension and Parents' DIC programs became effective December 1, 2023:

Pension

Maximum Annual Rates—Veterans

(1) Veterans permanently and totally disabled (38 U.S.C. 1521):

Veteran with no dependents, \$16,551.

Veteran with one dependent, \$21,674.

For each additional dependent, \$2,831.

(2) Veterans in need of aid and attendance (38 U.S.C. 1521):

Veteran with no dependents, \$27,609.

Veteran with one dependent, \$32,729.

For each additional dependent, \$2,831.

(3) Veterans who are housebound (38 U.S.C. 1521):

Veteran with no dependents, \$20,226.

Veteran with one dependent, \$25,348.

For each additional dependent, \$2,831.

(4) Two Veterans married to one another, combined rates (38 U.S.C. 1521):

Neither Veteran in need of aid and attendance or housebound, \$21,674.

Either Veteran in need of aid and attendance, \$32,729.

Both Veterans in need of aid and attendance, \$43,791.

Either Veteran housebound, \$25,348.

Both Veterans housebound, \$29,021.

One Veteran housebound and one Veteran in need of aid and attendance, \$36,395.

For each dependent child, \$2,831.

(5) Net worth limit under 38 CFR 3.274(a):

For purposes of entitlement to VA pension, the net worth limit effective December 1, 2023, is \$155,356.

(6) Monthly Penalty Rate under 38 CFR 3.276(e)(1):

The monthly penalty rate is \$2,727.

Mexican border period and World War I Veterans: The applicable

maximum annual rate payable to a Mexican border period or World War I Veteran under this table shall be the applicable rate under paragraph (1)–(4), increased by \$3,762. (38 U.S.C. 1521(g)).

Maximum Annual Rates—Survivor Beneficiaries

(7) Surviving spouse alone and with a child or children of the deceased Veteran in custody of the surviving spouse (38 U.S.C. 1541):

Surviving spouse alone, \$11,102.

Surviving spouse and one child in his or her custody, \$14,529.

For each additional child in his or her custody, \$2,831.

(8) Surviving spouses in need of aid and attendance (38 U.S.C. 1541 and 1536):

Surviving spouse alone, \$17,743.

Surviving spouse with one child in custody, \$21,166.

Surviving Spouse of Spanish-American War Veteran alone, \$18,461.

Surviving Spouse of Spanish-American War Veteran with one child in custody, \$21,807.

For each additional child in his or her custody, \$2,831.

(9) Surviving spouses who are housebound (38 U.S.C. 1541):

Surviving spouse alone, \$13,568.

Surviving spouse and one child in his or her custody, \$16,989.

For each additional child in his or her custody, \$2,831.

(10) Surviving child alone (38 U.S.C. 1542), \$2,831.

(11) Net worth limit under 38 CFR 3.274(a):

For purposes of entitlement to VA pension, the net worth limit effective December 1, 2023, is \$155,356.

(12) Monthly Penalty Rate under 38 CFR 3.276(e)(1):

If we determine you're subject to a pension penalty, we wouldn't pay pension benefits during the penalty period.

Section 306 Pension Income Limitations

Veteran or surviving spouse with no dependents, \$18,824 (Pub. L. 95-588 sec. 306(a)).

Veteran in need of aid and attendance with no dependents, \$19,502 (38 U.S.C. 1521(d) as in effect on December 31, 1978).

Veteran or surviving spouse with one or more dependents, \$25,303 (Pub. L. 95-588 sec. 306(a)).

Veteran in need of aid and attendance with one or more dependents, \$25,978 (38 U.S.C. 1521(d) as in effect on December 31, 1978).

Child (no entitled Veteran or surviving spouse), \$15,393 (Pub. L. 95-588 sec. 306(a)).

Spouse income exclusion (38 CFR 3.262), \$6,013 (Pub. L. 95–588 sec. 306(a)(2)(B)).

Old-Law Pension Income Limitations

Veteran or surviving spouse without dependents or an entitled child, \$16,485 (Pub. L. 95–588 sec. 306(b)).

Veteran or surviving spouse with one or more dependents, \$23,757 (Pub. L. 95–588 sec. 306(b)).

Parents' DIC

DIC shall be paid monthly to parents of a deceased Veteran in the following amounts (38 U.S.C. 1315):

One parent (38 U.S.C. 1315(b)): If there is only one parent, the monthly rate of DIC paid to such parent shall be \$799, reduced on the basis of the parent's annual income according to the following formula:

For each \$1 of annual income which is more than \$0.00 but not more than \$800, the \$799 monthly rate shall not be reduced.

For each \$1 of annual income which is more than \$800 but not more than \$10,725, the monthly rate shall be reduced by \$0.08.

For each \$1 of annual income which is more than \$10,725, the monthly rate will not be reduced.

No Parents' DIC is payable under this table if annual income exceeds \$18,824.

One parent who has remarried: If there is only one parent and the parent has remarried and is living with the parent's spouse, DIC shall be paid under 38 U.S.C. 1315(b) or under 38 U.S.C. 1315(d), whichever shall result in the greater benefit being paid to the Veteran's parent. In the case of remarriage, the total combined annual income of the parent and the parent's spouse shall be counted in determining the monthly rate of DIC.

One of two parents not living with spouse (38 U.S.C. 1315(c)): The rates below apply to (1) two parents who are not living together, or (2) an unmarried parent when both parents are living and the other parent has remarried. The monthly rate of DIC paid to each such parent shall be \$579 reduced on the basis of each parent's annual income, according to the following formula:

For each \$1 of annual income which is more than \$0 but not more than \$800, the \$579 monthly rate shall not be reduced.

For each \$1 of annual income which is more than \$800 but not more than \$7,975, the monthly rate shall be reduced by \$0.08.

For each \$1 of annual income which is more than \$7,975, the monthly rate shall not be reduced.

No Parents' DIC is payable under this table if annual income exceeds \$18,824.

One of two parents living with spouse or other parent (38 U.S.C. 1315(d)): The rates below apply to each parent living with another parent; and each remarried parent, when both parents are alive. The monthly rate of DIC paid to such parents will be \$546 reduced on the basis of the combined annual income of the two parents living together or the remarried parent or parents and spouse or spouses, as computed under the following formula:

For each \$1 of annual income which is more than \$0 but not more than \$1,000, the \$546 monthly rate shall not be reduced.

For each \$1 of annual income which is more than \$1,000 but not more than \$1,100, the monthly rate shall be reduced by \$0.08.

For each \$1 of annual income which is more than \$1,100 but not more than \$1,200, the monthly rate shall be reduced by \$0.08.

For each \$1 of annual income which is more than \$1,200 but not more than \$1,300, the monthly rate shall be reduced by \$0.08.

For each \$1 of annual income which is more than \$1,300 but not more than \$1,600, the monthly rate shall be reduced by \$0.08.

For each \$1 of annual income which is more than \$1,600 but not more than \$1,800, the monthly rate shall be reduced by \$0.08.

For each \$1 of annual income which is more than \$1,800 but not more than \$7,763, the monthly rate shall be reduced by \$0.08.

For each \$1 of annual income which is more than \$7,763, the monthly rate shall not be reduced.

No Parents' DIC is payable if the annual income exceeds \$25,303.

These rates are also applicable in the case of one surviving parent who has remarried, computed on the basis of the combined income of the parent and spouse, if this would be a greater benefit than that specified in the rates for 38 U.S.C. 1315(b) for one parent.

Aid and attendance: The monthly rate of DIC payable to a parent per the guidelines above shall be increased by \$434 if such parent is (1) a patient in a nursing home, or (2) helpless or blind, or so nearly helpless or blind as to need or require the regular aid and attendance of another person.

Minimum rate: The monthly rate of DIC payable to any parent shall not be less than \$5.

Signing Authority

Denis McDonough, Secretary of Veterans Affairs, approved and signed this document on November 18, 2024, and authorized the undersigned to sign

and submit the document to the Office of the Federal Register for publication electronically as an official document of the Department of Veterans Affairs.

Luvenia Potts,

Regulation Development Coordinator, Office of Regulation Policy & Management, Office of the Secretary, Department of Veterans Affairs.

[FR Doc. 2024–27384 Filed 11–21–24; 8:45 am]

BILLING CODE 8320–01–P

DEPARTMENT OF VETERANS AFFAIRS

[OMB Control No. 2900–0896]

Agency Information Collection Activity Under OMB Review: 35% Exemption Request From 85/15 Reporting Requirement

AGENCY: Veterans Benefits Administration, Department of Veterans Affairs.

ACTION: Notice.

SUMMARY: In compliance with the Paperwork Reduction Act (PRA) of 1995, this notice announces that the Veterans Benefits Administration (VBA), Department of Veterans Affairs, will submit the collection of information abstracted below to the Office of Management and Budget (OMB) for review and comment. The PRA submission describes the nature of the information collection and its expected cost and burden, and it includes the actual data collection instrument.

DATES: Comments and recommendations for the proposed information collection should be sent within 30 days of publication of this notice by clicking on the following link www.reginfo.gov/public/do/PRAMain, select “Currently under Review—Open for Public Comments”, then search the list for the information collection by Title or “OMB Control No. 2900–0896.”

FOR FURTHER INFORMATION CONTACT: VA PRA information: Maribel Aponte, 202–461–8900, vacopaperworkreduact@va.gov.

SUPPLEMENTARY INFORMATION:

Title: 35% Exemption Request From 85/15 Reporting Requirement, VA Form 22–10216.

OMB Control Number: 2900–0896, <https://www.reginfo.gov/public/do/PRASearch>.

Type of Review: Revision of a currently approved collection.

Abstract: As part of the benefits authorization process, 38 CFR 21.4201 places restrictions on enrollment based

on the percentage of students receiving financial support in any approved program. Except as otherwise provided by regulation, VA shall not approve an enrollment in any course for an eligible Veteran, not already enrolled, for any period during which more than 85 percent of the students enrolled in the course are having all or part of their tuition, fees or other charges paid for them by the educational institution or by VA under title 38 U.S.C., or under title 10 U.S.C. This is known as the 85/15 Rule and is applicable to Institutions of Higher Learning (IHLs) and Non-College Degree postsecondary schools.

The requirements apply to all courses, not otherwise exempt, or waived, offered by all educational institutions, regardless of whether the institution is degree-granting, proprietary profit, proprietary nonprofit, eleemosynary, public and/or tax-supported. Schools are required to submit information necessary to determine if their programs of training are approved for the payment of VA educational assistance. This specified information is submitted either to VA or to the State Approving Agency (SAA) having jurisdiction over that school. This regulation includes a provision that permits an exemption from routine reporting of this data for schools that assert that the number of VA beneficiary students in all programs approved for GI Bill never exceeds 35% of the total enrollment at the educational institution. If approved, such non-accredited schools must still monitor and collect the data, but are exempt from routinely reporting it to VA. The VA uses data from this information collection to determine that non-receipt of the routine reporting of 85/15 data is authorized by non-accredited schools. Non-accredited schools with an approved exemption are required to provide the complete 85/15 data during regular, periodic compliance survey reviews by VA to ensure no more than 85% of students in any approved program are students in receipt of financial support from the educational institution or by VA under title 38 U.S.C., or under title 10 U.S.C. Without this information, VA might pay benefits in error.

An agency may not conduct or sponsor, and a person is not required to respond to a collection of information unless it displays a currently valid OMB control number. The **Federal Register** Notice with a 60-day comment period soliciting comments on this collection of information was published at 89 FR 75059, September 13, 2024.

Affected Public: Educational Institutions.

Estimated Annual Burden: 1,411 hours.

Estimated Average Burden per Respondent: 30 minutes.

Frequency of Response: Annually.

Estimated Number of Respondents: 2,822.

Authority: 44 U.S.C. 3501 *et seq.*

Maribel Aponte,

VA PRA Clearance Officer, Office of Enterprise and Integration, Data Governance Analytics, Department of Veterans Affairs.

[FR Doc. 2024–27348 Filed 11–21–24; 8:45 am]

BILLING CODE 8320–01–P

DEPARTMENT OF VETERANS AFFAIRS

[OMB Control No. 2900–0764]

Agency Information Collection Activity: Survey of Healthcare Experiences of Patients—Dental Care Patient Satisfaction Survey (DPSS)

AGENCY: Veterans Health Administration, Department of Veterans Affairs.

ACTION: Notice.

SUMMARY: Veterans Health Administration (VHA), Department of Veterans Affairs (VA), is announcing an opportunity for public comment on the proposed collection of certain information by the agency. Under the Paperwork Reduction Act (PRA) of 1995, Federal agencies are required to publish notice in the **Federal Register** concerning each proposed collection of information, including each proposed extension of a currently approved collection, and allow 60 days for public comment in response to the notice.

DATES: Comments must be received on or before January 21, 2025.

ADDRESSES: Comments must be submitted through www.regulations.gov.

FOR FURTHER INFORMATION CONTACT:

Program-Specific information:

Rebecca Mimmall, 202–695–9434, vhacopra@va.gov.

VA PRA information: Maribel Aponte, 202–461–8900, vacopaperworkreduact@va.gov.

SUPPLEMENTARY INFORMATION: Under the PRA of 1995, Federal agencies must obtain approval from the Office of Management and Budget (OMB) for each collection of information they conduct or sponsor. This request for comment is being made pursuant to section 3506(c)(2)(A) of the PRA.

With respect to the following collection of information, VHA invites

comments on: (1) whether the proposed collection of information is necessary for the proper performance of VHA's functions, including whether the information will have practical utility; (2) the accuracy of VHA's estimate of the burden of the proposed collection of information; (3) ways to enhance the quality, utility, and clarity of the information to be collected; and (4) ways to minimize the burden of the collection of information on respondents, including through the use of automated collection techniques or the use of other forms of information technology.

Title: Survey of Healthcare Experiences of Patients—Dental Care Patient Satisfaction Survey (DPSS) (VA Form 10–10070).

OMB Control Number: 2900–0764. <https://www.reginfo.gov/public/do/PRASearch> (once at this link, you can enter the OMB Control Number to find the historical versions of this Information Collection).

Type of Review: Revision of a currently approved collection.

Abstract: The mission of the Veterans Health Administration (VHA) is to provide high quality medical and dental care to eligible veterans. Executive Order 12862, dated September 11, 1993, calls for the establishment and implementation of customer service standards, and for agencies to “survey customers to determine the kind and quality of services they want and their level of satisfaction with current services.” The overall purpose of the Dental Care Patient Satisfaction Survey (DPSS) is to systematically obtain information from patients, which can be used to identify problems or complaints that need attention and to improve the quality of dental health care services.

This information will be collected through the DPSS, VA Form 10–10070, and may be submitted either on paper or electronically by Veterans. The DPSS questions have minor changes, to include updates to the Race and Ethnicity data collection fields to reflect current requirements. VHA also is prepared to implement an additional mode of collecting the information utilizing a web-based access system for Veterans to submit the survey responses. Information obtained from this dental survey will be made readily available to VA Central Office (VACO), Veterans Integrated Service Network (VISN), VHA field staff, and stakeholders as part of the Network Performance Report and via the VA Intranet.

This data will be used to demonstrate that VA is providing timely, high quality dental health care services to patients and to measure improvement toward performance goals.

Affected Public: Individuals or Households.

Estimated Annual Burden: 12,600 hours.

Estimated Average Burden per Respondent: 15 minutes.

Frequency of Response: Once annually.

Estimated Number of Respondents: 50,400.

Authority: 44 U.S.C. 3501 *et seq.*

Maribel Aponte,

VA PRA Clearance Officer, Office of Enterprise and Integration/Data Governance Analytics, Department of Veterans Affairs.

[FR Doc. 2024–27455 Filed 11–21–24; 8:45 am]

BILLING CODE 8320–01–P



FEDERAL REGISTER

Vol. 89

Friday,

No. 226

November 22, 2024

Part II

Department of the Interior

Fish and Wildlife Service

50 CFR Part 17

Endangered and Threatened Wildlife and Plants; Threatened Species
Status With Section 4(d) Rule for Pecos Pupfish and Designation of
Critical Habitat; Proposed Rule

DEPARTMENT OF THE INTERIOR**Fish and Wildlife Service****50 CFR Part 17**

[Docket No. FWS-R2-ES-2024-0143;
FXES1111090FEDR-256-FF09E21000]

RIN 1018-BH76

Endangered and Threatened Wildlife and Plants; Threatened Species Status With Section 4(d) Rule for Pecos Pupfish and Designation of Critical Habitat

AGENCY: Fish and Wildlife Service, Interior.

ACTION: Proposed rule.

SUMMARY: We, the U.S. Fish and Wildlife Service (Service), propose to list the Pecos pupfish (*Cyprinodon pecosensis*), a fish species from the Pecos River Basin of New Mexico and Texas, as a threatened species and designate critical habitat under the Endangered Species Act of 1973, as amended (Act). This determination also serves as our 12-month finding on a petition to list the Pecos pupfish. After a review of the best available scientific and commercial information, we find that listing the species is warranted. Accordingly, we propose to list the Pecos pupfish as a threatened species with a rule issued under section 4(d) of the Act ("4(d) rule"). If we finalize this rule as proposed, the Pecos pupfish would be added to the List of Endangered and Threatened Wildlife and the Act's protections would be extended to the species. We also propose to designate critical habitat for the Pecos pupfish under the Act. In total, 136.12 river miles (219.06 river kilometers) and 26,555.54 acres (10,746.64 hectares) in Chaves and Eddy Counties, New Mexico, and Culberson and Reeves Counties, Texas, fall within the boundaries of the proposed critical habitat designation. We also announce the availability of an economic analysis of the proposed designation of critical habitat for Pecos pupfish.

DATES: We will accept comments received or postmarked on or before January 21, 2025. We must receive requests for a public hearing, in writing, at the address shown in **FOR FURTHER INFORMATION CONTACT**, by January 6, 2025.

ADDRESSES: You may submit comments by one of the following methods:

(1) *Electronically:* Go to the Federal eRulemaking Portal: <https://www.regulations.gov>. In the Search box, enter FWS-R2-ES-2024-0143, which is the docket number for this rulemaking.

Then, click on the Search button. On the resulting page, in the panel on the left side of the screen, under the Document Type heading, check the Proposed Rule box to locate this document. You may submit a comment by clicking on "Comment." Comments submitted electronically using the Federal eRulemaking Portal must be received by 11:59 p.m. eastern time on the closing date.

(2) *By hard copy:* Submit by U.S. mail to: Public Comments Processing, Attn: FWS-R2-ES-2024-0143, U.S. Fish and Wildlife Service, MS: PRB/3W, 5275 Leesburg Pike, Falls Church, VA 22041-3803.

We request that you send comments only by the methods described above. We will post all comments on <https://www.regulations.gov>. This generally means that we will post any personal information you provide us (see Information Requested, below, for more information).

Availability of supporting materials: Supporting materials, such as the species status assessment report, are available on the Service's website at <https://www.fws.gov/office/new-mexico-ecological-services>, at <https://www.regulations.gov> at Docket No. FWS-R2-ES-2024-0143, or both. If we finalize the critical habitat designation, we will make the coordinates or plot points or both from which the maps are generated available at <https://www.regulations.gov> at Docket No. FWS-R2-ES-2024-0143 and on the Service's website at <https://www.fws.gov/office/new-mexico-ecological-services>.

FOR FURTHER INFORMATION CONTACT:

Shawn Sartorius, Field Supervisor, U.S. Fish and Wildlife Service, New Mexico Ecological Services Field Office, 2105 Osuna NE, Albuquerque, NM 87113; telephone 505-697-7606. Individuals in the United States who are deaf, deafblind, hard of hearing, or have a speech disability may dial 711 (TTY, TDD, or TeleBraille) to access telecommunications relay services. Individuals outside the United States should use the relay services offered within their country to make international calls to the point-of-contact in the United States. Please see Docket No. FWS-R2-ES-2024-0143 on <https://www.regulations.gov> for a document that summarizes this proposed rule.

SUPPLEMENTARY INFORMATION:**Executive Summary**

Why we need to publish a rule. Under the Act, a species warrants listing if it meets the definition of an endangered

species (in danger of extinction throughout all or a significant portion of its range) or a threatened species (likely to become an endangered species within the foreseeable future throughout all or a significant portion of its range). If we determine that a species warrants listing, we must list the species promptly and designate the species' critical habitat to the maximum extent prudent and determinable. We have determined that the Pecos pupfish meets the definition of a threatened species; therefore, we are proposing to list it as such, and we are proposing a designation of its critical habitat. Both listing a species as an endangered or threatened species and making a critical habitat designation can be completed only by issuing a rule through the Administrative Procedure Act rulemaking process (5 U.S.C. 551 *et seq.*).

What this document does. We propose to list the Pecos as a threatened species with a rule issued under section 4(d) of the Act, and we propose the designation of critical habitat for the species.

The basis for our action. Under the Act, we may determine that a species is an endangered or threatened species because of any of five factors: (A) The present or threatened destruction, modification, or curtailment of its habitat or range; (B) overutilization for commercial, recreational, scientific, or educational purposes; (C) disease or predation; (D) the inadequacy of existing regulatory mechanisms; or (E) other natural or manmade factors affecting its continued existence. We have determined that Pecos pupfish meets the definition of a threatened species due to the following threats: (1) introgression of the sheepshead minnow (*Cyprinodon variegatus*) (Factor E), (2) the loss and decline of surface and ground waters (Factor A), (3) degradation of water quality (Factor A), and (4) habitat loss and fragmentation (Factor A), all of which are exacerbated by the ongoing and expected effects of climate change (Factor E).

Section 4(a)(3) of the Act requires that the Secretary of the Interior (Secretary), to the maximum extent prudent and determinable, concurrently with listing, designate critical habitat for the species. Section 3(5)(A) of the Act defines critical habitat as (i) the specific areas within the geographical area occupied by the species, at the time it is listed, on which are found those physical or biological features (I) essential to the conservation of the species and (II) which may require special management considerations or protections; and (ii) specific areas outside the geographical

area occupied by the species at the time it is listed, upon a determination by the Secretary that such areas are essential for the conservation of the species. Section 4(b)(2) of the Act states that the Secretary must make the designation on the basis of the best scientific data available and after taking into consideration the economic impact, the impact on national security, and any other relevant impacts of specifying any particular area as critical habitat.

Information Requested

We intend that any final action resulting from this proposed rule will be based on the best scientific and commercial data available and be as accurate and as effective as possible. Therefore, we request comments or information from other governmental agencies, Native American Tribes, the scientific community, industry, or any other interested parties concerning this proposed rule. We particularly seek comments concerning:

(1) The species' biology, range, and population trends, including:

(a) Biological or ecological requirements of the species, including habitat requirements for feeding, breeding, and sheltering;

(b) Genetics and taxonomy;

(c) Historical and current range, including distribution patterns and the locations of any additional populations of this species;

(d) Historical and current population levels, and current and projected trends; and

(e) Past and ongoing conservation measures for the species, its habitat, or both.

(2) Threats and conservation actions affecting the species, including:

(a) Factors that may be affecting the continued existence of the species, which may include habitat modification or destruction, overutilization, disease, predation, the inadequacy of existing regulatory mechanisms, or other natural or manmade factors.

(b) Biological, commercial trade, or other relevant data concerning any threats (or lack thereof) to this species.

(c) Existing regulations or conservation actions that may be addressing threats to this species.

(3) Additional information concerning the historical and current status of this species.

(4) Information to assist with applying or issuing protective regulations under section 4(d) of the Act that may be necessary and advisable to provide for the conservation of the Pecos pupfish. In particular, information concerning:

(a) The extent to which we should include any of the Act's section 9

prohibitions in the proposed 4(d) rule; or

(b) Whether we should consider any additional or different exceptions from the prohibitions in the proposed 4(d) rule.

(5) Specific information related to critical habitat, such as:

(a) The amount and distribution of Pecos pupfish habitat;

(b) Any additional areas occurring within the range of the species, Chaves and Eddy Counties, New Mexico, and Culberson and Reeves Counties, Texas, that should be included in the designation because they (i) are occupied at the time of listing and contain the physical or biological features that are essential to the conservation of the species and that may require special management considerations or protection, or (ii) are unoccupied at the time of listing and are essential for the conservation of the species; and

(c) Special management considerations or protection that may be needed in critical habitat areas we are proposing, including managing for the potential effects of climate change.

(6) Land use designations and current or planned activities in the subject areas and their possible impacts on proposed critical habitat.

(7) Any probable economic, national security, or other relevant impacts of designating any area that may be included in the final designation, and the related benefits of including or excluding specific areas.

(8) Information on the extent to which the description of probable economic impacts in the economic analysis is a reasonable estimate of the likely economic impacts and the description of the environmental impacts in the environmental assessment is complete and accurate and any additional information regarding probable economic impacts that we should consider.

(9) Whether any specific areas we are proposing for critical habitat designation should be considered for exclusion under section 4(b)(2) of the Act, and whether the benefits of potentially excluding any specific area outweigh the benefits of including that area, in particular for those covered by the Pecos Pupfish Conservation Agreement (see more details in *Conservation Efforts and Regulatory Mechanisms* below). If you think we should exclude any additional areas, please provide information supporting a benefit of exclusion.

(10) Whether we could improve or modify our approach to designating critical habitat in any way to provide for

greater public participation and understanding, or to better accommodate public concerns and comments.

Please include sufficient information with your submission (such as scientific journal articles or other publications) to allow us to verify any scientific or commercial information you include.

Please note that submissions merely stating support for, or opposition to, the action under consideration without providing supporting information, although noted, do not provide substantial information necessary to support a determination. Section 4(b)(1)(A) of the Act directs that determinations as to whether any species is an endangered or a threatened species must be made solely on the basis of the best scientific and commercial data available, and section 4(b)(2) of the Act directs that the Secretary shall designate critical habitat on the basis of the best scientific data available.

You may submit your comments and materials concerning this proposed rule by one of the methods listed in

ADDRESSES. We request that you send comments only by the methods described in **ADDRESSES**.

If you submit information via <https://www.regulations.gov>, your entire submission—including any personal identifying information—will be posted on the website. If your submission is made via a hardcopy that includes personal identifying information, you may request at the top of your document that we withhold this information from public review. However, we cannot guarantee that we will be able to do so. We will post all hardcopy submissions on <https://www.regulations.gov>.

Comments and materials we receive, as well as supporting documentation we used in preparing this proposed rule, will be available for public inspection on <https://www.regulations.gov>.

Our final determination may differ from this proposal because we will consider all comments we receive during the comment period as well as any information that may become available after this proposal. Based on the new information we receive (and, if relevant, any comments on that new information), we may conclude that the species is endangered instead of threatened, or we may conclude that the species does not warrant listing as either an endangered species or a threatened species. For critical habitat, our final designation may not include all areas proposed, may include some additional areas that meet the definition of critical habitat, or may exclude some areas if we find the benefits of exclusion outweigh

the benefits of inclusion and exclusion will not result in the extinction of the species. In addition, we may change the parameters of the prohibitions or the exceptions to those prohibitions in the protective regulations under section 4(d) of the Act if we conclude it is appropriate in light of comments and new information received. For example, we may expand the prohibitions if we conclude that the protective regulation as a whole, including those additional prohibitions, is necessary and advisable to provide for the conservation of the species. Conversely, we may establish additional or different exceptions to the prohibitions in the final rule if we conclude that the activities would facilitate or are compatible with the conservation and recovery of the species. In our final rule, we will clearly explain our rationale and the basis for our final decision, including why we made changes, if any, that differ from this proposal.

Public Hearing

Section 4(b)(5) of the Act provides for a public hearing on this proposal, if requested. Requests must be received by the date specified in **DATES**. Such requests must be sent to the address shown in **FOR FURTHER INFORMATION CONTACT**. We will schedule a public hearing on this proposal, if requested, and announce the date, time, and place of the hearing, as well as how to obtain reasonable accommodations, in the **Federal Register** and local newspapers at least 15 days before the hearing. We may hold the public hearing in person or virtually via webinar. We will announce any public hearing on our website, in addition to the **Federal Register**. The use of virtual public hearings is consistent with our regulations at 50 CFR 424.16(c)(3).

Previous Federal Actions

We identified the Pecos pupfish as a Category 2 candidate in both the December 30, 1982, Review of Vertebrate Wildlife, Notice of Review (47 FR 58454); and the September 18, 1985, Review of Vertebrate Wildlife, Notice of Review (50 FR 37958). Category 2 candidates were those species for which the Service had information that proposed listing was possibly appropriate, but conclusive data on biological vulnerability and threats were not available to support a proposed rule at the time. This situation changed when the Pecos pupfish was identified as a Category 1 candidate in the January 6, 1989, Animal Notice of Review (54 FR 554) and in the November 21, 1991, Animal Notice of Review (56 FR 58804). Category 1

candidates were those species for which the Service had on file sufficient information to support issuance of proposed listing rules. In the February 28, 1996, Candidate Notice of Review (61 FR 7596), we discontinued the designation of multiple categories of candidates, and only former Category 1 species are now recognized as candidates for listing purposes. The Pecos pupfish remained a candidate species in the 1996 Notice of Review and also in the September 19, 1997, Notice of Review (62 FR 49398).

The Pecos pupfish was proposed for listing as an endangered species without critical habitat on January 30, 1998 (63 FR 4608). Within the ensuing year between the proposal of the species for listing and the required final determination, a conservation agreement was developed. The conservation agreement was cited in the March 17, 2000, withdrawal of the proposed rule to list (65 FR 14513) as sufficient to ensure the viability of the Pecos pupfish.

On June 18, 2007, we were petitioned to list the Pecos pupfish as an endangered species as part of a multi-species petition to list 475 species in the Service's Southwest Region by WildEarth Guardians (WEG, formerly Forest Guardians). On December 16, 2009, we issued a positive 90-day finding that the petition presented information indicating that the listing of the Pecos pupfish may be warranted (74 FR 66866) and initiated a status review. Per a court-approved settlement agreement, we agreed to send a 12-month petition finding for the Pecos pupfish to the **Federal Register** by December 1, 2024.

Peer Review

A species status assessment (SSA) team prepared an SSA report for the Pecos pupfish. The SSA team was composed of Service biologists, in consultation with other species experts. The SSA report represents a compilation of the best scientific and commercial data available concerning the status of the species, including the impacts of past, present, and future factors (both negative and beneficial) affecting the species.

In accordance with our joint policy on peer review published in the **Federal Register** on July 1, 1994 (59 FR 34270), and in our August 22, 2016, memorandum updating and clarifying the role of peer review in listing and recovery actions under the Act (<https://www.fws.gov/sites/default/files/documents/peer-review-policy-directors-memo-2016-08-22.pdf>), we solicited independent scientific review of the

information contained in the Pecos pupfish SSA report. We sent the SSA report to four independent peer reviewers and received four responses. Results of this structured peer review process can be found at <https://www.regulations.gov> and <https://www.fws.gov/office/new-mexico-ecological-services>. In preparing this proposed rule, we incorporated the results of these reviews, as appropriate, into the SSA report, which is the foundation for this proposed rule.

Summary of Peer Reviewer Comments

As discussed in Peer Review above, we received comments from four peer reviewers on the draft SSA report. We reviewed all comments we received from the peer reviewers for substantive issues and new information regarding the contents of the SSA report. The peer reviewers generally concurred with our methods and conclusions and provided additional information, clarifications, and suggestions, including clarifications in terminology, additional literature on habitat fragmentation, discussions of severity of threats, and other editorial suggestions. Otherwise, no substantive changes to our analysis and conclusions within the SSA report were deemed necessary, and peer reviewer comments are addressed in version 1.2 of the SSA report (Service 2024, entire).

I. Proposed Listing Determination Background

A thorough review of the taxonomy, life history, and ecology of the Pecos pupfish is presented in the SSA report (version 1.2; Service 2024, pp. 1–21). The following sections are a synopsis of that information.

The Pecos pupfish is a small, deep-bodied (28 to 46 millimeter (mm) (1.1 to 1.8 inch (in.)), freshwater fish from the Pecos River Basin of New Mexico and Texas. It occurs in a variety of aquatic environments including wetlands, sinkholes, waterfowl impoundments, streams, springs and the Pecos River mainstem. The species historically inhabited the upper, middle, and lower Pecos River from just above Bitter Lake National Wildlife Refuge (NWR), Chaves County, NM, in the north, to south of the mouth of Independence Creek, in Crockett and Terrell Counties, TX, in the south. The Pecos pupfish is a member of the Cyprinodontidae family (pupfish and killifish), a group that includes 9 genera, 115 species, and 8 subspecies (ITIS 2023, entire). It is recognized as a valid taxon by the American Fisheries Society, and the Service accepts this taxonomy.

The Pecos pupfish varies in body color from gray to brown to iridescent blue. Pecos pupfish vary phenotypically amongst isolated habitat types, which may be advantageous for adapting to different food availability, dissolved oxygen availability, and salinity levels (Collyer et al. 2015, entire; Xu 2017, p. 22). Pecos pupfish are opportunistic omnivores; their diet is primarily composed of a diatom-detritus mixture, but may also include animal material, filamentous algae, macrophytes, sand, and seeds (Davis 1981, p. 536).

Pupfish are a euryhaline group of fish and are able to withstand conditions such as elevated salinity, higher water temperatures, and lower dissolved oxygen, that many other fish cannot tolerate (Kodric-Brown 1975, pp. 3, 6). The Pecos pupfish occurs in a variety of aquatic environments including wetlands, sinkholes, waterfowl impoundments, streams, springs, and the Pecos River mainstem (Hoagstrom and Brooks 1999, pp. 14–16; Collyer et al. 2015, p. 182). Pecos pupfish prefer environments with little to no water flow, and, in areas with flows, they typically occupy pools and shallow runs and riffles (Hoagstrom and Brooks 1999, pp. 36, 45). Within their occupied habitat, Pecos pupfish require a diverse set of microscale habitat conditions. A variety of underwater features such as crevices, boulders, large rocks, scattered pebbles, and aquatic plants provide topographic diversity throughout the range of the Pecos pupfish (Kodric-Brown 1975, p. 35; 1977, pp. 750–751, 753–756, and 761–762).

Pecos pupfish are sexually mature at 20 mm (0.79 in), within a few months of hatching (Kodric-Brown 1983, p. 128). Female Pecos pupfish lay an average of 10 eggs per day that adhere to spawning substrate, such as vegetation or rocks (Kodric-Brown 1977, pp. 751, 761–762, 764; Garrett 1982, pp. 360, 363; Farrington and Brandenburg 2003, p. 1). Spawning occurs May through September, peaking in late June through July when water temperatures consistently exceed 30 degrees Celsius (°C) (86 degrees Fahrenheit (°F)) in shallow waters less than 2 meters (m) (6.56 feet (ft)) deep, and in areas with a variety of silt-free underwater features such as crevices, boulders, large rocks, scattered pebbles, and aquatic plants (Kodric-Brown 1975, p. 35; 1977, pp. 750–751, 753–756, and 761–762). Pecos pupfish generally live for 1 year but can live an average of 2.5 years in captivity (Kodric-Brown 1977, p. 752m 765; Doege 2023, entire).

Regulatory and Analytical Framework

Regulatory Framework

Section 4 of the Act (16 U.S.C. 1533) and the implementing regulations in title 50 of the Code of Federal Regulations set forth the procedures for determining whether a species is an endangered species or a threatened species, issuing protective regulations for threatened species, and designating critical habitat for endangered and threatened species.

The Act defines an “endangered species” as a species that is in danger of extinction throughout all or a significant portion of its range, and a “threatened species” as a species that is likely to become an endangered species within the foreseeable future throughout all or a significant portion of its range.

The Act requires that we determine whether any species is an endangered species or a threatened species because of any of the following factors:

- (A) The present or threatened destruction, modification, or curtailment of its habitat or range;
- (B) Overutilization for commercial, recreational, scientific, or educational purposes;
- (C) Disease or predation;
- (D) The inadequacy of existing regulatory mechanisms; or
- (E) Other natural or manmade factors affecting its continued existence.

These factors represent broad categories of natural or human-caused actions or conditions that could have an effect on a species’ continued existence. In evaluating these actions and conditions, we look for those that may have a negative effect on individuals of the species, as well as other actions or conditions that may ameliorate any negative effects or may have positive effects.

We use the term “threat” to refer in general to actions or conditions that are known to or are reasonably likely to negatively affect individuals of a species. The term “threat” includes actions or conditions that have a direct impact on individuals (direct impacts), as well as those that affect individuals through alteration of their habitat or required resources (stressors). The term “threat” may encompass—either together or separately—the source of the action or condition or the action or condition itself.

However, the mere identification of any threat(s) does not necessarily mean that the species meets the statutory definition of an “endangered species” or a “threatened species.” In determining whether a species meets either definition, we must evaluate all identified threats by considering the

species’ expected response and the effects of the threats—in light of those actions and conditions that will ameliorate the threats—on an individual, population, and species level. We evaluate each threat and its expected effects on the species, then analyze the cumulative effect of all of the threats on the species as a whole. We also consider the cumulative effect of the threats in light of those actions and conditions that will have positive effects on the species, such as any existing regulatory mechanisms or conservation efforts. The Secretary determines whether the species meets the definition of an “endangered species” or a “threatened species” only after conducting this cumulative analysis and describing the expected effect on the species.

The Act does not define the term “foreseeable future,” which appears in the statutory definition of “threatened species.” Our implementing regulations at 50 CFR 424.11(d) set forth a framework for evaluating the foreseeable future on a case-by-case basis, which is further described in the 2009 Memorandum Opinion on the foreseeable future from the Department of the Interior (DOI), Office of the Solicitor (M–37021, January 16, 2009; “M-Opinion,” available online at <https://www.doi.gov/sites/doi.opengov.ibmcloud.com/files/uploads/M-37021.pdf>). The foreseeable future extends as far into the future as the U.S. Fish and Wildlife Service and National Marine Fisheries Service (hereafter, the Services) can make reasonably reliable predictions about the threats to the species and the species’ responses to those threats. We need not identify the foreseeable future in terms of a specific period of time. We will describe the foreseeable future on a case-by-case basis, using the best available data and taking into account considerations such as the species’ life-history characteristics, threat-projection timeframes, and environmental variability. In other words, the foreseeable future is the period of time over which we can make reasonably reliable predictions. “Reliable” does not mean “certain”; it means sufficient to provide a reasonable degree of confidence in the prediction, in light of the conservation purposes of the Act.

Analytical Framework

The SSA report documents the results of our comprehensive biological review of the best scientific and commercial data regarding the status of the species, including an assessment of the potential threats to the species. The SSA report does not represent our decision on

whether the species should be proposed for listing as an endangered or threatened species under the Act. However, it does provide the scientific basis that informs our regulatory decisions, which involve the further application of standards within the Act and its implementing regulations and policies.

To assess Pecos pupfish viability, we used the three conservation biology principles of resiliency, redundancy, and representation (Shaffer and Stein 2000, pp. 306–310). Briefly, resiliency is the ability of the species to withstand environmental and demographic stochasticity (for example, wet or dry, warm or cold years); redundancy is the ability of the species to withstand catastrophic events (for example, droughts, large pollution events); and representation is the ability of the species to adapt to both near-term and long-term changes in its physical and biological environment (for example, climate conditions, pathogens). In general, species viability will increase with increases in resiliency, redundancy, and representation (Smith et al. 2018, p. 306). Using these principles, we identified the species’ ecological requirements for survival and

reproduction at the individual, population, and species levels, and described the beneficial and risk factors influencing the species’ viability.

The SSA process can be categorized into three sequential stages. During the first stage, we evaluated the individual species’ life-history needs. The next stage involved an assessment of the historical and current condition of the species’ demographics and habitat characteristics, including an explanation of how the species arrived at its current condition. The final stage of the SSA involved making predictions about the species’ responses to positive and negative environmental and anthropogenic influences. Throughout all of these stages, we used the best available information to characterize viability as the ability of a species to sustain populations in the wild over time, which we then used to inform our regulatory decision.

The following is a summary of the key results and conclusions from the SSA report; the full SSA report can be found at Docket No. FWS–R2–ES–2024–0143 on <https://www.regulations.gov> and at <https://www.fws.gov/office/new-mexico-ecological-services>.

Summary of Biological Status and Threats

In this discussion, we review the biological condition of the species, its resources, and the threats that influence the species’ current and future condition, in order to assess the species’ overall viability and the risks to that viability.

We analyze these factors both individually and cumulatively to determine the current condition of the species and project the future condition of the species under both plausible future scenarios at mid- and late-century.

Species Needs

For the Pecos pupfish to have sufficient resiliency, redundancy, and representation, individuals need suitable habitat that supports essential life functions at all life stages (see table 1, below). Based upon the best available scientific and commercial information, and acknowledging existing ecological uncertainties, the Pecos pupfish needs include: (1) adequate population abundance, (2) sufficient water quantity, (3) suitable water quality, and (4) habitat diversity.

TABLE 1—SUMMARY OF PECOS PUPFISH INDIVIDUAL ENVIRONMENTAL NEEDS BY LIFE STAGE

Life stage	Resource/environmental needs
Spawning adult	<ul style="list-style-type: none">• Warm water temperatures between May and September.• Suitable oviposition sites (such as crevices, boulders, pebbles, scattered rocks, and subsurface vegetation mats).• Shallow water less than 2 m (6.56 ft) deep.• Salinities greater than 35,000 milligrams/liter (mg/L).• Adequate abundance of food (algae, insects, vegetation, etc.).• Dense vegetation.• Deeper water.• Hydrologic conditions conducive to survival (sufficient water levels, sufficient water temperature, etc.).
Egg	
Juvenile/non-breeding adults	
Overwintering adults and juveniles	
All	

Adequate Population Abundance

Two demographic factors, adult survival and fecundity, influence Pecos pupfish population trends and stability (Kodric-Brown and Mazzolini 1992, p. 175; Echelle and Connor 1989, p. 725; Echelle et al. 2003b, entire). The best available information indicates that Pecos pupfish can live up to 1 year in the wild and 2.5 years in captivity; however, we have no data on egg and juvenile survival (Kodric-Brown 1977, pp. 756–758; Garrett et al. 2002, p. 366; Doege 2023, entire). Data collected annually as part of a 23-year monitoring effort for the Pecos Pupfish Conservation Agreement (see more details in *Conservation Efforts and Regulatory Mechanisms* below) have consistently detected Pecos pupfish;

however, there are typically significant year-to-year variations in the number of fish caught at each sampling location (Hatt 2021, p. 6). To be resilient, populations of Pecos pupfish need to have enough individuals (abundance) to withstand stochastic events. Additionally, populations need to exist in locations where environmental conditions provide suitable habitat and water quality such that adequate numbers of individuals can be supported, and where there is an absence of sheepshead minnow. Without all these factors, a population has an increased likelihood for localized extirpation.

The sheepshead minnow, once confined to shallow, brackish, coastal waters of the Gulf and Atlantic coasts of the continental United States, was

introduced via a bait-bucket transfer into Red Bluff Reservoir near Pecos, Texas, in the early 1980s (Echelle and Connor 1989, p. 717; Childs et al. 1996, p. 2020;). By the late 1980s, Pecos pupfish were extirpated from this area and replaced by the Pecos pupfish × sheepshead minnow hybrid (Connor 1987, p. 2; Echelle and Connor 1989, pp. 717–720). In 1997, Pecos pupfish × sheepshead minnow hybrids were discovered in the Pecos River at Loving Crossing, Eddy County, NM (Echelle et al. 1997, p. 338; Echelle and Echelle 2007, p. 4). Records from 2016 and 2017 indicate that sheepshead minnow likely occur as far north as the Brantley Dam, Eddy County, NM, and that non-introgressed Pecos pupfish are extirpated from the Pecos River below

Brantley Reservoir, with the exception of the Salt Creek Texas (TX) population (Davenport 2023a, entire).

Sufficient Water Quantity

Pecos pupfish depend on sufficient water quantity to complete all stages of their lifecycle. While Pecos pupfish persist in shallow habitats less than 1 m (3.3 ft) deep (Salt Creek, NM), they may need deeper water to provide thermal refugia and winter habitat (Kodric-Brown 1977, p. 755). Sufficient water quantity is also necessary throughout the year for breeding and adult survival (Kodric-Brown 1977, p. 754; Hoagstrom et al. 2015, p. 14). It is surmised that water quantity changes in small, ephemeral streams have led to Pecos pupfish mortality events in both Bitter Creek and Salt Creek (NM) (Davenport 2023a and 2023b, entire; Jacobsen 2023, entire; Hoagstrom 2009, p. 28).

Water quantity for the Pecos pupfish is influenced by a variety of factors depending on the specific aquatic environment of a particular Pecos pupfish site or population. Sinkhole environments in the Pecos Basin are largely spring-fed systems derived from the San Andres artesian aquifer (Land 2003, p. 230). Similarly, permanent water in the Bitter Creek and Salt Creek (NM) likely originates from spring flow from the San Andres aquifer (Land and Huff 2009, p. 1). Salt Creek (TX) likely is supported by spring flows from the Toyah Aquifer, though no direct modeling has been done on this particular stream (LaFave 1987, p. 34). These streams also hold water during precipitation events. Water in Bitter Lake NWR is managed through a series of constructed impoundments and water conveyance structures. The Bureau of Land Management (BLM) Overflow Wetlands are supported by outflows of water from Lea Lake, a sinkhole in Bottomless Lakes State Park, as well as precipitation. Finally, water in the Pecos River is managed by the Bureau of Reclamation (BOR) for water deliveries, environmental flows, and fulfilling obligations under the 1948 Pecos River Compact (Llewellyn et al. 2021, pp. 39–42).

Karst aquifer systems, like that found in Bitter Lake NWR, may affect sinkhole systems, as groundwater pumping may tap into conduits that feed springs or sinkholes (Veni 2013, p. 47). Precipitation cycles and agricultural activity appear to be the two main factors causing variation in the aquifer levels (Land and Newton 2008, p. 189). However, the Roswell Artesian Basin provides an example of a rechargeable artesian aquifer, where water reduction measures and high levels of rainfall in

the 1970's led to a reversal in long-term hydraulic head declines and allowed this aquifer to recharge (Land and Newton 2008, p. 190).

Suitable Water Quality

Members of the *Cyprinodon* genus are known for their wide physiological tolerance relative to many other freshwater fishes. Pecos pupfish are able to tolerate a wide range of water quality conditions (Hoagstrom and Brooks 1999 entire). In areas where the salinity gradient changes, Pecos pupfish dominate the areas with the highest salinities (Hoagstrom and Brooks 1999 p. 12). However, at salinities greater than 35,000 mg/L, larval and egg development are suppressed or halted (Hoagstrom and Brooks 1999, p. 21; Propst 1999, p. 67). Pecos pupfish can also tolerate low dissolved oxygen for at least short periods, with measurements of dissolved oxygen levels as low as 2.5 mg/L during Pecos pupfish sampling (Hoagstrom and Brooks, 1999, p. 31; Propst 1999, pp. 67–68). These tolerance limits are further supported by extremes of temperature, dissolved oxygen, and salinity, often resulting in pupfish mortality (Hoagstrom and Brooks 1999, p. 21; Propst 1999, p. 67). In addition to natural impacts to water quality, industrial and agricultural pollutants have been shown to negatively impact Pecos pupfish (Houston et al. 2019, p. 33).

Habitat Diversity

The Pecos pupfish occurs in a variety of aquatic environments with a variety of underwater features that provide topographic diversity, such as crevices, boulders, large rocks, scattered pebbles, and aquatic plants provide topographic diversity throughout the range (Kodric-Brown 1975, p. 35; 1977, pp. 750–751, 753–756, and 761–762). Pecos pupfish typically occupy pools and shallow runs and riffles (Hoagstrom and Brooks 1999, pp. 36, 45). For reproduction, Pecos pupfish require shallow water less than 2 m (6.56 ft) deep and in areas with topographic diversity (Kodric-Brown 1977, pp. 750–751). Rocky embankments appear to be the most desirable breeding substrate, as the most aggressive and largest males occupy these areas at Mirror Lake, Bottomless Lakes State Park, Chaves County, NM (Kodric-Brown 1975, pp. 34–35). The percentage of males holding territory can vary year to year and is influenced by the amount of breeding and foraging habitat available (dependent on water levels), and that density of territorial males was highest in dense patches of aquatic vegetation, and lowest in flat silty areas with isolated rocks (Kodric-

Brown 1975, pp. 20, 34–35). During the colder months when water temperatures drop below 10 °C (50 °F), Pecos pupfish become inactive and can be found in deeper water with dense vegetation and flocculent material (such as fine detritus or non-living organic matter) present in the substrate (Kodric-Brown 1977, p. 752; Hoagstrom et al. 2015, p. 17).

For the Pecos pupfish to be resilient, each population needs to be able to withstand stochastic events or disturbances that can drastically alter local ecosystems. Populations of Pecos pupfish need to have enough individuals (abundance) and occupy multiple types of habitats with sufficient water quantity and quality, (habitat diversity), such as sinkholes, streams, and wetlands to withstand stochastic events. Additionally, populations need to exist in locations where environmental conditions provide suitable habitat and water quality such that adequate numbers of individuals can be supported. Without all these factors, a population has an increased likelihood for localized extirpation.

For a species to persist over time, it must exhibit attributes across its range that relate to either representation or redundancy. Representation describes the ability of a species to adapt to changing environmental conditions over time and is characterized by the breadth of genetic and environmental diversity within and among populations (Shaffer and Stein 2000, p. 308). For the Pecos pupfish to exhibit adequate representation, resilient populations should occur within the Pecos River Basin to which it is native. The breadth of morphological, genetic, and behavioral variation should be preserved to maintain the evolutionary variation of the species.

Redundancy describes the ability of a species to withstand catastrophic events (Tear et al. 2005, p. 841; Redford et al. 2011, p. 42). Adequate redundancy minimizes the effect of localized extirpation on the range-wide persistence of a species (Shaffer and Stein 2000, p. 308). Redundancy for the Pecos pupfish is characterized by having multiple, resilient, and representative populations across the range of the species. Also important for measuring redundancy is the connectivity among discrete populations that allows for immigration and emigration between populations and increases the likelihood of recolonization should a population become extirpated. In the case of the Pecos pupfish, however, increasing connectivity among populations can present a hybridization risk.

Threats

Following are summary evaluations of four threats analyzed in the SSA report for the Pecos pupfish: introgression of the sheepshead minnow (Factor E), the loss and decline of surface and ground water, degradation of water quality, and habitat loss and fragmentation (Factor A), which are exacerbated by the effects of climate change (Factor A). We also evaluate existing regulatory mechanisms (Factor D) and ongoing conservation measures.

In the SSA report, we also considered two additional threats: golden algal blooms (Factor A) and competition for food resources (Factor C). We concluded that, as indicated by the best available scientific and commercial information, these threats are currently having little to no impact on Pecos pupfish populations and thus the overall effect of these threats now and into the future is expected to be minimal. Therefore, we will not present summary analyses of those threats in this document, but we considered them in the current and future condition assessments in the SSA report. For full descriptions of all threats and how they impact the species, please see the SSA report (Service 2024, pp. 43–44).

Sheepshead Minnow Introgression

The sheepshead minnow is a threat to the Pecos pupfish through hybridization and competition for resources (Echelle et al. 2003b, entire; Echelle and Connor 1989, pp. 725–726). Pecos pupfish and sheepshead minnow lack isolating mechanisms and readily interbreed, and within as few as 5 to 7 years hybridization leads to the complete loss of genetically pure (non-introgressed) Pecos pupfish in the area of introgression (Cokendolpher 1980, entire; Echelle and Connor 1989, pp. 725–726; Echelle et al. 2003b, entire; Kodric-Brown and Rosenfield 2004, entire). Once a population is no longer genetically pure, it no longer exists. In addition, research suggests that the hybrid fish grow faster and are larger than pure Pecos pupfish, and thus outcompete genetically pure Pecos pupfish for resources (Rosenfield et al. 2004, p. 1595). Pecos pupfish hybridization with the sheepshead minnow is one of the greatest threats to this species and is cited as the cause of extirpation from historical sites (Echelle and Connor 1989, pp. 725–726; Echelle et al. 2003b, entire; Pecos Pupfish Conservation Team (Conservation Team) 2022, p. 5).

The New Mexico State Game Commission and Texas Parks and Wildlife Department (TPWD)

implemented State fishing regulations that prohibit use of sheepshead minnow in the bait harvest and use program since 1999. However, this nonnative invasive species occurs within the lower Pecos River, below the Red Bluff Reservoir, and may be unintentionally captured, transferred, and released into Pecos pupfish habitat, and thus remains an ongoing threat (Conservation Team 2022, pp. 3, 5). While the Red Bluff Reservoir provides a physical barrier that prevents sheepshead minnow from naturally moving into the middle Pecos River, and the Brantley Dam and Reservoir provide a barrier that prevents the sheepshead minnow from naturally moving into the upper Pecos River, recreational fishing occurs throughout the river, so it is highly likely that a bait-bucket transfer would lead to an introduction of sheepshead minnow and result in the introgression of the population of Pecos pupfish within the upper Pecos River. Fish barriers have been installed at Bitter Lake NWR and at the BLM Overflow Wetlands to prevent entrance of sheepshead minnow from the mainstem Pecos River.

Loss and Decline of Surface and Groundwater

Adverse impacts to both water quantity and, to a lesser extent, water quality, are threats to Pecos pupfish viability. As anthropogenic uses of water increase from urban, agricultural, and industrial development, water management will become more important to maintain adequate water for the Pecos pupfish. While the demand on water in the Pecos River Basin is expected to increase based on climate change projections (Sites Southwest 2008, pp. 6–3, 6–6), we have reasonable certainty that there will be adequate aquifer levels until 2100 (Llewellyn et al. 2021, pp. 99–100). Although diversions from the Pecos River are capped by existing water rights, agreements, and regulations, decreasing surface water availability can increase the demand for pumped ground water (Dunbar et al. 2022, p. 87).

In New Mexico, population growth in Chaves County, which contains the majority of current occupied Pecos pupfish sites, averaged a 1.3 percent annual growth rate between 1960 and 2010 (Consensus Planning, Inc. 2016, p. 10) but a 1.9 percent annual decline between 2010 and 2020. The Pecos Valley Artesian Conservancy District (PVACD) regulates ground water use within the aquifer and supplies water to about 110,000 acres of crops/year (Llewellyn et al. 2021, p. 47). The amount of water withdrawn causes seasonal variability in aquifer levels, but

yearly fluctuations in ground water levels typically remain similar (PVACD 2023, entire). The long-term average water level has remained constant. Water availability in the Pecos River is influenced by a variety of factors including human development, primarily agriculture. However, this river is currently managed for multiple uses, including endangered species conservation, and future human water use from the river is not expected to substantially increase in the future.

In Texas, the Delaware River, 12 mi (19.31 km) north of Salt Creek (TX), is experiencing an increase in ground water pumping to support hydraulic fracturing (fracking) operations, and we expect the increased water usage to continue around Salt Creek (TX) (Scanlon et al. 2020, pp. 3510–3513). Both a deep and shallow aquifer (Rustler and Pecos Valley complex) may support the springs feeding Salt Creek (TX) (George et al. 2011, pp. 4, 58, 146). However, there are no specific hydrologic models detailing how the aquifers influence the flows in Salt Creek (TX). Conversely, fracking is not a threat to the Pecos pupfish populations in New Mexico as the oil formations there are structured differently than those in Texas.

Water use may increase with a growing human population, potentially further depleting ground-water storage and negatively influencing the Pecos pupfish's future (Llewellyn et al. 2021, p. 84). Activities such as surface and groundwater withdrawals, as well as impoundments, have decreased streamflow resulting in direct habitat loss and increased habitat fragmentation (Llewellyn et al. 2021, p. 138). Karst aquifer systems, like that found on Bitter Lake NWR, may affect sinkhole systems, as groundwater pumping may tap into conduits that feed springs or sinkholes (Veni 2013, p. 47). Precipitation cycles and agricultural activity appear to be the two main factors causing variation in the aquifer levels (Land and Newton 2008, p. 189). We are uncertain of how the aquifers will be affected and recover (rainfall and recharge), if at all, and how reduced surface flows (irrigation) would be affected by human population growth (Land and Newton 2008, p. 190).

The Pecos River provides connected wetted habitat year-round. There are four federally owned reservoirs on the Pecos River: Santa Rosa (U.S. Army Corps of Engineers (Corps)); Sumner (BOR); Brantley (BOR); and Avalon (BOR), and the ground water rights are owned by the NM Interstate Stream Commission (Service 2017, pp. 7 and 11). The State and Federal agencies

work together to maintain river flows that provide water for a variety of reasons, including environmental reasons. For the last few decades, the only releases from Fort Sumner Reservoir to Brantley Reservoir have been block releases that occur several times a year at intervals and timing contrary to the historical flow regimes, leading to artificially low flows (Hoagstrom et al. 2008, p. 6). These block releases manage for the threatened Pecos bluntnose shiner (*Notropis simus pecosensis*) and act as a buffer to drying events even though the water may be repurposed from environmental use to consumptive irrigation use, and will be beneficial to the Pecos pupfish (Hoagstrom et al. 2008, p. 6).

Degradation of Water Quality

Because Pecos pupfish are relatively tolerant of more extreme water quality conditions (high temperatures, low dissolved oxygen, high salinity), minor changes to water quality are generally seen as less of a concern (Propst 1999, p. 68). However, throughout the Pecos pupfish's range, water temperatures have the potential to exceed the fish's thermal tolerance (Brown and Feldmeth 1971, entire). Furthermore, it is surmised that extreme salinity caused declines in two historical Pecos pupfish populations in two springs in Laguna Grande De la Sal, NM (Hoagstrom and Brooks 1999, pp. 13–16).

The entirety of the Pecos pupfish range in the Pecos River has ongoing water quality concerns and is considered impaired by the New Mexico Environmental Department (Llewellyn et al. 2021, pp. 27–29). Below Sumner Reservoir, the river improves for 160 km (100 mi) before becoming impaired by nutrients from irrigation return flow, urban runoff, and municipal wastewater treatment plant effluent to the State line (Llewellyn et al. 2021, pp. 27–28). Another stressor is contamination of water by oil and gas development (Bonetti et al. 2021, entire). Pipelines present another potential route of contamination, as leaks or ruptures may allow oil, gas, or brines to enter underground aquifers that contribute to spring flow or by point sources from spills and leaks on the surface (Ashworth 1990, p. 31). Oil and brine contamination may impair water quality to the extent that Pecos pupfish will be unable to carry out metabolic functions (e.g., breathing) (Bonetti et al. 2021, p. 4). However, the pipelines in the vicinity of Bitter Lake NWR, BLM Area of Critical Environmental Concern (ACEC), and Bottomless Lakes State Park are protected and managed to keep

these systems conserved and free from contamination.

Global Climate Change and Drought

The Southwest United States is thought to be extremely sensitive to increased drought and higher average temperatures caused by climate change (Sheffield and Wood 2008, p. 101). In particular, temperatures across New Mexico, including in the Pecos River Basin, have risen approximately 1.1 °C (2 °F) between 1970 and 2020 (Dunbar et al. 2022, pp. 4–5). While Pecos pupfish have persisted through historical drought conditions, observations from Bitter Lake NWR suggest that prolonged drought or higher temperatures have likely led to mortality events (Jacobsen 2023, entire). Because Pecos pupfish are able to persist in degraded, saline water conditions, they are likely to be somewhat resilient to adverse water flow and temperature impacts (Propst 1999, pp. 67–68). However, Pecos pupfish are likely persisting at or near their thermal maximum, particularly during the hottest parts of the year (Matthews and Zimmerman 1990, p. 27). The increasing temperatures predicted by climate modeling suggest that water temperatures have the potential to exceed the thermal maximum for Pecos pupfish (Llewellyn et al. 2021, p. 88). This is particularly crucial for sites that are shallower, have limited freshwater input, or are isolated from any potential thermal refugia. Observations of the Conchos pupfish (*C. eximius*), a close relative of the pupfish, suggest that drought may have caused declines in fish numbers (Davis 1980, p. 83).

Climate change manifests in a variety of ways. An average increase in temperature manifests itself locally as higher daytime temperatures and higher overnight low temperatures (Hayhoe et al. 2018, p. 88). In terms of precipitation, broadly speaking, wet areas are expected to get wetter and experience more intense precipitation events, while dry areas are expected to get drier and experience more intense drought events (Shafer et al. 2014, pp. 443–445; Kloesel et al. 2018, pp. 995–996, 1004). Another effect of climate change is exacerbated drought due to feedback loops between high air temperatures, low humidities, and low soil moisture (Cheng et al. 2019, pp. 4437–4440). Potential effects of climate change that are likely to affect water quality and quantity include increased temperatures, evaporation, evapotranspiration, drought, earlier runoff, and reduced or increased precipitation (Llewellyn et al. 2021, p.

98). The main uncertainty of a changing climate is the resulting demands on surface and ground water aquifers that support habitat for the Pecos pupfish, thereby reducing water quantity and leading to impaired water quality.

Habitat Loss and Fragmentation

Groundwater depletion has dried up several marshes, playas, and spring ponds formerly occupied by Pecos pupfish adjacent to the Pecos River in New Mexico and Texas (Hoagstrom and Brooks 1999, p. 11). Direct habitat loss was also believed to have caused the extirpation of Comanche Springs pupfish (*C. elegans*) in Texas near Fort Stockton (Echelle et al. 2003a, p. 114). Habitat loss occurs when streams are dewatered, and surface flow is eliminated. To date, we are unaware of habitat loss within the range of the species at a scale that has caused the extirpation of Pecos pupfish in an entire population. However, significant habitat impairment has occurred throughout the range of the Pecos pupfish. For example, the Pecos River has been significantly altered through dam construction, channelization, and water diversions resulting in the loss of off-channel marshes, oxbows, and changes to mainstem flows (Hoagstrom and Brooks 1999, pp. 10–12).

While we have no data regarding to what extent the Pecos pupfish use off-channel marshes and oxbows, based on habitat descriptions of the current known occupied locations we presume that at least a portion of the available off-channel habitat may have been used by Pecos pupfish for connectivity (Hoagstrom and Brooks 1999, p. 22). Furthermore, research suggests that habitat fragmentation and alteration may have rendered Pecos pupfish populations in the lower Pecos River more vulnerable to hybridization with the sheepshead minnow, and identified morphological differences between populations that are linked to aquatic habitat type and diversity (Collyer et al. 2015, p. 191). Similarly, pupfish need large and connected populations to have a chance to potentially withstand introgression (Collyer et al. 2015, p. 191). More recently, in 2020, 2022, and 2023, drought events led to the loss of portions of Bitter Creek on Bitter Lake NWR, with Pecos pupfish mortality observed in 2020 and 2022. Data collected during winter surveys suggest that the Pecos pupfish is able to return to sections of the creek once sufficient water quantities are present. Although data are lacking from the Pecos River mainstem, this scenario likely occurs there as well.

Habitat fragmentation is the disruption of continuous habitat resulting in smaller disconnected areas and can be either temporary or permanent (Wiegand et al. 2005, p. 109). The natural landscape for the Pecos pupfish comprises isolated sinkholes with unknown subsurface connectivity, disjunct wetlands and ephemeral streams, and a historically well-connected river system. Much of the direct habitat loss and fragmentation within the range of the Pecos pupfish is the result of dewatering of habitat as a result of anthropogenic development, and water management and use, such as demand for water for agriculture and oil and gas development (Hoagstrom et al. 2008, p. 6). Climate change impacts in the Pecos River Basin will likely result in higher overall surface temperatures. In general, warming surface temperatures directly impact evapotranspiration rates and can lead to lowered surface water (Llewellyn et al. 2021, p. 21). However, throughout the range of the Pecos pupfish the hydrology impacting their habitat is a complicated mix of evaporation, spring flow, and groundwater recharge.

The loss of habitat connectivity and the resulting fragmentation can lead to isolation among populations, which may have caused a genetic bottleneck in some Pecos pupfish populations (Collyer et al. 2015, p. 191; Whiteley 2023, pp. 6–7). Isolated and small populations are also more susceptible to stochastic events and amplify the effects of inbreeding depression and genetic drift (Rieman and Allendorf 2001, p. 762). Fragmentation and isolation of habitats can increase the risk of local extirpation as recolonization from adjacent populations is less likely (Hoagstrom et al. 2008, p. 13). As habitat loss and fragmentation increases, habitat diversity decreases.

Summary of Threats

The greatest threats to the Pecos pupfish are introgression with sheepshead minnow, loss and decline of surface and ground water, degradation of water quality, habitat loss and fragmentation, and the effects of climate change. Introduction of sheepshead minnow into new locations occupied by Pecos pupfish could lead to rapid introgression, replacing the genetically pure population with Pecos pupfish hybrids. Research has found Pecos pupfish populations that are already negatively impacted by habitat alteration are likely more at risk of introgression because the reduction in habitat increases competition for breeding substrate (Kodric-Brown and Rosenfield 2004, pp. 121–122; Collyer et

al. 2015, p. 191). Anthropogenic water use and management has impacts on most of the surface water and groundwater within the range of the Pecos pupfish, and continued development and climate-driven changes to water availability will continue to impact the species in the future. Climate change impacts including higher average annual temperatures, more variable or lower average annual precipitation, and increased drought frequency, are currently impacting the Pecos pupfish and will likely continue to do so. Increasing temperatures increase the risk that shallow habitat could exceed the thermal tolerance of Pecos pupfish, and the resulting increased evapotranspiration leads to lowering of water levels with the potential for corresponding increases in salinity and water temperatures and lowered dissolved oxygen.

Conservation Efforts and Regulatory Mechanisms

In 1999, a conservation agreement was developed to address the threats to Pecos pupfish (Conservation Team 1999; entire). Since implementation of the conservation agreement, conservation efforts have included sheepshead minnow eradication, installation of fish barriers, and enforcement of State fishing rules in an effort to protect the Pecos pupfish from further introgression of sheepshead minnows or hybrids and alleviate other threats affecting the Pecos pupfish (Conservation Team 2022, p. 3). The conservation agreement was amended in 2013 and in 2022 (Conservation Team 2022, pp. 1, 4).

These above-mentioned stressors—introgression, water quantity, and habitat degradation and loss—have been considered and some have been reduced through the implementation of the conservation agreement (Conservation Team 2022, entire). The agreement has eight signatory agencies: TPWD; New Mexico Department of Game and Fish (NMDGF); New Mexico Energy, Minerals, and Natural Resources Department; New Mexico Department of Agriculture; New Mexico Interstate Stream Commission; Commissioner of Public Lands; New Mexico State Land Office; BLM; and the Service (Conservation Team 2022, pp. 8–23). The duration of the conservation agreement is indefinite with formal review every 10 years (Conservation Team 2022, p. 12).

Since 1999, one fish barrier has been installed at Bitter Lake NWR, near the confluence with the Pecos River. In 2019, two fish barriers were replaced at

the BLM Overflow Wetlands, where north and south concrete barriers were installed to prevent the entrance of fish from the mainstem Pecos River into the complex. The barrier on the BLM Overflow Wetlands not only protects the wetlands, but also protects the Bottomless Lakes complex from the threat of hybridization.

Moving forward, the conservation agreement will continue to provide guidance for agencies and partners working towards Pecos pupfish conservation, help provide for ongoing maintenance of fish barriers, installation of additional fish barriers, and enforcing existing State and Federal baitfish regulations.

The Fort Worth Zoo and other collaborating zoos have successfully bred Pecos pupfish in captivity since 2000. Captive conservation efforts have focused on propagation techniques, animal husbandry research, and propagation for stocking. Beginning in 2012, the State of Texas began working with private landowners within the Pecos River watershed to identify opportunities for the development of Pecos pupfish production ponds. Two ponds were established in 2024; recruitment of additional landowners and establishment of additional ponds is ongoing. The goal of the ponds is to sustain the genetic lineage from the Salt Creek, TX, population, create stable habitats isolated from potential sheepshead minnow incursion with secure water sources, and provide a stock of fish that can be used to establish other locations.

Current Condition

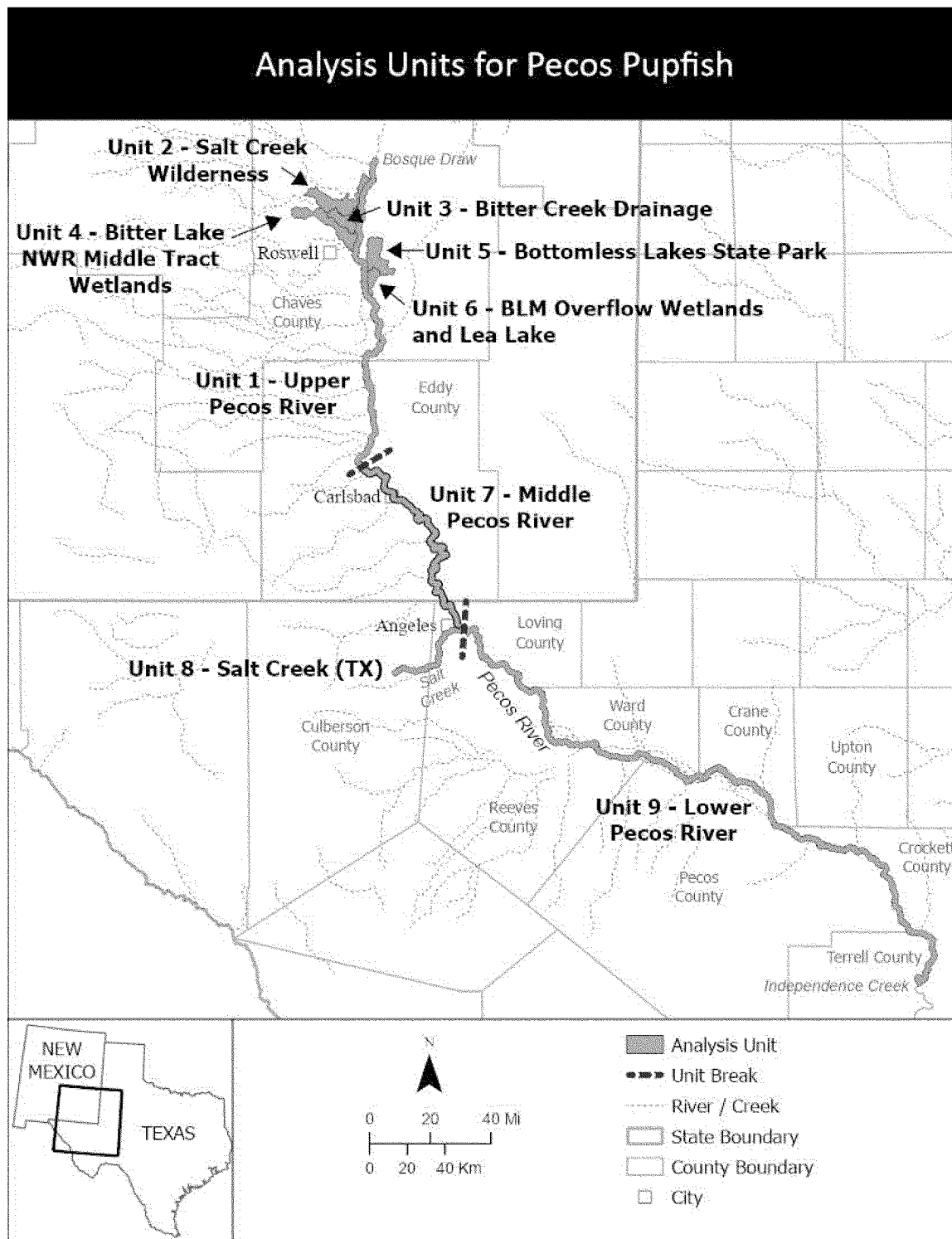
A thorough review of the Pecos pupfish's current condition is presented in chapter 4 of the SSA report (version 1.2, Service 2024, pp. 46–74).

We divided the Pecos pupfish's range into nine analysis units (AU) (Figure 1). Currently, the Pecos pupfish is distributed across seven of nine AUs covering the historical range; two of the AUs are considered extirpated (figure 1; table 3; Service 2024, figure 20, p. 52). We defined Pecos pupfish AUs based on documented occurrences, U.S. Geological Survey hydrological unit code (HUC)—12 sub-watershed boundaries, stream and river features, and barriers (such as Brantley Reservoir and Red Bluff Reservoir) (Service 2024, p. 51). This approach is based on the assumption that the closer occurrences are (such as within the same AU), the more likely similar environmental processes are influencing the sites where the fish occurs. We evaluated the current viability of Pecos pupfish using

population resiliency and species' redundancy and representation.

BILLING CODE 4333-15-P

Figure 1—Pecos pupfish range map, distributed across the Pecos River Basin.



BILLING CODE 4333-15-C

The species is known from nine analysis units.

TABLE 2—ANALYSIS UNITS FOR THE PECOS PUPFISH

Analysis unit	Land ownership
1: Upper Pecos River	BLM, State, private.
2: Salt Creek Wilderness	FWS.
3: Bitter Creek Drainage	FWS.
4: Bitter Lake NWR Middle Tract Wetlands	FWS.
5: Bottomless Lakes State Park	State.
6: BLM Overflow Wetlands and Lea Lake	BLM, State.
7: Middle Pecos River	BLM, State, private.
8: Salt Creek (TX)	Private.
9: Lower Pecos River	BLM, State, private.

To assess resiliency, we developed a qualitative model that incorporates one demographic metric (occurrence) and three habitat metrics (water quantity, water quality, and habitat diversity), and genetic security into the overall status for each unit (table 3). We selected habitat diversity as a metric as habitats with multiple aquatic environments may better allow the fish to withstand changing or adverse conditions.

To assess redundancy of the Pecos pupfish, we examined (1) how many extant sites exist within each AU, (2) how connected these sites are within the unit, and (3) how connected each unit is to nearby units. Importantly though, the diversity of the habitat, and not the number of sites Pecos pupfish have been detected, reflects the extent of the occupied Pecos pupfish habitat within the unit. For example, Bitter Creek (on Bitter Lake NWR) is approximately 1,546 m (5,072 ft) of variably wetted stream and is counted as a single site. Similarly, the BLM Overflow Wetlands cover over 1,000

acres (405 ha) and is also counted as a single site. However, we assume that with the exception of the sites delineated on the upper Pecos River, which is a riverine environment, each site is representative of a discrete aquatic environment.

To assess representation, we used aquatic environment (riverine, shallow stream, sinkholes, and wetlands) as a surrogate for genetic data. Genetic studies of Pecos pupfish have revealed important genetic relationships across the range of the species. The population of Pecos pupfish in the upper reaches of Salt Creek (TX) shows a specific allele that is unique to this location (Echelle et al. 2003b, p. 6). Recent work in the northern portion of their range has found that Pecos pupfish populations in the Bottomless Lakes State Park and BLM Overflow Wetland (AUs 5 and 6, respectively), are highly genetically differentiated from each other and from other populations (Whiteley 2023, pp. 7–9, 18). Additionally, individuals sampled from Bottomless Lakes State Park showed high inbreeding

coefficient, (Whiteley 2023, p. 26). Analysis showed distinct clustering of Pecos pupfish at two sites at Bottomless Lakes State Park (Mirror Lake and Lazy Lagoon) and all of the sampled sites at Bitter Lake NWR (Whiteley 2023, p. 18). On Bitter Lake NWR, two distinct clusters were observed that may indicate gene flow (Whiteley 2023, p. 19). The sampled sites in the Middle Tract Wetlands clustered with each other and Bitter Creek, while the four sample sinkholes all clustered with each other (Whiteley 2023, p. 8). While that data analyzed by Whitely (2023, entire) did not attempt to infer a relationship between environmental factors, a result that might reflect either developmental plasticity or local genetic adaptation, research does suggest that Pecos pupfish morphology differs depending on the aquatic environments (*i.e.*, habitat diversity) (Echelle and Echelle 2007, p. 7; Collyer et al. 2015, p. 187–189; Xu 2017, pp. 22, 26–27; Whiteley 2023, entire).

TABLE 3—CONDITION CRITERIA RESILIENCY ANALYSIS METRICS AS APPLIED TO EACH ANALYSIS UNIT

Condition	Genetic security	Occurrence	Water quantity	Water quality	Habitat diversity
High condition (high resiliency).	No evidence of introgression with sheepshead minnow.	Extant or presumed extant observed at, or in the vicinity of, each of these sites at least once within the last 5 years.	Stable and sufficient water availability throughout the unit. Low flow or drying events documented, but no long-term drying events recorded.	No severe impairments to water quality documented and no recorded contamination events.	Unit has a diverse habitat assemblage within the unit (streams/river, wetlands, and sinkholes).
Moderate condition (moderate resiliency).	Introgression possible in the unit, but no confirmation.	Two or fewer of the known occupied sites confirmed or presumed extirpated.	Occasional low flows or drying events across <50% of the unit with rare long-term drying events documented.	Occasional water quality impairments documented, likely linked to low flows. No documented exposure to surface contaminants.	Fish restricted to just a single habitat type within the unit.
Low condition (low resiliency).	Introgression only in a portion of the unit.	Pupfish extant at 50% or fewer of sites identified. Populations low enough that fish are not detected on 50% or more visits to occupied locations.	Routine low flows and drying events across the majority of the unit and regular long-term drying events.	Documented exposure to surface contaminants within much of the unit.	N/A.
Likely extirpated	Confirmed introgression throughout the unit.	N/A	N/A	N/A	N/A.

Fundamental to our analysis of the Pecos pupfish was the determination of scientifically sound analytical units at a scale useful for assessing the species. As there is little information available regarding the demographic or genetic processes that define the spatial structure of Pecos pupfish populations, we relied on spatial occurrence data to define a suitable extent for our AUs. Within each AU, we identified discrete sites where Pecos pupfish have been documented to occur during past sampling and inventory efforts (Brooks 1992, entire; Hoagstrom and Brooks 1999, entire; National Heritage New Mexico (NHNM) 2021, entire; GBIF

2022, entire). These sites represent the documentation of at least one Pecos pupfish at a specific location at a point in time. Many of these sites have not been routinely visited or have been visited only once. Eleven sampling locations representing nine sites have been annually sampled (Hatt 2022, p. 5). In some cases, such as sinkholes, these sites are analogous to subpopulations. In others, such as the Pecos River or BLM Overflow Wetlands, the documented sites represent only the accessible portion of the habitat and likely do not represent the entire population in the area.

Based on the available data and our understanding of Pecos pupfish ecology, we developed a basis for assigning a risk category for each metric at the population AU level (table 4). The risk category reflects a qualitative determination of the likelihood that the species' response to the conditions described in each individual metric, over the 20-year period following the year 2023, would be extirpated from a given population AU. This 20-year timeframe correlates with approximately 20 1-year generations, which is near the maximum of the presumed Pecos pupfish lifespan in the wild.

TABLE 4—QUALITATIVE AND QUANTITATIVE DESCRIPTIONS OF THE THREE RISK CATEGORIES USED IN THE RESILIENCY ANALYSIS

Risk category	Analysis unit condition	Estimated chance of extirpation for 20 years	Numerical extirpation risk estimate	Threats characterization
Low risk	High condition	Extirpation is very unlikely	<10%	Threats to pupfish needs are minimized or limited in spatial extent within the unit.
Moderate risk	Moderate condition	Extirpation is unlikely	10–40%	Threats to pupfish needs are widespread throughout the unit but limited in duration or severity.
High risk	Low condition	Extirpation risk ranges from being about as likely as not to being very likely.	>40%	Threats to pupfish are severe and pervasive throughout the unit.

We ranked and scored the individual metrics as one (low), two (moderate) or three (high), based on criteria described in table 3, then combined them to produce a categorical condition score for each AU. We then averaged that score across all four categories to develop an overall unit score. For the overall unit score, an average of greater than 2.6 was considered high condition, 1.6 to 2.5 was considered moderate condition, and 1.5 or less was considered low condition. To aid in the comparison of AUs (with each other and under various future scenarios (see the *Future Condition* section, below)) and assess the species' viability, we categorized the final condition scores as “high” (population generally secure), “moderate” (population marginally secure), or “low” (population generally insecure). We based these categories primarily on our understanding of Pecos pupfish habitat needs, known stressors, and the principles of conservation biology. We acknowledge that there is uncertainty associated with this model and some of the supporting data; however, the methodology is appropriate for assessing the status of the Pecos pupfish across its range given the best available information.

Resiliency

Unit 1: Upper Pecos River: Pecos pupfish remain extant in the upper Pecos River. Based on their preference for slower, warmer, and more saline conditions, and observations from surveys conducted in support of other routine fish monitoring, Pecos pupfish are limited to specific areas within the upper Pecos River channel and these areas likely shift both spatially and temporally. This situation is reflected in data that show varying numbers of Pecos pupfish in year-to-year sampling and seem to indicate that, during periods of drying, Pecos pupfish are often more represented in samples (Davenport 2023b, entire). Although it is unclear if any particular site in the upper Pecos River has been lost, the highly variable nature of this river section and shifting populations likely means that sampling at the same site will not always detect the Pecos pupfish.

The upper Pecos River is subject to regular severe low flows and intermittent drying (Follansbee et al. 1915, p. 452; Hatch et al. 1985, p. 561; Hoagstrom et al. 2008, p. 6). Because this situation threatens the persistence of the federally threatened Pecos bluntnose shiner, conservation measures are in place by the BOR

through a biological opinion (under section 7 of the Act) to minimize intermittent drying. These measures buffer the threat of river drying for Pecos bluntnose shiner and, by extension, Pecos pupfish. The entire Pecos pupfish range in the Pecos River has ongoing water quality concerns and is considered impaired due to nutrient loading, discharges from municipal wastewater treatment plant discharges, and livestock grazing (Llewellyn et al. 2021, pp. 28–29). The current condition evaluation for the upper Pecos River population determined that occurrence, water quality, and habitat diversity are in moderate condition, and water quality is in low condition. Thus, the Upper Pecos River population is determined to be in overall moderate current condition and has moderate resiliency.

Unit 2: Salt Creek Wilderness: No routine Pecos pupfish monitoring occurs within the Salt Creek Wilderness AU. Pecos pupfish remain extant in Salt Creek (NM) and likely at three sinkholes in the unit (Inkpot, Little Inkpot, and New Sinkhole). A visit to Salt Creek (NM) in February 2023 confirmed presence of the pupfish but also documented a mortality event of several thousand mostly juvenile pupfish from an undetermined cause (Jacobsen 2023,

entire). Although Pecos pupfish remain extant at several locations in the unit, the habitat available within the unit is small, so this stream unit may be subject to mortality events. Pecos pupfish are presumed to have been extirpated from Pren's Hole, though the cause is unknown (Hatt 2019, p. 5). Pren's Hole seemingly was colonized by a flash flood (Hoagstrom and Brooks 1999, p. 16).

We have no recent data on water quality or quantity within this unit from the sinkholes or Salt Creek (NM). Deeper sinkholes generally have stable conditions, both in water quantity and quality, and thus we assume that likely holds true for the sinkholes in this unit as pupfish need large populations and room for expansion (Collyer et al. 2015, p. 191). Salt Creek (NM) likely experiences routine drying events throughout the year, and concurrently with those drying events, impairments to temperature, dissolved oxygen, and salinity.

Though the permanent water in both stream and sinkhole aquatic environments is supported by water from the San Andres aquifer, the depth of the sinkholes likely provides a more stable long-term environment. Conversely, Salt Creek (NM), although more ephemeral, allows for Pecos pupfish dispersal throughout the unit and provides a potential connection to the Pecos River. This diversity of habitat helps buffer the unit against both gradual environmental changes as well as stochastic events, such as floods or golden algae, that may impact a single aquatic environment. The current condition evaluation for the Salt Creek Wilderness determined that habitat diversity is in high condition, and occurrence, water quality, and water quantity are in moderate condition. Thus, the Salt Creek Wilderness population is determined to be in overall moderate current condition and has moderate resiliency.

Unit 3: Bitter Creek Drainage: Routine monitoring occurs in Bitter Creek as well as two of the sinkholes in the unit. We extrapolated both formal and informal monitoring data to the remainder of the unit, and based on habitat availability presumed the Pecos pupfish remains extant at all documented occupied sites in the unit. There have been documented fish kills on Bitter Creek, but routine monitoring indicates that Pecos pupfish populations in the creek remain extant, though highly variable (Hatt 2021).

Water quality is routinely sampled, and no impairments have been detected. Much of the water in this unit is derived from underground springs from the San

Andres aquifer. This includes all of the sinkholes as well as the springs that feed Bitter Creek such as the Dragonfly Spring and Lost River. The closest monitoring well to this unit shows a long-term stable water depth trend that likely corresponds to stable spring flows in the unit (Pecos Valley Artesian Conservancy District (PVACD) 2023, entire). The water in Bitter Creek is supplemented by precipitation. Because evaporation exceeds precipitation across the Pecos River Basin, during drought years, portions of Bitter Creek dry out (Land 2003, p. 230).

Though the permanent water in both the stream and sinkhole aquatic environments is supported by water from the San Andres aquifer, the depth of the sinkholes likely provides a more stable long-term environment. Bitter Creek is supported by both seasonal precipitation as well as spring flows from Dragonfly Spring and the Lost River. This diversity of habitat helps buffer the unit against both gradual environmental changes as well as stochastic events, such as floods or golden algae, that may impact a single aquatic environment. The Bitter Creek Drainage population's current condition evaluation determined that occurrence, water quality, and habitat diversity are in high condition, and water quantity is in moderate condition. Thus, the Bitter Creek Drainage population is determined to be in overall high current condition and has high resiliency.

Unit 4: Bitter Creek Middle Tract Wetlands: Pecos pupfish are routinely monitored at three sites within the Middle Tract Wetlands AU, however, most of the impoundments listed as occupied have not been surveyed in decades (Hatt 2022, p. 5). Despite this lack of data, we presume that the Pecos pupfish remains extant at all documented occupied sites in the unit, due to both their connection to occupied habitat and the absence of any known mortality event. While Pecos pupfish are not always detected at the monitoring sites during consecutive surveys, they have been shown to remain extant within those sites (Hatt 2019, p. 5; Hatt 2022, p. 5).

This unit is composed of artificial wetlands and ditches that are managed by Bitter Lake NWR. The ditches are spring fed and retain permanent water. The wetland impoundments vary widely in habitat extent, and while many are likely to retain permanent water in most years, given the variable nature of the water in the impoundments, the amount of habitat is presumed to vary widely in any given year, and may be extremely limited in particularly dry years.

There are no known water quality impairments in the unit that would impact the Pecos pupfish. When water levels are low, the shallow impoundments and wetlands in the unit are subject to adverse water quality such as increased temperature and salinity, and decreased available dissolved oxygen because water becomes lentic or stagnant and soon evaporates.

Aquatic environments in this unit area are a mix of manmade channels, impoundments, and wetlands. While we do not have data on how Pecos pupfish move between these environments, the diversity of habitats likely helps buffer the Pecos pupfish from short-term environmental changes such as drought, provides ample sheltering and breeding habitat, and provides protection from stochastic events such as floods or golden algae blooms. Thus, the Bitter Lake NWR Middle Tract Wetlands population's current condition evaluation determined that occurrence, water quantity, water quality, and habitat diversity are in overall high current condition and the population has high resiliency.

Unit 5: Bottomless Lakes State Park: Pecos pupfish have been routinely monitored at three sites in this AU and are found exclusively in sinkhole habitat. While Pecos pupfish were confirmed extirpated from Upper Figure 8 Lake during the 2021 monitoring, they remain extant throughout the remainder of the known occupied sites within the unit, including the adjacent Lower Figure 8 Lake sinkhole (Hatt 2021, p. 7).

All of the Pecos pupfish sinkholes at Bottomless Lakes State Park are fed by springs from the San Andres artesian aquifer (Land 2003, p. 229). Though some historical lowering of sinkhole levels has occurred, the recent trend is an increase in surface water levels in the sinkholes. Water levels in the sinkholes appear to be closely related to the overall fluctuation in water levels in the artesian aquifer (Land 2003, p. 231). No documented water contamination either from surface sources or natural water quality parameters has been recorded in the unit. Although sinkholes may exhibit more stable water quantity and quality, a mortality event was documented in 2020 in Upper Figure 8 Lake, which illustrates the susceptibility of these habitats to stochastic events. The Bottomless Lakes State Park population's current condition evaluation determined that occurrence, water quantity, and water quality are in high condition, and habitat diversity is in moderate condition. Thus, the Bottomless Lakes State Park population is in overall high current condition and high resiliency.

Unit 6: BLM Overflow Wetlands and Lea Lake: Pecos pupfish in this unit are surveyed in limited accessible areas of the BLM Overflow Wetlands (Hatt 2022, p. 2). Pecos pupfish are presumed extant throughout the suitable habitat within the wetland because installed fish barriers protect the unit from sheepshead minnow introgression (Hoagstrom et al. 2015, p. 16).

Lea Lake typically exhibits stable water quantity throughout the year (Hoagstrom and Brooks 1999, p. 16). In addition, wetland water is supplied by several springs throughout the complex as well as surface flows during precipitation events. As a result of the different sources of water, the extent of aquatic habitat varies both seasonally and annually. However, owing to the constant source of water from Lea Lake, as well as the springs in the complex, permanent water remains in many locations. Additionally, there are no known water contamination issues in this unit.

This unit contains a large wetland complex and the largest sinkhole in Bottomless Lakes State Park. This sinkhole was not included in Unit 5 as it is not hydrologically connected to the other sinkholes in Unit 5 and is hydrologically connected to the BLM Overflow Wetlands. The habitat diversity represented by these aquatic environments provides a buffer from stochastic events.

The BLM Overflow Wetlands AU is the only other unit that has high internal redundancy. Similar to the Pecos River, the BLM Overflow Wetlands provide a large area with many microhabitats. This unit was historically connected to the Pecos River during high flows, but fish barriers installed to protect the unit from sheepshead minnow introgression have limited this connection. The BLM Overflow Wetlands and Lea Lake population's current condition evaluation determined that occurrence, water quantity, and habitat diversity are in high condition, and water quality is in moderate condition. Thus, the BLM Overflow Wetlands and Lea Lake population is in overall high current condition and has high resilience.

Unit 7: Middle Pecos River: It is likely that Pecos pupfish are extirpated from the Pecos River between Brantley Dam and Red Bluff Reservoir. Sheepshead minnow are regularly caught between Brantley Dam and Red Bluff Reservoir, which indicates that they are present throughout this segment of the Pecos River system (Davenport 2023a, entire). Additionally, the middle Pecos River has regular issues with severe low flows and intermittency, water quality

impairments, and stochastic events (Zymonas and Propst 2007, p. 45). The middle Pecos River population's current condition evaluation determined that water quantity and habitat diversity are in moderate condition, and water quality is in low condition. Due to the presence of sheepshead minnow, the middle Pecos River population is considered extirpated.

Unit 8: Salt Creek (TX): Pecos pupfish in Salt Creek (TX) are currently present in only a single reach of the stream. While the fish at this location are not routinely monitored, a visit to this unit in 2023 confirmed that fish are present (Montagne 2023, p. 2). Pecos pupfish from the lower reach of Salt Creek (TX), near the confluence with the Pecos River, were confirmed introgressed with sheepshead minnow from the Pecos River. An unidentified physical barrier in the lower reaches of Salt Creek (TX) appears to have limited the spread of sheepshead minnow and introgressed pupfish into the upper reaches that comprise this AU (Echelle et al. 2003b, pp. 4–6). The Salt Creek (TX) population's current condition evaluation determined that occurrence, water quantity, and habitat diversity are in moderate condition, and water quality is in low condition. Thus, the Salt Creek (TX) population is in overall moderate current condition and has moderate resilience.

Unit 9: Lower Pecos River: Pecos pupfish have been extirpated from the lower Pecos River due to introgression with the sheepshead minnow. The flow of the lower Pecos River north of Independence Creek is subject to frequent and ongoing intermittency issues, regularly experiencing no flow events, especially during the irrigation season and during periods of drought. South of Independence Creek the character of the river changes to one with steeper bank and canyon and permanent water flow. The water in this unit has very high salinity and increasing ongoing impacts from contaminants (Hoagstrom 2009, pp. 35–36). Hazardous material spills or leaks associated with oil and gas production are an ongoing problem in this unit and may be increasing in both number and frequency (Scanlon et al. 2020, p. 3511). The lower Pecos River population's current condition evaluation determined that water quantity and habitat diversity are in moderate condition, and water quality is in low condition. Due to the presence of sheepshead minnow, the lower Pecos River population is considered extirpated.

Redundancy

Redundancy describes the ability of a species to withstand catastrophic events by maintaining multiple, resilient populations distributed (and connected, as appropriate) within the species' varied habitats and across the species' range. We assessed Pecos pupfish redundancy at two scales, within the individual AUs and across the range of the species. Within the analysis unit we looked at connection both internal to the unit and across adjacent units to characterize the overall redundancy of a unit. The overall redundancy of the unit could not be higher than the lowest internal or external redundancy score. Important to the discussion of redundancy in Pecos pupfish populations is the consideration of sheepshead minnow introgression. While connectivity enhances redundancy within and among AUs, this same connectivity increases the threat of sheepshead minnow introgression. A well-connected Pecos pupfish population is one that allows for dispersal and recolonization but is also one that is at increased risk of introgression. Redundancy throughout the species' range, coupled with healthy populations, may help lower the risk of introgression. A healthy, robust Pecos pupfish population may be more resistant to introgression and, thus, less likely to contribute to spread of hybrid fish (Kodric-Brown and Rosenfield 2004, p. 122).

The Upper Pecos AU (Unit 1) is well connected throughout its length and the pattern of flow within the river likely creates a variety of microhabitat sites that are suitable for the Pecos pupfish. The Upper Pecos is moderately connected to adjacent off-channel units, though only at times of high flow.

The Salt Creek Wilderness unit (Unit 2) is one of two units that are currently connected to the Pecos River during periods of high flow. In the Salt Creek Wilderness unit, the connection to the unit is limited to Salt Creek (NM) proper where the Pecos pupfish may be found in only one permanent pool in Salt Creek (NM). Within this unit, Pecos pupfish are distributed among several sinkholes and in Salt Creek (NM); there is no known, above-ground connection between these areas.

Bitter Creek Drainage unit (Unit 3) does not have any known connection to adjacent AUs. Internally, many of the occupied sites within the Bitter Creek Drainage are isolated sinkholes. There is connection along Bitter Creek and to the springs that feed the creek; however, there is no known connection between the creek and adjacent sinkholes. It is

also surmised that there may be some underground connection between the springs in the Dragonfly Spring sinkhole area (Land and Huff 2009, p. 20). It is currently unknown how extensive this connection is (if at all) or if a Pecos pupfish would be able to move between sinkholes underground.

The Middle Tract unit (Unit 4) is connected to the Upper Pecos at the southern end of the unit during periods of high flow. While pupfish are likely widely distributed within the Middle Tract unit, connection among the different occupied sites is managed through a series of diversions and manmade impoundments. Water flow through the unit is generally north to south, and when the gates between the impoundments are open, flow is likely too great to allow Pecos pupfish to move up the current.

The Bottomless Lakes State Park unit (Unit 5) does not have any known connection to adjacent AUs and is fully isolated from all other AUs.

The BLM Overflow Wetlands unit (Unit 6) is the only other unit that has high internal redundancy. Similar to the Pecos River, the Overflow Wetlands provide a large area with many microhabitats. This unit was historically connected to the Pecos River during high flows, but fish barriers installed to protect the unit from sheepshead minnow introgression have limited this connection.

Salt Creek (TX) unit (Unit 8) is directly connected to the lower Pecos River. There is a presumed natural barrier within Salt Creek (TX) upstream from the confluence that moderates this connectivity. The barrier has allowed non-introgressed Pecos pupfish to remain extant in the upper reaches of Salt Creek (TX) despite the presence of an introgressed population downstream. It is currently unknown how many extant sites are found in the upper areas of Salt Creek (TX), but the connection between them likely varies seasonally with the amount of water in the creek.

We did not analyze the redundancy in the middle or lower Pecos River units (AUs 7 and 9), as the Pecos pupfish populations there are considered to be extirpated.

Representation

Representation describes the ability of a species to adapt to changing environmental conditions over time and is characterized by the breadth of genetic and environmental diversity within and among populations. As previously discussed, Pecos pupfish are known from a variety of different aquatic environmental settings and show specific morphological variation

related to these environmental settings. Populations have been documented in sinkholes, streams, marshes, managed wetlands, and rivers with varying physical characteristics (*i.e.*, size, gradient, elevation, temperature, etc.).

Although some limited genetic analysis has been done on the Pecos pupfish that indicated potential geographic structure to Pecos pupfish populations, research cautioned against a rigorous application of the results since the divergence was minor (Echelle and Echelle 2007, p. 7). More recent research has shown differences between Pecos pupfish populations among the samples from Bitter Lake NWR, Bottomless Lakes State Park, and the BLM Overflow Wetlands (Whiteley 2023, entire), and morphological divergence in Pecos pupfish populations that corresponded to differing habitat use (Collyer et al. 2015, p. 187; Xu 2017, p. 22). While there are no studies that directly relates morphological differences in Pecos pupfish to genetic differentiation, the best available information suggests that including a range of aquatic environments (*i.e.*, habitat diversity) represents much of the current diversity of the Pecos pupfish species (Echelle and Echelle 2007, p. 7; Collyer et al. 2015, p. 187; Xu 2017, p. 22; Whiteley 2023, entire). Therefore, we are using environmental setting as a surrogate for genetics to measure representation.

Currently, the Pecos pupfish is found within nearly all of the historically occupied environmental settings but is considered extirpated from the Pecos River in southern New Mexico and northwestern Texas and is likely extirpated from several off-channel locations in that same region. However, the upper Pecos River, the only remaining riverine AU, has moderate resiliency, which reflects a potential increase in the loss of representation of riverine Pecos pupfish in New Mexico. The only remaining extant AU in Texas also has moderate resiliency, which presents a risk to representation of Pecos pupfish in Texas. Pecos pupfish have likely experienced some reduction in representation as a result of the large range reduction following extirpations from the Pecos River and off-channel locations in Texas and southern New Mexico.

Assessment of Current Viability

The Pecos pupfish is currently distributed across seven of nine AUs covering the historical range. Within those seven AUs, four were assessed to be in high resiliency condition and three in moderate condition. Across the range of the species, we identified 66

distinct locations (sites) where Pecos pupfish have been recorded since 1992. As of 2023, 8 (12.1 percent) of these 66 sites are confirmed or presumed extirpated and four are in unknown status. The remaining 54 sites (81.2 percent) are extant or presumed extant. Twenty-one sites (31.8 percent) have been confirmed as extant within the last 5 years. This does not consider losses that may have occurred before the first comprehensive range-wide surveys occurred in 1999 (Hoagstrom and Brooks 1999, entire). There has been a large decline in the extent of the occupied range because of the extirpation of Pecos pupfish from their historical range in the Pecos River below Brantley Dam (southern New Mexico and Texas). Pecos pupfish were historically found in riverine, stream, wetland, and sinkhole habitats and currently continue to be recorded in all of these habitats. Because of the reduction in the range caused by the extirpation of Pecos pupfish from a large section of the Pecos River, the species has experienced a reduction in both redundancy and representation. However, we do not have the data on the historical size of the Pecos pupfish population in the Pecos River or the genetic relationship between this population and others to adequately assess the relative importance of this population to the species. Regardless, the species has four populations in high condition, three in moderate condition, and none in low condition. These populations are well distributed throughout the range and among habitat types.

Although there is uncertainty surrounding the demography of differing Pecos pupfish populations and their genetic relationships, data suggests that the Pecos pupfish still occurs in multiple populations representing the historical range of habitat variation for the species. Though declines in range extent and, likely, population size have occurred, 11 years of monitoring data suggest that the Pecos pupfish continues to have multiple, long-term persistent populations throughout its range.

Future Condition

Using the same methods described for Current Condition, we assessed viability of the Pecos pupfish under three future scenarios at two timesteps, years 2050 and 2100, consistent with the best available information (Service 2024, pp. 76–102). Each scenario focused on a different climate projection for the Pecos River Basin, because changing climate conditions will affect the Pecos pupfish's required water quality and quantity parameters. We also assessed

the risk of sheepshead minnow introgression into other parts of the species' range.

Although development such as urbanization, agriculture, and oil and gas extraction may have local effects on some Pecos pupfish sites, we do not expect substantial effects from these sources at the species or AU level. The exception to this situation is the potential for oil and gas development in the vicinity of Salt Creek (TX) to cause significant variation in stream flow. Oil and gas development in this area is expected to increase as energy demands are needed with increased human development (Llewellyn et al. 2021, pp. 81, 163, 171). While we do not have ongoing monitoring on Salt Creek (TX), stream gauges on the Black River in New Mexico have shown a direct correlation between oil and gas activities and reductions in stream flow, which provides relevant context for how Salt Creek (TX) may be impacted.

Water availability in the Pecos River is influenced by a variety of factors including human development, primarily agriculture (see Loss and Decline of Surface and Groundwater above). However, this river is currently managed for multiple uses, including endangered species conservation, and future human water use from the river is not expected to substantially increase in the future. Given these factors, we find that the most important abiotic factors affecting Pecos pupfish viability will result from potential changes in water availability resulting from changing climatic conditions.

The most important biotic factor is the potential for hybridization and genetic introgression by sheepshead minnow. If sheepshead minnow gain access to the upper Pecos River, the Salt Creek Wilderness and Middle Tract Wetlands AUs are most at risk of introgression because they are both connected hydrologically to the Pecos River during flooding events, thus allowing for potential movement of sheepshead minnow into these off-channel habitats. In the case of the Salt Creek Wilderness, only Salt Creek (NM) itself is vulnerable to sheepshead minnow invasion, as the isolated sink holes in that AU are not likely to be inundated during Pecos River flooding events. Because of the managed nature of the Middle Tract Wetlands by the Bitter Lake NWR staff and the existence of numerous water control structures that can reduce opportunities for fish movement, the vulnerability within the unit decreases with distance from the Pecos River. Managed water flows, manmade barriers, and direct human intervention would likely be employed to manage the

spread of sheepshead minnow throughout the unit if the species were to gain access to the upper Pecos River. The lower portion of Salt Creek (TX) is already introgressed with sheepshead minnow, although some upstream portions of the stream have maintained non-introgressed pupfish. However, there is no clear barrier preventing additional upstream movement, so we assume the risk of introgression remains high there. The remaining three units adjacent to the Pecos River (Bitter Creek Drainage, Bottomless Lakes State Park, and the isolated sinkholes with the Salt Creek Wilderness) have either manmade or natural barriers that would prevent or minimize the chance of the spread of sheepshead minnow from the Pecos River into these units resulting in low introgression risk.

The Intergovernmental Panel on Climate Change uses representative concentration pathways (RCPs) in climate change scenarios to project future concentrations of greenhouse gases (IPPC 2014, entire). Among the RCPs, the higher values mean higher greenhouse gas emissions and therefore higher global surface temperatures and more pronounced effects of climate change.

To assess potential future conditions for the Pecos pupfish, we utilized results from a study that developed projections of future water management and hydrologic conditions to assess future water availability across the Pecos River Basin in New Mexico (Llewellyn et al. 2021, entire) and selected three scenarios to represent the variability of potential future conditions that could impact the Pecos pupfish and its habitat:

- *Scenario 1: Hot and dry (RCP 8.5)*—Steep increase in annual average temperature coupled with steep decreases in annual precipitation.
- *Scenario 2: Hot and wet (RCP 8.5)*—Steep increase in annual average temperature coupled with an increase in annual average precipitation.
- *Scenario 3: Warm and dry (RCP 4.5)*—Modest increase in annual average temperature and modest decrease in annual average precipitation.

For each of the scenarios we assumed that the Pecos Pupfish Conservation Agreement will remain active, and the signatory agencies will continue monitoring the biological condition of the species and working to prevent spread of sheepshead minnow (Conservation Team 2022, p. 3).

Assumptions and Limitations

As with any analysis, we made many assumptions that have consequences for our projections and interpretation of

Pecos pupfish viability. First, we only used occurrence data starting in 1992 as the basis for our analysis. This was the first published range-wide survey of the Pecos pupfish and therefore provided the most comprehensive data set on Pecos pupfish occurrence. Sites that were only recorded prior to 1992 were excluded from our analysis but were included in the overall picture of historical distribution.

We were unable to locate information on thresholds or water body sizes that equate to an increase in extirpation risk specifically for Pecos pupfish. It is logical to assume populations that occupy smaller and shallower habitats are less resilient, but there are no clear thresholds in the literature at which the size raises extinction risk. We also did not find any specific thresholds for water quality impacts to Pecos pupfish populations that equate to a specific extirpation risk. Pupfish, including the Pecos pupfish, are known for their tolerance for water quality conditions that inhibit the fecundity and survival of other fish. We assumed that populations experiencing long-term high temperatures or elevated salinity are less resilient, but there are no clear thresholds at which this long-term exposure raises extirpation risk. Thus, our categorization methodology may over- or under-estimate resiliency of populations depending on the actual biological thresholds.

A critical assumption is that the primary stressors we identified, sheepshead minnow presence, and water quality and quantity alteration that leads to habitat loss and fragmentation, which are exacerbated due to climate change, are the primary threats to the species' long-term viability. Although land use practices and development have impacted the species historically, given the current distribution of Pecos pupfish populations, we anticipate that these activities would not have a large future impact.

In order to characterize sheepshead minnow introgression into the future, we separately assessed this stressor. This stressor is a low probability, high consequence event where, if the event occurs, a population could be extirpated or highly degraded. The future scenarios included climate effects but assumed no change in sheepshead minnow presence. Both the climate change scenarios and the risk of sheepshead minnow introgression should be considered when assessing the status of the species.

Another assumption in this SSA regards the role of conservation in future viability of the Pecos pupfish.

With the current conservation agreement in place, the Conservation Team has been proactive in supporting the species. We incorporated these efforts into several aspects of our analysis, such as our evaluation of the probability of current Pecos pupfish populations being invaded by nonnatives, taking into consideration conservation measures to prevent such invasion. However, we did not incorporate water conservation efforts into our future projects. While past water conservation, particularly in the PVACD, has had beneficial impacts to groundwater supply within the range of the Pecos pupfish, we were uncertain of the direct link between these measures and Pecos pupfish habitat. Based on this, we assume that water conservation efforts that maintain current aquifer levels, or limit future declines could improve resilience of Pecos pupfish populations. However, because both the implementation and success of any water conservation efforts and response of Pecos pupfish habitat to changing aquifer levels is unknown, were unable to incorporate this into our analysis.

Surface Temperature

Average annual surface temperatures as well as the incidence of extreme heat events are projected to increase across the entirety of the Southwest including the Pecos Basin (Vose et al. 2017, entire). Within the Pecos Basin, average surface temperatures could increase by as much as 13.32 °F (– 10.4 °C) to an average surface temperature in excess of 70 °F (21.1 °C).

As temperatures increase across the region, we anticipate a corresponding increase in evapotranspiration rates. Both temperature and evapotranspiration rates can have negative effects on Pecos pupfish and their habitat. Increasing temperatures increase the risk of golden algae blooms as well as increasing the chances that shallow habitat could exceed the thermal tolerance of Pecos pupfish. Greater evapotranspiration leads to lowering of water levels with the potential for corresponding increases in salinity and water temperatures and lowered dissolved oxygen. Lowered water levels also may lead to a reduction in the overall habitat available to Pecos pupfish along with the potential of the complete loss of water in shallow aquatic environments.

Precipitation and Aquifer Levels

Precipitation changes related to climate change are more variable and less certain than those changes projected for temperature. In the Southwest, the occurrence of seasonal monsoons complicates the picture for

overall projected changes to precipitation in the Pecos River Basin. Though generally models predict a drying trend across the Pecos Basin, under certain RCP 8.5 conditions, monsoon moisture increases, leading to an increase in average annual precipitation. Under both RCP 4.5 and RCP 8.5 scenarios, snowpack in the headwater of the Pecos River decreases with a corresponding earlier snowmelt runoff (Llewellyn et al. 2021, p. 191). Though precipitation changes could potentially reduce flows into the San Andres aquifer from the Sacramento Mountains, the effect of lower snowpack and runoff will likely be most impactful to the Pecos River.

The level of the San Andres aquifer likely directly impacts the water sources for most non-riverine Pecos pupfish habitats, except for those in Salt Creek (TX) (Land 2003, p. 228). Although we do not know the exact relationship between aquifer levels and the springs that provide flows to sinkholes, wetlands, and streams that provide Pecos pupfish habitat, we can infer that changes to the aquifer level will likely produce a corresponding change in spring flows. Levels in the San Andres aquifer are influenced by the amount of historical water in the aquifer and current inputs (Land and Huff 2009, p. 20) as well as pumping by users in the PVACD.

Future Scenarios

Scenario 1—Hot and Dry (RCP 8.5)

In this scenario, future annual air temperature increases slightly, and annual precipitation decreases throughout the Pecos River Basin. Though temperatures increase in all seasons, summer and autumn temperatures are predicted to increase more than winter and spring temperatures. By 2100 (and likely much sooner), conditions in the Pecos River Basin would be much drier than the historical average. Precipitation would be greatly decreased in all seasons, though decreases would be most extreme during the monsoon season. Runoff inflow into the Pecos River Basin will decrease across every season, and the inflow that will occur is anticipated to be the result of very few large storm events (Llewellyn et al. 2021, p. 105).

Scenario 2—Hot and Wet (RCP 8.5)

In this scenario, both temperature and annual precipitation increase throughout the Pecos River Basin. Increased temperatures retain more moisture in the atmosphere leading to increased monsoons. This scenario is more seasonally variable, with sharply

increased inflow during the monsoon season and a steep decrease of inflow during the spring runoff. In this scenario, spring and summer temperatures increase more rapidly than fall and winter temperatures. While precipitation decreases during winter and spring, precipitation increases during the summer and autumn monsoon season, leading to an overall increase in precipitation within the Pecos River Basin. As a result of decreased winter precipitation, spring runoff is anticipated to decrease. However, a large increase in monsoon flows make up for the spring runoff decrease (Llewellyn et al. 2021, pp. 105–106).

Scenario 3—Warm and Dry (RCP 4.5)

This scenario anticipates the smallest changes to temperature and precipitation of the three scenarios. By 2100, this scenario predicts slightly higher average temperatures and a slightly dryer climate. Importantly, summer and fall temperatures are anticipated to increase almost twice as much as winter and spring temperatures (Llewellyn et al. 2021, p. 101).

Future Condition Projections

Using the projections for temperature, precipitation, and San Andres aquifer under the three scenarios outlined above, we then predicted the potential range of outcomes these scenarios could have on the Pecos pupfish. Future conditions were analyzed for each resiliency metric and summarized for each unit (Service 2024, appendix C, entire).

Scenario 1—Hot and Dry (RCP 8.5)

This scenario forecasts extreme drying and higher temperatures across the Pecos River Basin. A decrease in precipitation across the basin along with increased air temperatures and overall drying trends is projected to lead to decreases in stream flow, spring output, and potentially a lowering of the aquifer that supports wetland and sinkhole habitats for the pupfish. Although the Pecos River is managed for flows that support endangered species such as the Pecos bluntnose shiner, decreasing precipitation will lead to an increase in drying days, impeding the ability of the upstream storage to deliver reliable water to both downstream users and retain adequate flow in the Pecos River and. Higher temperatures, particularly during the summer, will lead to an increase in water needs and increased groundwater pumping by agriculture in the PVACD. Higher temperatures also increase evaporative loss from water

bodies and could lead to decreases in habitats available for the pupfish.

This scenario will have some negative effects on all Pecos pupfish AUs. The most severe impacts are anticipated to be to small streams. Salt Creek (TX), Salt Creek (NM), and Bitter Creek are all projected to dry and cease flowing during the hottest parts of the year leading to local fish kills, or in the case of Salt Creek (TX), possibly the loss of all habitats in the AU. All of these creeks currently experience intermittent drying events, and lower precipitation and increased temperatures in the future will exacerbate this existing condition that stresses these habitats. Wetland areas such as the BLM Overflow Wetlands and the managed wetlands on Bitter Lake NWR are also anticipated to be significantly impacted in this scenario. At the 2050 timestep, given the climate projections, habitat conditions are projected to be similar to current conditions with minimal changes to most aquatic environments, with the exception of small streams that are already experiencing impacts from warming and drying temperatures. By 2100, significant degradation to Pecos pupfish habitat and a decline in its distribution are expected. Shallow streams will likely no longer support permanent water leading to the loss of fish in Bitter Creek, Salt Creek (NM), and Salt Creek (TX), which would mean the extirpation of Pecos pupfish from Texas. Habitat extent in wetland habitats in the BLM Overflow Wetlands and Middle Tract on Bitter Lake NWR will be greatly reduced, and pupfish would be expected to persist only in deeper channels or near springs.

Historically, the San Andres aquifer has been resilient and rebounded after extended drought (Land and Newton 2008, pp. 189–190). However, the conditions under this scenario, RCP 8.5, at 2100 will be much hotter and drier than the historical average and are expected to lead to unprecedented conditions in aquifer levels and surface water quality and quantity. Across the range of the Pecos pupfish, we anticipate substantial increases in salinity as a result of increased evapotranspiration. Although Pecos pupfish can tolerate higher salinity levels than most fish, significant salinity impairment (salinities greater than 35,000 mg/L) could lead to a reduction in suitable conditions for breeding. Increasing surface temperatures will lead to an increase in water temperatures and likely lowered dissolved oxygen saturation. This will be particularly pronounced in shallow habitat such as streams and wetlands. A substantial reduction in the aquifer level

would reduce the outflow of springs leading to a loss of fish in habitats that rely on steady, perennial spring flow and a reduction (or elimination) of available habitat in shallower sinkholes. Additionally, the increasing temperature and evaporation could cause shallower habitats to exceed the thermal and saline tolerances of the Pecos pupfish. Consequently, we anticipate a reduction in both the number, extent, and population sizes of extant sites in sinkhole units. Finally, we anticipate greatly reduced flows in the Pecos River under this scenario. While reduced flows in the Pecos River have the potential to benefit the pupfish on a seasonal basis, long-term drying events will lead to the disconnection of occupied sites and increased impairment of water quality.

Given these assumed future changes in the environment, by 2050, three AUs (Bitter Lake NWR Middle Tract Wetlands, Bottomless Lakes State Park, and BLM Overflow Wetlands and Lea Lake) are projected to remain in high condition, three units (Upper Pecos River, Salt Creek Wilderness, and Bitter Creek Drainage) are in moderate condition, and one unit (Salt Creek (TX)) is in low condition (Service 2024, p. 83). At 2100, only one AU (Bottomless Lakes State Park) is in high condition, four units (Upper Pecos River, Bitter Creek Drainage, Bitter Lake NWR Middle Tract Wetlands, and BLM Overflow Wetlands and Lea Lake) are in moderate condition, one unit (Salt Creek Wilderness) is in low condition, and one AU (Salt Creek (TX)) is extirpated. Although habitat conditions are expected to generally decline across the range, the Bottomless Lakes State Park AU is anticipated to remain in high condition because the sinkhole habitats there are expected to be less affected by potential aquifer declines. While only two units (Bitter Creek Drainage and Salt Creek (TX)) experience declines from current condition at 2050, by 2100 all units except Bottomless Lakes State Park experience declines from current condition.

Scenario 2—Hot and Wet (RCP 8.5)

This scenario forecasts a significantly higher average annual surface temperature across the Pecos River Basin. Unlike Scenario 1, higher summer temperatures result in more moisture in the atmosphere, consequently leading to an increase in precipitation during the summer monsoon season (June–September). Overall higher surface temperatures will lead to similar outcomes as described under Scenario 1, such as water quality impairment, and reduction in habitat

extent. However, the predicted increased monsoons may buffer some systems from the most severe impacts of increasing average temperatures.

As with Scenario 1, the small streams are most likely to experience the most severe adverse impacts from increasing annual temperatures. These aquatic environments will likely experience more drying events and subsequent impairments to salinity, water temperatures, and dissolved oxygen. At the 2050 timestep, conditions appear similar to current conditions throughout much of the Pecos pupfish range. However, small streams will likely stop flowing during the hottest parts of the year, leading to local fish kills, or in the case of Salt Creek (TX), possibly the loss of all habitats in the AU. By 2100, rising annual temperatures may eliminate year-round stream flow in all but the wettest years. Consequently, we anticipate the loss of the Pecos pupfish population at Salt Creek (TX) and a reduction in occupied sites in Bitter Creek and the Salt Creek Wilderness. Increased temperatures will have an impact on shallower wetlands in the BLM Overflow Wetlands and Bitter Lake NWR Middle Tract Wetlands. Prolonged extreme air temperatures can adversely impact water quality and could result in decreased fitness, hinder breeding, or lead to fish kills. Sinkholes are the most stable environment for the Pecos pupfish, and this is unlikely to change in this scenario. The San Andres aquifer responds quickly to precipitation inputs, and an increase in monsoon season precipitation will likely prevent significant declines in sinkhole water levels.

Given these assumed future changes in the environment, at 2050, three units (Bitter Lake NWR Middle Tract Wetlands, Bottomless Lakes State Park, and BLM Overflow Wetlands and Lea Lake) are projected to remain in high condition, three units (Upper Pecos River, Salt Creek Wilderness, and Bitter Creek Drainage) are in moderate condition, one unit (Salt Creek (TX)) is in low condition, and two units (Middle Pecos River and Lower Pecos River) remain extirpated. Under this scenario, only two units (Bitter Creek Drainage and Salt Creek (TX)) experience a decrease from current condition. At 2100, two units (Bottomless Lakes State Park and BLM Overflow Wetlands and Lea Lake) are in high condition, three units (Upper Pecos River, Bitter Creek Drainage, and Bitter Lake NWR Middle Tract Wetlands) are in moderate condition, one unit (Salt Creek Wilderness) is in low condition, and three units (Middle Pecos River, Salt Creek (TX), and Lower Pecos River) are

extirpated, with all units except Upper Pecos River, Bottomless Lakes State Park, and BLM Overflow Wetlands and Lea Lake experiencing a decrease from current condition.

Scenario 3—Warm and Dry (RCP 4.5)

This scenario forecasts a minimal increase in yearly average temperatures and a minimal decrease in precipitation across the basin. Even minimal decreases in precipitation could have consequences for shallow streams in several units (Salt Creek Wilderness, Bitter Creek Drainage, and Salt Creek (TX)). Like the prior scenarios, the 2050 time step appears fairly similar to current condition. By 2100, small streams are likely experiencing increased water stress, and in dry years likely most of the stream environments will be dry. However, under this scenario, we anticipate minimal impacts to groundwater resources and thus minimal impacts to sinkhole, spring fed, and river habitats.

At 2050, four units (Bitter Creek Drainage, Bitter Lake NWR Middle Tract Wetlands, Bottomless Lakes State Park, and BLM Overflow Wetlands and Lea Lake) are projected to be in high condition, and three units (Upper Pecos River, Salt Creek Wilderness, and Salt Creek (TX)) are in moderate condition, and two units (Middle Pecos River and Lower Pecos River) are extirpated. At 2100, three units (Bitter Lake NWR Middle Tract Wetlands, Bottomless Lakes State Park, and BLM Overflow Wetlands and Lea Lake) are projected to be in high condition, three units (Upper Pecos River, Salt Creek Wilderness, and Bitter Creek Drainage) are in moderate condition, one unit (Salt Creek (TX)) is in low condition, and two units (Middle Pecos River and Lower Pecos River) are extirpated. In Scenario 3, no units experience decreases from current condition at 2050; however, at 2100 two units (Bitter Creek Drainage and Salt Creek (TX)) experience decreases from current condition.

Sheepshead Minnow

Along with the three scenarios described above, we also considered the risk of sheepshead minnow introgression into the different AUs. Because sheepshead minnow are often used as bait fish, the most likely path for the sheepshead minnow to move into units existing with non-introgressed Pecos pupfish populations is through a bait bucket transfer into the Pecos River upstream of Brantley Reservoir. Based on data collected from the lower Pecos River, this scenario would be highly likely to result in the introgression of the entire population of Pecos pupfish

in the Pecos River (Unit 1, Upper Pecos River) (Whiteley 2023, p. 2). Bait bucket transfers are highly unlikely to occur in any of the other AUs, as these units are generally either well controlled or do not contain game fish species. As such, the most likely route for sheepshead minnow introgression into other AUs would be natural movement of sheepshead minnow from the Upper Pecos River AU, if they gained access there.

The AUs most at risk of sheepshead minnow introgression from the upper Pecos River are the Salt Creek Wilderness and Middle Tract Wetlands, which are both connected hydrologically to the upper Pecos River during flooding events, allowing for potential movement of sheepshead minnow into these off-channel habitats. In the case of the Salt Creek Wilderness, only Salt Creek (NM) itself is vulnerable to sheepshead minnow invasion, as the isolated sink holes in that AU are not likely to be inundated during Pecos River flooding events. Because of the managed nature of the Middle Tract Wetlands by the Bitter Lake NWR staff and the existence of numerous water control structures that can reduce opportunities for fish movement, the vulnerability within the unit decreases with distance from the Pecos River. Managed water flows, manmade barriers, and direct human intervention would likely be employed to manage the spread of sheepshead minnow throughout the unit if the species were to gain access to the Upper Pecos River. The lower portion of Salt Creek (TX) is already introgressed with sheepshead minnow; however, despite the lack of a clear barrier preventing upstream movement, upstream portions of the stream have maintained non-introgressed pupfish. Because we cannot identify a barrier, we assume the risk of introgression remains high. The remaining three units adjacent to the Pecos River (Salt Creek Wilderness, Bitter Creek Drainage, and Bottomless Lakes State Park) have either manmade or natural barriers that would prevent or minimize the chance of the spread of sheepshead minnow from the Pecos River into these units, resulting in low introgression risk.

Assessment of Future Viability

We considered what the Pecos pupfish needs to maintain viability and characterized the status of the species in terms of its resiliency, redundancy, and representation. For the purpose of this assessment, we define viability as the ability of the species to sustain populations in natural ecosystems within a biologically meaningful

timeframe: in this case, out to 2100. We chose 2100 because we have information to reasonably project the potential significant effects of stressors within the range of the Pecos pupfish within this timeframe. Based on the Pecos pupfish life history and habitat needs, and in consultation with the species' experts, we identified the potential stressors (negative influences), and the contributing sources of those stressors, that are likely to affect the species' future viability. We then evaluated how these potential future stressors would interact with current stressors, and how, and to what extent they would affect the species in the future. Based on the best available information, we believe the two largest influences on the future viability of the Pecos pupfish are the potential of introgression with sheepshead minnow and climate change-driven impacts to water quantity, water quality, and loss of habitat diversity. While water pollution and human development (particularly agricultural and oil and gas development) activities have likely influenced the species' current condition and may affect some areas (Salt Creek (TX)) in the future, we found that the changing climate and the related effects to water availability to sustain habitats has, and will continue to have, the greatest influence on the status of the Pecos pupfish. Sheepshead minnow introduction, while much less predictable, does have the potential to impact Pecos pupfish populations above Brantley Dam should an introduction occur.

We note that, by using the SSA framework to guide our analysis of the scientific information documented in the SSA report, we have analyzed the cumulative effects of identified threats and conservation actions on the species. To assess the current and future condition of the species, we evaluate the effects of all the relevant factors that may be influencing the species, including threats and conservation efforts. Because the SSA framework considers not just the presence of the factors, but to what degree they collectively influence risk to the entire species, our assessment integrates the cumulative effects of the factors and replaces a standalone cumulative-effects analysis.

Determination of Pecos Pupfish Status

Section 4 of the Act (16 U.S.C. 1533) and its implementing regulations (50 CFR part 224) set forth the procedures for determining whether a species meets the definition of an endangered species or a threatened species. The Act defines an "endangered species" as a species in

danger of extinction throughout all or a significant portion of its range, and a “threatened species” as a species likely to become an endangered species within the foreseeable future throughout all or a significant portion of its range. The Act requires that we determine whether a species meets the definition of an endangered species or a threatened species because of any of the following factors: (A) The present or threatened destruction, modification, or curtailment of its habitat or range; (B) overutilization for commercial, recreational, scientific, or educational purposes; (C) disease or predation; (D) the inadequacy of existing regulatory mechanisms; or (E) other natural or manmade factors affecting its continued existence.

Status Throughout All of Its Range

Our assessment of best available information indicates that currently two of the nine known Pecos pupfish populations have been extirpated, and three others are in moderate condition. The majority of known occupied Pecos pupfish sites are within the other five units around Bitter Lake NWR and Bottomless Lakes State Park in New Mexico (AUs 2–6). Within these units, four were found to be in high condition and one in moderate condition, indicating that multiple areas across the species’ core range have high resiliency. The small Salt Creek AU in Texas is currently in moderate condition. This unit is disconnected from the remainder of the species’ range in New Mexico, providing some redundancy in maintaining a relatively large geographic range. The two large units of the Lower and Middle Pecos River have been previously extirpated due to the introgression of the sheepshead minnow. Loss of these parts of the range represent a significant reduction in the overall range and redundancy for the species and loss of a large segment of the riverine habitats historically available to the species. The riverine habitats continue to be represented by the Upper Pecos River Unit.

Under all three plausible future scenarios, species condition would be reduced by 2100. In the hottest and driest scenario (Scenario 1), shallow streams are likely to be lost, leading to the extirpation of Pecos pupfish in Salt Creek (TX) and a reduction in redundancy and representation in the Salt Creek Wilderness and Bitter Creek Drainage units. Deeper sinkholes and wetlands are more stable and are expected to maintain suitable conditions for the Pecos pupfish under all scenarios. However, units such as Bitter Creek Drainage, Middle Tract, and

BLM Overflow Wetlands are more vulnerable to losses in redundancy in Scenario 1 due to susceptibility to habitat losses from future drying climatic conditions. The Pecos River may also be unable to sustain year-round flows under conditions predicted in Scenario 1. The increased stream flows from projected increase in monsoons in Scenario 2 help maintain sinkhole habitats throughout the range of the Pecos pupfish, and to a lesser extent, likely may buffer wetland habitats from the most severe impacts of increased temperatures. However, small streams are likely still at elevated risk of being lost or experiencing long-term drying or mortality events. Finally, in the mildest future climate scenario (Scenario 3), further effects to most habitat (wetlands, sinkholes, and riverine) are anticipated to be minimal. However, like the other two scenarios, shallow streams likely will experience drying and mortality events.

Under all three scenarios, we anticipate some reductions to resilience, redundancy, and representation. Although some additional changes to Pecos pupfish status are projected to occur by 2050, we anticipate that measurable changes to viability will be more apparent by 2100. The resilience of the aquifer to small year-to-year variation and the adaptability of the Pecos pupfish to variable habitat conditions will likely offset some of the climate changes through 2050. Under all scenarios, at least one AU remains in high condition. Under both Scenarios 1 and 2, Pecos pupfish are projected to be extirpated from Salt Creek (TX), eliminating the only population outside of New Mexico that has been described as genetically different from the core populations in New Mexico. Pecos pupfish experience most losses of known occupied sites under Scenario 1, though losses would be likely to occur under scenarios 2 and 3 as well. Bottomless Lakes State Park remains the only AU that would be in high condition under all three scenarios.

Concurrent with the effects of climate change is the risk of expansion of sheepshead minnow and subsequent hybridization with Pecos pupfish. Salt Creek (TX) is already at high risk of loss due to sheepshead minnow introgression. The Upper Pecos River is currently highly vulnerable to sheepshead minnow introduction via a bait bucket transfer. Should this introduction occur, non-introgressed Pecos pupfish would likely be extirpated from this unit, and, as a consequence there would be no remaining Pecos pupfish in the Pecos River. This would also increase the

potential for sheepshead minnow invasion into portions of the Salt Creek Wilderness, the Middle Tract Wetlands, and possibly the Overflow Wetlands units.

The Pecos Pupfish Conservation Agreement will continue to provide guidance for agencies and partners working toward Pecos pupfish conservation through several means. First, the monitoring outlined in the conservation agreement will provide a long-term data set on the persistence of Pecos pupfish and, as methods are refined, population trends within four AUs (Bitter Creek Drainage and Bitter Lake NWR Middle Tract Wetlands, BLM Overflow Wetlands and Lea Lake, and Bottomless Lakes State Park). This monitoring will allow partners to detect potential sheepshead minnow introgression and allow for the detection of long-term declines or extirpations of Pecos pupfish. Secondly, the conservation agreement will help provide for ongoing maintenance (or potentially additional) barriers to fish passage that may protect some of the AUs from sheepshead minnow introgression should a bait bucket transfer into the Upper Pecos River occur. Finally, the agreement can reduce the opportunity for further invasions by a collaborative effort of State and Federal entities to enforce existing baitfish regulations.

After evaluating threats to the species and assessing the cumulative effect of the threats under the Act’s section 4(a)(1) factors, we find that Pecos pupfish populations will continue to face the ongoing risk of sheepshead minnow introgression, and populations will remain small and isolated from one another. The risk of sheepshead minnow introgression is cumulative, meaning that the risk builds over time such that the risk of this species being introduced into the current Pecos pupfish range by a bait bucket transfer is higher in the future than it is currently. Additionally, Pecos pupfish populations will experience reductions in resiliency, redundancy, and representation through 2050, with more measurable declines by 2100 due to decreased surface water availability, increased frequency of drought, higher than average temperatures, and continued groundwater depletion.

We considered whether the Pecos pupfish is presently in danger of extinction and determined that endangered status is not appropriate. The current conditions assessed in the SSA report show that the Pecos pupfish is distributed across seven of nine AUs across the historical range. Although there may have been reductions from

the historical range and population sizes, monitoring data indicate that the Pecos pupfish continues to have multiple, long-term, persistent populations throughout the range. Currently only two of the seven AUs are at high risk for sheepshead minnow introgression, and four AUs are not subjected to declines in water quantity. While threats are currently acting on the species and many of those threats are expected to continue into the future, we did not find that the species is currently in danger of extinction throughout all of its range. We believe the demand on water in the Pecos River Basin is expected to increase based on climate change projections (Sites Southwest 2008, pp. 6–3, 6–6), but adequate aquifer levels may be maintained until 2100 (Llewellyn et al. 2021, p. 100). Thus, after assessing the best available information, we conclude that the Pecos pupfish is not in danger of extinction but is likely to become in danger of extinction within the foreseeable future throughout all of its range.

Status Throughout a Significant Portion of Its Range

Under the Act and our implementing regulations, a species may warrant listing if it is in danger of extinction or likely to become so in the foreseeable future throughout all or a significant portion of its range. The court in *Center for Biological Diversity v. Everson*, 435 F. Supp. 3d 69 (D.D.C. 2020) (*Everson*), vacated the provision of the Final Policy on Interpretation of the Phrase “Significant Portion of Its Range” in the Endangered Species Act’s Definitions of “Endangered Species” and “Threatened Species” (hereafter “Final Policy”; 79 FR 37578, July 1, 2014) that provided if the Services determine that a species is threatened throughout all of its range, the Services will not analyze whether the species is endangered in a significant portion of its range.

Therefore, we proceed to evaluating whether the species is endangered in a significant portion of its range—that is, whether there is any portion of the species’ range for which both (1) the portion is significant; and (2) the species is in danger of extinction in that portion. Depending on the case, it might be more efficient for us to address the “significance” question or the “status” question first. We can choose to address either question first. Regardless of which question we address first, if we reach a negative answer with respect to the first question that we address, we do not need to evaluate the other question for that portion of the species’ range.

Following the court’s holding in *Everson*, we now consider whether the

species is in danger of extinction in a significant portion of its range. In undertaking this analysis for Pecos pupfish, we choose to address the status question first.

We evaluated the range of the Pecos pupfish to determine if the species is in danger of extinction in any portion of its range. The range of a species can theoretically be divided into portions in an infinite number of ways. We focused our analysis on portions of the species’ range that may meet the definition of an endangered species. For Pecos pupfish, we considered whether the threats or their effects on the species are greater in any biologically meaningful portion of the species’ range than in other portions such that the species is in danger of extinction in that portion.

We examined the range for biologically meaningful portions based on the four broad categories of aquatic environments that Pecos pupfish occupy throughout its range, which reflect phylogenetic relationships as well as physiogeographical differences in aquatic habitat. The aquatic environments germane to the range of the Pecos pupfish are riverine (includes the upper, middle, and lower Pecos River segments), shallow stream (includes Salt Creek (NM) and Salt Creek (TX)), sinkholes (includes Salt Creek Wilderness, Bitter Creek Drainage, and Bottomless Lakes State Park), and wetlands (includes Bitter Creek Middle Tract Wetlands and BLM Overflow Wetlands and Lea Lake).

Once we identified the biologically meaningful portions to examine, we then turned to the question of whether these portions may have a different biological status. Of these aquatic environments, the riverine environment contains just one population, the upper Pecos River, which is in moderate condition. The other environments have multiple populations, including four in high condition. Therefore, we are examining the riverine environment to determine if it has a different status than the remainder of the range.

We evaluated the available information about this portion of the range of Pecos pupfish that occupies the upper Pecos River in this context, assessing its biological significance in terms of condition criteria (genetic security, occurrence, water quality, water quantity, and habitat diversity; see *Current Condition*) used to assign the current condition of Pecos pupfish populations. While the entire Pecos River is characterized as a sometimes fairly shallow and meandering riverine habitat with ephemeral tributaries, the primary risk to the upper Pecos River population is the introduction of

sheepshead minnow. The single population in this aquatic habitat is also affected by severe low flow or no flow events and intermittency, as well as water quality impairments. Sheepshead minnow were introduced to portions of the Pecos River in the 1980s; Brantley Dam currently serves as a barrier to prevent sheepshead minnow from naturally moving north into the upper Pecos River. Because sheepshead minnow are often used as bait fish, the most likely path for the sheepshead minnow to move into non-introgressed Pecos pupfish populations is through a bait bucket transfer into the Pecos River upstream of Brantley Reservoir. At that point, sheepshead minnow could naturally spread from the upper Pecos River to additional Pecos pupfish populations. Because the risk of introduction of sheepshead minnow is equal across all habitat types and is the primary reason that we found the Pecos pupfish to be threatened rangewide, there is not a difference in risk that would cause the upper Pecos River to have a different status than the remainder of the range.

Therefore, no portion of the species’ range provides a basis for determining that the species is in danger of extinction in a significant portion of its range, and we determine that the species is likely to become in danger of extinction within the foreseeable future throughout all of its range. This does not conflict with the courts’ holdings in *Desert Survivors v. U.S. Department of the Interior*, 321 F. Supp. 3d 1011, 1070–74 (N.D. Cal. 2018) and *Center for Biological Diversity v. Jewell*, 248 F. Supp. 3d 946, 959 (D. Ariz. 2017) because, in reaching this conclusion, we did not apply the aspects of the Final Policy, including the definition of “significant” that those court decisions held to be invalid.

Determination of Status

Based on the best scientific and commercial data available, we determine that the Pecos pupfish meets the Act’s definition of a threatened species. Therefore, we propose to list the Pecos pupfish as a threatened species in accordance with sections 3(20) and 4(a)(1) of the Act.

Available Conservation Measures

Conservation measures provided to species listed as endangered or threatened species under the Act include recognition as a listed species, planning and implementation of recovery actions, requirements for Federal protection, and prohibitions against certain practices. Recognition through listing results in public

awareness, and conservation by Federal, State, Tribal, and local agencies, foreign governments, private organizations, and individuals. The Act encourages cooperation with the States and other countries and calls for recovery actions to be carried out for listed species. The protection required by Federal agencies, including the Service, and the prohibitions against certain activities are discussed, in part, below.

The primary purpose of the Act is the conservation of endangered and threatened species and the ecosystems upon which they depend. The ultimate goal of such conservation efforts is the recovery of these listed species, so that they no longer need the protective measures of the Act. Section 4(f) of the Act calls for the Service to develop and implement recovery plans for the conservation of endangered and threatened species. The goal of this process is to restore listed species to a point where they are secure, self-sustaining, and functioning components of their ecosystems.

The recovery planning process begins with development of a recovery outline made available to the public soon after a final listing determination. The recovery outline guides the immediate implementation of urgent recovery actions while a recovery plan is being developed. Recovery teams (composed of species experts, Federal and State agencies, nongovernmental organizations, and stakeholders) may be established to develop and implement recovery plans. The recovery planning process involves the identification of actions that are necessary to halt and reverse the species' decline by addressing the threats to its survival and recovery. The recovery plan identifies recovery criteria for review of when a species may be ready for reclassification from endangered to threatened ("downlisting") or removal from protected status ("delisting"), and methods for monitoring recovery progress. Recovery plans also establish a framework for agencies to coordinate their recovery efforts and provide estimates of the cost of implementing recovery tasks. Revisions of the plan may be done to address continuing or new threats to the species, as new substantive information becomes available. The recovery outline, draft recovery plan, final recovery plan, and any revisions will be available on our website as they are completed (<https://www.fws.gov/program/endangered-species>), or from our New Mexico Ecological Services Field Office (see **FOR FURTHER INFORMATION CONTACT**).

Implementation of recovery actions generally requires the participation of a

broad range of partners, including other Federal agencies, States, Tribes, nongovernmental organizations, businesses, and private landowners. Examples of recovery actions include habitat restoration (e.g., restoration of native vegetation), research, captive propagation and reintroduction, and outreach and education. The recovery of many listed species cannot be accomplished solely on Federal lands because their range may occur primarily or solely on non-Federal lands. To achieve recovery of these species requires cooperative conservation efforts on private, State, and Tribal lands.

If this species is listed, funding for recovery actions will be available from a variety of sources, including Federal budgets, State programs, and cost-share grants for non-Federal landowners, the academic community, and nongovernmental organizations. In addition, pursuant to section 6 of the Act, the State(s) of New Mexico and Texas would be eligible for Federal funds to implement management actions that promote the protection or recovery of the Pecos pupfish. Information on our grant programs that are available to aid species recovery can be found at: <https://www.fws.gov/service/financial-assistance>.

Although the Pecos pupfish is only proposed for listing under the Act at this time, please let us know if you are interested in participating in recovery efforts for this species. Additionally, we invite you to submit any new information on this species whenever it becomes available and any information you may have for recovery planning purposes (see **FOR FURTHER INFORMATION CONTACT**).

Section 7 of the Act is titled Interagency Cooperation and mandates all Federal action agencies to use their existing authorities to further the conservation purposes of the Act and to ensure that their actions are not likely to jeopardize the continued existence of listed species or adversely modify critical habitat. Regulations implementing section 7 are codified at 50 CFR part 402.

Section 7(a)(2) states that each Federal action agency shall, in consultation with the Secretary, ensure that any action they authorize, fund, or carry out is not likely to jeopardize the continued existence of a listed species or result in the destruction or adverse modification of designated critical habitat. Each Federal agency shall review its action at the earliest possible time to determine whether it may affect listed species or critical habitat. If a determination is made that the action may affect listed species or critical habitat, formal

consultation is required (50 CFR 402.14(a)), unless the Service concurs in writing that the action is not likely to adversely affect listed species or critical habitat. At the end of a formal consultation, the Service issues a biological opinion, containing its determination of whether the federal action is likely to result in jeopardy or adverse modification.

In contrast, section 7(a)(4) of the Act requires Federal agencies to confer with the Service on any action which *is likely* to jeopardize the continued existence of any species proposed to be listed under the Act or result in the destruction or adverse modification of critical habitat proposed to be designated for such species. Although the conference procedures are required only when an action is likely to result in jeopardy or adverse modification, action agencies may voluntarily confer with the Service on actions that may affect species proposed for listing or critical habitat proposed to be designated. In the event that the subject species is listed or the relevant critical habitat is designated, a conference opinion may be adopted as a biological opinion and serve as compliance with section 7(a)(2).

Examples of discretionary actions for the Pecos pupfish that may be subject to conference and consultation procedures under section 7 are management of Federal lands administered by the BLM, the BOR, the Corps, and the Service's NWR System as well as actions that require a Federal permit (such as a permit from the Corps under section 404 of the Clean Water Act (33 U.S.C. 1251 *et seq.*) or actions funded by Federal agencies such as the Federal Highway Administration, Federal Aviation Administration, or the Federal Emergency Management Agency. Federal actions not affecting listed species or critical habitat—and actions on State, Tribal, local, or private lands that are not federally funded, authorized, or carried out by a Federal agency—do not require section 7 consultation. Federal agencies should coordinate with the New Mexico Ecological Services Field Office (see **FOR FURTHER INFORMATION CONTACT**) with any specific questions on section 7 consultation and conference requirements.

II. Protective Regulations Under Section 4(d) of the Act

Background

Section 4(d) of the Act contains two sentences. The first sentence states that the Secretary shall issue such regulations as she deems necessary and advisable to provide for the

conservation of species listed as threatened species. Conservation is defined in the Act to mean the use of all methods and procedures which are necessary to bring any endangered species or threatened species to the point at which the measures provided pursuant to the Act are no longer necessary. Additionally, the second sentence of section 4(d) of the Act states that the Secretary may by regulation prohibit with respect to any threatened species any act prohibited under section 9(a)(1), in the case of fish or wildlife, or section 9(a)(2), in the case of plants. With these two sentences in section 4(d), Congress delegated broad authority to the Secretary to determine what protections would be necessary and advisable to provide for the conservation of threatened species, and even broader authority to put in place any of the section 9 prohibitions, for a given species.

The courts have recognized the extent of the Secretary's discretion under this standard to develop rules that are appropriate for the conservation of a species. For example, courts have upheld, as a valid exercise of agency authority, rules developed under section 4(d) that included limited prohibitions against takings (see *Alsea Valley Alliance v. Lautenbacher*, 2007 WL 2344927 (D. Or. 2007); *Washington Environmental Council v. National Marine Fisheries Service*, 2002 WL 511479 (W.D. Wash. 2002)). Courts have also upheld 4(d) rules that do not address all of the threats a species faces (see *State of Louisiana v. Verity*, 853 F.2d 322 (5th Cir. 1988)). As noted in the legislative history when the Act was initially enacted, "once an animal is on the threatened list, the Secretary has an almost infinite number of options available to [her] with regard to the permitted activities for those species. [She] may, for example, permit taking, but not importation of such species, or [she] may choose to forbid both taking and importation but allow the transportation of such species" (H.R. Rep. No. 412, 93rd Cong., 1st Sess. 1973).

The provisions of this species' proposed protective regulations under section 4(d) of the Act are one of many tools that we would use to promote the conservation of the Pecos pupfish. The proposed protective regulations would apply only if and when we make final the listing of the Pecos pupfish as a threatened species. Nothing in 4(d) rules change in any way the recovery planning provisions of section 4(f) of the Act, the consultation requirements under section 7 of the Act, or the ability of the Service to enter into partnerships

for the management and protection of the Pecos pupfish. As mentioned previously in Available Conservation Measures, section 7(a)(2) of the Act requires Federal agencies, including the Service, to ensure that any action they authorize, fund, or carry out is not likely to jeopardize the continued existence of any endangered species or threatened species or result in the destruction or adverse modification of designated critical habitat of such species. In addition, even before the listing of any species or the designation of its critical habitat is finalized, section 7(a)(4) of the Act requires Federal agencies to confer with the Service on any agency action which is likely to jeopardize the continued existence of any species proposed to be listed under the Act or result in the destruction or adverse modification of critical habitat proposed to be designated for such species. These requirements are the same for a threatened species regardless of what is included in its 4(d) rule.

Section 7 consultation is required for Federal actions that "may affect" a listed species regardless of whether take caused by the activity is prohibited or excepted by a 4(d) rule (under application of a "blanket rule" (for more information, see 89 FR 23919, April 5, 2024) or a species-specific 4(d) rule). A 4(d) rule does not change the process and criteria for informal or formal consultations and does not alter the analytical process used for biological opinions or concurrence letters. For example, as with an endangered species, if a Federal agency determines that an action is "not likely to adversely affect" a threatened species, this will require the Service's written concurrence (50 CFR 402.13(c)). Similarly, if a Federal agency determines that an action is "likely to adversely affect" a threatened species, the action will require formal consultation with the Service and the formulation of a biological opinion (50 CFR 402.14(a)). Because consultation obligations and processes are unaffected by 4(d) rules, we may consider developing tools to streamline future intra-Service and inter-agency consultations for actions that result in forms of take that are not prohibited by the 4(d) rule (but that still require consultation). These tools may include consultation guidance, online consultation processes via the Service's digital project planning tool (Information for Planning and Consultation; <https://ipac.ecosphere.fws.gov/>), template language for biological opinions, or programmatic consultations.

Exercising the Secretary's authority under section 4(d) of the Act, we

propose to apply the protections for the Pecos pupfish through our regulations at 50 CFR 17.31(a). In our April 5, 2024, final rule revising those regulations (89 FR 23919 at 23922–23923), we found that applying those regulations as a whole satisfies the requirement in section 4(d) of the Act to issue regulations deemed necessary and advisable to provide for the conservation of the threatened species. We have not identified any ways in which a protective regulation for this threatened species would need to differ from the regulations at 50 CFR 17.31(a) in order to contain the protections that are necessary and advisable to provide for the conservation of the Pecos pupfish. Therefore, if we finalize this rule as proposed, the regulations at 50 CFR 17.31(a) apply. This means that except as provided in 50 CFR 17.4 through 17.8, or in a permit issued pursuant to 50 CFR 17.32, all of the provisions of 50 CFR 17.21 for endangered wildlife, except § 17.21(c)(3) and (5), would apply to the Pecos pupfish, and the provisions of 50 CFR 17.32(b) concerning exceptions for certain entities would also apply to the species.

Provisions of the Proposed 4(d) Rule

Exercising the Secretary's authority under section 4(d) of the Act, we have developed a proposed rule that is designed to address the Pecos pupfish's conservation needs. As discussed previously in Summary of Biological Status and Threats, we have concluded that the Pecos pupfish is likely to become in danger of extinction within the foreseeable future primarily due to risk of introduction of nonnative invasive sheepshead minnow into new locations occupied by Pecos pupfish, loss and declines of surface and ground water, degradation of water quality, and habitat loss and fragmentation. Section 4(d) requires the Secretary to issue such regulations as she deems necessary and advisable to provide for the conservation of each threatened species and authorizes the Secretary to include among those protective regulations any of the prohibitions that section 9(a)(1) of the Act prescribes for endangered species. We are not required to make a "necessary and advisable" determination when we apply or do not apply specific section 9 prohibitions to a threatened species (In re: Polar Bear Endangered Species Act Listing and 4(d) Rule Litigation, 818 F. Supp. 2d 214, 228 (D.D.C. 2011) (citing *Sweet Home Chapter of Communities for a Great Oregon v. Babbitt*, 1 F.3d 1, 8 (D.C. Cir. 1993), *rev'd on other grounds*, 515 U.S. 687 (1995))). Nevertheless, even though

we are not required to make such a determination, we have chosen to be as transparent as possible and explain below why we find that, if finalized, the protections, prohibitions, and exceptions in this proposed rule as a whole satisfy the requirement in section 4(d) of the Act to issue regulations deemed necessary and advisable to provide for the conservation of the Pecos pupfish.

The protective regulations we are proposing for Pecos pupfish incorporate prohibitions from section 9(a)(1) to address the threats to the species. The prohibitions of section 9(a)(1) of the Act, and implementing regulations codified at 50 CFR 17.21, make it illegal for any person subject to the jurisdiction of the United States to commit, to attempt to commit, to solicit another to commit or to cause to be committed any of the following acts with regard to any endangered wildlife: (1) import into, or export from, the United States; (2) take (which includes harass, harm, pursue, hunt, shoot, wound, kill, trap, capture, or collect) within the United States, within the territorial sea of the United States, or on the high seas; (3) possess, sell, deliver, carry, transport, or ship, by any means whatsoever, any such wildlife that has been taken illegally; (4) deliver, receive, carry, transport, or ship in interstate or foreign commerce, by any means whatsoever and in the course of commercial activity; or (5) sell or offer for sale in interstate or foreign commerce. This protective regulation includes all of these prohibitions because the Pecos pupfish is at risk of extinction in the foreseeable future and putting these prohibitions in place will help to prevent further declines, preserve the species' remaining populations, slow its rate of decline, and decrease synergistic, negative effects from other ongoing or future threats.

In particular, this proposed 4(d) rule would provide for the conservation of the Pecos pupfish by prohibiting the following activities, unless they fall within specific exceptions or are otherwise authorized or permitted: importing or exporting; take; possession and other acts with unlawfully taken specimens; delivering, receiving, carrying, transporting, or shipping in interstate or foreign commerce in the course of commercial activity; or selling or offering for sale in interstate or foreign commerce.

Under the Act, "take" means to harass, harm, pursue, hunt, shoot, wound, kill, trap, capture, or collect, or to attempt to engage in any such conduct. Some of these provisions have been further defined in regulations at 50

CFR 17.3. Take can result knowingly or otherwise, by direct and indirect impacts, intentionally or incidentally. Regulating take would help preserve the species' remaining populations, slow their rate of decline, and decrease cumulative effects from other ongoing or future threats. Therefore, we propose to prohibit take of the Pecos pupfish, except for take resulting from those actions and activities specifically excepted by the 4(d) rule.

Exceptions to the prohibition on take would include all of the general exceptions to the prohibition on take of endangered wildlife, as set forth in 50 CFR 17.21.

Despite these prohibitions regarding threatened species, we may under certain circumstances issue permits to carry out one or more otherwise-prohibited activities, including those described above. The regulations that govern permits for threatened wildlife state that the Director may issue a permit authorizing any activity otherwise prohibited with regard to threatened species. These include permits issued for the following purposes: for scientific purposes, to enhance propagation or survival, for economic hardship, for zoological exhibition, for educational purposes, for incidental taking, or for special purposes consistent with the purposes of the Act (50 CFR 17.32). The statute also contains certain exemptions from the prohibitions, which are found in sections 9 and 10 of the Act.

In addition, to further the conservation of the species, any employee or agent of the Service, any other Federal land management agency, the National Marine Fisheries Service, a State conservation agency, or a federally recognized Tribe, who is designated by their agency or Tribe for such purposes, may, when acting in the course of their official duties, take threatened wildlife without a permit if such action is necessary to: (i) Aid a sick, injured, or orphaned specimen; or (ii) dispose of a dead specimen; or (iii) salvage a dead specimen that may be useful for scientific study; or (iv) remove specimens that constitute a demonstrable but nonimmediate threat to human safety, provided that the taking is done in a humane manner; the taking may involve killing or injuring only if it has not been reasonably possible to eliminate such threat by live-capturing and releasing the specimen unharmed, in an appropriate area.

We recognize the special and unique relationship that we have with our State natural resource agency partners in contributing to conservation of listed species. State agencies often possess

scientific data and valuable expertise on the status and distribution of endangered, threatened, and candidate species of wildlife and plants. State agencies, because of their authorities and their close working relationships with local governments and landowners, are in a unique position to assist us in implementing all aspects of the Act. In this regard, section 6 of the Act provides that we must cooperate to the maximum extent practicable with the States in carrying out programs authorized by the Act. Therefore, any qualified employee or agent of a State conservation agency that is a party to a cooperative agreement with us in accordance with section 6(c) of the Act, who is designated by his or her agency for such purposes, would be able to conduct activities designed to conserve Pecos pupfish that may result in otherwise prohibited take without additional authorization.

The proposed 4(d) rule would also provide for the conservation of the species by allowing exceptions that incentivize conservation actions or that, while they may have some minimal impact on the Pecos pupfish, are not expected to rise to the level that would have a negative impact (*i.e.*, would have only de minimis impacts) on the species' conservation. The exceptions to these prohibitions include incidental and intentional take (described below) that are expected to have negligible impacts to the Pecos pupfish and its habitat.

Those exceptions include the following activities:

(1) Management and maintenance of ponds that are stocked with captive-bred Pecos pupfish by the State of Texas.

(2) Research activities on individual Pecos pupfish in those ponds by holders of a valid State-issued scientific research permit, zoological permit, or educational display permit. Individuals exercising this exception must provide to the State of Texas annual reports containing the following information: the nature of research performed; dates of fieldwork; the number of individuals collected or captured, and the methods used to obtain them; a description of any accidental injuries or mortalities; the number of individuals from which genetic material was collected, the type of tissue collected, and the institution or location where the genetic material is being stored. The location of fieldwork and landowner identifying information is not required. This exception applies only to individuals with a current, valid permit from the State of Texas and applies only to research conducted on pupfish ponds on private lands that are

part of the TPWD Pecos pupfish production pond effort. The State of Texas must provide annual reports to the Service regarding use of this exception.

III. Critical Habitat

Background

Section 4(a)(3) of the Act requires that, to the maximum extent prudent and determinable, we designate a species' critical habitat concurrently with listing the species. Critical habitat is defined in section 3 of the Act as:

(1) The specific areas within the geographical area occupied by the species, at the time it is listed in accordance with the Act, on which are found those physical or biological features

(a) Essential to the conservation of the species, and

(b) Which may require special management considerations or protection; and

(2) Specific areas outside the geographical area occupied by the species at the time it is listed, upon a determination that such areas are essential for the conservation of the species.

Our regulations at 50 CFR 424.02 define the geographical area occupied by the species as an area that may generally be delineated around species' occurrences, as determined by the Secretary (*i.e.*, range). Such areas may include those areas used throughout all or part of the species' life cycle, even if not used on a regular basis (*e.g.*, migratory corridors, seasonal habitats, and habitats used periodically, but not solely by vagrant individuals).

Conservation, as defined under section 3 of the Act, means to use and the use of all methods and procedures that are necessary to bring an endangered or threatened species to the point at which the measures provided pursuant to the Act are no longer necessary. Such methods and procedures include, but are not limited to, all activities associated with scientific resources management such as research, census, law enforcement, habitat acquisition and maintenance, propagation, live trapping, and translocation, and, in the extraordinary case where population pressures within a given ecosystem cannot be otherwise relieved, may include regulated taking.

Critical habitat receives protection under section 7 of the Act through the requirement that each Federal action agency ensure, in consultation with the Service, that any action they authorize, fund, or carry out is not likely to result

in the destruction or adverse modification of designated critical habitat. The designation of critical habitat does not affect land ownership or establish a refuge, wilderness, reserve, preserve, or other conservation area. Such designation also does not allow the government or public to access private lands. Such designation does not require implementation of restoration, recovery, or enhancement measures by non-Federal landowners. Rather, designation requires that, where a landowner requests Federal agency funding or authorization for an action that may affect an area designated as critical habitat, the Federal agency consult with the Service under section 7(a)(2) of the Act. If the action may affect the listed species itself (such as for occupied critical habitat), the Federal agency would have already been required to consult with the Service even absent the designation because of the requirement to ensure that the action is not likely to jeopardize the continued existence of the species. Even if the Service were to conclude after consultation that the proposed activity is likely to result in destruction or adverse modification of the critical habitat, the Federal action agency and the landowner are not required to abandon the proposed activity, or to restore or recover the species; instead, they must implement "reasonable and prudent alternatives" to avoid destruction or adverse modification of critical habitat.

Under the first prong of the Act's definition of critical habitat, areas within the geographical area occupied by the species at the time it was listed are included in a critical habitat designation if they contain physical or biological features (1) which are essential to the conservation of the species and (2) which may require special management considerations or protection. For these areas, critical habitat designations identify, to the extent known using the best scientific data available, those physical or biological features that are essential to the conservation of the species (such as space, food, cover, and protected habitat).

Under the second prong of the Act's definition of critical habitat, we can designate critical habitat in areas outside the geographical area occupied by the species at the time it is listed, upon a determination that such areas are essential for the conservation of the species.

Section 4(b)(2) of the Act requires that we designate critical habitat on the basis of the best scientific data available. Further, our Policy on Information

Standards Under the Endangered Species Act (published in the **Federal Register** on July 1, 1994 (59 FR 34271)), the Information Quality Act (section 515 of the Treasury and General Government Appropriations Act for Fiscal Year 2001 (Pub. L. 106–554; H.R. 5658)), and our associated Information Quality Guidelines provide criteria, establish procedures, and provide guidance to ensure that our decisions are based on the best scientific data available. They require our biologists, to the extent consistent with the Act and with the use of the best scientific data available, to use primary and original sources of information as the basis for recommendations to designate critical habitat.

When we are determining which areas should be designated as critical habitat, our primary source of information is generally the information compiled in the SSA report and information developed during the listing process for the species. Additional information sources may include any generalized conservation strategy, criteria, or outline that may have been developed for the species; the recovery plan for the species; articles in peer-reviewed journals; conservation plans developed by States and counties; scientific status surveys and studies; biological assessments; other unpublished materials; or experts' opinions or personal knowledge.

Habitat is dynamic, and species may move from one area to another over time. We recognize that critical habitat designated at a particular point in time may not include all of the habitat areas that we may later determine are necessary for the recovery of the species. For these reasons, a critical habitat designation does not signal that habitat outside the designated area is unimportant or may not be needed for recovery of the species. Areas that are important to the conservation of the species, both inside and outside the critical habitat designation, will continue to be subject to: (1) Conservation actions implemented under section 7(a)(1) of the Act; (2) regulatory protections afforded by the requirement in section 7(a)(2) of the Act for Federal agencies to ensure their actions are not likely to jeopardize the continued existence of any endangered or threatened species; and (3) the prohibitions found in the 4(d) rule. Federally funded or permitted projects affecting listed species outside their designated critical habitat areas may still result in jeopardy findings in some cases. These protections and conservation tools will continue to contribute to recovery of the species.

Similarly, critical habitat designations made on the basis of the best scientific data available at the time of designation will not control the direction and substance of future recovery plans, habitat conservation plans (HCPs), or other species conservation planning efforts if new information available at the time of those planning efforts calls for a different outcome.

Physical or Biological Features Essential to the Conservation of the Species

In accordance with section 3(5)(A)(i) of the Act and regulations at 50 CFR 424.12(b), in determining which areas we will designate as critical habitat from within the geographical area occupied by the species at the time of listing, we consider the physical or biological features that are essential to the conservation of the species and which may require special management considerations or protection. The regulations at 50 CFR 424.02 define “physical or biological features essential to the conservation of the species” as the features that occur in specific areas and that are essential to support the life-history needs of the species, including, but not limited to, water characteristics, soil type, geological features, sites, prey, vegetation, symbiotic species, or other features. A feature may be a single habitat characteristic or a more complex combination of habitat characteristics. Features may include habitat characteristics that support ephemeral or dynamic habitat conditions. Features may also be expressed in terms relating to principles of conservation biology, such as patch size, distribution distances, and connectivity. For example, physical features essential to the conservation of the species might include gravel of a particular size required for spawning, alkaline soil for seed germination, protective cover for migration, or susceptibility to flooding or fire that maintains necessary early-successional habitat characteristics. Biological features might include prey species, forage grasses, specific kinds or ages of trees for roosting or nesting, symbiotic fungi, or absence of a particular level of nonnative species consistent with conservation needs of the listed species. The features may also be combinations of habitat characteristics and may encompass the relationship between characteristics or the necessary amount of a characteristic essential to support the life history of the species.

In considering whether features are essential to the conservation of the species, we may consider an appropriate quality, quantity, and spatial and

temporal arrangement of habitat characteristics in the context of the life-history needs, condition, and status of the species. These characteristics include, but are not limited to, space for individual and population growth and for normal behavior; food, water, air, light, minerals, or other nutritional or physiological requirements; cover or shelter; sites for breeding, reproduction, or rearing (or development) of offspring; and habitats that are protected from disturbance.

The individual needs of Pecos pupfish vary somewhat by life stage (egg, hatchling, juvenile, adult); however, as an aquatic species, Pecos pupfish need adequate water quantity and water quality to meet their resource functions, which include feeding, growth, survival, and breeding. The Pecos pupfish occurs in a variety of aquatic environments including wetlands, sinkholes, impoundments, streams, springs, and rivers, specifically the Pecos River mainstem (Hoagstrom and Brooks 1999, pp. 14–16; Collyer et al. 2015, p. 182). All life stages of the Pecos pupfish prefer environments with little to no water flow, and, in areas with flows, they typically occupy pools and shallow runs and riffles (Hoagstrom and Brooks 1999, pp. 36, 45). Pecos pupfish tolerate high salinity (less than 35,000 mg/L) and low dissolved oxygen (greater than 2.5 mg/L), and while the specific thermal tolerance of Pecos pupfish is unknown, studies examining thermal tolerance of other pupfish found tolerance to range from below 0 °C to 45 °C (23 °F to 113 °F) (Bennett and Beitinger 1997, pp. 81–85; Hoagstrom and Brooks 1999, pp. 21, 31; Propst 1999, pp. 67–68). However, data collected in studies of desert pupfish found that temperatures above 42.7 °C (108.9 °F) may be lethal (Schoenherr and Feldmeth 1992, p. 50; BEEC 2010, p. 8). These physical conditions (dissolved oxygen, salinity, and temperature) can be greatly affected by spring discharge and other flow parameters (Kodric-Brown 1975, pp. 3, 6). Overwintering juvenile and adult Pecos pupfish need dense aquatic vegetation and flocculent materials (such as fine detritus or non-living organic matter) in the substrate (Kodric-Brown 1977, p. 752; Hoagstrom et al. 2015, p. 17). Therefore, sufficient water quality and water quantity that provides the appropriate conditions for the Pecos pupfish is essential to the species.

Spawning adult Pecos pupfish require slow-moving waters that are less than 2 m (6.56 ft) deep, and in areas with topographic diversity that include a variety of underwater features such as crevices, boulders, large rocks, scattered

pebbles, and aquatic plants that are used for oviposition sites (Kodric-Brown 1975, p. 35; 1977, pp. 750–751, 753–756, and 761–762). Rocky embankments appear to be the most desirable breeding substrate, and the density of territorial males is highest in dense patches of aquatic vegetation, and lowest in flat silty areas with isolated rocks (Kodric-Brown 1975, pp. 20, 34–35). Female Pecos pupfish lay individual eggs that adhere to spawning substrate, such as vegetation or rocks (Kodric-Brown 1977, pp. 751, 761–762, 764). Therefore, habitat with crevices, boulders, large rocks, scattered pebbles, and aquatic plants is essential to the species.

The introduction of the nonnative, invasive sheepshead minnow has the potential to negatively affect Pecos pupfish through hybridization (Echelle et al. 2003b, entire; Echelle and Connor 1989, pp. 725–726). Hybridization eventually leads to the loss of non-introgressed (genetically pure) Pecos pupfish in the area of introgression (Echelle and Connor 1989, p. 725; Echelle et al. 2003b, entire). Sheepshead minnow also outcompetes the Pecos pupfish for resources (Echelle et al. 2003b, entire; Echelle and Connor 1989, pp. 725–726). Therefore, the absence of this nonnative invasive species is essential to the Pecos pupfish. Bait bucket transfers of sheepshead minnow are most likely in the Upper Pecos Unit. Bait bucket transfers are highly unlikely to occur in any of the other AUs as these generally are either well controlled or do not contain game fish species. As such, the most likely route for sheepshead minnow introgression would be from the Upper Pecos River AU to the Salt Creek Wilderness and Middle Tract Wetlands, which are both hydrologically connected to the upper Pecos River during flooding events, allowing for potential movement of sheepshead minnow into these off-channel habitats.

Summary of Essential Physical or Biological Features

We derive the specific physical or biological features essential to the conservation of Pecos pupfish from studies of the species’ habitat, ecology, and life history as described below. Additional information can be found in the SSA report (Service 2024, entire; available on <https://www.regulations.gov> under Docket No. FWS–R2–ES–2024–0143). We have determined that the following physical or biological features are essential to the conservation of Pecos pupfish:

(1) Water quality parameters that support all life stages of the Pecos pupfish, including:

(a) Absence of pollutants, or a level of contaminants low enough that it does not negatively impact necessary water quality conditions for Pecos pupfish individuals;

(b) Salinity less than 35,000 mg/L;

(c) Temperature less than 42.7 °C (108.9 °F); and

(d) Dissolved oxygen greater than 2.5 mg/L.

(2) Sufficient water quantity parameters that support all life stages of the Pecos pupfish, including:

(a) Permanent water in some area of habitat; and

(b) Water depth less than 2 m (6.56 ft) deep to allow for thermal refugia and breeding.

(3) Presence of silt-free underwater features such as crevices, boulders, large rocks, scattered pebbles, and aquatic plants that are used for egg deposition.

(4) Absence of nonnative invasive sheepshead minnow.

Special Management Considerations or Protection

When designating critical habitat, we assess whether the specific areas within the geographical area occupied by the species at the time of listing contain features which are essential to the conservation of the species and which may require special management considerations or protection. The features essential to the conservation of this species may require special management considerations or protection to reduce the following threats: introduction of sheepshead minnow, habitat degradation due to declines in water quantity and water quality, and habitat fragmentation.

Management activities that could ameliorate these threats include, but are not limited to: (1) construction and maintenance of barriers that prevent the spread of sheepshead minnow; (2) enforcement of existing State regulatory mechanisms that prohibit bait-bucket releases of sheepshead minnow in New Mexico and Texas; (3) active management of wetlands to provide for adequate water quantity and flow; (4) securing water rights to provide long-term spring flows; (5) monitoring and preventing water quality impairments from upland sources such as agricultural runoff and industrial pollutants; and (6) survey and monitoring to further characterize the extent and spread of hybridization with sheepshead minnows.

Criteria Used To Identify Critical Habitat

As required by section 4(b)(2) of the Act, we use the best scientific data available to designate critical habitat. In

accordance with the Act and our implementing regulations at 50 CFR 424.12(b), we review available information pertaining to the habitat requirements of the species and identify specific areas within the geographical area occupied by the species at the time of listing and any specific areas outside the geographical area occupied by the species to be considered for designation as critical habitat. We are not currently proposing to designate any areas outside the geographical area occupied by the species because (1) we have not identified any unoccupied areas that meet the definition of critical habitat, and (2) we have determined that the occupied areas are sufficient to conserve the species.

We anticipate that recovery will require conserving the genetic diversity of extant populations across the species' current range and maintaining and, where necessary, improving habitat and habitat connectivity to ensure the long-term viability of the Pecos pupfish. This proposed critical habitat designation delineates the habitat that is physically occupied and used by the species rather than delineating all land or aquatic areas that influence the species. We have determined that the areas currently occupied by the Pecos pupfish would maintain the species' resiliency, redundancy, and representation and are sufficient to conserve the species. Therefore, we are not currently proposing to designate any areas outside the geographical area occupied by the species. Sources of data for this proposed critical habitat include multiple databases maintained by universities and State agencies, scientific and agency reports, and numerous survey reports throughout the species' range (Service 2024, pp. 28–34).

In summary, for areas within the geographical area occupied by the species at the time of listing, we delineated critical habitat unit boundaries using the following criteria:

(1) We delineated areas within the historical range that had positive survey data between the year 1992 and the time of listing (see Service 2024).

(2) We terminated stream segments at barriers, confluences, areas where genetically pure Pecos pupfish have been extirpated, other obvious unsuitable habitat, or a location selected based on expert knowledge of a lack of presence.

(3) We included connecting stream segments between occupied stream segments as long as the inclusion does not disagree with criterion (2) and there are no data to suggest that the Pecos pupfish is not present.

When determining proposed critical habitat boundaries, we made every effort to avoid including developed areas such as lands covered by buildings, pavement, and other structures because such lands lack physical or biological features necessary for Pecos pupfish. The scale of the maps we prepared under the parameters for publication within the Code of Federal Regulations may not reflect the exclusion of such developed lands. Any such lands inadvertently left inside critical habitat boundaries shown on the maps of this proposed rule have been excluded by text in the proposed rule and are not proposed for designation as critical habitat. Therefore, if the critical habitat is finalized as proposed, a Federal action involving these lands would not trigger section 7 consultation with respect to critical habitat and the requirement of no adverse modification unless the specific action would affect the physical or biological features in the adjacent critical habitat.

The proposed critical habitat designation is defined by the map or maps, as modified by any accompanying regulatory text, presented at the end of this document under Proposed Regulation Promulgation.

Proposed Critical Habitat Designation

We are proposing to designate five units of critical habitat for Pecos pupfish: 136.12 river mi (219.06 river km) of instream habitat (to the ordinary high water mark, not including riparian areas) and 26,555.54 acres (10,746.64 ha) of lands that encompass numerous isolated sinkholes and wetland areas. The critical habitat areas we describe below constitute our current best assessment of areas that meet the definition of critical habitat for Pecos pupfish.

The five areas we propose as critical habitat are: (1) Upper Pecos River Unit; (2) Salt Creek Wilderness Unit; (3) Bitter Lake Unit; (4) BLM Overflow Wetlands/Bottomless Lakes Unit; and (5) Salt Creek (TX) Unit. Table 5 shows the proposed critical habitat units and the approximate area of each unit. The Bitter Lake Unit includes both the Bitter Creek Drainage and Bitter Lake NWR Middle Tract Wetlands AUs (see table 2 for a list of the AUs). The BLM Overflow Wetlands/Bottomless Lakes Unit includes both the Bottomless Lakes State Park and BLM Overflow Wetlands and Lea Lake AUs. Two AUs from the SSA report, the Middle Pecos River and Lower Pecos River units, are not proposed as critical habitat units because no extant genetically pure Pecos pupfish remain in these units.

TABLE 5—PROPOSED CRITICAL HABITAT UNITS FOR PECOS PUPFISH

[Area estimates reflect all land within critical habitat unit boundaries.]

Critical habitat unit	Occupied?	Land ownership by type	Length of unit in river miles (km) or unit size in acres (ha)
1. Upper Pecos River	Yes	Federal	32.61 river mi (52.48 km).
	Yes	State	4.86 river mi (7.82 km).
	Yes	Private	84.41 river mi (135.84 km).
2. Salt Creek Wilderness	Yes	Federal	5,428.74 acres (2,196.93 ha).
	Yes		
3. Bitter Lake	Yes	Federal	9,663.15 acres (3,910.54 ha).
	Yes	State	87.87 acres (35.56 ha).
	Yes	Private	2,221.88 acres (899.16 ha).
4. BLM Overflow Wetlands/Bottomless Lakes	Yes	Federal	1,784 acres (721.96 ha).
	Yes	State	1,854.78 acres (750.60 ha).
	Yes	Private	5,515.12 acres (2,231.89 ha).
5. Salt Creek (TX)	Yes	Private	14.24 river mi (22.92 km)
Total			136.12 river mi (219.06 km). 26,555.54 acres (10,746.64 ha).

Note: Area sizes may not sum due to rounding.

We present brief descriptions of all units, and reasons why they meet the definition of critical habitat for Pecos pupfish, below.

Unit 1: Upper Pecos River

The Upper Pecos River Unit consists of 121.88 river mi (196.15 km). The Upper Pecos River Unit begins at Bosque Draw in Chaves County, New Mexico, and extends south on the Pecos River to (but not including) Brantley Lake, in Eddy County, New Mexico. The entire unit is currently occupied by the species and supports all of the physical and biological features (PBFs) essential to the conservation of the species. Ownership of the adjacent riparian areas is 26.76 percent Federal, 3.99 percent State, and 69.26 percent private.

Based on prior introductions, without barriers, sheepshead minnow could spread through all the accessible portions of the Upper Pecos River Unit. In addition, this unit is subject to regular severe low and intermittent flows. Conservation measures are in place by the BOR under a biological opinion to minimize river intermittency for the federally threatened Pecos bluntnose shiner. These measures buffer the threat of river drying for Pecos bluntnose shiner and, by extension, Pecos pupfish.

The entirety of this unit has ongoing water quality concerns and is considered impaired. Water availability in the unit is primarily influenced by the management of the upstream dam at Fort Sumner. River flows downstream of Bitter Lake NWR are influenced by groundwater pumping by PVACD water users and return flows from crop irrigation. Therefore, special management considerations may be

required to maintain barriers that prevent the spread of sheepshead minnow into the upper Pecos River, enforce prohibitions of bait-bucket releases of sheepshead minnow in New Mexico and Texas, maintain adequate water quantity and flow, monitor and prevent water quality impairments from upland sources such as agricultural runoff and industrial pollutants, routinely monitor for Pecos pupfish and to document the extent and spread of hybridization with sheepshead minnows. The Upper Pecos River Unit is occupied by two federally listed species, the threatened Pecos sunflower (*Helianthus paradoxus*) and the endangered Pecos bluntnose shiner. There is a complete overlap with designated critical habitat for the Pecos bluntnose shiner (see 50 CFR 17.95(e); 52 FR 5295, February 20, 1987).

Unit 2: Salt Creek Wilderness

The Salt Creek Wilderness Unit contains Salt Creek (New Mexico (NM)) and four sinkholes within 5,428.74 acres (2,196.93 ha) of land between Cottonwood Road and the confluence with the Pecos River in Chaves County, New Mexico. Areas within this proposed critical habitat unit are limited to the sinkholes and wetlands areas, and do not include the lands adjacent to the wetted areas. The wetted areas within this unit are currently occupied by the species and support all of the PBFs essential to the conservation of the species. Ownership of the adjacent riparian areas is 100 percent Federal, primarily encompassing the Refuge North Tract of Bitter Lake NWR. Salt Creek (NM) is an ephemeral stream with permanent water in deeper pools along the stream course. There is a low risk of

introgression with sheepshead minnow into the sinkholes within the Salt Creek Wilderness Unit, as they are isolated from the Pecos River. Although fish remain extant at several locations in the unit, the extent of habitat is small, and Salt Creek (NM) is subject to mortality events. Therefore, special management considerations may be required to enforce prohibitions of bait-bucket releases of sheepshead minnow in New Mexico and Texas, maintain fish barriers to prevent spread of sheepshead minnow, maintain adequate water quantity and flow in Salt Creek (NM), monitor and prevent water quality impairments from upland sources such as agricultural runoff and industrial pollutants, and routinely monitor for Pecos pupfish to document the spread and extent of hybridization with sheepshead minnows. There is no overlap with any designated critical habitat for other listed species.

Unit 3: Bitter Lake

The Bitter Lake Unit contains Bitter Creek and numerous isolated sinkholes, spring ditches, managed and natural wetlands, and oxbows of the Pecos River within 11,972.90 acres (4,845.26 ha) of land between Bitter Lake Road in the north and Miami Road in the South in Chaves County, New Mexico. All of the wetted areas in the entire unit are currently occupied by the species and support all of the PBFs essential to the conservation of the species. Ownership of the adjacent riparian areas is 80.71 percent Federal, 0.73 percent State, and 18.56 percent private. Most of the unit falls within Bitter Lake NWR. While the sinkholes in the Bitter Lake Unit are isolated and well protected from sheepshead minnow introgression, there

is a potential to introduce sheepshead minnow to the managed wetlands within Bitter Lake NWR if the fish barriers are overtopped in high flow events. Water quality surveys have not detected any impairment to the aquatic environments in the unit. Furthermore, most of the unit is within Bitter Lake NWR, which protects the unit from direct surface contamination.

The water in Bitter Creek is supplemented by precipitation during wet seasons or years, and during drought years, when precipitation is not sufficient to maintain surface flows, portions of Bitter Creek dry out. Therefore, special management considerations may be required to maintain adequate flows in Bitter Creek to maintain habitat connectivity and for routine monitoring for Pecos pupfish. The Bitter Lake Unit is occupied by seven federally listed species, the threatened Wright's marsh thistle (*Cirsium wrightii*), threatened Pecos sunflower, endangered Noel's amphipod (*Gammarus desperatus*), endangered Roswell springsnail (*Pyrgulopsis roswellensis*), endangered Pecos assimineia (*Assimineia pecos*), endangered Pecos gambusia (*Gambusia nobilis*), and the endangered Koster's springsnail (*Juturnia kosteri*). There is a complete overlap with designated critical habitat for the Wright's marsh thistle (see 50 CFR 17.96(a); 88 FR 25208, May 25, 2023), Noel's amphipod (see 50 CFR 17.95(h); 76 FR 33036, June 7, 2011), Roswell springsnail (see 50 CFR 17.95(f); 77 FR 33036, June 7, 2011), Pecos assimineia (see 50 CFR 17.95(f); 76 FR 33036, June 7, 2011), and Koster's springsnail (see 50 CFR 17.95(f); 76 FR 33036, June 7, 2011).

Unit 4: BLM Overflow Wetlands/ Bottomless Lakes

The BLM Overflow Wetlands/ Bottomless Lakes Unit contains a wetland and several sinkholes within 9,153.90 acres (3,704.45 ha) of land in Chaves County, New Mexico. This unit is east of the Pecos River and between Highway 380 in the north and the approximate southern border of the BLM Overflow Wetlands ACEC in the South. The wetlands and sinkholes within this unit are currently occupied by the species and support all of the PBFs essential to the conservation of the species. Ownership of the adjacent riparian areas is 19.49 percent Federal, 20.26 percent State, and 60.25 percent private. The majority of occupied habitat within this unit falls within Bottomless Lakes State Park and the BLM Overflow Wetlands ACEC.

Although the BLM Overflow Wetlands contain constructed and

maintained fish barriers, a severe flood could overtop or wash out these barriers, presenting a risk from sheepshead minnow, which are present near this population. The isolated sinkholes and wetlands within Bottomless Lakes State Park are well protected from sheepshead minnow introgression because (1) they do not contain game fish species and (2) fishing with baitfish is illegal, making these areas a low risk of bait-bucket releases. In 2020, a complete loss of pupfish in Upper Figure 8 Lake sinkhole is speculated to have been caused by a golden algae outbreak, but the actual causes are unknown. Therefore, special management considerations may be required for routine monitoring for Pecos pupfish to document the extent and spread of hybridization with sheepshead minnows. The BLM Overflow Wetlands/Bottomless Lakes Unit is occupied by one federally listed species, the threatened Pecos sunflower.

Unit 5: Salt Creek (TX)

The Salt Creek (TX) Unit consists of 14.24 river mi (22.92 km) in Culberson and Reeves Counties, Texas. The unit begins at RM 2119 in Culberson County, Texas, and extends northeast on Salt Creek to RM 652 in Reeves County, Texas. Ownership of the adjacent riparian areas is entirely under private ownership.

Pecos pupfish from the lower reach of the Salt Creek (TX) Unit, near the confluence with the Pecos River, were confirmed introgressed with sheepshead minnow, though an unidentified physical barrier appears to have limited the spread of introgressed fish further upstream. The entirety of this unit has ongoing water quality concerns and is considered impaired due to contaminants introduced from upland sources such as agricultural runoff and industrial pollutants from oil and gas extraction. While during wet seasons or years, the water in Salt Creek (TX) is supplemented by precipitation, during drought years, the precipitation is not sufficient to maintain surface flows. Therefore, special management considerations may be required to maintain barriers that prevent the spread of sheepshead minnow into the upper portion of Salt Creek (TX), enforce prohibitions of bait-bucket releases of sheepshead minnow in New Mexico and Texas, maintain adequate water quantity and flow, and monitor and prevent water quality impairments from upland sources such as agricultural runoff and industrial pollutants, and to survey and monitor the extent and spread of hybridization with sheepshead minnows. There is no

overlap with any designated critical habitat for other listed species in the Salt Creek (TX) Unit.

Effects of Critical Habitat Designation

Section 7 Consultation

Section 7(a)(2) of the Act requires Federal agencies, including the Service, to ensure that any action they authorize, fund, or carry out is not likely to jeopardize the continued existence of any endangered species or threatened species or result in the destruction or adverse modification of designated critical habitat of such species. In addition, section 7(a)(4) of the Act requires Federal agencies to confer with the Service on any agency action which is likely to jeopardize the continued existence of any species proposed to be listed under the Act or result in the destruction or adverse modification of proposed critical habitat.

Destruction or adverse modification means a direct or indirect alteration that appreciably diminishes the value of critical habitat as a whole for the conservation of a listed species (50 CFR 402.02).

Compliance with the requirements of section 7(a)(2) is documented through our issuance of:

(1) A concurrence letter for Federal actions that may affect, but are not likely to adversely affect, listed species or critical habitat; or

(2) A biological opinion for Federal actions that may affect, and are likely to adversely affect, listed species or critical habitat.

When we issue a biological opinion concluding that a project is likely to jeopardize the continued existence of a listed species and/or destroy or adversely modify critical habitat, we provide reasonable and prudent alternatives to the project, if any are identifiable, that would avoid the likelihood of jeopardy and/or destruction or adverse modification of critical habitat. We define "reasonable and prudent alternatives" (at 50 CFR 402.02) as alternative actions identified during formal consultation that:

(1) Can be implemented in a manner consistent with the intended purpose of the action,

(2) Can be implemented consistent with the scope of the Federal agency's legal authority and jurisdiction,

(3) Are economically and technologically feasible, and

(4) Would, in the Service Director's opinion, avoid the likelihood of jeopardizing the continued existence of the listed species or avoid the likelihood of destroying or adversely modifying critical habitat.

Reasonable and prudent alternatives can vary from slight project modifications to extensive redesign or relocation of the project. Costs associated with implementing a reasonable and prudent alternative are similarly variable.

Regulations at 50 CFR 402.16 set forth requirements for Federal agencies to reinitiate consultation. Reinitiation of consultation is required and shall be requested by the Federal agency, where discretionary Federal involvement or control over the action has been retained or is authorized by law and: (1) If the amount or extent of taking specified in the incidental take statement is exceeded; (2) if new information reveals effects of the action that may affect listed species or critical habitat in a manner or to an extent not previously considered; (3) if the identified action is subsequently modified in a manner that causes an effect to the listed species or critical habitat that was not considered in the biological opinion or written concurrence; or (4) if a new species is listed or critical habitat designated that may be affected by the identified action. As provided in 50 CFR 402.16, the requirement to reinitiate consultations for new species listings or critical habitat designation does not apply to certain agency actions (*e.g.*, land management plans issued by the Bureau of Land Management in certain circumstances).

Destruction or Adverse Modification of Critical Habitat

The key factor related to the destruction or adverse modification determination is whether implementation of the proposed Federal action directly or indirectly alters the designated critical habitat in a way that appreciably diminishes the value of the critical habitat for the conservation of the listed species. As discussed above, the role of critical habitat is to support physical or biological features essential to the conservation of a listed species and provide for the conservation of the species.

Section 4(b)(8) of the Act requires that our **Federal Register** documents “shall, to the maximum extent practicable also include a brief description and evaluation of those activities (whether public or private) which, in the opinion of the Secretary, if undertaken may adversely modify [critical] habitat, or may be affected by such designation.” Activities that may be affected by designation of critical habitat for the Pecos pupfish include those that may affect the physical or biological features of the proposed critical habitat (see

Physical or Biological Features Essential to the Conservation of the Species).

Exemptions

Application of Section 4(a)(3) of the Act

Section 4(a)(3)(B)(i) of the Act provides that the Secretary shall not designate as critical habitat any lands or other geographical areas owned or controlled by the Department of Defense (DoD), or designated for its use, that are subject to an integrated natural resources management plan (INRMP) prepared under section 101 of the Sikes Act Improvement Act of 1997 (16 U.S.C. 670a), if the Secretary determines in writing that such plan provides a benefit to the species for which critical habitat is proposed for designation. No DoD lands with a completed INRMP are within the proposed critical habitat designation.

Consideration of Impacts Under Section 4(b)(2) of the Act

Section 4(b)(2) of the Act states that the Secretary shall designate and make revisions to critical habitat on the basis of the best available scientific data after taking into consideration the economic impact, national security impact, and any other relevant impact of specifying any particular area as critical habitat. The Secretary may exclude an area from critical habitat if the benefits of exclusion outweigh those of inclusion, so long as exclusion will not result in the extinction of the species concerned. Exclusion decisions are governed by the regulations at 50 CFR 424.19 and the “Policy Regarding Implementation of Section 4(b)(2) of the Endangered Species Act” (hereafter, the “2016 Policy”; 81 FR 7226, February 11, 2016), both of which were developed jointly with the National Marine Fisheries Service (NMFS). We also refer to a 2008 Department of the Interior Solicitor’s opinion entitled “The Secretary’s Authority to Exclude Areas from a Critical Habitat Designation under Section 4(b)(2) of the Endangered Species Act” (M–37016).

In considering whether to exclude a particular area from the designation, we identify the benefits of including the area in the designation, identify the benefits of excluding the area from the designation, and evaluate whether the benefits of exclusion outweigh the benefits of inclusion. If the analysis indicates that the benefits of exclusion outweigh the benefits of inclusion, the Secretary may exercise discretion to exclude the area only if such exclusion would not result in the extinction of the species. In making the determination to exclude a particular area, the statute on

its face, as well as the legislative history, are clear that the Secretary has broad discretion regarding which factor(s) to use and how much weight to give to any factor. In our final rules, we explain any decision to exclude areas, as well as decisions not to exclude, to make clear the rational basis for our decision. We describe below the process that we use for taking into consideration each category of impacts and any initial analyses of the relevant impacts.

Consideration of Economic Impacts

Section 4(b)(2) of the Act and its implementing regulations require that we consider the economic impact that may result from a designation of critical habitat. To assess the probable economic impacts of a designation, we must first evaluate specific land uses or activities and projects that may occur in the area of the critical habitat. We then must evaluate the impacts that a specific critical habitat designation may have on restricting or modifying specific land uses or activities for the benefit of the species and its habitat within the areas proposed. We then identify which conservation efforts may be the result of the species being listed under the Act versus those attributed solely to the designation of critical habitat for this particular species. The probable economic impact of a proposed critical habitat designation is analyzed by comparing scenarios both “with critical habitat” and “without critical habitat.”

The “without critical habitat” scenario represents the baseline for the analysis, which includes the existing regulatory and socio-economic burden imposed on landowners, managers, or other resource users potentially affected by the designation of critical habitat (*e.g.*, under the Federal listing as well as other Federal, State, and local regulations). Therefore, the baseline represents the costs of all efforts attributable to the listing of the species under the Act (*i.e.*, conservation of the species and its habitat incurred regardless of whether critical habitat is designated). The “with critical habitat” scenario describes the incremental impacts associated specifically with the designation of critical habitat for the species. The incremental conservation efforts and associated impacts would not be expected without the designation of critical habitat for the species. In other words, the incremental costs are those attributable solely to the designation of critical habitat, above and beyond the baseline costs. These are the costs we use when evaluating the benefits of inclusion and exclusion of particular areas from the final designation of critical habitat should we

choose to conduct a discretionary section 4(b)(2) exclusion analysis.

Executive Order (E.O.) 14094 amends and reaffirms E.O. 12866 and E.O. 13563 and directs Federal agencies to assess the costs and benefits of available regulatory alternatives in quantitative (to the extent feasible) and qualitative terms. Consistent with the E.O. regulatory analysis requirements, our effects analysis under the Act may take into consideration impacts to both directly and indirectly affected entities, where practicable and reasonable. If sufficient data are available, we assess to the extent practicable the probable impacts to both directly and indirectly affected entities. Section 3(f) of E.O. 12866 identifies four criteria when a regulation is considered a “significant regulatory action” and requires additional analysis, review, and approval if met. The criterion relevant here is whether the designation of critical habitat may have an economic effect of \$200 million or more in any given year (section 3(f)(1) of E.O. 12866 as amended by E.O. 14094). Therefore, our consideration of economic impacts uses a screening analysis to assess whether a designation of critical habitat for Pecos pupfish is likely to exceed the threshold for a regulatory action significant under section 3(f)(1) of E.O. 12866, as amended by E.O. 14094.

For this particular designation, we developed an incremental effects memorandum (IEM) considering the probable incremental economic impacts that may result from this proposed designation of critical habitat. The information contained in our IEM was then used to develop a screening analysis of the probable effects of the designation of critical habitat for the Pecos pupfish (Industrial Economics, Inc. (IEC) 2024; entire). We began by conducting a screening analysis of the proposed designation of critical habitat in order to focus our analysis on the key factors that are likely to result in incremental economic impacts. The purpose of the screening analysis is to filter out particular geographical areas of critical habitat that are already subject to such protections and are, therefore, unlikely to incur incremental economic impacts. In particular, the screening analysis considers baseline costs (*i.e.*, absent critical habitat designation) and includes any probable incremental economic impacts where land and water use may already be subject to conservation plans, land management plans, best management practices, or regulations that protect the habitat area as a result of the Federal listing status of the species. Ultimately, the screening analysis allows us to focus our analysis

on evaluating the specific areas or sectors that may incur probable incremental economic impacts as a result of the designation. The presence of the listed species in occupied areas of critical habitat means that any destruction or adverse modification of those areas is also likely to jeopardize the continued existence of the species. Therefore, designating occupied areas as critical habitat typically causes little if any incremental impacts above and beyond the impacts of listing the species. As a result, we generally focus the screening analysis on areas of unoccupied critical habitat (unoccupied units or unoccupied areas within occupied units). Overall, the screening analysis assesses whether designation of critical habitat is likely to result in any additional management or conservation efforts that may incur incremental economic impacts. This screening analysis combined with the information contained in our IEM constitute what we consider to be our economic analysis of the proposed critical habitat designation for the Pecos pupfish and is summarized in the narrative below.

As part of our screening analysis, we considered the types of economic activities that are likely to occur within the areas likely affected by the critical habitat designation. In our evaluation of the probable incremental economic impacts that may result from the proposed designation of critical habitat for the Pecos pupfish, first we identified, in the IEM dated March 26, 2024, probable incremental economic impacts associated with the following categories of activities: (1) Federal lands management (BLM, Natural Resources Conservation Service, BOR, and our NWR System), (2) prescribed fire projects, (3) pipeline and utility crossings, (4) watershed restoration activities, (5) road maintenance and bridge replacement maintenance, (6) pesticide use, (7) construction of recreation improvements and management of recreation activities, (8) stocking practices, (9) surveys and monitoring, (10) agriculture, and (11) oil and gas exploration and extraction. We considered each industry or category individually. Additionally, we considered whether their activities have any Federal involvement. Critical habitat designation generally will not affect activities that do not have any Federal involvement; under the Act, designation of critical habitat only affects activities conducted, funded, permitted, or authorized by Federal agencies. If we list the species, in areas where the Pecos pupfish is present, Federal agencies would be required to

consult with the Service under section 7 of the Act on activities they authorize, fund, or carry out that may affect the species. If when we list the species, we also finalize this proposed critical habitat designation, Federal agencies would be required to consider the effects of their actions on the designated habitat, and if the Federal action may affect critical habitat, our consultations would include an evaluation of measures to avoid the destruction or adverse modification of critical habitat.

In our IEM, we attempted to clarify the distinction between the effects that would result from the species being listed and those attributable to the critical habitat designation (*i.e.*, difference between the jeopardy and adverse modification standards) for the Pecos pupfish’s critical habitat. Because the designation of critical habitat for Pecos pupfish is being proposed concurrently with the listing, it has been our experience that it is more difficult to discern which conservation efforts are attributable to the species being listed and those which will result solely from the designation of critical habitat. However, the following specific circumstances in this case help to inform our evaluation: (1) The essential physical or biological features identified for critical habitat are the same features essential for the life requisites of the species, and (2) any actions that would likely adversely affect the essential physical or biological features of occupied critical habitat are also likely to adversely affect the Pecos pupfish itself. The IEM outlines our rationale concerning this limited distinction between baseline conservation efforts and incremental impacts of the designation of critical habitat for this species. This evaluation of the incremental effects has been used as the basis to evaluate the probable incremental economic impacts of this proposed designation of critical habitat.

The proposed critical habitat designation for the Pecos pupfish includes a total of five units, all of which are occupied by the species. Ownership of the riparian lands adjacent to the two proposed riverine units includes 32.61 river mi (52.48 km; 23.95 percent) Federal, 4.86 river mi (7.82 km; 3.57 percent) State, and 98.65 river mi (158.76 km; 72.47 percent) private. Ownership of lands that encompass numerous isolated sinkholes and wetland areas that are currently occupied by the species in three proposed units includes 16,875.89 acres (6,829.43 ha, 63.55 percent) Federal, 1,942.65 acres (786.16 ha, 7.32 percent) State, and 7,737 acres (3,131.05 ha, 29.14 percent) private. In these areas, any

actions that may affect the Pecos pupfish or its habitats would also affect designated critical habitat. Three of the five proposed units overlap with existing critical habitat for seven other federally listed species, including Pecos bluntnose shiner, Koster's springsnail, Pecos sunflower, Noel's amphipod, Wright's marsh thistle, Roswell springsnail, and Pecos assineena.

The proposed critical habitat designation for the Pecos pupfish totals 136.12 river mi (219.06 river km) of instream habitat (to the ordinary high water mark, not including riparian areas) and 26,555.54 acres (10,746.64 ha) of lands that encompass numerous isolated sinkholes and wetland areas that are currently occupied by the species (the sinkholes and wetlands areas, not including the lands adjacent to the wetted areas). In these areas any actions that may affect the species or its habitat would also affect designated critical habitat, and it is unlikely that any additional conservation efforts would be recommended to address the adverse modification standard over and above those recommended to avoid jeopardizing the continued existence of the Pecos pupfish. Therefore, only administrative costs are expected in 100 percent of the proposed critical habitat designation. While this additional analysis will require time and resources by both the Federal action agency and the Service, it is believed that, in most circumstances, these costs would predominantly be administrative in nature and would not be significant.

The entities most likely to incur incremental costs are parties to section 7 consultations, including Federal action agencies and, in some cases, third parties, most frequently State agencies or municipalities. Activities that we expect would be subject to consultations that may involve private entities as third parties are oil and gas operations that may occur on private lands. However, based on coordination with State agencies, the cost to private entities is expected to be relatively minor (administrative costs of less than \$5,700 per consultation effort); therefore, they would not be significant.

The probable incremental economic impacts of the Pecos pupfish critical habitat designation are expected to be limited to additional administrative effort as well as minor costs of conservation efforts resulting from a small number of future section 7 consultations. This limitation is due to two factors: (1) the proposed units are considered occupied by the Pecos pupfish, and occupied units are afforded significant baseline protection under the Act due to the presence of the

listed species; and (2) the Pecos pupfish receives additional baseline protection from co-occurring listed species, which include species with overlapping critical habitat and similar resource and habitat needs. At approximately \$5,700 or less per consultation, the burden resulting from designation of critical habitat for the Pecos pupfish, based on the anticipated annual number of consultations and associated consultation costs, is not expected to exceed \$11,000 in most years. The designation is unlikely to trigger additional requirements under State or local regulations. Thus, the annual administrative burden is relatively low. Any future probable incremental economic impacts are not likely to exceed \$200 million in any single year, and impacts that are concentrated in any geographical area are not likely as a result of this critical habitat designation.

We are soliciting data and comments from the public on the economic analysis discussed above. During the development of a final designation, we will consider the information presented in the economic analysis and any additional information on economic impacts we receive during the public comment period to determine whether any specific areas should be excluded from the final critical habitat designation under authority of section 4(b)(2), our implementing regulations at 50 CFR 424.19, and the 2016 Policy. We may exclude an area from critical habitat if we determine that the benefits of excluding the area outweigh the benefits of including the area, provided the exclusion will not result in the extinction of this species.

Consideration of National Security Impacts

Section 4(a)(3)(B)(i) of the Act may not cover all DoD lands or areas that pose potential national-security concerns (e.g., a DoD installation that is in the process of revising its INRMP for a newly listed species or a species previously not covered). If a particular area is not covered under section 4(a)(3)(B)(i), then national-security or homeland-security concerns are not a factor in the process of determining what areas meet the definition of "critical habitat." However, we must still consider impacts on national security, including homeland security, on those lands or areas not covered by section 4(a)(3)(B)(i) because section 4(b)(2) requires us to consider those impacts whenever it designates critical habitat. Accordingly, if DoD, Department of Homeland Security (DHS), or another Federal agency has

requested exclusion based on an assertion of national-security or homeland-security concerns, or we have otherwise identified national-security or homeland-security impacts from designating particular areas as critical habitat, we generally have reason to consider excluding those areas.

However, we cannot automatically exclude requested areas. When DoD, DHS, or another Federal agency requests exclusion from critical habitat on the basis of national-security or homeland-security impacts, we must conduct an exclusion analysis if the Federal requester provides information, including a reasonably specific justification of an incremental impact on national security that would result from the designation of that specific area as critical habitat. That justification could include demonstration of probable impacts, such as impacts to ongoing border-security patrols and surveillance activities, or a delay in training or facility construction, as a result of compliance with section 7(a)(2) of the Act. If the agency requesting the exclusion does not provide us with a reasonably specific justification, we will contact the agency to recommend that it provide a specific justification or clarification of its concerns relative to the probable incremental impact that could result from the designation. If we conduct an exclusion analysis because the agency provides a reasonably specific justification or because we decide to exercise the discretion to conduct an exclusion analysis, we will defer to the expert judgment of DoD, DHS, or another Federal agency as to: (1) Whether activities on its lands or waters, or its activities on other lands or waters, have national-security or homeland-security implications; (2) the importance of those implications; and (3) the degree to which the cited implications would be adversely affected in the absence of an exclusion. In that circumstance, in conducting a discretionary section 4(b)(2) exclusion analysis, we will give great weight to national-security and homeland-security concerns in analyzing the benefits of exclusion.

In preparing this proposal, we have determined that the lands within the proposed designation of critical habitat for Pecos pupfish are not owned or managed by the DoD or DHS, and, therefore, we anticipate no impact on national security or homeland security.

Consideration of Other Relevant Impacts

Under section 4(b)(2) of the Act, we consider any other relevant impacts, in addition to economic impacts and

impacts on national security discussed above. To identify other relevant impacts that may affect the exclusion analysis, we consider a number of factors, including whether there are approved and permitted conservation agreements or plans covering the species in the area—such as safe harbor agreements (SHAs), candidate conservation agreements with assurances (CCAAs) or “conservation benefit agreements” or “conservation agreements” (“CBAs”) (CBAs are a new type of agreement replacing SHAs and CCAAs in use after April 2024 (89 FR 26070; April 12, 2024)), or HCPs—or whether there are non-permitted conservation agreements and partnerships that may be impaired by designation of, or exclusion from, critical habitat. In addition, we look at whether Tribal conservation plans or partnerships, Tribal resources, or government-to-government relationships of the United States with Tribal entities may be affected by the designation. We also consider any State, local, social, or other impacts that might occur because of the designation.

Summary of Exclusions Considered Under 4(b)(2) of the Act

At this time, we are not considering any exclusions from the proposed designation based on economic impacts, national security impacts, or other relevant impacts—such as partnerships, management, or protection afforded by cooperative management efforts—under section 4(b)(2) of the Act. Some areas within the proposed designation are included in the Conservation Agreement for the Pecos Pupfish between and among TPWD; NMDGF; New Mexico Energy, Minerals and Natural Resources Department; New Mexico Department of Agriculture; New Mexico Interstate Stream Commission; New Mexico State Land Office; BLM; and the Service.

If through the public comment period we receive information that we determine indicates that there are economic, national security, or other relevant impacts from designating particular areas as critical habitat, then as part of developing the final designation of critical habitat, we will evaluate that information and may conduct a discretionary exclusion analysis to determine whether to exclude those areas under authority of section 4(b)(2) and our implementing regulations at 50 CFR 424.19. If we receive a request for exclusion of a particular area and after evaluation of supporting information we do not exclude, we will fully explain our decision in the final rule for this action. (Please see **ADDRESSES**, above, for

instructions on how to submit comments).

Required Determinations

Clarity of the Proposed Rule

We are required by E.O.s 12866 and 12988 and by the Presidential Memorandum of June 1, 1998, to write all rules in plain language. This means that each rule we publish must:

- (1) Be logically organized;
- (2) Use the active voice to address readers directly;
- (3) Use clear language rather than jargon;
- (4) Be divided into short sections and sentences; and
- (5) Use lists and tables wherever possible.

If you feel that we have not met these requirements, send us comments by one of the methods listed in **ADDRESSES**. To better help us revise the rulemaking, your comments should be as specific as possible. For example, you should tell us the numbers of the sections or paragraphs that are unclearly written, which sections or sentences are too long, the sections where you feel lists or tables would be useful, etc.

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

Executive Order 14094 amends and reaffirms the principles of E.O. 12866 and E.O. 13563 and states that regulatory analysis should facilitate agency efforts to develop regulations that serve the public interest, advance statutory objectives, and are consistent with E.O.s 12866, 13563, and 14094. Regulatory analysis, as practicable and appropriate, shall recognize distributive impacts and equity, to the extent permitted by law. E.O. 13563 emphasizes further that regulations must be based on the best available science and that the rulemaking process must allow for public participation and an open exchange of ideas. We have developed this proposed rule in a manner consistent with these requirements.

Regulatory Flexibility Act (5 U.S.C. 601 et seq.)

Under the Regulatory Flexibility Act (RFA; 5 U.S.C. 601 et seq.), as amended by the Small Business Regulatory Enforcement Fairness Act of 1996 (SBREFA; title II of Pub. L. 104–121, March 29, 1996.), whenever an agency is required to publish a notice of rulemaking for any proposed or final rule, it must prepare and make available for public comment a regulatory flexibility analysis that describes the

effects of the rule on small entities (*i.e.*, small businesses, small organizations, and small government jurisdictions). However, no regulatory flexibility analysis is required if the head of the agency certifies the rule will not have a significant economic impact on a substantial number of small entities. The SBREFA amended the RFA to require Federal agencies to provide a certification statement of the factual basis for certifying that the rule will not have a significant economic impact on a substantial number of small entities.

According to the Small Business Administration, small entities include small organizations such as independent nonprofit organizations; small governmental jurisdictions, including school boards and city and town governments that serve fewer than 50,000 residents; and small businesses (13 CFR 121.201). Small businesses include manufacturing and mining concerns with fewer than 500 employees, wholesale trade entities with fewer than 100 employees, retail and service businesses with less than \$5 million in annual sales, general and heavy construction businesses with less than \$27.5 million in annual business, special trade contractors doing less than \$11.5 million in annual business, and agricultural businesses with annual sales less than \$750,000. To determine whether potential economic impacts to these small entities are significant, we considered the types of activities that might trigger regulatory impacts under this designation as well as types of project modifications that may result. In general, the term “significant economic impact” is meant to apply to a typical small business firm’s business operations.

Under the RFA, as amended, as understood in light of recent court decisions, Federal agencies are required to evaluate the potential incremental impacts of rulemaking on those entities directly regulated by the rulemaking itself; in other words, the RFA does not require agencies to evaluate the potential impacts to indirectly regulated entities. The regulatory mechanism through which critical habitat protections are realized is section 7 of the Act, which requires Federal agencies, in consultation with the Service, to ensure that any action authorized, funded, or carried out by the agency is not likely to destroy or adversely modify critical habitat. Therefore, under section 7, only Federal action agencies are directly subject to the specific regulatory requirement (avoiding destruction and adverse modification) imposed by critical habitat designation. Consequently, only

Federal action agencies would be directly regulated if we adopt the proposed critical habitat designation. The RFA does not require evaluation of the potential impacts to entities not directly regulated. Moreover, Federal agencies are not small entities. Therefore, because no small entities would be directly regulated by this rulemaking, the Service certifies that, if made final as proposed, the proposed critical habitat designation will not have a significant economic impact on a substantial number of small entities.

In summary, we have considered whether the proposed designation would result in a significant economic impact on a substantial number of small entities. For the above reasons and based on currently available information, we certify that, if made final, the proposed critical habitat designation would not have a significant economic impact on a substantial number of small business entities. Therefore, an initial regulatory flexibility analysis is not required.

Energy Supply, Distribution, or Use—Executive Order 13211

E.O. 13211 (Actions Concerning Regulations That Significantly Affect Energy Supply, Distribution, or Use) requires agencies to prepare statements of energy effects to the extent permitted by law when undertaking actions identified as significant energy actions (66 FR 28355, May 22, 2001). E.O. 13211 defines a “significant energy action” as an action that (i) meets the definition of a “significant regulatory action” under E.O. 12866, as amended by E.O. 14094, and (ii) is likely to have a significant adverse effect on the supply, distribution, or use of energy. In our economic analysis, we did not find that this proposed critical habitat designation would significantly affect energy supplies, distribution, or use. Therefore, this action is not a significant energy action, and no statement of energy effects is required.

Unfunded Mandates Reform Act (2 U.S.C. 1501 et seq.)

In accordance with the Unfunded Mandates Reform Act (2 U.S.C. 1501 et seq.), we make the following finding:

(1) This proposed rule would not produce a Federal mandate. In general, a Federal mandate is a provision in legislation, statute, or regulation that would impose an enforceable duty upon State, local, or Tribal governments, or the private sector, and includes both “Federal intergovernmental mandates” and “Federal private sector mandates.” These terms are defined in 2 U.S.C. 658(5)–(7). “Federal intergovernmental

mandate” includes a regulation that “would impose an enforceable duty upon State, local, or Tribal governments” with two exceptions. It excludes “a condition of Federal assistance.” It also excludes “a duty arising from participation in a voluntary Federal program,” unless the regulation “relates to a then-existing Federal program under which \$500,000,000 or more is provided annually to State, local, and Tribal governments under entitlement authority,” if the provision would “increase the stringency of conditions of assistance” or “place caps upon, or otherwise decrease, the Federal Government’s responsibility to provide funding,” and the State, local, or Tribal governments “lack authority” to adjust accordingly. At the time of enactment, these entitlement programs were Medicaid; Aid to Families with Dependent Children work programs; Child Nutrition; Food Stamps; Social Services Block Grants; Vocational Rehabilitation State Grants; Foster Care, Adoption Assistance, and Independent Living; Family Support Welfare Services; and Child Support Enforcement. “Federal private sector mandate” includes a regulation that “would impose an enforceable duty upon the private sector, except (i) a condition of Federal assistance or (ii) a duty arising from participation in a voluntary Federal program.”

The designation of critical habitat does not impose a legally binding duty on non-Federal Government entities or private parties. Under the Act, the only regulatory effect is that Federal agencies must ensure that their actions are not likely to destroy or adversely modify critical habitat under section 7. While non-Federal entities that receive Federal funding, assistance, or permits, or that otherwise require approval or authorization from a Federal agency for an action, may be indirectly impacted by the designation of critical habitat, the legally binding duty to avoid destruction or adverse modification of critical habitat rests squarely on the Federal agency. Furthermore, to the extent that non-Federal entities are indirectly impacted because they receive Federal assistance or participate in a voluntary Federal aid program, the Unfunded Mandates Reform Act would not apply, nor would critical habitat shift the costs of the large entitlement programs listed above onto State governments.

(2) We do not believe that this proposed rule would significantly or uniquely affect small governments, because the lands being proposed for critical habitat designation are owned by the New Mexico State Parks, BLM,

BOR, and the Service’s NWR System. None of these government entities fits the definition of “small government jurisdiction.” Therefore, a small government agency plan is not required.

Takings—Executive Order 12630

In accordance with E.O. 12630 (Government Actions and Interference with Constitutionally Protected Private Property Rights), we have analyzed the potential takings implications of designating critical habitat for Pecos pupfish in a takings implications assessment. The Act does not authorize the Services to regulate private actions on private lands or confiscate private property as a result of critical habitat designation. Designation of critical habitat does not affect land ownership, or establish any closures, or restrictions on use of or access to the designated areas. Furthermore, the designation of critical habitat does not affect landowner actions that do not require Federal funding or permits, nor does it preclude development of habitat conservation programs or issuance of incidental take permits to permit actions that do require Federal funding or permits to go forward. However, Federal agencies are prohibited from carrying out, funding, or authorizing actions that would destroy or adversely modify critical habitat. A takings implications assessment has been completed for the proposed designation of critical habitat for Pecos pupfish, and it concludes that, if adopted, this designation of critical habitat does not pose significant takings implications for lands within or affected by the designation.

Federalism—Executive Order 13132

In accordance with E.O. 13132 (Federalism), this proposed rule does not have significant federalism effects. A federalism summary impact statement is not required. In keeping with Department of the Interior and Department of Commerce policy, we requested information from, and coordinated development of this proposed critical habitat designation with, appropriate State resource agencies. From a federalism perspective, the designation of critical habitat directly affects only the responsibilities of Federal agencies. The Act imposes no other duties with respect to critical habitat, either for States and local governments, or for anyone else. As a result, the proposed rule does not have substantial direct effects either on the States, or on the relationship between the Federal Government and the States, or on the distribution of powers and responsibilities among the various levels of government. The proposed

designation may have some benefit to these governments because the areas that contain the features essential to the conservation of the species are more clearly defined, and the physical or biological features of the habitat necessary for the conservation of the species are specifically identified. This information does not alter where and what federally sponsored activities may occur. However, it may assist State and local governments in long-range planning because they no longer have to wait for case-by-case section 7 consultations to occur.

Where State and local governments require approval or authorization from a Federal agency for actions that may affect critical habitat, consultation under section 7(a)(2) of the Act would be required. While non-Federal entities that receive Federal funding, assistance, or permits, or that otherwise require approval or authorization from a Federal agency for an action, may be indirectly impacted by the designation of critical habitat, the legally binding duty to avoid destruction or adverse modification of critical habitat rests squarely on the Federal agency.

Civil Justice Reform—Executive Order 12988

In accordance with E.O. 12988 (Civil Justice Reform), the Office of the Solicitor has determined that the rule would not unduly burden the judicial system and that it meets the requirements of sections 3(a) and 3(b)(2) of the order. We have proposed designating critical habitat in accordance with the provisions of the Act. To assist the public in understanding the habitat needs of the species, this proposed rule identifies the physical or biological features essential to the conservation of the species. The proposed areas of critical habitat are presented on maps, and the proposed rule provides several options for the interested public to obtain more detailed location information, if desired.

Paperwork Reduction Act of 1995 (44 U.S.C. 3501 et seq.)

This proposed rule does not contain information collection requirements, and a submission to the Office of Management and Budget (OMB) under the Paperwork Reduction Act of 1995 (44 U.S.C. 3501 et seq.) is not required. We may not conduct or sponsor and you are not required to respond to a collection of information unless it displays a currently valid OMB control number.

National Environmental Policy Act (42 U.S.C. 4321 et seq.)

Regulations adopted pursuant to section 4(a) of the Act are exempt from the National Environmental Policy Act (NEPA; 42 U.S.C. 4321 et seq.) and do not require an environmental analysis under NEPA. We published a rule-related notice outlining our reasons for this determination in the **Federal Register** on October 25, 1983 (48 FR 49244). This includes listing, delisting, and reclassification rules, as well as critical habitat designations and species-specific protective regulations promulgated concurrently with a decision to list or reclassify a species as threatened. The courts have upheld this position (e.g., *Douglas County v. Babbitt*, 48 F.3d 1495 (9th Cir. 1995) (critical habitat); *Center for Biological Diversity v. U.S. Fish and Wildlife Service*, 2005 WL 2000928 (N.D. Cal. Aug. 19, 2005) (concurrent 4(d) rule)).

However, when we designate as “critical habitat” any of the areas that fall within the jurisdiction of the U.S. Court of Appeals for the Tenth Circuit, including this designation proposed for the Pecos pupfish, we undertake a NEPA analysis for that critical habitat designation consistent with the Tenth Circuit’s ruling in *Catron County Board of Commissioners v. U.S. Fish and Wildlife Service*, 75 F.3d 1429 (10th Cir. 1996). We invite the public to comment on the extent to which this proposed critical habitat designation may have a significant impact on the human environment, or fall within one of the categorical exclusions for actions that have no individual or cumulative effect on the quality of the human environment. We will complete our analysis, in compliance with NEPA, before finalizing this proposed rule.

Government-to-Government Relationship With Tribes

In accordance with the President’s memorandum of April 29, 1994 (Government-to-Government Relations with Native American Tribal Governments; 59 FR 22951, May 4, 1994), E.O. 13175 (Consultation and Coordination with Indian Tribal Governments), the President’s memorandum of November 30, 2022 (Uniform Standards for Tribal Consultation; 87 FR 74479, December 5, 2022), and the Department of the Interior’s manual at 512 DM 2, we readily acknowledge our responsibility to communicate meaningfully with federally recognized Tribes and Alaska Native Corporations (ANCs) on a

government-to-government basis. In accordance with Secretary’s Order 3206 of June 5, 1997 (American Indian Tribal Rights, Federal-Tribal Trust Responsibilities, and the Endangered Species Act), we readily acknowledge our responsibilities to work directly with Tribes in developing programs for healthy ecosystems, to acknowledge that Tribal lands are not subject to the same controls as Federal public lands, to remain sensitive to Indian culture, and to make information available to Tribes. We will continue to work with relevant Tribal entities during the development of any final rules for the Pecos pupfish. We have determined that no Tribal lands fall within the boundaries of the proposed critical habitat for the Pecos pupfish, so no Tribal lands would be affected by the proposed designation.

References Cited

A complete list of references cited in this rulemaking is available on the internet at <https://www.regulations.gov> and upon request from the New Mexico Ecological Services Field Office (see **FOR FURTHER INFORMATION CONTACT**).

Authors

The primary authors of this proposed rule are the staff members of the Fish and Wildlife Service’s Species Assessment Team and the New Mexico Ecological Services Field Office.

List of Subjects in 50 CFR Part 17

Endangered and threatened species, Exports, Imports, Plants, Reporting and recordkeeping requirements, Transportation, Wildlife.

Proposed Regulation Promulgation

Accordingly, we propose to amend part 17, subchapter B of chapter I, title 50 of the Code of Federal Regulations, as set forth below:

PART 17—ENDANGERED AND THREATENED WILDLIFE AND PLANTS

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

Authority: 16 U.S.C. 1361–1407; 1531–1544; and 4201–4245, unless otherwise noted.

■ 2. In § 17.11, in paragraph (h), amend the List of Endangered and Threatened Wildlife by adding an entry for “Pupfish, Pecos” in alphabetical order under FISHES to read as follows:

§ 17.11 Endangered and threatened wildlife.

* * * * *

(h) * * *

Common name	Scientific name	Where listed	Status	Listing citations and applicable rules
*	*	*	*	*
FISHES				
Pupfish, Pecos	<i>Cyprinodon pecosensis</i>	Wherever found	T	[Federal Register citation when published as a final rule]; 50 CFR 17.44(bb); ^{4d} 50 CFR 17.95(e). ^{CH}
*	*	*	*	*

■ 3. In § 17.44, add paragraph (bb) to read as follows:

§ 17.44 Species-specific rules—fishes.

* * * * *

(bb) Pecos pupfish (*Cyprinodon pecosensis*)—(1) *Prohibitions*. The following prohibitions that apply to endangered wildlife also apply to Pecos pupfish. Except as provided under paragraph (bb)(2) of this section and §§ 17.4 and 17.5, it is unlawful for any person subject to the jurisdiction of the United States to commit, to attempt to commit, to solicit another to commit, or cause to be committed, any of the following acts in regard to this species:

- (i) Import or export, as set forth at § 17.21(b) for endangered wildlife.
- (ii) Take, as set forth at § 17.21(c)(1) for endangered wildlife.
- (iii) Possession and other acts with unlawfully taken specimens, as set forth at § 17.21(d)(1) for endangered wildlife.
- (iv) Interstate or foreign commerce in the course of a commercial activity, as set forth at § 17.21(e) for endangered wildlife.
- (v) Sale or offer for sale, as set forth at § 17.21(f) for endangered wildlife.

(2) *Exceptions from prohibitions*. In regard to this species, you may:

- (i) Conduct activities as authorized by a permit under § 17.32.
- (ii) Take, as set forth at § 17.21(c)(2) through (c)(4) for endangered wildlife.
- (iii) Take, as set forth at § 17.31(b).
- (iv) Possess and engage in other acts with unlawfully taken wildlife, as set forth at § 17.21(d)(2) for endangered wildlife.
- (v) Take incidental to an otherwise lawful activity caused by:

(A) Management and maintenance of ponds that satisfy Texas Parks and Wildlife Department (TPWD) permitting requirements and are stocked by TPWD with captive-bred Pecos pupfish.

(B) Research activities conducted by holders of a valid scientific research permit, zoological permit, or educational display permit issued by TPWD on individual Pecos pupfish in ponds that are part of the TPWD Pecos pupfish production effort. Researchers

must report annually to TPWD, and TPWD must annually report to the Service, the following information:

- (1) The nature of research performed;
- (2) The dates of fieldwork;
- (3) The number of individuals collected or captured and the methods used to obtain them;
- (4) A description of any accidental injuries or mortalities; and
- (5) The number of individuals from which genetic material was collected, the type of tissue collected, and the institution or location where the genetic material is being stored.

* * * * *

■ 4. In § 17.95, in paragraph (e), add an entry for “Pecos Pupfish (*Cyprinodon pecosensis*)” after the entry for “Leon Springs Pupfish (*Cyprinodon bovinus*)”, to read as follows:

§ 17.95 Critical habitat—fish and wildlife.

* * * * *

(e) *Fishes*.

* * * * *

Pecos Pupfish (*Cyprinodon pecosensis*)

(1) Critical habitat units are depicted for Chaves and Eddy Counties, New Mexico, and Culberson and Reeves Counties, Texas, on the maps in this entry.

(2) Within these areas, the physical or biological features essential to the conservation of Pecos pupfish consist of the following components:

(i) Water quality parameters that support all life stages of the Pecos pupfish, including:

(A) Absence of pollutants, or a level of contaminants low enough that it does not negatively impact necessary water quality conditions for Pecos pupfish individuals;

(B) Salinity less than 35,000 mg/L;

(C) Temperature less than 42.7 °C (108.9 °F); and

(D) Dissolved oxygen greater than 2.5 mg/L.

(ii) Sufficient water quantity parameters that support all life stages of the Pecos pupfish, including:

(A) Permanent water in a portion of the habitat; and

(B) Water depth less than 2 m (6.56 ft) deep to allow for thermal refugia and breeding.

(iii) Presence of silt-free underwater features such as crevices, boulders, large rocks, scattered pebbles, and aquatic plants that are used for egg deposition.

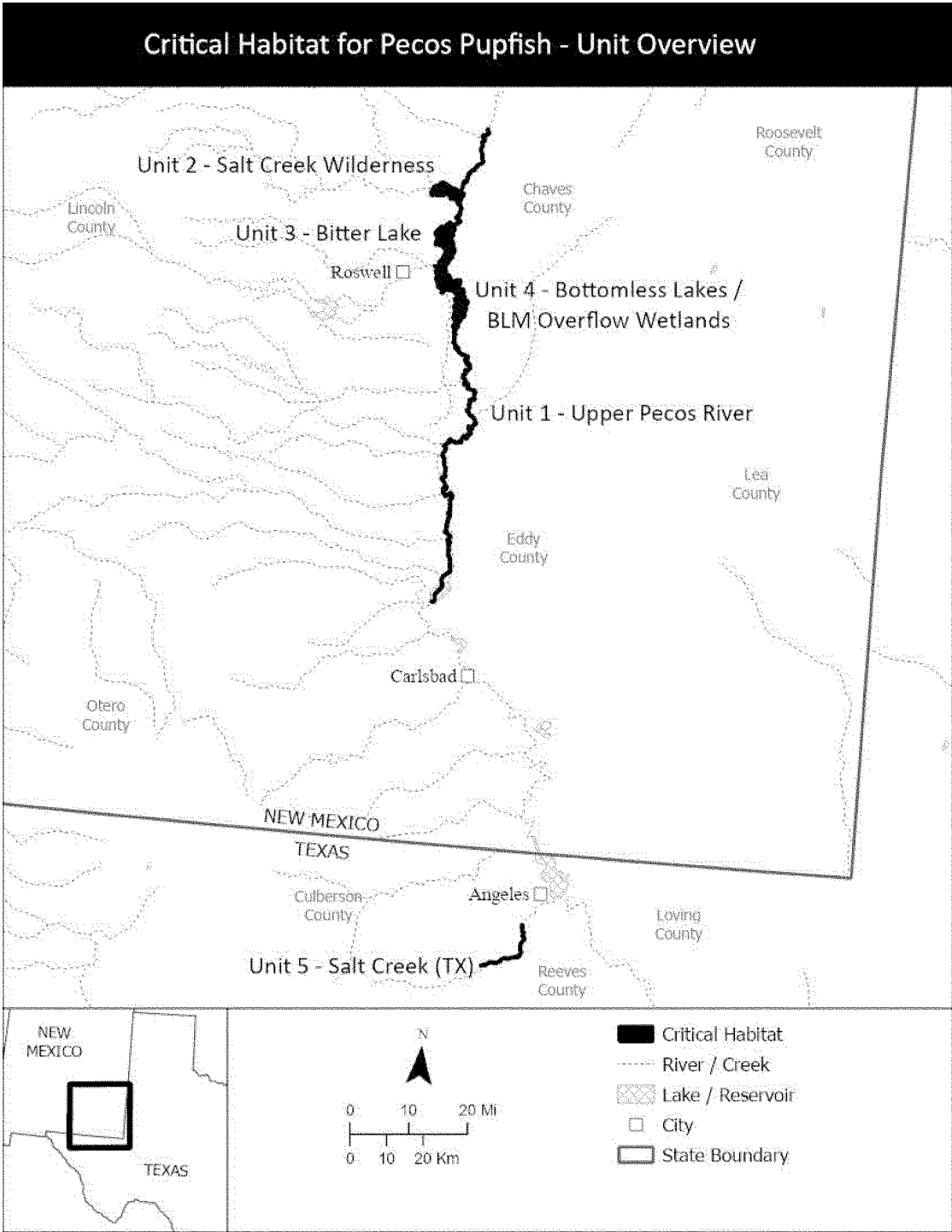
(iv) Absence of nonnative invasive sheepshead minnow.

(3) Critical habitat does not include manmade structures (such as buildings, aqueducts, runways, roads, and other paved areas) and the land on which they are located existing within the legal boundaries on the effective date of the final rule.

(4) Data layers defining map units were created using ESRI OpenStreets and Imagery basemaps, USA Federal Lands data, and the National Hydrography Dataset (NHD) Plus dataset. Polygons for units 2, 3, and 4 were largely defined through heads-up digitization or land ownership boundaries (Unit 3, Bitter Lake NWR); acreage or mileage numbers in the designation came from these features. For online distribution, linear features in Unit 1 (the Pecos River) and Unit 5 (Salt Creek) were converted to polygons. We used NHD polygons when available. When polygons were unavailable, we buffered the linear features by a set distance; 20 m for the lower third of unit 1, and 5 m for the entirety of unit 5. The boundaries of units 2, 3, and 4 that abutted the Pecos River were adjusted to match the new Unit 1 polygon. The maps in this entry, as modified by any accompanying regulatory text, establish the boundaries of the critical habitat designation. The coordinates or plot points or both on which each map is based are available to the public at <https://www.regulations.gov> under Docket No. FWS-R2-ES-2024-0143 and at the field office responsible for this designation. You may obtain field office location information by contacting one of the Service regional offices, the addresses of which are listed at 50 CFR 2.2.

(5) Index map follows:

Figure 1 to Pecos Pupfish (*Cyprinodon pecosensis*) paragraph (5)
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BILLING CODE 4333-15-C

(6) Unit 1: Upper Pecos River, Chaves and Eddy Counties, New Mexico.

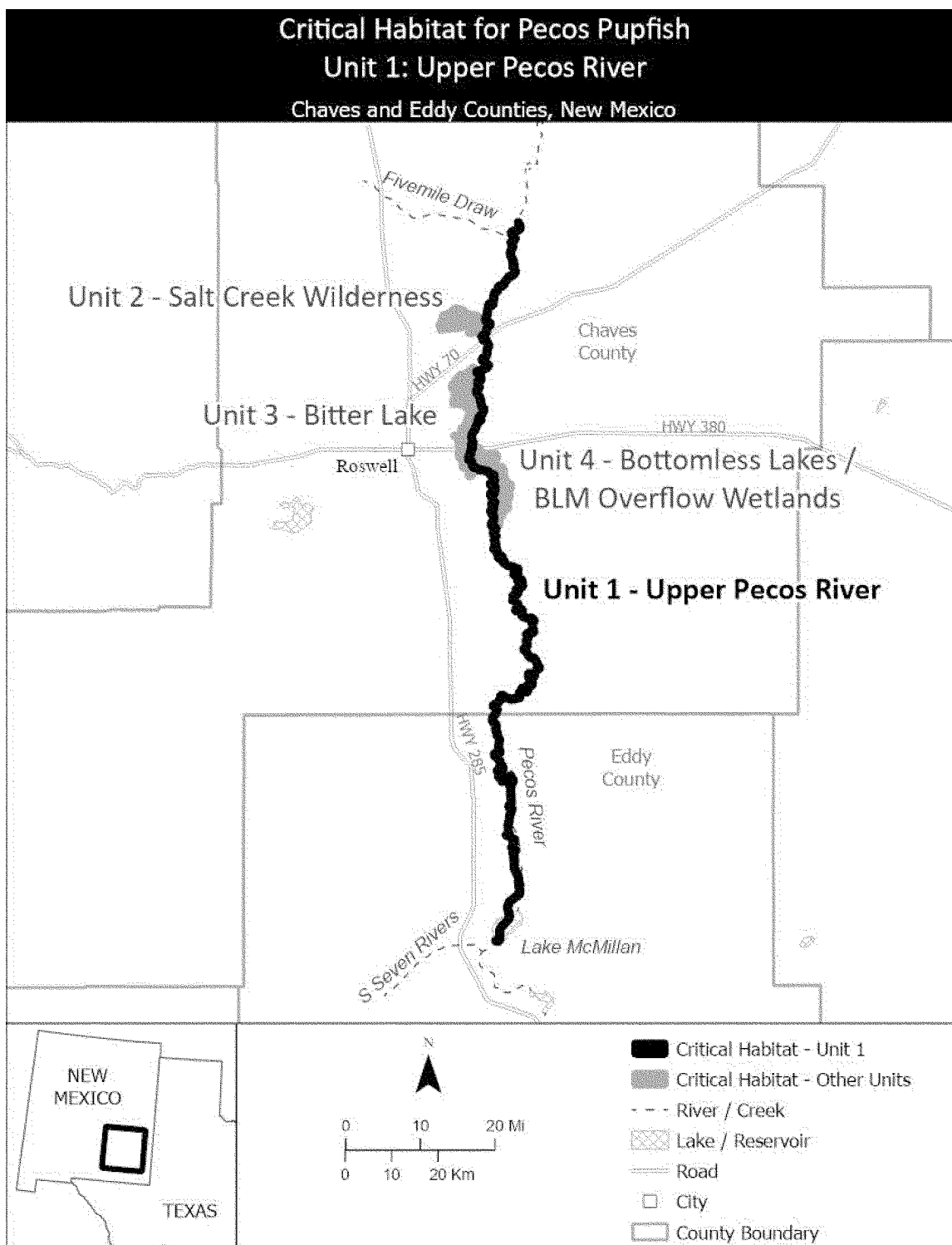
(i) Unit 1 consists of 121.88 river mi (196.15 km) of the upper Pecos River in Chaves and Eddy Counties, New

Mexico, and is composed of lands in Federal (32.61 river mi (52.48 km)), State (4.86 river mi (7.82 km)), and private (84.41 river mi (135.84 km)) ownership. Unit 1 includes river habitat up to bank full height.

(ii) Map of Unit 1 follows:

Figure 2 to Pecos Pupfish (*Cyprinodon pecosensis*) paragraph (6)(ii)

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**BILLING CODE 4333-15-C**

(7) Unit 2: Salt Creek Wilderness, Chaves County, New Mexico.

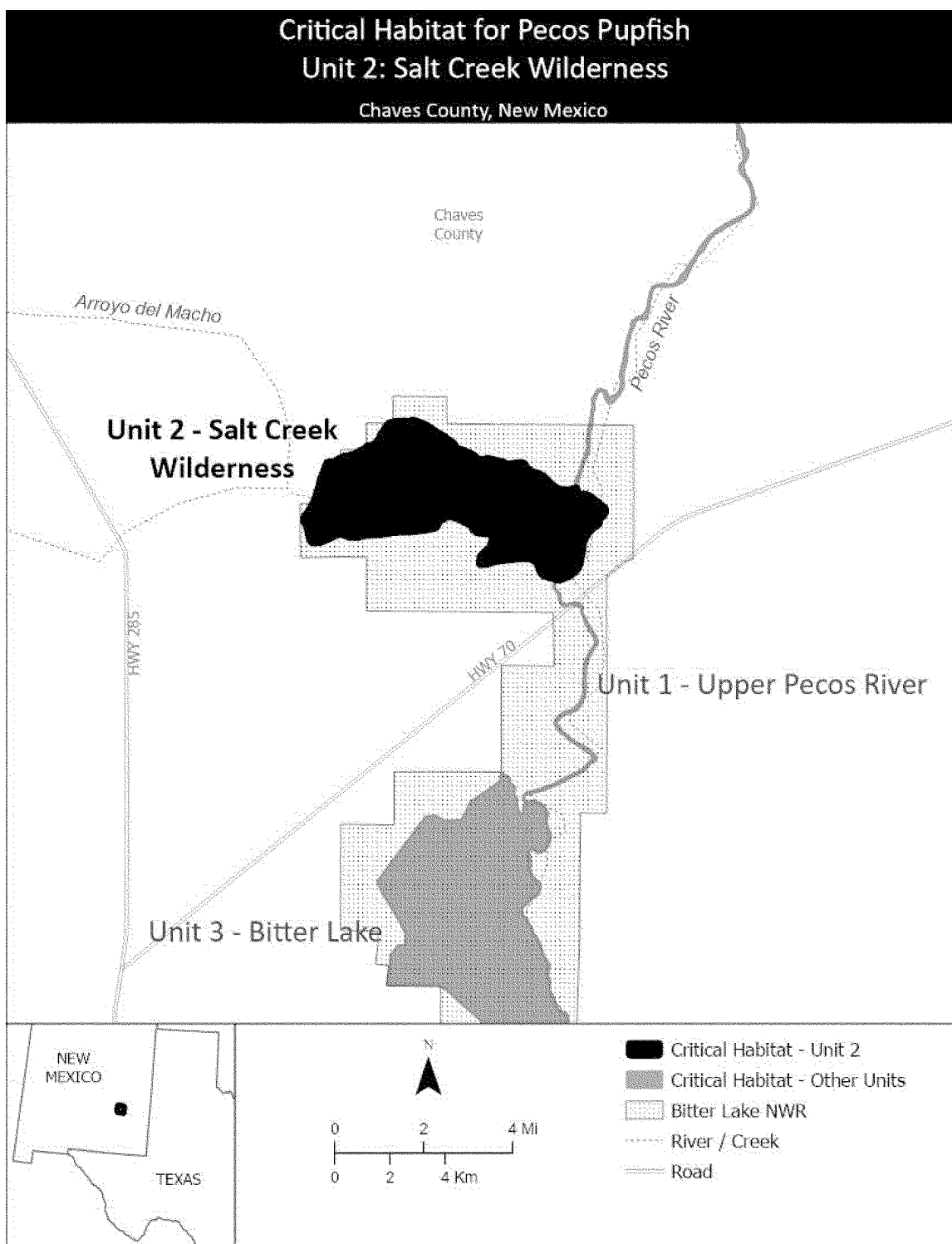
(i) Unit 2 contains Salt Creek (New Mexico) and four sinkholes within 5,428.74 acres (2,196.93 hectares (ha)) of

land in Chaves County, New Mexico. The wetted areas within this unit are entirely under Federal ownership, specifically the Service's Bitter Lake National Wildlife Refuge (NWR).

(ii) Map of Unit 2 follows:

Figure 3 to Pecos Pupfish (*Cyprinodon pecosensis*) paragraph (7)(ii)

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**BILLING CODE 4333-15-C**

(8) Unit 3: Bitter Lake, Chaves County, New Mexico.

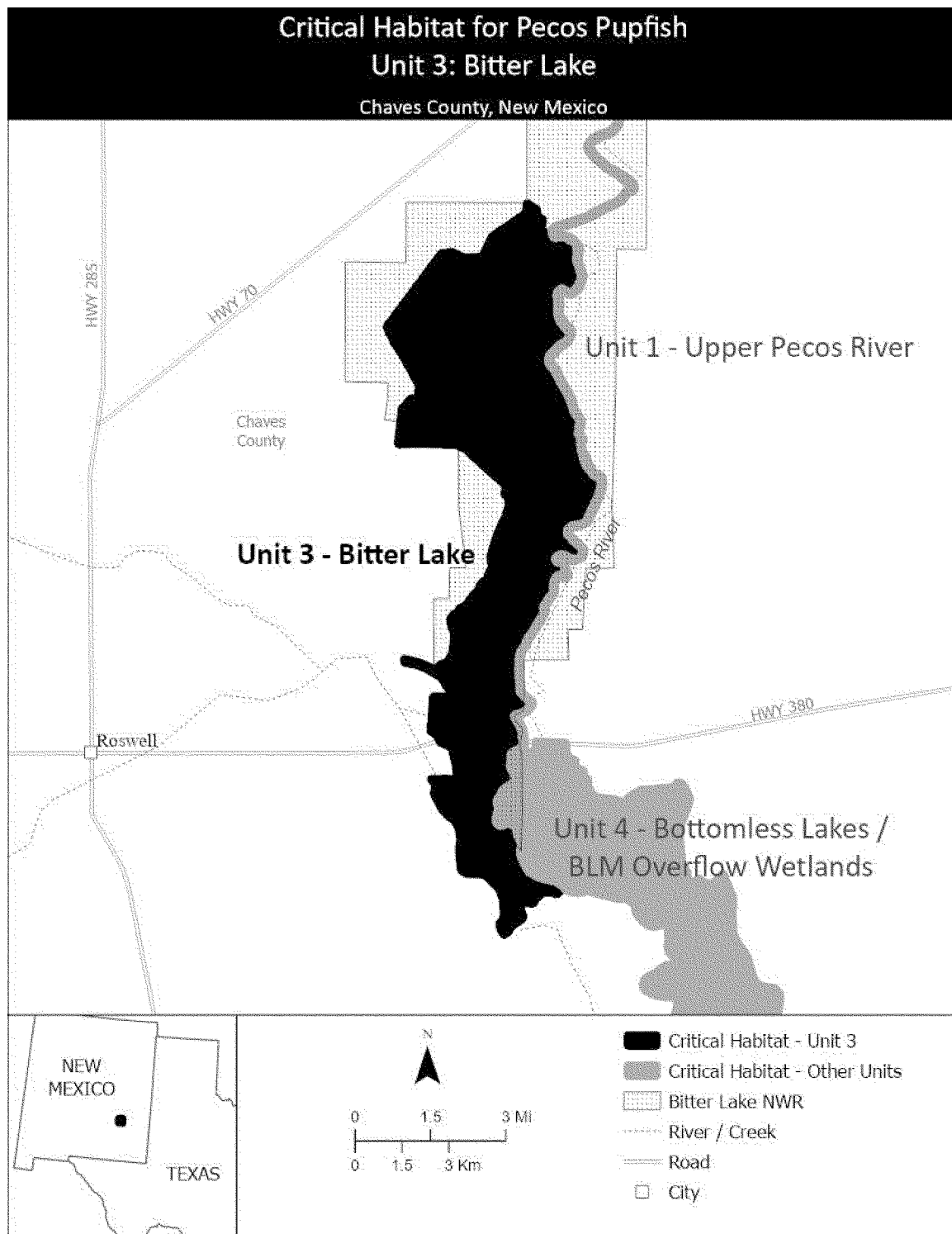
(i) Unit 3 contains Bitter Creek and numerous isolated sinkholes, spring ditches, managed and natural wetlands,

and oxbows of the Pecos River within 11,972.90 acres (4,845.26 ha) of Chaves County, New Mexico. The unit is composed of lands in Federal (9,663.15 acres (3,910.54 ha)), State (87.87 acres

(35.56 ha)), and private (2,221.88 acres (899.16 ha)) ownership.

(ii) Map of Unit 3 follows: Figure 4 to Pecos Pupfish (*Cyprinodon pecosensis*) paragraph (8)(ii)

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**BILLING CODE 4333-15-C**

(9) Unit 4: Overflow Wetlands/ Bottomless Lakes, Chaves County, New Mexico.

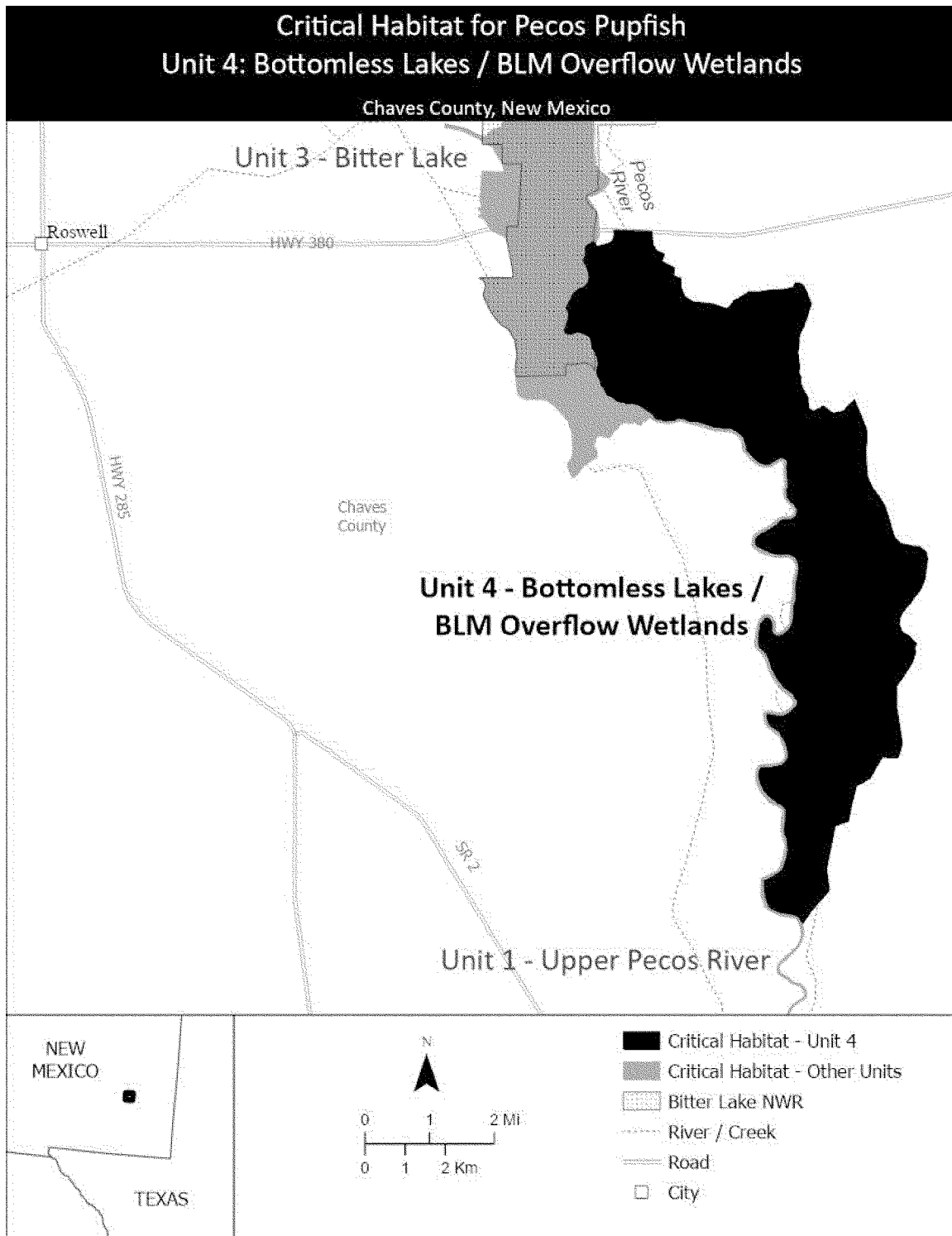
(i) Unit 4 contains a wetland and several isolated sinkholes within

9,153.90 acres (3,704.45 ha) in Chaves County, New Mexico. The unit is composed of lands in Federal (1,784 acres (721.96 ha)), State (1854.78 acres (750.60 ha)), and private (5,515.12 acres (2,231.89 ha)) ownership.

(ii) Map of Unit 4 follows:

Figure 5 to Pecos Pupfish (*Cyprinodon pecosensis*) paragraph (9)(ii)

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(10) Unit 5: Salt Creek (TX), in Culberson and Reeves Counties, Texas.

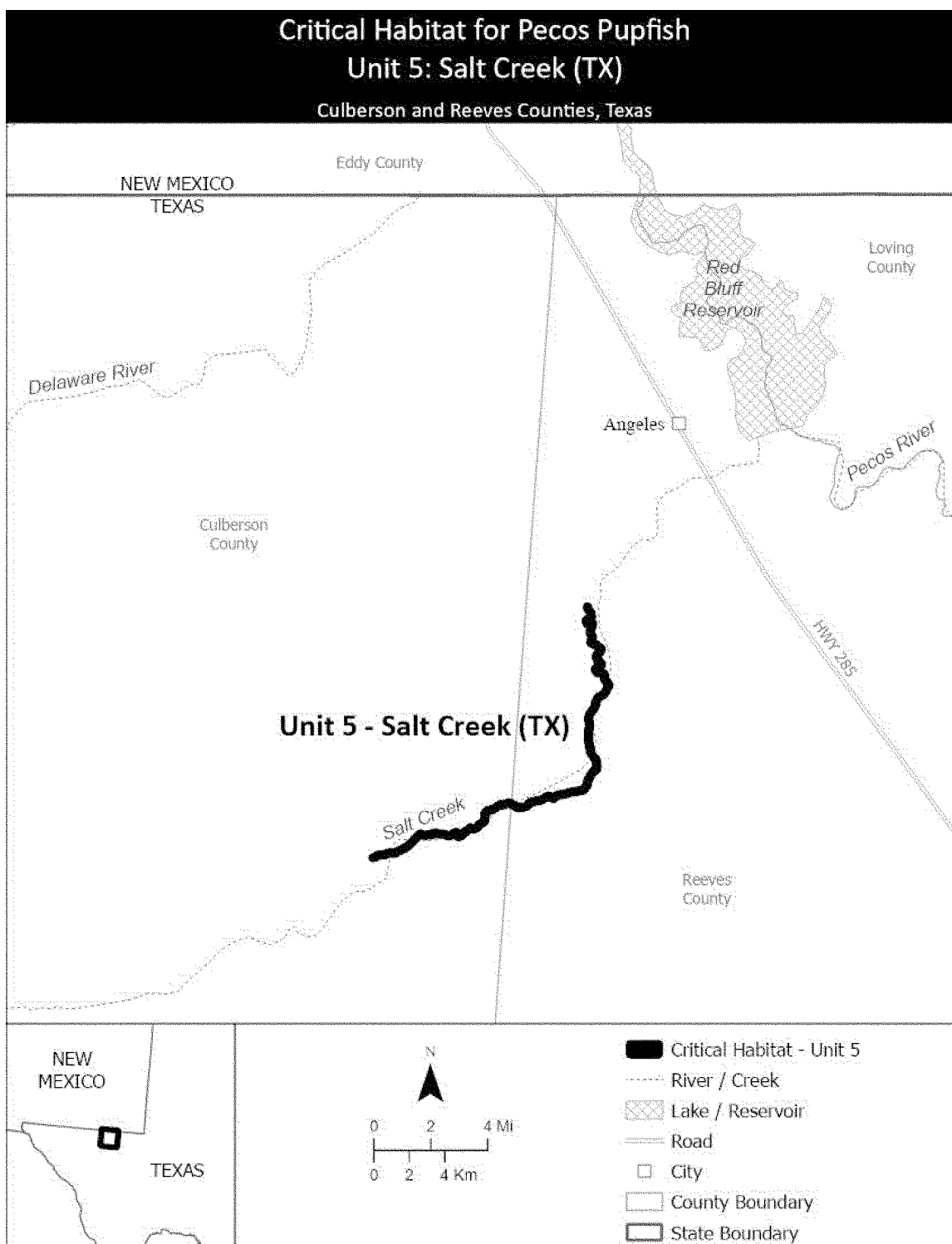
(i) Unit 5 consists of 14.24 river mi (23.20 km) in Culberson and Reeves

Counties, Texas, and is composed of lands in 100 percent private ownership. Unit 5 includes river habitat up to bank full height.

(ii) Map of Unit 5 follows:

Figure 6 to Pecos Pupfish (*Cyprinodon pecosensis*) paragraph (10)(ii)

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BILLING CODE 4333-15-C

* * * * *

Martha Williams,*Director, U.S. Fish and Wildlife Service.*

[FR Doc. 2024-27127 Filed 11-21-24; 8:45 am]

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