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Contents

Federal Register

Vol. 89, No. 250

Tuesday, December 31, 2024

Separate Parts In This Issue

Reader Aids

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

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CFR PARTS AFFECTED IN THIS ISSUE

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

Rules and Regulations

Federal Register
Vol. 89, No. 250
Tuesday, December 31, 2024

DEPARTMENT OF AGRICULTURE

Rural Housing Service

7 CFR Parts 1910, 1955, and 3560

[Docket No. RHS–24–MFH–0042]

RIN 0575–AD30

Multifamily Housing Program Update to the Credit Report Process

AGENCY: Rural Housing Service, U.S. Department of Agriculture (USDA).

ACTION: Final rule.

SUMMARY: The Rural Housing Service (RHS or Agency), a Rural Development (RD) agency of the United States Department of Agriculture (USDA), is publishing a final rule to update its regulation on how credit reports are obtained for the purposes of determining eligibility and feasibility for Multifamily Housing (MFH) Programs.

DATES: This final rule is effective January 30, 2025.

FOR FURTHER INFORMATION CONTACT: Abby Boggs, Branch Chief, Program Support Branch, Production and Preservation Division, Multifamily Housing, Rural Development, U.S. Department of Agriculture, 1400 Independence Avenue SW, Washington, DC 20250, telephone: 615–490–1371; or email: *Abby.Boggs@usda.gov.*

SUPPLEMENTARY INFORMATION:

Statutory Authority

The Direct-MFH Loan and Grant program is authorized under sections 514, 515, 516 of title V of the Housing Act of 1949, as amended; 42 U.S.C. 1471 *et seq.;* and implemented under 7 CFR part 3560. Section 510(k) of title V the Housing Act of 1949 (42 U.S.C. 1480(k)), as amended, authorizes the Secretary of Agriculture to promulgate rules and regulations as deemed necessary to carry out the purpose of that title.

I. Background

The RHS, an agency of the USDA, offers a variety of programs to build or improve housing and essential community facilities in rural areas. RHS offers loans, grants, and loan guarantees for Single- and Multifamily housing, childcare centers, fire and police stations, hospitals, libraries, nursing homes, schools, first responder vehicles and equipment, and housing for farm laborers. RHS also provides technical assistance loans and grants in partnership with non-profit organizations, Indian Tribes, State and Federal Government agencies, and local communities.

Title V of the Housing Act of 1949 (Act) authorized the USDA to make housing loans to farmers to enable them to provide habitable dwellings for themselves or their tenants, lessees, sharecroppers, and laborers. The USDA then expanded opportunities in rural areas, making housing loans and grants to rural residents through the Single-Family Housing (SFH) and Multifamily Housing (MFH) Programs.

The RHS operates the Direct MFH Loan and Grant Programs. The direct loan program provides loans to eligible borrowers unable to get financing through traditional lenders. Multifamily direct loans feature terms and conditions that support the development or preservation of affordable rural rental housing for low-income, elderly, or disabled people. Loan funds can be used for all construction hard costs and land-related costs, including land acquisition and development.

II. Discussion of Final Rule

The RHS published a proposed rule in the **Federal Register** on March 29, 2024 [89 FR 22094], to change the process by which credit reports are obtained to determine credit worthiness, eligibility, and feasibility for applicants and borrowers for MFH funding, transfers, and servicing actions. A 60-day comment period was provided for the proposed rule, which closed on May 28, 2024. The Agency received comments from two (2) respondents. Neither comment is applicable to the specific contents of the proposed rule. Of the comments received, one respondent manages a USDA–RD property and provided concerns for tenants providing their own credit report to live in the complex, which is not what this rule will allow, and one respondent's comment was made anonymously about leasing and selling public land to the government, which is not applicable to the subject matter of this rule. No changes were made in this final rule as a result of public comments.

RHS regulation 7 CFR 3560.56(d)(5) provides that for initial loan applications, eligibility and feasibility of a housing proposal will be determined based on, amongst other requirements, an analysis of current credit reports. Currently, the agency collects a credit report fee from applicants during the application process and agency staff obtains the required credit report through a contract with a credit reporting agency. RHS has relied on various internal guidance documents to staff to provide information on this credit report process. By not having the credit report process clearly codified, the Agency makes the process unnecessarily complicated for the applicant and Agency staff. When the Multifamily Housing Program realigned all staff members to the National Office level, applicants were required to submit the credit report fee electronically to the Agency's Business Center Servicing Office using a payment link. The process for creating the payment link is cumbersome. Agency staff must determine and notify the applicant of the credit report fee applicable for the applicant's particular request. Agency staff will request the Servicing Office to create a staged payment link for the fee through a SharePoint portal. Once the payment link is created, the Servicing Office notifies the requesting Agency staff and provides the payment link. Agency staff, in turn, notifies the applicant of the payment link and the applicant must process the payment before the link expires in 30 days. After the applicant's payment processes successfully, the Agency orders the credit report from a contracted bureau.

This final rule will amend 7 CFR part 3560 to require that in lieu of applicants and borrowers submitting credit report fees, the Agency will require applicants and borrowers to provide the credit report(s). In accordance with 18 U.S.C. 1001, applicants that submit false, fictitious, or fraudulent materials shall be fined or imprisoned not more than 5 years.

It is the Agency's expectation that this regulation update for obtaining credit reports will align the Agency with current industry practices and create an efficiency for applicants and borrowers by streamlining the application process.

III. Summary of Changes

The Agency will make the following revisions as published in the proposed rule. No changes were made in this final rule as a result of public comments.

(1) Add the definition of *Current Comprehensive Credit Report* to 7 CFR 3560.11.

(2) Update 7 CFR 3560.56(d)(5) to include the requirements of a valid credit report which must address both the entity and the actual individual principals, partners, members, etc., within the applicant entity, including any sub-entities who are responsible for controlling the ownership and operations of the entity.

(3) Update 7 CFR 3560.405 to include the requirement for a credit report in cases of change to the borrower's organization structure or entity's controlling interest.

(4) Update 7 CFR 3560.406 to include the requirement for a credit report for approval of transfers and sales.

(5) Establish a new subpart R within 7 CFR part 3560 to provide detailed requirements of the credit reporting process.

In addition, this final rule will include conforming changes to rescind 7 CFR part 1910, subparts B and C, and 7 CFR 1955.118, which are outdated.

IV. Regulatory Information

Executive Order 12372, Intergovernmental Review of Federal Programs

These loans and grants are subject to the provisions of Executive Order 12372, which requires intergovernmental consultation with State and local officials to foster the intergovernmental partnership and strengthen federalism by relying on State and local processes for the coordination and review of proposed Federal financial assistance and direct Federal development.

Applicants for the Direct Multifamily Housing Loan and Grant program are required to contact their State's Single Point of Contact (SPOC) to submit their Statement of Activities and find out more information on how to comply with the State's process under Executive Order 12372. To locate a SPOC for your State, the Office of Management and Budget (OMB) has an official SPOC list on its website *https://www.whitehouse.gov/omb/office-federal-financial-management/spoc-list/* . For those States that have a home page for their designated SPCO, a direct link has been provided by clicking on the State name. SPOC information is also available in any RD Agency office or on the RD Agency's website.

States that are not listed on the OMB website have chosen not to participate in the intergovernmental review process, and therefore, do not have a SPOC. If you are located within a State that does not have a SPOC, you may send application materials directly to the Federal RD awarding agency. RHS conducts intergovernmental consultations for each loan in accordance with 2 CFR part 415, subpart C.

Executive Order 12866, Regulatory Planning and Review

This final rule has been determined to be not significant and, therefore, was not reviewed by the Office of Management and Budget (OMB) under Executive Order 12866.

Executive Order 12988, Civil Justice Reform

This final rule has been reviewed under Executive Order 12988. In accordance with this rulemaking: (1) unless otherwise specifically provided, all State and local laws that conflict with this rulemaking will be preempted; (2) no retroactive effect will be given to this rulemaking except as specifically prescribed in the rule; and (3) administrative proceedings of the National Appeals Division of the Department of Agriculture (7 CFR part 11) must be exhausted before bringing suit in court that challenges action taken under this rulemaking.

Executive Order 13132, Federalism

The policies contained in this final rule do not have any substantial direct effect on States, on the relationship between the National Government and the States, or on the distribution of power and responsibilities among the various levels of government. This final rule does not impose substantial direct compliance costs on State and local governments; therefore, consultation with States is not required.

Executive Order 13175, Consultation and Coordination With Indian Tribal Governments

This final rule has been reviewed in accordance with the requirements of Executive Order 13175, Consultation and Coordination with Indian Tribal Governments. Executive Order 13175 requires Federal agencies to consult and coordinate with Tribes on a government-to-government basis on policies that have tribal implications, including regulations, legislative comments or proposed legislation, and other policy statements or actions that have substantial direct effects on one or more Indian Tribes, on the relationship between the Federal Government and Indian Tribes or on the distribution of power and responsibilities between the Federal Government and Indian Tribes. Consultation is also required for any regulation that preempts Tribal law or that imposes substantial direct compliance costs on Indian Tribal governments and that is not required by statute.

The Agency has determined that this final rule does not, to our knowledge, have Tribal implications that require formal Tribal consultation under Executive Order 13175. If a Tribe requests consultation, the RHS will work with the Office of Tribal Relations to ensure meaningful consultation is provided where changes, additions and modifications identified herein are not expressly mandated by Congress.

Administrative Pay-As-You-Go-Act of 2023

Section 270 of the Administrative Pay-As-You-Go-Act of 2023 (Pub. L. 118–5, div. B, title III, 137 Stat 31) amended 5 U.S.C. 801(a)(2)(A) to require U.S. Government Accountability Office (GAO) to assess agency compliance with the Act, which establishes requirements for administrative actions that affect direct spending, in GAO's major rule reports.

The Act does not apply to this rule because it does not increase direct spending.

National Environmental Policy Act

In accordance with the National Environmental Policy Act of 1969, Public Law 91–190, this final rule has been reviewed in accordance with 7 CFR part 1970 (''Environmental Policies and Procedures''). The Agency has determined that i) this action meets the criteria established in 7 CFR 1970.53(f); ii) no extraordinary circumstances exist; and iii) the action is not ''connected'' to other actions with potentially significant impacts, is not considered a ''cumulative action'' and is not precluded by 40 CFR 1506.1. Therefore, the Agency has determined that the action does not have a significant effect on the human environment, and therefore neither an Environmental Assessment nor an Environmental Impact Statement is required.

Regulatory Flexibility Act

This final rule has been reviewed with regard to the requirements of the Regulatory Flexibility Act (5 U.S.C. 601–612). The undersigned has determined and certified by signature on this document that this final rule will not have a significant economic impact on a substantial number of small entities since this rulemaking action does not involve a new or expanded program nor does it require any more action on the part of a small business than required of a large entity.

Unfunded Mandates Reform Act (UMRA)

Title II of the UMRA, Public Law 104–4, establishes requirements for Federal agencies to assess the effects of their regulatory actions on state, local, and tribal governments and on the private sector. Under section 202 of the UMRA, Federal agencies generally must prepare a written statement, including cost-benefit analysis, for proposed and final rules with ''Federal mandates'' that may result in expenditures to state, local, or tribal governments, in the aggregate, or to the private sector, of $100 million or more in any one year. When such a statement is needed for a rule, section 205 of the UMRA generally requires a Federal agency to identify and consider a reasonable number of regulatory alternatives and adopt the least costly, most cost-effective, or least burdensome alternative that achieves the objectives of the rule.

This final rule contains no Federal mandates (under the regulatory provisions of title II of the UMRA) for State, local, and Tribal governments or for the private sector. Therefore, this final rule is not subject to the requirements of sections 202 and 205 of the UMRA.

Paperwork Reduction Act

This final rule contains no new reporting or recordkeeping burdens under OMB control number 0575–0189 that would require approval under the Paperwork Reduction Act of 1995 (44 U.S.C. chapter 35).

E-Government Act Compliance

Rural Development is committed to the E-Government Act, which requires Government agencies in general to provide the public the option of submitting information or transacting business electronically to the maximum extent possible and 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.

Civil Rights Impact Analysis

RD has reviewed this final rule in accordance with USDA Regulation 4300–4, Civil Rights Impact Analysis, to identify any major civil rights impacts the final rule might have on program participants on the basis of age, race, color, national origin, sex, or disability. After review and analysis of the final rule and available data, it has been determined that implementation of the rulemaking will not adversely or disproportionately impact very low, low-, and moderate-income populations, minority populations, women, Indian tribes, or persons with disability by virtue of their race, color, national origin, sex, age, disability, or marital or familial status. No major civil rights impact is likely to result from this final rule.

Assistance Listing

The program affected by this regulation is listed in the Assistance Listing Catalog (formerly Catalog of Federal Domestic Assistance) under numbers 10.415-Rural Rental Housing Loans and 10.405-Farm Labor Housing Loans and Grants.

Non-Discrimination Statement Policy

In accordance with Federal civil rights laws and U.S. Department of Agriculture (USDA) civil rights regulations and policies, the 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, staff office, or the 711 Federal Relay Service.

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/sites/default/files/documents/ad-3027.pdf,* 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.*

USDA is an equal opportunity provider, employer, and lender.

Severability

It is USDA's intention that the provisions of this rule shall operate independently of each other. In the event that this rule or any portion of this rule is ultimately declared invalid or stayed as to a particular provision, it is USDA's intent that the rule nonetheless be severable and remain valid with respect to those provisions not affected by a declaration of invalidity or stayed. USDA concludes it would separately adopt all of the provisions contained in this final rule.

List of Subjects

7 CFR Part 1910

Agriculture, Credit, Grant programs—agriculture, Grant programs—housing and community development, Loan programs—agriculture, Loan programs—housing and community development, Low and moderate income housing, Reporting and recordkeeping requirements, Rural areas.

7 CFR Part 1955

Agriculture, Drug traffic control, Government property, Loan programs—agriculture, Loan programs—housing and community development, Low and moderate income housing, Rural areas.

7 CFR Part 3560

Accounting, Administrative practice and procedure, Aged, Conflicts of interest, Government property management, Grant programs—housing and community development, Insurance, Loan programs—agriculture, Loan programs—housing and community development, Low and moderate-income housing, Migrant

labor, Mortgages, Nonprofit organizations, Public housing, Rent—subsidies, Reporting and recordkeeping requirements, Rural areas.

For the reasons set forth in the preamble, the Rural Housing Service amends 7 CFR parts 1910, 1955, and 3560 as follows:

PART 1910—[Removed and Reserved]

■ 1. Under the authority of 5 U.S.C. 301, 7 U.S.C. 1989, and 42 U.S.C. 1480, part 1910 is removed and reserved.

PART 1955—PROPERTY MANAGEMENT

■ 2. The authority citations for part 1955 continues to read as follows:

Authority: 5 U.S.C. 301; 7 U.S.C. 1989; 42 U.S.C. 1480.

Subpart C—Disposal of Inventory Property

■ 3. Amend § 1955.118 by revising paragraphs (b)(2) and (6), (b)(8)(iii), and (b)(11) to read as follows:

§ 1955.118 Processing cash sales or MFH credit sales on NP terms.

* * * * *

(b) * * *

(2) *Processing.* Purchasers requesting credit on NP terms will be required to submit documentation to establish financial stability, repayment ability, and creditworthiness. Standard forms used to process program applications may be utilized or comparable documentation may be accepted from the purchaser with the servicing official having the discretion to determine what information is required to support loan approval for the type of property involved. Individual credit reports will be ordered for each individual applicant and each principal within an applicant entity in accordance with subpart R of 7 CFR part 3560. Commercial credit reports will be ordered for profit corporations and partnerships, and organizations with a substantial interest in the applicant entity in accordance with subpart R of 7 CFR part 3560.

* * * * *

(6) *Term of note.* The note amount will be amortized over a period not to exceed 10 years. If the leadership designee determines more favorable terms are necessary to facilitate the sale, the note amount may be amortized using a 30-year factor with payment in full (balloon payment) due not later than 10 years from the date of closing. In no case will the term be longer than the period for which the property will serve as adequate security.

* * * * *

(8) * * *

(iii) The Agency will provide the closing agent with the necessary information for closing the sale. The assistance of OGC will be requested to provide closing instructions for all MFH sales.

* * * * *

(11) *Form RD 1910–11,* ''*Applicant Certification, Federal Collection Policies for Consumer or Commercial Debts.*'' The Agency must review Form RD 1910–11, ''Applicant Certification, Federal Collection Policies for Consumer or Commercial Debts,'' with the applicant, and the form must be signed by the applicant.

PART 3560—DIRECT MULTI-FAMILY HOUSING LOANS AND GRANTS

■ 4. The authority citation for part 3560 continues to read as follows:

Authority: 42 U.S.C. 1480.

Subpart A—General Provisions and Definitions

■ 5. Amend § 3560.11 by adding the definition of *Current Comprehensive Credit Report* in alphabetical order to read as follows:

§ 3560.11 Definitions.

* * * * *

Current Comprehensive Credit Report. A credit report no older than six months from the date of issuance, that contains details of both current open credit accounts and closed accounts, and that is provided by one of the three accredited major credit bureaus (Experian, Equifax, or TransUnion).

* * * * *

Subpart B—Direct Loan and Grant Origination

■ 6. Amend § 3560.56 by revising paragraph (d)(5) to read as follows:

§ 3560.56 Processing section 515 housing proposals.

* * * * *

(d) * * *

(5) An analysis of current credit reports in accordance with subpart R of this part;

* * * * *

Subpart I—Servicing

■ 7. Amend § 3560.405 by adding paragraph (b)(4) to read as follows:

§ 3560.405 Borrower organizational structure or ownership interest changes.

* * * * *

(b) * * *

(4) Borrowers must submit a credit report in accordance with subpart R of this part.

* * * * *

■ 8. Amend § 3560.406 by adding paragraph (c)(6) to read as follows:

§ 3560.406 MFH ownership transfers or sales.

* * * * *

(c) * * *

(6) A credit report in accordance with subpart R of this part.

* * * * *

Subpart Q—[Added and Reserved]

■ 9. Add reserved subpart Q.

■ 10. Add subpart R to read as follows:

Subpart R—Credit Report Requirements

Sec.
3560.851 General.
3560.852 Requirements.

§ 3560.851 General.

This subpart contains the Agency's credit reporting requirements for all Multifamily (MFH) programs.

§ 3560.852 Requirements.

When required to submit a credit report under any provision of this part, such submission must include a current comprehensive credit report for both the entity and the individual principals, partners, members, and the individual sub-entities or natural persons who are responsible for controlling the ownership and operations of the applicant entity, including but not limited to, principals, partners, or members. The Agency will also accept combination comprehensive credit reports which provides a comprehensive view of the applicant's credit profile by combining data from all three major credit bureaus (Experian, Equifax, and TransUnion).

Joaquin Altoro,

Administrator, Rural Housing Service.

[FR Doc. 2024–31388 Filed 12–30–24; 8:45 am]

BILLING CODE 3410–XV–P

DEPARTMENT OF AGRICULTURE

Animal and Plant Health Inspection Service

9 CFR Part 53

[Docket No. APHIS–2023–0088]

RIN 0579–AE79

Payment of Indemnity and Compensation for Highly Pathogenic Avian Influenza

AGENCY: Animal and Plant Health Inspection Service, USDA.

ACTION: Interim rule and request for comments.

SUMMARY: We are amending the regulations pertaining to conditions for payment of indemnity for highly pathogenic avian influenza (HPAI). Specifically, we are requiring commercial poultry premises to successfully pass a biosecurity audit prior to restocking if they were previously HPAI-infected and wish to be eligible for indemnity for the restocked poultry. We are also requiring a biosecurity audit for commercial poultry premises in the buffer zone prior to movement of poultry onto the premises, if the premises wishes to be eligible for indemnity for the poultry moved onto the premises. We are also revising the regulations to preclude indemnity payments for poultry moved onto premises in infected zones if the poultry become infected with HPAI within 14 days following the dissolution of the control area in which the infected zone is located. This action is necessary on an immediate basis in order to ensure that commercial poultry producers who receive indemnity payments for HPAI are taking measures to preclude the introduction and spread of HPAI, and avoiding actions that contribute to its spread. This action amends the regulations to condition indemnity for HPAI accordingly.

DATES: This interim rule is effective December 31, 2024. We will consider all comments that we receive on or before March 3, 2025.

ADDRESSES: You may submit comments by either of the following methods:

- *Federal eRulemaking Portal:* Go to *www.regulations.gov.* Enter APHIS–2023–0088 in the Search field. Select the Documents tab, then select the Comment button in the list of documents.
- *Postal Mail/Commercial Delivery:* Send your comment to Docket No. APHIS–2023–0088, Regulatory Analysis and Development, PPD, APHIS, Station 2C–10.16, 4700 River Road, Unit 25, Riverdale, MD 20737–1238.

Supporting documents and any comments we receive on this docket may be viewed at *Regulations.gov* or in our reading room, which is located in room 1620 of the USDA South Building, 14th Street and Independence Avenue SW, Washington, DC. Normal reading room hours are 8 a.m. to 4:30 p.m., Monday through Friday, except holidays. To be sure someone is there to help you, please call (202) 799–7039 before coming.

FOR FURTHER INFORMATION CONTACT: Dr. Leonardo L. Sevilla, DVM, Veterinary Medical Officer, Poultry Health Team, VS Strategy and Policy Aquaculture, Swine, Equine, and Poultry (ASEP), ASEP Health Center, 920 Main Campus Drive, Raleigh, NC 27606; (984) 766–1528; *Leonardo.sevilla@usda.gov.*

SUPPLEMENTARY INFORMATION:

Background

The Animal and Plant Health Inspection Service (APHIS) of the United States Department of Agriculture (USDA or the Department) administers regulations at 9 CFR part 53 (referred to below as the regulations) that provide for the payment of indemnity to owners of animals that are required to be destroyed because of foot-and-mouth disease, pleuropneumonia, Newcastle disease, highly pathogenic avian influenza (HPAI), infectious salmon anemia, spring viremia of carp, or any other communicable disease of livestock or poultry that, in the opinion of the Secretary of Agriculture, constitutes an emergency and threatens the U.S. livestock or poultry population. Payment for animals destroyed is based on the fair market value of the animals at the time of their destruction.

Section 53.2 of the regulations authorizes the APHIS Administrator to cooperate with a State in the control and eradication of disease, as that term is defined in § 53.1. Section 53.2(b) allows for payments to cover the costs for purchase, destruction, and disposition of animals required to be destroyed because of being infected with or exposed to such disease. Section 53.10 of the regulations provides conditions under which indemnity claims are not allowed, whereas § 53.11 provides conditions under which payment will be made on indemnity claims resulting from HPAI outbreaks.

HPAI Outbreaks and Responses

HPAI is an extremely infectious and fatal form of avian influenza in poultry. An HPAI outbreak can have significant consequences for the poultry industry, wildlife, and producers' livelihoods, as well as significant impacts on international trade in poultry and poultry products. Certain strains of avian influenza have the potential to affect humans. An HPAI outbreak in poultry in the United States is declared when the first case in domestic poultry meets the case definition of HPAI as defined in USDA APHIS' National List of Reportable Animal Diseases (NLRAD) (*https://www.aphis.usda.gov/sites/default/files/avian-influenza-case-definition.pdf*). Stakeholders are notified of HPAI outbreaks through several routes of information; for example, online announcements are posted on the APHIS website at: *https://www.aphis.usda.gov/news.* Additionally, pursuant to the World Organization for Animal Health (WOAH) standards,[1] at the onset of an HPAI outbreak in the United States, national level outbreak information is posted on the World Animal Health Information System.[2] The HPAI outbreak applies to the entire country, and to the State in which the initial premises that tested positive is located. The outbreak ends in a specific State when the State regains freedom from HPAI pursuant to the WOAH standards. WOAH does not grant official recognition of freedom from HPAI in poultry. Per WOAH standards, the national HPAI outbreak ends when the United States declares freedom from HPAI in poultry by providing evidence demonstrating that the requirements for the disease status have been met in accordance with WOAH standards. Specifically, an outbreak ends when the country provides scientific data that explains the epidemiology of avian influenza in the region concerned and also demonstrates how all the risk factors are managed. This includes proof of effective surveillance strategies that mitigate the introduction of HPAI. The United States cannot declare freedom from HPAI in poultry for the entire country if HPAI exists in poultry in any State or territory within the country.

Beginning in December 2014, the U.S. poultry industry experienced a severe outbreak of HPAI, discovered in

[1] Countries declare freedom from HPAI by providing evidence demonstrating that the requirements for the disease status have been met in accordance with WOAH standards found here: *https://www.woah.org/fileadmin/Home/eng/Health_standards/tahc/2023/chapitre_avian_influenza_viruses.pdf.* For more information on eradication *see https://www.aphis.usda.gov/sites/default/files/hpai_response_plan.pdf.*

For more information on control area release *see https://www.aphis.usda.gov/sites/default/files/control_area_release.pdf.*

[2] For more information on reporting outbreaks *see* WAHIS—*https://wahis.woah.org/#/home.*

backyard flocks in the Pacific Northwest, and in two commercial turkey and chicken flocks in California. APHIS issued a final July 2015 report of the 2014–2015 outbreak, (*https://www.aphis.usda.gov/animal_health/emergency_management/downloads/hpai/2015-hpai-final-report.pdf*), regarding surveillance and other response services by APHIS, which has been provided to the public. APHIS determined that from January 2015 to March 2015, the disease spread slowly to multiple States, including Minnesota, Missouri, Arkansas, and Kansas. In June 2015, the last case of HPAI was confirmed in a commercial flock. However, the cost associated with response activities was the most expensive animal health incident recorded in U.S. history. The final cost associated with the 2014–2015 outbreak was nearly $1 billion. The cost obligated for response activities totaled $650 million and indemnity payments totaled $200 million, and an additional $100 million was made available for further preparedness activities.

The impact of the 2014–2015 HPAI outbreak spread beyond financial resources and economic concerns. The outbreak resulted in regulatory revisions to address biosecurity [3] concerns identified during the outbreak. In the July 2015 report, APHIS determined that, amongst other factors, poor biosecurity was responsible for the introduction of HPAI into some commercial poultry facilities. More specifically, APHIS stated in the report that ''biosecurity measures must be improved on premises to not only stop HPAI transmission during an outbreak but prevent HPAI introductions into commercial poultry flocks in the future.'' Biosecurity basics are aimed at evaluating a premises for possible introduction of disease onto the premises, and taking appropriate mitigations to address these possible sources of introduction and to limit the spread of disease, if introduced. Within the context of HPAI, these include, but are not limited to, the following: (1) Keeping visitors on the premises to a minimum (HPAI can be transmitted by fomites, such as clothing); (2) washing hands before coming in contact with live poultry (HPAI virus can be transmitted by persons coming into physical contact with affected poultry); (3) cleaning/disinfecting tools or equipment before moving them to a new poultry facility (HPAI virus can survive on the surfaces of farm equipment, including tools and means of conveyance); and (4) removing wild bird nesting and harborage, preventing access of wild birds to poultry enclosures, and precluding wild birds from coming in contact with feed used at the premises (as discussed below, wild birds can be a significant pathway for the spread of HPAI). APHIS poultry biosecurity recommendations can be found at: *https://www.aphis.usda.gov/livestock-poultry-disease/avian/defend-the-flock.*

During the 2014–2015 outbreak, APHIS initially paid full indemnity to bird owners of poultry infected with HPAI, regardless of whether or not the owners had a biosecurity plan in place at their facilities at the time of introduction. In response, APHIS amended the regulations, in an interim rule published in the **Federal Register,** and effective, on February 9, 2016, (81 FR 6745–6751, Docket No. APHIS–2015–0061),[4] pertaining to conditions for payment of HPAI indemnity claims. We added a requirement for owners and contractors to provide a statement that at the time of detection of HPAI in their facilities, they had in place and were following a poultry biosecurity plan. Section 53.1 defines a ''poultry biosecurity plan'' as ''[a] document utilized by an owner and/or contractor describing the management practices and principles that are used to prevent the introduction and spread of infectious diseases of poultry at a specific facility.'' The interim rule also exempted owners and contractors from this requirement if any of the following apply:

- Premises meet the size criteria of the National Poultry Improvement Plan (NPIP) [5] regulations in that they are either:
  - Commercial table-egg laying premises with fewer than 75,000 birds;
  - Egg-type game bird and egg-type waterfowl premises with fewer than 25,000 birds;
- Premises on which fewer than 100,000 broilers are raised annually; or
- Premises on which fewer than 30,000 meat turkeys are raised annually.

We took comment on the interim rule for 60 days, ending April 11, 2016. In response to comments received during the comment period, in a final rule published in the **Federal Register** on August 15, 2018 (83 FR 40433–40438, Docket No. APHIS–2015–0061),[6] we amended § 53.11 of the regulations to require biosecurity plan audits. Specifically, the final rule required facilities that are subject to the provisions of the 2016 interim rule to have their biosecurity plans audited at least once every 2 years. The final rule also subjected facilities to additional audits, as needed, during this biennial period to satisfy their Official State Agency (OSA). The OSA is the State authority that we recognize as a cooperator in the administration of the requirements of the NPIP. While this auditing mechanism was recommended by the comments on the 2016 interim rule, it is worth noting that the auditing mechanism was also recommended by NPIP at their 2016 biennial conference.[7] As part of the audit, the OSA will, at minimum, evaluate the poultry biosecurity plan itself, which will include an evaluation of the poultry biosecurity plan against 14 biosecurity principles articulated in the NPIP Program Standards policy document,[8] and review the documentation showing that the poultry biosecurity plan is being implemented.

APHIS believed that the provisions of the 2016 HPAI indemnity rule, as amended to include this auditing provision, would be sufficient to reduce spread of the virus in the event of another HPAI outbreak.

The 2022–2024 HPAI Outbreak and the Need for Revised Auditing Procedures

Our experience with a subsequent outbreak of HPAI in poultry in 2022–2024 has indicated that the 2016 interim rule and the subsequent 2018 final rule were insufficient to address initial introduction of HPAI into flocks on premises in proximity to an infected premises, or subsequent reintroduction of HPAI into flocks on premises previously infected with HPAI. As of

[3] ''Biosecurity'' refers to everything people do to keep diseases—and the viruses, bacteria, funguses, parasites, and other microorganisms that cause disease—away from birds, property, and people. Biosecurity includes both structural biosecurity and operational biosecurity. Structural Biosecurity refers to measures used in the physical construction and maintenance of coops, pens, poultry houses, family farms, commercial farms, and other facilities. Operational Biosecurity refers to practices, procedures, and policies that people follow consistently. For more information *see https://www.aphis.usda.gov/livestock-poultry-disease/avian/defend-the-flock.*

[4] To view the interim rule, its supporting documentation, or the comments that we received, go to *https://www.regulations.gov/docket/APHIS-2015-0061.*

[5] NPIP is a cooperative Federal-State-industry certification program administered by APHIS. For more information on NPIP, *see https://www.poultryimprovement.org.*

[6] To access the 2018 final rule, go to *https://www.regulations.gov/document/APHIS-2015-0061-0021.*

[7] For more information on the NPIP biennial conference, *see https://www.poultryimprovement.org/.*

[8] Approved biosecurity principles are listed in the NPIP Program Standards found here: *https://www.poultryimprovement.org/documents/ProgramStandardsA-E.pdf.*

November 2024, the costs associated with the ongoing outbreak have exceeded $1.4 billion, including $1.25 billion in indemnity and compensation payments. Of this, APHIS has spent approximately $227 million on indemnity payments to premises that have been infected multiple times with HPAI. A total of 67 unique commercial poultry premises have been infected at least twice with HPAI during the current outbreak, including 19 premises that have been infected 3 or more times.

While reinfections may occur with even a perfectly implemented biosecurity plan, the data suggest that the current paper-based audit process does not always illustrate how well the premises are practicing biosecurity to prevent HPAI infection or reintroduction. To determine how well a biosecurity plan is being implemented, a visual inspection of the poultry premises is necessary. We discuss this at greater length later in this document.

In April 2022, APHIS issued a HPAI response guidance for the current outbreak.[9] This guidance has assisted with addressing the current outbreak, however gaps in the implementation of biosecurity measures to mitigate the risk of HPAI spread and introduction exist. The current guidance only covers biosecurity audits for premises moving poultry into the buffer zone. This interim rule includes biosecurity requirements for previously infected premises and codifies restocking guidelines for those premises. The current guidance fails to address restocking audits for previously infected premises, that are currently implemented on a State-by-State basis. APHIS has found that some States do not have a restocking policy. Furthermore, epidemiological data shows continued reinfection after the 2022 guidance was implemented. The guidance discourages movement and encourages and requires a higher level of biosecurity within an infected zone, this interim rule provides specifics for the biosecurity audit process and helps ensure that proper biosecurity measures are being implemented within infected zones and by previously infected premises to mitigate future infections.

First, we have learned more about how proximity of poultry premises impacts HPAI spread.[10] During the 2014–2015 HPAI outbreak, States designated ''control areas'' as the perimeter of at least 10 kilometers (km) beyond the perimeter of the premises infected with HPAI. Control areas consist of an infected zone and a buffer zone. The infected zone is the area that immediately surrounds an infected premises, up to the beginning of the buffer zone. The buffer zone has typically been identified as an uninfected zone situated 3–10 km around an infected premises. The size of control areas is based on several factors including, but not limited to, the infected premises transmission pathways and estimates of transmission risk, poultry movement patterns and concentrations, distribution of susceptible wildlife in proximity, natural terrain, and jurisdictional boundaries.[11] The boundaries of control areas can be modified or redefined when tracing and other epidemiological information becomes available. Premises that are located in the infected zone and buffer zone of a control area are usually notified of this status by the State Animal Health Official (SAHO), although within this interim rule we are making allowance for notification by APHIS instead.

During the current outbreak, it has become increasingly clear that premises within the infected zone and the buffer zone are at a higher risk of becoming infected with HPAI than premises outside of the control area.[12] In June 2023, an epidemiological analysis found that wild bird introductions were the primary means of spread during this current poultry outbreak. To improve the understanding of risk factors associated with HPAI on table egg farms and turkey farms in the United States, case-control studies were conducted identifying risk factors for HPAI and biosecurity challenges. The most significant farm-level risk factor for HPAI on table egg farms was being located within an existing control area. For turkey farms, the farm-level risk factors also included seeing wild waterfowl on the farm, farm location near a wetlands, seeing wild waterfowl or shorebirds on the closest waterbody, and not having a restroom facility available to crews visiting the farm. In addition, having feed or feed ingredients accessible to wild birds was identified as a risk factor. This risk may be heightened by a lack of protocol to clean spilled feed and/or presence of water around the premises where wild birds may congregate; both of these factors can serve as wild bird attractants to a premises. The findings confirm the need for both biosecurity and surveillance on poultry farms near an infected premises, to prevent infection and ensure rapid detection, whether the virus is likely spreading by wild birds or laterally between farms. Because premises in control areas are at a higher risk of being infected with HPAI, adequate biosecurity measures need to be implemented on these premises to prevent the introduction and spread of HPAI from premises to premises within the control area, and from premises within the control area to premises outside the control area.

Second, we have learned that, for premises in control areas and premises that have had previous introductions of HPAI within the same outbreak (that is, from the start of the outbreak until the HPAI outbreak is declared eradicated nationally pursuant to the WOAH standards as described above) biennial paper-based audits are insufficient. Paper-based audits alone do not enable us to determine whether a premises has sufficient biosecurity measures in place to reduce the risk of introduction or reintroduction of HPAI. Our experiences have indicated that the effectiveness of a poultry biosecurity plan is determined not only by its provisions, but also by how well the plan is implemented. Visual inspection of the premises is needed to evaluate how well the plan is implemented.

Effective implementation of a poultry biosecurity plan can directly influence the amount of indemnity that APHIS pays. Effective implementation of a poultry biosecurity plan likely reduces the risk of introduction of HPAI onto a premises and mitigates its spread, if introduced. Less risk of HPAI introduction and spread would, in turn, reduce the need to destroy birds and thus reduce the need of APHIS to make indemnity payments. As noted previously, since 2022, APHIS has spent approximately $227 million on indemnity payments to premises that have been infected multiple times with HPAI. A total of 67 unique commercial poultry premises have been infected at least twice with HPAI during the current outbreak, including 19 premises that have been infected 3 or more times. In addition, there are two non-commercial premises that have had repeat HPAI infections. Based on epidemiologic findings in the ongoing 2022–2024 outbreak, biosecurity improvements reduced the likelihood of a premises contracting HPAI, as compared to farms that were infected with HPAI. However, the current

[9] For more information on APHIS' HPAI response, *see https://www.aphis.usda.gov/sites/default/files/permitting-live-poultry-infected-zone.pdf.*

[10] For HPAI Depopulation Analysis Report, *see https://www.aphis.usda.gov/sites/default/files/hpai-2022-2023-summary-depop-analysis.pdf.*

[11] For more information on control area size consideration, *see https://www.aphis.usda.gov/sites/default/files/hpai_response_plan.pdf.*

[12] For report of epidemiologic and other analysis of HPAI affected poultry, *see https://www.aphis.usda.gov/sites/default/files/epi-analyses-avian-flu-poultry-2nd-interim-rpt.pdf.*

outbreak has surpassed the 2014–2015 outbreak as the largest animal health emergency in U.S. history, and APHIS' experiences to date in 2024 indicate that the risk of introduction of HPAI onto premises persists.

This interim rule will serve to reduce the risk that a producer becomes inclined to disregard biosecurity because they believe that APHIS will continue to cover the costs associated with damages related to an HPAI outbreak through indemnity payments regardless of their biosecurity status. The current regulations do not provide a sufficient incentive for producers in control areas or buffer zones to maintain biosecurity throughout an outbreak. The current regulations provide for indemnity for poultry that are depopulated, without visually confirming that the premises are taking appropriate biosecurity measures to prevent future infection and spread. The compensation provided covers the value of the poultry that would otherwise be of, at most, minimal salvage value because they would have likely died naturally because of HPAI infection. Conversely, a flock may need to be depopulated before it has reached maturity, and a producer could maximize the profit associated with its poultry and products. The requirements of this interim rule will address both of these issues in the current regulations: Indemnity will now be conditioned in certain instances on visual evaluation of biosecurity, and adequate biosecurity, in turn, will increase the likelihood that poultry reach the age of maturity for the product (*e.g.,* table eggs, hatching eggs, meat, etc.) they are being marketed for. As of November 2024, APHIS has spent approximately $296 million on indemnity and response payments to premises infected multiple times during the 2022–2024 outbreak, and an estimated $128 million in indemnity and response payments for premises that were infected while in a buffer zone. This interim rule allows APHIS to restrict indemnity payments to those previously infected producers and those producers in buffer zones who have undergone biosecurity audits to verify biosecurity measures, thereby reducing the incentive to undertake that risky behavior.

HPAI in Dairy Cattle

In March 2024, a development occurred relative to the lateral spread of HPAI that further underscored the need for revision to the indemnity regulations in poultry: HPAI was detected in dairy cattle. Typically, HPAI is sporadically detected in mammals, particularly those with close contact to infected poultry and wild birds, those that share feed or water sources, or those that scavenge carcasses. However, the confirmation of HPAI in dairy cattle in late March 2024, and the subsequent transmission of the disease within and between dairy herds, marked a significant change in the epidemiology of HPAI. The presence of HPAI in cattle also posed another potential source of the virus for poultry flocks. USDA and State teams have conducted extensive epidemiological work to investigate the links between HPAI-affected dairy premises and spillover into poultry premises. Data collected since March 2024 indicates that virus can be transmitted on equipment, people, or other items that move from farm to farm. Epidemiological investigations identified the potential factors for the transmission between premises as the movement of livestock, numerous people, vehicles, and other farm equipment frequently moving on and off an affected premises and on to other premises, often a part of normal business operations. In particular, transmission factors include shared equipment which is not cleaned between farms; contaminated equipment; shared personnel and housing; frequent visitors with access to animals; and presence of other species on farms.[13]

Additionally, since April 2024, several cases in workers on affected dairy and poultry premises have been reported. The fact that shared personnel, frequent visitors, vehicles and other equipment are transmission factors may indicate the inadequacy of current biosecurity measures (*e.g.,* inadequate cleaning and disinfection of personnel and vehicles prior to leaving an infected premises and/or inadequate restriction of movement on and off premises, all foundational components of biosecurity, could allow transmission of HPAI to a new, previously uninfected premises).

Regulatory Revisions

APHIS is amending § 53.10 to require biosecurity audits for two statuses of poultry premises in order for owners and/or contractors (hereafter collectively referred to in this section of the preamble as ''producers'') to qualify for indemnity arising out of the destruction of poultry destroyed due to an outbreak of HPAI. One status of poultry premises for which this interim rule will require biosecurity audits are premises located in the buffer zone of a control area for HPAI. If a producer intends to move poultry onto a premises located in a buffer zone and wishes the poultry moved onto the receiving premises to be eligible for future indemnity payments in the event that the receiving premises is later infected with HPAI and the poultry must be destroyed, the receiving premises must pass a biosecurity audit. If the receiving premises passed a biosecurity audit within the six (6) months preceding the intended date of movement of the poultry onto the receiving premises, a new biosecurity audit is unnecessary. The audit will be done virtually unless the SAHO requests an in-person audit.

The other status of poultry premises for which this interim rule will require biosecurity audits are previously infected premises. If producers intend to restock the previously infected premises, that premises must pass a biosecurity audit prior to the movement of poultry onto the premises. In order for the premises to maintain eligibility for indemnity for a future infection within the same outbreak, the premises must pass a virtual biosecurity audit every six (6) months, until the State in which the premises is located, declares freedom from HPAI. As discussed previously, to declare freedom from HPAI, the State must provide the relevant epidemiological evidence that shows proof of an effective surveillance program and demonstrate, through testing, an absence from infection in susceptible poultry populations in that State.

Through requiring a biosecurity audit as a condition to receiving indemnity for the destruction of poultry on premises located in the buffer zone and previously infected premises, these regulatory revisions will incentivize producers to ensure that their commercial poultry premises are implementing and maintaining appropriate poultry biosecurity plans. As previously discussed, enhanced compliance with poultry biosecurity plans is expected to mitigate the introduction and spread of HPAI.

APHIS is also amending § 53.11 to set forth the process for conducting the biosecurity audits required by § 53.10, including use of the biosecurity audit tool, the process for reconsideration of a final audit determination, and the process for revising the biosecurity audit tool.

In addition, APHIS is also amending § 53.1 to add definitions for the terms ''buffer zone,'', ''control area,'' and ''infected zone,'' which are used in amended § 53.10 and/or § 53.11.

The specific nature of the revisions is discussed immediately below.

[13] For more information on transmission, *see https://www.aphis.usda.gov/sites/default/files/highly-pathogenic-avian-influenza-national-epidemiological-brief-09-24-2024.pdf.*

Revisions to § 53.10 and § 53.1

As we noted above, § 53.10 of the regulations provides conditions under which indemnity claims are not allowed. We are only proposing changes to § 53.10(g).

We are proposing some minor changes to § 53.10(g)(1). All references to the word ''animals'' in this section is being changed to ''poultry'' for clarity. Additionally, we are breaking up § 53.10(g)(1). Revised § 53.10(g)(1) will solely contain the introductory language indicating that APHIS will not allow indemnity claims unless certain conditions are met and the first condition of having in place and following a poultry biosecurity plan is moved to new § 53.10(g)(1)(i).

We are also revising § 53.10(g) to provide several additional conditions under which indemnity claims are not allowed. Under new § 53.10(g)(1)(ii), APHIS will not pay indemnity for the destruction of poultry destroyed due to an outbreak of HPAI for poultry moved onto a premises located in a buffer zone of a control area unless the premises passes a biosecurity audit conducted in accordance with new § 53.11(f)(1)(i) prior to the movement of poultry on the premises; or the premises passed a biosecurity audit within the preceding six (6) months. Under certain circumstances, the Administrator may, upon request by the producer, permit audits to be conducted after the poultry is placed onto the premises if the Administrator determines that such action will not result in the dissemination of HPAI within the United States. For example, poultry may be in transit prior to the receiving premises being notified of its buffer zone status, preventing an audit to be conducted before the poultry arrives on the premises. To ensure the welfare of the poultry, the receiving premises may be required to accommodate the poultry prior to passing a biosecurity audit. If the request for an audit after the poultry is placed onto a premises is denied, the premises will not be eligible to receive future indemnity payment for the poultry placed on the premise until the premises passes a biosecurity audit conducted in accordance with new § 53.11(f)(1)(i) if the poultry are placed irrespective of the Administrator's determination.

Additionally, under new § 53.10(g)(1)(iii), APHIS will not pay indemnity for the destruction of poultry destroyed due to an outbreak of HPAI for poultry moved onto a premises that has previously been infected with HPAI during the same outbreak, unless the premises passed a biosecurity audit conducted in accordance with new § 53.11(f)(1)(ii) prior to the movement of poultry onto the premises. APHIS views an occurrence of HPAI as being during the same outbreak if it occurs before the HPAI outbreak is declared eradicated nationally, pursuant to the WOAH standards as described above; unless the movement occurs after the U.S. declares freedom from HPAI. We appreciate that an outbreak may span several years; however, effective biosecurity is possible throughout the duration of an outbreak. This is evidenced by the many premises that have not had a single introduction of HPAI during the current outbreak, despite the presence of risk factors for HPAI introduction, such as being in the flyway of migratory wild birds.

Notwithstanding the impact this outbreak has had on financial resources and the continuing economic concerns, this interim rule is not retroactive. Once issued, infections which were detected prior to the publication will not be considered in the statuses of premises. Further, upon publication, a small number of premises may find themselves located within a buffer zone. If these premises have scheduled movements which occur within a few days of the rule publication, they would have two options to satisfy the rule's requirements: (1) If possible, delay the shipment until an audit can be performed or (2) utilize § 53.10(g)(1)(ii) to request a post-placement audit from the Administrator (if the shipment cannot be delayed). All previously infected premises in a State must pass virtual biosecurity audits every six (6) months until the State in which the premises is located declares freedom from HPAI. The additional audits are based on APHIS' review of chronological outbreak data regarding date of all case detections relative to virus elimination and audit dates for known infected poultry premises. The data analysis indicated that previously infected premises that had biosecurity audits conducted on a voluntary basis did not have any HPAI introduction within 180 days post-audit and movement of poultry. Based on this data, APHIS found that the risk of HPAI reintroduction on a previously infected premises is low within 6 months. Additionally, the 180 days roughly aligns with wild bird migratory patterns, when increased risk of introduction from wild birds is elevated, and it would be appropriate to ensure poultry premises are implementing heightened biosecurity practices.

As stated previously, the regulations currently exempt producers from having to develop and follow a poultry biosecurity plan as a condition of indemnity for HPAI if any of the following apply:

- Commercial table-egg laying premises with fewer than 75,000 birds;
- Egg-type game bird and egg-type waterfowl premises with fewer than 25,000 birds;
- Premises on which fewer than 100,000 broilers are raised annually; or
- Premises on which fewer than 30,000 meat turkeys are raised annually.

Because these premises are not currently required to develop and follow a poultry biosecurity plan, we are also exempting them from being required to pass a biosecurity audit. As we noted in the 2016 interim rule, more than 97 percent of turkeys and 99 percent of broilers are raised on farms that are above these size thresholds. Additionally, whereas the regulations had previously cited the relevant provisions of the NPIP regulations for the first two size standards, to aid in readability of the section, we are removing the reference to the NPIP regulations and, in their place, adding the actual size standards that are being referenced. We are not changing the size standards themselves, simply restating them within § 53.10(g)(2).

Finally, we are adding a new paragraph (g)(3) to the section. This paragraph states that, notwithstanding the conditions in paragraphs (g)(1) and (2), the Department will not pay claims arising out of the destruction of poultry destroyed due to an outbreak of HPAI if the poultry was moved onto a premises in an infected zone and if the poultry becomes infected with HPAI within 14 days following the dissolution of the control area in which the infected zone is located. The incubation period for HPAI viruses in naturally infected chickens ranges from 3–14 days. Once a control area is released, there is significantly less risk of disease spread caused by common-source lateral transmission.

To clarify the scope of the new requirements to receive indemnity for poultry, we are adding definitions for *buffer zone, infected zone,* and *control area* to § 53.1 of the regulations, which contains definitions of terms used in 9 CFR part 53. We are defining *buffer zone* as ''[t]he zone within a control area that immediately surrounds an infected zone.'' We are defining *infected zone* as ''[t]he zone within a control area that immediately surrounds a premises infected with highly pathogenic avian influenza, up to the beginning of the buffer zone.'' As we noted above, currently buffer zones are usually the area situated between 3 and 10 km from an infected premises, and the SAHO

determines and communicates to producers whether they are in the infected zone or the buffer zone, or outside of the control area entirely. However, to allow for the possibility of larger or smaller control areas, infected zones, and/or buffer zones in the future, we are not specifying a particular distance from the infected premises in our definitions. As previously stated, multiple factors are considered in determining control area size for HPAI, including infected premises transmission pathways and estimates of transmission risk, poultry movement patterns and concentrations, distribution of susceptible wildlife in proximity, natural terrain, and jurisdictional boundaries. We are defining *control area* as ''[t]he area around a premises infected with highly pathogenic avian influenza and consisting of an infected zone and a buffer zone, the bounds of which are determined and communicated to producers by Federal or State officials.'' Again, we envision that in most instances the SAHO will make the final determination for setting the perimeter of the control area and communicating the bounds of the control area to producers. This is, as noted above, the current practice. However, our definition does provide latitude for APHIS to determine and set the bounds of the control area. We envision that we will defer to the SAHO except in extraordinary circumstances, such as when a declaration of extraordinary emergency within the State has been made pursuant to 7 U.S.C. 8306(b) of the Animal Health Protection Act.

The prohibition on indemnity claims that we are adding to the regulations in paragraph (g)(3) of § 53.10 is warranted because, based on our definitions, poultry premises in the infected zone either are infected with HPAI or are in close proximity to an infected premises, and the incubation period for HPAI is up to 14 days. This additional requirement for future federal indemnity eligibility is necessary to limit movement of poultry into an area where poultry are at an increased risk for exposure and infection with HPAI.

Revisions to § 53.11

Section 53.11 provides conditions under which payment will be made on indemnity claims resulting from HPAI outbreaks. We are amending § 53.11 to describe how the biosecurity audits, required by the revisions to § 53.10(g), will be conducted. We are redesignating current paragraph (f) of the section as paragraph (g), and we are adding a new paragraph (f), which discusses the parameters surrounding and content of these biosecurity audits and how the biosecurity audit tool will be updated. The relevant biosecurity audit is determined by the status of a premises prior to movement of poultry onto that premises.

New paragraph (f)(1) of § 53.11 provides that APHIS requires a biosecurity audit to be conducted on the following poultry premises:

- For premises in a buffer zone, a biosecurity audit shall be conducted virtually by the auditor, unless the SAHO in the State where the premises is located requests an in-person audit. For example, if the facility lacks necessary equipment or IT infrastructure on the premises to conduct a virtual audit, a SAHO could request an in-person audit.
- For previously infected premises, a biosecurity audit shall be conducted in-person by the auditor, unless the auditor determines that extenuating circumstances warrant a virtual audit. Extenuating circumstances include, but are not limited to, severe adverse weather conditions and employee safety considerations. All previously infected premises must pass virtually conducted biosecurity audits every six (6) months after the initial in-person audit until the State in which the premises is located declares freedom from HPAI.

We are allowing biosecurity audits of poultry premises in a buffer zone to be conducted remotely because, while the premises are at risk of becoming affected with HPAI, they are, by definition, currently uninfected but in proximity to infected premises, and because premises in the buffer zone, as a whole, undergo periodic surveillance. Surveillance activities include but are not limited to, gathering epidemiological information through observation and communication with other agencies. Active sampling of poultry is conducted on premises at control area establishment, then at set time intervals of 5–7 days (or more frequently if warranted) until the control area is closed. In addition, because premises in a buffer zone may have poultry onsite during a biosecurity audit, a virtual biosecurity audit helps to mitigate the risk of introduction of HPAI into the premises due to the increased vehicular and foot traffic on the premises from personnel that are conducting the audit. Moreover, in-person audits require more time and personnel resources and are logistically more complex compared to virtual audits. If the number of buffer zone audits conducted to date is an indication of what to expect as the current outbreak continues, mandating these audits to be in-person would stretch available resources that are already currently being utilized for other HPAI response activities and routine non-HPAI activities. For these reasons, a virtual visual inspection (which is conducted using a phone camera, computer, or other transmitting device) should usually suffice for the biosecurity audit of the premises itself. If a producer is unable to participate in a virtual inspection, due to lack of internet or a transmitting device at the premises, the audit may be conducted in-person.

Conversely, because previously infected poultry premises have experienced an outbreak of HPAI and have the highest risk of reintroduction resulting from significant biosecurity lapses, we must verify how well the plan is implemented and maintained on site. In order to ensure that reintroduction risks are being effectively mitigated at previously infected premises, we are requiring that these biosecurity audits be conducted in person, absent extenuating circumstances. Examples of extenuating circumstances include, but are not limited to, severe adverse weather conditions and employee safety considerations. APHIS would require an in-person audit because once HPAI response activities are completed, including depopulation, the premises would not contain any poultry on the premises that would be at risk for HPAI from conducting the audit. With an in-person audit, APHIS will be able to be more meticulous in our approach of looking at the premises and ensuring that producers are taking appropriate biosecurity measures. Additionally, the absence of poultry on the premises eliminates any further risks of HPAI spread and introduction.

APHIS considered, but did not pursue, two alternate options for the auditing process. One was to require more documentation, such as photos of the property, Google Earth™ stills, and examples of signage, as part of an OSA paper-based review of the premises. However, this option was discarded because this approach does not allow for a holistic review of the maintenance and physical security of the structures at the facility, and it may not capture seasonal changes at the facility that could present a biosecurity risk. A second option considered was to conduct all audits virtually. This option was discarded for premises that have previously experienced an outbreak and wish to restock because the virtual audit is limited by what the phone camera, computer, or other transmitting device relays to the auditor. Given that previously infected premises have experienced an outbreak of HPAI, such

a limited view may not disclose all possible risks of reintroduction of HPAI to the premises, and require an in-person audit for better visual and auditory context, absent extenuating circumstances. To provide two examples that underscore the importance of in-person audits for visual and auditory context, a component of the audit involves evaluating whether feed and bedding at the facility may have been contaminated by exposure to rodents. Evidence (visual or auditory) of previous or current rodent infestation at the premises may be much easier to identify in person than virtually. Another component requires the inspector to inspect and/or monitor the enclosed structures housing live poultry to ensure sound construction and that they are kept in good repair. An in-person auditor may hear air circulation suggesting a hole or breach in the facility that would not necessarily be easy to detect through a virtual audit.

To implement these two biosecurity audit processes within the Agency, APHIS developed the Biosecurity Compliance Audit Program (BCAP), which includes a BCAP Program Manager within APHIS' Veterinary Services program, and an auditing team comprised of an auditor and a reviewer. The auditor makes the initial determination of whether a premises passes a biosecurity audit. Generally, APHIS expects the auditor role will be filled by a State employee. However, if a State lacks the human resources to fill the position, an APHIS employee can fill the role. Conversely, the reviewer makes the final determination of whether a premises passes a biosecurity audit. This position will always be an APHIS employee because a final audit determination is an Agency decision that affects the eligibility of the producer to receive future indemnity payments for poultry destroyed due to HPAI. All biosecurity auditors and audit reviewers will undergo a USDA-led training program prior to being added to a team. The training includes ensuring consistent application of the biosecurity audit tool, awareness of different poultry production types and farm layouts, and different methods and technologies for implementation of biosecurity.

During biosecurity audits, the audit team will conduct the audits using a biosecurity audit tool (*https://www.aphis.usda.gov/sites/default/files/biosecurityaudit.pdf*), developed by APHIS with State and industry input. From January 2024 through May 2024, industry provided APHIS with oral and written feedback regarding the operational feasibility of implementing on an ongoing basis a biosecurity audit checklist in use provisionally for poultry biosecurity audits conducted since the start of the current outbreak. The tool includes aspects of the current paper-based biosecurity audit that is conducted by OSA's on at least a biennial basis. In addition, the biosecurity tool was built upon the NPIP biosecurity criteria and the HPAI Control Area Placement Biosecurity Audit Checklist that was developed in 2022. As stated previously, as part of the biennial biosecurity audit, the OSA will, at a minimum, evaluate the poultry biosecurity plan itself, which includes an evaluation of the poultry biosecurity plan, against 14 biosecurity principles articulated in the NPIP Program Standards policy document, and review the documentation showing that the poultry biosecurity plan is being implemented. A member of the audit team will conduct this review as well. The audit tool also includes visual verification of perimeter buffer areas; line-of-separation (LOS) procedures for personnel, visitors, equipment, and vehicles; and on-premises rodent and wildlife mitigations, some of the 14 NPIP biosecurity principles. Use of the audit tool will ensure that audit teams consistently review premises and identify deficiencies in biosecurity. APHIS is making a copy of the tool available as a supporting document for this interim rule on *Regulations.gov*.

Revisions to the audit tool are addressed in new § 53.11(f)(6). The BCAP Program Manager will review the tool at least on an annual basis. As biosecurity audits are conducted and additional data is gathered, as updated epidemiological information becomes available, or as other advancements in technology and production practices occur, APHIS may determine that the audit tool needs to be revised. APHIS has two processes to revise the audit tool. Under the standard process, if the Administrator determines that revisions to the audit tool are necessary, APHIS will publish a notice in the **Federal Register** informing the public of our intention to amend the biosecurity audit tool. In the notice, APHIS will describe the proposed revisions to the audit tool, the reasons for the revisions, and provide a public comment period. Under the immediate process, the biosecurity audit tool will be immediately revised if the Administrator determines that the biosecurity tool is no longer sufficient for auditors to use to conduct biosecurity audits pursuant to new § 53.11(f)(1)(i) or (ii). APHIS will update the audit tool and subsequently publish a notice in the **Federal Register** advising the public of the revisions and the reasons for the revisions, providing an effective date for the revisions, and providing for a public comment period.

Under new § 53.11(f)(2), the producer must allow auditors access to their premises (whether virtually or in-person) and access to documentation in order for the auditors to complete the biosecurity audit using the biosecurity audit tool. APHIS expects that any producer interested in moving poultry onto a premises in a buffer zone or onto a previously infected premises will contact APHIS to schedule the biosecurity audit. A premises will initially pass a biosecurity audit if the auditor determines that the minimum requirements are met for all biosecurity audit criteria in the biosecurity audit tool. If deficiencies are identified, the auditors will communicate the identified deficiencies to producers. Producers may ask clarifying questions about the nature of the deficiencies and/or provide additional documentation to remediate the identified deficiency. The auditor, where appropriate, may work with the producer to identify solutions to resolve the deficiencies and may revise the audit results based on the additional information provided. If the producer needs further guidance on addressing a deficiency that goes beyond the auditor's training, the auditor will send the request to the audit reviewer and, if needed, the BCAP Program Manager. Once the audit process concludes, the auditor will submit the audit package to a reviewer based in the State where the premises is located.

New § 53.11(f)(3) provides that the reviewer reviews the audit package for completeness, accuracy, and consistency with other audits. After review, the reviewer will render a final audit determination of pass or fail. To aid in that determination, the reviewer may request to view the premises in question to make virtual visual verifications; the reviewer must be afforded the same access previously afforded to the auditor. As provided in our previous discussion regarding § 53.10(g), premises are required to pass a biosecurity audit in order for the poultry on the premises to be eligible for indemnity.

New § 53.11(f)(4) provides a reconsideration process for failed outcomes of biosecurity audits. If the producer disagrees with the final audit determination of the reviewer, the producer may send a request for reconsideration to the BCAP Program Manager through email or by postal mail

to the addresses listed in the regulations. The request for reconsideration must be in writing, state the material facts and reasons upon which the producer relies to show that the producer wrongfully failed the biosecurity audit, and be received by the BCAP Program Manager within 14 calendar days of communication of the reviewer's final audit determination. After receipt of the reconsideration request, the BCAP Program Manager will review the reconsideration request, the audit package prepared by the auditor, and the reviewer's final audit determination. If the BCAP Program Manager disagrees with the reviewer's final determination the results of the biosecurity audit become a pass; if the BCAP Program Manager agrees that a biosecurity deficiency exists, the reconsideration request proceeds to panel review. A panel consisting of the SAHO of the State where the premises is located, the APHIS Area Veterinarian in Charge, and the BCAP Program Manager will review the reconsideration request, the audit package prepared by the auditor, and the reviewer's final audit determination. The panel's decision is final, and the outcome of the reconsideration process will be communicated to the producer, by the auditor, as promptly as circumstances allow and will state, in writing, the reasons for the decision.

Finally, the duration of the validity of a biosecurity audit is addressed in new § 53.11(f)(5). A final audit determination of pass will remain valid for six (6) months except for any premises that changes its biosecurity plan, biosecurity coordinator, ownership, or infrastructure during that six-month period. If such premises makes any of the aforementioned changes, the premises must pass a new biosecurity audit in accordance with § 53.11(f)(1)(i) or (ii), as applicable, prior to the movement of poultry onto the premises. APHIS determined the length of time for which a biosecurity audit should be valid based on a review of data from the HPAI outbreak in poultry. The data indicated that since the onset of this current outbreak in 2022, the number of poultry premises located in buffer zones that had an HPAI introduction within 180 days of undergoing a biosecurity audit and moving birds onto the premises is less than 3 percent. Although data are limited based on the voluntary nature of the biosecurity audits, analysis of the chronological data for previously infected premises shows there was no indication that the previously infected premises had an HPAI introduction within 180 days post-audit and movement of poultry. Once this interim rule becomes effective, APHIS will continue to monitor this data to use in the Agency's decision-making process.

Immediate Action

Immediate action is necessary to incentivize commercial poultry owners and contractors (hereafter referred to in this section of the preamble as ''producers'') to implement critical biosecurity measures to reduce the risk of introduction of HPAI and avoid actions that contribute to its spread. During the most recent HPAI outbreak, which began in 2022 and is ongoing, APHIS has learned more about the disease risk for poultry premises in proximity to other infected poultry premises and has discovered the limits of the current regulatory approach. APHIS modified guidance documents for the current outbreak; however, continued inconsistent application of biosecurity measures by producers despite the ongoing risk of introduction of HPAI from wild birds and nearby infected premises has resulted in continued repeat infections on some poultry premises. Since March 2024, APHIS has further encountered developments associated with spread of HPAI to, from, and within dairy cattle herds, as well as farm workers in contact with those herds. Cumulatively, all of these lessons learned from the 2022–2024 outbreak underscore the need for immediate action to incentivize producers with at-risk premises, through conditioning indemnity payments on passing biosecurity audits, to take the necessary steps to implement biosecurity measures to mitigate the introduction and spread of HPAI, regardless of potential source of infection. Therefore, immediate action is needed to mitigate the introduction and spread of HPAI.

Since 2016, APHIS has required that, as a condition for indemnity for poultry destroyed due to an HPAI outbreak, poultry producers above certain size thresholds must provide a statement that at the time of detection of HPAI in their premises, they had in place and were following a poultry biosecurity plan. Since 2018, APHIS has also required that the poultry biosecurity plans be audited at least once every 2 years by the producer's OSA. Recent lessons learned from the ongoing HPAI outbreak have highlighted that this regulatory approach is insufficient in certain instances and reinforced the importance of biosecurity in decreasing the chance of a virus introduction or reintroduction occurring in a premises or having the virus spread from premises to premises.

First, we have learned more about how proximity to infected premises impacts HPAI spread. During an HPAI outbreak, States designate ''control areas'' as the perimeter of at least 10 km beyond the perimeter of the poultry premises affected with HPAI. During this current outbreak, it has become increasingly clear that poultry premises within these control areas, consisting of an infected zone and a buffer zone, are at a higher risk of becoming infected with HPAI than premises outside of control areas. To improve the understanding of risk factors associated with HPAI on table egg farms and turkey farms in the United States, APHIS conducted case-control studies to identify risk factors for HPAI and biosecurity challenges.[14] The findings confirm the need for both biosecurity and surveillance on poultry farms near an infected premises, to prevent infection and ensure rapid detection, whether the virus is likely spreading by wild birds or laterally between farms. Because premises in control areas are at a higher risk of being infected with HPAI, it is even more imperative that producers implement adequate biosecurity measures to prevent the introduction and spread of HPAI from premises to premises within the control area, and from premises within the control area to premises outside the control area.

Second, we have learned during this current outbreak that enhanced regulatory oversight of poultry premises in control areas is necessary to ensure that producers for which a poultry biosecurity plan is required are effectively implementing the poultry biosecurity plan. Currently, the regulations only require the poultry biosecurity plan to be audited every two (2) years or a sufficient number of times during that period to satisfy the producer's OSA. Additionally, the audits are currently paper-based. The current biennial audit failure rate is zero, however despite these biosecurity plans being present, APHIS has continued to see HPAI detections on poultry farms with a plan and epidemiologic findings on these premises show a failure of biosecurity in one or more areas. The effectiveness of a poultry biosecurity plan, however, is determined not only by its provisions (which is the focus of a paper-based

[14] For more information on the case-control studies, *see https://www.aphis.usda.gov/sites/default/files/hpai-challenges-implementing-biosecurity.pdf.*

audit), but also by how well the plan is implemented and maintained on-site.

Through the current outbreak, APHIS has found that the effectiveness of a poultry biosecurity plan would likely be better evaluated by visual inspection of the premises in question, specifically visual inspection of the more at-risk premises in the control area. When producers fail to effectively implement and maintain their poultry biosecurity plan, the deficiencies can be quite pronounced and the consequences quite significant—namely that the premises gets infected with HPAI multiple times. In one particular case, APHIS determined that a producer had avoided the required biennial audits and had not effectively implemented a poultry biosecurity plan before HPAI was introduced onto the producer's premises. Ultimately, six premises owned by the same producer and within the same control area were infected with HPAI. Significant biosecurity lapses were also identified at each of the affected premises. Biosecurity deficiencies may also be a contributing factor to premises becoming reinfected with HPAI. During the current HPAI outbreak, a total of 67 unique commercial poultry premises have been infected with HPAI at least twice, including 19 premises that have been infected 3 or more times.

Third, in March 2024, HPAI was detected in dairy cattle. Prior to this, HPAI was sporadically detected in mammals, particularly those with close contact to infected poultry and wild birds, those that share feed or water sources, or those that scavenge carcasses. However, the confirmation of HPAI in dairy cattle in late March 2024, and the subsequent transmission of the disease largely due to the interstate and regional movement of livestock, people, and equipment, marked a significant change in the epidemiology of HPAI and posed another potential source of the virus for poultry flocks.

As of November 2024, APHIS and State teams have conducted extensive epidemiological work to investigate the links between HPAI-affected dairy premises and evidence of spillover into poultry premises. This new, distinct HPAI virus genotype poses a new animal disease risk as it can infect both cattle and poultry. The phylogenetic and epidemiological data indicate spread between dairy premises, and from dairy premises to poultry premises.[15] While many factors contribute to transmission between premises, small amounts of unpasteurized milk from affected dairy animals can harbor high levels of virus and can be easily spread among dairy farms and between dairy and poultry farms through the movements of people, vehicles, trucks, and other animals including non-migratory, peridomestic birds. Poultry are much more susceptible to small amounts of virus that results in infection, which increases the potential for ongoing disease spread. Finally, since April 2024, several cases in workers on affected dairy and poultry premises have been reported.

This recent lateral spread of HPAI within and between dairy herds and spillover into poultry flocks, poses increased risks of HPAI introduction and spread for poultry that effectively implemented poultry biosecurity plans may mitigate. Without the biosecurity audits for at-risk poultry premises to confirm effective implementation of poultry biosecurity plans as established by this interim rule, the spread of HPAI in the United States could escalate, not only in poultry, but also in other livestock, increasing the impact of the current outbreak. As demonstrated by the current outbreak, that impact extends beyond the economic implications for the livelihood of poultry producers to the physical health of individual workers who come into contact with infected animals. In response to the current outbreak in dairy cattle, APHIS has issued a second Federal Order to require national surveillance to continue to address the risk the disease in dairy cattle, and as a result, potential spread to other species. Escalation in the introduction and spread of HPAI needs to be addressed immediately.

Under these circumstances, the Administrator has determined for good cause under 5 U.S.C. 553(b)(B) that prior notice and opportunity for public comment is impracticable and that there is good cause under 5 U.S.C. 553(d)(3) for making this action effective less than 30 days after publication in the **Federal Register**.

We will consider comments we receive during the comment period for this interim rule (see **DATES** above). After the comment period closes, we will publish another document in the **Federal Register**. The document will include a discussion of any comments we receive and any amendments we are making to the interim rule.

Executive Orders 12866, 13563, and Regulatory Flexibility Act

This interim rule has been determined to be significant for the purposes of Executive Order 12866 as amended by Executive Order 14094, ''Modernizing Regulatory Review,'' and, therefore, has been reviewed by the Office of Management and Budget (OMB).

We have prepared an economic analysis for this interim rule. The economic analysis provides a cost-benefit analysis, as required by Executive Orders 12866 and 13563, which direct agencies to assess all costs and benefits of available regulatory alternatives and, if regulation is necessary, to select regulatory approaches that maximize net benefits (including potential economic, environmental, public health and safety effects, and equity). Executive Order 13563 emphasizes the importance of quantifying both costs and benefits, of reducing costs, of harmonizing rules, and of promoting flexibility. The economic analysis also examines the potential economic effects of this interim rule on small entities, as required by the Regulatory Flexibility Act. The economic analysis is summarized below. The full analysis may be viewed on the *Regulations.gov* website (see **ADDRESSES** above for instructions for accessing *Regulations.gov*) or obtained from the person listed under **FOR FURTHER INFORMATION CONTACT**.

APHIS is establishing requirements for certain poultry premises to complete a biosecurity audit as a condition for receiving indemnity payments for poultry depopulated because of an outbreak of HPAI. APHIS' response to HPAI via regulation is not new. In 2016, APHIS published an interim rule (81 FR 6745–6751, Docket No. APHIS–2015–0061)[16] that amended § 53.10 of the indemnity regulations to require producers provide, as a condition for receiving indemnity payments, a statement that at the time of HPAI detection on their premises, that they had in place and were following a poultry biosecurity plan consistent with NPIP biosecurity standards. In response to comments received during the comment period on the interim rule, in the final rule published in 2018, APHIS amended § 53.11 of the indemnity regulations to require poultry biosecurity plan audits at least once every 2 years or enough times during that period to satisfy the Official State

[15] For more information on the phylogenetic and epidemiological data, *see https://www.aphis.usda.gov/sites/default/files/hpai-dairy-faqs.pdf* and *https://www.aphis.usda.gov/livestock-poultry-disease/avian/avian-influenza/hpai-livestock*.

[16] To view the interim rule, its supporting documentation, or the comments that we received, go to *https://www.regulations.gov/docket/APHIS-2015-0061*.

Agency.[17] APHIS believed that the provisions of the 2016 HPAI indemnity rule, as amended to include this auditing provision, would be sufficient to reduce spread of the virus in the event of another HPAI outbreak. However, APHIS' experience with a subsequent outbreak of HPAI in 2022–2024 indicated that the 2016 interim rule and the subsequent 2018 final rule were insufficient to address initial introduction of HPAI into flocks on premises in proximity to an infected premises, or subsequent reintroduction of HPAI into flocks on premises previously infected with HPAI.

This interim rule amends § 53.10(g) to require biosecurity audits for two statuses of premises in order for owners and/or contractors (hereafter collectively referred to in this section of the preamble as ''producers'') to qualify for indemnity arising out of the destruction of poultry destroyed due to an outbreak of HPAI and that exceed defined size thresholds delineated by poultry type. One status of premises for which this interim rule will require biosecurity audits are premises located in a buffer zone of a control area for HPAI. If a producer intends to move poultry onto a premises located in a buffer zone and wishes the poultry moved onto the receiving premises to be eligible for future indemnity payments in the event that the receiving premises is later infected with HPAI and the poultry must be destroyed, the receiving premises must pass a biosecurity audit. If the receiving premises passed a biosecurity audit within the six (6) months preceding the intended date of movement of the poultry onto the receiving premises, a new biosecurity audit is unnecessary. The audit will be done virtually unless the SAHO requests an in-person audit. The other status of premises for which this interim rule will require biosecurity audits are previously infected premises. If producers intend to restock the previously infected premises, that premises must pass a biosecurity audit prior to the movement of poultry onto the premises. In order for the premises to maintain eligibility for indemnity for a future infection within the same outbreak, the premises must pass a virtual biosecurity audit every six (6) months, until the State in which the premises is located, declares freedom from HPAI.

Current § 53.10(g) exempts producers from having to develop and follow a poultry biosecurity plan as a condition of indemnity for HPAI if any of the following apply:

The producer is a(n):

- commercial table-egg-laying premises with fewer than 75,000 birds;
- egg-type game bird and egg-type waterfowl premises with fewer than 25,000 birds;
- premises on which fewer than 100,000 broilers are raised annually; or
- premises on which fewer than 30,000 meat turkeys are raised annually.

Because these premises are not currently required to develop and follow a poultry biosecurity plan, in this interim rule, we are also exempting them from being required to pass a biosecurity audit. More than 97 percent of turkeys and 99 percent of broilers are raised on farms that exceed these size thresholds. However, flock size is non-significantly associated with increased risk, provided that larger operations are more at risk than smaller operations in terms of number of poultry on the operation, not the implementation of a biosecurity plan.

Regarding the defined size thresholds delineated by poultry type, current § 53.10(g) cited the relevant provisions of the NPIP for the first two size standards. The NPIP is a cooperative Federal-State-industry certification program administered by APHIS to promote biosecurity in poultry. To aid in readability and comprehension of the regulation, APHIS is removing the reference to the NPIP regulations and, in their place, adding the actual size standards that are being referenced. APHIS is not changing the size standards themselves, simply restating them within revised § 53.10(g)(2).

To clarify the scope of the new requirements to receive indemnity payments for poultry, APHIS is adding definitions for *buffer zone, infected zone,* and *control area* to § 53.1 of the regulations, which contains definitions of terms used in part 53. APHIS is defining *buffer zone* as ''[t]he zone within a control area that immediately surrounds an infected zone.'' APHIS is defining *infected zone* as ''[t]he zone within a control area that immediately surrounds a premises infected with highly pathogenic avian influenza, up to the beginning of the buffer zone.'' APHIS is defining *control area* as ''[t]he area around a premises infected with highly pathogenic avian influenza and consisting of an infected zone and a buffer zone, the bounds of which are determined and communicated to producers by Federal or State officials.''

Currently buffer zones are usually the area situated between 3 and 10 km from an infected premises. However, to allow for the possibility of larger or smaller control areas, infected zones, and/or buffer zones in the future, APHIS does not specify a particular distance from the infected premises in the definitions. Multiple factors are considered in determining control area size for HPAI, including infected premises transmission pathways and estimates of transmission risk, poultry movement patterns and concentrations, distribution of susceptible wildlife in proximity, natural terrain, and jurisdictional boundaries.

With respect to limitations on receipt of indemnity payments, APHIS is revising § 53.10(g) to provide several additional conditions under which indemnity claims are not allowed. Specifically, APHIS will not pay indemnity for the destruction of poultry destroyed due to an outbreak of HPAI for poultry moved onto a premises located in a buffer zone of a control area unless the premises passes a biosecurity audit conducted in accordance with new § 53.11(f)(1)(i) prior to the movement of poultry onto the premises. Premises that passed a biosecurity audit within the preceding 6 months are not required to pass a new audit. Additionally, under new § 53.10(g)(1)(iii), APHIS will not pay indemnity for the destruction of poultry destroyed due to an outbreak of HPAI for poultry moved onto a premises that has previously been infected with HPAI during the same outbreak, unless the premises passed a biosecurity audit conducted in accordance with new § 53.11(f)(1)(ii) prior to the movement of poultry onto the premises. APHIS views an occurrence of HPAI as being during the same outbreak if it occurs before the HPAI outbreak is declared eradicated nationally. Finally, APHIS will not pay indemnity claims arising out of the destruction of poultry destroyed due to an outbreak of HPAI if the poultry was moved onto a premises in an infected zone and if the poultry becomes infected with HPAI within 14 days following the dissolution of the control area in which the infected zone is located.

In this interim rule, APHIS is also amending § 53.11 to set forth the process for conducting the biosecurity audits required by § 53.10, including use of the biosecurity audit tool, the process for reconsideration of a final audit determination of fail, and the process for revising the biosecurity audit tool.

For premises in a buffer zone, a biosecurity audit shall be conducted virtually by the auditor, unless the SAHO in the State where the premises is located requests an in-person audit. For previously infected premises, a

[17] To access the 2018 final rule, go to *https://www.regulations.gov/docket/APHIS-2015-0061.*

biosecurity audit shall be conducted in-person by the auditor, unless the auditor determines that extenuating circumstances warrant a virtual audit. Extenuating circumstances, include, but not limited to, severe adverse weather conditions and employee safety considerations. All previously infected premises must pass virtually conducted biosecurity audits every six (6) months until the State in which the premises is located declares freedom from HPAI.

Under new § 53.11(f)(1), APHIS requires biosecurity audits to be conducted as follows:

- For premises in a buffer zone, a biosecurity audit shall be conducted virtually by the auditor, unless the SAHO in the State where the premises is located requests an in-person audit; and
- For previously infected premises, a biosecurity audit shall be conducted in-person by the auditor, unless the auditor determines that extenuating circumstances warrant a virtual audit. Extenuating circumstances, include, but not limited to, severe adverse weather conditions and employee safety considerations.

Under new § 53.11(f)(2), the producer must allow auditors access to their premises (whether virtually or in-person) and access to documentation in order for the auditors to complete the biosecurity audit using the biosecurity audit tool. If deficiencies are identified, the auditors will communicate the identified deficiencies to producers and, where appropriate, may work with the producer to identify solutions to resolve the deficiencies and may revise the audit results based on the additional information provided.

New § 53.11(f)(3) provides that the reviewer reviews the audit package for completeness, accuracy, and consistency with other audits. After review, the reviewer will render a final audit determination of pass or fail. If requested, the reviewer must be afforded the same access to premises previously afforded to the auditor.

New § 53.11(f)(4) provides a reconsideration process for failed outcomes of biosecurity audits. If the producer disagrees with the final audit determination of the reviewer, the producer may send a written request for reconsideration to the BCAP Program Manager through email or by postal mail within 14 calendar days of communication of the reviewer's final audit determination. The BCAP Program Manager will review the reconsideration request, the audit package prepared by the auditor, and the reviewer final audit determination. If the BCAP Program Manager determines that the producer wrongfully failed the biosecurity audit, he or she will change the final audit determination from fail to pass, notify the producer of the change in writing, and close the reconsideration request. If the BCAP Program Manager agrees that the producer failed the biosecurity audit, the reconsideration process will continue to a panel review. A panel consisting of the State Animal Health Official, the APHIS Area Veterinarian in Charge, and the BCAP Program Manager will review the reconsideration request, the audit package prepared by the auditor, and the reviewer's final audit determination. The panel's decision is final and will be communicated to the producer as promptly as circumstances allow and will state, in writing, the reasons for the decision.

Under new § 53.11(f)(5), a final audit determination of pass for a premises that had a biosecurity audit conducted in accordance with § 53.11(f)(1)(i) or (ii) will remain valid for six (6) months except for any premises that changes its biosecurity plan, biosecurity coordinator, ownership, or infrastructure during that 6-month period. If such premises makes any of the aforementioned changes, the premises must pass a new biosecurity audit in accordance with § 53.11(f)(1)(i) or (ii) as applicable, prior to the movement of poultry onto the premises.

APHIS is allowing biosecurity audits of premises in a buffer zone to be conducted remotely because, while the premises are at risk of becoming affected with HPAI, they are, by definition, currently uninfected but in proximity to infected premises, and because premises in the buffer zone, as a whole, undergo periodic surveillance. In addition, because premises in a buffer zone may have poultry onsite during a biosecurity audit, a virtual biosecurity audit prevents the introduction of HPAI into the premises. For these reasons, a virtual visual inspection (which is conducted using a phone camera, computer, or other transmitting device) should usually suffice for the biosecurity audit of the premises itself. If a producer is unable to participate in a virtual inspection, due to lack of internet or a transmitting device, the audit may be conducted in-person. Conversely, because previously infected premises have experienced an outbreak of HPAI and have the highest risk of reintroduction resulting from significant biosecurity lapses, we must verify how well the plan is implemented and maintained on-site. In order to ensure that reintroduction risks are being effectively mitigated at previously infected premises, we are requiring that these biosecurity audits be conducted in person, absent extenuating circumstances.

Revisions to the audit tool are addressed in new § 53.11(f)(6). Under the standard process for revisions to the audit tool, if the Administrator determines that revisions to the biosecurity audit tool are necessary, APHIS will publish a notice in the **Federal Register** advising the public of the Administrator' determination. The notice will describe the proposed revisions and the reasons for the proposed revisions and will invite public comment on the proposed revisions. Under the immediate process for revisions to the audit tool, if the Administrator determines that the biosecurity audit tool is no longer sufficient for auditors to use to conduct biosecurity audits pursuant to § 53.11(f)(1)(i) or (ii), APHIS will immediately update the biosecurity audit tool. APHIS will publish a notice in the **Federal Register** advising the public of the Administrator's determination. The notice will specify the revisions and the reasons for the revisions, provide an effective date for the revisions, and will invite public comment on the revisions. The primary intent of the preceding revisions to part 53 is to enhance effective implementation of and adherence to poultry biosecurity plans to mitigate and reduce the introduction, reintroduction, and spread of HPAI. Effective implementation of a poultry biosecurity plan likely reduces the risk of introduction of HPAI onto a premises and mitigates its spread, if introduced. Less risk of HPAI introduction and spread would, in turn, reduce the need to destroy birds and thus reduce the need of APHIS to make indemnity payments. Requirements for biosecurity audits also emphasize and validate biosecurity principles that many individual producers are already implementing on their premises because of participation in the NPIP. Finally, the preceding revisions to part 53 also incentivize timely cleanup of HPAI infected premises to mitigate further disease spread. Producers are more likely to implement biosecurity measures if it will ensure indemnity payments should their premises become infected with HPAI, and their birds must be destroyed. Because many of the biosecurity principles needed to pass the biosecurity audit are already in place, we expect that most producers will not incur large costs from this interim rule. We further find that plausible reductions in indemnity and virus elimination costs are far higher than costs to producers.

As of November 2024, APHIS has spent approximately $227 million on indemnity payments to premises infected multiple times during the 2022–2024 outbreak. Epidemiological data attribute most of the source introductions in the current outbreak to wild birds, likely due to biosecurity gaps. Revising the current regulations to further tie indemnity payments to verified implementation of proven biosecurity improvements will reduce the occurrence of multiple infections of the same premises. Reinfections (like first time infections) result in direct economic losses not only from the loss of stock but also from downtime to sanitize the premises and to complete other HPAI response activities (*e.g.,* the biosecurity audit). This interim rule should reduce these losses.

Since 2012, there have been two (2) major HPAI outbreaks in the United States; the first between December 10, 2014, and August 16, 2015, and the second from February 2, 2022, to present. Aggregating price data for broiler meat, turkey meat, and table eggs into two (2) groups (prices on those dates during an HPAI outbreak and prices on dates that were not in a HPAI outbreak) show that broiler meat, turkey meat, and table egg prices are higher during a HPAI outbreak when compared to prices during periods of limited HPAI infection.

APHIS expects this interim rule to result in costs to affected producers. Examples of costs include time and labor to implement improvements to current biosecurity practices, time to complete and pass biosecurity audits, delays to restocking, and costs associated with the purchase of or upgrade to equipment needed to conduct a virtual audit, if the producer wishes to have a virtual audit. APHIS expects the benefits of reduced infections from HPAI will outweigh the aforementioned costs associated with this interim rule.

APHIS estimates that this interim rule will reduce costs to APHIS and State partners between $39.56 million and $88.66 million. These estimates include reductions in indemnity and response costs less costs incurred by APHIS and State partners for buffer zone movement audits and previously infected premises audits. APHIS anticipates a slight increase in staff time costs that it will incur as a result of conducting buffer zone movement audits and previously infected premises audits. APHIS expects this interim rule to have costs for producers to facilitate the audit (including up-front costs for the purchase of any equipment necessary to conduct an audit virtually) and to address any resultant biosecurity deficiencies. Producers may also incur additional costs if their premises fails an audit and must go through the reconsideration process meaning more time will pass before poultry may be moved onto the premises or the premises is restocked. Producers in infected zones will face costs from delays to restocking based on forgone profits. APHIS estimates that these costs will result in $0.49 to $0.79 million in time, materials, and recordkeeping costs to producers. Overall, APHIS estimates that this interim rule will have a net benefit of between $38.55 and $87.65 million. In addition to these quantified benefits, APHIS also anticipates that this interim rule will have small unquantified effects on international trade, consumer prices, animal welfare, public health, and producer welfare.

TABLE 1—SUMMARY OF ESTIMATED COSTS AND BENEFITS OF THE INTERIM RULE

	Reduction in costs to APHIS and State partners		Cost to producers		Net benefits	
	Low	High	Low	High	Low	High
	$, millions					
Buffer zone movement audits	15.53	31.23	0.03	0.08	15.45	31.20
Previously infected premises audits	14.63	29.53	0.13	0.18	14.45	29.40
Infected zone waiting period	9.40	27.90	0.06	0.26	9.14	27.84
Recordkeeping and paperwork	0.0	0.0	0.27	0.27	(0.27)	(0.27)
Total	39.56	88.66	0.49	0.79	38.55	87.65

Note: Reduction in costs to APHIS and State partners includes estimated reduction in indemnity and response costs less audit costs incurred by APHIS and State partners.

APHIS estimates the total annualized cost of the paperwork and recordkeeping associated with this interim rule to be $286,723.13. Reporting and recordkeeping requirements associated with this interim rule are discussed under the heading ''Paperwork Reduction Act.'' This interim rule will mostly affect larger commercial poultry operations dealing with HPAI. APHIS estimates that 5.9 percent of all poultry operations will be affected by this interim rule although they are classified as small by the Small Business Administration.

The full economic analysis provides a benefit-cost analysis, as required by Executive Orders 12866 and 13563, which direct agencies to assess all costs and benefits of available regulatory alternatives and, if regulation is necessary, to select regulatory approaches that maximize net benefits (including potential economic, environmental, public health and safety effects, and equity). Executive Order 13563 emphasizes the importance of quantifying both costs and benefits, of reducing costs, of harmonizing rules, and of promoting flexibility. The economic analysis also examines the potential economic effects of this interim rule on small entities, as required by the Regulatory Flexibility Act.

Executive Order 12372

This program/activity is listed in the Catalog of Federal Domestic Assistance under No.10.025 and is subject to Executive Order 12372, which requires intergovernmental consultation with State and local officials. (See 2 CFR chapter IV.)

Executive Order 12988

This rule has been reviewed under Executive Order 12988, Civil Justice Reform. This rule (1) preempts all State and local laws and regulations that are in conflict with this rule; (2) has no retroactive effect; and (3) does not require administrative proceedings before parties may file suit in court challenging this rule.

Executive Order 13175

This rule has been reviewed in accordance with the requirements of Executive Order 13175, Consultation and Coordination With Indian Tribal Governments. Executive Order 13175 requires Federal agencies to consult and coordinate with Tribes on a government-to-government basis on policies that have Tribal implications, including regulations, legislative comments or proposed legislation, and other policy statements or actions that have substantial direct effects on one or more Indian Tribes, on the relationship between the Federal Government and Indian Tribes or on the distribution of power and responsibilities between the Federal Government and Indian Tribes.

APHIS has assessed the impact of this interim rule on Indian Tribes and determined that this interim rule does not, to our knowledge, have Tribal implications that require tribal consultation under Executive Order 13175. Additionally, a virtual listening session, ''Tribal Listening Session on Highly Pathogenic Avian Influenza Biosecurity Compliance Audit Program,'' was held on July 24, 2023, with no Tribes in attendance expressing concerns regarding the provisions of the interim rule.

If a Tribe requests consultation, APHIS will work with the Office of Tribal Relations to ensure meaningful consultation is provided where changes, additions, and modifications identified herein are not expressly mandated by Congress.

Paperwork Reduction Act

In accordance with section 3507(j) of the Paperwork Reduction Act of 1995 (44 U.S.C. 3501 *et seq.*), the information collection and recordkeeping requirements included in this interim rule have been submitted for emergency approval to the Office of Management and Budget (OMB).

Written comments and recommendations for the proposed information collection should be sent within 60 days of publication of this notice to *www.reginfo.gov/public/do/PRAMain.* Find this particular information collection by selecting ''Currently under 60-day Review—Open for Public Comments'' or by using the search function. Please send a copy of your comments to: (1) Docket No. APHIS–2023–0088, Regulatory Analysis and Development, PPD, APHIS, Station 2C–10.16, 4700 River Road, Unit 25, Riverdale, MD 20737–1238, and (2) Clearance Officer, OCIO, USDA, Room 404–W, 14th Street and Independence Avenue SW, Washington, DC 20250. A comment to OMB is best assured of having its full effect if OMB receives it within 30 days of publication of this interim rule.

The U.S. poultry industry is undergoing a severe outbreak of highly pathogenic avian influenza (HPAI); it experienced a similar one in 2015. Pursuant to its existing policy, APHIS is working with State and local animal health officials to combat the outbreak, using, in part, biosecurity plans and audits consistent with principles outlined in the National Poultry Improvement Plan (NPIP). APHIS has denied indemnity for poultry operations without biosecurity plans that destroy eggs and poultry due to HPAI since 2018 unless the premises is exempted. Further, the current paper-based audit process does not always illustrate how well the premises is practicing biosecurity to prevent HPAI infection or reintroduction. APHIS has found that it often needs visual inspection to see how well a premises is carrying out its biosecurity plan.

To help address the spread of HPAI by verifying that commercial premises have poultry biosecurity plans with appropriate mitigations that are being implemented and maintained, APHIS is amending its regulations to require biosecurity audits for two statuses of premises as conditions for indemnity for HPAI, and to include procedures for reconsideration of audit results. One audit is for HPAI-infected premises that intend to restock and wish to be eligible to receive subsequent payments of indemnity for poultry destroyed during an outbreak. The other is for premises in the buffer zone of a control area that intend to move poultry onto a premises within the buffer zone and wish to be eligible to receive payments of indemnity for poultry that have been moved onto the premises. (The buffer zone is the zone within a control area that immediately surrounds an infected zone). Premises in the buffer zone are usually notified of this status by the State Animal Health Official (SAHO), although within this interim rule we are making allowance for notification by APHIS instead.

APHIS plans to allow virtual biosecurity audits of buffer zone premises because, while the premises are at risk of becoming affected with HPAI, they are, by definition, currently unaffected. They are in proximity to affected premises, however, the premises in the buffer zone, as a whole, undergo periodic surveillance. For these reasons, virtual visual inspection should usually suffice. Conversely, previously affected premises will be audited in person (absent extenuating circumstances or a SAHOs request) to ensure that reintroduction risks are being effectively mitigated.

These amendments require the creation of three new information collection activities.

APHIS Biosecurity Audit. Buffer zone poultry premises can be audited virtually unless the SAHO in the State where the premises is located requests an in-person audit. Previously affected premises will be audited in-person, absent extenuating circumstances, unless the SAHO requests a virtual audit. All previously infected premises must pass additional biosecurity audits every 6 months, until the State in which the premises is located declares freedom from HPAI. Producers may use successful biosecurity audits completed within the preceding 6 months, otherwise a new biosecurity audit must be conducted. If premises in a control area change their biosecurity plan, biosecurity coordinator, ownership, or infrastructure during the 6-month period, they are required to pass a new biosecurity audit in accordance with § 53.11(f)(1)(i) or (ii) of this interim rule, as applicable, before moving poultry onto the premises.

A premises will initially pass a biosecurity audit if the auditor determines that the minimum requirements are met for all biosecurity audit criteria in the biosecurity audit tool. If deficiencies are identified, the auditors will communicate the identified deficiencies to producers. Producers may ask clarifying questions about the nature of the deficiencies and/or provide additional documentation to remediate the identified deficiency. The auditor, where appropriate, may work with the producer to identify solutions to resolve the deficiencies and may revise the audit results based on the additional information provided. If the producer needs further guidance on addressing a deficiency that goes beyond the auditor's training, the auditor will send the request to the audit reviewer and, if needed, the BCAP Program Manager. Once the audit process concludes, the auditor will submit the audit package to a reviewer based in the State where the premises is located.

Biosecurity Audit Tool. Claims for avian influenza indemnity, unless exempted, require producers to have a poultry biosecurity plan meeting the biosecurity principles in the NPIP Program Standards. Poultry biosecurity plans support continuity of business and are specific to the premises and its operational procedures. The NPIP Program Standards describe the 14

biosecurity principles that must be included in the biosecurity plan.

APHIS developed the Biosecurity Compliance Audit Program (BCAP) to administer the audits. The BCAP administration includes a BCAP Program Manager within APHIS' Veterinary Services program, and local auditing teams comprised of an auditor and reviewer. The BCAP members will use a biosecurity audit tool APHIS developed with State and industry input. This new biosecurity audit tool includes an evaluation of the premises' poultry biosecurity plan against the 14 biosecurity principles articulated in the NPIP Program Standards and includes an evaluation of the poultry biosecurity plan itself and documentation showing that the plan is being implemented. However, the tool also includes visual verification of perimeter buffer areas; line of separation procedures for personnel, visitors, equipment, and vehicles; and on-premises rodent and wildlife mitigations. Use of the tool will ensure consistency of reviewing premises and identifying deficiencies in biosecurity. The tool may be revised as audits are conducted and additional data is gathered, as updated epidemiological information becomes available, or as other advancements in technology and production practices occur. To that end, the BCAP Program Manager will review the tool at least annually. Changes to the tool will appear in a notice published in the **Federal Register** inviting public comment.

Reconsideration Process for Audit Results. If the producer disagrees with the final audit determination of the reviewer, the producer may send a request for reconsideration to the BCAP Program Manager through email or by postal mail to the addresses listed in the regulations. The request for reconsideration must be in writing, state the material facts and reasons upon which the producer relies to show that the producer wrongfully failed the biosecurity audit, and be received by the BCAP Program Manager within 14 calendar days of communication of the reviewer's final audit determination. After receipt of the reconsideration request, the BCAP Program Manager will review the reconsideration request, the audit package prepared by the auditor, and the reviewer's final audit determination. If the BCAP Program Manager disagrees with the reviewer's final determination the results of the biosecurity audit become a pass; if the BCAP Program Manager agrees that a biosecurity deficiency exists, the reconsideration request proceeds to panel. A panel consisting of the SAHO of the State where the premises is located, the APHIS Area Veterinarian in Charge, and the BCAP Program Manager will review the reconsideration request, the audit package prepared by the auditor, and the reviewer's final audit determination. The panel's decision is final and the outcome of the reconsideration process will be communicated to the producer, by the auditor, as promptly as circumstances allow and will state, in writing, the reasons for the decision.

We are soliciting comments from the public (as well as affected agencies) concerning our information collection and recordkeeping requirements. These comments will help us:

(1) Evaluate whether the information collection is necessary for the proper performance of our agency's functions, including whether the information will have practical utility;

(2) Evaluate the accuracy of our estimate of the burden of the information collection, including the validity of the methodology and assumptions used;

(3) Enhance the quality, utility, and clarity of the information to be collected; and

(4) Minimize the burden of the information collection on those who are to respond (such as through the use of appropriate automated, electronic, mechanical, or other technological collection techniques or other forms of information technology; *e.g.,* permitting electronic submission of responses).

The Agency estimates there will be 52 State and 473 business respondents affected by the three new information collections in this interim rule. For the APHIS Biosecurity Audit information collection, the Agency estimates there will be 104 State and 473 business responses, with 624 total annual burden hours for State respondents and total annual 2,728 burden hours for business. For the Biosecurity Audit Tool information collection, the Agency estimates there will be 52 State and 473 business responses, with total burden hours of 208 for State respondents and 1,892 for business respondents. For the Reconsideration Process for Audit Results information collection, the Agency estimates there will be 200 business responses and 200 hours of burden annually. Total burden estimates in summary include:

Estimate of burden: Public reporting burden for this collection of information is estimated to average 4 hours per response.

Respondents: Commercial poultry farm owners and managers; private veterinarians; poultry agencies and organizations; and State animal health officials and laboratory personnel.

Estimated annual number of respondents: 525.

Estimated annual number of responses per respondent: 2.

Estimated annual number of responses: 1,302.

Estimated total annual burden on respondents: 5,652 hours. (Due to averaging, the total annual burden hours may not equal the product of the annual number of responses multiplied by the reporting burden per response.)

A copy of the information collection may be viewed on the *Regulations.gov* website or in our reading room. (A link to *Regulations.gov* and information on the location and hours of the reading room are provided under the heading **ADDRESSES** at the beginning of this proposed rule.) Information about the information collection process may be obtained from Mr. Joseph Moxey, APHIS' Paperwork Reduction Act Coordinator, at (301) 851–2533. APHIS will respond to any ICR-related comments in the final rule. All comments will also become a matter of public record.

E-Government Act Compliance

The Animal and Plant Health Inspection Service is committed to compliance 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. The audit activities and appeals prescribed in this information collection must be in writing and may be transmitted by email.

For assistance with E-Government Act compliance related to this interim rule, please contact Mr. Joseph Moxey, APHIS' Paperwork Reduction Act Coordinator, at (301) 851–2533, or the Veterinary Service contact listed above under **FOR FURTHER INFORMATION CONTACT**.

Congressional Review Act

Pursuant to the Congressional Review Act (5 U.S.C. 801 *et seq.*), the Office of Information and Regulatory Affairs determined that this rule does not meet the criteria set forth in 5 U.S.C. 804(2).

List of Subjects in 9 CFR Part 53

Animal diseases, Indemnity payments, Livestock, Poultry and poultry products.

Accordingly, we are amending 9 CFR part 53 as follows:

PART 53—FOOT-AND-MOUTH DISEASE, PLEUROPNEUMONIA, AND CERTAIN OTHER COMMUNICABLE DISEASES OF LIVESTOCK OR POULTRY

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

Authority: 7 U.S.C. 8301–8317; 7 CFR 2.22, 2.80, and 371.4.

■ 2. Amend § 53.1 by adding definitions for ''buffer zone,'' ''control area,'' and ''infected zone,'' in alphabetical order, to read as follows:

§ 53.1 Definitions.

* * * * *

Buffer zone. The zone within a control area that immediately surrounds an infected zone.

Control area. The area around a premises infected with highly pathogenic avian influenza and consisting of an infected zone and a buffer zone, the bounds of which are determined and communicated to producers by Federal or State officials.

* * * * *

Infected zone. The zone within a control area that immediately surrounds a premises infected with highly pathogenic avian influenza, up to the beginning of the buffer zone.

* * * * *

■ 3. Amend § 53.10 by revising paragraph (g) to read as follows:

§ 53.10 Claims not allowed.

* * * * *

(g)(1) Except as provided in paragraph (g)(2) of this section, the Department will not allow claims arising out of the destruction of poultry or eggs destroyed due to an outbreak of highly pathogenic avian influenza unless the following conditions apply:

(i) *Approved biosecurity plan:* The owner of the poultry or eggs and, if applicable, any party that enters into a contract with the owner to grow or care for the poultry or eggs, had in place, at the time of detection of highly pathogenic avian influenza, and was following a poultry biosecurity plan that meets the requirements of § 53.11(e).

(ii) *Buffer zone movement audit:* For indemnity claims for poultry moved onto a premises located in a buffer zone of a control area for highly pathogenic avian influenza, the premises receiving the poultry must pass a biosecurity audit conducted in accordance with § 53.11(f)(1)(i) prior to the movement of poultry onto the premises; unless the premises receiving the poultry passed a biosecurity audit within the preceding six (6) months. *Provided,* that the Administrator may, upon request by a producer and upon his or her determination that such action will not result in the dissemination of highly pathogenic avian influenza within the United States, allow a premises to pass a biosecurity audit in accordance with § 53.11(f)(1)(i) after the placement of poultry onto the premises. The producer must make such a request in writing and state in the request all the facts and reasons justifying the request. If the request is denied, the premises must pass a biosecurity audit in accordance with § 53.11(f)(1)(i) prior to the placement of poultry onto the premises to be eligible to receive future indemnity payment if the poultry is later infected with highly pathogenic avian influenza.

(iii) *Previously infected premises audit:* For indemnity claims for poultry moved onto any premises that was previously infected with highly pathogenic avian influenza during the same outbreak, the premises must pass a biosecurity audit conducted in accordance with § 53.11(f)(1)(ii) prior to the movement of poultry onto the premises; unless the movement occurs after the United States declares freedom from highly pathogenic avian influenza. In addition, all previously infected premises must pass virtually conducted biosecurity audits every six (6) months until the State in which the premises is located declares freedom from highly pathogenic avian influenza.

(2) Owners and contractors are exempted from the requirements of paragraph (g)(1) of this section if the facilities where the poultry or eggs are raised or cared for falls under one of the following categories:

(i) Commercial table-egg laying premises with fewer than 75,000 birds;

(ii) Egg-type game bird and egg-type waterfowl premises with fewer than 25,000 birds.

(iii) Premises on which fewer than 100,000 broilers are raised annually; and

(iv) Premises on which fewer than 30,000 meat turkeys are raised annually.

(3) Notwithstanding the conditions in paragraphs (g)(1) and (2) of this section, the Department will not pay claims arising out of the destruction of poultry destroyed due to an outbreak of highly pathogenic avian influenza if the poultry was moved onto a premises in an infected zone and if the poultry becomes infected with HPAI within 14 days following the dissolution of the control area in which the infected zone is located.

* * * * *

■ 4. Amend § 53.11 by redesignating paragraph (f) as paragraph (g), and adding a new paragraph (f) to read as follows:

§ 53.11 Highly pathogenic avian influenza; conditions for payment.

* * * * *

(f)(1) The Department requires that a biosecurity audit be conducted by an auditing team comprised of an auditor and a reviewer using the biosecurity audit tool available at *https://www.aphis.usda.gov/sites/default/files/biosecurityaudit.pdf.* The auditor makes the initial determination of whether a premises passes a biosecurity audit and will be a State employee. If the State lacks the human resources to fill the position, an APHIS employee can fill the position. The reviewer makes the final determination of whether a premises passes a biosecurity audit and will be an APHIS employee. The audit will be conducted as follows:

(i) Biosecurity audits for premises in a buffer zone as described in § 53.10(g)(1)(ii), shall be conducted virtually by an auditor unless the State Animal Health Official, in the State where the premises is located, requests an in-person audit.

(ii) Biosecurity audits for previously infected premises as described in § 53.10(g)(1)(iii), shall be conducted in-person by an auditor unless the State Animal Health Official determines that extenuating circumstances warrant a virtual audit instead. Extenuating circumstances include, but are not limited to, severe adverse weather conditions, employee safety considerations, and lack of necessary equipment on the premises to conduct a virtual audit.

(2) To assist auditors in conducting the biosecurity audit, producers must allow auditors access to their premises and access to documentation to review and verify whether the premises meets the minimum requirements of the biosecurity audit criteria described in the biosecurity audit tool. A premises will initially pass a biosecurity audit if the auditor determines that the minimum requirements are met for all biosecurity audit criteria in the biosecurity audit tool. Auditors will communicate all identified deficiencies to producers and collaborate, where appropriate, to identify solutions to resolve the identified deficiencies. Producers must provide timelines to auditors for remediation of all identified deficiencies. Auditors will submit the audit package to a reviewer based in the State where the premises is located.

(3) The reviewer will review the audit package for completeness, accuracy, and consistency with other audits and render a final audit determination of

pass or fail. The reviewer must be afforded the same access to the premises previously afforded to the auditor, if requested.

(4) If the producer disagrees with the final audit determination, the producer may send a request for reconsideration to *APHIS.HPAI.BCAP.audits@usda.gov* or by postal mail to: Biosecurity Audit Reconsideration, 920 Main Campus Drive, Raleigh, NC 27606. The request for reconsideration must be in writing, state all the facts and reasons upon which the producer relies to show that the producer wrongfully failed the biosecurity audit, and be received by the Biosecurity Compliance Audit Program Manager within 14 calendar days of communication of the reviewer's final audit determination. After receipt of the reconsideration request, the process proceeds as follows:

(i) The Biosecurity Compliance Audit Program Manager will review the reconsideration request, the audit package prepared by the auditor, and the reviewer's final audit determination. If the Biosecurity Compliance Audit Program Manager determines that the producer wrongfully failed the biosecurity audit, he or she will change the final audit determination from fail to pass. The auditor will notify the producer of the change in writing, and the Biosecurity Compliance Audit Program Manager will close the reconsideration request. If the Biosecurity Compliance Audit Program Manager agrees that the producer failed the biosecurity audit, the reconsideration process will continue to a panel review.

(ii) A panel consisting of the State Animal Health Official of the State where the premises is located, the APHIS Area Veterinarian in Charge, and the Biosecurity Compliance Audit Program Manager will review the reconsideration request, the audit package prepared by the auditor, and the reviewer's final audit determination. The panel's decision is final and will be communicated to the producer as promptly as circumstances allow and will state, in writing, the reasons for the decision.

(5) A final audit determination of pass for a premises that had a biosecurity audit conducted in accordance with paragraph (f)(1)(i) or (ii) of this section will be valid for six (6) months, unless the premises changes its poultry biosecurity plan, biosecurity coordinator, ownership, or infrastructure. If such premises makes any of the aforementioned changes, the premises must pass a new biosecurity audit conducted in accordance with paragraph (f)(1)(i) or (ii) of this section, as applicable, prior to the movement of poultry onto the premises.

(6) The biosecurity audit tool referenced in paragraph (f)(1) of this section will be reviewed by APHIS on an annual basis and revised as follows:

(i) *Standard process for revising the biosecurity audit tool:* If the Administrator determines that revisions to the biosecurity audit tool are necessary, APHIS will publish a notice in the **Federal Register** advising the public of the Administrator' determination. The notice will describe the proposed revisions and the reasons for the proposed revisions and will invite public comment on the proposed revisions.

(ii) *Immediate process for revising the biosecurity audit tool:* If the Administrator determines that the biosecurity audit tool is no longer sufficient for auditors to use to conduct biosecurity audits pursuant to paragraph (f)(1)(i) or (ii) of this section, APHIS will immediately update the biosecurity audit tool. APHIS will publish a notice in the **Federal Register** advising the public of the Administrator's determination. The notice will specify the revisions and the reasons for the revisions, provide an effective date for the revisions, and will invite public comment on the revisions.

* * * * *

Done in Washington, DC, this 23rd day of December 2024.

Jennifer Moffitt,

Undersecretary, Marketing and Regulatory Programs, USDA.

[FR Doc. 2024–31384 Filed 12–30–24; 8:45 am]

BILLING CODE 3410–34–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Food and Drug Administration

21 CFR Part 101

[Docket No. FDA–2000–N–0011]

Uniform Compliance Date for Food Labeling Regulations

AGENCY: Food and Drug Administration, Department of Health and Human Services (HHS).

ACTION: Final action; announcement of a uniform compliance date.

SUMMARY: The Food and Drug Administration (FDA or we) is establishing January 1, 2028, as the uniform compliance date for food labeling regulations that are published on or after January 1, 2025, and on or before December 31, 2026. We periodically announce uniform compliance dates for new food labeling requirements to minimize the economic impact of labeling changes.

DATES: This final action is effective December 31, 2024. Either electronic or written comments on the final action must be submitted by March 3, 2025.

ADDRESSES: You may submit comments as follows. Please note that late, untimely filed comments will not be considered. The *https://www.regulations.gov* electronic filing system will accept comments until 11:59 p.m. Eastern Time at the end of March 3, 2025. Comments received by mail/hand delivery/courier (for written/paper submissions) will be considered timely if they are received on or before that date.

Electronic Submissions

Submit electronic comments in the following way:

- *Federal eRulemaking Portal: https://www.regulations.gov.* Follow the instructions for submitting comments. Comments submitted electronically, including attachments, to *https://www.regulations.gov* will be posted to the docket unchanged. Because your comment will be made public, you are solely responsible for ensuring that your comment does not include any confidential information that you or a third party may not wish to be posted, such as medical information, your or anyone else's Social Security number, or confidential business information, such as a manufacturing process. Please note that if you include your name, contact information, or other information that identifies you in the body of your comments, that information will be posted on *https://www.regulations.gov.*
- If you want to submit a comment with confidential information that you do not wish to be made available to the public, submit the comment as a written/paper submission and in the manner detailed (see ''Written/Paper Submissions'' and ''Instructions'').

Written/Paper Submissions

Submit written/paper submissions as follows:

- *Mail/Hand Delivery/Courier (for written/paper submissions):* Dockets Management Staff (HFA–305), Food and Drug Administration, 5630 Fishers Lane, Rm. 1061, Rockville, MD 20852.
- For written/paper comments submitted to the Dockets Management Staff, FDA will post your comment, as well as any attachments, except for information submitted, marked and identified, as confidential, if submitted as detailed in ''Instructions.''

Instructions: All submissions received must include the Docket No. FDA–2000–N–0011 for ''Uniform Compliance Date for Food Labeling Regulations.'' Received comments, those filed in a timely manner (see **ADDRESSES**), will be placed in the docket and, except for those submitted as ''Confidential Submissions,'' publicly viewable at *https://www.regulations.gov* or at the Dockets Management Staff between 9 a.m. and 4 p.m., Monday through Friday, 240–402–7500.

• Confidential Submissions—To submit a comment with confidential information that you do not wish to be made publicly available, submit your comments only as a written/paper submission. You should submit two copies total. One copy will include the information you claim to be confidential with a heading or cover note that states ''THIS DOCUMENT CONTAINS CONFIDENTIAL INFORMATION.'' We will review this copy, including the claimed confidential information, in our consideration of comments. The second copy, which will have the claimed confidential information redacted/blacked out, will be available for public viewing and posted on *https://www.regulations.gov.* Submit both copies to the Dockets Management Staff. If you do not wish your name and contact information to be made publicly available, you can provide this information on the cover sheet and not in the body of your comments, and you must identify this information as ''confidential.'' Any information marked as ''confidential'' will not be disclosed except in accordance with 21 CFR 10.20 and other applicable disclosure law. For more information about FDA's posting of comments to public dockets, see 80 FR 56469, September 18, 2015, or access the information at: *https://www.govinfo.gov/content/pkg/FR-2015-09-18/pdf/2015-23389.pdf.*

Docket: For access to the docket to read background documents or the electronic and written/paper comments received, go to *https://www.regulations.gov* and insert the docket number, found in brackets in the heading of this document, into the ''Search'' box and follow the prompts and/or go to the Dockets Management Staff, 5630 Fishers Lane, Rm. 1061, Rockville, MD 20852, 240–402–7500.

FOR FURTHER INFORMATION CONTACT: Lauren Kleinman, Human Foods Program (HFS–24), Food and Drug Administration, 5001 Campus Dr., College Park, MD 20740, 240–402–2378.

SUPPLEMENTARY INFORMATION:

I. Background

We periodically issue regulations requiring changes in the labeling of food. If the compliance dates of these labeling changes were not coordinated, the cumulative economic impact on the food industry of having to respond separately to each change would be substantial. Therefore, we periodically have announced uniform compliance dates for new food labeling requirements (see, *e.g.,* the **Federal Register** of October 19, 1984 (49 FR 41019); December 24, 1996 (61 FR 67710); December 27, 1996 (61 FR 68145); December 23, 1998 (63 FR 71015); November 20, 2000 (65 FR 69666); December 31, 2002 (67 FR 79851); December 21, 2006 (71 FR 76599); December 8, 2008 (73 FR 74349); December 15, 2010 (75 FR 78155); November 28, 2012 (77 FR 70885); December 10, 2014 (79 FR 73201); November 25, 2016 (81 FR 85156); December 20, 2018 (83 FR 65294); January 6, 2021 (86 FR 462); and January 3, 2023 (88 FR 6)). Use of a uniform compliance date provides for an orderly and economical industry adjustment to new labeling requirements by allowing sufficient lead time to plan for the use of existing label inventories and the development of new labeling materials.

II. Analysis of Environmental Impact

We have determined under 21 CFR 25.30(k) that this action is of a type that does not individually or cumulatively have a significant effect on the human environment. Therefore, neither an environmental assessment nor an environmental impact statement is required.

III. Paperwork Reduction Act of 1995

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

IV. Conclusion

This action does not relate to existing requirements for compliance dates contained in final rules published before January 1, 2025. Therefore, the compliance dates for all final rules published by FDA in the **Federal Register** before January 1, 2025, will be the date stated in the respective final rule. We generally encourage industry to comply with new labeling regulations as quickly as feasible, however. Thus, when industry members voluntarily change their labels, it is appropriate that they incorporate any new requirements that have been published as final regulations up to that time.

In rulemaking that began with publication of a proposed rule on April 15, 1996 (61 FR 16422), and ended with a final rule on December 24, 1996 (61 FR 67710) (together ''the 1996 rulemaking''), we provided notice and an opportunity for comment on the practice of establishing uniform compliance dates by issuance of a final rule announcing the date. We received no comments objecting to this practice during the 1996 rulemaking, nor have we received comments objecting to this practice since we last published a uniform compliance date final rule on January 3, 2023 (88 FR 6).

We find for good cause that notice and public procedure thereon are unnecessary because this action is uncontroversial and is consistent with FDA's past practice over many years. In this proceeding, FDA has identified a uniform compliance date that is approximately 3 years after the date of publication of this final action, consistent with past uniform compliance date rules. Moreover, interested parties will have an opportunity to comment on the compliance date for each individual food labeling regulation as part of the rulemaking process for that regulation. Consequently, FDA finds that notice and public procedure thereon are unnecessary for this final action. However, under 21 CFR 10.40(e)(1), we are providing an opportunity for comment on whether the uniform compliance date established by this final action should be modified or revoked.

In addition, we find good cause for this final action to become effective on the date of publication of this action. A delayed effective date is unnecessary in this case because this action does not impose any new regulatory requirements on affected parties. Instead, this final action provides affected parties with notice of our intent to identify January 1, 2028, as the compliance date for final food labeling regulations that require changes in the labeling of food products and that publish on or after January 1, 2025, and on or before December 31, 2026, unless special circumstances justify a different compliance date. Thus, affected parties do not need time to prepare before the rule takes effect. Therefore, we find good cause for this final action to become effective on the date of publication of this action.

The uniform compliance date is only relevant to final FDA food labeling regulations that require changes in the labeling of food products and that publish on or after January 1, 2025, and on or before December 31, 2026. All

food products subject to the January 1, 2028, compliance date must comply with the appropriate regulations when initially introduced into interstate commerce on or after January 1, 2028. If any food labeling regulation involves special circumstances that justify a compliance date other than January 1, 2028, we will determine for that regulation an appropriate compliance date, which will be specified when the final regulation is published.

Dated: December 26, 2024.

P. Ritu Nalubola,

Associate Commissioner for Policy.

[FR Doc. 2024–31419 Filed 12–30–24; 8:45 am]

BILLING CODE 4164–01–P

DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT

24 CFR Parts 5, 92, 93, 570, 574, 576, and 578

[Docket No. FR–6057–N–06]

Housing Opportunity Through Modernization Act: Implementation of Sections 102, 103, and 104; Extension of Compliance Date and Safe Harbor Implementation

AGENCY: Office of the Assistant Secretary for Community Planning and Development, U.S. Department of Housing and Urban Development (HUD).

ACTION: Final rule; extension of compliance date.

SUMMARY: This document extends the compliance date for HUD's final rule entitled ''Housing Opportunity Through Modernization Act of 2016: Implementation of Sections 102, 103, and 104'' (HOTMA final rule) for Community Planning and Development (CPD) programs. Specifically, HUD is extending the compliance date for the HOME Investment Partnerships program (HOME), HOME-American Rescue Plan program, Housing Trust Fund (HTF), Housing Opportunities for Persons With AIDS (HOPWA), Community Development Block Grant program (CDBG), Emergency Solution Grants (ESG), Continuum of Care (CoC) programs, and CPD programs funded through competitive processes (Competitive Programs). HUD is extending the compliance deadline for all grantees and allowing grantees that are ready to comply to set an earlier compliance date between January 1, 2024, and January 1, 2026. In addition, HUD is permitting the implementation of certain income safe harbors established in the HOTMA final rule prior to the extended HOTMA compliance date. HUD is taking this action due to delays in updating the HUD systems to comply with HOTMA and to allow additional time for jurisdictions, participants, and grantees to incorporate HUD's income and asset requirements into their own programs and flexibility to transition implementing HOTMA requirements under their own timelines.

DATES: The compliance date for the final rule published February 14, 2023, at 88 FR 9600, is extended. CPD participating jurisdictions, participants, and grantees (CPD grantees) subject to 24 CFR parts 5, 92, 93, 570, 574, 576, and 578, or who apply the income requirements in 24 CFR part 5 pursuant to Notices of Funding Opportunity (NOFOs), are not required to comply with the changes established by the HOTMA final rule until January 1, 2026.

FOR FURTHER INFORMATION CONTACT: For HOME and the HTF, Milagro Fisher, Senior Affordable Housing Specialist, Office of Affordable Housing Programs, at telephone (202) 708–2684, Room 7160; for HOPWA, Lisa Steinhauer, Senior Program Specialist, Office of HIV/AIDS Housing, at telephone (215) 861–7651, Room 7248; for CDBG, B. Cory Schwartz, Deputy Director, State & Small Cities Division, at telephone (202) 402–4105, Room 7282. The mailing address for each office contact is Department of Housing and Urban Development, 451 Seventh Street SW, Washington, DC 20410–7000. 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.*

SUPPLEMENTARY INFORMATION:

I. Background

On February 14, 2023, HUD published the HOTMA final rule (88 FR 9600). The HOTMA final rule established a January 1, 2024, effective date for the revisions it made to HUD's income regulations at 24 CFR parts 5, 92, 93, 570, and 574. These revisions also affected CPD programs subject to 24 CFR parts 576 and 578, as well as Competitive Programs using NOFOs that reference the regulations at 24 CFR part 5. On September 29, 2023, HUD's Office of Public and Indian Housing (PIH) and Office of Housing (Housing) issued joint notification PIH 2023–27/H 2023–10, which enabled Public Housing Agencies (PHAs) and multifamily owners to establish their own compliance dates for sections 102 and 104 of HOTMA as early as January 1, 2024, and no later than January 1, 2025. Similarly, on December 8, 2023, HUD published the Housing Opportunity Through Modernization Act: Implementation of Sections 102, 103, and 104; Extension of Compliance Date (88 FR 85648) to extend the compliance date of the HOTMA final rule to January 1, 2025, for all CPD programs that use HUD's 24 CFR part 5 income regulations.

II. Further Extensions of the HOTMA Final Rule Compliance Date

On September 18, 2024, PIH announced that PHAs were not to implement and comply with the section 102 and 104 income and assets provisions in the HOTMA final rule by January 1, 2025. This extension was due to delays in updating the HUD systems to comply with the rule. Then, on September 20, 2024, Housing issued notification H 2024–09 to announce that multifamily owners were not to implement and comply with the HOTMA final rule until July 1, 2025. This was also due to delays in updating the HUD systems to comply with the rule. Now, HUD has determined that CPD grantees receiving assistance through CPD programs, which often overlap with PIH and multifamily programs, must be provided with certain flexibilities. HUD is communicating these flexibilities through this document.

HUD's determination that these flexibilities are necessary was made in light of the fact that CPD grantees may not be able to comply with the requirements of the HOTMA final rule until after HUD has provided the guidance and performed the software updates necessary for CPD grantees to implement the HOTMA final rule. Even after the necessary guidance is provided and updates to HUD systems are made, CPD grantees will still need additional time to incorporate this guidance into their program policies and procedures and to update their own systems and software. Therefore, in recognition of these operational issues and challenges, HUD is allowing CPD grantees to set their own compliance dates for the applicable HOTMA final rule provisions. These compliance dates may be as early as January 1, 2024, and no later than January 1, 2026. Until these new compliance dates, CPD grantees must continue to adhere, as applicable, to the requirements found in both their program regulations and the regulations at 24 CFR 5.603, 24 CFR 5.609, 24 CFR 5.611, and 24 CFR 5.617 as they existed prior to January 1, 2024. Furthermore,

CPD grantees must continue to rely on the instructions provided in the document published December 8, 2023 at 88 FR 85648 for implementing the HOTMA final rule.

III. Implementation of the HOTMA Safe Harbor for ESG, COC Programs, and HOPWA

The HOTMA final rule established an income safe harbor provision at 24 CFR 5.609(c)(3). This provision permits PHAs and multifamily owners to determine the annual income of a family prior to the application of any deductions applied in accordance with 24 CFR 5.611 based on income determinations made under the rules of other Federal programs or means-tested forms of Federal public assistance. On September 13, 2024, PIH published updated HOTMA Implementation FAQs [1] describing that PHAs may implement the safe harbor provision at 24 CFR 5.609(c)(3).

Now, HUD is allowing certain CPD grantees that have program regulations that cross reference 24 CFR 5.609(c)(3) to use this safe harbor provision prior to implementing the HOTMA final rule. Grantees of the following CPD programs may use this safe harbor provision: HOPWA (see 24 CFR 574.310(e)), ESG (see 24 CFR 576.401(c)), and the CoC programs (see 24 CFR 578.77(b) and (c)). Before using this safe harbor provision, grantees of these CPD programs must update their program guidelines and establish policies and procedures that describe income verifications when using this safe harbor provision. HUD is providing these grantees, and specifically HOPWA grantees, the ability to use this income safe harbor provision so that its CPD program guidance more closely aligns with its Section 8 program guidance, as HUD's HOPWA regulations closely track Housing Choice Voucher program regulations.

IV. Implementation of the HOTMA Safe Harbor for HOME and HTF

The HOTMA final rule also established separate safe harbor provisions at 24 CFR 92.203(a)(1) and (2) and at 24 CFR 92.252(h) for HOME and other safe harbor provisions at 24 CFR 93.151(a)(1) through (3), and 24 CFR 93.302(e) for HTF. Under 24 CFR 92.203(a)(1) and 24 CFR 93.151(a)(3), a participating jurisdiction or HTF grantee must accept a PHA's, owner's, or rental subsidy provider's income determinations, in accordance with 24 CFR 5.609, if a family is applying for or living in a HOME-assisted or HTF-assisted rental unit and the unit is being assisted by Federal project-based rental subsidy. Similarly, a participating jurisdiction or HTF grantee must accept a State project-based rental subsidy provider's income determination under the rules of that State program. In the same way, under 24 CFR 93.151(a)(1), for HTF-assisted units that are assisted under the public housing program, an HTF grantee must accept a PHA's determination of a family's annual income and adjusted income under 24 CFR 5.609 and 24 CFR 5.611. Moreover, under 24 CFR 92.203(a)(2) and 24 CFR 93.151(a)(2), a participating jurisdiction or HTF grantee may accept a Federal tenant-based rental assistance provider's income determinations if a family is applying for or living in a HOME-assisted or HTF-assisted rental unit and the family is being assisted by a Federal tenant-based rental assistance program.

Now, HUD is allowing participating jurisdictions and HTF grantees to use the safe harbor provisions in 24 CFR 92.203(a) and 24 CFR 92.252(h), or 24 CFR 93.151(a) and 24 CFR 93.302(e), prior to the new HOTMA final rule compliance date and upon publication of this document, even if they have not implemented the remaining provisions of the HOTMA final rule. Before using the safe harbor provisions, participating jurisdictions and HTF grantees must update their program guidelines and establish policies and procedures that describe income verification when using the safe harbor provisions. HUD is providing participating jurisdictions and HTF grantees the ability to use these safe harbor provisions so that its HOME and HTF guidance more closely aligns with its other HOTMA final rule implementation guidance and to reduce the administrative burden on CPD grantees associated with having to meet two different sets of income requirements for the same unit.

V. Conclusion

Accordingly, HUD extends the January 1, 2025, compliance date for implementing the changes made by the HOTMA final rule to 24 CFR parts 5, 92, 93, 570, and 574 for the CPD programs described in this document until January 1, 2026. Until January 1, 2026, the grantees of these programs subject to these parts may instead choose to comply with these parts as they existed prior to January 1, 2024, and may also implement the income safe harbor provisions described in this document.

Marion McFadden,

Principal Deputy Assistant Secretary for Community Planning and Development, Office of Community Planning and Development.

[FR Doc. 2024–31401 Filed 12–30–24; 8:45 am]

BILLING CODE 4210–67–P

[1] *https://www.hud.gov/sites/dfiles/PIH/documents/PIH%20HOTMA%20Implementation%20FAQ%209.13.2024.pdf* updated September 13, 2024.

DEPARTMENT OF HOMELAND SECURITY

Coast Guard

33 CFR Part 165

[Docket No. USCG–2024–1071]

Safety Zone; San Francisco New Year's Eve Fireworks; San Francisco Bay, San Francisco, CA

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

ACTION: Notification of enforcement of regulation.

SUMMARY: The Coast Guard will enforce the safety zone in the navigable waters of the San Francisco Bay near the San Francisco Ferry building for the San Francisco New Year's Eve Fireworks Display. The safety zone will be enforced December 31, 2024, into January 1, 2025. This action is necessary to protect personnel, vessels, and the marine environment from the dangers associated with pyrotechnics. During the enforcement period, unauthorized persons or vessels are prohibited from entering, transiting through, or remaining in the safety zone, unless authorized by the Patrol Commander or other Federal, State, or local law enforcement agencies.

DATES: The regulation in 33 CFR 165.1191 will be enforced for the location described in table 1 to § 165.1191, item number 24, from noon on December 31, 2024, through 12:45 a.m. on January 1, 2025.

FOR FURTHER INFORMATION CONTACT: If you have questions about this notification of enforcement, call or email Lieutenant William Harris, U.S. Coast Guard Sector San Francisco, Waterways Management Division; telephone (415) 399–7443, or email *SFWaterways@uscg.mil.*

SUPPLEMENTARY INFORMATION: The Coast Guard will enforce the safety zone regulations in 33 CFR 165.1191 for the event and location listed in table 1 to § 165.1191, item number 24, for the San Francisco New Year's Eve Fireworks Display from noon on December 31, 2024, through 12:45 a.m. on January 1,

2025. The Coast Guard will enforce a 100-foot safety zone around the fireworks barge during the loading, standby, transit, and arrival of the fireworks barge from the loading location to the display location and until the start of the fireworks display. On December 31, 2024, the fireworks barge will be loaded with pyrotechnics at Pier 64, Wharf 4 in San Francisco, CA, from approximately noon until approximately 6 p.m. The fireworks barge will remain on standby at the load location until their transit to the display location. From 10:45 p.m. to 11:15 p.m. on December 31, 2024, the loaded fireworks barge will transit from Pier 64, Wharf 4 to the launch site near the San Francisco Ferry Building in approximate position 37°47′45″ N, 122°23′15″ W (NAD 83), where they will remain until the conclusion of the fireworks display. At approximately 11:45 p.m. on December 31, 2024, 15-minutes prior to the fireworks display, the safety zone will expand to encompass all navigable waters, from surface to bottom, within a circle formed by connecting all points 1,000 feet out from the fireworks barge. The fireworks barge will be near the San Francisco Ferry Building in San Francisco, CA, in approximate position 37°47′45″ N, 122°23′15″ W (NAD 83) as set forth in 33 CFR 165.1191, table 1, item number 24. The safety zone will be enforced until 12:45 a.m. on January 1, 2025, or as announced via Broadcast Notice to Mariners.

In addition to this notification in the **Federal Register**, the Coast Guard plans to provide notification of the safety zone and its enforcement period via the Local Notice to Mariners.

Under the provisions of 33 CFR 165.1191, unauthorized persons or vessels are prohibited from entering into, transiting through, or anchoring within the safety zone during all applicable effective dates and times, unless authorized to do so by the Patrol Commander or other Official Patrol, defined as a Federal, State, or local law enforcement agency on scene to assist the Coast Guard in enforcing the regulated area. Additionally, each person who receives notice of a lawful order or direction issued by the Patrol Commander or Official Patrol shall obey the order or direction. The Patrol Commander or Official Patrol may, upon request, allow the transit of commercial vessels through the regulated areas when it is safe to do so.

If the Captain of the Port determines that the regulated area need not be enforced for the full duration stated in this notification, a Broadcast Notice to Mariners may be used to grant general permission to enter the regulated area.

Dated: December 19, 2024.

Jordan M. Baldueza,

Captain, U.S. Coast Guard, Captain of the Port San Francisco.

[FR Doc. 2024–31392 Filed 12–30–24; 8:45 am]

BILLING CODE 9110–04–P

DEPARTMENT OF HOMELAND SECURITY

Coast Guard

33 CFR Part 165

[Docket No. USCG–2024–1069]

Safety Zone; Sacramento New Years's Eve Fireworks; Sacramento River, Sacramento, CA

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

ACTION: Notification of enforcement of regulation.

SUMMARY: The Coast Guard will enforce the safety zone in the navigable waters of the Sacramento River near the Tower Bridge for the Sacramento New Year's Eve Fireworks Display. The safety zone will be enforced on December 31, 2024. This action is necessary to protect personnel, vessels and the marine environment from the dangers associated with pyrotechnics. During the enforcement period, unauthorized persons or vessels are prohibited from entering, transiting through, or remaining in the safety zone, unless authorized by the Patrol Commander, other Federal, State, or local law enforcement agencies.

DATES: The regulation in 33 CFR 165.1191 will be enforced for the location described in table 1 to § 165.1191, item number 25, from 8:45 p.m. until 9:20 p.m. on December 31, 2024.

FOR FURTHER INFORMATION CONTACT: If you have questions about this notification of enforcement, call or email Lieutenant William Harris, U.S. Coast Guard Sector San Francisco, Waterways Management Division; telephone (415) 399–7443, or email *SFWaterways@uscg.mil.*

SUPPLEMENTARY INFORMATION: The Coast Guard will enforce the safety zone regulations in 33 CFR 165.1191 for the event and location listed in table 1 to § 165.1191, item number 25, for the Sacramento New Year's Eve Fireworks Display from 8:45 p.m. until 9:20 p.m. on December 31, 2024. The Coast Guard will enforce a 700-foot safety zone around the shore-based launch location near the Tower Bridge at approximate position 38°34′58.1″ N, 121°30′24.8″ W (NAD 83) beginning 15-minutes prior to the 5-minute fireworks display. The safety zone will be enforced until 9:20 p.m. on December 31, 2024, 15-minutes following the conclusion of the fireworks display.

In addition to this notification in the **Federal Register**, the Coast Guard plans to provide notification of the safety zone and its enforcement period via the Local Notice to Mariners.

Under the provision of 33 CFR 165.1191, unauthorized persons or vessels are prohibited from entering into, transiting through, or anchoring within the safety zone during all applicable effective dates and times, unless authorized to do so by the Patrol Commander or other Official Patrol, defined as a Federal, State, or local law enforcement agency on scene to assist the Coast Guard in enforcing the regulated area. Additionally, each person who received notice of a lawful order or direction issued by the Patrol Commander or Official Patrol shall obey the order or direction. The Patrol Commander or Official Patrol may, upon request, allow the transit or commercial vessels through the regulated area when it is safe to do so.

If the Captain of the Port determines that the regulated area need not be enforced for the full duration stated in this notification, a Broadcast Notice to Mariners may be used to grant general permission to enter the regulated area.

Dated: December 19, 2024.

Jordan M. Baldueza,

Captain, U.S. Coast Guard, Captain of the Port San Francisco.

[FR Doc. 2024–31391 Filed 12–30–24; 8:45 am]

BILLING CODE 9110–04–P

DEPARTMENT OF EDUCATION

34 CFR Part 685

[Docket ID ED–2023–OPE–0004]

RIN 1840–AD81

Improving Income Driven Repayment for the William D. Ford Federal Direct Loan Program and the Federal Family Education Loan (FFEL) Program; Correction

AGENCY: Office of Postsecondary Education, Department of Education.

ACTION: Correcting amendment.

SUMMARY: On July 10, 2023, the Department of Education (Department) published in the **Federal Register** final regulations amending regulations related to income-driven repayment.

This document corrects a technical error in the regulations. This document does not contain any substantive changes to the regulations.

DATES: Effective December 31, 2024.

FOR FURTHER INFORMATION CONTACT: Bruce Honer, U.S. Department of Education, 400 Maryland Avenue SW, 5th Floor, Washington, DC 20202. Telephone: (202) 987–0750. Email: *Bruce.Honer@ed.gov.*

If you are deaf, hard of hearing, or have a speech disability and wish to access telecommunications relay services, please dial 7–1–1.

SUPPLEMENTARY INFORMATION: On July 10, 2023, the Department published in the **Federal Register** a final rule amending regulations related to income-driven repayment (88 FR 43820). Those final regulations contained a technical error, which we are correcting. Specifically, with respect to 34 CFR 685.209(k)(6)(i), we indicated in the preamble to the final rule in a response to public comment that we were modifying the regulations to exclude periods in which a borrower is in an in-school deferment from counting toward the borrower's time to forgiveness, and we explained our reasons for doing so, see, *e.g.,* 88 FR 43855, but we inadvertently omitted that change in the regulatory text. This notice corrects that inadvertent omission.

Waiver of Proposed Rulemaking, Negotiated Rulemaking, and Delayed Effective Date

In accordance with the Administrative Procedure Act (APA), 5 U.S.C. 553, the Department generally offers interested parties the opportunity to comment on proposed regulations. However, the APA provides that an agency is not required to conduct notice-and-comment rulemaking when the agency, for good cause, finds that notice and public comment thereon are impracticable, unnecessary, or contrary to the public interest (5 U.S.C. 553(b)). There is good cause to waive rulemaking here as unnecessary.

Rulemaking is ''unnecessary'' in those situations in which ''the administrative rule is a routine determination, insignificant in nature and impact, and inconsequential to the industry and to the public.'' *Utility Solid Waste Activities Group* v. *EPA,* 236 F.3d 749, 755 (D.C. Cir. 2001), *quoting* U.S. Department of Justice, *Attorney General's Manual on the Administrative Procedure Act* 31 (1947) and *South Carolina* v. *Block,* 558 F. Supp. 1004, 1016 (D.S.C. 1983). The regulatory change in this document is necessary to properly and accurately reflect the outcome of the rulemaking process, by correcting a technical error: regulatory text that was proposed and explained but inadvertently was omitted from the final regulatory text. It reflects the substantive rule stated in the preamble, which was the product of the notice and comment process and does not establish any new substantive rule. Therefore, the Department has determined that publication of a proposed rule is unnecessary under 5 U.S.C. 553(b).

In addition, under section 492 of the Higher Education Act of 1965, as amended (HEA) (20 U.S.C. 1098a), all regulations proposed by the Department for programs authorized under title IV of the HEA are subject to negotiated rulemaking requirements. Section 492(b)(2) of the HEA provides that negotiated rulemaking may be waived for good cause when doing so would be ''impracticable, unnecessary, or contrary to the public interest.'' There is likewise good cause to waive the negotiated rulemaking requirement in this case, since, as explained above, notice and comment rulemaking is unnecessary and has already been conducted.

The APA generally requires that regulations be published at least 30 days before their effective date, unless the agency has good cause to implement its regulations sooner (5 U.S.C. 553(d)(3)). As previously stated, because the regulatory change corrects an error, there is good cause to waive the delayed effective date in the APA and make the correction effective as of the date of publication.

Accessible Format: On request to the program contact person listed under **FOR FURTHER INFORMATION CONTACT**, individuals with disabilities can obtain this document in an accessible format. The Department will provide the requestor with an accessible format that may include Rich Text Format (RTF) or text format (txt), a thumb drive, an MP3 file, braille, large print, audiotape, or compact disc, or other accessible format.

Electronic Access to This Document: The official version of this document is the document published in the **Federal Register**. You may access the official edition of the **Federal Register** and the Code of Federal Regulations at *www.govinfo.gov.* At this site you can view this document, as well as all other 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.

List of Subjects in 34 CFR Part 685

Administrative practice and procedure; Colleges and universities; Education; Loan programs—education; Reporting and recordkeeping requirements; Student aid; Vocational education.

Nasser Paydar,

Assistant Secretary, Office of Postsecondary Education.

Accordingly, the Secretary corrects 34 CFR part 685 by making the following correcting amendment:

PART 685—WILLIAM D. FORD FEDERAL DIRECT LOAN PROGRAM

■ 1. The authority citation for part 685 continues to read as follows:

Authority: 20 U.S.C. 1070g, 1087a, *et seq.,* unless otherwise noted.

■ 2. Section 685.209 is amended by revising paragraph (k)(6)(i) to read as follows:

685.209 Income-driven repayment plans.

* * * * *

(k) * * *

(6) * * *

(i) A borrower may obtain credit toward forgiveness as defined in paragraph (k) of this section for any months in which a borrower was in a deferment or forbearance not listed in paragraph (k)(4)(iv) of this section, other than periods in an in-school deferment, by making an additional payment equal to or greater than their current IDR payment, including a payment of $0, for a deferment or forbearance that ended within 3 years of the additional repayment date and occurred after July 1, 2024.

* * * * *

[FR Doc. 2024–31217 Filed 12–30–24; 8:45 am]

BILLING CODE 4000–01–P

DEPARTMENT OF VETERANS AFFAIRS

38 CFR Part 38

RIN 2900–AS13

Veterans Legacy Grants Program Improvements

AGENCY: Department of Veterans Affairs.

ACTION: Final rule.

SUMMARY: The Department of Veterans Affairs (VA) amends its Veterans Legacy Grants Program (VLGP) regulations to

align them with regulatory updates to the uniform administrative requirements and other requirements for Federal awards and makes additional revisions to improve the process for administration of the grant program. This rulemaking implements housekeeping amendments to key terms, legal citations, and definitions and extends timelines for grant recipient reporting requirements.

DATES: This rule is effective January 30, 2025.

FOR FURTHER INFORMATION CONTACT: John Williams, Senior Grants Management Specialist, Veterans Legacy Grants Program, National Cemetery Administration, Department of Veterans Affairs, 810 Vermont Avenue NW, Washington, DC 20420. Telephone: (314) 348–4073 (this is not a toll-free number).

SUPPLEMENTARY INFORMATION: On August 12, 2024, VA published a proposed rule in the **Federal Register** (89 FR 65572) that would align VLGP regulations with regulatory updates to the uniform requirements for Federal awards in 2 CFR part 200 and make additional revisions to improve the process for administration of the grant program. The public comment period ended on October 11, 2024, and VA received 1 comment in response to the proposed rule.

The commenter expressed support for the VLGP and noted that the updates to the regulations would ensure clarity and compliance, provide grant recipients with additional flexibility to meet reporting requirements, and improve the program's overall effectiveness. VA appreciates the commenter's support and feedback. VA makes no changes to the rulemaking based on this comment.

Executive Orders 12866, 13563 and 14094

Executive Order 12866 (Regulatory Planning and Review) directs agencies to assess the costs and benefits of available regulatory alternatives and, when regulation is necessary, to select regulatory approaches that maximize net benefits (including potential economic, environmental, public health and safety effects, and other advantages; distributive impacts; and equity). Executive Order 13563 (Improving Regulation and Regulatory Review) emphasizes the importance of quantifying both costs and benefits, reducing costs, harmonizing rules, and promoting flexibility. Executive Order 14094 (Executive Order on Modernizing Regulatory Review) supplements and reaffirms the principles, structures, and definitions governing contemporary regulatory review established in Executive Order 12866 of September 30, 1993 (Regulatory Planning and Review), and Executive Order 13563 of January 18, 2011 (Improving Regulation and Regulatory Review). The Office of Information and Regulatory Affairs has determined that this rulemaking is not a significant regulatory action under Executive Order 12866, as amended by Executive Order 14094. The Regulatory Impact Analysis associated with this rulemaking can be found as a supporting document at *www.regulations.gov*.

Regulatory Flexibility Act

The Secretary hereby certifies that this final rule will not have a significant economic impact on a substantial number of small entities as they are defined in the Regulatory Flexibility Act (5 U.S.C. 601–612). Amendments in the final rule will likely not be determinative of whether small entities receive or do not receive a grant because they will have limited impact on small entities complying with grant application and reporting requirements. In addition to some technical revisions to the VLGP regulations, this rule will merely align those regulations to updates to the uniform administrative requirements and other requirements for Federal awards (2 CFR part 200). Therefore, pursuant to 5 U.S.C. 605(b), the initial and final regulatory flexibility analysis requirements of 5 U.S.C. 603 and 604 do not apply.

Unfunded Mandates

The Unfunded Mandates Reform Act of 1995 requires, at 2 U.S.C. 1532, that agencies prepare an assessment of anticipated costs and benefits before issuing any rule that may result in the expenditure by State, local, and Tribal governments, in the aggregate, or by the private sector, of $100 million or more (adjusted annually for inflation) in any one year. This final rule will have no such effect on State, local, and Tribal governments, or on the private sector.

Paperwork Reduction Act

Although this final rule contains collection of information under the provisions of the Paperwork Reduction Act of 1995 (44 U.S.C. 3501–3521), there are no provisions associated with this rulemaking constituting any new collection of information or any revisions to the existing collection of information. The collections of information for 38 CFR 38.730 are currently approved by the Office of Management and Budget (OMB) and have been assigned OMB control numbers 4040–0004, 4040–0006, 4040–0007, and 4040–0013.

Assistance Listing

The Assistance Listing number and title for the program affected by this document are 64.204, Veterans Legacy Grants Program.

Congressional Review Act

Pursuant to Subtitle E of the Small Business Regulatory Enforcement Fairness Act of 1996 (known as the Congressional Review Act) (5 U.S.C. 801 *et seq.*), the Office of Information and Regulatory Affairs designated this rule as not satisfying the criteria under 5 U.S.C. 804(2).

Signing Authority

Denis McDonough, Secretary of Veterans Affairs, signed and approved this document on December 20, 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.

List of Subjects in 38 CFR Part 38

Administrative practice and procedure, Cemeteries, Claims, Crime, Grants programs—veterans, Veterans.

Michael P. Shores,

Director, Office of Regulation Policy & Management, Office of General Counsel, Department of Veterans Affairs.

For the reasons stated in the preamble, the Department of Veterans Affairs amends 38 CFR part 38 as set forth below:

PART 38—NATIONAL CEMETERIES OF THE DEPARTMENT OF VETERANS AFFAIRS

■ 1. The authority citation for part 38 continues to read as follows:

Authority: 38 U.S.C. 107, 501, 512, 531, 2306, 2400, 2402, 2403, 2404, 2407, 2408, 2411, 7105.

■ 2. Amend § 38.715 by:
■ a., Removing ''Notice of Funding Availability (NOFA)'' and adding in its place ''Notice of Funding Opportunity (NOFO)'' in the introductory text;
■ b. Removing ''NOFA'' and adding in each place ''NOFO'' in paragraphs (a) and (c)(3) and the paragraph (k) heading; and
■ c. Revising paragraphs (j) and (k) and the authority citation at the end of the section.

The revisions read as follows:

§ 38.715 Definitions.

* * * * *

(j) *Recipient* means an eligible recipient (or entity) that is awarded a

VLGP grant under this part. It does not include a subrecipient or individual that is a beneficiary of the award.

(k) *Notice of Funding Opportunity (NOFO)* means a formal announcement of the availability of a Federal funding opportunity published in the OMB-designated government-wide website *Grants.gov* (*http://www.grants.gov*) in accordance with § 38.725 and 2 CFR 200.1 and 200.204.

(Authority: 38 U.S.C. 501(d), 2400 note, 2 CFR 200.1 and 200.204))

§ 38.720 [Amended]

■ 3. Amend § 38.720 by:
■ b. Removing ''NOFA'' and adding in its place ''NOFO'' in paragraph (b);
■ b. Removing ''grantee'' and adding in its place ''recipient'' in paragraphs (b), (c), and (e);
■ c. Removing ''grantee's'' and adding in its place ''recipient's'' in paragraph (c); and
■ d. Removing ''NOFA'' and adding in its place ''NOFO'' in paragraph (e).

■ 4. Amend § 38.725 by:
■ a. Revising the section heading and introductory text; and
■ b. Removing ''2 CFR 200.203'' and adding in its place ''2 CFR 200.204'' in the authority citation at the end of the section.

The revisions read as follows:

§ 38.725 Notice of Funding Opportunity (NOFO).

When funds are available for VLGP grants, VA will publish a NOFO at *Grants.gov* (*http://www.grants.gov*). The NOFO will identify:

* * * * *

■ 5. Amend § 38.730 by:
■ a. Removing ''NOFA'' each place it appears and adding in each place ''NOFO'';
■ b. Removing ''2 CFR 200.203'' and adding in its place ''2 CFR 200.208'' in the authority citation at the end of the section; and
■ c. Adding a parenthetical OMB reference to the end of the section.

The addition reads as follows:

§ 38.730 Applications.

* * * * *

(The Office of Management and Budget has approved the information collection provisions in this section under control numbers 4040–0004, 4040–0006, 4040–0007, and 4040–0013).

■ 6. Amend § 38.735 by:
■ a. Revising paragraphs (a) and (b); and
■ b. Removing ''2 CFR 200.203'' and adding in its place ''2 CFR 200.206'' in the authority citation at the end of the section.

The revisions read as follows:

§ 38.735 Additional factors for deciding applications.

(a) *Applicant's history of performance.* VA may consider the applicant's record in managing Federal awards, if a prior recipient of a Federal award, including timeliness of compliance with applicable reporting requirements and conformance to the terms and conditions of any previous Federal award.

(b) *Applicant's financial stability.* Applicants must meet and have maintained standards of financial stability for participation in Federal grant programs.

* * * * *

§ 38.740 [Amended]

■ 7. Amend § 38.740 by:
■ a. Removing ''NOFA'' each place it appears and adding in each place ''NOFO''; and
■ b. Removing ''2 CFR 200.203'' and adding in its place ''2 CFR 200.205'' in the authority citation at the end of the section.

§ 38.745 [Amended]

■ 8. Amend § 38.745 in the authority citation by removing ''2 CFR 200.203'' and adding in its place ''2 CFR 200.211''.

§ 38.750 [Amended]

■ 9. Amend § 38.750 in the authority citation by removing ''2 CFR 200.203'' and adding in its place ''2 CFR 200.204''.

§ 38.755 [Amended]

■ 10. Amend § 38.755 by:
■ a. Removing ''grantee'' and adding in its place ''recipient'' in the first sentence of the introductory text; and
■ b. Removing ''2 CFR 200.203'' and adding in its place ''2 CFR 200.211'' in the authority citation at the end of the section.

■ 11. Amend § 38.760 by:
■ a. Revising paragraph (a);
■ b. Removing ''NOFA'' and adding in its place ''NOFO'' in paragraph (b); and
■ c. Removing ''2 CFR 200.203'' and adding in its place ''2 CFR 200.305'' in the authority citation at the end of the section.

The revision reads as follows:

§ 38.760 Payments under the grant.

(a) *Manner of payment.* Recipients are to be paid in accordance with 2 CFR 200.305.

* * * * *

■ 12. Amend § 38.765 by:
■ a. Revising the section heading and paragraph (a); and
■ b. Removing ''2 CFR 200.203'' and adding in its place ''2 CFR 200.344'' in the authority citation at the end of the section.

The revisions read as follows:

§ 38.765 Recipient reporting requirements.

(a) *Final report.* The recipient must submit to VA, no later than 120 calendar days after the end date of the period of performance, all financial, performance, and other reports as required by the terms and conditions of the Federal award.

* * * * *

■ 13. Amend § 38.770 by:
■ a. Removing ''grantee'' each place it appears and adding in each place ''recipient''; and
■ b. Revising the authority citation at the end of the section.

The revision reads as follows:

§ 38.770 Recovery of funds by VA.

* * * * *

(Authority: 38 U.S.C. 501(d), 2400 note, 2 CFR 200.339 and 200.410)

§ 38.775 [Amended]

■ 14. Amend § 38.775 by:
■ a. Removing ''grantee'' each place it appears and adding in each place ''recipient''; and
■ b. Removing ''2 CFR 200.203'' and adding in its place ''2 CFR 200.329'' in the authority citation at the end of the section.

§ 38.780 [Amended]

■ 15. Amend § 38.780 by:
■ a. Removing ''grantees'' and ''Grantees'' and adding in their places ''recipients'' and ''Recipients'', respectively, in paragraph (b); and
■ b. Removing ''2 CFR 200.400–200.475'' and adding in each place ''2 CFR 200.400–200.476''.

■ 16. Revise § 38.785 to read as follows:

§ 38.785 Record retention and access.

Recipients must ensure that records are maintained and accessible in accordance with 2 CFR 200.334–200.338. Recipients must produce such records at VA's request.

(Authority: 38 U.S.C. 501(d), 2400 note, and 2 CFR 200.334–200.338)

[FR Doc. 2024–31230 Filed 12–30–24; 8:45 am]

BILLING CODE 8320–01–P

POSTAL SERVICE

39 CFR Part 111

Labeling List Updates

AGENCY: Postal Service™.

ACTION: Final rule.

SUMMARY: The Postal Service is amending *Mailing Standards of the*

United States Postal Service, Domestic Mail Manual (DMM®) in various sections to eliminate 3 labeling lists (L003, L011, and L801) and redirect those sortations to labeling list L002, L005 or L009, as applicable, to commence the first phase of moving to shape-based labeling lists. Additionally, all language referencing ''ADC/RPDC'' will be revised to read as ''ADC'' in support of the ongoing realignment initiatives.

DATES: *Effective:* January 19, 2025.

FOR FURTHER INFORMATION CONTACT: Dale Kennedy at (202) 268–6592 or Doriane Harley at (202) 268–2537.

SUPPLEMENTARY INFORMATION: Shape-based mail and package processing is a fundamental premise of the Plant/Transportation Network Redesign underway in support of the 10-year Delivering For America plan. Deficiencies in the current labeling list framework offer the opportunity to align external (Commercial) mail preparation and entry as well as internal processing steps with a new shape-based approach to labeling lists.

In various sections, the DMM will continue to reference the AADC sort for labeling list L005 until a later date. Although the container label created using labeling list L005 will reflect SCF destination, mailpieces will receive SCF pricing as per the postage statement, when applicable.

The Postal Service will extend mailers a grace period for compliance with the labeling list changes until April 1, 2025. From April 2 through May 31, 2025, mailers must request an exception from PCSC to use data from the eliminated labeling lists. Files and data for the eliminated labeling lists will no longer be available after 5/31/25.

The Postal Service believes that this change will provide numerous benefits to mailers by deleting redundant lists, aligning existing lists, and synchronizing commercial mail preparation and entry with the opening of new USPS processing/entry points (with fewer errors and re-work).

The Postal Service adopts the described changes to *Mailing Standards of the United States Postal Service,* Domestic Mail Manual (DMM), incorporated by reference in the *Code of Federal Regulations.*

We will publish an appropriate amendment to 39 CFR part 111 to reflect these changes.

List of Subjects in 39 CFR Part 111

Administrative practice and procedure, Postal Service.

Accordingly, the Postal Service amends Mailing Standards of the United States Postal Service, Domestic Mail Manual (DMM), incorporated by reference in the Code of Federal Regulations as follows (see 39 CFR 111.1):

PART 111—[AMENDED]

■ 1. The authority citation for 39 CFR part 111 continues to read as follows:

Authority: 5 U.S.C. 552(a); 13 U.S.C. 301–307; 18 U.S.C. 1692–1737; 39 U.S.C. 101, 401–404, 414, 416, 3001–3018, 3201–3220, 3401–3406, 3621, 3622, 3626, 3629, 3631–3633, 3641, 3681–3685, and 5001.

■ 2. Revise the *Mailing Standards of the United States Postal Service,* Domestic Mail Manual (DMM) as follows:

Mailing Standards of the United States Postal Service, Domestic Mail Manual (DMM)

* * * * *

200 Commercial Letters, Cards, Flats, and Parcels

* * * * *

203 Basic Postage Statement, Documentation, and Preparation Standards

* * * * *

3.0 Standardized Documentation for First-Class Mail, Periodicals, USPS Marketing Mail, and Flat-Size Bound Printed Matter

* * * * *

3.2 Format and Content

* * * * *

d. For bundles on pallets, list these required elements:

* * * * *

[Revise the second and third sentences of item 3.2d(4) to read as follows:]

4. * * * Document sectional center facility/local processing center (SCF/LPC), area distribution center (ADC), or network distribution center/regional processing and distribution center (NDC/RPDC) pallets created as a result of bundle reallocation under 705.8.11, 705.8.12, or 705.8.13 by designating the protected pallet with an identifier of ''PSCF'' (for an SCF/LPC pallet), ''PADC'' (for an ADC pallet), or ''PBMC'' (for a NDC/RPDC pallet). * * *

* * * * *

3.3 Price Level Column Headings

* * * * *

b. Presorted First-Class Mail, barcoded and nonbarcoded Periodicals flats, nonbarcoded Periodicals letters, and machinable, nonmachinable and nonstandard USPS Marketing Mail:

PRICE ABBREVIATION

[Revise the paragraph beginning with ADC/RPDC to read as follows:]

ADC [USPS Marketing Mail nonmachinable letters, flats, and nonstandard parcels, and all Periodicals] AD

* * * * *

3.6.3 Entry Abbreviations

Use the price name or the authorized entry abbreviation in the listings in 3.0 and 207.17.4.2:

ZONE ABBREVIATION RATE EQUIVALENT

[Revise the paragraph beginning with ADC/RPDC to read as follows:]

ADC Outside-County, DADC

* * * * *

3.7 Bundle and Container Reports for Outside-County Periodicals Mail

* * * * *

3.7.2 Outside-County Container Report

The container report must contain, at a minimum, the following elements:

* * * * *

[Revise text of item 3.7.2(d) to read as follows:]

d. Container entry level (origin, destination delivery unit/sorting and delivery center [DDU/S&DC], destination sectional center facility/local processing center [DSCF/LPC] (letters/flats), destination sectional center facility/regional processing and distribution center [DSCF/RPDC] (parcels), destination area distribution center [DADC], or destination network distribution center/regional processing and distribution center [DNDC/RPDC]).

* * * * *

5.0 Letter and Flat Trays

* * * * *

5.6 Use of Flat Trays

* * * * *

5.6.2 Preparation for Flats in Flat Trays

All flat tray preparation is subject to these standards:

* * * * *

[Revise items 5.6.2(h) and (i) to read as follows:]

h. Pieces prepared as automation flats under the tray-based preparation option in 235.8.0 do not have to be grouped by 3-digit ZIP Code prefix in ADC trays or by ADC in mixed ADC trays if the mailing is prepared using an MLOCR/barcode sorter and standardized documentation is submitted.

i. When pieces in a Periodicals mailing remain after one or more full

trays are prepared for a 5-digit scheme, 5-digit, 3-digit, SCF/LPC, or ADC destination, an additional tray to the destination must be prepared if the remaining pieces reach the required volume. If the remaining volume is below the required minimum, the pieces must be moved to the next tray level that meets the minimum volume.

* * * * *

7.0 Optional Endorsement Lines (OELs)

* * * * *

7.2 OEL Format

* * * * *

7.2.5 ZIP Code Information

* * * * *

Exhibit 7.2.5 OEL Labeling Lists

[Revise Exhibit 7.2.5 to read as follows:]

PROCESSING CATEGORY AND PRESORT TYPE	ADC/AADC	MIXED ADC/MIXED AADC
First-Class Mail		
Letters, nonmachinable	L004	L201, Column C
Letters, machinable	L005	L201, Column C
Letters, automation	L005	L201, Column C
Flats, nonautomation	L004	L201, Column C
Flats, automation	L004	L201, Column C
Periodicals [1]		
Letters, nonbarcoded (nonautomation)	L004	L009
Letters, barcoded (automation)	L005	L009 [2]
Flats, nonbarcoded	L004	L201, L009
Flats, barcoded	L004	L201, L009
Irregular parcels	L004	L201, L009
USPS Marketing Mail [1]		
Letters, nonmachinable	L004	L009 [2]
Letters, machinable	L005	L009 [2]
Letters, automation	L005	L009 [2]
Flats, nonautomation	L004	L009
Flats, automation	L004	L009
Bound Printed Matter [1]		
Flats, nonbarcoded	L004	L009
Flats, barcoded	L004	L009
Irregular parcels	L004	L009
Media Mail		
Flats, nonautomation	L004	L009
Irregular parcels	L004	L004 [2]
Library Mail		
Flats, nonautomation	L004	L009
Irregular parcels	L004	L004 [2]

1. For automation-compatible flats, label according to L007 for optional 5-digit scheme preparation.

2. L010 if mail entered by mailer at a destination ASF/RPDC or NDC/RPDC or for mail placed on an ASF/RPDC or NDC/RPDC pallet under 705.8.0.

* * * * *

207 Periodicals

* * * * *

18.0 General Mail Preparation

* * * * *

18.3 Presort Terms

Terms used for presort levels are defined as follows:

* * * * *

[Revise the text of 18.3(m) to read as follows:]

m. *3-digit scheme letters:* the ZIP Code in the delivery address on all pieces begins with one of the 3-digit prefixes processed by the USPS as one scheme, as shown in L002 column B (records with S).

* * * * *

[Revise the text of 18.3(r) to read as follows:]

r. *ADC/AADC:* all pieces are addressed for delivery in the service area of the same area distribution center (ADC) or automated area distribution center (AADC) (see L004 or L005).

* * * * *

18.4 Mail Preparation Terms

For purposes of preparing mail:

* * * * *

[Revise the first sentence of 18.4(p) to read as follows:]

p. A *3-digit scheme sort for letters* yields 3-digit scheme trays for those 3-digit ZIP Code prefixes listed in L002 column B (records with S) and 3-digit trays for other areas.* * *

* * * * *

aa. *Machinable flats* are:

[Revise the text of item 18.4.aa(1) to read as follows:]

1. Flat-size pieces meeting the standards in 201.6.0 that are sorted into 5-digit, 3-digit, ADC, and mixed ADC

bundles. These pieces are compatible with processing on the AFSM 100.
* * * * *

22.0 Preparing Nonbarcoded (Presorted) Periodicals

* * * * *

22.5 Letter Tray Preparation—Letter-Size Pieces

Preparation sequence, tray size, and labeling:
* * * * *
[Revise item 22.5(d)(1) to read as follows:]
d. *Mixed ADC:* required (no minimum).
1. Line 1: Use L009, Column B.* * *
* * * * *

22.6 Sack Preparation

* * * * *
[Revise the first paragraph of item 22.6(e) to read as follows:]
e. *ADC,* required at 72 pieces, optional at 24 pieces minimum.* * *
* * * * *

22.7 Tray Preparation—Flat-Size Nonbarcoded Pieces

* * * * *
[Revise the first paragraph of item 22.7(f) to read as follows:]
f. *ADC,* required at 72 pieces, optional at 24 pieces minimum.* * *

24.0 Preparing Letter-Size Barcoded (Automation) Periodicals

* * * * *

24.2 Additional Standards

24.2.1 Preparing Barcoded Price Letters

Tray size, preparation sequence, and Line 1 labeling:
* * * * *
[Revise items 24.2.1(c) and (d) to read as follows:]
c. AADC: required (150-piece minimum); overflow allowed; group pieces by 3-digit ZIP Code prefix (or 3-digit/scheme if applicable); for Line 1, use L005, Column B.
d. Mixed AADC: required (no minimum); group pieces by AADC; for Line 1, use L009, Column B.
* * * * *

25.0 Preparing Flat-Size Barcoded (Automation) Periodicals

25.1 Basic Standards

* * * * *

25.1.7 Exception—Barcoded and Nonbarcoded Flats on Pallets

* * * * *
[Revise the second sentence of item 25.1.7(c) to read as follows:]
c. * * * The nonbarcoded price pieces that cannot be placed on ADC or finer pallets may be prepared as flats in flat trays and paid for at nonbarcoded prices.
* * * * *

25.4 Sacking and Labeling

* * * * *
[Revise the first paragraph of item 25.4(e) to read as follows:]
e. *ADC,* required at 72 pieces, optional at 24 pieces; fewer pieces not permitted; labeling: * * *
* * * * *

25.5 Tray Preparation—Flat-Size Barcoded Pieces

* * * * *
[Revise the first paragraph of item 25.5(f) to read as follows:]
f. *ADC* (required), 72-piece minimum, optional at 24 pieces, fewer pieces not permitted, no overflow tray allowed; labeling: * * *
* * * * *

29.0 Destination Entry

* * * * *

29.2 Destination Network Distribution Center/Regional Processing and Distribution Center

* * * * *

29.2.2 Price Eligibility

DNDC container prices apply as follows:
[Revise item 29.2.2(a) to read as follows:]
a. Pieces must be prepared in bundles or in sacks or trays on ADC or more finely presorted pallets under 705.8.0.
* * * * *

29.3 Destination Area Distribution Center

* * * * *

29.3.2 Price Eligibility

The following apply:
a. Determine price eligibility for pound prices as follows:
1. Outside-County pieces are eligible for DADC pound prices when:
[Revise items 29.3.2.a1(a) and 29.3.2.a1(b) to read as follows:]
(a) Placed on an ADC or more finely presorted container;
(b) Deposited at an ADC (or USPS-designated facility); and * * *
[Revise items 29.3.2(b) to read as follows:]
b. Pieces must be prepared in bundles or in sacks or trays on ADC or more finely presorted pallets under 705.8.0.
* * * * *

235 Mail Preparation

1.0 General Definition of Terms

* * * * *

1.3 Terms for Presort Levels

1.3.1 Letters and Cards

Terms used for presort levels are defined as follows:
* * * * *
[Delete item (e) and renumber items (f) through (k) as (e) through (j):]
* * * * *
[Revise the text of newly renumbered item 1.3.1(g) to read as follows:]
g. *ADC/AADC:* all pieces are addressed for delivery in the service area of the same area distribution center (ADC) or automated area distribution center (AADC) (see L004 or L005).
* * * * *

1.3.2 Flats

Terms used for presort levels are defined as follows:
[Revise item 1.3.2(e) to read as follows:]
e. Mixed ADC: The pieces are for delivery in the service area of more than one ADC.

1.4 Preparation Definitions and Instructions

For purposes of preparing mail:
* * * * *
[Delete item (g) and renumber items (h) through (p) as (g) through (o):]
* * * * *
[Revise the text of newly renumbered item 1.4(g) to read as follows:]
g. An *origin 3-digit* tray contains all mail (regardless of quantity) for a 3-digit ZIP Code area processed by the SCF/LPC in whose service area the mail is verified. If more than one 3-digit area is served, as shown in L005, a separate tray must be prepared for each. A tray may be prepared for each 3-digit area served by the SCF/LPC/plant where mail is entered (if that differs from the SCF/LPC/plant serving the Post Office where the mail is verified). In all cases, only one less-than-full tray may be prepared for each 3-digit area.
* * * * *

5.0 Preparing Nonautomation Machinable Letters

* * * * *

5.2 Machinable Preparation

* * * * *

5.2.2 Traying and Labeling

Preparation sequence, tray size, and labeling:
a. AADC origin trays required, with pieces grouped by 3-digit ZIP Code

prefix; no minimum piece requirement; one less-than-full tray permitted; labeling:

[Revise item 5.2.2(a)(1) to read as follows:]

1. Line 1: L005. * * *

b. AADC (required); full trays (no overflow), with pieces grouped by 3-digit ZIP Code prefix; labeling:

[Revise item 5.2.2(b)(1) to read as follows:]

a. Line 1: L005. * * *

* * * * *

6.0 Preparing Automation Letters

* * * * *

6.5 Tray Preparation

* * * * *

[Revise the text of item 6.5(b) to read as follows:]

b. AADC: optional, but required for AADC price (150-piece minimum except no minimum for origin entry AADC); overflow allowed; group pieces by 3-digit ZIP Code. For Line 1, use L005, Column B.

* * * * *

8.0 Preparation of Automation Flats

* * * * *

8.6 First-Class Mail Optional Tray-Based Preparation

Tray size, preparation sequence, and Line 1 labeling:

* * * * *

[Revise the second sentence of item 8.6(d) to read as follows:]

d. * * * (ZIP Code prefixes in Column A must be combined and labeled to the corresponding ADC destination shown in Column B). * * *

* * * * *

240 Commercial Mail USPS Marketing Mail

243 Prices and Eligibility

* * * * *

5.0 Additional Eligibility Standards for Nonautomation USPS Marketing Mail Letters, Flats, and Presorted USPS Marketing Mail Parcels

* * * * *

5.6 Nonautomation Price Application—Flats

* * * * *

5.6.5 ADC Prices for Flats

ADC prices apply to flat-size pieces:

[Revise item 5.6.5(a) to read as follows:]

a. In a 5-digit/scheme, 3-digit/scheme, or ADC bundle of 10 or more pieces properly placed in an ADC flat tray (see 245.1.4).

* * * * *

[Revise item 5.6.5(c) to read as follows:]

c. When palletized under 705.8.0 and 705.10.0 through 705.13.0, in an ADC bundle of 10 or more pieces; properly placed on an ADC pallet.

* * * * *

245 Mail Preparation

1.0 General Information for Mail Preparation

* * * * *

1.3 Terms for Presort Levels

1.3.1 Letters

Terms used for presort levels are defined as follows:

* * * * *

[Revise item 1.3.1(e) to read as follows:]

e. *Origin/entry AADC:* the ZIP Code in the delivery address on all pieces is addressed for delivery service area of the same automated area distribution center (AADC) (see L005).

* * * * *

[Revise item 1.3.1(i) to read as follows:]

i. *ADC/AADC:* all pieces are addressed for delivery in the service area of the same area distribution center (ADC) or automated area distribution center (AADC) (see L004 or L005).

* * * * *

1.3.2 Flats

Terms used for presort levels are defined as follows:

* * * * *

[Revise item 1.3.2(p) to read as follows:]

p. *Mixed ADC:* the pieces are for delivery in the service area of more than one ADC.

* * * * *

1.4 Preparation Definitions and Instructions

For purposes of preparing mail:

* * * * *

[Delete item (p) and renumber items (q) through (z) as (p) through (y):]

* * * * *

5.0 Preparing Nonautomation Letters

* * * * *

5.3 Machinable Preparation

* * * * *

5.3.2 Traying and Labeling

* * * * *

[Revise item 5.3.2(a)(1) to read as follows:]

a. AADC Origin Tray (optional, no minimum); labeling:

1. Line 1: L005, Column B. * * *

[Revise item 5.3.2(b)(1) to read as follows:]

b. AADC (optional, but required for AADC price); 150-piece minimum (overflow allowed); group pieces by AADC when overflow pieces from AADC trays are placed in mixed AADC trays; labeling:

1. Line 1: L005, Column B. * * *

[Revise item 5.3.2(c)(1) to read as follows:]

c. Mixed AADC (required); no minimum; labeling:

1. Line 1: L009, Column B. Use L010, Column B, if entered at an ASF/NDC/RDPC or for mail placed on an ASF/NDC/RDPC, or SCF/LPC pallet under the option in 705.8.10.3. * * *

* * * * *

5.4 Nonmachinable Preparation

* * * * *

5.4.2 Traying and Labeling

* * * * *

[Revise item 5.4.2(d)(1) to read as follows:]

d. Mixed ADC (required); no minimum; labeling:

1. Line 1: L009, Column B. Use L010, Column B, if entered at an ASF/NDC/RDPC or for mail placed on an ASF/NDC/RDPC, or SCF/LPC pallet under the option in 705.8.10.3. * * *

* * * * *

5.5 Residual Pieces

* * * * *

[Revise item 5.5(a) to read as follows:]

a. Line 1: Use L009, Column B. * * *

* * * * *

7.0 Preparing Automation Letters

* * * * *

7.5 Tray Preparation

* * * * *

[Revise the last sentence of 7.5(b) to read as follows:]

b. * * * For Line 1, use L005, Column B.

[Revise the second sentence of 7.5(c) to read as follows:]

c. * * * For Line 1 labeling: use L009, Column B. * * *

* * * * *

8.0 Preparing Nonautomation Flats

* * * * *

8.3 Bundling and Labeling

* * * * *

[Revise the text of items (c) and (d) to read as follows:]

c. 3-digit scheme (required for flats meeting the automation-compatibility standards in 201.6.0), see definition in 1.4p; 10-piece minimum; green Label 3 SCH, or OEL.

d. 3-digit (required), see definition in 1.4p; 10-piece minimum; green Label 3 or OEL.

* * * * *

266 Enter and Deposit

* * * * *

4.0 Destination Network Distribution Center (DNDC)/Regional Processing and Distribution Center (DRPDC) Entry

* * * * *

4.5 Presorted Nonstandard Parcels

[Revise the second sentence of 4.5 to read as follows:]

* * * All pieces in an ADC sack or in a palletized ADC bundle are eligible for the DNDC price if the ADC facility ZIP Code (as shown in Line 1 of the corresponding sack label or the ADC facility that is the destination of the palletized ADC bundle as would be shown on an ADC sack label for that facility using L004, Column B) is within the service area of the NDC/RPDC where the sack is deposited. * * *

* * * * *

5.0 Destination Sectional Center Facility (DSCF)/Local Processing Center (LPC) Entry

5.1 Eligibility

Bound Printed Matter pieces in a mailing meeting the standards in 3.0 are eligible for the DSCF price when they meet all of the following additional conditions:

[Revise the last sentence of 5.1(c) to read as follows:]

c. * * * This includes sacks labeled to an ADC facility with the exact same service area as the DSCF/LPC/RPDC.

* * * * *

275 Mail Preparation

* * * * *

6.0 Preparing Media Mail and Library Mail Parcels

* * * * *

6.3 Preparing Nonstandard Parcels

* * * * *

6.3.4 Sacking and Labeling

Preparation sequence and labeling:

* * * * *

d. Mixed ADC: required (no minimum).

[Revise 6.3.4(1) to read as follows:]

1. Line 1: Use ''MXD'' followed by city, state, and ZIP Code of ADC serving 3-digit ZIP Code prefix of entry Post Office, as shown in L004. If placed on an ASF/NDC/RPDC pallet under option in 705.8.10.5, use L010. * * *

* * * * *

705 Advanced Preparation and Special Postage Payment Systems

* * * * *

8.0 Preparing Pallets

* * * * *

8.5 General Preparation

8.5.1 Presort

The following apply:

* * * * *

[Revise items 8.5.1(d) through (f) to read as follows:]

d. For sacks, trays, or machinable parcels on pallets, the mailer must prepare all required pallet levels before any mixed ADC or mixed NDC/RPDC pallets are prepared for a mailing or job.

e. Except as described in 15.1.3f, bundles must not be placed on mixed ADC or mixed NDC/RPDC pallets. Bundles that cannot be placed on pallets must be prepared in sacks under the standards for the price claimed.

f. The standards for bundle reallocation to protect the SCF/LPC (sectional center facility/local processing center) (letters, flats)/RPDC (parcels), ADC, or NDC/RPDC pallet (8.11, 8.13, and 8.14) are optional methods of pallet preparation designed to retain as much mail as possible at the SCF/LPC (letters, flats)/RPDC (parcels), ADC, or NDC/RPDC level.

* * * * *

8.5.2 Required Preparation

The following standards apply to Periodicals, USPS Marketing Mail, Parcel Select, and Package Services, except Parcel Select mailed at DSCF and DDU prices:

[Revise items 8.5.2(b) and (c) to read as follows:]

b. For bundles of flat-size mailpieces or bundles of nonstandard parcels on pallets, after preparing all possible pallets under 8.5.2a, when 250 or more pounds of bundles remain for an ADC (Periodicals) or for an NDC/ASF/RPDC (USPS Marketing Mail, Parcel Select, and Package Services), mailers must prepare the ADC/RPDC or NDC/ASF/RPDC pallet, as applicable for the class of mail. Exception: If no ADC or NDC/ASF/RPDC pallets are in a mailing and 250 or more pounds remain for an SCF/LPC (letters, flats)/RPDC (parcels), mailers must prepare the SCF/LPC (letters, flats)/RPDC (parcels) pallet.

c. Bundles that cannot be placed on an ADC, NDC/ASF/RPDC, or SCF/LPC (letters, flats)/RPDC (parcels) pallet may be placed on mixed ADC pallets if allowed by the specific standards for the class and shape of mail, or be placed in sacks or flat trays (when applicable) (see 8.9.1).

8.5.3 Minimum Load

The following minimum load standards apply to mail prepared on pallets:

* * * * *

4. A pallet may contain a minimum of 100 pounds of nonletter-size mail or 12 linear feet of letter trays if it is:

[Revise 8.5.3(4b) to read as follows:]

(b) An ADC pallet entered at the destination ADC;

[Revise 8.5.3(4d) to read as follows:]

(d) The only pallet entered at an individual destination NDC/RPDC or ASF/RPDC, ADC, or SCF/LPC (letters, flats)/RPDC (parcels) facility.

* * * * *

8.6 Pallet Labels

* * * * *

8.6.4 Line 1 (Destination Line)

Line 1 (destination line) must meet these standards:

* * * * *

[Revise the first sentence of 8.6.4(b) to read as follows:]

b. *Information.* Line 1 must contain only the information specified by standard, including the appropriate destination facility prefix (*e.g.,* ''ADC'').

* * *

* * * * *

8.6.10 Pallet Bundle Information

[Revise 8.6.10 to read as follows:]

It is recommended that mailers preparing bundles on pallets add to the pallet label, below the office of mailing or mailer information line and according to the provisions of 8.6.8, additional information listing the number of bundles for each bundle sortation and price level on the pallet (*i.e.,* the number of carrier route bundles, the number of 5-digit, 3-digit, and ADC automation price bundles, and the number of 5-digit, 3-digit, and ADC Presorted price bundles on each pallet).

8.10 Pallet Presort and Labeling

8.10.1 First-Class Mail—Letter Trays or Flat Trays

* * * * *

[Revise the third and fourth sentences of 8.10.1(b) to read as follows:]

b. Origin SCF/LPC (local mail). Required; no minimum. Pallets contain trays destined for the 3-digit ZIP Codes serviced by the origin SCF/LPC facility in L005; all MXD AADC and MXD ADC trays. Mailers may place AADC or ADC trays on origin SCF/LPC pallets when the tray's ''label to'' 3-digit ZIP Code (L005 for AADC trays and L004 for ADC trays) is within the origin SCF's/LPC's service area; and must place trays

containing pieces paid at the single-piece price on origin SCF/LPC pallets, unless required to be presented separately by special postage payment authorization or customer service agreement (CSA). * * *

[Revise the fifth sentence of item 8.10.1(c) to read as follows:]

c. * * * Mailers may, at their option, place AADC or ADC trays on SCF/LPC pallets when the tray's ''label to'' 3-digit ZIP Code (L005 for AADC trays and L004 for ADC) is within that SCF's/LPC's service area. * * *

[Revise the fourth sentence of item 8.10.1(d) to read as follows:]

d. * * * Pallet may contain letter trays only for the 3-digit ZIP Code group in L005. * * *

[Revise item 8.10.1(d)(1) to read as follows:]

1. Line 1: L005, Column B. * * *

[Revise the first sentence of item 8.10.1(e) to read as follows:]

e. ADC. * * *

* * * * *

[Revise the introductory text of 8.10.1(g) to read as follows:]

g. Mixed ADC Air (all other). Required; no minimum. May contain surface trays when no mixed ADC surface container is prepared under 8.10.1f. Labeling:

* * * * *

8.10.2 Periodicals—Bundles, Sacks, Letter or Flat Trays

* * * * *

[Revise the third sentence of 8.10.2(h) to read as follows:]

h. * * * Mailers may place origin mixed ADC (OMX) sacks (nonstandard parcels only) or flat trays on origin SCF/LPC (letters, flats)/RPDC (parcels) pallets. * * *

[Revise the first sentence of 8.10.2(i) to read as follows:]

i. ADC, required, permitted for bundles, trays, and sacks (nonstandard parcels only). * * *

[Revise the first sentence of 8.10.2(j) to read as follows:]

j. *Origin Mixed ADC (OMX),* optional for sacks and trays; allowed with no minimum and required at 100 pounds of mail for bundles of flats. * * *

[Revise the first and fourth sentence of 8.10.2(k) to read as follows:]

k. Mixed ADC, optional for sacks and trays; allowed with no minimum and required at 100 pounds of mail for bundles of flats. * * * Pallets must not contain sacks, trays or bundles that should be properly placed on the origin mixed ADC (OMX) pallet. * * *

* * * * *

8.10.3 USPS Marketing Mail—Bundles, Sacks, or Trays

* * * * *

[Revise the third and fourth sentences of item 8.10.3(f) to read as follows:]

f. * * * Mailers may, at their option, place AADC trays on SCF/LPC (letters, flats)/RPDC (parcels) pallets when the tray's ''label to'' 3-digit ZIP Code (L005) is within that SCF's/LPC's (letters, flats)/RPDC's (parcels) service area. Mailers may also, at their option, place mixed ADC or mixed AADC trays, labeled per L010, on an SCF/LPC pallet entered at the SCF/LPC facility responsible for processing mixed ADC or mixed AADC trays for that NDC/ASF/RPDC facility. * * *

[Revise the third through sixth sentences of item 8.10.3(g) to read as follows:]

g. * * * ADC bundles, sacks, or trays are assigned to pallets according to the ''label to'' ZIP Code in L004 as appropriate. AADC trays are assigned to pallets according to the ''label to'' ZIP Code in L005. At the mailer's option, appropriate mixed ADC bundles and trays of flats—and mixed ADC and mixed AADC trays of letters—may be sorted to ASF/RPDC pallets according to the ''label to'' ZIP Code in L010. All mixed ADC bundles, sacks, and trays and mixed AADC trays must contain only pieces destinating within the ASF/RPDC as shown in L602. * * *

[Revise the third through sixth sentences of item 8.10.3(h) to read as follows:]

h. * * * ADC bundles, sacks, or trays are assigned to pallets according to the ''label to'' ZIP Code in L004 as appropriate. AADC trays are assigned to pallets according to the ''label to'' ZIP Code in L005. At the mailer's option, appropriate mixed ADC bundles and trays of flats, and mixed ADC trays and mixed AADC trays of letters, may be sorted to NDC/RPDC pallets according to the ''label to'' ZIP Code in L010. All mixed ADC bundles, sacks, and trays and mixed AADC trays must contain only pieces destinating within the NDC/RPDC as shown in L601 as appropriate. * * *

* * * * *

8.10.4 Package Services Flats—Bundles and Sacks

* * * * *

[Revise the third through fifth sentences of 8.10.4(f) to read as follows:]

f. * * * ADC bundles or sacks are assigned to pallets according to the ''label to'' ZIP Code in L004. At the mailer's option, appropriate mixed ADC bundles or sacks may be sorted to ASF/RPDC pallets according to the ''label to'' ZIP Code in L010. All mixed ADC bundles and sacks must contain only pieces destinating within the ASF/RPDC as shown in L602. * * *

* * * * *

[Revise the third through fifth sentences of 8.10.4(g) to read as follows:]

g. * * * ADC bundles or sacks are assigned to pallets according to the ''label to'' ZIP Code in L004. At the mailer's option, appropriate mixed ADC bundles or sacks may be sorted to NDC/RPDC pallets according to the ''label to'' ZIP Code in L010. All mixed ADC bundles and sacks must contain only pieces destinating within the NDC/RPDC as shown in L601. * * *

* * * * *

8.10.5 Package Services Nonstandard Parcels—Bundles and Sacks

* * * * *

[Revise the third through fifth sentences of 8.10.5(i) to read as follows:]

i. * * * ADC bundles or sacks are assigned to pallets according to the ''label to'' ZIP Code in L004. At the mailer's option, appropriate mixed ADC bundles or sacks may be sorted to ASF/RPDC pallets according to the ''label to'' ZIP Code in L010. All mixed ADC bundles and sacks must contain only pieces destinating within the ASF/RPDC as shown in L602. * * *

* * * * *

[Revise the third through fifth sentences of 8.10.5(j) to read as follows:]

j. * * * ADC (L004) bundles or sacks are assigned to pallets according to the ''label to'' ZIP Code in L004. At the mailer's option, appropriate mixed ADC bundles or sacks may be sorted to NDC/RPDC pallets according to the ''label to'' ZIP Code in L010. All mixed ADC bundles and sacks must contain only pieces destinating within the NDC/RPDC as shown in L601. * * *

* * * * *

8.11 Bundle Reallocation To Protect SCF/LPC/RPDC Pallet for Periodicals Flats and Nonstandard Parcels and USPS Marketing Mail Flats on Pallets

* * * * *

8.11.3 Reallocation of Bundles if Optional 3-Digit Pallets Are Prepared

* * * * *

[Revise the last sentence of 8.11.3(d) to read as follows:]

d. * * * Mail that falls beyond the SCF/RPDC pallet level must be placed on the next appropriate pallet (ADC, ASF/RPDC, NDC/RPDC or MNDC/MRPDC) or in the next appropriate sack (nonstandard parcels) or flat tray.

8.11.4 Reallocating of Bundles if Optional 3-Digit Pallets Are Not Prepared

* * * * *

[Revise the last sentence of 8.11.4(b) to read as follows:]

b. * * * Mail that falls beyond the SCF/RPDC pallet level must be placed on the next appropriate pallet (ADC, ASF/RPDC, NDC/RPDC, or MNDC/MRPDC) or in the next appropriate sack (nonstandard parcels) or flat tray.

* * * * *

[Revise the heading of 8.12 to read as follows:]

8.12 Bundle Reallocation To Protect ADC Pallet for Periodicals Flats and Nonstandard Parcels on Pallets

8.12.1 Basic Standards

The following apply:

[Revise items 8.12.1(a) through (c) to read as follows:]

a. Bundle reallocation to protect the ADC pallet is an optional preparation method authorized for mailers using PAVE-certified presort software and may be used to create pallets under the standards in 8.12.2 and 8.12.3. Presort software determines if mail for an ADC service area falls beyond the ADC level if all finer level pallets are prepared.

b. Reallocation is performed only when there is mail for the ADC service area that falls beyond the ADC pallet level (*e.g.,* to sacks or flat trays).

c. Reallocate only the minimum number of bundles necessary to create an ADC pallet at the minimum required weight.

8.12.2 General Rules

Reallocation rules are as follows:

[Revise 8.12.2(a) to read as follows:]

a. Bundle preparation is not affected by the reallocation process. Reallocate only complete bundles and only the minimum number of bundles necessary to create an ADC pallet meeting the minimum pallet weight. Based on the weight of individual pieces within a bundle and bundling parameters, the weight of mail that is reallocated may be slightly more than the minimum volume required to create an ADC pallet.

[Revise the first sentence of 8.12.2(b) to read as follows:]

b. Reallocate only bundles of an SCF/LPC (letters, flats)/RPDC (parcels) pallet from the same city and state as the ADC (L005, Column B). * * *

* * * * *

8.16 Copalletized Letter-Size and Flat-Size Pieces—Periodicals or USPS Marketing Mail

* * * * *

8.16.2 Periodicals

* * * * *

[Revise 8.16.2c(4) to read as follows:]

4. Documentation showing that 5-digit, 3-digit, SCF/LPC, and ADC pallets are prepared when the applicable minimum volume is developed in the copalletized mailing for these destinations.

* * * * *

9.0 Combining Bundles of Automation and Nonautomation Flats in Flat Trays and Sacks

* * * * *

9.1.4 Tray Preparation and Labeling

[Revise the introductory paragraph of 9.1.4(d) to read as follows:]

d. *ADC,* required, full trays only (no overflow trays); use L004 to determine ZIP Codes served by each ADC; labeling: * * *

* * * * *

9.3 USPS Marketing Mail

* * * * *

9.3.5 Flat Tray/Sack Preparation and Labeling

* * * * *

[Revise the introductory paragraph of 9.3.5(d) to read as follows:]

d. *ADC,* required, full tray/125-piece/15-pound minimum; use L004 to determine ZIP Codes served by each ADC; labeling: * * *

* * * * *

10.0 Merging Bundles of Flats Using the City State Product

* * * * *

10.1.5 Pallet Preparation and Labeling

* * * * *

g. *SCF/LPC through mixed ADC,* use 8.10.2h through 8.10.2k, as applicable, to prepare and label the following pallet levels:

[Revise 10.1.5g(2) to read as follows:]

2. ADC;

* * * * *

10.2 USPS Marketing Mail

* * * * *

10.2.5 Pallet Preparation and Labeling

* * * * *

[Revise the third and fourth sentences of 10.2.5(h) to read as follows:]

h. * * * ADC bundles must be sorted to ASF/RPDC pallets based on the ''label to'' ZIP Code for the ADC destination of the bundle in L004. At the mailer's option, appropriate mixed ADC bundles must be sorted to ASF/RPDC pallets based on the ''label to'' ZIP Code for the ADC destination of the bundle in L010. * * *

* * * * *

12.0 Merging Bundles of Flats on Pallets Using a 5 Percent Threshold

12.1 Periodicals

* * * * *

12.1.5 Pallet Preparation and Labeling

* * * * *

[Revise item 12.1.5(h) to read as follows:]

h. *SCF/LPC through mixed ADC,* use 8.10.2h through 8.10.2k, as applicable, to prepare and label SCF/LPC, ADC, Origin Mixed ADC (OMX) and mixed ADC pallet levels.

12.2 USPS Marketing Mail

* * * * *

12.2.3 Pallet Preparation and Labeling

* * * * *

[Revise the third and fourth sentences of 12.2.3(h) to read as follows:]

h. ADC bundles must be sorted to ASF/RPDC pallets based on the ''label to'' ZIP Code for the ADC destination of the bundle in L004. At the mailer's option, appropriate mixed ADC bundles must be sorted to ASF/RPDC pallets based on the ''label to'' ZIP Code for the ADC destination of the bundle in L010.

* * * * *

[Revise the third sentence of 12.2.3(i) to read as follows:]

i. * * * At the mailer's option, appropriate mixed ADC bundles must be sorted to NDC/RPDC pallets based on the ''label to'' ZIP Code for the ADC destination of the bundle in L010. * * *

* * * * *

13.0 Merging Bundles of Flats on Pallets Using the City State Product and a 5-Percent Threshold

13.1 Periodicals

* * * * *

13.1.5 Pallet Preparation and Labeling

* * * * *

h. *SCF/LPC through mixed ADC,* use 8.10.2h through 8.10.2k, as applicable, to prepare and label the following pallet levels:

[Revise item 13.1.5h(2) to read as follows:]

a. ADC;

* * * * *

15.0 Combining USPS Marketing Mail Flats, Bound Printed Matter Flats, and Periodicals Flats

15.1 Basic Standards

* * * * *

15.1.10 Other Periodicals Pricing

[Revise items 15.1.10(a) through (c) to read as follows:]

a. The bundle prices applicable to the ADC container level will be applied to the ASF/NDC/RPDC container levels.

b. The container prices applicable to the ADC pallet level will apply to the ASF/NDC/RPDC pallet levels.

c. The bundle price applicable to the ADC bundle placed on the ADC container level will apply to mixed ADC bundles placed on mixed NDC pallets.

* * * * *

16.0 Plant-Load Mailings

* * * * *

16.7 Interdistrict Plant-Loaded Shipments

* * * * *

16.7.2 First-Class Mail

[Revise item 16.7.2(b) to read as follows:]

b. After making up all possible SCF/LPC vehicles, if there is enough mail for the same ADC service area to fill 60 percent or more of a vehicle by weight or by cube, the mailer must prepare a direct vehicle for that ADC.

16.7.3 Periodicals

* * * * *

[Revise items 16.7.2(b) and (c) to read as follows:]

b. After loading all possible SCF/LPC (letters, flats)/RPDC (parcels) vehicles, if there is enough mail for the same ADC service area to fill 60 percent or more of a vehicle by weight or by cube, the mailer must prepare a direct vehicle for that ADC.

c. After loading all possible SCF/LPC (letters, flats)/RPDC (parcels) and ADC vehicles, if there is enough mail for the same transfer hub service area to fill 60 percent or more of a vehicle by weight or by cube, the mailer must prepare a direct vehicle for that transfer hub.

* * * * *

16.7.7 Sufficient Volume

* * * * *

[Revise item 16.7.7(a) to read as follows:]

a. For First-Class Mail, if there is enough mail for the same ADC service area to fill 60 percent or more of a vehicle by weight or by cube, the mailer must prepare a direct vehicle for the ADC.

* * * * *

18.0 Priority Mail Express Open and Distribute and Priority Mail Open and Distribute

* * * * *

18.5 Preparation

* * * * *

18.5.2 Priority Mail Express and Priority Mail Tray and Sack Labels

[Revise item 18.5.2a(3) to read as follows:]

3. For ADC distribution, use the destination in L004, Column B.

* * * * *

18.5.3 Tags 257 and 267—Priority Mail Express Open and Distribute

[Revise item 18.5.3a to read as follows:]

a. Attach yellow Tag 267 or yellow Tag 267–EVS to sacks used as Priority Mail Express Open and Distribute containers destined to a NDC/RPDC, ASF/RPDC, ADC, or SCF/RPDC facility.

* * * * *

18.5.4 Tags 161 and 190—Priority Mail Open and Distribute

[Revise item 18.5.4a to read as follows:]

a. Attach green Tag 161 or green Tag 161–EVS to sacks used as Priority Mail Open and Distribute containers to a NDC/RPDC, ASF/RPDC, ADC, or SCF/RPDC facility.

* * * * *

[Revise the heading of 18.5.10 to read as follows:]

18.5.10 ADC Address Labels

[Revise the text of 18.5.10 to read as follows:]

For the ADC address label:

a. Use ''ADC'' followed by the city, state, and ZIP Code in the ''Drop Entry Point View'' file on the USPS FAST website, *https://fast.usps.com.*

b. Directly below the ADC facility name, specify the class and processing category of the enclosed mail.

c. See Exhibit 18.5.10 for an example of an ADC address label.

[Revise the heading for Exhibit 18.5.10 to read as follows:]

Exhibit 18.5.10 ADC Address Label

* * * * *

21.0 Optional Combined Parcel Mailings

* * * * *

21.2 Price Eligibility

* * * * *

21.2.2 Price Application

* * * * *

b. Bound Printed Matter (BPM) parcels qualify for single-piece prices or Presorted Bound Printed Matter prices as follows:

[Revise items 21.2.2b(1) and (2) to read as follows:]

1. Presorted prices for BPM pieces prepared in other than MXD ADC and MXD NDC/RPDC containers when the combined mailing contains at least 300 pieces of BPM.

2. Nonpresorted prices for pieces prepared in MXD ADC and MXD NDC/RPDC containers, and when the combined mailing contains less than 300 pieces of BPM.

* * * * *

c. Media Mail parcels qualify for single-piece, basic, or 5-digit prices as follows:

* * * * *

[Revise items 21.2.2c(2) and (3) to read as follows:]

2. Basic prices for pieces prepared in 3-digit, ADC, and NDC/RPDC, containers when the combined mailing contains at least 300 pieces of Media Mail.

3. Single-piece prices for pieces prepared in MXD ADC and MXD NDC/RPDC containers, and when the combined mailing contains less than 300 pieces of Media Mail.

d. Library Mail parcels qualify for single-piece, basic, or 5-digit prices as follows:

* * * * *

[Revise items 21.2.2d(2) and (3) to read as follows:]

2. Basic prices for pieces prepared in 3-digit, ADC, and NDC/RPDC, containers when the combined mailing contains at least 300 pieces of Library Mail.

3. Single-piece prices for pieces in MXD ADC and MXD NDC/RPDC containers, and when the combined mailing contains less than 300 pieces of Library Mail.

[Revise item 21.2.2e to read as follows:]

e. Parcel Select prices are based on the destination entry for pieces in 5-digit, 3-digit, ADC, and NDC/RPDC containers.

21.3 Mail Preparation

* * * * *

21.3.3 Combining USPS Marketing Mail, Parcel Select, and Package Services APPS-Machinable Parcels

* * * * *

[Revise the column of the table in 21.3.3 titled ''ADC/RPDC'' to read as ''ADC''.]

[Revise the column of the table in 21.3.3 titled ''Mixed ADC/RPDC'' to read as ''Mixed ADC''.]

* * * * *

21.3.4 Combining USPS Marketing Mail, Parcel Select, and Package Services Parcels (Not APPS-Machinable)

* * * * *

[Revise the column of the table in 21.3.4 titled ''ADC/RPDC'' to read as ''ADC'']

[Revise the column of the table in 21.3.4 titled ''Mixed ADC/RPDC'' to read as ''Mixed ADC'']

* * * * *

Kevin Rayburn,

Attorney, Ethics and Legal Compliance.

[FR Doc. 2024–31225 Filed 12–30–24; 8:45 am]

BILLING CODE 7710–12–P

ENVIRONMENTAL PROTECTION AGENCY

40 CFR Part 52

[EPA–R09–OAR–2023–0649; FRL–11647–02–R9]

Air Plan Revisions; California; Feather River Air Quality Management District

AGENCY: Environmental Protection Agency (EPA).

ACTION: Final rule.

SUMMARY: The Environmental Protection Agency (EPA) is taking final action to approve a revision to the Feather River Air Quality Management District (FRAQMD) portion of the California State Implementation Plan (SIP). This revision concerns a rule submitted to address section 185 of the Clean Air Act (CAA or ''Act'').

DATES: This rule is effective January 30, 2025.

ADDRESSES: The EPA has established a docket for this action under Docket ID No. EPA–R09–OAR–2023–0649. All documents in the docket are listed on the *https://www.regulations.gov* website. Although listed in the index, some information is not publicly available, *e.g.,* Confidential Business Information (CBI) or other information whose disclosure is restricted by statute. Certain other material, such as copyrighted material, is not placed on the internet and will be publicly available only in hard copy form. Publicly available docket materials are available through *https://www.regulations.gov,* or please contact the person identified in the **FOR FURTHER INFORMATION CONTACT** section for additional availability information. If you need assistance in a language other than English or if you are a person with a disability who needs a reasonable accommodation at no cost to you, please contact the person identified in the **FOR FURTHER INFORMATION CONTACT** section.

FOR FURTHER INFORMATION CONTACT: Mae Wang, EPA Region IX, 75 Hawthorne St., San Francisco, CA 94105; phone: (415) 947–4137; email: *wang.mae@epa.gov.*

SUPPLEMENTARY INFORMATION: Throughout this document, ''we,'' ''us'' and ''our'' refer to the EPA.

Table of Contents

I. Proposed Action

On February 12, 2024 (89 FR 9813), the EPA proposed to approve the following rule into the California SIP.

Local agency	Rule No.	Rule title	Amended	Submitted
FRAQMD	7.15	Clean Air Act Nonattainment Fees	04/04/2022	07/05/2022

We proposed to approve this rule because we determined that it complies with the relevant CAA requirements. Our proposed action contains more information on the rule and our evaluation.

II. Public Comments and EPA Responses

The EPA's proposed action provided a 30-day public comment period. During this period, we received five comments. Three of these comments were supportive of our proposed action, one was not germane to the action, and one stated that the rule submittal is not approvable. All the comments can be found in the docket for this rulemaking. We thank the commenters for their input. One of these commenters in support of the proposed action asked why there was no mention of California and COVID–19. FRAQMD Rule 7.15 was adopted and submitted to address the CAA section 185 fee program for Federal ozone nonattainment areas. Because COVID–19 does not bear on whether or not the submitted rule fulfills the requirements of section 185 of the CAA, we do not consider COVID–19 relevant to this rulemaking.

The comment in opposition to our proposed action was submitted from Air Law for All, Ltd., on behalf of the Center for Biological Diversity (the commenter from here on referred to as ''ALFA'' or ''the commenter''). We have summarized below the substance of the comments from ALFA, identifying discrete points made by the commenter, and responding to each in turn.

Before responding to the issues raised by the commenter, we will first correct two factual misstatements in the comment letter. In the Background section of ALFA's comment letter, the commenter states that ''In 2012, EPA determined that the area had met the 1-hour standards by the applicable attainment date for those standards.'' The reference cited was an EPA action on October 18, 2012 (77 FR 64036). In that action, the EPA determined that complete, quality-assured, and certified air quality data for the Sacramento Metro 1-hour ozone nonattainment area show continuous attainment for the 1-hour ozone national ambient air quality standards (NAAQS) since 2009. We would like to clarify that this clean data finding was not a determination that the area had attained the NAAQS by the applicable attainment date, but instead a finding that the area had achieved attaining levels of air quality for the 2009–2011 period, which was after the applicable attainment date. The commenter also incorrectly stated, ''For the 2008 8-hour standards, the applicable attainment date is December 31, 2027.'' The applicable attainment date for the Sacramento Metro ozone nonattainment area for the 2008 8-hour ozone NAAQS is July 20, 2027. *See* 40 CFR 51.1103(a) Table 1, 77 FR 30160 (May 21, 2012) and 80 FR 12264 (March 6, 2015).

Comment #1: The commenter states that the EPA has not carried out its duty to determine whether the Sacramento Metro nonattainment area has attained the 1997 8-hour NAAQS by the June 15, 2019 attainment date. The commenter states that ''[t]his information is germane to EPA's action, as the failure to attain would trigger the ozone fee requirement, for which the public and the regulated community must receive notice.'' Therefore, the commenter claims that ''EPA's proposal notice is insufficient, because it gives no notice of the legal consequences of EPA's approval.''

Response #1: It is not clear in what manner the commenter is alleging that the proposal notice is insufficient regarding the lack of notice of the ''legal consequences'' of the EPA's approval. As an initial matter, the commenter is correct that, as of the time of this action, the EPA has not made a determination as to whether the Sacramento Metro ozone nonattainment area attained the 1997 8-hour ozone NAAQS by the applicable attainment date. The commenter appears to be asserting that the approvability of a CAA section 185 rule submission depends in some way on whether or not the EPA has made such a finding, and because the EPA has not yet done so, the proposed rule did not sufficiently detail the legal consequences of approving Rule 7.15 into the SIP. The approvability of a section 185 rule submission does not depend on whether or not the EPA has previously made a finding that the area has failed to attain the relevant NAAQS. In some instances, the EPA has approved section 185 programs after making a finding that the area has failed to attain by the applicable attainment date.[1] In other instances, the EPA has approved a section 185 program prior to determining whether an area has attained the standard by the applicable attainment date.[2] The legal consequences of approving FRAQMD Rule 7.15 into the SIP are clear. Rule 7.15 section C.1 provides that fees will be assessed for emissions in the previous calendar year, beginning the year after the effective date of an EPA finding published in the **Federal Register** that the area has not attained an ozone NAAQS by the attainment date. The fact that the EPA has not made such a finding at the time the rule was adopted, submitted, or approved into the SIP is not relevant to the approvability of Rule 7.15. If the EPA in a future rulemaking proposes to find that the area failed to attain the 1997 ozone NAAQS by the applicable attainment date, or that it did attain the 1997 ozone NAAQS by the applicable attainment date, such finding would itself be subject to notice and comment via a separate **Federal Register** notice at that time. Should the EPA finalize a finding that the area failed to attain by the applicable attainment date, then pursuant to Rule 7.15 section C.1, fees would be assessed for emissions in the previous calendar year. Accordingly, the EPA disagrees with the commenters' assertion that the EPA's notice does not give sufficient notice of the legal consequences of approving Rule 7.15 into the California SIP.

Comment #2: The commenter claims that ozone emission fees are imposed upon a nonattainment area's failure to attain an ozone NAAQS, regardless of the timing of an EPA determination that the area failed to attain. The commenter states that CAA section 185(a) provides that emission fees must be paid for ''each calendar year beginning after the attainment date, until the area is redesignated as an attainment area for ozone.'' Thus, the commenter specifically objects to the language in FRAQMD Rule 7.15 section C.1 that states, ''beginning in the year after the effective date of a final determination published in the **Federal Register** that the area has not attained the standard by the attainment date, the Air Pollution Control Officer shall assess the Clean Air Act Fees for emissions in the previous calendar year.'' The commenter claims that even though the EPA is overdue in making a determination that the Sacramento Metro ozone nonattainment area failed to attain the 1997 ozone NAAQS, CAA section 185(a) requires fees to be collected for the years 2020, 2021, 2022, and 2023.

Response #2: The EPA notes as an initial matter that there are no major stationary sources in the portion of the Sacramento Metro ozone nonattainment area regulated by the FRAQMD, nor have there been at any point since the 2005 attainment date for the 1-hour ozone NAAQS.[3] Thus, there were no sources in the area subject to the rule in the years 2020, 2021, 2022, and 2023, and the commenter's statement that the rule must require fees be collected for those years is without any practical import because no fees would be owed or collected in any case. Notwithstanding this fact, the EPA acknowledges that the hypothetical scenario raised by the commenter could potentially become relevant if all of the three following conditions were met: (1) the Sacramento Metro nonattainment area failed to attain a particular ozone NAAQS by the applicable attainment date for that NAAQS, (2) the EPA finalized a finding of failure to attain for that NAAQS two or more calendar years following the attainment year for that NAAQS, and (3) a new major stationary source had begun operating in the portion of the Sacramento Metro ozone nonattainment area regulated by the FRAQMD prior to the year in which the EPA issued its finding of failure to attain.[4] In that hypothetical scenario, Rule 7.15 would require such a source to begin paying fees in the year following the effective date of the EPA's finding of failure to attain for emissions in the previous calendar year (that is, for emissions occurring in the calendar year of the effective date of the EPA's finding of failure to attain), but not for any emissions in prior years.

The EPA has not established a comprehensive approach to section 185 fees that may be due retroactively for emissions in years prior to the EPA issuing a finding of failure to attain. The EPA does not believe that the present rulemaking, for which the question is only theoretical and for which there are no identifiable parties at interest, is the proper forum for establishing a position on section 185 fees that may be due retroactively. The EPA believes that addressing this question in a future notice and comment rulemaking would provide a more appropriate forum for a range of impacted parties to provide input on this question. We do not believe that the hypothetical scenario above precludes our approval of Rule 7.15, which will require fees be paid by any potential future major stationary sources for all ozone NAAQS. Even if that hypothetical scenario comes to pass for a particular NAAQS in the future, the EPA could address any potential deficiencies under its section 185(d) authority (which is discussed in further detail in the response to Comment #4). As a result, the EPA finds that the timing of the rule's applicability

[1] See, *e.g.,* 76 FR 82133, December 30, 2011 (finding that the Los Angeles-South Coast Air Basin Area and the San Joaquin Valley Area did not attain the 1-hour ozone NAAQS by the applicable attainment date); 77 FR 50021, August 20, 2012 (approving the section 185 rule for the 1-hour ozone NAAQS applicable to the San Joaquin Valley Area); and 77 FR 74372, December 14, 2012 (approving the section 185 rule for the 1-hour ozone NAAQS applicable to the South Coast Air Basin).

[2] See, *e.g.,* 69 FR 77909, December 29, 2004 (approving the section 185 rule for the 1-hour ozone NAAQS applicable to the Virginia portion of the Metropolitan Washington DC Severe Ozone Nonattainment Area); and 73 FR 43360, July 25, 2008 (determining that the Metropolitan Washington DC nonattainment area attained the 1-hour ozone NAAQS by the applicable attainment date).

[3] The staff report for FRAQMD Rule 7.15 confirms that ''There were no major sources in the SFNA portion of Sutter County when the Rule 7.15 was adopted in 2010 and there have been no new sources since that date.'' The submitted staff report, dated March 4, 2022, also states, ''The District has reviewed all current and pending permit applications and has determined that there are no applicable sources in the Sutter County portion of the SFNA. Therefore, Rule 7.15 does not apply to any current or anticipated sources in the District.'' The EPA's review of available facilities databases and permit applications shows no new major sources have begun operating in the relevant area since that time.

[4] Because the fee obligation in Rule 7.15 becomes applicable the year after the effective date of an EPA finding of failure to attain, but applies to emissions from ''the previous calendar year,'' the rule would collect fees for emissions occurring in the year the EPA's finding became effective.

provisions does not preclude our final approval of Rule 7.15.

Comment #3: The commenter claims that ''an emissions fee program must collect separate emissions fees for each ozone standard for which an area is classified as Severe or Extreme.'' The commenter further states, ''For the Feather River rule to be fully approvable, it must make clear that two separate fees are to be paid if the area fails to attain both standards. In addition, the baseline appropriate for each particular standard must be used for each fee. However, the rule text does not explicitly address this requirement.''

Response #3: The EPA agrees with the commenter's claim that CAA section 185 fees must be calculated and collected separately for each ozone NAAQS. However, the EPA disagrees with the commenter's claim that Rule 7.15 is not sufficiently clear on this point, because Rule 7.15 does require fees to be calculated and paid for each applicable standard. As stated in the FRAQMD staff report for Rule 7.15, the rule was amended to include the 8-hour ozone standards because the originally adopted version of the rule only applied to the 1-hour ozone standard. The staff report says, ''The amendments would apply to the existing 8-hour standards that were amended in 1997, 2008, and 2015 and any future 8-hour standards.''

Additionally, the rule itself in sections A.2 and A.4 refers to multiple standards. When discussing the cessation of fees, section A.4 states that fees ''for any ozone standard will cease on the effective date of the United States Environmental Protection Agency final action redesignating the nonattainment area to attainment for *that* standard'' (italics added), which indicates that the fee obligation would continue for each other applicable NAAQS for which the area is still designated nonattainment and classified as Severe or Extreme. The rule's definition for the term ''Attainment Year'' in section B.1 also refers to multiple standards, which is consistent with the conclusion that the rule addresses the CAA section 185 fee requirement for each individual standard. Although the EPA notes that the rule language could be more explicit to state that the fees for each individual NAAQS are assessed separately, we conclude that the rule is sufficiently clear on this point.

Comment #4: The commenter states that ''EPA must immediately promulgate procedures for collecting emissions fees.'' The commenter claims that the EPA has an independent obligation under CAA section 185(d) to promulgate these procedures regardless of whether a federal implementation plan obligation is triggered. The commenter also claims that CAA ''section 185(d) requires the EPA to collect 'unpaid fees' if the state has not done so.'' Additionally, the commenter states that the EPA has a ''mandatory duty'' under the Act to collect section 185 fees for ''the Sacramento metropolitan ozone area for the years 2020 through 2023, and possibly other nonattainment areas as well.'' The commenter also notes that ''section 301(a) of the Act requires EPA to promulgate procedures ensuring 'fairness and uniformity' in implementing and enforcing the Act across EPA's regional offices'' and suggests that ''a uniform set of procedures for collections of emissions fees'' is the best approach to do so.

Response #4: The issues raised in this comment are outside the scope of the current rulemaking. Section 185(d) provides in part:

''If the Administrator has found that the fee provisions of the implementation plan do not meet the requirements of this section, or if the Administrator makes a finding that the State is not administering and enforcing the fee required under this section, the Administrator shall, in addition to any other action authorized under this subchapter, collect, in accordance with procedures promulgated by the Administrator, the unpaid fees required under subsection (a) of this section.''

According to this provision, the EPA shall collect ''unpaid fees'' required under subsection (a) if either (1) the Administrator has found that the fee provisions of the SIP do not meet the requirements of section 185, or (2) the Administrator makes a finding that the State is not administering and enforcing the section 185 fee obligation. As explained in the response to Comment #2, there are currently no major stationary sources in the area regulated by Rule 7.15, nor were there any major stationary sources in the applicable area in the years 2020 through 2023. As a result, there are no ''unpaid fees'' for the EPA to collect in the area at issue in this rulemaking. Should the EPA in the future make either of the above-enumerated findings, and outstanding unpaid fees exist at that time, the EPA could at that time exercise its authority under section 185(d) to collect such fees. However, the EPA is under no obligation to promulgate procedures for doing so in the FRAQMD at this time, nor are the EPA's potential obligations under section 185(d) relevant to the approvability of Rule 7.15. Additionally, any potential section 185 fee obligations for areas outside of the FRAQMD have no relevance to the approvability of the present rule submission from the FRAQMD.

Accordingly, the commenter's assertion that the EPA has a ''mandatory duty'' to collect fees for ''the Sacramento metropolitan ozone area for the years 2020 through 2023, and possibly other nonattainment areas as well'' is outside the scope of this action.

With respect to the commenter's statement that the section 301(a) requirement for ''fairness and uniformity'' in the criteria, procedures, and policies applied by the regional offices suggests that ''a uniform set of procedures for collections of emissions fees'' is the best approach, this is also outside the scope of the current rulemaking. As noted, the EPA does not have any duty to exercise its section 185(d) authority in the FRAQMD at this time.

III. EPA Action

No comments were submitted that change our assessment of the rule as described in our proposed action. Therefore, as authorized in section 110(k)(3) of the Act, the EPA is approving FRAQMD Rule 7.15 into the California SIP. This final approval action also removes the EPA's obligation to promulgate a Federal Implementation Plan (FIP) for the FRAQMD portion of the Sacramento Metro ozone nonattainment area by permanently stopping the FIP clock associated with the January 5, 2010 (75 FR 232) finding of failure to submit.[5]

IV. Incorporation by Reference

In this rule, the EPA is finalizing regulatory text that includes incorporation by reference. In accordance with requirements of 1 CFR 51.5, the EPA is finalizing the incorporation by reference of FRAQMD Rule 7.15, ''Clean Air Act Nonattainment Fees,'' amended on April 4, 2022, which addresses the CAA section 185 fee program requirements. The EPA has made, and will continue to make, these documents available through *www.regulations.gov* and at the EPA Region IX Office (please contact the person identified in the **FOR FURTHER INFORMATION CONTACT** section of this preamble for more information).

[5] Although the imposition of sanctions due to the January 5, 2010 finding was deferred on May 18, 2011 (76 FR 28661), and was permanently stopped with our October 28, 2022 completeness letter, there remained an obligation for the EPA to promulgate a FIP associated with the January 5, 2010 action.

V. Statutory and Executive Order Reviews

Under the Clean Air Act, the Administrator is required to approve a SIP submission that complies with the provisions of the Act and applicable Federal regulations. 42 U.S.C 7410(k); 40 CFR 52.02(a). Thus, in reviewing SIP submissions, the EPA's role is to approve State choices, provided that they meet the criteria of the 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.S. 3501 *et seq.*);
- Is certified as not having a significant economic impact on a substantial number of small entities under the Regulatory Flexibility Act (5 U.S.C. 601 *et seq.*);
- Does not contain any unfunded mandate or significantly or uniquely affect small governments, as described in the Unfunded Mandates Reform Act of 1995 (Pub. L. 104–4);
- Does not have federalism implications as specified in Executive Order 13132 (64 FR 43255, August 10, 1999);
- Is not subject to Executive Order 13045 (62 FR 19885, April 23, 1997) because it approves a State program;
- Is not a significant regulatory action subject to Executive Order 13211 (66 FR 28355, May 22, 2001); and
- Is not subject to requirements of Section 12(d) of the National Technology Transfer and Advancement Act of 1995 (15 U.S.C. 272 note) because application of those requirements would be inconsistent with the Clean Air Act.

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

Executive Order 12898 (Federal Actions To Address Environmental Justice in Minority Populations and Low-Income Populations, 59 FR 7629, February 16, 1994) directs Federal agencies to identify and address ''disproportionately high and adverse human health or environmental effects'' of their actions on minority populations and low-income populations to the greatest extent practicable and permitted by law. 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 environmental justice (EJ) as, among other things, ''the just treatment and meaningful involvement of all people, regardless of income, race, color, national origin, Tribal affiliation, or disability, in agency decision-making and other Federal activities that affect human health and the environment.''

The State did not evaluate EJ considerations as part of its SIP submittal; the CAA and applicable implementing regulations neither prohibit nor require such an evaluation. The EPA did not perform an EJ analysis and did not consider EJ in this action. Consideration of EJ is not required as part of this action, and there is no information in the record inconsistent with the stated goal of Executive Orders 12898 and 14096 of achieving EJ for communities with EJ concerns.

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

Under section 307(b)(1) of the Clean Air Act, petitions for judicial review of this action must be filed in the United States Court of Appeals for the appropriate circuit by March 3, 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 oxides, Ozone, Reporting and recordkeeping requirements, Volatile organic compounds.

Dated: December 23, 2024.

Martha Guzman Aceves,

Regional Administrator, Region IX.

For the reasons stated in the preamble, the Environmental Protection Agency amends part 52, chapter I, title 40 of the Code of Federal Regulations 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 F—California

■ 2. Section 52.220 is amended by adding paragraph (c)(607)(i)(C) to read as follows:

§ 52.220 Identification of plan—in part.

* * * * *

(c) * * *

(607) * * *

(i) * * *

(C) Feather River Air Quality Management District.

(*1*) Rule 7.15, ''Clean Air Act Nonattainment Fees,'' amended on April 4, 2022.

(*2*) [Reserved]

* * * * *

[FR Doc. 2024–31396 Filed 12–30–24; 8:45 am]

BILLING CODE 6560–50–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Administration for Children and Families

45 CFR Parts 301, 302, 303, 304, 305, 307, 308, 309, and 310

RIN 0970–AD06

Name Change From Office of Child Support Enforcement to Office of Child Support Services

AGENCY: Office of Child Support Services (OCSS), Administration for Children and Families (ACF), Department of Health and Human Services (HHS or the Department).

ACTION: Direct final rule.

SUMMARY: In an effort to make child support regulations consistent with recent rulemaking and updated Tribal child support processes and reporting, this direct final rule (DFR) makes technical updates reflect the current name of the child support program, Office of Child Support Services (OCSS). This is a conforming update to

align with the **Federal Register** notice changing the office's name in the Statement of Organization, Functions, and Delegations of Authority that was published on June 5, 2023, and updates based on the Elimination of the Tribal Non-Federal Share Requirement final rule issued on February 12, 2024.

DATES: This rule is effective March 3, 2025, without further action unless adverse comment is received by January 30, 2025. If significant adverse comment is received, ACF will publish a timely withdrawal of the rule in the **Federal Register**.

ADDRESSES: You may submit comments, identified by Regulatory Information Number (RIN) number, by one of the following methods:

- *Federal e-Rulemaking Portal: https://www.regulations.gov*. Follow the instructions for submitting comments.
- *Mail:* Written comments may be submitted to: Office of Child Support Services, *Attention:* Director of Policy and Training, 330 C Street SW, Washington, DC 20201.

Instructions: All submissions received must include the agency name and RIN for this rulemaking. All comments received will be posted without change to *https://www.regulations.gov,* including any personal information provided.

Docket: Go to the Federal Rulemaking Portal at *https://www.regulations.gov* for access to the rulemaking docket, including any background documents and the plain-language summary of the rule of not more than 100 words in length required by the Providing Accountability Through Transparency Act of 2023.

FOR FURTHER INFORMATION CONTACT: Tavaughn McKenny, Program Specialist, OCSS Division of Policy and Training, at *ocss.dpt@acf.hhs.gov* or (202) 565–0129. Telecommunications Relay users may dial 711 first.

SUPPLEMENTARY INFORMATION:

Submission of Comments

Comments should be specific, address issues raised by the rule, and explain reasons for any objections or recommended changes. This rule will be effective on the date shown in the **DATES** section unless OCSS receives significant adverse comment on or before the deadline for comments. Significant adverse comments are comments that provide strong justifications for why the rule should not be adopted or for changing the rule. OCSS does not expect to receive any significant adverse comments because it is adopting the name change already announced in the **Federal Register** and making technical updates to 45 CFR part 309. If OCSS receives any significant adverse comments, it will publish a document in the **Federal Register** withdrawing this rule before the effective date. Although we will not acknowledge receipt of individual comments, we will review and consider all comments that are relevant and received during the comment period. We will respond to these comments in the withdrawal if the rule is withdrawn. If OCSS receives no significant adverse comments, the rule will be effective 60 days after publication without further notice.

Statutory Authority

This DFR is published under the authority granted to the Secretary of Health and Human Services by section 1102 of the Social Security Act (the Act) (42 U.S.C. 1302). Section 1102 of the Act authorizes the Secretary to publish regulations, not inconsistent with the Act, as may be necessary to the efficient administration of the functions with which the Secretary is responsible under the Act. This DFR is also authorized by section 452(a) of the Act (42 U.S.C. 652(a)), which gives the Secretary of HHS the statutory authority to change the name of the child support program.

This DFR is further published in accordance with section 455(f) of the Act (42 U.S.C. 655(f)) which authorizes the Secretary to make child support funding available to Tribes and Tribal organizations operating child support programs and to issue regulations establishing requirements for Tribal child support programs.

Background

In 1975, Congress established the child support program under title IV–D of the Social Security Act (Pub. L. 93–647). The child support program is administered at the federal level by the Office of Child Support Enforcement (OCSE) and functions in 54 states and territories and over 60 Tribes. When the child support program began, its primary focus was collecting child support to recover welfare costs, but that has changed significantly over time. Today, the program is focused on delivering family-centered child support services that improve the long-term financial and emotional support of children, by collecting and facilitating consistent child support payments based on noncustodial parents' ability to pay. This evolution has been guided by the changing needs of families, by Federal legislation, and by research and data that contribute to OCSE's understanding of the standards and requirements necessary to establish an effective child support program.

On June 5, 2023, ACF published a notice in the **Federal Register**, 88 FR 36587,[1] updating the office's Statement of Organization, Functions, and Delegations of Authority to announce that the Office of Child Support Enforcement is now the Office of Child Support Services. This name change reflects the program's commitment to serve the whole family and provide services that promote family self-sufficiency, so children receive reliable support from both parents.

On February 12, 2024, ACF published a final rule in the **Federal Register**, 89 FR 9784,[2] to announce the Elimination of the Tribal Non-Federal Share Requirement. The final rule provided additional support to Tribes to administer their Tribal IV–D programs, however, a few changes are required in related regulations in 45 CFR 309.75(e) to align with the final rule. Additionally, as the Tribal IV–D program continues to evolve, updated Tribal processes and reporting necessitate updates to 45 CFR part 309.

Justification

The purpose of this rule is to change the name of the child support program in 45 CFR chapter III, parts 301 through 310, and make required technical updates to 45 CFR part 309. The name of the child support program was changed from OCSE to OCSS on June 5, 2023. However, all child support regulations throughout 45 CFR chapter III refer to the child support program as OCSE. OCSS needs to change all references to the child support program in 45 CFR chapter III from OCSE to OCSS to align with the name change of the child support program.

Additionally, technical updates are required to remove paragraphs one through four in 45 CFR 309.75(e) for alignment with the Elimination of the Tribal Non-Federal Share Requirement final rule. Technical updates are also required to align § 309.130(a)(2) with OCSS's current process for making awards, and to align §§ 309.20(b), 309.130(b)(3), 309.135(d), 309.160, and 309.170(b) introductory text, (b)(1), (2), and (7), and (c) with updated Tribal IV–D reporting, including Office of Management and Budget (OMB)

[1] See Name Change Announcement—Office of Child Support Enforcement; Statement of Organization, Functions, and Delegations of Authority (88 FR 36587) at *https://www.govinfo.gov/content/pkg/FR-2023-06-05/pdf/2023-11815.pdf*.

[2] See Final Rule—Elimination of the Tribal Non-Federal Share Requirement (89 FR 9784) at *https://www.govinfo.gov/content/pkg/FR-2024-02-12/pdf/2024-02110.pdf*.

approved data collection forms, and to allow for Tribal IV–D program applications to be submitted electronically.

Summary Description of the Regulatory Provisions

The following is a summary of the regulatory provisions included in this direct final rule and, where appropriate, how these provisions differ from the provisions currently reflected in 45 CFR chapter III.

The final rule makes a nomenclature change, to remove the name ''Office of Child Support Enforcement'' wherever it appears throughout 45 CFR chapter III, within titles, images, sections, and paragraphs, and replace it with the name ''Office of Child Support Services''. This name change promotes family self-sufficiency, emphasizing the need for children to receive reliable support from both parents.

The term ''Office of Child Support Enforcement'' is replaced with ''Office of Child Support Services'' in 45 CFR chapter III as shown in the following table:

Part	Sections
301	301.1, 301.13.
303	303.20.
304	304.25, 304.29.
305	305.32, 305.35.
309	309.05, 309.20.

The final rule makes a nomenclature change, to remove the acronym ''OCSE'' wherever it appears throughout 45 CFR chapter III, within titles, images, sections, and paragraphs, and replace it with the acronym ''OCSS''. This acronym change supports the name change to Office of Child Support Services that recognizes the program's commitment to serve the whole family and provide services that promote family self-sufficiency.

The acronym ''OCSE'' is replaced with acronym ''OCSS'' in 45 CFR chapter III as shown in the following table:

Part	Sections
301	301.13, 301.15, 301.16.
302	302.85.
303	303.11, 303.72.
304	304.40.
305	305.1, 305.35, 305.60, 305.66.
307	307.1, 307.05, 307.15, 307.25.
308	308.1.
309	309.05, 309.45, 309.130, 309.145, 309.160, 309.170.
310	310.1, 310.5, 310.10, 310.20, 310.25, 310.30, 310.35, 310.40.

In addition to changing the name of the ''Office of Child Support Enforcement'' to the ''Office of Child Support Services'' and changing the related acronym from ''OCSE'' to ''OCSS,'' this direct final rule removes the word ''enforcement'' where it is unnecessary or changes the word ''enforcement'' to the word ''services'' or the word ''program'' as appropriate. These changes acknowledge and reflect the name change and the broader scope of services the child support program provides to families. The changed provisions are §§ 301.1, 301.13, 302.19(a), 302.30, 302.70(d)(2), 302.75(b)(6), 302.85(b)(2)(ii), 303.2(a)(3), 303.5(g)(ii)(B), 304.11, 304.20(b) introductory text, (b)(1) introductory text, (b)(1)(iii), and (b)(12), 304.23(i), 304.24, 304.30, 305.1(d), 305.35(e), 307.1(h)(1), 307.5(c)(3), 309.01(a), 309.05, 309.10(c), 309.55, 309.130(a)(1), (b)(4), and (c)(2), and 309.170(a).

This direct final rule also changes the word ''insure'' to the word ''ensure'' in § 302.19(a), and it adds the word ''child'' to clarify ''support services'' and removes the word ''enforcement'' in the heading and the body of § 302.30.

Section 309.20 Who submits a Tribal IV–D program application and where?

Section 309.20(b) requires Tribes or Tribal organizations submitting an initial application for funding under § 309.65(a) to mail the application to OCSS, with a copy to the appropriate regional office. This rule amends that requirement by revising paragraph (b) to allow applications to be submitted via email to *OCSS.Tribal@acf.hhs.gov.*

Section 309.75 What administrative and management procedures must a Tribe or Tribal organization include in a Tribal IV–D plan?

Prior to the elimination of the Tribal non-Federal share requirement, § 309.75(e) described the requirements for a Tribe and Tribal organization that intends to charge an application fee or recover costs in excess of the fee. Collected fees and recovered costs are considered program income and deducted from total allowable costs in accordance with 45 CFR 75.307(e)(1). When we proposed eliminating the Tribal non-Federal share requirement, we also proposed revising § 309.75(e) to require Tribal child support programs to have procedures that prohibit charging fees and recovering costs and to remove paragraphs (e)(1) through (4).[3] There were no objections to the proposed regulatory amendments and the amended language was incorporated in the final rule.[4] However, when the revisions to § 309.75(e) were codified in the CFR, paragraphs (e)(1) through (4) were inadvertently retained. This rule effectuates that conforming change by removing paragraphs (e)(1) through (4).

Section 309.130 How will Tribal IV–D programs be funded and what forms are required?

Section 309.130(a)(2) provides that Tribes and Tribal organizations eligible for grants of less than $1 million per 12-month funding period will receive a single annual award, while those eligible for grants of $1 million or more per 12-month funding period will receive four equal quarterly awards. In practice, all Tribes and Tribal organizations receive a single annual award regardless of the funded amount. This rule makes a technical correction to § 309.130(a)(2) by revising the paragraph to align with OCSS's current process for making awards.

Tribes and Tribal organizations are required under § 309.130(b)(3) to submit a final SF 425, ''Federal Financial Report,'' within 90 days after the end of the fourth quarter of both the funding and liquidation periods. This timeframe is more restrictive than the OMB modified closeout provisions at 2 CFR 200.344, which allow 120 days for the submission of non-Federal entity closeout reports. In 2023, HHS began following 2 CFR 200.344. As explained in the published Change in Federal Award Closeout Provisions notice,[5] ''[a]dhering to the 2 CFR 200.344 closeout provisions would provide more time for recipient compliance and conform with other Federal awarding agencies, thus promoting greater equity and fairness.'' For these same reasons, this rule amends § 309.130(b)(3) by removing the number ''90'' and adding, in its place, the number ''120'' to align with 2 CFR 200.344.

Section 309.135 What requirements apply to funding, obligating and liquidating Federal title IV–D grant funds?

Section 309.135(d) requires that a Tribe or Tribal organization use Form SF 269A to report quarterly on the amount of Federal title IV–D grant funds that have been obligated and liquidated and the amounts that remain

[3] See Notice of Proposed Rulemaking—Elimination of the Tribal Non-Federal Share Requirement (88 FR 24526) at *https://www.govinfo.gov/content/pkg/FR-2023-04-21/pdf/2023-07861.pdf.*

[4] See Final Rule—Elimination of the Tribal Non-Federal Share Requirement (89 FR 9784) at *https://www.govinfo.gov/content/pkg/FR-2024-02-12/pdf/2024-02110.pdf.*

[5] See Notice—Change in Federal Award Closeout Provisions (88 FR 63591) at *https://www.govinfo.gov/content/pkg/FR-2023-09-15/pdf/FR-2023-09-15.pdf.*

unobligated and unliquidated at the end of each fiscal quarter during the obligation and liquidation periods. Form SF 269A is now known as the SF 425, ''Federal Financial Report.'' This rule makes a technical correction to the citation by removing the number ''269A'' and adding, in its place, the number ''425''.

Section 309.170 What statistical and narrative reporting requirements apply to Tribal IV–D programs?

The OCSS–75 Tribal Annual Data Report is used to report program status and accomplishments according to § 309.170(b). In 2021, form OCSS–75 was revised through a joint workgroup with Tribal child support directors and provided to all Tribal child support directors for review and feedback, in addition to being made available for public comment in compliance with the requirements of section 3506(c)(2)(A) of the Paperwork Reduction Act of 1995. As such, this rule updates § 309.170 to conform to the revised OCSS–75 Tribal Annual Data Report,[6] which was implemented beginning Fiscal Year 2023.

Section 309.170(b) and (c) make a general reference to the submission of Tribal IV–D program statistical and narrative reports. This rule amends both citations to reference the Tribal Annual Data Report (OCSS–75) more specifically by adding the text ''on the Tribal Annual Data Report (OCSS–75)'' to paragraph (b) and removing the text ''Tribal IV–D program statistical and narrative reports'' from paragraph (c) and adding, in its place, the text ''the Tribal Annual Data Report (OCSS–75)''.

Section 309.170(b)(1) is amended to add the addition of new Tribal reporting criteria on Line 2A of the OCSS–75 report, ''Total Number of Tribal Cases Open at Any Time During the Fiscal Year''.

Section 309.170(b)(2) is amended to reflect revised OCSS–75 data reporting requirements for paternity establishment. Requirements to report out-of-wedlock births in the previous year and paternities established or acknowledged are revised to reflect updated requirements to report the total number of children in cases open at any time during the fiscal year and the total number of children with paternity concluded.

Section 309.170(b)(7) instructs Tribal child support programs to report total costs claimed. However, the OCSS–75 report does not collect data on total costs claimed. This rule removes paragraph (b)(7) accordingly and redesignates paragraph (b)(8) to paragraph (b)(7).

[6] See OCSS AT–22–02 at *https://www.acf.hhs.gov/css/policy-guidance/implementing-revised-ocse-75-form-and-instructions-effective-fy-2023.*

Effective Dates

The effective date will be 60 days from the date of publication in the **Federal Register**.

Regulatory Review

Paperwork Reduction Act of 1995

No new information collection requirements are imposed by these regulations.

Regulatory Impact Analysis

Executive Orders 12866 and 13563

Executive Orders 12866, as amended by Executive Order 14094, 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, of reducing costs, of harmonizing rules, and of promoting flexibility. This rule meets the standards of Executive Orders 12866, as amended by Executive Order 14094, and 13563 because it does not have an economic impact and it harmonizes the OCSS Name Change, the Elimination of the Tribal Non-Federal Share Requirement final rule, and Tribal IV–D regulations with current Tribal IV–D processes and reporting requirements. There is no financial impact to making these required technical updates.

Regulatory Flexibility Analysis

The Secretary certifies that, under 5 U.S.C. 605(b), as enacted by the Regulatory Flexibility Act (Pub. L. 96–354), this rule will not result in a significant impact on a substantial number of small entities.

Unfunded Mandates Reform Act of 1995

The Unfunded Mandates Reform Act of 1995 (Pub. L. 104–4) requires agencies to prepare an assessment of anticipated costs and benefits before issuing any rule that may result in an annual expenditure by State, local, and Tribal governments, in the aggregate, or by the private sector, of $100 million or more (adjusted annually for inflation). That threshold level is currently approximately $177 million. This rule does not impose any mandates on State, local, or Tribal governments, or the private sector, that will exceed this threshold in any year.

Assessment of Federal Regulations and Policies on Families

Section 654 of the Treasury and General Government Appropriations Act of 1999 requires Federal agencies to determine whether a proposed policy or regulation may affect family well-being. If the agency's determination is affirmative, then the agency must prepare an impact assessment addressing seven criteria specified in the law. We certify that we have assessed this rule's impact on the well-being of families. This rule will not affect family well-being.

Congressional Review

This rule is not a major rule as defined in 5 U.S.C. chapter 8.

Executive Order 13132

Executive Order 13132 prohibits an agency from publishing any rule that has federalism implications if the rule either imposes substantial direct compliance costs on State and local governments and is not required by statute, or the rule preempts State law, unless the agency meets the consultation and funding requirements of section 6 of the Executive order. This rule does not have federalism impacts as defined in the Executive Order 13132.

Meg Sullivan, Principal Deputy Assistant Secretary for the Administration for Children and Families, performing the delegable duties of the Assistant Secretary for Children and Families, approved this document on December 10, 2024.

List of Subjects

45 CFR Part 301

Child support, Grant procedures, State plan approval.

45 CFR Part 302, 303, and 304

Child support, Grant programs—social programs.

45 CFR Part 305

Child support, Financial incentives, Penalties, Program performance measures, Standards.

45 CFR Part 307

Child support, Computer technology, Grant programs—social programs.

45 CFR Part 308

Child support, Grant programs—social programs, Reporting and recordkeeping requirements.

45 CFR Part 309

Child support, Grant programs—social programs, Indians—tribal government.

45 CFR Part 310

Child support, Computer technology, Grant programs—social programs, Indians—tribal government.

Dated: December 20, 2024.

Xavier Becerra,

Secretary, Department of Health and Human Services.

For the reasons stated in the preamble, the Department of Health and Human Services amends 45 CFR parts 301, 302, 303, 304, 305, 307, 308, 309, and 310 as set forth below:

PART 301—STATE PLAN APPROVAL AND GRANT PROCEDURES

■ 1. The authority citation for part 301 continues to read as follows:

Authority: 42 U.S.C. 651 through 658, 659a, 660, 664, 666, 667, 1301, and 1302.

§ 301.1 [Amended]

■ 2. Amend § 301.1 by:

■ a. Removing the word ''Enforcement'' and adding in its place the word ''Services'' in the definitions for ''Director'', ''Federal PLS'', ''Office'', and ''Regional Office and Central Office''; and

■ b. Removing the word ''enforcement'' and adding in its place the word ''program'' in the definition for ''Procedures''.

§ 301.13 [Amended]

■ 3. Amend § 301.13 by:

■ a. Removing the text ''Child Support Enforcement'' from the introductory text and adding, in its place, the text ''child support'';

■ b. Removing the word ''Enforcement'' everywhere it appears and adding, in its place, the word ''Services'' in paragraph (b); and

■ c. Removing the acronym ''OCSE'' and adding, in its place, the acronym ''OCSS'' in paragraph (e).

§ 301.15 [Amended]

■ 4. Amend § 301.15 by:

■ a. Removing the word ''Enforcement'' and adding, in its place, the word ''Services'' in the introductory text and paragraphs (a)(1) and (2); and

■ b. Removing the acronym ''OCSE'' everywhere it appears and adding, in its place, the acronym ''OCSS'' in paragraphs (a)(1) and (2) and (b)(2) and (3).

§ 301.16 [Amended]

■ 5. Amend § 301.16(b)(1) by removing the acronym ''OCSE'' and adding, in its place, the acronym ''OCSS''.

PART 302—STATE PLAN REQUIREMENTS

■ 6. The authority citation for part 302 continues to read as follows:

Authority: 42 U.S.C. 651 through 658, 659a, 660, 664, 666, 667, 1302, 1396a(a)(25), 1396b(d)(2), 1396b(o), 1396b(p), and 1396(k).

§ 302.19 [Amended]

■ 7. Amend § 302.19(a) by:

■ a. Removing the word ''insure'' and adding, in its place, the word ''ensure''; and

■ b. Removing the word ''enforcement''.

■ 8. Amend § 302.30 by revising the section heading to read as follows:

§ 302.30 Publicizing the availability of child support services.

§ 302.70 [Amended]

■ 9. Amend § 302.70(d)(2) by removing the text ''Child Support Enforcement'' and adding, in its place, ''child support''.

§ 302.75 [Amended]

■ 10. Amend § 302.75(b)(6) by removing the word ''Enforcement'' and adding, in its place, the word ''Services''.

§ 302.85 [Amended]

■ 11. Amend § 302.85 by:

■ a. Removing the text ''OCSE website'' and adding, in its place, the text ''OCSS website'' in paragraph (a)(1);

■ b. Removing the acronym ''OCSE'' and adding, in its place the acronym ''OCSS'' in paragraph (a)(2); and

■ c. Removing the text ''Child Support Enforcement'' in paragraph (b)(2)(ii) and adding, in its place, the text ''child support''.

PART 303—STANDARDS FOR PROGRAM OPERATIONS

■ 12. The authority citation for part 303 continues to read as follows:

Authority: 42 U.S.C. 651 through 658, 659a, 660, 663, 664, 666, 667, 1302, 1396a(a)(25), 1396b(d)(2), 1396b(o), 1396b(p), 1396(k), and 25 U.S.C. 1603(12) and 1621e.

§ 303.2 [Amended]

■ 13. Amend § 303.2(a)(3) by removing the word ''enforcement''.

§ 303.5 [Amended]

■ 14. Amend § 303.5(g)(1)(ii)(B) by removing the word ''enforcement''.

§ 303.11 [Amended]

■ 15. Amend § 303.11(b)(21)(iv) by removing the acronym ''OCSE'' and adding, in its place, the acronym ''OCSS''.

§ 303.20 [Amended]

■ 16. Amend § 303.20(b)(4) by removing the word ''Enforcement'' and adding, in its place, the word ''Services''.

§ 303.72 [Amended]

■ 17. Amend § 303.72 by removing the acronym ''OCSE'' and adding, in its place, the acronym ''OCSS'' in paragraphs (b) heading, (f)(3), and (h)(5).

PART 304—FEDERAL FINANCIAL PARTICIPATION

■ 18. The authority citation for part 304 continues to read as follows:

Authority: 42 U.S.C. 651 through 655, 657, 1302, 1396a(a)(25), 1396b(d)(2), 1396b(o), 1396b(p), and 1396(k).

§ 304.11 [Amended]

■ 19. Amend § 304.11 by removing the word ''enforcement''.

§ 304.20 [Amended]

■ 20. Amend § 304.20 by:

■ a. Removing the word ''Enforcement'' and adding, in its place, the word ''Services'' in paragraphs (b) introductory text and (b)(1)(iii) and (b)(12); and

■ b. Removing the text ''Child Support Enforcement'' in paragraph (b)(1) introductory text and adding, in its place, the text ''child support''.

§ 304.23 [Amended]

■ 21. Amend § 304.23(i) by removing the word ''enforcement''.

§ 304.24 [Amended]

■ 22. Amend § 304.24 by removing the word ''Enforcement'' everywhere it appears and adding, in its place, the word ''Services''.

§ 304.25 [Amended]

■ 23. Amend § 304.25(a) by removing the word ''Enforcement'' and adding, in its place, the word ''Services''.

§ 304.29 [Amended]

■ 24. Amend § 304.29 by removing the word ''Enforcement'' everywhere it appears and adding, in its place, the word ''Services''.

§ 304.30 [Amended]

■ 25. Amend § 304.30(a) introductory text and (b) introductory text by removing the word ''enforcement''.

§ 304.40 [Amended]

■ 26. Amend § 304.40(a)(2) by removing the acronym ''OCSE'' and adding, in its place, the acronym ''OCSS''.

PART 305—PROGRAM PERFORMANCE MEASURES, STANDARDS, FINANCIAL INCENTIVES, AND PENALITES

■ 27. The authority citation for part 305 continues to read as follows:

Authority: 42 U.S.C. 609(a)(8), 652(a)(4) and (g), 658a, and 1302.

§ 305.1 [Amended]

■ 28. Amend § 305.1 by:
■ a. Removing the word ''enforcement'' from paragraph (d); and
■ b. Removing the acronym ''OCSE'' and adding, in its place, the acronym ''OCSS'' in paragraph (j).

§ 305.32 [Amended]

■ 29. Amend § 305.32(f) by removing the word ''Enforcement'' and adding, in its place, the word ''Services''.

§ 305.35 [Amended]

■ 30. Amend § 305.35 by:
■ a. Removing the word ''Enforcement'' from paragraph (e) introductory text; and
■ b. Removing the text ''OCSE–396'' everywhere it appears and adding, in its place, the text ''OCSS–396'' in paragraph (e); and
■ c. Removing the word ''Enforcement'' and adding, in its place, the word ''Services'' in paragraph (f).

§ 305.60 [Amended]

■ 31. Amend § 305.60 by removing the acronym ''OCSE'' and adding, in its place, the acronym ''OCSS'' in paragraphs (a), (b) introductory text, (c) introductory text, (c)(1), and (d).

§ 305.66 [Amended]

■ 32. Amend § 305.66(a) by removing the acronym ''OCSE'' and adding, in its place, the acronym ''OCSS''.

PART 307—COMPUTERIZED SUPPORT ENFORCEMENT SYSTEM

■ 33. The authority citation for part 307 continues to read as follows:

Authority: 42 U.S.C. 652 through 658, 664, 666 through 669A, and 1302.

§ 307.1 [Amended]

■ 34. Amend § 307.1 by:
■ a. Removing the acronym ''OCSE'' and adding, in its place, the acronym ''OCSS'' in paragraph (g); and
■ b. Removing the text ''Child Support Enforcement'' in paragraph (h)(1) and adding, in its place, the text ''child support''.

§ 307.5 [Amended]

■ 35. Amend § 307.5 by:
■ a. Removing the acronym ''OCSE'' and adding, in its place, the acronym ''OCSS'' in paragraphs (a)(1) and (2); and
■ b. Removing the text ''Child Support Enforcement'' in paragraph (c)(3) and adding, in its place, the text ''child support''.

§ 307.15 [Amended]

■ 36. Amend § 307.15 by removing the acronym ''OCSE'' and adding, in its place, the acronym ''OCSS'' in paragraphs (b)(10)(ii) introductory text, (b)(10)(ii)(A) and (B), and (b)(10)(iii).

§ 307.25 [Amended]

■ 37. Amend § 307.25 by removing the acronym ''OCSE'' and adding, in its place, the acronym ''OCSS'' in paragraph (b).

PART 308—ANNUAL STATE SELF-ASSESSMENT REVIEW AND REPORT

■ 38. The authority citation for part 308 continues to read as follows:

Authority: 42 U.S.C. 654(15)(A) and 1302.

§ 308.1 [Amended]

■ 39. Amend § 308.1(e)(1) by removing the acronym ''OCSE'' everywhere it appears and adding, in its place, the acronym ''OCSS''.

PART 309—TRIBAL CHILD SUPPORT (IV–D) PROGRAM

■ 40. The authority citation for part 309 continues to read as follows:

Authority: 42 U.S.C. 655(f) and 1302.

■ 41. Revise the heading for part 309 to read as set forth above.

§ 309.01 [Amended]

■ 42. Amend § 309.01(a) by removing the word ''enforcement''.

■ 43. Amend § 309.05 by:
■ a. Removing the word ''Enforcement'' and adding in its place the word ''Services'' in the definition for ''Central office'';
■ b. Removing the definition of ''OCSE'' and adding the definition of ''OCSS'' in its place; and
■ c. Revising the definition of ''Title IV–D''.

The addition and revision read as follows:

§ 309.05 What definitions apply to this part?

* * * * *

OCSS refers to the Federal Office of Child Support Services.

* * * * *

Title IV–D refers to the title of the Social Security Act that authorizes the Child Support Services Program, including the Tribal Child Support Program.

* * * * *

§ 309.10 [Amended]

■ 44. Amend § 309.10(c) introductory by removing the word ''enforcement''.

■ 45. Amend § 309.20 by revising paragraph (b) to read as follows:

§ 309.20 Who submits a Tribal IV–D program application and where?

* * * * *

(b) Applications must be submitted to the Office of Child Support Services, either via email to *OCSS.Tribal@acf.hhs.gov* or mailed to the Office of Child Support Services, Attention: Federal Office of Child Support Services, with a copy to the appropriate regional office.

§ 309.45 [Amended]

■ 46. Amend § 309.45(c) by removing the acronym ''OCSE'' and adding, in its place, the acronym ''OCSS''.

■ 47. Revise § 309.55 to read as follows:

§ 309.55 What does this subpart cover?

This subpart defines the Tribal IV–D plan provisions that are required to demonstrate that a Tribe or Tribal organization has the capacity to operate a child support program meeting the objectives of title IV–D of the Act and this part, including establishment of paternity, establishment, modification, and enforcement of support orders, and location of noncustodial parents.

§ 309.75 [Amended]

■ 48. Amend § 309.75 by removing paragraphs (e)(1) through (4).

■ 49. Amend § 309.130 by:
■ a. Removing the word ''enforcement'' in paragraph (a)(1);
■ b. Revising paragraph (a)(2);
■ c. Removing the acronym ''OCSE'' and adding, in its place, the acronym ''OCSS'' in paragraph (b) introductory text;
■ d. Removing the number ''90'' and adding, in its place, the number ''120'' in paragraph (b)(3);
■ e. In paragraph (b)(4):
■ i. Removing the text ''OCSE–34'' and ''OCSE'' and adding, in their places, the text ''OCSS–34'' and ''OCSS'', respectively; and
■ ii. Removing the word ''Enforcement'' and adding, in its place, the word ''Services''; and
■ f. Removing the word ''enforcement'' in paragraph (c)(2).

The revision reads as follows:

§ 309.130 How will Tribal IV–D programs be funded and what forms are required?

(a) * * *

(2) Tribes and Tribal organizations eligible for grants will receive a single annual award.

* * * * *

§ 309.135 [Amended]

■ 50. Amend § 309.135(d) by removing the number ''269A'' and adding, in its place, the number ''425''.

§ 309.145 [Amended]

■ 51. Amend § 309.145(a)(3)(v) by removing the acronym ''OCSE'' and adding, in its place, the acronym ''OCSS''.

§ 309.160 [Amended]

■ 52. Amend § 309.160 by removing the acronym ''OCSE'' everywhere it appears and adding, in its place, the acronym ''OCSS''.

§ 309.170 [Amended]

■ 53. Amend § 309.170 by:

■ a. Revising the first sentence of paragraph (a), the introductory text of paragraph (b), and paragraphs (b)(1) and (2);

■ b. Adding the word ''and'' at the end of paragraph (b)(6);

■ c. Removing paragraph (b)(7);

■ d. Redesignate paragraph (b)(8) as paragraph (b)(7); and

■ e. Revising paragraph (c).

The revisions read as follows:

§ 309.170 What statistical and narrative reporting requirements apply to Tribal IV–D programs?

(a) Tribes and Tribal organizations operating a Tribal IV–D program must submit to OCSS the *Child Support Services Program: Quarterly Report of Collections* (Form OCSS–34). * * *

(b) Tribes and Tribal organizations must submit the following information and statistics for Tribal IV–D program activity and caseload on the Tribal Annual Data Report (OCSS–75) for each annual funding period:

(1) Total number of cases and, of the total number of cases, the number that are Tribal cases, the number that are State or Tribal TANF cases, and the number that are non-TANF cases;

(2) Total number of children in cases open during the fiscal year and total number of children with paternity concluded;

* * * * *

(c) A Tribe or Tribal organization must submit the Tribal Annual Data Report (OCSS–75) required by paragraph (b) of this section no later than 90 days after the end of each funding period.

PART 310—COMPUTERIZED TRIBAL IV–D SYSTEM AND OFFICE AUTOMATION

■ 54. The authority citation for part 310 continues to read as follows:

Authority: 42 U.S.C. 655(f) and 1302.

§ 310.1 [Amended]

■ 55. Amend § 310.1(a)(6) by removing the acronym ''OCSE'' and adding, in its place, the acronym ''OCSS''.

§ 310.5 [Amended]

■ 56. Amend § 310.5(b)(1) by:

■ a. Removing the acronym ''OCSE'' and adding, in its place, the acronym ''OCSS''; and

■ b. Removing the words ''of this part''.

§ 310.10 [Amended]

■ 57. Amend § 310.10 by removing the acronym ''OCSE'' and adding, in its place, the acronym ''OCSS'' in paragraphs (a)(1), (f) introductory text, (f)(2), and (g).

§ 310.20 [Amended]

■ 58. Amend § 310.20 by removing the acronym ''OCSE'' everywhere it appears and adding, in its place, the acronym ''OCSS'' in paragraphs (a)(1) and (b).

§ 310.25 [Amended]

■ 59. Amend § 310.25 by removing the acronym ''OCSE'' and adding, in its place, the acronym ''OCSS'' in paragraphs (b), (c)(2), and (d).

§ 310.30 [Amended]

■ 60. Amend § 310.30 by removing the acronym ''OCSE'' everywhere it appears and adding, in its place, the acronym ''OCSS'' in paragraphs (a) and (b).

§ 310.35 [Amended]

■ 61. Amend § 310.35 by removing the acronym ''OCSE'' everywhere it appears and adding, in its place, the acronym ''OCSS'' in paragraphs (a) introductory text, (a)(1) introductory text, (a)(1)(ii), (a)(2) introductory text, (a)(2)(ii), and (b).

§ 310.40 [Amended]

■ 62. Amend § 310.40 by removing the acronym ''OCSE'' everywhere it appears and adding, in its place, the acronym ''OCSS''.

[FR Doc. 2024–30987 Filed 12–30–24; 8:45 am]

BILLING CODE 4184–41–P

DEPARTMENT OF TRANSPORTATION

Federal Motor Carrier Safety Administration

49 CFR Parts 386 and 387

[Docket No. FMCSA–2024–0280]

RIN 2126–AC76

Broker and Freight Forwarder Financial Responsibility; Extension of Compliance Date

AGENCY: Federal Motor Carrier Safety Administration (FMCSA), Department of Transportation (DOT).

ACTION: Final rule.

SUMMARY: FMCSA amends its November 16, 2023, final rule, ''Broker and Freight Forwarder Financial Responsibility,'' by extending the compliance date for certain provisions from January 16, 2025, to January 16, 2026. FMCSA is taking this action because the Agency determined that only its forthcoming online registration system will be used to accept filings and track notifications, and this functionality will not be added to its legacy systems. As the online registration system is not expected to be available before January 16, 2025, FMCSA extends the compliance date to provide regulated entities time to begin using and familiarizing themselves with the system before compliance is required.

DATES: *Effective date:* This rule is effective December 31, 2024.

Expiration dates: Section 387.307T, which contains the regulations on brokers of property surety bonds or trust funds which are currently in effect, expires as of January 16, 2026. Section 387.307 is stayed until January 16, 2026.

Compliance dates: Brokers, freight forwarders, surety providers, and financial institutions must comply with all the provisions of § 387.307 beginning on January 16, 2026.

Petition submittal date: Petitions for reconsideration of this final rule must be submitted to the FMCSA Administrator no later than January 30, 2025.

FOR FURTHER INFORMATION CONTACT: Ana Alvarez, Financial Analyst, Office of Registration, Financial Responsibility Filings Division, FMCSA, 1200 New Jersey Avenue SE, West Building, 6th Floor, Washington, DC 20590; (202) 366–0401; *ana.alvarez@dot.gov.* If you have questions on viewing or submitting material to the docket, call Dockets Operations at (202) 366–9826.

SUPPLEMENTARY INFORMATION: FMCSA organizes this final rule as follows:

I. Availability of Rulemaking Documents

To view any documents mentioned as being available in the docket, go to *https://www.regulations.gov/docket/FMCSA-2024-0280/document* and choose the document to review. To view comments, click this final rule, then click ''Browse Comments.'' If you do not have access to the internet, you may view the docket online by visiting Dockets Operations on the ground floor of the DOT West Building, 1200 New Jersey Avenue SE, Washington, DC 20590–0001, between 9 a.m. and 5 p.m., Monday through Friday, except Federal holidays. To be sure someone is there to help you, please call (202) 366–9317 or (202) 366–9826 before visiting Dockets Operations.

II. Executive Summary

A. Purpose and Summary of the Regulatory Action

FMCSA extends certain compliance dates in the 2023 final rule, ''Broker and Freight Forwarder Financial Responsibility'' (88 FR 78656, Nov. 16, 2023), from January 16, 2025, to January 16, 2026, creating a single compliance date for all provisions in the rule. This extension will ensure that parties required to comply with the regulations have sufficient opportunity to register in the new online registration system and begin using it, and that FMCSA is able to properly process and respond to such filings. The provisions affected by this extension are:

1. Immediate suspension of broker/freight forwarder operating authority. When a broker or freight forwarder's available financial security falls below $75,000, FMCSA shall suspend its operating authority registration.

2. Surety or trust responsibilities in cases of broker/freight forwarder financial failure or insolvency. If a surety/trustee becomes aware that a broker or freight forwarder is experiencing financial failure or insolvency, it must notify FMCSA and initiate cancellation of the financial responsibility.

3. Enforcement authority and penalties for financial responsibility providers who do not comply with the regulations. FMCSA is incorporating statutorily mandated penalties into its regulations. After notice and an opportunity for a hearing, surety companies or financial institutions who violate 49 CFR 387.307 will be ineligible to provide financial responsibility for 3 years and may also be subject to a civil penalty.

The extension of the compliance date is necessary so that FMCSA can make the new online registration system available to entities required to register and make filings in the system. This extension is also intended to provide users with an opportunity to begin using, and become familiar with, the new online registration system before compliance with the system becomes mandatory. The planned release for the new registration system is 2025.

B. Costs and Benefits

The 2023 Broker and Freight Forwarder Financial Responsibility final regulatory impact analysis estimated costs for compliance and implementation among brokers, freight forwarders, surety bond and trust fund providers, and the Federal government. This rule delays certain provisions requiring filings in the new online registration system until January 16, 2026, resulting in all provisions of the rule becoming effective at the same time.

Despite the delayed compliance for certain provisions, FMCSA finds that the benefits stipulated in the 2023 final rule remain unchanged by this rule. The provision mandating that brokers and freight forwarders maintain assets readily available in trust funds, will still take effect as originally scheduled, on January 16, 2026.

As it pertains to the immediate suspension provision, in the 2023 final rule's Regulatory Impact Analysis, the Agency estimated that less than 0.5 percent of all brokers would have faced immediate suspension proceedings under the new requirements in 2025. FMCSA lacked the data to quantify the number of financial failures that will occur in any given year and would therefore trigger the surety or trust responsibilities in cases of brokers/freight forwarder financial failure or insolvency. However, the Agency believes that the number of determinations of financial failure or insolvency is already represented in the immediate suspension estimate. As the affected population is relatively small, the Agency believes that the impact of a delay is de minimis.

Brokers and freight forwarders, surety bond and trust fund providers may incur cost savings by not being required to file documentation relating to certain other provisions until January 16, 2026. FMCSA may also incur cost savings in delaying the enforcement of several provisions of the 2023 final rule. In conclusion, the Agency finds that the change in costs and benefits as a result of the extension would be de minimis for these entities.

III. Abbreviations

CE Categorical exclusion
CFR Code of Federal Regulations
DOT Department of Transportation
E.O. Executive Order
FMCSA Federal Motor Carrier Safety Administration
FR Federal Register
NOOA National Owner Operators Association
NPRM Notice of proposed rulemaking
OMB Office of Management and Budget
OOIDA Owner-Operator Independent Drivers Association
PIA Privacy Impact Assessment
PTA Privacy Threshold Assessment
SBTC Small Business in Transportation Coalition
URS Unified Registration System
UMRA Unfunded Mandates Reform Act
U.S.C. United States Code

IV. Legal Basis

The legal basis of the Broker and Freight Forwarder Financial Responsibility final rule, set forth at 88 FR 78658 (Nov. 16, 2023), also serves as the legal basis for this final rule. The statutory authority identified in that discussion is 49 U.S.C. 13906, which contains requirements for the financial security of brokers and freight forwarders and directs the Secretary to issue regulations to implement and enforce these requirements. Authority to carry out and enforce these provisions has been delegated to the Administrator of FMCSA (49 CFR 1.87(a)(5)).

As discussed in the November 16, 2023, final rule, 49 CFR 387.403T(c) makes any requirements applicable to broker of property surety bonds and trust funds in § 387.307 applicable to the surety bond or trust fund required

of freight forwarders as well.[1] Therefore, any time this rule refers to brokers, the same requirements are also applicable to freight forwarders.

Unless stated otherwise, FMCSA generally considers provisions that are not inextricably intertwined to be severable, meaning that if any provision in a rule is later held to be invalid, the remainder of the rule is not affected (49 CFR 389.41). While many provisions of this rule are integrated and the Agency anticipates the rule will function most effectively with all provisions operating together, FMCSA nonetheless finds that each major provision of the rule is severable from the others and could operate functionally even in the event some provisions were deemed invalid. In the event a court were to invalidate one or more of this final rule's unique provisions, the remaining provisions should stand.

V. Discussion of the Proposed Rulemaking and Comments

A. Proposed Rule

On November 16, 2023, FMCSA published a final rule adopting regulations to implement 49 U.S.C. 13906(b) and (c) (88 FR 78656). The final rule became effective 60 days later, on January 16, 2024. However, compliance with the provisions relating to immediate suspension, financial failure or insolvency, and penalties for trust or surety providers who fail to comply with the regulations is not required until January 16, 2025, and full compliance with all of the final rule's provisions is not required until 2 years after the effective date, beginning on January 16, 2026.

On November 4, 2024, FMCSA published a notice of proposed rulemaking (NPRM), proposing to extend the compliance deadlines for the provisions of the Broker and Freight Forwarder Financial Responsibility rule from January 16, 2025, to January 16, 2026. The affected provisions relate to immediate suspension, financial failure or insolvency, and penalties for trust or surety providers who fail to comply with the regulations., In addition, FMCSA proposed to amend the expiration date of the temporary rule governing current practices, § 387.307T, and the compliance dates in § 387.307. This extension would create a single compliance date for all provisions in the rule, allow FMCSA to implement the new online registration system for filers to use, and ensure that filers are familiar with the online registration system and able to perform all duties mandated by the rule prior to the compliance date.

The close of comments was initially set as November 19, 2024. The Small Business in Transportation Coalition (SBTC) requested an extension of the comment period, and FMCSA granted a 7-day reopening of the comment period on November 21, 2024, with the comment period closing on November 29, 2024 (89 FR 92084).

B. Comments and Responses

FMCSA received 13 comments on this proposed rule with nine opposing the extension of the compliance date, two supporting it, one requesting an extension to the comment period, and one out of scope comment. The National Owner Operators Association (NOOA), the Owner-Operator Independent Drivers Association (OOIDA), and seven individual commenters opposed delaying the compliance dates for the provisions outlined in the November 16, 2023, final rule. First Century Financial Corporation and one individual commenter supported delaying the effective date for certain provisions outlined in the November 2023 final rule. SBTC requested an extension of the comment period, which was granted. One commenter addressed broker transparency issues, which fall outside the scope of this rule.

1. Need for the Extension

Comments

NOOA commented that FMCSA has had sufficient lead time to either add to its existing infrastructure or accelerate development of the forthcoming online registration system. NOOA states that regulated entities have been anticipating the need to comply with the regulations, making the proposed delay excessive. NOOA also stated that FMCSA did not provide adequate justification for extending the compliance date, as it does not outline any significant challenges that regulated entities would face in using the system.

FMCSA Response

The proposed revised compliance dates are crucial to ensure the smooth transfer of vital data, requiring careful coordination to avoid disruptions for users. It also allows adequate time to finalize and thoroughly test the capabilities of the new online registration system, to ensure the system's stability and security. This timeframe also enables FMCSA to provide training and outreach to both internal staff and external stakeholders, supporting a more efficient transition and reducing potential difficulties for regulated entities who will use the new system.

FMCSA determined that implementing the new online registration system was a priority because of its wide-ranging impacts, given that it is intended to function as a clearinghouse and depository of information on, and identification of, all foreign and domestic motor carriers, brokers, and freight forwarders, and other entities required to register with the Department, as well as information on safety fitness and compliance with minimum levels of financial responsibility. Additionally, prioritizing rollout of the comprehensive online registration system aligns with statutory requirements for FMCSA to improve its information technology and data systems to ensure better oversight of motor carriers, drivers, and equipment, pursuant to section 103 of the ICC Termination Act of 1995 (Pub. L. 104–88, 109 Stat. 803, 888, Dec. 29, 1995) and subtitle C of title IV of the Safe, Accountable, Flexible, Efficient Transportation Equity Act: A Legacy for Users (Pub. L. 109–59, 119 Stat. 1144, 1761, Aug. 10, 2005). Building the functionality into the existing system would have required the Agency to divert critical resources away from development of the new online registration system and fulfillment of that statutory mandate.

2. Impacts of Delayed Compliance

Comments

NOOA commented that delaying compliance with these rules would disproportionately impact small operators, brokers, and freight forwarders, and that the industry relies on a streamlined process for transparency and operational efficiency and will be disadvantaged by the delay.

Michael Ravnitzky commented that the extension of the compliance date would have a positive impact on small businesses, as the burdens of compliance generally affect small businesses more than large ones. He stated that having additional time to comply would reduce small business burdens and facilitate a smoother transition to the new regulations.

FMCSA Response

FMCSA understands that this extension will provide cost savings for certain small businesses. By delaying the implementation of certain provisions, those small businesses will incur fewer expenses related to paperwork and regulatory compliance. The additional time provided by this

[1] Although 49 CFR 387.403 is currently suspended, it contains the same language making § 387.307 applicable to freight forwarders. Thus, when the suspension is ultimately lifted, it will have no effect on the analysis here.

extension will allow small businesses to better prepare for the implementation of all provisions, likely leading to increased compliance. However, FMCSA also recognizes that other small businesses, mainly motor carriers, would prefer the immediate suspension provisions to take effect as originally scheduled because of the deterrent effect on brokers who fail to pay carriers and continue to accrue claims. As described in the Costs and Benefits section, above, the Agency estimates this rule will affect less than 0.5 percent of property brokers each year, and the effects of delaying compliance will therefore not be substantial across the transportation industry.

FMCSA finds that without certain automated processes currently under development in the new online registration system, effective compliance management will be compromised. Specifically, the Agency believes that tracking and processing drawdown notifications manually will be inefficient, leading to delays, higher administrative costs, and potential compliance risks for both FMCSA and the industry. The ability to efficiently suspend the operating authority of brokers and freight forwarders who fail to maintain the required financial security within the 7-day regulatory time frame depends upon both the regulated entities and the Agency being able to utilize a fully functional online filing system. For more detailed information regarding the launching of the new online registration system, stakeholders are encouraged to visit *https://www.fmcsa.dot.gov/registration/resources-hub.*

3. Training and Familiarization Period

Comments

In its comment, NOOA asserted that the training and familiarization period can be streamlined if FMCSA provides thoughtful, targeted training programs to circumvent the need to delay the compliance date. NOOA believes FMCSA has previously demonstrated its capacity to do so and requested that the Agency maintain its original compliance date of January 16, 2025.

FMCSA Response

FMCSA is committed to developing both general and audience-specific training materials to support users in navigating the new registration system effectively once it is rolled out and made available. This will include tailored guidance for different user groups to address specific filing needs and reduce any potential learning curve. FMCSA will continue to leverage feedback to refine these training programs, ensuring that they are comprehensive, accessible, and focused on facilitating a smooth transition for all users.

4. Timeline for Online Registration System

Comments

OOIDA submitted a comment noting that it had previously expressed skepticism in its December 2023 Petition for Reconsideration about the timeline provided for the URS rulemaking process to be completed before the January 2025 compliance date. OOIDA stressed that URS remains a work in progress and that historically there have been numerous problems associated with its rollout. Additionally, OOIDA raised the issue that there are no assurances that the online registration system will be completed by the new proposed compliance date. OOIDA requested that the Agency find alternative and/or temporary methods to support the January 2025 implementation date issued in the November 2023 final rule (88 FR 78656).

FMCSA Response

FMCSA is actively engaged in developing and preparing for rollout of the new registration system, with a planned rollout in 2025. Although FMCSA always planned to build the filing functionality necessary to implement this rule into the new system, the compliance dates were not specifically tied to the launch date for that system. FMCSA initially believed its existing systems could be used to accept the required filings. However, through its stakeholder engagement efforts, FMCSA determined that adding the filing functionality to its legacy systems for use in the interim would likely create confusion and additional training burdens for filers, who would be responsible for learning to use two different filing systems in quick succession. Doing so would also utilize FMCSA resources that are better directed toward implementing the new online registration system. Therefore, FMCSA determined that stakeholders would benefit from delaying the compliance date until after the planned rollout of the new online registration system.

5. Out of Scope Comments

FMCSA received one comment concerning issues beyond the scope of this rule, which related to a separate rulemaking on broker transparency.[2] FMCSA has moved this comment to the appropriate docket and will consider it in connection with that rulemaking.

C. Effective Date

The Administrative Procedure Act section 553 prescribes a 30-day waiting period between publication of a rule and the effective date of that rule. However, agencies may waive this waiting period for substantive rules which grant or recognize an exemption or relieve a restriction (5 U.S.C. 553(d)(1)). Here, FMCSA finds that the delay of an effective date of a substantive rule requirement is a substantive rule that relieves a restriction for a period of time, so making the rule effective immediately on publication is justified. FMCSA is balancing the benefit of requiring compliance as soon as is practicable with the burden on regulated entities, who are not yet required to comply with any of the provisions in the November 16, 2023, final rule, to perform the duties required. As the extension of the compliance date does not change the substance of any provisions of that rule, but merely provides regulated parties additional time to prepare, they would not be prejudiced if the change goes into effect immediately.

VI. Regulatory Analyses

A. Executive Order (E.O.) 12866 (Regulatory Planning and Review), E.O. 13563 (Improving Regulation and Regulatory Review), E.O. 14094 (Modernizing Regulatory Review), and DOT Regulatory Policies and Procedures

FMCSA has considered the impact of this final rule under E.O. 12866 (58 FR 51735, Oct. 4, 1993), Regulatory Planning and Review, as supplemented by E.O. 13563 (76 FR 3821, Jan. 21, 2011), Improving Regulation and Regulatory Review, and amended by E.O. 14094 (88 FR 21879, Apr. 11, 2023), Modernizing Regulatory Review, as well as the impact under DOT regulatory policies and procedures (DOT Order 2100.6A, June 7, 2021). This final rule is not a significant regulatory action under section 3(f) of E.O. 12866, as amended. Accordingly, the Office of Management and Budget (OMB) has not reviewed it under that E.O.

The 2023 Broker and Freight Forwarder Financial Responsibility final regulatory impact analysis estimated costs for compliance and implementation among brokers, freight

[2] The Transparency in Property Broker Transactions docket can be found at: *https://www.regulations.gov/docket/FMCSA-2023-0257.*

forwarders, surety bond and trust fund providers, and the Federal government. This rule delays certain provisions requiring filings in the new online registration system until January 16, 2026, resulting in all provisions of the rule becoming effective at the same time.

Despite the delayed compliance for certain provisions, FMCSA finds that the benefits stipulated in the 2023 final rule remain unchanged by this rule. The provision mandating that brokers and freight forwarders maintain assets readily available in trust funds, will still take effect as originally scheduled, on January 16, 2026.

As it pertains to the immediate suspension provision, in the 2023 final rule's regulatory impact analysis, the Agency estimated that less than 0.5 percent of all brokers would have faced immediate suspension proceedings under the new requirements in 2025. FMCSA lacked the data to quantify the number of financial failures that will occur in any given year and would therefore trigger the surety or trust responsibilities in cases of brokers/freight forwarder financial failure or insolvency. However, the Agency believes that the number of determinations of financial failure or insolvency is already represented in the immediate suspension estimate. As the affected population is relatively small, the Agency believes that the impact of a delay is de minimis.

Brokers and freight forwarders, surety bond and trust fund providers may incur cost savings by not being required to file documentation relating to certain other provisions until January 16, 2026. FMCSA may also incur cost savings in delaying the enforcement of several provisions of the 2023 final rule. In conclusion, the Agency finds that the change in costs and benefits as a result of the extension would be de minimis for these entities.

B. Congressional Review Act

This rule is not a*major rule*as defined under the Congressional Review Act (5 U.S.C. 801–808).[3]

C. Regulatory Flexibility Act (Small Entities)

The Regulatory Flexibility Act (5 U.S.C. 601 *et seq.*), as amended by the Small Business Regulatory Enforcement Fairness Act of 1996 [4] requires Federal agencies to consider the effects of the regulatory action on small business and other small entities and to minimize any significant economic impact. The term *small entities* comprises small businesses and 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 (5 U.S.C. 601(6)). Accordingly, DOT policy requires an analysis of the impact of all regulations on small entities, and mandates that agencies strive to lessen any adverse effects on these businesses.

This final rule will extend the compliance date for specific provisions of the 2023 final rule, ''Broker and Freight Forwarder Financial Responsibility,'' by 1 year from January 16, 2025, to January 16, 2026. The provisions already scheduled for compliance on January 16, 2026, will not be affected. The rule will impact small entities such as some surety bond and trust fund providers, brokers, and freight forwarders. The extension will provide small entities with additional time to register in the new online registration system and understand its operations and functionalities. By delaying the submission of documentation for certain provisions until January 16, 2026, these entities will also realize de minimis cost savings.

Consequently, I certify that this action will not have a significant economic impact on a substantial number of small entities.

D. Assistance for Small Entities

In accordance with section 213(a) of the Small Business Regulatory Enforcement Fairness Act of 1996 (Pub. L. 104–121, 110 Stat. 857), FMCSA wants to assist small entities in understanding this final rule so they can better evaluate its potential effects on themselves and participate in the rulemaking initiative. If the final rule will affect your small business, organization, or governmental jurisdiction and you have questions concerning its provisions or options for compliance, please consult the person listed under **FOR FURTHER INFORMATION CONTACT**.

Small businesses may send comments on the actions of Federal employees who enforce or otherwise determine compliance with Federal regulations to the Small Business Administration's Small Business and Agriculture Regulatory Enforcement Ombudsman (Office of the National Ombudsman, see *https://www.sba.gov/about-sba/oversight-advocacy/office-national-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 FMCSA, call 1–888–REG–FAIR (1–888–734–3247). DOT has a policy regarding the rights of small entities to regulatory enforcement fairness and an explicit policy against retaliation for exercising these rights.

E. Unfunded Mandates Reform Act of 1995

The Unfunded Mandates Reform Act of 1995 (2 U.S.C. 1531–1538) (UMRA) requires Federal agencies to assess the effects of their discretionary regulatory actions. The Act addresses actions that may result in the expenditure by State, local, or Tribal government, in the aggregate, or by the private sector of $200 million (which is the value equivalent of $100 million in 1995, adjusted for inflation to 2023 levels) or more in any 1 year. This final rule will not result in such an expenditure, so the analytical requirements of UMRA do not apply.

F. Paperwork Reduction Act

Due to the change of compliance date, the existing information collection requirements pertaining to broker and freight forwarder financial responsibilities will be updated at a later date.

G. E.O. 13132 (Federalism)

A rule has implications for federalism under section 1(a) of E.O. 13132 if it has ''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.''

FMCSA has determined that this rule will not have substantial direct costs on or for States. Nothing in this document preempts any State law or regulation. Therefore, this rule does not have sufficient federalism implications to warrant the preparation of a Federalism Impact Statement.

[3] A *major rule* means any rule that OMB finds has resulted in or is likely to result in (a) an annual effect on the economy of $100 million or more; (b) a major increase in costs or prices for consumers, individual industries, geographic regions, Federal, State, or local government agencies; or (c) 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 (5 U.S.C. 802(4)).

[4] Public Law 104–121, 110 Stat. 857 (Mar. 29, 1996).

H. Privacy

The Consolidated Appropriations Act, 2005,[5] requires the Agency to assess the privacy impact of a regulation that will affect the privacy of individuals. This rule will not change any previously analyzed collections of personally identifiable information.

The Privacy Act (5 U.S.C. 552a) applies only to Federal agencies and any non-Federal agency that receives records contained in a system of records from a Federal agency for use in a matching program.

The E-Government Act of 2002,[6] requires Federal agencies to conduct a Privacy Impact Assessment (PIA) for new or substantially changed technology that collects, maintains, or disseminates information in an identifiable form. No new or substantially changed technology will collect, maintain, or disseminate information as a result of this rule. Accordingly, FMCSA has not conducted a PIA. However, FMCSA will publish a PIA and a System of Records Notice covering all information that will be collected in the new online registration system.

In addition, the Agency submitted a Privacy Threshold Assessment (PTA) to evaluate the risks and effects the proposed rulemaking might have on collecting, storing, and sharing personally identifiable information. The PTA was adjudicated by DOT's Chief Privacy Officer on November 21, 2024.

I. E.O. 13175 (Indian Tribal Governments)

This rule does not have Tribal implications under E.O. 13175, Consultation and Coordination with Indian Tribal Governments, because it will 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.

J. National Environmental Policy Act of 1969

FMCSA analyzed this rule pursuant to the National Environmental Policy Act of 1969 (42 U.S.C. 4321 *et seq.*) and determined this action is categorically excluded from further analysis and documentation in an environmental assessment or environmental impact statement under FMCSA Order 5610.1 (69 FR 9680), appendix 2, paragraphs (6.k) and (6.q). The categorical exclusions (CEs) in paragraphs (6.k) and (6.q) cover broker activities and implementation of record preservation. The requirements in this rule are covered by these CEs.

List of Subjects

49 CFR Part 386

Administrative practice and procedure, Brokers, Freight forwarders, Hazardous materials transportation, Highway safety, Highway and roads, Motor carriers, Motor vehicle safety, Penalties.

49 CFR Part 387

Buses, Freight, Freight forwarders, Hazardous materials transportation, Highway safety, Insurance, Intergovernmental relations, Motor carriers, Motor vehicle safety, Moving of household goods, Penalties, Reporting and recordkeeping requirements, Surety bonds.

For the reasons set forth in the preamble, FMCSA amends 49 CFR parts 386 and 387 as follows:

PART 386—RULES OF PRACTICE FOR FMCSA PROCEEDINGS

■ 1. The authority citation for part 386 continues to read as follows:

Authority: 28 U.S.C. 2461 note; 49 U.S.C. 113, 1301 note, 31306a; 49 U.S.C. chapters 5, 51, 131–141, 145–149, 311, 313, and 315; and 49 CFR 1.81, 1.87.

■ 2. Amend appendix B by revising and republishing paragraph (g)(24) to read as follows:

Appendix B to Part 386—Penalty Schedule: Violations and Monetary Penalties

* * * * *

(g) * * *

(24) Beginning on January 16, 2026, a surety company or financial institution for a broker or freight forwarder pursuant to § 387.307 of this subchapter that violates 49 U.S.C. 13906(b) or (c) or § 387.307:

(i) Is liable to the United States for a penalty of $12,882 for each violation; and

(ii) Will be ineligible to provide broker financial security for 3 years.

* * * * *

PART 387—MINIMUM LEVELS OF FINANCIAL RESPONSIBILITY FOR MOTOR CARRIERS

■ 3. The authority citation for part 387 continues to read as follows:

Authority: 49 U.S.C. 13101, 13301, 13906, 13908, 14701, 31138, 31139; sec. 204(a), Pub. L. 104–88, 109 Stat. 803, 941; and 49 CFR 1.87.

■ 4. Amend § 387.307 by:
■ a. Lifting the stay of the section;
■ b. Revising the introductory text and paragraphs (b) and (c)(6);
■ c. Removing paragraph (c)(7);
■ d. Redesignating paragraph (c)(8) as paragraph (c)(7); and
■ e. Staying the section until January 16, 2026.

The revisions read as follows:

§ 387.307 Property broker surety bond or trust fund.

This section is effective January 16, 2026.

* * * * *

(b) *Acceptable assets.* Trust funds under this section must contain assets aggregating to $75,000 that can be liquidated to cash within 7 calendar days. Acceptable assets included in any trust fund filed under this section are limited to cash, irrevocable letters of credit issued by a federally insured depository institution, and Treasury bonds.

(c) * * *

(6) An insurance company; or

* * * * *

■ 5. Amend § 387.307T by revising the introductory text to read as follows:

§ 387.307T Property broker surety bond or trust fund.

This section will remain in effect until January 16, 2026.

* * * * *

Issued under the authority of delegation in 49 CFR 1.87.

Vincent G. White,

Deputy Administrator.

[FR Doc. 2024–30509 Filed 12–30–24; 8:45 am]

BILLING CODE 4910–EX–P

[5] Public Law 108–447, 118 Stat. 2809, 3268, note following 5 U.S.C. 552a (Dec. 4, 2014).

[6] Public Law 107–347, sec. 208, 116 Stat. 2899, 2921 (Dec. 17, 2002).

DEPARTMENT OF THE INTERIOR

Fish and Wildlife Service

50 CFR Parts 19, 21, and 22

[Docket No. FWS–HQ–MB–2022–0023; FXMB12320900000–245–FF09M31000]

RIN 1018–BC76

Regulatory Authorizations for Migratory Bird and Eagle Possession by the General Public, Educators, and Government Agencies

AGENCY: Fish and Wildlife Service, Interior.

ACTION: Final rule.

SUMMARY: We, the U.S. Fish and Wildlife Service, are revising current regulatory authorizations and adding

new regulatory authorizations for possession of migratory birds and eagles and for other purposes. These regulatory revisions will allow us to authorize the general public, educators, and government agency employees to possess migratory birds and eagles in certain specific situations and still meet our obligations to protect migratory birds and eagles under the Migratory Bird Treaty Act and the Bald and Golden Eagle Protection Act. We also are changing the Airborne Hunting Act regulations to clarify what Federal authorizations may be used to comply with that statute.

DATES: This final rule is effective December 31, 2024.

Information Collection Requirements: If you wish to comment on the information collection requirements in this rule, please note that the Office of Management and Budget (OMB) is required to make a decision concerning the collection of information contained in this rule between 30 and 60 days after publication of this rule in the **Federal Register**. Therefore, comments should be submitted to the Service Information Collection Clearance Officer, U.S. Fish and Wildlife Service (see ''Information Collection'' section below under **ADDRESSES**) by January 30, 2025.

ADDRESSES: *Document availability:* This final rule, the proposed rule, and public comments received on the proposed rule are available at *https://www.regulations.gov* in Docket No. FWS–HQ–MB–2022–0023.

Information Collection Requirements: Written comments and suggestions on the information collection requirements should be submitted within 30 days of publication of this document to *https://www.reginfo.gov/public/do/PRAMain.* Find this particular information collection by selecting ''Currently under Review—Open for Public Comments'' or by using the search function. Please provide a copy of your comments to the Service Information Collection Clearance Officer, U.S. Fish and Wildlife Service, 5275 Leesburg Pike, MS: PRB (JAO/3W), Falls Church, VA 22041–3803 (mail); or *Info_Coll@fws.gov* (email). Please reference OMB Control Number 1018–0200 in the subject line of your comments.

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

SUPPLEMENTARY INFORMATION:

Background

The U.S. Fish and Wildlife Service (Service) is the Federal agency delegated with the primary responsibility for managing migratory birds, including bald eagles and golden eagles. Our authority derives primarily from the Migratory Bird Treaty Act of 1918, as amended, 16 U.S.C. 703–12 (MBTA), which implements conventions with Canada, Mexico, Japan, and the Russian Federation. The MBTA protects certain migratory birds from take, except as permitted under the MBTA. We implement the provisions of the MBTA through regulations in parts 10, 13, 20, 21, and 22 of title 50 of the Code of Federal Regulations (CFR). Regulations pertaining to migratory bird permits are set forth at 50 CFR part 21. In addition, the Bald and Golden Eagle Protection Act, 16 U.S.C. 668–668d (the Eagle Act), prohibits take of bald eagles and golden eagles except pursuant to Federal regulations. The Eagle Act authorizes the Secretary of the Interior to issue regulations to permit the ''taking'' of eagles for various purposes, including the protection of ''other interests in any particular locality'' (16 U.S.C. 668a), provided the taking is compatible with the preservation of eagles. Regulations pertaining to eagle permits are set forth at 50 CFR part 22.

The Service has long authorized activities pertaining to migratory birds under regulatory authorizations. The origins of the regulatory authorization that provides for ''general exceptions to permit requirements'' (50 CFR 21.12) can be traced back to 1944. Regulatory authorizations are regulations that establish eligibility criteria and conditions without requiring a permit to conduct those activities. Regulatory authorizations are best suited for activities that have straightforward eligibility criteria and well-established conditions and pose a low risk to migratory bird populations.

The Service uses regulatory authorizations to authorize the take or possession of migratory birds. We may include mandatory or recommended conditions and recordkeeping, reporting, and inspection requirements. Regulatory authorizations have a relatively low administrative burden because they do not require submission of an application to obtain a permit from the Service prior to conducting an activity. Those who are eligible for a regulatory authorization must comply with any required conditions, including recordkeeping and reporting requirements, and are subject to enforcement for noncompliance. Examples of current regulatory authorizations include general permit exceptions (50 CFR 21.12) as well as depredation and control orders (50 CFR part 21, subpart D).

We published a proposed rule on June 1, 2023 (88 FR 35809), to revise the existing regulatory authorizations, add new regulatory authorizations, and amend various provisions in the regulations governing the take and possession of migratory birds and eagles. The proposed rule included amendments to 50 CFR parts 21 and 22 to update references to 50 CFR 21.12. We also proposed to add a definition for ''humane and healthful conditions'' to 50 CFR 21.6 and 22.6, remove the current regulatory authorization for the possession of live migratory birds, and make clarifying changes to Federal authorizations under the Airborne Hunting Act (AHA) regulations (50 CFR 19.21). The comment period closed July 31, 2023.

This rulemaking improves organization and transparency of the regulations that set forth regulatory authorizations. We also include new regulatory authorizations, expanding the activities that do not require a permit both because they are well suited to straightforward eligibility criteria and because they are likely to have no or negligible impact on migratory bird populations and conservation. Finally, we modify the limitations on permits under the AHA regulations (50 CFR part 19) to support emerging uses of technology for bird conservation.

We describe each of the regulations in more detail below in this preamble.

This Rulemaking

In this rulemaking, the Service modifies five existing regulatory authorizations (prior to this rulemaking, located in 50 CFR 21.12(a)–(d) and indicated with ''revised'' in the preamble headings below) and redesignates them to their own sections. These modifications clarify language in the authorizations that was unclear, confusing, or created unintended restrictions or allowances. The Service also includes new regulatory authorizations for the following activities: salvage, activities by agency natural-resource employees, and exhibition of eagle specimens. The regulations are not authorizing a new activity. Instead, they are changing the authorization mechanism from a permit to a regulatory authorization. After

decades of issuance, the Service has developed straightforward eligibility criteria for these permit types and they have had no or negligible impact on migratory bird populations or their conservation. Moreover, the permit conditions do not require case-by-case customization, making these permit activities appropriate for a regulatory authorization.

General Public—Birds in Buildings Authorization (revised)

Current regulations include a regulatory authorization that allows any person (as defined in 50 CFR 10.12) to remove a migratory bird from the interior of a building or structure. We redesignate this regulation from § 21.12(d) to § 21.14 and make clarifying revisions. We expand the authorization from ''residence or a commercial or government building'' to ''residence, business, or similar building or structure where people live or work.'' We amend this text because it inadvertently excluded structures, such as belltowers, in which the presence of migratory birds is preventing the normal use of the structure's interior, such as by causing a health or safety risk to humans or birds or damage to property such as foodstuffs or products for sale, or where the bird may become injured because it is trapped. It is beneficial to birds and humans for us to allow removal of birds unintentionally trapped in the interior of any building or structure. This authorization would not apply to birds or nests on the exterior of a building or structure. Removal of in-use nests on the exterior of buildings or structures would continue to require a permit, such as in exterior eaves or bridges. We also include additional text that requires removal of birds to be undertaken under humane and healthful conditions and provides sources for technical assistance, including the American Veterinary Medical Association Guidelines for the Euthanasia of Animals which is readily available online at *https://www.avma.org/resources-tools/avma-policies/avma-guidelines-euthanasia-animals* with free public access.

General Public—Salvage Authorization (new)

Previously, regulations required a permit for any person to salvage (*i.e.,* pick up) migratory birds found dead, including parts, feathers, nonviable eggs, and inactive nests. Salvage permits have been issued under the special purpose permits regulations (§ 21.95). We add a new authorization at § 21.16 for any person to salvage migratory birds found dead. Federal, Tribal, State, Territorial, or local guidance for safe handling and disposal of dead wildlife should be followed.

Salvage permits have minimal issuance criteria and no customized permit conditions. To reduce the administrative burden for the public and the Service, we replace the current permit requirement for salvage with a regulatory authorization. The primary purpose of adding this regulation is to address salvage situations where individuals are not actively seeking out dead birds. Examples include a person who discovers that a migratory bird has died from a vehicle-strike, but the remains are in good condition and the person wants to put the specimen to good use by donation to a nature center, or a homeowner who discovers a dead bird near their home and wants to put it in the trash. It does not make sense to prohibit these everyday activities or to require a permit to conduct them.

All birds salvaged under the new authorization must be promptly disposed of by donation to a person or entity authorized to receive them, such as for purposes of education or science, or by complete destruction. Complete destruction of dead migratory birds is most commonly achieved by burial or incineration, in accordance with applicable Federal, Tribal, State, Territorial, and local laws and ordinances. If allowed by local laws and ordinances, placing specimens in the trash is considered burial, as the specimens are ultimately buried in the landfill. Any person may contact the Service Migratory Bird Program to determine if an entity is authorized to receive donated birds. Birds may not be retained for personal use, sold, bartered, or traded.

This authorization does not apply to any person who is salvaging birds for the purposes of scientific research. For research activities, the Service continues to require a scientific collecting permit (§ 21.73), which also provides authorization to collect samples from salvaged birds. The Service will continue to authorize salvage for utility purposes with a special purpose utility permit (§ 21.95) for migratory birds found dead on or near utility property, infrastructure, or rights-of-way. The Service reserves the right to notify any person that a permit is required to salvage migratory birds for purposes beyond the scope of this regulatory authorization.

Previously, persons without a salvage permit who found an eagle needed to notify a Federal, Tribal, or State wildlife agency who had authorization to salvage the eagle, parts, or feathers. Now, individuals who discover eagles have the option to contact the Service's National Eagle Repository (Repository) directly or continue contacting their Federal, Tribal, or State wildlife agency. The Service recognizes that bald eagles and golden eagles hold cultural significance for many Native American Tribes. In honor of our trust relationship with Native American Tribes, we make this change to reduce the current barriers to donation to the Repository. The Repository, in Commerce City, CO, may be contacted for donation instructions at *repository@fws.gov* or 303–287–2110.

We continue to require that any salvaged bald eagles or golden eagles be donated to the Repository and to allow the Repository to determine if eagles, parts, or feathers are suitable for distribution. However, the rule provides that, if determined unsuitable by the Repository, those items could be donated for scientific or exhibition purposes or completely destroyed, such as by burial or incineration, in accordance with applicable Federal, Tribal, State, and local laws and ordinances. The rule does not change the authorization for Native American Tribes to retain eagles with a Tribal eagle remains permit (§ 22.60).

Public Institutions—Exhibition Use of Specimens Authorization (revised)

Previously, a Service regulation (at § 21.12(b)(1)) authorized certain public and private institutions to possess migratory birds without a permit. Some aspects of the purpose and scope of this regulation were unclear. With this final rule, the Service replaces § 21.12(b)(1) with the regulatory authorization for exhibition use of specimens at § 21.18.

In this authorization, public entities are authorized to possess lawfully acquired migratory bird specimens without a permit for the purposes of public conservation-education programs or public archival purposes. Similar to the definition of ''public'' in 50 CFR 10.12, the Service will use the term ''public'' for all part 21 and part 22 regulations to mean entities that are open to the general public and are either established, maintained, and operated as a governmental service or are privately endowed and organized but not operated for profit. Individuals and private for-profit entities are not considered public.

- ''Open to the general public'' means an entity that is open on a regularly scheduled basis during publicly posted hours of at least 400 hours per calendar year, such as for archive access or static display, or that conducts at least 12 public educational programs per year.

The entity may charge a fee for entry or to attend programs. A program will not qualify as a public program if access is restricted to a limited group of individuals.

• ''Governmental service'' means services provided by government agencies, including Federal, Tribal, State, Territorial, or local agencies, as well as services provided by entities operating on behalf of a government agency, such as contractors. Those operating on behalf of an agency must have documentation (*e.g.,* a letter from the agency) authorizing operation. The purpose of the exhibition must be for conservation education or scientific purposes, but the purpose of the agency does not need to be education or science.

• ''Not operated for profit,'' also known as nonprofit organizations, means an entity that is privately endowed (*i.e.,* funded) and documented in accordance with Internal Revenue Service tax-exempt standards under 26 U.S.C. 501(c)(3) or similar Federal standards.

• The term ''endowed'' is interpreted as synonymous with ''funded'' and does not require a minimum endowment to qualify as public. The Service recommends that an entity's financial health and stability should be sufficient to cover the operational costs of the activities conducted as well as costs in the event of unexpected closure, such as placement of specimens or live birds.

The regulatory authorization does not authorize the possession of live migratory birds; however, the exhibition and propagation of live birds will continue to be authorized by permit. Any entity in possession of live migratory birds and currently operating under § 21.12(b)(1) may continue activities currently authorized by § 21.12(b)(1) until the Service finalizes a rulemaking regarding the exhibition of live migratory birds and eagles for educational purposes (RIN 1018–BF58; see the advance notice of proposed rulemaking that published June 1, 2023, at 88 FR 35821; Docket No. FWS–HQ–MB–2023–0015). Once the live bird exhibition rulemaking is finalized, those entities will need to comply with the new regulations.

So that we may better understand the number and types of entities operating under the current exhibition exception, we request that entities currently operating under § 21.12(b)(1) email the Service at *migbirdpermits@fws.gov* by March 31, 2025 with the following information:

(1) The entity name, physical address, and, if different, mailing address;

(2) the name, title, and contact information of the principal officer who is in charge of the organization;

(3) the name, title, and contact information of the primary contact the Service should use, if different than the principal officer; and

(4) the following statement: ''This entity is currently operating under the permit exception at 50 CFR 21.12(b)(1) and intends to continue operating under the conditions of this exception until the Service publishes exhibition regulations.''

The Service will use this information to contact those entities once the new exhibition regulations are final.

Public Institutions—Authorization for Exhibition Use of Eagle Specimens (new)

Previously, an eagle exhibition permit (§ 22.50) was required to possess eagle specimens for exhibition purposes, including mounts, feathers, parts, eggs, and nests. These permits are limited under the Eagle Act to public museums, scientific societies, and zoological parks (16 U.S.C. 668a) and can include take and possession of live birds as well as specimens. Most of these permittees are government entities that display a single, mounted eagle in a visitor center or building entrance. These exhibition permits for specimens have straightforward issuance criteria and conditions that are standard for all permittees. Therefore, to reduce the administrative burden for these public entities and the Service, we provide a regulatory authorization at § 22.15 for public museums, scientific societies, and zoological parks to possess eagle specimens for exhibition use without a permit. Possession of live birds will continue to require a permit. This regulatory authorization also does not authorize any taking of eagles. Any eagle specimens must have been legally obtained under the terms of a part 22 eagle permit or as authorized by § 21.16. We create in part 22 a new subpart B that has a similar structure to part 21, subpart B, and sets forth regulatory authorizations for eagles.

We anticipate no change in the availability of eagles for members of federally recognized Tribes as a result of this action. Nearly all eagle specimens for exhibition use are already in possession. Any eagle specimens newly acquired for exhibition use must be approved by the Repository as not suitable for Native American distribution. Documentation showing lawful acquisition and written authorization from the Repository for donation must accompany any newly acquired specimens before transfer to exhibition use.

The Eagle Act (16 U.S.C. 668a) restricts authorization for scientific or exhibition purposes to ''public museums, scientific societies, and zoological parks.'' The Service uses a plain-English interpretation of ''museum'' and ''zoological park,'' by which a public museum is a building or place where objects are curated for and displayed to the public, and a zoological park is a place where living animals are kept in enclosures and displayed to the public. The Eagle Act's inclusion of the term ''scientific societies'' does not readily have a plain-English interpretation. Therefore, the Service adopts the following interpretation: A scientific society is any entity that, as part of its purpose, promotes public knowledge about science or conducts research and makes data and findings available to the public. Scientific societies may include government agencies, schools and universities, and nongovernmental organizations. Qualifying as a public museum, scientific society, or zoological park is only one of the criteria necessary to conduct eagle exhibition or eagle scientific collecting activities. We would continue to maintain appropriate standards for evaluating an entity's qualifications relative to the authorization requested.

Licensed Veterinarians Authorization (revised)

A regulatory authorization authorizes licensed veterinarians to provide veterinary care of sick, injured, and orphaned migratory birds including eagles. We redesignate this regulation from §§ 21.12(c) to 21.22 and make the following revisions: (1) Edit the existing language to improve readability, (2) clarify what is included in veterinary care, and (3) clarify expectations regarding disposition of live and dead migratory birds. A Federal rehabilitation permit (§ 21.76) is required to conduct amputations and other procedures that could render a bird nonreleasable. A Federal rehabilitation permit is also required to determine if a sick, injured, or orphaned bird is nonreleasable, where nonreleasable means the bird is not suitable for release into the wild because of injury, being imprinted, or for other reasons determined by the Service.

Mortality Event Authorization (revised)

Regulations currently authorize natural resource and public health agency employees to address avian disease outbreaks without a permit. We expand this authorization from

infectious disease outbreaks to include mortality events of suspected disease outbreaks because some mortality events (*e.g.,* those caused by toxins or mass starvation) may have an unclear cause at the time of discovery and a timely response is necessary to ensure public safety until the cause of avian mortality can be determined.

We redesignate this regulation from §§ 21.12(b)(2) to 21.32 and make revisions as follows. We clarify that the scope of this authorization includes all mortality events where infectious disease is a suspected cause. A mortality event is an unforeseen event that results in an unexpectedly high number of sick or dead birds in a particular location over a short period of time from a cause that appears to be biologically related. For example, multiple dead birds of taxonomically related species exhibiting similar clinical signs in a discrete geographic area over roughly the same time period. We adopt the U.S. Geological Survey, National Wildlife Health Center's interpretation of ''unexpectedly high'' as five or more individuals (see *https://www.usgs.gov/centers/nwhc*). The National Wildlife Health Center is the science lead in the Department of the Interior (DOI) on the detection, control, and prevention of wildlife disease in the United States. The primary use of this regulatory authorization is to respond to avian infectious disease outbreaks, such as avian influenza or West Nile virus. Timely response is necessary to identify the cause of the outbreak, contain its spread, and reduce exposure and potential infection of humans, livestock, other domestic animals, and wildlife.

This authorization does not apply to mortality events due to causes that are not suspected as disease-related, such as collisions with infrastructure, fall-out due to circling lights, and other non-disease-related mortality. The authorization also does not apply to the take of asymptomatic birds, including for activities such as disease monitoring. Instead, agencies conducting disease monitoring of asymptomatic birds should obtain a scientific collecting permit (§ 21.73).

Natural Resource Agency Employees Authorization (new)

With this regulation, the Service establishes a new regulatory authorization at § 21.34 to salvage birds, use migratory bird specimens for educational programs, transport birds to medical care, and relocate birds in harm's way. These activities were previously authorized by special purpose permits (§ 21.95) issued to Service and State wildlife agency employees. This authorization facilitates Federal, State, Territorial, and federally recognized Tribal natural resource agency employees conducting routine activities involving birds and reduces the administrative burden of the permit process on the Service and other natural resource agencies. The regulatory authorization adopts the same conditions that the Service currently uses when issuing permits to employees of the Service and State wildlife agencies under the special-purpose permit regulations at § 21.95.

This authorization extends the authorization at § 21.76 for transporting birds to medical care by authorizing possession of sick, injured, or orphaned birds by natural resource employees, when necessary and humane, for up to 72 hours or to humanely euthanize birds if necessary. Natural resource agency employees are often in remote areas and are in the best position to provide humane care, without increasing bird stress by transporting long distances. Consistent with current permit conditions, this regulatory revision would authorize the salvage of birds and relocation when birds or humans are at risk.

Law Enforcement Authorization (revised)

Current regulations authorize DOI law enforcement personnel to conduct certain activities without a permit. We redesignate this regulation from §§ 21.12(a) to 21.40 and clarify that this authorization pertains to all law enforcement agencies authorized to enforce laws consistent with the MBTA or the Eagle Act. This authorization will be limited to personnel performing official law enforcement duties. Under this regulation, we also allow law enforcement agents to temporarily designate authority to another individual to acquire, possess, transport, or dispose of migratory birds on behalf of law enforcement in certain circumstances—for example, to pick up and dispose of a deceased bird in a remote area. This temporary designation should be recorded in writing by the law enforcement agent delegating the authority. The document must record the name and contact information of both the individual authorized and the authorizing agent as well as the dates authorized and clearly explain the extent of the actions the individual is authorized to perform.

Humane and Healthful Conditions Definition

Regulations at 50 CFR 13.41 currently require that any live wildlife must be possessed under ''humane and healthful conditions.'' Under this rule, we add a definition to the *Definitions* sections for 50 CFR parts 21 and 22 (at §§ 21.6 and 22.6) to define ''humane and healthful conditions'' as the phrase applies to the possession of live migratory birds and live bald eagles and golden eagles. The definition is identical for both part 21 and part 22 and includes both temporary (*e.g.,* trap–release activities) and long-term (*e.g.,* rehabilitation or exhibition activities) possession. The definition also clarifies that humane and healthful conditions include all aspects of possession and care, such as handling, housing, feeding, watering, sanitation, ventilation, shelter, protection from predators and vermin, enrichment, veterinary care, and euthanasia.

Rehabilitation Regulations

We remove the reference at § 21.76(e)(1) to the *Minimum Standards for Wildlife Rehabilitation* (2000) as guidelines for evaluating the adequacy of caging dimensions. The National Wildlife Rehabilitators Association and International Wildlife Rehabilitation Council recently published an updated *Standards for Wildlife Rehabilitation* (2021). The Service considered proposing to amend the regulation at § 21.76(e)(1) to reference the updated edition. Instead, we will apply the Service's *Migratory Bird Permit Memorandum: Evaluating Humane and Healthful Conditions at Rehabilitation Facilities* (MBPM–12). Consistent with MBPM–12, the Service will use the most current edition of *Standards for Wildlife Rehabilitation* as the Service's approved guidance document for evaluating humane and healthful conditions at rehabilitation facilities. Applicants should review the rehabilitation permit application form and application FAQ for the most current Service approved guidance.

Airborne Hunting Act Regulations

We amend the regulations at 50 CFR part 19 to authorize any person to hunt, shoot, or harass migratory birds under the Airborne Hunting Act (AHA) using any appropriate part 21 or part 22 permit. While the harassment, as defined in 50 CFR 19.4, of migratory birds alone does not otherwise require authorization under the MBTA, the AHA clearly prohibits the use of any aircraft to harass any wildlife, including migratory birds (§ 19.11), necessitating the need to issue a permit to authorize the harassment of migratory birds with aircraft. Service regulations previously limited the issuance of Federal permits authorizing any person to hunt, shoot, or harass any wildlife from an aircraft,

to migratory bird depredation permits issued under 50 CFR 21.100.

The Service removes this limitation and will use the most appropriate permit type for the purpose of the activity requested; for example, scientific-collecting permits (§ 21.73) for research. AHA authorization may also be added to other permit types, including for utility or communication tower purposes under special purpose utility permits (§ 21.95) or for eagle harassment associated with monitoring using aircraft with eagle incidental take permits (§ 22.250 or § 22.260, respectively); preconstruction surveys conducted by Federal or State employees will continue to be authorized under § 19.12(1).

The Service considers aircraft operating at minimum safe altitudes, as defined in 14 CFR 91.119(a), (b), or (c) at or above 500 feet above the surface, unlikely to harass migratory birds. Aircraft operating closer than 500 feet above the surface at any time under 14 CFR 91.119(c) or (d), or operating under a waiver of 14 CFR 91.119, should consider whether migratory bird harassment may occur and, if so, obtain authorization under AHA regulations if an AHA exception (16 U.S.C. 742j–1(b)(1)) does not apply. Unmanned aircraft systems (UAS or ''drones'') are classified and regulated as ''aircraft'' by the FAA, by definition, as ''a device that is used or intended to be used for flight in the air'' (14 CFR 1.1). The DOI Office of Aviation Services follows the FAA definition (Operational Procedures Memorandum 11). UAS used for commercial operations are regulated under 14 CFR part 107. Recreational use of UAS is regulated under 49 U.S.C. 44809. Pilots of UAS who plan to fly less than 400 feet above ground level should consider whether migratory bird harassment may occur and, if so, obtain authorization under the AHA if an AHA exception does not apply.

The regulatory revisions to 50 CFR 19.21 authorize new and emerging uses of aircraft, including UAS, which is consistent with the AHA's exception for permits that authorize ''administration or protection of land, water, wildlife, livestock, domesticated animals, human life, or crops'' (16 U.S.C. 742j–1(b)(1)).

Disqualifying Factors

The Service adds disqualifying factors at § 21.5 and § 22.5. The regulations at 50 CFR part 13 describe general permit procedures, including issuance of permits (§ 13.21), and the factors that disqualify a person from receiving a permit. These factors include conviction of a felony violation of the MBTA or Eagle Act, prior revocation of permits for certain reasons, failure to pay fees and fines, and failure to submit reports.

For legal purposes, the Service considers regulatory authorizations to constitute a permit as defined in 50 CFR 10.12. The definition of ''permit'' refers to a ''document.'' We interpret the term ''document'' to include a regulation such as this final rule, which describes, authorizes, and limits regulated activities and is signed by an authorized official—the DOI Assistant Secretary of Fish and Wildlife and Parks.

Therefore, to clarify that the disqualifying factors for permits also apply to regulatory authorizations, we add §§ 21.5 and 22.5, which adopt the part 13 disqualifying factors for all activities authorized by regulation or permit under parts 21 and 22. The text is adapted from § 13.21(c) to improve readability and clarify requirements.

Editorial Corrections

Because we redesignated the regulatory authorizations to new CFR sections, we correct cross-references to these sections in other parts of our regulations. Affected sections include rehabilitation permits (§ 21.76), falconry standards and falconry permitting (§ 21.82), raptor propagation permitting (§ 21.85), and eagle scientific and exhibition permits (§ 22.50). In this rulemaking, we are not making any changes to the falconry regulations or raptor propagation regulations beyond updating regulation references. These updates are administrative in nature; they do not change the species protected by the regulations or the permit requirements or any other requirements of the MBTA or its implementing regulations. We also update the address in the application procedures of banding or marking permits (§ 21.70) to reflect that the Bird Banding Lab is part of the U.S. Geological Survey and not the Service.

Summary of Changes From the Proposed Rule

Based on comments we received on the proposed rule (88 FR 35809, June 1, 2023), we made changes to the proposed regulations as set forth in the final regulations in this document. In general, changes included clarifying updates in response to the public comments received and nonsubstantive edits to improve readability. The following is a summary of the changes made between the proposed rule and this final rule:

1. Airborne Hunting Act—We added a clause to proposed § 19.21 to clarify that we will issue the appropriate part 21 or part 22 permit based on the purpose of the take or the activity being conducted.

2. Scope of regulations—We reformatted § 21.4 to improve readability and to easily identify the headings of the listed regulations.

3. Disqualifying factors—To clarify that the disqualifying factors set forth in 50 CFR part 13 also apply to regulatory authorizations, we had proposed new regulations at §§ 21.5 and 22.5 to adopt the factors set forth in part 13. After further review, we have revised the proposed language for §§ 21.5 and 22.5 to improve clarity.

4. Birds in buildings authorization—To reduce confusion regarding what types of structures and under what circumstances birds can be removed from buildings, we added clarifying language to proposed § 21.14.

5. Salvage authorization—We reorganized proposed § 21.16 to improve readability. We also clarified that this authorization is not intended for individuals actively searching for dead birds, such as for scientific research. Additionally, we added that any person who salvages eagles may turn in the specimens to a Federal, Tribal, or State wildlife agency as an alternative to contacting the National Eagle Repository.

6. Exhibition use of specimens, including eagle specimens, authorization—In § 21.18, we further clarified what entities qualify as ''public'' to avoid unintended restrictions regarding who qualifies under this regulatory authorization.

To clarify how pre-MBTA specimens may be displayed, we added a reference to § 21.4(a) to § 21.18, and to clarify how pre-Eagle Act specimens may be displayed, we added a reference to § 22.4(a) to § 22.15. We also added a recordkeeping requirement to document how entities meet the eligibility criteria for this authorization.

7. Licensed veterinarian authorization—We had proposed to move the authorization pertaining to licensed veterinarians to § 21.20; however, in this final rule, we are placing this authorization at § 21.22 to allow for a future rule to set forth a different provision at § 21.20. In § 21.22, we added a recommendation that a licensed veterinarian contact a federally permitted migratory bird rehabilitator when needing assistance in determining whether birds are suitable for release and suitable release locations when releasing birds in the first 24 hours. We also added language to clarify that a determination of nonreleasable status may only be determined by the holder of a rehabilitation permit.

8. Mortality event authorization—In § 21.32, we added examples to further clarify what we consider to be a

qualified mortality event. We also added instructions for who to contact when a mortality event involves eagles.

9. Natural resource agency employees authorization—In § 21.34, we clarified recordkeeping requirements to confirm that keeping records of salvaged birds is not required under this regulation.

10. Banding or marking permits—We revised § 21.70 to correct an incorrect address that we discovered after publishing the proposed rule.

11. Rehabilitation permits—In § 21.76, we clarified that Service approved guidance will be used to evaluate rehabilitation facilities.

12. For consistency throughout the rule, where we used the term ''remains,'' we replaced it with ''specimens'' where appropriate, and where we used the term ''institution,'' we replaced it with ''entity'' where appropriate.

13. Finally, we revised the heading for part 21, subpart B, from ''Exceptions to Permit Requirements'' to ''Regulatory Authorizations for Migratory Birds'' and the heading for part 22, subpart B, from ''Exceptions to Permit Requirements'' to ''Regulatory Authorizations for Eagles'' to better reflect the contents of the revised subparts. We also revised the headings of new sections being added to part 21, subpart B, to conform style with the current section headings in that subpart and to distinguish clearly between sections pertaining to regulatory authorizations and sections pertaining to permit exceptions.

Response to Public Comments

The Service received 12 unique letters, which contained 59 distinct comments, on the proposed rule. The following section contains the substantive public comments we received on the proposed rule and our responses. Where appropriate, we explain why we did or did not incorporate the changes suggested by the commenters into this final rule. Not included are the many comments providing general support for provisions of the rulemaking. Likewise, we do not include summaries of any comments providing general opposition, unless they contain suggestions for improvement. We also do not respond to comments that we considered to be outside the scope of this rulemaking.

Birds in Buildings

Comment. Clarify what is considered ''human-occupied.''

Response. The Service agrees that this term created confusion. We have revised the regulatory text to explain that ''human-occupied'' means a building or structure where people live or work.

Comment. Clarify who is allowed to remove migratory birds from a building because the text as proposed could mean any person at any time for any reason.

Response. The regulation allows any person to remove birds or nests from the interior of a building or structure where people live or work, but only when the presence of migratory birds is preventing the normal use of the interior of the building or the structure, including causing a health or safety risk to humans or birds, damage to property such as foodstuffs or products for sale, or if the bird may become injured because it is trapped. The Service added examples to § 21.14 to further clarify purpose and scope. This provision does not authorize possession of or incubating eggs. As stated in § 21.14(b)(3), eggs or nestlings must be transported to a federally permitted migratory bird rehabilitator or humanely destroyed or euthanized by following the American Veterinary Medical Association Guidelines for the Euthanasia of Animals.

Comment. How should the public locate a federally permitted rehabilitator?

Response: The Service maintains a map of federally permitted migratory bird rehabilitators. This map can be found by visiting the migratory bird permits web page (*https://www.fws.gov/program/migratory-bird-permits/living-around-birds*) or the Service's arcgis web page (*https://fws.maps.arcgis.com/*) and selecting ''Find a Migratory Bird Rehab Facility.''

Comment. How can the public access the proper guidelines for euthanasia and the drugs or equipment necessary?

Response. The American Veterinary Medical Association Guidelines for the Euthanasia of Animals is readily available online at *https://www.avma.org/resources-tools/avma-policies/avma-guidelines-euthanasia-animals* with free public access.

Comment. The Service should consider developing a voluntary self-reporting tool for birds removed under the birds-in-buildings authorization.

Response. The Service recognizes the value in information relating to the take of migratory birds; however, we must also balance the value of information collection with the time and cost burden of that collection. We are revising an existing regulation that did not previously have a reporting requirement, and we did not propose a new reporting requirement. As the Service continues to develop the technology for easy, online reporting, we may consider changing our approach in the future.

Salvage Authorization

Comment. Members of the public should consult with the Service or appropriate State agencies prior to disposal of dead migratory birds if high mortalities are encountered.

Response. As stated in § 21.16(f), any person salvaging birds must notify the Service Office of Law Enforcement if five or more birds are found dead.

Comment. The Service should continue to require permits for large-scale salvage operations at commercial facilities, including standardized specimen trials conducted at wind and solar energy facilities.

Response. The Service agrees. Large-scale salvage operations that would require possession of migratory bird specimens do not qualify under § 21.16. This authorization does not apply to any person who is conducting research and salvaging birds for the purposes of scientific research. The Service continues to require a scientific collecting permit (§ 21.73) for research activities, especially if samples will be collected from those salvaged birds. The Service will continue to authorize salvage for utility purposes with a special-purpose utility permit (§ 21.95) for migratory birds found dead on utility property, structures, and rights-of-way.

Comment. This rule could allow anyone to pick up birds, eggs, and nests for any reason or kill birds for feathers with no oversight by the Service.

Response. Nothing in this rulemaking allows birds to be killed for feathers. While anyone can salvage dead birds, nonviable eggs, and inactive nests, they must be promptly donated and not retained in possession. All salvaged migratory bird specimens must either be donated to a person or institution authorized to receive them under a valid permit or regulatory authorization or disposed of by destroying the specimens. The Service has long been authorizing these activities, which have straightforward eligibility criteria and standardized permit conditions, making them appropriate for a regulatory authorization. The Service will continue to monitor legal activities and take enforcement action on illegal activities.

Comment. Define ''promptly disposed of.''

Response. The regulation at § 21.16(a)(1) states that all salvaged specimens must be disposed of within 7 calendar days. We added language to § 21.16(b)(3) and (c)(3) stating ''unless directed otherwise by the Service'' to cover situations with extenuating circumstances.

Comment. The Service should develop a list of institutions willing to

accept salvaged bird specimens and make it available online.

Response. At this time, we are unable to post a comprehensive list of those entities authorized to receive donated birds; however, the regional Migratory Bird Permit Offices can respond to inquiries from the donors or the recipients to assist with determining eligibility.

Comment. Does the regulatory authorization apply to regular salvage of birds?

Response. This authorization does not apply to any person who is salvaging birds for the purposes of scientific research. The Service continues to require a scientific collecting permit (§ 21.73) for research activities, which also provides authorization for any samples collected from those salvaged birds. The Service will continue to authorize salvage for utility purposes with a special-purpose utility permit (§ 21.95) for migratory birds found dead on or near utility property, infrastructure, or rights-of-way. The Service reserves the right to notify any person that a permit is required to salvage migratory birds for purposes beyond the scope of this regulatory authorization.

Comment. Does ''any person'' include a company or other entity?

Response. In § 10.12, the Service defines ''person'' to mean any individual, firm, corporation, association, partnership, club, or private body, any one or all, as the context requires. The use of ''any person'' in the regulations in this final rule aligns with the regulatory definition of ''person.''

Exhibition Use of Specimens Authorization

Comment. There should not be an annual reporting requirement for educational use of specimens under § 21.18.

Response. The Service did not propose an annual reporting requirement. The proposed and final rules require that records be maintained and be available upon request as outlined in § 21.18(g).

Comment. This rule removes Service oversight and control over the collection, keeping, transferring, and displaying of migratory birds, which could be misused and exploited.

Response. The regulations pertain to the exhibition use of migratory bird specimens. The Service did not propose nor does this rule change any requirements regarding collection or take of live birds from the wild. As with any regulation, there is the potential for misuse or exploitation. Restricting possession under this regulatory authorization to government agencies and nonprofit organizations limits that potential and is a minimal extension beyond what was previously authorized under § 21.12(b)(2).

Comment. Is the Service proposing a new definition of ''public''?

Response. The Service is not proposing a change to the definition of ''public'' in § 10.12. We are applying the current definition to the regulations in this rule.

Comment. Clarify what eliminating the general authorization to possess live birds means for exempt facilities.

Response. Any entity currently operating under § 21.12(b)(1) may continue activities currently authorized by the regulatory authorization until the Service finalizes a rulemaking regarding the exhibition of live migratory birds and eagles for educational purposes (RIN 1018–BF58). Once the educational use rulemaking is finalized, those entities would need to comply with the new regulations. See discussion of this issue above under ''This Rulemaking'' and *Public Institutions—Exhibition Use of Specimens Authorization (revised).*

Exhibition Use of Eagle Specimens Authorization

Comment. Natural resource agencies should be included in the list of entities that may possess eagle specimens for exhibition and educational purposes instead of relying on the interpretation that these agencies are covered as ''public scientific societies.''

Response. The Eagle Act (16 U.S.C. 668a) restricts possession to public museums, zoological parks, and scientific societies. The Service cannot revise the statutory language. We interpret a ''scientific society'' to include any entity that, as part of its purpose, promotes public knowledge about science or conducts research and makes data and findings available to the public; thus, the term includes government agencies as well as public schools and universities and certain nongovernmental organizations.

Comment. Can the Service make it easier and more efficient for agencies and the general public to provide eagle specimens to the National Eagle Repository and clarify who makes the determination that an eagle specimen is not suitable for Native American distribution?

Response. This rule provides the authority for agencies and the public to salvage and ship eagle specimens to the National Eagle Repository without first obtaining a permit. The Repository provides instructions for obtaining a pre-paid shipping label and shipping boxes on their website. The Repository determines if eagles, parts, or feathers are suitable for distribution. If determined unsuitable by the Repository, eagles, parts, or feathers may be donated for scientific or exhibition purposes or completely destroyed. The Repository should be contacted directly with questions regarding suitability for distribution.

Licensed Veterinarian Authorization

Comment. Prior consultation with an avian veterinarian or migratory bird rehabilitator should be required before providing veterinary care authorized under this part.

Response. The Service agrees that birds should get the best possible care. Trained avian veterinarians and migratory bird rehabilitators have the most training to provide quality care. However, individuals with these skills are not available in all areas. In these situations, licensed veterinarians are best positioned to provide care. The Service currently authorizes licensed veterinarians to conduct these activities and will continue to do so.

Comment. Unless a veterinarian possesses a rehabilitation permit, a veterinarian may not have the background to properly evaluate whether a bird is medically and behaviorally healthy enough for release or to determine suitable habitat for each species.

Response. The Service agrees that not all veterinarians have the background and training to make these determinations. The Service restricts disposition in most cases to either euthanasia or transfer to a rehabilitator. Veterinarians occasionally receive birds that require only a short period of rest prior to being suitable for release (*e.g.,* mild collisions with windows or vehicles). Transport of these birds to a rehabilitation facility may decrease survivability. We are trusting the professionalism of licensed veterinarians to seek assistance if a situation is outside the scope of their professional skill. We have added language in § 21.22 recommending that veterinarians contact a federally permitted migratory bird rehabilitator or their regional Migratory Bird Permit Office for assistance with determining whether a bird is suitable for release or determining suitable habitat for release, if necessary.

Comment. The rule is contradictory in stating that veterinarians cannot determine whether a bird is nonreleasable while, at the same time, prohibiting release of a bird held in care for longer than 24 hours, thus making the bird nonreleasable.

Response. Holding a bird in care longer than 24 hours does not make the bird nonreleasable. The regulations require only transfer of the bird to a federally permitted migratory bird rehabilitator to assess its condition, including determining releasability, within that timeframe.

Comment. The following statement in the proposed rule is ambiguous: ''Within 48 hours after hospitalization is no longer required, live migratory birds must be transferred to a federally permitted migratory bird rehabilitator.''

Response. The Service clarified the language as follows: ''After hospitalization is no longer required, within 48 hours, live migratory birds must be transferred to a federally permitted migratory bird rehabilitator.''

Airborne Hunting Act

Comment. Clarify how unmanned aircraft systems (UAS) can be used for harassment but not authorized as a method of take (*e.g.,* killing a bird or contributing to the loss of a nest or young).

Response. The AHA requires authorization to hunt, shoot, or harass wildlife from aircraft, including UAS. The MBTA prohibits the take of migratory birds. This includes the killing of adult birds as well as conducting activities that result in the death, injury, or orphaning of eggs or chicks, such as keeping adults away from a nest resulting in nest abandonment or nest failure. The Service can issue permits for the take of migratory birds under the MBTA and the harassment of migratory birds under the AHA. The Service can also issue a permit for an aircraft or UAS to be an authorized method of take or harassment, provided that the take or harassment is humane and consistent with both the MBTA and AHA.

UAS are an emerging technology, and we do not want to unduly restrict technological advances and their application to migratory bird monitoring and research or human or wildlife health and safety. Any request to take birds using UAS would be evaluated through the permit application process, to ensure it is humane and the best available alternative that is consistent with the conservation of migratory birds. For example, the use of UAS has been explored as a method to addle eggs (which is a form of take) in nests on infrastructure that are creating a wildfire risk. With appropriate safeguards, this method poses minimal risk to human safety and adult birds.

Comment. Include §§ 21.41 and 21.23 as options for authorizing the use of UAS under § 19.21.

Response. The Service agrees that the AHA regulations should provide for more permit options under these regulations. Because of the emerging nature of UAS, the Service decided not to restrict authorization to any particular permit type and instead to allow use of the most appropriate regulation and permit under part 21 or part 22, which would include both permitting examples included in this comment. This provision will allow us to be as flexible as possible and use the most-appropriate permit type available.

Comment. If a State issues a permit pursuant to subpart D of the part 19 regulations, no Federal permit should be required.

Response. The Service has not revised the provision at § 19.31(a) that provides for the State to issue a permit for airborne hunting or harassing of wildlife. A Federal migratory bird permit would not be required for the harassment of migratory birds if someone holds a valid State permit that complies with the AHA. However, additional Federal permits may be required to hunt or otherwise take migratory birds.

Comment. The Service should develop a new regulatory authorization to allow the use of drones in nest surveys.

Response. The Service considered a regulatory authorization for specific uses of UAS that are unlikely to harass migratory birds. However, because of the emerging nature of UAS, continuing to authorize these activities by permit will ensure proposed activities are evaluated through the permit application process, to ensure the activities adopt a humane approach that is the best available alternative consistent with the conservation of migratory birds.

Definitions

Comment. One commenter appreciated the inclusion of a definition for ''humane and healthful conditions'' but cautioned against using subjective terms such as ''fear,'' ''pain,'' and ''suffering'' as these terms may make it difficult to enforce this provision and recommended relying more heavily on ''stress'' as a physiological condition.

Response. We recognize that these terms are subjective in nature. Stress is a physiological condition; however, it is still largely interpreted by demonstrated physical behaviors in most settings. Responses vary among birds, so observing for a variety of other indicators such as fear, pain, and suffering is appropriate. Those in possession of live birds should use the best available information when assessing the condition of a bird.

Comment. The regulations should state that the U.S. Department of Agriculture (USDA) is the primary regulator of animal welfare.

Response. The Service's regulations in § 13.41 require that wildlife in care be housed in humane and healthful conditions. The Service is using the regulations in this rule to clarify what humane and healthful conditions means in the context of the activities authorized in part 21 and part 22. This definition was developed in coordination with USDA Animal Care.

Effective Date

The Administrative Procedure Act at 5 U.S.C. 553(d)(1) allows Federal agencies to make a rule effective in less than 30 days if the rule is a substantive rule that grants or recognizes an exemption or relieves a restriction. We are making this rule effective upon publication in the **Federal Register** because this rule relieves restrictions on current permit holders. This rule is deregulatory in nature because it replaces existing permit requirements with regulatory authorizations that do not require a permit. Therefore, existing permit holders will not need to renew their permits, and affected entities will not need to obtain new permits.

We further have good cause under 5 U.S.C. 553(d)(3) to make this rule effective upon publication in the **Federal Register** as renewals for these permit types begin in January. This rulemaking action will eliminate about 1,800 permits, with resulting considerable cost savings of time and money to both permit holders and the Federal Government. Delaying the effective date by 30 days would lead to unnecessary costs and efforts for permit holders, most of who prepare and submit renewal applications and fees with their annual report, which are due in January. It would also hinder the efficiency of migratory bird conservation efforts, as staff would need to process refunds and return applications.

Required Determinations

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

Executive Order 12866 provides that the Office of Information and Regulatory Affairs (OIRA) will review all significant rules. OIRA has determined that this rulemaking action is not significant.

Executive Order (E.O.) 14094 reaffirms the principles of E.O. 12866 and E.O 13563 and states that regulatory

analysis should facilitate agency efforts to develop regulations that serve the public interest, advance statutory objectives, and are consistent with E.O. 12866 and E.O. 13563. Regulatory analysis, as practicable and appropriate, shall recognize distributive impacts and equity, to the extent permitted by law. E.O. 13563 emphasizes further that regulations must be based on the best available science and that the rulemaking process must allow for public participation and an open exchange of ideas. We have developed this rule in a manner consistent with these requirements.

Regulatory Flexibility Act (5 U.S.C. 601 et seq.)

Under the Regulatory Flexibility Act (5 U.S.C. 601 *et seq.,* as amended by the Small Business Regulatory Enforcement Fairness Act (SBREFA) of 1996 (Pub. L. 104121)), 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 effect of the rule on small businesses, small organizations, and small government jurisdictions. However, no regulatory flexibility analysis is required if the head of an agency certifies the rule will not have a significant economic impact on a substantial number of small entities.

SBREFA amended the Regulatory Flexibility Act to require Federal agencies to provide the statement of the factual basis for certifying that a rule will not have a significant economic impact on a substantial number of small entities. We have examined this rule's potential effects on small entities as required by the Regulatory Flexibility Act and determined that this action will not have an economic impact on any small entities. This rule is deregulatory in nature. It would expand the scope of current regulatory authorizations as well as eliminate current permits by creating new authorizations. Thus, we certify that this rule will not have a significant economic impact on a substantial number of small entities.

This is not a major rule under SBREFA (5 U.S.C. 804(2)). This rule will not have an annual effect on the economy of $100 million or more; will not cause a major increase in costs or prices for consumers, individual industries, or Federal, Tribal, State, Territorial, or local government agencies, or geographic regions; and will not have significant adverse effects on competition, employment, investment, productivity, innovation, or the ability of U.S.-based enterprises to compete with foreign-based enterprises.

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 have determined the following:

a. This rule will not ''significantly or uniquely'' affect small governments. A small government agency plan is not required. The regulatory revisions will not affect small government activities in any significant way.

b. This rule will not produce a Federal mandate of $100 million or greater in any year. Therefore, it is not a ''significant regulatory action'' under the Unfunded Mandates Reform Act.

Takings (E.O. 12630)

In accordance with E.O. 12630, the rule will not have significant takings implications. This rule does not contain a provision for taking of private property, so a takings implication assessment is not required. This rule is deregulatory in nature. It expands the scope of current authorizations as well as eliminates current permits by creating new authorizations.

Federalism (E.O. 13132)

This rule does not have sufficient federalism effects to warrant preparation of a federalism summary impact statement under E.O. 13132. It will not interfere with the States' abilities to manage themselves or their funds. No significant economic impacts are expected to result from the regulations changes.

Civil Justice Reform (E.O. 12988)

In accordance with E.O. 12988, the Office of the Solicitor has determined that this rule will not unduly burden the judicial system and meets the requirements of sections 3(a) and 3(b)(2) of the Order.

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

This rule contains new information collections. All information collections require approval by the OMB under the Paperwork Reduction Act of 1995 (PRA; 44 U.S.C. 3501 *et seq.*). We may not conduct or sponsor, and you are not required to respond to, a collection of information unless it displays a currently valid OMB control number. We will ask OMB to review and approve the information collection requirements contained in this rulemaking related to permit applications, reports, and related information collections under the MBTA.

As part of our continuing effort to reduce paperwork and respondent burdens, and in accordance with 5 CFR 1320.8(d)(1), we invite the public and other Federal agencies to comment on any aspect of this information collection, including:

(1) Whether or not the collection of information is necessary for the proper performance of the functions of the agency, including whether or not the information will have practical utility;

(2) The accuracy of our estimate of the burden for this collection of information, including the validity of the methodology and assumptions used;

(3) Ways to enhance the quality, utility, and clarity of the information to be collected; and

(4) 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, *e.g.,* permitting electronic submission of response.

Comments that you submit in response to this rulemaking are a matter of public record. Before including your address, phone number, email address, or other personal identifying information in your comment, you should be aware that your entire comment—including your personal identifying information—may be made publicly available at any time. While you can ask us in your comment to withhold your personal identifying information from public review, we cannot guarantee that we will be able to do so.

The information that we collect to determine eligibility to possess migratory birds and eagles by the general public, educators, and government agencies is the minimum necessary for us to determine if the applicant meets/continues to meet issuance requirements for the particular activity under the MBTA and Eagle Act. The new information collection requirements identified below require approval by OMB:

1. *Written Petitions—Request for Waiver from Disqualification (50 CFR 21.5)*—A conviction, or entry of a plea of guilty or nolo contendere, for a felony violation of the Lacey Act (16 U.S.C. 42, as amended), the Migratory Bird Treaty Act (16 U.S.C. 703–712), or the Bald and Golden Eagle Protection Act (16 U.S.C. 668–668d) disqualifies any such person from exercising the authorization granted by regulation or permit under part 21, unless such disqualification has been expressly waived by the Director in response to a written petition. This

disqualification is lifted when the required reports are submitted unless the Service notifies the person in writing of permanent disqualification due to repeated or extended failure to meet reporting requirements.

2. *Obtaining Landowner Permission to Access Land (50 CFR 21.16)*—The regulations in that section authorize salvage activities and provide an exception to permit requirements for these activities. Any person may salvage migratory bird specimens under the conditions set forth in that section of the regulations. Specimens include whole birds found dead, parts, feathers, inactive nests, and nonviable eggs. This authorization does not apply to live birds, viable eggs, or in-use nests. This authorization does not grant land access. Authorized individuals requiring access are responsible for obtaining permission from landowners when necessary and for complying with other applicable laws. This authorization is not intended for individuals actively searching for dead birds, such as for scientific research.

3. *3rd Party Notifications—National Eagle Repository (50 CFR 21.16)*—The National Eagle Repository (Repository) is responsible for determining whether salvaged eagle remains must be sent to the Repository or distributed to others. Eagle specimens include a whole bald eagle or golden eagle (eagle), part of an eagle (*e.g.,* wing or tail), or feathers. Authorized individuals who salvage eagle specimens must immediately contact the Repository and follow the Repository's instructions on transferring the eagle, parts, or feathers to the Repository.

4. *3rd Party Notifications—Transfer of Live Migratory Birds (50 CFR 21.22)*—The regulations in that section authorize any person who finds a sick, injured, or orphaned migratory bird, including bald eagles and golden eagles, to take possession of the bird for immediate transport to a licensed veterinarian or federally permitted migratory bird rehabilitator. Within 48 hours after hospitalization is no longer required, live migratory birds must be transferred to a federally permitted migratory bird rehabilitator. If unable to transfer a bird within that time, authorized individuals must contact their regional migratory bird permit office for assistance in locating a permitted migratory bird rehabilitator, authorization to continue care, or a recommendation to euthanize the bird.

5. *3rd Party Notifications—Endangered and Threatened Wildlife (50 CFR 21.22)*—Licensed veterinarians must notify the appropriate Ecological Services Office within 24 hours of receiving a migratory bird that is also on the List of Endangered and Threatened Wildlife (50 CFR 17.11).

6. *Requests for Written Authorization—National Eagle Repository (50 CFR 22.15)*—The regulations in that section authorize public museums, public scientific societies, and public zoological parks to possess lawfully acquired eagle specimens, including whole bird specimens, parts, feathers, inactive nests, and nonviable eggs, for conservation education purposes. Bald eagle and golden eagle specimens must be acquired from persons authorized by permit or regulatory authorization to possess and donate them. Authorized individuals are responsible for ensuring specimens were legally acquired. Eagle specimens salvaged after January 30, 2025 must have written authorization from the National Eagle Repository for exhibition use.

7. *Agency Designation Letter (50 CFR 21.34)*—The regulations in that section authorize employees of Federal, State, Territorial, and federally recognized Tribal natural resource agencies to conduct the following activities while performing their official duties without a permit: salvage, exhibition use, transport, and relocation. Individuals under the direct supervision of an agency employee (*e.g.,* volunteers or agents under contract to the agency) may, within the scope of their official duties, conduct the activities authorized by this authorization. An authorized individual must have a designation letter from the agency describing the activities that may be conducted by the individual and any date and location restrictions that apply.

8. *Law Enforcement Authorization (50 CFR 21.40)*—The regulations in that section authorize law enforcement personnel who enforce provisions of the MBTA or Eagle Act to take, acquire, possess, transport, and dispose of migratory birds, whether alive or dead, including their parts, nests, or eggs, while performing official duties and without a permit. Law enforcement personnel may designate non-law-enforcement personnel to acquire, possess, transport, or dispose of migratory birds on the behalf of law enforcement under this authorization. This designation includes recording the name and contact information of the individual designated, dates valid, activities authorized, and name and contact information of the authorizing agent.

9. *3rd Party Notifications—Federally Permitted Rehabilitator (50 CFR 21.14, 21.34)*—Authorized individuals must immediately contact a federally permitted migratory bird rehabilitator and follow the rehabilitator's instructions when:

a. § 21.14—Any birds removed by trapping must be immediately released to the wild in a humane and healthful manner. However, for any bird that becomes exhausted, ill, injured, or orphaned, the authorized individual must immediately contact a federally permitted migratory bird rehabilitator and follow the rehabilitator's instructions.

b. § 21.14—Authorized individuals may remove nests, eggs, and nestlings from the interior of a human-occupied building or structure. They are encouraged to seek the assistance of a federally permitted migratory bird rehabilitator or their regional Migratory Bird Permit Office prior to removing eggs or nestlings.

c. § 21.34—Natural resource agency employees may transport sick, injured, or orphaned birds in accordance with § 21.76(a). If transport is not feasible within 24 hours, they must follow the instructions of a federally permitted migratory bird rehabilitator to provide supportive care, retain in an appropriate enclosure for up to 72 hours, or euthanize the birds.

10. *Tagging Requirements (50 CFR 21.16, 21.18, 22.15)*—Several regulations in this rulemaking require authorized individuals to tag specimens for identification:

a. § 21.16—Specimens intended for donation with the species, date, location of salvage, and the name and contact information of the person who salvaged the specimen. The tag must remain with the specimen.

b. § 21.18—Each migratory bird specimen must remain tagged with the species, date, location, name of the donor, and donor's authorization for acquisition. Specimen tags may be temporarily removed during educational programs.

c. § 22.15—Each eagle specimen must remain tagged with the species, date, location, name of the donor, and the donor's authorization for acquisition. Specimen tags may be temporarily removed during educational programs.

11. *Law Enforcement Notifications (50 CFR 21.16, 21.32)*—Several regulations in this rulemaking require authorized individuals to notify the Office of Law Enforcement if illegal activity is suspected:

a. § 21.16—Authorized individuals must notify the Service Office of Law Enforcement prior to salvaging the birds if they suspect birds were purposefully illegally killed or if five or more birds are found dead.

b. § 21.32—Authorized individuals investigating mortality events must notify the Service Office of Law Enforcement if illegal activity is suspected.

12. *Verification of Legal Acquisition (50 CFR 21.18, 22.15)*—Several regulations in this rulemaking require authorized individuals to verify that specimens were obtained legally:

a. § 21.18—Migratory bird specimens must be acquired from persons authorized by permit or regulatory authorization to possess and donate them. Authorized individuals are responsible for ensuring specimens were legally acquired.

b. § 22.15—Bald eagle and golden eagle specimens must be acquired from persons authorized by permit or regulatory authorization to possess and donate them. Authorized individuals are responsible for ensuring specimens were legally acquired.

13. *Records Retention Requirements (50 CFR 21.16, 21.18, 21.22, 21.34, 22.15)*—Regulations in this rulemaking require authorized individuals to maintain records of activities conducted under their authorization:

a. § 21.16—Authorized individuals must maintain records of all donated birds, including eagles sent to the Repository, for 5 years. Records must include species, specimen type, date, location salvaged, and recipient. At any reasonable time upon request by the Service, the authorized individual must allow the Service to inspect any birds held under this authorization and to review any records kept.

b. § 21.18—Authorized individuals must maintain accurate records of operations on a calendar-year basis and retain these records for 5 years. Records must reflect how the authorized individual meets the eligibility criteria for this authorization, the programs conducted, each specimen in possession, and, if applicable, specimen disposition. At any reasonable time upon request by the Service, the authorized individual must allow the Service to inspect any migratory bird specimens held under this regulatory authorization and review any records kept.

c. § 21.22—Licensed veterinarians must keep records for 5 years of all migratory birds held and treated under this authorization, including those euthanized. Records must include the species of bird, the type of injury, the date of acquisition, disposition (*e.g.,* live bird transferred, specimens destroyed, or specimens donated), and the date and cause of death, if applicable. Upon an inspection request, authorized individuals must present available specimens and records at any reasonable time.

d. § 21.34—Agencies must keep records for 5 years of activities conducted under paragraphs (a)(2) through (a)(4) of that section of the regulations. The records must include the species and number of birds, the type of activity, date, and disposition.

e. § 22.15—Authorized individuals must maintain accurate records of operations on a calendar-year basis and retain these records for 5 years. Records must reflect how the authorized individual meets the eligibility criteria for this authorization, the programs conducted, each specimen in possession, and, if applicable, specimen disposition. At any reasonable time upon request by the Service, authorized individuals must allow the Service to inspect any migratory bird specimens held under this regulatory authorization and review any records kept.

14. *3rd Party Notifications—Educational Programs (50 CFR 21.18, 22.15)*—Several regulations in this rulemaking require specimens to be available for educational purposes:

a. § 21.18—Migratory bird specimens must be used for public conservation educational programs or held for public archival purposes. Programs must include information about migratory bird ecology, biology, or conservation. Specimens held for archival purposes must be properly archived and readily accessible to the public for research purposes.

b. § 22.15—Eagle specimens must be used for public educational programs or held for public archival purposes. Programs must include information about eagle ecology, biology, or conservation. Specimens held for archival purposes must be properly archived and readily accessible to the public for research purposes.

15. *Notification Requirement—Current Authorizations (50 CFR 21.18)*—Entities currently operating under 50 CFR 21.12(b)(1) are requested to email the Service by March 31, 2025 with the following information: (1) the entity name, physical address, and, if different, mailing address; (2) the name, title, and contact information of the principal officer who is in charge of the organization; (3) the name, title, and contact information of the primary contact the Service should use, if different than the principal officer; and (4) the following statement: ''This entity is currently operating under the permit exception 50 CFR 21.12(b)(1) and intends to continue operating under the conditions of this exception until the Service publishes exhibition regulations.'' This information will be used by the Service primarily to contact entities once new regulations pertaining to exhibition are final; however, the Service may also use this information to better understand the number and types of entities currently operating under this exception.

Title of Collection: Regulatory Authorizations for Migratory Bird and Eagle Possession by the General Public, Educators, and Government Agencies; 50 CFR parts 21 and 22.

OMB Control Number: 1018–0200.

Form Numbers: None.

Type of Review: New.

Respondents/Affected Public: Individuals; private sector; and State/local/Tribal governments.

Total Estimated Number of Annual Respondents: 4,800.

Total Estimated Number of Annual Responses: 4,800.

Estimated Completion Time per Response: Varies from 15 minutes to 1 hour, depending on activity.

Total Estimated Number of Annual Burden Hours: 3,310.

Respondent's Obligation: Required to obtain or retain a benefit.

Frequency of Collection: On occasion.

Total Estimated Annual Non-hour Burden Cost: None.

On June 1, 2023, we published in the **Federal Register** (88 FR 35809) a proposed rule (RIN 1018–BC76) that announced our intention to request OMB approval of the information collections explained above. In that proposed rule, we solicited comments for 60 days on the information collections in this submission, ending on July 31, 2023. Summaries of comments addressing the information collections contained in this rule, as well as the agency response to those comments, can be found in the *Response to Public Comments* section of this rule, as well as in the information collection request submitted to OMB on the *RegInfo.gov* website (*https://www.reginfo.gov/public/*).

Send your written comments and suggestions on this information collection by the date indicated in **DATES** to the Service Information Collection Clearance Officer, U.S. Fish and Wildlife Service, MS: PRB/PERMA (JAO), 5275 Leesburg Pike, Falls Church, VA 22041–3803 (mail); or by email to *Info_Coll@fws.gov.* Please reference OMB Control Number 1018–0200 in the subject line of your comments.

National Environmental Policy Act

We have analyzed this rule in accordance with the National Environmental Policy Act (NEPA; 42 U.S.C. 4321 *et seq.*) and Department

regulations at 43 CFR part 46. We find that the action fits within a class of actions listed in the categorical exclusions included in the DOI Departmental Manual at 516 DM 8.5, specifically: A.(1) Changes or amendments to an approved action when such changes have no or minor potential environmental impact; and C.(1) The issuance, denial, suspension, and revocation of permits for activities involving fish, wildlife, or plants regulated under 50 CFR chapter I, subchapter B, when such permits cause no or negligible environmental disturbance. These permits involve endangered and threatened species, species listed under the Convention on International Trade in Endangered Species of Wild Fauna and Flora (CITES), marine mammals, exotic birds, migratory birds, eagles, and injurious wildlife. The Service considers regulatory authorizations, also called permit exceptions, to be a type of permit. ''Permit'' is defined in 50 CFR 10.12, and the Service considers the regulations in this final rule to be the means by which the Service describes, authorizes, and limits the activity. The authorized official is the DOI Assistant Secretary of Fish and Wildlife and Parks. Therefore, promulgation of a regulatory authorization that causes no or negligible environmental disturbance falls within the categorical exclusion for permits.

Similar activities authorized under this final rule have previously been authorized under regulatory authorizations or permits without significant environmental effects. All but one of the regulatory authorizations under this final rule either benefits living birds (*e.g.,* rescuing a live bird from inside of a building) or involves handling birds that died from causes unrelated to the regulatory authorization. One authorization allows law enforcement personnel to take individual migratory birds while acting under their official duties. However, the take of individual birds under those circumstances is limited and would not have population-level impacts.

Endangered and Threatened Species

Section 7 of the Endangered Species Act (ESA) of 1973, as amended (16 U.S.C. 1531 *et seq.*), requires that the Secretary [of the Interior] shall review other programs administered by the Secretary and utilize such programs in furtherance of the purposes of this Act (16 U.S.C. 1536(a)(1)). It further states that the Federal agency must ''ensure that any action authorized, funded, or carried 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 [critical] habitat'' (16 U.S.C. 1536(a)(2)). Our final action of issuing regulatory authorizations for non-ESA-listed migratory birds and eagles does not authorize, fund, or carry out any activity that may affect—directly or indirectly—any ESA-listed species or their critical habitat. All activities involving live migratory birds that are also on the List of Endangered and Threatened Wildlife (50 CFR 17.11) requires additional authorization under the ESA. Within this final rule, we have included clauses where appropriate indicating that either additional authorizations are required or notification to the appropriate Ecological Services Office is required when an activity involves migratory birds that are also on the List of Endangered and Threatened Wildlife.

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), E.O. 13175, and 512 DM 2, we have evaluated potential effects on federally recognized Indian Tribes and have determined that this rule would not interfere with Tribes' abilities to manage themselves, their funds, or Tribal lands. Furthermore, this rulemaking adds provisions that expand Tribal authorization and self-governance.

Energy Supply, Distribution, or Use (E.O. 13211)

E.O. 13211 addresses regulations that significantly affect energy supply, distribution, and use, and requires agencies to prepare statements of energy effects when undertaking certain actions. This rule is not a significant regulatory action under E.O. 13211, and no statement of energy effects is required.

List of Subjects

50 CFR Part 19

Aircraft, Fish, Hunting, Reporting and recordkeeping requirements, Wildlife.

50 CFR Part 21

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

50 CFR Part 22

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

Regulation Promulgation

For the reasons described in the preamble, the U.S. Fish and Wildlife Service amends title 50, chapter I, subchapter B of the Code of Federal Regulations, as set forth below:

PART 19—AIRBORNE HUNTING

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

Authority: Fish and Wildlife Act of 1956, 85 Stat. 480, as amended, 86 Stat. 905 (16 U.S.C. 742a–j–1).

■ 2. Revise § 19.21 to read as follows:

§ 19.21 Limitation on Federal permits.

No Federal permits will be issued that authorize any person to hunt, shoot, or harass from an aircraft any wildlife, except for migratory birds according to Federal permits issued under part 21 or part 22 of this subchapter when the purpose of the action is consistent with the purpose of the permit regulation.

PART 21—MIGRATORY BIRD PERMITS

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

Authority: 16 U.S.C. 703–712.

Subpart A—Introduction and General Requirements

■ 4. Amend § 21.4 by:
■ a. Revising the section heading;
■ b. In paragraph (a), removing the word ''*Provide*'' and adding in its place the word ''*Provided* ''; and
■ c. Revising paragraph (b).

The revisions read as follows:

§ 21.4 Scope of regulations.

* * * * *

(b) Except as set forth in paragraphs (b)(1) and (2) of this section, the regulations in this part do not apply to the bald eagle (*Haliaeetus leucocephalus*) or the golden eagle (*Aquila chrysaetos*), for which regulations are provided in part 22 of this subchapter:

(1) In this part in subpart B, which sets forth regulatory authorizations for migratory birds, the following sections of this part apply to the migratory birds listed in 50 CFR 10.13, including the bald eagle (*Haliaeetus leucocephalus*) and the golden eagle (*Aquila chrysaetos*):

(i) § 21.16: Authorization—salvage;

(ii) § 21.22: Authorization—licensed veterinarians;

(iii) § 21.32: Authorization—mortality events;

(iv) § 21.34: Authorization—natural resource agency employees; and

(v) § 21.40: Authorization—law enforcement personnel.

(2) In this part in subpart C, which sets forth specific permit provisions, the following sections of this part apply to the migratory birds listed in 50 CFR 10.13, including the bald eagle (*Haliaeetus leucocephalus*) and the golden eagle (*Aquila chrysaetos*):

(i) § 21.63: Taxidermist permits;

(ii) § 21.70: Banding or marking permits;

(iii) § 21.76: Rehabilitation permits; and

(iv) § 21.82: Falconry standards and falconry permitting.

* * * * *

■ 5. Add § 21.5 to read as follows:

§ 21.5 Disqualifying factors.

A person may not hold, or act under authorization of, a permit granted by regulation or permit under this part if any of the following circumstances apply, unless the Director expressly waives that disqualification in writing prior to any act in question:

(a) The person has been convicted of or pled guilty or *nolo contendere* to a felony violation of the Lacey Act (18 U.S.C. 42, as amended), the Migratory Bird Treaty Act (16 U.S.C. 703–712), or the Bald and Golden Eagle Protection Act (16 U.S.C. 668–668d).

(b) The person has had any other authorization, license, or permit issued pursuant to the Migratory Bird Treaty Act or Bald and Golden Eagle Protection Act revoked in accordance with § 13.28 of this subchapter B within the last 5 years.

(c) The person has failed to pay any required fees, penalties, or other money owed, for any reason, to the United States. Disqualification is effective as soon as the deficiency applies. This disqualification is lifted when the money owed is paid in full unless the Service notifies the person in writing of permanent disqualification due to repeated or extended failure to pay.

(d) The person has failed to submit timely, accurate, or valid reports required under this part. Disqualification is effective as soon as the deficiency applies. This disqualification is lifted when the required reports are submitted unless the Service notifies the person in writing of permanent disqualification due to repeated or extended failure to meet reporting requirements.

■ 6. Amend § 21.6 by adding a definition for ''Humane and healthful conditions'' in alphabetic order to read as follows:

§ 21.6 Definitions.

* * * * *

Humane and healthful conditions means using methods supported by the best available science that minimize fear, pain, stress, and suffering of a migratory bird held in possession. This definition applies during capture, possession (temporary or long term), and transport. Humane and healthful conditions pertain to handling (*e.g.,* during capture, care, release, restraint, and training), housing (whether temporary, permanent, or during transport), shelter, feeding and watering, sanitation, ventilation, protection from predators and vermin, and, as applicable, enrichment, veterinary care, and euthanasia.

* * * * *

■ 7. Revise the heading of subpart B to read as follows:

Subpart B—Regulatory Authorizations for Migratory Birds

* * * * *

■ 8. Add § 21.14 to read as follows:

§ 21.14 Authorization—birds in buildings.

(a) Any person may, without a permit, humanely remove a migratory bird from the interior of a residence, business, or similar building or structure where people live or work under the conditions set forth in this section. Authorization is limited to when the presence of migratory birds is preventing the normal use of the interior of a building or structure, such as causing a health or safety risk to humans or birds or damage to property such as foodstuffs or products for sale, or if the bird may become injured because it is trapped. This authorization does not apply to birds or nests on the exterior of buildings, such as siding or eaves, or to structures that are not human-occupied, such as bridges.

(b) This authorization is subject to the following conditions:

(1) *Humane conditions.* Any trapping, handling, transporting, or release of migratory birds must be conducted under humane and healthful conditions as defined in § 21.6. You may not use adhesive traps (such as glue traps) or any other method of capture likely to harm the bird.

(2) *Release.* Any birds removed by trapping must be immediately released to the wild in a humane and healthful manner. However, for any bird that becomes exhausted, ill, injured, or orphaned, you must immediately contact a federally permitted migratory bird rehabilitator and follow the rehabilitator's instructions.

(3) *Nests.* You may remove nests, eggs, and nestlings from the interior of a human-occupied building or structure. When possible, prevent the need for take of occupied nests by waiting until nestlings fledge. You may transport eggs or nestlings to a federally permitted migratory bird rehabilitator, if the rehabilitator recommends that you do so. Otherwise, you may humanely destroy eggs or euthanize nestlings following the American Veterinary Medical Association Guidelines for the Euthanasia of Animals or an equivalent process.

(4) *Prevention.* To the degree feasible, you must prevent birds from reentering buildings or structures by taking such actions as patching holes or installing bird exclusion devices. Exclusion devices must be regularly monitored, maintained, and repaired to ensure they remain effective and to prevent entrapment, injury, or death.

(5) *Disposal.* You may not lethally take migratory birds, except as authorized in paragraph (b)(3) of this section for chicks and eggs. If your actions to remove the trapped migratory bird are likely to result in lethal take of an adult bird, you must first obtain a Federal migratory bird permit. If you otherwise comply with the requirements of this section and a bird you are trying to remove dies, you must immediately dispose of the specimen by donation to any person or entity authorized to receive them under a valid permit or regulatory authorization. Otherwise, you must dispose of migratory bird specimens by destruction in accordance with Federal, Tribal, State, Territorial, or local laws and ordinances.

(c) Additional authorization is required for bald eagles, golden eagles, and species on the Federal List of Endangered and Threatened Wildlife (50 CFR 17.11(h)).

(d) You must also comply with any Federal, Tribal, State, or Territorial requirements that apply to removing migratory birds from buildings.

■ 9. Add § 21.16 to read as follows:

§ 21.16 Authorization—salvage.

The regulations in this section authorize salvage activities and provide a regulatory authorization for these activities.

(a) *Salvage and disposition of bald eagle and golden eagle specimens.* The National Eagle Repository (Repository) is responsible for determining whether salvaged eagle specimens must be sent to the Repository or distributed to others. Eagle specimens include a whole bald eagle or golden eagle (eagle), part of an eagle (*e.g.,* wing or tail), or feathers. Salvage of any eagle nest or egg in any condition is not authorized.

(1) If you salvage eagle specimens, you must immediately contact the Repository. When possible, contact the Repository prior to salvage.

Alternatively, you may turn in salvaged eagles to your Federal, Tribal, or State wildlife agency.

(2) If the Repository determines specimens must be sent to the Repository, you must follow the Repository's shipping instructions and ship specimens within 7 days of receiving instructions from the Repository.

(3) If the Repository determines eagle specimens may be distributed to others, the Repository will provide written documentation for donation of the eagle specimen. Unless otherwise documented by the Service in writing, you must donate or otherwise legally dispose of the eagle specimen within 7 days of receiving instructions from the Repository. You may donate specimens to a public museum, public scientific society, or public zoological park authorized to receive eagle specimens for scientific or exhibition purposes under a regulatory authorization (50 CFR 22.15) or valid permit (50 CFR 22.50).

(4) If not donated, the eagle specimens must be disposed of by destruction in accordance with Federal, Tribal, State, and local laws and ordinances.

(5) Personal use is not authorized. Eagle specimens may not be held in possession for more than 7 calendar days, unless directed otherwise by the Service. Eagle specimens may not be purchased, sold, bartered, or offered for purchase, sale, or barter.

(b) *Salvage of migratory birds.* Any person may salvage migratory bird specimens under the conditions set forth in this section. Specimens include whole birds found dead, parts, feathers, inactive nests, and nonviable eggs. The following restrictions apply:

(1) This authorization does not apply to live birds, viable eggs, or in-use nests. Salvage of eggs during breeding season is not authorized, except you may salvage nonviable eggs if you are professionally trained to distinguish viable eggs from nonviable eggs. Salvage of viable eggs is not authorized under this section.

(2) Additional authorization is required to salvage bird species on the Federal List of Endangered and Threatened Wildlife (50 CFR 17.11(h)).

(3) Salvage and disposition of bald eagles and golden eagles is limited as described in paragraphs (a)(1) through (a)(5) of this section.

(4) You must dispose of all salvaged specimens as described below within 7 calendar days.

(5) You must tag each specimen intended for donation with the species, date, location of salvage, and the name and contact information of the person who salvaged the specimen. The tag must remain with the specimen.

(6) You must report the band information of any salvaged migratory bird with a Federal band to the U.S. Geological Survey Bird Banding Laboratory.

(c) *Disposition of migratory birds.* (1) Except for bald eagles or golden eagles, salvaged migratory bird specimens may be disposed of by donation to any person or entity authorized to receive them under a valid permit or regulatory authorization.

(2) If not donated, migratory bird specimens must be disposed of by destruction in accordance with Federal, Tribal, State, Territorial, and local laws and ordinances.

(3) Personal use is not authorized. Birds, parts, nests, and eggs may not be held in possession for more than 7 calendar days, unless directed otherwise by the Service. Migratory bird specimens may not be purchased, sold, bartered, or offered for purchase, sale, or barter.

(d) *Records.* You must maintain records of all donated birds, including eagles sent to the Repository, for 5 years. Records must include species, specimen type, date, location salvaged, and recipient. At any reasonable time upon request by the Service, you must allow the Service to inspect any birds held under this authorization and to review any records kept.

(e) *Other requirements.* Additional Federal, Tribal, State, or Territorial permits may be required. This authorization does not grant land access. You are responsible for obtaining permission from landowners when necessary and for complying with other applicable laws. This authorization is not intended for individuals actively searching for dead birds, such as for scientific research.

(f) *Reporting to law enforcement.* If you suspect birds were illegally killed or if five or more birds are found dead, you must notify the Service Office of Law Enforcement (see 50 CFR 10.22 for contact information) prior to salvaging the birds and follow the instructions provided.

■ 10. Add § 21.18 to read as follows:

§ 21.18 Authorization—exhibition use of specimens.

(a) *Scope.* For conservation education purposes, qualified public entities are authorized to possess lawfully acquired migratory bird specimens, including whole bird specimens, parts, feathers, inactive nests, and nonviable eggs, as described in the regulations in this section. This authorization does not apply to live birds, viable eggs, or in-use nests. For specimens of bald eagles or golden eagles, see 50 CFR 22.15. Qualified public entities must be:

(1) Open to the general public;

(2) Established, maintained, and operated as a governmental service or privately endowed and organized but not operated for profit; and

(3) Conducting programs for the purpose of educating the public about migratory bird biology, ecology, and conservation.

(b) *Acquisition.* Migratory bird specimens must be acquired from persons authorized by valid permit or regulatory authorization to possess and donate them. You are responsible for ensuring specimens were legally acquired.

(c) *Disposition.* You may dispose of migratory bird specimens by donating them to any person or entity authorized to receive them under a valid permit or regulatory authorization. Otherwise, you must dispose of migratory bird specimens by destruction in accordance with Federal, Tribal, State, Territorial, or local laws and ordinances.

(d) *Possession.* Each migratory bird specimen must remain tagged with the species, date, location, name of the donor, and donor's authorization for acquisition (*e.g.,* permit number or CFR citation of the applicable regulatory authorization, *e.g.,* 50 CFR 21.16). Specimen tags may be temporarily removed during educational programs. Migratory bird specimens may be taxidermied by a federally permitted taxidermist (§ 21.63), or by employees or volunteers of your organization, as part of their official duties.

(e) *Educational programs.* Migratory bird specimens must be used for public conservation education programs or held for public archival purposes. Specimens held for archival purposes must be properly archived and readily accessible to the public for research purposes. Specimens may be used for observational research without additional authorization; however, removal of samples requires additional authorization, such as a scientific collecting permit (§ 21.73).

(f) *Prohibitions.* Specimens may not be purchased, sold, or bartered. You must not display any migratory bird specimens in a manner that implies personal use or include specimens used in millinery, ornamental, or similar objects, except as authorized for pre-Act specimens lawfully acquired in accordance with § 21.4(a).

(g) *Records.* You must maintain accurate records of operations on a calendar-year basis and retain these records for 5 years. Records must reflect how you meet the eligibility criteria for

this authorization, the programs conducted, each specimen in possession, and, if applicable, specimen disposition. At any reasonable time upon request by the Service, you must allow the Service to inspect any migratory bird specimens held under this regulatory authorization and review any records kept.

(h) *Other laws.* You must comply with any Federal, Tribal, State, or Territorial requirements that apply to possession of migratory bird specimens for exhibition use.

■ 11. Add § 21.22 to read as follows:

§ 21.22 Authorization—licensed veterinarians.

(a) Any person who finds a sick, injured, or orphaned migratory bird, including bald eagles and golden eagles, may, without a permit, take possession of the bird for immediate transport to a licensed veterinarian or federally permitted migratory bird rehabilitator.

(b) Licensed veterinarians are authorized to take the following actions without a permit:

(1) Take from the wild or receive from any person, a sick, injured, or orphaned migratory bird, including bald eagles and golden eagles, for the purpose of providing veterinary care.

(2) Perform diagnostics as well as surgical and nonsurgical procedures necessary for triage, including euthanizing migratory birds (See § 21.76(e)(4)(iii)–(iv)). Under this authorization, licensed veterinarians may not conduct amputations and other procedures that could render a bird nonreleasable.

(3) Release migratory birds that have been in care less than 24 hours to suitable habitat in the wild. The Service recommends contacting a federally permitted migratory bird rehabilitator if you need assistance determining if birds are suitable for release and suitable release locations.

(4) Transfer birds to a federally permitted migratory bird rehabilitator.

(5) Dispose of dead migratory birds in accordance with § 21.76(e)(4)(vi) and dispose of dead bald eagles and golden eagles in accordance with § 21.76(e)(4)(vi)(C).

(c) Licensed veterinarians are not authorized to release to the wild migratory birds held in care longer than 24 hours. Any migratory bird held longer than 24 hours must be transferred to a federally permitted migratory bird rehabilitator.

(d) After hospitalization is no longer required, within 48 hours, live migratory birds must be transferred to a federally permitted migratory bird rehabilitator. Any determination of nonreleasable status requires a rehabilitation permit (§ 21.76) and may not be made under this regulatory authorization. If unable to transfer a bird within that time, you must contact your regional migratory bird permit office for assistance in locating a permitted migratory bird rehabilitator, authorization to continue care, or a recommendation to euthanize the bird.

(e) Migratory birds in possession under this authorization must be maintained in humane and healthful conditions as defined in §§ 21.6 and 22.6 of this subchapter B.

(f) Licensed veterinarians must notify the appropriate Ecological Services Office within 24 hours of receiving a migratory bird that is also on the List of Endangered and Threatened Wildlife (50 CFR 17.11). See 50 CFR 2.2 for a list of Service regional offices.

(g) Licensed veterinarians must keep records for 5 years of all migratory birds held and treated under this authorization, including those euthanized. Records must include the species of bird, the type of injury, the date of acquisition, disposition (*e.g.,* live bird transferred, specimens destroyed, or specimens donated), and, if the bird died in your care, the date and cause of death. Upon an inspection request, individuals must present available specimens and records at any reasonable time.

■ 12. Add § 21.32 to read as follows:

§ 21.32 Authorization—mortality events.

(a) Natural resource and public health employees performing official duties are authorized without a permit to collect, possess, transport, and dispose of migratory birds found sick, injured, or dead as part of a mortality event, which is an unforeseen event that results in an unexpectedly high number of sick or dead birds in a particular location over a short period of time from a cause that appears to be related. For example, multiple dead birds of taxonomically related species exhibiting similar clinical signs in a discrete geographic area over roughly the same time period with all of the birds exhibiting similar pathological behavior or clinical signs. Birds or their parts may be analyzed for suspected or confirmed cause of death.

(b) Natural resource and public health employees include employees of:

(1) Government natural resource agencies;

(2) Government public health agencies;

(3) Government agricultural agencies; and

(4) Laboratories working on behalf of such agencies.

(c) Sick or injured birds may be humanely euthanized or transported to a federally permitted rehabilitator or licensed veterinarian for care or euthanasia. If euthanized, specimens may be analyzed for cause of death.

(d) This authorization does not include take and possession of uninjured or asymptomatic birds. Take of asymptomatic birds, such as for disease monitoring, requires a scientific collecting permit (§ 21.73).

(e) This authorization does not apply to mortality events that do not readily appear to be disease-related.

(f) Notify the Service Office of Law Enforcement (see 50 CFR 10.22 for contact information) if you suspect birds were illegally killed or injured.

(g) If the mortality event involves eagles, you must immediately contact the National Eagle Repository. When possible, contact the Repository prior to salvage. Alternatively, you may turn in salvaged eagles to your Federal, Tribal, or State wildlife agency.

(h) Additional Federal, Tribal, State, or Territorial permits may be required. This authorization does not grant land access. You are responsible for obtaining permission from landowners when necessary and for complying with other applicable laws.

■ 13. Add § 21.34 to read as follows:

§ 21.34 Authorization—natural resource agency employees.

(a) *Authorized activities.* While performing official duties, employees of Federal, State, Territorial, and federally recognized Tribal natural resource agencies may conduct the following activities without a permit:

(1) *Salvage.* Natural resource agency employees may salvage migratory bird specimens found dead in accordance with the salvage authorization (§ 21.16).

(2) *Exhibition use.* Natural resource agency employees may possess migratory bird specimens for conservation education programs in accordance with the authorizations for exhibition use of specimens (§ 21.18) and the exhibition use of eagle specimens (50 CFR 22.15). Additional authorization under this part 21 and part 22 of this subchapter B is required to possess live birds, viable eggs, or in-use nests for exhibition use.

(3) *Transport.* Natural resource agency employees may transport sick, injured, or orphaned birds in accordance with § 21.76(a). If transport is not feasible within 24 hours, employees must follow the instructions of a federally permitted migratory bird rehabilitator to provide supportive care, retain in an appropriate enclosure for up to 72 hours, or euthanize the birds.

(4) *Relocate.* Natural resource agency employees may trap and relocate migratory birds, nests, eggs, and chicks in accordance with § 21.14. Employees are authorized to conduct these activities either to remove birds from structures or whenever birds or humans are at risk if birds are not relocated. Additional authorization is required for bald eagles, golden eagles, or migratory birds on the List of Endangered and Threatened Wildlife (50 CFR 17.11).

(b) *Volunteers and contractors.* Individuals under the direct supervision of an agency employee (*e.g.,* volunteers or agents under contract to the agency) may, within the scope of their official duties, conduct the activities authorized by this authorization. An authorized individual must have a designation letter from the agency describing the activities that may be conducted by the individual and any date and location restrictions that apply.

(c) *Official capacity.* Employees and other authorized individuals must act within their official duties, training, and experience when conducting authorized activities, especially when handling live birds. Live birds must always be cared for under humane and healthful conditions as defined in § 21.6 and § 22.6 of this subchapter B.

(d) *Records.* Agencies must keep records for 5 years of activities conducted under paragraphs (a)(2) through (a)(4) of this section. The records must include the species and number of birds, the type of activity, date, and disposition.

■ 14. Add § 21.40 to read as follows:

§ 21.40 Authorization—law enforcement personnel.

(a) Without a permit and when performing official duties, law enforcement personnel authorized to enforce the provisions of the Migratory Bird Treaty Act (16 U.S.C. 706 and 708) or Bald and Golden Eagle Protection Act (16 U.S.C. 668b) may take, acquire, possess, transport, and dispose of migratory birds (including bald eagles and golden eagles), whether alive or dead, including their parts, nests, or eggs.

(b) Law enforcement personnel may designate non-law-enforcement personnel to acquire, possess, transport, or dispose of migratory birds on the behalf of law enforcement under this authorization. This designation includes recording the name and contact information of the individual designated, dates valid, activities authorized, and name and contact information of the authorizing agent.

Subpart C—Specific Permit Provisions

§ 21.70 [Amended]

■ 15. In § 21.70, amend paragraph (b) by removing the words ''Office of Migratory Bird Management, U.S. Fish and Wildlife Service'' and adding in their place the words ''U.S. Geological Survey''.

■ 16. Amend § 21.76 by revising paragraphs (a), (e)(1), and (e)(4)(vi)(A) to read as follows:

§ 21.76 Rehabilitation permits.

(a) *What is the permit requirement?* Except as provided in § 21.22, a rehabilitation permit is required to take, temporarily possess, or transport any migratory bird for rehabilitation purposes. However, any person who finds a sick, injured, or orphaned migratory bird may, without a permit, take possession of the bird for immediate transport to a permitted rehabilitator or licensed veterinarian.

* * * * *

(e) * * *

(1) *Facilities.* You must conduct the activities authorized by this permit in appropriate facilities that are approved and identified on the face of your permit. In evaluating facilities, Service approved guidance will be used unless the rehabilitator demonstrates that variation from the guidance is humane for the bird(s) and both reasonable and necessary to accommodate the rehabilitator's particular circumstances. However, except as provided by paragraph (f)(2)(i) of this section, all facilities must comply with the following criteria:

* * * * *

(4) * * *

(vi) * * *

(A) You may donate dead birds and parts thereof, except threatened and endangered species, bald eagles, and golden eagles, to persons authorized by permit to possess migratory bird specimens or exempted from permit requirements under the regulations in subpart B of this part.

* * * * *

■ 17. Amend § 21.82 by revising paragraphs (f)(12)(ii) and (v) and (f)(13)(ii) to read as follows:

§ 21.82 Falconry standards and falconry permitting.

* * * * *

(f) * * *

(12) * * *

(ii) You may donate feathers from a falconry bird, except golden eagle feathers, to any person or entity with a valid permit to possess them, or to anyone exempt from the permit requirement under the regulations in subpart B of this part.

* * * * *

(v) If your permit expires or is revoked, you must donate the feathers of any species of falconry raptor except a golden eagle to any person or any entity exempt from the permit requirement under the regulations in subpart B of this part or authorized by permit to acquire and possess the feathers. If you do not donate the feathers, you must burn, bury, or otherwise destroy them.

(13) * * *

(ii) You may donate the body or feathers of any other species of falconry raptor to any person or entity exempt from the permit requirement under the regulations in subpart B of this part or authorized by permit to acquire and possess such parts or feathers.

* * * * *

■ 18. Amend § 21.85 by revising the section heading and paragraph (k)(1) to read as follows:

§ 21.85 Raptor propagation permitting.

* * * * *

(k) * * *

(1) You may donate the body or feathers of any species you possess under your propagation permit to any person or entity exempt from the permit requirement under the regulations in subpart B of this part or authorized by permit to acquire and possess such parts or feathers.

* * * * *

PART 22—EAGLE PERMITS

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

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

Subpart A—Introduction and General Requirements

■ 20. Add § 22.5 to read as follows:

§ 22.5 Disqualifying factors.

A person may not hold, or act under authorization of, a permit granted by regulation or permit under this part if any of the following circumstances apply, unless the Director expressly waives that disqualification in writing prior to any act in question:

(a) The person has been convicted of or pled guilty or *nolo contendere* to a felony violation of the Lacey Act (18 U.S.C. 42, as amended), the Migratory Bird Treaty Act (16 U.S.C. 703–712), or the Bald and Golden Eagle Protection Act (16 U.S.C. 668–668d).

(b) The person has had any other authorization, license, or permit issued pursuant to the Migratory Bird Treaty

Act or Bald and Golden Eagle Protection Act revoked in accordance with § 13.28 of subchapter B within the last 5 years.

(c) The person has failed to pay any required fees, penalties, or other money owed, for any reason, to the United States. Disqualification is effective as soon as the deficiency applies. This disqualification is lifted when the money owed is paid in full unless the Service notifies the person in writing of permanent disqualification due to repeated or extended failure to pay.

(d) The person has failed to submit timely, accurate, or valid reports required under this part. Disqualification is effective as soon as the deficiency applies. This disqualification is lifted when the required reports are submitted unless the Service notifies the person in writing of permanent disqualification due to repeated or extended failure to meet reporting requirements.

■ 21. Amend § 22.6 by adding a definition for ''Humane and healthful conditions'' in alphabetic order to read as follows:

§ 22.6 Definitions.

* * * * *

Humane and healthful conditions means using methods supported by the best available science that minimize fear, pain, stress, and suffering of a migratory bird held in possession. This definition applies during capture, possession (temporary or long term), and transport. Humane and healthful conditions pertain to handling (*e.g.,* during capture, care, release, restraint, and training), housing (whether temporary, permanent, or during transport), shelter, feeding and watering, sanitation, ventilation, protection from predators and vermin, and, as applicable, enrichment, veterinary care, and euthanasia.

* * * * *

■ 22. Add § 22.15 under a new subpart B to read as follows:

Subpart B—Regulatory Authorizations for Eagles

§ 22.15 Authorization—exhibition use of eagle specimens.

(a) *Scope.* The regulations in this section authorize qualified public entities to possess lawfully acquired eagle specimens, including whole bird specimens, parts, feathers, inactive nests, and nonviable eggs, for conservation education purposes. This authorization does not apply to live eagles, viable eggs, or in-use nests. Qualified public entities must be:

(1) A museum, scientific society, or zoological park;

(2) Open to the general public;

(3) Established, maintained, and operated as a governmental service or privately endowed and organized but not operated for profit; and

(4) Conducting programs for the purpose of educating the public about bald eagle or golden eagle biology, ecology, and conservation.

(b) *Acquisition.* Bald eagle and golden eagle specimens must be acquired from persons authorized by valid permit or regulatory authorization to possess and donate them. You are responsible for ensuring specimens were legally acquired. Eagle specimens salvaged after January 30, 2025 must have written documentation from the National Eagle Repository for exhibition use.

(c) *Disposition.* You may dispose of eagle specimens by donating them to any entity authorized to receive them under a valid permit or regulatory authorization. You may contact the National Eagle Repository and, if directed, ship the specimens to the Repository. Otherwise, you must dispose of eagle specimens by destruction in accordance with Federal, Tribal, State, or local laws and ordinances.

(d) *Possession.* Each eagle specimen must remain tagged with the species, date, location, name of the donor, and donor's authorization for acquisition (*e.g.,* permit number or CFR citation of the applicable regulatory authorization, *e.g.,* 50 CFR 21.16). Specimen tags may be temporarily removed during educational programs. Eagle specimens may be taxidermied by a federally permitted taxidermist (§ 21.63 of this subchapter B), or by employees or volunteers of your organization, as part of their official duties.

(e) *Educational programs.* Eagle specimens must be used for public educational programs or held for public archival purposes. Specimens held for archival purposes must be properly archived and readily accessible to the public for research purposes. Specimens may be used for observational research without additional authorization; however, removal of samples requires additional authorization, such as an eagle scientific permit (§ 22.50).

(f) *Prohibitions.* Specimens may not be purchased, sold, or bartered. You must not display any bald eagle or golden eagle specimens in a manner that implies personal use or include specimens used in millinery, ornamental, or similar objects, except as authorized for pre-Act specimens lawfully acquired in accordance with § 22.4(a).

(g) *Records.* You must maintain accurate records of operations on a calendar-year basis and retain these records for 5 years. Records must reflect how you meet the eligibility criteria for this authorization, the programs conducted, each specimen in possession, and, if applicable, specimen disposition. At any reasonable time upon request by the Service, you must allow the Service to inspect any migratory bird specimens held under this regulatory authorization and review any records kept.

(h) *Other laws.* You must comply with any Federal, Tribal, State, or Territorial requirements that apply to possession of eagle specimens for exhibition use.

Subpart C—Eagle Possession Permit Provisions

■ 23. Amend § 22.50 by revising the section heading and the undesignated introductory paragraph to read as follows:

§ 22.50 Eagle scientific and exhibition permits.

We may, under the provisions of this section, issue a permit authorizing the taking, possession, transportation within the United States, or transportation into or out of the United States of lawfully possessed bald eagles or golden eagles, or their parts, nests, or eggs for the scientific or exhibition purposes of public museums, public scientific societies, or public zoological parks. A permit is not required if your activities fall within the authorization for exhibition use of eagle specimens (§ 22.15). We will not issue a permit under the regulations in this section that authorizes the transport into or out of the United States of any live bald or golden eagles, or any viable eggs of these birds.

* * * * *

Shannon A. Estenoz,

Assistant Secretary for Fish and Wildlife and Parks.

[FR Doc. 2024–31015 Filed 12–30–24; 8:45 am]

BILLING CODE 4333–15–P

Proposed Rules

Federal Register
Vol. 89, No. 250
Tuesday, December 31, 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 JUSTICE

Executive Office for Immigration Review

8 CFR Parts 1001, 1003 and 1240

[EOIR Docket Nos. 18–0503, 19–0410; AG Order No. 6120–2024]

RINS 1125–AB01, 1125–AB03

Withdrawal of Notices of Proposed Rulemaking

AGENCY: Executive Office for Immigration Review; Department of Justice.

ACTION: Notice of withdrawal of proposed rules.

SUMMARY: The Executive Office for Immigration Review (''EOIR'') is withdrawing two of its Notices of Proposed Rulemaking (''NPRMs''): (1) Motions To Reopen and Reconsider; Effect of Departure; Stay of Removal, and (2) Good Cause for a Continuance in Immigration Proceedings, both published on November 27, 2020, and is providing this notice of withdrawal. EOIR is withdrawing these NPRMs because of ongoing assessments of agency needs, priorities, and objectives. EOIR will not take any further action on these NPRMs.

DATES: As of December 31, 2024, the NPRMs published on November 27, 2020, titled ''Motions To Reopen and Reconsider; Effect of Departure; Stay of Removal,'' 85 FR 75942, and ''Good Cause for a Continuance in Immigration Proceedings,'' 85 FR 75925, are withdrawn.

FOR FURTHER INFORMATION CONTACT: Sarah Flinn, Acting Assistant Director for Policy, Office of Policy, Executive Office for Immigration Review, 5107 Leesburg Pike, Falls Church, VA 22041; telephone: (703) 305–0289 (not a toll-free call).

SUPPLEMENTARY INFORMATION: On November 27, 2020, the Department of Justice (''Department'') proposed amendments to its regulations through publication of two NPRMs. *See* 85 FR 75925, 75942 (corresponding to Regulation Identifier Numbers (''RINs'') 1125–AB03 and 1125–AB01, respectively). Specifically, the NPRM titled ''Motions To Reopen and Reconsider; Effect of Departure; Stay of Removal'' proposed to amend EOIR's regulations at 8 CFR parts 1001 and 1003 governing the filing and adjudication of motions to reopen and reconsider—including those motions following a noncitizen's departure from the United States, commonly known as the ''departure bar''—and to add regulations governing requests for discretionary stays of removal. *See id.* at 75942, 75945 (RIN 1125–AB01). The NPRM titled ''Good Cause for a Continuance in Immigration Proceedings'' proposed to amend EOIR's regulations at 8 CFR parts 1003 and 1240 to define ''good cause'' in the context of continuances, adjournments, and postponements of immigration proceedings. *See id.* at 75925 (RIN 1125–AB03).

The Department is withdrawing these NPRMs because further rulemaking action with respect to these NPRMs does not align with agency needs, priorities, and objectives. The Department continues to consider the best means of addressing some or all of the issues covered by these NPRMs and the scope of any agency actions the Department concludes may be necessary to address these issues.[1]

Moreover, the comments received on these NPRMs raised a number of issues that warrant further attention and suggest that the Department should further assess the best regulatory approach, if any, for addressing the issues in the NPRMs. Thus, the Department is withdrawing these NPRMs because, even if the Department were to determine in the future that rulemaking on these issues is appropriate, the Department believes that it would benefit from seeking comments on any new proposal that might account for the specific issues raised in the comments received on these NPRMs.

In addition, all agencies participate in the semi-annual Unified Agenda of Regulatory and Deregulatory Actions (''Unified Agenda''), which provides a summary description of the regulatory actions that each agency is considering or reviewing.[2] Agencies' agendas are posted on the public website of the Office of Information and Regulatory Affairs, and portions are published in the **Federal Register** in the spring and fall of each year. The Unified Agenda is often used as a tool to solicit interest and participation from stakeholders. Withdrawal of these NPRMs will allow EOIR to better align its entries on the Department's Unified Agenda with the agency's needs, priorities, and objectives.

Accordingly, for all of these independently sufficient reasons, the Department is withdrawing the NPRMs associated with RINs 1125–AB01 and 1125–AB03. By withdrawing the NPRMs, the Department is indicating that it no longer considers these NPRMs to be pending. The status quo regarding motions and continuances before EOIR will continue unaffected by these rulemakings for the time being. Should the Department decide at a future date to initiate the same or similar rulemakings, the Department will issue new NPRM(s) under new RIN(s).

Dated: December 19, 2024.

Merrick B. Garland,

Attorney General.

[FR Doc. 2024–30754 Filed 12–30–24; 8:45 am]

BILLING CODE 4410–30–P

[1] Of note, an earlier entry on EOIR's Unified Agenda under RIN 1125–AA74 was merged with RIN 1125–AB01 in the Spring 2020 Unified Agenda. RIN 1125–AA74 was developed partly as a response to a 2012 petition for rulemaking regarding the departure bar provision. In response to the petition for rulemaking, EOIR agreed to initiate rulemaking to amend the departure bar regulatory provisions at 8 CFR 1003.2(d) and 1003.23(b)(1). EOIR asserted that it was not, however, committing to any particular outcome for that entry. *See* Off. of Immigr. & Regul. Affs., *Immigration Courts and the Board of Immigration Appeals: Motions to Reopen and Reconsider; Effect of Departure or Removal* (Spring 2020), *https://www.reginfo.gov/public/do/eAgendaViewRule?pubId=202004&RIN=1125-AA74* (describing RIN 1125–AA74). As described above, EOIR continues to assess issues implicated by RIN 1125–AB01 and, hence, RIN 1125–AA74.

[2] Dates and schedules on the Unified Agenda are subject to change. *See* Introduction to the Unified Agenda of Federal Regulatory and Deregulatory Actions—Spring 2024, 89 FR 66764, 66765 (Aug. 16, 2024). Agencies may withdraw regulations listed on their Unified Agenda, and they may issue or propose other regulations not included in their agendas. *Id.* Agency actions in the rulemaking process may occur before or after the dates listed in their Unified Agenda. *Id.* The Unified Agenda does not create a legal obligation on agencies to adhere to schedules in their Unified Agenda or to confine their regulatory activities to those regulations that appear on it. *Id.*

DEPARTMENT OF AGRICULTURE

Animal and Plant Health Inspection Service

9 CFR Parts 148 and 149

[Docket No. APHIS–2022–0061]

RIN 0579–AE75

US Swine Health Improvement Plan

AGENCY: Animal and Plant Health Inspection Service, USDA.

ACTION: Proposed rule.

SUMMARY: We are proposing the creation of regulations governing the US Swine Health Improvement Plan (US SHIP). US SHIP would be a voluntary livestock improvement program aimed at improving biosecurity, traceability, and disease surveillance for swine health. The swine industry has requested the establishment of US SHIP, which builds on an existing pilot program initiated by industry. We propose to codify US SHIP as a Federal regulatory program and allow participating sites to obtain certifications of disease-monitored status for African swine fever and classical swine fever. Establishment of US SHIP would allow participating sites to market their products with the relevant certification status, which could limit disruptions to international and interstate commerce during outbreaks.

DATES: We will consider all comments that we receive on or before January 30, 2025.

ADDRESSES: You may submit comments by either of the following methods:

- *Federal eRulemaking Portal:* Go to *www.regulations.gov.* Enter APHIS–2022–0061 in the Search field. Select the Documents tab, then select the Comment button in the list of documents.
- *Postal Mail/Commercial Delivery:* Send your comment to Docket No. APHIS–2022–0061, Regulatory Analysis and Development, PPD, APHIS, Station 2C–10.16, 4700 River Road, Unit 25, Riverdale, MD 20737–1238.

Supporting documents and any comments that we receive on this docket may be viewed at *regulations.gov* or in our reading room, which is located in room 1620 of the USDA South Building, 14th Street and Independence Avenue SW, Washington, DC. Normal reading room hours are 8 a.m. to 4:30 p.m., Monday through Friday, except holidays. To be sure someone is there to help you, please call (202) 799–7039 before coming.

FOR FURTHER INFORMATION CONTACT: Dr. Lydia Carpenter, Veterinary Medical Officer, Aquaculture, Swine, Equine, and Poultry Health Center, VS, Department of Agriculture, Animal and Plant Health Inspection Service, 920 Main Campus Drive, Suite 200, Raleigh, NC 27606; phone: (919) 855–7276; email; *lydia.carpenter@usda.gov.*

SUPPLEMENTARY INFORMATION:

Background

Under Section 8310(d) of the Animal Health Protection Act (AHPA, 7 U.S.C. 8301 *et seq.*), the Secretary of Agriculture may cooperate with ''State authorities, Indian tribe authorities, or other persons in the administration of regulations for the improvement of livestock and livestock products.'' Under Section 8315 of the AHPA, the Secretary of Agriculture has the authority to issue orders and promulgate regulations relative to the provisions of the Act. The Secretary has delegated authority to issue such orders and regulations to the Animal and Plant Health Inspection Service (APHIS). Pursuant to this authority, APHIS may issue regulations to establish and administer livestock improvement plans.

Currently, APHIS administers one livestock improvement program, the National Poultry Improvement Program (NPIP), which is described in 9 CFR parts 145, 146 and 147. NPIP is a collaborative effort involving industry, State, and Federal partners providing standards for certifying the health status of more than 99 percent of commercial poultry and egg operations across the United States. NPIP establishes general provisions for administering its program through Official State Agencies (OSAs); flock, hatchery, and dealer participation and management, including testing and inspection; and more specific provisions for managing different kinds of breeding and commercial flocks. The NPIP regulations also set forth auxiliary provisions for NPIP oversight through a General Conference Committee (henceforth ''GCC'' or ''the Committee''), with direction on establishing membership, selecting and confirming delegates, and the Committee's role in preparing and recommending changes to the NPIP regulations. Specific blood testing, bacteriological and molecular examination, and flock sanitation processes are set forth in a series of Program Standards that the APHIS Veterinary Services (VS) Avian Health program, with the GCC's help, periodically updates and publishes for public notice and comment.

No such program currently exists in the regulations for the swine industry. However, the industry has operated the US Swine Health Improvement Plan (US SHIP, the Plan), as a pilot program since 2020. The pilot program aims to certify participating sites as African swine fever (ASF)- and classical swine fever (CSF)-Monitored.

ASF and CSF are highly contagious diseases of swine that can spread rapidly with high rates of morbidity and mortality. Neither disease is known to occur in the United States; introduction of either disease would result in significant disruptions to domestic and international trade.

In order to participate in the pilot program, participating sites must meet biosecurity, traceability, and testing requirements and maintain documentation demonstrating such adherence. Participating sites with ASF and CSF certifications may market their products as such. A goal of the program is to mitigate possible disruptions to trade, both domestically and internationally, that could be caused by the introduction of these diseases into the United States.

The pilot program is governed by a House of Delegates, which has met annually and is composed of representatives from academia and industry, and State and Federal animal health officials. These representatives are called ''delegates'' and are selected by the OSAs of the States they represent. At the House of Delegates meeting, the delegates consider and vote to recommend changes to the US SHIP program. Under the terms of this proposed rule, the House of Delegates would be led by a General Conference Committee (''GCC''), which would function as a Federal advisory committee to provide recommendations to APHIS relative to the administration of US SHIP. We discuss this at greater length later in this document.

The proposed US SHIP regulations would incorporate the provisions of the pilot program and this governance structure with some modifications to meet Federal requirements, as discussed below. APHIS, the States, and the swine industry would jointly administer the codified program. Like the pilot program, participants would need to meet biosecurity, traceability, and testing requirements. Also like the pilot program, US SHIP would, at least initially, target ASF and CSF.

APHIS plans to model US SHIP after NPIP, which is also a Federal-State-industry program. US SHIP would establish a similar platform for safeguarding, improving, and representing the health status of swine across participating farm sites, supply chains, States, and regions. As with the NPIP, OSAs would administer the program in their States by enrolling

participants and conferring certification based on requirements such as disease testing and site biosecurity practices specific to the participating site type. Site types are described at greater length below and in the Program Standards that accompany this proposed rule. Site types include boar stud facilities, breeding herds, growing pig facilities, farrow to feeder/finisher facilities, small holding facilities, non-commercial facilities, live animal marketing operations, and slaughtering facilities. NPIP covers analogous site types in the poultry industry, such as hatcheries, dealers, and slaughtering facilities. Unlike NPIP, entities eligible to serve as OSAs would be limited to veterinary authorities responsible for enforcing a State's swine health regulations (*i.e.,* a State Animal Health Official) or a cooperative effort between a State Animal Health Official and other entities. In NPIP, the OSA may be any State Authority recognized by the U.S. Department of Agriculture (USDA, the Department), such as the State Departments of Agriculture, State Veterinary Diagnostic Laboratories, and State Poultry Associations. This modification for US SHIP reflects the critical need for a regulatory role in a program that monitors for diseases that are not currently known to exist in the United States. US SHIP would also include traceability provisions, which are not part of the NPIP, but which are necessary for ensuring the movement of healthy swine. Finally, APHIS would establish as part of US SHIP a GCC composed of swine producers and other industry and State animal health participants that would advise APHIS on matters of swine health and disease management. The US SHIP GCC would operate like the NPIP GCC, but with different Technical Committees organized around the issues impacting swine health. The group would provide technical and swine-specific support and advice to program participants as well as APHIS, acting as a liaison between the Agency and the swine industry.

To codify US SHIP, we are proposing to add two new parts to the 9 CFR, parts 148 and 149. Part 148 would contain two subparts, one for general provisions of US SHIP (subpart A), and another for participating slaughtering facilities in US SHIP (subpart B). Part 149 would discuss the procedures for changing the regulations and Program Standards for US SHIP, and also contain provisions regarding US SHIP conferences and committees. Below, we discuss the provisions of US SHIP in the order in which they appear in the proposed regulations. We first discuss subpart A of part 148, then subpart B, then proposed part 149.

Proposed Part 148

Subpart A (General Provisions)

Subpart A of US SHIP, ''General Provisions,'' would consist of proposed §§ 148.1 through 148.11 and provide the general structure for participation in US SHIP.

Definitions (§ 148.1)

Section 148.1 would contain definitions of the following terms used within proposed part 148: *Administrator, African swine fever, Animal and Plant Health Inspection Service* (*APHIS*), *authorized agent, authorized laboratory, boar, boar stud, classical swine fever, Department, farrow to feeder/finisher facility, feral swine, gilt, growing pig facility, live animal marketing operation, National Animal Health Laboratory Network (NAHLN), non-commercial facility, Official State Agency, person, plan, pork product, Senior Coordinator, small holding facility, sow, State, swine, US SHIP Program Standards,* and *US SHIP Technical Committee.*

We are proposing to define *Administrator* as ''the Administrator, Animal and Plant Health Inspection Service, or any person authorized to act for the Administrator.'' This definition is drawn from NPIP and is generally consistent with the definition of the term within APHIS' regulations in 9 CFR chapter I.

We are proposing to define *African swine fever* as ''a highly contagious viral hemorrhagic disease caused by a large, enveloped, double-stranded DNA virus of the family *Asfarviridae* and genus *Asfivirus* that affects animals in the family Suidae, including domestic pigs, feral swine, and Eurasian wild boar.'' This definition is derived from the World Organization for Animal Health (WOAH) technical disease card,[1] APHIS Veterinary Services Center for Epidemiology and Animal Health (CEAH) case definition,[2] and the Merriam-Webster dictionary. The APHIS Veterinary Services CEAH case definition was, in turn, developed by a group of APHIS interdisciplinary subject matter experts.

We are proposing to define *Animal and Plant Health Inspection Service (APHIS)* as ''the Animal and Plant Health Inspection Service of the U.S. Department of Agriculture.'' This definition is drawn from NPIP and is generally consistent with the definition of this term throughout APHIS' regulations in 9 CFR chapter I.

We are proposing to define *authorized agent* to mean any person designated under § 148.7 of the regulations to collect official samples for submission to an authorized laboratory in accordance with § 148.10 of the regulations. This definition is drawn from NPIP.

We are proposing to define *authorized laboratory* to mean a laboratory that meets the requirements of § 148.11 and is thus qualified to perform assays in accordance with the US SHIP regulations. This definition is likewise modeled on the definition of *authorized laboratory* within NPIP.

We are proposing to define *boar* as ''a sexually intact male swine.'' This definition, along with the definitions of the terms *gilt, sow, swine,* and *pork product,* are derived from USDA's Agricultural Marketing Service's (AMS') regulations in 7 CFR 59.200. That section of AMS' regulations contains definitions of types of swine and pork products that must be reported under AMS' administration of the Agricultural Marketing Act of 1946 (7 U.S.C. 1635–1636i). Because of these mandatory requirements, we consider swine producers to be familiar with AMS' definitions, and also find them appropriate for the purposes of our proposed US SHIP regulations, which would establish a voluntary program to promote marketing of swine and pork products.

We are proposing to define *boar stud* as ''a swine production site with mature boars that distributes semen to other swine production sites.'' This definition is taken from the US SHIP pilot program enrollment documents, which were created by the industry, academia, and regulatory experts that worked to develop the pilot program. An interdisciplinary group of APHIS Veterinary Services subject matter experts contributed to the definitions developed for the pilot program.

We would define *classical swine fever* as ''a highly contagious viral septicemia, caused by a small, enveloped RNA virus of the family *Flaviviridae* and genus *Pestivirus,* that affects animals in the family Suidae, including domestic pigs, feral swine, and Eurasian wild boar.'' This definition is derived from the WOAH technical disease card, the APHIS Veterinary Services CEAH case

[1] World Organization for Animal Health (June 2009). African Swine Fever. Technical Disease Cards. Retrieved September 6, 2024, from *https://www.woah.org/app/uploads/2021/03/oie-african-swine-fever-technical-disease-card.pdf.*

[2] APHIS (October 2023). African Swine Fever Response Plan: The Red Book. Retrieved September 6, 2024 from, *https://aphis.stg.platform.usda.gov/sites/default/files/asf-responseplan.pdf.*

definition, and the Merriam-Webster dictionary. The APHIS Veterinary Services CEAH case definition was, in turn, developed by a group of interdisciplinary subject matter experts.

We are proposing to define *Department* to mean the U.S. Department of Agriculture.

We are proposing to define *farrow to feeder/finisher facility* as ''a swine production site with breeding females (gilts and/or sows) and grow feeder swine for purposes other than breeding stock replacement for this particular farm site, and that houses ≥1,000 breeder or feeder swine.'' This definition is taken from the US SHIP pilot program enrollment documents, which were created by the industry, academia, and regulatory experts that worked to develop the pilot program. An interdisciplinary group of APHIS Veterinary Services subject matter experts contributed to the definitions developed for the pilot program.

We are proposing to define *feral swine* as ''free-roaming swine.'' This definition is taken from part of the definition of *feral swine* in 9 CFR 78.1. That section of part 78 contains definitions used within our regulations governing APHIS' domestic brucellosis program. The definition of feral swine in the US SHIP regulations, however, would omit additional provisions within that definition that pertain to swine brucellosis, as that disease is not currently covered by US SHIP.

We are proposing to define *gilt* as ''a young female swine that has not produced a litter.'' The definition is derived from AMS' regulations in 7 CFR 59.200.

We are proposing to define *growing pig facility* as ''a swine production site with ≥1,000 feeder swine (nursery, grower, or finisher).'' This definition is taken from the US SHIP pilot program enrollment documents, which were created by the industry, academia, and regulatory experts that worked to develop the pilot program. An interdisciplinary group of APHIS Veterinary Services subject matter experts contributed to the definitions developed for the pilot program.

We are proposing to define *Live animal market operation* as ''A dealer with a livestock yard/buying facility that markets swine for resale of such swine to slaughter facilities.''

We are proposing to define the *National Animal Health Laboratory Network (NAHLN)* as ''a nationally coordinated network and partnership of primarily Federal, State, and university-associated animal health laboratories that provide animal health diagnostic testing, methods research and development, and expertise for education and extension to detect biological threats to the nation's animal agriculture, thus protecting animal health, public health, and the nation's food supply.'' This definition is taken from 9 CFR 71.1, which contains definitions of, among other things, APHIS' regulations governing the approval of laboratories to conduct official testing. Approved laboratories must use APHIS-approved assay methods. As discussed further below, the laboratories that conduct official testing within US SHIP would have to belong to the NAHLN.

We are proposing to define *non-commercial facility* as ''a swine production site with <100 breeding females (gilts, boars, and/or sows) or feeder swine. Backyard, exhibition, or niche swine production sites are considered non-commercial facilities if they maintain fewer than 100 breeding swine or feeder swine.'' This definition is taken from the US SHIP pilot program enrollment documents, which were created by the industry, academia, and regulatory experts that worked to develop the pilot program. An interdisciplinary group of APHIS Veterinary Services subject matter experts contributed to the definitions developed for the pilot program.

We are proposing to define *Official State Agency* as ''the State veterinary authority recognized by the Department to cooperate in the administration of the Plan.'' This definition is drawn from NPIP, and OSAs would play a functionally equivalent role within US SHIP to that which they play within NPIP. We discuss this at greater length later in this proposed rule.

We are proposing to define *person* as ''a natural person, firm, or corporation.'' This definition is drawn from NPIP, and, as within NPIP, we would use *person* in both an individual and a corporate sense within US SHIP.

We are proposing to define *Plan* to mean the provisions of the US SHIP contained in part 148. This definition is derived from NPIP, where the term is used equivalently.

We are proposing to define *pork product* as ''a product or byproduct produced or processed in whole or in part from swine.'' This definition is derived from AMS' regulations in 7 CFR 59.200.

We are proposing to define *Senior Coordinator* to mean an employee of APHIS whose duties may include, but will not necessarily be limited to:

- Serving as Executive Secretary of the GCC;
- Serving as chairperson of the House of Delegates conference;
- Coordinating the State administration of US SHIP through periodic reviews of the administrative procedures of OSAs, according to the applicable provisions of the Plan and the Memorandum of Understanding; and
- Coordinating future rulemakings to incorporate the proposed changes of the provisions adopted at the House of Delegates meeting into the regulations in parts 148 and 149.

This definition is drawn from NPIP, in which the Senior Coordinator fulfills a similar role.

We are proposing to define *small holding facility* as ''a swine production site with ≥100 and <1,000 breeding swine (gilts, boars, and/or sows) or feeder swine.'' This definition is taken from the US SHIP pilot program enrollment documents, which were created by the industry, academia, and regulatory experts that worked to develop the pilot program. An interdisciplinary group of APHIS Veterinary Services subject matter experts reviewed the definitions developed for the pilot program.

We are proposing to define *sow* as ''an adult female swine that has produced 1 or more litters.'' The definition is derived from AMS' regulations in 7 CFR 59.200.

We are proposing to define *State* as ''any State, the District of Columbia, or Puerto Rico.'' This definition is drawn from NPIP. We acknowledge that the definition of *State* within the AHPA itself is more expansive, and also includes all other territories or possessions of the United States. However, as with NPIP, the sole participating territory or possession in US SHIP is Puerto Rico, and no other territories or possessions are expected to participate.

We are proposing to define *swine* as ''a porcine animal raised to be a feeder pig, raised for seedstock, raised for exhibition, or raised for slaughter.'' This definition is derived from AMS' regulations in 7 CFR 59.200.

We are proposing to define *US SHIP Program Standards* as ''a document that contains biosecurity, traceability, and sampling and testing procedures approved by the Administrator for use under parts 148 and 149. This document may be obtained from the US SHIP website at (address to be added in final rule) or by writing to APHIS at US Swine Health Improvement Plan (US SHIP), APHIS, USDA, 920 Main Campus Drive, Suite 200, Raleigh, NC 27606.'' This definition is modeled after NPIP with changes to reflect the contact information for US SHIP.

We are proposing to define *US SHIP Technical Committee* as ''a committee made up of technical experts on swine health, including topics such as biosecurity, traceability, and sampling and testing. The committee consists of representatives from the swine and pork products industries, universities, and State and Federal governments that are appointed by the Senior Coordinator and reviewed by the General Conference Committee. The committee will consider proposed changes to the Provisions and Program Standards of the Plan and provide recommendations to the House of Delegates as to whether they are scientifically or technically sound.'' This definition is derived from NPIP with modifications to fit the specific characteristics of US SHIP.

Administration (§ 148.2)

Proposed § 148.2 would outline the administration of US SHIP, including the respective roles of APHIS, the OSAs, and authorized laboratories. These provisions are modeled on similar provisions in NPIP, with some changes to reflect the specific needs of US SHIP.

Proposed § 148.2(a) would provide that the Department will cooperate through a Memorandum of Understanding (MOU) with OSAs in the administration of the Plan. It also would require OSAs to designate a contact representative to serve as a liaison between APHIS and the OSAs. These provisions are modeled on similar provisions within NPIP. As in NPIP, APHIS would coordinate extensively with OSAs in the administration of the program, and the MOU and designated liaison would facilitate that interaction.

Proposed § 148.2(b) would provide that the administrative procedures, decisions, and records of the OSA relevant to the implementation of US SHIP are subject to review by APHIS. This provision is modeled on similar provisions within NPIP.

State administrative procedures, decisions, and records would only be subject to review by APHIS as they pertain to the implementation of US SHIP. Proposed paragraph (b) of § 148.2 would provide further that the OSA shall carry out the administration of the Plan within the State according to the applicable provisions of the Plan and the MOU. This provision is directly modeled on NPIP, in which the NPIP regulations and the MOU serve as the framework to guide the OSA's actions.

Proposed § 148.2(c) would provide that the OSA of any State may adopt regulations applicable to the administration of the Plan in such State further defining the provisions of the Plan or establishing higher standards compatible with the Plan. This provision is modeled after NPIP and allows States to further delineate or augment administration of the Plan within the general framework provided by the regulations themselves and the MOU.

Proposed § 148.2(d) would provide that laboratories authorized in accordance with proposed § 148.11 will conduct diagnostic testing when determining the status of a participating herd with respect to official Plan classifications. Section 148.11 would contain requirements for laboratories to be authorized to conduct official testing within US SHIP. This provision is modeled on similar provisions in § 145.2 of the NPIP regulations; however, as discussed at greater length below, while laboratories do not have to belong to the NAHLN to conduct testing within the NPIP, they would within US SHIP.

Participation (§ 148.3)

Proposed § 148.3 would outline rules for participation in US SHIP. These rules are modeled after similar provisions in NPIP, with some changes to reflect the specific needs of US SHIP. These provisions also draw on the US SHIP pilot program.

Proposed paragraph § 148.3(a) would provide that US SHIP is a cooperative Federal-State-Industry program aimed at preventing and monitoring specific diseases in swine. This provision is modeled after NPIP. The paragraph also outlines the kinds of entities that can participate in US SHIP, which would include boar stud facilities, breeding herds, growing pig facilities, farrow to feeder/finisher facilities, small holding facilities, non-commercial facilities, live animal marketing operations, and slaughtering facilities that meet Plan standards in biosecurity, traceability, and surveillance for designated diseases and are in States with an APHIS-recognized OSA. This list of entities that may participate in US SHIP is drawn from the US SHIP pilot program's Enrollment Form.[3] This list is also modeled after similar provisions in NPIP, but with changes to reflect the terminology used in, and structure of, the U.S. swine industry.

Proposed § 148.3(a) also would provide that certifications would require participants to meet Plan standards in biosecurity, traceability, and surveillance for designated diseases. These standards are drawn from the US SHIP pilot program.

Proposed § 148.3(b) would outline prerequisites for participation in the plan. Potential participants would have to demonstrate to their OSA that their facilities, personnel, and practices are adequate for carrying out the applicable requirements of the Plan. Participants would also have to sign an agreement with the OSA to comply with the Plan's provisions and any regulations of the OSA under § 148.2. This provision is modeled on NPIP.

Proposed § 148.3(c) would define the timeframe of participation in US SHIP. Participants would have to comply with the requirements of the program until released by the OSA. This provision is modeled on NPIP.

Proposed § 148.3(d) would provide that participants may enroll with any swine operations within each participating State or slaughter facilities within each participating State, and it would list the information that participants would have to report to their OSA upon enrolling. The US SHIP pilot program's Enrollment Form requires participants to submit the same information listed here, and the information on the Enrollment Form was modeled on the information requirements to participate in NPIP.[4]

Proposed § 148.3(d)(1) would require participants to submit the name, address, and contact information for the US SHIP participant, which will be the swine owner or owner of the slaughtering facility.

Proposed § 148.3(d)(2) would require participants to submit the address (including latitude and longitude, if a 911 address is not available for the site) of animal location, and name and contact information for the premises (site) owner.

Proposed § 148.3(d)(3) would require participants to submit the premises identification number (PIN) for the site and common name of site. This provision is modeled on NPIP, which requires participants to use a number assigned by APHIS. NPIP did not require the use of a PIN, as such a system had not yet been established when the NPIP regulations were initially drafted. The requirement that participants use their existing PIN is, therefore, unique to US SHIP, and is drawn from the US SHIP pilot program. For purposes of US SHIP, we would recognize existing PINs. All participating sites will be assigned a PIN

[3] US SHIP Pilot Program (2024). Enrollment Forms. U.S. Swine Health Improvement Plan. Retrieved September 6, 2024, from *https://usswinehealthimprovementplan.com/program-documents/enrollment-documents/*.

[4] US SHIP Pilot Program (2024). Enrollment Forms. U.S. Swine Health Improvement Plan. Retrieved September 6, 2024, from *https://usswinehealthimprovementplan.com/program-documents/enrollment-documents/*.

when they join, should they not already have one, so this requirement will not impose additional burdens on participants. PINs are widely used in the swine industry and, based on the pilot program, we anticipate that many sites will already have PINs before they begin participating in US SHIP.

Proposed § 148.3(d)(4) would require participants to submit premises type, including boar stud facilities, breeding herds, growing pig facilities, farrow to feeder/finisher facilities, small holding facilities, non-commercial facilities, live animal marketing operations, and slaughtering facilities. These premise types are taken directly from the US SHIP pilot program's Enrollment Form.

Proposed § 148.3(d)(5) would require participants to submit expected site capacity unless the site is a slaughtering facility. This provision is again drawn from the US SHIP Enrollment Form. We discuss later in this document the parallel information that would be required for participating slaughtering facilities.

Proposed § 148.3(d)(6) would require participants to submit the name and contact information of the individual who is attesting to their understanding and intent to comply with the regulations and relevant US SHIP Program Standards. This requirement is drawn from the pilot program's US SHIP Enrollment Form.

Finally, proposed § 148.3(d)(7) would require the aforementioned individual's acknowledgement that they understand and intend to comply with the regulations and relevant US SHIP Program Standards and the date of their acknowledgement.

Proposed § 148.3(e) provides that participants may qualify solely for ASF and CSF Monitored certification. In other words, the OSA cannot compel participation in any other classifications for US SHIP outlined in § 148.10. This provision is modeled on similar provisions within NPIP.

We acknowledge that, at least initially, there will only be one program certification within US SHIP. However, as additional certifications are added over time, participants may exercise the option to participate in those additional certifications. All US SHIP participants would have to participate in the ASF/CSF Monitored certification in order to participate in the additional certifications.

Proposed § 148.3(f) would allow participants to use the official US SHIP emblem. It would also provide a link to a website that will display the official US SHIP emblem that may be used by participants. Additionally, it would describe the procedure for revising the emblem through publication of notices in the **Federal Register**. The use of participation emblems within US SHIP is modeled on similar provisions within NPIP. However, NPIP reproduces the emblems in the regulatory text of the NPIP regulations themselves, rather than web-lists the emblems.

Using a link to a website instead of reproducing the emblem in the regulations would allow us to revise the emblem through a notice-based process, rather than through rulemaking. In the notice-based process, if APHIS proposes to revise the Plan emblem, we would publish a notice in the **Federal Register** making available the revised emblem, as well as the basis for the revisions, and requesting public comment. If no comments are received on the notice, or if the comments received do not call into question the basis for the revisions, we would publish a subsequent notice in the **Federal Register** responding to the comments received and announcing the revised emblem. If comments identify concerns regarding the basis for the proposed revisions, however, APHIS would not take any action to revise the emblem until first addressing those concerns as appropriate.

General Provisions for All Participants (§ 148.4)

Proposed § 148.4 outlines provisions for all participants. As with other sections of the proposed regulations, these provisions are modeled after similar provisions in NPIP, with some changes to reflect the specific needs of US SHIP.

Proposed § 148.4(a) would provide that participants must retain records necessary for demonstrating compliance with certification requirements. This provision is modeled on NPIP and the pilot program for US SHIP, and, as noted previously in this document, participant retention of records is necessary to demonstrate compliance and eligibility to participate in the Plan.

Proposed § 148.4(b) would provide that a participant's animals, animal products, and records as needed to confirm certification requirements of swine or pork products, as well as advertising materials, are subject to inspection by the OSA or APHIS at any time, in accordance with § 148.8(b) and any additional requirements by the Official State Agency. This provision is also modeled on NPIP.

Proposed § 148.4(c) would provide that advertising by Plan participants must comply with the Plan itself, as well as applicable rules of the OSA and the Federal Trade Commission. This provision is likewise modeled after NPIP. The paragraph also provides that if a participant advertises swine or pork products as belonging to one of the Plan's official classifications, the participant may only include references to associated or franchised facilities if those facilities produce swine or pork products carrying the same official classification. This provision is modeled after NPIP and ensures that marketing within US SHIP clearly differentiates facilities that are part of US SHIP from those that are not.

Proposed § 148.4(d) would provide that PINs will be used to verify participation in US SHIP, and that previously existing PINs will be recognized for this purpose. Only participants who do not have a PIN will receive a new one. The requirement that participants have some kind of identifying number is drawn from NPIP. However, NPIP does not require the use of a PIN. Instead, NPIP requires APHIS to assign participants approval numbers. The requirement that participants use the PIN is drawn from the US SHIP pilot Program Standards. The US SHIP pilot program uses the PIN for identification purposes because most potential participants already have a PIN, which is widely used in the swine industry, and it is more efficient to use the existing PIN system rather than assigning new identifying numbers to participants.

Terminology and Classification; General (§ 148.5)

Proposed § 148.5 would outline general terminology and classification within US SHIP. As with other provisions of US SHIP, these are modeled after similar provisions in NPIP, with some changes to reflect the specific needs of US SHIP.

Proposed § 148.5(a) would provide that participants may only use the classification terms listed in proposed § 148.6 and their respective emblems to describe swine or pork products that have met all the specific requirements of such classifications. This provision is modeled after NPIP and ensures that products marketed as having met a particular classification have, in fact, done so.

Proposed § 148.5(b) would provide that swine or pork products carrying Plan classification shall lose their identity under the Plan if they are purchased for resale by, or consigned to, non-participants. This provision is modeled after NPIP and helps ensure that swine and products marketed as having met a particular classification were continually maintained under the classification's requirements.

Terminology and Classification; Herds, Products, and States (148.6)

Proposed § 148.6 would outline terminology and classifications for herds, products, and States within US SHIP.

Proposed § 148.6(a) would provide that participating swine operations and products that have met any of the terms or classifications specified in the section may be designated with the corresponding emblem for the term or the classification, and the paragraph provides the web address where all such emblems are located. This provision is modeled after similar provisions in NPIP.

The paragraph also would describe APHIS' procedure for modifying the emblems for various terms or classifications provided in the section. As with the process for modifying the emblem for participation in US SHIP itself, APHIS would announce these changes through a notice published in the **Federal Register** with a public comment period. If we propose to revise an emblem, we would publish a notice in the **Federal Register** making available the revised emblem, as well as the basis for the revision, and requesting public comment. If no comments are received on the notice, or if the comments received do not call into question the basis for the revisions, we would publish a subsequent notice in the **Federal Register** responding to the comments received and announcing the revised emblem. If comments identify concerns regarding the basis for the proposed revisions, however, APHIS would take no action to revise the emblem until addressing those concerns as appropriate.

Proposed § 148.6(b) would outline the ASF–CSF Monitored certification and the requirements for participants to receive the certification. This certification is modeled after the certifications for various poultry diseases covered by NPIP. The specific requirements of the ASF–CSF Monitored certification draw on the requirements for ASF–CSF Monitored certification within the US SHIP pilot program.

Proposed § 148.6(b)(1) would require that participating swine operations only introduce herd additions that have either been exclusively sourced from certified ASF–CSF Monitored sites or sites that have participated in testing and clinical observation of their herds sufficient to demonstrate freedom from ASF and CSF.

The US SHIP pilot program did not include any requirements for additions of new swine to certified sites. This addition is necessary, however, because this requirement would further help prevent introduction of disease to herds certified as ASF–CSF Monitored and ensure that swine on certified sites are held to and recognized as a different status than swine on non-certified sites.

Proposed § 148.6(b)(2) would require the swine operation to collect samples and submit them for testing for any disease incident or death loss of participating swine that is suggestive of ASF or CSF. Testing would have to be conducted through the USDA Swine Hemorrhagic Fevers Surveillance Plan or a foreign animal disease investigation at a laboratory authorized in accordance with proposed § 148.11, and using tests approved by the Administrator to detect the presence of ASF and CSF. The US SHIP Program Standards document states that participants should submit ASF/CSF NAHLN-approved sample types (*https://www.aphis.usda.gov/sites/default/files/nahln-sample-chart-regulatory-submitters.pdf*) to a NAHLN laboratory approved by APHIS to conduct test(s) for the disease(s) of concern. Authorized laboratories must follow NAHLN Standard Operating Procedures (SOPs) to conduct the requested testing. Further information regarding the USDA Swine Hemorrhagic Fevers Surveillance Plan is provided at *https://aphis.usda.gov/sites/default/files/hemorrhagic-fevers-integrated-surveillance-plan.pdf.*

NPIP requires similar testing following disease incidents. However, the requirement to use only NAHLN laboratories would be unique to US SHIP and is taken from the US SHIP pilot Program Standards document. For reasons discussed below in our discussion of proposed § 148.11, only NAHLN laboratories have the necessary equipment and expertise to perform the required tests for ASF and CSF in swine.

Proposed § 148.6(b)(3) would require participants to demonstrate competency in tracking all swine movements onto and off of certified sites, as described in the Program Standards. This requirement would ensure that swine and pork products could be traced to their farm of origin.

Proposed § 148.6(b)(4) would require biosecurity to be maintained in a manner approved by APHIS and evaluated against these standards by the OSA. The paragraph also provides that approved biosecurity procedures will be listed in the US SHIP Program Standards. The Program Standards address biosecurity procedures such as Plan requirements, downtime and personal protective equipment requirements, and requirements in the event of an ASF/CSF incursion.

Changes to the US SHIP Program Standards would be made in accordance with § 149.9, as described later in this proposed rule.

Finally, currently, US SHIP includes a classification for ASF and CSF. However, we are open to including additional programs and classifications. We ask for input on what additional programs and classifications might be beneficial within US SHIP. As noted previously, if additional programs and classifications are established, producers could elect whether or not to participate in them but would have to participate in the ASF–CSF Monitored program as a condition of participation in those programs.

Supervision (§ 148.7)

Proposed § 148.7 would discuss supervision of the Plan.

Proposed § 148.7(a) would provide that the OSA may designate qualified persons as authorized agents to collect samples for diagnostic testing as required by § 148.10. This provision is modeled after a similar provision in § 145.11 of the NPIP regulations.

Proposed § 148.7(b) would provide that the OSA shall employ or authorize qualified persons as State inspectors to verify compliance with the Plan. This provision is likewise modeled after NPIP.

Proposed § 148.7(c) would provide that the authorities to collect samples or verify program compliance issued under the provisions of this section that are designated by the OSA are subject to cancelation by the OSA or by APHIS on the following grounds: Incompetence, failure to comply with provisions of the Plan, or failure to comply with APHIS or OSA regulations.

This provision is modeled on similar provisions within NPIP. However, NPIP only allows the OSA to cancel the authorities outlined in the regulations but does not grant such an allowance to APHIS. However, US SHIP covers diseases ASF and CSF, which are Foreign Animal Diseases (FADs), that is, diseases that are not known to exist in the United States. The control of such diseases is a Federal responsibility, therefore, in US SHIP, APHIS must also have the power to cancel the authorities outlined in this section.

The paragraph also would provide that canceling the authorities to collect samples or verify program compliance that have been previously granted by the OSA may only be taken following an investigation by the OSA or APHIS and after the authorized person has been notified of the action and given the

opportunity to present their views. This provision is modeled on similar provisions in § 145.11 of the NPIP regulations; however, unlike NPIP, we would allow for cancellation of authority for violation not only of OSA regulations but also APHIS regulations. Again, the diseases covered by US SHIP (ASF and CSF) are FADs, and therefore subject to Federal authorities. For that reason, failure to follow APHIS or OSA regulations regarding such diseases could have significant consequences for domestic producers, and we thus consider it necessary to revoke authorization based on failure to adhere to these regulations. Additionally, and for a similar reason, whereas the NPIP regulations require investigations relative to cancellation to be conducted by the OSA, we would allow either the OSA or APHIS to conduct the investigation.

Maintenance of Certification (§ 148.8)

Proposed § 148.8 would discuss maintenance of certification within US SHIP. Proposed § 148.8(a) would provide that the OSA would verify whether each certified participant continues to meet the requirements to maintain certification at least one time annually, or more if determined appropriate for purposes of determining Plan compliance. This provision is modeled on a similar provision in NPIP for hatcheries that participate in NPIP and is necessary in order to ensure that facilities continually adhere to the requirements of the Plan.

Proposed § 148.8(b) would require all records supporting continued program participation to be able to be made available to a State inspector for annual review. This provision is modeled on similar NPIP provisions. However, whereas the NPIP provisions reference specific forms that must be used for the records, the US SHIP regulations would not contain such requirements. This would allow greater latitude to APHIS and producers to develop mechanisms for recordkeeping that can be used to meet the requirements of the regulations, without having to update the regulations each time a new mechanism is identified. The paragraph also requires each OSA to maintain enrollment records for 5 years and inspection records for at least 3 years from the date of inspection. We are proposing that the OSA would have to maintain initial enrollment records for 5 years because these records are foundational in documenting the OSA's decision to allow the facility to participate in US SHIP.

The paragraph also would allow OSAs to arrange on-site inspections of herds and premises by its representatives or a designee if the State inspector has reasonable basis to believe that a breach of biosecurity, specimen testing, or other provision may have occurred for Plan programs for which the herds have qualified. This provision is modeled after NPIP with some changes in terminology to reflect the kind of testing used in US SHIP.

Proposed § 148.8(c) would allow APHIS to conduct on-site inspections of participating swine herds and premises if it has reasonable basis to believe that a breach of the Plan's provisions may have occurred. NPIP only allows the OSA to conduct such inspections, not APHIS. However, because of the nature of the diseases covered by US SHIP, we believe it is also necessary to retain the ability of APHIS to investigate herds and premises, if warranted. If OSAs initiate investigations, they will provide APHIS with a summary of the compliance concerns that were investigated and supporting evidence, along with their recommended outcomes for resolutions. APHIS will determine whether to accept those outcomes or pursue further action.

Debarment From Participation (§ 148.9)

Proposed § 148.9 would discuss debarment from participation in the Plan. These rules are modeled after similar provisions in NPIP with some changes to reflect the specific needs of US SHIP. In particular, US SHIP grants powers to APHIS and the OSA, which are only granted to the OSA in NPIP. This change is needed because the diseases covered by US SHIP are FADs. The introduction of such diseases into the United States has potentially severe economic implications, therefore APHIS has additional responsibilities for controlling these kinds of diseases.

The section would provide that, following an investigation by the OSA, its representative, or by APHIS, APHIS will notify participants in writing of their compliance or noncompliance with Plan provisions or with regulations of the OSA or APHIS. In the event of a finding of noncompliance, the notification would articulate that APHIS may debar the participant from further participation in US SHIP if the noncompliance concerns are not addressed, and would afford the participant time of at least 30 days to demonstrate or achieve compliance.

The section also would state that if the participant does not demonstrate or achieve compliance within the specified time period, APHIS may debar the participant from the Plan until the participant can demonstrate compliance with the plan.

The section also would provide that the debarred participant will be given written notice of the bases for the debarment and must be given an opportunity to present their views in accordance with procedures adopted by APHIS. Following the participant's statement, APHIS would decide whether the debarment will continue. All of these provisions are taken from NPIP, but with the relevant authorities granted to APHIS, instead of just to the OSA, as is the case in NPIP.

The paragraph also would provide that APHIS' decision will be final unless the debarred participant requests the Administrator to review the eligibility of the debarred participant for continued participation within 30 days from the issuance of the written notice of debarment. The request for review would have to state all facts and reasons upon which the participant relies to consider the debarment to be in error. As promptly as circumstances allow, the Administrator would respond in writing to uphold or reverse the debarment.

Testing (§ 148.10)

Proposed § 148.10 discusses testing within US SHIP. The section is modeled after similar provisions in NPIP, with some changes to reflect the specific needs of US SHIP. The section provides that samples shall be collected by an authorized agent or State or Federal inspector and tested by a laboratory authorized in accordance with proposed § 148.11. This provision is modeled after NPIP. Additionally, as in NPIP, the Program Standards document would be used to describe the testing procedures.

Authorized Laboratories (§ 148.11)

Proposed § 148.11 would outline requirements for authorized laboratories. These proposed requirements are modeled after similar provisions in NPIP, with some changes to reflect the specific needs of US SHIP. The section would provide that in order to be authorized to conduct testing, laboratories must be approved by APHIS in accordance with 9 CFR 71.22 and must be NAHLN laboratories approved as proficient in the assays for diseases specified by US SHIP. This provision is modeled on NPIP. However, NPIP does not require laboratories to belong to the NAHLN in order to be authorized to conduct testing within NPIP. This is because the diseases of poultry covered by NPIP are often not FADs, and testing for them may be conducted at laboratories without specific proficiency in FADs. However, ASF and CSF are FADs, and only certain laboratories within the NAHLN have both the assays and the requisite proficiency in their

usage to test for these diseases. Accordingly, even within the US SHIP pilot program, all testing for ASF and CSF has been conducted at NAHLN laboratories.

The paragraph also requires authorized laboratories to follow the NAHLN guidance document for reporting diseases specified as part of US SHIP directly to APHIS. Because all the laboratories used in US SHIP will be NAHLN laboratories, US SHIP does not need to outline additional reporting procedures within the regulations and can instead refer parties to the relevant procedures and processes in the NAHLN guidance document.

Subpart B (Special Provisions for Slaughtering Facilities)

Subpart B of US SHIP, ''Special Provisions for Slaughtering Facilities,'' would consist of proposed §§ 148.21 through 148.23 and contain provisions for slaughtering facilities to participate in US SHIP. As with other sections of the proposed regulations, these provisions are modeled after similar provisions in NPIP, with some changes to reflect the specific needs of US SHIP.

Definition (§ 148.21)

Proposed § 148.21 lists definitions relevant to the subpart. We are proposing to define *slaughtering facility* as ''a slaughter plant processing swine that is Federally inspected or under State inspection that the US Department of Agriculture's Food Safety Inspection Service has recognized as equivalent to Federal inspection.'' This definition is drawn from the definition of the term *meat-type chicken slaughter plant* within § 146.31 of the NPIP regulations, with appropriate modifications to reflect the nature of the swine industry.

Participation (§ 148.22)

Proposed § 148.22(a) would require participating slaughter facilities to comply with the general provisions of § 148.4 of the regulations as well as the slaughter facility-specific provisions of subpart B.

Proposed § 148.22(b) would require participating slaughter facilities to supply the information outlined in § 148.3(d), which is also required of all other Plan participants, with one exception. Instead of providing expected site capacity (number of breeding swine and/or growing pigs), as required by § 148.3(d)(5), slaughtering facilities should provide expected slaughter capacity (number of swine slaughtered daily/weekly).

Terminology and Classification; Slaughtering Facilities (§ 148.23)

Proposed § 148.23 discusses terminology and classification for slaughtering facilities within US SHIP.

Proposed § 148.23(a) would provide that participating slaughtering facilities may use designs illustrated at an APHIS website listed in the regulations if they have complied with the requirements specified in § 148.23. This provision is modeled on NPIP. However, NPIP reproduces the designs in the regulations. As in subpart A, we would not include the designs in the regulations so that we may propose to update them using notices published in the **Federal Register**. The notice-based process for updating the designs for various classifications would be identical to that articulated in proposed subpart A for updating the designs for the classifications listed in that subpart.

Proposed § 148.23(b) would outline the ASF–CSF certification requirements for slaughter facilities, which include maintaining animal and product segregation. This certification is modeled after the certifications for various poultry diseases covered by NPIP. The specific requirements of the ASF–CSF monitored certification draw on the US SHIP pilot Program Standards document.

Proposed § 148.23(b)(1) would require slaughter participants to have the capability to separate ASF–CSF monitored slaughter swine from swine and pork products from source farms not certified in the Plan in a manner satisfactory to the OSA. This provision is based on provisions of the pilot program, which is modeled after analogous provisions in NPIP.

Proposed § 148.23(b)(2) requires participants to report disease events with clinical signs compatible with ASF–CSF, including ante- or post-mortem indicators of possible hemorrhagic disease, for surveillance testing. Compatible clinical signs are listed in the US SHIP Program Standards. This provision is based on provisions of the pilot program, which is modeled after analogous provisions in NPIP.

Part 149 Procedures for Changing US SHIP Provisions

Proposed part 149, consisting of §§ 149.1 through 149.9, outlines the procedures for changing the provisions of US SHIP. As with other sections of the proposed regulations, these provisions are modeled after similar provisions in NPIP, with some changes to reflect the specific needs of US SHIP. However, while most provisions in US SHIP are not only modeled after similar provisions of NPIP, but also based on provisions in the US SHIP pilot program, this is not true of many of the provisions in part 149. This is because the pilot program operates as an industry-led endeavor under the auspices of an independent overseer, whereas the codified US SHIP regulations would be an APHIS-administered program in which an industry-led advisory committee would advance policy recommendations for incorporation into the US SHIP regulations.

To that end, if this proposed rule is finalized and US SHIP regulations are issued, APHIS intends to establish an advisory committee pursuant to the Federal Advisory Committee Act (5 USC. 10, FACA) to serve as the GCC for US SHIP. Our current thinking is that the GCC would best function as an independent FACA committee operating under a charter rather than as a subcommittee within one of USDA's existing FACA committees; however, we request specific public comment on this matter.

Definitions (§ 149.1)

Proposed § 149.1 lists definitions relevant to part 149. We are proposing to define *Administrator* as ''the Administrator, Animal and Plant Health Inspection Service, or any person authorized to act for the Administrator.'' This definition is drawn from NPIP and is generally consistent with the definition of the term within APHIS' regulations in 9 CFR chapter I.

We are proposing to define *Animal and Plant Health Inspection Service (APHIS)* as ''the Animal and Plant Health Inspection Service of the US Department of Agriculture.'' This definition is drawn from NPIP and is generally consistent with the definition of this term throughout APHIS' regulations in 9 CFR chapter I.

We are proposing to define *Department* as ''the US Department of Agriculture.'' This definition is taken directly from NPIP.

We are proposing to define *House of Delegates* as ''a decision-making body composed of US swine industry participants and subject matter experts that aim to represent the interests of swine industry stakeholders across each of the participating States. The House of Delegates meets at regular intervals for the purpose of sharing research and outcomes from program-related initiatives, reviewing and voting on proposed program changes, and formally facilitating the program's development.'' This definition is drawn from the US SHIP pilot program.

We are proposing to define *non-commercial facility* as ''a swine production site with <100 breeding swine (gilts, boars, and/or sows) or feeder swine. Backyard, exhibition, or niche swine production sites are considered non-commercial facilities if they maintain fewer than 100 breeding swine or feeder swine.'' This definition is taken from the US SHIP pilot program enrollment documents, which were created by the industry, academia, and regulatory experts that worked to develop the pilot program. An interdisciplinary group of APHIS Veterinary Services subject matter experts contributed to the definitions developed for the pilot program.

We are proposing to define *Official State Agency* as ''the State veterinary authority recognized by the Department to cooperate in the administration of the Plan.'' This definition is drawn from NPIP, and as noted throughout this document, OSAs would play a functionally equivalent role within US SHIP to that which they play within NPIP.

We are proposing to define *person* as ''a natural person, firm, or corporation.'' This definition is drawn from NPIP, and, as within NPIP, we would use *person* in both an individual and a corporate sense within US SHIP.

We are proposing to define *Plan* to mean the provisions of the US Swine Health Improvement Plan contained in part 149. This definition is derived from NPIP, where the term is used equivalently.

We are proposing to define *Senior Coordinator* to mean an employee of APHIS whose duties may include, but will not necessarily be limited to:

- Serving as Executive Secretary of the GCC;
- Serving as chairperson of the House of Delegates conference;
- Coordinating the State administration of US SHIP through periodic reviews of the administrative procedures of OSAs, according to the applicable provisions of the Plan and the Memorandum of Understanding; and
- Coordinating future rulemakings to incorporate the proposed changes of the provisions adopted at the House of Delegates meeting into the regulations in parts 148 and 149.

This definition is drawn from NPIP, in which the Senior Coordinator fulfills a similar role.

We are proposing to define *slaughtering facility* as ''a slaughter plant processing swine that is Federally inspected or under State inspection that the U.S. Department of Agriculture's Food Safety Inspection Service has recognized as equivalent to Federal inspection.'' This definition is drawn from the definition of the term *meat-type chicken slaughter plant* within § 146.31 of the NPIP regulations, with appropriate modifications to reflect the nature of the swine industry.

We are proposing to define *State* as ''any State, the District of Columbia, or Puerto Rico.'' This definition is drawn from NPIP. We acknowledge that the definition of *State* within the AHPA itself is more expansive, and also includes all other territories or possessions of the United States. However, as within NPIP, the sole participating territory or possession in US SHIP is Puerto Rico, and no other territories or possessions are expected to participate.

We are proposing to define *swine* as ''a porcine animal raised to be a feeder pig, raised for seedstock, raised for exhibition, or raised for slaughter.'' As noted previously, this definition is derived from AMS' regulations in 7 CFR 59.200.

We are proposing to define *US SHIP Program Standards* as ''a document that contains biosecurity, traceability, and sampling and testing procedures approved by the Administrator for use under parts 148 and 149. This document may be obtained from the US SHIP website at (address to be added in final rule) or by writing to APHIS at U.S. Swine Health Improvement Plan, APHIS, USDA, 920 Main Campus Drive, Suite 200, Raleigh, NC 27606.'' This definition is modeled after NPIP with changes to reflect the contact information for US SHIP.

We are proposing to define *US SHIP Technical Committee* as ''a committee made up of technical experts on swine health, including topics such as biosecurity, traceability, and sampling and testing. The committee consists of representatives from the swine and pork products industries, universities, and State and Federal governments that are appointed by the Senior Coordinator and reviewed by the General Conference Committee. The committee will consider proposed changes to the Provisions and Program Standards of the Plan and provide recommendations to the House of Delegates as to whether they are scientifically or technically sound.'' This definition is derived from NPIP with modifications to fit the specific characteristics of US SHIP.

General (§ 149.2)

Section 149.2 would provide that changes to the US SHIP regulations will be proposed according to the procedures outlined in proposed part 149, provided that the Department reserves the right to make changes without observance of these procedures when such action is deemed necessary in the public interest. This provision is drawn from NPIP.

General Conference Committee (§ 149.3)

Proposed § 149.3 would outline rules governing the GCC. The US SHIP GCC is primarily modeled on the US SHIP pilot program's GCC as described above. As noted above, however, the pilot program's GCC is an industry-governed body making recommendations to industry members, whereas under US SHIP the GCC would be a FACA committee making recommendations to APHIS regarding the administration of the Program. As described above, delegates at the House of Delegates meeting elect the GCC members. The GCC members will serve as an advisory committee to the US SHIP program to provide these recommended changes to APHIS.

Proposed § 149.3(a) would provide that the GCC Chairperson and the Vice Chairperson shall be elected by the members of the GCC by simple majority. This provision is modeled from the US SHIP pilot program's GCC. The paragraph also states that a representative of APHIS will serve as the Executive Secretary, who provides staff support for the GCC. The pilot program's GCC does not have this provision, but it must be added because of APHIS' administration of US SHIP. The paragraph also would provide that the GCC shall consist of nine members. It would also provide that, when members are affiliated with a swine production premises or slaughter plant, that premises or plant must maintain US SHIP certification status in good standing. GCC members must also not have any known violations of other APHIS regulations within the past three years. This provision is modeled the US SHIP pilot program's GCC.

The paragraph would state that the nine members will consist of one member to be elected from each of six designated regions, and three members at large, by delegates at the House of Delegates meeting. A non-voting State Animal Health Official, as recommended by the National Assembly of State Animal Health Officials, will also be appointed to the GCC. This provision is primarily modeled after NPIP, which also uses a mix of regional and at large representatives. As a result of a 2024 recommendation within the US SHIP pilot program, however, the proposed rule is different from NPIP in that it adds a non-voting State Animal Health Official. The designated regions within US SHIP would differ from those in NPIP; rather, they track the regions

during the pilot program, which are based on the number of swine operations in each region. These designations help ensure relative parity among regions in terms of operations covered. As noted above, there would be six designated regions proposed in US SHIP, consisting of the following States and territories:

- *North Atlantic:* Maine, New Hampshire, Vermont, Massachusetts, Rhode Island, Connecticut, New York, New Jersey, Pennsylvania, Delaware, Maryland, West Virginia, Ohio, Michigan, and Kentucky.
- *East Central:* Wisconsin, Indiana, Illinois, and Missouri.
- *North Central:* North Dakota, South Dakota, and Minnesota.
- *Central:* Iowa.
- *South Atlantic:* Virginia, North Carolina, Tennessee, Arkansas, Louisiana, Mississippi, Alabama, Georgia, South Carolina, Florida, and Puerto Rico.
- *Western:* Texas, Oklahoma, Kansas, Nebraska, Colorado, Wyoming, Montana, Idaho, New Mexico, Arizona, Utah, Nevada, Washington, Oregon, California, Alaska, and Hawaii.

Proposed § 149.3(a)(7) provides that delegates will elect one member-at-large from representatives of the slaughtering facilities and one member-at-large from non-commercial facilities designations. This provision is modeled on the rules governing the US SHIP pilot program's GCC, which also includes representatives affiliated with these two classifications.

Proposed § 149.3(a)(8) would state that one member at large will be elected without geographic or classification affiliation. Additionally, it would state that no more than two members of any standing GCC may be employed by, or associated with, the same business entity. This latter provision is meant to preclude one business entity from having disproportionate influence over the decisions of the GCC.

Proposed § 149.3(b) would provide that the regional committee members will be elected by the official delegates of their respective regions, and the members-at-large will be elected by all voting delegates. These provisions are modeled on the rules governing the GCC within NPIP, and also governed the US SHIP pilot program's GCC. Delegate selection would be discussed in proposed § 149.5.

Proposed § 149.3(c) would state that three GCC members shall be elected at each House of Delegates meeting. All members shall serve for a period of 3 years, subject to the continuation of the Committee by the Secretary of Agriculture. In the event that there is a mid-term vacancy of a GCC position, the GCC shall make an interim appointment by simple majority vote of its members, and the appointee shall serve until the next House of Delegates at which time an election will be held. That election will be to fill the remaining term of the vacated position. These provisions also governed the US SHIP pilot program's GCC.

Proposed § 149.3(d) would outline the duties of the GCC. Proposed § 149.3(d)(1) would provide that the GCC should represent the interests of the entire United States swine industry regarding the operation of US SHIP. This provision also governed the US SHIP pilot program's GCC.

Proposed § 149.3(d)(2) would state that the GCC should advise the Department on the relative importance of maintaining adequate departmental funding for US SHIP to enable the APHIS Senior Coordinator and other Department staff to fully administer the provisions of the Plan. This provision is not present in the pilot program, because it is, again, administered by the industry itself. However, as noted above, the codified US SHIP regulations would be an APHIS-administered program in which an industry-led Federal advisory committee would advance policy recommendations to the Department.

Proposed § 149.3(d)(3) would state that the GCC shall advise and make yearly recommendations to the Department with respect to the Plan budget well in advance of the start of the budgetary process. This provision is not present in the pilot program, but, for similar reasons to the foregoing provision, is necessary as US SHIP transitions to an APHIS-administered program.

Proposed § 149.3(d)(4) would state that the GCC shall assist the Department in planning, organizing, and conducting the Swine Health Improvement Plan House of Delegates Meeting. The US SHIP pilot administrative team plans and organizes the House of Delegates meeting under the pilot program; however, as US SHIP transitions to an APHIS-administered program working in consort with a FACA committee, this role would likewise shift to one of joint assistance in planning and organizing the conference.

Proposed § 149.3(d)(5) would state that the GCC shall advise and make recommendations to the Department with respect to the Swine Health Improvement Plan Technical Committees' leadership selection and composition. This provision is modeled on NPIP, which also makes use of a Technical Committee.

Proposed § 149.3(d)(6) would state that the GCC shall review each proposal submitted to be considered by the House of Delegates. It also would state that the GCC shall meet jointly with the Swine Health Improvement Plan Technical Committees to consider the technical aspects of each proposal. This provision also governed the interaction between the GCC and House of Delegates within the US SHIP pilot program.

Proposed § 149.3(d)(7) would outline the areas in which the GCC shall represent the entire United States swine industry in the interim between House of Delegates meetings:

- Advising the Department regarding administrative procedures and interpretations of the Plan provisions as contained in parts 148 and 149. This provision is modeled on a similar provision within NPIP. The pilot program's GCC does not have this provision, but it must be added as US SHIP transitions to an APHIS-administered program working in consort with a FACA committee.
- Assisting the Department in evaluating comments received from interested persons concerning proposed amendments to the Plan. Again, this provision, which is modeled on a similar provision within NPIP, did not govern the pilot program's GCC but must be added as US SHIP transitions to an APHIS-administered program working in consort with a FACA committee.
- Recommending to the Secretary of Agriculture any changes in the provisions of the Plan in situations where postponement until the next House of Delegates would seriously impair operation of the program. Such recommendations would remain in effect only until confirmed or rejected by the next House of Delegates, or until they are rescinded by the committee. This provision, which is also modeled on a similar provision within NPIP, did not govern the pilot program's GCC but must be added as US SHIP transitions to an APHIS-administered program working in consort with a FACA committee.
- The Committee may convene an emergency meeting of the House of Delegates as the need arises. This provision governs the GCC during the pilot program and would remain in effect.

Proposed § 149.3(d)(8) provides that the GCC shall serve as an official advisory committee for the study of problems relating to swine health and, as the need arises, shall make specific recommendations to the Secretary of Agriculture concerning ways in which

the Department may assist the industry in addressing these issues. The pilot program's GCC does not have this provision, which is modeled on a provision within NPIP, but it must be added as US SHIP transitions to an APHIS-administered program working in consort with a FACA committee.

Proposed § 149.3(d)(9) states that the GCC shall serve as a direct liaison between the US SHIP and the United States Animal Health Association (USAHA). This provision is modeled on a similar provision within NPIP and would establish the GCC's role as an intermediary between APHIS and USAHA regarding matters pertaining to US SHIP as US SHIP transitions to an APHIS-administered program working in consort with a FACA committee.

Proposed § 149.3(d)(10) would state that the GCC shall advise and make recommendations to the Department regarding US SHIP involvement or representation at swine industry functions and activities as deemed necessary or advisable for the purposes of the Plan. This provision is also modeled on a similar provision with NPIP. The pilot program's GCC does not have this provision, but it is necessary as US SHIP transitions to an APHIS-administered program working in consort with a FACA committee.

Submitting, Compiling, and Distributing Proposed Changes (§ 149.4)

Proposed § 149.4(a) would provide that changes to the regulations may be proposed by any participant, OSA, the Department, or any other interested person or industry organization. This provision, which is modeled on a similar provision within NPIP, was not part of the pilot program, but it is necessary as US SHIP transitions to an APHIS-administered program working in consort with a FACA committee.

Proposed § 149.4(b) would provide that proposed changes must be submitted in writing and reach APHIS no later than 100 days prior to the opening date of the House of Delegates Meeting, and that participants in the Plan must submit any proposed changes through their OSA. This provision is also modeled on a similar provision within NPIP and was not part of the pilot program but is necessary as US SHIP transitions to an APHIS-administered program working in consort with a FACA committee.

Proposed § 149.4(c) would provide that the name of the proponent must be indicated on each proposed change when submitted and that each proposal should be accompanied by a short supporting statement. This provision is modeled on a similar provision within NPIP and was part of the pilot program.

Proposed § 149.4(d) would require APHIS to notify all persons on the US SHIP mailing lists concerning the dates and general procedure of the House of Delegates Meeting. This provision is also modeled on a similar provision within NPIP and was not part of the pilot program but is necessary as US SHIP transitions to an APHIS-administered program working in consort with a FACA committee.

Proposed § 149.4(e) would require APHIS to compile the proposed changes, together with the names of the proponents and supporting statements and distribute the proposed changes. If two or more similar changes are submitted, APHIS would try to unify them into one proposal acceptable to all proponents. Copies would be distributed to officials of the OSAs working with US SHIP. Additional copies would be made available in response to individual requests. This provision is modeled on a similar provision within NPIP, and the basic procedure for compiling proposed changes was substantially similar within the pilot program. However, the pilot program does not give APHIS the role of compiler.

Official Delegates (§ 149.5)

Proposed § 149.5 would outline the rules governing official delegates to the US SHIP House of Delegates. The section provides that each cooperating State shall be entitled to one or more official delegates, and that the official delegates shall be elected by a representative group of participating industry members and be certified by the OSA. It further provides that it is recommended, but not required, that the official delegates be Plan participants. The section also states that official delegate allocations for cooperating States will be calculated using methods outlined in the Program Standards. This section states that each official delegate shall try to obtain, prior to the House of Delegates conference, the recommendations of industry members of their State regarding each proposed change. All of these provisions are modeled on the US SHIP pilot program's House of Delegates. Changes to the rules governing the House of Delegates will be made in accordance with proposed § 149.9. As with other sections of the proposed regulations, these provisions are modeled after similar provisions in NPIP, with some changes to reflect the specific needs of US SHIP.

Committee Consideration of Proposed Changes (§ 149.6)

Proposed § 149.6 would outline rules for the formation of committees and consideration of proposed changes to the regulations or US SHIP Program Standards.

Proposed § 149.6(a) provides that a Biosecurity committee, a Traceability Committee, and a Sampling and Testing Committee shall be formed to consider changes in their respective fields. These committees and their respective fields are drawn from the US SHIP pilot program.

Proposed § 149.6(b) provides that the committees must discuss related proposals with other committees.

Proposed § 149.6(c) would provide that the committees shall make recommendations to the House of Delegates concerning each proposal. The individual committee reports shall be submitted to the chairperson of the House of Delegates, who will combine them into a single report showing, in numerical order, the committee recommendations on each proposal. As stated in this text, if the committee makes a recommendation, the House of Delegates report shall show any proposed change in wording. These provisions are drawn from the US SHIP pilot program.

The proposed paragraph would further state that, once completed, the combined committee report will be distributed electronically to the OSAs prior to the delegates voting on the final day of the House of Delegates conference. This provision involving the OSAs is not present in the pilot program, but it is necessary as US SHIP transitions to an APHIS-administered program working in consort with State cooperators and a FACA committee.

Proposed § 149.6(d) would provide that Technical Committee meetings shall be open to any interested person, and that advocates for or against any proposal may appear before the appropriate committee and present their views.

House of Delegates Consideration of Proposed Changes (§ 149.7)

Proposed § 149.7(a) would state that the chairperson of the House of Delegates shall be a representative of the Department. This provision is not present in the pilot program, but it is necessary as US SHIP transitions to an APHIS-administered program.

Proposed § 149.7(b) would provide that, at the time designated for voting on proposed changes by official delegates, the chairperson of the GCC and all committee chairpersons shall sit at the

speaker's table and assist the chairperson of the House of Delegates at the time designated for voting on proposed changes by the official delegates. This provision is drawn from the procedures of the GCC in the US SHIP pilot program.

Proposed § 149.7(c) would state that the chairperson shall set the rules of order for the GCC. This provision is drawn from the procedures of the GCC in the US SHIP pilot program.

Proposed § 149.7(d) would state that proposals that have not been submitted in accordance with § 149.5 will be considered by the House of Delegates only with the unanimous consent of the GCC. Any such proposals must be referred to the appropriate committee for consideration before being presented for action by the House of Delegates. These provisions are drawn from the US SHIP pilot program.

Proposed § 149.7(e) would state that voting will be by States, and each official delegate, as determined by § 149.5, will be allowed one vote on each proposal. This provision is drawn from the US SHIP pilot program.

Proposed § 149.7(f) would state that a roll call of States for a recorded vote will be used when requested by a delegate or at the discretion of the chairman. This provision is drawn from the US SHIP pilot program.

Proposed § 149.7(g) would state that all motions on proposed changes shall be for adoption. This provision is drawn from the US SHIP pilot program.

Proposed § 149.7(h) would state that proposed changes shall be adopted by a two-thirds majority vote of the official delegates present and voting. This provision is drawn from the US SHIP pilot program.

Proposed § 149.7(i) would state that the House of Delegates conference shall be open to any interested person. This provision is drawn from the US SHIP pilot program.

Approval of House of Delegates Recommendations by the Department (§ 149.8)

Proposed § 149.8 would state that proposals adopted by the official delegates will be recommended to the Department for incorporation into US SHIP in parts 148 and 149. The paragraph also would reserve the right for the Department, as the sponsor of US SHIP, to approve or disapprove the recommendations of the House of Delegates.

Changes to the US SHIP Program Standards (§ 149.9)

Proposed § 149.9 would provide the notice-based processes by which certain changes to the US SHIP Program Standards would be made.

The introductory text of the section would provide that the US SHIP Program Standards document references details on tests and sample types that have been approved by the Administrator for diseases covered by the regulations in proposed part 148, approved procedures for maintaining biosecurity at a participating swine operation, and calculations for official delegate allocations. It further would provide that changes to any of the foregoing will be made in the manner set forth in paragraphs (a) and (b) of the section.

Proposed § 149.9(a) would contain the normal process for making such changes. Under this process, we would publish a notice in the **Federal Register** providing the proposed changes to the US SHIP Program Standards document and the basis for the changes. The notice would request public comment. If no comments are received on the notice, or if the comments received do not call into question the basis for the changes, we would publish a subsequent notice in the **Federal Register** announcing that the changes have been made to the US SHIP Program Standards document and making available the revised US SHIP Program Standards document. If comments identify concerns with the proposed revisions or call into question the basis for the changes, APHIS would consider and address those comments as appropriate prior to making any changes.

Proposed § 149.9(b) would provide the process for making immediate changes to the US SHIP Program Standards document. If the Administrator determines that that procedures for maintaining biosecurity and animal traceability at participating swine operations that are described in the US SHIP Program Standards document are not adequate, or that testing procedures must be revised in order to ensure that they provide reliable assurances regarding test results, we would make the relevant change to the US SHIP Program Standards document. As soon as is feasible, we would publish a notice in the **Federal Register** announcing the change, as well as the basis for the change. The notice would request public comment. Under this process, we may make further revisions the Program Standards document based on the comments received. If comments identify concerns with the proposed revisions or call into question the basis for the changes, APHIS would consider and address those comments as appropriate prior to making any changes.

Executive Orders 12866 and Regulatory Flexibility Act

This proposed rule has been determined to be not significant for the purposes of Executive Order 12866 and, therefore, has not been reviewed by the Office of Management and Budget.

In accordance with the Regulatory Flexibility Act, we have analyzed the potential economic effects of this action on small entities. The analysis is summarized below. Copies of the full analysis are available by contacting the person listed under **FOR FURTHER INFORMATION CONTACT** or on the *Regulations.gov* website (see **ADDRESSES** above for instructions for accessing *Regulations.gov*).

This proposed rulemaking would result in the creation of regulations governing the US Swine Health Improvement Plan (US SHIP), 9 CFR parts 148 and 149. US SHIP would be a voluntary livestock improvement program aimed at improving biosecurity, traceability, and disease surveillance for swine health. The swine industry has requested the establishment of US SHIP, which builds on an existing pilot program initiated by industry. The proposal would codify US SHIP as a Federal regulatory program and allow participants to obtain certifications of disease-monitored status for African swine fever and classical swine fever. Establishment of US SHIP would allow participants to market their products with the relevant certification status, which could limit disruptions to international and interstate commerce during outbreaks.

Under these circumstances, the Administrator of the Animal and Plant Health Inspection Service (APHIS) has determined that this action will not have a significant economic impact on a substantial number of small entities.

Executive Order 12372

This program/activity is listed in the Catalog of Federal Domestic Assistance under No. 10.025 and is subject to Executive Order 12372, which requires intergovernmental consultation with State and local officials. (See 2 CFR chapter IV.)

Executive Order 12988

This proposed rule has been reviewed under Executive Order 12988, Civil Justice Reform. If this proposed rule is adopted: (1) All State and local laws and regulations that are in conflict with this rule will be preempted; (2) no retroactive effect will be given to this rule; and (3) administrative proceedings

will not be required before parties may file suit in court challenging this rule.

Paperwork Reduction Act

In accordance with section 3507(d) of the Paperwork Reduction Act of 1995 (44 U.S.C. 3501 *et seq.*), the information collection or recordkeeping requirements included in this proposed rule have been submitted for approval to the Office of Management and Budget (OMB).

Written comments and recommendations for the proposed information collection should be sent within 60 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. Please send a copy of your comments to: (1) Docket No. APHIS–2022–0061, Regulatory Analysis and Development, PPD, APHIS, Station 2C–10–16, 4700 River Road, Unit 25, Riverdale, MD 20737–1238, and (2) Clearance Officer, OCIO, USDA, Room 404–W, 14th Street and Independence Avenue SW, Washington, DC 20250. A comment to OMB is best assured of having its full effect if OMB receives it within 30 days of publication of this proposed rule. APHIS will respond to any information collection-related comments in the final rule. All comments will also become a matter of public record. For assistance with the Paperwork Reduction Act or information collection reporting process, please write to *aphis.pra@usda.gov* or telephone (301) 851–2533.

APHIS is proposing the creation of new regulations, 9 CFR parts 148 and 149, governing the United States Swine Health Improvement Plan (''US SHIP''), a voluntary livestock improvement program aimed at bettering biosecurity, traceability, and disease surveillance for swine health. The swine industry requested the establishment of US SHIP, which builds on an existing pilot program initiated by the swine industry. The proposal would codify US SHIP as a Federal regulatory program and allow participating sites to obtain certifications of disease-free status for African swine fever and classical swine fever. Establishment of US SHIP would allow producers to market their products with the relevant disease-free status which could limit disruptions to international and interstate commerce during outbreaks.

New information collection activities resulting from this proposed rule affect State government agency and commercial respondents. These activities include memoranda of understanding and cooperative agreement financial and performance reporting; site enrollment and compliance statements; applications for certification; interstate certificates of veterinary inspection; periodic State data reports, animal movement reports, herd and site inspections; biosecurity plans; cancellation/debarment and reconsideration of cancellations; solicitation of participant input on program implementation and solicitation of current industry practices to inform program standards; and recordkeeping. Further information on the activities can be found in this proposed rulemaking and in the information collection request submitted to OMB.

We are soliciting comments from the public (as well as affected agencies) concerning our proposed reporting and recordkeeping requirements. These comments will help us:

(1) Evaluate whether the proposed information collection is necessary for the proper performance of our agency's functions, including whether the information will have practical utility;

(2) Evaluate the accuracy of our estimate of the burden of the proposed information collection, including the validity of the methodology and assumptions used;

(3) Enhance the quality, utility, and clarity of the information to be collected; and

(4) Minimize the burden of the information collection on those who are to respond (such as through the use of appropriate automated, electronic, mechanical, or other technological collection techniques or other forms of information technology; *e.g.,* permitting electronic submission of responses).

Estimate of burden: The public burden for this collection of information is estimated to average 0.275 hours [or minutes] per response.

Respondents: Herd owners, breeders, slaughter plant workers, laboratory technicians, State animal health officials, and individuals.

Estimated annual number of respondents: 12,051.

Estimated annual number of responses per respondent: 18.

Estimated annual number of responses: 213,112.

Estimated total annual burden on respondents: 60,463 hours. (Due to averaging, the total annual burden hours may not equal the product of the annual number of responses multiplied by the reporting burden per response.)

E-Government Act Compliance

The Animal and Plant Health Inspection Service is committed to compliance 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. Official State Agencies will maintain in the US SHIP Site Status Verification Database limited collected information. Detailed participant and premises level-specific identifiers remain with the respective US SHIP OSA and are not reported to, or contained in, the US SHIP Site Status Verification Database. At this time, other activities are documented on paper. For information pertinent to E-Government Act compliance related to this proposed rule, please contact Mr. Joseph Moxey, APHIS' Paperwork Reduction Act Coordinator, at (301) 851–2533.

List of Subjects in 9 CFR Parts 148 and 149

Swine, producers, slaughtering facilities, certification, African swine fever, Classical swine fever, Official State Agency.

■ Accordingly, under the authority of 7 U.S.C. 8301 *et seq.,* we propose to amend 9 CFR chapter I by adding parts 148 and 149 to subchapter G to read as follows:

PART 148—UNITED STATES SWINE HEALTH IMPROVEMENT PLAN

Subpart A—General Provisions

Sec.

Subpart B—Special Provisions For Slaughtering Facilities

Sec.

Authority: 7 U.S.C. 8301–8317; 7 CFR 2.22, 2.80, and 371.4.

§ 148.1 Definitions.

For the purpose of this subpart, unless the context otherwise requires, the following terms shall have the meanings assigned to them in this section. The

singular form shall also impart the plural.

Administrator. The Administrator, Animal and Plant Health Inspection Service, or any person authorized to act for the Administrator.

African swine fever (ASF). A highly contagious viral hemorrhagic disease cause by a large, enveloped, double-stranded DNA virus of the family *Asfarviridae* and genus *Asfivirus* that affects animals in the family Suidae, including domestic pigs, feral swine, and Eurasian wild boar.

Animal and Plant Health Inspection Service (APHIS). The Animal and Plant Health Inspection Service of the U.S. Department of Agriculture.

Authorized agent. Any person designated under § 148.7 to collect official samples for submission to an authorized laboratory in accordance with § 148.10.

Authorized laboratory. A laboratory that meets the requirements of § 148.11 and is thus qualified to perform assays in accordance with this part.

Boar. A sexually intact male swine.

Boar stud. A swine production site with mature boars that distributes semen to other swine production sites.

Classical swine fever (CSF). A highly contagious viral septicemia, caused by a small, enveloped RNA virus of the family *Flaviviridae* and genus *Pestivirus,* that affects animals in the family Suidae, including domestic pigs, feral swine, and Eurasian wild boar.

Department. The U.S. Department of Agriculture (USDA).

Farrow to feeder/finisher facility. A swine production site with breeding females (gilts and/or sows) and grow feeder swine for purposes other than breeding stock replacement for this particular farm site, and that houses ≥1,000 breeder or feeder swine.

Feral swine. Free-roaming swine.

Gilt. A young female swine that has not produced a litter.

Growing pig facility. A swine production site with ≥1,000 feeder swine (nursery, grower, or finisher).

Live animal marketing operation. A dealer with a livestock yard/buying facility that markets swine for resale of such swine to slaughter facilities.

National Animal Health Laboratory Network (NAHLN). The NAHLN is a nationally coordinated network and partnership of primarily Federal, State, and university-associated animal health laboratories that provide animal health diagnostic testing, methods research and development, and expertise for education and extension to detect biological threats to the nation's animal agriculture, thus protecting animal health, public health, and the nation's food supply.

Non-commercial facility. A swine production site with <100 breeding swine (gilts, boars, and/or sows) or feeder swine. Backyard, exhibition, or niche swine production sites are considered non-commercial facilities if they maintain fewer than 100 breeding swine or feeder swine.

Official State Agency. The State veterinary authority recognized by the Department to cooperate in the administration of the Plan.

Person. A natural person, firm, or corporation.

Plan. The provisions of the US Swine Health Improvement Plan (US SHIP) contained in this part.

Pork product. A product or byproduct produced or processed in whole or in part from swine.

Senior Coordinator. An employee of APHIS whose duties may include, but will not necessarily be limited to:

(1) Serving as Executive Secretary of the General Conference Committee;

(2) Serving as chairperson of the House of Delegates conference;

(3) Coordinating the State administration of the US SHIP through periodic reviews of the administrative procedures of the Official State Agencies, according to the applicable provisions of the Plan and the Memorandum of Understanding; and

(4) Coordinating future rulemakings to incorporate the proposed changes of the provisions adopted at the House of Delegates meeting into the regulations in this part and part 149 of this subchapter.

Small holding facility. A swine production site with ≥100 and <1,000 breeding swine (gilts, boars, and/or sows) or feeder swine.

Sow. An adult female swine that has produced one or more litters.

State. Any State, the District of Columbia, or Puerto Rico.

Swine. A porcine animal raised to be a feeder pig, raised for seedstock, raised for exhibition, or raised for slaughter.

US SHIP Program Standards. A document that contains biosecurity, traceability, and sampling and testing procedures approved by the Administrator for use under this part and part 149 of this subchapter. This document may be obtained from the US SHIP website at [ADDRESS TO BE ADDED IN FINAL RULE] or by writing to APHIS at US Swine Health Improvement Plan (US SHIP), APHIS, USDA, 920 Main Campus Drive, Suite 200, Raleigh, NC 27606.

US SHIP Technical Committee. A committee made up of technical experts on swine health, including topics such as biosecurity, traceability, and sampling and testing. The committee consists of representatives from the swine and pork products industries, universities, and State and Federal governments that are appointed by the Senior Coordinator and reviewed by the General Conference Committee. The committee will consider proposed changes to the Provisions and Program Standards of the Plan and provide recommendations to the House of Delegates as to whether they are scientifically or technically sound.

§ 148.2 Administration.

(a) The Department cooperates with Official State Agencies in the administration of the Plan through a Memorandum of Understanding. In the Memorandum of Understanding, the Official State Agency must designate a contact representative to serve as a liaison between APHIS and the Official State Agency.

(b) The administrative procedures, decisions, and records of the Official State Agency relevant to the implementation of US SHIP are subject to review by APHIS. The Official State Agency shall carry out the administration of the Plan within the State according to the applicable provisions of the Plan and the Memorandum of Understanding.

(c) The Official State Agency of any State may adopt regulations applicable to the administration of the Plan in such State that further define the provisions of the Plan or establish higher standards compatible with the Plan.

(d) Laboratories authorized in accordance with § 148.11 will conduct diagnostic testing when determining the status of a participating herd with respect to official Plan classifications.

§ 148.3 Participation.

(a) The US SHIP is a cooperative Federal-State-Industry program for preventing and monitoring specific swine diseases. US SHIP will apply new or existing diagnostic technology. US SHIP establishes and implements certification programs that identify boar stud facilities, breeding herds, growing pig facilities, farrow to feeder/finisher facilities, small holding facilities, non-commercial facilities, live animal marketing operations, and slaughtering facilities that meet biosecurity, traceability, and surveillance standards for specific diseases articulated in this part in States with Official State Agencies that operate under a Memorandum of Understanding with the Department pursuant to § 148.2.

(b) Any person producing or dealing in swine or pork products may

participate in US SHIP when they have demonstrated, to the satisfaction of the Official State Agency, that their facilities, personnel, and practices are adequate for carrying out the applicable provisions of the Plan and has signed an agreement with the Official State Agency to comply with the general and the applicable specific provisions of the Plan and any regulations of the Official State Agency under § 148.2.

(c) Each participant shall comply with the Plan until released by such Agency.

(d) Any person seeking to enroll in any participating State may participate with any of their eligible swine operations or slaughter facilities within each participating State. The prospective participant shall enroll by providing the following information to the Official State Agency:

(1) Name, address, and contact information of the swine owner or owner of the slaughtering facility (US SHIP participant);

(2) Address (including latitude and longitude, if a 911 address is not available for the site) of animal location, and name and contact information of the premises (site) owner;

(3) Premises identification number (PIN) of physical participating site location (animal location) and common name of site;

(4) Premises type, such as boar stud facilities, breeding herds, growing pig facilities, farrow to feeder/finisher facilities, small holding facilities, non-commercial facilities, live animal marketing operations, and slaughtering facilities;

(5) Expected site capacity (number of swine), unless the site is a slaughtering facility;

(6) Name and contact information of the individual submitting an acknowledgment that they understand and intend to comply with the regulations and relevant US SHIP Program Standards; and

(7) Acknowledgement by this individual that they understand and intend to comply with the regulations and relevant US SHIP Program Standards and the date of their acknowledgement.

(e) No person shall be compelled by the Official State Agency to qualify swine or pork products for any of the other classifications described in § 148.10 as a condition of qualification for the U.S. African Swine Fever-Classical Swine Fever Monitored certification. Participation in the U.S. African Swine Fever-Classical Swine Fever Monitored certification, however, is a condition of participation in such other classifications.

(f) Participation in the Plan shall entitle the participant to use the Plan emblem reproduced at [ADDRESS TO BE ADDED IN FINAL RULE]. If APHIS proposes to revise the Plan emblem, APHIS will publish a notice in the **Federal Register** making available the revised emblem, as well as the basis for the revisions, and requesting public comment. If no comments are received on the notice, or if the comments received do not call into question the basis for the revisions, APHIS will publish a subsequent notice in the **Federal Register** responding to the comments received and announcing the revised emblem. If comments identify concerns regarding the basis for the proposed revisions, however, APHIS will take no action to revise the emblem until addressing those concerns as appropriate.

§ 148.4 General provisions for all participants.

(a) Participants must retain records necessary for demonstrating compliance with certification requirements.

(b) A participant's animals, animal products, and records as needed to confirm certification requirements of swine or pork products, and material used to advertise products, are subject to inspection by the Official State Agency or APHIS at any time in accordance with § 148.8(b) and any additional requirements by the Official State Agency.

(c) Advertising must be in accordance with the Plan, and applicable rules and regulations of APHIS, the Official State Agency, and the Federal Trade Commission. A participant advertising swine or pork products as being of any official classification may include in their advertising reference to associated or franchised facilities only when such facilities produce swine or pork products carrying the same official classification.

(d) APHIS and the Official State Agency will use PINs to verify participation in the Plan. Existing PINs will be recognized for this purpose, and the Official State Agency will assign a new PIN for participants who do not have an existing PIN.

§ 148.5 Terminology and classification; general.

(a) The official classifications provided in § 148.6 and the various designs illustrative of the official classifications reproduced at [ADDRESS TO BE ADDED IN FINAL RULE] may be used only by participants and to describe swine or pork products that have met all the specific requirements of such classifications.

(b) Swine and pork products produced under the Plan shall lose their identity under Plan terminology when they are purchased for resale by, or consigned to, nonparticipants.

§ 148.6 Terminology and classification; herds and products.

(a) *Terms and classifications for participating swine operations.* Participating swine operations and products produced from them which have met the respective requirements specified in this section for a particular term or classification may be designated by the corresponding emblem illustrated at [ADDRESS TO BE ADDED IN FINAL RULE]. If APHIS proposes to revise an emblem, APHIS will publish a notice in the **Federal Register** making available the revised emblem, as well as the basis for the revision, and requesting public comment. If no comments are received on the notice, or if the comments received do not call into question the basis for the revisions, APHIS will publish a subsequent notice in the **Federal Register** responding to the comments received and announcing the revised emblem. If comments identify concerns regarding the basis for the proposed revisions, however, APHIS will take no action to revise the emblem until addressing those concerns as appropriate.

(b) *ASF–CSF Monitored.* This program is intended to be the basis from which swine operations enact measures for the prevention and monitoring of ASF–CSF. The program is intended to assist with the detection of ASF–CSF in swine through monitoring for clinical signs or suspicious test results for ASF–CSF and participation in the active ASF–CSF surveillance program. A swine operation and all swine or pork products produced by that operation will qualify as ''ASF–CSF Monitored'' when the Official State Agency determines that a prospective participant has met the following requirements:

(1) The swine operation only introduces herd additions that have either been exclusively sourced from certified ASF–CSF Monitored sites or sites that have participated in testing and clinical observation of their herds sufficient to demonstrate freedom from ASF and CSF.

(2) The swine operation collects samples and submits them for testing for any disease incident or death loss that is suggestive of ASF or CSF. Testing must be conducted through the USDA Swine Hemorrhagic Fevers Surveillance Plan or a foreign animal disease investigation at a laboratory authorized in accordance with § 148.11 and using

tests approved by the Administrator to detect the presence of ASF and CSF. Requirements for participant sampling and testing can be found in the Program Standards.

(3) The swine operation demonstrates and maintains competency in tracking all swine movements onto and off of certified sites, as described in the US SHIP Program Standards.

(4) The swine operation maintains biosecurity in a manner approved by APHIS and verified by the Official State Agency. Approved procedures for maintaining biosecurity are listed in the US SHIP Program Standards. Changes to the US SHIP Program Standards will be made in accordance with § 149.9 of this subchapter.

§ 148.7 Supervision.

(a) The Official State Agency may designate qualified persons as authorized agents collect samples for diagnostic testing as required by § 148.10.

(b) The Official State Agency shall employ or authorize qualified persons as State inspectors to verify compliance with the requirements of the Plan.

(c) Authorities of qualified persons to collect samples or verify program compliance that are issued under the provisions of this section shall be subject to cancellation by APHIS or by the Official State Agency on the grounds of incompetence or failure to comply with the provisions of the Plan or failure to comply with regulations of APHIS or the Official State Agency. Such actions shall not be taken until a thorough investigation has been made by APHIS or the Official State Agency and the authorized person has been given notice of the proposed action and the basis therefore and has an opportunity to present their views.

§ 148.8 Maintenance of Certification.

(a) The Official State Agency will verify whether each certified participant continues to meet the requirements to maintain certification at least one time annually, or more if determined appropriate for purposes of determining Plan compliance.

(b) All participant records supporting continued program participation must be able to be made available to a State inspector and examined at least annually. The Official State Agency must maintain enrollment records for 5 years after the date of enrollment and inspection records for 3 years after the date of inspection. The Official State Agency will arrange on-site inspections of herds and premises by its representatives or designee if the State inspector has reasonable basis to believe that a breach of biosecurity, specimen testing, or other provision may have occurred for Plan programs for which the herds have qualified. The Official State Agency must provide a summary of the compliance concerns it investigated and its recommended resolutions or outcomes to APHIS for review and possible further action.

(c) APHIS may conduct on-site inspections of herds and premises if it has reasonable basis to believe that a breach of biosecurity, specimen testing, or other provisions may have occurred.

§ 148.9 Debarment from participation.

(a) Upon completion of an investigation by the Official State Agency, its representative, or APHIS, APHIS will notify the participant in writing of their compliance or noncompliance with the Plan provisions or regulations of the Official State Agency. In the event of a finding of noncompliance, the notification will articulate that APHIS may debar the participant from further participation in the Plan if the noncompliance concerns are not addressed, and will afford the participant at least 30 days to demonstrate or achieve compliance. If compliance is not demonstrated or achieved within the specified time, APHIS may debar the participant from further participation in the Plan, including any opportunities to market product or animals as having originated from a Plan participant, until the participant can demonstrate compliance with the plan. APHIS shall provide the debarred participant with written notice of the bases for the debarment. Such decision shall be final unless the debarred participant, within 30 days after the issuance of the written notice of debarment, requests the Administrator to review the eligibility of the debarred participant for participation in the Plan. The request for review must state all facts and reasons upon which the participant relies to consider the debarment order to be error. As promptly as circumstances allow, the Administrator will respond in writing to uphold or reverse the debarment.

(b) [Reserved]

§ 148.10 Testing.

Samples for official tests shall be collected by a Federal inspector, State inspector, or its authorized agent. Samples must be tested by a laboratory authorized in accordance with § 148.11. Procedures for testing shall be described in the Program Standards. Changes to these procedures will be made in accordance with § 149.9 of this subchapter.

§ 148.11 Authorized Laboratories.

In order to be authorized to conduct testing as provided for in § 148.10, laboratories must be approved by APHIS in accordance with § 71.22 of this chapter and must be NAHLN laboratories approved as proficient in the assays for diseases specified as part of US SHIP. Authorized laboratories will follow the NAHLN guidance document for reporting diseases specified as part of US SHIP directly to APHIS.

Subpart B—Special Provisions For Slaughtering Facilities

§ 148.21 Definitions.

For the purpose of this subpart, unless the context otherwise requires, the following term shall have the meaning assigned to it in this section. The singular form shall also impart the plural.

Slaughtering facility. A slaughter plant processing swine that is federally inspected or under State inspection that the U.S. Department of Agriculture's Food Safety and Inspection Service has recognized as equivalent to Federal inspection.

§ 148.22 Participation.

(a) Participating slaughtering facilities shall comply with the provisions in § 148.4 and the special provisions of this subpart.

(b) Except for the information required in § 148.3(d)(5), participating slaughtering facilities shall provide the same information required for other participants as outlined in § 148.3(d). For purposes of complying with § 148.3(d)(5), slaughtering facilities must provide expected slaughter capacity (number of swine slaughtered daily/weekly).

§ 148.23 Terminology and classification; slaughtering facilities.

(a) *Terms and Designs for Participating Slaughtering Facilities.* Participating slaughtering facilities which have met the respective requirements specified in this section may be designated by the terms and their corresponding designs. The terms and corresponding designs will be illustrated at [ADDRESS TO BE ADDED IN FINAL RULE]. If APHIS proposes to revise the Plan terms and corresponding designs, APHIS will publish a notice in the **Federal Register** making available the revised terms and designs, as well as the basis for the revisions, and requesting public comment. If no comments are received on the notice, or if the comments received do not call into question the basis for the revisions,

APHIS will publish a subsequent notice in the **Federal Register** responding to the comments received and announcing the revised terms and designs. If comments identify concerns with the proposed revisions, APHIS will consider and address those comments as appropriate.

(b) *ASF–CSF Monitored.* This program is intended to determine the presence of ASF and CSF in swine through routine monitoring of each participating slaughtering facility. A participating slaughtering facility will qualify for the ASF–CSF Monitored is classification when the Official State Agency determines that it has met both of the following requirements:

(1) Any participant slaughtering facility handling ASF–CSF Monitored slaughter swine must be able to keep those swine and swine pork products separate from other swine and swine pork products from source farms not enrolled certified as ASF/CSF Monitored in the Plan in a manner satisfactory to the Official State Agency.

(2) Participants must report disease events with clinical signs compatible with ASF–CSF, including ante- or post-mortem indicators of possible hemorrhagic disease, for surveillance testing. Compatible clinical signs are listed in the US SHIP Program Standards.

PART 149—PROCEDURE FOR CHANGING THE UNITED STATES SWINE HEALTH IMPROVEMENT PLAN

Sec.

Authority: 7 U.S.C. 8301–8317; 7 CFR 2.22, 2.80, and 371.4.

§ 149.1 Definitions.

For the purpose of this part, unless the context otherwise requires, the following terms shall have the meanings assigned to them in this section. The singular form shall also impart the plural.

Administrator. The Administrator, Animal and Plant Health Inspection Service, or any person authorized to act for the Administrator.

Animal and Plant Health Inspection Service (APHIS). The Animal and Plant Health Inspection Service of the U.S. Department of Agriculture.

Department. The U.S. Department of Agriculture.

House of Delegates. A decision-making body composed of U.S. swine industry participants and subject matter experts that aim to represent the interests of swine industry stakeholders across each of the participating States. The House of Delegates meets at regular intervals for the purpose of sharing research and outcomes from program-related initiatives, reviewing and voting on proposed program changes, and formally facilitating the program's development.

Non-commercial facility. A swine production site with <100 breeding swine (gilts, boars, and/or sows) or feeder swine. Backyard, exhibition, or niche swine production sites are considered non-commercial facilities if they maintain fewer than 100 breeding swine or feeder swine.

Official State Agency. The State veterinary authority recognized by the Department to cooperate in the administration of the Plan.

Person. A natural person, firm, or corporation.

Plan. The provisions of the US Swine Health Improvement Plan (US SHIP) contained in this part.

Senior Coordinator. An employee of the Service whose duties may include, but will not necessarily be limited to:

(1) Serving as Executive Secretary of the General Conference Committee;

(2) Serving as chairperson of the House of Delegates Conference;

(3) Coordinating the State administration of the US SHIP through periodic reviews of the administrative procedures of the Official State Agencies, according to the applicable provisions of the Plan and the Memorandum of Understanding; and

(4) Coordinating future rulemakings to incorporate the proposed changes of the provisions adopted at the House of Delegates meeting into the regulations in part 148 of this subchapter and this part.

Slaughtering facility. A slaughter plant processing swine that is federally inspected or under State inspection that the U.S. Department of Agriculture's Food Safety and Inspection Service has recognized as equivalent to Federal inspection.

State. Any State, the District of Columbia, or Puerto Rico.

Swine. A porcine animal raised to be a feeder pig, raised for seedstock, raised for exhibition or raised for slaughter.

US SHIP Program Standards. A document that contains biosecurity, traceability, and sampling and testing procedures approved by the Administrator for use under part 148 of this subchapter and this part. This document may be obtained from the US SHIP website at [ADDRESS TO BE ADDED IN FINAL RULE] or by writing to APHIS at US Swine Health Improvement Plan (US SHIP), APHIS, USDA, 920 Main Campus Drive, Suite 200, Raleigh, NC 27606.

US SHIP Technical Committee. A committee made up of technical experts on swine health, including topics such as biosecurity, traceability, and sampling and testing. The committee consists of representatives from the swine and pork products industries, universities, and State and Federal governments that are appointed by the Senior Coordinator and reviewed by the General Conference Committee. The committee will consider proposed changes to the Provisions and Program Standards of the Plan and provide recommendations to the House of Delegates as to whether they are scientifically or technically sound.

§ 149.2 General.

Changes in part 148 of this subchapter and this part shall be proposed in accordance with the procedure described in this part, provided that the Department reserves the right to make changes in part 148 of this subchapter and this part without observance of such procedure when such action is deemed necessary in the public interest.

§ 149.3 General Conference Committee.

(a) The GCC shall consist of nine elected members. When a member is affiliated with a swine production premises or slaughter plant, that premises or plant must maintain US SHIP certification statuses in good standing. GCC members must also not have any known violations of other APHIS regulations within the past 3 years. The members of the General Conference Committee will elect the Committee Chairperson and the Vice Chairperson by simple majority. An APHIS representative will serve as Executive Secretary and will provide the necessary staff support for the General Conference Committee. A State Animal Health Official without voting responsibilities will also be appointed to the Committee. The appointment shall be based on a recommendation from the National Assembly of State Animal Health Officials. The nine voting General Conference Committee members will consist of one member to be elected, as provided in paragraph (d) of this section, from each of six designated regions, and three members at large. The six designated regions

consist of the States and territories in paragraphs (a)(1) through (6) of this section:

(1) *North Atlantic:* Maine, New Hampshire, Vermont, Massachusetts, Rhode Island, Connecticut, New York, New Jersey, Pennsylvania, Delaware, Maryland, West Virginia, Ohio, Michigan, and Kentucky.

(2) *East Central:* Wisconsin, Indiana, Illinois, Missouri.

(3) *North Central:* North Dakota, South Dakota, and Minnesota.

(4) *Central:* Iowa.

(5) *South Atlantic:* Virginia, North Carolina, Tennessee, Arkansas, Louisiana, Mississippi, Alabama, Georgia, South Carolina, Florida, and Puerto Rico.

(6) *Western:* Texas, Oklahoma, Kansas, Nebraska, Colorado, Wyoming, Montana, Idaho, New Mexico, Arizona, Utah, Nevada, Washington, Oregon, California, Alaska, and Hawaii.

(7) In addition to the above six designated regions, one member-at-large will be elected for each of the following classifications of the Plan:

(i) Slaughtering facilities; and

(ii) Non-commercial facilities.

(8) One member at-large will be elected without geographic or classification affiliation. No more than two members of any standing General Conference Committee may be employed by, or associated with, the same business entity.

(b) The regional committee members will be elected by the official delegates of their respective regions, and the members-at-large will be elected by all voting delegates. Delegate selection, as discussed in § 149.5.

(c) Three members shall be elected at each House of Delegates. All members shall serve for a period of 3 years, subject to the continuation of the Committee by the Secretary of Agriculture. In the event that there is a mid-term vacancy of a General Conference Committee position, the General Conference Committee shall make an interim appointment by simple majority vote of its members, and the appointee shall serve until the next House of Delegates, at which time an election will be held. That election will be to fill the remaining term of the vacated position.

(d) The duties and functions of the General Conference Committee shall be as follows: (1) Represent the interests of the entire United States swine industry with regard to the operation of US SHIP.

(2) Advise and make recommendations to the Department on the relative importance of maintaining adequate departmental funding for the Swine Health Improvement Plan to enable the Senior Coordinator and other Department staff to fully administer the provisions of the Plan.

(3) Advise and make yearly recommendations to the Department with respect to the Swine Health Improvement Plan budget well in advance of the start of the budgetary process.

(4) Assist the Department in planning, organizing, and conducting the Swine Health Improvement Plan House of Delegates Meeting.

(5) Advise and make recommendations to the Department with respect to the Swine Health Improvement Plan Technical Committee leadership selection and composition.

(6) Review each proposal submitted to be considered by the House of Delegates and meet jointly with the Swine Health Improvement Plan Technical Committees to consider the technical aspects and accuracy of each proposal.

(7) During the interim between House of Delegates meetings, represent the entire United States swine industry through the following activities:

(i) Advise the Department with respect to administrative procedures and interpretations of the Plan provisions as contained in part 148 of this subchapter and this part.

(ii) Assist the Department in evaluating comments received from interested persons concerning proposed amendments to the Plan provisions.

(iii) Recommend to the Secretary of Agriculture any changes in the provisions of the Plan as may be necessitated by unforeseen conditions when postponement until the next House of Delegates would seriously impair the operation of the program. Such recommendations shall remain in effect only until confirmed or rejected by the next House of Delegates, or until rescinded by the committee.

(iv) Convene an emergency meeting of the House of Delegates as the need arises.

(8) Serve as an official advisory committee for the study of problems relating to swine health and as the need arises, make specific recommendations to the Secretary of Agriculture concerning ways in which the Department may assist the industry in solving these problems.

(9) Serve as a direct liaison between the US SHIP and the United States Animal Health Association.

(10) Advise and make recommendations to the Department regarding US SHIP involvement or representation at swine industry functions and activities as deemed necessary or advisable for the purposes of the US SHIP.

§ 149.4 Submitting, compiling, and distributing proposed changes.

(a) Changes in part 148 of this subchapter and this part may be proposed by any participant, Official State Agency, the Department, or other interested person or industry organization.

(b) Proposed changes must be submitted in writing so as to reach APHIS not later than 100 days prior to the opening date of the House of Delegates Meeting, and participants in the Plan must submit their proposed changes through their Official State Agency.

(c) The name of the proponent must be indicated on each proposed change when submitted. Each proposal should be accompanied by a brief supporting statement.

(d) APHIS will notify all persons on the US SHIP mailing lists concerning the dates and general procedure of the House of Delegates Meeting.

(e) The proposed changes, together with the names of the proponents and supporting statements, will be compiled by APHIS and distributed. When two or more similar changes are submitted, APHIS will endeavor to unify them into one proposal acceptable to each proponent. Copies will be distributed to officials of the Official State Agencies cooperating in the US SHIP. Additional copies will be made available for meeting individual requests.

§ 149.5 Official Delegates.

Each cooperating State shall be entitled to one or more official delegates. The official delegates shall be elected by a representative group of participating industry members and be certified by the Official State Agency. It is recommended, but not required, that the official delegates be Plan participants. Each official delegate shall endeavor to obtain, prior to the House of Delegates conference, the recommendations of industry members of their State with respect to each proposed change. Official delegate allocations for cooperating States will be calculated in accordance with the methods described in the US SHIP Program Standards. Changes to these methods will be made in accordance with § 149.9.

§ 149.6 Committee Consideration of proposed changes.

(a) The following committees shall be established to give preliminary consideration to the proposed changes falling in their respective fields:

(1) Biosecurity.

(2) Traceability.

(3) Sampling and Testing.

(b) The committees must discuss related proposals with other committees.

(c) The committees shall make recommendations to the House of Delegates as a whole concerning each proposal. The House of Delegates report shall show any proposed change in wording, record the votes on each proposal, and suggest an effective date for each proposal recommended for adoption. The individual committee reports shall be submitted to the chairperson of the House of Delegates, who will combine them into one report showing, in numerical sequence, the committee recommendations on each proposal. Once completed, the combined committee report will be distributed electronically to the Official State Agencies prior to the delegates voting on the final day of the House of Delegates conference.

(d) The Technical Committee meetings shall be open to any interested person. Advocates for or against any proposal may appear before the appropriate committee and present their views.

§ 149.7 House of Delegates consideration of proposed changes.

(a) The chairperson of the House of Delegates shall be a representative of the Department.

(b) At the time designated for voting on proposed changes by the official delegates, the chairman of the General Conference Committee and all committee chairpersons shall sit at the speaker's table and assist the chairperson of the House of Delegates.

(c) The chairperson shall set the rules of order for the General Conference Committee.

(d) Proposals that have not been submitted in accordance with § 149.5 will be considered by the House of Delegates only with the unanimous consent of the General Conference Committee. Any such proposals must be referred to the appropriate committee for consideration before being presented for action by the House of Delegates.

(e) Voting will be by States, and each official delegate, as determined by § 149.5, will be allowed one vote on each proposal pertaining to the program prescribed by the subpart which they represent.

(f) A roll call of States for a recorded vote will be used when requested by a delegate or at the discretion of the chairman.

(g) All motions on proposed changes shall be for adoption.

(h) Proposed changes shall be adopted by a two-thirds majority vote of the official delegates present and voting.

(i) The House of Delegates conference shall be open to any interested person.

§ 149.8 Approval of House of Delegates recommendations by the Department.

Proposals adopted by the official delegates will be recommended to the Department for incorporation into the provisions of the US SHIP in part 148 of this subchapter and this part. The Department reserves the right to approve or disapprove the recommendations of the House of Delegates as an integral part of its sponsorship of the US SHIP.

§ 149.9 Changes to the US SHIP Program Standards.

The US SHIP Program Standards document contains content on the testing requirements for diseases covered by the regulations in part 148 of this subchapter, approved procedures for maintaining biosecurity at participating swine operations, traceability requirements for participating swine operations, and calculations for official delegate allocations. Changes to the US SHIP Program Standards document for any of the foregoing will be made in the following manner:

(a) *Normal process for updating the US SHIP Program Standards document.* (1) APHIS will publish a notice in the **Federal Register** providing the proposed changes to the US SHIP Program Standards document and the basis for the changes. The notice will request public comment.

(2) If no comments are received on the notice, or if the comments received do not call into question the basis for the changes, APHIS will publish a subsequent notice in the **Federal Register** announcing that the changes have been made to the US SHIP Program Standards document and making available the revised US SHIP Program Standards document. If comments identify concerns with the proposed revisions, APHIS will consider and address those comments as appropriate prior to taking any action to revise the US SHIP Program Standards.

(b) *Process for making immediate changes to the US SHIP Program Standards document.* (1) If the Administrator determines that procedures for maintaining biosecurity and animal traceability at participating swine operations that are described in the US SHIP Program Standards document are not adequate or that testing procedures must be revised in order to ensure that they provide reliable assurances regarding test results, APHIS will make the relevant change to the US SHIP Program Standards document. As soon as is feasible, APHIS will publish a notice in the **Federal Register** announcing the change, as well as the basis for the change. The notice will request public comment.

(2) APHIS may make further revisions to the US SHIP Program Standards document based on the comments received.

Done in Washington, DC, this 23rd day of December 2024.

Donna Lalli,

Acting Administrator, Animal and Plant Health Inspection Service.

[FR Doc. 2024–31386 Filed 12–30–24; 8:45 am]

BILLING CODE 3410–34–P

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

14 CFR Part 39

[Docket No. FAA–2024–2718; Project Identifier MCAI–2024–00319–T]

RIN 2120–AA64

Airworthiness Directives; Airbus SAS Airplanes

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Notice of proposed rulemaking (NPRM).

SUMMARY: The FAA proposes to adopt a new airworthiness directive (AD) for all Airbus SAS Model A319–111, –112, –113, –114, –115, –131, –132, and –133 airplanes; Model A320–211, –212, –214, –216, –231, –232, –233, –251N, –252N, –253N, –271N, –272N, and –273N airplanes; Model A321–211, –212, –213, –231, –232, –251N, –251NX, –252N, –252NX, –253N, –253NX, –253NY, –271N, –271NX, –272N, and –272NX airplanes; Airbus SAS Model A330–200 series airplanes; Model A330–300 series airplanes; Model A330–800 series airplanes; Model A330–900 series airplanes; Model A350–941 and –1041 airplanes; and Model A380–800 series airplanes. This proposed AD was prompted by a report of corrosion and cracks on the broadband antenna adapter plate during an inspection. This proposed AD would require repetitive general visual inspections (GVI) of the broadband antenna adapter plate, skirt, vents, and attachment fittings and limit the installation of affected parts under certain conditions, as specified in a European Union Aviation Safety Agency (EASA) AD, which is proposed for incorporation by reference (IBR). The FAA is proposing this AD to address the unsafe condition on these products.

DATES: The FAA must receive comments on this proposed AD by February 14, 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*. Follow the instructions for submitting comments.
- *Fax:* 202–493–2251.
- *Mail:* U.S. Department of Transportation, Docket Operations, M–30, West Building Ground Floor, Room W12–140, 1200 New Jersey Avenue SE, Washington, DC 20590.
- *Hand Delivery:* Deliver to Mail address above between 9 a.m. and 5 p.m., Monday through Friday, except Federal holidays.

AD Docket: You may examine the AD docket at *regulations.gov* under Docket No. FAA–2024–2718; or in person at Docket Operations between 9 a.m. and 5 p.m., Monday through Friday, except Federal holidays. The AD docket contains this NPRM, the mandatory continuing airworthiness information (MCAI), any comments received, and other information. The street address for Docket Operations is listed above.

Material Incorporated by Reference:

- For EASA material identified in this proposed AD, contact EASA, Konrad-Adenauer-Ufer 3, 50668 Cologne, Germany; telephone +49 221 8999 000; email *ADs@easa.europa.eu;* website *easa.europa.eu.* You may find this material on the EASA website at *ad.easa.europa.eu.* It is also available at *regulations.gov* under Docket No. FAA–2024–2718.
- 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.

FOR FURTHER INFORMATION CONTACT: Dan Rodina, Aviation Safety Engineer, FAA, 1600 Stewart Avenue, Suite 410, Westbury, NY 11590; telephone 206–231–3225; email *Dan.Rodina@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–2024–2718; Project Identifier MCAI–2024–00319–T'' at the beginning of your comments. The most helpful comments reference a specific portion of the proposal, explain the reason for any recommended change, and include supporting data. The FAA will consider all comments received by the closing date and may amend this proposal because of those comments.

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

Confidential Business Information

CBI is commercial or financial information that is both customarily and actually treated as private by its owner. Under the Freedom of Information Act (FOIA) (5 U.S.C. 552), CBI is exempt from public disclosure. If your comments responsive to this NPRM contain commercial or financial information that is customarily treated as private, that you actually treat as private, and that is relevant or responsive to this NPRM, it is important that you clearly designate the submitted comments as CBI. Please mark each page of your submission containing CBI as ''PROPIN.'' The FAA will treat such marked submissions as confidential under the FOIA, and they will not be placed in the public docket of this NPRM. Submissions containing CBI should be sent to Dan Rodina, Aviation Safety Engineer, FAA, 1600 Stewart Avenue, Suite 410, Westbury, NY 11590; telephone 206–231–3225; email *Dan.Rodina@faa.gov.* Any commentary that the FAA receives which is not specifically designated as CBI will be placed in the public docket for this rulemaking.

Background

EASA, which is the Technical Agent for the Member States of the European Union, has issued EASA AD 2024–0199, dated October 18, 2024 (EASA AD 2024–0199) (also referred to as the MCAI), to correct an unsafe condition for Airbus SAS Model A319–111, –112, –113, –114, –115, –131, –132, and –133 airplanes; Model A320–211, –212, –214, –215, –216, –231, –232, –233, –251N, –252N, –253N, –271N, –272N, and –273N airplanes; Model A321–211, –212, –213, –231, –232, –251N, –251NX, –252N, –252NX, –253N, –253NX, –253NY, –271N, –271NX, –272N, and –272NX airplanes; Airbus SAS Model A330–200 series airplanes; Model A330–300 series airplanes; Model A330–800 series airplanes; Model A330–900 series airplanes; Model A350–941 and –1041 airplanes; and Model A380–800 series airplanes. Model A320–215 airplanes are not certificated by the FAA and are not included on the U.S. type certificate data sheet; this AD therefore does not include those airplanes in the applicability. The MCAI states that corrosion and cracks were found on the broadband antenna adapter plate during an inspection. Further investigation determined that the broadband antenna adapter plate and skirt assembly-adapter are made of material susceptible to corrosion cracking, and that the recommended maintenance programs do not ensure timely detection of cracks and damage in this area.

The FAA is proposing this AD to address the corrosion and cracks on the broadband antenna adapter plate and skirt assembly-adapter. The unsafe condition, if not addressed, could lead to in-flight detachment of the radome, antenna, and affected parts, which could impact the tail section of the airplane, possibly resulting in damage and reduced control of the airplane.

You may examine the MCAI in the AD docket at *regulations.gov* under Docket No. FAA–2024–2718.

Material Incorporated by Reference Under 1 CFR Part 51

EASA AD 2024–0199 specifies procedures for repetitive general visual inspections (GVI) for cracks and corrosion of the broadband antenna adapter plate, skirt, vents, and attachment fittings, and, depending on findings, corrective actions including repair or replacement of the affected parts. EASA AD 2024–0199 also limits the installation of affected parts under certain conditions and requires reporting of the inspection results after each inspection.

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

FAA's Determination

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

Proposed AD Requirements in This NPRM

This proposed AD would require accomplishing the actions specified in EASA AD 2024–0199 described previously, except for any differences identified as exceptions in the regulatory text of this proposed AD.

Explanation of Required Compliance Information

In the FAA's ongoing efforts to improve the efficiency of the AD process, the FAA developed a process to use some civil aviation authority (CAA) ADs as the primary source of information for compliance with requirements for corresponding FAA ADs. The FAA has been coordinating this process with manufacturers and CAAs. As a result, the FAA proposes to incorporate EASA AD 2024–0199 by reference in the FAA final rule. This proposed AD would, therefore, require compliance with EASA AD 2024–0199 in its entirety through that incorporation, except for any differences identified as exceptions in the regulatory text of this proposed AD. Using common terms that are the same as the heading of a particular section in EASA AD 2024–0199 does not mean that operators need comply only with that section. For example, where the AD requirement refers to ''all required actions and compliance times,'' compliance with this AD requirement is not limited to the section titled ''Required Action(s) and Compliance Time(s)'' in EASA AD 2024–0199. Material required by EASA AD 2024–0199 for compliance will be available at *regulations.gov* under Docket No. FAA–2024–2718 after the FAA final rule is published.

Interim Action

The FAA considers that this proposed AD would be an interim action. The FAA anticipates that further AD action will follow.

Costs of Compliance

The FAA estimates that this AD, if adopted as proposed, would affect 4 airplanes of U.S. registry. The FAA estimates the following costs to comply with this proposed AD:

ESTIMATED COSTS FOR REQUIRED ACTIONS

Labor cost	Parts cost	Cost per product	Cost on U.S. operators
Up to 61 work-hours × $85 per hour = $5,185	$0	Up to $5,185	Up to $20,740

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

ESTIMATED COSTS OF ON-CONDITION ACTIONS

Labor cost	Parts cost	Cost per product
50 work-hours × $85 per hour = $4,250	$10,000	$14,250

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

Paperwork Reduction Act

A federal agency may not conduct or sponsor, and a person is not required to respond to, nor shall a person be subject to a penalty for failure to comply with a collection of information subject to the requirements of the Paperwork Reduction Act unless that collection of information displays a currently valid OMB Control Number. The OMB Control Number for this information collection is 2120–0056. Public reporting for this collection of information is estimated to take approximately 1 hour per response, including the time for reviewing instructions, searching existing data sources, gathering and maintaining the data needed, and completing and reviewing the collection of information. All responses to this collection of information are mandatory. Send comments regarding this burden estimate or any other aspect of this collection of information, including suggestions for reducing this burden, to: Information Collection Clearance Officer, Federal Aviation Administration, 10101 Hillwood Parkway, Fort Worth, TX 76177–1524.

Authority for This Rulemaking

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

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

Regulatory Findings

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

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

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

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

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

List of Subjects in 14 CFR Part 39

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

The Proposed Amendment

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

PART 39—AIRWORTHINESS DIRECTIVES

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

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

§ 39.13 [Amended]

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

Airbus SAS: Docket No. FAA–2024–2718; Project Identifier MCAI–2024–00319–T.

(a) Comments Due Date

The FAA must receive comments on this airworthiness directive (AD) by February 14, 2025.

(b) Affected ADs

None.

(c) Applicability

This AD applies to all Airbus SAS Model airplanes specified in paragraphs (c)(1) through (6) of this AD, certificated in any category.

(1) Model A319–111, –112, –113, –114, –115, –131, –132, and –133 airplanes.

(2) Model A320–211, –212, –214, –216, –231, –232, –233, –251N, –252N, –253N, –271N, –272N, and –273N airplanes.

(3) Model A321–211, –212, –213, –231, –232, –251N, –251NX, –252N, –252NX, –253N, –253NX, –253NY, –271N, –271NX, –272N, and –272NX airplanes.

(4) Model A330–201, –202, –203, –223, –243, –301, –302, –303, –321, –322, –323, –341, –342, –343, –841, and –941 airplanes.

(5) Model A350–941 and –1041 airplanes.

(6) Model A380–841, –842, and –861 airplanes.

(d) Subject

Air Transport Association (ATA) of America Code 53, Fuselage.

(e) Unsafe Condition

This AD was prompted by a report that found corrosion and cracks on the broadband antenna adapter plate during an inspection. The FAA is issuing this AD to address the corrosion and cracks on the broadband antenna adapter plate and skirt assembly-adapter. The unsafe condition, if not addressed, could lead to in-flight detachment of the radome, antenna, and affected parts, which could impact the tail section of the airplane, possibly resulting in damage and reduced control of the airplane.

(f) Compliance

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

(g) Requirements

Except as specified in paragraph (h) of this AD: Comply with all required actions and compliance times specified in, and in accordance with, European Union Aviation Safety Agency (EASA) AD 2024–0199, dated October 18, 2024 (EASA AD 2024–0199).

(h) Exceptions to EASA AD 2024–0199

(1) Where Appendix A in ''the applicable SB'' identified in EASA AD 2024–0199 specifies a compliance time ''from SB publication date,'' this AD requires using the effective date of this AD.

(2) Where EASA AD 2024–0199 specifies ''14 June 2024 [the effective date of EASA AD 2024–0106],'' this AD requires using the effective date of this AD.

(3) This AD does not adopt the ''Remarks'' section of EASA AD 2024–0199.

(4) Where paragraph (2) of EASA AD 2024–0199 specifies ''If, during any GVI as required by paragraph (1) of this AD, any crack and/or corrosion are detected on an affected part, before next flight, accomplish the applicable corrective action(s) in accordance with the instructions of the applicable SB, or contact Airbus for approved repair instructions and accomplish those instructions accordingly,'' this AD requires replacing that text with ''If, during any GVI as required by paragraph (1) of this AD, any crack and/or corrosion are detected on an affected part, the crack and/or corrosion must be repaired before further flight using a method approved by the Manager, AIR–520, Continued Operational Safety Branch, FAA; or EASA; or Airbus SAS's EASA Design Organization Approval (DOA). If approved by the DOA, the approval must include the DOA-authorized signature.''

(5) Paragraph (4) of EASA AD 2024–0199 specifies to report inspection results to Airbus within a certain compliance time. For this AD, report inspection results at the applicable time specified in paragraph (h)(5)(i) or (ii) of this AD.

(i) If the inspection was done on or after the effective date of this AD: Submit the report within 30 days after the inspection.

(ii) If the inspection was done before the effective date of this AD: Submit the report within 30 days after the effective date of this AD.

(i) Additional AD Provisions

The following provisions also apply to this AD:

(1) *Alternative Methods of Compliance (AMOCs):* 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, AIR–520, Continued Operational Safety Branch, send it to the attention of the person identified in paragraph (j) of this AD and email to: *AMOC@faa.gov.* Before using any approved AMOC, notify your appropriate principal inspector, or lacking a principal inspector, the manager of the responsible Flight Standards Office.

(2) *Contacting the Manufacturer:* For any requirement in this AD to obtain instructions from a manufacturer, the instructions must be accomplished using a method approved by the Manager, AIR–520, Continued Operational Safety, FAA; or EASA; or Airbus SAS's EASA Design Organization Approval (DOA). If approved by the DOA, the approval must include the DOA-authorized signature.

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

(j) Additional Information

For more information about this AD, contact Dan Rodina, Aviation Safety Engineer, FAA, 1600 Stewart Avenue, Suite 410, Westbury, NY 11590; telephone 206–231–3225; email *Dan.Rodina@faa.gov.*

(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 this AD specifies otherwise.

(i) European Union Aviation Safety Agency (EASA) AD 2024–0199, dated October 18, 2024.

(ii) [Reserved]

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

(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-locationsoremailfr.inspection@nara.gov.*

Issued on December 23, 2024.

Suzanne Masterson,

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

[FR Doc. 2024–31378 Filed 12–30–24; 8:45 am]

BILLING CODE 4910–13–P

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

14 CFR Part 39

[Docket No. FAA–2024–2716; Project Identifier AD–2024–00262–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 737–8, 737–9, and 737–8200 airplanes. This proposed AD was prompted by a report indicating that certain clip-on nuts with primer, in lieu of clip-on nuts with cadmium surface finish only (without primer), were inadvertently used to install the self-bonded saddle clamps, which support the fuel tank system tubing inside the left main, center, and right main fuel tanks. This proposed AD would require a general visual inspection (GVI) to identify affected parts, 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 February 14, 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*. Follow the instructions for submitting comments.
- *Fax:* 202–493–2251.
- *Mail:* U.S. Department of Transportation, Docket Operations, M–30, West Building Ground Floor, Room W12–140, 1200 New Jersey Avenue SE, Washington, DC 20590.
- *Hand Delivery:* Deliver to Mail address above between 9 a.m. and 5 p.m., Monday through Friday, except Federal holidays.

AD Docket: You may examine the AD docket at *regulations.gov* under Docket No. FAA–2024–2716; 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 the Boeing material identified in this proposed AD, contact Boeing Commercial Airplanes, Attention: Contractual & Data Services (C&DS), 2600 Westminster 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* under Docket No. FAA–2024–2716.

FOR FURTHER INFORMATION CONTACT: James Laubaugh, Aviation Safety Engineer, FAA, 2200 South 216th St., Des Moines, WA 98198; phone: 206–231–3622; email: *james.laubaugh@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–2024–2716; Project Identifier AD–2024–00262–T'' at the beginning of your comments. The most helpful comments reference a specific portion of the proposal, explain the reason for any recommended change, and include supporting data. The FAA will consider all comments received by the closing date and may amend this proposal because of those comments.

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

Confidential Business Information

CBI is commercial or financial information that is both customarily and actually treated as private by its owner. Under the Freedom of Information Act (FOIA) (5 U.S.C. 552), CBI is exempt from public disclosure. If your comments responsive to this NPRM contain commercial or financial information that is customarily treated as private, that you actually treat as private, and that is relevant or responsive to this NPRM, it is important that you clearly designate the submitted comments as CBI. Please mark each page of your submission containing CBI as ''PROPIN.'' The FAA will treat such marked submissions as confidential under the FOIA, and they will not be placed in the public docket of this NPRM. Submissions containing CBI should be sent to James Laubaugh, Aviation Safety Engineer, FAA, 2200 South 216th St., Des Moines, WA 98198; phone: 206–231–3622; email: *james.laubaugh@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 certain clip-on nuts with primer, in lieu of clip-on nuts with cadmium surface finish only (without primer), were inadvertently used to install the self-bonded saddle clamps, which support the fuel tank system tubing inside the left main, center, and right main fuel tanks. The self-bonded saddle clamps are designed to be attached to the structure with clip-on nuts with cadmium surface finish only (without primer). The cadmium plating is an electrically conductive finish and bonds the fuel tank system tubing to the structure. Each self-bonded saddle clamp has two independent and redundant bond paths from the fuel system tubing to the structure. These bond paths are necessary for the dissipation of conducted lightning current, induced lightning current, and electrostatic energy. The clip-on nuts with non-conductive primer can interrupt or reduce the capability of the electrical bond. This condition, if not addressed, could disperse lightning and electrostatic energy to the structure, creating a possible ignition source inside a fuel tank and subsequent fuel tank explosion.

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 Special Attention Requirements Bulletin 737–28–1376 RB, dated May 3, 2024. This material specifies procedures for a general visual inspection (GVI) of the self-bonded saddle clamps installed with clip-on nuts to determine whether the surface finish is primer or cadmium surface finish only (no primer) in the left main, center, and right main fuel tanks, and applicable on-condition actions. The on-condition actions include replacing any clip-on nut with primer with a clip-on nut that has

cadmium surface finish only (no primer). 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. This proposed AD would also prohibit the installation of affected parts. For information on the procedures and compliance times, see this material at *regulations.gov* under Docket No. FAA–2024–2716.

Costs of Compliance

The FAA estimates that this AD, if adopted as proposed, would affect 393 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
GVI	31 work-hours × $85 per hour = $2,635	$0	$2,635	$1,035,555

The FAA estimates the following costs to do any 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
Replace clip-on nuts	42 work-hours × $85 per hour = $3,570	$692	$4,262

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–2024–2716; Project Identifier AD–2024–00262–T.

(a) Comments Due Date

The FAA must receive comments on this airworthiness directive (AD) by February 14, 2025.

(b) Affected ADs

None.

(c) Applicability

This AD applies to The Boeing Company Model 737–8, 737–9, and 737–8200 airplanes, certificated in any category, as identified in Boeing Special Attention Requirements Bulletin 737–28–1376 RB, dated May 3, 2024.

(d) Subject

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

(e) Unsafe Condition

This AD was prompted by a report indicating that certain clip-on nuts with primer, in lieu of the clip-on nuts with cadmium surface finish only (without primer), were inadvertently used to install the self-bonded saddle clamps, which support the fuel tank system tubing inside the left main, center, and right main fuel tanks. The FAA is issuing this AD to address clip-on nuts with the non-conductive primer that can interrupt or reduce the capability of the electrical bond. The unsafe condition, if

not addressed, could disperse lightning and electrostatic energy to the structure, creating a possible ignition source inside a fuel tank and subsequent fuel tank explosion.

(f) Compliance

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

(g) Required Actions

Except as specified by paragraph (h) of this AD: At the applicable times specified in the ''Compliance'' paragraph of Boeing Special Attention Requirements Bulletin 737–28–1376 RB, dated May 3, 2024, do all applicable actions identified in, and in accordance with, the Accomplishment Instructions of Boeing Special Attention Requirements Bulletin 737–28–1376 RB, dated May 3, 2024.

Note 1 to paragraph (g): Guidance for accomplishing the actions required by this AD can be found in Boeing Special Attention Service Bulletin 737–28–1376, dated May 3, 2024, which is referred to in Boeing Special Attention Requirements Bulletin 737–28–1376 RB, dated May 3, 2024.

(h) Exceptions to Requirements Bulletin Specifications

Where the Compliance Time columns of the tables in the ''Compliance'' paragraph of Boeing Special Attention Requirements Bulletin 737–28–1376 RB, dated May 3, 2024, refer to the original issue date of Requirements Bulletin 737–28–1376 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 James Laubaugh, Aviation Safety Engineer, FAA, 2200 South 216th St., Des Moines, WA 98198; phone: 206–231–3622; email: *james.laubaugh@faa.gov.*

(2) Material identified in this AD that is not incorporated by reference is available at the address specified in paragraph (k)(3) of 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 Special Attention Requirements Bulletin 737–28–1376 RB, dated May 3, 2024.

(ii) [Reserved]

(3) For the material identified in this AD, contact Boeing Commercial Airplanes, Attention: Contractual & Data Services (C&DS), 2600 Westminster 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 December 20, 2024.

Suzanne Masterson,

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

[FR Doc. 2024–31348 Filed 12–30–24; 8:45 am]

BILLING CODE 4910–13–P

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

14 CFR Part 39

[Docket No. FAA–2024–2717; Project Identifier MCAI–2024–00147–T]

RIN 2120–AA64

Airworthiness Directives; Bombardier, Inc., Airplanes

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Notice of proposed rulemaking (NPRM).

SUMMARY: The FAA proposes to supersede Airworthiness Directive (AD) 2020–19–13, which applies to certain Bombardier, Inc., Model CL–600–1A11 (600), CL–600–2A12 (601), and CL–600–2B16 (601–3A, 601–3R, and 604 Variants) airplanes. AD 2020–19–13 requires a check to identify the manufacturer and part number of the portable oxygen bottle installation, and if necessary, modification of the portable oxygen bottle installation. Since the FAA issued AD 2020–19–13, it was determined that four additional airplanes are subject to the unsafe condition. This proposed AD would continue to require the actions specified in AD 2020–19–13 and would expand the applicability. 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 February 14, 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*. Follow the instructions for submitting comments.
- *Fax:* 202–493–2251.
- *Mail:* U.S. Department of Transportation, Docket Operations, M–30, West Building Ground Floor, Room W12–140, 1200 New Jersey Avenue SE, Washington, DC 20590.
- *Hand Delivery:* Deliver to Mail address above between 9 a.m. and 5 p.m., Monday through Friday, except Federal holidays.

AD Docket: You may examine the AD docket at *regulations.gov* under Docket No. FAA–2024–2717; or in person at Docket Operations between 9 a.m. and 5 p.m., Monday through Friday, except Federal holidays. The AD docket contains this NPRM, the mandatory continuing airworthiness information (MCAI), any comments received, and other information. The street address for Docket Operations is listed above.

Material Incorporated by Reference:

- For Bombardier material identified in this proposed AD, contact Bombardier Business Aircraft Customer Response Center, 400 Côte Vertu Road West, Dorval, Québec H4S 1Y9, Canada; telephone 514 855 2999; email *ac.yul@aero.bombardier.com;* website *bombardier.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.

FOR FURTHER INFORMATION CONTACT: Brenda Buitrago, Aviation Safety Engineer, FAA, 1600 Stewart Avenue, Suite 410, Westbury, NY 11590; telephone 516–228–7300; email *9-avs-nyaco-cos@faa.gov.*

SUPPLEMENTARY INFORMATION:

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–2024–2717; Project Identifier MCAI–2024–00147–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 the proposal because of those comments.

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

Confidential Business Information

CBI is commercial or financial information that is both customarily and actually treated as private by its owner. Under the Freedom of Information Act (FOIA) (5 U.S.C. 552), CBI is exempt from public disclosure. If your comments responsive to this NPRM contain commercial or financial information that is customarily treated as private, that you actually treat as private, and that is relevant or responsive to this NPRM, it is important that you clearly designate the submitted comments as CBI. Please mark each page of your submission containing CBI as ''PROPIN.'' The FAA will treat such marked submissions as confidential under the FOIA, and they will not be placed in the public docket of this NPRM. Submissions containing CBI should be sent to Brenda Buitrago, Aviation Safety Engineer, FAA, 1600 Stewart Avenue, Suite 410, Westbury, NY 11590; telephone 516–228–7300; email *9-avs-nyaco-cos@faa.gov.* Any commentary that the FAA receives which is not specifically designated as CBI will be placed in the public docket for this rulemaking.

Background

The FAA issued AD 2020–19–13, Amendment 39–21256 (85 FR 60887, dated September 29, 2020) (AD 2020–19–13), for certain Bombardier, Inc., Model CL–600–1A11 (600), CL–600–2A12 (601), and CL–600–2B16 (601–3A, 601–3R, and 604 Variants) airplanes. AD 2020–19–13 was prompted by MCAI originated by Transport Canada, which is the aviation authority for Canada. Transport Canada issued AD CF–2019–26, dated July 9, 2019 (Transport Canada AD CF–2019–26), to correct an unsafe condition.

AD 2020–19–13 requires a check to identify the manufacturer and part number of the portable oxygen bottle installation, and, if necessary, modification of the portable oxygen bottle installation. The FAA issued AD 2020–19–13 to address the portable oxygen bottle installation's upper bracket latch assembly catching on the pressure gauge bezel of the portable oxygen bottle, which could prevent fast and easy access to the portable oxygen bottle in an emergency situation.

Actions Since AD 2020–19–13 Was Issued

Since the FAA issued AD 2020–19–13, Transport Canada superseded AD CF–2019–26, dated July 19, 2019, and issued Transport Canada AD CF–2024–09, dated March 14, 2024 (Transport Canada AD CF–2024–09) (referred to after this as the MCAI) to correct an unsafe condition on certain Bombardier, Inc., Model CL–600–1A11 (600), CL–600–2A12 (601), and CL–600–2B16 (601–3A, 601–3R, and 604 Variants) airplanes. The MCAI states four Model CL–600–2B16 airplanes have been added to the applicability.

This proposed AD would add airplanes to the applicability. The FAA is proposing this AD to address the portable oxygen bottle installation's upper bracket latch assembly catching on the pressure gauge tube or on the pressure gauge bezel of the portable oxygen bottle, which, if not detected and corrected, could prevent fast and easy access to the portable oxygen bottle in an emergency situation.

You may examine the MCAI in the AD docket at *regulations.gov* under Docket No. FAA–2024–2717.

Related Material Under 1 CFR Part 51

The FAA reviewed the following material:

- Bombardier Service Bulletin 600–0772, Revision 01, dated June 28, 2023;
- Bombardier Service Bulletin 601–0646, Revision 01, dated June 28, 2023;
- Bombardier Service Bulletin 604–35–006, Revision 01, dated June 28, 2023;
- Bombardier Service Bulletin 605–35–005, Revision 01, dated June 28, 2023; and
- Bombardier Service Bulletin 650–35–001, Revision 01, dated June 28, 2023.

This material specifies procedures for a check to identify the manufacturer and part number of the portable oxygen bottle installation, and, if necessary, modification of the portable oxygen bottle installation. These documents are distinct since they apply to different airplane models/configurations.

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

FAA's Determination

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

Proposed AD Requirements in This NPRM

This proposed AD would retain all requirements of AD 2020–19–13. This proposed AD would add airplanes to the applicability. This proposed AD would also require accomplishing the actions specified in the material described previously.

Clarification of Compliance Time

Paragraph (h) of AD 2020–19–13 does not include a compliance time for the modification. However, as specified in paragraph (g) of AD 2020–19–13 and this proposed AD, operators have 60 months to determine if there is any affected part, and paragraph (h) of the proposed AD provides the on-condition action (modification) if an affected part is found. Therefore, the replacement in paragraph (h) of this AD, if applicable, must also be done within 60 months.

Costs of Compliance

The FAA estimates that this AD, if adopted as proposed, would affect 192 airplanes of U.S. registry.

ESTIMATED COSTS FOR REQUIRED ACTIONS

Labor cost	Parts cost	Cost per product	Cost on U.S. operators
3 work-hours × $85 per hour = $255	$1,530	$1,785	$342,720

Authority for This Rulemaking

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

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

Regulatory Findings

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

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

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

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

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

List of Subjects in 14 CFR Part 39

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

The Proposed Amendment

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

PART 39—AIRWORTHINESS DIRECTIVES

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

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

§ 39.13 [Amended]

■ 2. The FAA amends § 39.13 by:

■ a. Removing Airworthiness Directive (AD) 2020–19–13, Amendment 39–21256 (85 FR 60887, September 29, 2020); and

■ b. Adding the following new AD:

Bombardier, Inc.: Docket No. FAA–2024–2717; Project Identifier MCAI–2024–00147–T.

(a) Comments Due Date

The FAA must receive comments on this airworthiness directive (AD) by February 14, 2025.

(b) Affected ADs

This AD replaces AD 2020–19–13, Amendment 39–21256 (85 FR 60887, September 29, 2020) (AD 2020–19–13).

(c) Applicability

This AD applies to Bombardier, Inc., airplanes, identified in paragraphs (c)(1) through (3), certificated in any category, equipped with Scott (Avox/Zodiac) 5500 or 5600 series 11 cubic foot portable oxygen bottle(s) with upper bracket part number (P/N) 36758–02, P/N 36758–12 or P/N H3–2091–1 installed at the neck of the bottle(s).

(1) Model CL–600–1A11 (600) airplanes, serial numbers 1004 through 1085 inclusive.

(2) Model CL–600–2A12 (601) airplanes, serial numbers 3001 through 3066 inclusive.

(3) Model CL–600–2B16 (601–3A, 601–3R, and 604 Variants) airplanes, serial numbers 5001 through 5194 inclusive, 5301 through 5665 inclusive, 5701 through 5988 inclusive, 6050 through 6119 inclusive, 6158, 6161, 6176, and 6181.

(d) Subject

Air Transport Association (ATA) of America Code 35, Oxygen.

(e) Unsafe Condition

This AD was prompted by a report indicating that the portable oxygen bottle installation's upper bracket latch assembly can catch on the pressure gauge tube or on the pressure gauge bezel of the portable oxygen bottle. This AD was also prompted by the determination that four additional Model CL–600–2B16 airplanes may be subject to the unsafe condition. The FAA is issuing this AD to address the unsafe condition, which, if not addressed, could prevent fast and easy access to the portable oxygen bottle in an emergency situation.

(f) Compliance

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

(g) Retained Check for Airplanes, With Revised Figure Reference and Revised Service Information

This paragraph restates the requirements of paragraph (g) of AD 2020–19–13, with revised figure reference and revised service information. For airplanes with a serial number (S/N) listed in Section 1.A. of the applicable Bombardier service information specified in figure 1 to paragraph (g) of this AD, except airplane S/Ns 6158, 6161, 6176, and 6181: Within 60 months after November 3, 2020 (the effective date of AD 2020–19–13), check each portable oxygen bottle installation to determine the manufacturer and P/N, in accordance with paragraph 2.B. of the Accomplishment Instructions of the applicable Bombardier service information specified in figure 1 to paragraph (g) of this AD.

FIGURE 1 TO PARAGRAPH (g)—SERVICE INFORMATION REFERENCES

Airplane model	Bombardier service information
Model CL–600–1A11	Bombardier Service Bulletin 600–0772, Revision 01, dated June 28, 2023.
Model CL–600–2A12	Bombardier Service Bulletin 601–0646, Revision 01, dated June 28, 2023.
Model CL–600–2B16	Bombardier Service Bulletin 601–0646, Revision 01, dated June 28, 2023.
Model CL–600–2B16	Bombardier Service Bulletin 604–35–006, Revision 01, dated June 28, 2023.

FIGURE 1 TO PARAGRAPH (g)—SERVICE INFORMATION REFERENCES—Continued

Airplane model	Bombardier service information
Model CL–600–2B16	Bombardier Service Bulletin 605–35–005, Revision 01, dated June 28, 2023.
Model CL–600–2B16	Bombardier Service Bulletin 650–35–001, Revision 01, dated June 28, 2023.

(h) Retained Bracket Modification, With Specified Compliance Time

This paragraph restates the requirements of paragraph (h) of AD 2020–19–13, with a specified compliance time. If, during the inspection specified in paragraph (g) of this AD, any portable oxygen bottle is found to be manufactured by Scott (Avox/Zodiac) and is a 5500 or 5600 series 11 cubic foot bottle, with upper bracket P/N 36758–02, 36758–12, or H3–2091–1 installed at the neck of the bottle: Within 60 months after November 3, 2020 (the effective date of AD 2020–19–13), modify the portable oxygen bottle brackets in accordance with paragraph 2.C. of the Accomplishment Instructions of the applicable Bombardier service information specified in figure 1 to paragraph (g) of this AD.

(i) Retained Check for Airplanes Not Listed in the Service Information, With Revised Figure Reference and Revised Service Information

This paragraph restates the requirements of paragraph (i) of AD 2020–19–13, with a revised figure reference and revised service information. For airplanes with a serial number that is not listed in section 1.A. of the applicable Bombardier service information specified in figure 1 to paragraph (g) of this AD, within 60 months after November 3, 2020 (the effective date of AD 2020–19–13), check each portable oxygen bottle installation to determine the manufacturer and part number and accomplish corrective actions in accordance with the procedures specified in paragraph (l)(1) of this AD.

(j) New Check Requirement for Added Airplanes

For airplane S/Ns 6158, 6161, 6176, and 6181: Within 60 months after the effective date of this AD, check each portable oxygen bottle installation to determine the manufacturer and part number and accomplish corrective actions in accordance with the procedures specified in paragraph (l)(1) of this AD.

(k) Credit for Previous Actions

This paragraph provides credit for actions required by paragraphs (g) and (h) of this AD, if those actions were performed before the effective date of this AD using the applicable material specified in paragraphs (k)(1) through (5) of this AD. This material is not incorporated by reference in this AD.

(1) Bombardier Service Bulletin 600–0772, dated June 29, 2018;

(2) Bombardier Service Bulletin 601–0646, dated June 29, 2018;

(3) Bombardier Service Bulletin 604–35–006, dated June 29, 2018;

(4) Bombardier Service Bulletin 605–35–005, dated June 29, 2018; and

(5) Bombardier Service Bulletin 650–35–001, dated June 29, 2018.

(l) Additional AD Provisions

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

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

(m) Additional Information

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

(n) Material Incorporated by Reference

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

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

(3) The following material was approved for IBR on [DATE 35 DAYS AFTER PUBLICATION OF THE FINAL RULE].

(i) Bombardier Service Bulletin 600–0772, Revision 01, dated June 28, 2023.

(ii) Bombardier Service Bulletin 601–0646, Revision 01, dated June 28, 2023.

(iii) Bombardier Service Bulletin 604–35–006, Revision 01, dated June 28, 2023.

(iv) Bombardier Service Bulletin 605–35–005, Revision 01, dated June 28, 2023.

(v) Bombardier Service Bulletin 650–35–001, Revision 01, dated June 28, 2023.

(4) For Bombardier material identified in this AD, contact Bombardier Business Aircraft Customer Response Center, 400 Côte-Vertu Road West, Dorval, Québec H4S 1Y9, Canada; telephone 514–855–2999; email *ac.yul@aero.bombardier.com;* website bombardier.com.

(5) 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.

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

Issued on December 23, 2024.

Steven W. Thompson,

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

[FR Doc. 2024–31379 Filed 12–30–24; 8:45 am]

BILLING CODE 4910–13–P

DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT

24 CFR Parts 4, 5, 75, 92, 93, 200, 570, 574, 576, 578, 700, 880, 881, 883, 884, 886, 905, 964, 965, 970, 990, 1000, 1003, 1005, 1006, and 1007

[Docket No. FR–6266–P–01]

RIN 2501–AE01

HUD's Implementation of OMB's Guidance for Federal Financial Assistance

AGENCY: Office of General Counsel, HUD.

ACTION: Proposed rule.

SUMMARY: The U.S. Department of Housing and Urban Development (HUD) is proposing to amend its regulations on Federal financial assistance to conform with 2020 and 2024 changes to Office of Management and Budget (OMB) guidance governing Federal financial assistance (previously called grants and agreements). The proposed amendments would implement the guidance and update cross-references to OMB provisions that have been renumbered or reorganized. HUD is also proposing changes to improve some grant management and administrative program regulations based on HUD's experience implementing OMB's

regulations and guidance in existing entitlement, discretionary, and other programs involving grant management and administration. Finally, HUD is proposing changes to its Title VI, Section 108, Section 184, and Section 184A loan guarantee program regulations to address OMB's changes for loan guarantee programs regarding System for Award Management (*SAM.gov*) registration and to clarify that the Section 184 and Section 184A programs are subject to audit requirements in OMB's regulations and final guidance. All these changes will improve HUD's processes for awarding Federal financial assistance and align HUD's regulations with governmentwide efforts to adopt consistent and standardized terms and data elements, implement data- and risk-based frameworks, reduce Federal agency and recipient burdens, promote consistent interpretations of OMB's regulations and guidance, and improve and maximize agencies' ability to assess performance of recipients.

DATES: *Comment Due Date:* March 3, 2025.

ADDRESSES: There are two methods for submitting public comments. All submissions must refer to the above docket number and title.

1. Electronic Submission of Comments. Comments may be submitted electronically through the Federal eRulemaking Portal at *www.regulations.gov.* HUD strongly encourages commenters to submit comments electronically. Electronic submission of comments allows the commenter maximum time to prepare and submit a comment, ensures timely receipt by HUD, and enables HUD to make comments immediately available to the public. Comments submitted electronically through *www.regulations.gov* can be viewed by other commenters and interested members of the public. Commenters should follow the instructions provided on that website to submit comments electronically.

2. Submission of Comments by Mail. Comments may be submitted by mail to the Regulations Division, Office of General Counsel, Department of Housing and Urban Development, 451 7th Street SW, Room 10276, Washington, DC 20410–0500.

Note: To receive consideration as a public comment, comments must be submitted through one of the two methods specified above.

Public Inspection of Public Comments. HUD will make all properly submitted comments and communications available for public inspection and copying during regular business hours at the above address. Due to security measures at the HUD Headquarters building, you must schedule an appointment in advance to review the public comments by calling the Regulations Division at 202–708–3055 (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 all comments submitted are available for inspection and downloading at *www.regulations.gov.*

In accordance with 5 U.S.C. 553(b)(4), a summary of this proposed rule may be found at *www.regulations.gov.*

FOR FURTHER INFORMATION CONTACT: Aaron Santa Anna, Office of General Counsel, Office of Legislation and Regulations, Department of Housing and Urban Development, 451 7th Street SW, Washington, DC 20410–8000; telephone number 202–708–1793 (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.*

SUPPLEMENTARY INFORMATION:

I. Background [1]

OMB's 2013 Uniform Guidance and HUD's Implementation

On December 26, 2013, the Office of Management and Budget (OMB) issued the Uniform Administrative Requirements, Cost Principles, and Audit Requirements for Federal Awards (Uniform Guidance), parts of which are codified in 2 CFR part 200. This Uniform Guidance ''set standard requirements for financial management of Federal awards across the entire [F]ederal government.'' [2] OMB promulgated the Uniform Guidance to (1) streamline guidance in making Federal awards to ease administrative burden and (2) strengthen financial oversight over Federal funds to reduce risks of fraud, waste, and abuse.[3]

The requirements at 2 CFR part 200 derive from previously issued policies: Executive Order (E.O.) 13520 titled Reducing Improper Payments and Eliminating Waste in Federal Programs [4] and a related Presidential Memorandum on Administrative Flexibility, Lower Costs, and Better Results for State, Local, and Tribal Governments.[5] The E.O. required agencies to improve accountability by ''intensifying efforts to eliminate payment error, waste, fraud, and abuse'' in Federal programs.[6] The Presidential Memorandum directed OMB to ''review and where appropriate revise guidance concerning cost principles, burden minimizations, and audits for State, local, and tribal governments in order to eliminate, to the extent permitted by law, unnecessary, unduly burdensome, duplicative, or low-priority recordkeeping requirements and effectively tie such requirements to achievement of outcomes.'' [7] OMB's 2013 Uniform Guidance added a new 2 CFR part 200 based on work done by the Federal and non-Federal financial assistance community in response to these directives.[8]

In a joint interim final rule published December 19, 2014, and titled ''Federal Awarding Agency Regulatory Implementation of Office of Management and Budget's Uniform Administrative Requirements, Cost Principles, and Audit Requirements for Federal Awards (UAR)'', all Federal award-making departments and agencies, including HUD, implemented OMB's 2013 Uniform Guidance.[9] HUD adopted and codified the Uniform Guidance as requirements for Federal awards at 2 CFR part 2400 and, amended 24 CFR parts 84 and 85 by

[1] Through OMB's 2024 round of revisions to its regulations and final guidance, OMB has indicated its preference for the use of the terms ''Federal financial assistance,'' ''recipient,'' and ''subrecipient'' over other terms. 89 FR 30046. This preamble sometimes uses the term ''Federal financial assistance,'' which is now used throughout OMB's regulations and guidance, in place of ''grant'' or ''Federal award,'' but this preamble also uses ''grant'' or ''Federal award'' where appropriate for a given program, when discussing prior rounds of OMB revisions (which used ''grant'' or ''Federal award''), when discussing updated OMB provisions that use ''grant'' or ''Federal award,'' or when used as part of a quote. Also in this preamble, HUD uses ''recipient'' and ''subrecipient'' interchangeably with ''grantee'' and ''subgrantee,'' respectively, as those terms are defined in OMB's regulations and guidance. See 2 CFR 200.1.

[2] 78 FR 78590, 78590 (Dec. 26, 2013).

[3] 78 FR 78590, 78950; *see also* 85 FR 3766 (Jan. 22, 2020) (providing additional explanation of OMB's 2013 final guidance).

[4] 74 FR 62201 (Nov. 25, 2009).

[5] Admin. of Barack Obama, 2011, Presidential Memorandum on Administrative Flexibility, Lower Costs, and Better Results for State, Local, and Tribal Governments (2011) [hereinafter Presidential Memo 2011], *https://www.gpo.gov/fdsys/pkg/DCPD-201100123/pdf/DCPD-201100123.pdf.*

[6] 74 FR 62201, 62201.

[7] Presidential Memo 2011, at 2.

[8] 78 FR 78590, 78591.

[9] 79 FR 75871 (Dec. 19, 2014).

removing substantive provisions implementing OMB circulars issued prior to OMB's Uniform Guidance in 2013.[10] Implementation of the Uniform Guidance became effective on December 26, 2014.[11] Shortly after, HUD published a notice that provided guidance to internal and external stakeholders on HUD's transition to the new UAR provisions.[12] On December 7, 2015, HUD published a final rule (HUD's 2015 rulemaking) to conform title 24 of the CFR to OMB's 2013 Uniform Guidance by removing references in title 24, including in HUD program regulations, to 24 CFR parts 84 and 85 and replacing them with corresponding references to 2 CFR part 200 in HUD program regulations.[13] These changes took effect January 6, 2016.[14]

OMB's 2013 Uniform Guidance and the 2014 UAR apply to the recipients (and, as provided, subrecipients) of Federal financial assistance from HUD, whether such assistance is provided in the form of grants or cooperative agreements, with such recipients and subrecipients.[15]

OMB's 2020 Updated Uniform Guidance: Summary of Changes

OMB reviews its Uniform Guidance periodically per 2 CFR 200.109. On August 13, 2020, OMB published final guidance titled ''Guidance for Grants and Agreements'', 85 FR 49506 (OMB's 2020 final guidance), which amended 2 CFR parts 25, 170, 183, and 200.[16] (Although OMB amended 2 CFR parts 25, 170, and 183, the changes made to these provisions do not require modifications to HUD's regulations at this time and thus are not the subject of this rulemaking.) OMB's 2020 final guidance, among other things, added new sections, such as the new 2 CFR 200.322, Domestic preferences for procurements; changed section numbers for several existing sections of 2 CFR part 200; revised and reorganized definitions; shifted requirements away from monitoring compliance to creating a ''risk-based, data-driven framework that balances compliance with demonstrating successful results''; implemented statutory requirements; and clarified areas to improve consistent interpretation.[17] For ease of reference, this preamble uses ''OMB's 2020 changes'' or ''2020 changes'' when referring to changes made by OMB's 2020 final guidance.

According to OMB's 2020 final guidance, the revisions were intended to support four strategies identified by the Results-Oriented Accountability for Grants Cross Agency Priority Goal Executive Steering Committee in the President's Management Agenda on March 20, 2018. Those strategies are to (1) operationalize the grants management standards, (2) establish a robust marketplace of modern solutions, (3) manage risk, and (4) achieve program goals and objectives. To further these strategies, OMB modified 2 CFR part 200, among other parts, to require Federal agencies to adopt standard data elements for the information recipients are required to report (in support of strategies 1 and 2), as well as to strengthen governmentwide approaches to performance and risk (in support of strategies 3 and 4).[18] OMB issued a reference document instructing agencies on the new revisions prior to the effective date of August 13, 2020.[19] This document stated that OMB's clarifying changes also meant to address areas of misinterpretation and reduce burdens on recipients by improving consistency in interpretation of the guidance.[20] For more information on the 2020 changes to 2 CFR part 200 and the previously mentioned strategies, see OMB's final guidance, 85 FR 49506, and OMB's reference document.[21]

Relevant to this proposed rulemaking are the following changes made by OMB's 2020 final guidance to 2 CFR part 200:

- OMB revised 2 CFR 200.318(a) and 200.319(a) to add language clarifying that those sections' (and other sections') requirements apply to procurement ''for the acquisition of property or services required under a Federal award.'' In § 200.318(a), the last phrase was revised to read, ''under a Federal award or subaward.'' OMB also reorganized 2 CFR 200.319 and separated paragraph (a) into two paragraphs (a) and (b). Therefore, where HUD's 2 CFR part 200 cross references refer to 2 CFR 200.319(a)(5), they should refer to paragraph (b)(5) under OMB's 2020 changes.
- OMB added a new section 2 CFR 200.322, *Domestic preferences for procurements,* to align with prior administration policy and E.O. 13788, Buy American and Hire American (April 18, 2017), and E.O. 13858, Strengthening Buy-American Preferences for Infrastructure Projects (January 31, 2019). Under OMB's 2020 changes, this provision stated non-Federal entities (and others subject to the requirement), as appropriate and to the extent permitted by law, should, to the greatest extent practicable under a Federal award, provide a preference for the purchase, acquisition, or use of goods, products, or materials produced in the United States (including but not limited to iron, aluminum, steel, cement, and other manufactured products). E.O. 14005, Ensuring the Future Is Made in All of America by All of America's Workers (January 25, 2021), revoked E.O. 13788 and E.O. 13858. OMB made changes to 2 CFR 200.322 through OMB's 2024 final rule and notification of final guidance, 89 FR 30046. These changes are discussed in more detail later in this preamble.
- At 2 CFR 200.340, *Termination,* OMB made changes to ensure that Federal awarding agencies could terminate a grant in whole or in part, to the greatest extent authorized by law, when the grant no longer effectuates the program goals or Federal awarding agency priorities. However, OMB also made changes focused on the need for agencies to communicate clearly to recipients, such as those changes at 2 CFR 200.211(c)(1)(v), which requires that recipients be clearly and unambiguously informed of the termination provisions at 2 CFR 200.340. OMB made further changes to 2 CFR 200.340 through OMB's 2024 final rule and notification of final guidance, 89 FR 30046. These changes are discussed in more detail later in this preamble.
- OMB revised 2 CFR 200.344, *Closeout,* ''to support timely closeout of awards, improve the accuracy of final

[10] 79 FR 75871, 76078; 80 FR 75931, 75931–32 (Dec. 7, 2015).

[11] 79 FR 75871, 75871.

[12] U.S. Dep't of Hous. & Urban Dev., Notice SD–2015–01: Transition to 2 CFR part 200, Uniform Administrative Requirements, Cost Principles, and Audit Requirements for Federal Awards, Final Guidance, (2015), *https://www.hudexchange.info/resource/4444/notice-sd201501-transition-to-2-cfr-part-200-uniform-administrative-requirements-cost-principles-and-audit-requirements-for-Federal-awards-final-guidance/.*

[13] 80 FR 75931, 75931–32.

[14] 80 FR 75931, 75931.

[15] OMB has used terms such as ''non-Federal entities'' in the past to collectively refer to recipients and subrecipients. *E.g.,* 85 FR 49506. However, under OMB's 2024 changes, OMB is replacing the term ''non-Federal entity'' with ''recipients,'' ''subrecipients,'' or both. See 89 FR 30046, 30047. HUD is adopting this terminology for this preamble and in HUD's regulations in title 24 of the Code of Federal Regulations.

[16] As explained in section II of this proposed rule, while OMB amended 2 CFR parts 25, 170, and 183, in its 2020 final guidance, the changes made to these parts do not require modifications to HUD's regulations at this time.

[17] 85 FR 49506, 49506.

[18] 85 FR 49506, 49506.

[19] Office of Mgmt. & Budget, Reference Document for **Federal Register** Document Number: 2020–17468 (2020), *https://www.trumpadministration.archives.performance.gov/CAP/20200812-2-CFR-Revision-Redline_Final.pdf.*

[20] *Id.* at 46–53.

[21] *https://www.trumpadministration.archives.performance.gov/CAP/20200812-2-CFR-Revision-Redline_Final.pdf.*

closeout reporting, and reduce recipient burden.'' [22] At § 200.344(a), OMB revised language to extend the deadline for report submission by recipients, established a deadline for subrecipients to submit reports to pass-through entities, and made changes such as changing ''non-Federal entity'' to ''recipient'' and adding ''or an earlier date as agreed upon by the pass-through entity and subrecipient.'' OMB made further changes to 2 CFR 200.344 through OMB's 2024 final rule and notification of final guidance, 89 FR 30046. These changes are discussed in more detail later in this preamble.

• OMB added a new paragraph (h) to 2 CFR 200.403, *Factors affecting allowability of costs.* Section 200.403 lists general criteria for costs to be allowed under Federal awards. New paragraph (h) states that costs must be incurred during the approved budget period, and it authorizes Federal awarding agencies to waive prior written approvals for carrying forward unobligated balances to later budget periods per § 200.308(e)(3). OMB made further changes to 2 CFR 200.403 through OMB's 2024 final rule and notification of final guidance, 89 FR 30046. These changes are discussed in more detail later in this preamble.

• OMB revised 2 CFR 200.414(f) to change the requirement permitting use of the 10 percent de minimis rate election for recovering indirect costs. Previously, a non-Federal entity was permitted to use the 10 percent de minimis option only if it had never received a negotiated indirect cost rate. The new rule permits use of the de minimis rate of 10 percent if the non-Federal entity does not have a current negotiated rate. OMB clarified that no documentation is required to justify the 10 percent de minimis indirect cost rate. OMB made further changes to 2 CFR 200.414(f) through OMB's 2024 final rule and notification of final guidance, 89 FR 30046. These changes are discussed in more detail later in this preamble.

• OMB revised 2 CFR 200.465, *Rental costs of real property and equipment,* by redesignating paragraph (c)(5) as paragraph (d), revising the text of paragraph (d), and adding a new paragraph (e). Revisions to paragraph (d) replace the reference to ''leases which are required to be treated as capital leases'' (in accordance with generally accepted accounting principles, GAAP) with ''leases which are required to be accounted for as a financed purchase under [Governmental Accounting Standards Board (GASB)] standards or a finance lease under [Financial Accounting Standards Board (FASB)] standards[.]'' New paragraph (e) provides for general allowability of rental or lease payments under lease contracts where the non-Federal entity must recognize an intangible right-to-use lease asset (per GASB) or right of use operating lease asset (per FASB) for purposes of financial reporting in accordance with generally accepted accounting principles. OMB made further changes to 2 CFR 200.465 through OMB's 2024 final rule and notification of final guidance, 89 FR 30046. These changes are discussed in more detail later in this preamble.

• OMB revised 2 CFR 200.515, *Audit reporting,* to better align the regulation with the Federal Audit Clearinghouse's audit form and collections on financial statements. Section 200.515 requires auditors to determine and provide an opinion on whether an auditee's financial statements ''are presented fairly in all material respects.'' Section 200.515 permits use of GAAP to make such determinations. OMB revised § 200.515 to permit use of a special purpose framework, such as cash, modified cash, or regulatory as required by State law, in addition to GAAP. OMB made further changes to 2 CFR 200.515 through OMB's 2024 final rule and notification of final guidance, 89 FR 30046. These changes are discussed in more detail later in this preamble.

OMB's 2024 Final Rulemaking and Notification of Final Guidance for Federal Financial Assistance

On October 5, 2023, OMB published another proposed rule to revise OMB's guidance and its regulations in title 2 of the Code of Federal Regulations, including, among other parts, part 200. 88 FR 69390 (October 2023 proposed rule). OMB's proposed rule sought to further streamline, clarify, and update the guidance, including raising certain thresholds, where permissible under law, in recognition of inflation over time. The proposals were based on four objectives: (1) incorporating statutory requirements and administration priorities related to Federal financial assistance; (2) reducing agency and recipient burden; (3) clarifying sections that recipients or agencies have interpreted in different ways; and (4) rewriting applicable sections in plain language, improving flow, and addressing inconsistent use of terms.

OMB partially based its proposed changes on Federal agency input from ongoing engagement with Federal agencies and the broader Federal financial assistance community, and from Federal agency comments and public comments on a previously issued Request for Information (RFI) that OMB published on February 9, 2023. 88 FR 8480. The RFI announced that OMB would be proposing revisions to chapters I and II of subtitle A of title 2 of the Code of Federal Regulations, which includes 2 CFR part 200 among other parts, and requested public comment on 2 CFR and several specific questions. OMB also published a proposed rule on the same date proposing to revise OMB Guidance for Grants and Agreements and soliciting public comment on the rule's proposals. 88 FR 8374 (OMB's 2023 proposed rule).[23] OMB proposed to create a new part 184 in 2 CFR chapter I and revise 2 CFR 200.322 to support implementation of the Build America, Buy America Act provisions of the Infrastructure Investment and Jobs Act (IIJA) [24] and to clarify existing requirements.[25]

After consideration of further public and Federal agency comments on the October 2023 proposed rule, OMB published a final rule on April 22, 2024, to finalize changes to guidance and OMB regulations in title 2 of the CFR, 89 FR 30046 (OMB's 2024 final rule), parts 1, 25, 170, 175, 180, 182, 183, 184, and 200.[26] OMB finalized these changes for purposes related to the four objectives stated in the October 2023 proposed rule, and to improve Federal financial assistance management, transparency, and oversight through more accessible and comprehensible guidance. OMB largely retained the overall structure and part, subpart, and section number organization from prior

[22] *Id.* at 32.

[23] The public comment period for this proposed rule ended on March 13, 2023.

[24] The Build America, Buy America Act (''BABA'' or ''the Act'') was enacted on November 15, 2021, as part of the Infrastructure Investment and Jobs Act (''IIJA'') (Pub. L. 117–58).

[25] Under the proposed rule, the new part 184 would address the Buy America Preference for all awards with infrastructure expenditures set forth in section 70914 of the Act, generally align with OMB guidance M–22–11, provide definitions for the purposes of 2 CFR part 184 and a common framework for applying Buy America Preferences to Federal Financial Assistance, include guidance for determining the cost of manufactured products and use the definition of ''cost of components'' in the Federal Acquisition Regulation (FAR) (48 CFR 25.003) that is used for Federal procurement, and include OMB's proposed standards for ''all manufacturing processes'' for the manufacture of construction materials. OMB's rule also proposed to modify 2 CFR 200.322 to direct Federal agencies to the new part in chapter I (2 CFR part 184) for guidance on all awards that include infrastructure projects.

[26] As explained in section II. of this proposed rule, while OMB amended 2 CFR parts 1, 170, 175, 180, 182, 183, and 184 in its 2024 final guidance, the changes made to these parts do not require modifications to HUD's regulations at this time. Some provisions in 2 CFR part 25 are relevant to this rulemaking, as explained later in this preamble.

iterations of its guidance and regulations. OMB made many plain language revisions to simplify text, reduce technical verbiage, and increase consistency and brevity, but largely did not change the substantive content of the guidance and regulations. The changes from OMB's 2024 final rule became effective October 1, 2024.[27]

Relevant to this proposed rulemaking are the following changes made by OMB's 2024 final guidance to 2 CFR part 25:

- OMB amended 2 CFR 25.105, *Applicability,* which now provides in paragraph (a) that 2 CFR part 25 applies to all applicants for and recipients of Federal financial assistance as defined in 2 CFR 25.400 unless exempted by Federal statute or 2 CFR 25.110. Under revised paragraph (b), subrecipients must obtain a unique entity identifier (UEI) by registering with the System for Award Management (*SAM.gov*) and acquiring a UEI through that website, as discussed below, in accordance with 2 CFR part 25, subpart C. OMB also clarified in a new paragraph (d) that recipients of the guarantee from the Federal agency, including for-profit lenders participating in loan guarantee programs, are required to register in *SAM.gov.* These lenders are also required to complete entity validations and acquire a UEI. Finally, a Federal agency may require non-individual beneficiary borrowers, including small businesses or corporations, to obtain a UEI or register in *SAM.gov.* There is no change to the underlying requirements, but OMB has clarified that applicability extends to lenders participating in loan guarantee programs.
- OMB revised 2 CFR 25.200, *Requirements for notice of funding opportunities, regulations, and application instructions,* to reorganize, provide clarity, and make plain language changes, but did not make substantive changes.[28]
- OMB revised 2 CFR 25.205, *Effect of noncompliance with a requirement to obtain a UEI or register in SAM.gov,* to make plain language revisions and provide minor clarifications, including that the requirement to have an active UEI does not apply to amendments to terminate or close a Federal award.
- OMB revised 2 CFR 25.300, *Requirement for recipients to ensure subrecipients have a unique entity identifier,* to make plain language changes, but did not make substantive changes.
- OMB amended the definition of *Federal financial assistance* in 2 CFR 25.400, *Definitions,* by adding ''loan guarantee'' as a form of assistance that constitutes Federal financial assistance. Read together with revised 2 CFR 25.105, OMB's changes clarify that 2 CFR part 25 applies to loan guarantee assistance.
- OMB amended Appendix A to 2 CFR part 25, *Award Term,* to make plain language revisions and minor clarifying edits, but did not make substantive changes. Appendix A to 2 CFR part 25 requires, among other things, that recipients to maintain current and active registration in *SAM.gov* until the recipient submits all final reports required under a Federal award or receives final payment, whichever is later; that recipients notify potential subrecipients that no entity may receive a subaward until the entity has provided its UEI to the recipient; and that recipients must not make subawards to an entity unless the entity has provided its UEI to the recipient.

Relevant to this proposed rulemaking are the following changes made by OMB's 2024 final guidance to 2 CFR part 200:

- OMB revised the definition of *Cost sharing* in 2 CFR 200.1 by removing ''*or matching*'' from the previously defined term ''*Cost sharing or matching*''. Instead, OMB has clarified that *cost sharing* includes *matching,* meaning the required levels of cost share that must be provided by entities such as recipients, subrecipients, and third parties. The definition continues to cross-reference 2 CFR 200.306, *Cost sharing.*
- OMB revised the definition of *Modified Total Direct Cost (MTDC),* in 2 CFR 200.1, by changing the two dollar amounts of $25,000 in the definition to $50,000. The MTDC definition now provides that MTDC includes up to the first $50,000 of each subaward, and that MTDC excludes the portion of each subaward in excess of $50,000.
- OMB revised the definition of *Federal financial assistance* in 2 CFR 200.1 by replacing ''non-Federal entities'' and with ''recipients or subrecipients'' throughout. The revised definition now specifies that 2 CFR part 200 provisions, including, under paragraph (2) of the definition of *Federal financial assistance,* 2 CFR 200.203 and subpart F of 2 CFR part 200, apply to loan guarantee program assistance that goes to or is administered by recipients and subrecipients. Under the previously existing definition of ''Non-Federal entity'' under 2 CFR 200.1, for-profit entities were not included.
- OMB made several revisions to 2 CFR 200.101, *Applicability.* Of relevance to this rulemaking's proposed changes to HUD regulations in 24 CFR parts 5, 1005, and 1007: OMB removed the table 1 for paragraph (b), and reorganized and clarified text describing the applicability of 2 CFR part 200 subparts and provisions for different types of Federal financial assistance, including loan guarantee program assistance. The items under revised paragraph (b)(5), including agreements for loan guarantees, are subject to 2 CFR part 200, subpart F, Audit Requirements only when awarded to a non-Federal entity as defined in 2 CFR 200.1.[29]
- Under 2 CFR 200.208, *Specific conditions,* paragraph (d), before OMB's 2024 changes, if a Federal awarding agency or pass-through entity was imposing additional requirements through specific conditions, they were required to notify the applicant or non-Federal entity without specification as to when this notice must be provided. Under revised paragraph (d), the Federal agency or pass-through entity must notify the recipient or subrecipient *prior* to imposing specific conditions. Notification must include the nature of and reason for the specific conditions, the action needed to remove them, the time allowed for completing such actions, and the method for requesting the Federal agency or pass-through entity to reconsider imposing a specific condition. 2 CFR 200.208(d)(1) through (5).
- OMB reorganized and revised 2 CFR 200.307. The previous paragraph (e), concerning use of program income, has been moved to new paragraph (b)(2). Additionally, OMB simplified language by revising all paragraphs in § 200.307(b), but the substantive requirements did not change. For purposes of cross-reference updates in this rulemaking, HUD notes that preexisting paragraph (e)(2) is now in paragraph (b)(2).
- OMB revised 2 CFR 200.317 by, among other things, adding ''Indian Tribes'' where States are mentioned in the regulation. This means that, if applicable, Indian Tribes receiving HUD Federal financial assistance must use their own procurement policies and procedures when conducting procurement transactions under a

[27] This rulemaking is part of HUD's effort to implement OMB's changes for HUD regulations and programs. ''Consistent with 2 CFR 200.106 and applicable law, Federal agencies must take appropriate steps to ensure the 2024 Revisions are effective for all Federal awards issued on or after October 1, 2024.'' OMB Memorandum M–24–11, *https://www.whitehouse.gov/wp-content/uploads/2024/04/M-24-11-Revisions-to-2-CFR.pdf.*

[28] 89 FR 30052.

[29] Non-Federal entity under 2 CFR 200.1 ''means a State, local government, Indian Tribe, Institution of Higher Education (IHE), or nonprofit organization that carries out a Federal award as a recipient or subrecipient.''

Federal award. If these policies and procedures do not exist, then a Tribe must follow the procurement standards in 2 CFR 200.318 through 200.327. Applicability does not extend to Tribally Designated Housing Entities under OMB's revisions.

- OMB revised 2 CFR 200.318 by, among other things, removing the term ''non-Federal entity'' and replacing it with ''recipient or subrecipient''. Paragraph (c) of this section concerns conflicts of interest, including organizational conflicts of interest, and is of relevance to this rulemaking. (Paragraph (c) was not changed substantively other than the addition of a ''board member with a real or apparent conflict of interest'' to the list of persons who may not participate in the selection, award, or administration of a contract supported by the Federal award.)
- After its 2020 changes to 2 CFR 200.319, OMB further reorganized and revised this section in its 2024 round of changes. Of relevance to this rulemaking is the requirement under what was, prior to OMB's 2020 and 2024 changes, paragraph (a)(5): To ensure objective contractor performance and eliminate unfair competitive advantage, contractors that develop or draft specifications, requirements, statements of work, or invitations for bids or requests for proposals must be excluded from competing for such procurements. One situation ''considered to be'' restrictive of competition is organizational conflicts of interest; this example was, prior to OMB's 2020 and 2024 changes, provided in § 200.319(a)(5). These requirements are now found in paragraph (b), which speaks to the exclusions for procurement competition, and (c)(5), which contains the organizational conflicts of interest example. Therefore, where HUD's regulations cross reference 2 CFR 200.319(a)(5), they should now cross reference 2 CFR 200.319(b) and (c)(5) following OMB's 2020 and 2024 changes.
- OMB revised 2 CFR 200.321, *Contracting with small businesses, minority businesses, women's business enterprises, veteran-owned businesses, and labor surplus area firms,* such that this section (as of October 1, 2024) no longer requires but instead recommends actions to ensure consideration of minority, women, and veteran-owned businesses and labor surplus area firms. OMB added qualifying language, ''When possible,'' to the beginning of paragraph (a), changed the language of requirement ''must'' in paragraph (a) to discretionary language ''should'' to state that a recipient or subrecipient ''should ensure'' that such businesses and firms are considered, and replaced the term ''Affirmative steps must include'' with ''Such consideration means''. OMB also added the category of ''veteran-owned business'' to this section for the first time. Finally, OMB made several changes for simplification of language and clarification.
- In 2 CFR 200.322, OMB added a new paragraph (c) stating that Federal agencies providing Federal financial assistance for infrastructure projects must implement the Buy America preferences set forth in 2 CFR part 184. While HUD is not proposing that any of its regulations specifically cross-reference 2 CFR part 184, where HUD's regulations do require applicability or compliance with 2 CFR 200.322 and/or 2 CFR part 200, subpart D (which contains 2 CFR 200.322), this also necessarily includes 2 CFR part 184 where Federal financial assistance is provided for infrastructure projects.
- OMB revised 2 CFR 200.331 by, among other things, clarifying in paragraph (b) that a contract is for the purpose of obtaining goods and services for the recipient's or subrecipient's (previously ''the non-Federal entity's own'') use and creates a procurement relationship with a contractor.
- OMB revised 2 CFR 200.403(h) to add language clarifying that administrative closeout costs may be incurred until the due date of the final report(s) and, if incurred, these costs must be liquidated prior to the due date of the final report(s) and charged to the final budget period of the award unless otherwise specified by the Federal agency. OMB also made minor edits to the existing language of paragraph (h) for plain language and clarification.
- Through its 2024 final guidance, OMB amended 2 CFR 200.414(f) by:
  - Providing that recipients and subrecipients that do not have a current negotiated indirect cost rate may elect to charge a de minimis rate;
  - Removing the exception for non-Federal entities described in 2 CFR part 200 appendix VII, paragraph D.1.b;
  - Increasing the amount of the de minimis indirect cost rate from 10 to 15 percent of MTDC, and expressly authorizing the recipient or subrecipient to determine the appropriate rate up to this limit;
  - Specifying that Federal agencies and pass-through entities cannot require recipients and subrecipients to use a de minimis rate lower than the negotiated indirect cost rate or the rate chosen pursuant to § 200.414, unless required by Federal statute or regulation;
  - Prohibiting application of the de minimis rate to cost reimbursement contracts issued directly by the Federal government in accordance with the Federal Acquisition Regulation (FAR);
  - Specifying that recipients and subrecipients are not required to use the de minimis rate;
  - Clarifying that if a recipient or subrecipient elects to use the de minimis rate or a lower rate, or if it is required to use a lower rate by Federal statute or regulation, it must use the de minimis rate for all Federal awards until the recipient or subrecipient choose to receive a negotiated rate; and
  - Removing language that permitted a non-Federal entity to apply to negotiate a rate at any time.

  OMB retained (but moved, within § 200.414(f)) language stating that the de minimis rate does not require documentation to justify its use and may be used indefinitely.
- OMB revised 2 CFR 200.445(b) by removing the phrase ''regardless of whether reported as taxable income to the employees'' in the provision stating that housing costs, housing allowances, and personal living expenses for the recipient's or subrecipient's employees are only allowable as direct costs and must be approved in advance by the Federal agency.
- OMB revised 2 CFR 200.472 by, among other things, adding a new paragraph (b) that states that administrative costs related to closeout activities of a Federal award are allowable and the recipient or subrecipient may charge the Federal award during the closeout for the necessary administrative costs of that Federal award. Section 200.472(b) provides examples including salaries of personnel preparing final reports, publication and printing costs, costs associated with the disposition of equipment and property, and related indirect costs. The provision also repeats requirements stated in 2 CFR 200.403(h): The administrative costs may be incurred until the due date of the final report(s) and, if incurred, the costs must be liquidated prior to the due date of the final report(s) and charged to the final budget period of the award unless otherwise specified by the Federal agency.

II. This Proposed Rule

This proposed rule is necessary to incorporate into HUD's regulations and bring into effect the updated Uniform Guidance issued by OMB in 2020 (OMB's 2020 final guidance),[30] and

[30] 85 FR 49506 (Aug. 13, 2020). Some of OMB's changes and the updated Uniform Guidance are already in effect based on language in a Federal award or through another implementation method.

OMB's Guidance for Federal Financial Assistance issued in 2024 (OMB's 2024 final guidance).[31] Implementation of this guidance will reduce administrative burden and decrease risk of waste, fraud, and abuse for HUD's management of Federal financial assistance. Because HUD previously implemented OMB's guidance into HUD's Federal financial assistance management regulations throughout title 24 of the CFR, OMB's 2020 and 2024 amendments require that HUD review those regulations and incorporate changes made in 2 CFR part 200 and, as applicable, the other parts in title 2 of the CFR amended by OMB. During this process HUD has also identified instances where technical corrections to HUD regulations are necessary. Although OMB also amended 2 CFR parts 25, 170, and 183 in OMB's 2020 final guidance, and OMB amended 2 CFR parts 1, 25, 170, 175, 180, 182, 183, and 184 in OMB's 2024 final guidance, the changes being made to these provisions do not require modifications to HUD's regulations at this time, with the exception of changes to 2 CFR part 25 made through OMB's 2024 final guidance, which is explained in more detail elsewhere in this preamble.

Specifically, through this proposed rule HUD is proposing to make technical changes to 2 CFR part 200 cross-references to conform HUD's regulations with revisions made by OMB. OMB also made substantive changes to certain 2 CFR part 200 provisions that HUD previously implemented in its regulations, and HUD is proposing conforming changes to implement new or changed requirements in relevant 2 CFR part 200 provisions. HUD is also proposing to amend its regulations based on its experience implementing 2 CFR part 200 to improve clarity and consistency in HUD regulations that cross-reference 2 CFR part 200 or specific subparts or provisions. HUD's proposed changes are explained in more detail below. This includes proposed changes to HUD's Housing Trust Fund (HTF) program regulations to establish program-specific procedures and better align programmatic and administrative requirements for HTF grant closeout. Additionally, HTF program regulations are modeled off of HUD's HOME Investment Partnership program regulations, so HUD is proposing some changes in this rulemaking that would align HTF regulations with changes related to 2 CFR part 200 proposed in HUD's recent proposed rule for the HOME program.[32] Finally, because some of OMB's 2024 changes affect loan guarantee programs, and because HUD has yet to codify in regulation some requirements that have applied to loan guarantee programs even before OMB's 2020 changes, HUD is proposing to amend its Section 184 and 184A program regulations (24 CFR parts 1005 and 1007, respectively) to implement the relevant requirements. HUD is seeking public comment on its proposed changes.

Conforming Technical Changes Based on OMB's 2020 and 2024 Updates to Uniform Guidance

Cross Reference Updates

Through this proposed rulemaking, HUD is proposing to make technical changes to 2 CFR part 200 cross-references to conform HUD's regulations with revisions made by OMB in its two rounds of changes, 2020 and 2024. For example, through its 2020 final guidance, OMB removed all 2 CFR part 200 sections containing specific definitions, sections 2 CFR 200.2 through 200.99, and added all the definitions in those sections into a general ''Definitions'' section, 2 CFR 200.1. Therefore, in its regulations at title 24, HUD proposes replacing any cross-references to sections 2 CFR 200.2 through 200.99 (which no longer exist) with a cross-reference to 2 CFR 200.1. For example, HUD proposes to revise 24 CFR 4.9(a)(iii) by removing the cross-reference ''2 CFR 200.80,'' which previously contained the definition of ''program income,'' and adding in its place a cross-reference to 2 CFR 200.1, which now contains the definition for ''program income.''

Through its 2020 and 2024 final guidance, OMB revised and reorganized some sections, such as 2 CFR 200.319. This created new paragraph and regulatory text organization and some new paragraph designations within these 2 CFR provisions. Therefore, through this rulemaking, HUD is proposing to update cross-references in HUD's existing regulations, such as 24 CFR 700.175(b) and 1003.606(a)(1), which cross-reference 2 CFR 200.319(a)(5), to reference the new, correct paragraph(s). In this example, the cross-reference to 2 CFR 200.319(a)(5) would be updated to 2 CFR 200.319(b) and (c)(5), since the information previously contained in 2 CFR 200.319(a)(5) is now split into several paragraphs with new paragraph designations because of changes from both OMB's 2020 and 2024 final guidance.

HUD is also proposing updates to cross-references to point to more specific 2 CFR part 200 subparts or provisions. For example, 24 CFR 75.31 provides for recordkeeping requirements and states that documentation must be maintained for a time period in accordance with applicable program regulations or, in the absence of such regulations, ''in accordance with 2 CFR part 200.'' For clarity, HUD proposes to replace the cross-reference in 24 CFR 75.31(c) to 2 CFR part 200 with a reference to 2 CFR 200.334, which specifies a three-year requirement and exceptions to this requirement. In addition, HUD proposes changes to cross-reference more specific 2 CFR part 200 subparts or provisions in § 75.33(a), to cross-reference 2 CFR 200.334; and § 570.509(b)(3), to cross-reference 2 CFR part 200, subpart F.

Finally, some of HUD's regulations, 24 CFR 570.502(a) for example, cross reference 2 CFR provisions by only section number (not CFR title number 2) and then by section title: in § 570.502(a)(1), ''Section 200.305 'Payment' ''. This could refer to § 200.305 in any title of the CFR. HUD is proposing to clarify that the cross-references are to title 2 provisions by revising these cross-references to read, *e.g.,* ''2 CFR 200.305.'' OMB's 2024 changes also changed the section titles of some of these 2 CFR part 200 provisions. For example, 2 CFR 200.306, which 24 CFR 570.502(a)(2) cross-references as ''Section 200.306 'Cost sharing or matching,' '' is no longer ''Cost sharing or matching'' but ''Cost sharing''. HUD is proposing to remove the section titles from the 2 CFR part 200 cross-references in its regulations to remove the need to update HUD's regulations to account for any future change in section titles of 2 CFR part 200 provisions. HUD is therefore proposing for 24 CFR 570.502(a)(1) to simply cross-reference ''2 CFR 200.305,'' and, for paragraph (a)(2), ''2 CFR 200.306,'' and so on. HUD is proposing these technical changes in 24 CFR 570.502(a), 1000.26(a), and 1003.501(a).

Section 570.489 Program Administrative Requirements

Through OMB's 2020 changes to 2 CFR part 200, OMB removed section 2 CFR 200.88, which contained the definition of ''simplified acquisition threshold'' (SAT), and moved the SAT definition into the new definitions section 2 CFR 200.1. OMB also revised the definition of ''simplified acquisition threshold'' to cross-reference 2 CFR 200.320 and clarify that the SAT ''for

[31] 89 FR 30046 (April 22, 2024). OMB's changes go into effect October 1, 2024.

[32] 89 FR 46618.

procurement activities administered under Federal awards'' is set by the Federal Acquisition Regulation at 48 CFR subpart 2.1.[33] In § 570.489(j), HUD is proposing to remove the language ''the threshold for small purchase procurement (2 CFR 200.88),'' and replace it with ''the simplified acquisition threshold (2 CFR 200.1) set by the FAR at 48 CFR part 2, subpart 2.1.'' This will incorporate OMB's renumbering of 2 CFR part 200 definitions and make HUD's regulatory language consistent with the language in the SAT definition in 2 CFR 200.1.

Conforming Substantive Changes Based on OMB's 2020 and 2024 Updates to Uniform Guidance

Some of OMB's changes to the Uniform Guidance add new requirements or changes to existing requirements. HUD has reviewed these substantive changes and seeks to implement OMB's permissive requirement for consideration of small, minority, veteran-owned, and women's business enterprises and labor surplus area firms in 2 CFR 200.321; OMB's indirect cost requirements in section 2 CFR 200.414(f); and OMB's audit reporting requirements in 2 CFR 200.515. The relevant substantive changes to OMB's Uniform Guidance and HUD's corresponding proposed changes are outlined in this section. HUD is proposing to make these changes to align its program regulations with OMB's regulations and 2020 and 2024 final rules and final guidance. Doing so will help HUD regulations and programs to achieve or better achieve the objectives outlined in the preambles of OMB's rulemakings: align with statutory requirements and administration priorities, reduce agency and recipient burden, and strengthen Federal agency approaches to performance and risk.

Application, Registration, and Submission Requirements: §§ 5.1001 Through 5.1005

Following OMB's 2024 changes to 2 CFR 25.105, 2 CFR part 25 applies to applicants for and recipients of Federal financial assistance as defined in 2 CFR 25.400 unless a Federal statute or 2 CFR 25.110 provides for an exemption. OMB's changes to the definition of *Federal financial assistance* in 2 CFR 25.400 clarify that loan guarantees constitute Federal financial assistance for purposes of 2 CFR part 25. The changes to 2 CFR 25.105 and 25.400 together mean that 2 CFR part 25 applies to loan guarantee assistance. HUD is proposing conforming changes to 24 CFR 5.1001 that would incorporate OMB's new applicability language and include loan guarantees as a form of Federal financial assistance subject to the requirements of HUD regulations that implement 2 CFR part 25: 24 CFR 5.1001 through 5.1005 (24 CFR part 5, subpart K).

HUD regulations at §§ 5.1003 and 5.1004 implement OMB's preexisting provisions in title 2 of the Code of Federal Regulations related to use of a unique entity identifier and the System of Award Management (SAM), 2 CFR 25.200 and 25.205. HUD implemented these OMB provisions as part of its prior 2 CFR rulemaking effort to implement OMB's 2013 uniform guidance, and HUD's regulations currently only expressly incorporate these requirements for applicants of Federal financial assistance, not recipients and subrecipients.[34] HUD is proposing conforming changes to 24 CFR 5.1003 and 5.1004 to align them with the revised OMB provisions and to clarify that certain requirements extend to applicants, in § 5.1003, and also to recipients and subrecipients, in § 5.1004. HUD is proposing conforming changes to § 5.1003 to incorporate the revised language in OMB's revised 2 CFR 25.200 and 25.205. HUD is also proposing to maintain some of the structure and language in current 24 CFR 5.1003 related to consortium arrangements. HUD is similarly proposing conforming changes to 24 CFR 5.1004 to align it with revised 2 CFR 25.200, 25.205, 25.300, and appendix A to 2 CFR part 25. HUD is proposing to incorporate 2 CFR 25.205(d) in § 5.1004(c) to clarify UEI and *SAM.gov* requirements for recipients of loan guarantee assistance.[35]

Section 5.1005 of title 24 of the CFR currently incorporates HUD's requirements for electronic submission of applications for HUD assistance.[36] These requirements apply only for applications submitted in response to any application that HUD has placed on the *www.grants.gov* website. This website, *grants.gov,* is only applicable for awards made via competition, and not all HUD programs use *grants.gov* for electronic submission of applications. Additionally, in response to public comment, OMB stated in its 2024 final rulemaking that it would not implement a single, centralized application system or related provisions.[37] HUD is therefore proposing to remove the existing requirements in 24 CFR 5.1005.

OMB's regulations at 2 CFR 25.220(a), as revised through OMB's 2024 changes, require all awards of Federal financial assistance to include the award term in appendix A to 2 CFR part 25. This was a preexisting requirement; OMB's 2024 changes did not alter its substance, but this requirement has only been included indirectly via cross-reference in HUD's regulations up to this point.[38] HUD is therefore proposing a new § 5.1005 that would provide that every agreement for Federal financial assistance executed by HUD with a recipient on or after October 1, 2024, is subject to the Award Term in appendix A to 2 CFR part 25.

Section 92.508 Recordkeeping

Through OMB's 2024 changes, OMB revised 2 CFR 200.321 by removing the requirement that non-Federal entities ''must take all necessary affirmative steps to assure'' use of minority businesses, women's business enterprises, and labor surplus area firms, and replacing it with a statement that ''[w]hen possible, the recipient or subrecipient *should* ensure'' (emphasis added) consideration of small businesses, minority businesses, women's business enterprises, veteran-owned businesses, and labor surplus area firms, for contracting purposes. Affirmative steps to ensure use of these entities is no longer a requirement, and, instead, consideration of these entities

[33] On July 2, 2020, the Department of Defense, the General Services Administration (GSA), and the National Aeronautics and Space Administration (NASA) finalized changes to the Federal Acquisition Regulation at 48 CFR part 2, subpart 2.1, in a final rule titled ''Federal Acquisition Regulation; Federal Acquisition Circular 2020–07; Introduction.'' 85 FR 40060; *see also* FAR Case 2018–004, titled ''Federal Acquisition Regulation: Increased Micro-Purchase and Simplified Acquisition Thresholds,'' at 85 FR 40064. That final rule, among other things, increased the general simplified acquisition threshold amount from $150,000 to $250,000. These changes are not directly relevant to HUD's reasoning for proposing changes to 24 CFR 570.489(j), but are worth noting.

[34] 80 FR 75931.

[35] HUD's proposed 24 CFR 5.1004(b) incorporates provisions in 2 CFR part 25, Appendix A, *Award Term.*

[36] *See* 70 FR 77292. HUD's requirements originate from goals set by the President in the President's Management Agenda for Fiscal Year 2002, which furthered the objectives of the Federal Financial Assistance Management Improvement Act of 1999 and the Government Paperwork Elimination Act. 69 FR 68218. The Federal Financial Assistance Management Improvement Act of 1999, which required Federal agencies to streamline and simplify the application, administrative, and reporting procedures for Federal financial assistance programs, ceased to be effective on Nov. 20, 2007.

[37] 89 FR 30072.

[38] See existing 24 CFR 5.1004, ''Applicants for HUD financial assistance that are subject to this subpart are required to register with the System of Award Management (SAM) and have an active registration in SAM in accordance with 2 CFR part 25, appendix A in order for HUD to obligate funds and for an awardee to receive an award of funds from HUD.''

is now an option that OMB regulations encourage ''when possible''. Additionally, the list of entities has expanded and now includes small businesses and veteran-owned businesses. Through this rulemaking, HUD is proposing to add a new paragraph (a)(7)(ii)(C) to 24 CFR 92.508 to require participating jurisdictions to establish and maintain records of any efforts to consider small businesses, minority businesses, women's business enterprises, veteran-owned businesses, and labor surplus area firms, as described in 2 CFR 200.321. HUD's current recordkeeping requirements in this section only address HOME statutory requirements; HUD is proposing this change to clarify that the recordkeeping requirements include records for groups mentioned within 2 CFR part 200 even if not mentioned within the HOME statute.

Indirect Costs: §§ 570.206, 576.109, and 578.63

Through its 2020 final guidance, OMB amended 2 CFR 200.414(f) to expand use of the de minimis indirect cost rate of 10 percent of modified total direct costs (MTDC), defined in 2 CFR 200.1. Under OMB's 2020 changes, § 200.414(f) stated that any non-Federal entity that does not have a current negotiated indirect cost rate, except for a non-Federal entity described in paragraph D.1.b of appendix VII to 2 CFR part 200,[39] may elect to charge the de minimis rate.

Through its 2024 final guidance, OMB further amended 2 CFR 200.414(f) by, among other things, increasing the amount of the de minimis indirect cost rate from 10 to up to 15 percent of MTDC, and as otherwise described previously in the ''OMB's 2024 Final Rulemaking and Notification of Final Guidance for Federal Financial Assistance'' section in the ''Background'' section of this preamble.

HUD's regulation at 24 CFR 578.63(b) currently states that indirect costs may be allocated to eligible activities ''consistent with *an indirect cost rate proposal developed in accordance with* 2 CFR part 200, subpart E,'' (emphasis added). This does not contemplate use of the de minimis rate, which is included under 2 CFR part 200, subpart E, but is not considered an indirect cost rate proposal. Other HUD regulations state that direct costs may be allocated to eligible activities ''consistent with 2 CFR part 200, subpart E,'' without reference to an indirect cost rate proposal.[40] Therefore, HUD proposes to revise language in § 578.63(b) to state that indirect costs may be allocated consistent with 2 CFR part 200, subpart E, and remove reference to an ''indirect cost rate proposal.'' This will end confusion over the permissible use of a de minimis rate as contemplated by 2 CFR 200.414 and improve consistency with other HUD regulations.

Under the regulations for several of HUD's Community Planning and Development (CPD) programs, the programs' administrative cost caps do not limit costs directly related to carrying out eligible activities, because HUD considers those costs part of the activity delivery costs. For example, where rental assistance is the eligible activity, the costs of writing out and mailing the rental assistance checks to each property owner are costs of providing rental assistance and therefore chargeable under the ''rental assistance'' activity. Because some of these ''activity delivery costs'' may be classified as indirect costs under 2 CFR part 200, some of CPD's program rules (24 CFR parts 576 and 578) include provisions to clarify the conditions under which indirect costs can be charged to eligible activities. These conditions are to ensure (1) the applicable indirect cost rate and direct cost base allow for activity-level allocation of indirect costs, and (2) the sum of direct and indirect costs charged to a specific activity category or to administrative costs is within with the program's cost caps.

However, when reviewing OMB's changes to the part 200 definitions and the de minimis indirect cost rate requirements, HUD determined that a further condition is needed where indirect costs are determined using modified total direct cost (MTDC). Specifically, because part 200 defines MTDC at 2 CFR 200.1 to include ''up to the first $50,000 of each subaward (regardless of the period of performance of the subawards under the award),'' and the portion of indirect costs determined based on that specific amount can only be considered program administration costs, HUD proposes to amend 24 CFR 576.109(b) and 578.63(b) to make sure that the portion of indirect costs can only be charged as program administration costs, when indirect costs are allocated and charged at the activity level.

In addition, HUD invites public comments on whether similar conditions should be added to other CPD program regulations that distinguish activity delivery costs from program administration costs for purposes of determining compliance with applicable cost caps (*e.g.,* parts 92, 93, 570, and 574).

Section 574.500 Responsibility for Grant Administration

Through its 2024 changes, OMB amended 2 CFR 200.342 to require Federal agencies to, upon initiating a remedy for noncompliance including disallowed costs, a corrective action plan, or termination, provide a recipient an opportunity to object and provide information challenging the action. Through this rulemaking, HUD is proposing conforming amendments to its Housing Opportunities for Persons With AIDS (HOPWA) program enforcement regulation at 24 CFR 574.500(c) to directly incorporate the language and procedure laid out in OMB's revised regulations. HUD is not proposing any changes to the first sentence of existing paragraph (c). HUD's proposed language replacing the second sentence would provide that, upon initiating a remedy for noncompliance (for example, disallowed costs, a corrective action plan, or termination), HUD will provide the grantee with an opportunity for informal consultation, in which the grantee may object and provide information challenging the action.

Section 574.540 Deobligation of Funds

As explained earlier in this preamble, OMB revised 2 CFR 200.403(h) to allow administrative costs to be incurred until the due date of the final report(s) for that Federal award. This allows Federal financial assistance funds to be used for such costs after the period of performance. For consistency with this revised requirement, HUD is proposing to revise 24 CFR 574.540. Rather than provide that HUD may deobligate any amount of grant funds that have not been expended within a three-year period from the date of the signing of the grant agreement, which is the language in HUD's existing regulation, revised § 574.540 would provide that the period of performance for the grant will be 36 months after the date that HUD executes the grant agreement with the recipient, unless the grant agreement provides for a longer period. The proposed change would retain the default three-year period of performance and HUD's discretion to amend grant

[39] Under OMB's 2020 changes, these non-Federal entities described in appendix VII in paragraph D.1.b. were defined as a State or local governmental department or agency unit that receives more than $35 million in direct Federal funding or is specifically requested to submit an indirect cost rate proposal by the cognizant agency for indirect costs. State or local governments receiving more than $35 million in direct Federal funding were required to submit an indirect cost rate proposal to its cognizant agency for indirect costs.

[40] *See, e.g.,* 24 CFR 576.109(b).

agreements to provide for a longer period of performance without needing to waive the regulation. HUD is also proposing to clarify that ''the requirements of this regulation'' in § 574.540 means 24 CFR part 574, and to reorganize the sentences in this section. HUD is not proposing any other changes to existing requirements in § 574.540.

Section 576.200 Submission Requirements and Grant Approval

Section 576.200(a) of the Emergency Solutions Grants (ESG) program regulation currently includes the following statement with respect to the specific award conditions provision in 2 CFR 200.207, ''As provided under 2 CFR 200.207, HUD may impose special conditions or restrictions on a grant, if the recipient is determined to be high risk.'' HUD is proposing to revise this statement to accommodate the changes OMB made to the criteria for imposing specific conditions as well as to reflect OMB's renumbering of the specific conditions provision in part 200 from 2 CFR 200.207 to 2 CFR 200.208. The proposed revision would state that HUD may include specific conditions in the grant agreement for a State, urban county, or metropolitan city as provided by 2 CFR 200.208.

Section 576.201 Matching Requirement

Section 576.201(b) of title 24 of the CFR provides the requirements for contributions to be recognized as match for HUD's ESG program.

Through this rulemaking, HUD is seeking to provide its prior approval of ESG grant recipients to use unrecovered indirect costs as match for the ESG grant, as permitted by 2 CFR 200.306(c). As revised by OMB's 2020 and 2024 changes, 2 CFR 200.306(c) provides that unrecovered indirect costs may be included as part of cost sharing (which includes matching, per OMB's 2024 changes to the definition of ''cost sharing'' in 2 CFR 200.1 [41]) with prior approval of the Federal agency or pass-through entity. Section 200.306(c) of title 2 of the CFR defines ''unrecovered indirect cost'' to mean the difference between the amount charged to the Federal award and the amount which could have been charged to the Federal award under the recipient's or subrecipient's approved indirect cost rate. Accordingly, HUD is proposing to add a new paragraph (d) in 24 CFR 576.201 that would permit matching contributions to include unrecovered indirect costs as described in 2 CFR 200.306(c). This provision would clarify that unrecovered indirect costs may be used to satisfy the ESG matching requirements.

HUD is also proposing to remove the existing paragraphs (d) through (f) in § 576.201. In HUD's 2015 final rule, HUD revised § 576.201 by revising paragraphs (a) through (c) as part of HUD's efforts to update, substitute, or correct cross-references and make other conforming changes to implement OMB's 2013 Uniform Guidance. 80 FR 75932. HUD's amendatory instruction number 86 stated, ''Revise § 576.201(a), (b), and (c) to read as follows,'' 80 FR 75939, and it should have stated ''Revise § 576.201 to read as follows,'' to remove paragraphs (d) through (f). Paragraph (d)(1) refers to OMB circulars A–87 and A–122 and former parts of 2 CFR, which were superseded by 2 CFR part 200. See 78 FR 7283. Paragraphs (d)(2) and (e) contradict the application of 2 CFR 200.306 in § 576.201(b) and (c), as amended by HUD's 2015 final rule. Paragraph (f) was made redundant by another amendment (number 89) of HUD's 2015 final rule. 80 FR75939. HUD is therefore proposing in this rulemaking to correct this inadvertent error by removing the obsolete, redundant, and contradictory paragraphs (d) through (f) from § 576.201.

Section 576.203 Obligation, Expenditure, and Payment Requirements

OMB's 2024 changes to 2 CFR 200.403(h) and 200.472(b) permit administrative costs associated with closeout activities to be charged to the Federal award during closeout, and such costs may be incurred until the due date of the final report(s). HUD is proposing to revise § 576.203(b) to provide for an exception for funds used for administrative closeout costs as provided by 2 CFR 200.403(h) within the sentence stating that the recipient's grant must be expended for eligible activity costs within 24 months after the date HUD signs the grant agreement with the recipient. HUD is also proposing minor technical edits to the language in this sentence for clarity and plain language, but otherwise is not proposing further changes to this paragraph and section.

Section 964.230 Audit and Administrative Requirements, and § 965.205, Qualified PHA-Owned Insurance Entity

Through its 2020 final guidance, OMB amended 2 CFR 200.515 to permit auditors to review and make determinations regarding auditees' financial statements in accordance with a special purpose framework, such as cash, modified cash, or regulatory as required by State law, in addition to generally accepted accounting principles (GAAP). OMB's 2024 final guidance made technical revisions to 2 CFR 200.515, but did not alter the underlying substantive requirements. HUD's regulation at 24 CFR 964.230(b) currently provides that resident management corporations managing a development(s) must be audited annually by a licensed certified public accountant, designated by the corporation, in accordance with generally accepted auditing standards. HUD's regulation at 24 CFR 965.205(d)(1) similarly provides that certain nonprofit insurance entities must prepare and submit (to HUD) audits and actuarial reviews, and that the annual financial statement must be audited by an independent auditor in accordance with generally accepted auditing standards. HUD is proposing to revise § 964.230(a)(2) and (b) and § 965.205(d)(1) to add language that permits auditing in accordance with a special purpose framework as described in 2 CFR 200.515, in addition to generally accepted auditing standards. This proposed change would conform HUD's regulations to OMB's change to 2 CFR 200.515.

Section 1006.370 Uniform Administrative, Requirements, Cost Principles, and Audit Requirements for Federal Awards

HUD's regulation at 24 CFR 1006.370(b)(1)(iii) directly incorporates the language from 2 CFR 200.445(b). OMB revised 2 CFR 200.445(b) through OMB's 2024 final rule by removing the phrase ''regardless of whether reported as taxable income to the employees'' because OMB, upon further review, found this to be an unnecessary clarification. For consistency with OMB's changes, HUD is proposing to remove this phrase from the language in § 1006.370(b)(1)(iii). It is sufficient to state that housing costs, housing allowances, and personal living expenses are only allowable as direct costs and must be approved by HUD.

[41] OMB's 2024 changes removed the use of the term ''match'' throughout 2 CFR part 200 provisions, and ''cost sharing'' as defined by 2 CFR 200.1 now includes matching, which refers to required levels of cost share that must be provided. HUD is retaining the use of the word ''matching'' throughout ESG program regulations in 24 CFR part 576, as this is more accurate and consistent with the ESG program statute. See 42 U.S.C. 11375.

Conforming Technical Changes Based on HUD's Experience Implementing 2 CFR Part 200

HUD proposes technical, conforming amendments to its regulations based on its experience implementing 2 CFR part 200 in programs involving Federal financial assistance management and administration. These technical, conforming changes would improve clarity in some of HUD's regulations that cross-reference 2 CFR part 200 or specific subparts or provisions.

Section 5.1006 Certifications and Assurances

In HUD's existing regulations, *e.g.,* 24 CFR 1.5(a)(1), there are existing requirements that applicable contracts and applications for Federal financial assistance must include certifications and assurances of compliance with various cross-cutting Federal requirements, including relevant civil rights obligations and requirements, as a condition for approval and extension of any Federal financial assistance. See also 24 CFR 3.115, 8.50, and 146.25. Currently, these assurances requirements are only contained in those respective cross-cutting subject regulations and not in HUD's general program requirement regulations. HUD is therefore proposing to add a new section 24 CFR 5.1006 that would, in one place, state that every agreement for Federal financial assistance that HUD executes on or after October 1, 2024, with a recipient, including recipients provided an exemption to the requirements of 2 CFR 25.110, must contain or be accompanied by the appropriate assurances and certifications.

HUD developed its own Assurances and Certifications form, HUD–424B, to tailor assurances and certifications to HUD programs and to consolidate the SF–424B and SF–424D. The new § 5.1006 would state that HUD has specified the form HUD–424B be used for purposes of meeting requirements in relevant regulations, 24 CFR 1.5, 3.115, 8.50, and 146.25. New § 5.1006 would also provide that HUD[42] may require specific civil rights assurances be provided consistent with those authorities, in which case HUD will specify the form on which such assurances must be made.

Conflicts of Interest: §§ 92.356, 93.353, 570.611, 574.625, 576.404, 578.95, 1000.30, 1003.606, 1006.360

Several of HUD's existing conflict of interest regulations require technical revisions to include a more complete scope of applicable conflict of interest provisions in 2 CFR part 200 and to reflect which 2 CFR part 200 conflict of interest requirements have traditionally applied, or should apply, in practice for procurement by recipients and subrecipients of HUD Federal financial assistance.

Section 200.317 of 2 CFR requires States and, now under OMB's 2024 changes, Indian Tribes, to apply the conflict of interest requirements that are required under their State or Tribe procurement policies when conducting procurement transactions under a Federal award. If a State or Tribe does not have its own procurement policies, then it must follow the procurement standards in 2 CFR 200.318 through 200.327. Additionally, under 2 CFR 200.317, non-State and non-Tribe recipients and subrecipients, including subrecipients of a State or Indian Tribe, must follow the procurement standards in 2 CFR 200.318 through 200.327.

Two sections within this range of 2 CFR provisions, 2 CFR 200.318 and 200.319, contain applicable conflict of interest provisions. Section 200.318 of 2 CFR, paragraph (c), includes the requirement for recipients and subrecipients to maintain written standards covering conflicts of interest and actions of employees participating in contract selection, award, and administration; a prohibition on the participation of individuals with conflicts of interest in the selection, award, and administration of a contract supported by a Federal award; a definition of conflict of interest; and other requirements. Section 200.319 of 2 CFR describes the requirements for competition for non-State/non-Tribe recipients, subrecipients, and States that have chosen to adopt the 2 CFR 200.317 through 200.327 requirements or similar procurement policies. Paragraph (b) of § 200.319 prohibits certain conflicts, and paragraph (c)(5) provides that organizational conflicts of interest are an example of a situation that may restrict competition in procurement.[43]

Through this rulemaking, HUD is seeking to provide greater clarity about where in 2 CFR part 200 any applicable conflict of interest provisions are located and to provide recipients and subrecipients with accurate notice about 2 CFR part 200 conflict of interest requirements that apply to their procurement actions. HUD is proposing to revise some of its conflict of interest regulations to more accurately cite the relevant conflict of interest provisions in 2 CFR part 200, and to standardize language across various HUD program regulations.

Specifically, HUD is proposing changes in 24 CFR 92.356(a), 93.353(a), 570.611(a)(1), 574.625(a), 576.404(a) and (b), 578.95(a), 1000.30(a), 1003.606(a), and 1006.360. HUD is proposing to update cross-references to refer to 2 CFR 200.317 through 200.319, with language stating that recipients and subrecipients must comply with the ''applicable'' conflict of interest requirements in these three sections. HUD is proposing to use the section numbers, *e.g.,* 2 CFR 200.317 through 200.319, and not specific paragraphs within these sections, *e.g.,* 2 CFR 200.319(b)(5) and (c), to accommodate any further reorganization by OMB of the paragraphs in these sections. HUD is also proposing to make the lead-in language for these regulations[44] consistently begin with, ''When procuring goods and services in accordance with 2 CFR part 200, ...'' This change will reduce confusion by eliminating needless differences in the wording of different program regulations' references to the conflict of interest requirements 2 CFR part 200 applies to procurement of goods and services under a Federal award. Sections 24 CFR 92.356(a), 93.353(a), 570.611(a)(2), 574.625(a), 576.404(b), 1000.30(a), and 1003.606(a) would also state, ''[i]n all other situations, the provisions of this section apply,'' or similar language. These proposed changes would provide, consistently across certain HUD program regulations, that recipients and subrecipients must follow one set of requirements (*i.e.,* the applicable conflict of interest requirements under 2 CFR 200.317 through 200.319) when procuring goods and services under a Federal award and must follow another set of requirements (*i.e.,* the additional requirements spelled out in the conflict of interest section of the program regulations) in all other situations.

HUD is also proposing minor technical changes in some of the conflict of interest provisions. HUD is proposing, in § 574.625(a), (b), (c), and (d) to include program-specific terminology by changing ''recipient'' to ''grantee'' and ''subrecipient'' to

[42] In HUD's proposed regulatory text, HUD uses the term ''Responsible Civil Rights Official.'' This means the Assistant Secretary for Fair Housing and Equal Opportunity (FHEO). See 76 FR 73984 and *https://www.hud.gov/sites/dfiles/FHEO/documents/2021_Sep_Amended_Consolidated_Delegation_Authority%20_FHEO.pdf.*

[43] Paragraphs (b) and (c)(5) were previously organized under paragraph (a) and (a)(5) of § 200.319 until OMB's 2020 and 2024 rounds of changes.

[44] Including all the sections and paragraphs listed in the first sentence of this preamble paragraph except 24 CFR 576.404(a).

''project sponsor.'' In § 578.95(b), HUD is proposing changes to add the phrase ''or collaborative applicant'' after ''No Continuum of Care'' and before ''board member.'' The Department is revising § 578.95(b) to include collaborative applicants because collaborative applicants and Continuum of Care board members are statutorily prohibited from participating in or influencing discussions or decisions concerning the award of a grant or other financial benefits to the organization that the member represents. HUD is also proposing to add a sentence to the end of § 578.95(c) that would prohibit recipients and subrecipients from having organizational conflicts of interests and require these entities to maintain standards of conduct covering organizational conflicts of interest described in 2 CFR 200.318. The Department is revising § 578.95(c) to clarify that under the CoC program recipients and subrecipients are prohibited from having organizational conflicts of interest, consistent with applicable 2 CFR part 200 requirements.

Section 92.505 Applicability of Uniform Administrative Requirements

In a proposed rule published May 29, 2024, titled ''HOME Investment Partnerships Program: Program Updates and Streamlining,'' 89 FR 46618 (''HUD's proposed HOME rule''), HUD proposed amendments to 24 CFR 92.505 to revise the applicability of 2 CFR part 200 to participating jurisdictions, State recipients, and subrecipients receiving HOME funds, to exclude 2 CFR 200.328 and 200.344. For more information on why HUD proposed to exclude these provisions from applicability to HOME program assistance, see HUD's proposed HOME rule.[45]

HUD is, through this rulemaking, not changing the proposal to exclude applicability of 2 CFR 200.328 and 200.344. HUD is additionally proposing to exclude applicability of 2 CFR 200.329(c) because 2 CFR 200.329(c) requires reporting on a different cycle than is required under the HOME program regulations and HUD is seeking to provide a more flexible reporting than the annual reporting of non-construction performance requirements in that regulation.

Income From Equipment Sales: §§ 570.502, 1000.26, 1003.501

Several sections in title 24 of the CFR state that 2 CFR 200.313, *Equipment,* applies except that when the equipment is sold, the proceeds shall be considered and treated as program income. For the Entitlement Community Development Block Grant program, see § 570.502(a)(6); for Native American housing activities, see § 1000.26(a)(8); and for the Community Development Block Grant program for Indian tribes and Alaska native villages, see § 1003.501(a)(6). These sections do not account for other sections in title 24 of the CFR that state that income received by a recipient and its subrecipients in a single year that, in total, is less than $25,000 does not constitute program income. For the Entitlement Community Development Block Grant program, see § 570.500(a)(4)(i); for Native American housing activities, see § 1000.62(b); and for the Community Development Block Grant program for Indian tribes and Alaska native villages, see § 1003.503(b)(4). HUD proposes to revise §§ 570.502(a)(6), 1000.26(a)(8), and 1003.501(a)(6), to provide for a $25,000 de minimis exception. In other words, proceeds from equipment sales shall not be considered and treated as program income if the total income, including income from equipment sales, of a recipient and its subrecipients totals less than $25,000. HUD also proposes to revise § 570.502(a)(6) by reorganizing the two sentences in existing paragraph (a)(6) into two paragraphs (a)(6)(i) and (ii) for clarity.

Recordkeeping: §§ 574.530 and 576.500

HUD's consolidated plan regulations require access to records related to a jurisdiction's records related to the consolidated plan and use of assistance under the applicable programs during the preceding five years. See 24 CFR 91.105(h) and 91.115(g). Section 574.530 in title 24 of the CFR currently provides for a four-year record retention period. Following OMB's changes to 2 CFR part 200, 2 CFR 200.334 now states that the recipient and subrecipient must retain all Federal award records for three years from the date of final financial report submission. To resolve these discrepancies, HUD is proposing to reorganize and revise 24 CFR 574.530, regarding recordkeeping for HUD's HOPWA program. New proposed paragraph (a)(1) would provide that, for formula grants, grantees ensure that all grant records are maintained for the longer of five years or the applicable record retention period provided in 2 CFR 200.334. Paragraph (a)(2) would provide that for all other grants, grantees must ensure that all grant records are maintained for the applicable record retention period provided in 2 CFR 200.334. Paragraph (a)(3) would require grantees to ensure maintenance of all records for real property subject to minimum use requirements are maintained for at least three years after final disposition. This language would account both for HUD's consolidated plan access to records requirements and OMB's requirements in 2 CFR 200.334, including for recipients and subrecipients to retain all Federal award records from three years from the date of submission of their final financial report. (This has been a longstanding requirement; OMB did not substantively revise 2 CFR 200.334 in its 2020 and 2024 changes.)

Existing paragraphs (a) through (c) of § 574.530, which describe the types of data and information that grantees must maintain in records, would not be substantively changed. HUD is only proposing to reorganize these paragraphs into a new (b)(1) through (3).

HUD is also proposing changes to § 576.500 to bring the recordkeeping requirements for HUD's ESG program into greater alignment with 2 CFR part 200, where the recordkeeping requirements in 2 CFR part 200 would not undermine HUD's implementation of the statutory requirements for ESG program. For example, 2 CFR part 200 requires records to be kept for longer periods to account for certain circumstances or special purposes, and it is possible to satisfy both the minimum period 2 CFR part 200 would require the records to be retained and the minimum period HUD currently requires the records to be retained to implement the statutory requirements for ESG. So, HUD is proposing to revise the introductory text for § 576.500(y) to state that all records related to a recipient's grant must be kept for the longer of 5 years, the minimum period described in § 576.500(y)(1) through (3), or the minimum period provided by 2 CFR part 200 (2 CFR 200.334) for the specific situation or record. Likewise, HUD is proposing to change the language in § 576.500(y)(1) through (3) from ''records must be retained for 5 years'' to ''records must be kept for at least 5 years.'' In addition, HUD proposes to update a cross-reference to 2 CFR 200.336, to 2 CFR 200.337, in § 576.500(z) to account for OMB's changes to 2 CFR part 200 section numbers. Finally, HUD is also proposing to remove the sentence, ''Copies made by microfilming, photocopying, or similar methods may be substituted for their original records,'' because it is no longer necessary or useful, considering what 2 CFR 200.336 provides on methods for collection, transmission, and storage of information.

[45] 89 FR 46618, 46652.

Section 574.605 Applicability of Uniform Administrative Requirements, Cost Principles, and Audit Requirements for Federal Awards

Section 574.605 currently states that 2 CFR part 200 provisions apply to Housing Opportunities for Persons With AIDS (HOPWA) grants, but it does not specify any exceptions. As a practical matter, 2 CFR part 200 provisions do not apply to HOPWA grants without exception. Section 200.101(d) of title 2 of the CFR contemplates this and states that where Federal statutes or regulations conflict with 2 CFR part 200 provisions, Federal statutes or regulations govern. Therefore, HUD is revising § 574.605 to clarify this point and add language that states 2 CFR part 200 provisions apply except where they are inconsistent with relevant HOPWA statutes—the AIDS Housing Opportunity Act and title I of the Cranston-Gonzalez National Affordable Housing Act—or implementing regulations in 24 CFR part 574 or 91. This also improves consistency with other HUD regulations for other programs, which specify that the relevant Federal statutes and regulations govern where 2 CFR part 200 provisions conflict with those statutes and regulations,[46] and with 2 CFR part 200 provisions that speak to the precedence of Federal statutes over 2 CFR part 200 provisions.[47]

Section 970.1 Purpose

Section 970.1 of title 24 of the CFR currently provides that the regulations in 2 CFR part 200 are not applicable to 24 CFR part 970, HUD's regulations for the Public Housing Program—Demolition or Disposition of Public Housing Projects. However, the Office of Public and Indian Housing (PIH) Notice 2016–20[48] provides that, as an alternative to disposition of public housing property under section 18 of the United States Housing Act of 1937 and 24 CFR part 970, with PIH Special Application Center approval, public housing authorities (PHAs) are permitted to retain public housing property in accordance with 2 CFR 200.311. This rulemaking provides the 2 CFR part 200 disposition instructions for PHAs' retention of certain public housing real property. Therefore, in this rulemaking, HUD is proposing to revise the last sentence of § 970.1 to state that the regulations in 2 CFR part 200 are not applicable except where the PHA requests to retain the public housing property, in which case 2 CFR 200.311(d)(1) applies; and where the PHA disposes of equipment or supplies, in which case 2 CFR 200.313 and 200.314 apply.

Applicability of Administrative Requirements: §§ 1000.26 and 1003.501

Through this rulemaking, HUD is proposing to add a new paragraph (a)(1) to § 1000.26 to clarify that the definition for ''Indian Tribe'' in section 104 of NAHASDA (25 U.S.C. 4103) will apply instead of the definition of ''Indian Tribe'' in 2 CFR 200.1. As provided in 2 CFR 200.1, definitions in Federal statutes or regulations that apply to specific programs take precedence over the definitions in 2 CFR 200.1. HUD is proposing such a change with the definition of ''Indian Tribe'' to ensure the use of the broader definition under NAHASDA. HUD is proposing a similar change to § 1003.501, by adding a new paragraph (a)(1), to ensure the broader definition of ''Indian tribe'' under the Housing and Community Development Act of 1974 is used when applying part 200 to the Indian Community Development Block Grant program.

HUD's Indian Housing Block Grant (IHBG) program regulation at 24 CFR 1000.26(a)(10) currently excepts 2 CFR 200.317 from the requirements of 2 CFR part 200 that recipients of IHBG assistance must comply with. Through its 2024 changes, OMB revised 2 CFR 200.317 and made the provision applicable to Indian tribes as well as States. Under OMB's 2024 changes, applicability of 2 CFR 200.317 does not extend to Tribally Designated Housing Entities, which are also eligible to be direct recipients of IHBG funds. To align HUD's IHBG program regulations with OMB's change, HUD is proposing to revise existing § 1000.26(a)(10) (which this rule proposes to renumber as paragraph (a)(11) due to the proposed addition of a new § 1000.26(a)(1)) to state that 2 CFR 200.317 does apply to Indian tribes, as that term is defined under NAHASDA, but does not apply to TDHEs receiving grants on an Indian tribe's behalf. Additionally, to align OMB's changes to 200.317 with NAHASDA, HUD is proposing new paragraphs (a)(11)(i) and (ii) in § 1000.26 to clarify that statutory requirements under NAHASDA limiting competitive procurements when the value of goods and services is less than $5,000 and authorization for the use of Federal supply sources in procurement apply to the procurements by tribes under 2 CFR 200.317.

Paragraph (a)(11) of § 1000.26 currently applies 2 CFR 200.318 through 200.327 as modified by that paragraph (a)(11). HUD is proposing to renumber this paragraph as (a)(12) (due to the proposed addition of a new § 1000.26(a)(1)) and, as discussed later in this preamble,[49] to add a new paragraph (a)(12)(i) that would state that 2 CFR 200.318 through 200.327 apply when a Tribe does not have their own policies and procedures for procurement with non-Federal funds or when a TDHE does not follow the policies and procedures for procurement with non-Federal funds of the Tribe they serve.

Existing paragraph (a)(11)(i), which would become paragraph (a)(12)(ii) through this proposed rule, provides that a recipient is not required to comply with 2 CFR 200.318 through 200.326 (2 CFR 200.326 is now 2 CFR 200.327 after OMB's 2020 changes) with respect to procurements, using grants under NAHASDA, of goods and services with a value of less than $5,000. HUD is proposing to add language that would except application of 2 CFR 200.318 through 200.327 for such procurements of an ''other higher amount as may be established in NAHASDA,'' in addition to those valued under $5,000. This change would accommodate any future increases to the amount in NAHASDA's statutory de minimis procurement exemption.[50]

Income From Sales of Supplies: §§ 1000.26, 1003.501

Several sections in title 24 of the CFR state that 2 CFR 200.314, *Supplies,* applies except that when the supplies are sold, the proceeds shall be considered and treated as program income. For Native American housing activities, see existing § 1000.26(a)(9); for the Community Development Block Grant program for Indian tribes and Alaska native villages, see existing § 1003.501(a)(7). These sections do not account for other sections in title 24 of the CFR that state that income received by a recipient and its subrecipients in a single year that, in total, is less than $25,000 does not constitute program income. For Native American housing activities, see § 1000.62(b); and for the Community Development Block Grant program for Indian tribes and Alaska native villages, see § 1003.503(b)(4). For consistency, HUD is proposing to revise § 1000.26(a)(9), which would be designated paragraph (a)(10) under this proposed rule, and § 1003.501(a)(7), which would be designated paragraph (a)(8) under this proposed rule, to provide for a $25,000 de minimis

[46] *See, e.g.,* 24 CFR 578.99(e).

[47] *E.g.,* 2 CFR 200.100(a)(1), 200.102(b), 200.106.

[48] *https://www.hud.gov/sites/dfiles/PIH/documents/PIH-2016-20.pdf.*

[49] See part III. Questions for Public Comment, question 2, in this proposed rule's preamble.

[50] 25 U.S.C. 4133(g).

exception, as in existing §§ 1000.62(b) and 1003.503(b)(4).

Section 1006.370 Uniform Administrative, Requirements, Cost Principles, and Audit Requirements for Federal Awards

To correct a drafting error in HUD's 2015 rulemaking,[51] and to make § 1006.370(b)(2) more consistent with other HUD program regulations regarding compensation for consultant services, for example, 24 CFR 570.200(d)(1), HUD is proposing to amend § 1006.370(b)(2) to add the phrase ''more than a reasonable rate of compensation for personal services paid with NHHBG'' after the word ''receive'' and before the word ''funds.'' This amendment would mean that § 1006.370(b)(2) requires that no person providing consultant services in an employer-employee type of relationship shall receive more than a reasonable rate of compensation for personal services paid with NHHBG funds.

HUD is also proposing to update an outdated aspect of NHHBG program regulations. HUD's NHHBG program regulations are modeled off its IHBG program regulations. HUD is proposing to add a new paragraph (c) to § 1006.370 that would provide that 2 CFR 200.305 applies except HUD must not require the sole recipient of NHHBG assistance, the Department of Hawaiian Home Lands (DHHL), to expend retained program income before drawing down or expending NHHBG funds. This proposed change would align NHHBG program regulations with the corresponding Indian Housing Block Grant regulation, existing 24 CFR 1000.26(a)(3),[52] which permits Tribes and TDHEs to spend grant funds before spending down all their program income. To enable this change to take effect, HUD is proposing to remove § 1006.340(b)(3), which provides that, as part of DHHL's authority to retain program income, DHHL must disburse program income before disbursing additional NHHBG funds in accordance with 2 CFR 200.305. HUD is also proposing to add language to existing § 1006.370(a) that would provide that DHHL and its subrecipients receiving NHHBG funds must comply with the requirements and standards in 2 CFR part 200 ''except as otherwise provided by this section,'' to clarify that paragraphs (b) and (c) of § 1006.370 provide for exceptions to 2 CFR part 200 requirements.

[51] *Id.*

[52] Under this proposed rule, § 1000.26(a)(3) would become § 1000.26(a)(4).

Substantive Changes Based on HUD's Experience Implementing 2 CFR Part 200 and the Housing Trust Fund (HTF) Program

Describing Period of Performance in the HTF Program, Closeout of HTF Grant Awards: §§ 93.400 and 93.409

HUD is proposing HTF closeout regulations at § 93.409 to establish program-specific procedures and better align programmatic and administrative requirements for grant closeout. HUD's existing regulation at § 93.405 applies the 2 CFR part 200 closeout requirements at 2 CFR 200.344, which are very specific as to the timing of closeouts and reporting by grantees after the end of the grant's period of performance, as set forth in the grant agreement. Rather than adopt the specific requirements of 2 CFR 200.344 for the HTF program, HUD is instead proposing program-specific closeout requirements at § 93.409 to provide HTF grantees greater flexibility to request additional time, if needed, to meet certain program requirements, such as meeting project completion requirements. (As discussed elsewhere in this preamble, HUD is also proposing in § 93.405 to add 2 CFR 200.344 as one of the 2 CFR part 200 provisions that would not apply to grantees and subgrantees receiving HTF funds.)

HUD recognizes that there are many things that could disrupt an HTF grantee's intended timeline for activity completion. To complete all program activities, including, but not limited to, satisfying reporting requirements, grantees are permitted to request an extension of one year beyond the nine-year period of performance, as identified in the grant agreement, for good cause.

The proposed rule at § 93.409(a) would include elements from the current closeout process for HTF grants. The proposed rule at § 93.409(a) describes the closeout process, and states that HUD will close out a grant after the period of performance has ended. A grantee must complete all the required activities and closeout actions for the grant, as required by HUD. Otherwise, proposed § 93.409(a)(1) states that HUD will close out the grant based on the information available, including individual grants or multiple grants.

Proposed § 93.409(a)(2) explains that to prepare for closeout, before the budget period of the grant ends, the grantee must review all the eligible activities under the grant and reconcile in accordance with proposed § 93.409(a)(2)(i) and (ii). Proposed § 93.409(a)(2)(i) requires that for all eligible costs incurred under the grant and not yet drawn down, the grantee must draw the funds down in a timely manner. Proposed § 93.40(a)(2)(ii) states that the grantee must promptly refund to the proper accounts any previously disbursed balances of unobligated case paid in advance. These refunds must be completed before the reports in the proposed § 93.409(b). Additionally, unlike other programs, since the HTF funds are not appropriated and are not required to be returned to the U.S. Treasury, proposed § 93.409(a)(3) requires HUD to reallocate the grant funds in accordance with the regulation at § 93.54.

In § 93.409(a)(4)(i), HUD is proposing a nine-year period of performance for the HTF program, with the ability to extend the period of performance by a year. Given that HUD is proposing this period of performance in 24 CFR 93.409(a)(4)(i) in this rulemaking and that period of performance is not consistent with the current expenditure deadline in § 93.400(d)(2), HUD is proposing to revise the expenditure deadline to avoid misalignment of program requirements and grantee responsibilities. HUD is also proposing that § 93.400(d)(2) be revised to state that HUD will reduce or recapture HTF grants that remain unexpended after the date of expiration of the grant's period of performance, as described in 24 CFR 93.409(a)(4). Due to the HTF program's unique source of funding, which is through an allocation of a set-aside of funds earned by the Federal Home Loan Mortgage Corporation and the Federal National Mortgage Association,[53] HUD is not required to cancel HTF grants under 31 U.S.C. 1552(a) after a certain time period, and instead is reallocating any recaptured funds to HTF grantees in accordance with § 93.54. The revisions to §§ 93.409 and 93.400(d)(2) would enable consistent application of recapture and reallocation requirements including better defining the HTF grantee's period of performance and closeout responsibilities. These changes will avoid burdensome and misaligned expenditure, budget period, and period of performance requirements and will prevent inconsistent application of reporting and closeout requirements. These proposed regulatory revisions would better enable HTF grantees to administer the HTF program in their jurisdictions.

Proposed § 93.409(a)(4)(ii) would also establish that HUD may report an HTF

[53] See sections 1337 and 1338 of the Federal Housing Enterprises Financial Safety and Soundness Act of 1992 (12 U.S.C. 4567 and 4568), the statutes establishing the HTF program and its funding mechanism.

grantee's material failure to comply with the terms and conditions of the Federal award or closeout requirements in *SAM.gov* and pursue other enforcement actions in 2 CFR 200.339. Under proposed § 93.409(a)(5), a grantee may request, and HUD may provide, an extension of the performance period or closeout deadlines for good cause. Even if HUD approves an extension pursuant to the proposed § 93.409, an HTF grantee must still expend its funds by the end of the grant's budget period. If the grantee fails to expend all its funds by the end of the grant's budget period, HUD shall recapture and reallocate the grant funds. Further, the proposed rule would clarify that certain requirements survive grant closeout. While this is not a change from the current requirements, HUD is taking the opportunity to clarify that closeout of a HTF grant does not relieve a grantee from project oversight in accordance with 24 CFR part 93 for as long as specified in the requirements applicable to the assisted project and grantee.

Proposed § 93.409(b) specifies the actions that must be taken for closeout of a grant, including:

- submitting a Federal Financial Report;
- demonstrating that the grantee has fulfilled all programmatic and administrative requirements for the project within the period of performance;
- entering all data into the computerized disbursement and information system, demonstrating that all HTF units were occupied by eligible occupants (including inputting correct beneficiary data) within one year of the end of the period of performance;
- resolving all finding associated with the grant;
- carrying out all responsibilities under the grant agreement and applicable laws; and
- completing a closeout certification that
  - identifies the grant being closed out,
  - any funds being returned to HUD,
  - certifies compliance with recordkeeping requirements, monitoring and enforcement of HUD requirements,
  - certifies compliance with program income,
  - states that all actions required under 2 CFR 2003.44 for both the grantee and subgrantee have been taken,
  - explains any other provisions appropriate to special circumstances of the grant closeout,
  - acknowledges future monitoring, and
  - certifies that unless otherwise provided the Consolidated Plan for the grantee remains in effect until expiration of the program year covered by the most recent Consolidated Plan.

Proposed paragraph § 93.409(c) explains that regardless of closeout of the grant, the rights and requirements under 2 CFR 200.345 remain in effect. These include the ability for HUD to disallow costs based on future audits, the requirement that the grantee comply with § 93.407 and § 93.408, record retention policies in 2 CFR 200.345, monitoring and enforcement of all requirements in 24 CFR part 93 that apply to the grant for the period of affordability specified in the written agreement with the owner, compliance with program income requirements in § 93.403, compliance with the requirement that the grantee return any funds due as a result of later refunds, corrections or other transactions, and compliance with audit requirements.

Section 93.405 Applicability of Uniform Administrative Requirements, Cost Principles, and Audits

HUD's existing regulation at § 93.405 applies 2 CFR part 200 to grantees and subgrantees receiving HTF funds, except for certain provisions. In this rulemaking, HUD is proposing to add five provisions to the list of exceptions: 2 CFR 200.308, 200.312, 200.328, 200.335, and 200.344 (except as provided in § 93.409). HUD is proposing some of these exceptions because, among other reasons, doing so would align the HTF program regulations with the proposed HOME program regulations in HUD's recent proposed rule for the HOME program.[54] The specific reasoning for each provision is as follows:

- HUD is proposing to except application of 2 CFR 200.308 because its requirements are inconsistent with HTF program rules governing downpayment assistance and application of those requirements would prove unduly burdensome given the current reporting requirements in 24 CFR 93.407 and 93.408.
- HUD is proposing to except application of 2 CFR 200.312 because Federally owned and exempt real property are not features of the HTF program. Additionally, HUD is proposing this exception to align with HOME program regulations at 24 CFR 92.205; the HOME and HTF programs treat acquired real property similarly, and HTF's approach is modeled after the HOME program's approach.
- HUD is proposing to except application of 2 CFR 200.328 to align HTF program requirements and regulations with those of the HOME program. Both programs have the same Integrated Disbursement and Information System (IDIS) financial reporting requirements, and those requirements do not align with the annual or quarterly cycle described in 2 CFR 200.328. Instead, the HOME and HTF financial reporting requirements are performed as needed and pursuant to programmatic or regulatory milestones, such as project completion.
- HUD is proposing to except application of 2 CFR 200.335 to align HOME and HTF program requirements and because the 2 CFR provision conflicts with existing recordkeeping requirements in 24 CFR part 93.
- As explained earlier in this preamble, the requirements at 2 CFR 200.344 are very specific as to the timing of closeouts and reporting by grantees after the end of the grant's period of performance, as set forth in the grant agreement. HUD is proposing to except application of 2 CFR 200.344 for the HTF program and, in lieu, apply program-specific requirements under this rule's proposed revisions to 24 CFR 93.400 and 93.409, to provide grantees more flexibility and time, where needed, to meet program requirements such as project completion requirements, and to align HTF regulations with HOME program regulations.

As explained elsewhere in this preamble, HUD is proposing to except application of 2 CFR 200.329(c) in the HOME program regulations. For the HTF program, § 93.405 already excludes application of this provision, which was previously numbered 2 CFR 200.328(b) before OMB's 2020 and 2024 changes. As under the HOME program, 2 CFR 200.329(c)'s reporting requirements conflict with those for the HTF program regulations and HUD is seeking to provide a more flexible reporting than the annual reporting of non-construction performance requirements under 2 CFR 200.329(c). Therefore, HUD is proposing to continue to exclude application of 2 CFR 200.329(c)'s requirements for the HTF program, and to update the cross-reference consistent with OMB's changes.

Changes to HUD's Title VI, Section 108, Section 184, and 184A Loan Guarantee Program Regulations

SAM.gov Registration and Acquiring a UEI Under 2 CFR 25.105: §§ 570.707, 1000.438, 1005.219(b), and 1007.50(e)

As explained earlier in this preamble, through its 2024 final guidance, OMB revised 2 CFR 25.105 by clarifying that for-profit lenders participating in loan

[54] 89 FR 46618.

guarantee programs are required to register with *SAM.gov* and acquire a UEI. The revised provisions applying the UEI requirements and registration in the System of Award Management (SAM) in 2 CFR part 25 apply to lenders and holders of notes guaranteed under various HUD programs, including the Title VI,[55] Section 184, and Section 184A Loan Guarantee Programs. Through this rulemaking, HUD is proposing conforming amendments to its Community Development Block Grant program regulations (24 CFR part 570), Native American Housing Activities regulations (24 CFR part 1000), Loan Guarantee for Indian Housing program regulations (24 CFR part 1005) and Loan Guarantee for Native Hawaiian Housing program regulations (24 CFR part 1007), to add language specifying that certain entities, such as holders and lenders, must complete entity validations and acquire a UEI in *SAM.gov* per 2 CFR 25.105. HUD is proposing to add a new paragraph (d) in 24 CFR 570.707, add a new § 1000.438 in 24 CFR part 1000, add a new paragraph (b) to 24 CFR 1005.219, and add a new paragraph (e) to 24 CFR 1007.50 to clarify which entities must complete entity validations and acquire a UEI in *SAM.gov* per 2 CFR 25.105.

For the Community Development Block Program and § 570.707, applying the UEI and SAM registration requirements to lenders and holders of notes under the Section 108 Loan Guarantee program would conflict with the statutory provisions of section 108(r)(4) of the Housing and Community Development Act of 1974 (42 U.S.C. 5308(r)(4)) [56] because it would impair the Secretary's ability to issue freely marketable securities through issuance of a public offering. Requiring each holder of a Note issued through a public offering to obtain a UEI and register in SAM before purchasing a security on the open market would limit the eligible pool of investors for the security and negatively affect pricing. This would be expressly against the statutory intent for the Section 108 Loan Guarantee program.

Moreover, HUD has determined that the beneficiary of a loan guaranteed under section 108 is properly the public entity or State that applies for the loan and not the interim lender or the holder of the Note after a public offering. Section 108 of the Housing and Community Development Act (42 U.S.C. 5308), and the program regulations at 24 CFR part 570, subpart M, were written to require that the public entity or State apply for the loan and contract directly with the Secretary to provide necessary security to enable the Secretary to guarantee the Loan. This has also been how the Department has treated the obligation to obtain a UEI and register in SAM. Only the borrower of a loan guaranteed under section 108 must obtain a UEI and register in SAM.

Therefore, HUD is proposing to add a new paragraph (d) to § 570.707 that would require public entities and States to complete entity validations and acquire a UEI in *SAM.gov* in accordance with 2 CFR 25.105 in order to apply for and obtain a loan guaranteed under 24 CFR part 570, subpart M. The lender or holder of a note guaranteed under that subpart would not be subject to this requirement, and HUD's proposed regulation states this directly.

Compliance With Audit Requirements Under 2 CFR Part 200, Subpart F: §§ 1005.219(c) and 1007.50(f)

Prior to OMB's 2020 and 2024 changes, 2 CFR part 200, subpart F, applied to ''[A]greements for loans, loans guarantees, interest subsidies, and insurance and other forms of Federal Financial Assistance as defined by the Single Audit Act Amendment of 1996.'' [57] Under the Single Audit Act, Federal financial assistance is defined to mean assistance that ''non-Federal entities receive or administer in the form of . . . loan guarantees . . .,'' 31 U.S.C. 7501(a)(5), and non-Federal entity is defined to include States, local governments, or nonprofit organizations. 31 U.S.C. 7501(a)(13). OMB's 2020 and 2024 changes do not substantively alter this applicability. OMB's 2024 changes at 2 CFR 200.101(b)(5) provide that 2 CFR part 200, subpart F, applies to agreements for loan guarantees only when awarded to a non-Federal entity. Non-Federal entity as defined by 2 CFR 200.1 includes more entity types than does the Single Audit Act, and means a State, local government, Indian Tribe, Institution of Higher Education, or nonprofit organization that carries out a Federal award as a recipient or subrecipient.

Prior to this rulemaking, HUD's Section 184 and 184A program regulations did not specify that these programs must comply with the audit requirements under 2 CFR part 200, subpart F, despite the applicability of subpart F to these programs. HUD is seeking to clarify in its Section 184 and 184A program regulations that lenders and holders of loan guarantees that are States, local governments, Tribes (for section 184 program only), or nonprofit organizations, must comply with the audit requirements of 2 CFR part 200, subpart F but that this requirement does not extend to for-profit entities. HUD is proposing, in this rulemaking, to add new §§ 1005.219(c) and 1007.50(f) with language to this effect.

As explained earlier in this preamble, OMB revised the definition of *Federal financial assistance* in 2 CFR 200.1. The change from ''non-Federal entities'' to ''recipients and subrecipients,'' means that for-profit entities are now included for purposes of the definition of *Federal financial assistance.* With this definition alone, OMB's changes would mean that the 2 CFR part 200 provisions listed in paragraphs (2) and (3) of the *Federal financial assistance* definition, 2 CFR 200.203 and subpart F, and 2 CFR 200.216, respectively, apply to Section 184 and 184A loan guarantee program assistance received or administered by for-profit entities. However, after review of 2 CFR 200.203; [58] 2 CFR 200.101(b)(5) and the preamble of OMB's 2024 final rule and final guidance, for 2 CFR part 200, subpart F; [59] and 2 CFR 200.101(b)(3)(ii) and section 889 of the John S. McCain National Defense Authorization Act for Fiscal Year 2019, for 2 CFR 200.216; [60] HUD has

[55] Title VI in this NPRM refers to the Title VI of NAHASDA and not Title VI of the Civil Rights Act of 1964, 42 U.S.C. 2000d–1 *et seq.*; 24 CFR part 1.

[56] 42 U.S.C. 5308(r)(4) states:

(4) Effect of laws

No State or local law, and no Federal law, shall preclude or limit the exercise by the Secretary of—

(A) the power to contract with respect to public offerings and other sales of notes, trust certificates, and other obligations guaranteed under this section upon such terms and conditions as the Secretary deems appropriate;

(B) the right to enforce any such contract by any means deemed appropriate by the Secretary; and

(C) any ownership rights of the Secretary, as applicable, in notes, certificates, or other obligations guaranteed under this section, or constituting the trust or pool against which trust certificates, or other obligations guaranteed under this section, are offered.

[57] See 2 CFR 200.101(b) and table 1 to paragraph (b), *https://www.trumpadministration.archives.performance.gov/CAP/20200812-2-CFR-Revision-Redline_Final.pdf.*

[58] As 2 CFR 200.203 requires HUD to ensure Federal programs are listed under the Federal Assistance Listings, and HUD already complies with this provision for HUD's Section 184 and 184A loan guarantee programs, the change in entities covered for purposes of 2 CFR 200.203 does not result in any actual change for these programs.

[59] 2 CFR 200.101(b)(5) provides, ''(5) Subpart F (Audit Requirements) only applies to the following items when awarded to a non-Federal entity: . . . (iii) Agreements for loans, loan guarantees, interest subsidies, and insurance; . . . .'' The Single Audit Act as codified may be found at 31 U.S.C. chapter 75. OMB's 2024 final rule and final guidance may be found at 89 FR 30046.

[60] 2 CFR 200.101(b)(3)(ii) provides, ''(ii) Section 200.216 (Prohibition on certain telecommunications and video surveillance equipment or services) applies to loans and grants (see Pub. L. 115–232,

Continued

concluded that OMB's changes in the definition of *Federal financial assistance* do not result in any substantive changes for for-profit entities. Therefore, for-profit entities are not included in the regulatory text proposed in 24 CFR 1005.219(c) and 1007.50(f).

Cross-Reference Updates

Because the changes described above add new paragraphs (b) and (c) to 24 CFR 1005.219, and there are already existing paragraphs (b) and (c) in that section, HUD is proposing to redesignate existing paragraphs (b) through (e) as paragraphs (d) through (g) in § 1005.219. Additionally, this change requires updates to cross-references to existing paragraphs in § 1005.219 made throughout 24 CFR part 1005. In §§ 1005.217(b)(7), 1005.739(h), and 1005.803(a), HUD is proposing to update the cross-references as follows, respectively:

- In § 1005.217(b)(7), update the cross-reference 1005.219(d)(3) to 1005.219(f)(3);
- In § 1005.739(h), update the cross-reference 1005.219(d)(2) to 1005.219(f)(2); and
- In § 1005.803(a), update the cross-reference 1005.219(d)(2) to 1005.219(f)(2).

III. Questions for Public Comment

HUD welcomes comments on all aspects of this proposed rule. In addition, HUD specifically requests public comments on the following:

1. Section 200.300 of title 2 of the CFR requires that agencies or pass-through entities manage and administer Federal awards in a manner to ensure compliance with applicable Federal nondiscrimination and environmental protection provisions. OMB also added paragraphs clarifying that sex discrimination encompasses sexual orientation and gender identity. Are these provisions, along with HUD regulations, such as those in 24 CFR part 5, sufficiently clear to make recipients aware of their civil rights and environmental protection obligations? What additional provisions, if any, should HUD add to program and cross-cutting regulations that would help ensure that Federal awards are administered in compliance with Federal nondiscrimination and environmental protection requirements?

2. HUD has requested an exception from OMB under 2 CFR 200.102 that would authorize HUD to treat Tribally Designated Housing Entities (TDHEs) and Tribal organizations like Indian Tribes for purposes of 2 CFR part 200 procurement requirements in the Indian Housing Block Grant and Indian Community Development Block Grant programs. HUD is seeking this exception to conform with 2 CFR 200.313, which now states, ''Indian Tribes must use, manage, and dispose of equipment acquired under a Federal award in accordance with tribal laws and procedures,'' and 2 CFR 200.317, which now requires that Indian Tribes, like States, must follow the same policies and procedures that Tribes use for procurements with non-Federal funds. The structure of HUD's Indian Housing Block Grant (IHBG) and the Indian Community Development Block Grant (ICDBG) programs treats Tribally Designated Housing Entities (TDHEs) and Tribal Organizations as instrumentalities of the Tribe. HUD has proposed regulatory text in this proposed rule that would account for the requested exception, at proposed 24 CFR 1000.26(a)(9), (a)(11)(i), and (a)(12)(i),[61] and 1003.501(a)(7) and (a)(9).[62] The proposed changes for proposed §§ 1000.26(a)(9) and (a)(11)(i) and 1003.501(a)(7) and (9) would provide that the 2 CFR provision, either 2 CFR 200.313 or 200.317, applies except as modified by HUD's regulations. HUD's proposed regulations would permit a TDHE or Tribal Organization to follow the Tribal laws, policies, and procedures of the Indian Tribe they serve, instead of 2 CFR part 200 requirements. Proposed 24 CFR 1000.26(a)(12)(i) would require 2 CFR 200.318 through 200.327 to apply when a Tribe does not have their own policies and procedures for procurement with non-Federal funds or when a TDHE does not follow the policies and procedures for procurement with non-Federal funds of the Tribe they serve. HUD is seeking public comment on these proposals pending OMB's approval of the requested exception.

IV. Findings and Certifications

Regulatory Review—Executive Orders 12866, 13563, and 14094

Pursuant to Executive Order 12866 (Regulatory Planning and Review), a determination must be made whether a regulatory action is significant, and therefore, subject to review by OMB in accordance with the requirements of the order. Executive Order 13563 (Improving Regulations and Regulatory Review) directs executive agencies to analyze regulations that are ''outmoded, ineffective, insufficient, or excessively burdensome, and to modify, streamline, expand, or repeal them in accordance with what has been learned.'' Executive Order 13563 also directs, where relevant, feasible, and consistent with regulatory objectives, and to the extent permitted by law, agencies to identify and consider regulatory approaches that reduce burdens and maintain flexibility and freedom of choice for the public. Executive Order 14094, entitled ''Modernizing Regulatory Review'' (hereinafter referred to as the ''Modernizing E.O.''), amends section 3(f) of Executive Order 12866 (Regulatory Planning and Review), among other things. This proposed rule was determined to not be a significant regulatory action under section 3(f) of Executive Order 12866, Regulatory Planning and Review.

Regulatory Flexibility Act

The Regulatory Flexibility Act (RFA) (5 U.S.C. 601 *et seq.*) generally requires an agency to conduct a regulatory flexibility analysis of any rule subject to notice and comment rulemaking requirements unless the agency certifies that the rule will not have a significant economic impact on a substantial number of small entities. This rule proposes to amend HUD regulations to make necessary technical updates to cross-references to sections of 2 CFR part 200 and other conforming changes that align HUD's regulations with revisions made by OMB to 2 CFR parts 25 and 200. This rule also proposes to amend HUD regulations based on HUD's experience implementing 2 CFR part 200 to improve clarity and consistency in HUD regulations that cross-reference 2 CFR part 200 or specific subparts or provisions; to establish program-specific procedures for the Housing Trust Fund (HTF) program and better align programmatic and administrative requirements for HTF grant closeout; to align HTF regulations with changes related to 2 CFR part 200 proposed in HUD's recent proposed rule for the HOME program;[63] to update HUD's Title VI, Section 108, Section 184, and Section 184A loan guarantee program regulations to address OMB's changes for loan guarantee programs regarding System for Award Management (*SAM.gov*) registration; and to update

Div. A, Title VIII, § 889, as amended).'' The John S. McCain National Defense Authorization Act for Fiscal Year 2019 may be found at Public Law 115–232.

[61] HUD is proposing changes to capture the exception by revising § 1000.26(a)(9), (11), and (12) in this proposed rule, which are currently designated as paragraphs (a)(8), (10), and (11) in HUD's existing regulations.

[62] HUD is proposing changes to capture the exception by revising existing paragraph (a)(6) in § 1003.501, which would become designated paragraph (a)(7) under this proposed rule, and by adding a new paragraph (a)(9) to that section.

[63] 89 FR 46618.

HUD's Section 184 and 184A loan guarantee programs to explicitly state requirements that apply to these programs both prior to and because of OMB's recent changes. These amendments impose no significant economic impact on a substantial number of small entities. Therefore, the undersigned certifies that this rulemaking will not have a significant impact on a substantial number of small entities.

Unfunded Mandates Reform Act

Title II of the Unfunded Mandates Reform Act of 1995 (2 U.S.C. 1531–1538) (UMRA) establishes requirements for Federal agencies to assess the effects of their regulatory actions on State, local, and Tribal governments and the private sector. This proposed rule does not impose any Federal mandates on any State, local, or Tribal governments or the private sector within the meaning of the UMRA.

Environmental Review

This proposed rule does not direct, provide for assistance or loan and mortgage insurance for, or otherwise govern, or regulate, real property acquisition, disposition, leasing, rehabilitation, alteration, demolition, or new construction, or establish, revise, or provide for standards for construction or construction materials, manufactured housing, or occupancy. Accordingly, under 24 CFR 50.19(c)(1), this proposed rule is categorically excluded from environmental review under the National Environmental Policy Act of 1969 (42 U.S.C. 4321).

Executive Order 13132, Federalism

Executive Order 13132 (entitled ''Federalism'') prohibits an agency from publishing any rule that has federalism implications if the rule either imposes substantial direct compliance costs on State and local governments and is not required by statute, or the rule preempts State law, unless the agency meets the consultation and funding requirements of section 6 of the Order. This proposed rule does not have federalism implications and would not impose substantial direct compliance costs on State and local governments nor preempt State law within the meaning of the Order.

List of Subjects

24 CFR Part 4

Administrative practice and procedure, Government employees, Grant programs—housing and community development, Investigations, Loan programs—housing and community development, Penalties, Reporting and recordkeeping requirements.

24 CFR Part 5

Administrative practice and procedure, Aged, Claims, Crime, Government contracts, Grant programs—housing and community development, Individuals with disabilities, Intergovernmental relations, Loan programs—housing and community development, Low and moderate income housing, Mortgage insurance, Penalties, Pets, Public housing, Rent subsidies, Reporting and recordkeeping requirements, Social Security, Unemployment compensation, Wages.

24 CFR Part 75

Administrative practice and procedure, Community development, Government contracts, Grant programs—housing and community development, Housing, Loan programs—housing and community development, Reporting and recordkeeping requirements, Small businesses.

24 CFR Part 92

Administrative practice and procedure, Low and moderate income housing, Manufactured homes, Rent subsidies, Reporting and recordkeeping requirements.

24 CFR Part 93

Administrative practice and procedure, Grant programs—housing and community development, Low and moderate income housing, Manufactured homes, Rent subsidies, Reporting and recordkeeping requirements.

24 CFR Part 200

Administrative practice and procedure, Claims, Equal employment opportunity, Fair housing, Housing standards, Lead poisoning, Loan programs—housing and community development, Mortgage insurance, Organization and functions (Government agencies), Penalties, Reporting and recordkeeping requirements, Social Security, Unemployment compensation, Wages.

24 CFR Part 570

Administrative practice and procedure, American Samoa, Community development block grants; Grant programs—education, Grant programs—housing and community development, Guam, Indians, Loan programs—housing and community development, Low and moderate income housing, Northern Mariana Islands, Pacific Islands Trust Territory, Puerto Rico, Reporting and recordkeeping requirements, Student aid, Virgin Islands.

24 CFR Part 574

Community facilities, Grant programs—housing and community development, Grant programs—social programs, HIV/AIDS, Low and moderate income housing, Reporting and recordkeeping requirements.

24 CFR Part 576

Community facilities, Grant programs—housing and community development, Grant programs—social programs, Homeless, Reporting and recordkeeping requirements.

24 CFR Part 578

Community development, Community facilities, Grant programs—housing and community development, Grant programs—social programs, Homeless, Reporting and recordkeeping requirements.

24 CFR Part 700

Aged, Grant programs—housing and community development, Grant programs—Indians, Indians, Individuals with disabilities, Low and moderate income housing, Public housing, Reporting and recordkeeping requirements.

24 CFR Parts 880, 881, and 883

Grant programs—housing and community development, Rent subsidies, Reporting and recordkeeping requirements.

24 CFR Part 884

Accounting, Administrative practice and procedure, Grant programs—housing and community development, Home improvement, Housing, Low and moderate income housing, Public assistance programs, Public housing, Rent subsidies, Reporting and recordkeeping requirements, Rural areas, Utilities.

24 CFR Part 886

Grant programs—housing and community development, Lead poisoning, Rent subsidies, Reporting and recordkeeping requirements.

24 CFR Parts 905 and 964

Grant programs—housing and community development, Public housing, Reporting and recordkeeping requirements.

24 CFR Part 965

Government procurement, Grant programs—housing and community development, Lead poisoning, Loan

programs—housing and community development, Public housing, Reporting and recordkeeping requirements, Utilities.

24 CFR Part 970

Grant programs—housing and community development, Public housing, Reporting and recordkeeping requirements.

24 CFR Part 990

Accounting, Grant programs—housing and community development, Public housing, Reporting and recordkeeping requirements.

24 CFR Part 1000

Aged, Community development block grants, Grant programs—housing and community development, Grant programs—Indians, Indians, Individuals with disabilities, Public housing, Reporting and recordkeeping requirements.

24 CFR Part 1003

Alaska, Community development block grants, Grant programs—housing and community development, Grant programs—Indians, Indians, Reporting and recordkeeping requirements.

24 CFR Part 1005

Indians, Loan programs—Indians, Reporting and recordkeeping requirements.

24 CFR Part 1006

Community development block grants, Grant programs—housing and community development, Grant programs—Indians, Hawaiian Natives, Low and moderate income housing, Reporting and recordkeeping requirements.

24 CFR Part 1007

Hawaiian Natives, Loan programs—housing and community development, Loan programs—Indians, Reporting and recordkeeping requirements.

For the reasons described in the preamble, and under the authority of 42 U.S.C. 3535(d), the Department of Housing and Urban Development proposes to amend 24 CFR parts 4, 5, 75, 92, 93, 200, 570, 574, 576, 578, 700, 880, 881, 883, 884, 886, 905, 964, 965, 970, 990, 1000, 1003, 1005, 1006, and 1007, as set forth below:

PART 4—HUD REFORM ACT

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

Authority: 42 U.S.C. 3535(d), 3537a, 3545.

§ 4.9 [Amended]

■ 2. In § 4.9(a)(1)(iii), remove ''2 CFR 200.80'' and add in its place ''2 CFR 200.1''.

PART 5—GENERAL HUD PROGRAM REQUIREMENTS; WAIVERS

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

Authority: 12 U.S.C. 1701x; 42 U.S.C. 1437a, 1437c, 1437f, 1437n, 3535(d); 42 U.S.C. 2000bb *et seq.;* 34 U.S.C. 12471 *et seq.;* Sec. 327, Pub. L. 109–115, 119 Stat. 2396; E.O. 13279, 67 FR 77141, 3 CFR, 2002 Comp., p. 258; E.O. 13559, 75 FR 71319, 3 CFR, 2010 Comp., p. 273; E.O. 14015, 86 FR 10007, 3 CFR, 2021 Comp., p. 517.

§ 5.801 [Amended]

■ 4. In § 5.801(a)(1):

■ a. Remove ''5, 9, or 14'' and add in its place ''5 or 9''; and

■ b. Remove ''(42 U.S.C. 1437c, 1437g, and 1437*l*)'' and add in its place ''(42 U.S.C. 1437c, 1437g)''.

■ 5. Revise § 5.1001 to read as follows:

§ 5.1001 Applicability.

This subpart applies to all applicants for and recipients of Federal financial assistance provided under HUD programs, unless a Federal statute or an exception under 2 CFR part 25 provides otherwise. See 2 CFR 25.400 for the definitions that apply to ''Federal financial assistance'' and other terms in this subpart.

■ 6. Revise § 5.1003 to read as follows:

§ 5.1003 System for Award Management (SAM) and Unique entity identifier (UEI) requirements for applicants.

(a) *General requirement.* Each applicant for Federal financial assistance must:

(1) Be registered in *SAM.gov* before submitting an application;

(2) Maintain a current and active registration in *SAM.gov* at all times during which it has an active Federal award as a recipient or an application under consideration by a Federal awarding agency. The applicant must review and update its information in *SAM.gov* annually from the date of initial registration or later updates to ensure the information is current, accurate, and complete. If applicable, this includes identifying the applicant's immediate and highest-level owner and subsidiaries, as well as providing information on all predecessors that have received a Federal award or contract within the last 3 years; and

(3) Include its UEI in each application it submits to HUD, including applications for renewal of a Federal award.

(b) *Special cases.* (1) Applicants or groups of applicants under a consortium arrangement:

(i) If one organization is submitting the application for Federal assistance as the lead applicant on behalf of the other applicants, that organization must comply with the requirements in paragraph (a) of this section.

(ii) If each organization is submitting a separate application as part of a group of applications, then each organization must comply with the requirements in paragraph (a) of this section.

(2) If an organization is submitting an application as a sponsor or on behalf of other applicants, and the other entities will be receiving funds directly from HUD, then each entity that would receive funds directly from HUD must comply with the requirements in paragraphs (a)(1) and (2) of this section, and the application submitted to HUD must include the UEI of each of those entities.

(3) If an organization is managing funds for a group of organizations and will be drawing down funds directly from HUD, that organization must comply with the requirements in paragraph (a) of this section.

(c) *Issuing or amending a Federal award.* Unless an entity is exempt under 2 CFR 25.110, HUD may not issue a Federal award or amend an existing Federal award to provide additional Federal funds if the entity is not in compliance with the requirements of this part.

(d) *Awarding another applicant.* When HUD is ready to make a Federal award, if the intended recipient has not complied with the requirements to obtain a UEI and maintain an active registration in *SAM.gov* with current information, HUD may make a Federal award to another applicant.

■ 7. Revise § 5.1004 to read as follows:

§ 5.1004 System for Award Management (SAM) and Unique entity identifier (UEI) requirements for recipients and other entities.

(a) Each recipient of Federal financial assistance must maintain a current and active registration in *SAM.gov* at all times during which it has an active Federal award as a recipient or an application under consideration by a Federal awarding agency. The recipient must review and update its information in *SAM.gov* annually from the date of initial registration or later updates to ensure the information is current, accurate, and complete. If applicable, this includes identifying the recipient's immediate and highest-level owner and subsidiaries, as well as providing information on all predecessors that

have received a Federal award or contract within the last 3 years.

(b) Each recipient of Federal financial assistance must notify any potential subrecipients that the recipient cannot make a subaward to a subrecipient that has not obtained a UEI and provided it to the recipient. Subrecipients are not required to complete full registration in *SAM.gov* to obtain a UEI.

(c) For purposes of loan guarantees and other guaranteed programs, recipients of the guarantee from the Federal agency (for example, lenders of guaranteed loans) are required to complete entity validations and acquire a UEI. In addition, HUD may require non-individual beneficiary borrowers (for example, small businesses or corporations) to obtain a UEI or register in *SAM.gov*.

■ 8. Revise § 5.1005 to read as follows:

§ 5.1005 Incorporation of required Award Term.

Every agreement for Federal financial assistance that HUD executes with a recipient on or after October 1, 2024, is subject to the Award Term in appendix A to 2 CFR part 25.

■ 9. Add § 5.1006 to read as follows:

§ 5.1006 Certifications and assurances.

Every agreement for Federal financial assistance that HUD executes with a recipient on or after October 1, 2024, must contain or be accompanied by the appropriate assurances and certifications (*e.g.,* HUD–424B). This applies to recipients provided an exemption to the requirements of 2 CFR 25.110. The Responsible Civil Rights Official has specified the form HUD–424B for use for purposes of meeting the requirements of §§ 1.5, 3.115, 8.50, and 146.25 of this title, as applicable. The Responsible Civil Rights Official may require specific civil rights assurances to be furnished consistent with those authorities and will specify the form on which such assurances must be made.

PART 75—ECONOMIC OPPORTUNITIES FOR LOW- AND VERY LOW-INCOME PERSONS

■ 10. The authority citation for part 75 continues to read as follows:

Authority: 12 U.S.C. 1701u; 42 U.S.C. 3535(d).

§ 75.5 [Amended]

■ 11. In § 75.5, remove ''2 CFR 200.93'' wherever it appears and add in its place ''2 CFR 200.1''.

§ 75.31 [Amended]

■ 12. In § 75.31(c), remove ''2 CFR part 200'' and add in its place ''2 CFR 200.334''.

§ 75.33 [Amended]

■ 13. In § 75.33(a), remove ''2 CFR part 200'' and add in its place ''2 CFR 200.334''.

PART 92—HOME INVESTMENT PARTNERSHIPS PROGRAM

■ 14. The authority citation for part 92 continues to read as follows:

Authority: 42 U.S.C. 3535(d) and 12701–12839, 12 U.S.C. 1701x.

§ 92.220 [Amended]

■ 15. In § 92.220(a)(1)(ii), remove ''2 CFR 200.80'' and add in its place ''2 CFR 200.1''.

■ 16. In § 92.356, revise paragraph (a) to read as follows:

§ 92.356 Conflict of interest.

(a) *Applicability.* When procuring goods and services in accordance with 2 CFR part 200, the participating jurisdiction, State recipient, or subrecipient must comply with the applicable conflict of interest requirements in 2 CFR 200.317 through 200.319. In all other situations, the provisions of this section apply.

* * * * *

§ 92.502 [Amended]

■ 17. In § 92.502(c)(2), remove ''2 CFR 200.305(b)(9)'' and add in its place ''2 CFR 200.305(b)(12)''.

§ 92.504 [Amended]

■ 18. In § 92.504:

■ a. In paragraph (c)(1)(x):

■ i. Remove ''2 CFR 200.338'' and add in its place ''2 CFR 200.339''; and

■ ii. Remove ''2 CFR 200.339'' and add in its place ''2 CFR 200.340''; and

■ b. In paragraph (c)(2)(ix):

■ i. Remove ''2 CFR 200.338'' and add in its place ''2 CFR 200.339''; and

■ ii. Remove ''2 CFR 200.339'' and add in its place ''2 CFR 200.340''.

■ 19. Revise § 92.505 to read as follows:

§ 92.505 Applicability of uniform administrative requirements.

The requirements of 2 CFR part 200 apply to participating jurisdictions, State recipients, and subrecipients receiving HOME funds, except for the following provisions: §§ 200.306 through 200.308 (not applicable to participating jurisdictions), 200.311 (except as provided in § 92.257), 200.312, 200.328, 200.329(c), 200.330, 200.334, 200.335, and 200.344. The provisions of 2 CFR 200.305 apply as modified by § 92.502(c). If there is a conflict between definitions in 2 CFR part 200 and this part, the definitions in this part govern.

■ 20. In § 92.508, add paragraph (a)(7)(ii)(C) to read as follows:

§ 92.508 Recordkeeping.

(a) * * *

(7) * * *

(ii) * * *

(C) Records of any efforts to consider small businesses, minority businesses, women's business enterprises, veteran-owned businesses, and labor surplus area firms, as described in 2 CFR 200.321.

* * * * *

§ 92.551 [Amended]

■ 21. In § 92.551:

■ a. In paragraph (c)(2):

■ i. Remove ''2 CFR 200.207'' and add in its place ''2 CFR 200.208''; and

■ ii. Remove ''2 CFR 200.338'' and add in its place ''2 CFR 200.339''.

PART 93—HOUSING TRUST FUND

■ 22. The authority citation for part 93 continues to read as follows:

Authority: 42 U.S.C. 3535(d), 12 U.S.C. 4568.

■ 23. In § 93.353, revise paragraph (a) to read as follows:

§ 93.353 Conflict of interest.

(a) *Applicability of procurement standards.* When procuring goods and services in accordance with 2 CFR part 200, the grantee or subgrantee must comply with the applicable conflict of interest requirements in 2 CFR 200.317 through 200.319. In all other situations, the provisions of this section apply.

* * * * *

■ 24. In § 93.400, revise paragraph (d)(2) to read as follows:

§ 93.400 Housing Trust Fund (HTF) accounts.

* * * * *

(d) * * *

(2) Any fiscal year grant funds in the HTF Treasury account that are not expended after the date of expiration of the grant's period of performance, as described in § 93.409(a)(3);

* * * * *

§ 93.404 [Amended]

■ 25. In § 93.404:

■ a. In paragraph (c)(1)(v), remove ''2 CFR 200.331'' and add in its place ''2 CFR 200.332''; and

■ b. In paragraph (c)(1)(xi):

■ i. Remove ''2 CFR 200.338'' and add in its place ''2 CFR 200.339''; and

■ ii. Remove ''2 CFR 200.339'' and add in its place ''2 CFR 200.340''.

■ 26. Revise § 93.405 to read as follows:

§ 93.405 Applicability of uniform administrative requirements, cost principles, and audits.

The requirements of 2 CFR part 200 apply to the grantees and subgrantees

receiving HTF funds, except for the following provisions: §§ 200.307, 200.308, 200.311, 200.312, 200.328, 200.329(c), 200.330, 200.334, 200.335, and 200.344 (except as provided in § 93.409). If there is a conflict between the definitions in 2 CFR part 200 and this part, the definitions in this part govern.

§ 93.407 [Amended]

■ 27. In § 93.407:
■ a. In paragraph (a)(2)(ii):
■ i. Remove ''2 CFR 200.333'' and add in its place ''2 CFR 200.334''; and
■ ii. Remove ''200.337'' and add in its place ''200.338''; and
■ b. In paragraph (a)(3)(iv), remove ''2 CFR part 200,'' and add in its place ''2 CFR 200.302''.
■ 28. Add § 93.409 to read as follows:

§ 93.409 Closeout.

This section specifies the procedure and actions that must be completed by a HTF grantees and HUD to close out a grant. The requirements of 2 CFR 200.344 apply to closeouts, except to the extent that such requirements conflict with the following:

(a) *Closeout process.* (1) HUD will close out a grant after the period of performance has ended. A grantee must complete all required activities and closeout actions for the grant, as required by HUD. If the grantee fails to complete the requirements in accordance with this section, HUD may close out the Federal award with the information available. HUD may closeout individual grants or multiple grants simultaneously.

(2) To prepare for closeout, before the end of the budget period of the grant, the grantee must review all eligible activities under the grant and reconcile its accounts as follows:

(i) For any eligible costs incurred under the grant and not yet drawn down from the U.S. Treasury account, the grantee must draw down those funds in a timely manner.

(ii) The grantee must promptly refund to the proper accounts any previously disbursed balances of unobligated cash paid in advance. All such refunds must be completed prior to submission of the information and reports required in paragraph (b) of this section.

(3) After the end of the grant budget period, no additional eligible activities may be undertaken by the grantee using the grant funds and no additional eligible costs incurred after the budget period may be submitted by the grantee. Unused funds remaining on the grant will be returned to HUD. The grantee must promptly refund any unused grant funds not authorized to be retained, consistent with HUD's instructions. HUD shall reallocate the grant funds by formula in accordance with § 93.54.

(4) HUD will initiate closeout actions in the computerized disbursement and information system when the grantee has met the requirements established in paragraph (b) of this section.

(i) If the grantee does not submit and enter all required data, information, and reports or complete the actions described in paragraph (b) of this section, HUD will proceed to close out the grant with the information available within one year of the period of performance end date. Each grant shall have a 9-year period of performance beginning after the date of HUD's execution of the HTF grant agreement. The date of HUD's execution of the HTF grant agreement is also the point of obligation for the HTF grant.

(ii) HUD may report the grantee's material failure to comply with the terms and conditions of the Federal award or requirements in this section in *SAM.gov*. HUD may also pursue other enforcement actions in 2 CFR 200.339.

(5) A grantee may request, and HUD may provide an extension of the period of performance or closeout deadlines provided good cause is demonstrated.

(b) *Actions required for closeout.* A grantee must complete the following actions for closeout of the grant:

(1) Submit a complete and final Federal Financial Report for the grant to HUD within 120 days of the end date of the period of performance, as indicated in the grant agreement;

(2) Demonstrate that it has fulfilled all programmatic and administrative requirements for the project (*i.e.,* property inspections, obtaining certificates of occupancy, etc.) within the period of performance in accordance with 2 CFR 200.344(a);

(3) Enter all data for activities in the computerized disbursement and information system established by HUD, within one year from the end of the period of performance as required by the grant agreement;

(4) Demonstrate that all HTF-assisted units are occupied by eligible occupants by entering accurate beneficiary data in the computerized disbursement and information system established by HUD, within one year from the end of the period of performance, as required by the grant agreement;

(5) Comply with the requirements in 2 CFR 200.313(e) for the disposition of any equipment acquired under one or more HTF grants, that is no longer needed for the HTF program, or for other activities previously supported by a Federal agency;

(6) Resolve and close all HTF monitoring findings for the grant (if applicable);

(7) Resolve and close all OIG audit findings for the grant (if applicable);

(8) Resolve and close all Single Audit findings for the grant (if applicable);

(9) Carry out all other responsibilities under the grant agreement and applicable laws and regulations satisfactorily; and

(10) Complete a closeout certification prepared by HUD. The certification shall identify the grant being closed out and include provisions with respect to the following:

(i) Identification of any unused grant funds that were returned to HUD;

(ii) Compliance with the recordkeeping requirements in § 93.407, including maintaining program, project, financial, program administration, records concerning other Federal requirements, and such other records as necessary to carry out responsibilities for the grant by the grantee and its subgrantees;

(iii) Monitoring and enforcement of the requirements for all HTF-assisted units set forth in this part for the period specified in the HTF written agreement with the property owner;

(iv) Compliance with use of program income, recaptured funds, and repayments in accordance with § 92.403. If the grantee is not a grantee when it receives funds, the funds may be retained and used for other affordable housing purposes;

(v) All actions required in 2 CFR 200.344 applicable to the grant have been taken by the grantee;

(vi) All actions required in 2 CFR 200.344 applicable to the grantee's subgrantees have been taken;

(vii) Other provisions appropriate to any special circumstances of the grant closeout, in modification of or in addition to the obligations in paragraphs (c)(1) and (2) of this section;

(viii) Acknowledge future monitoring by HUD, including that findings of noncompliance may be taken into account by HUD as unsatisfactory performance of the grantee and in any risk-based assessment of a future grant award under this part; and

(ix) Unless otherwise provided in a closeout certification, the Consolidated Plan will remain in effect after closeout until the expiration of the program year covered by the most recent Consolidated Plan.

(c) *Post closeout adjustments and continuing responsibilities.* The closeout of a grant does not affect any of the obligations required under this part and under 2 CFR 200.345, including:

(1) The right of HUD to disallow costs and recover funds on the basis of a later audit or other review. HUD must make any cost disallowance determination and notify the grantee within the record retention period;

(2) Compliance with the requirements in § 93.407;

(3) Compliance with the requirements in § 93.408;

(4) Records retention as required in 2 CFR 200.345, as applicable;

(5) Monitoring and enforcement of the requirements for all HTF-assisted units set forth in this part for the period of affordability specified in the HTF written agreement with the property owner;

(6) Compliance with use of program income, recaptured funds, and repayments in accordance with § 93.403. If the grantee is not a grantee when it receives funds, the funds may be retained and used for other affordable housing purposes;

(7) Compliance with the requirement in 2 CFR 200.345(a)(2) that the grantee return any funds due as a result of a later refund, corrections, or other transactions including final indirect cost rate adjustments; and

(8) Compliance with the audit requirements at 2 CFR part 200, subpart F.

§ 93.452 [Amended]

■ 29. In § 93.452:

■ a. In paragraph (c)(2):

■ i. Remove ''2 CFR 200.207'' and add in its place ''2 CFR 200.208''; and

■ ii. Remove ''200.338'' and add in its place ''200.339''.

PART 200—INTRODUCTION TO FHA PROGRAMS

■ 30. The authority citation for part 200 continues to read as follows:

Authority: 12 U.S.C. 1702–1715z–21; 42 U.S.C. 3535(d).

■ 31. Revise § 200.11 to read as follows:

§ 200.11 Audit requirements for State and local governments as mortgagees.

Requirements set forth in 2 CFR part 200, subpart F, apply to State and local governments (as defined at 2 CFR 200.1) that receive mortgage insurance as mortgagees.

PART 570—COMMUNITY DEVELOPMENT BLOCK GRANTS

■ 32. The authority citation for part 570 continues to read as follows:

Authority: 12 U.S.C. 1701x, 1701 x–1; 42 U.S.C. 3535(d) and 5301–5320.

■ 33. In § 570.206, revise paragraph (e) to read as follows:

§ 570.206 Program administrative costs.

* * * * *

(e) *Indirect costs.* The amount of indirect costs determined by applying the indirect cost rate to the portion of modified total direct costs (as defined at 2 CFR 200.1) that represents up to $50,000 of each subaward may only be charged to the grant as a program administrative cost.

* * * * *

§ 570.485 [Amended]

■ 34. In § 570.485(d), remove ''2 CFR 200.207'' and add in its place ''2 CFR 200.208''.

§ 570.489 [Amended]

■ 35. In § 570.489:

■ a. In paragraph (g), remove ''2 CFR 200.330'' and add in its place ''2 CFR 200.331;

■ b. Revise paragraph (j) introductory text;

■ c. In paragraph (m):

■ i. Remove ''2 CFR 200.330'' and add in its place ''2 CFR 200.331''; and

■ ii. Remove ''200.332'' and add in its place ''200.333''; and

■ d. In paragraph (o), remove ''2 CFR 200.343'' and add in its place ''2 CFR 200.344''.

The revision reads as follows:

§ 570.489 Program administrative requirements.

* * * * *

(j) *Change of use of real property.* The standards described in this section apply to real property within the unit of general local government's control (including activities undertaken by subrecipients) that was acquired or improved in whole or in part using CDBG funds in excess of the simplified acquisition threshold (2 CFR 200.1) set by the FAR at 48 CFR part 2, subpart 2.1. These standards shall apply from the date CDBG funds are first spent for the property until 5 years after closeout of the unit of general local government's grant.

* * * * *

■ 36. In § 570.502, revise paragraph (a) to read as follows:

§ 570.502 Applicability of uniform administrative requirements.

(a) Grantees and subrecipients shall comply with 2 CFR part 200, ''Uniform Administrative Requirements, Cost Principles, and Audit Requirements for Federal Awards'', except that:

(1) 2 CFR 200.305 is modified for lump sum drawdown for financing of property rehabilitation activities, in accordance with § 570.513.

(2) 2 CFR 200.306 does not apply.

(3) 2 CFR 200.307 does not apply. Program income is governed by § 570.504.

(4) 2 CFR 200.308 does not apply.

(5) 2 CFR 200.311 does not apply, except as provided in § 570.200(j). Real property is governed by § 570.505.

(6)(i) 2 CFR 200.313 applies, except that in all cases in which the equipment is sold, the proceeds shall be considered and treated as program income unless § 570.500(a)(4)(i) provides otherwise.

(ii) Equipment not needed by the subrecipient for CDBG activities shall be transferred to the recipient for the CDBG program or shall be retained after compensating the recipient.

(7) 2 CFR 200.334 applies except that:

(i) For recipients:

(A) The period shall be 4 years from the date of execution of the closeout agreement for a grant, as further described in this part;

(B) Records for individual activities subject to the reversion of assets provisions at § 570.503(b)(7) or the change of use provisions at § 570.505 must be maintained for 3 years after those provisions no longer apply to the activity;

(C) Records for individual activities for which there are outstanding loan balances, other receivables, or contingent liabilities must be retained for 3 years after the receivables or liabilities have been satisfied.

(ii) For subrecipients:

(A) The retention period for individual CDBG activities shall be the longer of 3 years after the expiration or termination of the subrecipient agreement under § 570.503, or 3 years after the submission of the annual performance and evaluation report, as prescribed in § 91.520 of this title, in which the specific activity is reported on for the final time;

(B) Records for individual activities subject to the reversion of assets provisions at § 570.503(b)(7) or change of use provisions at § 570.505 must be maintained for as long as those provisions continue to apply to the activity; and

(C) Records for individual activities for which there are outstanding loan balances, other receivables, or contingent liabilities must be retained until such receivables or liabilities have been satisfied.

(8) 2 CFR 200.344 applies to closeout of subrecipients.

* * * * *

§ 570.508 [Amended]

■ 37. In § 570.508, remove ''2 CFR 200.337'' and add in its place ''2 CFR 200.338''.

§ 570.509 [Amended]

■ 38. In § 570.509:

■ a. In paragraph (b)(3), remove ''2 CFR part 200'' and add in its place ''2 CFR part 200, subpart F'';

■ b. In paragraph (e), remove ''2 CFR 200.339'' and add in its place ''2 CFR 200.340''; and

■ c. In paragraph (f), remove ''2 CFR 200.342)'' and add in its place ''2 CFR 200.343''.

■ 39. In § 570.611, revise paragraph (a) to read as follows:

§ 570.611 Conflict of interest.

(a) *Applicability.* (1) When procuring goods and services in accordance with 2 CFR part 200, the recipient or subrecipient must comply with the applicable conflict of interest requirements in 2 CFR 200.317 through 200.319.

(2) In all cases where the provisions of 2 CFR 200.317 through 200.319 do not apply, the provisions of this section shall apply. Such cases include the acquisition and disposition of real property and the provision of assistance by the recipient or by its subrecipients to individuals, businesses, and other private entities under eligible activities that authorize such assistance (*e.g.,* rehabilitation, preservation, and other improvements of private properties or facilities pursuant to § 570.202; or grants, loans, and other assistance to businesses, individuals, and other private entities pursuant to § 570.203, 570.204, 570.455, or 570.703(i)).

■ 40. In § 570.707, add paragraph (d) to read as follows:

§ 570.707 Applicability of rules and regulations.

* * * * *

(d) *Registration in SAM.gov.* Public entities and States must complete entity validations and acquire a unique entity identifier (UEI) in *SAM.gov* in accordance with 2 CFR 25.105 in order to apply for and obtain a loan guaranteed under this subpart. The lender or holder of a note guaranteed under this subpart is not required to complete entity validations and acquire a UEI in *SAM.gov* in accordance with 2 CFR 25.105 in order to obtain the benefit of the loan guarantee.

PART 574—HOUSING OPPORTUNITIES FOR PERSONS WITH AIDS

■ 41. The authority citation for part 574 continues to read as follows:

Authority: 12 U.S.C. 1701x, 1701 x–1; 42 U.S.C. 3535(d) and 5301–5320.

■ 42. In § 574.500, revise paragraph (c) to read as follows:

§ 574.500 Responsibility for grant administration.

* * * * *

(c) *Enforcement.* HUD will enforce the obligations in the grant agreement in accordance with the provisions of 2 CFR part 200, subpart D. Upon initiating a remedy for noncompliance (for example, disallowed costs, a corrective action plan, or termination), HUD will provide the grantee with an opportunity for informal consultation, in which the grantee may object and provide information challenging the action.

■ 43. Revise § 574.530 to read as follows:

§ 574.530 Recordkeeping.

(a)(1) For formula grants, each grantee must ensure that all grant records are maintained for the longer of five years or the applicable record retention period provided in 2 CFR part 200 (2 CFR 200.334).

(2) For all other grants, grantees must ensure that all grant records are maintained for the applicable record retention period provided in 2 CFR part 200 (2 CFR 200.334).

(3) For all grants, grantees must ensure that all records for real property subject to minimum use requirements are maintained for at least three years after final disposition.

(b) Grantees must maintain the following:

(1) Current and accurate data on the race and ethnicity of program participants.

(2) Documentation of the actions the grantee has taken to affirmatively further fair housing, pursuant to §§ 5.151 and 5.152 of this title.

(3) Data on emergency transfers requested under § 5.2005(e) of this title, pertaining to victims of domestic violence, dating violence, sexual assault, or stalking, including data on the outcomes of such requests.

■ 44. Revise § 574.540 to read as follows:

§ 574.540 Deobligation of funds.

The period of performance for the grant will be 36 months after the date that HUD executes the grant agreement with the recipient, unless the grant agreement provides for a longer period. HUD may deobligate all or a portion of the amounts approved for eligible activities if the amounts are not expended in a timely manner, or the proposed activity for which funding was approved is not in accordance with the approved application or action plan and requirements of this part. The grant agreement may set forth other circumstances under which funds may be deobligated or sanctions imposed.

■ 45. Revise § 574.605 to read as follows:

§ 574.605 Applicability of uniform administrative requirements, cost principles, and audit requirements for Federal awards.

The requirements of 2 CFR part 200, ''Uniform Administrative Requirements, Cost Principles, and Audit Requirements for Federal Awards,'' apply, except where inconsistent with the AIDS Housing Opportunity Act, title I of the Cranston-Gonzalez National Affordable Housing Act, or the implementing regulations in this part or part 91 of this title.

■ 46. Revise § 574.625 to read as follows:

§ 574.625 Conflict of interest.

(a) *Applicable requirements.* When procuring goods and services in accordance with 2 CFR part 200, the grantee or project sponsor must comply with the applicable conflict of interest requirements under 2 CFR 200.317 through 200.319. In all other situations, the prohibition in paragraph (b) of this section applies.

(b) *Conflicts prohibited.* No person who is an employee, agent, consultant, officer, or elected or appointed official of the grantee or project sponsor and who exercises or has exercised any functions or responsibilities with respect to assisted activities, or who is in a position to participate in a decision making process or gain inside information with regard to such activities, may obtain a financial interest or benefit from the activity, or have an interest in any contract, subcontract, or agreement with respect thereto, or the proceeds thereunder, either for himself or herself or for those with whom he or she has family or business ties, during his or her tenure or for one year thereafter.

(c) *Exceptions: Threshold requirements.* Upon the written request of the grantee, HUD may grant an exception to the prohibition in paragraph (b) of this section when it determines that the exception will serve to further the purposes of the HOPWA program and the effective and efficient administration of the grantee's program or project. An exception may be considered only after the grantee has provided the following:

(1) A disclosure of the nature of the conflict, accompanied by an assurance that there has been public disclosure of the conflict and a description of how the public disclosure was made; and

(2) An opinion of the grantee's attorney that the interest for which the exception is sought would not violate State or local law.

(d) *Factors to be considered for exceptions.* In determining whether to grant a requested exception after the grantee has satisfactorily met the requirements of paragraph (c) of this section, HUD will consider the cumulative effect of the following factors, where applicable:

(1) Whether the exception would provide a significant cost benefit or an essential degree of expertise to the program or project that would otherwise not be available;

(2) Whether the person affected is a member of a group or class of eligible persons and the exception will permit such person to receive generally the same interests or benefits as are being made available or provided to the group or class;

(3) Whether the affected person has withdrawn from his or her functions or responsibilities, or the decision making process with respect to the specific assisted activity in question;

(4) Whether the interest or benefit was present before the affected person was in a position as described in paragraph (b) of this section;

(5) Whether undue hardship will result to the grantee, the project sponsor, or the person affected when weighed against the public interest served by avoiding the prohibited conflict; and

(6) Any other relevant considerations.

PART 576—EMERGENCY SOLUTIONS GRANTS PROGRAM

■ 47. The authority citation for part 576 continues to read as follows:

Authority: 12 U.S.C. 1701x, 1701x–1; 42 U.S.C. 11371 *et seq.,* 42 U.S.C. 3535(d).

§ 576.2 [Amended]

■ 50. In § 576.2, remove ''2 CFR 200.80'' wherever it appears and add in its place ''2 CFR 200.1''.

■ 51. In § 576.109, revise paragraphs (b) and (c) to read as follows:

§ 576.109 Indirect Costs.

* * * * *

(b) *Allocation to eligible activities under §§ 576.101 through 576.107.* Indirect costs may be allocated to an eligible activity under §§ 576.101 through 576.107, provided that:

(1) The applicable indirect cost methodology and requirements under 2 CFR part 200, subpart E, would allow for allocation of indirect costs to a specific activity by applying the indirect cost rate to only the allowable direct costs of that activity that are included within the applicable direct cost base; and

(2) The sum of direct costs and indirect costs charged for street outreach and emergency shelter activities would not exceed the expenditure limit in § 576.100(b).

(c) *Allocation to administrative costs under § 576.108.* Indirect costs that cannot be allocated to an eligible activity under §§ 576.101 through 576.107, but can otherwise be allocated to the ESG grant under 2 CFR part 200, subpart E, may be charged to the grant as administrative costs under § 576.108, provided the sum of direct and indirect costs charged as administrative costs does not exceed the expenditure limit in §§ 576.100(c) and 576.108(a). Costs that may only be charged in this manner include any amount of indirect costs that is determined by applying the indirect cost rate to ''up to the first $50,000 of each subaward'' as provided by the MTDC definition in 2 CFR 200.1, where indirect costs are determined by applying the indirect cost rate to MTDC.

■ 52. In § 576.200, revise paragraph (a) to read as follows:

§ 576.200 Submission requirements and grant approval.

(a) *Application submission and approval.* In addition to meeting the requirements in part 5, subpart K of this title, each State, urban county, or metropolitan city must submit and obtain HUD approval of a consolidated plan in accordance with the requirements in part 91 of this title, and each territory must submit and obtain HUD approval of a consolidated plan in accordance with the requirements that apply to local governments under part 91 of this title. HUD may include specific conditions in the grant agreement for a State, urban county, or metropolitan city as provided by 2 CFR 200.208.

* * * * *

■ 53. In § 576.201, revise paragraph (d) and remove paragraphs (e) and (f) to read as follows:

§ 576.201 Matching requirement.

* * * * *

(d) Matching contributions may include unrecovered indirect costs as described in 2 CFR 200.306(c).

■ 54. In § 576.203, revise the second sentence of paragraph (b) to read as follows:

§ 576.203 Obligation, expenditure, and payment requirements.

* * * * *

(b) * * * The recipient's entire grant must be expended for eligible costs within 24 months after the date HUD signs the grant agreement with the recipient (''period of performance''), except for funds used for administrative closeout costs as provided by 2 CFR 200.403(h). * * *

* * * * *

■ 55. In § 576.404, revise the last sentence of paragraph (a) and the introductory text for paragraph (b) to read as follows:

§ 576.404 Conflicts of interest.

(a) * * * Recipients and subrecipients must also comply with the applicable organizational conflicts of interest requirements under 2 CFR 200.317 through 200.319.

(b) *Individual conflicts of interest.* When procuring goods and services in accordance with 2 CFR part 200, the recipient or subrecipient must comply with the applicable conflict of interest requirements under 2 CFR 200.317 and 200.318. For all other transactions and activities, the following provisions apply:

* * * * *

■ 56. In § 576.500, revise paragraphs (y) and (z)(1) to read as follows:

§ 576.500 Recordkeeping and reporting requirements.

* * * * *

(y) *Period of record retention.* All records related to the recipient's ESG grant must be kept for the longer of 5 years, the minimum period described in paragraphs (y)(1) through (3) of this section, or the minimum period that 2 CFR part 200 (2 CFR 200.334) provides for specific situations or records.

(1) Documentation of each program participant's qualification as a family or individual at risk of homelessness or as a homeless family or individual and other program participant records must be kept for at least 5 years after the expenditure of all funds from the grant under which the program participant was served;

(2) Where ESG funds are used for the renovation of an emergency shelter involves costs charged to the ESG grant that exceed 75 percent of the value of the building before renovation, records must be kept for at least 10 years after the date that ESG funds are first obligated for the renovation; and

(3) Where ESG funds are used to convert a building into an emergency shelter and the costs charged to the ESG grant for the conversion exceed 75 percent of the value of the building after conversion, records must be kept for at least 10 years after the date that ESG funds are first obligated for the conversion.

(z) * * *

(1) *Federal Government rights.* Notwithstanding the confidentiality procedures established under paragraph (x) of this section, the recipient and its

subrecipients must comply with the requirements for access to records in 2 CFR 200.337.

* * * * *

PART 578—CONTINUUM OF CARE

■ 57. The authority citation for part 578 continues to read as follows:

Authority: 12 U.S.C. 1701x, 1701 x–1; 42 U.S.C. 11381 *et seq.,* 42 U.S.C. 3535(d).

■ 58. In § 578.63:
■ a. Revise paragraph (b);
■ b. Redesignate paragraph (c) as paragraph (d); and
■ c. Add a new paragraph (c).

The revision and addition read as follows:

§ 578.63 Indirect costs.

* * * * *

(b) *Allocation to eligible activities under §§ 578.39 through 578.57 and 578.61.* Indirect costs may be allocated to an eligible activity under §§ 578.39 through 578.57 and 578.61, provided that:

(1) The applicable indirect cost methodology and requirements under 2 CFR part 200, subpart E, would allow for allocation of indirect costs to a specific activity by applying the indirect cost rate to only the allowable direct costs of that activity that are included within the applicable direct cost base; and

(2) The sum of direct costs and indirect costs charged for eligible activities under §§ 578.39 and 578.41 would not exceed the expenditure limits in §§ 578.39(a) and 578.41(a) respectively.

(c) *Allocation to administrative costs under § 578.59.* Indirect costs that cannot be allocated to an eligible activity under paragraph (b) of this section, but can otherwise be allocated to the CoC program grant under 2 CFR part 200, subpart E, may be charged to the grant as administrative costs under § 578.59, provided the sum of direct and indirect costs charged as administrative costs does not exceed the applicable expenditure limit in § 578.59. Costs that may only be charged in this manner include any amount of indirect costs that is determined by applying the indirect cost rate to ''up to the first $50,000 of each subaward'' as provided by the MTDC definition in 2 CFR 200.1, where indirect costs are determined by applying the indirect cost rate to MTDC.

* * * * *

■ 59. In § 578.95:
■ a. Revise paragraphs (a) and (b); and
■ b. Add a sentence to the end of paragraph (c).

The revision and addition read as follows:

§ 578.95 Conflicts of interest.

(a) *Procurement.* When procuring goods and services in accordance with 2 CFR part 200, the recipient or subrecipient must comply with the applicable conflict of interest requirements in 2 CFR 200.317 through 200.319.

(b) *Continuum of Care board members.* No Continuum of Care or collaborative applicant board member may participate in or influence discussions or resulting decisions concerning the award of a grant or other financial benefits to the organization that the member represents.

(c) * * * No recipient or subrecipient may have an organizational conflict of interest. Recipients and subrecipients must also maintain standards of conduct covering organizational conflicts of interest described in 2 CFR 200.318.

PART 700—CONGREGATE HOUSING SERVICES PROGRAM

■ 60. The authority citation for part 700 continues to read as follows:

Authority: 42 U.S.C. 3535(d) and 8011.

§ 700.175 [Amended]

■ 61. In § 700.175(b), remove ''and 200.319(a)(5)'' and add in its place ''and 200.319(b) and (c)(5).''

PART 880—SECTION 8 HOUSING ASSISTANCE PAYMENTS PROGRAM FOR NEW CONSTRUCTION

■ 62. The authority citation for part 880 continues to read as follows:

Authority: 42 U.S.C. 1437a, 1437c, 1437f, 3535(d), 12701, and 13611–13619.

§ 880.211 [Amended]

■ 63. In § 880.211, remove ''2 CFR 200.69'' and add in its place ''2 CFR 200.1''.

PART 881—SECTION 8 HOUSING ASSISTANCE PAYMENTS PROGRAM FOR SUBSTANTIAL REHABILITATION

■ 64. The authority citation for part 881 continues to read as follows:

Authority: 42 U.S.C. 1437a, 1437c, 1437f, 3535(d), 12701, and 13611–13619.

§ 881.211 [Amended]

■ 65. In § 881.211(a), remove ''2 CFR 200.69'' and add in its place ''2 CFR 200.1''.

PART 883—SECTION 8 HOUSING ASSISTANCE PAYMENTS PROGRAM—STATE HOUSING AGENCIES

■ 66. The authority citation for part 883 continues to read as follows:

Authority: 42 U.S.C. 1437a, 1437c, 1437f, 3535(d), and 13611–13619.

§ 883.313 [Amended]

■ 67. In § 883.313, remove ''2 CFR 200.69'' and add in its place ''2 CFR 200.1''.

PART 884—SECTION 8 HOUSING ASSISTANCE PAYMENTS PROGRAM, NEW CONSTRUCTION SET-ASIDE FOR SECTION 515 RURAL RENTAL HOUSING PROJECTS

■ 68. The authority citation for part 884 continues to read as follows:

Authority: 42 U.S.C. 1437a, 1437c, 1437f, 3535(d), and 13611–13619.

§ 884.124 [Amended]

■ 69. In § 884.124, remove ''2 CFR 200.69'' and add in its place ''2 CFR 200.1''.

PART 886—SECTION 8 HOUSING ASSISTANCE PAYMENTS PROGRAM—SPECIAL ALLOCATIONS

■ 70. The authority citation for part 886 continues to read as follows:

Authority: 42 U.S.C. 1437a, 1437c, 1437f, 3535(d), and 13611–13619.

§ 886.131 [Amended]

■ 71. In § 886.131, remove ''2 CFR 200.69'' and add in its place ''2 CFR 200.1''.

§ 886.336 [Amended]

■ 72. In § 886.336, remove ''2 CFR 200.69'' and add in its place ''2 CFR 200.1''.

PART 905—THE PUBLIC HOUSING CAPITAL FUND PROGRAM

■ 73. The authority citation for part 905 continues to read as follows:

Authority: 42 U.S.C. 1437g, 42 U.S.C. 1437z–2, 42 U.S.C. 1437z–7 and 3535(d).

■ 74. In § 905.322 revise the first sentence in paragraphs (a) and (b)(1)(i) and (ii) to read as follows:

§ 905.322 Fiscal closeout.

(a) *General.* Each Capital Fund grant and/or development project is subject to fiscal closeout in accordance with 2 CFR 200.344. * * *

(b) * * *

(1) * * *

(i) Actual Development Cost Certificate (ADCC) is to be submitted according with 2 CFR 200.344. * * *

(ii) Actual Modernization Cost Certificate (AMCC) for each grant, is to be submitted according with 2 CFR 200.344, but no earlier than the obligation end date. * * *

* * * * *

PART 964—TENANT PARTICIPATION AND TENANT OPPORTUNITIES IN PUBLIC HOUSING

■ 75. The authority citation for part 964 continues to read as follows:

Authority: 42 U.S.C. 1437d, 1437g, 1437r, 3535(d).

§ 964.230 [Amended]

■ 76. In § 964.230:
■ a. In paragraph (a)(2), add ''or a special purpose framework as approved by HUD'' after ''generally accepted government audit standards''; and
■ b. In paragraph (b), add ''or a special purpose framework as approved by HUD'' after ''generally accepted government audit standards''.

PART 965—PHA-OWNED OR LEASED PROJECTS—GENERAL PROVISIONS

■ 77. The authority citation for part 965 continues to read as follows:

Authority: 42 U.S.C. 1437, 1437a, 1437d, 1437g, and 3535(d). Subpart H is also issued under 42 U.S.C. 4821–4846.

§ 965.205 [Amended]

■ 78. In § 965.205(d)(1), add ''or a special purpose framework as approved by HUD'' after ''generally accepted accounting principles'' wherever it appears.

§ 965.308 [Amended]

■ 79. In § 965.308:
■ a. In paragraph (a)(1), remove ''2 CFR 200.320(d)'' wherever it appears and add in its place ''2 CFR 200.320(b)(2)''; and
■ b. In paragraph (a)(2), remove ''2 CFR 200.320(f)'' and add in its place ''2 CFR 200.320(c)''.

PART 970—PUBLIC HOUSING PROGRAM—DEMOLITION OR DISPOSITION OF PUBLIC HOUSING PROJECTS

■ 80. The authority citation for part 970 continues to read as follows:

Authority: 42 U.S.C. 1437p and 3535(d).

■ 81. In § 970.1, revise the last sentence to read as follows:

§ 970.1 Purpose.

* * * The regulations in 2 CFR part 200 are not applicable to this part except: if the PHA requests to retain the public housing property, in which case, 2 CFR 200.311(d)(1) applies; and if the PHA disposes of equipment or supplies, 2 CFR 200.313 and 200.314 apply.

PART 990—THE PUBLIC HOUSING OPERATING FUND PROGRAM

■ 82. The authority citation for part 990 continues to read as follows:

Authority: 42 U.S.C. 1437g; 42 U.S.C. 3535(d).

§ 990.280 [Amended]

■ 83. In § 990.280(b)(2), remove ''2 CFR part 200it'' and add in its place ''2 CFR part 200), it''.

PART 1000—NATIVE AMERICAN HOUSING ACTIVITIES

■ 84. The authority citation for part 1000 continues to read as follows:

Authority: 25 U.S.C. 4101 *et seq.;* 42 U.S.C. 3535(d).

■ 85. In § 1000.26:
■ a. Revise paragraph (a); and
■ b. Add a heading to paragraph (b).

The revision and addition read as follows:

§ 1000.26 What are the administrative requirements under NAHASDA?

(a) *Uniform Administrative Requirements.* Except as addressed in § 1000.28, recipients shall comply with the requirements and standards of 2 CFR part 200, ''Uniform Administrative Requirements, Cost Principles, And Audit Requirements for Federal Awards'', except for the following sections:

(1) 2 CFR 200.1 applies, except that, in lieu of the definition for Indian Tribe, the definition for Indian Tribe in section 104 of NAHASDA (25 U.S.C. 4103) will apply.

(2) 2 CFR 200.113 applies, except that, in lieu of the remedies described in 2 CFR 200.339, HUD shall be authorized to seek remedies under subpart F of this part.

(3) 2 CFR 200.302(a).

(4) 2 CFR 200.305 applies, except that HUD shall not require a recipient to expend retained program income before drawing down or expending IHBG funds.

(5) 2 CFR 200.306.

(6) 2 CFR 200.307.

(7) 2 CFR 200.308.

(8) 2 CFR 200.311, except as provided in § 5.109 of this title.

(9) 2 CFR 200.313 applies except that a TDHE may follow the Tribal laws and procedures contemplated in 2 CFR 200.313(b) of the Indian Tribe they serve.

(10) 2 CFR 200.314 applies, except in all cases in which the supplies are sold, the proceeds shall be program income.

(11) 2 CFR 200.317 applies except as modified in this paragraph (a)(11):

(i) *Procurement policies and procedures.* A TDHE may follow the same policies and procedures on procurement used by the Indian tribe they serve.

(ii) *De minimis procurement.* Regardless of the Tribe's policies and procedures for procurement, procurements using a grant provided under NAHASDA cannot be subject to competitive procurement requirements when the value of the goods and services is less than $5,000, or such other higher amount as may be established in NAHASDA.

(iii) *Utilizing Federal supply sources in procurement.* In accordance with section 101(j) of NAHASDA, recipients may use Federal supply sources made available by the General Services Administration pursuant to 40 U.S.C. 501.

(12) 2 CFR 200.318 through 200.327 apply, as modified in this paragraph (a)(12):

(i) *General.* These provisions apply when a Tribe does not have their own policies and procedures for procurement with non-Federal funds or when a TDHE does not follow the policies and procedures for procurement with non-Federal funds of the Tribe they serve.

(ii) *De minimis procurement.* A recipient shall not be required to comply with 2 CFR 200.318 through 200.327 with respect to any procurement, using a grant provided under NAHASDA, of goods and services with a value of less than $5,000, or such other higher amount as may be established in NAHASDA.

(iii) *Utilizing Federal supply sources in procurement.* In accordance with section 101(j) of NAHASDA, recipients may use Federal supply sources made available by the General Services Administration pursuant to 40 U.S.C. 501.

(13) 2 CFR 200.326 applies. There may be circumstances under which the bonding requirements of 2 CFR 200.326 are inconsistent with other responsibilities and obligations of the recipient. In such circumstances, acceptable methods to provide performance and payment assurance may include:

(i) Deposit with the recipient of a cash escrow of not less than 20 percent of the total contract price, subject to reduction during the warranty period, commensurate with potential risk;

(ii) Letter of credit for 25 percent of the total contract price, unconditionally payable upon demand of the recipient, subject to reduction during any warranty period commensurate with potential risk; or

(iii) Letter of credit for 10 percent of the total contract price, unconditionally payable upon demand of the recipient, subject to reduction during any warranty period commensurate with potential risk, and compliance with the

procedures for monitoring of disbursements by the contractor.

(14) 2 CFR 200.329(c) through (e) and (g), ''Monitoring and reporting program performance.''

(15) 2 CFR 200.334.

(16) 2 CFR 200.339.

(17) 2 CFR 200.344.

(b) *Cost principles.*

* * * * *

■ 86. In § 1000.30, revise paragraph (a) to read as follows:

§ 1000.30 What prohibitions regarding conflict of interest are applicable?

(a) *Applicability.* When procuring goods and services in accordance with 2 CFR part 200, the recipient or subrecipient must comply with the applicable conflict of interest requirements in 2 CFR 200.317 through 200. 319. In all other situations, the provisions of this section apply.

* * * * *

§ 1000.52 [Amended]

■ 87. In § 1000.52(c)(2)(iii), remove ''through 200.326'' and add in its place ''through 200.327''.

■ 88. Add § 1000.438 to read as follows:

§ 1000.438 Are Title VI lenders and holders of Title VI guarantee certificates required to register for the System for Award Management (SAM) and obtain a Unique entity identifier (UEI)?

Yes. All Title VI lenders and holders of Title VI guarantee certificates must complete entity validations and acquire a unique entity identifier (UEI) in *SAM.gov* per 2 CFR 25.105.

PART 1003—COMMUNITY DEVELOPMENT BLOCK GRANTS FOR INDIAN TRIBES AND ALASKA NATIVE VILLAGES

■ 89. The authority citation for part 1003 continues to read as follows:

Authority: 42 U.S.C. 3535(d) and 5301 *et seq.*

§ 1003.4 [Amended]

■ 90. In § 1003.4, in the definition for ''Subrecipient'', remove ''through 200.326'' and add in its place ''through 200.327''.

■ 91. In § 1003.501, revise paragraphs (a) and (b)(1)(iii) to read as follows:

§ 1003.501 Applicability of uniform administrative requirements and cost principles.

(a) *Uniform Administrative Requirements.* Grantees and subrecipients shall comply with the requirements and standards of 2 CFR part 200, except for the following sections:

(1) 2 CFR 200.1 applies, except that, in lieu of the definition for Indian Tribe, the definition for Indian tribe in section 102 of the Housing and Community Development Act of 1974 (42 U.S.C. 5302) will apply, and in lieu of the definition for *Subrecipient,* the definition for *Subrecipient* at § 1003.4 will apply.

(2) 2 CFR 200.302(a).

(3) 2 CFR 200.306.

(4) 2 CFR 200.307 applies as modified by § 1003.503.

(5) 2 CFR 200.308.

(6) 2 CFR 200.311 except as provided in § 1003.600.

(7) 2 CFR 200.313 applies, except that Tribal Organizations may follow the Tribal laws and procedures used by the Indian tribe it serves. In all cases in which the equipment is sold, the proceeds shall be program income in accordance with § 1003.503.

(8) 2 CFR 200.314 applies, except in all cases in which the supplies are sold, the proceeds shall be program income in accordance with § 1003.503.

(9) 2 CFR 200.317 applies, except that Tribal Organization may follow the same policies and procedures on procurement used by the Indian tribe it serves.

(10) 2 CFR 200.326 applies. However, there may be circumstances under which the bonding requirements of 2 CFR 200.326 are inconsistent with other responsibilities and obligations of the grantee. In such circumstances, acceptable methods to provide performance and payment assurance may include:

(i) Deposit with the grantee of a cash escrow of not less than 20 percent of the total contract price, subject to reduction during the warranty period, commensurate with potential risk; or

(ii) Letter of credit for 25 percent of the total contract price, unconditionally payable upon demand of the grantee, subject to reduction during the warranty period commensurate with potential risk.

(11) 2 CFR 200.329(c) through (e) and (g).

(12) 2 CFR 200.334 applies. However, the retention period referenced in 2 CFR 200.334 pertaining to individual ICDBG activities starts from the date of the submission of the final status and evaluation report as prescribed in § 1003.506(a) in which the specific activity is reported.

(13) 2 CFR 200.344.

(b) * * *

(1) * * *

(iii) Costs of housing (*e.g.,* depreciation, maintenance, utilities, furnishings, rent), housing allowances, and personal living expenses (goods or services for personal use, 2 CFR 200.445) require prior HUD approval.

* * * * *

§ 1003.503 [Amended]

■ 92. In § 1003.503(b)(7), remove ''2 CFR 200.307(e)(2)'' and add in its place ''2 CFR 200.307(b)(2)''.

§ 1003.507 [Amended]

■ 93. In § 1003.507, remove ''2 CFR 200.337'' and add in its place ''2 CFR 200.338''.

§ 1003.508 [Amended]

■ 94. In § 1003.508:

■ a. In paragraph (d), remove ''2 CFR 200.339'' and add in its place ''2 CFR 200.340''; and

■ b. In paragraph (e), remove ''2 CFR 200.342'' and add in its place ''2 CFR 200.343''.

§ 1003.510 [Amended]

■ 95. In § 1003.510(d)(3), remove ''of 2 CFR 200.320.'' and add in its place ''of 2 CFR 200.320.''.

■ 96. In § 1003.606, revise paragraph (a) to read as follows:

§ 1003.606 Conflict of interest.

(a) *Applicability.* When procuring goods and services in accordance with 2 CFR part 200, the grantee or subrecipient must comply with the applicable conflict of interest requirements in 2 CFR 200.317 through 200.319. In all other situations, the provisions of this section apply.

* * * * *

PART 1005—LOAN GUARANTEES FOR INDIAN HOUSING

■ 97. The authority citation for part 1005 continues to read as follows:

Authority: 12 U.S.C. 1715z–13a; 15 U.S.C. 1639c; 42 U.S.C. 3535(d).

§ 1005.217 [Amended]

■ 98. In § 1005.217(b)(7), remove ''1005.219(d)(3)'' and add in its place ''1005.219(f)(3)''.

■ 99. In § 1005.219:

■ a. Redesignate paragraphs (b) through (e) as paragraphs (d) through (g); and

■ b. Add new paragraphs (b) and (c).

The additions read as follows:

§ 1005.219 Other requirements.

* * * * *

(b) *Registration in SAM.gov.* All Holders and Direct Guarantee Lenders must complete entity validations and acquire a UEI in *SAM.gov* per 2 CFR 25.105.

(c) *Compliance with 2 CFR part 200, subpart F.* All Holders and Direct Guarantee Lenders that are States, local governments, Tribes, or nonprofit

organizations must comply with the audit requirements of 2 CFR part 200, subpart F.

* * * * *

§ 1005.739 [Amended]

■ 100. In § 1005.739(h), remove ''1005.219(d)(2)'' and add in its place ''1005.219(f)(2)''.

§ 1005.803 [Amended]

■ 101. In § 1005.803(a), remove ''1005.219(d)(2)'' and add in its place ''1005.219(f)(2)''.

PART 1006—NATIVE HAWAIIAN HOUSING BLOCK GRANT PROGRAM

■ 102. The authority citation for part 1006 continues to read as follows:

Authority: 12 U.S.C. 1701x, 1701x–1; 25 U.S.C. 4221 *et seq.;* 42 U.S.C. 3535(d), Pub. L. 115–141, Pub. L. 116–6, Pub. L. 116–94, Pub. L. 116–260, Pub. L. 117–103, Pub. L. 117–328.

■ 103. In § 1006.340, revise paragraph (b) to read as follows:

§ 1006.340 Treatment of program income.

* * * * *

(b) *Authority to retain.* The DHHL may retain any program income that is realized from any NHHBG funds if:

(1) That income was realized after the initial disbursement of the NHHBG funds received by the DHHL; and

(2) The DHHL agrees to use the program income for affordable housing activities in accordance with the provisions of the Act and this part.

* * * * *

■ 104. Revise § 1006.360 to read as follows:

§ 1006.360 Conflict of interest.

When procuring goods and services in accordance with 2 CFR part 200, DHHL and its contractors must comply with the applicable conflict of interest requirements in 2 CFR 200.317 through 200.319.

■ 105. In § 1006.370:

■ a. Revise paragraph (a);

■ b. Add a heading to paragraph (b);

■ c. Revise paragraphs (b)(1)(iii) and (b)(2); and

■ d. Add paragraph (c).

The revisions and additions read as follows:

§ 1006.370 Uniform administrative, requirements, cost principles, and audit requirements for Federal awards.

(a) *Uniform Administrative Requirements.* The DHHL and subrecipients receiving NHHBG funds shall comply with the requirements and standards of 2 CFR part 200, ''Uniform Administrative Requirements, Cost Principles, and Audit Requirements for Federal Awards'' except as otherwise provided by this section.

(b) *Cost principles.*

(1) * * *

(iii) Costs of housing (*e.g.,* depreciation, maintenance, utilities, furnishings, rent), housing allowances, and personal living expenses (goods or services for personal use, 2 CFR 200.445).

* * * * *

(2) In addition, no person providing consultant services in an employer-employee type of relationship shall receive more than a reasonable rate of compensation for personal services paid with NHHBG funds. In no event, however, shall such compensation exceed the equivalent of the daily rate paid for Level IV of the Executive Schedule. The Executive Pay Schedule can be obtained by visiting *https://www.opm.gov/policy-data-oversight/pay-leave/salaries-wages.*

(c) Section 200.305 applies, except that HUD shall not require DHHL to expend retained program income before drawing down or expending NHHBG funds.

§ 1006.420 [Amended]

■ 106. In § 1006.420(b)(3), remove ''2 CFR 200.333'' and add in its place ''2 CFR 200.334''.

PART 1007—SECTION 184A LOAN GUARANTEES FOR NATIVE HAWAIIAN HOUSING

■ 107. The authority citation for part 1007 continues to read as follows:

Authority: 12 U.S.C. 1715z–13b; 15 U.S.C. 1639c; 42 U.S.C. 3535(d).

■ 108. In § 1007.50, add paragraphs (e) and (f) to read as follows:

§ 1007.50 Certificate of guarantee.

* * * * *

(e) *Registration in SAM.gov.* All lenders and subsequent holders of the loan guarantee must complete entity validations and acquire a UEI in *SAM.gov* per 2 CFR 25.105.

(f) *Compliance with 2 CFR part 200, subpart F.* All lenders and subsequent holders of the loan guarantee that are States, local governments, or nonprofit organizations must comply with the audit requirements of 2 CFR part 200, subpart F.

Damon Y. Smith,

General Counsel.

[FR Doc. 2024–30260 Filed 12–30–24; 8:45 am]

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ENVIRONMENTAL PROTECTION AGENCY

40 CFR Part 700

[EPA–HQ–OPPT–2024–0501; FRL–12463–01–OCSPP]

Preliminary Lists Identifying Manufacturers Subject to Fee Obligations for Five Chemical Substances Undergoing EPA-Initiated Risk Evaluations Under the Toxic Substances Control Act (TSCA); Notice of Availability and Request for Comment

AGENCY: Environmental Protection Agency (EPA).

ACTION: Determination; request for comments.

SUMMARY: The Environmental Protection Agency (EPA or Agency) is announcing the availability of and soliciting comment on the preliminary lists of manufacturers (including importers) of five chemical substances that have been designated as High-Priority Substances for risk evaluation under the Toxic Substances Control Act (TSCA) and for which fees will be charged. As required by TSCA, EPA established fees to defray a portion of the costs associated with administering certain provisions of TSCA. The comment period provides an opportunity for the public to provide comments, self-identify, or correct errors on the preliminary lists. In addition, manufacturers (including importers) are required to self-identify as a manufacturer (or importer) of one or more the five identified High-Priority Substances irrespective of whether they are included on the preliminary lists, and may use this period to do so. Where appropriate, entities may also avoid or reduce fee obligations by making certain certifications consistent with the TSCA Fees Rule. EPA expects to publish final lists of manufacturers (including importers) subject to fees no later than concurrently with the publication of the final scope documents for risk evaluations of these five High-Priority Substances. Manufacturers (including importers) identified on the final lists will be subject to the applicable fees.

DATES: Comments must be received on or before March 3, 2025.

ADDRESSES: Submit your comments, identified by docket identification (ID) number EPA–HQ–OPPT–2024–0501, online at *https://www.regulations.gov.* Follow the online instructions for submitting comments. Do not submit electronically any information you consider to be Confidential Business Information (CBI) or other information whose disclosure is restricted by statute.

Additional instructions on commenting or visiting the docket, along with more information about dockets generally, is available at *https://www.epa.gov/dockets.*

FOR FURTHER INFORMATION CONTACT:

For technical information: Kathleen Ferry, Existing Chemicals Risk Management Division (7404M), Office of Pollution Prevention and Toxics, Environmental Protection Agency, 1200 Pennsylvania Ave. NW, Washington, DC 20460–0001; telephone number: (202) 564–2214; email address: *ferry.kathleen@epa.gov.*

For general information: The TSCA-Hotline, ABVI-Goodwill, 422 South Clinton Ave., Rochester, NY 14620; telephone number: (202) 554–1404; email address: *TSCA-Hotline@epa.gov.*

SUPPLEMENTARY INFORMATION:

I. Executive Summary

A. Does this action apply to me?

This action applies to entities that manufacture (including import) a chemical substance undergoing a risk evaluation under TSCA section 6(b) (*e.g.,* entities identified under North American Industrial Classification System (NAICS) codes 325 and 324110). The action may also be of interest to chemical processors, distributors in commerce, and users; non-governmental organizations in the environmental and public health sectors; state and local government agencies; and members of the public. Since other entities may also be interested, the Agency has not attempted to describe all the specific entities and corresponding NAICS codes for entities that may be interested in or affected by this action. If you have questions regarding the applicability of this action, please consult the technical person listed under **FOR FURTHER INFORMATION CONTACT**.

B. What is the Agency's authority for taking this action?

TSCA section 26(b), 15 U.S.C. 2625(b), provides EPA with authority to establish fees to defray a portion of the costs associated with administering EPA-initiated TSCA section 6 risk evaluations. The implementing fee regulations, which are codified in 40 CFR part 700, subpart C, imposes a fee for any person who manufactures (including imports) a chemical substance that is the subject of an EPA-initiated risk evaluation under TSCA section 6 (Ref. 1). The requirements for those fee payments are codified in 40 CFR 700.45. See also *https://www.epa.gov/tsca-fees.*

C. What action is the Agency taking?

EPA is publishing preliminary lists identifying manufacturers (including importers) that may be subject to fee obligations under 40 CFR 700.45, associated with each EPA-initiated risk evaluation of the following five High-Priority Substances under TSCA section 6 (Refs. 2):

- Acetaldehyde (CASRN 75–07–0);
- Acrylonitrile (CASRN 107–13–1);
- Benzenamine (CASRN 62–53–3);
- Vinyl chloride (CASRN 75–01–4); and
- 4,4′-Methylene bis(2-chloroaniline) (CASRN 101–14–4).

EPA is also providing an opportunity for public comment during which manufacturers (including importers) are required to self-identify as a manufacturer (including importer) of a High-Priority Substance, irrespective of whether they are listed on the preliminary list, unless they meet one or more of the exemptions listed in 40 CFR 700.45(a)(3)(i) through (iii) (*i.e.,* importing articles, producing as a byproduct that is not later used or distributed for commercial purposes, and manufacturing as an impurity). During this comment period, manufacturers and importers may make certain certifications to EPA to avoid or reduce fee obligations. The public will also have the opportunity to correct errors or provide comments on the preliminary lists. EPA is providing a 60-day comment period, which exceeds the minimum 30-day comment period established in 40 CFR 700.45(b)(4), to maximize public participation during the comment period for the preliminary lists. EPA expects to publish final lists of manufacturers (including importers) subject to fees no later than concurrently with the publication of the final scope document for risk evaluations of these five High-Priority Substances. Manufacturers (including importers) identified on the final lists will be subject to applicable fees under 40 CFR 700.45.

D. Why is the Agency taking this action?

TSCA section 26 authorizes EPA to establish, by rule, a fee structure to defray some of the costs of administering certain provisions of TSCA. Established in 2018 and amended in 2024, pursuant to the TSCA Fee Rule EPA will collect payment from manufacturers (including importers) who manufacture (including import) a chemical substance that is the subject of a risk evaluation under TSCA section 6(b). As intended by Congress, these fees are a sustainable source of funds for EPA to fulfill its legal obligations such as conducting risk evaluations to determine whether a chemical substance presents an unreasonable risk of injury to health or the environment, as required under TSCA section 6.

Pursuant to TSCA section 6(b) and its implementing regulations, EPA designated the five chemical substances listed in Unit I.C. as High-Priority Substances for risk evaluation (EPA–HQ–OPPT–2018–0464–0002). EPA is now preliminarily identifying the manufacturers (including importers) that may be subject to fee obligations associated with the risk evaluations of the five High-Priority Substances.

E. What should I consider as I prepare my comments for EPA?

1. Submitting Confidential Business Information (CBI)

Do not submit CBI to EPA through *https://www.regulations.gov* or email. If you wish to include CBI in your comment, please follow the applicable instructions at *https://www.epa.gov/dockets/commenting-epa-dockets#rules* and clearly mark the part or all of the information that you claim to be CBI. In addition to one complete version of the comment that includes information claimed as CBI, a copy of the comment that does not contain the information claimed as CBI must be submitted for inclusion in the public docket. Information so marked will not be disclosed except in accordance with procedures set forth in 40 CFR parts 2 and 703.

2. Tips for Preparing Your Comments

When preparing and submitting your comments, see the commenting tips at *https://www.epa.gov/dockets/comments.html.*

II. Background

TSCA section 6(b)(3)(C) requires EPA to designate at least one new High-Priority Substance for risk evaluation upon completion of each risk evaluation for a High-Priority Substance. Because EPA generally expects to complete five risk evaluations per year over the next several years, in December 2024, EPA designated the five chemical substances listed in Unit I.C. as High-Priority Substances for risk evaluation. Under TSCA section 6(b)(1)(B) and its implementing regulations (40 CFR 702.3), a High-Priority Substance is defined as a chemical substance that EPA determines, without consideration of costs or other non-risk factors, may present an unreasonable risk of injury to health or the environment because of a potential hazard and a potential route of exposure under the conditions of use,

including an unreasonable risk to potentially exposed or susceptible subpopulations identified as relevant by EPA. EPA is now announcing the availability of the preliminary lists of fee payers for the risk evaluations for these five High-Priority Substances.

In addition, in February 2024, EPA amended the 2018 TSCA Fees Rule to revise the fee amounts, which entities are obligated to pay fees, and the requirements for self-identification (Ref. 1 and 3). Specifically, EPA 2024 final rule established fee amounts based on EPA's total costs for administering TSCA; provided six exemptions for entities subject to the EPA-initiated risk evaluation fees; modified the self-identification and reporting requirements; established a production-volume-based fee allocation for EPA-initiated risk evaluations; and extended timeframes for certain fee payments and notices, among other changes. The TSCA Fee Rule is codified in 40 CFR part 700, subpart C.

III. Preliminary Lists and Requirements for Self-Identification

A. The Preliminary Lists

This document announces the availability of EPA's preliminary lists of manufacturers (including importers) associated with each TSCA section 6 risk evaluation for the five High-Priority Substances who are potentially responsible for payment of fees, as required by 40 CFR 700.45. The preliminary lists are available at in the docket (Ref. 4, 5, 6, 7, and 8). EPA developed the preliminary lists using the most up-to-date information available, including information submitted to the Agency (*e.g.,* information submitted under TSCA section 8(a) (including the Chemical Data Reporting (CDR) Rule), TSCA section 8(b), and to the Toxics Release Inventory (TRI)).

This documents initiates a 60-day comment period during which manufacturers (including importers) of the chemical substance must self-identify as a manufacturer (or importer) to EPA (40 CFR 700.45(b)(5)). Where appropriate, entities may also certify as to ''no manufacture'', ''cessation'' of manufacture or to meeting an exemption, in accordance with 40 CFR 700.45(b)(5)(ii)–(iv). Manufacturers (including importers) are required to provide EPA with the contact information as described in 40 CFR 700.45(b)(5)(i). The public will also have the opportunity to correct errors in the preliminary lists during the comment period. EPA expects to publish a final list of manufacturers subject to fees for each chemical substance following the comment period and no later than the date EPA issues the final scope document for these five High-Priority Substances. Manufacturers listed on the final lists will be subject to applicable fees under 40 CFR 700.45.

EPA is soliciting public comments that would inform the final lists by defining the universe of manufacturers (including importers) obligated to pay fees associated with each TSCA section 6 EPA-initiated risk evaluation for the five chemical substances identified in Unit I.C.

B. Self-Identifying as a Manufacturer or Importer

In accordance with 40 CFR 700.45(b)(5), all persons who have manufactured or imported any of the five chemical substances designated as High-Priority Substances in the five years preceding publication of this preliminary list, other than those meeting the article, byproduct, and impurity exemptions listed in 40 CFR 700.45(a)(3)(i) through (iii), must submit notice to EPA, irrespective of whether they are included in the preliminary list specified in paragraph (b)(3) of this section. The manufacturers (including importers) of a chemical substance as a non-isolated intermediate as defined in 40 CFR 704.3, for research and development described under 40 CFR 700.45(a)(3)(v), and those who manufacture (including import) quantities below a 2,500 lbs annual production volume described under 40 CFR 700.45(a)(3)(vi) must still self-identify even though they meet an exemption. In addition, as discussed in more detail in Unit III.B.4., certain manufacturers (including importers) must submit their production volume for the applicable substance for the calendar years 2022, 2023 and 2024.

The notice must be submitted electronically via EPA's Central Data Exchange (CDX), the Agency's electronic reporting portal, using the Chemical Information Submission System (CISS) reporting tool, and must contain the following information: Name and address of the submitting company, the name and address of the authorized official for the submitting company, and the name and telephone number of a person who will serve as technical contact for the submitting company and who will be able to answer questions about the information submitted by the company to EPA.

Manufacturers (including importers) on the preliminary lists have an opportunity to certify through CDX that: (1) they have already ceased manufacturing prior to the defined cutoff dates and will not manufacture (including import) in the successive five years; (2) they have not manufactured the chemical substance in the five-year period preceding publication of the preliminary lists; or (3) they meet one of the six exemptions at 40 CFR 700.45(a)(3)(i) through (vi). If EPA receives such a certification statement from a manufacturer, then the manufacturer will not be obligated to pay the fee, unless all manufacturers of a chemical substance manufacture the chemical in quantities below a 2,500 lbs annual production volume, in which case the exemption is not applicable, and those manufacturers are obligated to pay the fee. Manufacturers (including importers) who are not listed on the preliminary lists and otherwise believe they can certify that they are not subject to fee obligations as described in this Unit and in 40 CFR 700.45(b)(5) may choose to attest to these facts to EPA. In addition, entities will have the opportunity to certify as to whether they meet the definition of a ''small business concern'' as defined in 40 CFR 700.43 and qualify for a reduced fee amount.

1. Certifying an Exit From the Market

Manufacturers (including importers) certifying an exit from the market (*i.e.,* cessation of manufacture and import) of any of the five High-Priority substances must have ceased manufacture prior to the certification cutoff date of December 18, 2023, and are prohibited from manufacturing the substance again in the successive five years. If EPA receives a certification attesting to these facts, the manufacturer will not be included in the final list of manufacturers and will not be obligated to pay the fee under this section. Manufacturers (including importers) planning to cease manufacture (including import) in the future (but have not yet done so), or those which have already ceased but may re-enter the market within the next five years, would not be permitted to certify out of the fee obligation. Manufacturers (including importers) which certify cessation are not required to provide production volume as discussed in B.4. of this Unit.

2. Certification of no Manufacture

Manufacturers (including importers) identified on the preliminary list but have not manufactured the chemical in the five-year period preceding publication of this preliminary list, should submit a certification statement attesting to these facts. If EPA receives such a certification statement from a manufacturer, the manufacturer will not

be included in the final list of manufacturers and will not be obligated to pay the fee under this section.

3. Certification of Meeting Exemptions

Manufacturers (including importers) of a chemical substance which exclusively qualify for one or more of the following exemptions will not be obligated to pay fees: (i) import of articles containing the chemical substance; (ii) produce the chemical substance as a byproduct that is not later used for commercial purposes or distributed for commercial use; (iii) manufacture the chemical substance as an impurity as defined in 40 CFR 704.3; (iv) manufacture the chemical substance as a non-isolated intermediate as defined in 40 CFR 704.3; (v) manufacture small quantities of the chemical substance solely for research and development, as defined in 40 CFR 700.43; or (vi) manufacture the chemical substance in quantities below a 2,500 lbs annual production volume as described in 40 CFR 700.43, unless all manufacturers of a chemical substance manufacture the chemical in quantities below a 2,500 lbs annual production volume in which case the exemption is not applicable and those manufacturers are obligated to pay the fee.

In order to avoid fee payment based on an exemption for all but the production volume exemption under 40 CFR 700.45(a)(3)(vi), the manufacturer must meet one or more exemptions, and not conduct manufacturing outside of those exemptions, on or after the certification cutoff date of December 18, 2023, and meet one or more of the exemptions in the successive five years. To meet the requirements for the production volume exemption under 40 CFR 700.45(a)(3)(vi), the manufacturer must meet that exemption for the five-year period preceding publication of the preliminary list (*i.e.,* have had a production volume below 2,500 lbs annually for the previous five years), does not conduct manufacturing of that chemical substance outside of the exemption, and will meet the exemption in the successive five years.

If a manufacturer is identified on the preliminary list and exclusively meets one or more of these exemptions, the manufacturer must submit a certification statement attesting to these facts in order to not be included in the final list of manufacturers. Regardless of whether they are included on the preliminary list or not, manufacturers (including importers) of a chemical substance as a non-isolated intermediate (*i.e.,* the exemption under 40 CFR 700.45(a)(3)(iv)), for research and development (*i.e.,* the exemption under 40 CFR 700.45(a)(3)(v)), and manufacturers (including importers) of a chemical substance in quantities below a 2,500 lbs annual production volume (*i.e.,* the exemption under 40 CFR 700.45(a)(3)(vi)), must self-identify to EPA. Requiring self-identification of manufacturers that qualify for the production volume-based exemption allows EPA to allocate fees based on production volume and collect fees in a timely manner in situations in which all fee payers have met that exemption criteria. In addition, those manufacturers (including importers) meeting the production volume exemption under 40 CFR 700.45(a)(3)(vi) must report their production volume for the three calendar years prior to publication of the preliminary list.

4. Reporting Production Volume

Manufacturers (including importers) that do not submit a certification of cessation, a certification of no manufacture, or does not meet one or more of the exemptions, other than the production volume exemption in 40 CFR 700.45(a)(3)(vi), must submit their production volume for the applicable substance for the three calendar years prior to publication of the preliminary list (40 CFR 700.45(b)(5)(v)). Similar to the requirements in the CDR rule, two significant figures should be used when calculating production volume. Companies with multiple facilities producing the same chemical substance should include the total aggregated production volume from all facilities when calculating the average production volume. Such companies should also not double count distribution of the same chemical substance within one company when that chemical mixture is ''manufactured'' more than once (*e.g.,* a company that manufactures a chemical, then exports for further processing, then imports the chemical mixture would not need to double count its production volume). Note, this does not apply if multiple companies are involved (*e.g.,* a company manufactures a chemical, then exports it for additional processing, then a separate company imports the mixture). EPA will assess a fee for each of those manufacturers based on the production volume that they separately manufacture or import. EPA does not require the inclusion of non-TSCA chemicals in production volume calculations.

C. Failure To Self-Identify

Manufacturers (including importers) who fail to self-identify as manufacturers subject to fee obligations, as required by the Fees Rule (Ref. 1), may be subject to a penalty under TSCA section 16. Each day of failed self-identification by a manufacturer (including importer) past the publication of the final list is a separate TSCA violation subject to penalty. Likewise, manufacturers (including importers) who falsely certify to having ceased manufacture (including import) or not re-initiating manufacture (including import) within five years will also be subject to penalty, as described in Unit III.H. of the 2018 Fees Rule (Ref. 3).

D. Fee Obligations

Fee obligations are set forth in 40 CFR 700.45 and include a total fee of $4,287,000 for each chemical substance undergoing EPA-initiated risk evaluation, with a reduced fee amount for small business concerns (Ref. 1). The total fee is shared amongst all identified manufacturers (including importers). The Fees Rule provides more detailed information on how EPA determined the fee amounts (Ref. 1). As required by 40 CFR 700.45(g)(3)(iv)(A), fees will be paid in two installments, with the first payment of 50% due 180 days after publishing the final scope of a risk evaluation and the second payment for the remainder of the fee due after 545 days after publishing the final scope of a risk evaluation. Manufacturers may also form a consortium to pay fees in accordance with 40 CFR 700.45(f)(3). The consortium must notify EPA that a consortium has formed within 90 days of the publication of the final scope of a risk evaluation (40 CFR 700.45(f)(3)(i)). Once established, the consortium would determine how the fee would be split among the members, and ultimately paid to EPA. For the consortium to qualify for the reduced small business fee, each person in the consortium must qualify as a small business concern under 40 CFR 700.43.

E. Providing Public Comments

With publication of the preliminary lists, EPA is providing a 60-day comment period for manufacturers (including importers) and the public to correct errors, self-identify as a manufacturer, or certify that they have already exited the market and that they will not resume manufacture (including import) for a period of five years. After the comment period for the preliminary lists of entities subject to a fee obligation, EPA expects to make any necessary updates or corrections before publishing final lists of manufacturers for each of the five High-Priority Substances. If information received during the public comment period

would prompt the addition of manufacturers (including importers) to the final lists, then EPA plans to first notify those manufacturers (including importers).

EPA expects the final lists will indicate whether any manufacturers were identified in error, any additional manufacturers that were identified through the comment period or self-identification process, and whether any manufacturers have certified that they have already ceased manufacture (including import) prior to the cutoff date of December 18, 2023, and will not manufacture the subject chemical substance for five years. The final list will be published no later than concurrently with the final scope document for each risk evaluation initiated by EPA under TSCA section 6 for these five High-Priority Substances.

IV. References

The following is a listing of the documents that are specifically referenced in this notice. The docket includes these documents and other information considered by EPA, including documents that are referenced within the documents that are included in the docket, even if the referenced document is not physically located in the docket. For assistance in locating these other documents, please consult the technical person listed under **FOR FURTHER INFORMATION CONTACT.**

1. EPA. Final Rule: Fees for Administration of Toxic Substances Control Act; Final Rule. **Federal Register**. 89 FR 12961, February 21, 2024 (FRL–7911–05–OCSPP).
2. EPA. Notice: High-Priority Substance Designations Under the Toxic Substances Control Act (TSCA) and Initiation of Risk Evaluation on High-Priority Substances; Notice of Availability. **Federal Register**. 89 FR 102903, December 18, 2024 (FRL–11581–07–OCSPP) (Docket ID No. EPA–HQ–OPPT–2023–0601).
3. EPA. Final Rule: Fees for Administration of Toxic Substances Control Act. **Federal Register**. 83 FR 52694, October 17, 2018 (FRL–9984–41).
4. EPA. Preliminary List Identifying Manufacturers Subject to Fee Obligations for EPA-Initiated Risk Evaluations of Chemical, Acetaldehyde, CASRN 75–07–0. December 2024.
5. EPA. Preliminary List Identifying Manufacturers Subject to Fee Obligations for EPA-Initiated Risk Evaluations of Chemical, Acrylonitrile, CASRN 107–13–1. December 2024.
6. EPA. Preliminary List Identifying Manufacturers Subject to Fee Obligations for EPA-Initiated Risk Evaluations of Chemical, Benzenamine, CASRN 62–53–3. December 2024.
7. EPA. Preliminary List Identifying Manufacturers Subject to Fee Obligations for EPA-Initiated Risk Evaluations of Chemical, Vinyl Chloride, CASRN 75–01–4. December 2024.
8. EPA. Preliminary List Identifying Manufacturers Subject to Fee Obligations for EPA-Initiated Risk Evaluations of Chemical, 4,4′-Methylene bis(2-chloroaniline) (MBOCA), CASRN 101–14–4. December 2024.

Authority: 15 U.S.C. 2601 *et seq.*

Michael S. Regan,

Administrator.

[FR Doc. 2024–30930 Filed 12–30–24; 8:45 am]

BILLING CODE 6560–50–P

DEPARTMENT OF TRANSPORTATION

Federal Railroad Administration

49 CFR Part 211

[Docket No. FRA–2024–0033, Notice No. 3]

RIN 2130–AC97

Federal Railroad Administration's Procedures for Waivers and Safety-Related Proceedings; Withdrawal

AGENCY: Federal Railroad Administration (FRA), U.S. Department of Transportation (DOT).

ACTION: Notice of proposed rulemaking (NPRM); withdrawal.

SUMMARY: FRA is withdrawing the October 29, 2024, NPRM that proposed to update FRA's procedures for waivers and safety-related proceedings to define the two components of the statutory waiver and suspension standard, ''in the public interest'' and ''consistent with railroad safety.''

DATES: The NPRM published at 89 FR 85895 on October 29, 2024, is withdrawn as of December 31, 2024.

FOR FURTHER INFORMATION CONTACT: Veronica Chittim, Senior Attorney, Office of the Chief Counsel, at *veronica.chittim@dot.gov,* 202–480–3410; or Lucinda Henriksen, Senior Advisor, Office of Railroad Safety, at *lucinda.henriksen@dot.gov,* 202–657–2842.

SUPPLEMENTARY INFORMATION:

Background

This action withdraws an NPRM published in the **Federal Register** on October 29, 2024 (89 FR 85895), that proposed to update FRA's procedures for waivers and safety-related proceedings to define the two components of the statutory waiver and suspension standard, ''in the public interest'' and ''consistent with railroad safety.'' The NPRM's comment period is scheduled to close on January 15, 2025.

Reason for Withdrawal

In light of resource constraints to address the numerous rail safety matters before the agency and because FRA has previously issued guidance on the subject matter covered by the NPRM,[1] FRA has decided to withdraw the NPRM. FRA may pursue similar regulations in the future and will consider updating the existing guidance.

Despite the decision not to move forward with the proposed rule at this time, FRA appreciates and takes seriously the thoughtful perspectives raised by stakeholders concerning the waiver process. FRA will continue engaging with its stakeholders on all rail safety matters.

Conclusion

The NPRM published in the **Federal Register** on October 29, 2024 (89 FR 85895), is hereby withdrawn.

Authority: 49 U.S.C. 20103, 20107, 20114, 20306, 20502–20504, and 49 CFR 1.89.

Issued in Washington, DC.

Allison Ishihara Fultz,

Chief Counsel.

[FR Doc. 2024–31065 Filed 12–30–24; 8:45 am]

BILLING CODE 4910–06–P

[1] *https://railroads.dot.gov/elibrary/guidance-submitting-requests-waivers-block-signal-applications-and-other-approval-requests;* 88 FR 1448 (Jan. 10, 2023).

Notices

Federal Register
Vol. 89, No. 250
Tuesday, December 31, 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

Forest Service

Black Hills National Forest Advisory Board

AGENCY: Forest Service, Agriculture USDA.

ACTION: Notice of meeting.

SUMMARY: The Black Hills National Forest Advisory Board will hold a public meeting according to the details shown below. The committee is authorized under the Forest and Rangeland Renewable Resources Planning Act of 1974, the National Forest Management Act of 1976, the Federal Public Lands Recreation Enhancement Act, and operates in compliance with the Federal Advisory Committee Act (FACA). The purpose of the committee is to provide advice and recommendations on a broad range of forest issues such as forest plan revisions or amendments, forest health including fire, insect and disease, travel management, forest monitoring and evaluation, recreation fees, and site-specific projects having forest-wide implications.

DATES: An in-person meeting will be held on January 15, 2025, 1:00 p.m.–4:30 p.m. Mountain Standard Time (MST).

Written and Oral Comments: Anyone wishing to provide in-person oral comments must pre-register by 11:59 p.m. MST on January 10, 2025. Written public comments will be accepted by 11:59 p.m. MST on January 10, 2025. Comments submitted after this date will be provided to the Agency, but the Committee may not have adequate time to consider those comments prior to the meeting.

All board meetings are subject to cancellation. For status of the meeting prior to attendance, please contact the person listed under *For Further Information Contact.*

ADDRESSES: This meeting will be held in person, at the U.S. Forest Service, Mystic Ranger District Office, 8221 Mount Rushmore Road, Rapid City, South Dakota 57702. Board information and meeting details can be found at the following website: *https://www.fs.usda.gov/main/blackhills/workingtogether/advisorycommittees* or by contacting the person listed under **FOR FURTHER INFORMATION CONTACT**.

Written Comments: Written comments must be sent by email to *scott.j.jacobson@usda.gov* or via mail (*i.e.,* postmarked) to Scott Jacobson, 8221 Mount Rushmore Road, Rapid City, South Dakota, 57702. The Forest Service strongly prefers comments be submitted electronically.

Oral Comments: Persons or organizations wishing to make oral comments must pre-register by 11:59 p.m. MST, January 10, 2025, and speakers can only register for one speaking slot. Oral comments must be sent by email to *scott.j.jacobson@usda.gov* or via mail (*i.e.,* postmarked) to Scott Jacobson, 8221 Mount Rushmore Road, Rapid City, South Dakota 57702.

FOR FURTHER INFORMATION CONTACT: Shawn Cochran, Designated Federal Officer (DFO), by phone at 605–673–9201, or email at *shawn.cochran@usda.gov,* or Scott Jacobson, Committee Coordinator at 605–440–1409 or email at *scott.j.jacobson@usda.gov.*

SUPPLEMENTARY INFORMATION: The meeting agenda will include:

1. Annual Ethics Training;
2. LiDAR update;
3. Forest Plan Revision update; and
4. Managing Recreation on the Forest.

The agenda will include time for individuals to make oral statements of three minutes or less. Individuals wishing to make an oral statement should make a request in writing at least three days prior to the meeting date to be scheduled on the agenda. Written comments may be submitted to the Forest Service up to 7 days after the meeting date listed under **DATES**.

Please contact the person listed under **FOR FURTHER INFORMATION CONTACT**, by or before the deadline, for all questions related to the meeting. All comments, including names and addresses when provided, are placed in the record and are available for public inspection and copying. The public may inspect comments received upon request.

Meeting Accommodations: The meeting location is compliant with the Americans with Disabilities Act, and the USDA provides reasonable accommodation to individuals with disabilities where appropriate. If you are a person requiring reasonable accommodation, please make requests in advance for sign language interpretation, assistive listening devices, or other reasonable accommodation to the person listed under the **FOR FURTHER INFORMATION CONTACT** section or contact USDA's TARGET Center at (202) 720–2600 (voice and TTY) or USDA through the Federal Relay Service at (800) 877–8339. Additionally, program information may be made available in languages other than English.

USDA prohibits discrimination in all its programs and activities based on race, color, national origin, religion, sex, gender identity (including gender expression), sexual orientation, disability, age, marital status, family/parental status, income derived from a public assistance program, political beliefs, or reprisal or retaliation for prior civil rights activity, in any program or activity conducted or funded by USDA (not all bases apply to all programs). Remedies and complaint filing deadlines vary by program or incident. Equal opportunity practices, in accordance with USDA policies, will be followed in all membership appointments to the Committee. To ensure that the recommendations of the Committee have taken into account the needs of the diverse groups served by the Department, membership shall include, to the extent practicable, individuals with demonstrated ability to represent the many communities, identities, races, ethnicities, backgrounds, abilities, cultures, and beliefs of the American people, including underserved communities.

Dated: December 16, 2024.

Cikena Reid,

USDA Committee Management Officer.

[FR Doc. 2024–30432 Filed 12–30–24; 8:45 am]

BILLING CODE 3411–15–P

COMMISSION ON CIVIL RIGHTS

Notice of Public Meeting of the Commonwealth of the Northern Mariana Islands Advisory Committee to the U.S. Commission on Civil Rights

AGENCY: U.S. Commission on Civil Rights.

ACTION: Notice of public meeting.

SUMMARY: Notice is hereby given, pursuant to the provisions of the rules and regulations of the U.S. Commission on Civil Rights (Commission) and the Federal Advisory Committee Act, that the Commonwealth of the Northern Mariana Islands Advisory Committee (Committee) to the U.S. Commission on Civil Rights will hold a public meeting via Zoom at 9:30 a.m. ChST on Wednesday, February 5, 2025 (6:30 p.m. ET on Tuesday, February 4, 2025). The purpose of this meeting is to discuss the Committee's report on the topic, *Access to Adequate Health Care for Incarcerated Individuals in the CNMI Judicial System.*

DATES: Wednesday, February 5, 2025, 9:30 a.m.–11:00 a.m. Chamorro Standard Time (Tuesday, February 4, 2025, 6:30 p.m.–8:00 p.m. Eastern Time).

ADDRESSES: The meeting will be held via Zoom Webinar.

Registration Link (Audio/Visual): https://www.zoomgov.com/webinar/register/WN_QQ9WGy4QTcq0Df7JuFF7Gw.

Join by Phone (Audio Only): (833) 435–1820 USA Toll-Free; Meeting ID: 161 543 5547.

FOR FURTHER INFORMATION CONTACT: Kayla Fajota, Designated Federal Officer, at *kfajota@usccr.gov* or (434) 515–2395.

SUPPLEMENTARY INFORMATION: This committee meeting is available to the public through the registration link above. Any interested member of the public may listen to the meeting. An open comment period will be provided to allow members of the public to make a statement as time allows. Per the Federal Advisory Committee Act, public minutes of the meeting will include a list of persons who are present at the meeting. If joining via phone, callers can expect to incur regular charges for calls they initiate over wireless lines, according to their wireless plan. The Commission will not refund any incurred charges. Callers will incur no charge for calls they initiate over land-line connections to the toll-free telephone number. Closed captioning will be available for individuals who are deaf, hard of hearing, or who have certain cognitive or learning impairments. To request additional accommodations, please email Liliana Schiller, Support Services Specialist, at *lschiller@usccr.gov* at least 10 business days prior to the meeting.

Members of the public are entitled to submit written comments; the comments must be received in the regional office within 30 days following the meeting. Written comments may be emailed to Kayla Fajota at *kfajota@usccr.gov.* Persons who desire additional information may contact the Regional Programs Coordination Unit at (434) 515–2395.

Records generated from this meeting may be inspected and reproduced at the Regional Programs Coordination Unit Office, as they become available, both before and after the meeting. Records of the meetings will be available via the file sharing website, *www.box.com.* 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 the above phone number.

Agenda

I. Welcome & Roll Call
II. Committee Discussion
III. Public Comment
IV. Next Steps
V. Adjournment

Dated: December 23, 2024.

David Mussatt,

Supervisory Chief, Regional Programs Unit.

[FR Doc. 2024–31382 Filed 12–30–24; 8:45 am]

BILLING CODE P

COMMISSION ON CIVIL RIGHTS

Notice of Public Meeting of the Colorado Advisory Committee to the U.S. Commission on Civil Rights

AGENCY: Commission on Civil Rights.

ACTION: Notice of public meeting.

SUMMARY: Notice is hereby given, pursuant to the provisions of the rules and regulations of the U.S. Commission on Civil Rights (Commission) and the Federal Advisory Committee Act that the Colorado Advisory Committee (Committee) to the U.S. Commission on Civil Rights will convene a monthly virtual business meeting on Thursday, January 9, 2025, at 12:00 p.m. Mountain Time. The purpose of the meeting is to review the final version of its report on public school attendance zones in Colorado. The committee will vote on the report and discuss next steps.

DATES: Thursday, January 9, 2025, at 12:00 p.m. Mountain Time.

ADDRESSES: The meeting will be held via Zoom.

Meeting Link (Audio/Visual): https://tinyurl.com/3dck9mef; password: USCCR–CO.

Join by Phone (Audio Only): 1–833 435 1820; Meeting ID: 161 172 8685 #.

FOR FURTHER INFORMATION CONTACT: Barbara Delaviez, Designated Federal Official, at *bdelaviez@usccr.gov* or by phone at 202–539–8246.

SUPPLEMENTARY INFORMATION: Any interested member of the public may attend the meeting via the link above. Before adjourning the meeting, the committee chair will announce that any member of the public may make a brief oral statement, as time allows. Per the Federal Advisory Committee Act, public minutes of the meeting will include a list of persons who are present at the meeting. If joining via phone, callers can expect to incur regular charges for calls they initiate over wireless lines, according to their wireless plan. The Commission will not refund any incurred charges. Callers will incur no charge for calls they initiate over land-line connections to the toll-free telephone number. Closed captioning is available by selecting ''CC'' in the meeting platform. To request additional accommodations, please email *ebohor@usccr.gov* at least 10 business days prior to each meeting.

Members of the public are entitled to submit written comments; the comments must be received in the regional office within 30 days following the scheduled meeting. Written comments may be emailed to Barbara Delaviez at *bdelaviez@usccr.gov;* please include Colorado Committee in the subject line of the transmitting email. Persons who desire additional information may contact the Regional Programs Coordination Unit at 1–312–353–8311.

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 the meetings. Records of the meeting will be available via *www.facadatabase.gov* under the Commission on Civil Rights, Colorado Advisory Committee link. Persons interested in the work of this Committee are directed to the Commission's website, *http://www.usccr.gov,* or may contact the Regional Programs Coordination Unit at *ebohor@usccr.gov.*

Agenda

I. Welcome and Roll Call
II. Report Stage: Discuss and Vote on Report—Public School Attendance Zones

III. Discuss Next Steps
IV. Public Comment
V. Adjournment

Dated: December 23, 2024.

David Mussatt,

Supervisory Chief, Regional Programs Unit.

[FR Doc. 2024–31380 Filed 12–30–24; 8:45 am]

BILLING CODE P

COMMISSION ON CIVIL RIGHTS

Notice of Public Meeting of the Hawai'i Advisory Committee to the U.S. Commission on Civil Rights

AGENCY: U.S. Commission on Civil Rights.

ACTION: Notice of public meeting.

SUMMARY: Notice is hereby given, pursuant to the provisions of the rules and regulations of the U.S. Commission on Civil Rights (Commission) and the Federal Advisory Committee Act (FACA), that the Hawai'i Advisory Committee (Committee) to the U.S. Commission on Civil Rights will hold a virtual business meeting via Zoom on Tuesday, January 21, 2025, from 3:00 p.m. to 4:00 p.m. HST, to discuss the Committee's project ''Examining Hawai'i's Child Welfare System and the Overrepresentation of Native Hawaiian Children and Families.''

DATES: Tuesday, January 21, 2025, from 3:00 p.m.–4:00 p.m. Hawai'i Standard Time.

ADDRESSES: The meeting will be held via Zoom Webinar.

Registration Link (Audio/Visual): https://www.zoomgov.com/webinar/register/WN_ot9jkvWkRmODFpj5e0AygA.

Join by Phone (Audio Only): (833) 435–1820 USA Toll Free; Webinar ID: 161 678 7251.

FOR FURTHER INFORMATION CONTACT: Kayla Fajota, Designated Federal Officer (DFO) at *kfajota@usccr.gov* or (434) 515–2395.

SUPPLEMENTARY INFORMATION: Committee meetings are available to the public through the videoconference link above. Any interested member of the public may listen to the meeting. An open comment period will be provided to allow members of the public to make a statement as time allows. Per the Federal Advisory Committee Act, public minutes of the meeting will include a list of persons who are present at the meeting. If joining via phone, callers can expect to incur regular charges for calls they initiate over wireless lines, according to their wireless plan. The Commission will not refund any incurred charges. Closed captions will be provided for individuals who are deaf, hard of hearing, or who have certain cognitive or learning impairments. To request additional accommodations, please email Angelica Trevino, Support Services Specialists, at *atrevino@usccr.gov* at least 10 business days prior to the meeting.

Members of the public are entitled to make comments during the open period at the end of the meeting. Members of the public may also submit written comments; the comments must be received in the Regional Programs Unit within 30 days following the meeting. Written comments may be emailed to Kayla Fajota (DFO) at *kfajota@usccr.gov*

Records generated from this meeting may be inspected and reproduced at the Regional Programs Coordination Unit Office, as they become available, both before and after the meeting. Records of the meetings will be available via *www.facadatabase.gov* under the Commission on Civil Rights, Hawai'i Advisory Committee link. 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 *atrevino@usccr.gov.*

Agenda

I. Welcome and Roll Call
II. Approval of Minutes
III. Discussion
IV. Public Comment
V. Next Steps
VI. Adjournment

Dated: December 23, 2024.

David Mussatt,

Supervisory Chief, Regional Programs Unit.

[FR Doc. 2024–31381 Filed 12–30–24; 8:45 am]

BILLING CODE P

DEPARTMENT OF COMMERCE

International Trade Administration

[A–570–601]

Tapered Roller Bearings and Parts Thereof, Finished and Unfinished, From the People's Republic of China: Notice of Court Decision Not in Harmony With the Results of Antidumping Duty Administrative Review; Notice of Amended Final Results

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

SUMMARY: On December 18, 2024, the U.S. Court of International Trade (CIT) issued its final judgment in *Shanghai Tainai Bearing Co., Ltd. and C&U Americas, LLC,* v. *United States,* Court No. 22–00038, sustaining the U.S. Department of Commerce's (Commerce) remand results pertaining to the administrative review of the antidumping duty (AD) order on tapered roller bearings and parts thereof, finished and unfinished (TRBs) from the People's Republic of China (China) covering the period June 1, 2019, through May 31, 2020. Commerce is notifying the public that the CIT's final judgment is not in harmony with Commerce's final results of the administrative review and that Commerce is amending the final results with respect to the dumping margins assigned to Shanghai Tainai Bearing Co., Ltd. (Tainai), Xinchang Newsun Xintianlong Precision Bearing Manufacturing Co., Ltd, (Xintianlong), and Hebei Xintai Bearing Forging Co., Ltd, (Xintai).

DATES: Applicable December 28, 2024.

FOR FURTHER INFORMATION CONTACT: Jerry Xiao, AD/CVD Operations, Office II, Enforcement and Compliance, International Trade Administration, U.S. Department of Commerce, 1401 Constitution Avenue NW, Washington, DC 20230; telephone: (202) 482–2273.

SUPPLEMENTARY INFORMATION:

Background

On January 10, 2022, Commerce published its *Final Results* in the 2019–2020 AD administrative review of TRBs from China.[1] Commerce calculated a weighted-average dumping margin of 538.79 percent for Tainai, Xintai, and Xintianlong.[2]

Tainai appealed Commerce's *Final Results.* On September 14, 2023, the CIT remanded the *Final Results* to Commerce to (1) consider record evidence regarding the control that Tainai could have exerted over unaffiliated suppliers and (2) why the revenue of section 301 duties is related to profits on the sale of services rather than on the sale of subject merchandise.[3]

In the *Final Redetermination,* issued in January 2024, Commerce, under respectful protest, recalculated Tainai's weighted-average dumping margin without adverse facts available in connection with Tainai's unaffiliated suppliers' failure to report factors of production (FOP) information but

[1] *See Tapered Roller Bearings and Parts Thereof, Finished and Unfinished, from the People's Republic of China: Final Results and Partial Rescission of Review; 2019–2020,* 87 FR 1120 (January 10, 2022) (*Final Results*), and accompanying Issues and Decision Memorandum.

[2] *Id.*

[3] *See Shanghai Tainai Bearing Co., Ltd.* v. *United States,* 658 F.Supp. 3d 1269 (CIT 2024).

relying on partial neutral facts available to fill in the missing FOP information.[4] Commerce also modified its calculation for certain invoices regarding section 301 duties.[5] On December 18, 2024, the CIT sustained Commerce's *Final Redetermination*.[6]

Timken Notice

In its decision in *Timken,*[7] as clarified by *Diamond Sawblades,*[8] the U.S. Court of Appeals for the Federal Circuit held that, pursuant to sections 516A(c) and (e) of the Tariff Act of 1930, as amended (the Act), Commerce must publish a notice of court decision that is not ''in harmony'' with a Commerce determination and suspend liquidation of entries pending a ''conclusive'' court decision. The CIT's December 18, 2024, judgment constitutes a final decision of the CIT that is not in harmony with Commerce's *Final Results.* Thus, this notice is published in fulfillment of the publication requirements of *Timken.*

Amended Final Results

Because there is now a final court judgment, Commerce is amending its *Final Results* with respect to Tainai and the margin for non-selected companies as follows:

Producer/exporter	Weighted-average dumping margin (percent)
Shanghai Tainai Bearing Co., Ltd	76.58
Hebei Xintai Bearing Forging Co., Ltd	76.58
Xinchang Newsun Xintianlong Precision Bearing Manufacturing Co., Ltd	76.58

Cash Deposit Requirements

Because Tainai has a superseding cash deposit rate, *i.e.,* there have been final results published in a subsequent administrative review, we will not issue revised cash deposit instructions to U.S. Customs and Border Protection (CBP). This notice will not affect the current cash deposit rate.

With respect to all the non-selected companies that do not have a superseding cash deposit rate, Commerce will issue revised cash deposit instructions to CBP.

Liquidation of Suspended Entries

At this time, Commerce remains enjoined by CIT order from liquidating entries that: were exported by Tainai, Xintai, or Xintianlong, and were entered, or withdrawn from warehouse, for consumption during the period June 1, 2019, through May 31, 2020. These entries will remain enjoined pursuant to the terms of the injunction during the pendency of any appeals process.

In the event the CIT's ruling is not appealed, or, if appealed, upheld by a final and conclusive court decision, Commerce intends to instruct CBP to assess antidumping duties on unliquidated entries of subject merchandise exported by Tainai, Xintai, or Xintianlong, in accordance with 19 CFR 351.212(b), at the rates identified above.

Notification to Interested Parties

This notice is issued and published in accordance with sections 516A(c) and (e), and 777(i)(1) of the Act.

Dated: December 23, 2024.

Abdelali Elouaradia,

Deputy Assistant Secretary for Enforcement and Compliance.

[FR Doc. 2024–31412 Filed 12–30–24; 8:45 am]

BILLING CODE 3510–DS–P

DEPARTMENT OF COMMERCE

International Trade Administration

[A–570–910, C–570–911]

Circular Welded Carbon-Quality Steel Pipe From the People's Republic of China: Continuation of Antidumping and Countervailing Duty Orders

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

SUMMARY: As a result of the determinations by the U.S. Department of Commerce (Commerce) and the U.S. International Trade Commission (ITC) that revocation of the antidumping duty (AD) and countervailing duty (CVD) orders on circular welded carbon-quality steel pipe (CWP) from the People's Republic of China (China) would likely lead to continuation or recurrence of dumping, countervailable subsidies, and material injury to an industry in the United States, Commerce is publishing this notice of continuation of these AD and CVD orders.

DATES: Applicable December 17, 2024.

FOR FURTHER INFORMATION CONTACT: Howard Smith, AD/CVD Operations, Office IV, Enforcement and Compliance, International Trade Administration, U.S. Department of Commerce, 1401 Constitution Avenue NW, Washington, DC 20230; telephone: (202) 482–5193.

SUPPLEMENTARY INFORMATION:

Background

On July 22, 2008, Commerce published in the **Federal Register** the AD and CVD orders on CWP from China.[1] On May 1, 2024, the ITC instituted,[2] and Commerce initiated,[3] the third sunset review of the *Orders,* pursuant to section 751(c) of the Tariff Act of 1930, as amended (the Act). As a result of its review, Commerce determined that revocation of the *CVD Order* would likely lead to the continuation or recurrence of countervailable subsidies and notified the ITC of the magnitude of the subsidy rates likely to prevail were the order revoked,[4] and Commerce determined that revocation of the *AD Order* would likely lead to continuation or recurrence of dumping, and therefore, notified the ITC of the magnitude of the margins of dumping rates likely to prevail should the *Order* be revoked.[5]

On December 17, 2024, the ITC published its determination, pursuant to sections 751(c) and 752(a) of the Act, that revocation of the *Orders* would likely lead to continuation or recurrence of material injury to an industry in the United States within a reasonably foreseeable time.[6]

Scope of the Orders

The merchandise subject of these *Orders* are certain welded carbon quality steel pipes and tubes. *See* the

[4] *See Final Results of Redetermination Pursuant to Court Remand, Shanghai Tainai Bearing Co., Ltd., et al.* v. *United States,* Court No. 22–00038, Slip Op. 22–74, dated January 11, 2024 (*Final Redetermination*), at 3–4.

[5] *Id. at* 4.

[6] *See Shanghai Tainai Bearing Co., Ltd., et al.* v. *United States,* Slip Op. 24–142 (CIT December 18, 2024).

[7] *See Timken Co.* v. *United States,* 893 F.2d 337 (Fed. Cir. 1990) (*Timken*).

[8] *See Diamond Sawblades Mfrs. Coal.* v. *United States,* 626 F.3d 1374 (Fed. Cir. 2010) (*Diamond Sawblades*).

[1] *See Circular Welded Carbon Quality Steel Pipe from the People's Republic of China: Notice of Amended Final Affirmative Countervailing Duty Determination and Notice of Countervailing Duty Order,* 73 FR 42545 (July 22, 2008) (*CVD Order*); *Notice of Antidumping Duty Order: Circular Welded Carbon Quality Steel Pipe from the People's Republic of China,* 73 FR 42547 (July 22, 2008) (*AD Order*) (collectively, *Orders*).

[2] *See Circular Welded Carbon-Quality Steel Pipe from China; Institution of Five-Year Review,* 89 FR 35244 (May 1, 2024).

[3] *See Initiation of Five-Year (Sunset) Reviews,* 89 FR 35073 (May 1, 2024).

[4] *See Circular Welded Carbon Quality Steel Pipe from the People's Republic of China: Final Results of the Expedited Third Sunset Review of the Countervailing Duty Order,* 89 FR 73064 (September 9, 2024), and accompanying Issues and Decision Memorandum (IDM).

[5] *See Circular Welded Carbon-Quality Steel Pipe from the People's Republic of China: Final Results of the Expedited Third Sunset Review of the Antidumping Duty Order,* 89 FR 73632 (September 11, 2024), and accompanying IDM.

[6] *See Circular Welded Carbon-Quality Steel Pipe from China Determination,* 89 FR 102163 (December 17, 2024) (*ITC Final Determination*).

appendix to this notice for the full scope of the *Orders.*

Continuation of the Orders on CWP From China

As a result of the determinations by Commerce and the ITC that revocation of the *Orders* would likely lead to continuation or recurrence of dumping, countervailable subsidies, and material injury to an industry in the United States, pursuant to section 751(d)(2) of the Act and 19 CFR 351.218(a), Commerce hereby orders the continuation of the *Orders.* U.S. Customs and Border Protection will continue to collect AD and CVD cash deposits at the rates in effect at the time of entry for all imports of subject merchandise. The effective date of the continuation of the *Orders* will be December 17, 2024.[7] Pursuant to section 751(c)(2) of the Act and 19 CFR 351.218(c)(2), Commerce intends to initiate the next sunset review of the *Orders* not later than 30 days prior to the fifth anniversary of the effective date of this continuation.

Administrative Protective Order (APO)

This notice also serves as the only reminder to parties subject to an APO of their responsibility concerning the return, destruction, or conversion to judicial protective order of proprietary information disclosed under APO in accordance with 19 CFR 351.305(a)(3). Timely written notification of the return or destruction of APO materials or conversion to judicial protective order is hereby requested. Failure to comply with this request is a violation of the APO which may be subject to sanctions.

Notification to Interested Parties

These sunset reviews and notice are in accordance with sections 751(c) and 751(d)(2) of the Act and this notice is published pursuant to section 777(i)(1) of the Act and 19 CFR 351.218(f)(4).

Dated: December 23, 2024.

Abdelali Elouaradia,

Deputy Assistant Secretary for Enforcement and Compliance.

Appendix

The merchandise subject of these *Orders* are certain welded carbon quality steel pipes and tubes, of circular cross-section, and with an outside diameter of 0.372 inches (9.45 mm) or more, but not more than 16 inches (406.4 mm), whether or not stenciled, regardless of wall thickness, surface finish (*e.g.,* black, galvanized, or painted), end finish (*e.g.,* plain end, beveled end, grooved, threaded, or threaded and coupled), or industry specification (*e.g.,* ASTM, proprietary, or other), generally known as standard pipe and structural pipe (they may also be referred to as circular, structural, or mechanical tubing).

Specifically, the term ''carbon quality'' includes products in which (a) iron predominates, by weight, over each of the other contained elements; (b) the carbon content is 2 percent or less, by weight; and (c) none of the elements listed below exceeds the quantity, by weight, as indicated: (i) 1.80 percent of manganese; (ii) 2.25 percent of silicon; (iii) 1.00 percent of copper; (iv) 0.50 percent of aluminum; (v) 1.25 percent of chromium; (vi) 0.30 percent of cobalt; (vii) 0.40 percent of lead; (viii) 1.25 percent of nickel; (ix) 0.30 percent of tungsten; (x) 0.15 percent of molybdenum; (xi) 0.10 percent of niobium; (xii) 0.41 percent of titanium; (xiii) 0.15 percent of vanadium; or (xiv) 0.15 percent of zirconium.

Standard pipe is made primarily to American Society for Testing and Materials (ASTM) specifications but can be made to other specifications. Standard pipe is made primarily to ASTM specifications A–53, A–135, and A–795. Structural pipe is made primarily to ASTM specifications A–252 and A–500. Standard and structural pipe may also be produced to proprietary specifications rather than to industry specifications. This is often the case, for example, with fence tubing. Pipe multiple stenciled to a standard and/or structural specification and to any other specification, such as the American Petroleum Institute (API) API–5L specification, is also covered by the scope of the *Orders* when it meets the physical description set forth above and also has one or more of the following characteristics: is 32 feet in length or less; is less than 2.0 inches (50 mm) in outside diameter; has a galvanized and/or painted surface finish; or has a threaded and/or coupled end finish. (The term ''painted'' does not include coatings to inhibit rust in transit, such as varnish, but includes coatings such as polyester.)

The scope of these *Orders* does not include: (a) pipe suitable for use in boilers, superheaters, heat exchangers, condensers, refining furnaces and feedwater heaters, whether or not cold drawn; (b) mechanical tubing, whether or not cold-drawn; (c) finished electrical conduit; (d) finished scaffolding; (e) tube and pipe hollows for redrawing; (f) oil country tubular goods produced to API specifications; and (g) line pipe produced to only API specifications.

The pipe products that are the subject of these *Orders* are currently classifiable in Harmonized Tariff Schedule of the United States (HTSUS) statistical reporting numbers 7306.30.10.00, 7306.30.50.25, 7306.30.50.32, 7306.30.50.40,7306.30.50.55, 7306.30.50.85, 7306.30.50.90, 7306.50.10.00, 7306.50.50.50, 7306.50.50.70,7306.19.10.10, 7306.19.10.50, 7306.19.51.10, and 7306.19.51.50. However, the product description, and not the HTSUS classification, is dispositive of whether merchandise imported into the United States falls within the scope of the *Orders.*

[FR Doc. 2024–31411 Filed 12–30–24; 8:45 am]

BILLING CODE 3510–DS–P

[7] *See ITC Final Determination.*

DEPARTMENT OF COMMERCE

International Trade Administration

Notice of Opportunity To Request Administrative Review; Correction

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

ACTION: Notice; correction.

SUMMARY: The U.S. Department of Commerce (Commerce) published a notice of opportunity to request administrative reviews of orders, findings, or suspended investigations with November anniversary dates in the **Federal Register** of November 1, 2024. Commerce inadvertently omitted the antidumping duty order on Certain Cut-to-Length Carbon Steel Plate (A–570–849) from the People's Republic of China, and the period of review for that order of 11/1/2023–10/31/2024 from that notice.

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

SUPPLEMENTARY INFORMATION:

Background

On November 1, 2024, Commerce published in the **Federal Register** the *November Opportunity Notice.*[1] In that notice, Commerce inadvertently omitted the antidumping duty order on Certain Cut-to-Length Carbon Steel Plate (A–570–849) from the People's Republic of China, and the period of review for that order of 11/1/2023–10/31/2024 from that notice.

Correction

In the **Federal Register** of November 1, 2024, in FR Doc 2024–87338, on page 87339, correct the table under ''Antidumping Duty Proceedings'' for ''The People's Republic of China,'' to add the antidumping duty order on Certain Cut-to-Length Carbon Steel Plate (A–570–849) from the People's Republic of China, and the period of review for that order of 11/1/2023–10/31/2024.[2]

We are hereby notifying interested parties that not later than 30 days after the date of publication of this correction notice, they may request an

[1] *See Antidumping or Countervailing Duty Order, Finding, or Suspended Investigation; Opportunity To Request Administrative Review,* 89 FR 87338 (November 1, 2024) (*November Opportunity Notice*).

[2] *Id.*

administrative review of the antidumping duty order on Certain Cut-to-Length Carbon Steel Plate from the People's Republic of China, and period of review for 11/1/2023–10/31/2024.

Dated: December 23, 2024.

Scot Fullerton,

Acting Deputy Assistant Secretary for Antidumping and Countervailing Duty Operations.

[FR Doc. 2024–31410 Filed 12–30–24; 8:45 am]

BILLING CODE 3510–DS–P

DEPARTMENT OF COMMERCE

National Oceanic and Atmospheric Administration

[RTID 0648–XE546]

Endangered and Threatened Species; Initiation of the 5-Year Review of the Daggernose Shark (Isogomphodon oxyrhynchus)

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

ACTION: Notice; request for information.

SUMMARY: We, NMFS, announce initiation of the 5-year review of the endangered daggernose shark (*Isogomphodon oxyrhynchus*). The Endangered Species Act (ESA) requires us to conduct a review of listed species at least once every 5 years to determine whether a species should be removed from the list (*i.e.,* delisted), reclassified from an endangered species to a threatened species (*i.e.,* downlisted), or reclassified from a threatened species to an endangered species (*i.e.,* uplisted). The determination must be based on the best scientific and commercial data available at the time of the review. Therefore, we request relevant information (*e.g.,* biology, threats, and conservation efforts) that has become available since our previous review of the species.

DATES: To allow us adequate time to conduct the 5-year review, we must receive your information no later than March 3, 2025. While we accept new information about any listed species at any time, information received after the date stated above may not be considered for the purposes of this review.

ADDRESSES: Submit your information electronically via the Federal eRulemaking Portal. Go to *https://www.regulations.gov* and enter NOAA–NMFS–2024–0147 in the Search box. Click on the ''Comment'' icon, complete the required fields, and enter or attach your comments.

Instructions: We may not consider comments or other information if sent by any other method, to any other address or individual, or received after the date stated above. All comments and information received are a part of the public record, and we will post the comments for public viewing on *https://www.regulations.gov.* All personal identifying information (*e.g.,* name, address, *etc.*) submitted voluntarily by the sender will be publicly accessible. Do not submit confidential business information, or otherwise sensitive or protected information. We will accept anonymous comments (enter ''N/A'' in the required fields if you wish to remain anonymous).

FOR FURTHER INFORMATION CONTACT: Chris Parsons, NOAA Affiliate, (301) 427–8403, *Chris.Parsons@noaa.gov.*

SUPPLEMENTARY INFORMATION: This notice announces our initiation of the daggernose shark (*Isogomphodon oxyrhynchus*) 5-year review. Section 4(c)(2) of the ESA requires us to conduct a review of listed species at least once every 5 years to determine whether species should be removed from the list, changed in status from an endangered species to a threatened species, or changed in status from a threatened species to an endangered species (16 U.S.C. 1533(c)(2)). Section 4(a)(1) of the ESA requires us to determine whether any species is an endangered or 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 (16 U.S.C. 1533(a)(1)). Section 4(b)(1)(A) of the ESA requires us to make the determination based solely on the best scientific and commercial data available at the time of the review and after taking into account efforts to protect the species (16 U.S.C. 1533(b)(1)(A)). Regulations in 50 CFR 424.21 require that we publish a notice in the **Federal Register** announcing species currently under active review. Based on such reviews, we determine whether a species should be delisted or reclassified (50 CFR 424.21). Any such change (*i.e.,* delisting or reclassification) would require a separate rulemaking process.

We last performed a review of the daggernose shark in 2015 prior to its listing as an endangered species under the ESA (82 FR 21722, May 10, 2017). Background information on the species is available on the NMFS website at: *https://www.fisheries.noaa.gov/species/daggernose-shark.*

Public Solicitation of Relevant Information

To ensure that the 5-year review is based on the best scientific and commercial data available, we are soliciting information from the public, governmental agencies, Tribes, the scientific community, industry, environmental organizations, and any other interested parties. We request information that has become available since the previous review in 2015. Categories of requested information include: (1) species biology including, but not limited to, abundance, population trends, demographics, distribution, and diversity; (2) habitat conditions including, but not limited to, amount, distribution, suitability, and important features for conservation; (3) degree, nature, and trends of threats to the species and its habitats, especially those factors described in section 4(a)(1) of the ESA and listed above; (4) conservation efforts that have been implemented to benefit the species, including monitoring data demonstrating the effectiveness of such efforts; and (5) other information, data, or corrections including, but not limited to, taxonomic or nomenclatural changes and improved analytical methods for evaluating extinction risk.

If you wish to provide information for the review, please submit your information and materials electronically (see **ADDRESSES** section). We request that all information be accompanied by supporting documentation such as maps, bibliographic references, or reprints of pertinent publications.

Authority: 16 U.S.C. 1531 *et seq.*

Dated: December 20, 2024.

Lisa Manning,

Acting Chief, Endangered Species Conservation Division, Office of Protected Resources, National Marine Fisheries Service.

[FR Doc. 2024–31133 Filed 12–30–24; 8:45 am]

BILLING CODE 3510–22–P

DEPARTMENT OF COMMERCE

National Oceanic and Atmospheric Administration

Sanctuary System Business Advisory Council: Public Meeting

AGENCY: Office of National Marine Sanctuaries (ONMS), National Ocean Service, National Oceanic and Atmospheric Administration, Department of Commerce.

ACTION: Notice of open public meeting.

SUMMARY: Notice is hereby given of a meeting of the Sanctuary System Business Advisory Council (council). The meeting is open to the public, and an opportunity for oral and written comments will be provided.

DATES: The meeting will be held on Wednesday, January 15, 2025 from 12 p.m. to 1 p.m. eastern standard time (EST), and an opportunity for public comment will be provided around 12:50 p.m. EST. Both times and agenda topics are subject to change.

ADDRESSES: The meeting will be held virtually using Google Meet. To participate, please use the weblink provided below. If you are unable to participate online, you can also connect to the public meeting using the phone number provided.

- Weblink: *meet.google.com/uqs-gsxe-mtw*
- Phone: (US) +1 219–321–0702 PIN: 875 524 484#

To provide an oral public comment during the virtual meeting, please sign up prior to or during the meeting by contacting Sage Riddick by phone (240–560–3365) or email (*sage.riddick@noaa.gov*). To provide written public comment, please send the comment to Sage Riddick prior to or during the meeting via email (*sage.riddick@noaa.gov*). Please note, the meeting will not be recorded. However, public comments, including any associated names, will be captured in the minutes of the meeting, will be maintained by ONMS as part of its administrative record, and may be subject to release pursuant to the Freedom of Information Act. 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. Comments that are not responsive or contain profanity, vulgarity, threats, or other inappropriate language will not be considered. By signing up to provide a public comment, you agree that these communications, including your name and comment, will be maintained as described here.

FOR FURTHER INFORMATION CONTACT: Sage Riddick, Office of National Marine Sanctuaries, 1305 East West Highway, Silver Spring, Maryland 20910 (Phone: 240–560–3365; Email: *sage.riddick@noaa.gov*).

SUPPLEMENTARY INFORMATION: ONMS serves as the trustee for a network of underwater parks encompassing more than 629,000 square miles of marine and Great Lakes waters from Washington State to the Florida Keys, and from Lake Huron to American Samoa. The network includes a system of 17 national marine sanctuaries and Papahānaumokuākea and Rose Atoll marine national monuments. National marine sanctuaries protect our Nation's most vital coastal and marine natural and cultural resources, and through active research, management, and public engagement, sustain healthy environments that are the foundation for thriving communities and stable economies.

One of the many ways ONMS ensures public participation in the designation and management of national marine sanctuaries is through the formation of advisory councils. The council provides advice and recommendations to the ONMS Director regarding the relationship of ONMS with the business community. Additional information on the council can be found at *https://sanctuaries.noaa.gov/management/bac/*.

Matters to be discussed: The meeting will include updates from ONMS leadership, member updates, and a celebration of the council. For a complete agenda, including times and topics, please visit *http://sanctuaries.noaa.gov/management/bac/meetings.html*.

Authority: 16 U.S.C. 1431 *et seq.*

John Armor,

Director, Office of National Marine Sanctuaries, National Ocean Service, National Oceanic and Atmospheric Administration.

[FR Doc. 2024–30690 Filed 12–30–24; 8:45 am]

BILLING CODE 3510–NK–P

DEPARTMENT OF COMMERCE

National Oceanic and Atmospheric Administration

[RTID 0648–XE566]

Endangered and Threatened Species; Initiation of the 5-Year Review of the Island Grouper (Mycteroperca fusca)

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

ACTION: Notice; request for information.

SUMMARY: We, NMFS, announce the initiation of the 5-year review of the threatened island grouper (*Mycteroperca fusca*). The Endangered Species Act (ESA) requires us to conduct a review of listed species at least once every 5 years to determine whether a species should be removed from the list (*i.e.,* delisted), reclassified from an endangered species to a threatened species (*i.e.,* downlisted), or reclassified from a threatened species to an endangered species (*i.e.,* uplisted). The determination must be based on the best scientific and commercial data available at the time of the review. Therefore, we request relevant information (*e.g.,* biology, threats, and conservation efforts) that has become available since our previous review of the species.

DATES: To allow us adequate time to conduct the 5-year review, we must receive your information no later than March 3, 2025. While we accept new information about any listed species at any time, information received after the date stated above may not be considered for the purposes of this review.

ADDRESSES: Submit your information electronically via the Federal eRulemaking Portal. Go to *https://www.regulations.gov* and enter NOAA–NMFS–2024–0149 in the Search box. Click on the ''Comment'' icon, complete the required fields, and enter or attach your comments.

Instructions: We may not consider comments or other information if sent by any other method, to any other address or individual, or received after the date stated above. All comments and information received are a part of the public record, and we will post the comments for public viewing on *https://www.regulations.gov.* All personal identifying information (*e.g.,* name, address, *etc.*) submitted voluntarily by the sender will be publicly accessible. Do not submit confidential business information, or otherwise sensitive or protected information. We will accept anonymous comments (enter ''N/A'' in the required fields if you wish to remain anonymous).

FOR FURTHER INFORMATION CONTACT: Alison Verkade, NMFS Office of Protected Resources, (301) 427–8074, *alison.verkade@noaa.gov.*

SUPPLEMENTARY INFORMATION: This notice announces our initiation of the island grouper (*Mycteroperca fusca*) 5-year review. Section 4(c)(2) of the ESA requires us to conduct a review of listed species at least once every 5 years to determine whether species should be removed from the list, changed in status from an endangered species to a threatened species, or changed in status from a threatened species to an endangered species (16 U.S.C. 1533(c)(2)). Section 4(a)(1) of the ESA requires us to determine whether any species is an endangered or 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 (16 U.S.C. 1533(a)(1)). Section 4(b)(1)(A) of the ESA requires us to make the determination based solely on the best scientific and commercial data available at the time of the review and after taking into account efforts to protect the species (16 U.S.C. 1533(b)(1)(A)). Regulations in 50 CFR 424.21 require that we publish a notice in the **Federal Register** announcing species currently under active review. Based on such reviews, we determine whether a species should be delisted or reclassified (50 CFR 424.21). Any such change (*i.e.,* delisting or reclassification) would require a separate rulemaking process.

We last performed a review of the island grouper in 2015 prior to its listing as a threatened species under the ESA (81 FR 72545, October 20, 2016). Background information on the species is available on the NMFS website at: *https://www.fisheries.noaa.gov/species/island-grouper/overview.*

Public Solicitation of Relevant Information

To ensure that the 5-year review is based on the best scientific and commercial data available, we are soliciting information from the public, governmental agencies, Tribes, the scientific community, industry, environmental organizations, and any other interested parties. We request information that has become available since the previous review was published in 2015. Categories of requested information include: (1) species biology including, but not limited to, abundance, population trends, demographics, distribution, and diversity; (2) habitat conditions including, but not limited to, amount, distribution, suitability, and important features for conservation; (3) degree, nature, and trends of threats to the species and its habitats, especially those factors described in section 4(a)(1) of the ESA and listed above; (4) conservation efforts that have been implemented to benefit the species, including monitoring data demonstrating the effectiveness of such efforts; and (5) other information, data, or corrections including, but not limited to, taxonomic or nomenclatural changes and improved analytical methods for evaluating extinction risk.

If you wish to provide information for the review, please submit your information and materials electronically (see **ADDRESSES** section). We request that all information be accompanied by supporting documentation such as maps, bibliographic references, or reprints of pertinent publications.

Authority: 16 U.S.C. 1531 *et seq.*

Dated: December 20, 2024.

Lisa Manning,

Acting Chief, Endangered Species Conservation Division, Office of Protected Resources, National Marine Fisheries Service.

[FR Doc. 2024–31175 Filed 12–30–24; 8:45 am]

BILLING CODE 3510–22–P

DEPARTMENT OF COMMERCE

National Oceanic and Atmospheric Administration

[RTID 0648–XE575]

New England Fishery Management Council; Public Meeting

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

ACTION: Notice of public meeting.

SUMMARY: The New England Fishery Management Council (Council, NEFMC) will hold a three-day hybrid meeting with both in-person and remote participation to consider actions affecting New England fisheries in the exclusive economic zone (EEZ).

DATES: The meeting will be held on Tuesday, January 28, 2025 through Thursday, January 30, 2025, beginning at 12:30 p.m. on Tuesday and 9 a.m. on Wednesday and Thursday.

ADDRESSES: The meeting will take place at The Venue at Portwalk Place, 22 Portwalk Place, Portsmouth, NH; telephone: (603) 422–6114; online at *https://www.thevenueatportwalkplace.com.* Join the webinar at *https://attendee.gotowebinar.com/register/3666534172564880989.*

Council address: New England Fishery Management Council, 50 Water Street, Mill 2, Newburyport, MA 01950; telephone (978) 465–0492; *www.nefmc.org.*

FOR FURTHER INFORMATION CONTACT: Cate O'Keefe, Executive Director, New England Fishery Management Council; telephone: (978) 465–0492, ext. 113.

SUPPLEMENTARY INFORMATION:

Agenda

Tuesday, January 28, 2025

After brief announcements, the Council will receive reports on recent activities from its Chair and Executive Director, the Greater Atlantic Regional Fisheries Office (GARFO) Regional Administrator, the Northeast Fisheries Science Center (NEFSC) Director, the NOAA Office of General Counsel, the Mid-Atlantic Fishery Management Council liaison, and representatives from the Atlantic States Marine Fisheries Commission (ASMFC), the U.S. Coast Guard, NOAA's Office of Law Enforcement, and the Advisory Committee to the U.S. Section to the International Commission for the Conservation of Atlantic Tunas (ICCAT). Next, the Council will receive a report from its Risk Policy Working Group on updates to the implementation strategy for the Council's revised Risk Policy. The Habitat Committee report will follow. The Council will receive an overview of new essential fish habitat (EFH) designation methods and the EFH Review Report before providing direction on future actions. Next, the Council will: (1) approve updates to the Scientific and Statistical Committee (SSC) section of the Council's Operations Handbook; (2) adjourn the public portion of the meeting; and (3) enter into closed session to discuss SSC appointments.

Wednesday, January 29, 2025

The Council will begin the second day of its meeting with a survey update from the Northeast Fisheries Science Center on: (1) the 2024 survey season; (2) continency planning for the *NOAA Ship Henry B. Bigelow;* (3) the shakedown cruise for the *NOAA Ship Pisces;* (4) Northeast Trawl Advisory Panel work on an industry-based trawl survey; and (5) other survey-related issues. The Northeast Fisheries Science Center also will provide a presentation on the peer-reviewed results of the 2024 Yellowtail Flounder Research Track Stock Assessment. The Council then will receive a NOAA Fisheries presentation on the Marine Recreational Information Program (MRIP) Fishing Effort Survey follow-up study, which will be followed by a public listening session on NOAA Fisheries' collaborative initiative to re-envision recreational fishing data collection partnership approaches.

Following the lunch break, the Council will hear from the Groundfish Committee and provide recommendations to GARFO on fishing year 2025 recreational measures for Western Gulf of Maine cod and Gulf of Maine haddock. It also will receive an overview of the 2025 groundfish work priorities, including Phase 2 cod transition planning. The Council then will engage in a special session on fisheries and habitat research in offshore

wind areas, which will include six short presentations. Following adjournment, the Council will host its Public Outreach gathering, an informational exchange to foster open lines of communication among Council members, staff, industry, and meeting attendees. All are welcome and light snacks will be provided. Public Outreach will be combined with a poster session on fisheries and habitat research in offshore wind areas, as well as port hours by offshore wind developers. These events will take place at the AC Hotel at 299 Vaughn Street in Portsmouth, NH, a 4-minute walk from the Council's meeting room at The Venue at Portwalk Place.

Thursday, January 30, 2025

The Council will lead off the third day of its meeting with the Atlantic Herring Committee report, which will begin with an update on Amendment 10 to the Atlantic Herring Fishery Management Plan. Amendment 10 is an action to minimize user conflicts in the Atlantic herring fishery and address river herring/shad catch. The Council also will: (1) receive an overview of ASMFC's 2024 river herring benchmark stock assessment; (2) discuss preliminary 2024 year-end catch information prepared by the Herring Plan Development Team; and (3) possibly consider revised recommendations for 2025 specifications. The Scallop Committee will provide a presentation on the development of a Scallop Strategic Plan. The Council will review the workplan for this initiative and the schedule for outreach meetings. It also will receive an overview of the 2025 scallop work priorities. Next, members of the public will have the opportunity to speak during an open comment period on issues that relate to Council business but are not included on the published agenda for this meeting. The Council asks the public to limit remarks to 3–5 minutes. These comments will be received both in person and through the webinar. A guide for how to publicly comment through the webinar is available on the Council website at *https://s3.amazonaws.com/nefmc.org/NEFMC-meeting-remote-participation_generic.pdf.* After public comment, the Council's On-Demand Fishing Gear Conflict Working Group will provide a progress report on work towards addressing the group's terms of reference, which include identifying the implications of on-demand fishing gear use for Council-managed fisheries. The Council then will close out the meeting with other business.

Although non-emergency issues not contained on this agenda may come before the Council for discussion, those issues may not be the subject of formal action during this meeting. Council action will be restricted to those issues specifically listed in this notice and any issues arising after publication of this notice that require emergency action under section 305(c) of the Magnuson-Stevens Fishery Conservation and Management Act, provided the public has been notified of the Council's intent to take final action to address the emergency. The public also should be aware that the meeting will be recorded. Consistent with 16 U.S.C. 1852, a copy of the recording is available upon request.

Special Accommodations

This meeting is physically accessible to people with disabilities. Requests for sign language interpretation or other auxiliary aids should be directed to Executive Director Cate O'Keefe (see **ADDRESSES**) at least 5 days prior to the meeting date.

Authority: 16 U.S.C. 1801 *et seq.*

Dated: December 20, 2024.

Rey Israel Marquez,

Acting Deputy Director, Office of Sustainable Fisheries, National Marine Fisheries Service.

[FR Doc. 2024–31176 Filed 12–30–24; 8:45 am]

BILLING CODE 3510–22–P

CONSUMER PRODUCT SAFETY COMMISSION

[Docket No. CPSC–2024–0035]

Agency Information Collection Activities; Extension of Approval of Information Collection; Child Strength Study

AGENCY: Consumer Product Safety Commission.

ACTION: Notice of Information Collection; Request for Comment.

SUMMARY: As required by the Paperwork Reduction Act of 1995, the Consumer Product Safety Commission (CPSC or Commission) announces that the Commission has submitted to the Office of Management and Budget (OMB) a request for extension of approval of a generic collection of information for a strength data collection study. OMB previously approved the collection of information under Control Number 3041–0003. OMB's most recent extension of approval will expire on January 31, 2025. On October 24, 2024, CPSC published a notice in the **Federal Register** to announce the agency's intention to seek extension of approval of the collection of information. The Commission received one comment, which was out of scope. Therefore, by publication of this notice, the Commission announces that CPSC has submitted to the OMB a request for extension of approval of that collection of information.

DATES: Submit comments on the collection of information by January 30, 2025.

ADDRESSES: Submit comments about this request by email: *OIRA_submission@omb.eop.gov* or fax: 202–395–6881. Comments by mail should be sent to the Office of Information and Regulatory Affairs, Attn: OMB Desk Officer for the CPSC, Office of Management and Budget, Room 10235, 725 17th Street NW, Washington, DC 20503. Written comments that are sent to OMB also should be submitted electronically at *http://www.regulations.gov,* under Docket No. CPSC–2024–0035.

FOR FURTHER INFORMATION CONTACT: Cynthia Gillham, Consumer Product Safety Commission, 4330 East West Highway, Bethesda, MD 20814; (301) 504–7791, or by email to: *pra@cpsc.gov.*

SUPPLEMENTARY INFORMATION: CPSC seeks to renew the following currently approved generic collection of information:

Title: Child Strength Study.

OMB Number: 3041–0187.

Type of Review: Renewal of generic collection.

Frequency of Response: On occasion.

Affected Public: Child participants and their caregivers.

Estimated Number of Respondents: We estimate 5,210 people will be invited for the study and 1,563 initial respondents will complete screening. Out of the initial respondents, 563 are expected to be screened out or not expected to ultimately participate after the invitation for study. We estimate that there will be 1,000 participants for the lab portion of the study.

Estimated Time per Response: The estimated time to complete a study session is 2 hours per participant. This does not account for the time for inviting and screening participants via phone conversations with the caregiver, which is an additional 12 minutes per respondent.

Total Estimated Annual Burden: Based on CPSC's estimates that 5,210 people will be invited for the study (3 minutes per invite), 1,563 initial respondents will complete screening (9 minutes per screening) and there will be 1,000 participants for the lab portion of the study (2 hours to complete each study session), CPSC estimates that the

total burden of this collection is 2,267 hours. The average annual burden is approximately 756 hours; however, because of study timing and efficiency, a single year could have up to 1,850 burden hours. There are no costs to respondents and no respondent recordkeeping requirements associated with the study.

General Description of Collection: CPSC uses data on human strength and capabilities to develop consumer product safety standards and to inform other CPSC staff activities. Strength capabilities of children are used to develop product performance requirements in standards to reduce or eliminate the risk such products might pose to a child (*e.g.,* a product breaking or collapsing, or liberation of a small part). The information to be collected from child participants ranging in age 3 months to 5 years includes contact and background information necessary to participate in a study to obtain child strength measures for upper and lower extremities and bite strength. Written consent is obtained from caregivers and verbal assent is obtained from children who are old enough to provide it. Researchers will obtain several standard anthropometric measurements from each child, including body weight and standing height. Researchers also record the participant's body shape using a whole-body laser scanner (VITUS XXL) and a Microsoft Kinect sensor.

Elina Lingappa,

Paralegal Specialist, Consumer Product Safety Commission.

[FR Doc. 2024–31421 Filed 12–30–24; 8:45 am]

BILLING CODE 6355–01–P

DEPARTMENT OF DEFENSE

Office of the Secretary

[Docket ID: DoD–2024–OS–0145]

Proposed Collection; Comment Request

AGENCY: Office of the Under Secretary of Defense for Research and Engineering (OUSD(R&E)), Department of Defense (DoD).

ACTION: 60-Day information collection notice.

SUMMARY: In compliance with the *Paperwork Reduction Act of 1995,* the Defense Technical Information Center (DTIC) 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 March 3, 2025.

ADDRESSES: You may submit comments, identified by docket number and title, by any of the following methods:

Federal eRulemaking Portal: http://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, 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 *http://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 Defense Technical Information Center, 8725 John J. Kingman Road, Ft. Belvoir, VA 22060–6218 ATTN: Ms. Vakare Valaitis, or call (703) 767–9159.

SUPPLEMENTARY INFORMATION: *Title, Associated Form, and OMB Number:* Defense User Registration System (DURS); OMB Control Number 0704–0546.

Needs and Uses: DTIC requires all eligible users to be registered for access to DTIC's repository of access-controlled scientific and technical information documents. This system is called the Defense User Registration System, or DURS. The registration of a user enforces validation of an individual's identity, as well as that individual's persona (*i.e.,* whether the individual is DoD, Federal government, or a contractor supporting the DoD or another federal agency) and that individual's authority to access limited and classified documents with distribution controls. A role-based environment based on a user's identification ensures security for DTIC's electronic information collection while the online systems increase availability of information to each user based on his or her mission needs.

Affected Public: Individuals or Households; Business or Other For-Profit; Not-For-Profit Institutions.

Annual Burden Hours: 1,325.

Number of Respondents: 6,625.

Responses per Respondent: 1.

Annual Responses: 6,625.

Average Burden per Response: 12 minutes.

Frequency: On occasion.

Dated: December 26, 2024.

Aaron T. Siegel,

Alternate OSD Federal Register, Liaison Officer, Department of Defense.

[FR Doc. 2024–31400 Filed 12–30–24; 8:45 am]

BILLING CODE 6001–FR–P

DEPARTMENT OF DEFENSE

Office of the Secretary

[Transmittal No. 23–91]

Arms Sales Notification

AGENCY: Defense Security Cooperation Agency, Department of Defense (DoD).

ACTION: Arms sales notice.

SUMMARY: The DoD is publishing the unclassified text of an arms sales notification.

FOR FURTHER INFORMATION CONTACT: Pamela Young at (703) 953–6092, *pamela.a.young14.civ@mail.mil,* or *dsca.ncr.rsrcmgmt.list.cns-mbx@mail.mil.*

SUPPLEMENTARY INFORMATION: This 36(b)(1) arms sales notification is published to fulfill the requirements of section 155 of Public Law 104–164 dated July 21, 1996. The following is a copy of a letter to the Speaker of the House of Representatives with attached Transmittal 23–91 and Policy Justification.

Dated: December 20, 2024.

Stephanie J. Bost,

Alternate OSD Federal Register Liaison Officer, Department of Defense.

DEFENSE SECURITY COOPERATION AGENCY
2800 Defense Pentagon
Washington, DC 20301-2800

January 10, 2024

The Honorable Mike Johnson
Speaker of the House
U.S. House of Representatives
H-209, The Capitol
Washington, DC 20515

Dear Mr. Speaker:

Pursuant to the reporting requirements of Section 36(b)(1) of the Arms Export Control Act, as amended, we are forwarding herewith Transmittal No. 23-91, concerning the Navy's proposed Letter(s) of Offer and Acceptance to the Government of Australia for defense services estimated to cost $250 million. We will issue a news release to notify the public of this proposed sale upon delivery of this letter to your office.

Sincerely,

James A. Hursch
Director

Enclosures:
1. Transmittal
2. Policy Justification

Transmittal No. 23–91

Notice of Proposed Issuance of Letter of Offer Pursuant to Section 36(b)(1) of the Arms Export Control Act, as Amended

(i) *Prospective Purchaser:* Government of Australia

(ii) *Total Estimated Value:*

Major Defense Equipment *	$0
Other	$250 million
TOTAL	$250 million

(iii) *Description and Quantity or Quantities of Articles or Services under Consideration for Purchase:* The Government of Australia has requested to buy services to support the Tomahawk Weapon System, including the below non-Major Defense Equipment (MDE):

Major Defense Equipment:

None

Non-MDE:

General Tomahawk Weapons System support services; logistics support management; material support; engineering technical support; management of technical data; and other related elements of logistics and program support.

(iv) *Military Department:* Navy (AT–P–FBK)

(v) *Prior Related Cases, if any:* (AT–P–LGJ)

(vi) *Sales Commission, Fee, etc., Paid, Offered, or Agreed to be Paid:* None known

(vii) *Sensitivity of Technology Contained in the Defense Article or Defense Services Proposed to be Sold:* None

(viii) *Date Report Delivered to Congress:* January 10, 2024

* As defined in Section 47(6) of the Arms Export Control Act.

POLICY JUSTIFICATION

Australia—General Tomahawk Weapons System Support Services Uplift

The Government of Australia has requested to buy services to support the Tomahawk Weapon System, including general weapons support services; logistics support management; material support; engineering technical support; management of technical data; and other related elements of logistics and program support. The estimated total cost is $250 million.

This proposed sale will support the foreign policy and national security objectives of the United States (U.S.). Australia is one of our most important allies. The strategic location of this political and economic power contributes significantly to ensuring peace and economic stability in the Western Pacific. It is vital to the U.S. national interest to assist our ally in developing and maintaining a strong and ready self-defense capability.

The proposed sale will allow Australia to better utilize the Tomahawk Weapon System it is procuring and ensure appropriate weapon pairing is evaluated to identify defined targets more precisely. It will also assist and contribute to Australia's joint maritime weapon technology development, analysis, and implementation; support multiple lines of effort to enhance interoperability and interchangeability with the U.S.; and uplift joint warfighting operational effects.

The proposed sale of this support will not alter the basic military balance in the region.

The principal contractor(s) will be determined as the Government of Australia identifies its specific annual and quarterly requirements for weapons uplift support. There are no known offset agreements in connection with this potential sale.

Implementation of this proposed sale will not require the assignment of any additional U.S. Government or contractor representatives to Australia.

There will be no adverse impact on U.S. defense readiness as a result of this proposed sale.

[FR Doc. 2024–31137 Filed 12–30–24; 8:45 am]

BILLING CODE 6001–FR–P

DEPARTMENT OF DEFENSE

Office of the Secretary

[Docket ID: DoD–2024–OS–0147]

Proposed Collection; Comment Request

AGENCY: Office of the Under Secretary of Defense for Policy, Department of Defense (DoD).

ACTION: 60-Day information collection notice.

SUMMARY: In compliance with the *Paperwork Reduction Act of 1995,* the Defense Security Cooperation Agency 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 March 3, 2025.

ADDRESSES: You may submit comments, identified by docket number and title, by any of the following methods:

Federal eRulemaking Portal: http://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, 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 *http://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 Defense Security Cooperation Agency, 2800 Defense Pentagon, Washington, DC 20301, Robert Weber, 937–713–3275.

SUPPLEMENTARY INFORMATION: *Title, Associated Form, and OMB Number:* The Defense Institute of Security Assistance Management Information Technology Mission System; Defense Institute of Security Assistance Management Form GSI–001; OMB Control Number 0704–0548.

Needs and Uses: The Defense Institute of Security Assistance Management (DISAM) Information Technology Mission System is a web-based portal designed to hold several web applications for the purposes of efficient administration of U.S. and international students and the effective management of DISAM personnel and guest lecturers. The portal provides DISAM personnel the ability to submit travel requests and travel arrangements. Finally, the web-based portal uses a relational database to record, manage and report information about students, personnel, and travel. Reports of annual training of foreign nationals will be submitted to Congress as required by 22 U.S. Code 2394 (Foreign Assistance Act (FAA)) and 22 U.S. Code 2770A (Arms Export Control Act (AECA)).

Affected Public: Individuals and households.

Annual Burden Hours: 2,512.

Number of Respondents: 5,024.

Responses per Respondent: 2.

Annual Responses: 10,048.

Average Burden per Response: 15 minutes.

Frequency: On occasion.

Dated: December 26, 2024.

Aaron T. Siegel,

Alternate OSD Federal Register, Liaison Officer, Department of Defense.

[FR Doc. 2024–31399 Filed 12–30–24; 8:45 am]

BILLING CODE 6001–FR–P

DEPARTMENT OF DEFENSE

Office of the Secretary

[Docket ID: DoD–2024–OS–0146]

Proposed Collection; Comment Request

AGENCY: Office of the Assistant to the Secretary of Defense for Public Affairs, Department of Defense (DoD).

ACTION: 60-Day information collection notice.

SUMMARY: In compliance with the *Paperwork Reduction Act of 1995,* the Defense Media Activity (DMA) 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 March 3, 2025.

ADDRESSES: You may submit comments, identified by docket number and title, by any of the following methods:

Federal eRulemaking Portal: http://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, 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 *http://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 Defense Media Activity, American Forces Network Operations, 6700 Taylor Avenue, Fort George G. Meade, MD 20755, POC: Mr. Erik Brazones, 443–422–0864.

SUPPLEMENTARY INFORMATION: *Title; Associated Form; and OMB Number:* American Forces Network Connect and American Forces Network Now; OMB Control Number 0704–0547.

Needs and Uses: This information collection is necessary to obtain and audit the eligibility of DoD employees, DoD contractors, Department of State employees, military personnel (including retirees and active reservists) and their family members outside the United States, its territories or possessions, to receive restricted American Forces Network programming services (*i.e.,* radio, television, and web streaming services). Data will also be collected to ensure the DMA provides its services in the most efficient and cost-effective manner.

Affected Public: Individuals or households.

Annual Burden Hours: 6,667.

Number of Respondents: 40,000.

Responses per Respondent: 1.

Annual Responses: 40,000.

Average Burden per Response: 10 minutes.

Frequency: Annually.

Dated: December 26, 2024.

Aaron T. Siegel,

Alternate OSD Federal Register, Liaison Officer, Department of Defense.

[FR Doc. 2024–31398 Filed 12–30–24; 8:45 am]

BILLING CODE 6001–FR–P

DEPARTMENT OF DEFENSE

Office of the Secretary

[Docket ID: DoD–2024–OS–0108]

Submission for OMB Review; Comment Request

AGENCY: Office of the Under Secretary of Defense for Acquisition and Sustainment (USD(A&S)), 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 January 30, 2025.

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:* End-Use Certificate; DLA Form 1822; OMB Control Number 0704–0382.

Type of Request: Revision.

Number of Respondents: 42,000.

Responses per Respondent: 1.

Annual Responses: 42,000.

Average Burden per Response: 20 minutes.

Annual Burden Hours: 14,000.

Needs and Uses: The End-Use Certificate (DLA Form 1822) is submitted by individuals prior to releasing export-controlled personal property out of DoD control. Export-controlled personal property are items listed on the United States Munitions Lists (USML) or Commerce Control List (CCL), and includes articles, items, technical data, technology, or software. Transfers of export-controlled personal property out of DoD control may be in tangible and intangible forms. The information collected is for the purpose of determining bidder or transferee eligibility to receive export-controlled personal property, and to ensure that transferees comply with the terms of sale or Military Critical Technical Data Agreement regarding end-use of the property. This form is to be used by the DoD Components, other Federal agencies who have acquired DoD export-controlled personal property, and or their contractors prior to releasing export-controlled personal property out of DoD or Federal agency control. End-use checks are required by the following: DoD Instruction 2030.08; DoD Manual 4160.28, Vol. 1–3; and DoD Manual 4160.21, Vol. 1–4.

Affected Public: Individuals or households; business or other for-profit; not-for-profit institutions.

Frequency: On occasion.

Respondent's Obligation: Voluntary.

DOD Clearance Officer: Mr. Reginald Lucas.

Dated: December 26, 2024.

Aaron T. Siegel,

Alternate OSD Federal Register, Liaison Officer, Department of Defense.

[FR Doc. 2024–31395 Filed 12–30–24; 8:45 am]

BILLING CODE 6001–FR–P

DEPARTMENT OF DEFENSE

Office of the Secretary

[Transmittal No. 23–22]

Arms Sales Notification

AGENCY: Defense Security Cooperation Agency, Department of Defense (DoD).

ACTION: Arms sales notice.

SUMMARY: The DoD is publishing the unclassified text of an arms sales notification.

FOR FURTHER INFORMATION CONTACT: Pamela Young at (703) 953–6092, *pamela.a.young14.civ@mail.mil,* or *dsca.ncr.rsrcmgmt.list.cns-mbx@mail.mil.*

SUPPLEMENTARY INFORMATION: This 36(b)(1) arms sales notification is published to fulfill the requirements of section 155 of Public Law 104–164 dated July 21, 1996. The following is a copy of a letter to the Speaker of the House of Representatives with attached Transmittal 23–22, Policy Justification, and Sensitivity of Technology.

Dated: December 20, 2024.

Stephanie J. Bost,

Alternate OSD Federal Register Liaison Officer, Department of Defense.

DEFENSE SECURITY COOPERATION AGENCY
2800 Defense Pentagon
Washington, DC 20301-2800

January 11, 2024

The Honorable Mike Johnson
Speaker of the House
U.S. House of Representatives
H-209, The Capitol
Washington, DC 20515

Dear Mr. Speaker:

Pursuant to the reporting requirements of Section 36(b)(1) of the Arms Export Control Act, as amended, we are forwarding herewith Transmittal No. 23-22, concerning the Army's proposed Letter(s) of Offer and Acceptance to the Republic of Kosovo for defense articles and services estimated to cost $75 million. We will issue a news release to notify the public of this proposed sale upon delivery of this letter to your office.

Sincerely,

James A. Hursch
Director

Enclosures:
1. Transmittal
2. Policy Justification
3. Sensitivity of Technology

Transmittal No. 23–22

Notice of Proposed Issuance of Letter of Offer

Pursuant to Section 36(b)(1) of the Arms Export Control Act, as Amended

(i) *Prospective Purchaser:* Republic of Kosovo

(ii) *Total Estimated Value:*

Major Defense Equipment *	$55 million
Other	$20 million
TOTAL	$75 million

* As defined in Section 47(6) of the Arms Export Control Act.

Funding Source: National Funds

(iii) *Description and Quantity or Quantities of Articles or Services under Consideration for Purchase:*

Major Defense Equipment (MDE):

Two hundred forty-six (246) Javelin FGM–148F Missiles (includes six (6) Fly-to-Buy Missiles)

Twenty-four (24) Javelin Lightweight Command Launch Units (LWCLU)

Non-MDE:

Also included are Javelin LWCLU Basic Skills Trainers; Javelin Outdoor Trainers; Missile Simulation Rounds; Outdoor Training Instructor Stations (OTIS); Battery Coolant Units (BCUs); System Integration and Check out (SICO); Life Cycle Support (LCS); Javelin Restricted Interactive Electronic Technical Manual (IETM); Javelin Operator Manual and Technical Assistance (TAGM); tools; Javelin gunner training; Ammunition Technical Officer (ATO) training; Javelin maintenance training; and other elements of logistics and program support.

(iv) *Military Department:* Army (KV–B–UBO)

(v) *Prior Related Cases, if any:* None

(vi) *Sales Commission, Fee, etc., Paid, Offered, or Agreed to be Paid:* None

(vii) *Sensitivity of Technology Contained in the Defense Article or Defense Services Proposed to be Sold:* See Attached Annex

(viii) *Date Report Delivered to Congress:* January 11, 2024

POLICY JUSTIFICATION

Kosovo—Javelin Missiles

The Republic of Kosovo has requested to buy two hundred forty-six (246) Javelin FGM–148F missiles (includes six (6) fly-to-buy missiles); and twenty-four (24) Javelin Lightweight Command Launch Units (LWCLU). Also included are Javelin LWCLU Basic Skills Trainers; Javelin Outdoor Trainers; Missile Simulation Rounds; Outdoor Training Instructor Stations (OTIS); Battery Coolant Units (BCUs); System Integration and Check out (SICO); Life Cycle Support (LCS); Javelin Restricted Interactive Electronic Technical Manual (IETM); Javelin Operator Manual and Technical Assistance (TAGM); tools; Javelin gunner training; Ammunition Technical Officer (ATO) training; Javelin maintenance training; and other elements of logistics and program support. The total estimated cost is $75 million.

This proposed sale will support the foreign policy goals and national security of the United States (U.S.) by improving the security of a European partner which is an important force for political and economic stability in Europe.

The proposed sale will improve Kosovo's long-term defense capacity to defend its sovereignty and territorial integrity to meet its national defense requirements. Kosovo will have no difficulty absorbing this equipment into its armed forces.

The proposed sale of this equipment and support will not alter the basic military balance in the region.

The prime contractors will be the Javelin Joint Venture between Lockheed Martin in Orlando, FL and Raytheon Missiles and Defense in Tucson, AZ. There are no known offset agreements in connection with this potential sale.

Implementation of this proposed sale will not require the assignment of U.S. Government or contractor representatives to Kosovo.

There will be no adverse impact on U.S. defense readiness as a result of this proposed sale.

Transmittal No. 23–22

Notice of Proposed Issuance of Letter of Offer Pursuant to Section 36(b)(1) of the Arms Export Control Act

Annex

Item No. vii

(vii) *Sensitivity of Technology:*

1. The Javelin Weapon System is a medium-range, man portable, shoulder-launched, fire and forget, anti-tank system for infantry, scouts, and combat engineers. It may also be mounted on a variety of platforms including vehicles, aircraft and watercraft. The system weighs 49.5 pounds and has a maximum range in excess of 2,500 meters. The system is highly lethal against tanks and other systems with conventional and reactive armors. The system possesses a secondary capability against bunkers.

2. Javelin's key technical feature is the use of fire-and-forget technology which allows the gunner to fire and immediately relocate or take cover. Additional special features are the top attack and/or direct fire modes, an advanced tandem warhead and imaging infrared seeker, target lock-on before launch, and soft launch from enclosures or covered fighting positions. The Javelin missile also has a minimum smoke motor thus decreasing its detection on the battlefield.

3. The Javelin Weapon System is comprised of two major tactical components, which are a reusable LWCLU and a round contained in a disposable launch tube assembly. The LWCLU incorporates an integrated day-night sight that provides a target engagement capability in adverse weather and countermeasure environments. The LWCLU may also be used in a stand-alone mode for battlefield surveillance and target detection. The LWCLU's thermal sight is a 3rd generation Forward Looking Infrared (FLIR) sensor. To facilitate initial loading and subsequent updating of software, all on-board missile software is uploaded via the LWCLU after mating and prior to launch.

4. The missile is autonomously guided to the target using an imaging infrared seeker and adaptive correlation tracking algorithms. This allows the gunner to take cover or reload and engage another target after firing a missile. The missile has an advanced tandem warhead and can be used in either the top attack or direct fire modes (for target undercover). An onboard flight computer guides the missile to the selected target.

5. The highest level of classification of defense articles, components, and services included in this potential sale is SECRET.

6. If a technologically advanced adversary obtains knowledge of the specific hardware and software elements, the information could be used to develop countermeasures or equivalent systems that might reduce weapon system effectiveness or be used in the development of a system with similar or advanced capabilities.

7. A determination has been made that Kosovo can provide substantially the same degree of protection for the sensitive technology being released as the U.S. Government. This proposed sale is necessary to further the U.S. foreign policy and national security objectives outlined in the Policy Justification.

8. All defense articles and services listed on this transmittal are authorized for release and export to Kosovo.

[FR Doc. 2024–31138 Filed 12–30–24; 8:45 am]

BILLING CODE 6001–FR–P

DEPARTMENT OF DEFENSE

Office of the Secretary

[Transmittal No. 22–58]

Arms Sales Notification

AGENCY: Defense Security Cooperation Agency, Department of Defense (DoD).

ACTION: Arms sales notice.

SUMMARY: The DoD is publishing the unclassified text of an arms sales notification.

FOR FURTHER INFORMATION CONTACT: Pamela Young at (703) 953–6092, *pamela.a.young14.civ@mail.mil,* or *dsca.ncr.rsrcmgmt.list.cns-mbx@mail.mil.*

SUPPLEMENTARY INFORMATION: This 36(b)(1) arms sales notification is published to fulfill the requirements of section 155 of Public Law 104–164 dated July 21, 1996. The following is a copy of a letter to the Speaker of the House of Representatives with attached Transmittal 22–58, Policy Justification, and Sensitivity of Technology.

Dated: December 20, 2024.

Stephanie J. Bost,

Alternate OSD Federal Register Liaison Officer, Department of Defense.

DEFENSE SECURITY COOPERATION AGENCY
2800 Defense Pentagon
Washington, DC 20301-2800

JAN 10 2024

The Honorable Mike Johnson
Speaker of the House
U.S. House of Representatives
H-209, The Capitol
Washington, DC 20515

Dear Mr. Speaker:

Pursuant to the reporting requirements of Section 36(b)(1) of the Arms Export Control Act, as amended, we are forwarding herewith Transmittal No. 22-58, concerning the Navy's proposed Letter(s) of Offer and Acceptance to the Government of Egypt for defense articles and services estimated to cost $129 million. We will issue a news release to notify the public of this proposed sale upon delivery of this letter to your office.

Sincerely,

James A. Hursch
Director

Enclosures:
1. Transmittal
2. Policy Justification
3. Sensitivity of Technology
4. Regional Balance (Classified document provided under separate cover)

Transmittal No. 22–58

Notice of Proposed Issuance of Letter of Offer Pursuant to Section 36(b)(1) of the Arms Export Control Act, as Amended

(i) *Prospective Purchaser:* Government of Egypt

(ii) *Total Estimated Value:*

Major Defense Equipment *	$0
Other	$129 million
TOTAL	$129 million

Funding Source: Foreign Military Financing (FMF)

(iii) *Description and Quantity or Quantities of Articles or Services under Consideration for Purchase:* Foreign Military Sales case EG–P–LFY was below congressional notification threshold at $49 million for non-Major Defense Equipment (MDE) 28-meter patrol craft production kits. The Government of Egypt requested that the case be amended to include additional 28-meter patrol craft production kits. This case amendment will increase the total case value above the non-MDE notification threshold, and thus notification of the entire case is required.

Major Defense Equipment:

None

Non-MDE:

Included are 28-meter patrol craft production kits consisting of Rigid Hull Inflatable Boats, forward-looking infrared systems, and computer packages; technical and logistics support services; transportation; spare parts, materials, equipment, and components; and other related elements of logistical and program support.

(iv) *Military Department:* Navy (EG–P–LFY)

(v) *Prior Related Cases, if any:* None

(vi) *Sales Commission, Fee, etc., Paid, Offered, or Agreed to be Paid:* None

(vii) *Sensitivity of Technology Contained in the Defense Article or Defense Services Proposed to be Sold:* See Attached Annex

(viii) *Date Report Delivered to Congress:* January 10, 2024

* As defined in Section 47(6) of the Arms Export Control Act.

POLICY JUSTIFICATION

Egypt—28-Meter Patrol Craft Kits

The Government of Egypt has requested to buy additional non-Major Defense Equipment 28-meter patrol craft production kits and technical support. The kits consist of Rigid Hull Inflatable Boats, forward-looking infrared systems, and computer packages; technical and logistics support services; transportation; spare parts, materials, equipment, and components; and other related elements of logistical and program support. The estimated total cost is $129 million.

This proposed sale will support United States (U.S.) foreign policy and national security objectives by helping to improve the security of a Major Non-NATO Ally that continues to be an important force for political stability and economic growth in the Middle East.

The proposed sale will improve Egypt's capacity to sustain security operations and strengthen its internal and external defense capabilities. The proposed sale will assist the Government of Egypt's maritime patrol and interdiction efforts to contribute to regional maritime security efforts in the Mediterranean and Red Sea. Egypt will have no difficulty absorbing this equipment and services into its armed forces.

The proposed sale of this equipment and support will not alter the basic military balance in the region.

The principal contractor will be Swiftships, of Morgan City, LA. There are no known offset agreements proposed in connection with this potential sale.

Implementation of this proposed sale will require multiple trips to Egypt involving one (1) U.S. Government representative and three (3) contractor representatives for approximately three (3) years for program management, program and technical reviews, training, maintenance support, and site surveys.

There will be no adverse impact on U.S. defense readiness as a result of this proposed sale.

Transmittal No. 22–58

Notice of Proposed Issuance of Letter of Offer Pursuant to Section 36(b)(1) of the Arms Export Control Act

Annex

Item No. vii

(vii) *Sensitivity of Technology:*

1. The 28-meter patrol craft production kits consist of Rigid Inflatable Boats, materials, equipment, and components for 28-meter patrol craft. Technical support is also included.

2. The highest level of classification of defense articles, components, and services included in this potential sale is UNCLASSIFIED.

3. If a technologically advanced adversary were to obtain knowledge of the hardware and software elements, the information could be used to develop countermeasures or equivalent systems which might reduce system effectiveness or be used in the development of a system with similar or advanced capabilities.

4. A determination has been made that the Government of Egypt can provide substantially the same degree of protection for the sensitive technology being released as the U.S. Government. This sale is necessary in furtherance of the U.S. foreign policy and national security objectives outlined in the Policy Justification.

5. All defense articles and services listed in this transmittal are authorized for release and export to the Government of Egypt.

[FR Doc. 2024–31136 Filed 12–30–24; 8:45 am]

BILLING CODE 6001–FR–P

DEPARTMENT OF DEFENSE

Office of the Secretary

[Transmittal No. 22–54]

Arms Sales Notification

AGENCY: Defense Security Cooperation Agency, Department of Defense (DoD).

ACTION: Arms sales notice.

SUMMARY: The DoD is publishing the unclassified text of an arms sales notification.

FOR FURTHER INFORMATION CONTACT: Pamela Young at (703) 953–6092, *pamela.a.young14.civ@mail.mil,* or *dsca.ncr.rsrcmgmt.list.cns-mbx@mail.mil.*

SUPPLEMENTARY INFORMATION: This 36(b)(1) arms sales notification is published to fulfill the requirements of section 155 of Public Law 104–164 dated July 21, 1996. The following is a copy of a letter to the Speaker of the House of Representatives with attached Transmittal 22–54, Policy Justification, and Sensitivity of Technology.

Dated: December 20, 2024.

Stephanie J. Bost,

Alternate OSD Federal Register Liaison Officer, Department of Defense.

DEFENSE SECURITY COOPERATION AGENCY
2800 Defense Pentagon
Washington, DC 20301-2800

JAN 10 2024

The Honorable Mike Johnson
Speaker of the House
U.S. House of Representatives
H-209, The Capitol
Washington, DC 20515

Dear Mr. Speaker:

Pursuant to the reporting requirements of Section 36(b)(1) of the Arms Export Control Act, as amended, we are forwarding herewith Transmittal No. 22-54, concerning the Army's proposed Letter(s) of Offer and Acceptance to the Government of Egypt for defense articles and services estimated to cost $200 million. We will issue a news release to notify the public of this proposed sale upon delivery of this letter to your office.

Sincerely,

James A. Hursch
Director

Enclosures:
1. Transmittal
2. Policy Justification
3. Sensitivity of Technology
4. Regional Balance (Classified document provided under separate cover)

Transmittal No. 22–54

Notice of Proposed Issuance of Letter of Offer Pursuant to Section 36(b)(1) of the Arms Export Control Act, as Amended

(i) *Prospective Purchaser:* Government of Egypt

(ii) *Total Estimated Value:*

Major Defense Equipment *	$0 million
Other	$200 million
TOTAL	$200 million

Funding Source: Foreign Military Financing (FMF)

(iii) *Description and Quantity or Quantities of Articles or Services under Consideration for Purchase:* Foreign Military Sales case EG–B–VIT was below congressional notification threshold at $41.9 million for non-Major Defense Equipment (MDE) light tactical vehicle chassis and fleet build. The Government of Egypt requested that the case be amended to include additional chassis and non-MDE items and services. This case amendment will increase the total case value above the non-MDE notification threshold, and thus notification of the entire case is required.

Major Defense Equipment:

None

Non-MDE:

Included are 4-Man REV1–B Rolling Chassis with 190 horsepower (HP) diesel engines upgraded to 205HP Turbo-charged engines; training for chassis assembly process, operations, and maintenance; spare and repair parts; testing equipment; U.S. Government and contractor engineering, technical and logistics support services; and other related elements of logistical and program support.

(iv) *Military Department:* Army (EG–B–VIT)

(v) *Prior Related Cases, if any:* None

(vi) *Sales Commission, Fee, etc., Paid, Offered, or Agreed to be Paid:* None

(vii) *Sensitivity of Technology Contained in the Defense Article or Defense Services Proposed to be Sold:* See Attached Annex

(viii) *Date Report Delivered to Congress:* January 10, 2024

* As defined in Section 47(6) of the Arms Export Control Act.

POLICY JUSTIFICATION

Egypt—Light Tactical Vehicle Chassis and Fleet Build

The Government of Egypt has requested to buy additional light tactical vehicle chassis and fleet build that will be added to a previously implemented case. The original Foreign Military Sales case, valued at $41.9 million, included 4-Man REV1–B Rolling Chassis with 190 horsepower (HP) diesel engines upgraded to 205HP turbo-charged engines; training for chassis assembly process, operations, and maintenance; spare and repair parts; testing equipment; United States (U.S.) Government and contractor engineering, technical, and logistics support services; and other related elements of logistical and program support. The estimated total cost is $200 million.

This proposed sale will support U.S. foreign policy and national security objectives by helping to improve the security of a Major Non-NATO Ally that continues to be an important force for political stability and economic growth in the Middle East.

The proposed sale will contribute to the modernization of Egypt's Light Tactical Vehicle fleet, enhancing its ability to meet current and future threats. These chassis will contribute to Egypt's goal of updating its military capability while further enhancing interoperability with the U.S. and other allies. Egypt will have no difficulty absorbing this equipment and services into its armed forces.

The proposed sale of this equipment and support will not alter the basic military balance in the region.

The principal contractor will be AM General, LLC, of Mishawaka, IN. There are no known offset agreements proposed in connection with this potential sale.

Implementation of this proposed sale will require the assignment of up to five (5) additional U.S. Government and three (3) contractor representatives to Egypt for a duration of five (5) years to support fielding and training for the program.

There will be no adverse impact on U.S. defense readiness as a result of this proposed sale.

Transmittal No. 22–54

Notice of Proposed Issuance of Letter of Offer Pursuant to Section 36(b)(1) of the Arms Export Control Act

Annex

Item No. vii

(vii) *Sensitivity of Technology:*

1. The High Mobility Multipurpose Wheeled Vehicle 13-Series 4-Man REV1–B Rolling Chassis will support the assembly production of the Egyptian vehicle (TEMSAH 3) to increase the capabilities of the Light Tactical Vehicle fleet.

2. The highest level of classification of defense articles, components, and services included in this potential sale is UNCLASSIFIED.

3. If a technologically advanced adversary were to obtain knowledge of the specific hardware and software elements, the information could be used to develop countermeasures that might reduce weapon system effectiveness or be used in the development of a system with similar or advanced capabilities.

4. A determination has been made that the Government of Egypt can provide substantially the same degree of protection for the sensitive technology being released as the U.S. Government. This sale is necessary in furtherance of the U.S. foreign policy and national security objectives outlined in the Policy Justification.

5. All defense articles and services listed in this transmittal have been authorized for release and export to the Government of Egypt.

[FR Doc. 2024–31135 Filed 12–30–24; 8:45 am]

BILLING CODE 6001–FR–P

DEPARTMENT OF DEFENSE

Office of the Secretary

[Transmittal No. 23–01]

Arms Sales Notification

AGENCY: Defense Security Cooperation Agency, Department of Defense (DoD).

ACTION: Arms sales notice.

SUMMARY: The DoD is publishing the unclassified text of an arms sales notification.

FOR FURTHER INFORMATION CONTACT: Pamela Young at (703) 953–6092, *pamela.a.young14.civ@mail.mil,* or *dsca.ncr.rsrcmgmt.list.cns-mbx@mail.mil.*

SUPPLEMENTARY INFORMATION: This 36(b)(1) arms sales notification is published to fulfill the requirements of section 155 of Public Law 104–164 dated July 21, 1996. The following is a copy of a letter to the Speaker of the House of Representatives with attached Transmittal 23–01, Policy Justification, and Sensitivity of Technology.

Dated: December 20, 2024.

Stephanie J. Bost,

Alternate OSD Federal Register Liaison Officer, Department of Defense.

DEFENSE SECURITY COOPERATION AGENCY
2800 Defense Pentagon
Washington, DC 20301-2800

January 26, 2024

The Honorable Mike Johnson
Speaker of the House
U.S. House of Representatives
H-209, The Capitol
Washington, DC 20515

Dear Mr. Speaker:

Pursuant to the reporting requirements of Section 36(b)(1) of the Arms Export Control Act, as amended, we are forwarding herewith Transmittal No. 23-01, concerning the Air Force's proposed Letter(s) of Offer and Acceptance to the Government of Greece for defense articles and services estimated to cost $8.6 billion. We will issue a news release to notify the public of this proposed sale upon delivery of this letter to your office.

Sincerely,

James A. Hursch
Director

Enclosures:
1. Transmittal
2. Policy Justification
3. Sensitivity of Technology
4. Section 620C(d) Certification

Transmittal No. 23–01

Notice of Proposed Issuance of Letter of Offer Pursuant to Section 36(b)(1) of the Arms Export Control Act, as amended

(i) *Prospective Purchaser:* Government of Greece

(ii) *Total Estimated Value:*

Major Defense Equipment * ..	$6.0 billion
Other	$2.6 billion
TOTAL	$8.6 billion

Funding Source: National Funds

(iii) *Description and Quantity or Quantities of Articles or Services under Consideration for Purchase:*

Major Defense Equipment (MDE):

Forty (40) F–35 Joint Strike Fighter Conventional Take Off and Landing (CTOL) Aircraft

Forty-two (42) Pratt & Whitney F135–PW–100 Engines (40 installed, 2 spares)

Non-MDE:

Also included are AN/PYQ–10 Simple Key Loaders; KGV–135A embedded secure communications devices; Cartridge Actuated Devices/Propellant Actuated Devices (CAD/PAD); impulse cartridges, chaff, and flares; Full Mission Simulators and system trainers; electronic warfare systems and Reprogramming Lab support; logistics management and support systems; threat detection, tracking, and targeting systems; Contractor Logistics Support (CLS); classified software and software development, delivery and integration support; transportation, ferry, and refueling support; weapons containers; aircraft and munitions support and support equipment; integration and test support and equipment; aircraft engine component improvement program (CIP) support; secure communications, precision navigation, and cryptographic systems and equipment; Identification Friend or Foe (IFF) equipment; spare and repair parts, consumables, and accessories, and repair and return support; minor modifications, maintenance, and maintenance support; personnel training and training equipment; classified and unclassified publications and technical documents; warranties; and United States (U.S.) Government and engineering, technical, and logistics support services, studies, and surveys; and other related elements of logistics and program support.

(iv) *Military Department:* Air Force (GR–D–SAD)

(v) *Prior Related Cases, if any:* None

(vi) *Sales Commission, Fee, etc., Paid, Offered, or Agreed to be Paid:* None known at this time

(vii) *Sensitivity of Technology Contained in the Defense Article or Defense Services Proposed to be Sold:* See Attached Annex

(viii) *Date Report Delivered to Congress:* January 26, 2024

* As defined in Section 47(6) of the Arms Export Control Act.

POLICY JUSTIFICATION

Greece—F–35 Aircraft

The Government of Greece has requested to buy up to forty (40) F–35 Joint Strike Fighter Conventional Take Off and Landing (CTOL) aircraft; and forty-two (42) Pratt & Whitney F135–PW–100 engines (40 installed, 2 spares). Also included are AN/PYQ–10 Simple Key Loaders; KGV–135A embedded secure communications devices; Cartridge Actuated Devices/Propellant Actuated Devices (CAD/PAD); impulse cartridges, chaff, and flares; Full Mission Simulators and system trainers; electronic warfare systems and Reprogramming Lab support; logistics management and support systems; threat detection, tracking, and targeting systems; Contractor Logistics Support (CLS); classified software and software development, delivery and integration support; transportation, ferry, and refueling support; weapons containers; aircraft and munitions support and support equipment; integration and test support and equipment; aircraft engine component improvement program (CIP) support; secure communications, precision navigation, and cryptographic systems and equipment; Identification Friend or Foe (IFF) equipment; spare and repair parts, consumables, and accessories, and repair and return support; minor modifications, maintenance, and maintenance support; personnel training and training equipment; classified and unclassified publications and technical documents; warranties; and U.S. Government and engineering, technical, and logistics support services, studies, and surveys; and other related elements of logistics and program support. The estimated total cost is $8.6 billion.

This proposed sale will support the foreign policy goals and national security of the U.S. by improving the air capabilities and interoperability of a NATO Ally that is a force for political and economic stability in Europe.

The proposed sale will allow Greece to modernize its air force and improve Greece's ability to provide for the defense of its airspace, contribute to NATO missions to preserve regional security and defend NATO Allies, and maintain interoperability with U.S. and NATO forces. The F–35 will offset the increasing obsolescence of other Hellenic Air Force aircraft such as the F–4 and Mirage 2000. Greece will have no difficulty absorbing these articles and services into its armed forces.

The proposed sale of this equipment and support will not alter the basic military balance in the region.

The principal contractors will be Lockheed Martin Aeronautics Company, Fort Worth, TX, and Pratt & Whitney Military Engines, East Hartford, CT. The purchaser typically requests offsets. Any offset agreement will be defined in negotiations between the purchaser and the contractor.

Implementation of this proposed sale will not require the assignment of any additional U.S. Government or contractor representatives to Greece.

There will be no adverse impact on U.S. defense readiness as a result of this proposed sale.

Transmittal No. 23–01

Notice of Proposed Issuance of Letter of Offer Pursuant to Section 36(b)(1) of the Arms Export Control Act

Annex

Item No. vii

(vii) *Sensitivity of Technology:*

1. The F–35A Conventional Take Off and Landing (CTOL) aircraft is a single seat, single engine, all-weather, stealth, fifth-generation, multirole aircraft. It contains sensitive technology including the low observable airframe/outer mold line, the Pratt and Whitney F135 engine, AN/APG–81 radar, an integrated core processor central computer, a mission systems/electronic warfare suite, a multiple sensor suite, technical data/documentation, and associated software.

a. The Pratt and Whitney F135 engine is a single 40,000-lb thrust class engine designed for the F–35 and assures highly reliable, affordable performance. The engine is designed to be utilized in all F–35 variants, providing unmatched commonality and supportability throughout the worldwide base of F–35 users.

b. The AN/APG–81 Active Electronically Scanned Array (AESA) is a high processing power/high transmission power electronic array capable of detecting air and ground targets from a greater distance than mechanically scanned array radars. It also contains a synthetic aperture radar (SAR), which creates high-resolution ground maps, provides weather data to the pilot, and provides air and ground tracks to the mission system, which uses it as a component to fuse sensor data.

c. The Electro-Optical Targeting System (EOTS) provides long-range detection and tracking as well as an infrared search and track (IRST) and forward-looking infrared (FLIR) capability for precision tracking, weapons delivery, and bomb damage assessment (BDA). The EOTS replaces multiple separate internal or podded systems typically found on legacy aircraft.

d. The Electro-Optical Distributed Aperture System (EODAS) provides the pilot with full spherical coverage for air-to- air and air-to-ground threat awareness, day/night vision enhancements, a fire control capability and precision tracking of wingmen/ friendly aircraft. The EODAS provides data directly to the pilot's helmet as well as the mission system.

e. The F–35 Electronic Warfare (EW) system is a reprogrammable, integrated system that provides radar warning and electronic support measures (ESM) along with a fully integrated countermeasures (CM) system. The EW system is the primary subsystem used to enhance situational awareness, targeting support and self-defense through the search, intercept, location, and identification of in-band emitters and to automatically counter IR and RF threats.

f. The F–35 Command, Control, Communications, Computers and Intelligence/Communications, Navigation, and Identification (C4I/CNI) system provides the pilot with unmatched connectivity to flight members, coalition forces and the battlefield. It is an integrated subsystem designed to provide a broad spectrum of secure, anti-jam voice and data communications, precision radio navigation and landing capability, self-identification, beyond visual range target identification, and connectivity to off-board sources of information. It also includes an inertial navigation and global positioning system (GPS) for precise location information. The functionality is tightly integrated within the mission system to enhance efficiency.

g. The F–35 C4I/CNI system includes two data links: the Multi-Function Advanced Data Link (MADL) and Link 16. The MADL is designed specifically for the F–35 and allows for stealthy communications among F–35s. Link 16 is an advanced command, control, communications, and intelligence (C3I) system incorporating jam-resistant, digital communication links for exchange of near real-time tactical information, including both data and voice, among air, ground, and sea elements. It provides the warfighter key theater functions such as surveillance, identification, air control, weapons engagement coordination, and direction for all services and allied forces. Link-16 equipment allows the F–35 to communicate with legacy aircraft using widely distributed J-series message protocols.

h. The F–35 Autonomic Logistics Global Sustainment (ALGS) provides a fully integrated logistics management solution. ALGS integrates a number of functional areas, including supply chain management, repair, support equipment, engine support, and training. The ALGS infrastructure employs a state-of-the-art information system that provides real-time, decision-worthy information for sustainment decisions by flight line personnel. Prognostic health monitoring technology is integrated with the air system and is crucial to predictive maintenance of vital components.

i. The F–35 Autonomic Logistics Information System (ALIS) provides an intelligent information infrastructure that binds all the key concepts of ALGS into an effective support system. ALIS establishes the appropriate interfaces among the F–35 Air Vehicle, the warfighter, the training system, government information technology (IT) systems, and supporting commercial enterprise systems. Additionally, ALIS provides a comprehensive tool for data collection and analysis, decision support, and action tracking.

j. The F–35 Training System includes several training devices to provide integrated training for pilots and maintainers. The pilot training devices include a Full Mission Simulator (FMS) and Deployable Mission Rehearsal Trainer (DMRT). The maintenance training devices include an Aircraft Systems Maintenance Trainer (ASMT), Ejection System Maintenance Trainer (ESMT), Outer Mold Line (OML) Lab, Flexible Linear Shaped Charge (FLSC) Trainer, F135 Engine Module Trainer and Weapons Loading Trainer (WLT). The F–35 Training System can be integrated so both pilots and maintainers learn in the same Integrated Training Center (ITC). Alternatively, the pilots and maintainers can train in separate facilities (Pilot Training Center and Maintenance Training Center).

k. Other subsystems, features, and capabilities include the F–35's low observable air frame, Integrated Core Processor (ICP) Central Computer, Helmet Mounted Display System (HMDS), Pilot Life Support System (PLSS), Off-Board Mission Support (OMS) System, and publications/ maintenance manuals. The HMDS provides a fully sunlight readable, biocular display presentation of aircraft information projected onto the pilot's helmet visor. The use of a night vision camera integrated into the helmet eliminates the need for separate Night Vision Goggles. The PLSS provides a measure of Pilot Chemical, Biological, and Radiological Protection through use of an On-Board Oxygen Generating System (OBOGS); and an escape system that provides additional protection to the pilot. OBOGS takes the Power and Thermal Management System (PTMS) air and enriches it by removing gases (mainly nitrogen) by adsorption, thereby increasing the concentration of oxygen in the product gas and supplying breathable air to the pilot. The OMS provides a mission planning, mission briefing, and a maintenance/ intelligence/tactical debriefing platform for the F–35.

2. The Electronic Warfare Reprogramming Lab is used by U.S. Government engineers in the reprogramming and creation of shareable Mission Data Files for foreign F–35 customers.

3. The AN/PYQ–10 Simple Key Loader is a portable, hand-held device used for securely receiving, storing, and transferring data between compatible cryptographic and communications equipment.

4. The KGV–135A is a high-speed, general purpose encryptor/decryptor module used for wide-band data encryption.

5. The highest level of classification of defense articles, components, and services included in this potential sale is SECRET.

6. If a technologically advanced adversary were to obtain knowledge of the specific hardware and software elements, the information could be used to develop countermeasures that might reduce weapon system effectiveness or be used in the development of a system with similar or advanced capabilities.

7. A determination has been made that Greece can provide substantially the same degree of protection for the sensitive technology being released as the U.S. Government. This sale is necessary in furtherance of the U.S. foreign policy and national security objectives outlined in the Policy Justification.

8. All defense articles and services listed in this transmittal have been authorized for release and export to Greece.

[FR Doc. 2024–31139 Filed 12–30–24; 8:45 am]

BILLING CODE 6001–FR–P

DEPARTMENT OF DEFENSE

Office of the Secretary

Notice To Publicize Consent Order, Notify Public of DoD Compliance Officer and Provide Point of Contact for Information and or Inquiries

AGENCY: Office of the Under Secretary of Defense for Acquisition and Sustainment (OUSD(A&S)), Department of Defense (DoD).

ACTION: Notice of Consent Order.

SUMMARY: The DoD Compliance Officer for the Federal Trade Commission (FTC) Decision and Order (hereinafter referred to as the ''Consent Order''), in the Matter of Northrop Grumman Corporation (NGC) and Orbital ATK, Inc Docket No. C–4652, dated June 5, 2018, and as modified on December 3, 2018, is posting this notice to inform the Public about the Consent Order and to notify the Public of the DoD Compliance Officer point of contact for further information or inquiries.

FOR FURTHER INFORMATION CONTACT: For further information and inquiries, interested parties should contact the DoD Compliance Officer, Ms. Nicoletta S. Giordani, at 703–693–6613 or *nicoletta.s.giordani.civ@mail.mil.* To request a meeting with the DoD Compliance Officer or the Government Compliance Team, interested parties should submit a request to: *osd.mc-alex.rsrcmgmt.list.ousd-as-northrop-orbital-monitoring-mb@mail.mil.*

SUPPLEMENTARY INFORMATION: The FTC's Complaint alleged that NGC's 2018 acquisition of Orbital ATK would reduce competition in the market for missile systems purchased by the U.S. Government, resulting in less innovation and higher prices for taxpayers. The resulting Consent Order, as described below, preserves the procompetitive benefits of the acquisition while addressing the potential anticompetitive harms.

The Consent Order: The Consent Order requires that NGC make its solid rocket motors (SRMs) and related services available on a non-discriminatory basis to all competitors for missile contracts. Covered missiles include any air, sea, and/or land-based missile propelled by one or more SRMs, including tactical missiles, missile defense interceptors and targets, and strategic missiles. The Consent Order does not cover launch vehicles for satellites and other space systems. The non-discrimination prohibitions of the Consent Order are comprehensive and apply to potential discriminatory conduct affecting price, schedule, quality, data, personnel, investment, technology, innovation, design, or risk. NGC must also establish firewalls to keep it from transferring or using any proprietary information that it receives from competing missile prime contractors or SRMs suppliers in a manner that harms competition. The Consent Order is in effect until June 5, 2038.

The complete text of the Consent Order and supplementary information is located on the following FTC website: *https://www.ftc.gov/legal-library/browse/cases-proceedings/181-0005-c-4652-northrop-grumman-orbital-atk-matter.*

DoD Compliance Officer: The DoD Compliance Officer is the Principal Director for Global Investment & Economic Security within the Office of the Assistant Secretary of Defense for Industrial Base Policy.

Dated: December 26, 2024.

Aaron T. Siegel,

Alternate OSD Federal Register Liaison Officer, Department of Defense.

[FR Doc. 2024–31427 Filed 12–30–24; 8:45 am]

BILLING CODE 6001–FR–P

DEPARTMENT OF DEFENSE

Office of the Secretary

[Docket ID: DoD–2024–OS–0015]

Submission for OMB Review; Comment Request

AGENCY: Office of the Under Secretary of Defense for Personnel and Readiness (OUSD (P&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 January 30, 2025.

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:* Exceptional Family Member Program (EFMP) Family Needs Assessment (FNA); DD Form 3054; OMB Control Number 0704–0580.

Type of Request: Extension.

Number of Respondents: 20,000.

Responses per Respondent: 1.

Annual Responses: 20,000.

Average Burden per Response: 30 minutes.

Annual Burden Hours: 10,000 hours.

Needs and Uses: This information collection through the Family Needs Assessment (FNA) is necessary to assist EFMP Family Support staff in identifying the needs of families and developing plans of action. The Family Services Plan Addendum allows EFMP Family Support staff and families to track identified steps in addressing their needs and goals. The Inter-Services Transfer Summary (ISTS) Addendum facilitates the transfer of cases between sister-Service Family Support Offices when a family requests a warm hand-off to a gaining installation.

The EFMP FNA addresses current differences in assessment processes and inconsistent transfer of cases across the Services. With this standardized form, installation-level EFMP Family Support Offices can provide a family support experience that is consistent across the Services and maintains continuity of services when military families with special needs have Permanent Change of Station (PCS) orders to a joint base or sister-Service location.

Affected Public: Individuals or households.

Frequency: As needed.

Respondent's Obligation: Voluntary.

DOD Clearance Officer: Mr. Reginald Lucas.

Dated: December 26, 2024.

Aaron T. Siegel,

Alternate OSD Federal Register Liaison Officer, Department of Defense.

[FR Doc. 2024–31394 Filed 12–30–24; 8:45 am]

BILLING CODE 6001–FR–P

DEPARTMENT OF DEFENSE

Department of the Navy

[Docket ID: USN–2024–HQ–0007]

Submission for OMB Review; Comment Request

AGENCY: Department of the Navy, 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 January 30, 2025.

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:* Prospective Studies of US Military Forces and Their Families: The Millennium Cohort Program; OMB Control Number 0703–0064.

Type of Request: Revision.

Millennium Cohort Study Follow-Up Survey

Number of Respondents: 177,127.

Responses per Respondent: 1 (every three years).

Annual Responses: 59,042.

Average Burden per Response: 45 minutes.

Annual Burden Hours: 44,282.

Millennium Cohort Study Participant Feedback Survey

Number of Respondents: 177,127.

Responses per Respondent: 1 (every three years).

Annual Responses: 59,042.

Average Burden per Response: 8 minutes.

Annual Burden Hours: 7,872.

Millennium Cohort Family Study Follow-Up Survey

Number of Respondents: 16,901.

Responses per Respondent: 1 (every three years).

Annual Responses: 5,634.

Average Burden per Response: 50 minutes.

Annual Burden Hours: 4,695.

Total

Number of Respondents: 194,028.

Annual Responses: 123,718.

Annual Burden Hours: 56,849.

Needs and Uses: The Millennium Cohort Study (MCS) and the Millennium Cohort Family Study (Family Cohort Study; FCS) are two of the major research programs that comprise the Millennium Cohort Program (MCP). The MCP is an Army and Defense Health Program research study conducted at the Naval Health Research Center (NHRC), San Diego, CA, with the primary objective to evaluate the impact of military service, including deployments and occupational exposures, on the long-term health of service members, Veterans, and family members. Information is collected to allow for the assessment of the impact of military deployments, combat, and other experiences. These longitudinal studies are authorized to collect data among participants to ascertain long-term health outcomes of military service members, Veterans, and family members.

The concept and design of the MCS was recommended in the 1998 Institute of Medicine (IOM) Report ''The Gulf War Veterans: Measuring Health.'' Under the subheading ''Strategies to Protect the Health of Deployed US Forces,'' IOM recommended that prospective investigations be planned to evaluate multi-dimensional factors relevant to health and health change so that these factors can be assessed over the lifetime of the service member.

Section 743 of the Strom Thurmond National Defense Authorization Act for FY1999 authorized the Secretary of Defense to ''. . . establish a center devoted to a longitudinal study to evaluate data on the health conditions of members of the Armed Forces upon return from deployment on military operations for purposes of ensuring rapid identification of any trends in diseases, illnesses or injuries among such members as a result of such operation.''

The MCS was originally designed in response to the IOM recommendation and to Congress's authorization and funding as a prospective, 21-year-long, multi-panel and wave, cohort investigation. However, given that military experiences may contribute to health outcomes with long latencies along with the goal to evaluating the impacts of these experiences on the total life span of the service member, in 2013 the Office of the Assistant Secretary of Defense for Health Affairs authorized the extension of the MCS to 67 years. The study will now include future follow-ups beyond the original 21 years for up to 67 years until 2068.

The FCS, which focuses on family life and structure as well as the relationship between the service member and the spouse, was conceptualized and designed in response to concern for the potential effects of military deployment on service members, as well as their families, expressed by the Department of Defense (DoD), the Department of Veterans Affairs (VA), the American Psychology Association (APA), and the White House.

The main objectives of the MCP are (1) to develop a long-term profile of health change among current and former members of the Armed Forces, especially in relation to individual deployment experience, (2) to better define the nature of risk factors for the development of post-war illness among US military personnel, (3) to assess the impact of military service, including deployments, on the health and well-being of the family, and (4) to examine the relationships between the family members and the service member. These objectives will be accomplished by joining self-reported health status information collected from the study participants with electronic healthcare utilization, deployment, exposure, and demographic data available from other sources such as the DoD, Department of Veterans Affairs (VA), Federal or state agencies, or nongovernmental organizations for all participants. Self-reported information is collected using a baseline questionnaire and a series of follow-up questionnaires that are collected in 3-year intervals through at least 2068 for the MCS and 2031 for the FCS.

These findings will then provide strategic evidence that will help inform policy and guide interventions. This DoD capability is the first of its kind, using a large population-based cohort to assess the long-term impact of military service and deployment on the health of service members, their spouses, and co-resident children, and to evaluate the quality of the relationships between service members, spouses, and their children.

Due to the ongoing decline in survey response not just to this study but all DoD studies, the MCS has designed a participant feedback questionnaire that will help us gather crucial information about participant recruitment and study retention, such as reasons for non-response, correlates of non-response, motivations to participate, acceptability of study communication methods, and recommendations for improvement. Near the end of the 2024–2025 survey cycle, the Millennium Cohort Study will conduct the participant feedback survey among Panel 1–5 responders and non-responders. The survey will be bi-modal and was designed to assess a variety of factors including those that have motivated and/or discouraged Millennium Cohort participants to stay connected with the study. This data will be utilized in the design of the future surveys and survey operations to maximize retention and increase

participation from previous non-responders. The survey was developed based on preliminary 2019–2021 MCS survey response data and the Hispanic Community Health Study Participant Feedback survey (OMB Control Number 0925–0584).

Affected Public: Individuals or households.

Frequency: Variable; participants asked to complete the survey every 3 to 5 years.

Respondent's Obligation: Voluntary.

DOD Clearance Officer: Mr. Reginald Lucas.

Dated: December 26, 2024.

Aaron T. Siegel,

Alternate OSD Federal Register, Liaison Officer, Department of Defense.

[FR Doc. 2024–31397 Filed 12–30–24; 8:45 am]

BILLING CODE 6001–FR–P

DEPARTMENT OF EDUCATION

Financial Value Transparency and Gainful Employment: Earnings Thresholds for Calculation Year 2024

AGENCY: Office of Postsecondary Education, Department of Education.

ACTION: Notice.

SUMMARY: The Secretary announces the annual earnings thresholds used to calculate the earnings premium (EP) measure as part of the Financial Value Transparency and Gainful Employment (FVT/GE) regulations.

SUPPLEMENTARY INFORMATION: On October 10, 2023, the U.S. Department of Education (Department) published final regulations on Financial Value Transparency (FVT) and Gainful Employment (GE), which became effective July 1, 2024 (88 FR 70004). These regulations, in part, establish an annually-calculated EP measure, which compares the median annual earnings of students completing an educational program at an eligible institution to a specified earnings threshold.

This earnings threshold, as defined in 34 CFR 668.2, is based on data from the U.S. Census Bureau and is calculated as the median earnings for working adults aged 25–34 who either worked during the year or indicated they were unemployed when interviewed, with only a high school diploma (or recognized equivalent) in (1) the State in which the institution is located or (2) nationally, if fewer than 50 percent of the students in the program are from the State where the institution is located, or if the institution is a foreign institution. Under 34 CFR 668.404(a), the Secretary uses the appropriate earnings threshold under the definition to determine if an educational program passes the EP measure. A program passes the EP measure by demonstrating that the median earnings for program graduates exceed the appropriate State or national earnings threshold.[1]

As required by 34 CFR 668.404(b)(3), the following table lists the earnings thresholds for each State and the District of Columbia, as well as the national threshold. The earnings thresholds published in this notice apply to EP measure results for calculation year 2024: [2]

State	Median earnings (whole dollars)
Alabama	27,836
Alaska	35,457
Arizona	32,284
Arkansas	28,502
California	32,476
Colorado	35,571
Connecticut	33,286
Delaware	31,316
District of Columbia	32,592
Florida	29,609
Georgia	29,609
Hawaii	34,203
Idaho	33,397
Illinois	30,793
Indiana	31,316
Iowa	34,203
Kansas	30,782
Kentucky	28,996
Louisiana	28,996
Maine	32,311
Maryland	33,397
Massachusetts	35,438
Michigan	28,996
Minnesota	34,795
Mississippi	27,362
Missouri	30,156
Montana	30,058
Nebraska	31,316
Nevada	33,172
New Hampshire	37,850
New Jersey	32,832
New Mexico	27,836
New York	30,793
North Carolina	29,344
North Dakota	34,203
Ohio	30,793
Oklahoma	29,810
Oregon	31,695
Pennsylvania	31,727
Rhode Island	34,203
South Carolina	30,156
South Dakota	31,385
Tennessee	29,609
Texas	31,171
Utah	34,795
Vermont	33,397
Virginia	33,043
Washington	35,027
West Virginia	28,996
Wisconsin	33,397
Wyoming	36,480
United States (national earnings threshold)	31,269

[1] Institutions with main campuses located in a U.S. Territory or the Freely Associated States do not receive a calculation of the EP measure for their educational programs. Therefore, this table only includes the 50 states, the District of Columbia, and a national earnings threshold.

[2] These earnings thresholds are derived from the 2022 American Community Survey 5-Year Estimates Public Use Microdata Sample from the U.S. Census Bureau.

Accessible Format: On request to the program contact person listed under **FOR FURTHER INFORMATION CONTACT**, individuals with disabilities can obtain this document in an accessible format. The Department will provide the requestor with an accessible format that may include Rich Text Format (RTF) or text format (txt), a thumb drive, an MP3 file, braille, large print, audiotape, compact disc, or other accessible format.

Electronic Access to This Document: The official version of this document is the document published in the **Federal Register**. You may access the official edition of the **Federal Register** and the Code of Federal Regulations at *www.govinfo.gov.* At this site, you can view this document, as well as all other Department documents published in the **Federal Register,** in text or Portable Document Format (PDF). To use PDF, you must have Adobe Acrobat Reader, which is available free at this site.

You may also access Department documents published in the **Federal Register** by using the article search feature at *www.federalregister.gov.* Specifically, through the advanced search feature at this site, you can limit your search to documents published by the Department.

Program Authority: 34 CFR 668.2 and 34 CFR part 668 subpart Q.

Nasser Paydar,

Assistant Secretary for the Office of Postsecondary Education.

[FR Doc. 2024–31271 Filed 12–30–24; 8:45 am]

BILLING CODE 4000–01–P

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

[Project No. 3240–040; Project No. 6689–018; Project No. 3342–025] New

Briar Hydro Associates, LLC; New Hampshire Rolfe Canal Hydroelectric Project, New Hampshire Penacook Upper Falls Hydroelectric Project, New Hampshire Penacook Lower Falls Hydroelectric Project; Notice of Waiver Period for Water Quality Certification Application

Date of Receipt of the Certification Requests: November 4, 2024.

Reasonable Period of Time to Act on the Certification Requests: One year, November 4, 2025.

If the New Hampshire Department of Environmental Services fails or refuses to act on the water quality certification requests on or before the above date, then the agency certifying authority is deemed waived pursuant to section 401(a)(1) of the Clean Water Act, 33 U.S.C. 1341(a)(1).

Dated: December 23, 2024.

Debbie-Anne A. Reese,

Secretary.

[FR Doc. 2024–31431 Filed 12–30–24; 8:45 am]

BILLING CODE 6717–01–P

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

[Docket Nos. EL25–38–000; EL25–39–000; EL25–40–000]

Notice of Institution of Section 206 Proceeding and Refund Effective Date; BIF III Holtwood LLC, Bitter Ridge Wind Farm, LLC, Brookfield Power Piney & Deep Creek LLC

On December 23, 2024, the Commission issued an order in Docket Nos. EL25–38–000, EL25–39–000, and EL25–40–000, pursuant to section 206 of the Federal Power Act (FPA), 16 U.S.C. 824e, instituting an investigation to determine whether BIF III Holtwood LLC's, Bitter Ridge Wind Farm, LLC's, and Brookfield Power Piney & Deep Creek LLC's Rate Schedules are unjust, unreasonable, unduly discriminatory or preferential, or otherwise unlawful. *BIF III Holtwood LLC et al.,* 189 FERC ¶ 61,226 (2024).

The refund effective date in Docket Nos. EL25–38–000, EL25–39–000, and EL25–40–000, established pursuant to section 206(b) of the FPA, will be the date of publication of this notice in the **Federal Register**.

Any interested person desiring to be heard in Docket Nos. EL25–38–000, EL25–39–000, and EL25–40–000 must file a notice of intervention or motion to intervene, as appropriate, with the Federal Energy Regulatory Commission, in accordance with Rule 214 of the Commission's Rules of Practice and Procedure, 18 CFR 385.214 (2024), within 21 days of the date of issuance of the order.

In addition to publishing the full text of this document in the **Federal Register**, the Commission provides all interested persons an opportunity to view and/or print the contents of this document via the internet through the Commission's Home Page (*http://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. From FERC's Home Page on the internet, this information is available on eLibrary. The full text of this document is available on eLibrary in PDF and Microsoft Word format for viewing, printing, and/or downloading. 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 FERC'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 ''eFile'' link at *http://www.ferc.gov.* 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.

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: December 23, 2024.

Debbie-Anne A. Reese,

Secretary.

[FR Doc. 2024–31436 Filed 12–30–24; 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 accounting Request filings:

Docket Numbers: AC25–40–000.

Applicants: Madison Gas & Electric Company.

Description: Madison Gas & Electric Company submits proposed final accounting entries re acquisition from Wisconsin Power and Light Company certain tenant-in-common interests in the West Riverside Energy Center, authorized by the Commission 3/7/2024.

Filed Date: 12/23/24.

Accession Number: 20241223–5316.

Comment Date: 5 p.m. ET 1/13/25.

Take notice that the Commission received the following electric corporate filings:

Docket Numbers: EC25–31–000.

Applicants: Shiloh IV Lessee, LLC, F8 Renewables CAMN Funding, LLC.

Description: Joint Application for Authorization Under Section 203 of the Federal Power Act of Shiloh IV Lessee, LLC, et al.

Filed Date: 12/19/24.

Accession Number: 20241219–5379.

Comment Date: 5 p.m. ET 1/9/25.

Docket Numbers: EC25–32–000.

Applicants: Oaktree New Holdings LLC.

Description: Application for Authorization Under Section 203 of the Federal Power Act of Oaktree Capital Holdings, LLC.

Filed Date: 12/20/24.

Accession Number: 20241220–5515.

Comment Date: 5 p.m. ET 1/10/25.

Take notice that the Commission received the following electric rate filings:

Docket Numbers: ER15–1706–008.

Applicants: Newark Energy Center, LLC.

Description: Compliance filing: Informational Filing Pursuant to Schedule 2 of the PJM OATT to be effective N/A.

Filed Date: 12/23/24.

Accession Number: 20241223–5313.
Comment Date: 5 p.m. ET 1/13/25.

Docket Numbers: ER18–2497–011.
Applicants: Lawrenceburg Power, LLC.
Description: Compliance filing: Lawrenceburg Power Informational Filing to be effective 4/1/2021.
Filed Date: 12/23/24.
Accession Number: 20241223–5285.
Comment Date: 5 p.m. ET 1/13/25.

Docket Numbers: ER24–679–003.
Applicants: Duke Energy Florida, LLC, Duke Energy Carolinas, LLC.
Description: Compliance filing: Duke Energy Carolinas, LLC submits tariff filing per 35: DEF—Attachment J—Third Compliance Filing to be effective 4/1/2024.
Filed Date: 12/23/24.
Accession Number: 20241223–5087.
Comment Date: 5 p.m. ET 1/13/25.

Docket Numbers: ER24–683–002.
Applicants: Duke Energy Carolinas, LLC, Duke Energy Florida, LLC, Duke Energy Progress, LLC.
Description: Compliance filing: Duke Energy Carolinas, LLC submits tariff filing per 35: Third Compliance Filing—Joint OATT Attachment M to be effective 4/1/2024.
Filed Date: 12/23/24.
Accession Number: 20241223–5095.
Comment Date: 5 p.m. ET 1/13/25.

Docket Numbers: ER24–2447–003.
Applicants: PJM Interconnection, L.L.C.
Description: Compliance filing: Amendment to Compliance Filing to Clarify Terms Related to CO to be effective 8/31/2024.
Filed Date: 12/23/24.
Accession Number: 20241223–5276.
Comment Date: 5 p.m. ET 1/13/25.

Docket Numbers: ER25–127–000.
Applicants: Wheatsborough Solar, LLC.
Description: Supplement to October 17, 2024, Wheatsborough Solar, LLC tariff filing.
Filed Date: 12/19/24.
Accession Number: 20241219–5375.
Comment Date: 5 p.m. ET 12/30/24.

Docket Numbers: ER25–347–001
Applicants: ISO New England Inc., The Narragansett Electric Company
Description: Tariff Amendment: The Narragansett Electric Company submits tariff filing per 35.17(b): The Narragansett Electric Company; Amendment of Schedule 21–RIE to be effective 1/1/2025.
Filed Date: 12/23/24.
Accession Number: 20241223–5169.
Comment Date: 5 p.m. ET 1/13/25.

Docket Numbers: ER25–439–000.
Applicants: Oiko Energy Inc.
Description: Supplement to November 14, 2024, Oiko Energy Inc tariff filing.
Filed Date: 12/20/24.
Accession Number: 20241220–5513.
Comment Date: 5 p.m. ET 1/10/25.

Docket Numbers: ER25–784–000.
Applicants: Pacific Gas and Electric Company.
Description: § 205(d) Rate Filing: TO SA 63: Amendment to revise and extend DOE Berkeley to be effective 1/1/2025.
Filed Date: 12/20/24.
Accession Number: 20241220–5407.
Comment Date: 5 p.m. ET 1/10/25.

Docket Numbers: ER25–785–000.
Applicants: PJM Interconnection, L.L.C.
Description: § 205(d) Rate Filing: Extending Capacity Must-Offer Requirement to All Generation Capacity Resources to be effective 2/21/2025.
Filed Date: 12/20/24.
Accession Number: 20241220–5420.
Comment Date: 5 p.m. ET 1/10/25.

Docket Numbers: ER25–786–000.
Applicants: Coso Geothermal Power Holdings, LLC.
Description: § 205(d) Rate Filing: Updated Shared Facilities Agreement to be effective 12/21/2024.
Filed Date: 12/20/24.
Accession Number: 20241220–5428.
Comment Date: 5 p.m. ET 1/10/25.

Docket Numbers: ER25–787–000.
Applicants: Mordor ES1 LLC.
Description: § 205(d) Rate Filing: Shared Facilities Agreement to be effective 12/21/2024.
Filed Date: 12/20/24.
Accession Number: 20241220–5431.
Comment Date: 5 p.m. ET 1/10/25.

Docket Numbers: ER25–788–000.
Applicants: Mordor ES2 LLC.
Description: § 205(d) Rate Filing: Shared Facilities Agreement to be effective 12/21/2024.
Filed Date: 12/20/24.
Accession Number: 20241220–5433.
Comment Date: 5 p.m. ET 1/10/25.

Docket Numbers: ER25–789–000.
Applicants: Midcontinent Independent System Operator, Inc.
Description: § 205(d) Rate Filing: 2024–12–23_SA 4420 Wolverine Power-Wolverine Power GIA (Hersey) to be effective 12/12/2024.
Filed Date: 12/23/24.
Accession Number: 20241223–5081
Comment Date: 5 p.m. ET 1/13/25.

Docket Numbers: ER25–790–000.
Applicants: PJM Interconnection, L.L.C.
Description: § 205(d) Rate Filing: Amendment to ISA, Service Agreement No. 6578; Queue No. AD1–088 to be effective 2/22/2025.
Filed Date: 12/23/24.
Accession Number: 20241223–5088.
Comment Date: 5 p.m. ET 1/13/25.

Docket Numbers: ER25–791–000.
Applicants: Northern States Power Company, a Minnesota corporation.
Description: § 205(d) Rate Filing: 2024–12–23 SA 4419 NSP-Minnkota Power 1st Rev I&IA to be effective 11/26/2024.
Filed Date: 12/23/24.
Accession Number: 20241223–5099.
Comment Date: 5 p.m. ET 1/13/25.

Docket Numbers: ER25–792–000.
Applicants: Southwest Power Pool, Inc.
Description: § 205(d) Rate Filing: 2415R20 KMEA NITSA NOA to be effective 12/1/2024.
Filed Date: 12/23/24.
Accession Number: 20241223–5107.
Comment Date: 5 p.m. ET 1/13/25.

Docket Numbers: ER25–793–000.
Applicants: PJM Interconnection, L.L.C.
Description: § 205(d) Rate Filing: Amendment to ISA, Service Agreement No. 6369; Queue No. AE2–029 to be effective 2/22/2025.
Filed Date: 2/23/24.
Accession Number: 20241223–5138.
Comment Date: 5 p.m. ET 1/13/25.

Docket Numbers: ER25–794–000.
Applicants: Southwest Power Pool, Inc.
Description: § 205(d) Rate Filing: 1148R35 American Electric Power NITSA NOAs to be effective 12/1/2024.
Filed Date: 12/23/24.
Accession Number: 20241223–5147.
Comment Date: 5 p.m. ET 1/13/25.

Docket Numbers: ER25–795–000.
Applicants: PJM Interconnection, L.L.C.
Description: § 205(d) Rate Filing: Amendment to GIA, Service Agreement No. 7302; Queue No. AF1–272 to be effective 2/22/2025.
Filed Date: 12/23/24.
Accession Number: 20241223–5189.
Comment Date: 5 p.m. ET 1/13/25.

Docket Numbers: ER25–796–000.
Applicants: Jackson Fuller Energy Storage, LLC.
Description: § 205(d) Rate Filing: Application for Market-Based Rate Authorization to be effective 2/22/2025.
Filed Date: 12/23/24.
Accession Number: 20241223–5216.
Comment Date: 5 p.m. ET 1/13/25.

Docket Numbers: ER25–797–000.
Applicants: PJM Interconnection, L.L.C.
Description: § 205(d) Rate Filing: Original GIA, SA No. 7445; Project Identifier No. AF1–049 to be effective 11/25/2024.
Filed Date: 12/23/24.

Accession Number: 20241223–5228
Comment Date: 5 p.m. ET 1/13/25.

Docket Numbers: ER25–798–000.
Applicants: PJM Interconnection, L.L.C.
Description: § 205(d) Rate Filing: Amendment to ISA, Service Agreement No. 6747; Queue No. AF1–290 to be effective 2/22/2025.
Filed Date: 12/23/24.
Accession Number: 20241223–5231.
Comment Date: 5 p.m. ET 1/13/25.

Docket Numbers: ER25–799–000.
Applicants: Northumberland Solar, LLC.
Description: Initial Rate Filing: Petition for Blanket MBR Authorization with Waivers & Expedited Treatment to be effective 2/15/2025.
Filed Date: 12/23/24.
Accession Number: 20241223–5233.
Comment Date: 5 p.m. ET 1/13/25.

Docket Numbers: ER25–800–000.
Applicants: PJM Interconnection, L.L.C.
Description: § 205(d) Rate Filing: Original GIA, Service Agreement No. 7458; AE2–094/AF1–069 to be effective 11/22/2024.
Filed Date: 12/23/24.
Accession Number: 20241223–5237.
Comment Date: 5 p.m. ET 1/13/25.

Docket Numbers: ER25–801–000.
Applicants: New York State Reliability Council, L.L.C.
Description: New York State Reliability Council, L.L.C. submits revised Installed Capacity Requirement for the New York Control Area for the period beginning on May 1, 2025 and ending on April 30, 2026.
Filed Date: 12/23/24.
Accession Number: 20241223–5239.
Comment Date: 5 p.m. ET 1/13/25.

Docket Numbers: ER25–802–000.
Applicants: Gridmatic Panicum LLC.
Description: § 205(d) Rate Filing: Gridmatic Panicum LLC MBR Application Filing to be effective 12/24/2024.
Filed Date: 12/23/24.
Accession Number: 20241223–5309.
Comment Date: 5 p.m. ET 1/13/25.

Docket Numbers: ER25–803–000.
Applicants: Greenday Energy LLC.
Description: Initial Rate Filing: Market-Based Rate Application to be effective 2/22/2025.
Filed Date: 12/23/24.
Accession Number: 20241223–5315.
Comment Date: 5 p.m. ET 1/13/25.

The filings are accessible in the Commission's eLibrary system (*https://elibrary.ferc.gov/idmws/search/fercgensearch.asp*) by querying the docket number.

Any person desiring to intervene, to protest, or to answer a complaint in any of the above proceedings must file in accordance with Rules 211, 214, or 206 of the Commission's Regulations (18 CFR 385.211, 385.214, or 385.206) on or before 5:00 p.m. Eastern time on the specified comment date. Protests may be considered, but intervention is necessary to become a party to the proceeding.

eFiling is encouraged. More detailed information relating to filing requirements, interventions, protests, service, and qualifying facilities filings can be found at: *http://www.ferc.gov/docs-filing/efiling/filing-req.pdf.* For other information, call (866) 208–3676 (toll free). For TTY, call (202) 502–8659.

The Commission's Office of Public Participation (OPP) supports meaningful public engagement and participation in Commission proceedings. OPP can help members of the public, including landowners, environmental justice communities, Tribal members and others, access publicly available information and navigate Commission processes. For public inquiries and assistance with making filings such as interventions, comments, or requests for rehearing, the public is encouraged to contact OPP at (202) 502–6595 or *OPP@ferc.gov.*

Dated: December 23, 2024.

Debbie-Anne A. Reese,

Secretary.

[FR Doc. 2024–31440 Filed 12–30–24; 8:45 am]

BILLING CODE 6717–01–P

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

[Project No. 2610–012]

Notice of Intent To Prepare an Environmental Assessment; Northern States Power Company

On December 30, 2022, Northern States Power Company filed a relicense application for the 1.5-megawatt Saxon Falls Hydroelectric Project No. 2610. The project is located on the Montreal River in Gogebic County, Michigan and Iron County, Wisconsin.

In accordance with the Commission's regulations, on October 10, 2024, Commission staff issued a notice that the project was ready for environmental analysis (REA Notice). Based on the information in the record, including comments filed on the REA Notice, staff does not anticipate that licensing the project would constitute a major federal action significantly affecting the quality of the human environment. Therefore, staff intends to prepare an Environmental Assessment (EA) on the application to relicense the project.[1]

The EA will be issued and circulated for review by all interested parties. All comments filed on the EA will be analyzed by staff and considered in the Commission's final licensing decision.

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The application will be processed according to the following schedule. Revisions to the schedule may be made as appropriate.

Milestone	Target date
Commission issues EA.	December 23, 2025.

Any questions regarding this notice may be directed to Nicholas Ettema by telephone at (312) 596–4447 or by email at *nicholas.ettema@ferc.gov.*

Dated: December 23, 2024.

Debbie-Anne A. Reese,

Secretary.

[FR Doc. 2024–31433 Filed 12–30–24; 8:45 am]

BILLING CODE 6717–01–P

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

[Docket No. CP25–31–000]

Notice of Request Under Blanket Authorization and Establishing Intervention and Protest Deadline; Columbia Gas Transmission, LLC

Take notice that on December 13, 2024, Columbia Gas Transmission, LLC (Columbia), 700 Louisiana Street, Suite 1300, Houston, Texas 77002, filed in the above referenced docket, a prior notice request pursuant to section 157.216 of the Commission's regulations under the Natural Gas Act (NGA), and Columbia's blanket certificate issued in Docket No. CP83–76–000, for authorization to plug

[1] In accordance with the Council on Environmental Quality's regulations, the unique identification number for documents relating to this environmental review is EAXX–019–20–000–1734709041. 40 CFR 1501.5(c)(4) (2024).

and abandon three injection/withdrawal wells, connecting pipelines, and appurtenant facilities located within the Benton Storage Field, in Hocking and Vinton Counties, Ohio (2025 Benton Wells Abandonment Project). The project will allow Columbia to limit integrity risk in alignment with the guidance of the Pipeline and Hazardous Materials Safety Administration (PHMSA) Storage Final Rule. The estimated cost for the project is $2 million, all as more fully set forth in the request which is on file with the Commission and open to public inspection.

In addition to publishing the full text of this document in the **Federal Register**, the Commission provides all interested persons an opportunity to view and/or print the contents of this document via the internet through the Commission's Home Page (*http://www.ferc.gov*). From the Commission's Home Page on the internet, this information is available on eLibrary. The full text of this document is available on eLibrary in PDF and Microsoft Word format for viewing, printing, and/or downloading. To access this document in eLibrary, type the docket number excluding the last three digits of this document in the docket number field.

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Any questions concerning this request should be directed to David A. Alonzo, Manager of Project Authorizations, Columbia Gas Transmission, LLC, 700 Louisiana Street, Suite 1300, Houston, Texas 77002, (832) 320–5477, *david_alonzo@tcenergy.com*.

Public Participation

There are three ways to become involved in the Commission's review of this project: you can file a protest to the project, you can file a motion to intervene in the proceeding, and you can file comments on the project. There is no fee or cost for filing protests, motions to intervene, or comments. The deadline for filing protests, motions to intervene, and comments is 5:00 p.m. Eastern Time on February 21, 2025. How to file protests, motions to intervene, and comments is explained below.

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*.

Protests

Pursuant to section 157.205 of the Commission's regulations under the NGA,[1] any person [2] or the Commission's staff may file a protest to the request. If no protest is filed within the time allowed or if a protest is filed and then withdrawn within 30 days after the allowed time for filing a protest, the proposed activity shall be deemed to be authorized effective the day after the time allowed for protest. If a protest is filed and not withdrawn within 30 days after the time allowed for filing a protest, the instant request for authorization will be considered by the Commission.

Protests must comply with the requirements specified in section 157.205(e) of the Commission's regulations,[3] and must be submitted by the protest deadline, which is February 21, 2025. A protest may also serve as a motion to intervene so long as the protestor states it also seeks to be an intervenor.

Interventions

Any person has the option to file a motion to intervene in this proceeding. Only intervenors have the right to request rehearing of Commission orders issued in this proceeding and to subsequently challenge the Commission's orders in the U.S. Circuit Courts of Appeal.

To intervene, you must submit a motion to intervene to the Commission in accordance with Rule 214 of the Commission's Rules of Practice and Procedure [4] and the regulations under the NGA[5] by the intervention deadline for the project, which is February 21, 2025. As described further in Rule 214, your motion to intervene must state, to the extent known, your position regarding the proceeding, as well as your interest in the proceeding. For an individual, this could include your status as a landowner, ratepayer, resident of an impacted community, or recreationist. You do not need to have property directly impacted by the project in order to intervene. For more information about motions to intervene, refer to the FERC website at *https://www.ferc.gov/resources/guides/how-to/intervene.asp*.

All timely, unopposed motions to intervene are automatically granted by operation of Rule 214(c)(1). Motions to intervene that are filed after the intervention deadline are untimely and may be denied. Any late-filed motion to intervene must show good cause for being late and must explain why the time limitation should be waived and provide justification by reference to factors set forth in Rule 214(d) of the Commission's Rules and Regulations. A person obtaining party status will be placed on the service list maintained by the Secretary of the Commission and will receive copies (paper or electronic) of all documents filed by the applicant and by all other parties.

Comments

Any person wishing to comment on the project may do so. The Commission considers all comments received about the project in determining the appropriate action to be taken. To ensure that your comments are timely and properly recorded, please submit your comments on or before February 21, 2025. The filing of a comment alone will not serve to make the filer a party to the proceeding. To become a party, you must intervene in the proceeding.

How To File Protests, Interventions, and Comments

There are two ways to submit protests, motions to intervene, and comments. In both instances, please reference the Project docket number CP25–31–000 in your submission.

(1) You may file your protest, motion to intervene, and comments by using the Commission's eFiling feature, which is located on the Commission's website (*www.ferc.gov*) under the link to Documents and Filings. New eFiling users must first create an account by clicking on ''eRegister.'' You will be asked to select the type of filing you are making; first select ''General'' and then select ''Protest'', ''Intervention'', or ''Comment on a Filing''; or [6]

[1] 18 CFR 157.205.

[2] Persons include individuals, organizations, businesses, municipalities, and other entities. 18 CFR 385.102(d).

[3] 18 CFR 157.205(e).

[4] 18 CFR 385.214.

[5] 18 CFR 157.10.

[6] Additionally, you may file your comments electronically by using the eComment feature, which is located on the Commission's website at *www.ferc.gov* under the link to Documents and Filings. Using eComment is an easy method for interested persons to submit brief, text-only comments on a project.

(2) You can file a paper copy of your submission by mailing it to the address below. Your submission must reference the Project docket number CP25–31–000.

To file via USPS: Debbie-Anne A. Reese, Secretary, Federal Energy Regulatory Commission, 888 First Street NE, Washington, DC 20426.

To file via any other method: Debbie-Anne A. Reese, Secretary, Federal Energy Regulatory Commission, 12225 Wilkins Avenue, Rockville, Maryland 20852.

The Commission encourages electronic filing of submissions (option 1 above) and has eFiling staff available to assist you at (202) 502–8258 or *FercOnlineSupport@ferc.gov.*

Protests and motions to intervene must be served on the applicant either by mail at: David A. Alonzo, Manager of Project Authorizations, Columbia Gas Transmission, LLC, 700 Louisiana Street, Suite 1300, Houston, Texas 77002 or by email (with a link to the document) at *david_alonzo@tcenergy.com.* Any subsequent submissions by an intervenor must be served on the applicant and all other parties to the proceeding. Contact information for parties can be downloaded from the service list at the eService link on FERC Online.

Tracking the Proceeding

Throughout the proceeding, additional information about the project will be available from the Commission's Office of External Affairs, at (866) 208–FERC, or on the FERC website at *www.ferc.gov* using the ''eLibrary'' link as described above. The eLibrary link also provides access to the texts of all formal documents issued by the Commission, such as orders, notices, and rulemakings.

In addition, the Commission offers a free service called eSubscription which allows you to keep track of all formal issuances and submittals in specific dockets. This can reduce the amount of time you spend researching proceedings by automatically providing you with notification of these filings, document summaries, and direct links to the documents. For more information and to register, go to *www.ferc.gov/docs-filing/esubscription.asp.*

Dated: December 23, 2024.

Debbie-Anne A. Reese,

Secretary.

[FR Doc. 2024–31437 Filed 12–30–24; 8:45 am]

BILLING CODE 6717–01–P

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

[Project No. 1121–140]

Notice of Effectiveness of Withdrawal of Long-Term Flow Variance (Article 33); Pacific Gas and Electric Company

On June 8, 2023, Pacific Gas and Electric Company (licensee), filed a long-term variance request to remove the current compliance requirement for the ramping rate from license Article 33(d) for the Battle Creek Hydroelectric Project No. 1121. Because the Commission determined that the licensee's request would require an amendment to Article 33(d) of the project license, the Commission issued a public notice for the licensee's request on June 30, 2023. On August 9, 2023, Commission staff requested additional information from the licensee to address comments received from the California State Water Resources Control Board during the public notice period. Finally, on November 14, 2024, the licensee filed a request to withdraw its long-term variance request regarding the license Article 33(d) ramping rate for North Battle Creek Dam.

No motion in opposition to the request for withdrawal has been filed, and the Commission has taken no action to disallow the withdrawal. Pursuant to Rule 216(b) of the Commission's Rules of Practice and Procedure,[1] the withdrawal of the application became effective on November 29, 2024, and this proceeding is hereby terminated.

Dated: December 23, 2024.

Debbie-Anne A. Reese,

Secretary.

[FR Doc. 2024–31435 Filed 12–30–24; 8:45 am]

BILLING CODE 6717–01–P

[1] 18 CFR 385.216(b) (2024).

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

[Docket No. CP25–29–000]

Notice of Application and Establishing Intervention Deadline; Eastern Gas Transmission and Storage, Inc.

Take notice that on December 11, 2024, Eastern Gas Transmission and Storage, Inc. (EGTS), 10700 Energy Way, Glen Allen, VA, 23060, filed an application under section 7(c), of the Natural Gas Act (NGA), and Part 157 of the Commission's regulations requesting authorization for its Capital Area Project (Project). The Project involves the installation of a 6,130-horsepower gas-fired turbine compressor at the Centre Compressor Station in Centre County, Pennsylvania; an 11,110-horsepower gas-fired turbine compressor at the Chambersburg Compressor Station in Franklin County, Pennsylvania; and a 5,000-horsepower electric-driven compressor at the Leesburg Compressor Station in Loudoun County, Virginia. Additionally, the Finnefrock Compressor Station in Clinton County, Pennsylvania, will undergo upgrades, including the replacement of gas coolers, headers, and cold recycle piping, as well as the installation of new check valves. The project will provide an additional 67,500 dekatherms per day of firm transportation service to Washington Gas Light Company at an estimated total cost of $171 million, with proposed incremental rates to recover project costs all as more fully set forth in the application which is on file with the Commission and open for public inspection.

In addition to publishing the full text of this document in the **Federal Register**, the Commission provides all interested persons an opportunity to view and/or print the contents of this document via the internet through the Commission's Home Page (*http://www.ferc.gov*). From the Commission's Home Page on the internet, this information is available on eLibrary. The full text of this document is available on eLibrary in PDF and Microsoft Word format for viewing, printing, and/or downloading. 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.*

Any questions regarding the proposed project should be directed to Kenan Carioti, Regulatory Specialist, Eastern Gas Transmission and Storage, Inc., 10700 Energy Way, Glen Allen, VA 23060, by email at *Kenan.Carioti@bhegts.com.*

Pursuant to section 157.9 of the Commission's Rules of Practice and Procedure,[1] within 90 days of this Notice the Commission staff will either: complete its environmental review and

[1] 18 CFR 157.9.

place it into the Commission's public record (eLibrary) for this proceeding; or issue a Notice of Schedule for Environmental Review. If a Notice of Schedule for Environmental Review is issued, it will indicate, among other milestones, the anticipated date for the Commission staff's issuance of the final environmental impact statement (FEIS) or environmental assessment (EA) for this proposal. The filing of an EA in the Commission's public record for this proceeding or the issuance of a Notice of Schedule for Environmental Review will serve to notify federal and state agencies of the timing for the completion of all necessary reviews, and the subsequent need to complete all federal authorizations within 90 days of the date of issuance of the Commission staff's FEIS or EA.

Water Quality Certification

Eastern Gas Transmission and Storage, Inc stated that a water quality certificate under section 401 of the Clean Water Act is required for the project from Pennsylvania Department of Environmental Protection RPCO. When available, EGTS should submit to the Commission a copy of the request for certification for the Commission authorization, including the date the request was submitted to the certifying agency, and either (1) a copy of the certifying agency's decision or (2) evidence of waiver of water quality certification.

Public Participation

There are three ways to become involved in the Commission's review of this project: you can file comments on the project, you can protest the filing, and you can file a motion to intervene in the proceeding. There is no fee or cost for filing comments or intervening. The deadline for filing a motion to intervene is 5:00 p.m. Eastern Time on January 13, 2024. How to file protests, motions to intervene, and comments is explained below.

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.*

Comments

Any person wishing to comment on the project may do so. Comments may include statements of support or objections, to the project as a whole or specific aspects of the project. The more specific your comments, the more useful they will be.

Protests

Pursuant to sections 157.10(a)(4)[2] and 385.211[3] of the Commission's regulations under the NGA, any person[4] may file a protest to the application. Protests must comply with the requirements specified in section 385.2001[5] of the Commission's regulations. A protest may also serve as a motion to intervene so long as the protestor states it also seeks to be an intervenor.

To ensure that your comments or protests are timely and properly recorded, please submit your comments on or before January 13, 2024.

There are three methods you can use to submit your comments or protests to the Commission. In all instances, please reference the Project docket number CP25–29–000 in your submission.

(1) You may file your comments electronically by using the eComment feature, which is located on the Commission's website at *www.ferc.gov* under the link to Documents and Filings. Using eComment is an easy method for interested persons to submit brief, text-only comments on a project;

(2) You may file your comments or protests electronically by using the eFiling feature, which is located on the Commission's website (*www.ferc.gov)* under the link to Documents and Filings. With eFiling, you can provide comments in a variety of formats by attaching them as a file with your submission. New eFiling users must first create an account by clicking on ''eRegister.'' You will be asked to select the type of filing you are making; first select ''General'' and then select ''Comment on a Filing''; or

(3) You can file a paper copy of your comments or protests by mailing them to the following address below. Your written comments must reference the Project docket number (CP25–29–000).

To file via USPS: Debbie-Anne A. Reese, Secretary, Federal Energy Regulatory Commission, 888 First Street NE, Washington, DC 20426.

To file via any other courier: Debbie-Anne A. Reese, Secretary, Federal Energy Regulatory Commission, 12225 Wilkins Avenue, Rockville, Maryland 20852.

The Commission encourages electronic filing of comments (options 1 and 2 above) and has eFiling staff available to assist you at (202) 502–8258 or *FercOnlineSupport@ferc.gov.*

Persons who comment on the environmental review of this project will be placed on the Commission's environmental mailing list, and will receive notification when the environmental documents (EA or EIS) are issued for this project and will be notified of meetings associated with the Commission's environmental review process.

The Commission considers all comments received about the project in determining the appropriate action to be taken. However, the filing of a comment alone will not serve to make the filer a party to the proceeding. To become a party, you must intervene in the proceeding. For instructions on how to intervene, see below.

Interventions

Any person, which includes individuals, organizations, businesses, municipalities, and other entities,[6] has the option to file a motion to intervene in this proceeding. Only intervenors have the right to request rehearing of Commission orders issued in this proceeding and to subsequently challenge the Commission's orders in the U.S. Circuit Courts of Appeal.

[2] 18 CFR 157.10(a)(4).

[3] 18 CFR 385.211.

[4] Persons include individuals, organizations, businesses, municipalities, and other entities. 18 CFR 385.102(d).

[5] 18 CFR 385.2001.

[6] 18 CFR 385.102(d).

To intervene, you must submit a motion to intervene to the Commission in accordance with Rule 214 of the Commission's Rules of Practice and Procedure [7] and the regulations under the NGA [8] by the intervention deadline for the project, which is January 13, 2024. As described further in Rule 214, your motion to intervene must state, to the extent known, your position regarding the proceeding, as well as your interest in the proceeding. For an individual, this could include your status as a landowner, ratepayer, resident of an impacted community, or recreationist. You do not need to have property directly impacted by the project in order to intervene. For more information about motions to intervene, refer to the FERC website at *https://www.ferc.gov/resources/guides/how-to/intervene.asp.*

There are two ways to submit your motion to intervene. In both instances, please reference the Project docket number CP25–29–000 in your submission.

(1) You may file your motion to intervene by using the Commission's eFiling feature, which is located on the Commission's website (*www.ferc.gov)* under the link to Documents and Filings. New eFiling users must first create an account by clicking on ''eRegister.'' You will be asked to select the type of filing you are making; first select ''General'' and then select ''Intervention.'' The eFiling feature includes a document-less intervention option; for more information, visit *https://www.ferc.gov/docs-filing/efiling/document-less-intervention.pdf;* or

(2) You can file a paper copy of your motion to intervene, along with three copies, by mailing the documents to the address below. Your motion to intervene must reference the Project docket number CP25–29–000.

To file via USPS: Debbie-Anne A. Reese, Secretary, Federal Energy Regulatory Commission, 888 First Street NE, Washington, DC 20426.

To file via any other courier: Debbie-Anne A. Reese, Secretary, Federal Energy Regulatory Commission, 12225 Wilkins Avenue, Rockville, Maryland 20852.

[7] 18 CFR 385.214.

[8] 18 CFR 157.10.

The Commission encourages electronic filing of motions to intervene (option 1 above) and has eFiling staff available to assist you at (202) 502–8258 or *FercOnlineSupport@ferc.gov.*

Protests and motions to intervene must be served on the applicant either by mail at: Kenan Carioti, Regulatory Specialist, 10700 Energy Way, Glen Allen, VA 23060, or by email (with a link to the document) at *Kenan.Carioti@bhegts.com.* Any subsequent submissions by an intervenor must be served on the applicant and all other parties to the proceeding. Contact information for parties can be downloaded from the service list at the eService link on FERC Online. Service can be via email with a link to the document.

All timely, unopposed [9] motions to intervene are automatically granted by operation of Rule 214(c)(1).[10] Motions to intervene that are filed after the intervention deadline are untimely, and may be denied. Any late-filed motion to intervene must show good cause for being late and must explain why the time limitation should be waived and provide justification by reference to factors set forth in Rule 214(d) of the Commission's Rules and Regulations.[11] A person obtaining party status will be placed on the service list maintained by the Secretary of the Commission and will receive copies (paper or electronic) of all documents filed by the applicant and by all other parties.

Tracking the Proceeding

Throughout the proceeding, additional information about the project will be available from the Commission's Office of External Affairs, at (866) 208–FERC, or on the FERC website at *www.ferc.gov* using the ''eLibrary'' link as described above. The eLibrary link also provides access to the texts of all formal documents issued by the Commission, such as orders, notices, and rulemakings.

In addition, the Commission offers a free service called eSubscription which allows you to keep track of all formal issuances and submittals in specific dockets. This can reduce the amount of time you spend researching proceedings by automatically providing you with notification of these filings, document summaries, and direct links to the documents. For more information and to register, go to *www.ferc.gov/docs-filing/esubscription.asp.*

Intervention Deadline: 5:00 p.m. Eastern Time on January 13, 2024.

Dated: December 23, 2024.

Debbie-Anne A. Reese,

Secretary.

[FR Doc. 2024–31438 Filed 12–30–24; 8:45 am]

BILLING CODE 6717–01–P

[9] The applicant has 15 days from the submittal of a motion to intervene to file a written objection to the intervention.

[10] 18 CFR 385.214(c)(1).

[11] 18 CFR 385.214(b)(3) and (d).

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

[Project No. 2587–066]

Notice of Intent To Prepare an Environmental Assessment; Northern States Power Company

On December 30, 2022, Northern States Power Company filed a relicense application for the 1.65-megawatt Superior Falls Hydroelectric Project No. 2610. The project is located on the Montreal River in Gogebic County, Michigan and Iron County, Wisconsin.

In accordance with the Commission's regulations, on October 10, 2024, Commission staff issued a notice that the project was ready for environmental analysis (REA Notice). Based on the information in the record, including comments filed on the REA Notice, staff does not anticipate that licensing the project would constitute a major federal action significantly affecting the quality of the human environment. Therefore, staff intends to prepare an Environmental Assessment (EA) on the application to relicense the project.[1]

The EA will be issued and circulated for review by all interested parties. All comments filed on the EA will be analyzed by staff and considered in the Commission's final licensing decision.

[1] In accordance with the Council on Environmental Quality's regulations, the unique identification number for documents relating to this environmental review is EAXX–019–20–000–1734709056. 40 CFR 1501.5(c)(4) (2024).

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.*

The application will be processed according to the following schedule. Revisions to the schedule may be made as appropriate.

Milestone	Target date
Commission issues EA.	December 23, 2025.

Any questions regarding this notice may be directed to Nicholas Ettema by telephone at (312) 596–4447 or by email at *nicholas.ettema@ferc.gov.*

Dated: December 23, 2024.

Debbie-Anne A. Reese,

Secretary.

[FR Doc. 2024–31434 Filed 12–30–24; 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: RP25–300–000.

Applicants: Cheyenne Plains Gas Pipeline Company, L.L.C.

Description: Compliance filing: Storage Enhanced Delivery Compliance associated with Docket No. CP24–523 to be effective 1/1/2025.

Filed Date: 12/20/24.

Accession Number: 20241220–5350.

Comment Date: 5 p.m. ET 1/2/25.

Docket Numbers: RP25–301–000.

Applicants: El Paso Natural Gas Company, L.L.C.

Description: § 4(d) Rate Filing: Negotiated Rate Agreement Filing (Conoco) to be effective 1/1/2025.

Filed Date: 12/20/24.

Accession Number: 20241220–5353.

Comment Date: 5 p.m. ET 1/2/25.

Docket Numbers: RP25–302–000.

Applicants: Iroquois Gas Transmission System, L.P.

Description: § 4(d) Rate Filing: 12.20.24 Negotiated Rates—Emera Energy Services, Inc. R–2715–104 to be effective 1/1/2025.

Filed Date: 12/20/24.

Accession Number: 20241220–5357.

Comment Date: 5 p.m. ET 1/2/25.

Docket Numbers: RP25–303–000.

Applicants: El Paso Natural Gas Company, L.L.C.

Description: § 4(d) Rate Filing: Negotiated Rate Agreements Filing (Calpine) to be effective 2/1/2025.

Filed Date: 12/20/24.

Accession Number: 20241220–5390.

Comment Date: 5 p.m. ET 1/2/25.

Any person desiring to intervene, to protest, or to answer a complaint in any of the above proceedings must file in accordance with Rules 211, 214, or 206 of the Commission's Regulations (18 CFR 385.211, 385.214, or 385.206) on or before 5:00 p.m. Eastern time on the specified comment date. Protests may be considered, but intervention is necessary to become a party to the proceeding.

Filings in Existing Proceedings

Docket Numbers: RP11–1591–000.

Applicants: Golden Pass Pipeline LLC.

Description: Refund Report: 2024 Report of Penalty Revenue and Costs Golden Pass Pipeline LLC to be effective N/A.

Filed Date: 12/20/24.

Accession Number: 20241220–5182.

Comment Date: 5 p.m. ET 1/2/25.

Docket Numbers: RP25–166–001.

Applicants: Great Lakes Gas Transmission Limited Partnership.

Description: Compliance filing: Creditworthiness and Probability of Default Compliance Bid Posting to be effective 12/1/2024.

Filed Date: 12/23/24.

Accession Number: 20241223–5156.

Comment Date: 5 p.m. ET 1/6/25.

Docket Numbers: RP25–290–001.

Applicants: Iroquois Gas Transmission System, L.P.

Description: Tariff Amendment: 12.20.24 Negotiated Rates—Mercuria Energy America, LLC R–7540–02 to be effective 1/1/2025.

Filed Date: 12/20/24.

Accession Number: 20241220–5361.

Comment Date: 5 p.m. ET 1/2/25.

Any person desiring to protest in any the above proceedings must file in accordance with Rule 211 of the Commission's Regulations (18 CFR 385.211) on or before 5:00 p.m. Eastern time on the specified comment date.

The filings are accessible in the Commission's eLibrary system (*https://elibrary.ferc.gov/idmws/search/fercgensearch.asp*) by querying the docket number.

eFiling is encouraged. More detailed information relating to filing requirements, interventions, protests, service, and qualifying facilities filings can be found at: *http://www.ferc.gov/docs-filing/efiling/filing-req.pdf.* For other information, call (866) 208–3676 (toll free). For TTY, call (202) 502–8659.

The Commission's Office of Public Participation (OPP) supports meaningful public engagement and participation in Commission proceedings. OPP can help members of the public, including landowners, environmental justice communities, Tribal members and others, access publicly available information and navigate Commission processes. For public inquiries and assistance with making filings such as interventions, comments, or requests for rehearing, the public is encouraged to contact OPP at (202) 502–6595 or *OPP@ferc.gov.*

Dated: December 23, 2024.

Debbie-Anne A. Reese,

Secretary.

[FR Doc. 2024–31439 Filed 12–30–24; 8:45 am]

BILLING CODE 6717–01–P

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

[Docket No. IC25–4–000]

Commission Information Collection Activities (FERC–725G); Comment Request; Extension

AGENCY: Federal Energy Regulatory Commission, DOE.

ACTION: Notice of information collection and request for comments.

SUMMARY: In compliance with the requirements of the Paperwork Reduction Act of 1995, the Federal Energy Regulatory Commission (Commission or FERC) is soliciting public comment on the currently approved information collections, FERC 725G, Mandatory Reliability Standards for the Bulk-Power System: Regional Reliability Standard PRC standards; FERC–725G1, Mandatory Reliability Standards for the Bulk-Power System: Reliability Standard PRC–004–6 (Protection System Misoperation Identification and Correction), FERC–725G4, Mandatory Reliability Standards: Reliability Standard PRC–010–2 (Under Voltage Load Shedding) and 725P1, PRC–005–6 (Protection System, Automatic Reclosing, and Sudden Pressure Relaying Maintenance). There are no changes made to the reporting requirements for this information collection.

DATES: Comments on the collection of information are due March 3, 2025.

ADDRESSES: You may submit copies of your comments (identified by Docket No. IC25–4–000) by one of the following methods:

Electronic filing through *https://www.ferc.gov,* is preferred.

- *Electronic Filing:* Documents must be filed in acceptable native applications and print-to-PDF, not in scanned or picture format.
- For those unable to file electronically, comments may be filed by USPS mail or by other delivery methods:

○ *Mail via U.S. Postal Service Only:* Federal Energy Regulatory Commission, Secretary of the Commission, 888 First Street NE, Washington, DC 20426.

○ *All other delivery services:* Federal Energy Regulatory Commission, Office of the Secretary, 12225 Wilkins Avenue, Rockville, MD 20852.

Instructions: All submissions must be formatted and filed in accordance with submission guidelines at: *https://www.ferc.gov.* For user assistance, contact FERC Online Support by email at *ferconlinesupport@ferc.gov,* or by phone at (866) 208–3676 (toll-free).

Docket: Users interested in receiving automatic notification of activity in this docket or in viewing/downloading comments and issuances in this docket may do so at *https://www.ferc.gov.*

FOR FURTHER INFORMATION CONTACT: Kayla Williams may be reached by email at *DataClearance@FERC.gov,* telephone at (202) 502–6468.

SUPPLEMENTARY INFORMATION: In this information collection request, the Commission is merging the FERC–725G1 (OMB Control No. 1902–0284), FERC–725G4 (OMB Control No. 1902–0282) and FERC–725P1 (OMB Control No. 1902–0280) into the FERC–725G (OMB Control No. 1902–0252).

FERC–725G1

Title: Mandatory Reliability Standards for the Bulk-Power System: Reliability Standard PRC–004–6.

OMB Control No.: 1902–0284.

Type of Request: Three-year extension of the FERC–725G1 information collection requirements.

Abstract: The Commission collects information under FERC–725G1 in accordance with section 215 of the Federal Power Act (FPA) [1] and 18 CFR parts 39 and 40. Section 215 of the FPA gives the Commission and the North American Electric Reliability Corporation (as the Commission-approved Electric Reliability Organization) to establish and enforce reliability standards for all users, owners, and operators of the bulk-power system.[2] Once approved, the Reliability Standards may be enforced by the Electric Reliability Organization subject to Commission oversight, or by the Commission independently.[3]

Reliability Standard PRC–004–6 requires transmission owners, generator owners, and distribution providers to identify and correct causes of misoperations of certain protection systems for bulk-power system elements. It also requires retention of evidence of misoperations for a minimum of 12 calendar months.

Types of Respondents: Transmission Owners, Generator Owners, and Distribution Providers.

Frequency of Response: On occasion.

Estimate of Annual Burden: The Commission estimates 930 responses annually, and per-response burdens of 16 hours and $1,130.72.[4] The total estimated burdens per year are 930 responses, 14,880 hours, and $1,051,570 (rounded). These burdens are itemized in the following table:

[1] 16 U.S.C.824*o.*

[2] As defined at 16 U.S.C. 824*o*(a)(1) and 18 CFR 39.1, the term ''bulk-power system'' means facilities and control systems necessary for operating an interconnected electric energy transmission network (or any portion thereof), and electric energy from generating facilities needed to maintain transmission system reliability. The term does not include facilities used in the local distribution of electric energy.

[3] 16 U.S.C. 824*o*(e).

[4] Using the November 20, 2024, NERC compliance registration information for entities that are Generator Owners, Transmission Owners, and Distribution Providers (in the US), the number of potential respondents is 1,861. However, not every entity will have a misoperation event during a year. Based on our previous experience with this information collection, we are estimating that approximately half of the 1,861 potential respondents annually will have a reportable misoperation, *i.e.,* 930 (rounded) responses per year for FERC–725G1.

MANDATORY RELIABILITY STANDARDS FOR THE BULK-POWER SYSTEM—RELIABILITY STANDARD PRC–004–6 (FERC–725G1) ANNUAL ESTIMATES OF RESPONDENTS' BURDENS

A. Number of respondents	B. Annual number of responses per respondent	C. Total number of responses (column A × column B)	D. Average burden & cost per response [5]	E. Total annual burden hours & total annual cost (column C × column D)	F. Cost per respondent ($) (column E ÷ column A)
930	1	930	16 hrs.; $1,130.72	14,880 hrs.; $1,051,570 (rounded)	$1,130.72

FERC–725G4

Title: Mandatory Reliability Standards: Reliability Standard PRC–010–2 (Under Voltage Load Shedding).

OMB Control No.: 1902–0282.

Type of Request: Three-year extension of the FERC–725G4 information collection requirements.[6]

Abstract: The Commission collects information under FERC–725G4 in accordance with section 215 of the FPA and 18 CFR parts 39 and 40. Reliability Standard PRC–010–2 requires respondents to submit date-stamped documentation of their compliance with the relevant UVLS Program.[7]

Types of Respondents: UVLS Entities.[8]

Frequency of Response: On occasion.

Estimate of Annual Burden: The Commission estimates 25 responses annually, and per-response burdens of 48 hours and $4,176.[9] The total estimated burdens per year are 25 responses, 1,200 hours, and $104,400. These burdens are itemized in the following table:

MANDATORY RELIABILITY STANDARDS—RELIABILITY STANDARD PRC–010–2 (UNDER VOLTAGE LOAD SHEDDING) (FERC–725G4) ANNUAL ESTIMATES OF RESPONDENTS' BURDENS

A. Number of respondents	B. Annual number of responses per respondent	C. Total number of responses (Column A × Column B)	D. Average burden & cost per response [10]	E. Total annual burden hours & total annual cost (Column C × Column D)	F. Cost per respondent ($) (Column E ÷ Column A)
31	1	31	48 hrs.; $3,392.16	1,488 hrs.; $105,156.96	$3,392.16

FERC–725P1

Title: Mandatory Reliability Standards: Reliability Standard PRC–005–6 (Protection System, Automatic Reclosing, and Sudden Pressure Relaying Maintenance).

OMB Control No.: 1902–0280.

Type of Request: Three-year extension of the FERC–725P1 information collection requirements.[11]

Abstract: The Commission collects information under FERC–725P1 in accordance with section 215 of the FPA and 18 CFR parts 39 and 40. Reliability Standard PRC–005–6 requires that transmission and generation protection systems affecting the reliability of the Bulk-Power System are maintained and tested.

Types of Respondents: Distribution providers, generator owners and transmission owners Entities.

Frequency of Response: On occasion.

Estimate of Annual Burden: The Commission estimates 1,861 responses annually, and per-response burdens of 2 hours and $141.34.[12] The total estimated burdens per year are 1,861 responses, 3,722 hours, and $263,033.74. These burdens are itemized in the following table:

[5] The estimated hourly cost (salary plus benefits) is a combination based on the Bureau of Labor Statistics (BLS), as of 2024, for 75% of the average of an Electrical Engineer (17–2071) $79.31/hr., 79.31 × .75 = 59.4825 ($59.48-rounded) ($59.48/hour) and 25% of an Information and Record Clerk (43–4199) $44.74/hr., $44.74 × .25% = 11.185 ($11.19 rounded) ($11.19/hour), for a total ($59.48 + $11.19 = $70.67/hour).

[6] If OMB renews FERC–725G4, the Commission subsequently may consider requesting that OMB combine that information collection activity with FERC–725G1. Such action would be administrative only and would not indicate the discontinuation of the information collection requirements in FERC–725G4.

[7] ''Load shedding'' means disconnecting consumers from the grid to prevent demand from exceeding supply, which can cause widespread grid collapse. A ''UVLS Program'' provides for automatic load shedding, utilizing voltage inputs, in specific circumstances and locations.

[8] ''UVLS Entities,'' as defined at the NERC website at *https://www.nerc.com/pa/Stand/Reliability%20Standards/PRC-010-2.pdf,* are distribution providers and transmission owners responsible for the ownership, operation, or control of UVLS equipment, as required by a UVLS Program.

[9] Using the November 20, 2024, NERC compliance registration information for only unique US entities that are Transmission Owners (325) and Distribution Providers (298), the number of potential respondents is 623, considering overlap between functions. However, not every entity has an under-voltage load shedding program. Approximately five percent of the potential respondents have such a program. Therefore, we estimate 31 (rounded) responses per year for FERC–725G4.

[10] The estimated hourly cost (salary plus benefits) is a combination based on the Bureau of Labor Statistics (BLS), as of 2024, for 75% of the average of an Electrical Engineer (17–2071) $79.31/hr., 79.31 × .75 = 59.4825 ($59.48-rounded) ($59.48/hour) and 25% of an Information and Record Clerk (43–4199) $44.74/hr., $44.74 × .25% = 11.185 ($11.19 rounded) ($11.19/hour), for a total ($59.48 + $11.19 = $70.67/hour).

[11] If OMB renews FERC–725P1, the Commission subsequently may consider requesting that OMB combine that information collection activity with FERC–725G. Such action would be administrative only and would not indicate the discontinuation of the information collection requirements in FERC–725P1.

[12] Using the November 20, 2024, NERC compliance registration information for only unique US entities that are Distribution Providers (298), generator owners (1,238) and transmission owners (325). Therefore, we estimate 1,861 (rounded) responses per year for FERC–725P1.

MANDATORY RELIABILITY STANDARDS—RELIABILITY STANDARD PRC–005–6 (PROTECTION SYSTEM, AUTOMATIC RECLOSING, AND SUDDEN PRESSURE RELAYING MAINTENANCE) (FERC–725P1) ANNUAL ESTIMATES OF RESPONDENTS' BURDENS

A. Number of respondents	B. Annual number of responses per respondent	C. Total number of responses (Column A × Column B)	D. Average burden & cost per response [13]	E. Total annual burden hours & total annual cost (Column C × Column D)	F. Cost per respondent ($) (Column E ÷ Column A)
325 (TO)	1	325	2 hrs.; $141.34	650 hrs.; $45,935.50	$141.34
1,238 (GO)	1	1,238	2 hrs.; $141.34	2,476 hrs.; $174,978.92	$141.34
298 (DP)	1	298	2 hrs.; $141.34	596 hrs.; $42,119.32	$141.34
Total		1,861		3,722 hr., 263,033.74	

725G1, 725G4 and 725P1 Merge Back Into 725G (1902–0252)

Abstract: On August 8, 2005, Congress enacted into law the Electricity Modernization Act of 2005, which is Title XII, Subtitle A, of the Energy Policy Act of 2005 (EPAct 2005).[14] EPAct 2005 added a new section 215 to the FPA, which required a Commission-certified Electric Reliability Organization (ERO) to develop mandatory and enforceable Reliability Standards, which are subject to Commission review and approval. Once approved, the Reliability Standards may be enforced by the ERO subject to Commission oversight, or the Commission can independently enforce Reliability Standards.[15]

The information collected by the FERC–725G is required to implement the statutory provisions of section 215 of the Federal Power Act (FPA).[2] Section 215 of the FPA buttresses the Commission's efforts to strengthen the reliability of the interstate bulk power grid.

MANDATORY RELIABILITY STANDARDS—RELIABILITY STANDARD FOR FERC–725G (1902–0252) ANNUAL ESTIMATES OF RESPONDENTS' BURDENS

FERC–725G	C. Total annual responses (Column A × Column B)	D. Total average burden & cost per response [16]	E. Total annual burden hours & total annual cost (Column C × Column D)	F. Cost per respondent ($) (Column E ÷ Column A)
FERC–725–G1, Total PRC–004–6	930	16 hrs.; $1,130.72	14,880 hrs.; $1,051,569.60	$1,130.72
FERC–725–G4, Total PRC–010–2	31	48 hrs.; $3,392.16	1,488 hrs.; $105,156.96	3,392.16
FERC–725–P1, Total PRC–005–6	1,861	2 hrs.; $141.34	3,722 hr., 263,033.74	141.34
Currently approved FERC–725G Totals.	11,367		762,718	
FERC–725–G New Total	14,189		782,808	

The FERC–725G information collection currently contains the reporting and recordkeeping requirements for the following (12) Reliability Standards: PRC–002–4, PRC–004–6, PRC–005–6, PRC–006–5, PRC–010–2, PRC–012–2, PRC–019–2, PRC–023–6, PRC–024–3, PRC–025–2, PRC–026–2, and PRC–027–1.

PRC–002–4 Disturbance Monitoring and Reporting Requirements

The purpose is to have adequate data available to facilitate analysis of Bulk Electric System (BES) Disturb.

• *PRC–005–6 Automatic Underfrequency Load Shedding*

To document and implement programs for the maintenance of all Protection Systems, Automatic Reclosing, and Sudden Pressure Relaying affecting the reliability of the Bulk Electric System (BES) so that they are kept in working order

• *PRC–006–5 Automatic Underfrequency Load Shedding*

To establish design and documentation requirements for automatic Underfrequency Load Shedding (UFLS) programs to arrest declining frequency, assist recovery of frequency following underfrequency events and provide last resort system preservation measures.

• *PRC–012–2 Remedial Action Schemes*

To ensure that Remedial Action Schemes (RAS) do not introduce unintentional or unacceptable reliability risks to the Bulk Electric System (BES).

• *PRC–019–2 Coordination of Generating Unit or Plant Capabilities, Voltage Regulating Controls, and Protection*

The purpose is to verify coordination of generating unit Facility or synchronous condenser voltage regulating controls, limit functions,

[13] The estimated hourly cost (salary plus benefits) is a combination based on the Bureau of Labor Statistics (BLS), as of 2024, for 75% of the average of an Electrical Engineer (17–2071) $79.31/hr., 79.31 × .75 = 59.4825 ($59.48-rounded) ($59.48/hour) and 25% of an Information and Record Clerk (43–4199) $44.74/hr., $44.74 × .25% = 11.185 ($11.19 rounded) ($11.19/hour), for a total ($59.48 + $11.19 = $70.67/hour).

[14] Energy Policy Act of 2005, Public Law 109–58, Title XII, Subtitle A, 119 Stat. 594, 941 (codified at 16 U.S.C. 824*o*).

[15] 16 U.S.C. 824*o*(e)(3).

[16] The estimated hourly cost (salary plus benefits) is a combination based on the Bureau of Labor Statistics (BLS), as of 2024, for 75% of the average of an Electrical Engineer (17–2071) $79.31/hr., 79.31 × .75 = 59.4825 ($59.48-rounded) ($59.48/hour) and 25% of an Information and Record Clerk (43–4199) $44.74/hr., $44.74 × .25% = 11.185 ($11.19 rounded) ($11.19/hour), for a total ($59.48 + $11.19 = $70.67/hour).

equipment capabilities and Protection System settings.

• *PRC–023–4 Transmission Relay Load-Ability*

The purpose to verify coordination of generating unit Facility or synchronous condenser voltage regulating controls, limit functions, equipment capabilities and Protection System settings.

• *PRC–024–3 Generator Frequency and Voltage Protective Relay Settings*

The purpose to set protection such that generating resource(s) remain connected during defined frequency and voltage excursions in support of the Bulk Electric System (BES).

• *PRC–025–2 Generator Relay Load-Ability*

The purpose is to set load-responsive protective relays associated with generation Facilities at a level to prevent unnecessary tripping of generators during a system disturbance for conditions that do not pose a risk of damage to the associated equipment.

• *PRC–026–2 Relay Performance During Stable Power Swings*

The purpose is to ensure that load-responsive protective relays are expected to not trip in response to stable power swings during non-Fault conditions.

• *PRC–027–1 Coordination of Protection Systems for Performance During Faults*

The purpose is to maintain the coordination of Protection Systems installed to detect and isolate Faults on Bulk Electric System (BES) Elements, such that those Protection Systems operate in the intended sequence during Faults.

Each of these Reliability Standards have three components that impose burden upon affected industry:

- Requirements (*e.g.,* denoted in each Reliability Standard as R1, R2 . . .)
- Measures (*e.g.,* denoted in each Reliability Standard as M1, M2 . . .)
- Evidence Retention

These three components can be reviewed for the Reliability Standards in North American Electric Reliability Commission (NERC) petitions in FERC's eLibrary system (*http://www.ferc.gov/docs-filing/elibrary.asp*) or on NERC's own website (*www.nerc.com*).

Type of Respondents: Generator owners, Planning coordinators, Distribution providers, and UFLS-only Distribution Providers.

Estimate of Annual Burden:[17] Our estimates are based on the NERC Compliance Registry Summary of Entities as of November 20, 2024. According to the NERC compliance registry, and functions as of, which indicates there are registered as GO, DP and TO entities. The individual burden estimates are based on the time needed to gather data, run studies, and analyze study results to design or update the underfrequency load shedding programs. These are consistent with estimates for similar tasks in other Commission approved standards.

Comments: Comments are invited on: (1) whether the collection of information is necessary for the proper performance of the functions of the Commission, including whether the information will have practical utility; (2) the accuracy of the agency's estimate of the burden and cost of the collection of information, including the validity of the methodology and assumptions used; (3) ways to enhance the quality, utility and clarity of the information collection; and (4) ways to minimize the burden of the collection of information on those who are to respond, including the use of automated collection techniques or other forms of information technology.

Dated: December 23, 2024.

Debbie-Anne A. Reese,

Secretary.

[FR Doc. 2024–31432 Filed 12–30–24; 8:45 am]

BILLING CODE 6717–01–P

[17] Burden is defined as the total time, effort, or financial resources expended by persons to generate, maintain, retain, or disclose or provide information to or for a federal agency. See 5 CFR 1320 for additional information on the definition of information collection burden.

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 January 30, 2025.

A. Federal Reserve Bank of Boston (Prabal Chakrabarti, Executive Vice President) 600 Atlantic Avenue, Boston, Massachusetts 02210–2204. Comments can also be sent electronically to *BOS.SRC.Applications.Comments@bos.frb.org:*

1. *River Run Bancorp, MHC, Newburyport, Massachusetts;* to merge with Rollstone Bancorp, MHC, and thereby indirectly acquire Rollstone Bank & Trust, both of Fitchburg, Massachusetts.

Board of Governors of the Federal Reserve System.

Yao-Chin Chao,

Deputy Associate Secretary of the Board.

[FR Doc. 2024–31415 Filed 12–30–24; 8:45 am]

BILLING CODE 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 January 15, 2025.

A. Federal Reserve Bank of Atlanta

(Erien O. Terry, Assistant Vice President) 1000 Peachtree Street NE, Atlanta, Georgia 30309. Comments can also be sent electronically to *Applications.Comments@atl.frb.org:*

1. *Dominik Mjartan and Georgia Miller Mjartan, both of Columbia, South Carolina;* as a group acting in concert, to acquire voting shares of American Bancorp, Inc., and thereby indirectly acquire voting shares of American Pride Bank, both of Macon, Georgia.

B. Federal Reserve Bank of Kansas City

(Jeffrey Imgarten, Assistant Vice President) 1 Memorial Drive, Kansas City, Missouri 64198–0001. Comments can also be sent electronically to *KCApplicationComments@kc.frb.org*:

1. *The DLS SFG Marital Trust UTA The Donald L. Sturm Trust dated 4/22/1994, as amended, and The Donald L. Sturm SFG Trust UTA The Donald L. Sturm Trust dated 4/22/1994, as amended, Susan M. Sturm, Stephen F. Sturm, and Emily S. Ehrens as co-trustees of both trusts, all of Denver, Colorado;* to join the Sturm Family Control Group, a group acting in concert, to retain voting shares of Sturm Financial Group, Inc., and thereby indirectly retain voting shares of ANB Bank, both of Denver, Colorado. Susan M. Sturm, Stephen F. Sturm, and Emily S. Ehrens, all individually, were previously permitted by the Reserve Bank to become members of the Sturm Family Control Group.

Board of Governors of the Federal Reserve System.

Yao-Chin Chao,

Deputy Associate Secretary of the Board.

[FR Doc. 2024–31414 Filed 12–30–24; 8:45 am]

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DEPARTMENT OF HEALTH AND HUMAN SERVICES

Administration for Children and Families

Submission for Office of Management and Budget Review; Tribal Child Support Direct Funding Request: 45 CFR 309 (Office of Management and Budget #0970–0218)

AGENCY: The Office of Child Support Services, Administration for Children and Families, Department of Health and Human Services.

ACTION: Request for public comments.

SUMMARY: The Office of Child Support Services (OCSS) is requesting a review by the Office of Management and Budget (OMB) of revisions to the Tribal Child Support Direct Funding Request: (OMB #0970–0218). These revisions are necessary to align this collection with updates resulting from a final rule: *Employment and Training Services for Noncustodial Parents in the Child Support Program,* which will require tribes to amend tribal plans if they elect to participate in employment and training services for non-custodial parents in the child support program.

DATES: *Comments due January 30, 2025.* OMB must decide about the collection of information between 30 and 60 days after publication of this document in the **Federal Register**. Therefore, a comment is best assured of having its full effect if OMB receives it within 30 days of publication.

ADDRESSES: Written comments and recommendations for the proposed information collection should be sent within 30 days of publication of this notice to *www.reginfo.gov/public/do/PRAMain.* Find this information collection by selecting ''Currently under 30-day Review—Open for Public Comments'' or by using the search function. You can also obtain copies of the proposed collection of information by emailing *infocollection@acf.hhs.gov.* Identify all emailed requests by the title of the information collection.

SUPPLEMENTARY INFORMATION:

Description: On May 31, 2024, OCSS published a Notice for Proposed Rulemaking (89 **Federal Register** (FR) 47109; Regulation Identifier Numbers (RIN) 0970–AD00) proposing to allow federal financial participation (FFP) for certain optional and nonduplicative employment and training services for eligible noncustodial parents in the child support program.

On December 13, 2024, OCSS published the Employment and Training Services for Noncustodial Parents in the Child Support Program final rule (89 FR 100789; RIN 0970–AD00). This final rule permits tribes, at their discretion, to use FFP to provide any or all of the following services: Job search assistance; job readiness training; job development and job placement services; skills assessments; job retention services; work supports; and occupational training and other skills training directly related to employment.

This rule results in revisions to this information collection, as tribes that elect to participate in employment and training services for non-custodial parents in the child support program must submit a plan amendment to OCSS. To account for tribes potentially submitting revisions to their tribal plans and as required by the Paperwork Reduction Act (PRA) of 1995, we are submitting the revised data collection to OMB for review and approval. Tribes can elect to participate in these services by submitting a plan amendment as set forth in revised 45 CFR 309.65(b). OCSS is updating the burden estimates to account for potential additional amendments because of this rule.

Respondents: Tribal IV–D Agencies.

Annual Burden Estimates

We estimate that tribes opting to provide nonduplicative employment and training services for eligible noncustodial parents will take six hours to draft the required information to amend their tribal plans. We estimate that about 36 tribes will submit amendments.

Instrument	Total number of respondents	Total number of responses per respondent	Average burden hours per response	Total burden hours	Annual burden hours
45 CFR 309–New Plan	2	1	480	960	320
45 CFR 309–Plan Amendment	63	1.5	105	9,922	3,307
Amendments Specific to the Optional Employment and Training Services for Non-Custodial Parents in the Child Support Program	36	1	6	216	72
Estimated Total Annual Burden Hours					3,699

Authority: Title IV–D of the Social Security Act Section 455(f); 45 CFR 309.

Mary C. Jones,

ACF/OPRE Certifying Officer.

[FR Doc. 2024–31186 Filed 12–30–24; 8:45 am]

BILLING CODE 4184–41–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Administration for Children and Families

Proposed Information Collection Activity; Regional Partnership Grants National Cross-Site Evaluation and Evaluation Technical Assistance (Office of Management and Budget #0970–0527)

AGENCY: Children's Bureau, Administration for Children and Families, Department of Health and Human Services.

ACTION: Request for public comments.

SUMMARY: The Children's Bureau (CB), Administration for Children and Families (ACF), Administration for Children, Youth and Families (ACYF), U.S. Department of Health and Human Services (HHS), is requesting an extension with changes to the approved information collection: Regional Partnership Grants (RPG) National Cross-Site Evaluation and Evaluation Technical Assistance (Office of Management and Budget (OMB) #0970–0527). The proposed information collection will be used in a national cross-site evaluation of the seventh cohort of CB's RPG. The cross-site evaluation will use a survey, interviews, focus groups, and data on participant enrollment, services, and outcomes.

DATES: *Comments due March 3, 2025.* In compliance with the requirements of the Paperwork Reduction Act of 1995, ACF is soliciting public comment on the specific aspects of the information collection described above.

ADDRESSES: You can obtain copies of the proposed collection of information and submit comments by emailing *infocollection@acf.hhs.gov.* Identify all requests by the title of the information collection.

SUPPLEMENTARY INFORMATION:

Description: The Child and Family Services Improvement Act of 2006 (Public Law 109–288) amended Section 437 of the Social Security Act (42 U.S.C. 629g[f]) and authorized HHS, ACF, ACYF, and CB to fund discretionary grants to improve safety, well-being, and permanency outcomes for children at risk of or in out-of-home placement because of their caregiver's substance misuse. In response, HHS launched a competitive grants program called ''Targeted Grants to Increase the Well-Being of, and to Improve the Permanency Outcomes for, Children Affected by Methamphetamine and Other Substance Abuse,'' which is also known as the RPG program. Reauthorized in 2011 and again most recently by the Bipartisan Budget Act of 2018 (Public Law 115–123) in 2018, these grants are designed to support partnerships between child welfare agencies, substance use disorder treatment organizations, and other social services systems, and thereby improve the well-being, permanency, and safety outcomes of children and families. Under six prior rounds of RPG, CB has issued 109 grants to organizations such as child welfare or substance use treatment providers or family court systems to develop interagency collaborations and integration of programs, activities, and services designed to increase well-being, improve permanency, and enhance the safety of children who are in an out-of-home placement or at risk of being placed in out-of-home care as a result of a parent's or caretaker's substance misuse. In 2022, CB awarded 18 grants to a seventh cohort (RPG7). The current request is for data collection activities associated with the 18 RPG7 grantees. Data collection for the first three cohorts was approved under OMB Control Numbers 0970–0353 and 0970–0444. Data collection for the fourth, fifth, and sixth cohorts were approved under this OMB Control Number (0970–0527).

The RPG cross-site evaluation will extend the understanding about how RPG programs and services may improve outcomes for children and families. First, the cross-site evaluation will assess the coordination of partners' service systems with an emphasis on the partnership between the child welfare and substance use treatment agencies, to add to the research base about how these agencies can collaborate to address the needs of children and families affected by substance misuse (partnerships analysis). Second, the evaluation will describe the experiences of adult participants enrolled in RPG services, such as their motivations for enrollment and satisfaction with services received (participant experiences analysis). Third, the evaluation will summarize supports within the partnership that can help improve and sustain RPG services, such as using data for service improvement, identifying a lead organization, and securing funding sources after grant funding ends (sustainability analysis). Fourth, the evaluation will describe the characteristics of participants served by RPG programs, the types of services provided to families, the dosage of each type of service received by families, and the level of participant engagement with the services provided (enrollment and services analysis). Finally, the evaluation will assess the outcomes of children and adults served through the RPG program, such as child behavioral problems, adult depressive symptoms, or adult substance use and treatment (outcomes and impacts analysis).

For cohort seven, CB is requesting an extension of most of the currently approved information collections (most recently approved in April 2022) with no changes, the removal of two approved data collections, and the addition of three new instruments. This will allow CB to continue obtaining participant data from grantees that they collect for their local evaluations, and for directly collecting additional data from grantees and their partners and providers for the cross-site evaluation. Specifically, this request:

• Removes the currently approved semi-annual progress reports, as they are now covered under a separate OMB package (0970–0490) and removes the partnership survey which will not be administered to the RPG7 grantees.

• Adds data collection of interviews and focus groups with participants enrolled in RPG services which for the first time will allow the cross-site evaluation to include participants' own voices to describe their experiences receiving services.

• Continues approval of all other information collections approved under this OMB control number (Currently approved instruments available here: *https://www.reginfo.gov/public/do/PRAICList?ref_nbr=202302-0970-003*)

Overall, this request includes following data collection activities: (1) site visits with grantees, (2) individual interviews and focus groups with participants enrolled in RPG services (3) a web-based survey about sustainability planning, (4) enrollment and services data provided by grantees, and (5) outcomes and impacts data provided by grantees.

Respondents: Respondents include grantee staff or contractors (such as local evaluators) and partner staff from the 18 RPG7 grantees, and 64 adult participants enrolled in RPG services. Specific types of respondents and the expected number per data collection effort are noted in the burden table below.

ANNUAL BURDEN ESTIMATES

Data collection activity	Total number of respondents	Number of responses per respondent (each year)	Average burden hours per response (in hours)	Total annual burden hours
Site Visit and Key Informant Data Collection				
Program director individual interview	18	0.33	2	12
Program manager/supervisor individual interviews	18	0.33	1	6
Frontline staff interviews	36	0.33	1	12
Partner representative interviews	54	0.33	1	18
Individual interviews with participants enrolled in RPG services	16	0.33	2	11
Focus groups with participants enrolled in RPG services	48	0.33	1.5	24
Sustainability survey	126	0.33	0.33	14
Enrollment, client, and service data				
Case enrollment data	54	33	0.25	446
Case closure	54	33	0.02	36
Case closure–prenatal	18	10	0.02	4
Service log entries	108	1,560	0.03	5,054
Outcome and impact data				
Administrative Data				
Obtain access to administrative data [a]	9	0.33	220	330
Report administrative data	18	2	81	2,916
Standardized instruments				
Enter data into local database [a]	18	100	1.25	1,125
Review records and submit	18	2	25	900
Data entry for comparison study sites (14 sites) [a]	14	100	1.25	875
Estimated Totals	.....	.....	.....	11,783

[a] Data are used for site-level evaluations conducted by the grantees. To account for added data preparation steps needed to share data with the cross-site evaluation, burden hour estimates assume that only half of this burden is part of the cross-site evaluation.

Comments: The Department specifically requests comments 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) the quality, utility, and clarity of the information to be collected; and (d) ways to minimize the burden of the collection of information on respondents, including through the use of automated collection techniques or other forms of information technology. Consideration will be given to comments and suggestions submitted within 60 days of this publication.

Authority: The Child and Family Services Improvement Act of 2006 (Public Law 109–288) created the competitive RPG program. The September 30, 2011, passage of the Child and Family Services Improvement and Innovation Act (Public Law 112–34) extended funding for the RPG program from federal fiscal year (FFY) 2012 to FFY 2016. In 2018, the president signed the Bipartisan Budget Act of 2018 (Public Law 115–123) into law, reauthorizing the RPG program through FFY 2021 and adding a focus on opioid abuse.

Mary C. Jones,

ACF/OPRE Certifying Officer.

[FR Doc. 2024–31132 Filed 12–30–24; 8:45 am]

BILLING CODE 4184–01–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Administration for Children and Families

Submission for Office of Management and Budget Review; State Plan for Child Support Collection and Establishment of Paternity Title IV–D of the Social Security Act

AGENCY: Office of Child Support Services, Administration for Children and Families, Department of Health and Human Services.

ACTION: Request for public comments.

SUMMARY: The Office of Child Support Services (OCSS) is requesting review by the Office of Management and Budget (OMB) of revisions to the State Plan for Child Support Collection and Establishment of Paternity Under Title IV–D of the Social Security Act (State Plan; OMB # 0970–0017). These revisions are necessary to align this collection with updates resulting from a final rule: *Employment and Training Services for Noncustodial Parents in the Child Support Program* which will require states to amend State Plans if they elect to participate in employment and training services for non-custodial parents in the child support program.

DATES: *Comments due January 30, 2025.* OMB must decide about the collection of information between 30 and 60 days after publication of this document in the **Federal Register**. Therefore, a comment is best assured of having its full effect if OMB receives it within 30 days of publication.

ADDRESSES: Written comments and recommendations for the proposed information collection should be sent within 30 days of publication of this notice to *www.reginfo.gov/public/do/PRAMain.* Find this particular information collection by selecting ''Currently under 30-day Review—Open for Public Comments'' or by using the search function. You can also obtain copies of the proposed collection of information by emailing *infocollection@acf.hhs.gov.* Identify all emailed requests by the title of the information collection.

SUPPLEMENTARY INFORMATION:

Description: On May 31, 2024, OCSS published an NPRM (89 **Federal Register** (FR) 47109; Regulation Identification Number (RIN) 0970–AD00) proposing to allow Federal financial participation (FFP) for certain optional and nonduplicative employment and training services for eligible noncustodial parents in the child support program. The proposed rule will permit states, at their discretion, to use FFP to provide any or all the following services: Job search assistance; job readiness training; job development and job placement services; skills assessments; job retention services; work supports; and occupational training and other skills training directly related to employment.

On December 13, 2024, OCSS published the Employment and Training Services for Noncustodial Parents in the Child Support Program final rule (89 FR 100789; RIN 0970–AD00). This rule results in revisions to this information collection, as states that elect to participate in Employment and Training Services for Non-Custodial Parents in the Child Support Program must submit a state plan amendment to OCSS. To account for states potentially submitting revisions to their State Plans and as required by the Paperwork Reduction Act (PRA) of 1995, we are submitting the revised data collection to OMB for review and approval. States can elect to participate in these services on page 2.12–15 of the State Plan. OCSS is updating the burden estimates to account for potential additional amendments as a result of this rule.

Additionally, the full State Plan has not historically been submitted under this OMB number and this request adds the full document to the materials for review and approval.

Respondents: State IV–D Agencies.

Annual Burden Estimates

We estimate states will take 3 hours to draft the required information to amend their State Plan. We estimate about 33 states will submit amendments.

Instrument	Total number of respondents	Total number of responses per respondent	Average burden hours per response	Total burden hours	Annual burden hours
State Plan and State Plan Cover Page (OCSS–100)	54	36	.5	972	324
State Plan Transmittal (OCSS–21–U4)	54	36	.25	486	162
Amendments Specific to the Employment and Training Services for Non-Custodial Parents in the Child Support Program	33	1	3	99	33
Estimated Total Annual Burden Hours					519

Authority: 42 U.S.C 652, 654, and 666.

Mary C. Jones,

ACF/OPRE Certifying Officer.

[FR Doc. 2024–31185 Filed 12–30–24; 8:45 am]

BILLING CODE 4184–41–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Food and Drug Administration

[Docket No. FDA–2024–N–3271]

Flamingo Pharmaceuticals Ltd.; Withdrawal of Approval of Two Abbreviated New Drug Applications

AGENCY: Food and Drug Administration, HHS.

ACTION: Notice.

SUMMARY: The Food and Drug Administration (FDA or Agency) is withdrawing approval of two abbreviated new drug applications (ANDAs) from the holder of those ANDAs. The basis for the withdrawal is that the ANDA holder has repeatedly failed to file required annual reports for those ANDAs.

DATES: Approval is withdrawn as of December 31, 2024.

FOR FURTHER INFORMATION CONTACT: Martha Nguyen, Center for Drug Evaluation and Research, Food and Drug Administration, 10903 New Hampshire Ave., Bldg. 75, Rm. 1676,

Silver Spring, MD 20993–0002, 301–796–3471, *Martha.Nguyen@fda.hhs.gov.*

SUPPLEMENTARY INFORMATION: The holder of an approved application to market a new drug for human use is required to submit annual reports to FDA concerning its approved application in accordance with §§ 314.81 and 314.98 (21 CFR 314.81 and 314.98).

In the **Federal Register** of August 8, 2024 (89 FR 64936), FDA published a notice offering an opportunity for a hearing (NOOH) on a proposal to withdraw approval of two ANDAs because the holder of these ANDAs had repeatedly failed to submit the required annual reports for these ANDAs. The holder of these ANDAs did not respond to the NOOH. Failure to file a written notice of participation and request for hearing as required by § 314.200 (21 CFR 314.200) constitutes a waiver of the opportunity for hearing by the holder of the ANDAs concerning the proposal to withdraw approval of the ANDAs and a waiver of any contentions concerning the legal status of the drug products. Therefore, FDA is withdrawing approval of the two applications listed in table 1 of this document.

TABLE 1—APPROVED ANDAS FOR WHICH REQUIRED REPORTS HAVE NOT BEEN SUBMITTED

Application No.	Drug	Applicant
ANDA 207309 ...	Metronidazole tablet, 250 milligrams (mg) and 500 mg	Flamingo Pharmaceuticals Ltd., U.S. Agent for Flamingo Pharmaceuticals Ltd., 1125 Gaither Rd., Rockville, MD 20850.
ANDA 207938 ...	Piroxicam capsule, 10 mg and 20 mg	Do.

FDA finds that the holder of the ANDAs listed in table 1 has repeatedly failed to submit reports required by §§ 314.81 and 314.98. In addition, under § 314.200, FDA finds that the holder of the ANDAs has waived its opportunity for a hearing and any contentions concerning the legal status of the drug products. Therefore, based on these findings and pursuant to the authority under section 505(e) of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 355(e)), approval of the ANDAs listed in table 1 and all amendments and supplements thereto, is hereby withdrawn, as of December 31, 2024.

Dated: December 23, 2024.

P. Ritu Nalubola,

Associate Commissioner for Policy.

[FR Doc. 2024–31360 Filed 12–30–24; 8:45 am]

BILLING CODE 4164–01–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Food and Drug Administration

[Docket No. FDA–2024–N–2980]

Evaluating the Immunogenicity Risk of Host Cell Proteins in Follow-On Recombinant Peptide Products; Reopening of the Comment Period

AGENCY: Food and Drug Administration, HHS.

ACTION: Notice; reopening of the comment period.

SUMMARY: The Food and Drug Administration (FDA or the Agency) is reopening the comment period for the request for information and comments notice entitled ''Evaluating the Immunogenicity Risk of Host Cell Proteins in Follow-On Recombinant Peptide Products,'' published in the **Federal Register** of July 25, 2024. FDA is reopening the comment period to update comments and to receive any new information.

DATES: FDA is reopening the comment period on the request for information and comments notice published July 25, 2024 (89 FR 60436). Either electronic or written comments must be submitted by March 3, 2025.

ADDRESSES: You may submit comments as follows. Please note that late, untimely filed comments will not be considered. The *https://www.regulations.gov* electronic filing system will accept comments until 11:59 p.m. Eastern Time at the end of March 3, 2025. Comments received by mail/hand delivery/courier (for written/paper submissions) will be considered timely if they are received on or before that date.

Electronic Submissions

Submit electronic comments in the following way:

- *Federal eRulemaking Portal: https://www.regulations.gov.* Follow the instructions for submitting comments. Comments submitted electronically, including attachments, to *https://www.regulations.gov* will be posted to the docket unchanged. Because your comment will be made public, you are solely responsible for ensuring that your comment does not include any confidential information that you or a third party may not wish to be posted, such as medical information, your or anyone else's Social Security number, or confidential business information, such as a manufacturing process. Please note that if you include your name, contact information, or other information that identifies you in the body of your comments, that information will be posted on *https://www.regulations.gov.*
- If you want to submit a comment with confidential information that you do not wish to be made available to the public, submit the comment as a written/paper submission and in the manner detailed (see ''Written/Paper Submissions'' and ''Instructions'').

Written/Paper Submissions

Submit written/paper submissions as follows:

- *Mail/Hand Delivery/Courier (for written/paper submissions):* Dockets Management Staff (HFA–305), Food and Drug Administration, 5630 Fishers Lane, Rm. 1061, Rockville, MD 20852.
- For written/paper comments submitted to the Dockets Management Staff, FDA will post your comment, as well as any attachments, except for information submitted, marked and identified, as confidential, if submitted as detailed in ''Instructions.''

Instructions: All submissions received must include the Docket No. FDA–2024–N–2980 for ''Evaluating the Immunogenicity Risk of Host Cell Proteins in Follow-On Recombinant Peptide Products; Request for Information and Comments.'' Received comments, those filed in a timely manner (see **ADDRESSES**), will be placed in the docket and, except for those submitted as ''Confidential Submissions,'' publicly viewable at *https://www.regulations.gov* or at the Dockets Management Staff between 9 a.m. and 4 p.m., Monday through Friday, 240–402–7500.

- Confidential Submissions—To submit a comment with confidential information that you do not wish to be made publicly available, submit your comments only as a written/paper submission. You should submit two copies total. One copy will include the information you claim to be confidential

with a heading or cover note that states ''THIS DOCUMENT CONTAINS CONFIDENTIAL INFORMATION.'' The Agency will review this copy, including the claimed confidential information, in its consideration of comments. The second copy, which will have the claimed confidential information redacted/blacked out, will be available for public viewing and posted on *https://www.regulations.gov.* Submit both copies to the Dockets Management Staff. If you do not wish your name and contact information to be made publicly available, you can provide this information on the cover sheet and not in the body of your comments and you must identify this information as ''confidential.'' Any information marked as ''confidential'' will not be disclosed except in accordance with 21 CFR 10.20 and other applicable disclosure law. For more information about FDA's posting of comments to public dockets, see 80 FR 56469, September 18, 2015, or access the information at: *https://www.govinfo.gov/content/pkg/FR-2015-09-18/pdf/2015-23389.pdf.*

Docket: For access to the docket to read background documents or the electronic and written/paper comments received, go to *https://www.regulations.gov* and insert the docket number, found in brackets in the heading of this document, into the ''Search'' box and follow the prompts and/or go to the Dockets Management Staff, 5630 Fishers Lane, Rm. 1061, Rockville, MD 20852, 240–402–7500.

FOR FURTHER INFORMATION CONTACT: Kunal Naik, Center for Drug Evaluation and Research, Food and Drug Administration, 10903 New Hampshire Ave., Silver Spring, MD 20993, 240–402–8717.

SUPPLEMENTARY INFORMATION:

I. Background

In the **Federal Register** of July 25, 2024 (89 FR 60436), FDA requested information and comments. Interested persons were originally given until September 23, 2024, to comment on evaluating and mitigating the immunogenicity risk of host cell proteins.

Following publication of the July 25, 2024, notice, FDA received a request to allow interested persons additional time to comment. The requester asserted that the time period of 60 days was insufficient to respond fully to FDA's specific requests for comments and to allow potential respondents to thoroughly evaluate and address pertinent issues.

II. Electronic Access

Persons with access to the internet may obtain relevant guidance at *https://www.fda.gov/regulatory-information/search-fda-guidance-documents/clinical-pharmacology-considerations-peptide-drug-products.*

Dated: December 23, 2024.

P. Ritu Nalubola,

Associate Commissioner for Policy.

[FR Doc. 2024–31365 Filed 12–30–24; 8:45 am]

BILLING CODE 4164–01–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Food and Drug Administration

[Docket No. FDA–2024–N–5830]

Advisory Committee; Dermatologic and Ophthalmic Drugs Advisory Committee; Renewal

AGENCY: Food and Drug Administration, HHS.

ACTION: Notice; renewal of Federal advisory committee.

SUMMARY: The Food and Drug Administration (FDA or the Agency) is announcing the renewal of the Dermatologic and Ophthalmic Drugs Advisory Committee by the Commissioner of Food and Drugs (the Commissioner). The Commissioner has determined that it is in the public interest to renew the Dermatologic and Ophthalmic Drugs Advisory Committee for an additional 2 years beyond the charter expiration date. The new charter will be in effect until the October 7, 2026, expiration date.

DATES: Authority for the Dermatologic and Ophthalmic Drugs Advisory Committee will expire on October 7, 2026, unless the Commissioner formally determines that renewal is in the public interest.

FOR FURTHER INFORMATION CONTACT: LaToya Bonner, Center for Drug Evaluation and Research, Food and Drug Administration, 10903 New Hampshire Ave., Bldg. 31, Rm. 2417, Silver Spring, MD 20993–0002, 301–796–2855, *DODAC@fda.hhs.gov.*

SUPPLEMENTARY INFORMATION: Pursuant to 41 CFR 102–3.65 and approval by the Department of Health and Human Services and by the General Services Administration, FDA is announcing the renewal of the Dermatologic and Ophthalmic Drugs Advisory Committee (the Committee). The Committee is a discretionary Federal advisory committee established to provide advice to the Commissioner. The Committee advises the Commissioner or designee in discharging responsibilities as they relate to helping to ensure safe and effective drugs for human use and, as required, any other product for which FDA has regulatory responsibility.

The Committee reviews and evaluates available data concerning the safety and effectiveness of marketed and investigational human drug products for use in the treatment of dermatologic and ophthalmic disorders and makes appropriate recommendations to the Commissioner of Food and Drugs.

Pursuant to its charter, the Committee shall consist of a core of 12 voting members including 2 Chairpersons. Members and the Chairpersons are selected by the Commissioner or designee from among authorities knowledgeable in the fields of dermatology, ophthalmology, dentistry, immunology, epidemiology or statistics, and other related professions. Members will be invited to serve for overlapping terms of up to 4 years. Non-Federal members of this committee will serve as Special Government Employees or representatives. Federal members will serve as Regular Government Employees or Ex-Officios. The core of voting members may include one technically qualified member, selected by the Commissioner or designee, who is identified with consumer interests and is recommended by either a consortium of consumer-oriented organizations or other interested persons. In addition to the voting members, the Committee may include one non-voting representative member who is identified with industry interests. There may also be an alternate industry representative.

The Commissioner or designee shall have the authority to select members of other scientific and technical FDA advisory committees (normally not to exceed 10 members) to serve temporarily as voting members and to designate consultants to serve temporarily as voting members when: (1) expertise is required that is not available among current voting standing members of the Committee (when additional voting members are added to the Committee to provide needed expertise, a quorum will be based on the combined total of regular and added members), or (2) to comprise a quorum when, because of unforeseen circumstances, a quorum is or will be lacking. Because of the size of the Committee and the variety in the types of issues that it will consider, FDA may, in connection with a particular committee meeting, specify a quorum that is less than a majority of the current voting members. The Agency's regulations (21 CFR 14.22(d)) authorize

a committee charter to specify quorum requirements.

If functioning as a medical device panel, an additional non-voting representative member of consumer interests and an additional non-voting representative member of industry interests will be included in addition to the voting members.

Further information regarding the most recent charter and other information can be found at *https://www.fda.gov/advisory-committees/dermatologic-and-ophthalmic-drugs-advisory-committee/dermatologic-and-ophthalmic-drugs-advisory-committee-charter* or by contacting the Designated Federal Officer (see **FOR FURTHER INFORMATION CONTACT**). In light of the fact that no change has been made to the committee name or description of duties, no amendment will be made to 21 CFR 14.100.

This notice is issued under the Federal Advisory Committee Act as amended (5 U.S.C. 1001 *et seq.*). For general information related to FDA advisory committees, please visit us at *http://www.fda.gov/AdvisoryCommittees/default.htm.*

Dated: December 23, 2024.

P. Ritu Nalubola,

Associate Commissioner for Policy.

[FR Doc. 2024–31363 Filed 12–30–24; 8:45 am]

BILLING CODE 4164–01–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Office of the Secretary

Statement of Organization, Functions, and Delegations of Authority

AGENCY: Advanced Research Projects Agency for Health, Department of Health and Human Services.

ACTION: Notice.

SUMMARY: This document announces that the Establishment of the Advanced Research Projects Agency for Health (ARPA–H) is being amended to reflect a revised organizational structure for ARPA–H that aligns with current statutory requirements. *See* 42 U.S.C. 290c(a)(2).

SUPPLEMENTARY INFORMATION: The Establishment of the Advanced Research Projects Agency for Health (ARPA–H) (May 24, 2022, at 87 FR 32174) should now read as follows:

Section I. Mission

The mission of ARPA–H is to (1) expand technical possibilities for the future of health, (2) forge a resilient health ecosystem to ensure optimal well-being for all, (3) drive scalable solutions to improve health care access and affordability, (4) build proactive health capacity to keep people from becoming patients, (5) foster data-driven innovation across the health ecosystem, and (6) increase the probability of successful transition.

Section II. Organization

ARPA–H consists of the following offices and personnel:

The ARPA–H Office of the Director

The ARPA–H Office of the Director (Director's Office (DIRO)) is comprised of:

1. The ARPA–H Director
2. Deputy Director
3. Chief of Staff
4. Such other staff as necessary to support the Office of the Director.

The ARPA–H Director is appointed by the President (42 U.S.C. 290c (1)) and reports directly to the Secretary of Health and Human Services. 42 U.S.C. 290c (3). The Secretary has delegated all determinations regarding ARPA–H programs and operations to be in the sole authority and discretion of the Director. Consistent with 42 U.S.C. 290c(c)(4)(B), this includes all decisions regarding the approval, termination and funding of all ARPA–H projects and programs.

DIRO's functions and responsibilities are as follows: (1) Oversee the creation of agency technical strategy, program approval, prioritization and implementation (2) Lead all aspects of internal Director's Office operations, including ongoing management of the agency's communications, legislative, governmental, legal, international, and mission office activities (3) Serve as the primary liaison for all Executive and Legislative functions of the organization, and fulfills principal level duties across HHS, including engagement with the Secretary and counselors (4) Serve as the primary liaison to Technical Staff, including program managers and their teams, and the Director's Advisory staff to ensure consistent and effective coordination and communication.

The Health Science Futures Office

The Health Science Futures Office (HSFO) is comprised of:

1. Director
2. Deputy Director
3. Such other staff as necessary to support the HSF Director.

The HSFO's functions and responsibilities are as follows: (1) Remove scientific and technological limitations that stymie our nation's progress toward new solutions for the health care of the future. (2) Cultivate novel, agile tools that will facilitate revolutionary advances in medical care. (3) Leverage the latest scientific breakthroughs and invests in the development of platforms and technologies that do not yet exist. (4) Propose agency-sponsored research programs to the ARPA–H Director, ensuring they align with strategic objectives.

The Resilient Systems Office

The Resilient Systems Office (RSO) is comprised of is comprised of:

1. Director
2. Deputy Director
3. Such other staff as necessary to support the RSO

RSO's mission and responsibilities are as follows: (1) Drive advances in health systems to improve their resilience, robustness, and interoperability, as well as their ability to adapt to unforeseen events, such as cyber-attacks, hospital closures, staffing shortages, emerging pathogens, and natural disasters. (2) Improve the continuity of care during regional and national emergencies, provides time savings to healthcare workforces, enhances quality of care across geographies, improves the robustness of clinical artificial intelligence (AI) applications, makes it easier for patients and clinicians to make informed decisions, and reduces gaps between advanced research and clinical care (3) Develop, implement, and manage novel, innovative scientific and technical programs aimed at improving health outcomes. (4) Propose agency-sponsored research programs to the ARPA–H Director, ensuring they align with strategic objectives.

The Scalable Solutions Office

The Scalable Solutions Office (SSO) is comprised of:

1. Director
2. Deputy Director
3. Such other staff as necessary to support the SSO.

SSO's functions and responsibilities are as follows: (1) Aim to improve health care access and affordability for all Americans by working with partners to streamline manufacturing processes, optimize distribution networks, and develop innovative delivery methods to bring critical health technologies and treatments to underserved communities and remote areas. (2) Focus on advancing research and development to create scalable health solutions, expanding the reach of proven technologies, and accelerating their integration into the healthcare system.

(3) Develop, implement, and manage novel, innovative scientific and technical programs to democratize access to life-saving innovations and reduce disparities in health outcomes across the United States. (4) Propose agency-sponsored research programs to the ARPA–H Director, ensuring they align with strategic objectives.

The Proactive Health Office

The Proactive Health Office (PHO) is comprised of:

1. Director
2. Deputy Director
3. Such other staff as necessary to support the PHO.

PHO's functions and responsibilities are as follows: (1) Improve personal health and wellness to reduce the likelihood that people will become patients. (2) Establish preventative programs that create new capabilities to identify and characterize disease risk, reduce comorbidities, and promote treatments and behaviors to address challenges to Americans' health, whether those are viral, bacterial, physical, psychological, or caused by the natural aging process. (3) Develop, implement, and manage novel, innovative scientific and technical programs aimed at improving health outcomes. (4) Propose agency-sponsored research programs to the ARPA–H Director, ensuring they align with strategic objectives.

The Project Accelerator Transition Innovation Office

The Project Accelerator Transition Innovation Office (PATIO) is comprised of:

1. Director
2. Deputy Director
3. Such other staff as necessary to support the PATIO.

PATIO's missions and responsibilities are as follows: (1) Increase the probability that solutions thrive independently after they transition from ARPA–H. (2) Provide a wide variety of services to Program Managers (PMs) and ARPA–H performers throughout the entire program lifecycle. (3) Provide a tailored, full-suite of entrepreneurial and tech-to-market services to ARPA–H program managers and performers, including access to C-suite level talent to advise on various topics: clinical, business, user adoption, manufacturing, landscape analysis, and regulatory matters. (4) Manage ARPA–H's Small Business Innovation Research (SBIR). (5) Ensure capabilities are primarily designed for user experience. Provide Minimum Viable Product (MVP) and market-testing experimentation to uncover insights into customer desirability, access, and trust. (6) Maintain ARPANET–H, including the Investor Catalyst and Customer Experience Hub and Spoke Network to create a Nationwide Health Innovation Network for ARPA–H to help performers bring their ideas to market. (7) Develop a unique portfolio to address challenging problems related to health for fostering revolutionary advances and paradigm shifts. (8) Propose agency-sponsored research programs to the ARPA–H Director, ensuring they align with strategic objectives.

The Office of Operations

The Office of Operations (OO) is comprised of:

1. Director
2. Deputy Director
3. Such other staff as necessary to support the OO.

OO's functions and responsibilities are as follows: (1) Advise the ARPA–H Director and staff on the planning, development, and implementation of agency Business Operation services. (2) Lead all aspects of internal business operations, including ongoing management of the agency's financial and budget activities, human capital, contracting and acquisitions, and other administrative and operational activities including but not limited to travel and training. (3) Oversee the creation of relevant business operations Standard Operating Procedures (SOPs), develops tracking and reporting processes and tools, provides high-level input to inform legal and financial risk, and develops systems that support administrative processes within the agency. (4) Oversee the Agency's security related procedures and programs including research security risk and supply chain risk management. (5) Manage ARPA–H's regional footprint and associated infrastructure across hub locations, including facilities and space management. (6) Oversee management of ARPA–H's official records management in collaboration with Office of Information Technology and Data Innovation.

The Office of Information Technology and Data Innovation

The Office of Information Technology and Data Innovation (ITDI) is comprised of:

1. The Chief Technology Officer
2. The Chief Information Officer
3. The Chief Information and Security Officer
4. The Chief Data Officer
5. Such other staff as necessary to support the ITDI Office.

ITDI's functions and responsibilities are as follows: (1) Advise the ARPA–H Director, staff, and programs on every aspect of Information Technology (IT) and Data modernization, governance, and allocation of relevant technology and communication resources to drive the agency's mission. (2) Support the research, development, launch, and maintenance of tools to support data governance, innovation, and analytics across the agency, including data needs for program development. (3) Lead development of agency-wide IT, AI/ML, Technology Infrastructure, Cloud Computing, Networking, End User Computing, Cybersecurity, Technology Compliance, Telecommunications, and Responsible use of Technology Policy. (4) Develop and implement enterprise solutions to enable lean and agile business operations and collaboration. (5) Leads agency efforts to ensure user and data privacy and security management across all platforms and services. (6) Liaise with HHS and across the U.S. government to ensure compliance and consistency with U.S. government policy impacting IT tools and services, as well as data storage and analysis. (7) Conduct life cycle investment planning and monitoring as needed to support the areas listed above.

Xavier Becerra,

Secretary, Department of Health and Human Services.

[FR Doc. 2024–31364 Filed 12–26–24; 11:15 am]

BILLING CODE 4140–01–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

National Institutes of Health

National Institute of Diabetes and Digestive and Kidney Diseases; Notice of Closed Meeting

Pursuant to section 1009 of the Federal Advisory Committee Act, as amended, notice is hereby given of the following meeting.

The meeting will be closed to the public in accordance with the provisions set forth in sections 552b(c)(4) and 552b(c)(6), Title 5 U.S.C., as amended. The grant applications and the discussions could disclose confidential trade secrets or commercial property such as patentable material, and personal information concerning individuals associated with the grant applications, the disclosure of which would constitute a clearly unwarranted invasion of personal privacy.

Name of Committee: National Institute of Diabetes and Digestive and Kidney Diseases;

Initial Review Group Diabetes, Endocrinology and Metabolic Diseases B Study Section Diabetes, Endocrinology and Metabolic Diseases B Study Section (DDK–B).

Date: March 5–7, 2025.

Time: 10:00 a.m. to 3:30 p.m.

Agenda: To review and evaluate grant applications.

Address: National Institutes of Health, NIDDK, Democracy II, Suite 7000A, 6707 Democracy Boulevard, Bethesda, MD 20892.

Meeting Format: Virtual Meeting.

Contact Person: Charlene J. Repique, Ph.D., Scientific Review Officer, National Institute of Diabetes and Digestive and Kidney Diseases, National Institutes of Health, 6707 Democracy Boulevard, Rm 7347, Bethesda, MD 20892–5452, (301) 451–3638, *charlene.repique@nih.gov.*

(Catalogue of Federal Domestic Assistance Program Nos. 93.847, Diabetes, Endocrinology and Metabolic Research; 93.848, Digestive Diseases and Nutrition Research; 93.849, Kidney Diseases, Urology and Hematology Research, National Institutes of Health, HHS)

Dated: December 20, 2024.

Miguelina Perez,

Program Analyst, Office of Federal Advisory Committee Policy.

[FR Doc. 2024–31180 Filed 12–30–24; 8:45 am]

BILLING CODE 4140–01–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

National Institutes of Health

National Cancer Institute; Notice of Closed Meetings

Pursuant to section 1009 of the Federal Advisory Committee Act, as amended, notice is hereby given of the following meetings.

The meetings will be closed to the public in accordance with the provisions set forth in sections 552b(c)(4) and 552b(c)(6), Title 5 U.S.C., as amended. The grant applications and the discussions could disclose confidential trade secrets or commercial property such as patentable material, and personal information concerning individuals associated with the grant applications, the disclosure of which would constitute a clearly unwarranted invasion of personal privacy.

Name of Committee: National Cancer Institute Special Emphasis Panel; SEP–10: NCI Clinical and Translational Cancer Research.

Date: March 4, 2025.

Time: 10:00 a.m. to 6:00 p.m.

Agenda: To review and evaluate grant applications.

Address: National Cancer Institute at Shady Grove, 9609 Medical Center Drive, Room 7W240, Rockville, Maryland 20850.

Meeting Format: Virtual Meeting.

Contact Person: Hasan Siddiqui, Ph.D., Scientific Review Officer, Special Review Branch, Division of Extramural Activities, National Cancer Institute, NIH, 9609 Medical Center Drive, Room 7W240, Rockville, Maryland 20850, 240–276–5122, *hasan.siddiqui@nih.gov.*

Name of Committee: National Cancer Institute Special Emphasis Panel; Integrating Biospecimen Science Approaches into Clinical Assay Development.

Date: March 26, 2025.

Time: 1:00 p.m. to 3:30 p.m.

Agenda: To review and evaluate grant applications.

Address: National Cancer Institute Shady Grove, 9609 Medical Center Drive, Room 7W624, Rockville, Maryland 20850.

Meeting Format: Virtual Meeting.

Contact Person: Tushar Deb, Ph.D., Scientific Review Officer, Resources and Training Review Branch, Division of Extramural Activities, National Cancer Institute, NIH, 9609 Medical Center Drive, Room 7W624, Rockville, Maryland 20850, 240–276–6132, *tushar.deb@nih.gov.*

(Catalogue of Federal Domestic Assistance Program Nos. 93.392, Cancer Construction; 93.393, Cancer Cause and Prevention Research; 93.394, Cancer Detection and Diagnosis Research; 93.395, Cancer Treatment Research; 93.396, Cancer Biology Research; 93.397, Cancer Centers Support; 93.398, Cancer Research Manpower; 93.399, Cancer Control, National Institutes of Health, HHS)

Dated: December 20, 2024.

David W. Freeman,

Supervisory Program Analyst, Office of Federal Advisory Committee Policy.

[FR Doc. 2024–31171 Filed 12–30–24; 8:45 am]

BILLING CODE 4140–01–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

National Institutes of Health

National Institute of Diabetes and Digestive and Kidney Diseases; Notice of Closed Meeting

Pursuant to section 1009 of the Federal Advisory Committee Act, as amended, notice is hereby given of the following meeting.

The meeting will be closed to the public in accordance with the provisions set forth in sections 552b(c)(4) and 552b(c)(6), Title 5 U.S.C., as amended. The grant applications and the discussions could disclose confidential trade secrets or commercial property such as patentable material, and personal information concerning individuals associated with the grant applications, the disclosure of which would constitute a clearly unwarranted invasion of personal privacy.

Name of Committee: National Institute of Diabetes and Digestive and Kidney Diseases Initial Review Group; Digestive Diseases and Nutrition C Study Section DDK–C Mentored Career Development Applications in Digestive Diseases and Nutrition.

Date: March 19–20, 2025.

Time: 5:00 p.m. to 5:00 p.m.

Agenda: To review and evaluate grant applications.

Address: National Institutes of Health, National Institute of Diabetes and Digestive and Kidney Diseases, Democracy II, Suite 7000A, 6707 Democracy Boulevard, Bethesda, MD 20892.

Meeting Format: Virtual Meeting.

Contact Person: Peter J. Kozel, Ph.D., Scientific Review Officer, Scientific Review Branch, Division of Extramural Activities, National Institute of Diabetes and Digestive and Kidney Diseases, 6707 Democracy Boulevard, Room 7009, Bethesda, MD 20892–5452, (301) 594–4721, *kozelp@mail.nih.gov.*

(Catalogue of Federal Domestic Assistance Program Nos. 93.847, Diabetes, Endocrinology and Metabolic Research; 93.848, Digestive Diseases and Nutrition Research; 93.849, Kidney Diseases, Urology and Hematology Research, National Institutes of Health, HHS)

Dated: December 20, 2024.

Miguelina Perez,

Program Analyst, Office of Federal Advisory Committee Policy.

[FR Doc. 2024–31183 Filed 12–30–24; 8:45 am]

BILLING CODE 4140–01–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

National Institutes of Health

National Institute on Aging; Notice of Closed Meeting

Pursuant to section 1009 of the Federal Advisory Committee Act, as amended, notice is hereby given of the following meeting.

The meeting will be closed to the public in accordance with the provisions set forth in sections 552b(c)(4) and 552b(c)(6), Title 5 U.S.C., as amended. The grant applications and the discussions could disclose confidential trade secrets or commercial property such as patentable material, and personal information concerning individuals associated with the grant applications, the disclosure of which would constitute a clearly unwarranted invasion of personal privacy.

Name of Committee: National Institute on Aging Special Emphasis Panel; Beeson applications review.

Date: February 25, 2025.

Time: 9:30 a.m. to 6:00 p.m.

Agenda: To review and evaluate grant applications.

Address: National Institute on Aging, 5601 Fishers Lane, Suite 8B, Rockville, MD 20892.

Meeting Format: Virtual Meeting.

Contact Person: Gianina Ramona Dumitrescu, Ph.D., MPH, Scientific Review Officer, National Institute on Aging, National

Institutes of Health, 5601 Fishers Lane, Suite 8B, Rockville, MD 20892, (301) 827–0696, *ramona.dumitrescu@nih.gov.*

(Catalogue of Federal Domestic Assistance Program Nos. 93.866, Aging Research, National Institutes of Health, HHS)

Dated: December 26, 2024.

Victoria E. Townsend,

Program Analyst, Office of Federal Advisory Committee Policy.

[FR Doc. 2024–31423 Filed 12–30–24; 8:45 am]

BILLING CODE 4140–01–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

National Institutes of Health

National Institute of Diabetes and Digestive and Kidney Diseases; Notice of Closed Meeting

Pursuant to section 1009 of the Federal Advisory Committee Act, as amended, notice is hereby given of the following meeting.

The meeting will be closed to the public in accordance with the provisions set forth in sections 552b(c)(4) and 552b(c)(6), Title 5 U.S.C., as amended. The grant applications and the discussions could disclose confidential trade secrets or commercial property such as patentable material, and personal information concerning individuals associated with the grant applications, the disclosure of which would constitute a clearly unwarranted invasion of personal privacy.

Name of Committee: National Institute of Diabetes and Digestive and Kidney Diseases; Initial Review Group Fellowships in Kidney, Urology, and Hematology Fellowships in Kidney, Urology, and Hematology.

Date: February 12, 2025.

Time: 8:00 a.m. to 6:00 p.m.

Agenda: To review and evaluate grant applications.

Address: National Institutes of Health, NIDDK, Democracy II, Suite 7000A, 6707 Democracy Boulevard, Bethesda, MD 20892.

Meeting Format: Virtual Meeting.

Contact Person: Xiaodu Guo, M.D., Ph.D. Scientific Review Officer, National Institute of Diabetes and Digestive and Kidney National Institute of Health, 6707 Democracy Boulevard, Rm 7023, Bethesda, MD 20892–5452, (301) 594–4719, *guox@extra.niddk.nih.gov.*

(Catalogue of Federal Domestic Assistance Program Nos. 93.847, Diabetes, Endocrinology and Metabolic Research; 93.848, Digestive Diseases and Nutrition Research; 93.849, Kidney Diseases, Urology and Hematology Research, National Institutes of Health, HHS)

Dated: December 20, 2024.

Miguelina Perez,

Program Analyst, Office of Federal Advisory Committee Policy.

[FR Doc. 2024–31179 Filed 12–30–24; 8:45 am]

BILLING CODE 4140–01–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

National Institutes of Health

National Institute on Aging; Notice of Closed Meeting

Pursuant to section 1009 of the Federal Advisory Committee Act, as amended, notice is hereby given of the following meeting.

The meeting will be closed to the public in accordance with the provisions set forth in sections 552b(c)(4) and 552b(c)(6), Title 5 U.S.C., as amended. The grant applications and the discussions could disclose confidential trade secrets or commercial property such as patentable material, and personal information concerning individuals associated with the grant applications, the disclosure of which would constitute a clearly unwarranted invasion of personal privacy.

Name of Committee: National Institute on Aging Initial Review Group; Career Development for Early Career Investigators Study Section.

Date: February 12–13, 2025.

Time: 9:00 a.m. to 5:00 p.m.

Agenda: To review and evaluate grant applications.

Address: National Institute on Aging, 5601 Fishers Lane, Suite 8B, Rockville, MD 20892.

Meeting Format: Virtual Meeting.

Contact Person: Dario Dieguez, Ph.D., Scientific Review Officer, National Institute on Aging, National Institutes of Health, 5601 Fishers Lane, Suite 8B, Rockville, MD 20892, (301) 827–3101, *dario.dieguez@nih.gov.*

(Catalogue of Federal Domestic Assistance Program Nos. 93.866, Aging Research, National Institutes of Health, HHS)

Dated: December 26, 2024.

Victoria E. Townsend,

Program Analyst, Office of Federal Advisory Committee Policy.

[FR Doc. 2024–31424 Filed 12–30–24; 8:45 am]

BILLING CODE 4140–01–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

National Institutes of Health

National Institute on Aging; Notice of Closed Meeting

Pursuant to section 1009 of the Federal Advisory Committee Act, as amended, notice is hereby given of the following meeting.

The meeting will be closed to the public in accordance with the provisions set forth in sections 552b(c)(4) and 552b(c)(6), Title 5 U.S.C., as amended. The grant applications and the discussions could disclose confidential trade secrets or commercial property such as patentable material, and personal information concerning individuals associated with the grant applications, the disclosure of which would constitute a clearly unwarranted invasion of personal privacy.

Name of Committee: National Institute on Aging, Initial Review Group; Career Development Facilitating the Transition to Independence Study Section.

Date: February 27–28, 2025.

Time: 10:00 a.m. to 6:00 p.m.

Agenda: To review and evaluate grant applications.

Address: National Institute on Aging, 5601 Fishers Lane, Suite 8B, Rockville, MD 20892.

Meeting Format: Virtual Meeting.

Contact Person: Joshua Park, Ph.D., Scientific Review Officer, National Institute on Aging, National Institutes of Health, 5601 Fishers Lane, Suite 8B, Rockville, MD 20892, (301) 443–7613, *joshua.park4@nih.gov.*

(Catalogue of Federal Domestic Assistance Program Nos. 93.866, Aging Research, National Institutes of Health, HHS)

Dated: December 26, 2024.

Victoria E. Townsend,

Program Analyst, Office of Federal Advisory Committee Policy.

[FR Doc. 2024–31422 Filed 12–30–24; 8:45 am]

BILLING CODE 4140–01–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

National Institutes of Health

National Institute of Diabetes and Digestive and Kidney Diseases; Notice of Closed Meeting

Pursuant to section 1009 of the Federal Advisory Committee Act, as amended, notice is hereby given of the following meeting.

The meeting will be closed to the public in accordance with the provisions set forth in sections 552b(c)(4) and 552b(c)(6), Title 5 U.S.C., as amended. The grant applications and the discussions could disclose confidential trade secrets or commercial property such as patentable material, and personal information concerning individuals associated with the grant applications, the disclosure of which would constitute a clearly unwarranted invasion of personal privacy.

Name of Committee: National Institute of Diabetes and Digestive and Kidney Diseases,

Initial Review Group; Fellowships in Diabetes Endocrinology and Metabolic Diseases Fellowships in Diabetes Endocrinology and Metabolic Diseases.

Date: February 12, 2025.

Time: 9:00 a.m. to 7:00 p.m.

Agenda: To review and evaluate grant applications.

Address: National Institutes of Health, NIDDK, Democracy II, Suite 7000A, 6707 Democracy Boulevard, Bethesda, MD 20892.

Meeting Format: Virtual Meeting.

Contact Person: Thomas A. Tatham, Ph.D., Scientific Review Officer, National Institute of Diabetes and Digestive and Kidney, National Institute of Health, 6707 Democracy Boulevard, Rm 7021, Bethesda, MD 20892, (301) 594–3993, *tathamt@mail.nih.gov.*

(Catalogue of Federal Domestic Assistance Program Nos. 93.847, Diabetes, Endocrinology and Metabolic Research; 93.848, Digestive Diseases and Nutrition Research; 93.849, Kidney Diseases, Urology and Hematology Research, National Institutes of Health, HHS)

Dated: December 20, 2024.

Miguelina Perez,

Program Analyst, Office of Federal Advisory Committee Policy.

[FR Doc. 2024–31181 Filed 12–30–24; 8:45 am]

BILLING CODE 4140–01–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

National Institutes of Health

National Institute of Diabetes and Digestive and Kidney Diseases; Notice of Closed Meeting

Pursuant to section 1009 of the Federal Advisory Committee Act, as amended, notice is hereby given of the following meeting.

The meeting will be closed to the public in accordance with the provisions set forth in sections 552b(c)(4) and 552b(c)(6), Title 5 U.S.C., as amended. The grant applications and the discussions could disclose confidential trade secrets or commercial property such as patentable material, and personal information concerning individuals associated with the grant applications, the disclosure of which would constitute a clearly unwarranted invasion of personal privacy.

Name of Committee: National Institute of Diabetes and Digestive and Kidney Diseases Initial Review Group; Fellowships in Digestive Diseases and Nutrition.

Date: February 13–14, 2025.

Time: 10:00 a.m. to 4:00 p.m.

Agenda: To review and evaluate grant applications.

Address: National Institutes of Health, NIDDK, Democracy II, Suite 7000A, 6707 Democracy Boulevard, Bethesda, MD 20892.

Meeting Format: Virtual Meeting.

Contact Person: Jian Yang, Ph.D., Scientific Review Officer, Scientific Review Branch, Division of Extramural Activities, National Institute of Diabetes and Digestive and Kidney Diseases, 6707 Democracy Boulevard, Room 7011, Bethesda, MD 20892–5452, (301) 594–7799, *yangj@extra.niddk.nih.gov.*

(Catalogue of Federal Domestic Assistance Program Nos. 93.847, Diabetes, Endocrinology and Metabolic Research; 93.848, Digestive Diseases and Nutrition Research; 93.849, Kidney Diseases, Urology and Hematology Research, National Institutes of Health, HHS)

Dated: December 20, 2024.

Miguelina Perez,

Program Analyst, Office of Federal Advisory Committee Policy.

[FR Doc. 2024–31182 Filed 12–30–24; 8:45 am]

BILLING CODE 4140–01–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

National Institutes of Health

National Institute on Drug Abuse; Notice of Closed Meetings

Pursuant to section 1009 of the Federal Advisory Committee Act, as amended, notice is hereby given of the following meetings.

The meetings will be closed to the public in accordance with the provisions set forth in sections 552b(c)(4) and 552b(c)(6), Title 5 U.S.C., as amended. The grant applications and the discussions could disclose confidential trade secrets or commercial property such as patentable material, and personal information concerning individuals associated with the grant applications, the disclosure of which would constitute a clearly unwarranted invasion of personal privacy.

Name of Committee: National Institute on Drug Abuse Special Emphasis Panel; BRAIN Initiative: Brain-Behavior Quantification and Synchronization—Transformative and Integrative Models of Behavior at the Organismal Level (BESH + no CT).

Date: February 14, 2025.

Time: 10:00 a.m. to 4:00 p.m.

Agenda: To review and evaluate grant applications.

Address: National Institute of Health, National Institute on Drug Abuse, 301 North Stonestreet Avenue, Bethesda, MD 20892.

Meeting Format: Virtual Meeting.

Contact Person: Caitlin Elizabeth Angela Moyer, Ph.D., Scientific Review Officer, Scientific Review Branch, National Institute on Drug Abuse, NIH, 301 North Stonestreet Avenue, MSC 6021, Bethesda, MD 20892, (301) 443–4577, *caitlin.moyer@nih.gov.*

Name of Committee: National Institute on Drug Abuse Special Emphasis Panel; Translational Resource Centers to Build Bridges Between Substance Use Epidemiology/Etiology and Prevention Intervention Research.

Date: February 19, 2025.

Time: 12:00 p.m. to 2:30 p.m.

Agenda: To review and evaluate grant applications.

Address: National Institute of Health, National Institute on Drug Abuse, 301 North Stonestreet Avenue, Bethesda, MD 20892.

Meeting Format: Virtual Meeting.

Contact Person: Soyoun Cho, Ph.D., Scientific Review Officer, Scientific Review Branch, Division of Extramural Research, National Institute on Drug Abuse, NIH, 301 North Stonestreet Avenue, MSC 6021, Bethesda, MD 20892, (301) 594–9460, *Soyoun.cho@nih.gov.*

Name of Committee: National Institute on Drug Abuse Special Emphasis Panel; NIDA Centers Grant Program.

Date: March 6–7, 2025.

Time: 10:30 a.m. to 5:30 p.m.

Agenda: To review and evaluate grant applications.

Address: National Institute of Health, National Institute on Drug Abuse, 301 North Stonestreet Avenue, Bethesda, MD 20892.

Meeting Format: Virtual Meeting.

Contact Person: Soyoun Cho, Ph.D., Scientific Review Officer, Scientific Review Branch, Division of Extramural Research, National Institute on Drug Abuse, NIH, 301 North Stonestreet Avenue, MSC 6021, Bethesda, MD 20892, (301) 594–9460, *Soyoun.cho@nih.gov.*

(Catalogue of Federal Domestic Assistance Program Nos. 93.277, Drug Abuse Scientist Development Award for Clinicians, Scientist Development Awards, and Research Scientist Awards; 93.278, Drug Abuse National Research Service Awards for Research Training; 93.279, Drug Abuse and Addiction Research Programs, National Institutes of Health, HHS)

Dated: December 20, 2024.

Lauren A. Fleck,

Program Analyst, Office of Federal Advisory Committee Policy.

[FR Doc. 2024–31170 Filed 12–30–24; 8:45 am]

BILLING CODE 4140–01–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

National Institutes of Health

National Institute on Alcohol Abuse and Alcoholism; Notice of Closed Meeting

Pursuant to section 1009 of the Federal Advisory Committee Act, as amended, notice is hereby given of the following meeting.

The meeting will be closed to the public in accordance with the provisions set forth in sections 552b(c)(4) and 552b(c)(6), Title 5 U.S.C., as amended. The contract proposals and the discussions could disclose confidential trade secrets or commercial property such as patentable material, and personal information concerning individuals associated with the contract proposals, the disclosure of which

would constitute a clearly unwarranted invasion of personal privacy.

Name of Committee: National Institute on Alcohol Abuse and Alcoholism Special Emphasis Panel; PHS–2025–1 Topic 021 Alcohol Proposals.

Date: February 4, 2025.

Time: 1:00 p.m. to 4:00 p.m.

Agenda: To review and evaluate contract proposals.

Address: National Institute of Health, National Institute on Alcohol Abuse and Alcoholism, 6700B Rockledge Drive, Bethesda, MD 20892.

Meeting Format: Virtual Meeting.

Contact Person: Beata Buzas, Ph.D., Scientific Review Officer, Extramural Project Review Branch, Office of Extramural Activities, National Institute on Alcohol Abuse and Alcoholism, 6700B Rockledge Drive, Room 2116, MSC 6902, Bethesda, MD 20892, (301) 443–0800, *bbuzas@mail.nih.gov*.

(Catalogue of Federal Domestic Assistance Program Nos. 93.273, Alcohol Research Programs, National Institutes of Health, HHS)

Dated: December 20, 2024.

David W. Freeman,

Supervisory Program Analyst, Office of Federal Advisory Committee Policy.

[FR Doc. 2024–31173 Filed 12–30–24; 8:45 am]

BILLING CODE 4140–01–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

National Institutes of Health

Center for Scientific Review; Notice of Closed Meetings

Pursuant to section 1009 of the Federal Advisory Committee Act, as amended, notice is hereby given of the following meetings.

The meetings will be closed to the public in accordance with the provisions set forth in sections 552b(c)(4) and 552b(c)(6), Title 5 U.S.C., as amended. The grant applications and the discussions could disclose confidential trade secrets or commercial property such as patentable material, and personal information concerning individuals associated with the grant applications, the disclosure of which would constitute a clearly unwarranted invasion of personal privacy.

Name of Committee: Risk, Prevention and Health Behavior Integrated Review Group; Biobehavioral Medicine and Health Outcomes Study Section.

Date: January 27–28, 2025.

Time: 9:30 a.m. to 6:30 p.m.

Agenda: To review and evaluate grant applications.

Address: National Institutes of Health, Rockledge II, 6701 Rockledge Drive, Bethesda, MD 20892.

Meeting Format: Virtual Meeting.

Contact Person: Mark A. Vosvick, Ph.D., Scientific Review Officer, Center for Scientific Review, National Institutes of Health, 6701 Rockledge Drive, Room 3110, Bethesda, MD 20892, (301) 402–4128, *mark.vosvick@nih.gov*.

Name of Committee: Cell Biology Integrated Review Group; Cellular Signaling and Regulatory Systems Study Section.

Date: January 30–31, 2025.

Time: 10:00 a.m. to 6:00 p.m.

Agenda: To review and evaluate grant applications.

Address: National Institutes of Health, Rockledge II, 6701 Rockledge Drive, Bethesda, MD 20892.

Meeting Format: Virtual Meeting.

Contact Person: David Balasundaram, Ph.D., Scientific Review Officer, Center for Scientific Review, National Institutes of Health, 6701 Rockledge Drive, Room 5189, MSC 7840, Bethesda, MD 20892, 301–435–1022, *balasundaramd@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: December 20, 2024.

David W. Freeman,

Supervisory Program Analyst, Office of Federal Advisory Committee Policy.

[FR Doc. 2024–31174 Filed 12–30–24; 8:45 am]

BILLING CODE 4140–01–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

National Institutes of Health

National Cancer Institute; Notice of Closed Meetings

Pursuant to section 1009 of the Federal Advisory Committee Act, as amended, notice is hereby given of the following meetings.

The meetings will be closed to the public in accordance with the provisions set forth in sections 552b(c)(4) and 552b(c)(6), Title 5 U.S.C., as amended. The grant applications and the discussions could disclose confidential trade secrets or commercial property such as patentable material, and personal information concerning individuals associated with the grant applications, the disclosure of which would constitute a clearly unwarranted invasion of personal privacy.

Name of Committee: National Cancer Institute Special Emphasis Panel; The NCI Predoctoral to Postdoctoral Fellow Transition Award (F99/K00).

Date: March 4–5, 2025.

Time: 10:00 a.m. to 6:00 p.m.

Agenda: To review and evaluate grant applications.

Address: National Cancer Institute at Shady Grove, 9609 Medical Center Drive, Room 7W110, Rockville, Maryland 20850.

Meeting Format: Virtual Meeting.

Contact Person: Priya Srinivasan, Ph.D., Scientific Review Officer, Resource and Training Review Branch, Division of Extramural Activities, National Cancer Institute, NIH, 9609 Medical Center Drive, Room 7W110, Rockville, Maryland 20850, 240–276–5619. *priya.srinivasan@nih.gov.*

(Catalogue of Federal Domestic Assistance Program Nos. 93.392, Cancer Construction; 93.393, Cancer Cause and Prevention Research; 93.394, Cancer Detection and Diagnosis Research; 93.395, Cancer Treatment Research; 93.396, Cancer Biology Research; 93.397, Cancer Centers Support; 93.398, Cancer Research Manpower; 93.399, Cancer Control, National Institutes of Health, HHS)

Dated: December 20, 2024.

David W. Freeman,

Supervisory Program Analyst, Office of Federal Advisory Committee Policy.

[FR Doc. 2024–31172 Filed 12–30–24; 8:45 am]

BILLING CODE 4140–01–P

DEPARTMENT OF HOMELAND SECURITY

[Docket No. CISA–2024–0034]

Notice of Proposed Information Collection Under the Paperwork Reduction Act: Request for the ChemLock Program

AGENCY: Cybersecurity and Infrastructure Security Agency (CISA), Department of Homeland Security (DHS).

ACTION: 60-Day notice and request for comments.

SUMMARY: The Infrastructure Security Division (ISD) within Cybersecurity and Infrastructure Security Agency (CISA) will submit the following Information Collection Request (ICR) to the Office of Management and Budget (OMB) for review and clearance in accordance with the Paperwork Reduction Act of 1995. The submission proposes a new information collection to support the ChemLock Program.

DATES: Comments are encouraged and will be accepted until March 3, 2025.

Submissions received after the deadline for receiving comments may not be considered.

ADDRESSES: You may submit comments, identified by docket number through the Federal eRulemaking Portal at *http://www.regulations.gov.* Follow the instructions for sending comments.

Instructions: All comments received must include the agency name ''CISA'' and docket number CISA–2024–0034. All comments received will be posted without change to *http://www.regulations.gov,* including any personal information provided.

Comments that include protected information such as trade secrets, confidential commercial or financial information, Chemical-terrorism Vulnerability Information (CVI),[1] Sensitive Security Information (SSI),[2] or Protected Critical Infrastructure Information (PCII)[3] should not be submitted to the public docket. Comments containing protected information should be appropriately marked and packaged in accordance with all applicable requirements and submission must be coordinated with the point of contact for this notice provided in the **FOR FURTHER INFORMATION CONTACT** section.

FOR FURTHER INFORMATION CONTACT: Annie Hunziker Boyer, 703–603–5000, *CISARegulations@mail.cisa.dhs.gov.*

SUPPLEMENTARY INFORMATION: Congress established the Cybersecurity and Infrastructure Security Agency (CISA) in the Cybersecurity and Infrastructure Security Act of 2018, Public Law 115–278 (2018). As part of CISA's responsibilities, Congress authorized CISA to provide analyses, expertise, and other assistance to critical infrastructure owners and operators upon request. 6 U.S.C. 652(c)(5).

CISA serves as Sector Risk Management Agency (SRMA) for the Chemical Sector. CISA has established ChemLock, which is voluntary program for facilities that possess dangerous chemicals. This ICR consolidates and clarifies CISA collection of information in support of ChemLock. While some ChemLock services are currently available leveraging other approved information collections, this ICR when approved, will allow for an additional ChemLock service.

CISA proposes three instruments within this information collection: (1) ChemLock Request for Services; (2) ChemLock Service Registration and Preparation; and (3) ChemLock Service Feedback.

ChemLock Program Request for Services

This instrument collects basic contact information from individuals requesting a ChemLock service such as: (a) security consultations; (b) technical consultations, (c) onsite assessments and assistance, (d) exercises and drills, (e) training courses, (f) access to other tailored resources, and (g) risk assessments. In addition, the instrument will collect facility identifying information, facility description information, and information about the chemicals present at the facility.

ChemLock Service Registration and Preparation

This instrument collected information to enable the ChemLock services which need additional information to be performed. The ChemLock services which need additional information to be performed are security consultations, onsite assessments and assistance, and risk assessments.

ChemLock Service Feedback Collection

This instrument will collect information related to feedback about ChemLock related services such as: which ChemLock service was provided and when, program outcomes, satisfaction, and performance of the staff involved in providing the ChemLock service.

ANALYSIS

Agency: Cybersecurity and Infrastructure Security Agency (CISA), Department of Homeland Security (DHS).

Title of Collection: ChemLock.

OMB Control Number: 1670–NEW.

Instrument: ChemLock Program Request for Services.

Frequency: ''On occasion'' and ''Other.''

Affected Public: State, local, Tribal, and Territorial governments and private sector individuals.

Number of Respondents: 450 respondents (estimate).

Estimated Time per Respondent: 0.25 hour.

Total Annual Burden Hours: 112.50 hours.

Total Annual Burden Cost: $10,838.06.

Total Annual Burden Cost (capital/startup): $0.

Total Recordkeeping Burden: $0.

Instrument: ChemLock Service Registration and Preparation.

Frequency: ''On occasion'' and ''Other.''

Affected Public: State, local, Tribal, and Territorial governments and private sector.

Number of Respondents: 300 (estimate).

Estimated Time per Respondent: 3.17 hours.

Total Annual Burden Hours: 952 hours.

Total Annual Burden Cost: $91,714.10.

Total Annual Burden Cost (capital/startup): $0.

Total Recordkeeping Burden: $0.

Instrument: ChemLock Service Feedback.

Frequency: ''On occasion'' and ''Other.''

Affected Public: State, local, Tribal, and Territorial governments and private sector.

Number of Respondents: 225 (estimate).

Estimated Time per Respondent: 0.25 hour.

Total Annual Burden Hours: 56.26 hours.

Total Annual Burden Cost: $5,419.03.

Total Annual Burden Cost (capital/startup): $0.

Total Recordkeeping Burden: $0.

Robert J. Costello,

Chief Information Officer, Department of Homeland Security, Cybersecurity and Infrastructure Security Agency.

[FR Doc. 2024–31370 Filed 12–30–24; 8:45 am]

BILLING CODE 9111–LF–P

[1] For more information about CVI see 6 CFR 27.400 and the CVI Procedural Manual at *www.dhs.gov/publication/safeguarding-cvi-manual.*

[2] For more information about SSI see 49 CFR part 1520 and the SSI Program web page at *www.tsa.gov/for-industry/sensitive-security-information.*

[3] For more information about PCII see 6 CFR part 29 and the PCII Program web page at *www.dhs.gov/pcii-program.*

DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT

[Docket No. FR–6510–N–01]

Annual Indexing of Basic Statutory Mortgage Limits for Multifamily Housing Programs

AGENCY: Office of the Assistant Secretary for Housing—Federal Housing Commissioner, HUD.

ACTION: Notice.

SUMMARY: In accordance with section 206A of the National Housing Act, HUD is providing notice of adjustment to the Basic Statutory Mortgage Limits for Multifamily Housing Programs for Calendar Year 2025.

DATES: Adjustment applicable January 1, 2025.

FOR FURTHER INFORMATION CONTACT: Margaret Lawrence, Deputy Director, Office of Multifamily Production, Department of Housing and Urban Development, 451 Seventh Street SW, Washington, DC 20410–8000, telephone (202) 431–7397 (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.*

SUPPLEMENTARY INFORMATION: Section 206A of the National Housing Act (12 U.S.C. 1712a) provides authority for the annual adjustment for the following FHA multifamily statutory dollar limits:

I. Section 207(c)(3)(A) (12 U.S.C. 1713(c)(3)(A));
II. Section 213(b)(2)(A) (12 U.S.C. 1715e(b)(2)(A));
III. Section 220(d)(3)(B)(iii)(I) (12 U.S.C. 1715k(d)(3)(B)(iii)(I));
IV. Section 221(d)(3)(ii)(I) (12 U.S.C. 1715l(d)(3)(ii)(I));
V. Section 221(d)(4)(ii)(I) (12 U.S.C. 1715l(d)(4)(ii)(I));
VI. Section 231(c)(2)(A) (12 U.S.C. 1715v(c)(2)(A)); and
VII. Section 234(e)(3)(A) (12 U.S.C. 1715y(e)(3)(A)).

Section 206A goes on to state that the preceding

(a) ''Dollar Amounts'' shall be adjusted annually (commencing in 2004) on the effective date of the Federal Reserve Board's adjustment of the $400 figure in the Home Ownership and Equity Protection Act of 1994 (HOEPA). The adjustment of the Dollar Amounts shall be calculated using the percentage change in the Consumer Price Index for All Urban Consumers (CPI–U) as applied by the Federal Reserve Board for purposes of the above-described HOEPA adjustment.

(b) Notification. The Federal Reserve Board on a timely basis shall notify the Secretary, or his designee, in writing of the adjustment described in subsection (a) and of the effective date of such adjustment in order to permit the Secretary to undertake publication in the **Federal Register** of corresponding adjustments to the Dollar Amounts. The dollar amount of any adjustment shall be rounded to the next lower dollar.

Note that 206A has not been updated to reflect the fact that HOEPA has been revised to use $1,000 as the basis for the adjustment rather than $400, and the Consumer Finance Protection Bureau has replaced the Federal Reserve Board in administering the adjustment. These changes were made by the Dodd-Frank Wall Street Reform and Consumer Protection Act's amendments to the Truth in Lending Act, as further explained in the regulatory implementation of said changes found in 78 FR 6856, 6879 (Jan. 31, 2013).

The percentage change in the CPI–U used for the HOEPA adjustment is a 3.4 percent increase and the effective date of the HOEPA adjustment is January 1, 2025. The Dollar Amounts under Section 206A have been adjusted correspondingly and have an effective date of January 1, 2025. (see 89 FR 95080, Dec. 2, 2024).

These revised statutory limits may be applied to FHA multifamily mortgage insurance applications submitted or amended on or after January 1, 2025, so long as the loan has not been initially endorsed.

The adjusted Dollar Amounts for Calendar Year 2025 are shown below.

Basic Statutory Mortgage Limits for Calendar Year 2025 Multifamily Loan Program

Section 207—Multifamily Housing;
Section 207 pursuant to Section 223(f)—Purchase or Refinance Housing; and,
Section 220—Housing in Urban Renewal Areas

Bedrooms	Non-elevator	Elevator
0	$67,188	$78,368
1	74,427	86,835
2	88,903	106,477
3	109,580	133,357
4+	124,056	150,791

Section 213—Cooperatives

Bedrooms	Non-elevator	Elevator
0	$72,813	$77,531
1	83,956	87,840
2	101,254	106,814
3	129,607	138,184
4+	144,391	151,687

Section 234—Condominium Housing

Bedrooms	Non-elevator	Elevator
0	$74,299	$78,191
1	85,670	89,634
2	103,320	108,998
3	132,254	141,008
4+	147,337	154,782

Section 221(d)(4)—Moderate Income Housing

Bedrooms	Non-elevator	Elevator
0	$66,864	$72,228
1	75,904	82,802
2	91,749	100,689
3	115,160	130,257
4+	130,129	142,986

Section 231—Housing for the Elderly

Bedrooms	Non-elevator	Elevator
0	$63,570	$72,228
1	71,068	82,802
2	84,867	100,689
3	102,134	130,257
4+	120,077	142,986

Section 207—Manufactured Home Parks per Space—$30,844

Environmental Impact

This issuance establishes mortgage and cost limits that do not constitute a development decision affecting the physical condition of specific project areas or building sites. Accordingly, under 24 CFR 50.19(c)(6), this notice is categorically excluded from environmental review under the National Environmental Policy Act of 1969 (42 U.S.C. 4321).

Jeffrey D. Little,

General Deputy Assistant Secretary for Housing.

[FR Doc. 2024–31184 Filed 12–30–24; 8:45 am]

BILLING CODE 4210–67–P

DEPARTMENT OF THE INTERIOR

Bureau of Land Management

[PO# 4820000251]

BLM Director's Response to the Montana Governor's Appeal of the BLM Montana/Dakotas State Director's Governor's Consistency Review Determination for the Miles City Field Office Proposed Resource Management Plan Amendment and Final Supplemental Environmental Impact Statement

AGENCY: Bureau of Land Management, Interior.

ACTION: Notice of response.

SUMMARY: The Bureau of Land Management (BLM) is publishing this notice of the reasons for the BLM Director's determination to reject the Governor of Montana's recommendations regarding the Miles City Field Office Proposed Resource Management Plan Amendment (RMPA) and Final Supplemental Environmental Impact Statement (Final SEIS).

ADDRESSES: A copy of the Record of Decision and Approved RMPA for the Miles City Field Office RMPA/Final SEIS is available on the BLM website at: *https://eplanning.blm.gov/eplanning-ui/project/2021155/570.*

FOR FURTHER INFORMATION CONTACT: Heather Bernier, Division Chief for Decision Support, Planning, and National Environmental Policy Act; telephone 303–239–3635; address P.O. Box 151029, Lakewood, CO 80215; email *hbernier@blm.gov.* Individuals in the United States who are deaf, deafblind, hard of hearing, or have a speech disability may dial 711 (TTY, TDD, or TeleBraille) to access telecommunications relay services for contacting Ms. Bernier. Individuals outside the United States should use the relay services offered within their country to make international calls to the point-of-contact in the United States.

SUPPLEMENTARY INFORMATION: On May 17, 2024, the BLM released the Proposed RMPA/Final SEIS for the Miles City Field Office planning effort (89 FR 43432). In accordance with the

regulations at 43 CFR 1610.3–2(e), the BLM submitted the Proposed RMPA/Final SEIS for the Miles City Field Office planning effort to the Governor of Montana for a 60-day Governor's Consistency Review in order for the Governor to review the Proposed RMPA and identify any inconsistencies with State plans, policies, or programs. On July 16, 2024, the Governor of Montana submitted a response for the Miles City Field Office RMPA/Final SEIS to the BLM Montana/Dakotas State Director. The State Director reviewed the Governor's response and the alleged consistency issues and did not accept the Governor's recommendations. The BLM sent a written response to the Governor on August 12, 2024.

On September 18, 2024, the Governor of Montana appealed the State Director's decision to the BLM Director. In reviewing these appeals, the regulations at 43 CFR 1610.3–2(e) state that ''[t]he Director shall accept the (consistency) recommendations of the Governor(s) if he/she determines they provide for a reasonable balance between the state's interest and the national interest.'' On November 6, 2024, the BLM Director issued a response to the Governor detailing the reasons that the recommendations did not meet this standard. Pursuant to 43 CFR 1610.3–2(e), the basis for the BLM's determination on the Governor's appeal is presented below. The appeal response is being published verbatim.

''I am in receipt of your letter dated September 18, 2024, which contains the State of Montana's appeal to the Bureau of Land Management (BLM) Montana/Dakotas State Director's response to the Governor's consistency review of the Miles City Field Office Proposed Resource Management Plan Amendment (RMPA) and Final Supplemental Environmental Impact Statement (SEIS). The Governor's consistency review is an important part of the BLM land use planning process, and we appreciate the significant time and attention that you and your staff have committed to this effort.

The applicable regulations at 43 CFR 1610.3–2(e) provide you with the opportunity to appeal the State Director's decision to not accept the recommendations you made in your consistency review letter. These regulations also guide my review of the appeal, in which I must consider whether you have raised inconsistencies with State or local plans, policies, and or programs. If inconsistencies are raised, I consider whether your recommendations address the inconsistencies and provide for a reasonable balance between the national interest and the State of Montana's interest.

I have completed my review of your appeal and determined that the recommendation you have provided does not meet this standard for the reasons detailed in the following paragraphs.

In your appeal, you allege the three consistency issues below:

- ''Alternative D is inconsistent with Montana's Constitutional Mandate to utilize State Trust Lands to fund schools and other public institutions.''
- ''Alternative D is inconsistent with Montana's 'All-Of-The-Above' Energy Strategy, and the SEIS fails to consider critical local energy plan.''
- ''Alternative D conflicts with Montana's Coal Revenue Trust Fund Policy.''

It is your recommendation that 'the BLM withdraw the Miles City Field Office RMPA/SEIS and work collaboratively with the State to form alternatives that honor State plans, policies, and programs.'

Upon review, I find that your recommendation does not present a reasonable balance between the national and the State's interest. The Proposed RMPA/Final SEIS is a land use level review specific to the Miles City Field Office and is in response to the Federal district court's order in Western Organization of Resource Councils, et al. v. Bureau of Land Management, Civil Action No. CV–00076–GF–BMM (D. Mont. 2022). The BLM developed a range of alternatives to meet the purpose and need of the Proposed RMPA/Final SEIS and the court's order, such as to complete new coal screens in accordance with 43 CFR 3420.1–4; provide additional land use planning level analysis that considers no-leasing and limited coal leasing alternatives; and disclose the public health impacts, both climate and non-climate, of burning fossil fuels (coal, oil, and gas) from the planning area.

While there are State and Federal policies that may encourage coal mining and facilitate the orderly development of coal resources, they do not mandate that coal mining would be authorized wherever coal reserves may be present. The Proposed RMPA/Final SEIS also only applies to federally administered coal in the Miles City Field Office planning area and does not make decisions on State lands or privately owned coal resources. Similarly, the BLM's regulatory process does not apply to State lands and does not preclude the State from making management decisions for State trust lands, nor preclude the State's authority to manage[ ], permit, and bill other uses of State lands accordingly to meet the State's fiduciary responsibility.

Additionally, under Alternative D, the State's mineral estate was determined to not have development potential or not expected to be leased or mined within the life of the plan. This is due to: (1) no new mines projected, (2) the Rosebud Mine having sufficient coal reserves from existing leases, and (3) the Spring Creek Mine projecting needs from pending Federal leases and subsequent 1,300 acres of Federal coal leases. The BLM also carefully considered current and future coal demand with national and international trends as they relate to coal development in the Miles City planning area. The BLM recognizes a potential future decrease, but that is expected as the national coal market is in decline and trending to continue that decline throughout the life of the plan.

Finally, the BLM has prepared the Miles City Proposed RMPA/Final SEIS in accordance with all applicable Federal laws, regulations, and policies. The BLM did carefully review and consider applicable State, local, and other Federal agency plans, policies, and programs in the development of the Miles City Proposed RMPA/Final SEIS. The BLM is consistent, to the extent practicable, with these plans as per the provisions of the Federal Land Policy and Management Act and the planning regulations at 43 CFR 1610–3–2.''

(Authority: 43 CFR 1610.3–2(e))

Nada Wolff Culver,

Principal Deputy Director.

[FR Doc. 2024–31413 Filed 12–30–24; 8:45 am]

BILLING CODE 4331–20–P

DEPARTMENT OF THE INTERIOR

Bureau of Land Management

[NVNV106695370]

Withdrawal Application and Public Meeting for the Ruby Mountains; Nevada

AGENCY: Bureau of Land Management, Interior.

ACTION: Notice of withdrawal application.

SUMMARY: The United States Forest Service (USFS) has filed an application requesting that the Secretary of the Interior withdraw approximately 264,441.79 acres of Federal lands in the Ruby Mountains from leasing under the mineral and geothermal laws, for 20 years, subject to valid existing rights. The application also includes approximately 44,670.87 acres of non-

Federal lands that would be subject to the withdrawal if they are subsequently acquired by the United States. The purpose of the withdrawal would be to preserve the scenic values, recreational opportunities, outdoor economy, rare wildlife and plant habitat, and cultural resources that the Ruby Mountains and neighboring spaces support. The lands would remain open to location and entry under the U.S. mining laws, and subject to mineral material disposal under the Materials Act of 1947. Publication of this notice temporarily segregates the lands for up to 2 years, initiates a 90-day public comment period, and announces to the public an opportunity to comment and participate in a virtual public meeting on the USFS' withdrawal application.

DATES: All comments must be received by March 31, 2025. In addition, the USFS and the Bureau of Land Management (BLM) will host a virtual public meeting addressing the USFS withdrawal application and associated environmental review process on February 14, 2025 at 2 p.m. PST. The BLM will publish the instructions for access to the online public meeting in the *Elko Daily Free Press* newspaper a minimum of 30 days prior to the meeting.

ADDRESSES: All comments should be sent to the Bureau of Land Management, Nevada State Office, Attn: Edison Garcia/Ruby Mountain Withdrawal, 1340 Financial Blvd., Reno, NV 89502; or sent by email to *edisongarcia@blm.gov.* The BLM will not consider comments via telephone calls.

FOR FURTHER INFORMATION CONTACT: Edison Garcia, Land Law Examiner, Nevada State Office at (775) 861–6530; or you may contact the BLM office at the address noted above. 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 will receive a reply during normal business hours.

SUPPLEMENTARY INFORMATION: The purpose of the withdrawal would be to preserve the scenic values, recreational opportunities, outdoor economy, rare wildlife and plant habitat, and cultural resources that the Ruby Mountains and neighboring spaces support, by removing these lands from leasing under the Mineral Leasing Act of 1920 (30 U.S.C. 181 *et seq.,* as amended), the Mineral Leasing Act for Acquired Lands of 1947 (30 U.S.C. 351 *et seq.,* as amended), the Geothermal Steam Act of 1970 (30 U.S.C. 1001 *et seq.,* as amended), and section 402 of the President's Reorganization Plan No. 3 of 1946 (16 U.S.C. 520 and 16 U.S.C. 508b). Subject to overlapping withdrawals or segregations of record, the lands would remain open to location and entry under the U.S. mining laws, and subject to mineral material disposal under the Materials Act of 1947 (30 U.S.C. 601 *et seq.*). The application requests the Secretary of the Interior to withdraw the following Federal lands and interests in lands. In addition, the application requests that any non-Federal lands or interests in lands within the withdrawal application area acquired by the United States in the future also be subject to the withdrawal upon acquisition by the United States:

National Forest System Lands

Federal Surface/Federal Subsurface

Mount Diablo Meridian, Nevada

T. 25 N., R. 56 E.,
- Secs. 1 thru 4, partly unsurveyed;
- Sec. 5, lots 1 thru 4, S½NE¼, S½NW¼, N½SW¼, SE¼SW¼, and SE¼;
- Secs. 9 thru 16 and secs. 21 thru 24, partly unsurveyed;
- Sec. 25, N½, unsurveyed.

T. 26 N., R. 56 E.,
- Secs. 1 and 2;
- Sec. 3, lots 1 thru 3, S½NE¼, SE¼NW¼, and S½;
- Sec. 4, lots 3 thru 8, SW¼NE¼, S½NW¼, SW¼, and NW¼SE¼;
- Sec. 5 and secs. 8 thru 14;
- Sec. 15, N½, NE¼SW¼, N½NW¼SW¼, N½NE¼SE¼, N½SW¼NE¼SE¼, N½SE¼NE¼SE¼, NW¼SE¼, S½SW¼SE¼, S½NE¼SE¼SE¼, S½NW¼SE¼SE¼, and S½SE¼SE¼;
- Sec. 16, lots 1 thru 3, W½NE¼, W½, and NW¼SE¼;
- Sec. 17;
- Sec. 20, W½ and N½SE¼;
- Sec. 21, lots 2 and 3, SW¼NE¼, N½SW¼, SW¼SW¼, and W½SE¼;
- Sec. 22, NE¼, NE¼NW¼, S½NW¼NW¼, S½NW¼, N½SW¼, SE¼SW¼, and SE¼;
- Secs. 23 thru 27;
- Sec. 28, lots 3 and 4, SW¼NE¼, S½NW¼, N½SW¼, N½SW¼SW¼, SE¼SW¼, and NW¼SE¼;
- Sec. 29, W½NE¼, SE¼NE¼, NW¼, N½SW¼, SW¼SW¼, N½SE¼, and N½SE¼SE¼;
- Sec. 32, S½NE¼, W½NW¼, SE¼NW¼, and S½;
- Sec. 33, lots 3 thru 6, SW¼NE¼, S½NW¼, and NW¼SE¼;
- Secs. 34 thru 36.

T. 27 N., R. 56 E.,
- Sec. 1;
- Sec. 2, lots 1, 2, and 5, SE¼NE¼, and SE¼;
- Sec. 11, NE¼, N½NW¼, N½SW¼NW¼, N½SE¼SW¼NW¼, SE¼NW¼, S½SW¼SW¼SW¼, N½NE¼SE¼, N½SW¼NE¼SE¼, N½SE¼NE¼SE¼, and SE¼SE¼NE¼SE¼;
- Sec. 12, N½, N½SW¼, and SE¼;
- Sec. 13, NE¼, S½NW¼, and S½;
- Sec. 14, S½NE¼, SW¼NW¼NE¼NW¼, SW¼NE¼NW¼, W½SE¼NE¼NW¼, SE¼SE¼NE¼NW¼, W½NE¼NW¼NW¼, SE¼NE¼NW¼NW¼, W½NW¼NW¼, SE¼NW¼NW¼, S½NW¼, S½SW¼, and S½SE¼;
- Secs. 23 thru 26;
- Sec. 35, N½, N½SW¼, SW¼SW¼, and N½SE¼;
- Sec. 36, N½, N½SW¼, SE¼SW¼, and SE¼.

T. 28 N., R. 56 E.,
- Sec. 1, lots 5 thru 10;
- Sec. 12, lots 1 thru 8;
- Sec. 13, lots 1 thru 8;
- Sec. 24, lots 1 thru 8;
- Sec. 25, lots 1 and 2 and lots 7 thru 16;
- Sec. 26, SE¼;
- Sec. 35, E½;
- Sec. 36.

T. 29 N., R. 56 E.,
- Secs. 13, 24, and 25;
- Sec. 36, lots 1 and 2, W½NE¼, and NW¼.

T. 25 N., R. 57 E.,
- Sec. 3, lots 2 thru 4, SW¼NE¼, S½NW¼, SW¼, NW¼SE¼, and S½SE¼;
- Secs. 4 thru 10 and secs. 16 thru 21, partly unsurveyed;
- Sec. 28, N½;
- Sec. 29, N½;
- Sec. 30, lots 1 and 2, NE¼, and E½NW¼.

T. 26 N., R. 57 E.,
- Sec. 1, lots 6 and 7 and lots 10 thru 14, SW¼NW¼, and SW¼SW¼;
- Secs. 2 thru 10, unsurveyed;
- Sec. 11, NE¼, W½, and NW¼SE¼, partly unsurveyed;
- Sec. 14, NW¼;
- Secs. 15 thru 21, partly unsurveyed;
- Sec. 22, NE¼, W½, N½SE¼, and SW¼SE¼, partly unsurveyed;
- Sec. 27, W½NE¼, W½, and W½SE¼, partly unsurveyed;
- Secs. 28 thru 33, unsurveyed;
- Sec. 34, W½, partly unsurveyed.

T. 27 N., R. 57 E.,
- Secs. 1 thru 23, unsurveyed;
- Sec. 24, NE¼ and W½, unsurveyed;
- Sec. 25, lots 1 and 3, NW¼NE¼NW¼NE¼, S½NE¼NW¼NE¼, W½NW¼NE¼, SE¼NW¼NE¼, W½, and SW¼SE¼, partly unsurveyed;
- Secs. 26 thru 35, unsurveyed;
- Sec. 36, NW¼NE¼, S½NE¼, W½, N½SE¼, and SW¼SE¼, partly unsurveyed.

T. 28 N., R. 57 E.,
- Secs. 1 thru 36, unsurveyed;
- H.E.S. Nos. 193, 228, and 229.

T. 29 N., R. 57 E.,
- Secs. 3 and 4, partly unsurveyed, those portions lying outside of the Ruby Mountains Wilderness boundary;
- Sec. 5, lots 1 thru 3, S½NE¼, SE¼NW¼, and S½;
- Sec. 7, E½;
- Secs. 8 thru 10 and secs. 13 thru 36, partly unsurveyed, those portions lying outside of the Ruby Mountains Wilderness boundary.

T. 30 N., R. 57 E.,
Secs. 1 and 3, those portions lying outside of the Ruby Mountains Wilderness boundary;
Sec. 4, lots 1 thru 4, S½NE¼, S½NW¼, SW¼, NE¼SE¼, and S½SE¼, those portions lying outside of the Ruby Mountains Wilderness boundary;
Sec. 8, NE¼, SW¼, and E½SE¼;
Sec. 9, NW¼NE¼, S½NE¼, NE¼NW¼, SW¼NW¼, NE¼SW¼, S½SW¼, and SE¼;
Sec. 10, NE¼, N½NW¼, SE¼NW¼, and S½, those portions lying outside of the Ruby Mountains Wilderness boundary;
Secs. 11, 14, and 15, those portions lying outside of the Ruby Mountains Wilderness boundary;
Sec. 16, NE¼, N½NW¼, SE¼NW¼, N½SW¼, SE¼SW¼, and SE¼;
Sec. 17, NE¼, N½NW¼, and SE¼NW¼;
Sec. 21, NE¼, NE¼NW¼, S½NW¼, SW¼, and W½SE¼;
Sec. 22, N½, N½SW¼, SE¼SW¼, and SE¼, those portions lying outside of the Ruby Mountains Wilderness boundary;
Sec. 23, that portion lying outside of the Ruby Mountains Wilderness boundary;
Sec. 27, N½, SW¼, NE¼SE¼, and SW¼SE¼, those portions lying outside of the Ruby Mountains Wilderness boundary;
Sec. 28, N½, W½SW¼, SE¼SW¼, and SE¼;
Sec. 29, SE¼NE¼, SE¼SW¼, and SE¼;
Sec. 32, NE¼, E½NW¼, and SE¼;
Sec. 33, N½, N½SW¼, SW¼SW¼, N½SE¼, and SE¼SE¼;
Sec. 34, that portion lying outside of the Ruby Mountains Wilderness boundary.
T. 31 N., R. 57 E.,
Sec. 2, that portion lying outside of the Ruby Mountains Wilderness boundary;
Sec. 10, lots 2 and 3;
Secs. 11 and 13, those portions lying outside of the Ruby Mountains Wilderness boundary;
Sec. 14, NE¼, N½NW¼, SE¼NW¼, NE¼SW¼, and SE¼, those portions lying outside of the Ruby Mountains Wilderness boundary;
Sec. 23, NE¼, NE¼NW¼, S½NW¼, and S½;
Secs. 24 thru 26, those portions lying outside of the Ruby Mountains Wilderness boundary;
Sec. 27, NE¼SW¼, E½NE¼SE¼SW¼, E½SE¼SE¼SW¼, and SE¼, those portions lying outside of the Ruby Mountains Wilderness boundary;
Sec. 33, NE¼NE¼, S½NE¼, and SE¼;
Sec. 34, lots 2 thru 4 and lot 6, NE¼, E½NE¼NE¼NW¼, S½NE¼NW¼, SE¼NW¼, E½SW¼, and SE¼, those portions lying outside of the Ruby Mountains Wilderness boundary;
Secs. 35 and 36, those portions lying outside of the Ruby Mountains Wilderness boundary.
T. 32 N., R. 57 E.,
Secs. 12 and 13 and secs. 24 thru 27;
Sec. 34, N½ and SE¼;
Secs. 35 and 36, those portions lying outside of the Ruby Mountains Wilderness boundary.
T. 28 N., R. 58 E.,
Sec. 4, W½NW¼SW¼ and W½SW¼SW¼;
Sec. 5, W½NE¼, W½, and SE¼, unsurveyed;
Secs. 6 thru 8, unsurveyed;
Sec. 9, W½NW¼NW¼, W½SW¼NW¼, W½NW¼SW¼, and W½SW¼SW¼;
Sec. 17, NE¼, W½, N½SE¼, and SW¼SE¼, partly unsurveyed;
Sec. 18, unsurveyed, excepting M.S. No. 4878;
Sec. 19, unsurveyed;
Sec. 20, W½NE¼, W½, and NW¼SE¼, partly unsurveyed;
Sec. 29, W½;
Sec. 30, unsurveyed;
Sec. 31, NE¼, W½, and E½SE¼, partly unsurveyed;
Sec. 32, W½.
T. 29 N., R. 58 E.,
Sec. 3, lots 1 thru 12;
Secs. 4 and 9, unsurveyed, those portions lying outside of the Ruby Mountains Wilderness boundary;
Sec. 10, lots 3 thru 8;
Sec. 16, lots 1 thru 8, S½NW¼, and SW¼;
Secs. 17 and 20, unsurveyed, those portions lying outside of the Ruby Mountains Wilderness boundary;
Sec. 21, lots 1 thru 10;
Sec. 28, W½NW¼;
Sec. 29, lots 1 thru 8, S½NW¼, SW¼, and NE¼SE¼, those portions lying outside of the Ruby Mountains Wilderness boundary;
Secs. 30 and 31, unsurveyed, those portions lying outside of the Ruby Mountains Wilderness boundary;
Sec. 32, lots 1 thru 12.
T. 30 N., R. 58 E.,
Secs. 1 and 2, those portions lying outside of the Ruby Mountains Wilderness boundary, excepting M.S. No. 4657;
Secs. 3 thru 14 and secs. 17, 18, and 23, partly unsurveyed, those portions lying outside of the Ruby Mountains Wilderness boundary;
Sec. 24, lots 1 thru 3, E½NE¼, W½, and NE¼SE¼;
Sec. 25, W½NW¼;
Sec. 26, lots 1 thru 5, W½NE¼, NW¼, N½SW¼, and NW¼SE¼;
Secs. 27, 33, and 34, those portions lying outside of the Ruby Mountains Wilderness boundary;
Sec. 35, lots 2 thru 5, lots 7 and 8, and W½SW¼.
T. 31 N., R. 58 E.,
Secs. 1 thru 4, secs. 10 thru 12, sec. 19, and secs. 28 thru 36, unsurveyed, those portions lying outside of the Ruby Mountains Wilderness boundary.
T. 32 N., R. 58 E.,
Secs. 2 and 4;
Sec. 5, lots 1 thru 4, S½NE¼, S½NW¼, NE¼SW¼, W½NW¼SW¼, S½SW¼, and SE¼;
Secs. 6 thru 10;
Sec. 11, NW¼;
Secs. 12 thru 14;
Sec. 15, N½, SW¼, NE¼SE¼, NE¼NW¼SE¼, S½NW¼SE¼, and S½SE¼;
Secs. 16 thru 36, those portions lying outside of the Ruby Mountains Wilderness boundary.
T. 33 N., R. 58 E.,
Sec. 24;
Sec. 26, NE¼ and S½;
Sec. 32, S½;
Secs. 34 thru 36.
T. 30 N., R. 59 E.,
Sec. 6, partly unsurveyed;
Sec. 7, NE¼, W½, N½SE¼, and SW¼SE¼, partly unsurveyed;
Sec. 18, lot 4, W½NE¼, NW¼, N½SW¼, SE¼SW¼, and W½NW¼SE¼, partly unsurveyed;
Sec. 19, lots 1 thru 3 and E½NW¼.
T. 31 N., R. 59 E.,
Sec. 2, lot 2 and SW¼NE¼;
Sec. 3, lots 3 and 4, S½NW¼, and SW¼;
Secs. 4 thru 6 and secs. 8 and 9, those portions lying outside of the Ruby Mountains Wilderness boundary;
Sec. 10, NW¼ and W½SW¼;
Sec. 15, lots 4 and 5;
Sec. 16, lots 1 thru 3 and lot 5, W½NE¼, W½, and NW¼SE¼;
Secs. 17 thru 20, those portions lying outside of the Ruby Mountains Wilderness boundary;
Sec. 21, lots 1 thru 4;
Sec. 29, lots 2 thru 4, SW¼NE¼, S½NW¼, and SW¼;
Secs. 30 and 31, those portions lying outside of the Ruby Mountains Wilderness boundary;
Sec. 32, lots 1 thru 8.
T. 32 N., R. 59 E.,
Secs. 4, 6, and 8, those portions lying outside of the Ruby Mountains Wilderness boundary;
Sec. 9, S½, that portion lying outside of the Ruby Mountains Wilderness boundary;
Sec. 17, S½, that portion lying outside of the Ruby Mountains Wilderness boundary;
Secs. 18 and 19, those portions lying outside of the Ruby Mountains Wilderness boundary;
Sec. 23, W½NW¼ and W½SW¼, those portions lying outside of the Ruby Mountains Wilderness boundary;
Sec. 26, lots 1 thru 5 and W½NW¼;
Sec. 27, lots 1 and 2, NE¼, W½, and W½SE¼;
Secs. 28 thru 34, those portions lying outside of the Ruby Mountains Wilderness boundary;
Sec. 35, lots 1 and 2, W½NW¼, and SW¼.
T. 33 N., R. 59 E.,
Sec. 4, that portion lying outside of the Ruby Mountains Wilderness boundary;
Sec. 6, SE¼;
Secs. 8, 10, 14, 16, 18, 20, 22, 26, 30, and 32, those portions lying outside of the Ruby Mountains Wilderness boundary.
T. 34 N., R. 59 E.,
Secs. 12 and 13;
Sec. 23, SE¼;
Secs. 24 thru 26, those portions lying outside of the Ruby Mountains Wilderness boundary;
Sec. 32, S½;
Sec. 34;
Sec. 35, N½, that portion lying outside of the Ruby Mountains Wilderness boundary.
T. 33 N., R. 60 E.,

Sec. 4, lots 3 and 4, S½NW¼, and SW¼;
Secs. 8 and 18, those portions lying outside of the Ruby Mountains Wilderness boundary;
Sec. 20, lots 1 thru 4.
T. 34 N., R. 60 E.,
Sec. 6, lots 2 thru 7, SW¼NE¼, SE¼NW¼, E½SW¼, and W½SE¼;
Sec. 7, lots 1 thru 4, W½NE¼, E½NW¼, E½SW¼, and W½SE¼;
Sec. 18, lots 6 thru 11 and lots 14 thru 19;
Sec. 19, that portion lying outside of the Ruby Mountains Wilderness boundary;
Sec. 20, W½NE¼NE¼, SE¼NE¼NE¼, W½NE¼, SE¼NE¼, W½, and SE¼, those portions lying outside of the Ruby Mountains Wilderness boundary;
Sec. 28, W½;
Sec. 29, that portion lying outside of the Ruby Mountains Wilderness boundary.
T. 35 N., R. 60 E.,
Secs. 1 and 4, those portions lying outside of the East Humboldts Wilderness boundary.
T. 36 N., R. 60 E.,
Sec. 12, NW¼;
Sec. 14, E½SW¼ and SE¼;
Secs. 24, 26, 34, and 36, those portions lying outside of the East Humboldts Wilderness boundary.
T. 37 N., R. 60 E.,
Sec. 36, that portion lying outside of the East Humboldts Wilderness boundary.
T. 33 N., R. 61 E.,
Sec. 3, lots 1 thru 4, N½SW¼NE¼, N½SE¼NE¼, E½SW¼SE¼NE¼, SE¼SE¼NE¼, S½NW¼, N½SW¼, SW¼SW¼, N½NE¼SE¼SW¼, W½SE¼SW¼, and NE¼SE¼;
Secs. 4 and 5 and secs. 8 thru 10;
Sec. 11, S½;
Secs. 14 thru 17 and secs. 20 and 21;
Sec. 22, excepting M.S. No. 4411;
Sec. 23, NW¼;
Sec. 28, N½;
Sec. 29, N½.
T. 34 N., R. 61 E.,
Sec. 2, lots 3 thru 6 and lots 8 thru 11;
Sec. 4, lots 1 thru 3, S½NE¼, SE¼NW¼, and SE¼, those portions lying outside of the East Humboldts Wilderness boundary;
Sec. 11, lots 2 thru 7, S½NW¼, N½SW¼, and N½SE¼, those portions lying outside of the East Humboldts Wilderness boundary;
Sec. 14, that portion lying outside of the East Humboldts Wilderness boundary;
Secs. 16, 18, 20, 22, and 23;
Sec. 26, lots 1 thru 12;
Sec. 27, N½, SW¼, N½SE¼, N½SW¼SE¼, SW¼SW¼SE¼, and W½SE¼SW¼SE¼;
Sec. 28;
Sec. 29, N½ and SE¼;
Sec. 30, lots 1 thru 5, S½NE¼, and SE¼NW¼;
Sec. 32, lots 3 and 4, NE¼, and N½SE¼
Sec. 33;
Sec. 34, lots 1 thru 4, W½NE¼NW¼NE¼, W½NW¼NE¼, W½SE¼NW¼NE¼, W½NE¼SW¼NE¼, W½SW¼NE¼, W½SE¼SW¼NE¼, NW¼, N½SW¼, W½NE¼SE¼, S½SE¼NE¼SE¼, and NW¼SE¼.
T. 35 N., R. 61 E.,
Sec. 3, lots 3 and 4, S½NW¼, and SW¼;
Secs. 4, 6, and 34, those portions lying outside of the East Humboldts Wilderness boundary.
T. 36 N., R. 61 E.,
Secs. 2 thru 4, secs. 8 thru 10, and secs. 15 and 20, those portions lying outside of the East Humboldts Wilderness boundary;
Sec. 22, W½, that portion lying outside of the East Humboldts Wilderness boundary;
Sec. 27, W½, that portion lying outside of the East Humboldts Wilderness boundary;
Sec. 28, that portion lying easterly of the East Humboldts Wilderness boundary;
Secs. 30 and 32;
Sec. 34, W½, that portion lying outside of the East Humboldts Wilderness boundary.
T. 37 N., R. 61 E.,
Sec. 16, lot 1, SE¼NE¼, E½SW¼, and SE¼;
Sec. 20, NE¼, S½NW¼, and S½;
Secs. 22 and 28, those portions lying outside of the East Humboldts Wilderness boundary;
Sec. 30, lots 2 thru 4, NE¼, SE¼NW¼, E½SW¼, and SE¼, those portions lying outside of the East Humboldts Wilderness boundary.

The areas described aggregate 253,392.21 acres, more or less, according to the to the official plats of the surveys of the said lands and protraction diagrams on file with the BLM, combined with areas derived from Forest Service GIS Wilderness data.

Federal Surface/Non-Federal Subsurface

Mount Diablo Meridian, Nevada

T. 30 N., R. 57 E.,
Sec. 4, NW¼SE¼, that portion lying outside of the Ruby Mountains Wilderness boundary;
Sec. 9, NE¼NE¼, NW¼NW¼, SE¼NW¼, and NW¼SW¼;
Sec. 10, SW¼NW¼;
Sec. 16, SW¼NW¼;
Sec. 27, NW¼SE¼ and SE¼SE¼, those portions lying outside of the Ruby Mountains Wilderness boundary;
Sec. 28, NE¼SW¼.
T. 32 N., R. 58 E.,
Sec. 5, E½NW¼SW¼;
Sec. 15, NW¼NW¼SE¼.
T. 33 N., R. 58 E.,
Sec. 33, S½SW¼.
T. 32 N., R. 59 E.,
Secs. 5 and 7;
Sec. 9, N½, that portion lying outside of the Ruby Mountains Wilderness boundary;
Sec. 17, N½, that portion lying outside of the Ruby Mountains Wilderness boundary.
T. 33 N., R. 59 E.,
Sec. 3, that portion lying outside of the Ruby Mountains Wilderness boundary;
Sec. 7, lots 5 thru 9;
Secs. 9, 11, and 15, those portions lying outside of the Ruby Mountains Wilderness boundary;
Sec. 17, lots 3 thru 6, those portions lying outside of the Ruby Mountains Wilderness boundary;
Sec. 19, lots 7 thru 15;
Secs. 23, 27, and 31, those portions lying outside of the Ruby Mountains Wilderness boundary.
T. 34 N., R. 59 E.,
Sec. 35, S½, that portion lying outside of the Ruby Mountains Wilderness boundary.
T. 33 N., R. 60 E.,
Sec. 5, that portion lying outside of the Ruby Mountains Wilderness boundary;
Sec. 17, lots 1 thru 4, NE¼, E½NW¼, and E½SW¼, those portions lying outside of the Ruby Mountains Wilderness boundary;
Sec. 19, lots 1 and 2, NE¼, and E½NW¼, those portions lying outside of the Ruby Mountains Wilderness boundary.
T. 34 N., R. 61 E.,
Secs. 17, 19, and 21.
T. 37 N., R. 61 E.,
Sec. 9, lot 1;
Sec. 29, that portion lying outside of the East Humboldts Wilderness boundary.

The areas described aggregate 7,184.67 acres, more or less, according to the to the official plats of the surveys of the said lands on file with the BLM, combined with areas derived from Forest Service GIS Wilderness data.

Non-Federal Surface/Federal Subsurface

Mount Diablo Meridian, Nevada

T. 27 N., R. 56 E.,
Sec. 11, SW¼SW¼NW¼, S½SE¼SW¼NW¼, N½SW¼SW¼, N½SW¼SW¼SW¼, SE¼SW¼SW¼, S½SW¼NE¼SE¼, and SW¼SE¼NE¼SE¼;
Sec. 13, N½NW¼;
Sec. 14, N½NE¼, NE¼NE¼NW¼, N½NW¼NE¼NW¼, SE¼NW¼NE¼NW¼, NE¼SE¼NE¼NW¼, and NE¼NE¼NW¼NW¼.
T. 26 N., R. 57 E.,
Sec. 1, Small Sites 1 thru 53.
T. 33 N., R. 58 E.,
Sec. 28, lot 4 and SE¼SW¼.
T. 34 N., R. 59 E.,
Sec. 14, E½.
T. 34 N., R. 60 E.,
Secs. 2, 12, and 14.
T. 35 N., R. 60 E.,
Secs. 8 and 20.

The areas described aggregate 3,864.91 acres according to the to the official plats of the surveys of the said lands, on file with the BLM.

Non-Federal Surface/Non-Federal Subsurface

Mount Diablo Meridian, Nevada

T. 25 N., R. 56 E.,
Sec. 5, SW¼SW¼.
T. 26 N., R. 56 E.,
Sec. 3, lot 4 and SW¼NW¼;
Sec. 4, lots 1 and 2;
Sec. 15, S½NW¼SW¼, S½SW¼, S½S½NE¼SE¼, N½SW¼SE¼, and N½N½SE¼SE¼;
Sec. 16, lot 4 and SW¼SE¼;
Sec. 20, NE¼ and S½SE¼;
Sec. 21, lots 1 and 4, NW¼NE¼, NW¼, and SE¼SW¼;

Sec. 22, N½NW¼NW¼ and SW¼SW¼;
Sec. 28, lots 1, 2, 5, and 6, N½NW¼, and S½SW¼SW¼;
Sec. 29, NE¼NE¼, SE¼SW¼, SW¼SE¼, and S½SE¼SE¼;
Sec. 32, N½NE¼ and NE¼NW¼;
Sec. 33, lots 1 and 2, N½NW¼, and SW¼.
T. 27 N., R. 56 E.,
Sec. 11, N½SW¼, SE¼SW¼, W½SE¼, and SE¼SE¼;
Sec. 12, S½SW¼;
Sec. 14, N½SW¼ and N½SE¼;
Sec. 35, SE¼SW¼ and S½SE¼;
Sec. 36, SW¼SW¼.
T. 28 N., R. 56 E.,
H.E.S. No. 230.
T. 28 N., R. 57 E.,
H.E.S. Nos. 190 and 230.
T. 30 N., R. 57 E.,
Sec. 8, W½SE¼;
Sec. 16, SW¼SW¼;
Sec. 17, SW¼NW¼;
Sec. 21, NW¼NW¼ and E½SE¼;
Sec. 22, SW¼SW¼;
Sec. 33, SE¼SW¼ and SW¼SE¼.
T. 31 N., R. 57 E.,
Sec. 14, SE¼SW¼.
T. 32 N., R. 57 E.,
Sec. 1, lots 7 thru 14;
Secs. 11, 14, and 15, secs. 21 thru 23, and sec. 28;
Sec. 34, SW¼.
T. 28 N., R. 58 E.,
M.S. No. 4878;
H.E.S. Nos. 190, 191, and 192.
T. 30 N., R. 58 E.,
M.S. No. 4657.
T. 32 N., R. 58 E.,
Secs. 1 and 3;
Sec. 11, NE¼ and S½.
T. 33 N., R. 58 E.,
Sec. 12, lots 1 thru 4 and W½E½;
Sec. 13, E½;
Sec. 25;
Sec. 33, lots 1 thru 4, S½NE¼, S½NW¼, N½SW¼, and SE¼.
T. 32 N., R. 59 E.,
H.E.S. No. 126.
T. 33 N., R. 59 E.,
Sec. 5;
Sec. 7, lots 1 thru 4 and E½;
Sec. 17, lots 1 and 2, N½, SW¼, and W½SE¼;
Sec. 19, lots 1 thru 6, NE¼, and NW¼SE¼.
T. 34 N., R. 59 E.,
Sec. 23, N½ and SW¼;
Sec. 33, lots 3, 4, 7, and 8, and SW¼;
T. 33 N., R. 60 E.,
Sec. 19, E½SW¼.
T. 34 N., R. 60 E.,
Secs. 1 and 5;
Sec. 6, lot 1, SE¼NE¼, and E½SE¼;
Sec. 7, E½NE¼ and E½SE¼;
Sec. 8, W½ and S½SE¼;
Secs. 11 and 13;
Sec. 16, SW¼NW¼ and NW¼SW¼;
Sec. 17;
Sec. 18, lots 5, 12, 13, and 20;
Sec. 20, NE¼NE¼NE¼;
Sec. 21, W½;
Sec. 22, N½, N½SW¼, and SE¼;
Sec. 33, W½.
T. 35 N., R. 60 E.,
Secs. 5, 17, and 21;
Secs. 25 thru 29 and secs. 32 thru 36, those portions lying outside of the East Humboldts Wilderness boundary.
T. 36 N., R. 60 E.,
Sec. 1, lots 3 and 4, S½NW¼, and SW¼;
Secs. 13, 23, 25, 33, and 35, those portions lying outside of the East Humboldts Wilderness boundary.
T. 37 N., R. 60 E.,
Sec. 25, S½.
T. 33 N., R. 61 E.,
Sec. 3, S½SW¼NE¼, W½SW¼SE¼NE¼, S½NE¼SE¼SW¼, SE¼SE¼SW¼, NW¼SE¼, and S½SE¼;
M.S. No. 4411, that portion lying within section 22.
T. 34 N., R. 61 E.,
Sec. 4, lot 4, SW¼NW¼, and SW¼, those portions lying outside of the East Humboldts Wilderness boundary;
Secs. 5 thru 9, those portions lying outside of the East Humboldts Wilderness boundary;
Sec. 11, lot 1, NE¼NE¼, and S½NE¼, those portions lying outside of the East Humboldts Wilderness boundary;
Sec. 27, E½SE¼SW¼SE¼ and SE¼SE¼;
Sec. 34, NE¼NE¼, E½E½W½NE¼, SE¼NE¼, NE¼NE¼SE¼, and N½SE¼NE¼SE¼.
T. 35 N., R. 61 E.,
Sec. 3, lots 1 and 2, S½NE¼, and SE¼;
Sec. 10, W½;
Sec. 15, W½;
Sec. 22, W½;
Sec. 27, W½;
Secs. 31 and 32.
T. 36 N., R. 61 E.,
Secs. 5 and 11, those portions lying outside of the East Humboldts Wilderness boundary;
Sec. 14, N½ and W½SW¼;
Sec. 19;
Sec. 22, E½;
Sec. 27, E½;
Secs. 29 and 31;
Sec. 34, E½.
T. 37 N., R. 61 E.,
Secs. 21 and 27;
Sec. 30, lot 1 and NE¼NW¼;
Sec. 35, W½.

The areas described aggregate 44,670.87 acres, more or less, according to the official plats of the surveys of the said lands on file with the BLM, combined with areas derived from Forest Service GIS Wilderness data. Non-Federal lands or interests in lands would be subject to the withdrawal if they are subsequently acquired by the United States.

The total areas described, including both Federal and non-Federal lands, aggregate 309,112.66 acres, more or less.

No additional water rights will be needed to fulfill the purpose of this new withdrawal.

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.

For a 90-day period from the date of publication of this notice in the **Federal Register**, all persons who wish to submit comments, suggestions, or objections in connection with the withdrawal application may present their views in writing to the address above. Information regarding the withdrawal application will be available for public review at the BLM's Nevada State Office, during regular business hours, 8 a.m. to 4:30 p.m. Monday through Friday, except Federal holidays.

For a period until December 31, 2026 the Federal land described above will be segregated from all forms of leasing under the mineral and geothermal leasing laws, subject to valid existing rights, unless the application is denied or canceled, or the withdrawal is approved prior to that date. Licenses, permits, cooperative agreements, or discretionary land use authorizations of a temporary nature may be allowed with the approval of the authorized officer, during the temporary segregation period, if they would comply with the applicable USFS land use plans for the described Federal lands located within the withdrawal application boundary.

This application will be processed in accordance with the regulations set forth in 43 CFR part 2300.

(*Authority:* 43 U.S.C. 1714)

Christopher Bush,

Acting State Director.

[FR Doc. 2024–31389 Filed 12–30–24; 8:45 am]

BILLING CODE 3411–15–P

DEPARTMENT OF THE INTERIOR

National Park Service

[NPS–PWR–GOGA–37445; PS.SPWLA0133.00.1]

Minor Boundary Revision at Golden Gate National Recreation Area

AGENCY: National Park Service, Interior.

ACTION: Notification of boundary revision.

SUMMARY: The boundary of Golden Gate National Recreation Area (Park) is modified to include 211.7 acres of land located in in San Mateo County, California, immediately adjoining the Park boundary. The National Park Service intends to purchase the properties in fee from the Peninsula Open Space Trust, a non-profit land trust.

DATES: The effective date of this boundary revision is December 31, 2024.

ADDRESSES: The boundary revision is depicted on Map No. 641/180428, dated February 14, 2024. This map is on file and available for inspection at the following locations: National Park Service, Land Resources Program, Interior Regions 8, 9, 10 and 12, 555 Battery Street, Suite 121, San Francisco, CA 94111, and National Park Service, Department of the Interior, 1849 C Street NW, Washington, DC 20240.

FOR FURTHER INFORMATION CONTACT: Chief Realty Officer, Truda Stella, National Park Service, Interior Regions 8, 9, 10 and 12, Land Resource Program Center, 555 Battery Street, Suite 121, San Francisco, CA 94111, telephone (206) 561–7978.

SUPPLEMENTARY INFORMATION: 16 U.S.C. 460bb–1 authorizes that, after advising the House Committee on Natural Resources and the Senate Committee on Energy and Natural Resources, the Secretary of the Interior may make minor revisions to the boundaries of the Park, when necessary, by publication of a revised drawing or other description in the **Federal Register**. The Committees have been notified of this boundary revision. The inclusion of these tracts in the Park boundary will address operational and management issues, provide preservation, and protect key natural resources in addition to expanding visitor recreational opportunities.

David Szymanski,

Regional Director, Interior Regions 8, 9, 10, and 12.

[FR Doc. 2024–31387 Filed 12–30–24; 8:45 am]

BILLING CODE 4312–52–P

INTERNATIONAL TRADE COMMISSION

[Investigation Nos. 701–TA–607 and 731–TA–1417 and 1419 (Review)]

Steel Propane Cylinders From China and Thailand; Scheduling of Full Five-Year Reviews

AGENCY: United States International Trade Commission.

ACTION: Notice.

SUMMARY: The Commission hereby gives notice of the scheduling of full reviews pursuant to the Tariff Act of 1930 (''the Act'') to determine whether revocation of the antidumping duty and countervailing duty orders on steel propane cylinders from China and Thailand would be likely to lead to continuation or recurrence of material injury within a reasonably foreseeable time.

DATES: December 23, 2024.

FOR FURTHER INFORMATION CONTACT: Jordan Harriman (202) 205–2610), 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 reviews may be viewed on the Commission's electronic docket (EDIS) at *https://edis.usitc.gov.*

SUPPLEMENTARY INFORMATION:

Background.—On October 4, 2024, the Commission determined that responses to its notice of institution of the subject five-year reviews were such that full reviews should proceed (89 FR 84193, October 21, 2024); accordingly, full reviews are being scheduled pursuant to section 751(c)(5) of the Tariff Act of 1930 (19 U.S.C. 1675(c)(5)). A record of the Commissioners' votes, the Commission's statement on adequacy, and any individual Commissioner's statements are available from the Office of the Secretary and at the Commission's website.

Participation in the reviews 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 these reviews as parties must file an entry of appearance with the Secretary to the Commission, as provided in section 201.11 of the Commission's rules, by 45 days after publication of this notice. A party that filed a notice of appearance following publication of the Commission's notice of institution of the reviews need not file an additional notice of appearance. The Secretary will maintain a public service list containing the names and addresses of all persons, or their representatives, who are parties to the reviews.

For further information concerning the conduct of these reviews and rules of general application, consult the Commission's Rules of Practice and Procedure, part 201, subparts A and B (19 CFR part 201), and part 207, subparts A, D, E, and F (19 CFR part 207).

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.

Limited disclosure of business proprietary information (BPI) under an administrative protective order (APO) and BPI service list.—Pursuant to section 207.7(a) of the Commission's rules, the Secretary will make BPI gathered in these reviews available to authorized applicants under the APO issued in the reviews, provided that the application is made by 45 days after publication of this notice. Authorized applicants must represent interested parties, as defined by 19 U.S.C. 1677(9), who are parties to the reviews. A party granted access to BPI following publication of the Commission's notice of institution of the reviews 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 reviews will be placed in the nonpublic record on April 15, 2025, and a public version will be issued thereafter, pursuant to section 207.64 of the Commission's rules.

Hearing.—The Commission will hold an in-person hearing in connection with the reviews beginning at 9:30 a.m. on May 1, 2025. Requests to appear at the hearing should be filed in writing with the Secretary to the Commission on or before 5:15 p.m. on April 24, 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 Chairman, or other person designated to conduct the reviews, 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 April 30, 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 April 30, 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 to the reviews may submit a prehearing brief to the Commission. Prehearing briefs must conform with the provisions of section 207.65 of the Commission's rules; the deadline for filing is 5:15 p.m. on April 23, 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 section 207.67 of the Commission's rules. The deadline for filing posthearing briefs is 5:15 p.m. on May 9, 2025. In addition, any person who has not entered an appearance as a party to the reviews may submit a written statement of information pertinent to the subject of the reviews on or before 5:15 p.m. on May 9, 2025. On May 29, 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 5:15 p.m. on June 2, 2025, but such final comments must not contain new factual information and must otherwise comply with section 207.68 of the Commission's rules. All written submissions must conform with the provisions of section 201.8 of the Commission's rules; any submissions that contain BPI must also conform with the requirements of sections 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 section 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 sections 201.16(c) and 207.3 of the Commission's rules, each document filed by a party to the reviews must be served on all other parties to the reviews (as identified by either the public or BPI service list), and a certificate of service must be timely filed. The Secretary will not accept a document for filing without a certificate of service.

Authority: These reviews are being conducted under authority of title VII of the Tariff Act of 1930; this notice is published pursuant to section 207.62 of the Commission's rules.

By order of the Commission.

Issued: December 23, 2024.

Sharon Bellamy,

Supervisory Hearings and Information Officer.

[FR Doc. 2024–31371 Filed 12–30–24; 8:45 am]

BILLING CODE 7020–02–P

INTERNATIONAL TRADE COMMISSION

[Investigation No. 731–TA–1206 (Second Review)]

Diffusion-Annealed, Nickel-Plated Flat-Rolled Steel Products From Japan; Scheduling of an Expedited Five-Year Review

AGENCY: United States International Trade Commission.

ACTION: Notice.

SUMMARY: The Commission hereby gives notice of the scheduling of an expedited review pursuant to the Tariff Act of 1930 (''the Act'') to determine whether revocation of the antidumping duty order on diffusion-annealed, nickel-plated flat-rolled steel products from Japan would be likely to lead to continuation or recurrence of material injury within a reasonably foreseeable time.

DATES: December 9, 2024.

FOR FURTHER INFORMATION CONTACT: Kenneth Gatten III (202–708–1447), Office of Investigations, U.S. International Trade Commission, 500 E Street SW, Washington, DC 20436. Hearing-impaired persons can obtain information on this matter by contacting the Commission's TDD terminal on 202–205–1810. Persons with mobility impairments who will need special assistance in gaining access to the Commission should contact the Office of the Secretary at 202–205–2000. General information concerning the Commission may also be obtained by accessing its internet server (*https://www.usitc.gov*). The public record for this proceeding may be viewed on the Commission's electronic docket (EDIS) at *https://edis.usitc.gov.*

SUPPLEMENTARY INFORMATION:

Background.—On December 9, 2024, the Commission determined that the domestic interested party group response to its notice of institution (89 FR 71424, September 3, 2024) of the subject five-year review was adequate and that the respondent interested party group response was inadequate. The Commission did not find any other circumstances that would warrant conducting a full review.[1] Accordingly, the Commission determined that it would conduct an expedited review pursuant to section 751(c)(3) of the Act (19 U.S.C. 1675(c)(3)).

For further information concerning the conduct of this review and rules of general application, consult the Commission's Rules of Practice and Procedure, part 201, subparts A and B (19 CFR part 201), and part 207, subparts A, D, E, and F (19 CFR part 207).

Staff report.—A staff report containing information concerning the subject matter of the review has been placed in the nonpublic record, and will be made available to persons on the Administrative Protective Order service list for this review on February 19, 2025. A public version will be issued thereafter, pursuant to § 207.62(d)(4) of the Commission's rules.

Written submissions.—As provided in § 207.62(d) of the Commission's rules, interested parties that are parties to the review and that have provided individually adequate responses to the notice of institution,[2] and any party other than an interested party to the review may file written comments with the Secretary on what determination the Commission should reach in the review. Comments are due on or before 5:15 p.m. on February 27, 2025, and may not contain new factual information. Any person that is neither a party to the five-year review nor an interested party may submit a brief written statement (which shall not contain any new factual information) pertinent to the review by date. However, should the Department of Commerce (''Commerce'') extend the time limit for its completion of the final results of its review, the deadline for comments (which may not contain new

[1] A record of the Commissioners' votes, the Commission's statement on adequacy, and any individual Commissioner's statements will be available from the Office of the Secretary and at the Commission's website.

[2] The Commission has found the response submitted on behalf of Thomas Steel Strip Corporation to be individually adequate. Comments from other interested parties will not be accepted (*see* 19 CFR 207.62(d)(2)).

factual information) on Commerce's final results is three business days after the issuance of Commerce's results. If comments contain business proprietary information (BPI), they must conform with the requirements of §§ 201.6, 207.3, and 207.7 of the Commission's rules. The Commission's *Handbook on Filing Procedures,* available on the Commission's website at *https://www.usitc.gov/documents/handbook_on_filing_procedures.pdf,* elaborates upon the Commission's procedures with respect to filings.

In accordance with §§ 201.16(c) and 207.3 of the rules, each document filed by a party to the review must be served on all other parties to the review (as identified by either the public or BPI service list), and a certificate of service must be timely filed. The Secretary will not accept a document for filing without a certificate of service.

Determination.—The Commission has determined this review is extraordinarily complicated and therefore has determined to exercise its authority to extend the review period by up to 90 days pursuant to 19 U.S.C. 1675(c)(5)(B).

Authority: This review is being conducted under authority of title VII of the Act; this notice is published pursuant to § 207.62 of the Commission's rules.

By order of the Commission.

Issued: December 26, 2024.

Sharon Bellamy,

Supervisory Hearings and Information Officer.

[FR Doc. 2024–31417 Filed 12–30–24; 8:45 am]

BILLING CODE 7020–02–P

DEPARTMENT OF JUSTICE

Notice of Lodging of Proposed Consent Decree Under the Clean Air Act

On December 23, 2024, the Department of Justice lodged a proposed consent decree with the United States District Court for the District of South Carolina in *United States* v. *LANXESS Corporation,* Civil Action No. 24–cv–07522.

The United States filed this lawsuit under Clean Air Act (CAA) Section 113(b), 42 U.S.C. 7413(b), seeking a civil penalty and injunctive relief for the Defendant LANXESS Corporation's failures at its Charleston, South Carolina manufacturing facility to properly (1) identify and monitor equipment that can leak hazardous air pollutants; (2) control and monitor wastewater treatment processes; (3) calculate the status of batch process vents; and (4) adhere to recordkeeping requirements. The consent decree requires the Defendant to perform injunctive relief to come into compliance with the Clean Air Act, pay a civil penalty of $650,000, and spend at least $3.545 million performing supplemental environmental projects.

The publication of this notice opens a period for public comment on the proposed consent decree. Comments should be addressed to the Assistant Attorney General, Environment and Natural Resources Division, and should refer to *United States* v. *LANXESS Corporation,* D.J. Ref. No. 90–5–2–1–12671. All comments must be submitted no later than thirty (30) days after the publication date of this notice. Comments may be submitted either by email or by mail:

To submit comments:	*Send them to:*
By email	*pubcomment-ees.enrd@usdoj.gov.*
By mail	Assistant Attorney General, U.S. DOJ—ENRD, P.O. Box 7611, Washington, DC 20044–7611.

Any comments submitted in writing may be filed by the United States in whole or in part on the public court docket without notice to the commenter.

During the public comment period, the proposed consent decree may be examined and downloaded at this Justice Department website: *https://www.justice.gov/enrd/consent-decrees.* If you require assistance accessing the proposed consent decree, you may request assistance by email or by mail to the address provided above for submitting comments.

Scott Bauer,

Assistant Section Chief, Environmental Enforcement Section, Environment and Natural Resources Division.

[FR Doc. 2024–31377 Filed 12–30–24; 8:45 am]

BILLING CODE P

DEPARTMENT OF LABOR

Agency Information Collection Activities; Submission for OMB Review; Comment Request; Occupational Safety and Health Onsite Consultation Agreements

ACTION: Notice of availability; request for comments.

SUMMARY: The Department of Labor (DOL) is submitting this Occupational Safety & Health Administration (OSHA)-sponsored information collection request (ICR) to the Office of Management and Budget (OMB) for review and approval in accordance with the Paperwork Reduction Act of 1995 (PRA). Public comments on the ICR are invited.

DATES: The OMB will consider all written comments that the agency receives on or before January 30, 2025.

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: Nicole Bouchet by telephone at 202–693–0213, or by email at *DOL_PRA_PUBLIC@dol.gov.*

SUPPLEMENTARY INFORMATION: OSHA's On-Site Consultation Service offers free and confidential advice to small and medium-sized businesses in all states across the country, with priority given to high-hazard worksites. Consultation services are totally separate from enforcement and do not result in penalties or citations. The Consultation Program regulations specify services to be provided, and practices and procedures to be followed by the State On-site Consultation Programs. Information collection requirements set forth in the On-site Consultation Program regulations are in two categories: State Responsibilities and Employer Responsibilities.

OSHA is proposing to revise the approved Occupational Safety and Health On-Site Consultation Agreements (29 CFR part 1908), (OMB Control Number 1218–0110), paperwork package to include the approved Process Safety Management On-Site Consultation Agreements (29 CFR 1908), OMB Control Number 1218–0281. For additional substantive information about this ICR, see the related notice published in the **Federal Register** on September 11, 2024 (89 FR 73727).

Comments are invited on: (1) whether the collection of information is necessary for the proper performance of the functions of the Department, including whether the information will have practical utility; (2) the accuracy of the agency's estimates of the burden and cost of the collection of information, including the validity of the methodology and assumptions used; (3) ways to enhance the quality, utility and clarity of the information collection; and (4) ways to minimize the burden of the collection of information on those who

are to respond, including the use of automated collection techniques or other forms of information technology.

This information collection is subject to the PRA. A Federal agency generally cannot conduct or sponsor a collection of information, and the public is generally not required to respond to an information collection, unless the OMB approves it and displays a currently valid OMB Control Number. In addition, notwithstanding any other provisions of law, no person shall generally be subject to penalty for failing to comply with a collection of information that does not display a valid OMB Control Number. *See* 5 CFR 1320.5(a) and 1320.6.

DOL seeks PRA authorization for this information collection for three (3) years. OMB authorization for an ICR cannot be for more than three (3) years without renewal. The DOL notes that information collection requirements submitted to the OMB for existing ICRs receive a month-to-month extension while they undergo review.

Agency: DOL-OSHA.

Title of Collection: Occupational Safety and Health Onsite Consultation Agreements.

OMB Control Number: 1218–0110.

Affected Public: Private Sector—Businesses or other for-profits; State, Local, and Tribal Governments.

Total Estimated Number of Respondents: 23,116.

Total Estimated Number of Responses: 76,585.

Total Estimated Annual Time Burden: 195,736 hours.

Total Estimated Annual Other Costs Burden: $0.

(Authority: 44 U.S.C. 3507(a)(1)(D))

Nicole Bouchet,

Senior Paperwork Reduction Act Analyst.

[FR Doc. 2024–31428 Filed 12–30–24; 8:45 am]

BILLING CODE 4510–26–P

DEPARTMENT OF LABOR

[Docket No. OSHA–2012–0012]

Temporary Labor Camps; Extension of the Office of Management and Budget's (OMB) Approval of Information Collection (Paperwork) Requirements

AGENCY: Occupational Safety and Health Administration (OSHA), Labor.

ACTION: Request for public comments.

SUMMARY: OSHA solicits public comments concerning the proposal to extend the Office of Management and Budget's (OMB) approval of the information collection requirements specified in the Temporary Labor Camp Standard.

DATES: Comments must be submitted (postmarked, sent, or received) by March 3, 2025.

ADDRESSES:

Electronically: You may submit comments and attachments electronically at *https://www.regulations.gov,* which is the Federal eRulemaking Portal. Follow the instructions online for submitting comments.

Docket: To read or download comments or other material in the docket, go to *https://www.regulations.gov*. Documents in the docket are listed in the *https://www.regulations.gov* index; however, some information (*e.g.,* copyrighted material) is not publicly available to read or download through the websites. All submissions, including copyrighted material, are available for inspection through the OSHA Docket Office. Contact the OSHA Docket Office at (202) 693–2350 (TTY (877) 889–5627) for assistance in locating docket submissions.

Instructions: All submissions must include the agency name and OSHA docket number (OSHA–2012–0012) for the Information Collection Request (ICR). OSHA will place all comments, including any personal information, in the public docket, which may be made available online. Therefore, OSHA cautions interested parties about submitting personal information such as social security numbers and birthdates.

For further information on submitting comments, see the ''Public Participation'' heading in the section of this notice titled **SUPPLEMENTARY INFORMATION**.

FOR FURTHER INFORMATION CONTACT: Seleda Perryman, Directorate of Standards and Guidance, OSHA, U.S. Department of Labor; telephone (202) 693–2222.

SUPPLEMENTARY INFORMATION:

I. Background

The Department of Labor, as part of the continuing effort to reduce paperwork and respondent (*i.e.,* employer) burden, conducts a preclearance consultation program to provide the public with an opportunity to comment on proposed and continuing information collection requirements in accordance with the Paperwork Reduction Act of 1995 (PRA) (44 U.S.C. 3506(c)(2)(A)). This program ensures that information is in the desired format, reporting burden (time and costs) is minimal, the collection instruments are clearly understood, and OSHA's estimate of the information collection burden is accurate. The Occupational Safety and Health Act of 1970 (OSH Act) (29 U.S.C. 651 *et seq.*) authorizes information collection by employers as necessary or appropriate for enforcement of the OSH Act or for developing information regarding the causes and prevention of occupational injuries, illnesses, and accidents (29 U.S.C. 657). The OSH Act also requires that OSHA obtain such information with minimum burden upon employers, especially those operating small businesses, and to reduce to the maximum extent feasible unnecessary duplication of effort in obtaining information (29 U.S.C. 657).

The following sections describe who uses the information collected under each requirement, as well as how they use it. The purpose of these provisions is to eliminate the incidence of communicable disease among temporary labor camp residents. The standard requires camp superintendents to report immediately to the local health officer the name and address of any individual in the camp known to have, or suspected of having, a communicable disease (29 CFR 1910.142(l)(1)). Whenever there is a case of suspected food poisoning or an unusual prevalence of any illness in which fever, diarrhea, sore throat, vomiting, or jaundice is a prominent symptom, the standard requires the camp superintendent to report said illness immediately to the health authority (29 CFR 1910.142(l)(2)). In addition, the standard requires separate toilet rooms to be provided for each sex where the toilet rooms are shared. These rooms must be marked ''for men'' and ''for women'' by signs printed in English and in the native language of the persons occupying the camp or marked with easily understood pictures or symbols (29 CFR 1910.142(d)(4)).

II. Special Issues for Comment

OSHA has a particular interest in comments on the following issues:

- Whether the proposed information collection requirements are necessary for the proper performance of the agency's functions to protect workers, including whether the information is useful;
- The accuracy of OSHA's estimate of the burden (time and costs) of the information collection requirements, including the validity of the methodology and assumptions used;
- The quality, utility, and clarity of the information collected; and
- Ways to minimize the burden on employers who must comply; for example, by using automated or other technological information, and transmission techniques.

III. Proposed Actions

OSHA is requesting that OMB extend the approval of the information collection requirements contained in the Temporary Labor Camps Standard. The agency is requesting an adjustment increase in burden hours from 48 hours to 238 hours, a difference of 190 hours. This increase is due to an increase in the percentage number of cases reported from 577 to 2,851, which increased the number of workers living in the contractor provided homes.

OSHA will summarize the comments submitted in response to this notice and will include this summary in the request to OMB to extend the approval of the information collection requirements.

Type of Review: Extension of a currently approved collection.

Title: Temporary Labor Camps Standard.

OMB Control Number: 1218–0096.

Affected Public: Business or other for-profits.

Number of Respondents: 2,851.

Number of Responses: 2,851.

Frequency of Responses: On occasion.

Average Time per Response: Varies.

Estimated Total Burden Hours: 238.

Estimated Cost (Operation and Maintenance): $0.

IV. Public Participation—Submission of Comments on This Notice and Internet Access to Comments and Submissions

You may submit comments in response to this document as follows: (1) electronically at *https://www.regulations.gov,* which is the Federal eRulemaking Portal; or (2) by facsimile (fax), if your comments, including attachments, are not longer than 10 pages you may fax them to the OSHA Docket Office at (202) 693–1648. All comments, attachments, and other material must identify the agency name and the OSHA docket number for the ICR (Docket No. OSHA–2012–0012). You may supplement electronic submission by uploading document files electronically.

Comments and submissions are posted without change at *https://www.regulations.gov.* Therefore, OSHA cautions commenters about submitting personal information such as social security numbers and dates of birth. Although all submissions are listed in the *https://www.regulations.gov* index, some information (*e.g.,* copyrighted material) is not publicly available to read or download from this website. All submission, including copyrighted material, are available for inspection and copying at the OSHA Docket Office. Information on using the *https://www.regulations.gov* website to submit comments and access the docket is available at the website's ''User Tips'' link. Contact the OSHA Docket Office at (202) 693–2350, (TTY (877) 889–5627) for information about materials not available from the website, and for assistance in using the internet to locate docket submissions.

V. Authority and Signature

James S. Frederick, Deputy Assistant Secretary of Labor for Occupational Safety and Health, directed the preparation of this notice. The authority for this notice is the Paperwork Reduction Act of 1995 (44 U.S.C. 3506 *et seq.*) and Secretary of Labor's Order No. 8–2020 (85 FR 58393).

Signed at Washington, DC, on December 23, 2024.

James S. Frederick,

Deputy Assistant Secretary of Labor for Occupational Safety and Health.

[FR Doc. 2024–31426 Filed 12–30–24; 8:45 am]

BILLING CODE 4510–26–P

DEPARTMENT OF LABOR

Occupational Safety and Health Administration

[Docket No. OSHA–2024–0005]

National Advisory Committee on Occupational Safety and Health (NACOSH); Notice of Membership Appointments

AGENCY: Occupational Safety and Health Administration (OSHA), Labor.

ACTION: Notice of NACOSH membership appointments.

SUMMARY: On December 17, 2024, the Acting Secretary of Labor appointed four members to serve on the National Advisory Committee on Occupational Safety and Health (NACOSH).

FOR FURTHER INFORMATION CONTACT:

For press inquiries: Mr. Frank Meilinger, Director, OSHA Office of Communications, U.S. Department of Labor; telephone (202) 693–1999, (TTY (877) 889–5627); email *meilinger.francis2@dol.gov.*

For general information: Ms. Lisa Long, Deputy Director, Directorate of Standards and Guidance, OSHA, U.S. Department of Labor; telephone 202–693–2409; email *long.lisa@dol.gov.*

For copies of this **Federal Register** *Notice:* Electronic copies of this **Federal Register** notice are available at *http://www.regulations.gov.* This notice, as well as news releases and other relevant information, are also available at OSHA's web page at *www.osha.gov.*

SUPPLEMENTARY INFORMATION:

I. Background

The Occupational Safety and Health Act of 1970 (OSH Act) (29 U.S.C. 651, 656) established NACOSH to advise, consult with and make recommendations to the Acting Secretary of Labor and the Secretary of Health and Human Services (HHS) on matters relating to the administration of the OSH Act. NACOSH is a continuing advisory committee of indefinite duration.

NACOSH operates in accordance with the Federal Advisory Committee Act (FACA) (5 U.S.C. 1001 *et seq.*), implementing regulations (41 CFR part 102–3), the OSH Act, and OSHA's regulations on NACOSH (29 CFR part 1912a).

NACOSH is comprised of 12 members: four public representatives, two management representatives, two labor representatives, two occupational safety professional representatives, and two occupational health professional representatives (29 CFR 1912a.2). The Acting Secretary of Labor appoints all of these members. However, the Secretary of HHS designates four representatives: two of the four public representatives and two occupational health professional representatives. NACOSH members serve staggered two-year terms, unless the member becomes unable to serve, resigns, ceases to be qualified to serve, or is removed by the Acting Secretary.

On July 17, 2024, OSHA published a request for nominations for four NACOSH positions that will expire on January 16, 2025 (89 FR 58193). Specifically, OSHA requested nominations for:

- One (1) public representative;
- One (1) management representative;
- One (1) labor representative; and
- One (1) occupational safety professional representative.

OSHA handled the nominations consistent with the process identified in the **Federal Register** notice. The Acting Secretary of Labor proceeded with the appointment of individuals to four positions on December 17, 2024.

II. Appointment of Committee Members

OSHA received nominations of highly qualified individuals in response to the agency's request for nominations (89 FR 58193). The Acting Secretary appointed NACOSH members on the basis of their experience and competence in the field of occupational safety and health (29 CFR 1912a.2). The NACOSH members that the Acting Secretary appointed December 17, 2024, effective January 16, 2025, with terms expiring January 16, 2027, are:

Public Representative

- *John Stephen Frost, University of South Florida OSHA Training Institute Education Center*

Management Representative

- *Kirk Sander, National Waste & Recycling Association*

Labor Representative

- *Rebecca Reindel, AFL–CIO*

Occupational Safety Professional Representative

- *Sarah Williams Ischer, National Safety Council*

Authority and Signature

James S. Frederick, Deputy Assistant Secretary of Labor for Occupational Safety and Health, directed the preparation of this notice under the authority granted by 29 U.S.C. 656 and 5 U.S.C. 1001 *et seq.,* 29 CFR part 1912 and 1912a, 41 CFR 102–3 and Secretary of Labor's Order No. 8–2020 (85 FR 58393, Sept. 18, 2020).

Signed at Washington, DC, on December 23, 2024.

James S. Frederick,

Deputy Assistant Secretary of Labor for Occupational Safety and Health.

[FR Doc. 2024–31425 Filed 12–30–24; 8:45 am]

BILLING CODE 4510–26–P

DEPARTMENT OF LABOR

Occupational Safety and Health Administration

[Docket No. OSHA–2006–0042]

CSA Group Testing & Certification Inc.: Application for Expansion of Recognition

AGENCY: Occupational Safety and Health Administration (OSHA), Labor.

ACTION: Notice.

SUMMARY: In this notice, OSHA announces the application of CSA Group & Testing Certification Inc., for expansion of the recognition as a Nationally Recognized Testing Laboratory (NRTL) and presents the agency's preliminary finding to grant the application.

DATES: Submit comments, information, and documents in response to this notice, or requests for an extension of time to make a submission, on or before January 15, 2025.

ADDRESSES: Comments may be submitted as follows:

Electronically: You may submit comments, including attachments, electronically at *http://www.regulations.gov,* the Federal eRulemaking Portal. Follow the online instructions for submitting comments.

Instructions: All submissions must include the agency's name and the docket number for this rulemaking (Docket No. OSHA–2006–0042). All comments, including any personal information you provide, are placed in the public docket without change and may be made available online at *https://www.regulations.gov.* Therefore, OSHA cautions commenters about submitting information they do not want made available to the public, or submitting materials that contain personal information (either about themselves or others), such as Social Security numbers and birthdates.

Docket: To read or download comments or other material in the docket, go to *http://www.regulations.gov.* Documents in the docket (including this **Federal Register** notice) are listed in the *http://www.regulations.gov* index; however, some information (*e.g.,* copyrighted material) is not publicly available to read or download through the website. All submissions, including copyrighted material, are available for inspection through the OSHA Docket Office. Contact the OSHA Docket Office at (202) 693–2350 (TTY (877) 889–5627) for assistance in locating docket submissions.

Extension of comment period: Submit requests for an extension of the comment period on or before January 15, 2025 to the Office of Technical Programs and Coordination Activities, Directorate of Technical Support and Emergency Management, Occupational Safety and Health Administration, U.S. Department of Labor, 200 Constitution Avenue NW, Room N–3653, Washington, DC 20210, or by fax to (202) 693–1644.

FOR FURTHER INFORMATION CONTACT: Information regarding this notice is available from the following sources:

Press inquiries: Contact Mr. Frank Meilinger, Director, OSHA Office of Communications, phone: (202) 693–1999 or email: *meilinger.francis2@dol.gov.*

General and technical information: Contact Mr. Kevin Robinson, Director, Office of Technical Programs and Coordination Activities, Directorate of Technical Support and Emergency Management, Occupational Safety and Health Administration, phone: (202) 693–1911 or email: *robinson.kevin@dol.gov.*

SUPPLEMENTARY INFORMATION:

I. Notice of the Application for Expansion

OSHA is providing notice that CSA Group Testing & Certification Inc. (CSA), is applying for expansion of the current recognition as a NRTL. CSA requests the addition of one test standard to the NRTL scope of recognition.

OSHA's recognition of a NRTL signifies that the organization meets the requirements specified in 29 CFR 1910.7. Recognition is an acknowledgment that the organization can perform independent safety testing and certification of the specific products covered within the scope of recognition. Each NRTL's scope of recognition includes: (1) the type of products the NRTL may test, with each type specified by the applicable test standard; and (2) the recognized site(s) that has/have the technical capability to perform the product-testing and product-certification activities for test standards within the NRTL's scope. Recognition is not a delegation or grant of government authority; however, recognition enables employers to use products approved by the NRTL to meet OSHA standards that require product testing and certification.

The agency processes applications by a NRTL for initial recognition and for an expansion or renewal of this recognition, following requirements in Appendix A to 29 CFR 1910.7. This appendix requires that the agency publish two notices in the **Federal Register** in processing an application. In the first notice, OSHA announces the application and provides a preliminary finding. In the second notice, the agency provides a final decision on the application. These notices set forth the NRTL's scope of recognition or modifications of that scope. OSHA maintains an informational web page for each NRTL, including CSA, which details the NRTL's scope of recognition. These pages are available from the OSHA website at *http://www.osha.gov/dts/otpca/nrtl/index.html.*

II. General Background on the Application

CSA submitted an application to OSHA for expansion of the NRTL scope of recognition on May 30, 2024 (OSHA–2006–0042–0045), requesting the addition of one standard to the NRTL scope of recognition. OSHA staff performed a detailed analysis of the application packet and reviewed other pertinent information. OSHA did not perform an on-site review in response to this application. OSHA staff has preliminarily determined that OSHA

should grant the application for test standard expansion.

Table 1, below, lists the appropriate test standard found in CSA's application for expansion for testing and certification of products under the NRTL Program.

TABLE 1—PROPOSED APPROPRIATE TEST STANDARD FOR INCLUSION IN CSA'S NRTL SCOPE OF RECOGNITION

Test standard	Test standard title
UL 60335–2–40 ...	Household and Similar Electrical Appliances—Safety—Part 2–40: Particular Requirements for Electrical Heat Pumps, Air-Conditioners and Dehumidifiers.

III. Preliminary Findings on the Application

CSA submitted an acceptable application for expansion of the scope of recognition. OSHA's review of the application files and pertinent documentation indicates that CSA has met the requirements prescribed by 29 CFR 1910.7 for expanding the recognition to include the addition of the one test standard for NRTL testing and certification listed in Table 1. This preliminary finding does not constitute an interim or temporary approval of CSA's application.

OSHA seeks comment on this preliminary determination.

IV. Public Participation

OSHA welcomes public comment as to whether CSA meets the requirements of 29 CFR 1910.7 for expansion of recognition as a NRTL. Comments should consist of pertinent written documents and exhibits.

Commenters needing more time to comment must submit a request in writing, stating the reasons for the request by the due date for comments. OSHA will limit any extension to 10 days unless the requester justifies a longer time period. OSHA may deny a request for an extension if it is not adequately justified.

To review copies of the exhibits identified in this notice, as well as comments submitted to the docket, contact the Docket Office, Occupational Safety and Health Administration, U.S. Department of Labor. These materials also are generally available online at *https://www.regulations.gov* under Docket No. OSHA–2006–0042 (for further information, see the ''*Docket*'' heading in the section of this notice titled **ADDRESSES**).

OSHA staff will review all comments to the docket submitted in a timely manner. After addressing the issues raised by these comments, staff will make a recommendation to the Assistant Secretary of Labor for Occupational Safety and Health on whether to grant CSA's application for expansion of the scope of recognition. The Assistant Secretary will make the final decision on granting the application. In making this decision, the Assistant Secretary may undertake other proceedings prescribed in Appendix A to 29 CFR 1910.7.

OSHA will publish a public notice of the final decision in the **Federal Register**.

V. Authority and Signature

James S. Frederick, Deputy Assistant Secretary of Labor for Occupational Safety and Health, authorized the preparation of this notice. Accordingly, the agency is issuing this notice pursuant to 29 U.S.C. 657(g)(2), Secretary of Labor's Order No. 8–2020 (85 FR 58393, Sept. 18, 2020), and 29 CFR 1910.7.

Signed at Washington, DC, on December 20, 2024.

James S. Frederick,

Deputy Assistant Secretary of Labor for Occupational Safety and Health.

[FR Doc. 2024–31361 Filed 12–30–24; 8:45 am]

BILLING CODE 4510–26–P

NUCLEAR REGULATORY COMMISSION

[Docket No. 70–7004; NRC–2024–0219]

American Centrifuge Operating, LLC; American Centrifuge Plant; Environmental Assessment and Finding of No Significant Impact

AGENCY: Nuclear Regulatory Commission.

ACTION: Notice; issuance.

SUMMARY: The U.S. Nuclear Regulatory Commission (NRC) is considering amending Special Nuclear Material (SNM) License No. SNM–2011, issued on April 13, 2007, to American Centrifuge Operating, LLC (ACO) for the operation of the American Centrifuge Plant (ACP). The NRC is considering extending authorization of the high-assay, low-enriched uranium (HALEU) demonstration program operations to continue beyond December 31, 2024, through June 30, 2025. In the event of an extension of ACO's HALEU contract with the U.S. Department of Energy (DOE), potentially the authorization would be extended through the revised contract period. For this proposed action, the NRC staff is issuing an environmental assessment (EA) and finding of no significant impact (FONSI).

DATES: The EA and FONSI referenced in this document are available on December 31, 2024.

ADDRESSES: Please refer to Docket ID NRC–2024–0219 when contacting the NRC about the availability of information regarding this document. You may obtain publicly available information related to this document using any of the following methods:

- *Federal Rulemaking Website:* Go to *https://www.regulations.gov* and search for Docket ID NRC–2024–0219. Address questions about Docket IDs in *Regulations.gov* to Stacy Schumann; telephone: 301–415–0624; email: *Stacy.Schumann@nrc.gov.* For technical questions, contact the individual listed in the ''For Further Information Contact'' section of this document.
- *NRC's Agencywide Documents Access and Management System (ADAMS):* You may obtain publicly available documents online in the ADAMS Public Documents collection at *https://www.nrc.gov/reading-rm/adams.html.* To begin the search, select ''Begin Web-based ADAMS Search.'' For problems with ADAMS, please contact the NRC's Public Document Room (PDR) reference staff at 1–800–397–4209, at 301–415–4737, or by email to *PDR.Resource@nrc.gov.* For the convenience of the reader, instructions about obtaining materials referenced in this document are provided in the ''Availability of Documents'' section.
- *NRC's PDR:* The PDR, where you may examine and order copies of publicly available documents, is open by appointment. To make an appointment to visit the PDR, please send an email to *PDR.Resource@nrc.gov* or call 1–800–397–4209 or 301–415–4737, between 8 a.m. and 4 p.m. eastern time (ET), Monday through Friday, except Federal holidays.

FOR FURTHER INFORMATION CONTACT: Christine Pineda, Office of Nuclear Material Safety and Safeguards, U.S.

Nuclear Regulatory Commission, Washington, DC 20555–0001; telephone: 301–415–6789; email: *Christine.Pineda@nrc.gov.*

SUPPLEMENTARY INFORMATION:

I. Introduction

The NRC staff is considering an amendment of ACO's license (SNM–2011) to remove the contract expiration date from License Condition (LC) 15 and to add a new LC (LC 31), requiring ACO to provide the NRC prior notification of any DOE–ACO contract changes that are material to the ACP license SNM–2011, including contract extensions. Although the current DOE–ACO contract for operations of the HALEU program continues through June 30, 2025, the NRC staff evaluated potential impacts for the additional six months of operations in the event the DOE–ACO contract expiration date is extended. ACO's proposed modification of LC 15, and the addition of LC 31 would streamline the NRC staff's review of future ACO contract modifications for minor, non-safety-related and non-security-related changes to the contract, such as a simple 6-month contract extension.

The NRC initially authorized the operation of the HALEU demonstration cascade at the ACP in Pike County, Ohio in June 2021. In September 2024, the NRC approved a license amendment to increase ACO's licensed material possession limits to support the continued production of HALEU uranium hexafluoride (UF_6) until December 31, 2024. Under the proposed action, HALEU operations would continue as currently approved for another six months (until June 30, 2025).

ACO is producing HALEU for the DOE. HALEU is uranium that has been enriched so that the concentration of the fissile isotope U–235 is between 5 and 20 percent of the mass of the uranium. The DOE awarded a 3-phase demonstration contract to ACO to enrich uranium up to 20 percent in the HALEU cascade. The expiration date of the current phase (Phase 2) of the DOE–ACO contract is June 30, 2025; however, the DOE could choose to extend Phase 2 of the DOE–ACO contract, to ensure continued operations of the HALEU program.

The DOE–ACO Phase 3 program involves up to three, 3-year periods of operation of the HALEU cascade; however, implementation of Phase 3 in its three stages requires Congressional appropriations as well as the NRC's review of future licensing requests. Phase 3 operations could begin on July 1, 2025, conditional on (1) Congressional appropriations, (2) the signing of the DOE–ACO Phase 3 contract, (3) ACO's submission of a license amendment request for Phase 3, and (4) the NRC staff's review and approval of a request. If the DOE does not extend Phase 2 of the DOE–ACO contract, or the Phase 3 HALEU operations are not approved on or before June 30, 2025, ACO would be required to shut down Phase 2 HALEU operations. In the event of approval of continued operations, the NRC staff evaluated the environmental impacts of allowing the Phase 2 HALEU program to continue until December 31, 2025, without changes in operations, provided requirements of LC 15 and LC 31 are met.

As required in section 51.21 of title 10 of the *Code of Federal Regulations* (10 CFR), ''Criteria for and identification of licensing and regulatory actions requiring environmental assessments,'' the NRC developed an EA for the current license amendment request to evaluate the environmental impacts of continued operations until December 31, 2025. Based on the results of the EA that follows, the NRC has determined not to prepare an environmental impact statement (EIS) for the amendment and is issuing a FONSI.

II. Environmental Assessment

Description of the Proposed Action

The NRC is proposing to amend ACO's license to remove the HALEU contract expiration date from LC 15, and to add LC 31, which requires ACO to provide prior notification to the NRC of any contract changes that are material to the ACP license SNM–2011, including contract extensions. During this potential period of extended operation, ACO would continue enrichment activities as approved in the license. The staff assessed the potential environmental effects of continuing HALEU operations in its September 2024 EA, finding continued operations does not involve construction of new buildings, ground-disturbing activities, the shipment of HALEU offsite, or changes to the NRC-approved HALEU centrifuge cascade design. The proposed action is described in the licensee's application dated September 12, 2024, and its supplements dated November 7, 2024, and November 21, 2024.

The NRC staff also considered environmental impacts associated with the NRC's review and approval of the financial documentation provided with ACO's LAR. The NRC staff finds ACO's financial qualifications, decommissioning funding, and nuclear insurance indemnification are categorically excluded from environmental review under the NRC's regulations in 10 CFR 51.22(c)(10)(i), which applies to a surety, insurance, and/or indemnity.

Need for the Proposed Action

The proposed action would allow ACO to continue operating the HALEU demonstration cascade as provided in ACO's contract with DOE and in accordance with ACO's license. The DOE has extended the contract for Phase 2 HALEU operations to June 30, 2025.

Environmental Impacts of the Proposed Action

In September 2024, the NRC staff prepared an EA for the NRC's review and approval of an increase in licensed material possession limits to support continued HALEU production. The September 2024 EA determined that the proposed increase in possession limits for HALEU production until December 31, 2024, would not significantly affect the quality of the human environment. The NRC staff issued that EA and a FONSI on September 19, 2024. The environmental review for this proposed action, considers the continued Phase 2 operations through December 31, 2025, and evaluates the potential impacts of operations for another twelve months.

The NRC staff assessed the potential environmental impacts of a twelve-month continuation of operations on land use; historic and cultural resources; visual and scenic resources; climatology, meteorology and air quality; geology and soils; water resources; ecological resources; socioeconomics; noise; traffic and transportation; public and occupational health and safety; and waste management. The NRC staff determined that facility operations for the current action, are unchanged from those evaluated in the NRC's September 2024 EA, except for the duration of operations. The NRC staff finds the additional period of operations would not affect most resource areas and not have significant impacts on air quality, transportation, occupational health and safety, and waste management. ACO would not make changes to the enrichment processes or to the outside portions of buildings. All HALEU produced would continue to be stored onsite. All enrichment activities would continue to take place indoors, resulting in no changes to noise levels. Because operations would continue entirely inside buildings, including storage of additional enriched UF_6, depleted UF_6, and wastes, and because the current rate of HALEU production would not change, there would be no change to

potential impacts on public health and safety except that the potential for these previously assessed impacts would be extended by up to twelve months. Because additional employees would not be required for the proposed action, there would be no change to socioeconomic impacts already assessed.

The NRC's September 2024 EA concluded that continued HALEU operations with the possession limit increase would not have significant impacts on air quality, occupational health and safety, waste management, and transportation, and that these impacts were bounded by the impacts assessed in previous NRC environmental assessments, as documented in the NRC's 2021 EA for the approval of the HALEU program. This EA assesses the continued operations until December 31, 2025, with continuation of the same impacts as described further in the following paragraphs.

Air Quality: The September 2024 EA for the possession limit increase request determined that continued operations would not affect the rates of air emissions containing hydrogen fluoride (HF) and radionuclides because the rate of HALEU production would remain unchanged from the rates evaluated in the NRC's 2021 licensing document and EA for the original HALEU demonstration. Under the current action, the potential non-radiological and radiological air emissions would continue at least another six months, and may continue for as long as twelve months. As explained in the September 2024 EA, for the period July through December 2023, the average exposure to HF for the maximally exposed individual was 4.8×10^{-9} micrograms per cubic meter, which is significantly lower than the Occupational Safety and Health Administration's 8-hour permissible exposure limit for HF of 2000 micrograms per cubic meter. As indicated in ACO's effluent monitoring report for the period of January 1 through June 30, 2024, the average HF concentration was calculated to be 2.4×10^{-7} micrograms per cubic meter. Uranium isotopes in air emissions in the same effluent monitoring report were 0.00894 millicuries U–234, 0.0011 millicuries U–235, and 0.00875 millicuries U–238. The report estimated that the public dose from the releases of uranium isotopes over the previous year (June 2023 through June 2024) is 1.6×10^{-5} millirem. The emission levels under Phase 2 operations are and would continue to be well below regulatory limits through December 31, 2025. Therefore, the NRC staff concludes the potential air quality impacts of an additional twelve-month extension of Phase 2 operations would not be significant.

Occupational Health and Safety: The staff evaluated the potential impacts on worker health of twelve months of continued operations beyond the period evaluated in the September 2024 EA. HALEU enrichment activities must comply with the NRC regulations, including 10 CFR part 20, subpart C, ''Occupational Dose Limits for Adults,'' and 10 CFR part 20, subpart D, ''Radiation Dose Limits for Individual Members of the Public'' as well as the conditions specified in the license. The NRC staff also assessed the most recent effluent monitoring report for the period of January 1 through June 30 of 2024, which reported that total exposure to the nearest resident for the prior 12 months (June 2023 through June 2024) was 1.6×10^{-5} millirem. The NRC staff concludes that dose limits in 10 CFR part 20 for workers (50 mSv/yr or 5000 mrem/yr) and for members of the public (1 mSv/yr or 100 mrem/yr) will continue to be met.

As such, the NRC staff concludes that radiological impacts on workers would not be noticeably different from the impacts as assessed in the NRC's September 2024 EA and therefore the potential impacts would not be significant. In the ''Air Quality'' paragraph of this notice, the NRC staff states the extension of Phase 2 HALEU operations would not significantly increase non-radiological HF emissions and worker exposures and would remain significantly lower than the Occupational Safety and Health Administration's 8-hour limit for HF of 2000 micrograms per cubic meter.

Transportation: The September 2024 EA evaluated the potential environmental impacts for the increase in possession limits, finding new shipments of feed material to support the production of an increased amount of HALEU would be few in number. The EA concluded the few additional shipments of feed material through December 2024 would not have a noticeable impact on transportation. Moreover, the few additional shipments of feed material over an additional 12 months would have an insignificant impact, when compared with the 1,100 yearly shipments estimated for the commercial ACP.

Waste Management: In the September 2024 EA for the increase in possession limits the NRC staff found that HALEU operations would insignificantly increase the quantity of low-level radioactive waste. Specifically, the EA stated that 400 cubic feet of low-level radioactive waste would be generated per quarter through December 31, 2024. The staff expects the same quantity of waste to be generated for up to twelve additional months of operations. Therefore, the NRC staff concludes that the impacts from waste management through December 31, 2025, would not be significant.

Environmental Impacts of the Alternatives to the Proposed Action

As an alternative to the proposed action, the staff considered denial of the proposed action (*i.e.,* the ''no-action'' alternative). Under the no-action alternative, ACO would cease operating the HALEU cascade on December 31, 2024. The no-action alternative could result in ACO being unable to meet the terms of its contract with DOE. The potential environmental impacts of the no-action alternative would be the same as the NRC's finding of no significant impact reported in the September 2024 EA.

Agencies and Persons Consulted

In accordance with NRC policy, on November 4, 2024, the staff consulted with the Ohio Emergency Management Agency, the Ohio Environmental Protection Agency, the Ohio Department of Health, and the U.S. Environmental Protection Agency's (EPA's) Region 5 office regarding the EA and FONSI. The NRC received no comments on the EA.

Section 106 of the National Historic Preservation Act (NHPA) requires Federal agencies to consider the effects of their undertakings on historic properties. The proposed action is not a type of activity that has the potential to cause effects on any historic properties that may be present. Therefore, in accordance with 36 CFR 800.3(a)(1), the NRC has no further obligation under Section 106 of the NHPA. Nevertheless, the NRC staff provided a courtesy notification of the proposed action to the Ohio State Historic Preservation Office on November 4, 2024.

Section 7 of the Endangered Species Act (ESA) requires that, prior to taking a proposed action, Federal agencies determine whether the proposed Federal action may affect endangered or threatened species or their critical habitats. The proposed action has no potential to affect any special status species or habitats. Therefore, no consultation is required under Section 7 of the ESA.

III. Finding of No Significant Impact

The NRC staff prepared this EA as part of its review of the proposed action. The NRC staff concludes there would be no significant environmental impacts

from the extension of HALEU operations through December 31, 2025. Therefore, staff finds the preparation of an EIS is not warranted. Accordingly, the NRC determined that a FONSI is appropriate. In accordance with 10 CFR 51.32(a)(4), the FONSI incorporates the EA set forth in this notice by reference.

IV. Availability of Documents

The documents identified in the following table are available to interested persons through one or more of the following methods, as indicated.

Document description	ADAMS accession No./**Federal Register** citation/website
License Amendment Request for American Centrifuge Operating, LLC's License Application and Supporting Documents for the American Centrifuge Plant, dated September 12, 2024.	ML24262A084.
Supplement to License Amendment Request for American Centrifuge Operating, LLC's License Application for the American Centrifuge Plant, dated November 4, 2024.	ML24324A321 (Package).
Supplement to License Amendment Request for American Centrifuge Operating, LLC's License Application for the American Centrifuge Plant, dated November 21, 2024.	ML24331A050.
NRC Email to ACO re: NRC's Acceptance for Detailed Review of American Centrifuge Operating's Request to Extend Phase II HALEU Operations, dated October 21, 2024.	ML24298A160.
License Amendment 24, NRC Approval of American Centrifuge Operating's Amendment Request to Increase its Possession Limits to Support HALEU Production at the American Centrifuge Plant, dated September 20, 2024.	ML24068A189.
License SNM–2011, Amendment 24, dated September 20, 2024	ML24068A191.
EA for Proposed License Amendment to Increase Possession Limits for Licensed Material for the HALEU Program at the American Centrifuge Plant, Piketon, Ohio, dated September 2024.	ML24254A206.
Federal Register Notice for EA Proposed License Amendment to Increase Possession Limits for Licensed Material for the HALEU Program at the American Centrifuge Plant, Piketon, Ohio, publication date September 19, 2024.	89 FR 76871 ML24214A324.
License Amendment 13, NRC Approval of American Centrifuge Operating's Request Operate Sixteen Centrifuges to Demonstrate Production of High-Assay Low-Enriched Uranium, dated June 11, 2021.	ML21138A826 (Package).
American Centrifuge Operating Effluent Reporting for the Period of January 1 through June 30, 2024; dated August 29, 2024. Corrected report, dated September 5, 2024.	ML24253A176 ML24253A175 (corrected report).
Email transmitting the draft EA to Ohio agencies for review, dated November 4, 2024	ML24346A064.
Email to EPA Region 5 transmitting the draft EA for review, dated November 4, 2024	ML24346A059.
Email to Ohio State Historic Preservation Office re: courtesy notification of NRC review of ACO's license amendment request, dated November 4, 2024.	ML24346A060.
Biden-Harris Administration Announces 6 Contracts to Spur America's Domestic HALEU Supply Chain as Part of Investing in America Agenda, dated October 8, 2024.	*https://www.energy.gov/ne/articles/biden-harris-administration-announces-6-contracts-spur-americas-domestic-haleu-supply.*

Dated: December 23, 2024.

For the Nuclear Regulatory Commission.

Diana Diaz Toro,

Acting Chief, Environmental Project Management, Branch 2, Division of Rulemaking, Environmental, and Financial Support, Office of Nuclear Material Safety, and Safeguards.

[FR Doc. 2024–31376 Filed 12–30–24; 8:45 am]

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NUCLEAR REGULATORY COMMISSION

[Docket Nos. 50–354, 50–272, 50–311, 50–277, 50–278, 72–48, and 72–29; NRC–2024–0206]

PSEG Nuclear, LLC; Hope Creek Generating Station, Salem Generating Station, Units 1 and 2, and Peach Bottom Atomic Power Station, Units 2 and 3; Exemption

AGENCY: Nuclear Regulatory Commission.

ACTION: Notice; issuance.

SUMMARY: The U.S. Nuclear Regulatory Commission (NRC) is issuing exemptions in response to a May 28, 2024, request from PSEG Nuclear, LLC, for Hope Creek Generating Station, Salem Generating Station, Units 1 and 2, and Peach Bottom Atomic Power Station, Units 2 and 3. The exemptions allow the licensee to periodically transfer earnings from funds dedicated for radiological decommissioning activities in its nuclear decommissioning trust (NDT) into separately maintained subaccounts within the NDT for certain activities that do not fall within the definition of ''decommission'' in NRC regulations without prior NRC notification.

DATES: The exemption was issued on December 23, 2024.

ADDRESSES: Please refer to Docket ID NRC–2024–0206 when contacting the NRC about the availability of information regarding this document. You may obtain publicly available information related to this document using any of the following methods:

- *Federal Rulemaking Website:* Go to *https://www.regulations.gov* and search for Docket ID NRC–2024–0206. Address questions about Docket IDs in *Regulations.gov* to Stacy Schumann; telephone: 301–415–0624; email: *Stacy.Schumann@nrc.gov.* For technical questions, contact the individual listed in the ''For Further Information Contact'' section of this document.
- *NRC's Agencywide Documents Access and Management System (ADAMS):* You may obtain publicly available documents online in the ADAMS Public Documents collection at *https://www.nrc.gov/reading-rm/adams.html.* To begin the search, select ''Begin Web-based ADAMS Search.'' For problems with ADAMS, please contact the NRC's Public Document Room (PDR) reference staff at 1–800–397–4209, at 301–415–4737, or by email to *PDR.Resource@nrc.gov.* The ADAMS accession number for each document referenced (if it is available in ADAMS) is provided the first time that it is mentioned in this document.
- *NRC's PDR:* The PDR, where you may examine and order copies of publicly available documents, is open by appointment. To make an appointment to visit the PDR, please send an email to *PDR.Resource@nrc.gov* or call 1–800–397–4209 or 301–415–4737, between 8 a.m. and 4 p.m. eastern

time (ET), Monday through Friday, except Federal holidays.

FOR FURTHER INFORMATION CONTACT: Audrey Klett, Office of Nuclear Reactor Regulation, U.S. Nuclear Regulatory Commission, Washington, DC 20555–0001; telephone: 301–415–0489; email: *Audrey.Klett@nrc.gov.*

SUPPLEMENTARY INFORMATION: The text of the exemption is attached.

Dated: December 23, 2024.

For the Nuclear Regulatory Commission.

Audrey L. Klett,

Senior Project Manager, Licensing Projects Branch 1, Division of Operating Reactor Licensing, Office of Nuclear Reactor Regulation.

Attached—Exemption

NUCLEAR REGULATORY COMMISSION

Docket Nos. 50–354, 50–272, 50–311, 50–277, 50–278, 72–48, 72–29

Hope Creek Generating Station, Salem Generating Station, Units 1 and 2, and Peach Bottom Atomic Power Station, Units 2 and 3 Exemptions

I. Background

PSEG Nuclear, LLC (PSEG, the licensee) is the holder of renewed facility operating license NPF–57 for Hope Creek Generating Station (Hope Creek). Hope Creek is a single unit boiling-water reactor licensed under Title 10 of the *Code of Federal Regulations* (10 CFR) Part 50. PSEG in conjunction with Constellation Energy Generation, LLC (Constellation) hold renewed facility operating licenses DPR–70 and DPR–75 for Salem Generating Station, Units 1 and 2 (Salem), respectively. PSEG holds a 57.41 percent ownership share in Salem and is the licensed operator. The exemption request, therefore, is only appliable to PSEG's portion of Salem's decommissioning trust fund. Salem is a dual unit pressurized-water reactor licensed under 10 CFR part 50. Hope Creek and Salem are co-located and share the onsite independent spent fuel storage installation (ISFSI), which has a general license under 10 CFR part 72. PSEG in conjunction with Constellation hold subsequent renewed facility operating licenses DPR–44 and DPR–56 for Peach Bottom Atomic Power Station, Units 2 and 3 (Peach Bottom). PSEG holds a 50 percent ownership share in Peach Bottom, and Constellation is the licensed operator. The exemption request, therefore, is only applicable to PSEG's portion of Peach Bottom's decommissioning trust fund. Peach Bottom is a dual unit boiling-water reactor licensed under 10 CFR part 50. There is an ISFSI onsite at Peach Bottom, which has a general license under 10 CFR part 72.

II. Request/Action

By letter dated May 28, 2024 (Agencywide Documents Access and Management System (ADAMS) Accession No. ML24150A002), and pursuant to 10 CFR 50.12, ''Specific exemptions,'' the licensee submitted to the NRC a request for exemptions from 10 CFR 50.82(a)(8)(i)(A) and 10 CFR 50.75(h)(1)(iv) for Hope Creek, Salem, and Peach Bottom (collectively, the PSEG facilities). The licensee has requested these exemptions to allow the licensee to periodically transfer earnings from funds dedicated for radiological decommissioning activities consistent with the definition of ''decommission'' in 10 CFR 50.2 in its nuclear decommissioning trust (NDT) into separately maintained ''non-50.75'' subaccounts within the NDT without prior NRC notification. The ''non-50.75'' subaccounts would be used to separately account for funds to pay for ''decommissioning costs,'' as defined by the U.S. Treasury Department,[1] for each facility. These costs include costs for radiological and non-radiological activities that do not fall within the NRC's definition of ''decommission'' in 10 CFR 50.2, including major radioactive component (MRC) disposal during operations, site restoration activities, and certain spent fuel management activities. The licensee states that these periodic transfers of earnings may only occur if certain conditions, as discussed below in section III, have been met. The licensee also indicated that because the request relies on earnings during operations, the exemptions would terminate for a facility once the certifications of permanents cessation of operations and permanent removal of fuel from the applicable reactor vessel have been submitted to the NRC.

The licensee previously notified the NRC in 2023 of a proposed amendment to the PSEG Master Decommissioning Trust Agreement that would exclude funds in a ''non-50.75'' subaccount from being subject to NRC requirements and clarify that the funds in these subaccounts will not be relied upon for providing decommissioning financial assurance required by 10 CFR 50.75 (ML23252A001). The licensee indicated that the funds in the ''non-50.75'' subaccounts were intended to pay for decommissioning costs as defined by the U.S. Treasury Department in 26 CFR 1.468A–1(b)(6). The NRC objected to this notification from PSEG indicating that while the subaccounts may be established and withdrawals made, the earnings from funds originally dedicated to radiological decommissioning as defined in 10 CFR 50.2 are restricted by 10 CFR 50.82(a)(8)(i)(A) and 10 CFR 50.75(h)(1)(iv) to being withdrawn only for radiological decommissioning expenses as defined in 10 CFR 50.2 (ML23270C007). Further, the NRC staff noted that PSEG would need to request and have approved an exemption from 10 CFR 50.82(a)(8)(i)(A) and 10 CFR 50.75(h)(1)(iv) in order for PSEG to periodically transfer future earnings from the NDT to specific subaccounts within the NDT for decommissioning costs that do not fall under the definition in 10 CFR 50.2 and amend the Master Decommissioning Trust Agreement.

The Commission's regulation 10 CFR 50.82(a)(8)(i)(A) restricts withdrawals from the decommissioning trust fund (DTF) to expenses for legitimate decommissioning activities consistent with the definition in 10 CFR 50.2, ''Definitions.'' The definition of ''decommission'' in 10 CFR 50.2 is ''to remove a facility or site safely from service and reduce residual radioactivity to a level that permits (1) release of the property for unrestricted use and termination of the license; or (2) release of the property under restricted conditions and termination of the license.'' The regulation at 10 CFR 50.75(h)(1)(iv) also restricts the use of DTF disbursements (other than for ordinary administrative costs and other incidental expenses of the fund in connection with the operation of the fund) to decommissioning expenses until final radiological decommissioning is completed. These regulations would prohibit a licensee from transferring earnings from funds dedicated to radiological decommissioning as defined in 10 CFR 50.2 to any ''non-50.75'' subaccounts within the DTF for activities that do not fall within the definition of ''decommission'' in 10 CFR 50.2. Therefore, exemptions from 10 CFR 50.82(a)(8)(i)(A) and 10 CFR 50.75(h)(1)(iv) are needed to allow PSEG to transfer earnings from the NDT to ''non-50.75'' subaccounts within the NDT for activities such as MRC disposal during operations, spent fuel management, and site restoration.

The requirements in 10 CFR 50.75(h)(1)(iv) further provide that, except for withdrawals being made

[1] *See* Title 26 of the CFR (26 CFR), Section 1.468A–1(b)(6), of the Treasury Department regulations implementing Section 468A of the Internal Revenue Code.

under 10 CFR 50.82(a)(8) or for payments of ordinary administrative costs and other incidental expenses of the fund in connection with the operation of the fund, no disbursement may be made from the DTF without written notice to the NRC at least 30 working days in advance. Therefore, an exemption from 10 CFR 50.75(h)(1)(iv) is also needed to allow the licensee to make withdrawals from the ''non-50.75'' subaccounts within the NDT without prior notification to the NRC.

PSEG also notes that its exemption request is informed by draft NRC Interim Staff Guidance (ISG) on the use of decommissioning trust funds during operations, ''Draft Interim Staff Guidance on the Use of the Decommissioning Trust Fund During Operations for Major Radioactive Component Disposal,'' dated June 21, 2023 (ML23150A051). After consideration of public comments, the NRC staff issued REFS–ISG–2024–01, ''Interim Staff Guidance on the Use of the Decommissioning Trust Fund During Operations for Major Radioactive Component Disposal,'' dated August 5, 2024 (ML24114A263), which provides clarifying guidance on the NRC's position on the use of decommissioning trust funds during operations for MRC disposal. The ISG states, in part, as follows:

> A licensee may request an exemption in accordance with 10 CFR 50.12, to permit withdrawal of funds from the DTF for the removal and disposal of MRCs, prior to the cessation of operations and initiation of decommissioning. The withdrawal of funds from the DTF may only be used to pay for the offsite disposal of MRCs when the NRC has determined the total DTF contains funds in excess of cost estimates to complete all required radiological decommissioning. In addition, licensees may use economic projections for future years in calculating the amount of excess funds in the DTF. However, significant changes in the economic conditions of a licensee, combined with withdrawals from the trust fund, have the potential to result in future shortfalls in the DTF. The Commission has stated trust fund withdrawals for the disposal of MRCs would be granted only ''in extraordinary circumstances'' (73 FR 62221, 62222, and 62224; October 20, 2008). For these reasons, the staff evaluates each exemption request for a DTF withdrawal based on a totality of facts in determining whether to grant or deny a request. REFS–ISG–2024–01 at 3–4 (internal citations omitted).

III. Discussion

Pursuant to 10 CFR 50.12, the Commission may, upon application by any interested person or upon its own initiative, grant exemptions from the requirements of 10 CFR part 50 when (1) the exemptions are authorized by law, will not present an undue risk to the public health and safety, and are consistent with the common defense and security; and (2) any of the special circumstances listed in 10 CFR 50.12(a)(2) are present. These special circumstances include, among other things, (1) application of the regulation in the particular circumstances would not serve the underlying purpose of the rule or is not necessary to achieve the underlying purpose of the rule and (2) compliance would result in undue hardship or other costs that are significantly in excess of those contemplated when the regulation was adopted, or that are significantly in excess of those incurred by others similarly situated.

A. The Exemptions Are Authorized by Law

The requested exemptions from 10 CFR 50.82(a)(8)(i)(A) and 10 CFR 50.75(h)(1)(iv) would allow the licensee to periodically transfer earnings from funds in the NDT dedicated for radiological decommissioning, as defined in 50.2, to ''non-50.75'' subaccounts within the NDT dedicated for decommissioning activities not restricted to radiological decommissioning without prior notice to the NRC for the PSEG facilities. The ''non-50.75'' subaccounts would be used to separately account for funds to pay for ''decommissioning costs,'' as defined by the U.S. Treasury Department in 26 CFR 1.468A–1(b)(6), for each facility. These costs include costs for radiological and non-radiological activities that do not fall within the definition of ''decommission'' in 10 CFR 50.2, including MRC disposal during operations, site restoration activities, and certain spent fuel management activities. These periodic transfers of earnings may only occur if certain conditions, as discussed below, have been met.

As stated above, 10 CFR 50.12 allows the NRC to grant exemptions from the requirements of 10 CFR part 50 when the exemptions are authorized by law. The NRC staff has determined that, as explained in section D below, there would be reasonable assurance of adequate funding for radiological decommissioning of the PSEG facilities because the licensee's periodic transfer of the decommissioning trust fund earnings from the NDT into ''non-50.75'' subaccounts within the NDT for future non-radiological decommissioning activities including MRC disposal during operations, site restoration, and spent fuel management activities, would not negatively impact the licensee's ability to complete radiological decommissioning within 60 years of permanent cessation of operations or the licensee's ability to terminate licenses for the PSEG facilities. Accordingly, granting the licensee's proposed exemptions will not result in a violation of the Atomic Energy Act of 1954, as amended, or the Commission's regulations. Therefore, issuance of the exemptions is authorized by law.

B. The Exemptions Present no Undue Risk to Public Health and Safety

As explained in further detail in section D below, based on the NRC staff's review of PSEG's exemption request and the site-specific decommissioning cost estimates (SSDCEs) for Hope Creek, Salem, and Peach Bottom, and the associated cash flow analyses, as confirmed by NRC staff, there would be reasonable assurance of adequate funding for radiological decommissioning of the PSEG facilities because the periodic transfer of some of the excess earnings from NDT funds dedicated to radiological decommissioning into ''non-50.75'' subaccounts, as well as the subsequent use of the funds within the subaccounts, will not adversely affect the licensee's ability to complete radiological decommissioning within 60 years of permanent cessation of operations or the licensee's ability to terminate licenses at Hope Creek, Salem, and Peach Bottom. Furthermore, an exemption from 10 CFR 50.75(h)(1)(iv) to allow the licensee to transfer earnings to the subaccounts dedicated to non-radiological decommissioning activities without prior written notification to the NRC will not affect the sufficiency of funds in the NDT to accomplish radiological decommissioning because such transfers are constrained by conditions set forth in the exemption request and further discussed below in section D and are reviewable under the biennial reporting requirements of 10 CFR 50.75(f)(1). Therefore, the requested exemptions will not present an undue risk to public health and safety if granted.

In addition, granting the requested exemptions will not alter the operation of any plant equipment or systems and, therefore, does not present an undue risk to public health and safety. The proposed exemptions do not introduce any new industrial, radiological, or chemical hazards that would present a health and safety risk nor would granting the exemptions result in modifying or removing design or operational controls or safeguards that are intended to mitigate onsite hazards. This exemption does not diminish the effectiveness of other regulations that

ensure available funding for decommissioning, including 10 CFR 50.82(a)(6), which prohibits licensees from performing any decommissioning activities that could foreclose release of the site for possible unrestricted use, result in significant environmental impacts not previously reviewed, or result in there no longer being reasonable assurance that adequate funds will be available for decommissioning; therefore, the requested exemptions will not present an undue risk to the public health and safety.

C. The Exemptions Are Consistent With the Common Defense and Security

The requested exemptions would allow the licensee to transfer earnings from funds dedicated to radiological decommissioning of the PSEG facilities to subaccounts dedicated to non-radiological decommissioning activities. The proposed exemptions, including the use of these funds without prior NRC notification, would not alter the design, function, or operation of any structures or plant equipment that is necessary to maintain the safe and secure status of the plant and would not adversely affect the licensee's ability to physically secure its sites or protect special nuclear material. Furthermore, this change to enable the use of a portion of the NDT funds for non-radiological decommissioning activities has no relation to physical security issues. Therefore, the common defense and security is not impacted by the requested exemptions.

D. Special Circumstances

The regulation under 10 CFR 50.12(a)(2) states, in part, that ''[t]he Commission will not consider granting an exemption unless special circumstances are present,'' and identifies, in 10 CFR 50.12(a)(2)(i)–(iv), when special circumstances are present. In accordance with 10 CFR 50.12(a)(2)(ii), special circumstances are present whenever application of the regulation in the particular circumstances would not serve the underlying purpose of the rule or is not necessary to achieve the underlying purpose of the rule.

The underlying purpose of 10 CFR 50.82(a)(8)(i)(A) and 10 CFR 50.75(h)(1)(iv) is to ensure that there is reasonable assurance that adequate funds will be available for radiological decommissioning of power reactors within 60 years of permanent cessation of operations. Strict application of 10 CFR 50.82(a)(8)(i)(A) and 10 CFR 50.75(h)(1)(iv) would prohibit the transfer and subsequent use of earnings from the funds dedicated to radiological decommissioning as defined by the NRC in 10 CFR 50.2 in the NDT into ''non-50.75'' subaccounts within the NDT dedicated to ''decommissioning'' activities, as defined by the U.S. Department of Treasury (including the disposal of MRCs during operations, spent fuel management activities, and site restoration), and would require prior NRC notification of any withdrawals or transfer of such funds.

The NRC staff performed an independent analysis of the financial information provided in Enclosure 1, as supported by the site-specific decommissioning cost estimates for Salem, Hope Creek, and Peach Bottom in Attachments 1–3, respectively, of PSEG's exemption request. PSEG conservatively chose to use a starting NDT balance for each unit that excludes any funds accounted for in the ''non-50.75'' subaccounts, as of December 31, 2023. Accordingly, the NRC staff used the more conservative projected NDT starting balances provided by PSEG in its exemption request. The balances in the NDT for each unit as of December 31, 2023, were $495.17 million (M) for Salem, Unit 1, $413.6M for Salem, Unit 2, $662.95M for Hope Creek, $408.97M for Peach Bottom, Unit 2, and $403.48M for Peach Bottom, Unit 3. NRC staff then escalated these amounts using a 2 percent real rate of return, as allowed by NRC regulations, to each unit's respective expected date of permanent cessation of operations. The resulting NDT balances for each unit were $603.61M for Salem, Unit 1, $565.79M for Salem, Unit 2, $985.10M for Hope Creek, $469.78M for Peach Bottom, Unit 2, and $472.73M for Peach Bottom, Unit 3. Finally, the most recent SSDCEs for each unit used by NRC staff in its analysis were $518.81M for Salem, Unit 1, $511.62M for Salem, Unit 2, $1.22B for Hope Creek, $474.28M for Peach Bottom, Unit 2, and $501.61M for Peach Bottom, Unit 3.

Using the projected NDT balance at the time of permanent cessation of operation (as described above), the estimated annual radiological costs over SAFSTOR and active decommissioning periods, and a 2 percent real rate of return on the NDT over the decommissioning period, the NRC staff performed a beginning-of-year cashflow analysis for each unit to confirm the information provided in the exemption request. PSEG used a beginning-of-year analysis in its request, which is a more conservative approach than what the NRC staff typically uses in its standard review process (middle-of-year analysis). In its analysis, the NRC staff found that excess amounts were projected after completion of radiological decommissioning. The resulting excess funding amounts for each unit were $1.23B for Salem, Unit 1, $961.86M for Salem, Unit 2, $1.5B for Hope Creek, $831.7M for Peach Bottom, Unit 2, and $775.78M for Peach Bottom, Unit 3.

Additionally, PSEG performed sensitivity analyses using the same SSDCE cashflow analyses described above with the exception of taking credit for earnings on NDT funds during operations. NRC staff confirmed that, when considering a 0% real rate of return during operations (effectively, conservatively assuming that all excess earnings on the funds are transferred to ''non-50.75'' subaccounts during operations) and a 2% real rate of return during the decommissioning period for each unit, significant surplus of funds remain at completion of decommissioning. Specifically, the resulting excess funding for each unit were $786.9M for Salem 1, $485.2M for Salem 2, $284.3M for Hope Creek, $565.9M for Peach Bottom, Unit 2, and $486.1M for Peach Bottom, Unit 3.

In addition, PSEG has proposed three conditions to the exemption that would allow periodic transfers to the ''non-50.75'' subaccounts without prior NRC notification over the operating life of each unit such that:

- Transfers are limited to earnings from funds dedicated for radiological decommissioning determined by an increase in the amount of funds accumulated in the NDT since the last decommissioning funding status (DFS) report submitted under 10 CFR 50.75(f)(1).
- At the time of the transfer, the amount of decommissioning funding assurance (DFA) provided by NDT funds, excluding funds held in the subaccounts, using the prepayment method in 10 CFR 50.75(e)(1)(i) must exceed the amount of DFA required by 10 CFR 50.75(b) and (c) for the associated station by at least $100 million (nominal dollars).
- DFS reports submitted under 10 CFR 50.75(f)(1) will include the amount of funds transferred into the subaccounts since the last submitted report.

Based on its review, the NRC staff finds that these conditions, proposed by PSEG: (1) ensure periodic transfers are restricted to actual earnings from funds dedicated to radiological decommissioning in the NDT (RD funds) and that no transfers can be made if the value of the RD funds has decreased since the last submitted DFS report; (2) ensure that post-transfer NDT funding for each unit is in the amount

required to ensure at least $100M above NRC DFA requirements in 10 CFR 50.75(b) and (c); and (3) allow the periodic transfers to the ''non-50.75'' subaccounts to be monitored by the NRC. In addition, the NRC staff notes that PSEG also requested that the exemptions cease to be effective on an individual reactor basis once the certifications of permanent cessation of operations and permanent removal of fuel from the reactor vessel required under 10 CFR 50.82(a)(1)(i) and (ii) have been submitted. The NRC staff finds that expiration of the exemption at this stage would ensure that RD funds and future earnings are designated for their intended purpose during decommissioning.

Furthermore, in its request, PSEG describes various methods to augment the NDT in the event of a projected shortfall in funding dedicated to the radiological decommissioning of the PSEG units. In accordance with 10 CFR 50.75, if the NDT is not sufficiently funded, as identified in a DFS report submitted under 10 CFR 50.75(f)(1), then the shortfall in funding must be rectified by the next DFS report submission. PSEG identified various additional funding methods, as described in 10 CFR 50.75(e)(1) and NRC Regulatory Guide 1.159 Revision 2, ''Assuring the Availability of Funds for Decommissioning Nuclear Reactors'' (ML112160012), that could be used including:

- Funds held in ''non-50.75'' subaccounts would be readily available to be transferred to their associated RD funds account without prior approval (or subject to disapproval) by a State regulatory authority, thereby dedicated for radiological decommissioning as prepaid funds under 10 CFR 50.75(e)(1)(i).
- Generation of electric energy from PSEG's operating nuclear plants provides a source of revenue for cash injections to the NDT as prepaid funds under 10 CFR 50.75(e)(1)(i).
- PSEG's parent company meets Financial Test A.2 in Appendix A in 10 CFR part 30 for providing a guarantee in an amount that would be a significant part of the required amount of funding, pursuant to 10 CFR 50.75(e)(1)(iii).

Based on its review, the NRC staff finds that the additional funding mechanisms identified by PSEG provide assurance that there are means available to address any shortfalls in radiological decommissioning funding identified in a DFS report analysis.

In summary, the NRC staff finds that reasonable assurance exists that adequate funds will be available in PSEG's NDT to complete radiological decommissioning and terminate the Part 50 licenses for Salem, Hope Creek, and Peach Bottom because the proposed periodic transfer of funds to ''non-50.75'' subaccounts will not adversely impact PSEG's ability to complete radiological decommissioning within 60 years of permanent cessation of operations and terminate the PSEG licenses based on the following considerations: (1) the NRC staff's independent review of the licensee's request confirmed large projected excess amounts remaining in each fund after completion of decommissioning for each facility; (2) the exemptions would be subject to three conditions proposed by PSEG described above that place certain restrictions on the periodic transfer of excess earnings from NDT funds dedicated to radiological decommissioning to ''non-50.75'' subaccounts such that the transfers will not adversely affect PSEG's ability to meet the minimum decommissioning funding assurance requirements described in 10 CFR 50.75, and the conditions provide a means for the NRC staff to track the periodic transfers; (3) the exemptions will cease to be effective on an individual reactor basis once the certifications for permanent cessation of operations and permanent removal of fuel from the reactor vessel required under 10 CFR 50.82(a)(1) have been submitted; and (4) the additional funding mechanisms identified by PSEG ensure there are means available to address any shortfalls in radiological decommissioning funding identified in a DFS report analysis. Further, based on a totality of the circumstances discussed above, the NRC staff finds that PSEG has demonstrated extraordinary circumstances in support of the proposed exemptions allowing PSEG to periodically transfer earnings from the NDT to ''non-50.75'' subaccounts within the NDT for MRC disposal during operations. Accordingly, the NRC staff finds that the underlying purposes of 10 CFR 50.82(a)(8)(i)(A) and 10 CFR 50.75(h)(1)(iv) to ensure that there is reasonable assurance that adequate funds will be available for radiological decommissioning of power reactors within 60 years of permanent cessation of operations would still be achieved by allowing the exemptions for PSEG to transfer excess earnings to ''non-50.75'' subaccounts and use the funding for MRC disposal during operations, spent fuel management, and site restoration activities at Salem, Hope Creek, and Peach Bottom.

In its submittal, the PSEG also requested exemption from the requirement of 10 CFR 50.75(h)(1)(iv) concerning prior written notification to the NRC for periodic transfers made in accordance with the exemption request. The underlying purpose of notifying the NRC prior to the use of funds from the NDT is to provide the opportunity for NRC intervention, when deemed necessary, if the withdrawals are for expenses other than those authorized by 10 CFR 50.75(h)(1)(iv) and 10 CFR 50.82(a)(8) that could result in there being insufficient funds in the DTF to accomplish radiological decommissioning of the facilities.

Pursuant to the requirements in 10 CFR 50.75(f)(1), licensees are required to monitor and report to the NRC every two years, the status of the NDT funds for Salem, Hope Creek, and Peach Bottom. These reports provide the NRC staff with awareness of, and the ability to take action on, any actual or potential funding deficiencies. As previously discussed, PSEG proposed that the exemption be subject to certain conditions, including that the DFS reports submitted under 10 CFR 50.75(f)(1) will include the amount of funds transferred into the ''non-50.75'' subaccounts since the last submitted report. By granting the exemption to 10 CFR 50.75(h)(1)(iv) and 10 CFR 50.82(a)(8)(i)(A), subject to this condition, the NRC staff considers that withdrawals consistent with the licensee's submittal dated May 28, 2024, are authorized. The NRC staff finds that the additional reporting provided by PSEG's proposed condition would provide similar information to the NRC as the prior notification requirement in 10 CFR 50.75(h)(1)(iv) and is, therefore, not necessary to achieve the underlying purpose of the regulation.

The requested exemption would not allow the use of funds from the PSEG NDTs for any purpose that is not currently authorized in the regulations without prior notification to the NRC. In addition, the existing reporting requirement in 10 CFR 50.75(f)(1) allows the NRC staff to continually monitor the status of funding for radiological decommissioning and provides the opportunity for the NRC to take appropriate actions, if needed. Additionally, the exemption does not change the requirement that any shortfall in funding assurance identified in a DFS report be corrected by the time the next report is due. Therefore, the granting of the exemption to 10 CFR 50.75(h)(1)(iv) to allow the PSEG to make periodic transfers, as described in the exemption request, to subaccounts within the PSEG NDTs to cover authorized expenses for decommissioning activities other than radiological decommissioning of Salem,

Hope Creek, and Peach Bottom without prior written notification to the NRC will still meet the underlying purpose of the regulation.

For the reasons discussed above, the NRC staff concludes that the underlying purposes of 10 CFR 50.82(a)(8)(i)(A) and 10 CFR 50.75(h)(1)(iv) would be achieved by allowing PSEG to transfer excess earnings to ''non-50.75'' subaccounts and use the funding for MRC disposal during operations, spent fuel management, and site restoration activities at Salem, Hope Creek, and Peach Bottom without prior NRC notification. Accordingly, the NRC staff finds that the special circumstance of 10 CFR 50.12(a)(2)(ii) is present in the particular circumstances of Hope Creek, Salem, and Peach Bottom.

Special circumstances, in accordance with 10 CFR 50.12(a)(2)(iii), are present whenever compliance would result in undue hardship or other costs that are significantly in excess of those contemplated when the regulation was adopted, or that are significantly in excess of those incurred by others similarly situated.

As discussed above, the licensee states, and the NRC staff confirmed, that the overarching NDT accounts for Hope Creek, Salem, and Peach Bottom contain funds in excess of the estimated costs of radiological decommissioning of the facilities, as described in the individual SSDCEs. PSEG states that if funds accumulated in ''non-50.75'' subaccounts (*i.e.,* subaccounts dedicated to non-radiological decommissioning activities) cannot be used for their intended purpose, then the licensee would need to obtain additional funds to pay for activities that would not be recoverable from the NDT or modify operations at the facilities to avoid or delay such costs until final radiological decommissioning has been completed. In its exemption request, PSEG describes the history of each facility's dedicated DTF and states that more funds in the NDT have been dedicated for radiological decommissioning than originally intended through the rate-setting process. PSEG states that up until 2003, non-bypassable charges, authorized by the cognizant regulatory authority, were used as the funding mechanism for NDTs. These non-bypassable charges, as described in the request, were collected and intended for use to fund all aspects of decommissioning a facility, including radiological decommissioning, spent fuel management, and site restoration. Commencing in 2004, these units were no longer rate-regulated and, therefore, were no longer eligible to use the sinking fund method. Accordingly, the funding mechanism transitioned to the prepaid method. The NDT fund balances for each unit in 2004 that included funds for the entire decommissioning process were $212.16M for Salem, Unit 1, $195.35M for Salem, Unit 2, $324.44M for Hope Creek, $178.11M for Peach Bottom, Unit 2, and $180.64M for Peach Bottom, Unit 3.

The resulting NDT funds became ''dedicated'' to radiological decommissioning, as the total amounts were reported to the NRC as such in DFS reports. Based on its review of the application, the NRC staff finds that, though precise accounting that could be used to delineate the funding across the total decommissioning project was not maintained by the licensee, it appears that some excess funding in the NDT was initially dedicated to activities other than radiological decommissioning as defined in 10 CFR 50.2 through the rate-setting process.

In addition, in its exemption request, PSEG states, in relevant part, that, ''The current environment in which a permanent federal repository for spent fuel does not exist requires PSEG to provide long-term storage for spent fuel in the onsite independent spent fuel storage installations. Not granting the requested exemptions to PSEG would impose costs in excess of those incurred by other 10 CFR part 50 licensees that have requested and been granted exemptions from these regulations for similar purposes.''

PSEG further states that, ''[P]reventing the use of these funds in the NDT would impose an unnecessary and undue burden in excess of that contemplated when the regulation was adopted without any corresponding safety benefit. Therefore, strict compliance with the rule would result in an undue hardship or other costs that are significantly in excess of those contemplated when the regulations were adopted, or that are significantly in excess of those incurred by others similarly situated, and the special circumstances of 10 CFR 50.12(a)(2)(iii) are present.''

The NRC has stated that funding for spent fuel management (and site restoration) activities may be commingled in the DTF, provided that the licensee is able to identify and account for the radiological decommissioning funds separately from the funds set aside for spent fuel management (and site restoration activities) (see NRC Regulatory Issue Summary 2001–07, Rev. 1, ''10 CFR 50.75 Reporting and Recordkeeping for Decommissioning Planning,'' dated January 8, 2009 (ADAMS Accession No. ML083440158), and Regulatory Guide 1.184, Revision 1, ''Decommissioning of Nuclear Power Reactors,'' dated October 2013 (ADAMS Accession No. ML13144A840)). Preventing access to those excess funds in the NDT because spent fuel management (and site restoration) activities are not associated with radiological decommissioning would create an unnecessary financial burden without any corresponding safety benefit. The adequacy of the PSEG NDTs to cover the cost of activities associated with spent fuel management (and site restoration) for each of its units, in addition to radiological decommissioning, is supported by PSEG's SSDCEs and associated analyses. If PSEG cannot use its NDTs for spent fuel management (and site restoration) activities, it would need to obtain additional funding that would not be recoverable from the DTF, or it would have to modify its decommissioning approach and methods. Based on the considerations described above, the NRC staff concludes that either outcome would impose an unnecessary and undue burden significantly in excess of that contemplated when 10 CFR 50.82(a)(8)(i)(A) and 10 CFR 50.75(h)(1)(iv) were adopted. Accordingly, the NRC staff finds that the special circumstance of 10 CFR 50.12(a)(2)(iii) is present.

For the reasons discussed above, the NRC staff concludes that the underlying purposes of 10 CFR 50.82(a)(8)(i)(A) and 10 CFR 50.75(h)(1)(iv) would be achieved by allowing PSEG to transfer excess earnings to ''non-50.75'' subaccounts and use the funding for MRC disposal during operations, spent fuel management, and site restoration activities at Salem, Hope Creek, and Peach Bottom without prior NRC notification, and compliance with the regulations would result in an undue hardship or other costs that are significantly in excess of those contemplated when the regulations were adopted. Thus, the special circumstances required by 10 CFR 50.12(a)(2)(ii) and 10 CFR 50.12(a)(2)(iii) exist and support the approval of the requested exemption.

E. Environmental Considerations

The NRC staff considered whether there would be any significant environmental impacts associated with the proposed exemptions. For the proposed action, the NRC staff performed an environmental assessment (EA) pursuant to 10 CFR 51.30. The NRC determined that a finding of no significant impact (FONSI) is appropriate, and an environmental

impact statement is not warranted. The EA and the FONSI were published on December 20,2024 in the **Federal Register** (89 FR 104236).

IV. Conclusions

Accordingly, the Commission has determined that, pursuant to 10 CFR 50.12(a), the exemptions are authorized by law, will not present an undue risk to the public health and safety, and are consistent with the common defense and security. Also, special circumstances are present. Therefore, the Commission hereby grants PSEG exemptions from 10 CFR 50.82(a)(8)(i)(A) and 10 CFR 50.75(h)(1)(iv) to allow the periodic transfer of earnings from funds dedicated to radiological decommissioning, consistent with the definition of ''decommission'' in 10 CFR 50.2, of Salem, Hope Creek, and Peach Bottom, to ''non-50.75'' subaccounts dedicated to other ''decommissioning'' activities, as defined in U.S. Department of Treasury regulations in 26 CFR 1.468A–1(b)(6), without prior notice to the NRC subject to the following conditions:

- Transfers are limited to earnings from funds dedicated for radiological decommissioning determined by an increase in the amount of funds accumulated in the NDT since the last decommissioning funding status (DFS) report submitted under 10 CFR 50.75(f)(1).
- At the time of the transfer, the amount of decommissioning funding assurance (DFA) provided by NDT funds, excluding funds held in the subaccounts, using the prepayment method in 10 CFR 50.75(e)(1)(i) must exceed the amount of DFA required by 10 CFR 50.75(b) and (c) for the associated station by at least $100 million (nominal dollars).
- DFS reports submitted under 10 CFR 50.75(f)(1) will include the amount of funds transferred into the subaccounts since the last submitted report.

The exemptions are effective upon issuance. The exemptions will expire on an individual reactor basis once the NRC has docketed the licensee's certifications of permanent cessation of operations and permanent removal of fuel from the reactor vessel required under 10 CFR 50.82(a)(1)(i) and (ii) for the respective reactor unit, consistent with 10 CFR 50.82(a)(2).

Dated: December 23, 2024.

For the Nuclear Regulatory Commission.

Jamie Pelton,

Acting Director, Division of Operating Reactor Licensing, Office of Nuclear Reactor Regulation.

[FR Doc. 2024–31369 Filed 12–30–24; 8:45 am]

BILLING CODE 7590–01–P

POSTAL REGULATORY COMMISSION

[Docket Nos. MC2025–937 and K2025–938; MC2025–938 and K2025–939; MC2025–939 and K2025–940; MC2025–941 and K2025–942; MC2025–959 and K2025–958; MC2025–960 and K2025–959; MC2025–961 and K2025–960; MC2025–962 and K2025–961; MC2025–963 and K2025–962; MC2025–964 and K2025–963; MC2025–965 and K2025–964; MC2025–966 and K2025–965; MC2025–967 and K2025–966; MC2025–968 and K2025–967; MC2025–969 and K2025–968; MC2025–970 and K2025–969; MC2025–971 and K2025–970; MC2025–972 and K2025–971; MC2025–973 and K2025–972; MC2025–974 and K2025–973; MC2025–975 and K2025–974; MC2025–976 and K2025–975; MC2025–977 and K2025–976; MC2025–978 and K2025–977; MC2025–979 and K2025–978; MC2025–980 and K2025–979; MC2025–981 and K2025–980; MC2025–982 and K2025–981; MC2025–983 and K2025–982; MC2025–984 and K2025–983; MC2025–985 and K2025–984; MC2025–986 and K2025–985; MC2025–987 and K2025–986; MC2025–988 and K2025–987; MC2025–989 and K2025–988; MC2025–990 and K2025–989]

New Postal Products

AGENCY: Postal Regulatory Commission.

ACTION: Notice.

SUMMARY: The Commission is noticing a recent Postal Service filing for the Commission's consideration concerning a negotiated service agreement. This notice informs the public of the filing, invites public comment, and takes other administrative steps.

DATES: *Comments are due:* January 2, 2025.

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

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

SUPPLEMENTARY INFORMATION:

Table of Contents

I. Introduction

Pursuant to 39 CFR 3041.405, the Commission gives notice that the Postal Service filed request(s) for the Commission to consider matters related to Competitive negotiated service agreement(s). The request(s) may propose the addition of a negotiated service agreement from the Competitive product list or the modification of an existing product currently appearing on the Competitive product list.

The public portions of the Postal Service's request(s) can be accessed via the Commission's website (*http://www.prc.gov*). Non-public portions of the Postal Service's request(s), if any, can be accessed through compliance with the requirements of 39 CFR 3011.301.[1]

Section II identifies the docket number(s) associated with each Postal Service request, if any, that will be reviewed in a public proceeding as defined by 39 CFR 3010.101(p), the title of each such request, the request's acceptance date, and the authority cited by the Postal Service for each request. For each such request, the Commission appoints an officer of the Commission to represent the interests of the general public in the proceeding, pursuant to 39 U.S.C. 505 and 39 CFR 3000.114 (Public Representative). Section II also establishes comment deadline(s) pertaining to each such request.

The Commission invites comments on whether the Postal Service's request(s) identified in Section II, if any, are consistent with the policies of title 39. Applicable statutory and regulatory requirements include 39 U.S.C. 3632, 39 U.S.C. 3633, 39 U.S.C. 3642, 39 CFR part 3035, and 39 CFR part 3041. Comment deadline(s) for each such request, if any, appear in Section II.

Section III identifies the docket number(s) associated with each Postal Service request, if any, to add a standardized distinct product to the Competitive product list or to amend a standardized distinct product, the title of each such request, the request's acceptance date, and the authority cited by the Postal Service for each request. Standardized distinct products are negotiated service agreements that are variations of one or more Competitive products, and for which financial models, minimum rates, and classification criteria have undergone advance Commission review. *See* 39 CFR 3041.110(n); 39 CFR 3041.205(a). Such requests are reviewed in summary

[1] *See* Docket No. RM2018–3, Order Adopting Final Rules Relating to Non-Public Information, June 27, 2018, Attachment A at 19–22 (Order No. 4679).

proceedings pursuant to 39 CFR 3041.325(c)(2) and 39 CFR 3041.505(f)(1). Pursuant to 39 CFR 3041.405(c)–(d), the Commission does not appoint a Public Representative or request public comment in proceedings to review such requests.

II. Public Proceeding(s)

1. *Docket No(s).:* MC2025–937 and K2025–938; *Filing Title:* USPS Request to Add Priority Mail Express, Priority Mail & USPS Ground Advantage Contract 1152 to the Competitive Product List and Notice of Filing Materials Under Seal; *Filing Acceptance Date:* December 20, 2024; *Filing Authority:* 39 U.S.C. 3642, 39 CFR 3035.105, and 39 CFR 3041.310; *Public Representative:* Jennaca Upperman; *Comments Due:* January 2, 2025.

2. *Docket No(s).:* MC2025–938 and K2025–939; *Filing Title:* USPS Request to Add Priority Mail Express, Priority Mail & USPS Ground Advantage Contract 1153 to the Competitive Product List and Notice of Filing Materials Under Seal; *Filing Acceptance Date:* December 20, 2024; *Filing Authority:* 39 U.S.C. 3642, 39 CFR 3035.105, and 39 CFR 3041.310; *Public Representative:* Katalin Clendenin; *Comments Due:* January 2, 2025.

3. *Docket No(s).:* MC2025–939 and K2025–940; *Filing Title:* USPS Request to Add Priority Mail Express, Priority Mail & USPS Ground Advantage Contract 1154 to the Competitive Product List and Notice of Filing Materials Under Seal; *Filing Acceptance Date:* December 20, 2024; *Filing Authority:* 39 U.S.C. 3642, 39 CFR 3035.105, and 39 CFR 3041.310; *Public Representative:* Maxine Bradley; *Comments Due:* January 2, 2025.

4. *Docket No(s).:* MC2025–941 and K2025–942; *Filing Title:* USPS Request to Add Priority Mail Express, Priority Mail & USPS Ground Advantage Contract 1156 to the Competitive Product List and Notice of Filing Materials Under Seal; *Filing Acceptance Date:* December 20, 2024; *Filing Authority:* 39 U.S.C. 3642, 39 CFR 3035.105, and 39 CFR 3041.310; *Public Representative:* Jennaca Upperman; *Comments Due:* January 2, 2025.

5. *Docket No(s).:* MC2025–959 and K2025–958; *Filing Title:* USPS Request to Add Priority Mail Express, Priority Mail & USPS Ground Advantage Contract 1171 to the Competitive Product List and Notice of Filing Materials Under Seal; *Filing Acceptance Date:* December 20, 2024; *Filing Authority:* 39 U.S.C. 3642, 39 CFR 3035.105, and 39 CFR 3041.310; *Public Representative:* Jennaca Upperman; *Comments Due:* January 2, 2025.

6. *Docket No(s).:* MC2025–960 and K2025–959; *Filing Title:* USPS Request to Add Priority Mail Express, Priority Mail & USPS Ground Advantage Contract 1172 to the Competitive Product List and Notice of Filing Materials Under Seal; *Filing Acceptance Date:* December 20, 2024; *Filing Authority:* 39 U.S.C. 3642, 39 CFR 3035.105, and 39 CFR 3041.310; *Public Representative:* Maxine Bradley; *Comments Due:* January 2, 2025.

7. *Docket No(s).:* MC2025–961 and K2025–960; *Filing Title:* USPS Request to Add Priority Mail Express, Priority Mail & USPS Ground Advantage Contract 1173 to the Competitive Product List and Notice of Filing Materials Under Seal; *Filing Acceptance Date:* December 20, 2024; *Filing Authority:* 39 U.S.C. 3642, 39 CFR 3035.105, and 39 CFR 3041.310; *Public Representative:* Jennaca Upperman; *Comments Due:* January 2, 2025.

8. *Docket No(s).:* MC2025–962 and K2025–961; *Filing Title:* USPS Request to Add Priority Mail Express, Priority Mail & USPS Ground Advantage Contract 1174 to the Competitive Product List and Notice of Filing Materials Under Seal; *Filing Acceptance Date:* December 20, 2024; *Filing Authority:* 39 U.S.C. 3642, 39 CFR 3035.105, and 39 CFR 3041.310; *Public Representative:* Jennaca Upperman; *Comments Due:* January 2, 2025.

9. *Docket No(s).:* MC2025–963 and K2025–962; *Filing Title:* USPS Request to Add Priority Mail Express, Priority Mail & USPS Ground Advantage Contract 1175 to the Competitive Product List and Notice of Filing Materials Under Seal; *Filing Acceptance Date:* December 20, 2024; *Filing Authority:* 39 U.S.C. 3642, 39 CFR 3035.105, and 39 CFR 3041.310; *Public Representative:* Maxine Bradley; *Comments Due:* January 2, 2025.

10. *Docket No(s).:* MC2025–964 and K2025–963; *Filing Title:* USPS Request to Add Priority Mail Express, Priority Mail & USPS Ground Advantage Contract 1176 to the Competitive Product List and Notice of Filing Materials Under Seal; *Filing Acceptance Date:* December 20, 2024; *Filing Authority:* 39 U.S.C. 3642, 39 CFR 3035.105, and 39 CFR 3041.310; *Public Representative:* Katalin Clendenin; *Comments Due:* January 2, 2025.

11. *Docket No(s).:* MC2025–965 and K2025–964; *Filing Title:* USPS Request to Add Priority Mail Express, Priority Mail & USPS Ground Advantage Contract 1177 to the Competitive Product List and Notice of Filing Materials Under Seal; *Filing Acceptance Date:* December 20, 2024; *Filing Authority:* 39 U.S.C. 3642, 39 CFR 3035.105, and 39 CFR 3041.310; *Public Representative:* Jennaca Upperman; *Comments Due:* January 2, 2025.

12. *Docket No(s).:* MC2025–966 and K2025–965; *Filing Title:* USPS Request to Add Priority Mail Express, Priority Mail & USPS Ground Advantage Contract 1178 to the Competitive Product List and Notice of Filing Materials Under Seal; *Filing Acceptance Date:* December 20, 2024; *Filing Authority:* 39 U.S.C. 3642, 39 CFR 3035.105, and 39 CFR 3041.310; *Public Representative:* Jennaca Upperman; *Comments Due:* January 2, 2025.

13. *Docket No(s).:* MC2025–967 and K2025–966; *Filing Title:* USPS Request to Add Priority Mail Express, Priority Mail & USPS Ground Advantage Contract 1179 to the Competitive Product List and Notice of Filing Materials Under Seal; *Filing Acceptance Date:* December 20, 2024; *Filing Authority:* 39 U.S.C. 3642, 39 CFR 3035.105, and 39 CFR 3041.310; *Public Representative:* Maxine Bradley; *Comments Due:* January 2, 2025.

14. *Docket No(s).:* MC2025–968 and K2025–967; *Filing Title:* USPS Request to Add Priority Mail Express, Priority Mail & USPS Ground Advantage Contract 1180 to the Competitive Product List and Notice of Filing Materials Under Seal; *Filing Acceptance Date:* December 20, 2024; *Filing Authority:* 39 U.S.C. 3642, 39 CFR 3035.105, and 39 CFR 3041.310; *Public Representative:* Jennaca Upperman; *Comments Due:* January 2, 2025.

15. *Docket No(s).:* MC2025–969 and K2025–968; *Filing Title:* USPS Request to Add Priority Mail Express, Priority Mail & USPS Ground Advantage Contract 1181 to the Competitive Product List and Notice of Filing Materials Under Seal; *Filing Acceptance Date:* December 20, 2024; *Filing Authority:* 39 U.S.C. 3642, 39 CFR 3035.105, and 39 CFR 3041.310; *Public Representative:* Maxine Bradley; *Comments Due:* January 2, 2025.

16. *Docket No(s).:* MC2025–970 and K2025–969; *Filing Title:* USPS Request to Add Priority Mail & USPS Ground Advantage Contract 561 to the Competitive Product List and Notice of Filing Materials Under Seal; *Filing Acceptance Date:* December 20, 2024; *Filing Authority:* 39 U.S.C. 3642, 39 CFR 3035.105, and 39 CFR 3041.310; *Public Representative:* Maxine Bradley; *Comments Due:* January 2, 2025.

17. *Docket No(s).:* MC2025–971 and K2025–970; *Filing Title:* USPS Request to Add Priority Mail & USPS Ground Advantage Contract 562 to the Competitive Product List and Notice of Filing Materials Under Seal; *Filing Acceptance Date:* December 20, 2024;

Filing Authority: 39 U.S.C. 3642, 39 CFR 3035.105, and 39 CFR 3041.310; *Public Representative:* Maxine Bradley; *Comments Due:* January 2, 2025.

18. *Docket No(s).:* MC2025–972 and K2025–971; *Filing Title:* USPS Request to Add Priority Mail & USPS Ground Advantage Contract 563 to the Competitive Product List and Notice of Filing Materials Under Seal; *Filing Acceptance Date:* December 20, 2024; *Filing Authority:* 39 U.S.C. 3642, 39 CFR 3035.105, and 39 CFR 3041.310; *Public Representative:* Katalin Clendenin; *Comments Due:* January 2, 2025.

19. *Docket No(s).:* MC2025–973 and K2025–972; *Filing Title:* USPS Request to Add Priority Mail & USPS Ground Advantage Contract 564 to the Competitive Product List and Notice of Filing Materials Under Seal; *Filing Acceptance Date:* December 20, 2024; *Filing Authority:* 39 U.S.C. 3642, 39 CFR 3035.105, and 39 CFR 3041.310; *Public Representative:* Kenneth Moeller; *Comments Due:* January 2, 2025.

20. *Docket No(s).:* MC2025–974 and K2025–973; *Filing Title:* USPS Request to Add Priority Mail & USPS Ground Advantage Contract 565 to the Competitive Product List and Notice of Filing Materials Under Seal; *Filing Acceptance Date:* December 20, 2024; *Filing Authority:* 39 U.S.C. 3642, 39 CFR 3035.105, and 39 CFR 3041.310; *Public Representative:* Katalin Clendenin; *Comments Due:* January 2, 2025.

21. *Docket No(s).:* MC2025–975 and K2025–974; *Filing Title:* USPS Request to Add Priority Mail & USPS Ground Advantage Contract 566 to the Competitive Product List and Notice of Filing Materials Under Seal; *Filing Acceptance Date:* December 20, 2024; *Filing Authority:* 39 U.S.C. 3642, 39 CFR 3035.105, and 39 CFR 3041.310; *Public Representative:* Kenneth Moeller; *Comments Due:* January 2, 2025.

22. *Docket No(s).:* MC2025–976 and K2025–975; *Filing Title:* USPS Request to Add Priority Mail & USPS Ground Advantage Contract 567 to the Competitive Product List and Notice of Filing Materials Under Seal; *Filing Acceptance Date:* December 20, 2024; *Filing Authority:* 39 U.S.C. 3642, 39 CFR 3035.105, and 39 CFR 3041.310; *Public Representative:* Katalin Clendenin; *Comments Due:* January 2, 2025.

23. *Docket No(s).:* MC2025–977 and K2025–976; *Filing Title:* USPS Request to Add Priority Mail Express, Priority Mail & USPS Ground Advantage Contract 1182 to the Competitive Product List and Notice of Filing Materials Under Seal; *Filing Acceptance Date:* December 20, 2024; *Filing Authority:* 39 U.S.C. 3642, 39 CFR 3035.105, and 39 CFR 3041.310; *Public Representative:* Kenneth Moeller; *Comments Due:* January 2, 2025.

24. *Docket No(s).:* MC2025–978 and K2025–977; *Filing Title:* USPS Request to Add Priority Mail Express, Priority Mail & USPS Ground Advantage Contract 1183 to the Competitive Product List and Notice of Filing Materials Under Seal; *Filing Acceptance Date:* December 20, 2024; *Filing Authority:* 39 U.S.C. 3642, 39 CFR 3035.105, and 39 CFR 3041.310; *Public Representative:* Kenneth Moeller; *Comments Due:* January 2, 2025.

25. *Docket No(s).:* MC2025–979 and K2025–978; *Filing Title:* USPS Request to Add Priority Mail Express, Priority Mail & USPS Ground Advantage Contract 1184 to the Competitive Product List and Notice of Filing Materials Under Seal; *Filing Acceptance Date:* December 20, 2024; *Filing Authority:* 39 U.S.C. 3642, 39 CFR 3035.105, and 39 CFR 3041.310; *Public Representative:* Kenneth Moeller; *Comments Due:* January 2, 2025.

26. *Docket No(s).:* MC2025–980 and K2025–979; *Filing Title:* USPS Request to Add Priority Mail Express, Priority Mail & USPS Ground Advantage Contract 1185 to the Competitive Product List and Notice of Filing Materials Under Seal; *Filing Acceptance Date:* December 20, 2024; *Filing Authority:* 39 U.S.C. 3642, 39 CFR 3035.105, and 39 CFR 3041.310; *Public Representative:* Kenneth Moeller; *Comments Due:* January 2, 2025.

27. *Docket No(s).:* MC2025–981 and K2025–980; *Filing Title:* USPS Request to Add Priority Mail Express, Priority Mail & USPS Ground Advantage Contract 1186 to the Competitive Product List and Notice of Filing Materials Under Seal; *Filing Acceptance Date:* December 20, 2024; *Filing Authority:* 39 U.S.C. 3642, 39 CFR 3035.105, and 39 CFR 3041.310; *Public Representative:* Katalin Clendenin; *Comments Due:* January 2, 2025.

28. *Docket No(s).:* MC2025–982 and K2025–981; *Filing Title:* USPS Request to Add Priority Mail Express, Priority Mail & USPS Ground Advantage Contract 1187 to the Competitive Product List and Notice of Filing Materials Under Seal; *Filing Acceptance Date:* December 20, 2024; *Filing Authority:* 39 U.S.C. 3642, 39 CFR 3035.105, and 39 CFR 3041.310; *Public Representative:* Christopher Mohr; *Comments Due:* January 2, 2025.

29. *Docket No(s).:* MC2025–983 and K2025–982; *Filing Title:* USPS Request to Add Priority Mail Express, Priority Mail & USPS Ground Advantage Contract 1188 to the Competitive Product List and Notice of Filing Materials Under Seal; *Filing Acceptance Date:* December 20, 2024; *Filing Authority:* 39 U.S.C. 3642, 39 CFR 3035.105, and 39 CFR 3041.310; *Public Representative:* Christopher Mohr; *Comments Due:* January 2, 2025.

30. *Docket No(s).:* MC2025–984 and K2025–983; *Filing Title:* USPS Request to Add Priority Mail Express, Priority Mail & USPS Ground Advantage Contract 1189 to the Competitive Product List and Notice of Filing Materials Under Seal; *Filing Acceptance Date:* December 20, 2024; *Filing Authority:* 39 U.S.C. 3642, 39 CFR 3035.105, and 39 CFR 3041.310; *Public Representative:* Christopher Mohr; *Comments Due:* January 2, 2025.

31. *Docket No(s).:* MC2025–985 and K2025–984; *Filing Title:* USPS Request to Add Priority Mail Express, Priority Mail & USPS Ground Advantage Contract 1190 to the Competitive Product List and Notice of Filing Materials Under Seal; *Filing Acceptance Date:* December 20, 2024; *Filing Authority:* 39 U.S.C. 3642, 39 CFR 3035.105, and 39 CFR 3041.310; *Public Representative:* Christopher Mohr; *Comments Due:* January 2, 2025.

32. *Docket No(s).:* MC2025–986 and K2025–985; *Filing Title:* USPS Request to Add Priority Mail Express, Priority Mail & USPS Ground Advantage Contract 1191 to the Competitive Product List and Notice of Filing Materials Under Seal; *Filing Acceptance Date:* December 20, 2024; *Filing Authority:* 39 U.S.C. 3642, 39 CFR 3035.105, and 39 CFR 3041.310; *Public Representative:* Christopher Mohr; *Comments Due:* January 2, 2025.

33. *Docket No(s).:* MC2025–987 and K2025–986; *Filing Title:* USPS Request to Add Priority Mail Express, Priority Mail & USPS Ground Advantage Contract 1192 to the Competitive Product List and Notice of Filing Materials Under Seal; *Filing Acceptance Date:* December 20, 2024; *Filing Authority:* 39 U.S.C. 3642, 39 CFR 3035.105, and 39 CFR 3041.310; *Public Representative:* Christopher Mohr; *Comments Due:* January 2, 2025.

34. *Docket No(s).:* MC2025–988 and K2025–987; *Filing Title:* USPS Request to Add Priority Mail Express, Priority Mail & USPS Ground Advantage Contract 1193 to the Competitive Product List and Notice of Filing Materials Under Seal; *Filing Acceptance Date:* December 20, 2024; *Filing Authority:* 39 U.S.C. 3642, 39 CFR 3035.105, and 39 CFR 3041.310; *Public Representative:* Maxine Bradley; *Comments Due:* January 2, 2025.

35. *Docket No(s).:* MC2025–989 and K2025–988; *Filing Title:* USPS Request to Add Priority Mail & USPS Ground Advantage 568 to the Competitive

Product List and Notice of Filing Materials Under Seal; *Filing Acceptance Date:* December 20, 2024; *Filing Authority:* 39 U.S.C. 3642, 39 CFR 3035.105, and 39 CFR 3041.310; *Public Representative:* Kenneth Moeller; *Comments Due:* January 2, 2025.

36. *Docket No(s).:* MC2025–990 and K2025–989; *Filing Title:* USPS Request to Add USPS Request to Add Priority Mail & USPS Ground Advantage 569 to the Competitive Product List and Notice of Filing Materials Under Seal to the Competitive Product List and Notice of Filing Materials Under Seal; *Filing Acceptance Date:* December 20, 2024; *Filing Authority:* 39 U.S.C. 3642, 39 CFR 3035.105, and 39 CFR 3041.310; *Public Representative:* Kenneth Moeller; *Comments Due:* January 2, 2025.

III. Summary Proceeding(s)

None. *See* Section II for public proceedings.

This Notice will be published in the **Federal Register**.

Erica A. Barker,

Secretary.

[FR Doc. 2024–31374 Filed 12–30–24; 8:45 am]

BILLING CODE 7710–FW–P

POSTAL SERVICE

Product Change—Priority Mail and USPS Ground Advantage® Negotiated Service Agreement

AGENCY: Postal Service™.

ACTION: Notice.

SUMMARY: The Postal Service gives notice of filing a request with the Postal Regulatory Commission to add a domestic shipping services contract to the list of Negotiated Service Agreements in the Mail Classification Schedule's Competitive Products List.

DATES: *Date of required notice:* December 31, 2024.

FOR FURTHER INFORMATION CONTACT: Sean Robinson, 202–268–8405.

SUPPLEMENTARY INFORMATION: The United States Postal Service® hereby gives notice that, pursuant to 39 U.S.C. 3642 and 3632(b)(3), on December 20, 2024, it filed with the Postal Regulatory Commission a *USPS Request to Add Priority Mail & USPS Ground Advantage® Contract 562 to Competitive Product List.* Documents are available at *www.prc.gov,* Docket Nos. MC2025–971, K2025–970.

Sean Robinson,

Attorney, Corporate and Postal Business Law.

[FR Doc. 2024–31167 Filed 12–30–24; 8:45 am]

BILLING CODE 7710–12–P

POSTAL SERVICE

Product Change—Priority Mail and USPS Ground Advantage® Negotiated Service Agreement

AGENCY: Postal Service™.

ACTION: Notice.

SUMMARY: The Postal Service gives notice of filing a request with the Postal Regulatory Commission to add a domestic shipping services contract to the list of Negotiated Service Agreements in the Mail Classification Schedule's Competitive Products List.

DATES: *Date of required notice:* December 31, 2024.

FOR FURTHER INFORMATION CONTACT: Sean Robinson, 202–268–8405.

SUPPLEMENTARY INFORMATION: The United States Postal Service® hereby gives notice that, pursuant to 39 U.S.C. 3642 and 3632(b)(3), on December 20, 2024, it filed with the Postal Regulatory Commission a *USPS Request to Add Priority Mail & USPS Ground Advantage® Contract 561 to Competitive Product List.* Documents are available at *www.prc.gov,* Docket Nos. MC2025–970, K2025–969.

Sean Robinson,

Attorney, Corporate and Postal Business Law.

[FR Doc. 2024–31166 Filed 12–30–24; 8:45 am]

BILLING CODE 7710–12–P

POSTAL SERVICE

Product Change—Priority Mail and USPS Ground Advantage® Negotiated Service Agreement

AGENCY: Postal Service™.

ACTION: Notice.

SUMMARY: The Postal Service gives notice of filing a request with the Postal Regulatory Commission to add a domestic shipping services contract to the list of Negotiated Service Agreements in the Mail Classification Schedule's Competitive Products List.

DATES: *Date of required notice:* January 7, 2025.

FOR FURTHER INFORMATION CONTACT: Sean Robinson, 202–268–8405.

SUPPLEMENTARY INFORMATION: The United States Postal Service® hereby gives notice that, pursuant to 39 U.S.C. 3642 and 3632(b)(3), on December 20, 2024, it filed with the Postal Regulatory Commission a *USPS Request to Add Priority Mail & USPS Ground Advantage® Contract 564 to Competitive Product List.* Documents are available at *www.prc.gov,* Docket Nos. MC2025–973, K2025–972.

Sean Robinson,

Attorney, Corporate and Postal Business Law.

[FR Doc. 2024–31169 Filed 12–30–24; 8:45 am]

BILLING CODE 7710–12–P

POSTAL SERVICE

Product Change—Priority Mail and USPS Ground Advantage® Negotiated Service Agreement

AGENCY: Postal Service™.

ACTION: Notice.

SUMMARY: The Postal Service gives notice of filing a request with the Postal Regulatory Commission to add a domestic shipping services contract to the list of Negotiated Service Agreements in the Mail Classification Schedule's Competitive Products List.

DATES: *Date of required notice:* December 31, 2024.

FOR FURTHER INFORMATION CONTACT: Sean Robinson, 202–268–8405.

SUPPLEMENTARY INFORMATION: The United States Postal Service® hereby gives notice that, pursuant to 39 U.S.C. 3642 and 3632(b)(3), on December 20, 2024, it filed with the Postal Regulatory Commission a *USPS Request to Add Priority Mail & USPS Ground Advantage® Contract 563 to Competitive Product List.* Documents are available at *www.prc.gov,* Docket Nos. MC2025–972, K2025–971.

Sean Robinson,

Attorney, Corporate and Postal Business Law.

[FR Doc. 2024–31168 Filed 12–30–24; 8:45 am]

BILLING CODE 7710–12–P

RAILROAD RETIREMENT BOARD

Agency Forms Submitted for OMB Review, Request for Comments

In accordance with the Paperwork Reduction Act of 1995 (44 U.S.C. Chapter 35), the Railroad Retirement Board (RRB) is forwarding an Information Collection Request (ICR) to the Office of Information and Regulatory Affairs (OIRA), Office of Management and Budget (OMB). Our ICR describes the information we seek to collect from the public. Review and approval by OIRA ensures that we impose appropriate paperwork burdens.

The RRB invites comments on the proposed collections of information to determine (1) the practical utility of the collections; (2) the accuracy of the estimated burden of the collections; (3) ways to enhance the quality, utility, and

clarity of the information that is the subject of collection; and (4) ways to minimize the burden of collections on respondents, including the use of automated collection techniques or other forms of information technology. Comments to the RRB or OIRA must contain the OMB control number of the ICR. For proper consideration of your comments, it is best if the RRB and OIRA receive them within 30 days of the publication date.

Title and purpose of information collection: Railroad Unemployment Insurance Act Applications; OMB 3220–0039.

Under Section 2 of the Railroad Unemployment Insurance Act (RUIA) (45 U.S.C. 362), sickness benefits are payable to qualified railroad employees who are unable to work because of illness or injury. In addition, sickness benefits are payable to qualified female employees if they are unable to work, or if working would be injurious, because of pregnancy, miscarriage, or childbirth. Under Section 1(k) of the RUIA a statement of sickness, with respect to days of sickness of an employee, is to be filed with the RRB within a 10-day period from the first day claimed as a day of sickness. The Railroad Retirement Board's (RRB) authority for requesting supplemental medical information is Section 12(i) and 12(n) of the RUIA. The procedures for claiming sickness benefits and for the RRB to obtain supplemental medical information needed to determine a claimant's eligibility for such benefits are prescribed in 20 CFR part 335.

The forms currently used by the RRB to obtain information needed to determine eligibility for, and the amount of, sickness benefits due a claimant follow: Form SI–1a, Application for Sickness Benefits; Form SI–1b, Statement of Sickness; Form SI–3, Claim for Sickness Benefits; Form SI–7, Supplemental Doctor's Statement; Form SI–8, Verification of Medical Information; and Form ID–11A, Requesting Reason for Late Filing of Sickness Benefit. Completion is required to obtain or retain benefits. One response is requested of each respondent.

Previous Requests for Comments: The RRB has already published the initial 60-day notice (89 85257 on October 25, 2024) required by 44 U.S.C. 3506(c) (2). That request elicited no comments.

Information Collection Request (ICR)

Title: Railroad Unemployment Insurance Act Applications.

OMB Control Number: 3220–0039.

Form(s) submitted: SI–1a, SI–1b, SI–3, SI–3 (internet), SI–7, SI–8, and ID–11A.

Type of request: Reinstatement with change of a previously approved collection.

Affected public: Individuals or Households.

Abstract: Under Section 2 of the Railroad Unemployment Insurance Act sickness benefits are payable to qualified railroad employees who are unable to work because of illness or injury. The collection obtains information from railroad employees and physicians needed to determine eligibility to and the amount of such benefits.

Changes proposed: The RRB proposes no changes to Forms SI–1a, SI–1b, SI–3, SI–3 (internet), SI–7, SI–8, and ID–11A.

The burden estimate for the ICR is as follows:

Form number	Annual responses	Time (minutes)	Burden (hours)
SI–1a (Employee)	11,179	10	1,863
SI–1b (Doctor)	11,179	8	1,490
SI–3 (Manual)	100,120	5	8,343
SI–3 (Internet)	82,812	5	6,901
SI–7	12,151	8	1,620
SI–8	24	5	2
ID–11A	284	4	19
Total	217,749	.....	20,238

Additional Information or Comments: Copies of the forms and supporting documents or comments regarding the information collection should be addressed to Brian Foster, Railroad Retirement Board, 844 North Rush Street, Chicago, Illinois 60611–1275 or emailed to *Brian.Foster@rrb.gov.*

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.

Brian Foster,

Clearance Officer.

[FR Doc. 2024–31429 Filed 12–30–24; 8:45 am]

BILLING CODE 7905–01–P

SECURITIES AND EXCHANGE COMMISSION

[Release No. IC–35427; File No. 812–15678]

The Toronto-Dominion Bank, et al.; Notice of Application and Temporary Order

December 20, 2024.

AGENCY: Securities and Exchange Commission (''Commission'').

ACTION: Temporary order and notice of application for a permanent order under section 9(c) of the Investment Company Act of 1940 (''Act'').

SUMMARY OF APPLICATION: Applicants have received a temporary order (''Temporary Order'') exempting them from section 9(a) of the Act, with respect to guilty pleas entered on October 10, 2024 (''Guilty Pleas''), by TD Bank US Holding Company (''TDBUSH'') and TD Bank, N.A. (''TDBNA'' and together with TDBUSH, the ''Pleading Entities'') in the United States District Court for New Jersey (the ''District Court'') in connection with plea agreements (''Plea Agreements'') between the Pleading Entities and the United States Department of Justice (''DOJ''), until the Commission takes final action on an application for a permanent order (the ''Permanent Order,'' and with the Temporary Order, the ''Orders''). Applicants also have applied for a permanent order.

APPLICANTS: The Toronto-Dominion Bank (''TD Bank''), TDBUSH, TDBNA, and Epoch Investment Partners, Inc. (''Epoch'' and collectively, the ''Applicants'').

FILING DATE: The application was filed on December 20, 2024.

HEARING OR NOTIFICATION OF HEARING: An order granting the requested relief will be issued unless the Commission orders a hearing. Interested persons may

request a hearing by emailing the Commission's Secretary at *Secretarys-Office@sec.gov* and serving applicants with a copy of the request, by email. Hearing requests should be received by the Commission by 5:30 p.m. on January 16, 2025 and should be accompanied by proof of service on the applicants, in the form of an affidavit, or for lawyers, a certificate of service. Pursuant to rule 0–5 under the Act, hearing requests should state the nature of the writer's interest, any facts bearing upon the desirability of a hearing on the matter, the reason for the request, and the issues contested. Persons who wish to be notified of a hearing may request notification by emailing the Commission's Secretary.

ADDRESSES: The Commission: *Secretarys-Office@sec.gov.* Applicants: Jane Langford at *jane.langford@td.com.*

FOR FURTHER INFORMATION CONTACT: Adam M. Large, Senior Special Counsel, or Nadya Roytblat, Assistant Chief Counsel, at (202) 551–6825 (Division of Investment Management, Chief Counsel's Office).

SUPPLEMENTARY INFORMATION: The following is a temporary order and a summary of the application. The complete application may be obtained via the Commission's website by searching for the file number at the top of this document, or for an Applicant using the Company name search field, on the SEC's EDGAR system. The SEC's EDGAR system may be searched at *https://www.sec.gov/edgar/searchedgar/legacy/companysearch.html.* You may also call the SEC's Office of Investor Education and Advocacy at (202) 551–8090.

Applicants' Representations

1. TDBNA, a Pleading Entity, is a national bank headquartered in Cherry Hill, New Jersey. TDBNA is a wholly-owned subsidiary of TDBUSH. TDBNA's deposits are insured under the Federal Deposit Insurance Act, and the bank is regulated and supervised by the Office of the Comptroller of the Currency (''OCC'').

2. TDBUSH, a Pleading Entity, is a Delaware corporation and a non-operating holding company with oversight over the anti-money laundering (''AML'') compliance program of TDBNA, its direct subsidiary, and is accountable for monitoring the effectiveness of TDBNA's AML program pursuant to the Bank Secrecy Act (''BSA'').

3. Epoch, a Delaware corporation, is registered as an investment adviser under the Investment Advisers Act of 1940 (the ''Advisers Act'') and is a direct, wholly-owned subsidiary of TDBUSH. Epoch serves as a sub-adviser to the investment companies registered under the Act that are listed in Appendix A to the application.

4. TD Bank is an international banking and financial services corporation headquartered in Toronto, Canada. TD Bank is a chartered bank subject to the provisions of the Bank Act (Canada). TD Bank is the indirect parent of TDBUSH through an intermediate U.S. holding company.

5. While no existing company of which a Pleading Entity is an ''affiliated person'' within the meaning of section 2(a)(3) of the Act (''Affiliated Person''), other than Epoch, currently serves as an investment adviser (as defined in section 2(a)(20) of the Act) or depositor of any registered investment company, employees' securities company (''ESC''), or investment company that has elected to be treated as a business development company (''BDC'') under the Act, or as principal underwriter (as defined in section 2(a)(29) of the Act) for any registered open-end investment company (''Open-End Fund''), registered unit investment trust (''UIT''), or registered face-amount certificate company (''FACC'') (such persons, ''Funds,'' and such activities performed on behalf of such persons, collectively ''Fund Servicing Activities''), Applicants request that any relief granted by the Commission pursuant to the application also apply to any other current or future Affiliated Person of the Pleading Entities other than TDBUSH and TDBNA (together with Epoch, the ''Covered Persons'') with respect to any activity contemplated by section 9(a) of the Act.[1]

6. On October 10, 2024, the DOJ filed a one count criminal information in the District Court charging TDBNA with conspiring to: (1) fail to maintain an adequate AML program, contrary to Title 31, United States Code, Sections 5318(h) and 5322; (2) fail to file accurate Currency Transaction Reports (''CTRs''), contrary to Title 31, United States Code, Sections 5313 and 5324; and (3) launder monetary instruments, contrary to Title 18, United States Code, Section 1956(a)(2)(B)(i), in violation of Title 18, United States Code, Section 371. On the same date, the DOJ filed a two-count criminal information in the District Court charging TDBUSH with: (1) failing to maintain an adequate AML program, in violation of Title 31, United States Code, Section 5318(h) and 5322; and (2) failing to file accurate CTRs in violation of Title 31, United States Code, Sections 5313 and 5324. According to the Statement of Facts that served as the basis for the Plea Agreements (''Statement of Facts''), between January 2014 and October 2023 TDBNA and TDBUSH failed to implement an AML program that complied with the BSA. As a result, according to the Statement of Facts, the Pleading Entities failed to remediate deficiencies in the AML program, including (a) failing to substantively update TDBNA's transaction monitoring system between 2014 and 2022, and (b) failing to adequately train its AML and retail employees. These failures enabled, among other things, three money laundering networks to launder over $600 million in criminal proceeds through TDBNA between 2019 and 2023. These failures also created vulnerabilities that allowed five branch-level TDBNA employees to open and maintain accounts for one of these money laundering networks. According to the Statement of Facts, TDBNA's senior AML executives knew there were deficiencies in the Pleading Entities' U.S. AML policies, procedures, and controls. According to the Statement of Facts, the Pleading Entities willfully failed to file accurate CTRs related to one of the three money laundering schemes.

7. Pursuant to the Plea Agreements, each Pleading Entity agreed to enter a plea of guilty to the charge(s) set out in its respective information. According to the Plea Agreements, each of the Pleading Entities agreed: (1) to abide by all terms and obligations of the Plea Agreement; (2) that in the event that, during the term of the Plea Agreement, the Pleading Entity undertakes any change in corporate form, including if it sells, merges, or transfers business operations that are material to its consolidated operations, or to the operations of any subsidiaries, branches, or affiliates involved in the conduct described in the Statement of Facts, as they exist as of the date of the Plea Agreements, whether such transaction is structured as a sale, asset sale, merger, transfer or other change in corporate form, it shall include in any contract for sale, merger, transfer, or other change in corporate form a provision binding the purchaser, or any successor in interest thereto, to the obligations described in the Plea Agreements; (3) to continue to cooperate fully with the DOJ (in any and all matters relating to the conduct, individuals, and entities described in the Plea Agreements and the Statement

[1] Covered Persons may, if the Order is granted, in the future act in any of the capacities contemplated by section 9(a) of the Act subject to the applicable terms and conditions of the Order. TD Bank does not and will not serve as an investment adviser, depositor or principal underwriter to any registered investment company as it is not a Covered Person.

of Facts as well as any other conduct, individuals, and entities under investigation by the DOJ at any time during the term of the Plea Agreements, until the later of the date upon which all investigations and prosecutions arising out of such conduct are concluded or the end of the term of the Plea Agreements; (4) that, should the Pleading Entity learn of any evidence of allegation of conduct by the Pleading Entity, its affiliates, or their employees that may constitute a violation of federal criminal law, the Pleading Entity shall promptly report such evidence or allegation to the DOJ in a manner and form consistent with local law; and (5) that any fine, forfeiture, or restitution imposed by the District Court will be due and payable as specified in the Plea Agreements, and that any forfeiture or restitution imposed by the District Court will be due and payable in accordance with the District Court's order. The monetary penalties and forfeiture under the Plea Agreements totaled approximately $1.9 billion.

8. The Pleading Entities are subject to orders by other U.S. regulatory or enforcement agencies related to the Conduct. The Federal Reserve Board (''FRB'') entered a cease-and-desist order and order of assessment of a civil monetary penalty (the ''FRB Order'') on October 9, 2024 against the TD Bank, TDBUSH, and TD Group US Holdings (''TDGUS''), the ultimate U.S. holding company for TD Bank's U.S. operations. The Financial Crimes Enforcement Network (''FinCEN'') entered into a consent order (the ''FinCEN Order'') on October 10, 2024 with TDBNA and TD Bank USA, National Association (''TDBUSA''), a national bank and wholly owned direct subsidiary of TDBUSH, concerning violations of the BSA, including the failure to maintain an adequate AML program, and the failure to file CTRs and Suspicious Activity Reports (''SARs''). The OCC entered into a consent order (the ''OCC Order'') with TDBNA and TDBUSA concerning violations of the BSA, including the failure to maintain a compliant AML program, the failure to file SARs and CTRs in accordance with law and regulations, and the failure to conduct customer due diligence as required by law and regulation.

Applicants' Legal Analysis

1. Section 9(a)(1) of the Act provides, in pertinent part, that a person may not serve or act as an investment adviser or depositor of any registered investment company or as principal underwriter for any Open-End Fund, UIT, or FACC, if such person within ten years has been convicted of any felony or misdemeanor, including those arising out of such person's conduct as a broker, dealer or bank. Section 2(a)(10) of the Act defines the term ''convicted'' to include a plea of guilty. Section 9(a)(3) of the Act extends the prohibitions of section 9(a)(1) to a company, any affiliated person of which has been disqualified under the provisions of section 9(a)(1). Section 2(a)(3) of the Act defines ''affiliated person'' to include, among others, any person directly or indirectly controlling, controlled by, or under common control with, the other person. The Pleading Entities are affiliated persons of each of the other Applicants within the meaning of section 2(a)(3) of the Act. Therefore, the Plea Agreement resulted in a disqualification of Epoch for ten years under section 9(a)(3) from acting in any of the capacities listed in section 9(a), by effect of a conviction described in section 9(a)(1).

2. Section 9(c) of the Act provides that: ''[t]he Commission shall by order grant [an] application [for relief from the prohibitions of subsection 9(a)], either unconditionally or on an appropriate temporary or other conditional basis, if it is established [i] that the prohibitions of subsection 9(a), as applied to such person, are unduly or disproportionately severe or [ii] that the conduct of such person has been such as not to make it against the public interest or the protection of investors to grant such application.'' Applicants have filed an application pursuant to section 9(c) seeking a Temporary Order and a Permanent Order exempting Epoch and other Covered Persons from the disqualification provisions of section 9(a) of the Act. The Covered Persons may, if the Orders are granted, in the future act in any of the capacities contemplated by section 9(a) of the Act subject to the applicable terms and conditions of the Orders.

3. Applicants believe they meet the standards for exemption specified in section 9(c). Applicants assert that: (i) the scope of the misconduct was limited and did not involve any of the Applicants acting as an investment adviser, depositor or principal underwriter for any Fund, or any Fund with respect to which Epoch engage in Fund Servicing Activities; (ii) application of the statutory bar would impose significant hardships on the Funds and their shareholders; (iii) the prohibitions of section 9(a), if applied to Epoch, would be unduly or disproportionately severe; and (iv) the Conduct did not constitute conduct that would make it against the public interest or protection of investors to grant the exemption from section 9(a).

4. Applicants represent that the Conduct did not involve Epoch or any Epoch personnel. Applicants further represent that the Conduct did not involve any Fund with respect to which Epoch engaged in Fund Servicing Activities. Applicants represent that the Conduct did not involve any of the Applicants acting in the capacity as an investment adviser, depositor or principal underwriter for any Fund.[2] Applicants state that the Conduct was confined to TDBNA and TDBUSH. Applicants state that the five former TDBNA employees identified in the Statement of Facts as having willfully opened or maintained accounts for a money laundering network have been terminated and are not employed by any affiliate of the Pleading Entities. Applicants state that TD Bank recognizes that effective AML compliance begins by setting the ''tone from the top'' and continues to implement significant changes in connection with relevant practices and controls, as summarized below and described in more detail in the application. Applicants assert that, in light of the limited scope of the Conduct, it would be unduly and disproportionately severe to impose a section 9(a) disqualification on the Fund Servicing Applicants. Applicants assert that the conduct of the Applicants has not been such to make it against the public interest or the protection of investors to grant the exemption from section 9(a).

5. Applicants assert that neither the protection of investors nor the public interest would be served by permitting the section 9(a) disqualifications to apply to Epoch because those disqualifications would deprive the Funds of the sub-advisory services that shareholders expected the Funds would receive when they decided to invest in the Funds. Applicants also assert that application of the prohibitions of section 9(a) to Epoch could operate to the financial detriment of the Funds and their shareholders, including by causing the Funds to spend time and resources to engage substitute sub-advisers.

6. Applicants assert that if Epoch were barred under Section 9(a) from providing investment advisory services to the Funds and were unable to obtain the requested exemption, the effect on its businesses and employees would be severe. Applicants state that Epoch has committed substantial capital and other resources to establishing expertise in

[2] Applicants represent that the Pleading Entities do not engage, have not engaged, and will not engage in in any of the capacities contemplated by section 9(a) of the Act.

sub-advising Funds with a view to continuing and expanding this business, which Applicants consider strategically important. Applicants further state that prohibiting Epoch from engaging in Fund Servicing Activities would not only adversely affect its business but would also adversely affect its employees who are involved in these activities.

7. Applicants represent that: (1) none of Epoch's current or former directors, officers or employees had any involvement in the Conduct; (2) no current or former employee of the Pleading Entities or any Covered Person who previously has been or who subsequently may be identified by the Pleading Entities or any U.S. or non-U.S. regulatory or enforcement agencies as having been responsible for the Conduct will be an officer, director, or employee of any Covered Person; (3) the identified employees have had no, and will not have any future, involvement in the Covered Persons' activities in any capacity described in section 9(a) of the Act; and (4) because the personnel of Epoch did not engage in the Conduct, shareholders of the Funds were not affected any differently than if those Funds had received services from any other non-affiliated investment adviser.

8. Applicants have agreed that none of the Applicants or any of the other Covered Persons will employ the former employees of an affiliate of the Pleading Entities or any other person who subsequently may be identified by the Pleading Entity or any U.S. or non-U.S. regulatory or enforcement agencies as having been responsible for the Conduct in any capacity without first making a further application to the Commission pursuant to section 9(c).

9. Applicants have also agreed each Applicant and Covered Person will adopt and implement policies and procedures reasonably designed to ensure compliance with the terms and conditions of any Orders granted under section 9(c).

10. In addition, each Applicant and Covered Person will comply in all material respects with the material terms and conditions of the Plea Agreements and with the material terms of the FRB Order, the FinCEN Order, the OCC Order and any other orders issued by regulatory or enforcement agencies addressing the Conduct.

11. Applicants further state that the Pleading Entities have undertaken and are continuing to undertake certain other remedial measures, as described in greater detail in the application. These remedial measures include: (i) implementing new transaction monitoring scenarios; (ii) enhancing policies and procedures related to the identification of parties involved in conducting transactions, the collection of such conductors' identifying information, and reporting of the conductors in CTRs; (iii) terminating, separating, and/or sanctioning certain employees involved in the Conduct; and (iv) improving the overall compliance function and increasing their investments in the program, including by hiring competent and experienced AML compliance employees and executives and making significant investments in technology and AML systems.

12. As a result of the foregoing, the Applicants submit that absent relief, the prohibitions of section 9(a) would be unduly or disproportionately severe, and that the Conduct did not constitute conduct that would make it against the public interest or protection of investors to grant the exemption.

13. To provide further assurance that the exemptive relief being requested in the application would be consistent with the public interest and the protection of the investors, the Applicants state that with respect to each of the Funds for which Epoch is a sub-adviser, they have disclosed and discussed the circumstances that led to the Plea Agreements, as well as any effects on the Funds, with the Fund's primary investment adviser. Applicants note that they understand that each primary investment adviser has provided to each Fund's board of directors all information concerning the Plea Agreements and the Application necessary for those Funds to fulfill their disclosure and other obligations under the U.S. federal securities laws. Applicants also state that they have offered to reimburse the Funds for all reasonable out-of-pocket expenses that the Funds have incurred as a result of the impact of the Plea Agreements on Epoch.

14. Applicants represent that the sub-advisory fees that would otherwise be payable to Epoch by the primary investment advisers to the respective Funds for the period from October 10, 2024 through the date upon which the Commission grants the Temporary Order have been and will continue to be retained by the primary investment advisers in escrow arrangements. Amounts placed in the escrow arrangements will be released after the Commission has acted on the application for the Permanent Order.

15. TD Bank previously applied for, and was granted by the Commission, an exemptive order under Section 9(c) of the Act, as described in greater detail in the application.[3] Applicants note that none of the conduct underlying the previous Section 9(c) order involved the provision of Fund Servicing Activities.

Applicants' Conditions

Applicants agree that any order granted by the Commission pursuant to the application will be subject to the following conditions:

1. Any temporary exemption granted pursuant to the application will be without prejudice to, and will not limit the Commission's rights in any manner with respect to, any Commission investigation of, or administrative proceedings involving or against, Covered Persons, including, without limitation, the consideration by the Commission of a permanent exemption from section 9(a) of the Act requested pursuant to the Application or the revocation or removal of any temporary exemptions granted under the Act in connection with the Application.

2. None of the Applicants or any of the other Covered Persons will employ the former employees of an affiliate of the Pleading Entities or any other person who subsequently may be identified by the Pleading Entities or any U.S. or non-U.S. regulatory or enforcement agencies as having been responsible for the Conduct in any capacity without first making a further application to the Commission pursuant to Section 9(c).

3. Each Applicant and Covered Person will adopt and implement policies and procedures reasonably designed to ensure that it will comply with the terms and conditions of the Orders within 60 days of the date of the Permanent Order or, with respect to condition four, such later date or dates as may be contemplated by the Plea Agreements, the FRB Order, the FinCEN Order, the OCC Order or any other orders issued by regulatory or enforcement agencies addressing the Conduct.

4. Each Applicant and Covered Person will comply in all material respects with the material terms and conditions of the Plea Agreements and with the material terms of the FRB Order, the FinCEN Order, the OCC Order, and any other orders issued by regulatory or enforcement agencies addressing the Conduct.

5. Applicants will provide written notification to the Chief Counsel of the Commission's Division of Investment Management with a copy to the Chief

[3] *See In the Matter of the Toronto Dominion bank., et al.,* Investment Company Act Release Nos. IC–24486 (June 7, 2000) (notice and temporary order) and IC–26787 (July 11, 2000) (permanent order).

Counsel of the Commission's Division of Enforcement of a material violation of the terms and conditions of the Orders within 30 days of discovery of the material violation.

6. As a condition of the Temporary Order, the primary investment advisers will hold in an escrow arrangement amounts equal to all sub-advisory fees payable by the Funds to Epoch for the period from October 10, 2024 through the date upon which the Commission grants the Temporary Order. Amounts placed in the escrow arrangement will be released from the escrow arrangement after the Commission has acted on the application for the Permanent Order.

Temporary Order

The Commission has considered the matter and finds that Applicants have made the necessary showing to justify granting a temporary exemption.

Accordingly,

It is hereby ordered, pursuant to section 9(c) of the Act, that the Applicants and any other Covered Persons are granted a temporary exemption from the provisions of section 9(a), effective as the date of this order, solely with respect to the Guilty Pleas entered into pursuant to the Plea Agreements, subject to the representations and conditions in the application, until the Commission takes final action on their application for a permanent order.

By the Commission.

J. Matthew DeLesDernier,

Deputy Secretary.

[FR Doc. 2024–31134 Filed 12–30–24; 8:45 am]

BILLING CODE 8011–01–P

SMALL BUSINESS ADMINISTRATION

[Disaster Declaration # 20931 and # 20841; NEW YORK Disaster Number NY–20021]

Administrative Disaster Declaration of a Rural Area for the State of New York

AGENCY: U.S. Small Business Administration.

ACTION: Notice.

SUMMARY: This is a notice of an Administrative disaster declaration of a rural area for the State of NEW YORK dated December 20, 2024.

Incident: Severe Storm and Flooding.

DATES: Issued on December 20, 2024.

Incident Period: August 18, 2024 through August 19, 2024.

Physical Loan Application Deadline Date: February 18, 2025.

Economic Injury (EIDL) Loan Application Deadline Date: September 22, 2025.

ADDRESSES: *Visit the MySBA Loan Portal at https://lending.sba.gov* to apply for a disaster assistance loan.

FOR FURTHER INFORMATION CONTACT: Alan Escobar, Office of Disaster Recovery & Resilience, U.S. Small Business Administration, 409 3rd Street SW, Suite 6050, Washington, DC 20416, (202) 205–6734.

SUPPLEMENTARY INFORMATION: Notice is hereby given that as a result of the Administrator's disaster declaration of a rural area, applications for disaster loans may be submitted online using the MySBA Loan Portal *https://lending.sba.gov* or other locally announced locations. Please contact the SBA disaster assistance customer service center by email at *disastercustomerservice@sba.gov* or by phone at 1–800–659–2955 for further assistance.

The following areas have been determined to be adversely affected by the disaster:

Primary Counties: Lewis.

The Interest Rates are:

	Percent
For Physical Damage:	
Homeowners with Credit Available Elsewhere	5.625
Homeowners without Credit Available Elsewhere	2.813
Businesses with Credit Available Elsewhere	8.000
Businesses without Credit Available Elsewhere	4.000
Non-Profit Organizations with Credit Available Elsewhere	3.250
Non-Profit Organizations without Credit Available Elsewhere	3.250
For Economic Injury:	
Business and Small Agricultural Cooperatives without Credit Available Elsewhere	4.000
Non-Profit Organizations without Credit Available Elsewhere	3.250

The number assigned to this disaster for physical damage is 209316 and for economic injury is 208410.

The State which received an EIDL Declaration is New York.

(Catalog of Federal Domestic Assistance Number 59008)

Isabella Guzman,

Administrator.

[FR Doc. 2024–31430 Filed 12–30–24; 8:45 am]

BILLING CODE 8026–09–P

SOCIAL SECURITY ADMINISTRATION

[Docket No. SSA–2024–0046]

Privacy Act of 1974; System of Records

AGENCY: Social Security Administration (SSA).

ACTION: Notice of a modified system of records.

SUMMARY: In accordance with the Privacy Act of 1974, we are issuing public notice of our intent to modify an existing system of records entitled, Master Files of Social Security Number (SSN) Holders and SSN Applications (60–0058), last published on January 4, 2022. This notice publishes details of the modified system as set forth below under the caption, **SUPPLEMENTARY INFORMATION**.

DATES: The system of records notice (SORN) is applicable upon its publication in today's **Federal Register**, with the exception of the new routine use, which is effective January 30, 2025.

We invite public comment on the routine uses or other aspects of this SORN. In accordance with the Privacy Act of 1974, we are providing the public a 30-day period in which to submit comments. Therefore, please submit any comments by January 30, 2025.

ADDRESSES: The public, Office of Management and Budget (OMB), and Congress may comment on this publication by writing to the Executive Director, Office of Privacy and Disclosure, Office of the General Counsel, SSA, Room G–401 West High Rise, 6401 Security Boulevard, Baltimore, Maryland 21235–6401, or through the Federal e-Rulemaking Portal at *http://www.regulations.gov.* Please reference docket number SSA–2024–0046. All comments we receive will be available for public inspection at the above address and we will post them to *http://www.regulations.gov.*

FOR FURTHER INFORMATION CONTACT: Tristin Dorsey, Government Information Specialist, Privacy Implementation Division, Office of Privacy and Disclosure, Office of the General Counsel, SSA, Room G–401 West High Rise, 6401 Security Boulevard, Baltimore, Maryland 21235–6401, telephone: (410) 966–5855, email: *OGC.OPD.SORN@ssa.gov.*

SUPPLEMENTARY INFORMATION: We are clarifying the system location to recognize that we may also maintain records in a cloud-based environment. We are revising the categories of individuals covered by the system and routine use No. 14 to incorporate gender-inclusive language, in support of

E.O. 13988, Preventing and Combating Discrimination on the Basis of Gender Identity or Sexual Orientation. We are revising routine use Nos. 4, 8, 9, 11, 17, 19, 20, 32, 37, 40, and 47 for easier reading. We are also adding a new routine use that permits disclosure to a proper applicant who submits a Social Security card application when the proper applicant establishes that the number holder is physically or mentally unable to file for a Social Security card on their own behalf and provides evidence of custody or legal relationship for the number holder.

In addition, we are revising the policies and practices for retention and disposal of records to reflect the accurate retention and disposal schedules. We are modifying the administrative, technical, and physical safeguards for easier reading. We are modifying the notice throughout to correct miscellaneous stylistic formatting and typographical errors of the previously published notice, and to ensure the language reads consistently across multiple systems. We are republishing the entire notice for ease of reference.

In accordance with 5 U.S.C. 552a(r), we have provided a report to OMB and Congress on this modified system of records.

Matthew Ramsey,

Executive Director, Office of Privacy and Disclosure, Office of the General Counsel.

SYSTEM NAME AND NUMBER:

Master Files of Social Security Number (SSN) Holders and SSN Applications (60–0058)

SECURITY CLASSIFICATION:

Unclassified.

SYSTEM LOCATION:

Social Security Administration, Office of Systems, Office of Systems Operations and Hardware Engineering, Robert M. Ball Building, 6401 Security Boulevard, Baltimore, MD 21235–6401.

Information is also located in additional locations in connection with cloud-based services and as backup for business continuity purposes.

SYSTEM MANAGER(S):

Social Security Administration, Deputy Commissioner for Retirement and Disability Policy, Office of Income Security Programs, 6401 Security Boulevard, Baltimore, MD 21235–6401, (410) 966–5855.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

Sections 205(a) and 205(c)(2) of the Social Security Act, as amended.

PURPOSE(S) OF THE SYSTEM:

We use information in this system to assign SSNs and for a number of administrative and program purposes, including but not limited to: for various Old Age, Survivors, and Disability Insurance, Supplemental Security Income, and Medicare/Medicaid claims purposes; as a case control number; as a secondary beneficiary cross-reference control number for enforcement purposes; for verification of individual identity factors; and for other claims purposes related to establishing benefit entitlement. We use information in this system:

- for the general administration of the Social Security Act to ensure the accuracy of enumeration related information in other SSA systems;
- to prevent the processing of an SSN card application for a person whose application we identified was supported by evidence that either:
  - we suspect may be fraudulent and we are verifying evidence, or
  - we determined to be fraudulent information;
- to record accurate earnings information to the correct individual;
- to prevent issuance of multiple SSNs to a person;
- for resolution of earnings discrepancy cases; and
- for research and statistical activities.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

This system contains a record of each person who has applied for and to whom we have assigned an SSN. This system also contains records of each person who applied for an SSN, but to whom we did not assign one for one of the following reasons: (1) their application was supported by documents that we suspect may be fraudulent and we are verifying the documents with the issuing agency; (2) we have determined the person submitted fraudulent documents; (3) we do not suspect fraud but we need to further verify information the person submitted or we need additional supporting documents; or (4) we have not yet completed processing the application.

CATEGORIES OF RECORDS IN THE SYSTEM:

We collect applications for SSNs. This system contains all of the information we received on the applications for SSNs (*e.g.,* name, date and place of birth, sex identification, both parents' names, reference number, and alien registration number) and all information obtained during the processing of the SSN request. The system also contains:

- changes in the information on the applications the SSN holders submit;
- information from applications supported by evidence we suspect or determine to be fraudulent, along with the mailing addresses of the persons who filed such applications and descriptions of the documentation they submitted;
- cross-references when multiple numbers have been issued to the same person;
- a form code that identifies the Form SS–5 (Application for a Social Security Card Number) as the application the person used for the initial issuance of an SSN, or for changing the identifying information (*e.g.,* a code indicating original issuance of the SSN, or that we assigned the person's SSN through our enumeration at birth program);
- a citizenship code that identifies the number holder's status as a U.S. citizen or the work authorization of a non-citizen;
- a special indicator code that identifies types of questionable data or special circumstances concerning an application for an SSN (*e.g.,* false identity; illegal alien; scrambled earnings);
- an indication that an SSN was assigned based on harassment, abuse, or life endangerment;
- an indication that a person has filed a benefit claim under a particular SSN; and
- other indicators needed to process SSN requests.

RECORD SOURCE CATEGORIES:

We obtain information in this system of records from SSN applicants (or persons acting on their behalf), as well as Federal, State, and local agencies.

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND PURPOSES OF SUCH USES:

We will disclose records pursuant to the following routine uses; however, we will not disclose any information defined as ''return or return information'' under 26 U.S.C. 6103 of the Internal Revenue Code (IRC), unless authorized by a statute, the Internal Revenue Service (IRS), or IRS regulations.

1. To employers (or agents on their behalf) in order to complete their records for reporting wages to us pursuant to the Federal Insurance Contributions Act and section 218 of the Social Security Act.

2. To Federal, State, and local entities to assist them with administering income maintenance and health-maintenance programs, when a Federal statute authorizes them to use the SSN.

3. To the Department of Justice (DOJ) for investigating and prosecuting violations of the Social Security Act.

4. To Department of Homeland Security (DHS), upon request, to identify and locate aliens in the United States pursuant to section 290(b) of the Immigration and Nationality Act (8 U.S.C. 1360(b)).

5. To the Railroad Retirement Board (RRB), for the purpose of administering provisions of the Social Security Act relating to railroad employment and for administering the Railroad Unemployment Insurance Act.

6. To the Department of the Treasury, for:

(a) tax administration as defined in section 6103 of the IRC (26 U.S.C. 6103);

(b) investigating the alleged theft, forgery, or unlawful negotiation of Social Security checks; and

(c) administering those sections of the IRC that grant tax benefits based on support or residence of children. As required by section 1090(b) of the Taxpayer Relief Act of 1997, Public Law 105–34, this routine use applies specifically to the SSNs of parents show on an application for an SSN for a person who has not yet attained age 18.

7. To a congressional office in response to an inquiry from that office made on behalf of, and at the request of, the subject of the record or third party acting on the subject's behalf.

8. To the Department of State (DOS) for administering the Social Security Act in foreign countries through its facilities and services.

9. To the American Institute, a private corporation under contract to DOS, for administering the Social Security Act on Taiwan through facilities and services of that agency.

10. To the Department of Veterans Affairs (DVA), Regional Office, Manila, Philippines, for the administration of the Social Security Act in the Philippines and other parts of the Asia-Pacific region through services and facilities of that agency.

11. To the Department of Labor (DOL) for administering provisions of Title IV of the Federal Coal Mine Health and Safety Act, as amended by the Black Lung Benefits Act, and for studies on the effectiveness of training programs to combat poverty.

12. To DVA:

(a) to validate SSNs of compensation recipients/pensioners so that DVA can release accurate pension/compensation data to us for Social Security program purposes; and

(b) upon request, for purposes of determining eligibility for, or amount of DVA benefits, or verifying other information with respect thereto.

13. To Federal agencies that use the SSN as a numerical identifier in their record-keeping systems for the purpose of validating SSNs.

14. To DOJ, a court or other tribunal, or another party before such court or tribunal, when:

(a) SSA, or any component thereof; or

(b) any SSA employee in their official capacity; or:

(c) any SSA employee in their individual capacity where DOJ (or SSA, where it is authorized to do so) has agreed to represent the employee; or

(d) the United States or any agency thereof where we determine the litigation is likely to affect SSA or any of its components, is a party to the litigation or has an interest in such litigation, and SSA determines that the use of such records by DOJ, a court or other tribunal, or another party before the tribunal is relevant and necessary to the litigation, provided, however, that in each case, we determine that such disclosure is compatible with the purpose for which the records were collected.

15. To State audit agencies for the purpose of:

(a) auditing State supplementation payments and Medicaid eligibility considerations; and

(b) expenditures of Federal funds by the State in support of the Disability Determination Services.

16. To the Social Security agency of a foreign country to carry out the purpose of an international social security agreement entered into between the United States and the other country, pursuant to section 233 of the Social Security Act.

17. To Federal, State, or local agencies (or agents on their behalf), for administering income or health maintenance programs including programs under the Social Security Act. Such disclosures include the release of information to the following agencies, but are not limited to:

(a) RRB, for administering provisions of the Railroad Retirement Act and Social Security Act, relating to railroad employment, and for administering provisions of the Railroad Unemployment Insurance Act;

(b) DVA, for administering 38 U.S.C. 1312, and upon request, for determining eligibility for, or amount of, veterans' benefits or for verifying other information with respect thereto pursuant to 38 U.S.C. 5106;

(c) DOL, for administering provisions of Title IV of the Federal Coal Mine Health and Safety Act, as amended by the Black Lung Benefits Act.

18. To State welfare departments:

(a) pursuant to agreements with us, for the administration of State supplementation payments;

(b) for enrollment of welfare beneficiaries for medical insurance under section 1843 of the Social Security Act; and

(c) for conducting independent quality assurance reviews of SSI beneficiary records, provided that the agreement for Federal administration of the supplementation provides for such an independent review.

19. To third party contacts (*e.g.,* State bureaus of vital statistics and DHS) that issue documents to persons when the third party has, or is expected to have, information that will verify documents when we are unable to determine if such documents are authentic.

20. To DOJ, Criminal Division, Human Rights and Special Prosecutions Section, upon receipt of a request for information pertaining to the identity and location of aliens for the purpose of detecting, investigating and, where appropriate, taking legal action against suspected participants in Nazi persecution, genocide, and torture or extra judicial killings in the United States.

21. To the Selective Service System for the purpose of enforcing draft registration pursuant to the provisions of the Military Selective Service Act (50 U.S.C. App. § 462, as amended by section 916 of Pub. L. 97–86).

22. To contractors and other Federal agencies, as necessary, for assisting SSA in the efficient administration of its programs. We will disclose information under this routine use only in situations in which SSA may enter into a contractual or similar agreement with a third party to assist in accomplishing an agency function relating to this system of records.

23. To the National Archives and Records Administration (NARA) under 44 U.S.C. 2904 and 2906.

24. To the Office of Personnel Management (OPM) upon receipt of a request from that agency in accordance with 5 U.S.C. 8347(m)(3), to disclose SSN information when OPM needs the information to administer its pension program for retired Federal Civil Service employees.

25. To the Department of Education, upon request, to verify SSNs and to disclose citizenship status concerning applicants who apply to postsecondary educational institutions for financial assistance under Title IV of the Higher Education Act of 1965 (20 U.S.C. 1091).

26. To student volunteers, individuals working under a personal services contract, and other workers who technically do not have the status of

Federal employees, when they are performing work for us, as authorized by law, and they need access to personally identifiable information (PII) in our records in order to perform their assigned agency functions.

27. To Federal, State, and local law enforcement agencies and private security contractors, as appropriate, information necessary:

(a) to enable them to ensure the safety of our employees and customers, the security of our workplace, and the operation of our facilities; or

(b) to assist investigations or prosecutions with respect to activities that affect such safety and security or activities that disrupt the operation of our facilities.

28. To recipients of erroneous Death Master File (DMF) information, to disclose corrections to information that resulted in erroneous inclusion of persons in the DMF.

29. To State vital records and statistics agencies, the SSNs of newborn children for administering public health and income maintenance programs, including conducting statistical studies and evaluation projects.

30. To State motor vehicle administration agencies (MVA) and to State agencies charged with administering State identification card programs for the public to verify names, dates of birth, and Social Security numbers on those persons who apply for, or for whom the State issues, driver's licenses or State identification cards.

31. To entities conducting epidemiological or similar research projects, upon request, pursuant to section 1106(d) of the Social Security Act (42 U.S.C. 1306(d)), to disclose information as to whether a person is alive or deceased, provided that:

(a) we determine, in consultation with the Department of Health and Human Services (HHS), that the research may reasonably be expected to contribute to a national health interest;

(b) the requester agrees to reimburse us for the costs of providing the information; and

(c) the requester agrees to comply with any safeguards and limitations we specify regarding re-release or re-disclosure of the information.

32. To DHS and to employers for the administration of the E-Verify Program, pursuant to Public Law 104–208, section 404(e). We will inform DHS and the employer participating in the E-Verify Program that the identifying data (SSN, name, and date of birth) furnished by an employer concerning a particular employee matches, or does not match, the data maintained in this system of records, and when there is such a match, that information in this system of records indicates that the employee is, or is not, a citizen of the United States.

33. To a State Bureau of Vital Statistics (BVS) that is authorized by States to issue electronic death reports when the State BVS requests that we verify the SSN of a person on whom the State will file an electronic death report after we verify the SSN.

34. To the Department of Defense (DOD) to disclose validated SSN information and citizenship status information for the purpose of assisting DOD in identifying those members of the Armed Forces and military enrollees who are aliens or non-citizen nationals who may qualify for expedited naturalization or citizenship processing. These disclosures will be made pursuant to requests made under section 329 of the Immigration and Nationality Act, 8 U.S.C. 1440, as executed by Executive Order 13269.

35. To contractors, cooperative agreement awardees, State agencies, Federal agencies, and Federal congressional support agencies for research and statistical activities that are designed to increase knowledge about present or alternative Social Security programs; are of importance to the Social Security program or the Social Security beneficiaries; or are for an epidemiological project that relates to the Social Security program or beneficiaries. We will disclose information under this routine use pursuant only to a written agreement with us.

36. To State and Territory MVA officials (or agents or contractors on their behalf) and State and Territory chief election officials, under the provisions of section 205(r)(8) of the Social Security Act (42 U.S.C. 405(r)(8)), to verify the accuracy of information the State agency provides with respect to applications for voter registration for those persons who do not have a driver's license number:

(a) when the applicant provides the last four digits of the SSN, or

(b) when the applicant provides the full SSN, in accordance with section 7 of the Privacy Act (5 U.S.C. 552a note), as described in section 303(a)(5)(D) of the Help America Vote Act of 2002. (42 U.S.C. 15483(a)(5)(D)).

37. To the Secretary of HHS or to any State, any record or information requested in writing by the Secretary for the purpose of administering any program administered by the Secretary, if we disclosed records or information of such type under applicable rules, regulations, and procedures in effect before the date of enactment of the Social Security Independence and Program Improvements Act of 1994.

38. To appropriate agencies, entities, and persons when:

(a) SSA suspects or has confirmed that there has been a breach of the system of records;

(b) SSA has determined that as a result of the suspected or confirmed breach there is a risk of harm to individuals, SSA (including its information systems, programs, and operations), the Federal Government, or national security; and

(c) the disclosure made to such agencies, entities, and persons is reasonably necessary to assist in connection with SSA's efforts to respond to the suspected or confirmed breach or to prevent, minimize, or remedy such harm.

39. To State agencies charged with administering Medicaid and the Children's Health Insurance Program (CHIP) to verify personal identification data (*e.g.,* name, SSN, and date of birth) and to disclose citizenship status information to assist them in determining new applicants' entitlement to benefits provided by the CHIP.

40. To HHS, Centers for Medicare and Medicaid Services, for the purpose of the administration of Insurance Affordability Programs (IAP) and to identify individuals who qualify for an exemption from the individual responsibility requirement in accordance with the Patient Protection and Affordable Care Act of 2010 (Pub. L. 111–148), as amended by the Health Care and Education Reconciliation Act of 2010 (Pub. L. 111–152). IAPs include a Qualified Health Plan through the Exchange, Advance Payments of the Premium Tax Credit, Cost Sharing Reductions, Medicaid, the Children's Health Insurance Program, and the Basic Health Program.

41. To the Corporation for National and Community Service, upon request, to verify SSNs and to provide citizenship status as recorded in our records concerning individuals applying to serve in approved national service positions and those designated to receive national service education awards under the National and Community Service Act.

42. To another Federal agency or Federal entity, when SSA determines that information from this system of records is reasonably necessary to assist the recipient agency or entity in:

(a) responding to a suspected or confirmed breach; or

(b) 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.

43. To State and local government agencies, in situations involving suspected abuse, neglect, or exploitation of minor children or vulnerable adults, to report suspected abuse or determine a victim's eligibility for services.

44. To a State BVS, when it provided SSA information that an individual was deceased to notify the State of the error in the record so furnished.

45. To the Department of the Treasury, for purposes of tax administration, debt collection, and identifying, preventing, and recovering improper payments under federally funded programs and to Federal and State agencies for conducting statistical and research activities, pursuant to sections 202(x) and 1611(e) of the Social Security Act. We will disclose only verified prisoner information (*e.g.,* name, SSN, gender code, and date of birth) under this routine use.

46 To the Office of the President, in response to an inquiry from that office made on behalf of, and at the request of, the subject of the record or a third party acting on the subject's behalf.

47. To HHS, Office of Child Support Enforcement, as required by section 453(e)(2) and (j)(1) of the Social Security Act for the administration of the Federal Parent Locator System.

48. To proper applicants submitting an application for a Social Security Card, when the proper applicant establishes that the number holder is physically or mentally unable to file for a Social Security card on their own behalf and provides evidence of custody or legal relationship for the number holder, we may provide the number holder's SSN.

POLICIES AND PRACTICES FOR STORAGE OF RECORDS:

We will maintain records in this system in paper and in electronic form.

POLICIES AND PRACTICES FOR RETRIEVAL OF RECORDS:

This system maintains information about individuals by SSN, name, date of birth, the agency's internal processing reference number, or alien registration number. If we deny an application because the applicant submitted fraudulent evidence, or if we are verifying evidence we suspect to be fraudulent, we will retrieve records either by the applicant's name plus month and year of birth, or by the applicant's name plus the eleven-digit reference number of the disallowed application.

POLICIES AND PRACTICES FOR RETENTION AND DISPOSAL OF RECORDS:

In accordance with NARA rules codified at 36 CFR 1225.16, we maintain records in accordance with NARA-approved agency-specific records schedule, N1–47–09–02, item 2, and NARA's General Records Schedule (GRS) 4.2, items 020 and 050, and GRS 5.2, item 010.

ADMINISTRATIVE, TECHNICAL, AND PHYSICAL SAFEGUARDS:

We retain electronic and paper files containing personal identifiers in secure storage areas accessible only by authorized individuals, including our employees and contractors, who have a need for the information when performing their official duties. Security measures include, but are not limited to, the use of codes and profiles, personal identification number and password, and personal identification verification cards. We restrict access to specific correspondence within the system based on assigned roles and authorized users. We keep paper records in cabinets within secure areas, with access limited to only those employees who have an official need for access in order to perform their duties. We use audit mechanisms to record sensitive transactions as an additional measure to protect information from unauthorized disclosure or modification.

We annually provide authorized individuals, including our employees and contractors, with appropriate security awareness training that includes reminders about the need to protect PII and the criminal penalties that apply to unauthorized access to, or disclosure of, PII (5 U.S.C. 552a(i)(1)). Furthermore, authorized individuals with access to databases maintaining PII must annually sign a sanctions document that acknowledges their accountability for inappropriately accessing or disclosing such information.

RECORD ACCESS PROCEDURES:

Individuals may submit requests for information about whether this system contains a record about them by submitting a written request to the system manager at the above address, which includes their name, SSN, or other information that may be in this system of records that will identify them. Individuals requesting notification of, or access to, a record by mail must include: (1) a notarized statement to us to verify their identity; or (2) must certify in the request that they are the individual they claim to be and that they understand that the knowing and willful request for, or acquisition of, a record pertaining to another individual under false pretenses is a criminal offense.

Individuals requesting notification of, or access to, records in person must provide their name, SSN, or other information that may be in this system of records that will identify them, as well as provide an identity document, preferably with a photograph, such as a driver's license. Individuals lacking identification documents sufficient to establish their identity must certify in writing that they are the individual they claim to be and that they understand that the knowing and willful request for, or acquisition of, a record pertaining to another individual under false pretenses is a criminal offense.

These procedures are in accordance with our regulations at 20 CFR 401.40 and 401.45.

CONTESTING RECORD PROCEDURES:

Same as record access procedures. Individuals should also reasonably identify the record, specify the information they are contesting, and state the corrective action sought and the reasons for the correction with supporting justification showing how the record is incomplete, untimely, inaccurate, or irrelevant. These procedures are in accordance with our regulations at 20 CFR 401.65(a).

NOTIFICATION PROCEDURES:

Same as records access procedures. These procedures are in accordance with our regulations at 20 CFR 401.40 and 401.45.

EXEMPTIONS PROMULGATED FOR THE SYSTEM:

None.

HISTORY:

87 FR 263 (January 4, 2022), Master Files of Social Security Number (SSN) Holders and SSN Applications.

[FR Doc. 2024–31131 Filed 12–30–24; 8:45 am]

BILLING CODE 4191–02–P

SURFACE TRANSPORTATION BOARD

[Docket No. AB 580 (Sub-No. 1X)]

Knoxville & Holston River Railroad Co., Inc., a Wholly Owned Subsidiary of Gulf & Ohio Railways, Inc.—Abandonment Exemption—in Knox County, Tenn.

On December 11, 2024, Knoxville & Holston River Railroad Co., Inc. (KXHR), a Class III rail carrier and wholly owned subsidiary of Gulf & Ohio Railways,

Inc., filed a petition under 49 U.S.C. 10502 for an exemption from the prior approval requirements of 49 U.S.C. 10903 to abandon an approximately 3.8-mile rail line between milepost 0.1 and the end of the line, all of which is located in Knoxville, Knox County, Tenn. (the Line).[1] The Line traverses U.S. Postal Service Zip Code 37920 and has no stations.

According to KXHR, it is seeking authority to abandon the Line because the traffic and revenues from the sole shipper, Ergon Terminaling, Inc. (Ergon), are insufficient to cover the costs of maintaining and operating the Line. (Pet. 3–5.) KXHR states that Ergon has significantly reduced its use of the Line, (*id.* at 5), and as a result, KXHR faces significant hardship from continued operation of the Line at a loss, (*id.* at 4). According to KXHR, since 2019, it has not received enough revenue to sustain operations, receiving an average of 8.2 carloads per year from 2019–2024. (*Id.*) KXHR states that the average revenue per year over the last five years for the Line is $5,343.00, and the operating costs of the Line currently exceed the average revenue generated from the Line by over 90%. (*Id.*) KXHR does not anticipate current traffic volumes will increase significantly. (*Id.*)

Additionally, KXHR states that its initiatives to market and develop new local businesses on the Line have failed. (*Id.* at 6.) According to KXHR, portions of the Line are situated in a rapidly developing area, with the first 1.5 miles expanding into a mixed-use residential/commercial development area, making it extremely costly and unlikely for new shippers or industries to make use of or require freight services. (*Id.*) Moreover, KXHR states that a tunnel at milepost 0.1 requires significant rehabilitation efforts to ensure continued safe and efficient operations on the Line.[2] (*Id.*) KXHR states that, given the Line's limited and unpredictable traffic and the lack of projected future traffic, there is no way the Line can be operated profitably. (*Id.*)

According to KXHR, Ergon can, and has, used alternative modes, such as barge and truck, for its transportation needs. (*Id.* at 4–5.) KXHR states that it notified Ergon around October 2024 that it planned to seek abandonment authority and terminate its common carrier obligations over the Line and served Ergon with a copy of its petition. (*Id.* at 6–7.) KXHR further states that there are no overhead operations on the Line. (*Id.* at 7.)

KXHR states that, based on information in its possession, the Line does not contain federally granted rights-of-way. Any documentation in KXHR's possession will be made available promptly to those requesting it.

The interest of railroad employees will be protected by the conditions set forth in *Oregon Short Line Railroad—Abandonment Portion Goshen Branch Between Firth & Ammon, in Bingham & Bonneville Counties, Idaho,* 360 I.C.C. 91 (1979).

By issuing this notice, the Board is instituting an exemption proceeding pursuant to 49 U.S.C. 10502(b). A final decision will be issued by March 31, 2025.

Any offer of financial assistance (OFA) under 49 CFR 1152.27(b)(2) will be due no later than 120 days after the filing of the petition for exemption, or 10 days after service of a decision granting the petition for exemption, whichever occurs sooner. Persons interested in submitting an OFA must first file a formal expression of intent to file an offer by January 10, 2025, indicating the type of financial assistance they wish to provide (*i.e.,* subsidy or purchase) and demonstrating that they are preliminarily financially responsible. *See* 49 CFR 1152.27(c)(1)(i).

The Line may be suitable for other public use, including interim trail use. Any request for a public use condition under 49 CFR 1152.28 or for interim trail use/railbanking under 49 CFR 1152.29 will be due no later than January 21, 2025.[3]

All pleadings, referring to Docket No. AB 580 (Sub-No. 1X), must be filed with the Surface Transportation Board either via e-filing on the Board's website or in writing addressed to 395 E Street SW, Washington, DC 20423–0001. In addition, a copy of each pleading must be served on KXHR's representative, Crystal M. Zorbaugh, Mullins Law Group PLLC, 2001 L St. NW, Suite 720, Washington, DC 20036. Replies to the petition are due on or before February 10, 2025.

Persons seeking further information concerning abandonment procedures may contact the Board's Office of Public Assistance, Governmental Affairs, and Compliance at (202) 245–0238 or refer to the full abandonment regulations at 49 CFR part 1152. Questions concerning environmental issues may be directed to the Board's Office of Environmental Analysis (OEA) at (202) 245–0294. If you require an accommodation under the Americans with Disabilities Act, please call (202) 245–0245.

OEA will prepare an environmental assessment (EA) (or environmental impact statement (EIS), if necessary), which will be served upon all parties of record and upon any other agencies or persons who comment during its preparation. Other interested persons may contact OEA to obtain a copy of the EA (or EIS). EAs in abandonment proceedings normally will be made available within 60 days of the filing of the petition. The deadline for submission of comments on the EA generally will be within 30 days of its service.

Board decisions and notices are available at *www.stb.gov.*

Decided: December 23, 2024.

By the Board, Scott M. Zimmerman, Acting Director, Office of Proceedings.

Stefan Rice,

Clearance Clerk.

[FR Doc. 2024–31375 Filed 12–30–24; 8:45 am]

BILLING CODE 4915–01–P

[1] On December 17, 2024, KXHR filed an errata with an updated map.

[2] According to KXHR, the state of the tunnel currently limits the type of freight that can traverse the Line, furthering limiting KXHR's potential for new traffic. (Pet. 6 n.8.)

[3] Filing fees for OFAs and trail use requests can be found at 49 CFR 1002.2(f)(25) and (27), respectively.

DEPARTMENT OF TRANSPORTATION

Federal Highway Administration

[Docket No. FHWA–2024–0085]

Agency Information Collection Activities: Request for Comments for a New Information Collection

AGENCY: Federal Highway Administration (FHWA), DOT.

ACTION: Notice and request for comments.

SUMMARY: The FHWA has forwarded the information collection request described in this notice to the Office of Management and Budget (OMB) to approve a new information collection. We are required to publish this notice in the **Federal Register** by the Paperwork Reduction Act of 1995.

DATES: Please submit comments by January 30, 2025.

ADDRESSES: You may submit comments identified by DOT Docket ID Number 0085 by any of the following methods:

Website: For access to the docket to read background documents or comments received go to the Federal eRulemaking Portal: Go to *http://www.regulations.gov.*

Follow the online instructions for submitting comments.

Fax: 1–202–493–2251.

Mail: Docket Management Facility, U.S. Department of Transportation, West Building Ground Floor, Room

W12–140, 1200 New Jersey Avenue SE, Washington, DC 20590–0001.

Hand Delivery or Courier: U.S. Department of Transportation, West Building Ground Floor, Room W12–140, 1200 New Jersey Avenue SE, Washington, DC 20590, between 9 a.m. and 5 p.m. ET, Monday through Friday, except Federal holidays.

FOR FURTHER INFORMATION CONTACT: Derek Constable, (202) 366–4606, Office of Bridges and Structures, Federal Highway Administration, Department of Transportation, 1200 New Jersey Avenue Southeast, Washington, DC 20590. Office hours are from 7 a.m. to 4 p.m., Monday through Friday, except Federal holidays.

SUPPLEMENTARY INFORMATION: We published a **Federal Register** Notice with a 60-day public comment period on this information collection on October 25, 2024, at [89 FR 85282]. There were no comments received.

Title: FY24 Competitive Highway Bridge Program (CHBP).

Background: The Consolidated Appropriations Act, 2024, Public Law 118–42, Section 126, March 9, 2024, provides $250 million to be awarded by the Federal Highway Administration (FHWA) for a Competitive Highway Bridge Program.

Eligible applicants are States that have a population density of less than 115 individuals per square mile and less than 26% of total bridges classified as in good condition; or greater than or equal to 5.2% of total bridges classified in poor condition. States meeting the population criteria and that have greater than 14% of total bridges classified as in poor condition are eligible to receive no less than $32,500,000. The funds shall be used for highway bridge replacement or rehabilitation projects on public roads that demonstrate cost savings by bundling multiple highway bridge projects. Population density is calculated based on the latest available data from the decennial census conducted under section 14(a) of title 13, United States Code. Percentages of bridge counts are based on the National Bridge Inventory as of June 2023. [Consolidated Appropriations Act, 2024, Public Law 118–42, Section 126, March 9, 2024]

Population density is calculated based on the latest available data on March 9, 2024, the date which the Consolidated Appropriations Act, 2024, became law. Resident population density is used. The percentages are based on number of bridges. Funds shall be obligated by September 30, 2027.

Based on these requirements, eligible applicants are the State Departments of Transportation (State DOTs) of Alaska, Arkansas, Iowa, Kansas, Kentucky, Louisiana, Maine, Mississippi, Missouri, Montana, Nebraska, North Dakota, Oklahoma, South Dakota, Utah, West Virginia, Wisconsin, and Wyoming. State DOTs that are eligible to receive no less than $32,500,000 include Iowa, Maine, South Dakota, and West Virginia.

Awards will be made only to a State DOT. Applications by non-State Dot entities must be submitted by the State DOT in which they are located.

Each application will require the following project narrative:

- A discussion and supporting information that describes the project description, location, and project parties,
- a discussion and supporting information on proposed project funding including the sources and availability of funds to supplement a grant award and to supplement the Federal share,
- a discussion and supporting information on how the project meets the CHBP merit criteria,
- a discussion and supporting information on project readiness and environmental status to include discussion and supporting information on technical feasibility, project schedule, status of required approvals including environmental permits and reviews, status of State, metropolitan, and local planning document approvals, and an assessment of project risks and mitigation strategies.

Each applicant selected for CHBP grant funding will be required to execute a project agreement which is a type of grant agreement for administration of funds to a State DOT in FHWA's Fiscal Management System. In the agreement, the recipient must describe the project that FHWA agreed to fund, which is the project that was described in the application or a reduced-scope version of that project. The agreement also includes project schedule milestones, a budget, and project-related goals.

Each applicant selected for CHBP grant funding (awardee) will be required to collect and report project monitoring information. This will include information on the project's performance using performance indicators supplied by FHWA that relate to CHBP goals. Performance reporting continues for several years after project construction is completed. Each awardee will submit progress and monitoring reports on a quarterly basis until completion of the project as determined by FHWA. This information will be used to monitor awardees' use of Federal funds, ensuring accountability and financial transparency.

These requirements will be further detailed in the Notice of Funding Opportunity

This notice seeks comments on the proposed information collection, which will collect information necessary to support the evaluation of applications and selection of project awards, the funding agreement negotiation stage for awards, and project monitoring.

Respondents: Any eligible State DOT can submit as many as three applications. A limit of three applications will be specified in the Notice of Funding Opportunity. There are 18 eligible States.

Frequency: Annually.

Estimated Average Burden per Response: 100 hours per respondent per application. In addition, each awarded project is estimated to require 60 hours for negotiating and signing the funding agreement and project monitoring reporting including performance indicator and financial monitoring. FHWA is estimates that project monitoring will occur for four years.

Estimated Total Annual Burden Hours: It is estimated that the respondents will complete approximately 27 applications for an estimated total of 2,700 burden hours. In addition, it is estimated that there will be 18 awarded projects for an estimated total of 1,080 additional burden hours. There are 3,780 total annual burden hours.

Public Comments Invited: You are asked to comment on any aspect of this information collection, including: (1) Whether the proposed collection is necessary for the FHWA's performance; (2) the accuracy of the estimated burdens; (3) ways for the FHWA to enhance the quality, usefulness, and clarity of the collected information; and (4) ways that the burden could be minimized, including the use of electronic technology, 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.

Authority: The Paperwork Reduction Act of 1995; 44 U.S.C. chapter 35, as amended; and 49 CFR 1.48.

Issued on: December 26, 2024.

Jazmyne Lewis,

Information Collection Officer.

[FR Doc. 2024–31393 Filed 12–30–24; 8:45 am]

BILLING CODE 4910–22–P

DEPARTMENT OF TRANSPORTATION

National Highway Traffic Safety Administration

[Docket No. NHTSA–2024–0017]

Agency Information Collection Activities; Notice and Request for Comment; Vehicle Information for the General Public

AGENCY: National Highway Traffic Safety Administration (NHTSA), Department of Transportation (DOT).

ACTION: Notice and request for comments on a revision of a currently approved collection of information.

SUMMARY: The National Highway Traffic Safety Administration (NHTSA) seeks public comment about our intention to request the Office of Management and Budget's (OMB) approval on the revision of a currently approved information collection. Before a Federal agency can collect certain information from the public, it must receive approval from OMB. Under procedures established by the Paperwork Reduction Act (PRA) of 1995, before seeking OMB approval, Federal agencies must solicit public comment on proposed collections of information, including extensions, reinstatements, and renewals of previously approved collections. This document describes one collection of information concerning vehicle safety features for consumer information purposes for which NHTSA intends to seek OMB approval on Vehicle Information for the General Public (OMB Control number 2127–0629).

DATES: Comments should be submitted on or before March 3, 2025.

ADDRESSES: You may submit comments [identified by Docket No. NHTSA–2024–0017] through one of the following methods:

- *Federal eRulemaking Portal:* Go to *http://www.regulations.gov.* Follow the online instructions for submitting comments.
- *Mail:* Docket Management Facility; M–30, U.S. Department of Transportation, West Building Ground Floor, Rm. W12–140, 1200 New Jersey Avenue SE, Washington, DC 20590.
- *Hand Delivery or Courier:* West Building Ground Floor, Room W12–140, 1200 New Jersey Avenue SE, Washington, DC 20590 between 9 a.m. and 5 p.m. Eastern Time, Monday through Friday, except Federal holidays.
- *Fax:* (202) 493–2251.

Regardless of how you submit your comments, please be sure to mention the docket number of this document and identify the proposed collection of information for which a comment is provided, by referencing its OMB clearance number.

Note: All comments received will be posted without change to *http://www.regulations.gov,* including any personal information provided. Anyone can search the electronic form of all comments received into any of our dockets by the name of the individual submitting the comment (or signing the comment, if submitted on behalf of an association, business, labor union, etc.). You may review DOT's complete Privacy Act Statement in the **Federal Register** published on April 11, 2000 (65 FR 19477–78).

Docket: For access to the docket to read background documents or comments received, go to *http://www.regulations.gov* or the street address listed above. Follow the online instructions for accessing the dockets.

FOR FURTHER INFORMATION CONTACT: Complete copies of each request for collection of information may be obtained at no charge from Ms. Jennifer Lee, U.S. Department of Transportation, NHTSA, 1200 New Jersey Ave. SE, Washington, DC 20590. Ms. Lee's telephone number is (202) 366–7695. Please identify the relevant collection of information by referring to its OMB Control Number.

SUPPLEMENTARY INFORMATION: Under the PRA of 1995, before an agency submits a proposed collection of information to OMB for approval, it must first publish a document in the **Federal Register** providing a 60-day comment period and otherwise consult with members of the public and affected agencies concerning each proposed collection of information. In compliance with these requirements, NHTSA asks for public comment on the following proposed collection of information:

Title: Vehicle Information for the General Public.

OMB Control Number: 2127–0629.

Type of Request: Revision of a currently approved collection.

Type of Review Requested: Regular.

Length of Approval Requested: 3 Years.

Summary of the Collection of Information: NHTSA's mission is to save lives, prevent injury, and reduce motor vehicle crashes. Consumer information programs are an important tool for improving vehicle safety through market forces. Pursuant to 49 U.S.C. 32302, the Secretary of Transportation (NHTSA by delegation) is directed to provide to the public the following information about passenger motor vehicles: damage susceptibility; crashworthiness, crash avoidance, and any other areas the Secretary determines will improve safety of passenger motor vehicles; and the degree of difficulty of diagnosis and repair of damage to, or failure of, mechanical and electrical systems. NHTSA established the NCAP in 1978 in response to Title II of the Motor Vehicle Information and Cost Savings Act of 1972. For more than 40 years, under its NCAP, NHTSA has been providing consumers with vehicle safety information such as frontal and side crash results, crash avoidance performance test results, rollover propensity, and the availability of a wide array of safety features provided on new model year vehicles. Section 24213(b) of the Bipartisan Infrastructure Law includes requirements to add to NCAP information about advanced crash avoidance technologies and vulnerable road user safety. This revision of a currently approved information collection request includes the statutory addition of these information and the corresponding increase associated with the total annual burden hours. This revision increases the total annual burden hours by 7,005 hours from when this Information Collection Request was last approved (from 1,995 hours to 9,000 hours).

The collection is voluntary and conducted annually. There are approximately 21 vehicle manufacturers that sell passenger cars and light truck vehicles (including sport utility vehicles, pickup trucks, and vans) in the United States with a Gross Vehicle Weight Rating (GVWR) of 10,000 pounds or less, that NHTSA requests annually to respond to this information request. These 21 vehicle manufacturers produce an aggregate of approximately 600 vehicle models including trim lines each year. The information is primarily used to provide information to consumers. It is used to disseminate vehicle safety information via the agency's website at *www.nhtsa.gov,* on the Monroney labels, in other consumer publications, to address consumer inquiries as well as for internal agency analyses.

NHTSA has another information collection to obtain data related to motor vehicle compliance with the agency's Federal Motor Vehicle Safety Standards. Although the consumer information collection data (requested by NCAP) is distinct and unique from the compliance data, respondents to both collections are similar. Thus, the consumer information collection is closely coordinated with the compliance collection to enable responders to assemble the data more efficiently. The burden is further

reduced by sending electronic files to the respondents so that they can enter the data and return it to the agency electronically.

Description of the Need for the Information and Proposed Use of the Information: The consumer information collected will be used to disseminate vehicle safety information via the agency's website at *www.nhtsa.gov,* on the Monroney labels, in other consumer publications, as well as for internal agency analyses and responses to consumer inquiries. The agency uses this safety feature information when responding to consumer inquiries, conducting research and data analysis as well as analyzing rulemaking petitions and the regulatory impacts of Congressional Acts that require the agency to issue or consider issuing new rules that would mandate certain vehicle safety features. Last but certainly not least, the agency uses this information to help with the selection of certain new model year vehicle models to be tested under NCAP to (1) provide safety ratings on how well the vehicles protect vehicle occupants during the crash and (2) assess advanced driver assistance systems for performance verification.

Affected Public: Manufacturers that sell passenger cars and light truck vehicles (including sport utility vehicles, pickup trucks, and vans) that have a GVWR of 10,000 pounds or less in the United States.

Estimated Number of Respondents: 21.

There are approximately 21 vehicle manufacturers that sell passenger cars and light truck vehicles (including sport utility vehicles, pickup trucks, and vans) in the United States with a GVWR of 10,000 pounds or less, that NHTSA requests annually to respond to this information request.

Frequency: Annually.

Number of Responses: 600.

The 21 vehicle manufacturers produce an aggregate of approximately 600 vehicle models including trim lines each year. Estimates are based on an expected 15 hours to prepare the request for each vehicle model and trim line. In addition, the estimate on total annual burden hours for each task is based on a proportion of the job function (*e.g.,* 40 percent for data entry; 50 percent for technical information validation; 10 percent for technical content approval).

Estimated Total Annual Burden Hours: 9,000 hours.

Number of vehicle models	600.
Number of hours per vehicle model	15.
Total annual burden hours	9,000 = (15 hours/model × 600 models).

	Vehicle models per year	Estimated hours per vehicle	Estimated total annual burden hours
Preparation of Response	600	15	9,000

A breakdown of the total annual burden hours (9,000) for this collection of information by labor type is as follows:

Burden hours for data entry = 9,000 hours × 40 percent = 3,600 hours

Burden hours for technical information validation = 9,000 hours × 50 percent = 4,500 hours

Burden hours for technical content approval = 9,000 hours × 10 percent = 900 hours

	Hours by labor type	
	Percentage of total hours	Number of hours
Data Entry	40%	3,600
Technical Information Validation	50	4,500
Technical Content Approval	10	900

Estimated Annual Labor Costs: $693,883.

Cost associated with data entry = 3,600 hours × $47.59 [1] per hour/0.703 [2] = $243,704

Cost associated with technical information validation = 4,500 hours × $54.82 [3] per hour/0.703 = $350,910

Cost associated with technical content approval = 900 hours × $77.54 [4] per hour/0.703 = $99,269

Cost associated with total annual burden hours is $693,883 = ($243,704 + $350,910 + $99,269)

[1] ''Motor Vehicle Manufacturing—May 2023 OEWS Industry-Specific Occupational Employment and Wage Estimates.'' April 3, 2024. Business Operations Specialists, Occupation Code 13–1000; Mean Hourly Wage = $47.59. *https://www.bls.gov/oes/current/naics4_336100.htm.* Accessed August 23, 2024.

[2] *See* Table 1 at *https://www.bls.gov/news.release/pdf/ecec.pdf* for the total compensation rate for the employer for private workers.

[3] ''Motor Vehicle Manufacturing—May 2023 OEWS Industry-Specific Occupational Employment and Wage Estimates.'' April 3, 2024. Mechanical Engineers, Occupation Code 17–2141; Mean Hourly Wage = $54.82. *https://www.bls.gov/oes/current/naics4_336100.htm.* Accessed August 23, 2024.

[4] ''Motor Vehicle Manufacturing—May 2023 OEWS Industry-Specific Occupational Employment and Wage Estimates.'' April 3, 2024. General and Operations Managers, Occupation Code 11–1021; Mean Hourly Wage = $77.54. *https://www.bls.gov/oes/current/naics4_336100.htm.* Accessed August 23, 2024.

	Average wage	Percent of total compensation	Total compensation rate	Annual hours	Annual labor cost
Data Entry	$47.59	70.3%	$67.70	3,600	$243,704
Vehicle Info. Validation	54.82	70.3	77.98	4,500	350,910
Tech. Content Approval	77.54	70.3	110.30	900	99,269
Estimated Annual Labor Cost for This Information Collection:					693,883

Estimated Total Annual Burden Cost: There are no costs associated with this collection other than the labor costs associated with the burden hours.

Public Comments Invited: The agency seeks comment on any aspect of this information collection, including (a) whether the proposed collection of information is necessary for the Department's performance; (b) the accuracy of the estimated burden; (c) ways for the Department 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.

Authority: The PRA of 1995; 44 U.S.C. chapter 35; and delegation of authority at 49 CFR 1.49, 1.95 and 501.8, and DOT Order 1351.29A.

Raymond R. Posten,

Associate Administrator for Rulemaking.

[FR Doc. 2024–31362 Filed 12–30–24; 8:45 am]

BILLING CODE 4910–59–P

FEDERAL REGISTER

Vol. 89 Tuesday,
No. 250 December 31, 2024

Part II

Federal Communications Commission

47 CFR Part 54
Connect America Fund, Alaska Connect Fund, Connect America Fund—Alaska Plan, ETC Annual Reports and Certifications, Telecommunications Carriers Eligible To Receive Universal Service Support, Universal Service Reform—Mobility Fund; Final Rule

FEDERAL COMMUNICATIONS COMMISSION

47 CFR Part 54

[WC Docket Nos. 10–90, 23–328, 16–271, 14–58, 09–197; WT Docket No. 10–208; FCC 24–116; FR ID 266277]

Connect America Fund, Alaska Connect Fund, Connect America Fund—Alaska Plan, ETC Annual Reports and Certifications, Telecommunications Carriers Eligible To Receive Universal Service Support, Universal Service Reform—Mobility Fund

AGENCY: Federal Communications Commission.

ACTION: Final rule.

SUMMARY: The Federal Communications Commission (Commission or FCC) has long recognized that rural and high-cost areas of Alaska are some of the hardest and most costly to serve in the country, with many residents lacking access to high-quality, affordable broadband that maintains parity with the technological advances that consumers living elsewhere in the nation enjoy. In this document, the Commission takes important and necessary steps to ensure continued support for the advancement of modern mobile and fixed broadband service in Alaska.

DATES: Effective January 30, 2025.

FOR FURTHER INFORMATION CONTACT: For further information, please contact, Rebekah Douglas, Attorney Advisor, Telecommunications Access Policy Division, Wireline Competition Bureau, at *Rebekah.Douglas@fcc.gov* or 202–418–7400; Matthew Warner, Attorney Advisor, Competition and Infrastructure Policy Division, Wireless Telecommunications Bureau at *Matthew.Warner@fcc.gov* or 202–418–2419; or *ACF@fcc.gov*.

SUPPLEMENTARY INFORMATION: This is a summary of the Commission's Report and Order (*Order*) in WC Docket Nos. 10–90, 23–328, 16–271, 14–58, 09–197 and WT Docket No. 10–208; FCC 24–116, adopted on November 1, 2024, and released on November 4, 2024. The full text of this document is available at the following internet address: *https://www.fcc.gov/document/fcc-adopts-alaska-connect-fund-further-address-broadband-needs.*

Synopsis

I. Report and Order

In the *Order,* the Commission takes important and necessary steps to ensure continued support for the advancement of modern mobile and fixed broadband service in Alaska. The Commission has long recognized that rural and high-cost areas of Alaska are some of the hardest and most costly to serve in the country, with many residents lacking access to high-quality, affordable broadband that maintains parity with the technological advances that consumers living elsewhere in the nation enjoy. In 2016, to address the unique needs of providing broadband service in Alaska, the Commission established the 10-year Alaska Plan to support the maintenance and deployment of voice and broadband fixed and mobile services. This Plan, along with other frozen support and model-based support, has resulted in substantially increased deployment of both fixed and mobile broadband services. As of the end of 2023, carriers in Alaska receiving high-cost support have reported deploying or upgrading fixed broadband service to more than 96,000 locations, the majority of which are served at a speed of 25/3 Mbps or greater. Since January 2017, the number of Alaskans served by 4G LTE service or better by the Alaska Plan providers increased from roughly 33,000 to 98,000 in areas eligible for support.

While the original Alaska Plan and other Alaska support mechanisms have helped make significant progress in Alaska, many areas in the state remain unserved or underserved. The Commission can determine statewide, using the National Broadband Map, that about 21% of broadband-serviceable units lack at least 25/3 Mbps and about 28% of broadband-serviceable units lack at least 100/20 Mbps fixed terrestrial service. An estimated 51,000 Alaskans still receive 3G service—an outdated technological standard—or worse. Historic levels of federal investments from the National Telecommunications and Information Administration's (NTIA)'s Broadband Equity, Access, and Deployment (BEAD) Program will bring broadband to unserved and underserved locations throughout Alaska. Nonetheless, there will be an ongoing need for funding to maintain and operate the broadband networks built by the Universal Service Fund (USF) and BEAD as well as a need to support the deployment of mobile broadband which is not being funded through BEAD.

Recognizing the importance of addressing current broadband funding concerns and the long-term broadband needs of Alaskan households in a rapidly changing funding environment, today the Commission moves forward with establishing the Alaska Connect Fund program (the ''Alaska Connect Fund'' or ''ACF'') to provide ongoing and certain support to both mobile and fixed carriers receiving USF high-cost support in Alaska through 2034, with increased support amounts that reflect the transition to higher speed service goals for the ACF. With ACF, the Commission also applies lessons learned from its current Alaska support programs and ensure high-cost support complements other federal funding programs.

The support needs and landscape for mobile and fixed services in Alaska are different. Therefore, as the Commission did with the original Alaska Plan, it establishes separate mechanisms for mobile and fixed providers, with each mechanism tailored to the needs of the supported services. On the fixed side, the Commission's support and broadband service goals will be materially affected by, and are intended to be complementary to, the BEAD awards, as well as other federal broadband infrastructure funding. The Commission provides a period of transitional support (ACF Transition) for existing support recipients through 2028 to allow time for network deployments funded by these programs to be completed or nearly completed. During the ACF Transition, carriers will be responsible for maintaining the same level of service and meeting any deployment obligations they are committed to under the Commission's Alaska Plan, Alaska Communications Systems (ACS), and Alternative Connect America Cost Model (A–CAM) programs. Following the ACF Transition, beginning January 1, 2029, the Commission establishes the framework for the Alaska Connect Fund Fixed services program (Fixed ACF) to provide fixed service providers ongoing technology-neutral support through the end of 2034, focused on supporting the maintenance and operation of broadband and voice capable networks in Alaska. Because a full picture of fixed broadband deployment will not be clear until BEAD and other federal funding is awarded, the Commission incorporates sufficient flexibility into Fixed ACF to evaluate and address future deployment needs. This two-phased approach will allow for continued and certain support for existing USF participants for a set period, while allowing the Commission to develop a complete picture of how the BEAD program and other federal network deployment funding will be allocated in Alaska to ensure that the Fixed ACF program complements these programs most effectively for the benefit of Alaskan consumers. The Commission also adopts phased down high-cost support for any current recipient that is authorized to receive less support

during Fixed ACF than during ACF Transition.

While the Order provides a framework for Fixed ACF, the Commission delegates several requirements to the Wireline Competition Bureau (WCB) to resolve through an opportunity for public notice and comment, including developing a process of accepting offers for support, providing guidance on how eligible carriers can participate in the program, determining eligible locations, allocating support for eligible locations, and determining whether support for new deployment is necessary, including whether a budget adjustment is in the public interest. The Commission delegates to WCB authority to determine whether any adjustments to the public interest obligations, including any updates to the methodology for the Alaska-specific benchmark, are in the public interest. The Commission also delegates authority to WCB to determine whether additional accountability and oversight measures, including certifications, reporting requirements or compliance measures are necessary for Fixed ACF and any phase-down support recipients.

On the mobile side, because BEAD does not explicitly fund mobile deployments, the Alaska Connect Fund has an important role to play in ensuring Alaskans have access to reliable, advanced mobile service, particularly in upgrading networks to 5G and encouraging deployment to unserved and underserved areas. As with fixed service, the Commission adopts a two-phase approach for mobile service that balances the importance of giving mobile providers certainty of funding in certain areas to help meet its goals of 5G deployment, with the need to ensure funding is not being targeted to last generation technologies (*e.g.,* 2G and 3G) but rather is targeted to areas where it is needed the most and to address concerns of duplicate support. The framework the Commission adopts for mobile support relies on the improved mobile coverage data obtained in the Broadband Data Collection (BDC), which is reflected on the Commission's National Broadband Map and which provides it with the most comprehensive picture to date about where mobile broadband service is and is not available across the country, including Alaska. Overall, the Commission extends support for a set period for mobile providers that: (1) participated in the Alaska Plan and (2) choose to opt into the Alaska Connect Fund, subject to conditions set forth in this document. The terms and goal speeds for mobile support under the Alaska Connect Fund will be based on whether an eligible area has a single or multiple subsidized providers. For eligible areas where there is only one subsidized provider (single-support areas), the current provider will continue receiving support through the end of 2034 and will be expected to enter into a new performance plan with 5G service where technically and financially feasible. For eligible areas with multiple subsidized providers (duplicate-support areas), the Commission adopts a two-phased approach to resolve duplicative support: (1) an Alaska Connect Fund Mobile Phase I (ACF Mobile Phase I) that extends support for the mobile providers receiving support in these duplicate-support areas under the current Alaska Plan until December 31, 2029; and (2) an Alaska Connect Fund Mobile Phase II (ACF Mobile Phase II) that would provide a single provider in those areas with support through the end of 2034. The Commission delegates authority to the Wireless Telecommunications Bureau (WTB) to implement and administer various components of the mobile portion of the Alaska Connect Fund. For example, the Commission delegates authority to WTB to review and approve performance plans for mobile ACF support. The Commission also delegates authority to WTB in coordination with the Office of Economics and Analytics (OEA) to develop and publish a map of areas eligible and ineligible to receive ACF mobile support. The Commission also delegates authority to WTB to implement accountability and oversight measures for mobile-support recipients.

In the following, the Commission establishes separate approaches for the Alaska fixed and mobile markets to address the differing circumstances in each. However, these two sectors share certain common aspects. Before explaining the details of the Commission's revised fixed and mobile mechanisms, it addresses the eligible telecommunications carrier (ETC) requirements and the Commission's revised budget.

Consistent with the 1996 Communications Act and the Commission's long-standing rules for the high-cost program, all Alaska Connect Fund recipients must be designated as an ETC before receiving high-cost support from either Fixed ACF or Mobile ACF. ETC status is mandated by the Communications Act and is a hallmark statutory requirement of the USF high-cost program, serving as an important check on reliability and accountability for consumers.

In the *Alaska Connect Fund Notice,* 88 FR 80238, November 17, 2023, the Commission sought comment on eligibility for Alaska Connect Fund support. Some commenters suggest eliminating the requirement to obtain ETC designation, citing difficulties obtaining ETC status and other programs that are not subject to the ETC statutory rules. The Alaska Rural ISP Coalition (ARIC) suggests that the Commission, instead, impose alternative requirements ''ensuring a level of responsibility appropriate for Alaska Connect eligibility.'' However, the Commission agrees with commenters that, consistent with the Communications Act and the Commission's longstanding practice for the high-cost program, an Alaska Connect Fund support recipient must be designated as an ETC before receiving high-cost support. These commenters properly recognize that the statutory provisions of the Communications Act mandate the Commission only provide universal service high-cost support to carriers with ETC status. Alaska Telecom Association (ATA) and NTCA-The Rural Broadband Association (NTCA) also point to the oversight ability of the Regulatory Commission of Alaska (RCA) and the Commission as an effective consumer protection of service standards and quality. The Commission recognizes that becoming an ETC carries with it certain obligations, such as a requirement to provision voice service, which is not a business that all broadband providers in Alaska are engaged in providing. However, the Commission agrees with Alaska Power and Telephone that voice service remains critical to health and safety, particularly in Alaska, and is a core element of universal service. Moreover, the Commission notes that in Alaska, the RCA is the governing body that adjudicates the process and designates carriers as ETCs in their service territories, and without notice from the State that it is declining its jurisdiction, the Commission does not have authority to designate ETC status for carriers in Alaska.

Therefore, the Commission requires that any ACF recipient must be an ETC before it can receive support. Carriers currently receiving support will already have obtained ETC designation. Any provider awarded federal infrastructure support through BEAD or other programs that is not already an ETC, however, will be required to become an ETC and provide certification and evidence of its designation to WCB and WTB (together ''the Bureaus'') in order to receive ACF support. The framework

the Commission establishes in this document provides time for these providers to seek ETC designations. The Commission directs WCB to provide guidance on appropriate deadlines by which providers must obtain an ETC designation, and whether election of Fixed ACF support will be conditioned on having already obtained ETC designation or whether a period of time will be allowed following acceptance to obtain ETC designation. In the concurrently adopted Further Notice of Proposed Rulemaking (FNPRM), the Commission seeks comment on whether ACF Mobile Phase II should allow any Alaska ETC to participate in the proposed competitive mechanism intended to resolve duplicative support, including those that are not currently receiving support under the Alaska Plan. Even if the Commission expands mobile support to include carriers that are not current Alaska Plan support recipients, it reiterates that mobile providers must receive ETC designation from the RCA before they are eligible to participate in the competitive process in ACF Mobile Phase II duplicate-support areas.

Some Tribal organizations commented about a need for a ''streamlined'' or special process for Tribal entities seeking ETC status in Alaska that recognizes Tribal sovereignty. The Commission notes that in the *2000 Tribal Order,* 65 FR 47883, August 4, 2000, it established a process tailored specifically to carriers serving Tribal lands, whereby a carrier may seek ETC designation directly from the Commission. The Tribal Access Coalition commented that a Tribal entity should not have to partner with an ETC to obtain high-cost support, and NTTA argued that the Commission should either automatically grant ETC status or create an expedited process for ETC designation for new, non-ILEC carriers in Alaska that are serving Tribal Nations and Tribal Lands receiving deployment funding through other state and federal programs. The Commission remains committed to making advanced voice and broadband service available to all consumers in Alaska. As explained in this document, ETC designation is a statutory requirement, and the RCA has designation authority and providers are subject to the RCA's designation process. Therefore, the Commission does not require a different standard for carriers serving Tribal lands. However, the Commission will continue to explore whether its authority affords us any additional opportunities for ensuring that a Tribally owned carrier in Alaska that is able to meet the requirements for ETC designation is able to obtain that status and participate in the program. The Commission will prepare guides and resources and conduct outreach to help inform Tribal providers about the ETC designation process. The Commission directs the Bureaus, in conjunction with the Office of Native Affairs and Policy, to inquire further regarding the experience of Tribally owned and operated carriers in Alaska.

The Commission next concludes that an increase in support, starting January 1, 2025, is warranted for all current recipients of high-cost fixed and mobile support in Alaska. In the *Alaska Connect Fund Notice,* the Commission asked about an appropriate budget for the Alaska Connect Fund that would provide support that is sufficient to achieve the Commission's goals while not burdening consumers. The Commission inquired about the size of a budget that would be necessary to support continuity of service in areas already built out. The Commission also asked whether it was appropriate for it to increase for inflation the current budget of existing, Alaska focused high-cost programs. Further, the Commission sought comment on how it should allocate support among the mobile participants in the Alaska Connect Fund and ''how to provide sufficient support amounts to achieve the goals of encouraging secure mobile service deployment, while ensuring prudent use of universal service funds.''

The current support budget for fixed carriers in Alaska is $82.8 million per year, which includes the combined budget for frozen fixed service in the *Alaska Plan Order,* 81 FR 69696, October 7, 2016, the *ACS Order,* 81 FR 83706, November 22, 2016, and the two Alaska recipients of A–CAM support. For mobile recipients, the *Alaska Plan Order* froze mobile support at 2011 levels in exchange for improved mobile services in Alaska, amounting to $739 million (or $73.9 million annually) in frozen support to the eight mobile providers of the Alaska Plan over a ten-year period. In seeking comment on the budget in the concurrently adopted FNPRM, the Commission observed in the *Alaska Connect Fund Notice* that mobile support levels in the Alaska Plan were set by the identical support rule, which based support for mobile competitive ETCs on the costs of wireline voice providers.

Many commenters supported an adjusted budget based on the inflationary pressures felt throughout Alaska since the current high-cost support mechanisms began. In ATA's request to renew the Alaska Plan for another 10 years, it asks for an increase in support to reflect an inflationary adjustment since the beginning of the Alaska Plan, as well as an annual budget update. ATA provides examples of the increase in costs that providers have faced to deploy and maintain their networks during the course of the Alaska Plan and argues that an inflationary increase is necessary and appropriate to adjust to the increase in costs. ACS points out that frozen support, calculated based on the embedded costs of a voice-only network, bears no relationship to the costs of deploying high-speed broadband networks. Copper Valley Wireless notes that its wireless costs have increased by 141% since the start of the Alaska Plan. GCI Communication Corp. (GCI) has also submitted a cost study to demonstrate that 5G–NR coverage to all Broadband Serviceable Locations (BSLs) in Alaska will require far more funding than the support currently disbursed pursuant to the Alaska Plan.

Based on the Commission's careful consideration of the record, it concludes that increasing support for both fixed and mobile services is warranted to better align support with anticipated increased network speeds that will be supported under the Alaska Connect Fund. For fixed service, as of 2029, the Commission set a speed goal of 100/20 Mbps, which calls for an increase in support. The Commission does not change fixed service requirements now, and in setting a speed goal, it recognizes 100/20 Mbps may not be feasible everywhere even with available government funding, thus making it necessary to provide flexibility to support lower speeds where 100/20 Mbps is not feasible. Between now and the end of 2028, due to BEAD commitments and commitments from other broadband infrastructure funding, fixed providers will begin to build networks that meet higher service levels and may even begin providing service that meets higher service levels. In addition, there are non-BEAD eligible locations served under current high-cost programs that will benefit from this increase in support due to need to maintain these higher service levels. To provide a smooth ramp toward the provision of higher speed services with higher operating costs the Commission raises support levels now to support those costs.

Likewise, for mobile service, the Commission increases support levels due to the higher service goals under the Alaska Connect Fund. Providers in single-support areas—which the Commission anticipates will be a

substantial majority of the support areas—are expected to deploy 5G–NR throughout these areas, reaching 5G–NR at 35/3 Mbps, where technically and financially feasible, by December 31, 2034. Mobile providers can begin making improvements toward this end immediately, even as they move towards their final commitments under the Alaska Plan. The Alaska Plan sought to have 4G LTE at 10/1 Mbps deployed by December 31, 2026, and some providers have committed to improvements beyond that standard. The Commission does not alter these commitments, but improvements exceeding an Alaska Plan provider's final commitments will count towards meeting its lower commitments. For example, where a provider deploys 5G–NR before the end of the Alaska Plan, it can count towards the Alaska Plan provider's 4G LTE or lower technology commitments (but the Commission notes that providers still must meet the minimum speed requirements in their Alaska Plan commitments); similarly, if a provider deploys higher speeds as it works toward Alaska Connect Fund obligations, those can count toward its lower speed commitments under the Alaska Plan. Because the Commission anticipates that mobile providers will begin working towards these higher service goals immediately where technically and financially feasible, it provides commensurate support to achieve those ends.

While the Commission increases the support amounts, it declines to adjust the budget or support amounts in Alaska in response to inflationary pressures. While increases in costs for equipment, transportation, fuel for equipment, and staff may well have grown beyond those predicted at the time current support mechanisms were initiated, those same pressures are felt elsewhere. Non-Alaska A–CAM carriers have not received increases for inflation (*i.e.,* the Commission did not adjust the model inputs for Enhanced Alternative Connect America Cost Model (Enhanced A–CAM) to account for inflation or otherwise increase support for carriers staying on A–CAM). Other carriers receiving frozen support, similar to ACS, were then put on model-based support or subject to a competitive mechanism (*e.g.* price cap carriers, Puerto Rico Telephone Company, and Viya). Further, the Commission has been reluctant to adjust support for inflation in other contexts, such as its recent order regarding rates for incarcerated persons.

For both fixed and wireless services, the Commission directs the Universal Service Administrative Company (USAC or the Administrator) to make a one-time 30% adjustment of current support amounts for recipients of USF high-cost support in Alaska, to begin January 1, 2025. The Commission finds this increase in support is sufficient to meet the higher service speeds under the ACF, while also ensuring prudent use of universal service funds. Given that the Commission's rationale for increasing support is not inflation-based, it declines to make an adjustment for inflation to determine the increased support amount.

The amount of fixed Alaska Plan, *ACS Order,* and A–CAM high-cost support disbursed in Alaska in 2025, noted as $82.8 million annually above, adjusted 30%, will be approximately $107.6 million annually through December 2028. The 30% increase for wireless service results in a total budget of approximately $96 million annually. While the Commission increases mobile support for Alaska providers, at this time, it declines to provide a 30% increase to the $162,270,272 otherwise allocated to the unserved areas mobile reverse auction. There is no support in the record for an increase to this amount. Moreover, historically competitive mechanisms have resulted in support amounts below the allocated budget, ensuring a more efficient use of limited funding.

Given the increased support amount the Commission is providing, and in recognition of the value of certainty and predictability, it declines to make annual increases for inflation or any other reasons. As the Commission explained in the *Enhanced A–CAM Order,* 88 FR 55918, August 17, 2023, when rejecting annual increases for inflation, ''[i]nflation adjustments would undermine the benefits of budgetary certainty provided by fixed, model-based support, including the ability to control the future impact of the mechanism on the contribution factor.'' Therefore, the Commission finds that annual budgetary certainty is paramount to the unpredictability of an annual adjustment, and it declines to make annual increases for inflation or any other reasons. However, the Commission directs WCB to continue to monitor support levels under the Alaska Connect Fund to ensure they are furthering universal service goals in Alaska.

The goal of the Alaska Connect Fund for fixed services is to encourage and sustain the availability of affordable voice and broadband services to all Alaskans. Adopting a budget and the framework for two phases of the Alaska Connect Fund for fixed services will first, in ACF Transition, provide the certainty of continued USF high-cost support for Alaska carriers while new networks are constructed and will, with Fixed ACF, establish a mechanism to fund those networks and existing ones for a period thereafter. The Commission anticipates that the broadband deployment already completed with USF funding, as well as the buildout that will occur under BEAD and other federal and state programs, will result in making broadband available to all or almost all broadband serviceable locations in Alaska. As such, ACF Transition and Fixed ACF will prioritize support for ongoing maintenance and operations to complement federal support directed for building infrastructure and new deployment. Nonetheless, as explained in the following, in the event that some areas are left unserved, the Commission maintains the flexibility for Fixed ACF to address these areas, and it delegates to the WCB the authority to consider the needs of any such areas.

At the outset, the Commission addresses the applicability of the Broadband DATA Act, which requires that, after the creation of the BSL Fabric and Broadband Maps, it uses those data ''when making any new award of funding with respect to the deployment of broadband internet access.'' ACF Transition is an extension of existing USF support and related obligations and is only supporting already-authorized broadband deployment. As the purpose of the ACF Transition support is to sustain existing networks and authorized obligations, the Commission concludes it is not a new award of funding and does not trigger the requirements of the Broadband DATA Act. At the same time, the framework the Commission adopts for Fixed ACF likewise prioritizes support for maintaining and sustaining existing (including networks that are in the process of and will be deployed under BEAD and other federal funding) voice and broadband networks. However, since the Commission delegates, in the following, to WCB the responsibility to complete certain requirements of Fixed ACF, to the extent that any Fixed ACF support is awarded or authorized for the deployment of broadband networks, pursuant to that delegated authority, Commission staff shall use the National Broadband Map and its constituent parts (BSL Fabric and fixed-broadband availability data collected as part of the BDC), and Broadband Funding Map.

The Commission initiates the ACF Transition by increasing annual support amounts, for reasons discussed in this document, and extending certain existing Alaska carrier USF support

terms. During this ACF Transition, the Commission aligns the support terms for current recipients of fixed services support in Alaska so that all support terms during the ACF Transition end in 2028. Thus, ACS's support term is extended from the end of 2025 to 2028, the support term for all Alaska Plan carriers is extended from the end of 2026 to the end of 2028, and the support term for the two Alaska A–CAM I carriers continues to the end of 2028. A single, harmonized end date for current high-cost fixed support programs in Alaska is necessary: (1) to allow time for award of funding through BEAD and other infrastructure projects; (2) to holistically assess the funding landscape in Alaska for all service providers and consumers after these funds are awarded; (3) to avoid duplicate support; and (4) to ease the administrative burden of coordinating provider obligations and disbursements going forward. All carriers continuing to receive support in ACF Transition remain subject to their current public interest obligations, including deployment obligations and performance testing, and must maintain service through the end of ACF Transition on December 31, 2028.

Support Terms. The Commission establishes a uniform conclusion date of December 31, 2028 for the ACF Transition support terms of all current recipients of high-cost fixed services support in Alaska to provide certainty and enable a smooth transition to Fixed ACF. Currently, the obligations and support conclude for ACS in 2025, the Alaska Plan in 2026, and A–CAM in 2028. Support recipients of these programs have public service obligations tailored to the specific programs through which they are receiving support, but these disparate support timelines complicate the initiation of a new, unified support program for Alaska. Commenters generally agreed that a single high-cost program for Alaska would be desirable, although they did not provide suggestions for aligning the different existing timelines. Several commenters emphasized the need for adopting solutions for Alaska support as soon as practical. In its petition, ATA suggested a new support structure should be adopted before the current programs conclude. Additionally, the Alaska Broadband Office (ABO) noted that high-cost support is needed to provide both sustainability and certainty as well as supporting affordability during the period while the BEAD Program is implemented.

The Commission agrees with commenters that an extension of current support will provide certainty for current support recipients and will ensure continuity of service for Alaskan consumers. The Commission also finds that establishing clear timelines both for the availability of current support streams and for a support mechanism to be adopted after BEAD funding is awarded will best support its goals in Alaska as well as support carriers providing service in Alaska in planning projects and expenditures for the next several years. Finally, the Commission finds that a uniform support term (until the end of 2028) is appropriate because it allows all high-cost support programs in Alaska to reach their end at the same time, thereby reducing complexity and uncertainty that could arise in the absence of a uniform date.

Accountability and Oversight. During the ACF Transition, support recipients must continue to meet all public interest requirements established for the program from which they have been receiving funds, including completing any buildout obligations at the required performance levels by the dates previously established and meeting all other existing public interest obligations. All ACF Transition support recipients will remain obligated to make certifications and filings as required under current rules and must adhere to current record retention requirements. Carriers must continue any established performance testing. Given that BEAD and other federal programs will support broadband construction and that support has not yet been awarded, the Commission will not require broadband deployment beyond existing commitments as a condition of receiving support for fixed services during the ACF Transition.

The Commission emphasizes the ACF Transition is intended to provide a smooth transition to a new support mechanism and in no way relieves carriers of their existing obligations. As noted in this document, A–CAM carriers in Alaska, Alaska Plan carriers, and ACS will be subject to support recovery for failure to meet their deployment milestones as provided under the Commission's existing rules. Similarly, carriers that receive support during ACF Transition will be subject to recovery of support for failure to meet performance testing standards both under their existing programs and on an annual basis after the original end date of their current programs. Thus, A–CAM carriers will see no change in their performance testing obligations, as those obligations already extend through 2028. However, ACS and Alaska Plan carriers will be subject to performance testing on existing deployment on an annual basis through December 31, 2028 which is after the end of their current programs. For example, an Alaska Plan carrier receiving support during ACF Transition will be subject to support recovery if it fails to meet its performance testing standards at the end of 2026. In addition, that same carrier will be subject to support recovery if it fails to meet performance testing standards at the end of 2028. Carriers will also be required to continue the filing of middle-mile maps and broadband service reporting. Carriers that were only obligated to maintain service under the Alaska Plan will continue to be subject to biennial review.

With Fixed ACF beginning in January 2029, the Commission continues targeted Alaska mechanisms that provide predictability for continued USF high-cost support through 2034 and account for existing and new broadband deployment funding programs. Current USF programs combined with BEAD and other federal and state broadband funding should together result in broadband deployment to all or almost all unserved or underserved broadband serviceable locations. Fixed ACF is intended to be a technology neutral program and to complement network deployment funding by providing operational and maintenance support for carriers that have been or will be awarded federal or state government infrastructure support for the deployment of voice and broadband service in Alaska. The Commission does this to help sustain these networks into the future and bring Alaska consumers closer to enjoying the same modern telecommunications as those available to consumers in the rest of the country.

As discussed in the *Alaska Connect Fund Notice,* there have been and continue to be significant changes to the broadband landscape in Alaska. Specifically, over $1 billion in federal BEAD funding will be allocated to providers in Alaska, which has the potential to change the landscape of advanced telecommunications service in Alaska dramatically. The Commission would not be meeting its responsibilities as stewards of the USF if it allocated support to specific carriers without considering the implications of BEAD awards, as well as other federal broadband funding. The Commission agrees with NTCA that support provided through the Alaska Connect Fund should be informed by and build upon the progress of previous support mechanisms and focus on keeping services available to the consumer, and therefore it must take into account

BEAD funding awards, which are expected to be made in fall next year. As such, while the Commission determines a total budget amount of annual support for Fixed ACF, it delegates to WCB the authority to determine, after an opportunity for public notice and comment, how Fixed ACF support shall be allocated among eligible locations. The Commission directs WCB to provide further guidance to carriers on the timing and process of electing Fixed ACF support in advance of the start of Fixed ACF support, taking into consideration BEAD and any other federal or state broadband funding allocations.

Budget. The Commission adopts an annual budget of $107.6 million for Fixed ACF, approximately the same annual amount being authorized during the ACF Transition. The Commission finds that maintaining the same budget and adopting the Fixed ACF budget now provides entities interested in pursuing network deployment funding, through BEAD or other federal or state programs with certainty that USF high-cost support will continue to sustain the operation of the networks that carriers receive funding to build. ATA and other commenters encouraged the Commission to provide these assurances now, ahead of BEAD funding awards, and it finds a stated budget amount achieves that goal. During Fixed ACF, the Commission's goal is to support the sustainability of government funded networks, which it expects will provide speeds of at least 100/20 Mbps, which is a higher speed standard than has been required to date for carriers currently receiving high-cost support in Alaska. The operating costs of supporting a higher capacity network, especially after accounting for current middle-mile costs in Alaska, are likely materially more expensive than lesser bandwidth services, and the Commission finds that maintaining the same increased budget as the ACF Transition, as discussed in this document, allows carriers to plan for operation at that level. Accordingly, the Commission finds that the budget it adopts is sufficient to help advance the goal of sustaining service at reasonably comparable rates and provide predictability while being mindful of the burdens on payers into the USF. Nevertheless, the Commission allows for flexibility in specific situations, as explained in the following, to support networks that cannot provide service at 100/20 Mbps. The Commission declines to further adjust the budget at this time. Fixed ACF support will prioritize supporting the operations and maintenance of already-constructed networks over additional deployment, and it is premature to determine if any additional adjustments are warranted. The Commission expects that, with the delegation of authority it provides to WCB in the following, support will be carefully allocated to achieve the goals of Fixed ACF. Nonetheless, the Commission delegates authority to WCB to determine, after the opportunity for public notice and comment, whether any further budget adjustment, one-time or annual, is appropriate prior to the beginning of Fixed ACF. Specifically, WCB has the authority to increase the Fixed ACF budget by up to 15% of the annual budget on a one-time basis or annually if WCB determines that such an increase is in the public interest.

Support Term and Timing. The Commission adopts a six-year term of support for Fixed ACF, which will begin January 1, 2029 and conclude on December 31, 2034. The Commission's action in this document strikes the appropriate balance among providing predictability of support, its obligation to use support effectively, and the Congressional requirement to coordinate with other federal agencies that administer broadband deployment programs. ATA proposed that the Commission provide support through 2034, and commenters generally agree on a 10-year term of support. The Commission has consistently provided high-cost support in 10-year terms, particularly in Alaska due to its unique work season, extended timelines, and generalized logistical challenges, and it finds the six-year term for Fixed ACF together with the four-year term of ACF Transition is an appropriate timeframe in this context. As explained above, extending support for ACF Transition through the end of 2028 allows all existing high-cost support programs in Alaska to reach their natural end at the same time. Additionally, by January 1, 2029, the Commission will have the benefit of knowing how BEAD funding in Alaska is awarded, including which providers will be building in which areas and if any areas are being left unserved. The Commission agrees with commenters that argue it is important for them to consider the allocation of BEAD funding when extending USF support. The beginning of 2029 roughly corresponds to the expected timeline for when BEAD awardees will have deployed or will be finishing construction of the networks funded by that program. Additionally, USF high-cost support recipients in Alaska will have already completed their existing deployment obligations. This information will allow WCB to allocate Fixed ACF support so as to avoid duplicative deployment funding while identifying any areas that are not yet funded. The Commission expects the majority of government funded networks in Alaska through currently existing programs will be built and available for consumer use by 2029, and it therefore finds it appropriate to provide USF support at that time for operations and ongoing maintenance. Accordingly, the Commission adopts this term now to provide clarity and predictability for carriers submitting applications for infrastructure support through BEAD or participating in other broadband infrastructure programs, and to allow carriers to proceed with confidence in planning and construction, knowing that USF high-cost support will continue to be available once their networks are constructed.

Eligible Carriers. In the *Alaska Connect Fund Notice,* the Commission sought comment on eligibility for participation in the program and information about ETCs in Alaska. In its comments, Alaska Remote Carrier Coalition (ARCC) introduced the concept of an Alaska Broadband Checklist, outlining several proposed eligibility and carrier requirements. ARCC also encouraged recognition of the varied and unique circumstances across the state of Alaska. Some commenters suggested only carriers currently receiving high-cost support in Alaska should be eligible for ACF support, while other commenters encouraged us to include new participants and carriers that have not previously received high-cost support in Alaska to date.

The Commission directs WCB to make Fixed ACF support available for fixed services to ETCs in Alaska that receive or are awarded funding from federal or state government support programs to deploy networks capable of providing voice and broadband internet access service meeting the Commission's public interest obligations to eligible locations. For example, a carrier that received funding for broadband deployment through programs such as, but not limited to, USF High-Cost, BEAD, the Department of Agriculture's ReConnect program, or the NTIA's Tribal Broadband Connectivity Program to deploy a network capable of providing broadband internet access service may be eligible for Fixed ACF support. In taking this approach, the Commission agrees with the commenters advocating to include new participants and carriers that have not received high-cost support in Alaska to date. The Commission recognizes there

likely are or will be new providers in Alaskan communities due to other federal infrastructure funding. The Commission finds that providing the opportunity for these new participants in Alaska furthers its goal of making networks in Alaska sustainable into the future. The Commission directs WCB to use the Broadband Funding Map to assist in determining eligible carriers. Subject to the limitations discussed in the following, the Commission delegates authority to WCB to consider how to allocate Fixed ACF support among the eligible fixed service carriers in Alaska. The Commission also delegates authority to WCB to determine, after opportunity for public notice and comment, whether additional financial or other requirements for new entrants in Fixed ACF would be in the public interest.

Intended Use of Support. Fixed ACF support shall be focused on supporting ongoing operations and maintenance of already-constructed voice and broadband-capable networks. The Commission finds that it is not necessary to allocate support for broadband infrastructure at this time given the historic investment of federal funding that has been directed for that purpose through BEAD and other programs and the expectation that this funding will result in planned deployment to all or almost all locations in Alaska. Commenters generally agree that support for ongoing operations and maintenance is essential to complement infrastructure deployment. The Commission agrees with NTCA that the mission of universal service extends beyond just building infrastructure and that high-cost support serves an important role in keeping services operational once a network is built. The intended use of support is not strictly for operating expenses as expenditures to maintain a network may be accounted for as capital expenses where appropriate, for instance, expenses incurred to replace network equipment.

Like recipients of Alaska Plan and model-based support, Fixed ACF recipients may use support anywhere in their network to maintain their ability to offer service at the public interest standards in high-cost areas and will not be limited to using support only for last-mile infrastructure. For example, a recipient that operates its own middle-mile networks may use support for the maintenance and operation of those portions of the network as well. The Commission finds that allowing recipients the flexibility to use Fixed ACF support in any area of their network allows high-cost support to be targeted to where it is needed most and to better ensure carriers can meet their public interest obligations. The Commission anticipates that this will also encourage the maintenance and operation of middle-mile networks in Alaska so that they can be utilized economically.

Fixed ACF recipients, like all other ETCs, remain subject to limitations on the appropriate use of universal service support. The Commission has previously reminded ETCs of their statutory obligation to use high-cost support only for its intended purposes. These same principles apply here. To the extent the Commission or WCB revises the expectations for what constitutes expenditure of support for its intended purposes, recipients participating in Alaska Connect Fund will be subject to those new rules.

While the Commission directs Fixed ACF support for maintaining and operating the network, it is cognizant that there may still be a need for deployment funding in Alaska and that any remaining unserved or underserved areas will be identified by 2029. Therefore, the Commission builds flexibility into Fixed ACF to address such needs at that time. The Commission delegates authority to WCB to determine, after an opportunity for public notice and comment, whether it is in the public interest to allocate any Fixed ACF support for additional broadband deployment after BEAD and other funding has been awarded, and if so, to determine the amount to be allocated. Should WCB decide that it is in the public interest, the Commission further delegates authority to WCB to determine, after an opportunity for public notice and comment, public interest obligations and a deployment timeline, including interim and final milestones, appropriate for the support provided and the nature of the deployment. While the Commission has considered arguments for allocating high-cost support in Alaska for infrastructure, it finds it is premature to do so prior to BEAD funding being awarded. If, however, WCB determines that authorizing support for deployment for Fixed ACF is in the public interest, WCB shall work within the Fixed ACF budget to determine how best to allocate support between operations and deployment.

Eligible Locations and Support Amounts Per Location. The Commission delegates authority to WCB to determine, after an opportunity for public comment, which locations are eligible for Fixed ACF support for fixed services and how to allocate Fixed ACF support among eligible locations. WCB shall consider allocating Fixed ACF support based on the BSL categories developed by the ABO and may prioritize support based on the remoteness of the location. For example, using the June 2023 version of the Fabric, the ABO categorized all broadband serviceable locations in the state of Alaska based on whether they are: high-cost or non-high-cost (for purposes of the BEAD program), and whether they are on the fiber or road system, rural community, or non-community based. The Commission expects that Fixed ACF support will be most efficiently spent in non-community locations, High-Cost BSLs, and BSLs that are part of a rural community not on a fiber or road system. The Commission finds that locations that do not fall within those categories are likely to be in the more densely populated areas of Alaska like Anchorage and Fairbanks, where the business case for providing broadband service without subsidies is much stronger. The Commission recognizes that some commenters supported the allocation of support on a community basis and others identified community-based projects. Nonetheless, the Commission finds that making a determination of eligible locations, ahead of BEAD awards, is premature. Therefore, the Commission delegates authority to WCB to determine, after opportunity for public notice and comment, the eligible locations and how to allocate support among them, and, as explained further in the following, the Commission delegates to WCB the flexibility to allocate support to carriers that may be providing broadband speeds below 100/20 Mbps. The Commission also directs WCB to avoid duplicate high-cost support by authorizing no more than one carrier to receive Fixed ACF support for fixed services for each eligible location.

Public Interest Obligations. The Commission adopts general parameters and priorities for the public interest obligations applicable to Fixed ACF recipients. The Commission agrees with commenters that reasonable minimum service standards help provide consumers with a level of service that allows for meaningful personal and community engagement, and that this is only increasingly important as it moves into further generations. The Commission delegates authority to WCB to determine, after opportunity for public notice and comment, whether any changes are necessary based on the specific determinations that will be made for eligibility and allocation of Fixed ACF eligible areas and support allocation.

Speed. The Commission adopts a goal of a service speed of at least 100/20 Mbps. The Commission recently increased the definition for advanced service to the provision of broadband service at a speed of 100/20 Mbps, and arrived at this benchmark after taking into consideration, among other things, the speed goals for BEAD, and other federal and state broadband deployment programs. Commenters argue that Alaska lags behind the rest of the country in higher-speed options specifically because previous support did not prioritize higher speeds. Several commenters supported a minimum speed requirement of 100/20 Mbps. Although ATA supports the speed benchmark generally, it expressed concern about requiring 100/20 Mbps at all locations. Additionally, ARCC encouraged the Commission to adopt a policy that considers issues that can arise with oversubscription and how that affects network performance in relation to speed. While the BEAD program's principal focus is to deploy service with speeds of at least 100/20 Mbps to all locations in the state, and other broadband deployment programs have the same speed requirement, the Commission recognizes and agree with the record that it also is in the public interest to provide flexibility in Alaska to tailor support for locations where, even with government funding, it has not been feasible to achieve 100/20 Mbps service and remains that way after BEAD awards. Therefore, the Commission directs WCB to consider the best ways to meet the goal of 100/20 Mbps broadband internet access service, and it delegates authority to WCB to determine, after an opportunity for notice and comment, where supporting slower broadband internet access speeds is consistent with section 254 of Communications Act and with the Commission's goal of providing operational and maintenance support for carriers that have been or will be awarded federal or state government infrastructure support for the deployment of networks capable of providing voice and broadband services in Alaska.

Latency. The Commission adopts a roundtrip provider network latency goal of 100 ms or less (faster) for Fixed ACF recipients. The Commission disagrees with commenters that argue it should dismiss latency requirements. Latency standards have been adopted in several successful high-cost programs in Alaska, including the *Alaska Plan Order, ACS Order* and *A–CAM Order,* as well as in other geographically remote and non-contiguous areas. The Commission agrees with commenters reporting that latency is an important requirement that helps it gauge the quality of service and ensure that providers meet the modern-day needs of consumers. Commenters also indicate that latency performance has improved substantially in recent years, such that 100 ms or less is generally achievable by all technologies. Nevertheless, at this stage, the Commission recognizes the importance of maintaining flexibility to tailor requirements in Alaska for locations where, even with government funding, the goal of 100 ms or less latency has not been feasible and remains that way after BEAD awards. Therefore, the Commission directs WCB to consider the best ways to meet the goal of 100 ms or less latency for Fixed ACF recipients, and it delegates authority to WCB to determine, after an opportunity for notice and comment, whether, and if so where supporting higher (slower) than 100 ms latency may be consistent with section 254 of Communications Act and with the Commission's goal of providing operational and maintenance support for carriers that have been or will be awarded federal or state government infrastructure support for the deployment of networks capable of providing voice and broadband services in Alaska. Therefore, Fixed ACF recipients will be required to certify that 95 percent or more of all peak period measurements of network round-trip latency meet the latency standard set for the locations served. Fixed ACF recipients shall conduct their latency network testing consistent with the current requirements for network testing.

Data Usage. Fixed ACF recipients will be required to offer a usage allowance that evolves over time to remain reasonably comparable to usage by subscribers in urban areas, as was required by the Alaska Plan. In the *Alaska Connect Fund Notice,* the Commission outlined the different current standards for Alaska high-cost providers and asked about tailoring the minimum data allowance for the Alaska Connect Fund. ARIC urged the Commission to remove the requirement as it incentivizes providers to set limits low and charge for additional data usage. Alaska Public Interest Research Group (AKPIRG) suggested the Commission establish caps on data overage charges to limit opportunistic pricing for data. Under the *USF/ICC Transformation Order,* 76 FR 73830, November 29, 2011, and subsequent orders, ETCs subject to broadband public interest obligations must provide broadband with usage allowances reasonably comparable to those available through comparable offerings in urban areas. There is no support in the record for holding Fixed ACF recipients to a different standard than other high-cost recipients, and the current standard ensures that carriers must offer a minimum usage of at least the national average. Therefore, Fixed ACF carriers will be required to certify that they offer a minimum usage allowance that reflects the average usage of a majority of consumers, as annually calculated and published by WCB and OEA.

Satellite Backhaul Exception. In the *Alaska Connect Fund Notice,* the Commission sought comment on the continued need for a satellite backhaul exemption for speed, latency, and data usage standards. In the *Alaska Plan Order,* the Commission adopted an exemption from the speed, latency, and data usage standards for carriers that rely only on the use of satellite backhaul to deliver their service. This exemption was based on the premise that relying on satellite was performance-limiting and that satellite could not provide the same speeds as terrestrial backhaul. The Commission declines to adopt a general satellite backhaul exemption from the public interest obligations for Fixed ACF recipients. The Commission agrees with commenters stating that satellite-based technologies have evolved sufficiently in the last several years and are no longer ''performance-limiting.'' Given the developments in satellite technology, a blanket exemption does not advance the public interest of providing advanced broadband service for all consumers in Alaska. Further, the Commission finds that Fixed ACF support provided for the operation and maintenance of service presupposes that the service provided meets the public interest standards set, regardless of backhaul technology. Therefore, the Commission will no longer provide a blanket exemption to meeting the public interest obligations for Fixed ACF recipients that rely exclusively on satellite backhaul to provide service.

Alaska Reasonably Comparable Rates—Broadband and Voice. The Commission requires recipients of Fixed ACF support, like all other recipients of USF high-cost support, to provide voice and broadband service at rates that are reasonably comparable to those offered in urban areas and make such certification annually. For voice service, ETCs are required to make an annual certification that the rates for their voice service are in compliance with the reasonable comparability benchmark. For broadband, an ETC has two options for demonstrating that its rates comply

with this statutory requirement: certifying compliance with reasonable comparability benchmarks or certifying compliance that it offers the same or lower rates in rural areas as it does in urban areas. Due to the unique challenges in Alaska, the Commission will allow Fixed ACF recipients to comply with the Alaska-specific reasonable comparability broadband benchmarks established annually by the WCB and OEA.

In the *Alaska Connect Fund Notice,* the Commission asked whether it should consider changes to the Alaska-specific benchmarks. ARCC suggested that Alaska-specific benchmarks were important but advocated for waiving certain benchmarks for various carriers to avoid oversubscription and empty promises by service providers. ATA supports the continued use of Alaska-specific approach, but did not propose detailed adjustments to the calculation. The Commission declines to revise the Alaska-specific benchmark calculation as it finds there is insufficient information at this time to justify a revision, and a full assessment of any necessary changes will be better made following BEAD allocation. Accordingly, the Commission delegates authority to WCB to determine whether the methodology for determining the Alaska-specific benchmark needs to be revisited prior the award of Fixed ACF support.

Participation Process. The Commission delegates authority to WCB to determine a process whereby WCB makes an offer of Fixed ACF support, which eligible carriers must affirmatively accept prior to receiving support. The Commission directs WCB to adopt rules, after an opportunity for public notice and comment, and provide further guidance no later than twelve months before the start of Fixed ACF, that outlines how providers may participate in the program, how support will be allocated, the public interest obligations, and any other requirements for participation in Fixed ACF. The Commission delegates authority to WCB to collect any certifications or information it determines is necessary to help ensure eligible carriers will be able to meet obligations prior to being authorized for support, including certification of ETC designation and certifications of the category for each location included in a participant's service area.

Accountability and Oversight. The Commission relies on mandatory deployment, reporting and testing requirements, and oversight rules to reduce waste, fraud, and abuse of program support and ensure that carriers are meeting their commitments to provide high-quality broadband services. The Commission adopts its proposal to require the same reporting, performance testing, document retention, and oversight requirements for the Alaska Connect Fund recipients, including penalties for failure to meet the obligations, as for Alaska Plan carriers. Commenters generally agreed that continued oversight and accountability for providers in Alaska is necessary in various forms. The Commission delegates authority to WCB to determine whether additional accountability and oversight measures are required for Fixed ACF once the process for accepting support and support allocation have been determined.

Annual reporting. As required in § 54.313 of the Commission's rules applicable to all high-cost support recipients, Fixed ACF recipients shall file an FCC Form 481 on July 1 each year. Fixed ACF recipients will also be subject to § 54.314 of the Commission's rules, which requires that support be used only for the provision, maintenance, and upgrading of facilities and services. Further, Fixed ACF recipients, like all USF recipients, will be subject to requirements and certifications in §§ 54.9, 54.10, and 54.11.

Performance Testing. WCB may adopt, after opportunity for public notice and comment, network performance testing methodologies and non-compliance measures that account for unique aspects providing broadband service in Alaska and the Fixed ACF for fixed services, if necessary. However, unless and until WCB adopts such methodologies, recipients of Fixed ACF support for fixed services shall comply with methodologies and non-compliance measures in effect or adopted as of the date the Alaska Connect Fund was adopted.

Broadband Deployment Reporting. As explained in this document, the Commission delegates authority to WCB to determine, after an opportunity for public comment, whether it is in the public interest to support broadband deployment through Fixed ACF following BEAD and federal broadband funding awards. To the extent that WCB authorizes a carrier for broadband deployment with Fixed ACF support, that carrier shall be subject to § 54.316 of the Commission's rules, which requires high-cost support recipients with defined deployment obligations to annually report locations where it offers broadband service in satisfaction of public interest obligations. The Commission delegates authority to WCB to require similar reporting from Fixed ACF carriers that are receiving support only to maintain existing networks but in the act of maintaining such service also increase service (*e.g.,* by installing replacement equipment that enables the carrier to offer higher speeds). The Commission delegates to WCB authority to adopt any reporting requirements to account for this situation, recognizing that WCB may be able to use the National Broadband Map to monitor as needed since the carrier will not have a defined deployment obligation.

Middle-mile Reporting. Consistent with existing FCC rules and the Alaska Plan, the Commission adopts the obligation to provide and update maps and notify it of middle-mile availability and any service that becomes commercially available. The Commission finds that it is in the public interest to continue monitoring middle-mile availability and costs in Alaska to determine how USF support is most efficiently used. While a carrier may upgrade its network based on the newly available middle-mile, the Commission does not necessarily require carriers to upgrade networks during the Fixed ACF support term because Fixed ACF prioritizes network sustaining support. The Commission also adopts a reporting requirement for newly deployed backhaul. The Commission requires Fixed ACF participants to submit fiber network maps or microwave network maps in the format specified by the Bureaus covering eligible areas and to update such maps if a recipient has deployed middle-mile facilities in the prior calendar year that are or will be used to support its service in eligible areas. While the Commission adopts this reporting requirement, it nonetheless delegates to WCB the authority to revise the reporting requirements to meet monitoring and compliance needs for Fixed ACF support while also easing administrative burdens, and WCB may assess how the new requirements adopted for mobile can be leverage for fixed networks.

Compliance and Recordkeeping. Recipients of Fixed ACF support shall be subject to the compliance measures, recordkeeping requirements and audit requirements set forth in § 54.320(a)–(c). In addition, recipients of Fixed ACF shall be subject to the non-compliance measures set forth in § 54.320(d). The Commission directs WCB to issue guidance on how § 54.320(d) will apply to maintenance of specific deployment, absent requirements to do additional deployment. In addition, as noted above, Fixed ACF support recipients will be subject to network performance testing. The Commission directs USAC,

under the oversight of WCB and the Office of the Managing Director, to review and revise its audit procedures to take into account the changes adopted in this document.

Affordability Requirement. While affordability is certainly at the forefront of the Commission's interests, particularly in Alaska, it declines to require the offering of a low-cost plan as a condition of receiving Alaska Connect Fund support. The Commission finds that it seeks improved affordability through the design of the Alaska Connect Fund program generally and that a separate requirement to provide a low-cost plan separate from Lifeline service is not necessary at this time. The Commission understands the argument from some commenters that a consumer subsidy can help affordability of service; however, it finds that the high-cost program is not the appropriate USF program to address that issue directly. Additionally, some of the infrastructure programs that Fixed ACF recipients will also be participating in already implement this requirement. Further, the Affordable Connectivity Program (ACP) concluded on June 1, 2024 due to a lack of additional funding from Congress, making it impossible at this time for us to require that recipients participate in ACP or a substantially similar successor program. Nonetheless, the Commission delegates authority to WCB to adopt rules, after an opportunity for public comment, on ACF provider participation in ACP, if that program is re-authorized, or a substantially similar successor program is enacted or adopted.

The Commission also finds that it is in the public interest to provide carriers currently receiving USF high-cost support for service in Alaska under the Alaska Plan, *ACS Order,* or A–CAM with phased down support over a three-year period if the amount of annual support a participant will receive in Fixed ACF is less than the amount of annual support the participant received in ACF Transition. The Commission has provided phase-down support to carriers in several high-cost support programs when the amount a carrier is expected to receive going forward is less than the amount of support a carrier receives under the current program. While the Commission has structured phase-down slightly differently for various high-cost programs, each phase-down is adapted to the specifics of the program and the expected difficulties for the providers, as well as consumers, in shifting high-cost support from one carrier to another.

In the *Alaska Connect Fund Notice,* the Commission sought comment on whether phase-down support was appropriate for a period of time as it transitioned carriers from current Alaska support mechanisms to the Alaska Connect Fund. The Commission did not receive comments specifically regarding such a phase down. Nevertheless, the Commission finds that a phase-down period of support for carriers that will receive less Fixed ACF support than the support they are receiving during ACF Transition or no Fixed ACF support will ensure a reasonable transition to Fixed ACF amounts and allow carriers to plan network expenditures accordingly to ensure continuity of service for consumers. Beginning in January 2029, a carrier that receives support during ACF Transition and is not eligible for Fixed ACF support or will receive less Fixed ACF support than ACF Transition support, will receive the following high-cost support in addition to its Fixed ACF support, as applicable:

- The first 12 months (2029), the carrier will receive 60% of the difference between ACF Transition and Fixed ACF support;
- The second 12 months (2030), the carrier will receive 30% of the difference between ACF Transition and Fixed ACF support;
- The third 12 months (2031), the carrier will receive 15% of the difference between ACF Transition and Fixed ACF support;
- Thereafter, the carrier will receive whatever, if any, Fixed ACF support for which they are authorized for the remainder of the support term.

TABLE 1—EXAMPLES OF TRANSITIONAL SUPPORT

Support year	Example 1: Carrier A receives $1 million in ACF transition support and is eligible for $700,000 in fixed ACF support	Example 2: Carrier B receives $1 million in ACF transition support and is eligible for $200,000 in fixed ACF support	Example 3: Carrier C receives $1 million in ACF transition support and is ineligible for Fixed ACF support
2029	$880,000	$680,000	$600,000.
	[$700,000 + (60% × 300,000)]	[$200,000 + (60% × $800,000)]	(60% × $1,000,000).
2030	$790,000	$440,000	300,000.
	[700,000 + (30% × 300,000)]	[$200,000 + (30% × $800,000)]	(30% × $1,000,000).
2031	$745,000	$320,000	150,000.
	[700,000 + (15% × 300,000)]	[$200,000 + (15% × $800,000)]	(15% × $1,000,000).
2032–2034	$700,000 annually in Fixed ACF support	$200,000 annually in Fixed ACF support	$0 annually in Fixed ACF support.

The Commission finds that the accountability and oversight requirements it adopts in this document for Fixed ACF and that already exist within its rules are sufficient to protect the success and integrity of transitional support. However, to the extent that starting January 1, 2029, or thereafter, a carrier only receives transitional support for fixed services under Fixed ACF, such carrier shall remain subject to all reporting and certification requirements it had during the ACF Transition. The Commission delegates authority to WCB to adopt reporting and certification tailored to phased down support. The Commission also delegates authority to WCB to extend phase-down support for locations that are not authorized to receive Fixed ACF support but where the ACF Transition recipient is the only carrier offering fixed voice service to that location, if WCB determines it is in the public interest.

The Commission next addresses how to incorporate Tribal consent into the Fixed ACF program. In the *Alaska Connect Fund Notice,* the Commission sought comment on conditioning the receipt of Alaska Connect Fund support for fixed services on obtaining Tribal consent and adopting a Tribal consent framework similar to the BEAD program. Fixed ACF is designed to prioritize support for the operation and maintenance of already-constructed networks and not for deployment of new fixed services networks. Tribal consent has traditionally focused on obtaining permission to build out or provide new services on Tribal Lands and to Native Communities. With Fixed ACF supporting already deployed networks or networks funded and deployed under other federal programs, many of which require Tribal consent, any Fixed ACF support awarded to providers deploying under those

programs will support networks that, in many cases, were required to obtain Tribal consent before deploying. Additionally, the Commission reminds recipients of high-cost support serving Tribal Lands that they are required to have annual discussions with Tribal governments that include feasibility and sustainability planning and compliance with applicable Tribal requirements. In the concurrently adopted FNPRM, the Commission seeks additional public comment on this issue for new deployments under Mobile ACF and any deployments that may be authorized under Fixed ACF.

Before the Fixed ACF term of support ends in December 2034, the Commission anticipates that it will conduct a rulemaking to decide how support in Alaska will continue to be provided once Fixed ACF has concluded. Given the historic levels of investment in broadband deployment, by 2035, the landscape of voice and broadband service in Alaska will differ drastically from what it is today, and the Commission will need to reconsider how best to focus USF support in Alaska, the methodologies for distributing support, and what obligations and standards will be necessary to reflect progress in the marketplace. The Commission's actions in this document to establish an ACF Transition and Fixed ACF seek to ensure that Alaska will be well positioned with regard to fixed services at the end of 2034.

Mobile Service. As with fixed service, there continues to be a need for Universal Service Fund support to ensure that Alaskans have access to the same level of mobile service as consumers in the rest of the country. In this document, the Commission extends support to Alaska Plan mobile-provider participants after the Alaska Plan concludes on December 31, 2026, as detailed in the following. In extending support, the Commission makes changes to ensure the effective use of USF funding, including ensuring funding is targeted to current generation mobile service, avoiding duplicative support, and ensuring support is targeted to where consumers live, work, and travel in remote Alaska.

As explained in the following, the Commission establishes two separate approaches—one tailored towards single-support areas, and another tailored for duplicate-support areas. In eligible single-support areas, the Commission extends support with the ultimate goal of achieving at least 5G–NR service at 35/3 Mbps in an outdoor stationary environment (5G–NR 35/3 Mbps) where technically and financially feasible by December 31, 2034. This ensures that support is targeted towards the latest generation mobile service, while also providing certainty about the level of support. In duplicate-support areas, the Commission extends support through December 31, 2029, where support recipients are to work to extend at least 4G LTE service at 5/1 Mbps in an outdoor stationary environment (4G LTE 5/1 Mbps) by December 31, 2029 (ACF Mobile Phase I), and the Commission separately seeks comment in the concurrently adopted FNPRM on how best to award support for the period January 1, 2030, through December 31, 2034, for these areas (ACF Mobile Phase II).

The Commission also updates its eligible areas determination to remove those areas that: (i) have an unsubsidized provider offering at least 5G–NR 7/1 Mbps in an outdoor stationary environment; (ii) have three or more mobile providers offering at least 4G LTE 5/1 Mbps in an outdoor stationary environment with at least one of the providers being unsubsidized; or (iii) are inaccessible or unsafe for testing. These measures further ensure that support is targeted to areas where it is needed the most while maintaining accountability for how funds are used.

All coverage analysis including all performance plans required by the Alaska Connect Fund—*i.e.,* for single-support areas and for duplicate-support areas under ACF Mobile Phase I—will rely on BDC data. Consistent with the BDC, all ACF participants must show that consumers can receive the minimum technology level and speed with a cell edge coverage probability of not less than 90% and a cell loading of not less than 50%. All mobile providers will be required to file BDC mobile verification infrastructure data annually, and mobile providers receiving more than $5 million in support on an annual basis will be required to conduct speed tests and submit speed test results to WTB when the mobile providers submit their milestone certifications as detailed in the following.

As an initial matter, the requirements under the mobile portion of the Alaska Plan will remain in place through the end of that plan, and the mobile portion of the Alaska Connect Fund will begin on January 1, 2027. Mobile-provider participants of the Alaska Plan remain obligated to comply with Alaska Plan requirements through the end of the Alaska Plan, including, *inter alia,* meeting their 10-year commitments by December 31, 2026 and complying with any Alaska Plan-specific filing requirements before and after that end date. In short, nothing in this Order shall be read as affecting the obligations owed by mobile-support recipients under the Alaska Plan.

As the Commission explains in the in this document, starting January 1, 2025, mobile-provider participants of the Alaska Plan will have their support amounts increased by 30%. While the Commission increases the mobile support under the Alaska Plan and continues support under that plan through the end of December 2026, in all other aspects this increase is not a new award of funding with respect to deployment. The increase is solely for current Alaska Plan providers under their current Alaska Plan obligations for coverage and deployment. The Commission recognizes that obligations will increase under the Alaska Connect Fund, and providing more support is appropriate in order for Alaska Plan providers to begin making improvements towards those obligations, as well as enabling them to better meet their Alaska Plan build-out obligations by December 31, 2026.

The Alaska Plan is a ten-year plan with the providers' final commitments due December 31, 2026. ATA—which represents all eight mobile-provider participants of the Alaska Plan—petitions the Commission to start a new 10-year plan, starting in 2024 and ending December 31, 2034. ATA argues that guaranteed support for another 10 years would provide the certainty necessary for providers to invest in their networks. ATA has expressed concern about the ability of providers to adequately plan for new deployments and upgrades while the availability of support after the Alaska Plan ends is still uncertain.

In the *Alaska Connect Fund Notice,* the Commission sought comment on ATA's petition to extend support until 2034, in which it requested that the new plan begin in 2024. For mobile, current support recipients will continue receiving support under the Alaska Plan through its original December 31, 2026 end date, and mobile support under the Alaska Connect Fund will begin January 1, 2027 and end on December 31, 2034, subject to the conditions and requirements for the program. The initial support under the Alaska Connect Fund will act as an extension of support (extended support) after the Alaska Plan ends, with new obligations, such as requiring all mobile providers to rely on BDC coverage data. Some commenters join ATA and urge us to commence the Alaska Connect Fund term as soon as possible. While the Commission recognizes those arguments that immediate commencement of the Alaska Connect Fund term may provide

stability and predictability to commit to long-term investments, or may further enable efficient capital planning and coordination with the BEAD and ReConnect funding opportunities, the Commission finds it is important to ensure that mobile-provider participants of the Alaska Plan meet the 10-year commitments they made for December 31, 2026. And unlike fixed service, mobile-support recipients already have a single unified end date under the Alaska Plan. In addition, because the mobile portion of the Alaska Connect Fund is a new support fund, with new obligations, the Commission finds it necessary to allow time for mobile providers to transition to the new obligations before the Alaska Connect Fund begins. In any event, because the Commission is adjusting the support amounts for the Alaska Plan participants beginning January 1, 2025, it thinks ATA's concerns about beginning the new plan as soon as possible are adequately addressed.

The Commission discusses the term lengths for the mobile portion of the Alaska Connect Fund in more detail in the following. In addition, the Commission notes that mobile providers that opt into the Alaska Connect Fund will be required—in addition to their new obligations detailed in this document—to maintain service at the same minimum service levels that were required under the Alaska Plan, and they may not provide less coverage or provide service using a less advanced technology than the provider committed to under the Alaska Plan, as detailed further in the following.

The mobile portion of the Alaska Connect Fund will begin after the Alaska Plan ends (*i.e.,* January 1, 2027) and will end on December 31, 2034. As explained in the following, mobile support will have different support term lengths, or extension periods—as well as different requirements—based on whether an area is a single-support area or a duplicate-support area. For purposes of the Alaska Connect Fund, the Commission defines single-support areas—which it anticipates will be the substantial majority of the support areas—as areas covered by one Alaska Plan mobile provider participant and define duplicate-support areas as areas covered by two or more Alaska Plan mobile-provider participants.

The Commission rejects ATA Petition's proposal that it allows for automatic extensions of a new plan in one-year intervals at the end of the term unless the Commission acts otherwise. The Alaska Connect Fund will begin January 1, 2027, and the initial support under the Alaska Connect Fund will act as an extension of support (extended support) after the Alaska Plan, with new obligations, such as requiring all mobile providers to rely on BDC coverage data. The Commission declines to adopt automatic extensions in one-year intervals of the Alaska Connect Fund, as ATA requests. The support terms the Commission adopts in this document for the mobile portion of the Alaska Connect Fund give providers a sufficient amount of certainty, but it sets a specific end date for the mobile portion of the Alaska Connect Fund at this time, consistent with other high-cost support funds, so that it can re-evaluate the broadband needs in remote Alaska to determine whether continued high-cost support is needed and make any necessary adjustments at that time. The Commission also rejects arguments for annual performance reviews and full reviews of the Alaska Connect Fund every five years. The performance plans, public interest obligations, and accountability and oversight measures adopted in the sections in the following will adequately ensure that providers are meeting their deployment obligations and are held accountable for any failure to meet their obligations.

Extension for Single-Support Areas. The Commission extends high-cost mobile support in Alaska until December 31, 2034 for eligible areas where only one mobile provider receives support and offers service, if the provider meets the applicable conditions of the extension. Specifically, if one mobile provider participant of the Alaska Plan provides service in an area, the Commission extends support for that provider in that area through December 31, 2034 under the Alaska Connect Fund, subject to the increased support amounts discussed in this document, and new obligations and limitations set forth in this document. Universal service support is intended to ensure that areas that the private sector would not serve, without subsidies, can enjoy the benefits of the communications network similar to urban areas. Areas with one supported high-cost mobile provider align with how high-cost support was designed to operate by supporting one provider in an area which can bring the benefits of advanced communications to areas that lack a private sector business case. Accordingly, in areas where only one provider offers mobile service to Alaskans, it is imperative that the service continue to operate reliably and consistently; otherwise, Alaskans could be left without service. In addition, to ensure that consumers in these high-cost areas receive the same access to advanced communications services that should be provided in all regions of the Nation, the Commission expects the provider to upgrade the service offered to 5G–NR in its single-support areas, where technically and financially feasible. The Commission finds this to be a reasonable goal because support will be extended to the provider in those areas until December 31, 2034. Consistent with ATA's request, this guaranteed support will enable providers to invest in upgrades to their networks and facilities in order to ensure that consumers in these areas are served with fast, reliable, and advanced mobile services, while facilitating long-term planning.

Extension for Duplicate-Support Areas. Where two or more mobile-provider participants under the Alaska Plan cover the same eligible area, the Commission agrees in part with ATA that it should maintain certainty and predictability for providers. The Commission also finds it necessary, however, to balance ATA's concerns with the need to address the problem of offering providers duplicate support long-term—which runs counter to its USF policies. The Commission therefore guarantees extended support in duplicate-support areas, but for a shorter period of time than in single-support areas. Specifically, the Commission extends support in duplicate-support areas for existing support recipients through December 31, 2029, subject to the limitations and additional obligations discussed in this document.

In the *Alaska Connect Fund Notice,* the Commission asked how it should address duplicate support. While the record developed in this proceeding did not provide any information directly addressing the issue of the appropriate support term for duplicate-support areas if the Commission were to extend support for those areas, it received comments regarding the general issue of duplicate-support areas, and it uses these comments as the rationale for its decisions. In addition, GCI notes that an extension of support would allow time to further evaluate the extent of the existence of duplicate-support areas.

The Commission takes action to remove duplicative high-cost mobile support after a short-term extension of support for providers in those areas. It is important to ensure that universal service funds are used in the most efficient manner and not used to prop up competition where it already exists. Nevertheless, the Commission cannot conclude that subsidies are unnecessary to maintain service in these areas solely because two or more subsidized

providers currently serve those areas, and it recognizes commenters in the record who urge the Commission to proceed cautiously before mitigating potential areas of overlap. The Commission therefore is not removing these areas entirely from eligibility in the Alaska Connect Fund because—without high-cost support—it is possible that no provider would have an incentive to offer mobile service in these areas, and it would risk the number of service providers going from two (or more) to zero in an area if it were to withdraw support entirely. The Commission does not guarantee support to both (or more) providers in these areas indefinitely, however, given the concerns of providing duplicate support to multiple providers, and instead seek comment in the concurrently adopted FMPRM, *infra,* on a framework for allocating and distributing funds in these areas after December 31, 2029.

The Commission finds that this approach best balances several competing concerns. This framework allows for a period of certainty so that the mobile service provider participants of the Alaska Plan can continue network planning and making contractual arrangements in the short term if they choose to opt into the Alaska Connect Fund, thereby continuing to build on the progress of the Alaska Plan. And while the Commission does not need time to evaluate the extent of duplication, the additional time will allow the development of a more fulsome record regarding how best to address it. While removing support from high-revenue areas may affect how providers offer coverage in surrounding areas, the Commission notes that providers may retain mobile facilities in those areas; in areas deemed ineligible, however, they just cannot use Alaska Connect Fund support for those mobile facilities. The extended support and notice of the options in the concurrently adopted FNPRM, however, allow the providers in duplicate-support areas time for network planning necessary to position themselves to compete to win the support in those areas or be ready to reallocate the support they were using to other eligible areas.

The Commission delegates authority to WTB to resolve any ambiguities as to the classification of support areas or the determination of which provider receives support in an area if they arise during the course of the Alaska Connect Fund. Support amounts per area are addressed in the concurrently adopted FNPRM. The Commission delegates authority to WTB to resolve support amounts per area after the comment cycle of the concurrently adopted FNPRM concludes. In case another mechanism cannot be implemented before the start of 2030 for duplicate-support areas, the Commission delegates to WTB the authority to extend ACF Mobile Phase I after notice and comment, until ACF Mobile Phase II is adopted, or until December 31, 2034, whichever is earlier. The Commission also delegates to WTB the ability to impose additional requirements, after notice and comment, in duplicate-support areas for mobile providers to receive extended support under ACF Mobile Phase I beyond December 31, 2029. Support would continue unaltered under such circumstances until ACF Mobile Phase II in duplicate-support areas begins.

The Commission finds that its approach of adopting two plans specifically tailored for single- and duplicate-support areas best addresses the concerns of ensuring Alaskans in remote areas have continued broadband service and that mobile-provider participants have a level of certainty in support for their network planning and deployment, while also taking steps to address duplicate support.

In the *Alaska Connect Fund Notice,* the Commission sought comment generally on what the Alaska Connect Fund for mobile support should look like, as well as what actions it should take to ensure that Alaskans in remote areas, particularly unserved and underserved areas, can access and continue to receive reliable and secure mobile service at reasonable prices. The Commission also sought comment on how to address duplicate support going forward in Alaska. The Commission observed that it is generally not the policy of the USF to subsidize competition, but under the Alaska Plan, some areas had as many as three mobile-provider participants providing mobile service in the same eligible area. The *Alaska Connect Fund Notice* asked how the Commission should address situations where two or more prospective participants of the Alaska Connect Fund cover the same geographic area, and whether it should continue to provide universal service support to two or more providers in the same area. The Commission further asked whether it should allow only one subsidized provider to continue receiving support in a duplicate-support area, or alternatively whether duplicate-support areas should be deemed ineligible for support. Finally, the Commission sought comment on the appropriate method to determine which provider should receive support for duplicate-support areas, and the appropriate manner to redistribute funds that were going to such areas.

Commenters varied in their arguments on how best to address duplicate support. ATA, which has members that receive duplicate support, argued that the Commission should continue to provide support to these areas to ensure continuity of service and indicated that if support in duplicate-support areas is eliminated, it would prevent such providers from serving surrounding areas. Additionally, ATA claims that providers in overlapping areas rely on the other provider's network in certain instances (leases and roaming) and without continued universal service support, there is a risk a provider will no longer be able to service that area. Joining in ATA's position, GCI cautions against automatically excluding areas from Alaska Connect Fund support due to the presence of multiple providers, noting that it is critical the Commission avoid a situation where it decreases services available to Alaskans. Ketchikan Public Utilities notes that due to its high cost in Alaska, middle-mile infrastructure is often utilized by both the facility owner and one or more competitors, and that such infrastructure may not be built absent support comparable to the Alaska Plan. Alaska Middle Mile Alliance (AMMA), on the other hand, recommends that the Commission redistribute the duplicate support to middle-mile support to help providers fulfill their build-out commitments.

While commenters urge the Commission to preserve support for existing mobile services even where they overlap, the Commission finds that eliminating duplicate support continues to be the most effective policy for achieving its universal service goals. The Commission adopted this policy after evaluating over a decade of experience supporting multiple networks in the same area and determining that it should no longer subsidize competition, and the Commission has sought to eliminate duplicate, high-cost mobile support in Alaska. The Commission finds that the record does not support departing from this policy goal by providing long-term duplicate support in the Alaska Connect Fund. The Commission also rejects AMMA's proposal to redistribute duplicate support to middle mile as inappropriate. The Commission finds that redistributed support from duplicate-support areas may be better spent expanding and upgrading last-mile networks in unserved and underserved areas for the purposes of the Alaska Connect Fund, as other prominent federal broadband programs

may not include support for last-mile mobile services in Alaska. While the Commission will not provide duplicate support in the long-term, it agrees that it should not jeopardize potential services to Alaskans in the near term.

Accordingly, in areas eligible for support, the Commission will distinguish between single-support areas and duplicate-support areas in establishing support terms and requirements under the mobile portion of the Alaska Connect Fund. As explained in this document, in single-support areas, the Commission extends support for current participants until December 31, 2034. However, in duplicate-support areas, the Commission guarantees support for current participants until December 31, 2029, and it seeks comment in the concurrently adopted FNPRM on how best to award support to a single provider in those areas after that time through the end of December 2034. In the *Alaska Plan Order,* the Commission deemed some remote areas as ineligible if there was evidence that the private sector would serve the area without support. The Commission updates its definition of ineligible areas here, and where, as of December 31, 2024, there is an unsubsidized provider covering that area with 5G–NR service at least 7/1 Mbps in an outdoor stationary environment or three or more mobile providers—with at least one of those providers being unsubsidized—covering the area with 4G LTE service of at least 5/1 Mbps in an outdoor stationary environment, those areas are ineligible for support as those areas have demonstrated that they would receive service absent high-cost support. WTB, in coordination with OEA, will publish a map showing all ineligible and supported areas in Alaska, as detailed in the following.

Because the Alaska Connect Fund will rely on data from the BDC, the Commission will use the H3 standardized, open-source geospatial indexing system developed by Uber Technologies, Inc.—which is used in the BDC—for the mobile portion of the Alaska Connect Fund. In the context of the National Broadband Map, the BDC mobile broadband coverage areas submitted by providers are overlaid with H3 resolution 9 hexagon area (hex-9s) and, in the National Broadband Map, if the centroid of the hex-9 overlaps the raw coverage area, then the hex-9 is considered covered for purposes of displaying coverage. Mobile broadband coverage data is also made available for download from the National Broadband Map based on hex-9s. Given the hex-9s' relatively small size of approximately 0.1 square kilometers on average, they can be aggregated to closely correspond to any Census geography (*e.g.,* census tract or block groups).

In the *Alaska Connect Fund Notice,* the Commission sought comment on its proposal of using the H3 system and asked a number of questions about whether the hex-9 resolution was the appropriate level for identifying geographic areas eligible for support. While ATA argued that the Commission should continue to use census blocks, OptimERA commented that hex-9s give good resolution and the ability for the Commission to monitor providers to ensure they are meeting build-out obligations. In order to align the Commission's analysis with the BDC, it rejects ATA's suggestion to continue to use census blocks as the basis of analysis, and rely on the H3 system. As in the *Alaska Connect Fund Notice,* the Commission finds the that ''[t]he H3 system is useful because it provides a canonical way to reference, index, and compare wireless coverage using boundaries that are of a nearly uniform size.'' Because the Commission relies on the H3 system to align with the BDC, it does not use census blocks as the minimum geographic level of analysis. The Commission agrees with OptimERA that hex-9s give good resolution and the ability for the Commission to monitor providers to ensure they are meeting build-out obligations, and nothing in the record disputes the benefits of using the H3 system at hex-9 resolution level. The BDC mobile broadband coverage is displayed down to the hex-9 resolution on the National Broadband Map, and such data are made available for download for easy public understanding of approximately where there is coverage or where coverage is deficient in Alaska. For these same reasons, the Commission has used the H3 system at hex-9 resolution for defining the eligible areas for the 5G Fund. The Commission is persuaded that the same system and resolution should also apply for the Alaska Connect Fund. While the Commission does not make the minimum level of analysis the census block, it does rely on census tracts where analysis of hex-9s needs to be aggregated. Aggregating at the census-block level is often too small an area for a meaningful aggregated analysis of hex-9s, but aggregation of hex-9s at the census-tract level offers the benefits of integrating census data with the BDC data and the H3 system while keeping the areas referenced in performance plans a reasonable size.

Coverage at the Hex-9 Level. The Commission will use the following methodology to determine whether and how a hex-9 is covered for purposes of the mobile portion of the Alaska Connect Fund—for example, to determine single- and duplicate-support areas, as well as for other purposes such as determining whether a provider has met its commitments. The Commission will determine whether a hex-9 is covered by a specific speed or technology—or by a specific provider or providers—by examining coverage of the hex-11s that comprise the hex-9. Hex-11s are a finer resolution of hexagons available under the H3 geospatial indexing system. A hex-9 will be deemed to be covered if at least 70% of the hex-11s in the hex-9 are covered at the centroid, by the relevant provider and/or technology. For example, to determine whether the centroid of a hex-11 is covered by 4G LTE, the Commission will overlay hex-11 areas on BDC mobile coverage maps. Any hex-11 whose centroid shows coverage by 4G LTE service is considered covered and is counted in the number of covered hex-11s. For the parent hex-9 to be considered covered, the number of hex-11s deemed to be covered must be at least 70% of the total number of hex-11s in the hex-9. Similarly, to determine that a hex-9 meets other specific criteria, at least 70% of the component hex-11s must meet the criteria. The Commission has taken a similar approach in the context of the 5G Fund, and it finds it appropriate to apply that approach here for the mobile portion of the Alaska Connect Fund. No commenter provided any alternatives to determining how the geographic unit is covered if it applies an H3 system.

As detailed in the following, Alaska Connect Fund mobile provider participants must commit to serve the hex-9s that overlap with the areas that they now serve (under the Alaska Plan) and any additional areas, at the relevant speeds and technologies discussed in the following, and committed to in their Alaska Connect Fund performance plans.

In this section, the Commission sets forth the requirements for eligible providers and eligible areas for the extended-support portion of the Alaska Connect Fund (*i.e.,* single-support areas and duplicate-support areas under ACF Mobile Phase I). Eligible areas, including single- and duplicate-support areas, will be published in a map to ensure providers understand the extent of these areas for planning purposes. The Commission also sets forth a process for providers that were receiving support in areas now deemed ineligible to provide comparable service elsewhere to retain the same level of

support under the Alaska Connect Fund.

The Commission limits eligibility for Alaska Connect Fund extended-support—*i.e.,* support for single-support areas and for duplicate-support areas under ACF Mobile Phase I—to the current mobile provider participants of the Alaska Plan. Adopting this limit for single-support areas and for duplicate-support areas under ACF Mobile Phase I will properly leverage mobile providers with existing long-term commitments, the networks they already have in place, and the progress that they have already made pursuant to their commitments. Although the Commission recognizes some commenters' arguments for fair and equal access to Alaska Connect Fund for all providers, in balancing the needs of Alaskan consumers and the importance of leveraging the existing networks that were deployed in Alaska with universal service funds, the Commission finds the record supports its decision to limit eligibility to existing Alaska Plan mobile provider participants. As detailed in the concurrently adopted FNPRM, ACF Mobile Phase II and the unserved areas auction may allow participation by all qualifying competitive ETCs.

Opt In. To participate in the 2016 Alaska Plan, competitive ETCs that met the eligibility criteria were deemed to have opted into the plan if they had submitted performance plans. The *Alaska Connect Fund Notice* noted the opt-in process from the Alaska Plan and sought comment on whether to follow the same structure for determining participants in the Alaska Connect Fund. No commenter offered a response in support of or against adopting the same opt-in process.

For the mobile providers participating in the Alaska Plan, the Commission follows a similar process for opting into the Alaska Connect Fund. The eight mobile-provider participants of the Alaska Plan can opt into extended support under the Alaska Connect Fund for single-support and duplicate-support areas under ACF Mobile Phase I by submitting their performance plans to WTB for approval, consistent with the requirements of this Order, on or before September 1, 2026. Consistent with the Alaska Plan, the Commission finds opting in via submission of performance plans to be the appropriate step, as it requires an unambiguous affirmative step that signals providers' commitment in receiving the extended support. The Commission requires the submission of performance plans on or before September 1, 2026, as it finds this date provides adequate time for providers to make an informed decision about their commitments under their performance plans before they are submitted.

The Commission sought but did not receive comment on phasing down support for providers that do not opt into the Alaska Connect Fund. For Alaska Plan mobile providers that choose not to opt into the Alaska Connect Fund, their support will end with the Alaska Plan on December 31, 2026. If any providers do not have their final performance plans approved by WTB by December 31, 2026, those providers' support may be delayed.

Ineligibility Due to Noncompliance. An Alaska Plan mobile provider that opts into the Alaska Connect Fund may have its Alaska Connect Fund support delayed, or may be deemed ineligible from the Alaska Connect Fund, if WTB determines that the provider has failed to comply with the public interest obligations or other terms and conditions of the Alaska Plan or its Alaska Plan commitments, or failed to meet an Alaska Plan build-out milestone. In such case, WTB will notify the provider and give an opportunity to respond before support is delayed or the mobile provider is deemed ineligible for the Alaska Connect Fund. In the *Alaska Connect Fund Notice,* the Commission noted that a number of mobile providers failed to meet their interim commitments under the Alaska Plan, and asked whether eligibility to participate in the Alaska Connect Fund should be limited if a provider failed to meet its commitments. The Commission agrees with commenters that support some limits to the eligibility of providers who fail to meet their service thresholds and required obligations under the Alaska Plan. These include public interest obligations, such as timely data submissions, that could affect the assessment of whether providers have met all of their Alaska Plan obligations. As the Alaska Connect Fund is dependent upon BDC data, ongoing delays in full and proper submission of BDC data may also cause ineligibility in the Alaska Connect Fund.

If an Alaska Plan provider is deemed ineligible for the Alaska Connect Fund, its support under the Alaska Plan will not be subject to phase down but will terminate at the end of the Alaska Plan (on December 31, 2026). For a provider deemed ineligible, the Commission chooses to end support, rather than phase it down, because the provider's ineligibility indicates an unwillingness or inability to meet the commitments the provider had already made—despite receiving high-cost support under the Alaska Plan for ten years. The Commission does not consider it to be a responsible use of universal service funds to give support to providers under the Alaska Connect Fund when they did not comply with their previous obligations and are not providing the services they promised to deliver to their customers under the Alaska Plan. Because the mobile portion of the Alaska Connect Fund acts as an extension of support (with new obligations), mobile providers must be in good standing to continue to receive support. The Commission does not find it an efficient use of universal service funds to continue to give support to a provider that did not use its support within that time to meet its obligations. If WTB determines that an Alaska Plan mobile provider did not meet its Alaska Plan buildout obligations after the commencement of the Alaska Connect Fund, and also determines that the mobile provider is not eligible to receive Alaska Connect Fund mobile support, WTB can take all actions necessary to recover Alaska Connect Fund support, including those set forth in §§ 54.320(c) and (d). In addition, this does not impact any separate actions related to §§ 54.320(c) and (d) with respect to the Alaska Plan final milestone.

The Commission delegates authority to WTB to determine whether an individual Alaska Plan mobile provider is ineligible for the Alaska Connect Fund or will have its support under the Alaska Connect Fund delayed temporarily until it meets its outstanding obligations under the Alaska Plan, based on the mobile provider's compliance with Alaska Plan and BDC obligations. As part of this delegation, WTB may determine whether the provider is ineligible for the Alaska Connect Fund as a whole, whether it is ineligible for specific coverage areas based on noncompliance (and if ineligible in specific areas, to what extent its support will be reduced), or whether the provider is eligible to begin receiving Alaska Connect Fund support once it comes into compliance.

The Commission concludes that Alaska Connect Fund support can be used to provide mobile service anywhere in Alaska, except for the following areas, which are considered ineligible under the Alaska Connect Fund: (i) areas that were previously ineligible due to being in a nonremote or competitive area under the Alaska Plan; (ii) areas where an unsubsidized mobile provider is offering 5G–NR service at minimum speeds of 7/1 Mbps in an outdoor stationary environment based on BDC coverage data as of December 31, 2024; (iii) areas in which three or more mobile providers—with at least one of those providers being

unsubsidized—are offering at least 4G LTE service at minimum speeds of 5/1 Mbps in an outdoor stationary environment based on BDC coverage data as of December 31, 2024; and (iv) areas deemed inaccessible or unsafe for testing. Extended support may be used to support last-mile mobile service in all areas of Alaska besides these ineligible areas, consistent with the mandate to ensure coverage where Americans live, work, and travel.

In the *Alaska Connect Fund Notice,* while generally seeking comment on how to determine eligible areas for the mobile portion of the Alaska Connect Fund, the Commission asked whether any changes needed to be made to the eligible areas criteria adopted in the Alaska Plan. The Commission specifically sought comment on whether changes needed to be made to the requirement that an eligible area needed to have less than 85% of the population covered by 4G LTE service of providers that were either unsubsidized or ineligible for frozen support as of December 31, 2014. The Commission noted that in the *5G Fund Further Notice,* 88 FR 66781, September 28, 2023, it proposed to make ineligible those areas served with 5G–NR at speeds of at least 7/1 Mbps by an unsubsidized provider, and it sought comment on whether this proposal could apply to the Alaska Connect Fund. The Commission also noted situations where as many as three mobile providers were receiving support and serving the same eligible area under the Alaska Plan, and asked how it should address situations in which two or more prospective participants in the Alaska Connect Fund cover the same geographic area.

While ATA asks the Commission not to remove support in areas where an unsubsidized provider offers service, this is inconsistent with Commission policy to be fiscally responsible and to ensure that limited USF funding is used efficiently. The Commission concludes that continuing to subsidize areas where there already is an unsubsidized competitor offering service is an inefficient use of limited resources, would not lead to a loss of service if funds were removed from the area, and could limit its ability to expand 5G coverage to as many Alaskan areas as possible.

Quintillion argues that the Alaska Connect Fund should support projects in the ''same categories of eligible areas as the Alaska Plan, as defined by current data from the updated National Broadband Map and the State of Alaska's Broadband Office Map, in order to foster competition and provide affordable service to low-income populations.'' As an initial matter, the Commission concludes that areas that were previously ineligible under the Alaska Plan will again be ineligible under the Alaska Connect Fund. The Commission also updates the category of ineligible areas based on receiving mobile service from an unsubsidized provider to account for the target technology and speed of the Alaska Connect Fund—5G–NR service of at least 7/1 Mbps in an outdoor stationary environment—based on information from the Commission's National Broadband Map, as required by the Broadband DATA Act. The Commission additionally classifies as ineligible those areas with three or more mobile providers offering 4G LTE service of at least 5/1 Mbps in an outdoor stationary environment—with at least one of those providers being unsubsidized—for the same reasons it deems areas with an unsubsidized 5G–NR provider ineligible. Further, the Commission deems ineligible those areas that are not able to be speed tested, as it finds this consistent with its responsibility to protect the success and integrity the Commission's high-cost program.

Areas that were Previously Ineligible in the Alaska Plan. In the Alaska Plan, an area was deemed ineligible if it was a nonremote area or an area served by an unsubsidized or ineligible provider covering 85% of the census block with 4G LTE service as of December 31, 2014. The remote areas include all of Alaska except the ACS–Anchorage incumbent study area, the ACS–Juneau incumbent study area, the Fairbanks zone 1 disaggregation zone in the ACS–Fairbanks incumbent study area, and the Chugiak 1 and 2 and Eagle River 1 and 2 disaggregation zones of the Matanuska Telephone Association incumbent study area (collectively, the non-remote areas). For the remote areas that were ineligible due to an unsubsidized or ineligible provider offering 4G LTE as of December 31, 2014, an early version of the Alaska Population Distribution Model was used to identify and disqualify those blocks. No commenters in the record argue that previously ineligible areas should be eligible. Accordingly, the Commission finds that previously ineligible areas are also ineligible under the mobile portion of the Alaska Connect Fund.

Areas that Offer Unsubsidized 5G–NR Service and Areas with Three or More Providers Offering at least 4G LTE Mobile Service with at least one Unsubsidized 4G LTE Provider. Based on BDC availability data as of December 31, 2024, areas with an unsubsidized provider offering at least 7/1 Mbps 5G–NR in an outdoor stationary environment and areas with three or more mobile providers offering at least 5/1 Mbps 4G LTE in an outdoor stationary environment—with at least one of those providers being unsubsidized—are also ineligible for support. The Commission and the universal service program are not intended to subsidize competition. Providing high-cost support in areas where there is already competition with advanced mobile service runs contrary to universal service policy the Commission has advocated since the *USF/ICC Transformation Order.* While the *Alaska Plan Order* contemplated that multiple subsidized 4G LTE mobile providers may arise in an area due to how the Alaska Plan operated, areas that already have an unsubsidized mobile provider that offers at least 5G–NR at 7/1 Mbps or three or more mobile providers that offer at least 4G LTE at 5/1 Mbps in an outdoor stationary environment—with at least one of those providers being unsubsidized—are evidence that the area does not need support to yield private-sector investment—there is already competition in that area.

First, as the Alaska Connect Fund seeks to ensure 5G–NR is deployed to remote Alaskans that would not otherwise have such service, areas where 5G–NR is already deployed *without* use of support demonstrates that high-cost support is unnecessary for such deployment in that area. This approach mirrors the Commission's approach in the Alaska Plan, in which it determined that areas covered by unsubsidized providers of 4G LTE (the target technology at the time) were ineligible for support. Here, the Commission updates those ineligibility criteria based on the target technology and speed for the mobile portion of the Alaska Connect Fund and other high-cost support mechanisms, consistent with its proposal.

Likewise, an area that already has three or more providers offering at least 4G LTE service at 5/1 Mbps in an outdoor stationary environment—with at least one of those providers being unsubsidized—indicates that there is a private-sector case for the area. At least one unsubsidized provider in the area is attempting to make that case even with at least two other mobile providers potentially receiving a subsidy while competing against the unsubsidized provider. It is not consistent with the principles of the universal service program to attempt to pick winners and losers in that market by subsidizing competition against a provider that needs no such subsidy to offer

comparable services while competing against not just one provider but at least two other providers in that market. As such, where there are three mobile providers of at least 4G LTE service at 5/1 Mbps in an area—with at least one of those providers being unsubsidized—there are private sector incentives to offer advanced mobile services to those areas, and the Commission's remove them from eligibility for high-cost mobile support. The Commission will, however, allow mobile providers that currently receive support under the Alaska Plan for covering these areas that are newly deemed ineligible to retain their support if they commit to cover a comparable uncovered area in place of the newly ineligible areas. The Commission outlines the requirements and process for providers to submit their comparable service areas in the following.

Areas Unable to be Tested. In the *Alaska Connect Fund Notice,* the Commission sought comment on any changes it should consider in determining which areas would be eligible for support in the Alaska Connect Fund, and it did not receive any comments on how to address the areas in Alaska that are unable to be tested. Given the lessons learned from the Commission's implementation of the Alaska Plan, areas that are unable to be tested are also ineligible for Alaska Connect Fund support.

In the Alaska Plan, providers receiving over $5 million annually in high-cost support were required to support their milestone submissions with data from drive tests showing mobile transmissions to and from the network meeting or exceeding the speeds delineated in the approved performance plans. These drive tests could be conducted by means other than in automobiles on roads, recognizing the unique terrain and lack of road networks in Alaska. Providers could demonstrate coverage of an area with a statistically significant number of tests in the vicinity of residences being covered. In addition, some of the providers receiving $5 million or less annually were subject to drive test auditing by USAC. During the course of drive testing, FCC staff learned that some areas were, in reality, inaccessible or unsafe for testing, despite the fact that: (i) the Alaska Population Distribution Model indicated that those areas were populated, (ii) the FCC Form 477 data indicated that the provider had coverage over that population, and (iii) the performance plans indicated that the providers were receiving credit for providing coverage to the population included in those areas. However, when drive testing was attempted to be performed in these areas, the areas were not able to be tested and were not accessible for testing, and other accommodations had to be made, such as by allowing an uncrewed aircraft system (UAS) to test these areas.

Where areas are inaccessible or unsafe for testing, the Commission will consider them inaccessible or unsafe for consumer usage and not allow support to be used for those areas. This is consistent with the principle that mobile high-cost support should be available where people ''live, work, or travel.'' Moreover, to protect the success and integrity of the ACF, all support areas must be verifiable, and areas that cannot be tested cannot be verified. Consequently, areas that cannot be tested practically and safely are ineligible.

In determining whether an area is ineligible under this category, the Commission allows areas that can be tested with an uncrewed aircraft (UA) to be considered eligible for Alaska Connect Fund purposes, so long as such testing is possible and otherwise permissible. People frequently travel and visit areas where there are no Fabric locations, such as along roads, snow mobile routes, hunting areas, bodies of water, or hiking trails. In Alaska, some areas where people can ''live, work, or travel'' can cause safety concerns for network testing purposes that can be addressed by UA testing. As such, while the Commission may require only on-the-ground testing in some areas, it will allow UA testing as a safe means to test other areas in Alaska for Alaska Connect Fund purposes when UA usage is otherwise permissible. This action is consistent with past Commission orders recognizing the ''unique challenges of providing communications services in rural Alaska'' that are not applicable to mobile providers in other parts of the United States.

As detailed in the following, providers can be required to test any hex-9 they commit to cover under the Alaska Connect Fund. Hex-9s that are inaccessible during all seasons or are a safety hazard to test at all times of the year are ineligible for support, and providers can voluntarily submit any areas to WTB at the hex-9 level they believe should be deemed ineligible because they cannot be tested or tested safely. It is the providers' responsibility to know that they are using support consistent with these requirements. Where a provider claims credit for hex-9s in its coverage areas, providers may lose support in proportion to the hex-9s that are later deemed ineligible. Again, providers who currently receive support under the Alaska Plan for these areas newly deemed ineligible under the Alaska Connect Fund may commit to cover comparable uncovered areas in order to retain their support, as discussed in the following.

To ensure that all providers fully understand which areas are eligible and ineligible for Alaska Connect Fund mobile support, and of those that are eligible, which are in duplicate-support, single-support, or other eligible areas, the Commission delegates authority to WTB, in coordination with OEA, to publish a map or maps of these areas and seek comment on such maps. The map or maps would identify all such areas on a hex-9 basis. The Commission directs WTB, in coordination with OEA, to publish the preliminary map or maps, based on mobile providers' BDC mobile availability data as of December 31, 2024, no later than October 1, 2025. The map or maps will rely on BDC data and information learned about the areas. Such a map or maps will help reduce any potential misunderstandings regarding where a provider is permitted to use support. Mobile providers seeking support under the Alaska Connect Fund must use the Eligible-Areas Map to determine the areas in Alaska that are eligible for support.

The Commission delegates authority to WTB, in coordination with OEA, to seek comment on the maps' accuracy, to resolve any disputes that may arise over the classification of an area, and to seek comment on the Eligible-Areas Map(s) after it is published on or before October 1, 2025. The Commission also delegates authority to WTB, in coordination with OEA, to release, in conjunction with release of the Eligible-Areas Map(s), information on the eligible mobile providers' hex-9 coverage (*e.g.,* number of hex-9s each provider covers by census tract; number of hex-9s in ineligible areas) based on mobile providers' BDC availability data as of December 31, 2024, if WTB, in coordination with OEA, finds such information to be necessary for development of mobile providers' performance plans. In addition, the Commission delegates authority to WTB, in coordination with OEA, to seek comment periodically to update the map(s) throughout the course of the Alaska Connect Fund, as necessary. For example, this could occur as new areas that are deemed inaccessible for testing are discovered, as uncovered areas become ''single-support areas'' under the comparable service area mechanism, or to reflect later vintages of BDC availability data, as appropriate.

The Commission will allow Alaska Connect Fund mobile-provider

participants that will no longer receive support for a newly ineligible area or areas to continue receiving the same level of support *if* they cover a comparable number of hex-9s elsewhere. The Commission sets forth the parameters for covering a comparable number of hex-9s in the following.

In the *Alaska Connect Fund Notice,* the Commission asked, in the context of duplicate support, whether it should ''allow the providers that would no longer receive support for that particular area to submit new hex-9s (where there is no duplication), in order to retain the same level of support.'' Because the extended support under the Alaska Connect Fund (*i.e.,* for single-support areas and duplicate-support areas under ACF Mobile Phase I) is intended to give providers certainty of support for network planning and deployment, the Commission finds it reasonable to give mobile providers an opportunity to retain support even if areas that they cover become newly ineligible under the extended support for Alaska Connect Fund. The Commission will not, however, allocate all of the Alaska Plan mobile provider's support to its remaining eligible areas, as ATA suggests, because it finds that it would not be a prudent and efficient use of high-cost support to provide the same support to offer less coverage. Moreover, even though the Commission set higher deployment goals under the Alaska Connect Fund, the 30% support increase—which begins in January 2025 and extends through the duration of the Alaska Connect Fund—is intended to address a provider's deployment and service needs for its entire coverage area. If a provider is no longer eligible to receive support for certain areas in its coverage area, it must cover additional areas to maintain the same level of support.

Determining Comparable Areas Before Performance Plan Submission. To retain support, providers currently receiving support under the Alaska Plan for coverage of newly ineligible areas must use their Alaska Connect Fund support to cover a comparable number of otherwise uncovered hex-9s elsewhere, subject to claw back in their support if they do not do so. To be considered ''comparable,'' the Commission expects a provider to cover the same number of uncovered hex-9s as the number of hex-9s that were ineligible, unless the mobile-provider participant of the Alaska Connect Fund can provide justification that a lower number of hex-9s that it would be covering elsewhere is ''comparable'' to the number of newly ineligible hex-9s, as described in the following. If, for example, the Eligible-Areas Map reveals that 100 hex-9s that an Alaska Plan mobile provider was covering are deemed ineligible in the Alaska Connect Fund, then that provider would have to commit to cover 100 different hex-9s that are shown as uncovered in the Eligible-Areas Map (or a lower number of hex-9s, if it justifies why a lower number is still comparable). If it does not commit to cover a comparable number of hex-9s, the provider may not retain the same level of support it was receiving for the 100 hex-9s that are ineligible.

Providers must incorporate their comparable areas into their performance plans under the Alaska Connect Fund, for WTB approval. Specifically, each mobile provider must remove the ineligible hex-9s from its commitment, and in a separate category in the performance plan, specify how many comparable hex-9s it commits to cover, by census tract, as detailed in the following. The Commission delegates authority to WTB, in coordination with OEA, to work with providers in their submissions of ''comparable number of hex-9s'' to meet the requirements of this section. Where a provider commits to cover the same number of uncovered hex-9s, that will be considered a safe harbor, and a provider will have such coverage deemed ''comparable'' to the coverage where it no longer has support. However, if a provider wishes to commit to fewer hex-9s than the number of hex-9s that were deemed ineligible, it must demonstrate why this lower number constitutes ''comparable'' coverage. For instance, a provider may demonstrate that the newly covered, fewer number of hex-9s contain the same value or more than the newly ineligible hex-9s because they cover more BSLs or area of significance to the local community. The Commission delegates authority to WTB, in coordination with OEA, to make the determination of whether a provider is covering a ''comparable number of hex-9s.''

Once approved, comparable areas will be treated as part of the provider's single-support areas, subject to the deployment obligations and performance requirements for those areas. Where an Alaska Connect Fund recipient covers a new, uncovered hex-9, it will be considered a single-support area attributed to the provider that shows coverage to that hex-9 first, based on BDC data. In the event both providers first report coverage for the same area in the same data set or one provider's earlier filed data is deemed inaccurate, the hex-9 will be considered a single-support area attributed to whichever provider has its updated performance plan accepted first.

The Commission delegates authority to WTB, in coordination with OEA, to resolve any ambiguities to the classification of support areas as ineligible, duplicate-support, single-support areas, and other eligible areas—including for ''comparable areas''; to determine which provider receives support in an area if such ambiguities arise during the course of the Alaska Connect Fund, as discussed in this document; and to determine support amounts for these areas, as needed, after opportunity for public comment on this issue in response to the concurrently adopted FNPRM. Where an Alaska Plan mobile-provider participant does not have an updated performance plan approved by WTB with comparable areas for the Alaska Connect Fund, that provider will have its proportional support phased down, beginning 90 days after being notified by WTB that it is receiving support in an ineligible area or by January 1, 2027, whichever is later. Mobile-provider participants that have new performance plans with comparable areas approved by WTB may receive restoration of the support that was phased down for the areas that the comparable areas replaced.

Determining Comparable Areas After Performance Plans. Recipients of ACF mobile extended support may need to cover a comparable number of hex-9s at different times after initial performance plans are accepted and during the course of the Alaska Connect Fund, if an area of inaccessible hex-9s is discovered. For areas where providers may lose support because an area is deemed ineligible *after* their performance plan has been accepted, providers will still have an opportunity to retain support by committing to cover a comparable number of uncovered hex-9s elsewhere. For example, if a provider committed to cover 100 hex-9s and is covering exactly 100 hex-9s, and 10 of that provider's hex-9s are deemed inaccessible for testing, then the provider must meet its Alaska Connect Fund commitment by covering 10 new hex-9s (unless it justifies that a lower number of hex-9s are comparable) and reflect that and the census tract where it is covering the comparable hex-9s in an updated performance plan. The mobile provider must provide a notation in the performance plan for the comparable hex-9s, identifying in which census tracts the ineligible hex-9s are located and how many of those hex-9s are being replaced by any particular group of comparable hex-9s. The Commission delegates authority to

WTB, in coordination with OEA, to require additional clarifying information that allows identification and determination of which comparable hex-9s are replacing which group of ineligible hex-9s. As providers discover ineligible hex-9s after their performance plans are approved, they must remove those ineligible hex-9s from their hex-9 commitments in their performance plans and reflect the new number of comparable hex-9s in the comparable hex-9 commitments category in their new, proposed performance plans. The providers must submit new performance plans whenever they need new comparable hex-9s approved. Where two providers cover the same hex-9s and one provider claims that the area is inaccessible for testing, but the other provider does not, the area would become a part of the latter provider's single-support area, and the former provider would have to cover the same number of hex-9s elsewhere.

All inaccessible hex-9s and updated performance plans must be submitted to WTB before the buildout milestones are due. If providers discover some areas are inaccessible during required speed testing or during an audit, the provider will be in noncompliance for those hex-9s, and potentially additional hex-9s if the inaccessible hex-9s were selected through random sampling. If this noncompliance is discovered for the interim milestone testing, the provider may identify, in an updated performance plan, comparable hex-9s that it will serve. If the provider's updated performance plan is not approved within 90 days of the provider being notified that it is covering ineligible hex-9s because those hex-9s cannot be tested, then the provider will have a proportional amount of support phased down. If the provider's updated performance plan for covering comparable hex-9s is approved after 90 days, it may have any support that was phased down restored.

Just as with determination of comparable areas before submission of performance plans, the Commission delegates authority to WTB to work with providers in their submissions of ''comparable number of hex-9s'' after their initial performance plans, as necessary, to meet the requirements of this section. The Commission also delegates authority to WTB to determine whether a provider is covering a ''comparable area,'' and to resolve any ambiguities with respect to coverage and/or any amount of support that should be withheld if a provider does not cover a comparable area.

Minimum Provision of Service. In addition to the increased speed goals the Commission adopts in this document, Alaska Connect Fund mobile support recipients must provide service with at least the same minimum service levels as required under the Alaska Plan and may not provide less coverage or provide service using a less advanced technology than the provider committed to under the Alaska Plan.

Under the Alaska Plan, mobile-provider participants were required to provide stand-alone voice service and, at a minimum, offer to maintain the level of data service they were providing as of the respective dates their individual plans were adopted by WTB. They were also required to improve service consistent with their approved performance plans through December 31, 2026. In the *Alaska Connect Fund Notice,* the Commission raised this public-interest obligation and sought comment on what, if any, changes it should make to this and other public interest obligations from the Alaska Plan. As a general matter, commenters acknowledge the importance of maintaining existing service with the Alaska Connect Fund. While some commenters argue against a stand-alone voice requirement, others support this requirement as a ''bedrock principle.''

In order to maintain the progress made under the Alaska Plan—and to ensure that Alaskans in remote areas maintain the same or better level of service—the Commission requires Alaska Connect Fund mobile-support recipients to continue to maintain the minimum service levels—to the same areas—that they achieved under the Alaska Plan. All Alaska Connect Fund mobile-support recipients must continue to meet all of the public-interest obligations of the Alaska Plan and must not reduce service to Alaskans. This includes continuing to provide voice service, as required of all ETCs, to maintain at least the level of data service they are providing to their previous coverage areas as of the end of the Alaska Plan, and to improve service consistent with their approved performance plans through the end of Alaska Connect Fund. The Commission delegates authority to WTB to compare BDC availability data as of December 31, 2026 with subsequent BDC availability data to ensure that mobile voice and mobile broadband service levels and coverage are maintained or improve in all previously served areas.

Deployment Goals. To receive Alaska Connect Fund mobile support for single-support areas and for duplicate-support areas under ACF Mobile Phase I, Alaska Plan mobile-provider participants must submit performance plans to WTB on or before September 1, 2026, for approval. The Alaska Plan had a goal of achieving universal 4G LTE, and providers in the most competitive areas of Alaska committed to provide 4G LTE at 10/1 Mbps by December 2026. To ensure the effective use of Alaska Connect Fund support, the Commission expects that, where technically and financially feasible, participants in single-support areas will work to extend 5G service to populations who are currently served by 4G LTE or less, and that providers in duplicate-support areas will work to extend by the end of December 2029 at least 4G LTE at 5/1 Mbps in an outdoor stationary environment to areas where they do not currently offer it. For single-support areas, providers participating in the Alaska Connect Fund are expected to use Alaska Connect Fund support to upgrade service beyond the service commitment level they made in the Alaska Plan, with an ultimate goal of achieving 5G NR at 35/3 Mbps in single support areas, where technically and financially feasible, by the end of December 2034. Regardless of the service-level commitment in the performance plan, the Commission expects providers of single-support areas to report on the steps they have taken towards the commitments under their respective performance plans by December 31, 2029, meet interim commitments by December 31, 2031, and meet final commitments by December 31, 2034.

The Commission's speed goals for single- and duplicate-support areas align with BDC standards for the supported technologies. As explained fully in the following, the Commission has different performance goals for single-support areas and for duplicate-support areas because of the potential for support changes in duplicate-support areas, and because in duplicate-support areas there is already competitive pressure to offer service beyond the Commission's goal for single-support areas. The Commission recognizes that there may be some circumstances where a provider may be unable to meet these goals. The Commission delegates authority to WTB, in coordination with OEA, to accept lesser commitments in some areas as warranted on a case-by-case basis, as discussed in the following.

The Commission encourages Alaska Plan providers that opt into the Alaska Connect Fund to begin deploying 5G–NR as soon as possible. Technology commitments in the Alaska Plan performance plans are minimum technology commitments, so where a provider installs 5G–NR before the end of the Alaska Plan as it works to meet its Alaska Connect Fund commitments,

5G–NR can count toward its 4G LTE commitment under its Alaska Plan performance plan (*i.e.,* it will receive credit for having met 4G LTE under the Alaska Plan).

Single-Support Area Minimum Deployment Standards. Providers are expected to commit, where technically and financially feasible, to offer 5G–NR in order to receive support under the Alaska Connect Fund in single-support areas. Deployment of 5G–NR in these areas is important to ensure that Alaskans have access to the level of advanced communications that other consumers enjoy in the United States. The Commission also finds that such a goal is reasonable in light of the longer-term guaranteed support in these areas through the end of 2034.

In the *Alaska Connect Fund Notice,* the Commission sought comment on the level of service that should be expected from mobile providers under the Alaska Connect Fund. In response, some commenters caution against applying a one-size-fits-all deployment benchmark in Alaska, and they recommend adopting standards tailored to each area that are flexible and that consider the unique difficulties associated with deploying in the area. At least one other commenter supports adoption of uniform service standards. Comments from Alaska Plan participants recognize that the next phase of high-cost support in Alaska should aim for deployment of 5G.

The Commission agrees with commenters on the importance of using Alaska Connect Fund support to migrate to 5G–NR, and it expects providers to deploy 5G–NR in their single-support areas where technically and financially feasible. The high-cost Universal Service Fund provides support to ensure that advanced communications services are available to all areas of the United States, and 5G–NR is currently the universal service technology standard throughout the rest of the United States.

The Commission finds it reasonable to expect providers in single-support areas to offer 5G–NR where technically and financially feasible in exchange for support through 2034. The Alaska Plan's emphasis was on Alaska Plan participants ''work[ing] to extend 4G LTE service to populations that are currently served by 2G or 3G.'' Six of the eight mobile providers of the Alaska Plan will have 100% 4G LTE by December 31, 2026. Some of the 4G LTE equipment that has been deployed is capable of 5G–NR, but even where hardware needs to be replaced, the Commission is increasing the support amounts starting January 1, 2025 and expect providers to upgrade to 5G–NR in single-support areas where technically and financially feasible.

Some providers have argued that middle mile is limited and that, in some remote places where it is available, the cost per Mbps can be very expensive, and that this limits the speeds they can offer. However, based on information provided by current mobile support recipients in Alaska, by 2026, even in the most remote communities, satellite backhaul will be capable of allowing last-mile providers to offer 5/1 Mbps speeds, and satellite providers are continually adding capacity. In addition, middle-mile infrastructure is expanding with several Federal programs spending hundreds of millions to expand middle mile in Alaska. Even where middle mile is available but too expensive to offer robust service to customers, the last-mile providers receiving support have five construction seasons from the adoption of this Order and a 30% increase in their annual support to get their communities connected to areas with competitive transport pricing. Due to the ongoing investment by providers using support from the Commission's universal service program and other Federal programs, the Commission similarly anticipates that 5G–NR at 35/3 Mbps will be achievable in these areas, where financially and technically feasible by December 31, 2034. For these reasons, the Commission set a goal of expanding 5G–NR at 35/3 Mbps, where technically and financially feasible in an outdoor stationary environment by December 31, 2034 in single-support areas.

Duplicate-Support Areas. While the Commission set a goal of achieving 5G–NR at 35/3 Mbps where technically and financially feasible in single-support areas by December 31, 2034, it set a lower goal of at least 4G LTE at 5/1 Mbps in duplicate-support areas for ACF Mobile Phase I. First, based on the deployment standard in the Alaska Plan, 4G LTE is the universal minimum by December 31, 2026, so mobile provider participants should already have deployed—or be well on their way to deploying—4G LTE by that date. Second, it would not be reasonable to set an initial goal of 5G–NR in duplicate support areas because providers in these areas may lose support in ACF Mobile Phase II, which would start in January 2030 as discussed in the Further Notice. Third, because of the ACF Mobile Phase II proposed competitive mechanism, providers receiving support in these areas in ACF Mobile Phase I have a competitive incentive to offer service well beyond the minimum in order to position themselves better to win support in the future. For these reasons, the Commission does not set a higher speed goal in these areas before ACF Mobile Phase I ends in December 2029.

While providers are to work to extend by the end of December 2029 at least 4G LTE at 5/1 Mbps where technically and financially feasible in an outdoor stationary environment to areas where they do not currently offer it, in setting a goal of at least 4G LTE at 5/1 Mbps by December 31, 2029, for duplicate-support areas, the Commission acknowledges that some mobile providers in these areas are likely capable of deploying 5G–NR service in those areas. But the Commission set a goal of 4G LTE at 5/1 Mbps where technically and financially feasible in order to balance the need to address duplicate support in these areas under ACF Mobile Phase II with providers' concerns about support certainty. The Commission is also mindful, however, of the need to ensure that Alaskans in these areas have access to the level of advanced communications that other consumers enjoy in the United States. Accordingly, the Commission encourages providers in these areas to commit to 5G–NR for ACF Mobile Phase I and to work toward 5G–NR deployment as soon as possible. As noted in this document, providers that deploy 5G–NR in their coverage areas before the end of the Alaska Plan will receive credit for having met their 4G LTE commitments at the end of the Alaska Plan (if they also met the speed requirement in their Alaska Plan commitments) and will be better positioned for ACF Mobile Phase II.

Technology Improvements. During the 10-year course of the Alaska Plan, technological standards of 2G and 3G became dated and obsolete. Similarly, during the course of the Alaska Connect Fund, the technology goal may become dated. In the *Alaska Connect Fund Notice,* the Commission sought comment on whether the Alaska Connect Fund should have a mechanism to make a new technology generation—*e.g.,* 6G—the deployment goal, particularly if other high-cost programs begin supporting that generation. While commenters did not address this issue, the Commission finds it important to retain the ability to adapt the Alaska Connect Fund with changing technology goals. The Commission delegates authority to WTB to raise the technology and performance goals, as appropriate, after opportunity for public notice and comment, during the course of the Alaska Connect Fund.

To qualify for mobile support under the Alaska Connect Fund, the

Commission requires existing Alaska Plan providers to submit new performance plans no later than September 1, 2026, based on BDC standards and availability data as of December 31, 2024, as detailed in the following. The new performance plans will align with BDC standards and will require new commitments to area-based plans by census tract, as discussed in the following, rather than the generic statewide, population-based plans under the Alaska Plan.

Previous Performance Plans. Alaska Plan performance plans required that the provider identify in its performance plan: (1) the types of middle mile used on that provider's network; (2) the level of technology (2G, 3G, 4G LTE, etc.) the provider uses to offer service at each type of middle mile; (3) the delineated eligible populations served, at the state level, at each technology level by each type of middle mile as they stand currently and at years five and 10 of the support term; and (4) the minimum download and upload speeds at each technology level by each type of middle mile as they stand currently and at years five and 10 of the support term. These plans were evaluated by superimposing FCC Form 477 coverage over 2010 census blocks with population distributed based on Alaska Population-Distribution Model. Because the FCC Form 477 rules allowed mobile providers to file coverage areas based on various technologies and various minimum speeds, based on the provider's own propagation model, Alaska Plan providers could submit coverage areas in FCC Form 477 that were consistent with the Alaska Plan requirements (*e.g.,* 4G LTE at 1 Mbps/256 kbps; 4G LTE at 25/10 Mbps).

Alaska Connect Fund Performance Plans. The Commission requires Alaska Connect Fund performance plans for mobile support to be based on BDC data standards. The Broadband DATA Act requires that the Commission rely on the National Broadband Map ''when making any new award of funding with respect to the deployment of broadband internet access service intended for use by residential and mobile customers.'' The increase in support starting next year does not constitute a new award of funding because it is part of the existing Alaska Plan that provides mobile support through December 31, 2026. However, after that, mobile support for the Alaska Connect Fund begins with new obligations that lead to an expansion or upgrade of mobile broadband coverage. The Commission finds that Alaska Connect Fund mobile support, which begins after December 31, 2026, requires that it relies on the National Broadband Map data and the associated BDC data standards in awarding funding for mobile support under the Alaska Connect Fund. Accordingly, the Commission requires initial Alaska Connect Fund performance plans to rely on the BDC coverage data and BDC data standards on which the National Broadband map is based and on mobile providers' availability data in Alaska as of December 31, 2024.

In the *Alaska Connect Fund Notice,* the Commission acknowledged that the mobile data coverage filings under the BDC have changed substantially from the Commission's previous mobile coverage data requirements. It noted that data for the National Broadband Map are filed pursuant to standardized parameters or standards that mobile broadband providers are subject to in the creation of their coverage data (*e.g.,* specific speeds based on technology, cell edge probability of not less than 90% and cell loading factor of least 50%) and sought comment on the best ways to use the National Broadband Map. Commenters generally support the Commission's use of the National Broadband Map for mobile coverage data, but some noted that the map does not account for cases where a provider has claimed coverage by partly roaming or leasing facilities from another provider. The Commission's National Broadband Map, however, is based on areas where facilities-based providers offer service. No one commented on the use of the BDC technical coverage standards for Alaska Connect Fund performance plans.

The Commission finds that basing the Alaska Connect Fund performance plans on BDC standards will result in reduced burdens on providers, given that providers are already required to submit their coverage data to the Commission under the Broadband DATA Act. Although the Commission has retired FCC Form 477 reporting requirements for broadband deployment, under the Alaska Plan, mobile provider participants must continue to produce and submit annual deployment data, using the outdated FCC Form 477 requirements, to allow for like comparisons to the previous deployment data on which these providers based their performance commitments. By contrast, under the Alaska Connect Fund, mobile participants will no longer have to produce and submit additional coverage maps because the Commission will use their BDC coverage maps to assess compliance.

Unlike FCC Form 477, the BDC requires mobile providers to use standardized parameters in their propagation modeling and data submissions. For example, for 4G LTE, the BDC requires mobile broadband service providers to submit availability data that represent coverage where mobile wireless users should expect to receive minimum user speeds of 5/1 Mbps at the cell edge, with a cell edge coverage probability of not less than 90% and a cell loading of not less than 50%. All mobile broadband providers must submit biannual BDC filings that depict technology and minimum speeds at 35/3 Mbps 5G–NR, 7/1 Mbps 5G–NR, 5/1 Mbps 4G LTE, and 200/50 kbps 3G at the cell edge.

Consistent with the BDC requirements, mobile providers who intend to participate in the Alaska Connect Fund must submit new performance plans at the census-tract level, which must: (1) include the name of the census tract that the provider commits to serve; (2) include the minimum technology level and speed in an outdoor stationary environment that the provider commits to provide; (3) specify the number of hex-9s committed to be covered within each census tract at the committed-to technology and speed levels, which shall be no less than the provider's coverage in the Alaska Plan, minus any ineligible areas; and (4) specify how many additional hex-9s committed to within each census tract at the committed-to technology and speed levels are comparable hex-9s. Providers are to reflect the additional coverage that is required to retain support due to areas being deemed ineligible solely in the comparable hex-9 category of their performance plans. Initial performance plans must be submitted for WTB approval on or before September 1, 2026. Separate performance plans are required for single-support areas and for duplicate-support areas. For single-support areas, performance plan interim commitments are due December 31, 2031, and performance plan final commitments are due December 31, 2034. While outside of the performance plan, the Commission also expects providers of single-support areas to report on the steps they have taken towards the commitments under their respective performance plans by December 31, 2029. For duplicate-support areas, performance plan commitments are due December 31, 2029. WTB will release a Public Notice providing guidance on what to include in the performance plans and their format.

The Commission delegates authority to WTB to adopt requirements and develop data specifications, after appropriate public process, concerning

the format and method of uploading Alaska Connect Fund Performance Plans. The Commission also delegates authority to WTB to require additional information, including during WTB's review of any proposed performance plans, from individual Alaska Connect Fund mobile-provider recipients that it deems necessary for determining whether or not they have met their commitments. If ACF Mobile Phase I is extended in duplicate-support areas to December 31, 2034, WTB may require, after seeking notice and comment, the filing of additional commitments in those areas as a final milestone. In addition, WTB may require the filing of revised commitments when justified by developments that occur after the approval of the initial Alaska Connect Fund performance commitments.

Hex-9s per Census Tract. Each Alaska Connect Fund mobile-provider participant must specify each census tract that it will serve and indicate the minimum number of hex-9s that it will serve within each census tract. In the Alaska Plan, providers committed to cover a specified number of Alaskans on a statewide basis. This resulted in some communities being deprioritized, as some providers put their resources in the most desirable remote locations in the state, with some mobile coverage concentrated on the populated areas. In the Alaska Connect Fund, the Commission requires commitments to be more granular than statewide commitments to better ensure that communities do not get left behind. For the Alaska Connect Fund, performance plans must specify the number of hex-9s providers commit to cover in each census tract. Similar to the Commission's requirement in the Alaska Plan, providers participating in the mobile portion of the Alaska Connect Fund, at a minimum, must maintain the coverage that they had been offering throughout the course of the Alaska Plan based on BDC coverage data as of December 31, 2026.

Because a provider must maintain its coverage with at least the same level of service in the areas it covered under the Alaska Plan, a provider must commit to cover any eligible hex-9 in its support area and may commit to cover any eligible hex-9 not covered by other mobile providers. The Commission allows a provider the leeway to best employ its knowledge of its areas to ensure that coverage occurs where it will be of most benefit to Alaskans and does not impose further conditions on which hex-9s must be covered. In other words, providers are free to provide mobile service wherever they deem necessary in eligible areas to ensure that people have coverage where they live, work, and travel within each census tract.

The Commission finds that using hex-9 areas is the best way to identify areas that mobile-provider participants of the Alaska Connect Fund had previously covered under their Alaska Plan commitments, while giving providers the flexibility to provide mobile coverage where people live, work, and travel under the Alaska Connect Fund. The hex-9 approach also best addresses concerns raised in the record about how to develop performance plans for Alaska Connect Fund support.

Some commenters expressed concern with an area-based approach and wanted to ensure that any new plan maintained population-based metrics, similar to the Alaska Plan. Specifically, ATA argues that the Alaska Connect Fund should retain a population-based approach with population-based metrics. GCI has advocated for covering residential BSLs for mobile-support purposes. GCI argues that, while BSLs in the Fabric are insufficiently accurate for wireline support, use of BSLs in the Fabric is more accurate than reliance on the Alaska Population Distribution Model and should be incorporated into the Model to ''potentially better target providers' service obligation to where Alaska's remote populations most need the service.'' The Alaska Population Distribution Model, which WTB developed for purposes of the mobile portion of the Alaska Plan, indicated where people were likely to live, but this was a model and it did not identify actual resident locations. The Commission finds that the population-based approach in the Alaska Plan can be too limiting to effectively meet the program's mandate to ensure mobile network coverage is available where Alaskans live, work, and travel. Though the Commission now has the Fabric, which provides information on where people live and work, people frequently travel in and visit areas where there are no Fabric locations, such as along roads, snow mobile routes, hunting areas, bodies of water, or hiking trails. Therefore, the Commission does not limit support to merely targeting where populations live. A concentration of BSLs is necessarily evidence that an area is valuable to its users, but the absence of BSLs does not always indicate that an area does not need to be covered by mobile networks, and the Commission will rely on input from all sources, including the providers receiving support, regarding whether Alaska Connect Fund support should be used to cover an area or not. Local mobile providers cover well beyond the areas where people live, including roads, water bodies, and open areas that may be used for snow mobiles or hunting. The Commission's hex-9 area-based approach can give mobile provider participants the flexibility to continue doing so.

This approach differs from the approach adopted in the 5G Fund, given the distinctions between these two funds. In the *5G Fund Second Report and Order,* the Commission required that a hex-9 show locations or roads in order to be eligible. The Commission does not impose this same requirement in the Alaska Connect Fund, because under the mobile portion of the Alaska Connect Fund for single-support areas and duplicate-support areas under ACF Mobile Phase I, providers will continue to receive support for the areas they have already covered under the Alaska Plan, which was not based on locations in the first instance. In other words, for the Alaska Connect Fund, the Commission does not want to make a previously supported area ineligible simply because of the absence of a location or road—that would be inconsistent with its approach of extending support for the areas that mobile-provider participants covered under the Alaska Plan (subject to the ineligibility criteria discussed in this document). By contrast, it is reasonable for the 5G Fund to require hex-9s to have locations or roads because it is a reverse auction that will distribute *new* support to areas unserved by unsubsidized 5G service. In creating a different requirement for Alaska Connect Fund than the 5G Fund, the Commission also noted that Alaska is unique from the rest of the United States, in that areas that Alaskans live, work, and travel are not as clearly determined by locations or roads. First, many areas in Alaska are accessible only by plane rather than roads, and second, covering certain bodies of water is important to meet the ''work and travel'' aspect of the Commission's universal service goals for Alaskans. In addition, in the context of developing a sampling methodology for speed testing for the Alaska Plan, road data was found to be unreliable in certain areas. The Commission will not constrain Alaska Connect Fund recipients to area eligibility rules that were not developed with Alaska and the Alaska Plan in mind. This approach will allow providers, who have local knowledge about the communities they serve, to continue to invest in network improvements via their performance plans where they know they are needed most. While the Commission does not

require hex-9s to include BSLs or roads, it strongly encourages providers to consider that data in determining their coverage, particularly to the extent they cover areas beyond those that they covered in the Alaska Plan.

Middle-Mile Disaggregation. Alaska Plan providers were required to disaggregate their commitments by available middle mile in their performance plans. The Commission declines to adopt a middle-mile disaggregation requirement for Alaska Connect Fund performance plans. Accordingly, Alaska Connect Fund mobile support recipients will not need to include information about which middle mile applies to which coverage in their performance plans. While the initial Alaska Plan requirement for middle-mile disaggregation was necessary due to a dearth of information regarding the microwave and fiber infrastructure in Alaska in 2016, since then, the Commission has been receiving microwave and fiber infrastructure information from providers. Moreover, mobile providers must indicate on their Alaska Connect Fund performance plans on a census-tract-by-census-tract basis, where they believe transport is inadequate. The Commission no longer believes that technology conditions need to be broken out by the middle-mile infrastructure available to better understand the limitation of any speed commitments in the manner they were in the Alaska Plan performance plans—and it will continue to have access to necessary middle-mile information through the middle-mile maps that providers submit as part of their obligations under the Alaska Connect Fund.

Consistent with the approach in the Alaska Plan, Alaska Connect Fund mobile-support recipients will be permitted to use their support for both operating expenses and capital expenses for deploying, upgrading, and maintaining mobile voice and broadband-capable networks, including middle-mile improvements needed to meet those ends. As long as an Alaska Connect Fund recipient is providing service to its awarded area consistent with the public interest obligations delineated in this Order, service expenditures in that area will be eligible for support. Expenditures for middle-mile facilities may occur outside of eligible areas, so long as they are necessary to provide mobile voice and broadband service in the areas where the Alaska Connect Fund recipient receives support.

In the *Alaska Connect Fund Notice,* the Commission pointed to its rule setting forth the appropriate use of support under the Alaska Plan and sought comment generally on whether to follow the same approach, particularly in the context of how to use—and allocate—support for middle mile (*e.g.,* whether to allow use of Alaska Connect Fund support for middle-mile improvements like in the Alaska Plan, or to set aside specific funds for middle mile). While some commenters asked us to set aside specific funds for middle mile, no commenters asked us to reallocate existing Alaska Plan support already going to mobile provider participants for middle mile only. In fact, ATA specifically made clear that any allocation of funds to middle mile should ''provide additional support, over and above current support amounts.'' No commenters asked us to change the requirements for appropriate use of support for the Alaska Connect Fund, and in fact, ATA and other commenters in general asked the Commission to embrace the ''basic structure'' of the Alaska Plan with only minor changes. The Commission finds that adopting requirements for appropriate use of support that mirror those from the Alaska Plan will help ensure that mobile provider participants have the flexibility they need to best serve remote Alaskans with high-cost support.

Reasonably Comparable Services and Rates. Section 254(b)(3) provides the universal service principle that consumers in all regions of the nation, including ''rural, insular, and high-cost areas,'' should have access to advanced communications that are reasonably comparable to those services and rates available in urban areas. Similar to the requirement under the Alaska Plan, under the Alaska Connect Fund, the Commission requires participating mobile providers to certify their compliance with this obligation in their annual compliance filings and to demonstrate compliance with this obligation on December 31, 2029 for duplicate-support areas, and on December 31, 2029, December 31, 2031, and December 31, 2034 for single-support areas.

In the *Alaska Connect Fund Notice,* the Commission sought comment on the best means for advancing the statutory requirement that rural areas have services and rates that are ''reasonably comparable'' to those available in urban areas, including how support recipients should demonstrate their compliance with this requirement. In its comments, NTCA recognizes the importance in ensuring that Alaska consumers living in rural areas ''can realize the benefits of 'reasonably comparable' services at 'reasonably comparable' rates to those available in urban areas.'' ARIC says that ''[d]eveloping a program that deploys the same broadband and mobile wireless speeds and pricing urban residents in Anchorage and other major cities in America are receiving is critical.'' Alaska Power & Telephone (APT) urges the Commission to be flexible in the timing required to provide reasonably comparable service and rates due to the many challenges to providing service in Alaska. AMMA says the Commission should consider ''reasonably comparable rates within the ACF that are sensible considering the middle-mile technology available to a very remote community or location.'' As ATA notes in its comments, it is important for the Commission to take stock on what has already worked in the Alaska Plan, including the obligation that providers offer reasonably comparable rates.

To ensure that providers are adequately notifying the public of their reasonably comparable plans, the Commission requires that a provider demonstrate compliance by showing that it publishes, on its publicly accessible website, at least one mobile broadband plan and at least one stand-alone voice plan that are: (1) substantially similar to a service plan offered by at least one different mobile wireless service provider in the Cellular Market Area (CMA) for Anchorage, Alaska, and (2) offered for the same or a lower rate than the matching plan in the CMA for Anchorage. This demonstration must include usage allowances for the comparable plans in Anchorage. Because of the unique conditions in remote Alaska, however, and the variety of circumstances and costs of the affected carriers, the Commission authorizes WTB to employ alternative benchmarks or dates appropriate for specific competitive ETCs in assessing carrier offerings. Participants in the Alaska Connect Fund may not cite their own plans in Anchorage as evidence of meeting the reasonably comparable rate condition.

Additional Obligations for Performance Plans with Less than the Minimum Deployment Goals. In the *Alaska Plan Order,* mobile-provider participants had additional reporting obligations when their performance plans indicated that they had backhaul limitations, especially where it affected their performance commitments. An FCC Form 481 reporting requirement was added to the Alaska Plan for mobile-provider participants that identified in their adopted performance plans that they relied exclusively on performance-limiting satellite backhaul

for a certain portion of the population in their service area. These providers were required to certify whether any terrestrial backhaul, or any new-generation satellite backhaul service providing middle-mile service with technical characteristics comparable to at least microwave backhaul, became commercially available in the previous calendar year in areas that were previously served exclusively by performance-limiting satellite backhaul. If a mobile-provider participant certified that such new backhaul has become available, it had to provide a description of the backhaul technology, the date on which that backhaul was made commercially available to the carrier, and the number of the population served by the new backhaul option. Further, the Commission required those Alaska Plan providers that had not already committed to providing 4G LTE at 10/1 Mbps speeds to the population served by the newly available backhaul by the end of the plan term to submit revised performance commitments factoring in the availability of the new backhaul option no later than the due date of the FCC Form 481 in which they have certified that such backhaul became commercially available.

In the *Alaska Connect Fund Notice,* the Commission asked whether providers should be permitted to offer lesser commitments if they are constrained by middle mile, and if so, what information should be required to demonstrate that an area is middle-mile constrained. The Commission sought comment on whether it should impose requirements similar to the additional requirements imposed in the *Alaska Plan Order* for providers that commit to less than 10/1 Mbps 4G LTE (*e.g.,* submitting an updated performance plan when new middle mile becomes available). The Commission also sought comment on the best approach for determining whether the availability of new middle-mile service should result in changes to Alaska Connect Fund mobile providers' performance plans and on whether it could conclude that middle mile is not commercially available if the Alaska Connect Fund participant must pay a particular price per Mbps. The Commission asked whether providers that are providing fixed services at speeds above their mobile-service commitments should be deemed to have sufficient middle mile available to it. Only AMMA, which represents two satellite providers, addresses these questions directly. AMMA supports requiring updated performance plans when new middle-mile services enter the market. AMMA further argues that ''the Commission should not consider a new middle-mile service to be 'not commercially available' if the ACF participant must pay a 'particular price per Mbps''' and argues that ''if the wireline affiliate is meeting its commitments in an area the mobile provider should be able to do the same.''

Given Alaska's unique geography and climate, the Commission finds that the public interest would be served by permitting Alaska Connect Fund applicants, under certain circumstances, to request in their proposed performance plan submissions approval of lesser commitments than the minimum deployment and progress goals specified herein for the Alaska Connect Fund. Specifically, the Commission delegates authority to WTB to approve requests on a case-by-case basis where the requestor cannot meet the minimum deployment and progress goals at the Alaska Connect Fund support levels. Through this process, WTB can negotiate individualized performance plans with each provider. The Commission requires that the provider specify the deployment commitment it can meet and explicitly state the reason it cannot commit to the minimum deployment or progress goal as a notation under the proposed performance plan for each census tract. Providers may submit supplementary information to aid in this process. As part of these negotiations, WTB can consider all relevant and practical circumstances, among other considerations, including middle-mile mapping data and wireline affiliate commitments in the relevant area to help assess a provider's proposed commitment in single-support areas at the Alaska Connect Fund support levels. Where a hex-9 is more than 50 miles from a microwave or fiber node, this factor alone weighs heavily in favor of allowing a lesser commitment. Given the obsolete technological standards with 3G or less and the goal of the Alaska Plan to achieve universal 4G LTE at 10/1 Mbps, WTB is to have a strong presumption against approving commitments less than 4G LTE at speeds of at least 5/1 Mbps in an outdoor stationary environment for any milestone.

Where WTB approves lesser commitments in a provider's performance plan, the Commission requires additional reporting obligations for FCC Form 481. The Commission requires the mobile provider to certify, by census tract, that the basis for which it qualified for lesser commitments still applies in the previous calendar year and to describe on its FCC Form 481 the efforts it has taken to improve conditions that served as the basis for the lesser commitments. When the basis for the lesser commitments has changed in the previous calendar year, allowing the minimum commitments to be achieved in the census tract, the mobile provider must certify to this in FCC Form 481.

Where a provider certifies on FCC Form 481 that conditions have changed such that it no longer qualifies for lesser commitments in a census tract, the provider must submit additional information and updated performance plans into the Alaska Connect Fund docket. Where conditions have changed, the mobile provider must submit, for the affected census tracts: (i) a description of the change; (ii) the date on which the change occurred; (iii) the hex-9s within the census tract that could be served as a result of the changed conditions; and (iv) revised performance commitments factoring in the change. These filings must be made simultaneously with the submission of the FCC Form 481. The mobile provider may seek confidential treatment of information required in this section if the conditions for confidentiality are met.

Compliance and recordkeeping. Consistent with the Commission's long-standing approach for the high-cost program, it will hold Alaska Connect Fund mobile support recipients accountable for meeting their obligations under the program. The high-cost program has various rules to protect the success and integrity of high-cost support. Alaska Connect Fund mobile support recipients shall be subject to the compliance measures, recordkeeping requirements, and audit requirements set forth in § 54.320. If specific performance obligations are not achieved in the time period identified in the approved performance plans the provider shall be subject to the penalties set forth in §§ 54.320(c) and (d).

In the *Alaska Plan Order,* providers faced a reduction in support if they did not meet their milestone obligations or other public interest obligations. Alaska Plan mobile-provider participants had interim performance plan milestones due on December 31, 2021, and have final performance plan milestones due on December 31, 2026. To evaluate whether the provider was meeting its performance milestones, the Commission took the provider's FCC Form 477 or special collection coverage data and intersected it with Alaska Population Distribution Model data. The amount of support that is withheld is based on the percentage of compliance gap that the provider has with its performance commitments. Alaska Plan

mobile-provider participants that do not meet other public interest obligations or any other terms and conditions may be subject to further action, including the Commission's existing enforcement procedures and penalties, reductions in support amounts, potential revocation of ETC designation, and suspension or debarment pursuant to § 54.8 of the Commission's rules.

The Commission has generally adopted build-out milestones for the Alaska Connect Fund mobile competitive ETCs that will be more specifically defined based on each participant's approved performance plan, with interim milestone obligations that must be met by December 31, 2031, and final milestone obligations that must be met by December 31, 2034, for single-support areas and with final milestone obligations that must be met by December 31, 2029, for duplicate-support areas under ACF Mobile Phase I, unless otherwise modified by WTB. Once a carrier's performance plan is approved by the WTB, the carrier is required to meet the performance benchmarks of the plan. No commenters suggest eliminating the reduction of support framework, and in fact, some commenters suggest that the FCC should adopt even stricter measures to address failure to meet commitments. The Commission agrees with these commenters that accountability and oversight are important elements of ensuring that the Alaska Connect Fund is successful and that providers are appropriately penalized in instances of noncompliance with their obligations. Accordingly, consistent with the Alaska Plan and the Commission's other high-cost programs, Alaska Connect Fund recipients of support that fail to meet these milestones will be subject to the same potential reductions in support as any other carrier subject to defined obligations.

In addition, as the mobile portion of the Alaska Connect Fund, provided after December 31, 2026, is a new award of funding for deployment, the Commission ensures that its accountability measures are also consistent with the BDC data. The Commission delegates authority to WTB to create any systems for data specifications and collections they deem necessary for Alaska Connect Fund administration to determine whether providers have met their commitments.

Annual BDC Infrastructure Submission. The Commission requires Alaska Connect Fund recipients of mobile support to annually submit infrastructure data to verify their coverage in areas for which they receive support. In the *Alaska Connect Fund Notice,* the Commission sought comment on whether it should require submission of infrastructure data similar to the BDC mobile verification process to substantiate coverage and demonstrate compliance with ACF commitments. While commenters did not respond to that specific request for comment, several commenters support Commission efforts to require recipients to demonstrate they have met their performance requirements and agree that oversight will be important for a future Alaska Connect Fund.

Based on FCC staff's experience in implementing the mobile BDC processes, the Commission finds that the collection of infrastructure data is an important tool that it can use to ensure compliance with the Alaska Connect Fund requirements. Accordingly, the Commission requires Alaska Connect Fund recipients of mobile support to submit, on an annual basis, all of the infrastructure data that providers would submit as part of the BDC mobile verification process, for all infrastructure used to serve an Alaska Connect Fund mobile support recipient's supported area for coverage as of December 31 of each year, due by March 1 of the following year. These Alaska Connect Fund recipients of mobile support must submit these data to WTB by the following March 1 based on their instructions. Similar to BDC mobile verifications, staff can use the infrastructure data to estimate a ''core coverage area,'' in which coverage at the modeled throughput is highly likely to exist at or above the minimum values reported in the provider's submitted coverage data. This ''core coverage area'' may be considered to meet the mobile support recipient's Alaska Connect Fund build-out obligations. For any areas that are outside of the ''core coverage area'' but within the required coverage area, WTB will consider additional information submitted by the Alaska Connect Fund mobile support recipient, such as on-the-ground or UA speed test data, and may request such information from the recipient.

To facilitate the process of Commission staff review of an Alaska Connect Fund mobile support recipient's data, it delegates authority to WTB to notify the support recipient of any additional requests for information. For the purposes of accountability of high-cost funds, the Commission requires an annual mobile infrastructure submission. As the initial map can be used and built upon for subsequent submissions, requesting this initial submission early into the plan is appropriate. Moreover, the construction of this data set can be used for other BDC verification requests, allowing for an additional benefit to the provider if required early in this process.

Speed Tests. The Commission requires certifications that the provider has met its milestone commitments to be accompanied by speed tests for those mobile provider recipients receiving more than $5 million annually. In the *Alaska Plan Order,* certain providers of mobile support were required to conduct drive tests to accompany their certifications that they have met their milestone obligations. Specifically, for Alaska Plan participants receiving more than $5 million annually in support, the Commission required that the certification that the provider met its obligations was to be accompanied by data received or used from drive tests analyzing network coverage for mobile service covering the population for which support was received and showing mobile transmissions to and from the carrier's network meeting or exceeding the minimum expected download and upload speeds delineated in the approved performance plan. These tests allowed providers to demonstrate coverage of an area with a statistically significant number of tests. As part of this process, WTB and OEA published a speed test methodology to ensure that any speed tests amounted to statistically significant sampling of the provider's coverage and service obligations.

In the context of the BDC, the Commission adopted procedures whereby providers may submit on-the-ground test data as part of the BDC verification process. When submitting on-the-ground test data, a provider is required to submit evidence of network performance based on a sample of on-the-ground tests that is statistically appropriate for the area tested for a sampled area using the H3 geospatial indexing system at resolution 8 (hex-8). The sampled area is provided to the provider for testing within the provider's coverage area, and hexagons that are not accessible by roads are excluded from all strata within each stratum for the service providers must conduct on-the-ground testing.

In the *Alaska Connect Fund Notice,* the Commission sought comment on whether it should require on-the-ground test data for supported areas based on a sample that is statistically appropriate. The Commission noted that, under the BDC mobile verification process, if a provider chooses to submit on-the-ground test data in response to a verification request, ''it must provide such data based on a sample of on-the-ground tests that is statistically appropriate for the area tested,'' and

that, ''[i]n the BDC, the sampled area is based on H3 resolution-8 hexagonal areas, and the provider must submit the results of at least two tests within each hexagon, and the time of the tests must be at least four hours apart, irrespective of date.'' The Commission asked whether it should apply this mobile verification process to the Alaska Connect Fund. Commenters express support for requiring speed testing to help verify that providers have met their requirements under the Alaska Connect Fund. The Alaska Public Interest Research Group and Native Movement supports a requirement for USAC to conduct speed testing and argues that providers receiving more than $5 million annually should cover the costs of USAC-administered testing.

After considering the record and the Commission's previous experience administering the Alaska Plan, the Commission finds that it will serve the public interest to require Alaska Connect Fund mobile providers receiving more than $5 million per year to submit speed test data generally conforming to the BDC Data Specifications for Mobile Speed Test Data when they submit their milestone certifications. While the Commission will require annual submission of infrastructure data for all mobile providers receiving support under the Alaska Connect Fund, it finds that it is important to require additional speed test results for those mobile providers receiving the most from the program. The combination of infrastructure data and speed test data that these providers will submit will allow for the theoretical engineering model to be verified with empirical data, improving the reliability of both as a means of understanding the realities on the ground.

While the Commission generally relies on BDC Data Specifications for Mobile Speed Test Data requirements, it expands the ''accessible'' hexes that are included in sampling for purposes of the Alaska Connect Fund. Generally, in the BDC, hexagons that are not accessible by roads are excluded from all strata (and therefore all samples) in which the service providers must conduct on-the-ground testing. This BDC sampling decision was made as part of a nationwide data collection requirement and was intended to ease the burden on mobile providers that might otherwise be required to conduct large scale on-the-ground testing. Coverage near roads is easier to test for all providers subjected to mobile speed test verification nationwide. However, for the Alaska Connect Fund, the Commission is subsidizing the provider's coverage in all eligible areas where consumers live, work, and travel that the provider commits to cover for that support: this requires an expansion of the hexes required for the sampling to ensure funds are being used as committed to and justifies a more burdensome testing requirement for the mobile providers receiving those funds. For the Alaska Connect Fund, if the hexagon is testable by at least a UAS, then it will be considered accessible and will be included in the hexagons that are eligible to be sampled for Alaska Connect Fund mobile speed testing. Moreover, roads are scarce in Alaska and road data have proven unreliable in certain areas for the purposes of speed test sampling for high-cost support purposes in Alaska; expanding the accessible areas in this way allows us to avoid reliance on potentially inaccurate road data in Alaska.

WTB, in coordination with OEA, is directed to provide the mobile support recipients with a sample to test within four months after their milestones are due that tests network coverage for mobile service coverage for which support was received and showing mobile transmissions to and from the provider's network meeting or exceeding the minimum expected download and upload speeds in the approved performance plan. Since the sample may potentially include some hexes that may only be feasible and safely testable by UAS, the Commission delegates to WTB, in coordination with OEA, to consider under what circumstances alternatives to on-the-ground speed testing data are appropriate to validate coverage in such areas, including use of UASs and to make any other accommodations to the testing necessary to determine whether the providers have met their commitments or not. There may be circumstances where other methods are equally safe to using a UAS but may better reflect the on-the-ground user experience, in which case, WTB, in coordination with OEA, may restrict the use of UASs in some hex-9s for speed testing purposes, even when UAS usage is otherwise permissible.

The Commission rejects the suggestion that USAC should conduct all on-the-ground speed tests and that those receiving more than $5 million annually should reimburse USAC. Administration costs of USAC are built into USAC's contract to administer the program, and allowing the audited to pay the auditor invites perniciousness and has an appearance of impropriety. However, providers that submit on-the-ground speed tests may also be subject to drive tests by USAC.

If a hex-9 is determined to be untestable and, thus, ineligible and this is discovered during speed testing of a provider's commitments, the hex-9 will be counted as noncompliant with the provider's commitments. It should be noted that as a result of a random sampling methodology, such a hex-9 will likely represent other, unselected, hex-9s. The provider's support may be reduced accordingly, consistent with § 54.320(d).

Reporting and Certifications. As many commenters have noted in the record, it is important that the Commission provide accountability and oversight to ensure USF funds are being used for the purposes intended. Pursuant to § 54.313 of the Commission's rules, Alaska Connect Fund mobile support participants must continue to file their FCC Form 481 on July 1 each year. Alaska Connect Fund mobile support recipients will also be subject to § 54.314 of the Commission's rules, which requires that support be used only for the provision, maintenance and upgrading of facilities and services. To provide accountability for Alaska Connect Fund mobile provider recipients, the Commission requires that no later than 60 days after the end of each participating mobile provider's commitment (milestone) deadline, it must submit a certification that it has met the obligations contained in the performance plan approved by WTB, including any obligations pursuant to a revised approved performance plan, and that it has met the requisite public interest obligations contained in the *Alaska Connect Fund Order.* Further, Alaska Connect Fund mobile support recipients, like all USF recipients, will be subject to requirements and certifications in §§ 54.9, 54.10, and 54.11.

Middle-Mile Mapping. The Alaska Plan requires participants to submit fiber network maps or microwave network maps in a format specified by WCB and WTB covering eligible areas and to update such maps if they have deployed middle-mile facilities in the prior calendar year that are or will be used to support their service in eligible areas. These maps were limited to fiber and microwave links and nodes. Providers are required to submit the locations of the links they own and provide conceptual links for their leased links. The Alaska Plan participant provides the amount of capacity available per link.

The Commission adopts an expanded version of the middle-mile requirement for Alaska Connect Fund mobile participants. Since the start of the Alaska Plan, the Commission has

recognized the limitations associated with middle-mile access in Alaska. In the *Alaska Connect Fund Notice,* the Commission acknowledged reports of prohibitively expensive middle-mile transport rates and sought comment on ways to improve middle-mile access and how to address middle-mile concerns for mobile providers in the Alaska Connect Fund. Commenters continue to demonstrate how middle mile can affect mobile deployment and costs. Addressed in the following, ARCC proposes a system for Commission support of ultra-high middle-mile expenses. While the AMMA does not support using high-cost support to build-out middle-mile infrastructure given other programs that focus on such infrastructure, AMMA recognizes the benefits of first-hand monitoring of middle mile availability and rates given the high cost of service. Scarcity of backhaul and middle mile remains among the biggest reasons that service may not be available in an area. Even where middle mile is available in an area, it may not be affordable—costing $700 per Mbps or more—which limits the speed of the service that a provider can offer in those areas. To better understand middle-mile limitations, the Commission delegates authority to WTB to require each Alaska Connect Fund mobile provider to submit, *inter alia,* information about all backhaul and middle mile, regardless of technology, and the name of the middle mile provider(s) from which the last-mile Alaska Connect Fund mobile provider leases links. The Commission also delegates authority to WTB to allow but not require providers to submit data regarding the price the provider pays per Mbps along each link. Including voluntary submission of data transport rates in WTB's data collection will allow WTB to monitor whether data transport rates are being improved by the awards provided by other programs and to see if such awards allow the last-mile providers of the Alaska Plan to bring down their data transport rates. The Commission notes that it will continue to monitor concerns related to middle mile availability for Alaska Connect Fund mobile participants, and it will take action as it deems necessary.

Point of Contact. In the Alaska Plan, all mobile-provider participants had their initial performance plans accepted by WTB by the end of 2016. Over the course of the Alaska Plan, the mobile-providers' personnel responsible for submission of the initial performance plans may have parted from the company, in some cases leaving those newly responsible for compliance with the commitments without the necessary information for continued compliance. This situation has adverse effects for the mobile provider support recipient, the Alaskans they are serving, and the administration of universal service. To avoid this, Alaska Connect Fund mobile provider recipients must provide WTB a point of contact for discussions regarding performance plans and data submissions. Alaska Connect Fund recipients must notify WTB within 30 days whenever the point of contact changes at a company. All such notifications must be submitted to *ACF@fcc.gov.*

Audits. Like all ETCs, Alaska Connect Fund mobile support recipients will be subject to ongoing oversight to protect the success and integrity of the Alaska Connect Fund. All ETCs that receive high-cost support are subject to compliance audits and other investigations to ensure compliance with program rules and orders. Audits may include speed tests tailored to the circumstances of the information that is to be verified; providers under other speed test obligations may also be subject to any and all audits, including speed test audits. The Commission retains discretion to recover funds or take other steps in the event of waste, fraud or abuse.

Alaska Plan Obligations Unaffected. As explained in this document, nothing in this document shall be read as affecting the obligations owed by mobile-support recipients under the Alaska Plan; they remain obligated to meet their 10-year commitments (December 31, 2026) and all other Alaska Plan requirements at the end of the Alaska Plan.

Consistent with the Enhanced A–CAM, BEAD, and 5G Fund programs, the Commission requires Fixed ACF and mobile provider support recipients to implement operational cybersecurity and supply chain risk management plans. The Commission requires Fixed ACF support recipients to implement operational cybersecurity and supply chain risk management plans by January 2, 2029—the start of the Fixed ACF support term. The Commission also requires fixed recipients to submit and certify their cybersecurity and supply chain risk management plans with the Administrator by January 2, 2029. All mobile-provider recipients must implement their cybersecurity and supply chain risk management plans by December 31, 2029. Mobile provider recipients must also submit and certify to their cybersecurity and supply chain risk management plans with the Administrator by December 31, 2029.

The plans must reflect at least the National Institute of Standards and Technology's Framework for Improving Critical Infrastructure Cybersecurity v.1.1 (2018) (NIST Framework), or any successor version of the NIST Framework adopted and must reflect established cybersecurity best practices that address each of the Core Functions described in the NIST Framework, such as the standards and controls set forth in the Cybersecurity & Infrastructure Security Agency (CISA) Cybersecurity Cross-sector Performance Goals and Objectives (CISA CPGs) or the Center for internet Security Critical Security Controls (CIS Controls). Recipients' supply chain risk management plans must reflect the key practices discussed in NISTIR 8276, Key Practices in Cyber Supply Chain Risk Management: Observations from Industry, and related supply chain risk management guidance from NIST 800–161. The Commission delegates to the Bureaus and the Public Safety Homeland Security Bureau (PSHSB) the authority, through opportunity for public notice and comment, to update these requirements and to consider whether to require that Alaska Connect Fund recipients' cybersecurity risk management plans reflect at least NIST Framework v.2.0 (2024) or any other successor versions that may be released.

The Commission also requires recipients to submit their cybersecurity and risk management plans to USAC, and certify that they have done so, by the required deadline. Failure to submit the plans and make the certification shall result in 25% of monthly support being withheld until the recipient comes into compliance. The Commission delegates authority to the Bureaus to determine if further compliance consequences are necessary if a carrier does not comply for an extended period of time, for example, failure to come into compliance within six months of authorization to receive Fixed ACF or mobile provider support. Such consequences could include withholding additional or all Fixed ACF or mobile provider support.

Adopting these requirements emphasizes the critical importance of cybersecurity and supply chain risk management in modern broadband networks, consistent with broader initiatives across the Federal government, while striking an appropriate balance to ensure compliance with this important requirement that avoids disproportionate disruption to recipients' support. This action is consistent with the BEAD Program, which requires recipients to maintain

cybersecurity risk management plans that reflect the latest version of the NIST Framework for Improving Critical Infrastructure Cybersecurity.

If an ACF recipient makes a substantive modification to its cybersecurity or supply chain risk management plan, the Commission requires that carrier to submit its updated plan to USAC within 30 days of making that modification. A modification to a cybersecurity or supply chain risk management plan will be considered as substantive if at least one of the following conditions apply:

- There is a change in the plan's scope, including any addition, removal, or significant alternation to the types of risks covered by the plan (*e.g.,* expanding a plan to cover new areas such as supply chain risks to Internet of Things devices or cloud security could be a substantive change);
- There is a change in the plan's risk mitigation strategies (*e.g.,* implementing a new encryption protocol or deploying a different firewall architecture);
- There is a shift in organizational structure (*e.g.,* creating a new information technology department or hiring a Chief Information Security Officer);
- There is a shift in the threat landscape prompting the organization to recognize that emergence of new threats or vulnerabilities that weren't previously accounted for in the plan;
- Updates are made to comply with new cybersecurity regulations, standards, or laws;
- Significant changes are made in the supply chain, including offboarding major suppliers or vendors, or shifts in procurement strategies that may impact the security of the supply chain; or
- A large-scale technological change is made, including the adoption of new systems or technologies, migrating to a new information technology infrastructure, or significantly changing the information technology architecture.

Further, in their FCC Form 481 filings following each subsequent support year, Fixed ACF recipients shall certify that they have maintained their plans, whether they have submitted modifications in the prior year, and the date any modifications were submitted. At any point during the support term, if a Fixed ACF or mobile provider recipient does not have in place operational cybersecurity and supply chain risk management plans meeting the Commission's requirements, the Commission directs the Bureaus to withhold 25% of the Fixed ACF or mobile provider recipient's support until the Fixed ACF or mobile provider recipient is able to come into compliance. Once the Fixed ACF or Alaska Connect Fund mobile support recipient comes into compliance, the Administrator shall stop withholding support, and the support recipient will receive all of the support that had been withheld pursuant to this section. In this document, the Commission delegates authority to the Bureaus to determine if further compliance consequences are necessary during the Fixed ACF or mobile provider support term. The requirements the Commission adopts here will improve the cybersecurity of the nation's broadband networks and protect consumers from online risks such as fraud, theft, and ransomware that can be mitigated or eliminated through the implementation of accepted security measures.

These cybersecurity requirements are appropriately tailored to mitigate burdens on small entities while maintaining the integrity of our nation's networks. APT suggests that adopting a cybersecurity and risk management plan is too costly and difficult for small rural carriers, particularly without a template. To the contrary, these rules were designed to mitigate concerns that development and implementation of cybersecurity plans are expensive and time consuming. As ARCC noted, ACF recipients ''can meet this metric by submitting a single document that contains both their cybersecurity risk management and supply chain risk management plans . . . because implementing the NIST Framework for Improving Critical Infrastructure Cybersecurity . . . includes an examination and treatment of supply chain risks.'' The Commission affords carriers flexibility to include standards and controls in their cybersecurity management plans that are reasonably tailored to their business needs, and the frameworks it utilizes here are inherently flexible as well, accounting for the needs of entities of all sizes. The Commission expects that its approach will reduce compliance costs by allowing carriers that have already implemented the NIST Framework for Improving Critical Infrastructure Cybersecurity to comply with this requirement without redoing their plan so long as they implement an established set of cybersecurity best practices. To further mitigate costs for small providers, as suggested by NTCA, the Commission encourages Fixed ACF recipients and mobile provider support recipients to take advantage of existing Federal government resources designed to share supply chain security risk information with trusted communications providers and suppliers and facilitate the creation of cybersecurity and supply-chain risk management plans, in addition to the growing industry of professional consultants helping smaller carriers comply with cybersecurity requirements.The Commission believes that implementation of these approaches facilitates the nation's cybersecurity goals and properly accommodates recipients of the Alaska Connect Fund.

The Commission sought comment on how the proposals and issues discussed in the *Alaska Connect Fund Notice* may promote or inhibit advances in diversity, equity, inclusion, and accessibility, as well as the scope of the Commission's relevant legal authority to address any such issues for both fixed and mobile services in Alaska. Commenters pointed out areas where attention to digital equity can improve access to advanced telecommunications in Alaska. Specifically, AKPIRG pointed out that language diversity within the state can create barriers to access. ARCC agreed with NTCA in the need for working collaboratively with state and local governments to encourage program flexibility to allow for the unique situations of different communities. ARCC suggested that obligations match support amounts, stating that a ''one size fits all'' approach is not one that fits the makeup of the state of Alaska. ARCC points to differences in middle mile costs in Alaska compared to the Lower 48, suggesting that its Alaska Middle Mile Expense Support (AMMES) Petition would ''bring positive impacts and advancement to diversity and equity in remote regions of the state of Alaska.'' ARCC also encourages the Commission to use ''discretion and flexibility . . . as circumstances vary across the country.'' APT asks the Commission to consider the scalability of its requirements and the impacts of its decisions on small businesses and on carriers operating in and servicing remote areas of Alaska. The Commission finds that its actions in this document appropriately address commenters' suggestions. Most notably, the Commission takes action to allow WCB flexibility to consider a variety of providers for Fixed ACF support, and to work in collaboration with other Federal and state programs to find the appropriate solution for Alaska given the Commission's resources. Moreover, the overall increase in support amounts for both fixed and mobile providers allows each recipient the ability recover more cost associated with middle mile transport, addressing concerns raised in ARCC's petition while continuing to

give providers flexibility to use their support in the most advantageous ways to serve consumers in their respective remote regions—including by using support from this and other programs to connect their networks to areas with more competitive transport rates.

As the Commission continues to implement and administer the Alaska Connect Fund, it remains mindful of the importance of considering how it can promote diversity, equity, inclusion, and accessibility and the impact its rules have on these issues. The Commission emphasizes that one of the general principles of the USF is to create equal access for every consumer in America to high-speed broadband in underserved and unserved areas. To that end, the Commission has long used its Universal Service high-cost funding programs to further consumer access to broadband and bridge the digital divide. Most recently, the Commission adopted universal service goals for broadband—universal deployment, affordability, adoption, availability, and equitable access to broadband throughout the United States. Accordingly, the Commission is committed to ensuring that the policies and rules it has adopted for the Alaska Connect Fund remain in accord with the Commission's general efforts to advance digital equity for all.

The Commission notes that the State of Alaska has been allocated $567,800 under the NTIA State Digital Equity Planning Grant Program to develop the Alaska Digital Equity Plan as well as $5,631,769.64 under the NTIA Digital Equity Capacity Grant Program, and has been working to develop guidelines for the in-state grant program. NTIA and the State of Alaska are expected to distribute funds in the near term. The Commission will continue to work together with the State to determine how its actions can best complement those of the state and further digital equity across Alaska.

ARCC filed a petition in November 2022, requesting the Commission initiate a rulemaking to address the extremely high costs of middle mile transport expenses in Alaska by adopting its AMMES to provide funding support to carriers servicing locations with ultra-high costs. Under the AMMES system and its mobile-specific Wireless Alaska Middle Mile Expense Support (WAMMES) system, eligible providers with performance commitments from the Alaska Plan, (A–CAM, or Connect America Fund (CAF II)), may have a portion of their costs subsidized for areas in their plans that are designated ''ultra-high cost.'' For these ultra-high-cost areas (where middle mile costs exceeding $75/Mbps), ARCC proposes to have AMMES and WAMMES cover a portion of the costs of either leasing middle mile capacity from a third-party provider, or recovering the operating costs of facilities constructed by the provider.

The Commission denies ARCC's AMMES petition in all of its iterations. The Commission finds that a guaranteed stream of funding with specified payment amounts for prices above a specific dollar amount only incentivizes transport providers to continue to raise their rates. The support the Alaska Connect Fund offers, in addition to the large increase in support reflecting the changes discussed above, allows providers serving Alaska to address high transport rates in two ways. First, providers may use funds to build out their own transport networks, even in ineligible areas, so long as those funds are necessary to meet their commitments in eligible areas. This build-out can include building facilities that connect their networks to areas where transport is competitively priced. Second, by providing Alaska Connect Fund support recipients static funding, the last-mile provider maintains incentives to negotiate aggressively with transport providers for lower rates. In addition to the mechanisms within the Alaska Connect Fund to address this issue, the Commission observes that there are several other Federal programs that can aid the Alaska Connect Fund last-mile providers in building out infrastructure to connect their service areas and run their own transport lines to competitively priced transport areas. Similar to RUS funded projects, NTIA's BEAD program can indirectly support construction of new middle mile facilities to meet the increased speed goals of that program. Finally, the approach that ARCC proposes for AMMES is a rate-of-return type mechanism. Such mechanisms can lead to waste and inefficiency, and the Commission has made clear that additional rate-of-return regulation is not the preferred future direction of the high-cost program. For these reasons, the Commission denies ARCC's petition. However, the Commission will continue to monitor the impact of middle mile transport rates on the availability of fixed and mobile service in Alaska.

II. Procedural Matters

A. Paperwork Reduction Act

This document does not contain [new or modified] information collection requirements subject to the Paperwork Reduction Act of 1995 (PRA), Public Law 104–13. In addition, therefore, it does not contain any new or modified information collection burden for small business concerns with fewer than 25 employees, pursuant to the Small Business Paperwork Relief Act of 2002, Public Law 107–198, see 44 U.S.C. 3506(c)(4).

B. Congressional Review Act

The Commission has determined, and the Administrator of the Office of Information and Regulatory Affairs, Office of Management and Budget, concurs, that this rule is ''non-major'' under the Congressional Review Act, 5 U.S.C. 804(2). The Commission will send a copy of the Order to Congress and the Government Accountability Office pursuant to 5 U.S.C. 801(a)(1)(A).

As required by the Regulatory Flexibility Act of 1980, as amended (RFA), an Initial Regulatory Flexibility Analysis (IRFA) was incorporated in the *Alaska Connect Fund Notice* released in October 2023. The Commission sought written public comment on the proposals in the *Notice,* including comment on the IRFA. No comments were filed addressing the IRFA. This present Final Regulatory Flexibility Analysis conforms to the RFA.

In this document, the Commission adopts several changes to its rules that will implement a two-phased mechanism to provide universal service high-cost support to carriers in Alaska for the next ten years under the Alaska Connect Fund. The Commission has recognized the inherent challenges in serving these areas of Alaska and understands the necessity in providing innovative solutions and unique accommodations to residents and businesses alike. The Commission also recognizes that there are areas of Alaska that still lack high-quality affordable broadband, where residents may be deprived of the opportunity to keep up with the advancements in technology that Americans living elsewhere benefit from. Currently, the Commission provides high-cost support to Alaska Plan fixed and mobile carriers, ACS, and A–CAM carriers. In the *Alaska Plan Order,* the Commission stated that it would conduct a rulemaking prior to the close of the 10-year support term to determine whether and how support would be provided after the end of the 10-year support term, and that the Commission would consider adjustments for marketplace changes and the realities of the current time. In the *ACS Order,* the Commission stated that it would conduct a rulemaking in year eight of the program to determine how support would be awarded for the areas at the conclusion of the program. In this document, the Commission

adopts rules to structure and target Alaska Connect Fund support.

In the fixed portion of the ACF Transition, the program adopted in this document adjusts current support and extends support to current support recipients through 2028. In Fixed ACF, the Commission directs support for the maintenance and operations of already-built infrastructure through 2034. The Commission directs WCB to adopt a process for allocating support under Fixed ACF. Adopting this program structure now will allow for a streamlined transition from the current support mechanisms to the Alaska Connect Fund. Adopting the budget now also provides predictability to carriers in Alaska that are interested in applying for and coordinating funding from multiple federal agencies. Delegating Fixed ACF allocation and processes for fixed services to WCB allows the Commission to better meet its goal of using USF support effectively, allowing time for developing a fuller picture of how BEAD funding will be allocated in Alaska, and thus preserving the flexibility to determine how to effectively use high-cost support in Alaska to support broadband access for Alaskan consumers.

In this document, the Commission adopts a two-area solution for the Alaska Connect Fund mobile support in high-cost areas through December 31, 2034, extending support for previous recipients of high-cost mobile support in Alaska that opt in to receive the Alaska Connect Fund, subject to conditions. For areas with a single supported provider, support received by that provider will be extended through December 31, 2034, with limited exceptions and conditioned on improved performance plans consistent with BDC data. For duplicate-support areas, or areas covered by two or more Alaska Plan mobile-provider participants, the Commission adopts a 2-phased approach: an ACF Mobile Phase I that extends support for the mobile providers receiving support in these duplicate-support areas through December 31, 2029, and an ACF Mobile Phase II, the mechanics of which the Commission seeks comment in the concurrently adopted FNPRM. This document delegates to WTB the authority to extend ACF Mobile Phase I as needed, or until December 31, 2034, in the event that a ACF Mobile Phase II is not implemented.

This framework allows for a period of certainty of support so that the mobile-provider participants of the Alaska Plan can continue network planning and making contractual arrangements in the short term, thereby continuing to build on the progress and momentum of the Alaska Plan.

Small entities potentially affected by the rules herein include Wired Telecommunications Carriers, Local Exchange Carriers, Incumbent Local Exchange Carriers, Competitive Local Exchange Carriers, Interexchange Carriers, Local Resellers, Toll Resellers, Other Toll Carriers, Prepaid Calling Card Providers, Fixed Microwave Services, Cable and Other Subscription Programming, Cable Companies and Systems (Rate Regulation), Cable System Operators (Telecom Act Standard), Satellite Telecommunications, Wireless Telecommunications Carriers (except Satellite), All Other Telecommunications, Wired Broadband internet Access Service Providers, Wireless Broadband internet Access Service Providers, internet Service Providers (Non-Broadband), All Other Information Services.

Small and other recipients of ACF Transition support for fixed services are already subject to the reporting obligations set forth in §§ 54.313, 54.314, and 54.316 of the Commission's rules, which include broadband deployment reporting and certification requirements for high-cost recipients, and are subject to requirements in §§ 54.9, 54.10, and 54.11 of the Commission's rules, which include prohibited uses of funds. Small and other recipients of Fixed ACF support are also subject to the reporting obligations set forth in §§ 54.313, 54.314, and 54.316 of the Commission's rules, and are subject to requirements in §§ 54.9, 54.10, and 54.11 of the Commission's rules.

WCB may adopt network performance testing methodologies and non-compliance measures that account for unique aspects of service in Alaska. Until WCB adopts such methodologies, recipients of Fixed ACF shall comply with methodologies and non-compliance measures in effect as of the date this order was adopted.

Consistent with the cyber requirements in the Enhanced A–CAM and BEAD programs, the Commission requires small and other Fixed ACF support recipients to implement operational cybersecurity and supply chain risk management plans and certify that they have been submitted to USAC by January 1, 2029. The Commission does not expect that implementing these plans will be expensive or time consuming for small providers because they are appropriately tailored to mitigate burdens on small entities while maintaining the integrity of our nation's networks. The Commission allows providers the flexibility to include standards and controls in their cybersecurity management plans that are reasonably tailored to their business needs. The Commission expects that its approach will reduce compliance costs by allowing carriers that have already implemented the NIST Framework for Improving Critical Infrastructure Cybersecurity to comply with this requirement without revising their plan so long as they implement an established set of cybersecurity best practices. Small Fixed ACF recipients may take advantage of existing Federal government and other online resources to facilitate the creation of cybersecurity and supply-chain risk management plans.

Small and other recipients of Fixed ACF support are subject to the compliance measures, recordkeeping requirements, and audit requirements for high-cost program recipients set forth in § 54.320(a) through (c) of the Commission's rules. Small and other recipients of Fixed ACF support are also subject to the non-compliance measures set forth in § 54.320(d) of the Commission's rules, which includes notifying the Commission, USAC, and relevant state, territory, and Tribal governments of any failure to meet build-out milestones.

This document adopts public interest obligations, performance requirements, and reporting and certification requirements for small and other mobile participants of the Alaska Connect Fund. Eligible participants are initially limited to existing mobile participants of the Alaska Plan.

As with the Alaska Plan, the Alaska Connect Fund participants are required to submit performance plans, which must be filed for WTB approval no later than September 1, 2026. Mobile Alaska Connect Fund performance plans are required to be based on the BDC standards and coverage as of December 31, 2024. The performance plans must be at the census tract level, and must: (1) include the name of the census tract that the provider commits to serve; (2) include the minimum technology level and speed in an outdoor stationary environment that the provider commits to provide; (3) specify the number of hex-9s committed to be covered within each census tract at the committed-to technology and speed levels, which shall be no less than the provider's coverage in the Alaska Plan, minus any ineligible areas; and (4) specify how many additional hex-9s committed to within each census tract at the committed-to technology and speed levels are comparable hex-9s. The Commission delegates authority to WTB to adopt requirements and develop data

specifications, after appropriate public process, concerning the format and method of uploading the performance plans. Mobile participants must certify that they have met the obligations in their performance plans no later than 60 days after the end of their commitment deadlines. Those Alaska Connect Fund mobile recipients that receive annual support of more than $5 million must submit with their certification data conforming to the BDC Data Specifications for Mobile Speed Test Data received or used from speed tests analyzing network coverage for mobile service covering the hex-9s for which support was received and showing mobile transmissions to and from the carrier's network meeting or exceeding the minimum expected download and upload speeds in the approved performance plan.

Small and other mobile participants are required to continue to meet all of the public interest obligations of the Alaska Plan, including minimum provision of service and reasonably comparable services and rates. Where WTB approves lesser commitments in a provider's performance plan, the mobile provider must certify, by census tract, that the basis for which it qualified for lesser commitments still applies in the previous calendar year and to describe on its FCC Form 481 the efforts it has taken to improve conditions that served as the basis for the lesser commitments. When the basis for the lesser commitments has changed in the previous calendar year, allowing the minimum commitments to be achieved in the census tract, the mobile provider must certify to this in FCC Form 481. Where a provider certifies on FCC Form 481 that conditions have changed such that it no longer qualifies for lesser commitments in a census tract, the provider must submit additional information and updated performance plans into the Alaska Connect Fund docket. Where conditions have changed, the mobile provider must submit, for the affected census tracts: (i) a description of the change; (ii) the date on which the change occurred; (iii) the hex-9s within the census tract that could be served as a result of the changed conditions; and (iv) revised performance commitments factoring in the change. These filings must be made simultaneously with the submission of the FCC Form 481.

Additionally, similar to the compliance obligations for fixed providers mentioned in this document, all mobile providers must implement operational cybersecurity and supply chain risk management plans by December 31, 2029, or within 30 days after approval under the PRA, whichever is later. Plans must be submitted to USAC, WTB, and the PSHSB by December 31, 2029; and must reflect established cybersecurity best practices that address each of the Core Functions described in the NIST Framework, such as the standards and controls set forth in the CISA CPGs or the CIS Controls. The Commission delegates authority to WTB in consultation with PSHSB to update these requirement through notice and comment process.

Alaska Connect Fund mobile providers are also required to submit information about all backhaul and middle mile, regardless of technology, and the name of the middle mile provider(s) from which the last-mile Alaska Connect Fund mobile provider leases links. Providers will be allowed but not required to submit data regarding the price the provider pays per Mbps along each link.

In addition, small and other recipients of Alaska Connect Fund support for mobile services shall continue to be subject to the reporting obligations set forth in §§ 54.308, 54.313, 54.314, 54.320(d), and 54.321 of the Commission's rules, as amended, § 54.318, and be subject to the requirements in §§ 54.9, 54.10, and 54.11 of the Commission's rules. Such recipients are also required to submit on an annual basis all of the infrastructure data that providers would submit as part of the BDC mobile verification process for all cell sites and antennas that serve an Alaska Connect Fund mobile support recipient's supported area for coverage as of December 31 of each year. These Alaska Connect Fund recipients of mobile support must submit these data to WTB by the following March 1 based on their instructions and specifications.

The RFA requires an agency to provide ''a description of the steps the agency has taken to minimize the significant economic impact on small entities . . . including a statement of the factual, policy, and legal reasons for selecting the alternative adopted in the final rule and why each one of the other significant alternatives to the rule considered by the agency which affect the impact on small entities was rejected.''

In reaching its final conclusions and through its actions in this proceeding, the Commission has considered the economic impact of, and alternatives to, proposals that may affect small entities. The rules that the Commission adopts in this document will benefit small and other entities by balancing its requirement to provide support that is sufficient to achieve the Commission's universal service goals, while also providing appropriate incentives for prudent and efficient expenditures. The Commission adopts a two-phase Alaska Connect Fund, in which ACF Transition support increases current funding and extends funding to harmonize the end point of multiple current funding programs, providing certainty and increased funding for current recipients, including small entities. The Commission considered alternatives for raising support amounts annually but declined this approach to ensure certainty and predictability in funding for carriers. Fixed ACF will establish a future funding mechanism to support the continued provision of broadband services in Alaska by all providers, including small entities. For mobile providers, this document adopts a two-area solution, extending support with updated performance obligations for single-support areas, while considering alternatives for and extending support for areas with duplicate support in the short term, and seeking comment on the appropriate methodology for eliminating duplicative support for these areas in the FNPRM. The updated support system will improve upon the successes of the Alaska Plan while addressing many concerns that diminished providers' efficient use of their support to serve their existing networks and expand their coverage areas. As the majority of the eligible participants for ACF extended support meet fall under the SBA size standard for small businesses as wireless telecommunications carriers, the adopted system was inherently designed with consideration to those entities.

The Commission considered alternatives raised by commenters to eliminate the requirement that providers must be an ETC, consistent with the existing rules, to be eligible to receive Alaska Connect Fund support, but instead retain this requirement for statutory reasons. Some commenters expressed concerns that requiring cybersecurity and risk management plans may be too costly and burdensome for small rural carriers. As discussed in this document, the rules provide flexibility for small providers to design these plans and various resources are available to reduce the cost of developing these plans. Further, the cybersecurity and risk management compliance obligations are similar to those for existing support programs and necessary to maintain the integrity of our nation's networks.

To the extent the Commission retains certification and reporting requirements, it finds that the importance of monitoring the use of the public's funds outweighs the burden of filing the

required information on small and other entities, particularly because much of the information that the Commission requires them to report is information it expects they already collect to ensure they comply with the existing terms and conditions of support.

III. Ordering Clauses

Accordingly, *it is ordered* that, pursuant to the authority contained in sections 4(i), 5, 201, 205, 214, 254, 303(r), 403, and 1302 of the Communications Act of 1934, as amended, 47 U.S.C. 154(i), 155, 201, 205, 214, 254, 303(r), 403, and 1302 the Order *is adopted.* The Order *shall be effective* thirty days after publication in the **Federal Register.**

It is further ordered that part 54 of the Commission's rules, 47 CFR pt. 54, *is amended* as set forth in this document.

List of Subjects in 47 CFR Part 54

Communications common carriers, Health facilities, Infants and children, internet, Libraries, Alaska, Reporting and recordkeeping requirements, Schools, Telecommunications, Telephone, High-Cost, Broadband.

Federal Communications Commission.

Marlene Dortch,

Secretary.

For the reasons discussed in the preamble, the Federal Communications Commission amends 47 CFR part 54 as follows:

PART 54—UNIVERSAL SERVICE

■ 1. The authority citation for part 54 continues to read as follows:

Authority: 47 U.S.C. 151, 154(i), 155, 201, 205, 214, 219, 220, 229, 254, 303(r), 403, 1004, 1302, 1601–1609, and 1752, unless otherwise noted.

■ 2. Amend § 54.306 by revising paragraph (c) introductory text and adding paragraph (e) to read as follows:

§ 54.306 Alaska Plan for Rate-of-Return Carriers Serving Alaska.

* * * * *

(c) *Support amounts and support term.* For a period of 8 years beginning on or after January 1, 2017, at a date set by the Wireline Competition Bureau, each Alaska Plan participant shall receive monthly Alaska Plan support in an amount equal to:

* * * * *

(e) *Alaska Connect Fund Transition support.* Beginning January 1, 2025, and ending December 31, 2028, an Alaska Plan rate-of-return carrier (as that term is defined in § 54.5) serving Alaska that elected support pursuant to paragraph (a) of this section shall be authorized to receive an amount of monthly support during the Alaska Connect Fund Transition equal to the amount authorized as of December 1, 2024, multiplied by 1.30.

■ 3. Amend § 54.308 by revising paragraph (c), redesignating paragraph (e) as paragraph (g), and adding new paragraph (e) and paragraphs (f) and (h) to read as follows:

§ 54.308 Broadband public interest obligations for recipients of high-cost support.

* * * * *

(c) *Alaska Plan recipients.* Alaskan rate-of-return carriers receiving support from the Alaska Plan pursuant to § 54.306 are exempt from paragraph (a) of this section and are instead required to offer voice and broadband service with latency suitable for real-time applications, including Voice over internet Protocol, and usage capacity that is reasonably comparable to comparable offerings in urban areas, at rates that are reasonably comparable to rates for comparable offerings in urban areas, subject to any limitations in access to backhaul as described in § 54.313(g). Alaska Plan recipients' specific broadband deployment and speed obligations shall be governed by the terms of their approved performance plans as described in § 54.306(b). Alaska Plan recipients must also comply with paragraph (b) of this section.

* * * * *

(e) *Minimum provision of service.* Mobile providers receiving support from the Alaska Connect Fund must provide service at the same minimum service levels as required under the Alaska Plan and may not provide less coverage or provide service using a less advanced technology than the provider committed to under the Alaska Plan.

(1) This includes continuing to provide voice service, maintaining at least the level of data service the mobile provider offered to its previous coverage area as of the end of the Alaska Plan, and improving service consistent with the mobile provider's approved performance plan through the end of Alaska Connect Fund.

(2) The Wireless Telecommunications Bureau in coordination with the Office of Economics and Analytics have authority to compare Broadband Data Collection availability data as of December 31, 2026, with subsequent Broadband Data Collection availability data to ensure that mobile voice and mobile broadband service levels and coverage are maintained or improved in all previously served areas.

(f) *Reasonably comparable services and rates.* A mobile provider that is receiving support from the Alaska Connect Fund pursuant to § 54.318 shall certify in its annual compliance filings that its rates are reasonably comparable to rates for comparable offerings in the Cellular Market Area (CMA) for Anchorage, Alaska. An Alaska Connect Fund mobile provider must also demonstrate compliance in duplicate-support areas by December 31, 2029, and in single support areas by December 31, 2029, December 31, 2031, and December 31, 2034, by showing that it publishes, on its publicly accessible website at least one mobile broadband plan and at least one stand-alone voice plan that meets the following requirements:

(1) Is substantially similar to a service plan offered by at least one different mobile provider in the CMA for Anchorage, Alaska, and

(2) Is offered for the same or a lower rate than the matching plan in the CMA for Anchorage.

(3) This demonstration must include usage allowances for the comparable plans in Anchorage.

(4) The Wireless Telecommunications Bureau may employ alternative benchmarks or dates appropriate for specific competitive Eligible Telecommunications Carriers in assessing carrier offerings. Participants in the Alaska Connect Fund may not cite their own plans in Anchorage as evidence of meeting the reasonably comparable rate condition.

* * * * *

(h) *Alaska Connect Fund mobile provider cybersecurity and supply chain risk management requirements.* (1) An Alaska Connect Fund mobile support recipient must implement operational cybersecurity and supply chain risk management plans meeting the requirements of this section as a condition of receiving Alaska Connect Fund support. All mobile provider recipients must implement their cybersecurity and supply chain risk management plans by December 31, 2029.

(2) An Alaska Connect Fund mobile support recipient must certify that it has implemented the plans required under paragraph (h)(1) of this section and must submit the plans to the Administrator by December 31, 2029, or within 30 days of approval under the Paperwork Reduction Act, whichever is later.

(3) An Alaska Connect Fund mobile support recipient that fails to comply with any Alaska Connect Fund cybersecurity or supply chain risk management requirement is subject to the following non-compliance measures:

(i) The Wireless Telecommunications Bureau shall direct the Administrator to

withhold 25 percent of the Alaska Connect Fund support recipient's monthly support for failure to comply with paragraphs (h)(1) and (2) of this section until the support recipient comes into compliance.

(ii) At any time during the support term, if an Alaska Connect Fund mobile support recipient does not have in place operational cybersecurity and supply chain risk management plans meeting the requirements of this section, the Wireless Telecommunications Bureau shall direct the Administrator to withhold 25 percent of the support recipient's monthly support.

(iii) Once the Alaska Connect Fund mobile support recipient comes into compliance, the Administrator shall stop withholding support, and the support recipient will receive all of the support that had been withheld pursuant to this section.

(4) An Alaska Connect Fund mobile support recipient's cybersecurity risk management plan must reflect at least the National Institute of Standards and Technology (NIST) Framework for Improving Critical Infrastructure Cybersecurity v.1.1 (2018) (NIST Framework) or any successor version of the NIST Framework, that may be adopted by the Wireline Competition Bureau, the Wireless Telecommunications Bureau, and the Public Safety and Homeland Security Bureau after notice and comment, and must reflect established cybersecurity best practices that address each of the Core Functions described in the NIST Framework, such as the standards and controls set forth in the Cybersecurity & Infrastructure Security Agency (CISA) Cybersecurity Cross-sector Performance Goals and Objectives or the Center for internet Security Critical Security Controls.

(5) An Alaska Connect Fund mobile support recipient's supply chain risk management plan must reflect the key practices discussed in NISTIR 8276, Key Practices in Cyber Supply Chain Risk Management: Observations from Industry, and related supply chain risk management guidance from NIST 800–161.

(6) If an Alaska Connect Fund mobile support recipient makes a substantive modification to a plan under this section, the provider must file an updated plan with the Administrator within 30 days of making the modification. A modification to a plan under this section is substantive if at least one of the following conditions apply:

(i) There is a change in the plan's scope, including any addition, removal, or significant alteration to the types of risks covered by the plan (*e.g.,* expanding a plan to cover new areas, such as supply chain risks to Internet of Things devices or cloud security, could be a substantive change);

(ii) There is a change in the plan's risk mitigation strategies (*e.g.,* implementing a new encryption protocol or deploying a different firewall architecture);

(iii) There is a shift in organizational structure (*e.g.,* creating a new information technology department or hiring a Chief Information Security Officer);

(iv) There is a shift in the threat landscape prompting the organization to recognize that emergence of new threats or vulnerabilities that were not previously accounted for in the plan;

(v) Updates are made to comply with new cybersecurity regulations, standards, or laws;

(vi) Significant changes are made in the supply chain, including offboarding major suppliers or vendors, or shifts in procurement strategies that may impact the security of the supply chain; or

(vii) A large-scale technological change is made, including the adoption of new systems or technologies, migrating to a new information technology infrastructure, or significantly changing the information technology architecture.

■ 4. Amend § 54.310 by adding paragraph (i) to read as follows:

§ 54.310 Connect America Fund for Price Cap Territories—Phase II.

* * * * *

(i) *Alaska Connect Fund Transition support.* Beginning January 1, 2025 and ending December 31, 2028, any price cap carrier serving Alaska that elected to receive Connect America Phase II frozen support amounts in lieu of model-based support, and is authorized to receive support as of December 31, 2024, shall be authorized to receive an amount of monthly support during the ACF Transition equal to the amount of monthly support authorized as of December 1, 2024, multiplied by 1.30.

■ 5. Amend § 54.311 by adding paragraph (g) to read as follows:

§ 54.311 Connect America Fund Alternative-Connect America Cost Model Support.

* * * * *

(g) *Alaska Connect Fund Transition support.* Beginning January 1, 2025, and ending December 31, 2028, an A–CAM carrier that serves the State of Alaska that has made an election of support pursuant to paragraph (a) of this section and is authorized to receive support as of December 31, 2024, shall be authorized to receive an amount of monthly support during the ACF Transition equal to the amount of monthly support authorized as of December 1, 2024, multiplied by 1.30.

■ 6. Amend § 54.313 by revising paragraph (f)(3) and adding paragraph (r) to read as follows:

§ 54.313 Annual reporting requirements for high-cost recipients.

* * * * *

(f) * * *

(3) Rate-of-return carriers participating in the Alaska Plan must certify as to whether any terrestrial backhaul or other satellite backhaul became commercially available in the previous calendar year in areas that were previously served exclusively by performance-limiting satellite backhaul. To the extent that such new terrestrial backhaul facilities are constructed, or other satellite backhaul becomes commercially available, or existing facilities improve sufficiently to meet the relevant speed, latency and capacity requirements then in effect for broadband service supported by the Alaska Plan, the funding recipient must provide a description of the backhaul technology, the date at which that backhaul was made commercially available to the carrier, and the number of locations that are newly served by the new terrestrial backhaul or other satellite backhaul. Within twelve months of the new backhaul facilities becoming commercially available, through December 31, 2026, funding recipients must certify that they are offering broadband service with latency suitable for real-time applications, including Voice over internet Protocol, and with usage capacity that is reasonably comparable to comparable offerings in urban areas. Funding recipients' minimum speed deployment obligations will be reassessed as specified by the Commission.

* * * * *

(r) In addition to the information and certifications in paragraph (a) of this section, any competitive eligible telecommunications carrier participating in the mobile portion of the Alaska Connect Fund must provide the following:

(1) Where WTB, in coordination with OEA, has approved lesser commitments in a mobile provider's performance plan than the minimum deployment goals under the mobile portion of the Alaska Connect Fund, as set forth in § 54.318(f)(5), for all or a certain portion of the provider's service area, the provider must certify, by census tract, that the basis for which it qualified for lesser commitments still applies in the previous calendar year and describe on

FCC Form 481 the efforts it has taken to improve conditions that served as the basis for the lesser commitments. When the basis for the lesser commitments has changed in the previous calendar year, allowing the minimum commitments to be achieved in the census tract, the mobile provider must certify to this in FCC Form 481.

(2) Where a provider certifies on FCC Form 481 that conditions have changed such that it no longer qualifies for lesser commitments in a census tract, the provider must submit additional information and updated performance plans into the Alaska Connect Fund docket via the FCC Electronic Comment Filing System. Where conditions have changed, the mobile provider must submit, for the affected census tracts:

(i) A description of the change;

(ii) The date on which the change occurred;

(iii) The resolution 9 hexagons (hex-9s) using the H3 standardized geospatial indexing system as defined in 47 CFR 1.7001(a)(20) within the census tract that could be served as a result of the changed conditions; and

(iv) Revised performance commitments factoring in the change. These filings must be made simultaneously with the submission of the FCC Form 481. A mobile provider may seek confidential treatment of information required in this section if the conditions for confidentiality are met.

■ 7. Amend § 54.316 by revising paragraph (a) introductory text, adding a reserved paragraph (a)(9) and paragraph (a)(10), and revising paragraph(c)(1) introductory text to read as follows:

§ 54.316 Broadband deployment reporting and certification requirements for high-cost recipients.

(a) *Broadband deployment reporting.* Rate-of Return ETCs, ETCs that elect to receive Connect America Phase II model-based support, competitive ETCs receiving mobile support from the Alaska Connect Fund, and ETCs awarded support to serve fixed locations through a competitive bidding process shall have the following broadband reporting obligations:

* * * * *

(9) [Reserved]

(10) Mobile providers subject to the requirements of § 54.318 shall submit backhaul and middle mile maps covering eligible areas. At the end of any calendar year for which backhaul and middle-mile facilities were deployed, these recipients shall also submit updated maps showing backhaul and middle-mile facilities that are or will be used to support their services in eligible areas. Where the recipient leases links, the recipient must provide the name of the middle-mile provider(s) that the recipient leases links from per area.

* * * * *

(c) * * *

(1) Price cap carriers that accepted Phase II model-based support, rate-of-return carriers, ETCs receiving Alaska Connect Fund mobile support, and recipients of Rural Digital Opportunity Fund support must submit the annual reporting information required by March 1 as described in paragraphs (a) and (b) of this section. Eligible telecommunications carriers that file their reports after the March 1 deadline shall receive a reduction in support pursuant to the following schedule:

* * * * *

■ 8. Add § 54.318 to read as follows:

§ 54.318 Alaska Connect Fund for competitive eligible telecommunications carriers receiving mobile support.

(a) *Carriers eligible for extended support.* A competitive eligible telecommunications carrier previously receiving support for remote Alaska pursuant to § 54.317(e) shall be eligible for extended support, if in compliance with other eligibility requirements.

(1) An Alaska Plan mobile provider that opts into the Alaska Connect Fund may have its Alaska Connect Fund support delayed, or may be deemed ineligible to participate in the Alaska Connect Fund, if the Wireless Telecommunication Bureau determines that the mobile provider has failed to comply with the public interest obligations or other terms and conditions of the Alaska Plan or its Alaska Plan commitments, or failed to meet an Alaska Plan build-out milestone.

(2) The Wireless Telecommunications Bureau may determine whether an Alaska Plan mobile provider is ineligible for the Alaska Connect Fund, ineligible for specific coverage areas, or will have its Alaska Connect Fund support delayed until it meets its outstanding obligations, based on the mobile provider's compliance with Alaska Plan and Broadband Data Collection obligations.

(b) *Election of extended support.* Subject to the requirements of this section, competitive eligible telecommunications carriers receiving support for mobile service pursuant to § 54.317(e) may opt into an extension of that support under the Alaska Connect Fund by submitting their performance plans, consistent with the requirements of this section, on or before September 1, 2026, to the Wireless Telecommunications Bureau for approval. Mobile providers exercising this option with approved performance plans shall have extended support beginning on January 1, 2027. Mobile providers receiving support pursuant to § 54.317(e) that do not opt into extended ACF support will have their support end with the Alaska Plan on December 31, 2026, as set forth in paragraph (i) of this section.

(c) *Eligible areas*—(1) *Areas eligible for support.* Extended support under the Alaska Connect Fund may be used to support mobile service in all of Alaska, except:

(i) Previously ineligible areas under the Alaska Plan

(A) Nonremote areas, as defined in § 54.307(e)(3)(i);

(B) Areas as of December 31, 2014, that received 4G LTE service directly from mobile providers that were either unsubsidized or ineligible to claim the delayed phase down under § 54.307(e)(3) and covering, in the aggregate, at least 85 percent of the population of the census block;

(ii) Competitive areas, as defined as:

(A) Areas with an unsubsidized mobile provider offering 5G–NR service at minimum speeds of 7/1 Mbps in an outdoor stationary environment based on mobile providers' Broadband Data Collection availability data as of December 31, 2024; or

(B) Areas with three or more mobile providers—with at least one of those mobile providers being unsubsidized—offering at least 4G LTE service at minimum speeds of 5/1 Mbps in an outdoor stationary environment based on mobile providers' Broadband Data Collection availability data as of December 31, 2024.

(iii) Areas deemed inaccessible or unsafe for testing by the Wireless Telecommunications Bureau, in coordination with the Office of Economics and Analytics, and reflected in the Eligible-Areas Map, as described in paragraph (c)(2) of this section.

(2) *Eligible-areas map.* The Wireless Telecommunications Bureau in coordination with the Office of Economics and Analytics will publish a map or maps of which areas are eligible and ineligible for Alaska Connect Fund mobile support, and of those that are eligible, which are in duplicate-support areas, single-support areas, or other eligible areas, as defined in paragraph (d)(1) of this section. The map or maps will identify all such areas on a resolution 9 hexagon (hex-9) basis using the H3 standardized geospatial indexing system as defined in 47 CFR

1.7001(a)(20). Competitive eligible telecommunications carriers seeking mobile support under the Alaska Connect Fund must use the Eligible-areas map to determine the areas in Alaska that are eligible for support. The Wireless Telecommunications Bureau in coordination with the Office of Economics and Analytics may resolve any disputes that may arise over the classification of an area and may periodically update the map(s) throughout the course of the Alaska Connect Fund, as necessary. Providers are to communicate which areas should be deemed ineligible by emailing *ACF@fcc.gov* as soon as such areas are known by the provider.

(d) *Support amounts and support term.* Support for Alaska Connect Fund will begin January 1, 2027, and the initial support under the Alaska Connect Fund will act as an extension of support (extended support) to Alaska Connect Fund single- and duplicate-support areas after the Alaska Plan ends.

(1) *Areas.* (i) Support areas are areas covered by one Alaska Plan mobile-provider participant.

(ii) Duplicate-support areas are areas covered by two or more Alaska Plan mobile provider participants.

(iii) Eligible areas that are not identified as a duplicate-support or single-support areas will be noted as ''other eligible areas,'' until otherwise classified throughout the course of the Alaska Connect Fund.

(iv) Areas that are ineligible under the Alaska Connect Fund are not considered to be single- or duplicate-support areas, and mobile participants under the Alaska Connect Fund cannot use their support to provide mobile service in these areas.

(2) *Extended support.* (i) Single-support areas will receive extended support until December 31, 2034.

(ii) Duplicate-support areas will receive extended support until December 31, 2029, unless otherwise extended by the Wireless Telecommunications Bureau.

(e) *Use of support.* Support allocated through the Alaska Connect Fund may only be used to provide mobile voice and mobile broadband service in eligible areas. Alaska Connect Fund recipients may use their support for both operating expenses and capital expenses for deploying, upgrading, and maintaining mobile voice and broadband-capable networks, including middle-mile improvements needed to those ends. As long as an Alaska Connect Fund recipient is providing service to its awarded area consistent with its public interest obligations service expenditures in that area will be eligible for support. Expenditures for middle-mile facilities may occur outside of eligible areas, so long as they are necessary to provide mobile voice and broadband service in the areas where the Alaska Connect Fund recipient receives support.

(f) *Performance plans.* In order to receive extended support pursuant to this section, a competitive eligible telecommunications carrier must be subject to a performance plan approved by the Wireless Telecommunications Bureau. The performance plan must indicate specific deployment obligations and performance requirements sufficient to demonstrate that support is being used in the public interest and in accordance with this section and the requirements adopted by the Commission for the Alaska Connect Fund.

(1) Performance plans must:

(i) Include the name of the census tract(s) the mobile provider commits to serve;

(ii) Include the minimum technology level and speed in an outdoor stationary environment the mobile provider commits to provide;

(iii) Specify the number of hex-9s committed to be covered within each census tract at the committed-to technology and speed levels, which shall be no less than the mobile provider's coverage in the Alaska Plan, minus any ineligible areas; and

(iv) Specify the number of additional hex-9s committed to within each census tract at the committed-to technology and speed levels that are comparable hex-9s as described in paragraph (h) of this section.

(2) A mobile provider must commit to cover any eligible hex-9 in its support area and may commit to cover any eligible hex-9 not covered by other mobile providers.

(3) Providers are to reflect the additional coverage that is required to retain support due to areas being deemed ineligible solely in the comparable hex-9 category of their performance plans, consistent with paragraph (h) of this section.

(4) The Wireless Telecommunications Bureau will adopt requirements and develop data specifications, after appropriate public process, concerning the format and method of uploading Alaska Connect Fund performance plans.

(5) Alaska Connect Fund performance plan submissions are due September 1, 2026. Separate performance plans are required for single-support areas and for duplicate-support areas. A mobile provider's Alaska Connect Fund support may not begin until the Wireless Telecommunications Bureau approves the performance plan of the mobile provider. The Wireless Telecommunications Bureau may require the filing of revised commitments at other times if justified by developments that occur after the approval of the initial performance commitments, including requiring, after notice and comment, additional commitments in duplicate-support areas that must be met by December 31, 2034, if Alaska Connect Fund Mobile Phase I is extended in those areas.

(6) Where technically and financially feasible, providers in single-support areas are expected to extend 5G service to populations who are currently served by 4G LTE or less, and providers in duplicate-support areas are expected to work to extend by the end of December 2029 at least 4G LTE at 5/1 Mbps in an outdoor stationary environment to areas where they do not currently offer it. For single-support areas, providers participating in the Alaska Connect Fund are expected to use Alaska Connect Fund support to upgrade service beyond the service commitment level they made in the Alaska Plan, with an ultimate goal of achieving 5G NR at 35/3 Mbps in single-support areas, where technically and financially feasible, by the end of December 2034. Providers in single-support areas are to report to WTB the progress they have made beyond Alaska Plan service levels by December 31, 2029, and to meet their commitments by the December 31, 2031, interim milestone and the December 31, 2034, final milestone.

(7) The Wireless Telecommunications Bureau may approve lower technology and speeds than the minimum technology and speeds specified in this section, in some areas as warranted on a case-by-case basis. A mobile provider must explicitly state the reason it cannot commit to the minimum deployment requirement as a notation under the proposed performance plan for each census tract. The Wireless Telecommunications Bureau has discretion to determine whether the request is adequately justified and if so, to approve the performance plan. If conditions change such that a mobile provider no longer qualifies for lesser commitments in a census tract, the provider must submit additional information and updated performance plans into the Alaska Connect Fund docket via the FCC Electronic Comment Filing System. Where conditions have changed, the mobile provider must submit, for the affected census tracts:

(i) A description of the change;

(ii) The date on which the change occurred;

(iii) The resolution 9 hexagons (hex-9s) using the H3 standardized geospatial indexing system as defined in 47 CFR 1.7001(a)(20) within the census tract that could be served as a result of the changed conditions; and

(iv) Revised performance commitments factoring in the change. These filings must be made simultaneously with the submission of the FCC Form 481. A mobile provider may seek confidential treatment of information required in this section if the conditions for confidentiality are met.

(8) Initial Alaska Connect Fund performance plans must rely on Broadband Data Collection availability data and data standards on which the National Broadband Map is based and on mobile providers' availability data in Alaska as of December 31, 2024. Consistent with Broadband Data Collection requirements, as provided in 47 CFR 1.7004, all Alaska Connect Fund mobile support recipients must show that consumers can receive the minimum technology level and speed with a cell edge probability of not less than 90% and a cell loading of not less than 50%.

(9) If any mobile providers do not have their performance plans approved by the Wireless Telecommunications Bureau by December 31, 2026, those mobile providers' support may be delayed.

(10) No later than 60 days after the end of each participating mobile provider's commitment (milestone) deadline, it must submit a certification that it has met the obligations contained in the performance plan approved by the Wireless Telecommunications Bureau, including any obligations pursuant to a revised approved performance plan, and that it has met the requisite public interest obligations contained in the Alaska Connect Fund Order.

(11) The Wireless Telecommunications Bureau may raise the technology and performance floor, as appropriate, after opportunity for public notice and comment, during the course of the Alaska Connect Fund.

(g) *Deemed covered.* The geographic areas identified as eligible for support for Alaska Connect Fund mobile recipients will be made available by the Wireless Telecommunications Bureau in coordination with the Office of Economics and Analytics in the Eligible-Areas Map defined in paragraph (c)(2) of this section in the form of hexagons at the resolution 9 level (hex-9s) using the H3 standardized geospatial indexing system as defined in 47 CFR 1.7001(a)(20).

(1) Hex-9s will be deemed covered using the following process:

(i) Overlay resolution 11 hexagons (hex-11s) on the ''raw'' mobile coverage polygons submitted in the Broadband Data Collection in Alaska. If the centroid (*i.e.,* the geographic center point) of the hex-11 overlaps any of those boundaries, then the entire hex-11 is considered covered by that boundary and ''served''.

(ii) Divide the number of served grandchild hex-11s belonging to the grandparent hex-9 by the total number of grandchild hex-11s belonging to the grandparent hex-9 to determine the percentage of the hex-9 that is considered served. The centroid of a hex-11 must fall within the boundary of Alaska to be included in this calculation.

(iii) If at least 70% of the grandchild hex-11s belonging to a grandparent hex-9 are served, then the entire hex-9 will be considered served.

(h) *Comparable areas.* Mobile providers that received support under the Alaska Plan for coverage of newly ineligible areas and that wish to retain their support level must use their Alaska Connect Fund support to cover a comparable number of otherwise uncovered hex-9s elsewhere, subject to claw back in their support if they do not do so. Mobile providers must incorporate their comparable areas into their performance plans under the Alaska Connect Fund for Wireless Telecommunications Bureau approval. Specifically, each mobile provider must remove the ineligible hex-9s from its commitment, and in a separate category in the performance plan, specify how many comparable hex-9s it commits to cover, by census tract.

(1) For areas where a mobile provider may lose support because an area is deemed ineligible after the provider's Alaska Connect Fund performance plan has been approved, the mobile provider will have an opportunity to retain support by committing to cover a comparable number of uncovered hex-9s elsewhere. As mobile providers discover ineligible hex-9s after their performance plans are approved, they must remove those ineligible hex-9s from their hex-9 commitments in their performance plans and reflect the new number of comparable hex-9s in the comparable hex-9 commitments category in their new, proposed performance plans. The mobile provider must submit new performance plans whenever they need new comparable hex-9s approved. The mobile provider must provide a notation in the performance plan for the comparable hex-9s, identifying which census tracts the ineligible hex-9s are located and how many of those hex-9s are being replaced by any particular group of comparable hex-9s. The Wireless Telecommunications Bureau, in coordination with the Office of Economics and Analytics, may require additional clarifying information that allows identification and determination of which comparable hex-9s are replacing which group of ineligible hex-9s. All inaccessible hex-9s and updated performance plans must be reported before their buildout milestones.

(2) Where a mobile provider commits to cover the same number of uncovered hex-9s as the area that was newly deemed ineligible, the coverage shall be deemed comparable.

(3) Where a mobile provider claims that fewer uncovered hex-9s should be deemed as comparable to the number of hex-9s deemed ineligible, the provider must provide justification that the smaller number of hex-9s is comparable to the number of hex-9s that the provider was using support to cover. The Wireless Telecommunications Bureau, in coordination with the Office of Economics and Analytics, may determine whether a mobile provider is covering a comparable number of hex-9s.

(4) Once approved, comparable areas will be treated as part of the mobile provider's single-support areas, subject to the deployment obligations and performance requirements that apply for those areas.

(5) Where an Alaska Connect Fund mobile support recipient covers a new, uncovered hex-9, it will be considered a single-support area attributed to the mobile provider that showed coverage to that hex-9 first, based on Broadband Data Collection availability data, or, in case more than one mobile provider provided coverage for the same area in the same data set or one provider's earlier filed data is deemed inaccurate, whichever provider has its updated performance plan accepted first. Where two providers cover the same hex-9 and one provider claims that the area is inaccessible for testing, but the other provider does not, the area would become a part of the latter provider's single-support area, and the former provider would have to cover the same number of hex-9s elsewhere.

(6) If a mobile provider discovers that some areas are inaccessible during required speed testing or during an audit, the mobile provider will be in noncompliance for those hex-9s, and potentially additional hex-9s if the inaccessible hex-9s were selected through random sampling. If this noncompliance is discovered for the

interim milestone testing, the mobile provider may identify, in an updated performance plan, comparable hex-9s that it will serve.

(i) *Phase down.* Phase down schedule for mobile competitive eligible telecommunications carrier Alaska Connect Fund extended support.

(1) Mobile providers subject to phase down or proportional phase down shall have phase down occur on the following schedule:

(i) For the first twelve months after the phase down start date, each such competitive eligible telecommunications carrier shall receive two-thirds of the monthly support amount the carrier received pursuant to the Alaska Plan.

(ii) For the thirteenth through twenty-fourth months after the phase down start date, each such competitive eligible telecommunications carrier shall receive one-third of the monthly support amount the carrier received pursuant to the Alaska Plan.

(iii) By the twenty-fifth month, no such competitive eligible telecommunications carrier shall receive universal service support pursuant to this section.

(2) Competitive eligible telecommunications carriers providing mobile service that receive support under the Alaska Plan pursuant to § 54.317(e), and that are eligible to receive extended support under this section but do not opt in to receive extended support pursuant to paragraph (b) of this section, shall have their high-cost support end with Alaska Plan on December 31, 2026.

(3) Competitive eligible telecommunications carriers previously receiving mobile support pursuant to § 54.317(e) for an area newly ineligible under the Alaska Connect Fund that do not have an updated performance plan approved by the Wireless Telecommunications Bureau with comparable areas for the Alaska Connect Fund will have their proportional support phased down, beginning 90 days after being notified by the Wireless Telecommunications Bureau that they are receiving support in an ineligible area or by January 1, 2027, whichever is later. Competitive eligible telecommunications carriers that have new performance plans with comparable areas approved by the Wireless Telecommunications Bureau may receive restoration of the support that was phased down for the areas that the comparable areas replaced.

(4) If a mobile provider's updated performance plan is not approved within 90 days of the mobile provider being notified that it is covering ineligible hex-9s because those hex-9s cannot be tested, then the mobile provider will have a proportional amount of support phased down. If the mobile provider's updated performance plan for covering comparable hex-9s is approved after 90 days, it may have any support that was phased down restored.

(5) Competitive eligible telecommunication carriers providing mobile service that receive support under the Alaska Plan pursuant to § 54.317(e) but are found by the Wireless Telecommunications Bureau to be ineligible for extended support under the Alaska Connect Fund, shall not have their high cost support for mobile services phased down. Their support under the Alaska Plan will be terminated as of December 31, 2026. If the Wireless Telecommunications Bureau determines that an Alaska Plan mobile provider did not meet its Alaska Plan buildout obligations after the commencement of the Alaska Connect Fund, and also determines that the mobile provider is not eligible to receive Alaska Connect Fund mobile support, the Wireless Telecommunications Bureau can take all actions necessary to recover Alaska Connect Fund support, including those set forth in § 54.320(c) and (d). This does not impact any separate actions related to § 54.320(c) and (d) with respect to the Alaska Plan final milestone.

(j) *Annual submission of BDC infrastructure data.* (1) A mobile provider must submit, on an annual basis, all of the infrastructure data that it would submit as part of the Broadband Data Collection mobile verification process, as provided in 47 CFR 1.7006(c), for all infrastructure used to serve its supported area for coverage as of December 31 of each year, due by March 1 of the following year.

(2) Mobile providers must submit these infrastructure data to the Wireless Telecommunication Bureau, subject to any additional or amended instructions.

(k) *Submission of speed test data.* (1) A mobile provider receiving more than $5 million annually in Alaska Connect Fund support must submit speed test data along with its certification that it has met its milestone Alaska Connect Fund commitments.

(2) The speed test data must conform to the Broadband Data Collection Specifications for Mobile Speed Test Data, except that ''accessible'' hexes that are included in sampling for purposes of the Alaska Connect Fund must include any hexagon that is testable by at least an uncrewed Aircraft System.

(3) If a hex-9 is determined to be untestable and, thus, ineligible and this is discovered during speed testing of a provider's commitments, the hex-9—and any surrounding hex-9s also deemed to be untestable—will be counted as noncompliant with the provider's commitments. The provider's support may be reduced accordingly, consistent with the compliance tiers set forth in § 54.320(d).

(4) Some hexes may only be accessible by uncrewed aircraft systems (UAS). The Wireless Telecommunications Bureau in coordination with the Office of Economics and Analytics may consider under what circumstances alternatives to on-the-ground speed testing data are appropriate to validate coverage in such areas, including use of UAS and to make any other accommodations to the testing necessary to determine whether the providers have met their commitment or not. To the extent that a mobile provider is permitted to use UAs to conduct testing, it may do so if the allocation and service rules permit airborne use of the spectrum that will be used to provide the mobile service to be tested as part of the drive tests. Otherwise, the provider must additionally obtain a waiver from the Commission (pursuant to 47 CFR 1.925) of any airborne limitations. Where UAS are used for speed testing in the Alaska Connect Fund:

(i) UAS should mirror on-the-ground testing (outdoor stationary environment) and fly at the lowest, safest possible elevation, to best reflect on-the-ground usage.

(ii) UAS performing speed tests must:

(A) At all times operate at less than 200 feet above ground in remote areas of Alaska where road-based testing is impractical/impossible;

(B) Limit power to the minimum necessary to accomplish testing; and

(C) Upon receipt of a complaint of interference from a co-channel licensee, notify the Commission and either remedy the interference or cease operations.

(iii) There may be circumstances where other methods are equally safe to using UAS but may better reflect the on-the-ground user experience, in which case, the Wireless Telecommunications Bureau, in coordination with the Office of Economics and Analytics, may restrict the use of UAs in some hex-9s for speed testing purposes, even when UAS usage is otherwise permissible.

(l) *Point of contact information.* A mobile provider must provide the Wireless Telecommunications Bureau a point of contact for discussions regarding its performance plan and data submissions. Alaska Connect Fund recipients must notify the Wireless Telecommunications Bureau within 30

days whenever the point of contact changes at a company. All such notifications must be submitted to *ACF@fcc.gov.*

(m) *Reporting, recordkeeping and compliance obligations.* (1) Mobile providers receiving Alaska Connect Fund support shall be subject to the reporting, certification, and other obligations set forth in §§ 54.9, 54.10, 54.11, 54.313, and 54.314.

(2) Mobile providers receiving Alaska Connect Fund support shall be subject to the compliance measures, recordkeeping requirements, and audit requirements set forth in § 54.320. If specific performance obligations are not achieved in the time period identified in the approved performance plans or other obligations or terms and conditions for the receipt of funding under the Alaska Connect Fund are not met the mobile provider shall be subject to the penalties set forth in § 54.320(c) and (d). Audits may include speed tests tailored to the circumstances of the information that is to be verified; providers under other speed test obligations may also be subject to any and all audits, including speed test audits.

■ 9. Amend § 54.320 by adding paragraph (e) to read as follows:

§ 54.320 Compliance and recordkeeping for the high-cost program.

* * * * *

(e) Each hex-9 in the Alaska Connect Fund mobile provider's performance plan shall be considered a ''location'' for purposes of paragraph (d) of this section.

■ 10. Add subpart U, consisting of §§ 54.2100 through 54.2102, to read as follows:

Subpart U—Alaska Connect Fund for Fixed Services

Sec.

Subpart U—Alaska Connect Fund for Fixed Services

§ 54.2100 Alaska Connect Fund Transition—ACF Transition.

Alaska Connect Fund Transition (ACF Transition), as discussed in FCC 24–116, refers to high-cost support for fixed services provided from January 1, 2025, through December 31, 2028, to carriers serving Alaska and authorized pursuant to §§ 54.306(e), 54.310(i), and 54.311(g).

§ 54.2101 Alaska Connect Fund Fixed—Fixed ACF.

(a) *Intended use of support.* Carriers receiving Alaska Connect Fund Fixed (Fixed ACF) support, as discussed in FCC 24–116, shall use the support to operate and maintain a network providing voice and broadband internet access service to all locations for which it is authorized to receive support consistent with the public interest obligations under paragraph (j) of this section;

(b) *Term of support.* Fixed ACF support shall be provided from January 1, 2029, through December 31, 2034.

(c) *Eligible carriers.* Fixed ACF support shall be available only to eligible telecommunications carriers in Alaska that have received or been awarded Federal or state government infrastructure support to deploy networks capable of providing voice service and broadband internet access service meeting the public interest obligations as described in paragraph (i) of this section but such eligible telecommunications carrier are not entitled to receive such support. The Wireline Competition Bureau shall determine carriers eligible to receive Fixed ACF support but may not authorize any carrier for Fixed ACF support that is not an eligible telecommunications carrier. The Wireline Competition Bureau shall use the Broadband Funding Map to assist in determining eligible carriers. The Wireline Competition Bureau shall determine, after opportunity for public notice and comment, whether additional financial or other requirements for participants in Fixed ACF are in the public interest.

(d) *Eligible location.* The Wireline Competition Bureau shall determine locations eligible for ACF Fixed support. In determining eligible locations, the Wireline Competition Bureau shall:

(i) Consider allocating Fixed ACF support based on the categories of locations as provided by the Alaska State Broadband Office for the purposes of the Broadband Equity, Access, and Deployment (BEAD) Program, authorized by the Infrastructure Investment and Jobs Act of 2021, Division F, Title I, section 60102, Public Law 117–58, 135 Stat. 429 (November 15, 2021); and

(ii) Not authorize Fixed ACF support for more than one carrier for any eligible location.

(e) *Support amounts.* The Wireline Competition Bureau shall determine an amount of annual support available for each eligible location.

(f) *Budget.* The total annual amount of support authorized may not exceed $107,600,000, the annual budget adopted by the Commission in FCC 24–116, or a budget adopted by the Wireline Competition Bureau pursuant to delegated authority. Any budget adopted pursuant to delegated authority may not exceed 15% above $107,600,000 per year.

(g) *Election of support.* The Wireline Competition Bureau shall adopt rules and provide guidance for the offer and election of Fixed ACF support no later than twelve months prior to the start of the Fixed ACF support term.

(h) *Disbursement of Fixed ACF support.* The Wireline Competition Bureau shall announce in a public notice when an eligible telecommunications carrier is authorized to receive Fixed ACF support. The public notice shall detail how disbursements will be made.

(i) *Public interest obligations.* The Wireline Competition Bureau shall adopt public interest obligations requiring the provision of voice service and broadband internet access service, requiring broadband speed of 100 Mbps download and 20 Mbps upload, with a round-trip latency of 100 ms or less, and usage capacity and rates that are reasonably comparable to comparable offerings in urban areas. The Wireline Competition Bureau may adopt public service obligations requiring broadband speeds below 100 Mbps download and 20 Mbps upload and/or round-trip latency greater than 100 ms to accommodate circumstances of specific locations. For purposes of determining reasonable comparable usage capacity, recipients are presumed to meet this requirement if they meet or exceed the usage level announced by public notice issued by the Wireline Competition Bureau and/or Office of Economics and Analytics. For purposes of determining reasonable comparability of rates, recipients are presumed to meet this requirement if they offer rates at or below the applicable benchmark to be announced annually by public notice issued by the Wireline Competition Bureau and/or the Office of Economics and Analytics, or no more than the non-promotional prices charged for a comparable fixed wireline service in urban areas in Alaska.

(j) *Reporting obligations, compliance, and recordkeeping.* (1) Recipients of Fixed ACF support shall be subject to the reporting obligations set forth in §§ 54.9, 54.10, 54.11, 54.313, and 54.314.

(2) Recipients of Fixed ACF support shall be subject to the reporting obligations set forth in § 54.316, to the

extent the recipient has defined broadband deployment obligations.

(3) Recipients of Fixed ACF support shall comply with methodologies and non-compliance measures adopted pursuant to § 54.313(a)(6), as of the date the Alaska Connect Fund Order, FCC 24–116 was adopted, unless and until the Wireline Competition Bureau adopts network performance testing methodologies and non-compliance measures that account for unique aspects of Alaska.

(4) Recipients of Fixed ACF support shall be subject to the compliance measures, recordkeeping requirements, and audit requirements set forth in § 54.320(a) through (c).

(5) Recipients of Fixed ACF support shall be subject to the non-compliance measures set forth in § 54.320(d).

(k) *Cybersecurity and supply chain risk management requirements.* (1) A Fixed ACF carrier shall implement operational cybersecurity and supply chain risk management plans meeting the requirements of this section by January 1, 2029.

(2) A Fixed ACF carrier shall certify that it has implemented plans required under paragraph (k)(1) of this section and submit the plans to the Administrator by January 2, 2029, or within 30 days of approval under the Paperwork Reduction Act, whichever is *later.*

(3) Fixed ACF carriers that fail to comply with the requirements set forth in paragraphs (k)(1) and (2) are subject to the following non-compliance measures:

(i) The Wireline Competition Bureau shall direct the Administrator to withhold 25 percent of the Fixed ACF carrier's monthly support for failure to comply with paragraph (k)(2) of this section until the carrier makes the required certification and submits the required plans.

(ii) At any time during the support term, if a Fixed ACF carrier does not have in place operational cybersecurity and supply chain risk management plans meeting the requirements of this section, the Wireline Competition Bureau shall direct the Administrator to withhold 25 percent of the carrier's monthly support.

(iii) Once the carrier comes into compliance, the Administrator shall stop withholding support, and the carrier will receive all of the support that had been withheld pursuant to this section.

(4) A Fixed ACF carrier's cybersecurity risk management plans shall reflect at least the National Institute of Standards and Technology's Framework for Improving Critical Infrastructure Cybersecurity v.1.1 (2018) (NIST Framework), or any successor version of the NIST Framework, and must reflect established cybersecurity best practices that address each of the Core Functions described in the NIST Framework, such as the standards and controls set forth in the Cybersecurity & Infrastructure Security Agency (CISA) Cybersecurity Cross-sector Performance Goals and Objectives (CISA CPGs) or the Center for internet Security Critical Security Controls (CIS Controls).

(5) A Fixed ACF carrier's supply chain risk management plans shall reflect the key practices discussed in NISTIR 8276, Key Practices in Cyber Supply Chain Risk Management: Observations from Industry, and related supply chain risk management guidance from NIST 800–161.

(6) If a Fixed ACF carrier makes a substantive modification to its plans under this section, the carrier shall file an updated plan with the Administrator within 30 days of making the modification. A modification to a plan under this section is substantive if at least one of the following conditions apply:

(i) There is a change in the plan's scope, including any addition, removal, or significant alternation to the types of risks covered by the plan (*e.g.,* expanding a plan to cover new areas such as supply chain risks to Internet of Things devices or cloud security could be a substantive change);

(ii) There is a change in the plan's risk mitigation strategies (*e.g.,* implementing a new encryption protocol or deploying a different firewall architecture);

(iii) There is a shift in organizational structure (*e.g.,* creating a new information technology department or hiring a Chief Information Security Officer);

(iv) There is a shift in the threat landscape prompting the organization to recognize the emergence of new threats or vulnerabilities that weren't previously accounted for in the plan;

(v) Any updates are made to comply with new cybersecurity regulations, standards, or laws;

(vi) Significant changes are made in the supply chain, including offboarding major suppliers or vendors, or shifts in procurement strategies that may impact the security of the supply chain; or

(vii) Any large-scale technological change is made, including the adoption of new systems or technologies, migrating to a new information technology infrastructure, or significantly changing the information technology architecture.

§ 54.2102 Phase down support for Alaska Connect Fund Transition.

(a) *Support amounts.* Beginning in January 2029, a carrier that receives support during ACF Transition and is not eligible for Fixed ACF support or will receive less Fixed ACF support than during ACF Transition, will receive the following high-cost support in addition to its Fixed ACF support, as applicable:

(1) The first 12 months (2029), the carrier will receive 60% of the difference between ACF Transition and Fixed ACF support;

(2) The second 12 months (2030), the carrier will receive 30% of the difference between ACF Transition and Fixed ACF support;

(3) The third 12 months (2031), the carrier will receive 15% of the difference between ACF Transition and Fixed ACF support;

(4) Thereafter, the carrier will receive whatever, if any, Fixed ACF support for the remainder of the support term.

(b) *Reporting obligations, compliance, and recordkeeping.* The Wireline Competition Bureau shall determine necessary reporting, compliance, and recordkeeping requirements in connection with phase down support.

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Part III

Social Security Administration

20 CFR Parts 404, 416, and 422
Use of Electronic Payroll Data To Improve Program Administration; Final Rule

SOCIAL SECURITY ADMINISTRATION

20 CFR Parts 404, 416, and 422

[Docket No. SSA–2016–0039]

RIN 0960–AH88

Use of Electronic Payroll Data To Improve Program Administration

AGENCY: Social Security Administration.

ACTION: Final rule.

SUMMARY: Section 824 of the Bipartisan Budget Act of 2015 (BBA) authorizes the Commissioner of Social Security to enter into information exchanges with payroll data providers to obtain wage and employment information. We use wage and employment information to administer the Old-Age, Survivors, and Disability Insurance (OASDI) disability and Supplemental Security Income (SSI) programs under titles II and XVI of the Social Security Act (Act). We are updating our rules pursuant to the BBA, which requires us to prescribe, by regulation, procedures for implementing the access to and use of the information held by payroll data providers. We expect this final rule will support proper use of information exchanges with payroll data providers that will help us administer our programs more efficiently, improve our customers' experience, and prevent improper payments under titles II and XVI of the Act, which can otherwise occur when we do not receive timely and accurate wage and employment information.

DATES: This final rule is effective March 3, 2025.

FOR FURTHER INFORMATION CONTACT: Nicole Dunham, Policy Analyst, Office of Supplemental Security Income and Program Integrity Policy, Social Security Administration, 6401 Security Boulevard, Baltimore, Maryland 21235–6401, (410) 966–9078. For information on eligibility or filing for benefits, call our national toll-free number, 1–800–772–1213, or TTY 1–800–325–0778, or visit our internet site, Social Security Online, at *https://www.socialsecurity.gov.*

SUPPLEMENTARY INFORMATION: On February 15, 2024, we published a Notice of Proposed Rulemaking (NPRM), *Use of Electronic Payroll Data To Improve Program Administration.*[1] In the NPRM, we explained that we expect that receiving monthly wage and employment information automatically through an information exchange with a participating payroll data provider[2] will improve payment accuracy, reduce improper payments, and reduce reporting burdens on participating individuals when we receive their wage and employment information through the exchange. We also explained that the implementation of an information exchange is expected to result in more efficient use of our limited administrative resources because our technicians would reduce the amount of time they spend—

- Manually requesting this information from payroll data providers and employers;
- Manually entering data into our systems from an individual's pay records;
- Contacting individuals; and
- Assisting individuals with the results of incomplete or untimely reporting.

Additionally, we will not subject individuals who provide authorization to certain penalties under section 1129A of the Social Security Act[3] for any omission or error with respect to wages reported by a participating payroll data provider.[4] When we learn of an inaccurate report causing an underpayment, we will follow our usual procedures for remitting an underpayment.

Background

We administer the OASDI disability and SSI programs under titles II and XVI of the Act, respectively. The OASDI program pays benefits to individuals who meet certain requirements, such as those who are disabled and insured for disability benefits.[5] OASDI also pays benefits to certain members of disabled individuals' families.[6] The SSI program provides financial support to: (1) adults and children with a disability or blindness; and (2) adults aged 65 and older. These individuals must meet all program eligibility requirements, including having resources and income below specified amounts.[7]

We take seriously our responsibilities to ensure eligible individuals receive the benefits to which they are entitled and to safeguard the integrity of benefit programs to better serve our customers. We use wage and employment information to help decide who can receive OASDI disability benefits and SSI payments, and to determine SSI payment amounts. Receiving complete, accurate, and timely wage and employment information allows us to administer our programs efficiently and to avoid improper payments that can occur when we do not have such information.[8] Therefore, we seek to have accurate wage and employment information as quickly as feasible to make correct payments, and thereby avoid overpayments before they occur, or to correct them as soon as possible after they occur.

To obtain this necessary wage and employment information, we largely depend on individuals to report it directly to us. Though we strive to make reporting as easy as possible, it can be burdensome for some individuals to track their wage and employment information and report it to us accurately and timely.[9] In addition, we do not always receive complete or timely reports, and even when we do, we may still need to verify the reports with independent or collateral sources when we do not have proper wage evidence.

Section 824 of the BBA[10] authorizes the Commissioner of Social Security to enter into information exchanges with

[1] 89 FR 11773.

[2] We define a participating payroll data provider as a payroll data provider that has an information exchange arrangement with us to provide wage and employment information.

[3] 42 U.S.C. 1320a–8a. *See also* 20 CFR 404.459 and 416.1340.

[4] Under section 1129A of the Act, individuals are subject to certain penalties for making false or misleading statements: the penalty is nonpayment of benefits under Title II and ineligibility for payments under Title XVI. When an individual's wages are reported by a payroll data provider through the exchange and there is an error or omission in the wage report, the individual has (presumedly) not made a false or misleading statement and is expressly not subject to such penalties.

[5] *See* 20 CFR 404.315 for a full list of the OASDI disability eligibility requirements.

[6] This can include, for example, a child of the disabled individual, a child of the disabled individual entitled to an adult child disability benefit, a spouse caring for a minor or disabled child of the disabled individual, or retirement benefits for a spouse age 62 or older of the disabled individual. *See* 20 CFR 404.330, 404.350, 404.351.

[7] *See* 20 CFR 416.202 for a full list of the SSI eligibility requirements.

[8] Individuals who are entitled to OASDI disability must report to us when their condition improves, when they return to work, when they increase the amount they work, and when their earnings increase. *See* 20 CFR 404.1588(a). Individuals who are eligible for SSI based on disability or blindness must make similar reports. *See* 20 CFR 416.988. All SSI recipients and deemors must also report to us any change in income as soon as a reportable event happens. (A deemor is any person whose income or resources are material to determining the eligibility of someone filing for or receiving SSI, such as a parent or spouse. 20 CFR 416.1160; SI 01310.127.) *See* 20 CFR 416.708(c).

[9] To be considered in time to process a particular month's payment, SSI recipients or their representative payees must report income changes within the first ten days of the month following the month of change (20 CFR 416.714). Receiving this information earlier in the month allows us more time to calculate the correct payment, send a Notice of Planned Action (NOPA) when an adverse action applies, and adjust benefits for the following month. If a change is reported after the first ten days of the month and the change results in a different payment amount, then it is likely that we will not be able to adjust the next payment in time, resulting in an overpayment or underpayment.

[10] Public Law 114–74, 129 Stat. 584, 607.

payroll data providers [11] to obtain wage and employment information. It authorizes these information exchanges [12] for the purposes of efficient program administration and to prevent improper OASDI disability and SSI payments without the need for verification by independent or collateral sources. Further, the BBA requires us to prescribe procedures for implementing the access and use of the information held by payroll data providers. We refer to an exchange as the Payroll Information Exchange (PIE).

The NPRM proposed policies and procedures for implementing the access to and use of the information held by payroll data providers, including: (1) guidelines for establishing and maintaining information exchanges with payroll data providers (see § 422.150 in this final rule); (2) beneficiary authorizations (see §§ 404.703(b) and 416.709(a)–(b) in this final rule); (3) reduced wage reporting responsibilities for individuals (see §§ 404.708(c), 404.1588(b), 416.709, and 416.988(b) of this final rule); and (4) procedures for notifying individuals in writing when they become subject to changes in wage reporting requirements (see §§ 404.1588(b)(2) and 416.709(c) in this final rule).[13] This final rule adopts these policies and procedures, with minor changes. As discussed in the NPRM, when we receive wage and employment information from an employer through a participating payroll data provider, an individual no longer has to report an increase in the amount of their work for that employer; an increase in earnings from that employer; or changes to wages paid in cash from that employer.[14]

We made changes to the proposed language in 20 CFR 404.1588(b)(3) and 20 CFR 416.709(c)(3) to better track these reduced reporting requirements as they were described in the NPRM. We revised 20 CFR 404.1588(b)(3) to state clearly that when reduced reporting applies, an individual does not need to report an increase in the amount of work or an increase in earnings (the proposed rule inadvertently referenced only an increase in earnings). We revised 20 CFR 416.709(c)(3) to clarify that if someone has multiple employers, they do not have to report an increase in the amount of work or earnings from any employer we receive their wages from; but, if we do not get their wages from an employer, they must continue reporting. While we expect this is clear from the explanation provided in paragraph (c)(1), we also anticipate this minor change will more clearly explain reporting requirements to individuals with more than one employer and also capture the relevant information in one place. We also revised § 404.1588(b) and § 416.709(c) to make it explicitly clear that we are not imposing penalties because of information we receive from PIE.

Comments Summary

We received 132 public comments on the NPRM from February 15, 2024 through April 15, 2024, 52 of which were relevant, comprehensible comments submitted by actual commenters. Of the total comments, 52 are available for public viewing at *https://www.regulations.gov/document/SSA-2016-0039-0007/comment.*[15]

These comments were from:

- Individuals;
- Members of Congress; and
- Advocacy groups for claimant representatives and other advocacy groups.

We carefully considered the public comments we received. Most commenters supported the general principles of the payroll information exchange, but many recommended amendments or questioned some aspects of the proposed rule.

We received some comments that were outside the scope of this rule because they did not relate to the questions we included in the NPRM or to the rules we proposed for implementing the access to and use of the information held by payroll data providers. We addressed some of these out-of-scope comments generally when they relate to wage and employment information or relate to the questions we proposed in the NPRM and we anticipate these responses may help the public understand our programs better.

We summarize and respond to the public comments below.

Reduced Burden

Comment: Multiple commenters expressed support for the regulation, stating it would make reporting easier and reduce burden. Some commenters shared current challenges of reporting wages (*e.g.,* difficulty obtaining needed information and submitting it on time to the right place), opining that these would be alleviated when our regulation was implemented. One commenter said they see how burdensome the wage reporting process can be and ''despite SSA offering a number of ways by which recipients and deemors can report wages, all are time consuming.'' Another commenter expressed that many individuals experience ''frustration'' when they get overpayments as a result of wages they reported (or tried to report) but somehow did not get registered by our systems. A separate commenter stated that many individuals ''struggle'' with communication and technology and rely for assistance on others who do not always understand the importance of reporting wages.

Additional commenters said PIE will help avoid barriers to reporting, like limited office hours, phone delays, and non-functioning technology. One commenter said relieving the burden on individuals to update wage and employment information decreases the potential for unintentional errors and lessens the need for additional contact with us to resolve technical or other difficulty with our systems. Several commenters expressed that PIE will reduce the burdens on our staff, to include reducing manual workloads and processing time.

Response: We appreciate these comments, and we agree that PIE will reduce the burden on participating individuals and make program administration easier for our staff.

More Accurate Info

Comment: Commenters also were favorable toward PIE because they said it would provide us with more accurate information to administer our programs. One commenter said that using The Work Number (TWN) ensures that we issue monthly benefits based on the most accurate data available, and that this also meets multiple program goals by ensuring recipients have vital income from our programs. The commenter stated that access to TWN will ''greatly improve'' our ability to serve the public. One commenter said, by leveraging wage and employment information from TWN, PIE will help support our program integrity goal of getting the ''right payment amount to the right person at the right time.'' The commenter stated that PIE data supplied by TWN will provide us with an ''expansive and current view of the beneficiary's wage and employment status.'' According to the commenter, TWN can also help identify when wages

[11] ''Payroll data providers'' include payroll providers, wage verification companies, and other commercial or non-commercial entities that collect and maintain information regarding employment and wages. 42 U.S.C. 1320e–3(c)(1).

[12] 42 U.S.C. 1320e–3(a). ''Information exchanges'' are the automated comparison of our system(s) of records with information of payroll data providers. 42 U.S.C. 1320e–3(c)(2).

[13] See the NPRM for additional explanation of these procedures. 89 FR 11776–11779 (Feb. 15, 2024).

[14] 89 FR 11778, 11781–82.

[15] We excluded comments that were unrelated to the proposal, were duplicates submitted by the same commenter, or used submitter-identifying information (such as an email address) that did not belong to the commenter.

or employment statuses change or hours worked are reduced.

Response: We appreciate these comments, and we agree that PIE will provide us with more accurate information.

Reduction in Improper Payments

Comment: Many commenters stated that a benefit of the regulation would be its help in reducing improper payments, because we would receive more timely and accurate information regarding income and employment. Some commenters said even if overpayments occur, we could more quickly identify changes and notify individuals of such overpayments. According to commenters, faster identification and notice would reduce the dollar amount of improper payments, making repayment ''more achievable and with less financial harm.'' One commenter stated that this will be ''particularly beneficial for [t]itle II recipients who are at risk for huge overpayments and retroactive cessation when they work too much.'' Another commenter stated that PIE would ''greatly reduce frustrations and confusion'' about overpayments.

According to one commenter, PIE would allow us to be more responsive to real-time data and avoid overpayments that occur when we ''take too long to act'' on wage information. Another commenter said that PIE may identify potential overpayments from new employment or additional wages sooner, which may result in changes to eligibility. Finally, one commenter noted that the BBA specified that the purpose of the automated exchange includes ''preventing improper payments of such benefits without the need for verification by independent or collateral sources.''

Response: We appreciate these comments, and we agree that the use of PIE data can help reduce improper payments.

Better Customer Experience

Comment: One commenter expressed that PIE would improve our customers' experience because it would reduce the time and energy they spend providing us with documentation each month, and also would decrease the need for individuals to call us to follow up on any issues. According to the commenter, PIE's automated and streamlined process aligns with President Biden's 2021 Executive Order, (E.O.), *Transforming Federal Customer Experience and Service Delivery to Rebuild Trust in Government.*[16]

[16] E.O. 14058, 86 FR 71357 (Dec. 16, 2021).

Response: We appreciate this comment and agree that the use of PIE data may improve the customer experience for participating individuals.

Phased Implementation

Comment: Some commenters recommended phased implementation of PIE. One commenter stated that ''limiting implementation will allow SSA to evaluate implementation by identifying problems, taking corrective actions, assessing its impact on SSA operations and staff, and considering best practices'' before fully implementing PIE. Another commenter said that the ''system can be rigorously tested prior to deployment and deployed in stages to identify problems before all recipients who opt in become subject to it.'' Commenters stated that we could perform ongoing evaluation during the phased implementation.

Response: We agree with the commenters' suggestions about implementing PIE in phases. Although we will work toward fully implementing PIE expeditiously because full implementation would most benefit the public, commenters raised multiple concerns (described in more detail further in this document) that may be mitigated, at least in part, by implementing PIE in phases. We currently plan to implement PIE first in a controlled number of cases, scaling up towards full implementation once we see the initial effects of PIE on a smaller scale, analyze and evaluate these effects, and make adjustments, if needed.

Authorizations

Comment: For individuals to participate in PIE, they must authorize us to obtain wage and employment information from a participating payroll data provider. Several commenters expressed support for an opt-in authorization process, which requires individuals to communicate their authorization to us in order to participate in PIE. One commenter said that an opt-in model would allow individuals ''to maintain control and a sense of autonomy over their finances.''

Several other commenters expressed that we should change our proposal to require individuals to ''opt-out'' of authorization, which would assume individuals want to participate in PIE unless they communicate to us otherwise. For example, one commenter said an opt-out authorization seems consistent with the requirements of the law and it would quickly lead to high rates of enrollment. Another commenter asked why we decided not to require automatic participation by individuals.

Response: Allowing individuals the choice to provide authorization offers individuals maximum control over their personal information and participation in PIE. While we anticipate the benefits of PIE (reducing burdens, increasing the accuracy of wage and employment information we receive, and reducing improper payments) will far outweigh any potentially negative considerations, we understand that some individuals may weigh this differently. Thus, allowing individuals to ''opt in'' enables them to positively affirm their decision. We further note that the agency has experienced a high rate of opt-ins (over 97% when presented the opportunity).

Comment: Several commenters stated that we should consider additional electronic and verbal opportunities for individuals to authorize us to obtain their wage and employment information from a payroll data provider. Commenters suggested, for example, using mySocialSecurity accounts, blog posts, other notices, field office visits, or call center interactions as vehicles to prompt PIE authorizations. Commenters expressed that expanding outreach and education about PIE will speed up the collection of authorizations and increase the benefits of participation.

Response: We instruct our technicians to request authorizations from individuals during OASDI disability and SSI initial claims; during expedited reinstatements; work continuing disability reviews; and SSI redeterminations. Our technicians may also request authorization during other post-entitlement interactions. We already accept verbal authorizations using attestation.[17] And we are exploring ways to receive authorizations electronically, with plans to add the authorization form to our Upload Documents application, allowing both electronic submission and electronic signature of the authorization. In addition, we will work with our Office of Communications to determine the best approaches to reach others who may benefit from participating in PIE. These approaches may include some commenter suggestions.

Comment: Multiple commenters expressed that we should provide standardized, plain-language explanations that identify the benefits and risks of opting into PIE, notify people that they can opt out, and inform people how to opt out. One commenter asserted that ''the success and integrity of this effort will depend on where and

[17] Our pre-established attestation policies allow us to accept oral attestation as a form of alternative signature *See* Social Security Ruling 04–1p, *Attestation as an Alternative Signature.*

when these options are explained to individuals, and how the individual's decision is documented.'' Similarly, another commenter said we should employ a clearly worded, well-explained, signed document, and maintain it electronically throughout the period of entitlement, even if superseded by a later election. The commenter said we should train our staff to clearly explain choices, default positions, benefits, and potential downsides of each choice.

Response: We agree that we should provide individuals with clear, thorough explanations as they consider providing authorization to participate in PIE. Our written authorization form provides clear information and our technicians are trained to explain the authorization. We require a signature on the written form, or attestation when the authorization is obtained verbally.[18] In addition, we are required by law to inform individuals of the duration and scope of their authorization.[19] We provide this information on the receipt that we issue to individuals when they provide their authorization. The receipt also instructs the individual to continue to report until they receive a subsequent notification from us about any reduced reporting responsibilities that may come with this authorization, if their employer participates. Furthermore, we will communicate with individuals through notices, telephone contacts, and in-person contacts to ensure that individuals understand the benefits and risks of PIE, how PIE affects their reporting responsibilities, and other relevant information.

Regarding training, we have already issued instructions to our staff and published training videos that address collecting the authorization because the agency began collecting authorizations in 2017. This training includes information about reduced reporting responsibilities and when they apply so staff are able to clearly explain this information to affected individuals.

Additionally, as we explained above, a beneficiary is not automatically opted-in to PIE, so there is no need to explain how to opt-out. Rather, we explain to the beneficiary that if they give us their authorization, we may be able to obtain their wage and employment information so they will no longer have to report that information to us. We also explain that they can revoke their authorization at any time.

[18] We have used attestation as an alternative signature method since 2004. *See* Social Security Ruling 04–1p, *Attestation as an Alternative Signature.*

[19] *See* 42 U.S.C. 425(c)(4), 1383(e)(1)(B)(iii)(IV).

Comment: One commenter alleged that we fail to notify individuals that their benefits will not be adversely impacted if they decline to provide authorization. The commenter said that we should revise our authorization form and 20 CFR 404.703(b) to state that the individual is not required to provide authorization and that benefits will not be ''jeopardized'' if they withhold authorization. According to the commenter, we should stop using reports based on our current ''inadequate'' authorizations until we resend requests for authorization that provide additional information. The commenter stated that, in order for ongoing consent to be valid under ''basic consumer protection principles,'' we must inform individuals that they have the right to revoke the authorization at any time and the initial authorization letter should explain how to revoke that authorization. Additionally, the commenter asserted that we should revise the regulation and form to explain how to revoke permission at a future date. Further, the commenter stated that omission of critical information can be considered a ''deceptive practice.'' [20] The commenter asserted that, without clear and accurate information about the implications of authorizing the use of the TWN reports, the authorization we are obtaining is not a sufficient grant of permission.

Response: We agree that the authorization should provide clear and accurate information. We disagree that our authorization does not provide such information. The authorization explains what a payroll data provider is; how we will use any information obtained from a payroll data provider; how long the authorization will remain in effect; that by providing the authorization, the individual is protected from certain penalties; that the authorization may be revoked (ending that protection); and that the individual might still need to report wage and employment information to us. Further, the authorization Privacy Act statement says that the authorization is voluntary and explains the effects of not providing the authorization. As we explained in the NPRM, and in the regulations, individuals may revoke their authorization in writing at any time, and if they revoke their authorization, we will apply the revocation to all pending or approved claims under the OASDI disability and SSI programs from the time we process the revocation, including claims involving deemors.[21] We will continue to look for opportunities to engage customers and obtain feedback on various aspects of the PIE process, including the authorization process and form.

[20] The commenter referenced the Federal Trade Commission Act and state analogs, and cited the ''Federal Trade Commission, 40 Years of Experience with the Fair Credit Reporting Act; An FTC Staff Report with Summary of Interpretations,'' at p 43, § 604(a)(2) item 1 (July 2011). The commenter stated that we have a ''separate permissible purpose to obtain TWN reports (15 U.S.C. 1681b(a)(3)(D), *i.e.,* in connection with a determination of the individual's eligibility for a government benefit).'' However, according to the commenter, to the extent we rely on the permissible purpose of written authorization, we need to ensure the authorization is not misleading.

Comment: One commenter asked whom individuals can speak to for assistance related to PIE, such as with the enrollment process, the opt-out (revoke authorization) process, and other related processes.

Response: Our employees, such as technicians at our national 800 number or field offices, can assist individuals. Because our technicians are instructed to request authorization during initial claims and various other interactions, they are usually actively involved in the enrollment process. In addition, we designed a straightforward process for providing and revoking authorizations.

Payroll Data Provider Vendor

Comment: One commenter alleged that, because we would be making a fundamental change to program administration that depends entirely on one company, we are setting up a ''vendor lock'' situation. The commenter said that ''vendor lock'' would enhance our current payroll data provider's leverage for any future contract consideration, and that it would subject individuals to the ''performance of a private entity with opportunities for predatory behavior and little chance of meaningful accountability.'' The commenter stated that we could consider ways to encourage other vendors to participate. According to the commenter, we could, for example, invite all potential vendors to understand our current technology, technology-staff interfaces, the specific technology we use to interface with our current payroll data provider's reporting system, and other information necessary to build baseline knowledge to reduce future barriers to submitting bids.

In addition, the commenter stated that we should consider ways to perform the same functions in house, either by building the needed infrastructure or using existing or available data sources. The commenter said, for example, that we currently have access to some wage reporting data. They asked if it is sufficient, or could be made sufficient,

[21] 89 FR 11777 (Feb. 15, 2024).

without turning to outside data sources. Further, the commenter stated we could consider working with other agencies to lessen dependence on external vendors.

Response: While we are currently in a contract with one payroll data provider, nothing about the legislation, regulations, processes, or procedures mandates that we use the same vendor in perpetuity. For instance, the contracting process allows entities to bid on the contract near the conclusion of the current contract's performance period. Recompetition efforts begin, generally, by issuing a Request for Information (RFI) to *www.sam.gov*. The RFI may include a draft copy of the Statement of Work for PIE and request any interested vendors to submit capability statements to us for consideration. We would review capability statements received from all interested vendors. Any proposals for payroll data providers would use full and open competition in accordance with Federal Acquisition Regulations (FAR) Part 15.

Regarding the commenter's other suggestions, we are unaware of a Federal agency that could provide the information we need to implement PIE, and, while we use the resources available to us, we do not have access to the necessary information internally.

Comment: One commenter asserted that, because the accuracy study [22] used Equifax's TWN platform only, we ignored other payroll data solutions on the market, which reflected an ''inherent bias'' towards TWN. Further, the commenter alleged that the reference to Equifax in our actuarial estimates indicated that we ''will not consider other income and employment information providers or methodologies, and erroneously assumes that only Equifax can perform such work.'' [23]

Response: The accuracy study relied on the selected data because we are currently under contract with Equifax Workforce Solutions (Equifax). We are unable to analyze match rates from companies who have not made their data available to us. We disagree that we ''unfairly excluded'' alternative payroll data solutions. As noted in our NPRM, we solicited proposals for payroll data providers using full and open competition in accordance with FAR Part 15, and based our award decision on a trade-off process (best value), considering both price and non-price factors.[24] Equifax was the only payroll data provider to respond to our solicitation. We evaluated the proposal against the evaluation criteria listed above, which consisted of technical approach, corporate experience, past performance, and price. The Technical Evaluation Committee [25] determined the Non-Price Proposal to be acceptable and assigned favorable ratings for the three non-price factors. The Contracting Officer evaluated the Business Proposal (*i.e.,* price proposal) and determined the proposed prices were fair and reasonable according to FAR 15.404–1(b) and the terms of the solicitation. In September 2019, the agency awarded the PIE contract to Equifax, as we determined they offered the best value to the government, all factors considered.[26] As explained above as an example, future contracting processes would follow our standard recompetition efforts for a new PIE contract.

Finally, our reference to our current payroll data provider in our actuarial estimates was not an indication that we are committed to a single payroll data provider. Actuarial estimates must make assumptions based on current facts to develop reasonable projections. Assumptions and estimates are subject to change based on new facts, as they become available. Because Equifax was the only partner we could engage with and ultimately the entity we contracted with, we based our actuarial estimates on aspects of data from Equifax. This has no effect on the scope of the past, present, or future solicitations, nor does it limit consideration of other payroll data providers or methodologies. Further, it does not assume that only Equifax can perform such work.

Payroll Data Provider Data Coverage

Comment: One commenter said that we did not analyze the costs to serve individuals who are not covered by TWN and similar platforms. The commenter stated that we should perform a cost analysis to estimate the true cost to the public, including the costs of missed benefits, the costs for us to manually obtain and verify data, and the overall economic impact of no or delayed benefit payments to these individuals. According to one commenter, TWN and similar platforms are ''overly reliant upon large-scale payroll databases for traditional W–2 employees and fail to adequately capture gig economy and 1099 employees.'' The commenter asserted that this coverage gap could lead to processing delays. One commenter said that, by choosing a payroll exchange model that excludes workers who are not on traditional payrolls, the study presents ''equity and access concerns,'' and will hinder our mission and the inclusivity of our programs. In addition, the commenter said other payroll data solutions options exist that ''flexibly and effectively'' capture data on traditional W–2, gig economy, and 1099 employees, and we should explore them to avoid ''unfairly excluding'' alternative payroll data solutions.

In contrast, another commenter stated that TWN is the ''industry-leading centralized commercial repository of wage and employment information which can be used for verification services in the U.S.'' According to the commenter, the volume and availability of records, especially current employment, matters when it comes to automating the efficient and effective verification of wage and employment information of OASDI disability beneficiaries and SSI recipients. The commenter said that Equifax offers credentialed verifiers access to nearly 168 million records with active employment status and 657 million total records through the TWN database.

Other commenters asked questions about the data we will use. For example, commenters asked: (1) Were studies conducted to estimate how many employers of disabled individuals are included in the database? (2) Does the database capture only employers who use electronic wage reporting? (3) Would wages for self-employed individuals be captured? (4) Could we expand a data exchange with the Internal Revenue Service (IRS) to include relevant 1099 data?

Response: We acknowledge that our current payroll data provider will not provide wage and employment information for all individuals, which means that standard reporting requirements will continue to apply for some. We have not analyzed the costs associated with continuing standard reporting requirements for such

[22] The study, ''Evaluation of Payroll Information Exchange (PIE) Wage Data Accuracy,'' is available in the rulemaking record at *www.regulations.gov* as a supporting document for Docket SSA–2016–0039.

[23] 89 FR 11783 (Feb. 15, 2024).

[24] In accordance with FAR Subpart 15.101–1(a), a trade-off process is appropriate when it may be in the best interest of the Government to consider award to other than the lowest priced offeror or other than the highest rated offeror. The non-price factors (listed in descending order of importance) used were: 1. Technical approach, 2. Corporate experience, and 3. Past performance. The solicitation stated factors 1, 2, and 3 when combined were approximately equal in importance to price.

[25] The Technical Evaluation Committee supports the source selection for the acquisition. It is typically comprised of at least three individuals with the appropriate technical expertise to evaluate proposals in accordance with the solicited evaluation factors.

[26] We published notice of our information exchange with Equifax, pursuant to section 824 of the BBA, on January 19, 2021. 86 FR 5303.

individuals because we do not have enough information about who will not be covered or their earnings amount to formulate that estimate. To the extent that ''gig economy'' workers in particular might need to use standard reporting, we note that most ''gig economy'' workers are independent contractors and therefore considered self-employed. This means that, for SSI, we count net earnings from self-employment on a taxable year basis, divided equally across the year.[27] We are not aware of any payroll data provider that can provide net earnings from self-employment. However, we remain committed to exploring possibilities to improve program administration, which could include finding ways to expand the pool of individuals covered by PIE in the future.

Regarding other questions from commenters, we note that our current payroll data provider reports that TWN covers over two-thirds of non-farm payroll data. However, as stated in the NPRM, neither we nor our current payroll data provider fully analyzed whether working disability benefit recipients or deemors are proportionately represented in the database. Also, we do not have information on the means employers use to provide information to TWN (*e.g.,* electronic wage reporting or other means). In addition, we confirm that PIE data we receive does not include earnings data for self-employed individuals, but we receive net earnings from self-employment information through a data exchange with the IRS. Expanding a data exchange with the IRS to include 1099 data would not be useful because 1099 data alone is not adequate to determine net earnings from self-employment.

Comment: One commenter suggested that we could get a ''more specific sense of the match rate'' from the TWN database to disability beneficiaries by comparing the industry, firm size, and geographic location with like characteristics of disability beneficiaries from our records based on past and current employers or population surveys of the disabled. The commenter also asked if the extent of labor force coverage in TWN is expected to increase in the future.

Response: We appreciate the suggestion for better understanding how the payroll data received through PIE relates to the disability beneficiary population. We will continue to evaluate information as we implement PIE. Labor force coverage in TWN may increase in the future, but we are unable to project when and by how much.

Data Security

Comment: Many commenters stated that we should take steps to assure the privacy and security of personally identifiable information and provide assurances about how information will be kept safe. Some commenters said, because data exchange providers are private companies, there is potential for data breaches with regard to collection, storage, and use of payroll data. One commenter referred to a data breach experienced by our current payroll data provider and asked us to consider how to mitigate the security risks of using this vendor and of technical infrastructure built to import or export data between us and a payroll data provider. Another commenter stated that payroll privacy laws are in place to protect the release of payroll records. A separate commenter asserted that this is ''invasive,'' and we should not have access to this data.

One commenter expressed that, because recipients' data may already be contained within both entities (our records and the payroll data provider's records), this would present ''minimal additional risk.'' According to the commenter, a plain-language explanation of these risks may help alleviate concerns from recipients who are wary of the new approach but want to opt in.

Response: We take seriously the security of personal information, including the information we receive from outside sources. We will continue to protect personal information by implementing and evolving the robust protections we use to safeguard that information. To the extent these comments expressed concerns with our access to wage and employment data in general, we note that we already obtain wage and employment information, when we have individual consent to do so, to make decisions in our programs.[28] That use is limited to manual, one-off transactions, however, and PIE will allow for increased efficiency over current practices. In addition, individuals are already required to report this information to us. The BBA allows us to increase efficiency and reduce public reporting burdens by obtaining this same information using a broad-based matching process to address multiple requests and claims simultaneously. To the extent these comments raise concerns about disclosing information to payroll data providers, we clarify that we will disclose the minimum information necessary to match our records to the payroll data provider's records. We follow federally compliant protections to ensure the administrative, technical, and physical security of the records match.

Accuracy Study

Comment: Multiple commenters asserted that the accuracy study[29] included in the NPRM was ''flawed'' and may underestimate errors. For example, one commenter observed that the study examined only a subset of individuals who may participate in PIE—SSI recipients who use our mobile wage reporting application to scan their pay stubs—and pointed out that we did not evaluate accuracy for SSI recipients who report wages in other ways, Social Security Disability Insurance (SSDI) beneficiaries, or for working family members of SSI recipients. In addition, the commenter said that the study did not seek to examine mismatches, where a wage report is associated with the wrong worker (*e.g.,* if Equifax reports payroll information on an individual who was not working during a pay period). According to the commenter, such an error would lower the true accuracy of using the Equifax database but would not be identified in this study. Furthermore, according to the commenter, the study did not review the specific payroll information that we need to correctly adjust benefits, such as whether a paycheck includes sick pay or vacation pay. The commenter urged us to ''conduct further review of the PIE data to better understand all potential errors—for all categories of our beneficiaries—and to take steps to mitigate such errors, prior to implementation.''

A separate commenter said that it is important to note that the percentage provided in the study is the match rate for gross earnings when comparing PIE to SSA Mobile Wage Reporting (SSAMWR) data, and that this approach does not represent an assessment of the data accuracy in either database. The commenter asserted that ''Equifax maintains numerous procedures to assure maximum possible accuracy and is committed to industry-leading data privacy and security principles.'' Another commenter said we could gain a rough estimate on the extent of disability reporting by comparing TWN

[27] 20 CFR 416.1111(b); POMS SI 00820.210, available at *https://secure.ssa.gov/apps10/poms.nsf/lnx/0500820210*.

[28] POMS SI 00820.147, available at *https://secure.ssa.gov/apps10/poms.nsf/lnx/0500820147*.

[29] The study, ''Evaluation of Payroll Information Exchange (PIE) Wage Data Accuracy,'' is available in the rulemaking record at *www.regulations.gov* as a supporting document for Docket SSA–2016–0039.

data with our internal databases in the few months before National Directory of New Hires (NDNH) [30] and Master Earnings File data is entered.

Response: We disagree that reviewing only SSI recipients who report via the SSAMWR application represents a flaw in the study. We consider reports received via the SSAMWR application like we consider reports received by any other means. The study used a statistically significant sample of over 40,000 reports to determine the accuracy rate. The study examined mandatory paystub elements (*e.g.,* pay period end date, pay date, and gross earnings) when determining accuracy. The study did not account for specific payroll information such as sick pay or vacation pay, as the commentor suggests, because these are optional data elements that our current payroll data provider submits to us only if they have the information. Because those additional data elements are not always present in a PIE wage response, the accuracy study did not include them in its determination of PIE's overall data accuracy. We remain committed to continued data analysis upon implementation of PIE.

Further, pay elements like sick and vacation pay are only relevant in the context of making determinations of substantial gainful activity (SGA) for OASDI disability (for SSI, gross wages are counted). If we do not receive sick and vacation pay data through PIE, individuals can provide it to us before we make a final SGA determination.

We agree with the commenter that the study did not evaluate ''mismatches'' (where a wage report is associated with the wrong worker) because we designed the study to focus on cases where wage earners self-reported and uploaded wages. Thus, when the Social Security number (SSN) and name matched on the SSAMWR and PIE data, we presumed the PIE data was for the correct individual. However, we recognize that mismatches may exist outside of the study and acknowledged this in the NPRM.[31] We have established procedures that we follow when we suspect, or when an individual informs us, that a wage report is associated with the wrong individual.[32] We are updating those procedures to include PIE-specific examples. In addition, as explained in the NPRM, we will notify individuals in writing whenever we start receiving wage and employment information from a payroll data provider. Because that notice will identify the employer(s) from which we are receiving wages, an individual can tell us if they suspect a mismatch. We plan to add language to this notice telling individuals to contact us right away if the employer shown is incorrect.[33]

Data Accuracy

Comment: Some commenters expressed concerns about the ability to correct errors. One commenter provided an example of an individual whose employer reimbursed her for out-of-pocket travel costs that were incorrectly categorized as earnings in the payroll provider's database. According to the commenter, the individual's attempt to correct the erroneous wage information resulted in weeks of being ''bounced between Equifax, their employer, and SSA.'' As another example, a commenter referred to a class action lawsuit that asserted that when an individual tried to correct the errors with Equifax, they faced significant hurdles, including a ''burdensome 'proof of address' submission'' required to receive her record.[34] One commenter said we should consider ways to reduce the burdens associated with correcting records by, for example, accepting simple attestations from recipients. The commenter stated that, if an inaccuracy comes from the payroll data provider, a single report by the individual to us could be considered sufficient, and we could report the inaccuracy to the payroll data provider, to be fixed within their database.

Response: If an individual disputes any wage information we received, they can directly report the dispute to us and provide available evidence about their wages.[35] We will review and develop that evidence and correct our own records, when appropriate, in accordance with a priority list of the evidence we might consider,[36] potentially including direct contact with employers. If an individual disputes the data, and there is no other evidence that corroborates the information the payroll data provider supplied, we would not use the report from the payroll data provider.

However, we do not manage the records of the payroll data provider or the employers that report to the payroll data provider. It is up to the individual to correct their personal records with entities outside of SSA. Our Notice of Planned Action (NOPA) and Notice of Proposed Decision will provide contact information for individuals to directly dispute the information with the payroll data provider and request that the payroll data provider flag the data as disputed. If the payroll data provider has flagged data because it is being disputed, we will not post the data to our claims records.

When an individual tells us that PIE data is incorrect, we will remind them that the payroll data provider has its own dispute process separate from our process, and we encourage the individual to follow that process. Although the individual is not obligated to contact the payroll data provider to make the correction, that is the only way the record can be fixed; we do not have the ability to change a payroll data provider's records on behalf of anyone. We will also work with the individual to revoke their authorization, if they choose. Once authorization is revoked, we will no longer request the individual's information from the payroll data provider, which will ensure that we receive no additional PIE data. We will also work with the individual to develop other evidence to corroborate the individual's report or the PIE data. If an individual chooses to do so, they may again provide authorization once their dispute is resolved and receive protection from certain penalties and reduced reporting responsibilities.

Comment: Commenters expressed concerns about the accuracy and

[30] The Office of Child Support Enforcement (OCSE) and SSA have a Memorandum of Agreement (MOA) that allows authorized SSA employees query-only access to the National Directory of New Hires (NDNH). This database contains quarterly new hire, wage and unemployment information reported by the States and the District of Columbia to OCSE. SSA employees utilize the database when investigating potential earnings.

[31] 89 FR 11775 Footnote 28 (Feb. 15, 2024).

[32] *See, e.g.,* POMS RM 03870.001, available at *https://secure.ssa.gov/apps10/poms.nsf/lnx/0103870001,* POMS RM 03870.060, available at *https://secure.ssa.gov/apps10/poms.nsf/lnx/0103870060,* POMS RM 03870.045, available at *https://secure.ssa.gov/apps10/poms.nsf/lnx/0103870045.*

[33] Whenever an individual is overpaid, we assess an overpayment. However, if inaccurate data from the payroll data provider results in an overpayment and the overpaid individual asks us to waive recovery, then our normal waiver procedures apply. Under our existing regulations, we will usually find the individual is ''without fault'' in causing the overpayment. Determining that an individual is ''without fault'' is one of the requirements for waiver of recovery. See 42 U.S.C. 404(b), 1631(b)(1)(B); 20 CFR 404.506(a), 404.507, 416.550, 416.552.

[34] The commenter referred to *Vanessa Muniz Gerena* v. *Equifax,* Case No. 3:24–cv–00098 (E.D. Va. Feb. 9, 2024).

[35] If inaccurate data from the payroll data provider results in an overpayment, all of our existing overpayment policies apply. The overpaid individual may request waiver of recovery, and we will usually find the individual was without fault in causing the overpayment (one of the requirements for waiver of recovery).

[36] POMS DI 10505.005, available at *https://secure.ssa.gov/apps10/poms.nsf/lnx/0410505005,* SI 00820.130, available at *https://secure.ssa.gov/apps10/poms.nsf/lnx/0500820130.*

reliability of payroll provider data, particularly because the information that will be automated is provided by a third party. One commenter said that the discrepancies in the reports leave ''substantial room'' for erroneous improper payments based on PIE data, and we should work to reduce these discrepancies as much as possible. A commenter said we should ensure that the PIE system alerts us to employer corrections that occur after we receive the monthly batch data so we can notify individuals and take the corrections into account when determining benefit adjustments. Another commenter suggested that we institute our own internal quality review procedures to proactively look for and resolve potential errors in the PIE data.[37] Another commenter said we should direct staff to consider potential accuracy issues. One commenter asked, for example: (1) What accuracy standards will we require of our payroll data provider? (2) How often will we measure the accuracy? (3) Does the contract require changes from Equifax to promptly improve accuracy and correct other deficiencies? (4) Will we maintain a way to return—in a way that minimizes burdens on recipients—to other reporting mechanisms if the payroll data provider does not meet sufficient accuracy standards?

Response: Based on our review, we expect that PIE data will be more accurate, timely, and complete than the information we receive through other means. We remain committed to continued analysis of PIE data to ensure information we receive is accurate, complete, and up to date as we discussed in the NPRM, though we cannot yet speak to the specific methodology and frequency that we will use to assess the information we receive from a payroll data provider.[38] Our payroll data provider must maintain reasonable procedures that ensure the maximum possible accuracy, completeness, relevance and timeliness of wage and employment information. Also, if an employer makes a correction to wage information we received through PIE, that correction should be reflected in W–2 information we receive directly from the employer; we already have a process that uses automation to identify such discrepancies and alert us of the need to investigate and make corrections if appropriate—including releasing underpayments or establishing overpayments. Finally, if the individual has concerns about whether the payroll data provider is giving us accurate information, they may revoke their authorization and self-report their wage and employment information to us. All current self-reporting methods will remain available, and individuals will continue to be able to report using the method that serves them best.

Comment: Several commenters expressed concerns that identity theft has the potential to cause problems for individuals whose data is matched erroneously. Some commenters provided detailed examples of identity theft and expressed that it is ''very common.'' Commenters said that we must have procedures in place to ensure that individuals who are subject to identity theft do not receive repeated erroneous matches, which has the potential to cause a ''never-ending headache of repeated adverse actions.'' The commenter stated that we should create an identity theft flag on an individual's account when we receive an allegation of identity theft, and we should check for this flag before taking an adverse action on any payroll data match. One commenter said mismatches are a ''vital concern for victims of identity theft.'' [39]

Response: We understand that identity theft is a significant concern. We have established procedures to assist customers when identity theft is suspected. Generally, we learn of suspected identity theft when an individual identifies an inaccuracy on their earnings record while filing a claim or when reviewing their Social Security Statement. With PIE, we expect to learn of suspected identity theft even earlier. Further, where an individual suspects identity theft and has already filed a dispute with the payroll data provider that is unresolved, that data will be flagged and will not be posted to our claims records.

We will update our established earnings correction procedures [40] to account for potential identity theft discovered through PIE. We expect those procedures to be similar to those we currently follow when an individual disclaims earnings [41] or when we must resolve ''scrambled earnings'' (when wages belong to one individual are posted to another individual's record).[42] In general, these procedures outline how we will investigate and when we will accept an individual's statement that earnings are not correct. If our investigation shows that no evidence exists to corroborate a payroll data provider report that the individual told us was erroneous, we will not use the report from the payroll data provider.

In addition to correcting earnings information, we also offer general guidance and assistance when someone tells us about suspected identity theft. This may involve general advice, or referral to other agencies or law enforcement, or issuing a new Social Security number where appropriate.

Comment: One commenter said that we have a ''known history of problematic data matching,'' for example, attributing real property of a different person in a different State to an individual with the same name, which could affect SSI eligibility. The commenter asserted that basic data-matching errors continue to persist, which does not ''engender confidence that an automated data-matching scheme for wage reporting will work.''

Response: We understand that some commenters may be cautious about data matching agreements. We have a number of safeguards in place, as explained in our NPRM and elsewhere in this final rule. We expect that these safeguards will address commenters' concerns. Moreover, current administrative procedures provide an opportunity for individuals to appeal decisions we make based on information from the payroll data provider. Before we take action on a decision that affects someone's SSI payment, that individual will receive a NOPA. The NOPA explains that they can appeal and continue to receive SSI during their appeal. Still, if individuals are hesitant to participate in PIE, they may choose not to provide authorization or they may revoke authorization in writing at any time.

Comment: According to one commenter, certain duties are imposed on TWN (and us) because TWN's data is considered a ''consumer report.'' The commenter stated that, under the Fair Credit Reporting Act (FCRA), the consumer has a right to dispute errors

[37] The commenter cited a policy (POMS SI 00820.143 (Monthly Wage Reporting), available at *https://secure.ssa.gov/apps10/poms.nsf/lnx/0500820143*) where we flag when an SSI recipient's self-reported wages are more than the wages reflected on their W–2 and we investigate to resolve the discrepancy.

[38] The accuracy study we cited in the NPRM allowed us to compare data received in the SSAMWR to that received through PIE. Once PIE is implemented, if we obtain information for a beneficiary, we will no longer have self-reported wage and employment information from that beneficiary to compare to the PIE data we receive. Therefore, we anticipate developing new methods to analyze PIE accuracy.

[39] The commenter provided, as an example, a citation to *Vanessa Muniz Gerena* v. *Equifax,* No. 3:24–cv–00098 (E.D. Va. Feb. 9, 2024).

[40] POMS RM 03870.001, available at *https://secure.ssa.gov/apps10/poms.nsf/lnx/0103870001.*

[41] POMS RM 03870.060, available at *https://secure.ssa.gov/apps10/poms.nsf/lnx/0103870060.*

[42] POMS RM 03870.045, available at *https://secure.ssa.gov/apps10/poms.nsf/lnx/0103870045.*

in their consumer report,[43] and that when the consumer lodges a dispute, the Consumer Reporting Agency (CRA) must conduct a ''reasonable investigation.'' According to commenters, we should not reduce or suspend benefits during the FCRA investigation period. Commenters said, if the consumer continues to dispute information after the investigation, we should conduct our own independent review. One commenter said that we should include these protections in proposed 20 CFR 422.150 or our guidelines. Another commenter said TWN must meet obligations under FCRA to notify individuals of their rights, including specific, detailed information about where and how to file a FCRA dispute of TWN data. One commenter said this information should be sent in advance of the NOPA so that the recipient has the ability to review a copy of the TWN report and dispute any errors.

Further, some commenters said that TWN has failed to adopt required procedures for when ''logical inconsistencies'' arise.[44] For example, one commenter said TWN employs ''no substantive procedures to filter or parse data to prevent reporting of simultaneous employment that would be impossible'' because of geographic distance between employment or residence location or time constraints. Another commenter said that we must require human review when we flag these types of potential errors or an individual disputes information. According to the commenter, a review by a human is ''the least that is required by the due process principles of the Matching Act.'' [45]

Another commenter expressed that our current payroll data provider already complies with FCRA requirements and its data furnishers have contractual obligations for the provision of accurate data. Further, they said, if there are concerns that a report may be incomplete or inaccurate, the individual can dispute it and Equifax will conduct an investigation under the parameters established by FCRA.

[43] The commenter cited 15 U.S.C. 1681i(a).

[44] For example, according to one commenter, the Consumer Financial Protection Bureau (CFPB) stated that a Consumer Reporting Agency must have procedures to identify logical inconsistencies in consumer information, such that, if included in a consumer report, some of the information would necessarily be inaccurate. Commenters cited 15 U.S.C. 1681e(b).

[45] The commenter acknowledged that the Computer Matching and Privacy Protection Act of 1988, Public Law 100–503, applies only to a government database, but asserted that the Office of Management and Budget advised agencies to consider applying its principles when a commercial database is involved.

Response: We will send FCRA-compliant adverse action notices to individuals when we receive data from a payroll data provider. The current payroll data provider is required by contract to maintain reasonable procedures that ensure the maximum possible accuracy, completeness, relevance and timeliness of wage and employment information. Further, if the payroll data provider has a dispute annotated and unresolved, the wage information will be flagged by the payroll data provider and not sent to our claims records. We disagree that protections that may be afforded by other Federal laws need to be restated in our regulations. To the extent another Federal law, like FCRA, is deemed applicable to a payroll data provider exchange, those laws would continue to apply independent of our regulations; we chose not to specifically reference such other laws because those laws and their applicability to PIE could change over time.

We note again that we plan to add language to the notice we send to inform an individual that we are receiving wage information for a particular employer, which will instruct individuals to tell us right away if they do not work for the employer shown. When an individual tells us the information we received from PIE is incorrect, either in response to that notice or when appealing the NOPA, we will follow procedures to investigate and, if appropriate, correct the individual's record. If there is no evidence to corroborate the disputed report from the payroll data provider, we will not use that report. Further, our procedures for investigating and correcting our own records are separate and apart from the payroll data provider's dispute process under FCRA; we may correct our own records without waiting for the payroll data provider to resolve the dispute using FCRA procedures.

Comment: Some commenters expressed concerns about the use of PIE data as anything other than a ''third-party report.'' Some commenters said we should establish a procedure similar to that found in our Program Operations Manual System (POMS) at section SI 01140.100, Non-Home Real Property, for when individuals disagree with the information found in a commercial database used to identify non-home real property owned by SSI recipients. Commenters expressed that the PIE data could be used as a ''lead'' for further investigation, and not as a basis for adverse action. Another commenter said we could undertake our own validation of the payroll data through a combination of staff review and the use of technology. The commenter asserted that accepting payroll data from third parties without any collateral validation has the potential to significantly harm individuals.

Response: The BBA specifically grants us the authority to use an information exchange with a payroll data provider ''without the need for verification by independent or collateral sources.'' Being able to proceed based on the information provided by the payroll data provider, as authorized by Congress, is crucial to our ability to better serve the public through more timely and accurate benefit adjustments. Using data as a lead, or requiring investigation or further validation of information from PIE, would result in the delayed adjustments and improper payments that the BBA was intended to prevent. As discussed in more detail in response to other comments, we have a number of safeguards in place to prevent harm to individuals, including: when we start receiving wage information for a new employer, our notice will tell individuals to contact us right away if the listed employer is incorrect; we will send a NOPA and apply payment continuation if an appeal is filed; and we will investigate disputed wages and correct records where appropriate. Further, an individual can revoke their authorization if they are dissatisfied with the information the payroll data provider sends us.

Comment: One commenter said we must require TWN to ensure the accuracy of its reports by mandating certain measures, such as use of all nine digits of an SSN. The commenter said that we should mandate such matching criteria in 20 CFR 422.150 or our guidelines. According to the commenter, matching based on a partial SSN or no SSN is ''unacceptable,'' as it causes mismatches in which the wrong consumer gets tagged with information. They expressed that we should not use an ''alternative ID search option'' that permits agencies to obtain a TWN report without an SSN, which could yield results for someone with similar information to that of the participant.

Response: As explained in the NPRM, we will specify the records that will be matched and the procedures for the match when developing an information exchange with a payroll data provider. In the case of the current exchange, we already require matching the full nine-digit SSN.

Comment: Several commenters expressed that the proposal gives ''too much discretion'' to our employees to decide when to assist with obtaining additional evidence. Further,

commenters said that the burden to ''prove a negative'' (*e.g.,* to prove that reported wages do not belong to them) should not fall on an individual. Commenters asserted that, if an individual disagrees with the allegation that the wages reflected in TWN data are theirs, our technicians must establish additional, acceptable evidence documenting that TWN data is correct before it can be relied upon to deny a claim for benefits or adjust an individual's benefits. Another commenter said that we must accept signed attestations from individuals that the payroll data does not belong to them and we should not require proof beyond an individual's attestation that the data match is incorrect.

Response: The policies we develop for implementing PIE will not require individuals to prove a negative. We already have robust policies for developing wages in the context of the SSI and OASDI disability programs and we can learn of potential wages and new employment from a number of sources, such as computer matching agreements and employer reports. When we learn of discrepancies in wage evidence, our current procedures require that we develop other sources of wage evidence according to a priority order.[46] As noted above, we also have established procedures for correcting earnings and resolving scrambled earnings. We will update these procedures to ensure they are appropriate for resolving alleged inaccuracies in PIE reports.[47] If no other wage evidence exists to corroborate a payroll data provider report that the individual told us was erroneous, we would not use the report from the payroll data provider.

Due Process

Comment: Multiple commenters said we should strengthen our due process protections from PIE reporting errors. For example, one commenter recommended we collaborate with our payroll data provider to develop stronger data validation measures. Another commenter expressed that the final rule should feature stronger protections for individuals, prevent unintended consequences, and emphasize transparency. Other commenters stated the most important procedural safeguards are: (1) a timely and adequate notice detailing the reasons for a proposed reduction or suspension of benefits; (2) an evidentiary hearing to dispute the reduction or suspension of SSI benefits; and (3) ensuring SSI benefits continue to be paid at the protected payment level pending a decision on the appeal.[48]

Several commenters referred to the Fifth Amendment of the Constitution, which states that no person shall be deprived of ''life, liberty, or property, without due process of law.'' Commenters also referred to *Goldberg* v. *Kelly,*[49] a case in which the Supreme Court held that recipients of means-tested public assistance benefits must be afforded advance notice and the ''opportunity to be heard'' before their benefits can be terminated. Some commenters correctly asserted that SSI benefits, as a means-tested program for extremely low-income recipients, are subject to the Constitutional due process protections set forth in *Goldberg* v. *Kelly* and subsequent court decisions.[50] According to commenters, the government should not ''deprive a recipient of the means to survive'' while they are pursuing their appeal. They expressed that an erroneous, automated determination to reduce, suspend, or potentially terminate a benefit could impact an individual's ability to pay their rent or mortgage, feed themselves, or pay for other necessities. Another commenter said the process for disputing discrepancies should be ''clearly delineated and available to access verbally and electronically.''

Multiple commenters suggested that we extend the amount of time between the NOPA (or other notice) and the reduction or suspension. Some commenters asserted that the proposal does not provide enough time for: (1) SSI recipients to respond to the NOPA; and (2) for us to process responses before we reduce or suspend benefits. For example, one commenter stated that it is ''unrealistic'' to expect that everything that needs to happen—*e.g.,* notifying the individual; gathering and submitting proof; staff processing; filing a reconsideration request; and processing benefits continuation—can be accomplished under the proposed timeline. Several commenters expressed that we must account for field office delays in processing information and inputting appeals. Multiple comments suggested due process procedures specific to PIE.

Some commenters asserted that existing SSI regulations conform to the requirements of constitutional due process on paper, but not in practice. Commenters referred to the example used in the NPRM where we assumed we would receive PIE data on, for example, November 7 (of any given year). A commenter opined this could result in a situation where an individual receives a NOPA on November 12, the individual files a request for appeal on November 22 (within the 10-day appeal period), and it would still be too late for the individual to have their December benefits paid at the protected payment level because the December benefit data will have already been transmitted to the U.S. Treasury Department.

Response: We agree that adequate due process protections are vitally important for any adverse action, and especially important for those stemming from unverified reports. The law allows us to use PIE data without verification; we will follow current due process procedures when making decisions using this data, including protections we currently afford pursuant to *Goldberg* v. *Kelly* (GK).[51] We understand that many people, including individuals belonging to vulnerable groups, rely on the benefits from our programs to meet their daily needs. Accordingly, individuals will be afforded full due process protections. A PIE-specific appeal process is not needed to afford full due process; moreover, such a process would be difficult and burdensome to implement; would likely cause confusion for beneficiaries and

[46] POMS DI 10505.005, available at *https://secure.ssa.gov/apps10/poms.nsf/lnx/0410505005,* SI 00820.130 available at *https://secure.ssa.gov/apps10/poms.nsf/lnx/0500820130.*

[47] For example, our current wage evidence policy indicates that pay stubs are the primary (highest priority) source of wage evidence. But if we receive a payroll data provider report indicating that an individual is working, and the individual alleges they are not working, they presumably have no paystubs. We might look to see if PIE data is corroborated by other sources of wage information we have received or contact employers where appropriate.

[48] Some commenters suggested through the hearing level of appeal.

[49] *Goldberg* v. *Kelly,* 397 U.S. 254 (1970).

[50] The commenter referred to *Cardinale* v. *Mathews,* 399 F. Supp. 1163 (D.D.C. 1975).

[51] Based on the Supreme Court decision in *Goldberg* v. *Kelly* and principles of due process under the Constitution, we provide SSI recipients advance notice of an adverse action before we take the action. *See* 20 CFR 416.1336(a). We provide SSI recipients a Notice of Planned Action (NOPA), also known as the GK notice. The GK notice explains the planned adverse action, the right to appeal the adverse action, and the right to continued or reinstated payment at the protected payment level (PPL)—what we refer to as ''GK payment continuation''—if the recipient appeals the adverse action within 10 days of receipt of the GK notice. 20 CFR 416.1336(b). Under our rules, we presume that the recipient receives the GK notice within five days after the date on the GK notice. *Id.* SSI recipients who file a Request for Reconsideration within 15 days after the date on the NOPA should have no interruption in their payment until the appeal is decided. SSI recipients who file a Request for Reconsideration more than 15 days after the date on the NOPA, but within 65 days after the date on the NOPA, also receive GK payment continuation, but this may involve reinstating their payment until the appeal is decided. *See* POMS SI 02301.313, available at *https://secure.ssa.gov/apps10/poms.nsf/lnx/0502301313.*

recipients; and could negate the increased efficiency we expect to receive from PIE.

As we explained in the NPRM, we will send advance notice providing sufficient time for individuals to decide whether to appeal the action. SSI recipients will have their payments continued during their appeal unless they waive this right in writing.[52] The appeal alone will allow payments to continue; we do not require documents or proofs for payment continuation, and provide a reasonable amount of time to supply documentation in support of the appeal. The appeal process includes the opportunity to meet face-to-face with SSA personnel,[53] who will follow the policy and procedures we develop for assisting with development or investigation of disputed wage information.

Since 2021, we have strengthened due process protections related to GK payment continuation, and we continue to work to protect the rights of SSI recipients by improving our processes. In order to reduce administrative burdens for both SSI recipients and the agency, we have extended GK payment continuation to SSI recipients who file a reconsideration more than 15 days after, but within 65 days of receiving the NOPA.[54] We updated the NOPA to clearly explain the time frames to appeal and receive payment continuation or reinstatement and to make clear that benefits will change or stop if no appeal is filed. We added SSA's Office Locator website address (URL) to make it easier for recipients to look for and find one of our offices, including the office fax number. We also updated the SSI Overpayment Notice to include SSA's Office Locator URL. Most importantly, we have taken steps to improve our internal business processes and oversight related to receiving, tracking, and entering SSI reconsideration requests so that we provide payment continuation to all those who timely appeal in response to a NOPA. The agency mandated the use of an application which assists with the inputs required for payment continuation. Additionally, we now monitor the accuracy of the workload through a dashboard and completed agency-wide training on these cases to improve accuracy. All of these protections will continue to be available to individuals wishing to appeal decisions based on information from PIE. And we have plans to further enhance our business process through increased automation in the payment continuation process.

We do not agree with commenters who opined that receiving PIE data on the 7th day of the month does not permit adequate time to generate a NOPA, receive an appeal, and have the next month's benefits paid at the protected payment level. Although the process for ensuring payments remain at protected levels may differ depending on the time of the month the appeal is received, we will follow current policy to ensure payments are made correctly.[55] In the hypothetical scenario discussed in public comments, which involves an appeal filed on November 22, protected payments would continue based on agency systems and policies.

Comment: One commenter stated that to ensure the PIE data is used in a timely manner, we should create explicit safeguards ''prohibiting adverse action more than two years after SSA's receipt of the report.''

Response: We will receive the PIE wage and employment information from payroll data providers monthly. At this time, the exchange is built to request the prior month's wage data only, and the system is designed to use the data in a timely manner. Our administrative finality rules will apply to determinations made using PIE wage data, as they also apply to determinations using any other past wage and employment information we receive. If we assess an overpayment, our usual overpayment policies would apply, including our waiver policies.

Notices and Communication

Comment: Multiple commenters suggested ways to improve our notices and communication with individuals, and stressed the importance of using clear, easy to understand language. For example, one commenter suggested we use different formatting and language to explain the information we used to make a decision. In fact, a commenter provided potential sample language for our consideration. Others expressed that we need to provide ''adequate notice'' that includes enough information for the individual to understand the payroll information being reported to us (such as a copy of the payroll data provided by third parties) and steps the individual can take to dispute or appeal payroll data. A different commenter suggested that we consult with the CFPB about the adequacy of the adverse action notice we develop. Commenters also remarked on a sample adverse action notice, stating, for example, that (1) the notice should unequivocally state when we base a decision on the TWN report (not state that we ''may'' have used the information in making a decision); (2) the notice includes an incorrect web address to request a file disclosure; (3) The formatting of the notice is ''dense and difficult to read'' and we should use a ''tabular'' format; (4) we should include the name of the person at Social Security to contact for additional information; (5) we should note the ability to submit information about any applicable work incentives to the Social Security contact; and (6) we should provide the name and phone number of a local Work Incentives Planning and Assistance (WIPA) project or a local credentialed benefits counselor.

Another commenter expressed that when payroll data would cause an unfavorable determination, we should send a notice recommending that individuals call the Ticket to Work Help Line to be referred to a WIPA counselor or that they consult with a benefits planner through a different agency. According to the commenter, a benefits planner can assist the individual to use any work incentives for which they may be eligible to reduce the impact of earnings on their benefits.

Response: We appreciate the suggestions from the commenters regarding ways to potentially improve our notices, and we agree that well-formatted, complete, clear and accurate notices are important. We will continue to evaluate our notices and potential improvements to them, including through customer experience feedback. Regarding one of the commenters' specific suggestions, we clarify that our notices cannot unequivocally state that we based a decision on the payroll data provider report received through PIE because other factors contribute to a payment determination besides an individual's wages.

Considering this, we will inform the individual that we may have used PIE information as part of a decision, but we cannot specify that it is the sole reason behind the decision. In addition, we have a standard paragraph in our notices informing recipients how we received our information and how to contact us if something appears incorrect. Further, we do not provide the name and phone number of the local WIPA or benefit counselor in our notices because of the burden involved. However, our Ticket to Work Helpline,[56] can be used to refer the

[52] *See* 20 CFR 416.1336(b).

[53] *See* 20 CFR 416.1413(b) and (c).

[54] *See* POMS SI 02301.313, available at *https://secure.ssa.gov/apps10/poms.nsf/lnx/0502301313.*

[55] *See* POMS SI 02301.320 available at *https://secure.ssa.gov/apps10/poms.nsf/lnx/0502301320.*

[56] For more information about the Ticket to Work Help Line, visit *https://choosework.ssa.gov/contact,*

individual to these services. We make the Ticket to Work Helpline information available to individuals in multiple ways.[57] Our notices also advise members of the public that they can also contact us through our 800 number with additional questions or requests for guidance.

Lastly, we clarify that the sample notices that the commenter cited were uploaded to an OMB website in August 2020.[58] These do not reflect the current versions of these notices. We confirm that the updated notices contain current information.

Comment: According to one commenter, the language used in the sample NOPA does not explain that we used a ''specialized'' type of payroll data provider report. The commenter stated that recipients may see the name ''Equifax'' and assume that we used a traditional credit report in our decision.

Response: The NOPA language explains that ''We may receive wage and employment information from Equifax that is part of a consumer report.'' This language adequately explains the nature of the information we are using.

Comment: Commenters asserted that, under the NPRM, we will treat OASDI disability beneficiaries and SSI recipients differently and we did not explain why. Specifically, under our proposal, SSDI beneficiaries will receive an advanced notice without any accompanying change in benefit amount (allowing individuals 35 days to respond with information showing that the benefit amount calculation should not be changed). If the OASDI disability beneficiary does not respond, then it would trigger another notice that the beneficiary can appeal. In contrast, under our proposal, commenters stated that SSI recipients will be subject to an adverse action and benefit reduction ''immediately'' without the ''advanced opportunity to cure.'' Commenters stated that SSI recipients would benefit from an advanced notice like the one OASDI disability recipients will receive. Some commenters recommended that SSI recipients should receive an adverse action notice at least 30 days before a NOPA is generated. According to commenters, ''given the complexity of the rules and equity considerations for people with disabilities, recipients would benefit from every opportunity'' to correct incorrect information before facing benefit reduction.

Response: PIE data prompts us to take different actions in SSA's programs, and the notice process depends on the action we take. For SSI, we use wage information to determine the recipient's monthly eligibility and payment amount and generally consider only gross wages for this purpose. Because SSI guarantees a minimum level of income for aged, blind, or disabled individuals who have limited income and resources, a change in a recipient's countable monthly income, such as wages, can have a direct effect on non-medical SSI eligibility and payment amount. This necessarily requires a month-by-month determination that is immediately appealable whenever the benefit amount may change to ensure due process protections. This allows SSI recipients to quickly make corrections to inaccurate wage information and prevents significant overpayments or underpayments of benefits. As discussed, though, we provide advanced notice and an opportunity for payment continuation while an appeal is pending.

In contrast, information about a disabled individual's wages may require us to investigate whether the person has engaged in SGA, the primary question for OASDI disability post-entitlement determinations. A determination that someone has engaged in SGA after their trial work period is a determination that they no longer meet the requirements for disability due to work, and we say that benefits ''ceased.'' When this happens, we pay benefits for the month benefits ceased and the following two months. After this period, we suspend cash benefits for any month in which the individual engages in SGA during their 36-month extended period of eligibility. This determination is more complex because we must decide whether work involves significant physical or mental activities, which requires considerations beyond just gross earnings. For example, we consider whether an individual's earnings include sick or vacation pay, or if their work is subsidized or performed under special conditions or in a sheltered environment.[59]

In the table below, we summarize some key points about the notices we send for SSI and OASDI disability:

	SSI	OASDI disability	Concurrent SSI and OASDI disability
Point at Which We Send Notice to Individuals[60].	• We send a NOPA when an individual's earnings increase and their SSI payments will be reduced in an upcoming month. • We send a Notice of Change in Payment when an individual's earnings decrease and their SSI payments will be increased.	• We send a due process notice when an individual is performing SGA in the Extended Period of Eligibility. • We send a final SGA notice explaining our decision and documenting which months the individual is over SGA.	• Individuals would receive both the SSI and OASDI disability notifications.
Reason We Send Notice	• The NOPA explains the change to the payment and what information we used to determine the new amount. It provides appeal rights and other important information. • The Notice of Change in Payment explains the new payment amount and how we computed it. It provides appeal rights and other important information.	• The due process notice explains our proposed decision and presents an opportunity to provide additional evidence. It provides contact information and other important information. • The final SGA notice will explain our decision. It provides appeal rights and other important information.	• The reason is issue specific and applies to whichever notice they receive, since they may receive more than one notice depending on their circumstances as they relate to the specific program.

email *support@choosework.ssa.gov,* or call 1–866–968–7842/1–866–833–2967 (TTY).

[57] For example: (1) When SSI and OASDI disability beneficiaries report a return to work, we give them a receipt of the report that contains information about the Ticket to Work Program and the Help Line contact information; (2) The SSI Database Analysis (DABA) Work Incentive Notice includes information about work incentives and the Ticket to Work Program and the Help Line contact information; and (3) title II and title XVI Cost of Living Adjustments (COLA) Notices are sent annually to beneficiaries and recipients about COLA changes to their benefits. These notices include general Ticket to Work and work incentive language that includes Help Line contact information.

[58] The examples the commenter cited are available at: *https://www.reginfo.gov/public/do/PRAViewIC?ref_nbr=202008-0960-020&icID=8980.*

[59] 20 CFR 404.1574.

Comment: One commenter stated the use of payroll provider data to automatically generate NOPAs reflecting even small changes in payment amounts could result in many SSI recipients receiving a new NOPA every month due to a fluctuating number of hours worked from month to month. The commenter expressed concern that, rather than increasing the efficiency of program administration, this ''flood of notices'' would result in more calls to our national 800 number and field offices with questions and concerns. Some commenters said that our proposed rule may result in very frequent (even monthly) NOPAs for some. They stated that these frequent notices may cause ''confusion and distress.'' Another commenter said we should examine the potential for an increase in calls to our national 800 number and an increase in visits to our field offices due to the new rule, and we should plan accordingly. The commenter stated that individuals will ''undoubtedly reach out'' to us if they have questions about the ''many new notices'' that will be mailed out under the final rule, such as those to dispute an error in payroll data or to appeal a benefit reduction. According to the commenter, individuals may also contact us if they are confused about their wage reporting obligations. The commenter asserted, that if calls and office visits increase significantly due to PIE, it could become more difficult for all of our customers to get help from us. Some commenters expressed concerns about our staffing levels and the effect staffing levels may have on the ability to get help with PIE-related concerns or questions.

Response: We anticipate that the PIE implementation may result in more notices. However, this is mostly because, with PIE in place, we will be able to capture and process more accurate and timely wage and employment information than before. Timely receipt of this information through PIE allows us to send correct and appropriate notices more quickly to ensure payment accuracy. Under PIE, the only additional notices are those that would generate when we receive wages from a new employer or stop receiving wages from an employer. While this may result in an increase in notice frequency, as well as related calls to our 800 number, we expect that PIE will also bring about decreased burdens in the form of reduced of routine reporting for hundreds of thousands of beneficiaries and recipients—if someone allows us to access their wage and employment information from a payroll data provider, and we receive that information, the individual will not have to report information about that employer for as long as we continue to receive it. And while some additional notices will go out, we anticipate that, because of the efficiencies gained from PIE, our staff will spend less time on wage reporting workloads because they will spend less time investigating wage information. Thus, staff would have more time to assist beneficiaries and recipients should questions arise from receipt of these notices. We expect to gather preliminary data on these issues as we implement PIE in phases and study its effects. As always, we remain committed to assisting individuals with any potential issues as soon as possible.

Comment: One commenter said we should reevaluate the information we provide to individuals who do not opt into PIE. Specifically, they asked us to examine the information we provide about reporting requirements, including the literacy level, accessibility, timing, and frequency. The commenter asserted that some individuals are unaware of the importance of reporting earnings and we should ensure they understand the projected amount of their monthly payments. According to the commenter, we should emphasize the importance of regularly checking their payment amounts to prevent overpayments.

Response: We appreciate the commenter's suggestion to improve our current notices. While we commit to continually improving our communication, including the notices relating to PIE, this rulemaking seeks to address factors specific to PIE.

Comment: A commenter asserted that we are subject to Executive Order (E.O.) 13166, *Improving Access to Services for Persons With Limited English Proficiency,*[61] and that we have obligations to individuals with limited English proficiency (LEP) to provide meaningful language access. Specifically, the commenter said we should provide a translated NOPA whenever an individual requested language translation services in the past. According to the commenter, we should translate our NOPAs into additional languages commonly spoken by individuals with LEP in the United States and add more languages over time. Some commenters said that these notices should be fully accessible, in multiple formats including braille, large print and audio.

Another commenter alleged that field offices often fail to provide timely, accurate language services to people who primarily speak a language other than English, and the introduction of automated wage reporting will add a new element. The commenter stated that it is imperative that all related information—written or oral—be provided in the recipient's preferred language. The commenter said we should consider improving language service capabilities, especially the availability of interpreters and adoption of standardized scripts for explaining the automated wage reporting system.

Response: PIE notices are supported in English and Spanish and are made available based on the selected Special Notice Option, which are: standard print notice by certified mail, standard print notice by first class mail and a follow-up phone call to read the notice within five business days, braille notice and standard print notice by first-class mail, data compact disc (CD) in Microsoft Word format and a standard print notice by first-class mail, large print notice (18 point font) and a standard print notice by first-class mail, or audio CD and a standard print notice by first-class mail. Individuals with LEP may also bring a speaker of a given language into the office to translate for them.

Comment: One commenter asserted that we should clarify that, because TWN is receiving Federal funds as a Federal contractor, it is subject to E.O. 13166 and should provide language access for LEP individuals. According to the commenter, we should assess, under our contract, whether TWN is providing quality LEP services and has sufficient resources for translation and interpreter services. The commenter asserted, to meet its obligations, TWN should provide meaningful access for LEP individuals to their wage and employment information reports by translating them into the top languages spoken by LEP SSI recipients.

Response: E.O. 13166 places an obligation on the agency, not third parties. As we state on *ssa.gov*, ''we provide free interpretive services to help you conduct your Social Security business. These interpreter services are available whether you talk to us by phone or in the Social Security office.'' [62] TWN is a database belonging

[60] As noted earlier, we will also send individuals a notice: (1) any time we start receiving wages from a new employer (the notice will explain they no longer have to report wages from that employer); and (2) any time we stop receiving wages from that employer (the notice will explain that they must again report wages from that employer). These notices give individuals the opportunity to dispute the information and they explain how to reach out to us.

[61] 65 FR 50121 (Aug. 16, 2000).

[62] *https://www.ssa.gov/ssi/spotlights/spot-interpreter.htm.*

to Equifax, who is a third-party contractor.

Consistent with the above, our contract with Equifax does not put any LEP obligations on Equifax, a third-party contractor.

Accessing Report Used To Make Adverse Action

Comment: Commenters stated that we must ensure that individuals can easily obtain file disclosures from TWN or we must provide recipients with the copy that we obtained to make an adverse action. According to one commenter, FCRA provides that consumers can obtain a copy of their own consumer report, and they are entitled to free file disclosure annually and when an adverse action has been taken against them.[63] Commenters asserted that these free disclosures are ''critical'' because they enable consumers to identify and dispute errors in their reports. Other commenters stated that access to their own information is a ''basic principle of fair information practices.'' Some commenters alleged payroll data providers do not always meet their file disclosure requirements under FCRA. For example, one commenter said, ''TWN's systems appear to impose barriers or an outright inability for consumers to obtain a copy of their own TWN report.'' The commenter expressed that we should mandate performance standards for accessing reports in 20 CFR 422.150, our guidelines, or our contract with TWN. The commenter cited an example of a consumer who had significant difficulty accessing these reports. Another commenter stated that ''consumers have a right to review their wage and employment information contained within TWN by requesting their Employment Data Report at any time.''

Response: Under the Privacy Act of 1974, individuals have a right to access records about themselves that are retrievable by a personal identifier from our (SSA) non-exempt systems of records. Accordingly, individuals would have a right to access the wage reporting records stored in our files and used to make a determination, including any adverse action.[64] For wages we receive from our current payroll data provider, when sending an adverse action notice, we will provide individuals notice of their right to a free copy of their consumer report and how to contact our current payroll data provider.

[63] The commenter cited 15 U.S.C. 1681g(a), 15 U.S.C. 1681j(a)(1)(C) and 15 U.S.C. 1681j(b).

[64] *See* 20 CFR 401.40.

Reporting

Comment: One commenter said we should clarify why we will require individuals to report a new employer and explain the consequences of reporting or not reporting a new employer. In addition, the commenter asked several questions: (1) If an individual does not report a new employer, will we still be able to match payroll data? (2) Is the affirmative report of a new employer necessary to allow us to manually input the new employer information in the system so that any later payroll data has a ''place'' to go? (3) When an individual reports their new employer, what happens to payroll data provided by PIE for the new employer? (4) Will we tell an individual whether the new employer's data is accessible via matching or manual reporting is needed? If so, how and when will this information be provided?

Response: We will continue to require individuals to report new employers to us because, as noted, our payroll data provider will not be able to provide us with wage information from every employer. We will inform the individual of their reporting obligations each time we receive a report that they began work with a new employer. Thus, if we receive wage information from the payroll data provider for the new employer, we will notify the individual they no longer are required to report wage information for that employer to us. If an individual begins to work for a new employer and we have not notified them that we are receiving wage and employment information through our payroll data provider, the individual will still need to report wages to us for that employer.

Regarding the commenter's questions, we clarify that even if an individual does not tell us about the new employer, we will generally be able to match payroll data if an individual has provided us with authorization to obtain their wage and employment information through PIE and the new employer reports their wages to our payroll data provider. We nonetheless require individuals to report new employers because there is no way for us to know whether a new employer's wage information will be available through PIE or not. Thus, reporting the new employer will help us make more accurate and timely payments.

Finally, as mentioned earlier, we instruct individuals to continue reporting their wages until they receive notice from us to stop. We will send a notice to individuals whenever their wage reporting responsibilities change, as discussed in the NPRM.

Comment: Several commenters asked how we will clearly communicate when individuals need to continue reporting wages to us. One commenter said that individuals may misunderstand the new rules to mean that they no longer need to track their wage information. According to the commenter, this could lead to significantly delayed or inaccurate wage reporting and the ''mixed messages'' we will send to individuals will confuse them, particularly those with cognitive difficulties, and potentially lead to noncompliance with our rules, frustration, and overpayment or a loss of benefits.

One commenter stated that, when we learn that an individual's employer does not use TWN, we should inform them to continue wage reporting using the existing methods. According to the commenter, this communication would prevent individuals from incorrectly assuming that they no longer need to report because they authorized us to use PIE. Another commenter said that individuals often work multiple jobs for short periods and their disabilities may hinder their ability to maintain consistent employment. According to the commenter, if wage reporting responsibilities change from one employer to the next, some recipients will be unable to keep up with their reporting obligations. The commenter said recipients should be clearly and promptly advised that payroll data providers may not receive information from every employer, so the individual may need to report earnings from some employers, even if we automatically receive payroll data from other employers.

An additional commenter asked how the individual will know, once they've opted in, that the data has or has not been received from the payroll data provider, and, if the payroll data provider fails to transmit data to us, transmits incorrect data, or delays transmitting data—if the individual will continue to be exempt from certain penalties.

Response: We will tell individuals to continue reporting their wages using existing methods until they receive notice from us telling them otherwise, and our notices will communicate any other changes to reporting requirements. This information is provided through a receipt they receive after providing authorization. We understand that individuals may work for multiple employers, change employers frequently, or not be aware initially whether their employer reports wages to us. Accordingly, as explained in the NPRM, we will notify individuals in

writing of changes to their reporting responsibilities, including whenever we start or stop receiving their wage and employment information from an employer through a payroll data provider. The notices for changes in reporting responsibilities will list the employer(s) we receive wages from and the employer(s) we stop receiving wages from. Since the notices list specific employer(s), and also explain the need to continue reporting for any other employer(s), we expect to minimize confusion. Finally, as noted in the NPRM, individuals who authorize us to obtain wage and employment information from a payroll data provider will not be subject to penalties under section 1129A of the Act for omissions or errors in the data we receive from a participating payroll data provider. We will provide notice of this penalty relief, including the identity of the relevant employer(s).[65]

Comment: One commenter asserted that starting or stopping a job is a major event that can disrupt people's lives and offering an extended grace period, especially for those who experience unexpected job losses, would benefit people who are likely in the process of applying for other programs to take care of their immediate needs.[66] The commenter asked if there are exceptions to the reporting timeline for major life event experiences and, if an individual knows a change in their earnings is coming (*e.g.,* a raise), how far in advance are they able to notify us of these changes.

Response: While we appreciate that starting or stopping a job may be a big change, the suggestion to offer an ''extended grace period'' is not within the scope of this current rulemaking. Further, we cannot consider changing the time periods allowed for making required reports. We anticipate that the changes we are making with these new rules will significantly reduce reporting responsibilities for most individuals. Timely reporting, however, is still necessary to ensure we have enough time to adjust benefits, so we pay individuals the correct amount at the correct time. In the SSI program, individuals should continue to report to us as soon as an event listed in § 416.708 happens.[67] If they do not report within 10 days after the close of the month in which the event happens, the report will be late.[68] For disability, individuals should report changes ''promptly.'' [69]

When an individual knows that a change in their earnings will happen in the future (such as a raise), they can report the future event to us in advance and we will use that report to estimate their future wages.

Internal Quality Review

Comment: One commenter said we should conduct rigorous evaluations of our implementation to ensure that the PIE authority is operating as intended by Congress. In addition, the commenter stated that we should publish annual reports so that the public and Congress can understand the impact. For example, according to the commenter, we should publish information on the number of individuals: (1) who have authorized us to access their commercial payroll data; (2) whose benefits have been reduced or stopped due to PIE wage reports; (3) who have reported errors in their PIE wage data and the outcomes of those reports; and (4) who have appealed and the outcome of those appeals. Further the commenter said we should report: (1) our actions to prevent, identify, and correct wage report errors; (2) the impact of the PIE on overpayments; and (3) the impact of the PIE on our customer service. Another commenter asked what the quality control process for PIE entails.

Response: We understand and share the commenter's desire for public transparency. We intend to conduct PIE rollout in phases, so that we can study its effects before full implementation and ensure our program complies with all applicable authorities. We will continue to evaluate these questions and information as we implement PIE. We currently publish a number of reports. However, we do not anticipate that a new, dedicated PIE report will be necessary. The most salient information is contained in reports that we already issue. For example, we include information related to wage and earnings overpayments in the Agency Financial Report.[70] We anticipate that the reports we issue will be sufficient to publicly track the most important issues.

Overpayments

Comment: Many commenters said that the agency should revise overpayment waiver policies and recommended options like finding individuals ''without fault'' for overpayments created by inaccurate or incomplete reporting from employers or the payroll data provider, and that these ''without fault'' overpayments should always be waived. One commenter stated policy changes such as these ensure that the efficiency gained from PIE does not result in ''harm'' to individuals who rely on our programs for their basic needs.

Several commenters said we should take waivers a step further. One commenter said if, at the time the overpayment is posted, the individual meets the ''deemed to defeat the purpose'' provision, then we should consider waiving the overpayment without requiring any action by the beneficiary. According to the commenter, this would ''lower the burden on individuals, promote equity and fairness, and improve administrative efficiency.'' Another commenter said we should incorporate into the final rule a provision allowing for automatic waiver of any overpayments caused by third-party reporting errors to eliminate the burden on the individual to request a waiver of the overpayment and staff time to process the waiver. Similarly, other commenters also said we should adopt a ''liberal interpretation'' of both ''defeat the purpose of the act'' and the ''against equity and good conscious'' provisions, and asserted that if an individual is overpaid because of reliance on the data exchange program, even after we advised them that reporting is no longer required, then ''equity is not served and some aspects of the purpose of the act are defeated.'' Another commenter said that any time an individual questions an overpayment caused by inaccurate reporting from a third party, we should initiate an administrative waiver review, without requiring the individual to complete SSA Form 632 (Request for Waiver of Overpayment Recovery) or to undergo any similar administrative burden.

In contrast, a separate commenter stated that, because a ''without fault'' determination results in ''writing off of

[65] 42 U.S.C. 1320a–8a. *See* 20 CFR 404.459, 416.1340. The relevant penalty under section 1129A of the Act and 20 CFR 404.459, 416.1340 is the non-payment of OASDI disability benefits and ineligibility for SSI cash benefits. Other penalties under section 1129A of the Act may apply in situations involving false or misleading statements, including statements regarding wages and employment.

[66] The commenter referred to our requirement to report starting or stopping work or a change in earnings no later than the 10th day of the month after the month of change.

[67] 20 CFR 416.714.

[68] We may impose a penalty deduction from your benefits for a late report (*see* §§ 416.722 through 416.732).

[69] 20 CFR 404.1588, 416.988.

[70] *https://www.ssa.gov/finance/.* Examples of other reports that may contain relevant information include the Report on Supplemental Security Income Non-medical Redeterminations (*https://www.ssa.gov/legislation/FY2014SSINon-MedicalRedeterminationReport.pdf*) and the Annual Report on Work-Related Continuing Disability Reviews (*https://www.ssa.gov/legislation/WorkCDRFY2021Final.pdf*).

the beneficiary's obligation to repay mistakenly received funds,'' it is contrary to our stewardship responsibilities. The commenter also stated that it is an unnecessary incentive considering the high authorization rates that we are experiencing without that rule. The commenter asserted that it might be ''fair'' to presume ''without fault'' if the overpayment is discovered after a long period, for example, five or seven years.

Response: We appreciate the feedback from commenters on the ''without fault'' provisions in our overpayment recovery waiver policy. As stated previously, we take our program stewardship responsibilities seriously, and we strive to pay the right person the right amount at the right time. As explained in the NPRM, we sought these comments to help inform our consideration of possible clarifications to this aspect of our overpayment policy for individuals who participate in PIE. We agree with the commenter who stated that, if inaccurate data from the payroll data provider results in an overpayment and the overpaid individual asks us to waive recovery of their overpayment, we should usually find the individual to be ''without fault'' in causing the overpayment under our existing regulations, and would therefore assess whether we can waive the overpayment based on our existing overpayment procedures.[71] However, there is no legal basis for simply dismissing repayment of the overpayment in all circumstances as the commenter further suggests. We are also considering the commenters' other suggested changes as part of a comprehensive review of overpayment policies.

Earnings Considerations, Including Work Incentives and Sick, Vacation, and Bonus Compensation

Comment: Some commenters questioned how payroll data will distinguish between paid hours that count toward SGA and those that do not. Specifically, commenters asked if the payroll data system will distinguish pay that represents bonus, sick, vacation, and holiday pay. They said that, without this differentiation, it is not clear how we will accurately determine SGA.

Multiple commenters stated concerns about addressing work incentives in the context of PIE and asked how we will integrate work incentives into the process. Commenters said individuals will continue to be burdened with reporting work incentives and our staff will continue to be burdened with processing them. Some commenters suggested potential improvements, such as using mySocialSecurity as a platform for reporting both wages and work incentives. Another commenter stated that we should provide easy-to-understand information about impairment-related work expenses and subsidized work and this rulemaking could allow us to increase outreach to large employers about what subsidized work is and how it impacts individuals with disabilities who receive benefits from us. One commenter said, for SSI, we should analyze how to best integrate third-party payroll data reporting and individual reporting of work incentives, prior to making determinations resulting in an adverse action. For OASDI disability, the commenter stated that we should consider notifying individuals about trial work period (TWP) progress and when they enter the extended period of eligibility.

Response: We do not expect PIE to meaningfully improve our access to the type of detailed information sometimes needed to make accurate SGA determinations (such as distinguishing pay for actual work versus holiday or sick pay or providing details about subsidized work, accommodations, or impairment related work expenses). Prior to making an SGA decision, we will continue to request information about special pay (sick, vacation, etc.) and any work incentives (including subsidy) from the beneficiary on form SSA–821 (Work Activity Report).[72] If the information impacts the SGA decision, we will request proof of the information before effectuating a decision. In addition, we send the beneficiary a Notice of Proposed Decision, which includes a chart of the monthly earnings amounts that we used in our review and offers the individual a chance to supply any additional evidence before we finalize the decision.

Likewise, PIE will not affect how individuals report impairment-related work expenses that we exclude from earned income under SSI. Individuals should still report to us if their earnings are used for impairment-related work expenses, or if the amount of impairment-related work expenses changes. If an individual has reported impairment-related work expenses that occur on a regular and continuing basis, the appropriate deduction from earnings will be included in payment calculations when we receive wage information through PIE.

We will continue to explore ways for individuals to report work incentive information to us, potentially through mySocialSecurity or other channels.

Various notices and publications contain information about our work incentives such as Working While Disabled: How We Can Help[73] and The Redbook.[74] In addition, we are currently revising forms SSA–821 (Work Activity Report) and SSA–3033 (Work Activity Questionnaire)[75] for clarity about our work incentives. The planned revisions to form SSA–821 include descriptions of the various work incentives (like Impairment-Related Work Expenses), explain that we can deduct these items when making the SGA decisions, and provide examples of the work incentives. Form SSA–3033, The Employee Work Activity Questionnaire (OMB No. 0960–0483) collects information from the employer about subsidized work and special conditions given to the employee. We are updating this form so it explains how providing the information is beneficial to the employee, gives clear examples, and provides easier ways to calculate the information.

For OASDI, the Notice of Proposed Decision explains where an individual is in their TWP[76] and Extended Period of Eligibility (EPE).[77] It includes a chart and labels the earnings as month one through nine of the TWP and indicates which earnings are SGA in the EPE.

Comment: One commenter expressed concerns about the ''complexity and variance of data application.'' A few commenters noted that, there are two different earnings considerations in using payroll data: (1) title II entitlement (OASDI disability), based on when wages are earned, and (2) title XVI payment amount (SSI), based on when wages are paid. The commenter said we should clearly explain how the two separate computations will be approached and asked if the data we receive will show both the date earned and the date paid.

Response: How we consider earnings depends on which program a person receives benefits from. For SSI determinations, we consider when wages are paid. The exchange will always provide the pay date and gross earnings for this determination. For OASDI disability, we consider when wages are earned. Section 825 of the BBA[78] simplifies post-entitlement SGA

[71] *See* 20 CFR 404.507, 416.442.

[72] *https://www.ssa.gov/agency/plain-language/Examples/Forms/Form%20SSA-821%20-%20BEFORE.pdf.*

[73] *https://www.ssa.gov/pubs/EN-05-10095.pdf.*

[74] *https://www.ssa.gov/redbook/.*

[75] *https://www.ssa.gov/forms/ssa-3033.pdf.*

[76] *See* 20 CFR 404.1592.

[77] *See* 20 CFR 404.1592a.

[78] Public Law 114–74, 129 Stat. 584, 610.

determinations by allowing us to presume earnings were earned in the month they were paid if more precise information is not available. Prior to applying this paid-versus-earned assumption, we evaluate any readily available evidence to determine when earnings were earned. Thus, we primarily use the pay period end date, and sometimes the pay period start date, to determine when wages were earned. The exchange will always provide a pay period end date; when the exchange does not include a pay period start date, our systems have incorporated logic to calculate one.

Comment: One commenter noted that the proposal states that the ''pay period start date would have no discernible impact on benefit determinations'' and will not be collected. The commenter stated that it is unclear if this statement includes post-entitlement determinations, and if it does, it is in direct conflict with POMS DI 10505.005, which states, ''The Bipartisan Budget Act of 2015 simplifies post entitlement SGA determinations by allowing us to presume earnings were earned in the month they were paid. However, prior to applying this paid versus earned assumption, evaluate any readily available earnings verification sources and determine when earnings were earned.'' [79] The commenter expressed concerns about the impact on title II beneficiaries if pay period start dates are ignored. Further, the commenter stated that documenting exactly when work is performed, along with any utilization of work incentives, is crucial for title II beneficiaries to accurately demonstrate whether they are engaging in SGA.

Response: For OASDI disability, we have the ability to use the pay period end date or start date to determine when wages were earned. However, we primarily use the pay period end date because we generally expect to receive more information about the end date. As a clarification, we collect the pay period start date when the payroll data provider supplies that information. When the exchange does not include the pay period start date, our systems have incorporated logic to calculate one. In addition, we will send form SSA–821 to the individual to develop more detailed information about the individual's work, including information relevant to work incentives. Also, we will send the individual a Notice of Proposed Decision which includes a monthly table of earnings that were used in making the decision and allows the individual to provide any additional information.

Internally Inconsistent Information

Comment: One commenter said that we made an error because our transfer estimates for implementation begin on October 7, 2023, but we published the NPRM on February 15, 2024.

Response: The actuarial estimates provided in the NPRM projected reductions in program costs as if PIE would have been implemented in October 2023. Actuarial estimates must make assumptions based on current facts to develop reasonable projections. While the effective date, as the commenter noted, could not actually occur in 2023, the estimates still provided a reasonable reference for individuals interested in the effects of PIE on our future costs and savings. We updated the projected effective date of the estimates in this final rule.

Comment: One commenter pointed to sections of the NPRM where we reported: (1) that SGA-related overpayments in the OASDI disability program, occurring predominately because individuals fail to report earnings in a timely manner, averaged $500 million a year; and (2) that individuals in this category were overpaid $1,163 million a year. The commenter asked which is correct and, in particular, which we used to estimate the savings to taxpayers. The commenter requested a more complete explanation and documentation of the savings estimate.

Response: The average of $500 million per year came from the FY2023 Agency Financial Report and relates to OASDI SGA errors.[80] The average of $1,163 million per year comes from an internal study of SSI wage errors. We inadvertently mischaracterized this figure in the NPRM, and the NPRM should have referred to this as SSI wage-related overpayments. We regret any confusion.

Reconsideration Requests

Comment: Many commenters said we should allow individuals to request reconsideration orally. Commenters stated that obstacles such as insufficient internet access, field office delays, telephone delays, travel challenges, and communication barriers are reasons to accept reconsideration orally. Commenters asserted that language challenges further complicate the burden of making written requests, and accepting oral requests would allow us to comply with Federal laws requiring language access and disability accommodations.

Some commenters said we should ensure ''adequate staffing'' if we accept reconsiderations by phone and that our staff would need training to ensure that they would easily recognize stated requests for reconsideration. Other commenters suggested that we could find ways to automate the process. Commenters also expressed concerns about the documentation and processing of oral appeals. Some proposed that we provide a confirmation number (or similar proof) any time an individual requests an oral reconsideration request. Several commenters said that, if we allow such requests orally, we should accept a later attestation by the individual that they made an oral reconsideration request, without requiring further proof.

In contrast, one commenter asserted that, to ensure individuals' rights are protected, we should continue to require reconsideration requests in writing.

Response: We appreciate the feedback from commenters on accepting oral reconsideration requests. Commenters noted they find our current requirement for a written reconsideration request to be burdensome for some claimants and their representatives. As an agency that values customer experience and considers administrative burden reduction on the public to be an important priority, we appreciate the feedback and plan to seriously consider this proposal. Our ultimate goal is to achieve a balance between reducing burden to the extent possible, while ensuring the consistency and integrity of our processes. Further exploration of this proposal requires a review of multiple agency processes in which an appeal is involved, and would also entail seeking more fulsome feedback from the public on this issue specifically. At the present time as noted in the NPRM, we are not making any changes to the appeals filing process. Our regulations for both title II and title XVI require that the party seeking reconsideration file a written request.[81] Whether we should amend these regulations to accept oral reconsideration requests requires consideration of all the contexts in which they arise, not just the sub-set of reconsideration requests that appeal an initial determination of income based

[79] DI 10505.005, available at *https://secure.ssa.gov/apps10/poms.nsf/lnx/0410505005*.

[80] FY2023 Agency Financial Report, page 180, available at *https://www.ssa.gov/finance/2023/Full%20FY%202023%20AFR.pdf*. Beneficiaries' failure to report earnings in a timely manner accounted for 82 percent of SGA-related improper payments and our failure to take the proper actions to process work reports accounted for the remainder.

[81] 20 CFR 404.909(a) and 416.1409(a).

on PIE data. Accordingly, we did not intend this rulemaking to decide the complex issue of accepting oral reconsideration requests.[82]

Comment: Several commenters said we should eliminate the reconsideration step for initial disability cases. One commenter said we never published an analysis of the efficacy of the reconsideration step, ''despite a promise years ago to do so when evaluating the ten-state disability adjudication prototype experiment.''

Another commenter stated that requiring reconsideration after an initial denial ''depletes SSA resources and significantly burdens claimants without improving the accuracy of disability determinations.'' The commenter said the agency could expand existing sub-regulatory guidance on informal remands, which already permits additional review from Disability Determination Services staff in cases where new evidence or certain other circumstances warrant an additional level of review before a hearing.

Response: We appreciate the comments received but they are outside the scope of this final rule.

Systems Questions

Comment: One commenter asked what system would support the data exchange to upload the monthly verification.

Response: We first verify that the data are complete and in the right format. The data are then stored in a centralized repository before they are moved to the appropriate title II and title XVI systems where the data are automated to beneficiary and recipient records or flagged for technician review.

Comment: A commenter asked how employees will handle the new workload for exceptions and failed submissions.

Response: Our OASDI work review system will send wage alerts when incoming PIE data is incomplete, due to such issues as missing pay period start date information. When this happens, the alert will guide our technicians to manually query sources of earnings (including PIE) to determine if the individual has substantial earnings. All work reviews require manual review of earnings prior to effectuating a determination. Similarly, our SSI systems will create a diary to be worked by a technician when we do not have an Employer Identification Number (EIN) match for an individual who has already reported an employer/EIN to us. Once the technician confirms the incoming employment, future PIE wages will automate to the recipient's record for that employer. Any name mismatch cases (where the name and SSN do not match) will not go downstream to any application.

Comment: A commenter asked what percentage of liability the representative payee, deemor, essential person, and claimant have regarding wages.

Response: When the representative payee, beneficiary, recipient, or claimant receives a PIE reporting responsibilities notice, they would not have to report wages monthly, and they would not be considered ''at fault'' for any inaccuracies. All SSI recipients (or their representative payees) are responsible for reporting their wages as well as the wages of any deemors or essential persons.[83] In any event, we are not changing who is responsible for making required reports.

Comment: A commenter asked if individuals have to report initial work to update the Consolidated Claims Experience (CCE).[84]

Response: Yes, we continue to require individuals to report a change in employment, including new employment.

Comment: A commenter asked if the Retrospective Monthly Accounting (RMA) cycle will remain in effect.[85]

Response: Yes, normal RMA accounting rules will still apply.

Comment: A commenter asked if employers report wages monthly or quarterly.

Response: We will receive wages that are readily available to the payroll data provider at the time of our monthly information exchange regardless of how often the employer provides that data to them.

Comment: A commenter asked if the report will be delayed.

Response: We are not certain what the commenter means by ''the report.'' We expect to receive the information through PIE prior to the GK payment continuation cutoff date in a given month to ensure we receive the data in time to determine an individual's eligibility or payment amount.

Comment: A commenter asked if there will be an overpayment if this program works.

Response: While we anticipate PIE will lead to more accurate and timely payments, it cannot eliminate overpayments and underpayments altogether for a variety of reasons, some of which may be that not everyone will opt in, not all employers are covered, and there will still be cases where manual actions are necessary.

Comment: A commenter asked if the system will understand pre-tax deductions.

Response: PIE data only includes employer wage data. Calculations are based on gross wages, not on net pay.

Comment: A commenter asked if counting the net and removing the wage exclusion provision would ''change the game'' as more individuals become eligible for benefits.

Response: Laws and regulations govern how we count earned income and what we can exclude from income counting. Changes to income counting are outside of the scope of this rule.

Comment: One commenter asked how we will rectify duplicate reporting, particularly with the EIN or corporate name reported in the data exchange and the ''doing business as'' (DBA) name on paystubs with an individual continuing to manually report.

Response: We will receive the DBA name on the incoming wage and employment information from the payroll data provider through PIE and will prioritize PIE information over other reporting methods, unless manually adjusted by one of our technicians.

Comment: A commenter asked if there is a plan to address benefits received under a cross referenced number (*e.g.,* a parent).

Response: Yes, PIE data is based on the individual's own SSN, so their wages for SSI or OASDI disability will be posted to their record with any cross-referenced SSNs.

Other Public Comments

Comment: One commenter requested information about how PIE implementation will increase efficiency. The commenter asked: (1) Is there data showing how much time is saved or how much greater accuracy is achieved by this process? (2) If time is saved, how much and in which components? (3) What benefits might be realized by redirecting this saved time toward other workloads? (4) Are there any critical workloads that would be addressed because of such savings? and (5) How might this benefit individuals in general?

Response: PIE will increase efficiency by allowing our systems to receive and automate wage and employment information timely. Timely receipt of this information allows us to administer

[82] 89 FR 11781 (Feb. 15, 2024).

[83] Deeming also applies to any individual who lives with an essential person (a concept carried over from the former State assistances plans.) As of February 2024, there were only 4 cases with an essential person remaining.

[84] The commenter used the acronym ''CCE.'' We assumed they referred to the ''Consolidated Claim Experience.''

[85] The commenter used the acronym ''RMA.'' We assumed they referred to ''Retrospective Monthly Accounting.''

the OASDI disability and SSI programs more efficiently, as well as reduce improper payments, because we will receive the information sooner and will process it quicker when the information automates for SSI and when the information alerts us to wages sooner for OASDI disability. This also creates administrative efficiencies because it reduces the time our technicians would otherwise use to verify wages.[86] In our NPRM, we anticipated some administrative savings from a shorter wage development process in affected cases during SSI pre-effectuation reviews, redeterminations, post-eligibility actions, and overpayments, as well as during OASDI disability work continuing disability reviews. However, we do not attempt to quantify these time savings. As we explained in the NPRM, under our current process, we sometimes conduct a manual query to request records from payroll data providers or employers. We estimate we would save approximately 20 minutes of our staff's time each time we no longer need to complete this query.[87]

We expect that our Operations components would realize these time savings and could redirect this time toward other critical workloads. In addition to the benefits identified elsewhere in this rule (*e.g.,* reduced burden on individuals), we anticipate others may benefit if we are able to initiate work on their cases sooner because of the time savings PIE will afford staff.

Comment: One commenter said the public must have the ''maximal ability'' to understand the technology we will use to implement PIE before we implement it, including how it works, potential problem points, plans to work through such problem points, plans to identify and fix unanticipated and anticipated problems, and ways to revert to ''non-automated'' means in the event that the system produces widespread inaccuracies or other problems. The commenter said this information should be posted publicly, and we should consider engaging individuals and their advocates in system design, and we should support individuals to enable them to meaningfully participate.

Response: While we are unable to share sensitive information for security reasons, we will publish procedures describing the process for requesting and receiving wage and employment information from a payroll data provider through an information exchange. In the unlikely event the system produces ''unanticipated problems,'' we can, as always, accept alternative wage evidence (*e.g.,* pay stubs) from the wage reporter.

Comment: One commenter asserted that adding the penalty of ineligibility will create a potentially ''insurmountable barrier to employment'' for individuals. The commenter said that individuals consistently report that ''fear of prematurely losing their benefits is a primary reason they are reluctant to try working,'' and work incentives planners spend ''countless hours'' reassuring them that they will not lose their benefits just because they return to work. The commenter stated we must remove the language about the penalty of ineligibility related to wage reporting mistakes because these rules create ''new and extreme penalties.''

Response: Neither the BBA nor the NPRM propose new penalties of any kind. Nor does this final rule. Rather, the BBA and this final rule create protections from some existing penalties for individuals. As we explained in the NPRM, we may not subject individuals to certain penalties related to reporting if they authorize us to obtain information from a payroll data provider.[88] For example, when an individual is reporting wages to us currently, and they omit material facts related to the wage data they report, we can, under 1129A of the Act, stop their benefits. However, if we are receiving wage data from a payroll data provider under the PIE program, we will not stop the individual's benefits because of any errors made in reporting by the payroll data provider. This will alleviate some of the ''fear'' the commentator described currently associated with having to report wage data to us directly.

However, in reviewing the CFR text we understand that as written in the NPRM it might not clearly reflect the explanation provided in the preamble. Accordingly, we have rewritten the CFR text.

Comment: One commenter asserted that our proposal would impose a financial burden on payroll companies, particularly small businesses. The commenter said that payroll reporting to us and IRS is already ''more difficult and time-consuming than it needs to be.'' According to the commenter, small businesses are ''drowning in federal, state and local government regulations,'' and if we require reporting, we should reimburse payroll companies for the cost.

Response: This rule and the implementation of PIE will not impose burdens on payroll companies, including small businesses, because we are not requiring, nor requesting, they change reporting or any other aspects of their business processes. Rather, we are working with a payroll data provider that already receives information from employers, and that payroll data provider (that is under a contract with us) will provide that information to us directly.

Comment: One commenter said we should not obtain information without working with the employer to request information. They stated this proposal is an overreach that should not be pursued. According to the commenter, irregularities can present an ''opportunity to interact with an employer to request additional information.'' Further, the commenter said every employer has the right to oversee their own payroll service, without having them ''work for the government.''

Response: We are not mandating any employers to ''work for the government,'' nor do we have the authority to do so. Rather, we have exercised the authority in the BBA to enter into an information exchange arrangement with a payroll data provider. We will work directly with our contracted payroll data provider who has willingly entered into an information exchange with us.

To the extent this comment applies to individual employees, anyone who does not want us to obtain their information from our payroll data provider may decide not to provide authorization or may revoke their authorization at any time. We will not obtain payroll data provider information without authorization and the individual can continue to submit their information to us directly.

Comment: One commenter referred to our policy that extends the time period for individuals to request benefit continuation from 10 to 60 days pursuant to the settlement agreement in *Amin* v. *Kijakazi.*[89] The commenter

[86] As noted elsewhere, information received through PIE is already considered ''verified.''

[87] These savings are for our staff. They do not represent public reporting burden savings.

[88] Individuals who authorize us to obtain wage and employment information from a payroll data provider will not be subject to penalties under section 1129A of the Act for omissions or errors in the data we receive from a participating payroll data provider. 42 U.S.C. 1320a–8a. *See* 20 CFR 404.459, 416.1340. The relevant penalty under section 1129A of the Act and 20 CFR 404.459, 416.1340 is the non-payment of OASDI disability benefits and ineligibility for SSI cash benefits. Other penalties under section 1129A of the Act may apply in situations involving false or misleading statements, including statements regarding wages and employment.

[89] *Amin* v. *Kijakazi,* Case 1:15–cv–07429 (E.D.N.Y.).

stated that we should formalize this policy through rulemaking, updating POMS, and communicating the modified policy to our staff prior to finalizing the payroll data rule.

Response: We would like to emphasize that, in accordance with the settlement agreement in the referenced litigation, we already use this policy in practice. Codifying the policy into regulations is out of the scope of this final rule.

Comment: One commenter said SSI or SSDI ''navigators'' or case managers could help streamline the current wage reporting process and reduce the administrative burden on individuals. According to the commenter, the use of navigators can also improve the accessibility of current reporting options. Further, the commenter said, if multiple individuals request assistance for a recurring accessibility issue, navigators or case managers can review these reporting methods and bring accessibility concerns to the appropriate person or team at the SSA.

Response: While we are unsure precisely who the commenter intended when referencing ''navigators'' and ''case managers'' in the SSA context, we clarify that our technicians will be available to help individuals with their PIE-related questions and we will publish policy describing the process for requesting and receiving wage and employment information from a payroll data provider through an information exchange. For any concerns or questions about accessibility, please visit *https://www.ssa.gov/accessibility/504_overview.html*. Our notices also advise members of the public that they can contact us through our 800 number with additional questions or requests for guidance.

Comment: One commenter expressed that individuals would benefit from ''well-considered policy and implementation choices that guarantee full access and do not discriminate.'' The commenter said, among other ideas, we can consider implementing a ''clear process that informs people that reasonable accommodations are available, recognizes requests, and acts on them quickly and appropriately.''

Response: We comply with relevant and applicable anti-discrimination policies and laws, including section 504 of the Rehabilitation Act and its reasonable accommodation requirements. As part of this final rule, we are not revising our obligations under section 504, including our reasonable accommodation process, or our language support for the public. For more information about those policies, please visit *https://www.ssa.gov/accessibility/504_overview.html* and *https://www.ssa.gov/site/languages/en/*.

Comment: One commenter said, to ensure that the ''automated wage reporting does not simply replace monthly income reports required of recipients with monthly notices that prompt them to call,'' we could consider building in ''tolerances'' for income fluctuations so small changes in benefit amounts do not trigger notices for a certain period of time. The commenter suggested that we could consider couching these as small overpayments and use existing waiver authority to waive them.

Relatedly, the commenter also suggested that we could average wage income over a set span of time (*e.g.,* three or six months), make one determination about benefit amounts for the next span, send one notice for that span, and allow recipients to present evidence if they believe we should adjust their benefit amount. The commenter asserted that recipients would benefit most from simplified benefit calculations and fewer notices.

Response: This suggestion is not within the scope of this final rule. Nevertheless, we will continue to evaluate our processes on an ongoing basis, looking for opportunities to provide enhancements and improvements that reduce burdens for our customers or increase agency efficiency and that provide effective program stewardship.

Comment: One commenter proposed that we eliminate the complex rules and make the program simpler for recipients to navigate.

Response: We appreciate this comment and always look for ways to simplify our programs. We anticipate that implementation of PIE will make one part of the SSI and OASDI disability process (wage reporting) simpler for most individuals who provide authorization for us to receive their wages through PIE.

Comment: Commenters brought up a variety of other issues not directly related to the proposal. For example, one commenter asserted that people cannot live on SSI alone and they deserve at least $2,500 a month to survive. Another commenter questioned whether the States should have a bigger role in managing Social Security. Other commenters raised issues about personal loans or changes in qualifying for disability. An additional commenter expressed that we may be able to use PIE data to establish insured status for applicants.

Response: While we appreciate these suggestions, they are outside the scope of this rulemaking.

Rulemaking Analyses and Notices

Regulatory Procedures

E.O. 12866 as Supplemented by E.O. 13563 and Amended by E.O. 14094

We consulted with the Office of Management and Budget (OMB) and OMB has determined that this final rule meets the criteria for a section 3(f)(1) significant regulatory action under E.O. 12866, as supplemented by E.O. 13563 and amended by E.O. 14094 and is subject to OMB review.

Assumptions

We estimate that, by 2034, 98 percent of SSI recipients will have provided an active authorization as of that time allowing us to obtain this information from payroll data providers through information exchanges, and about 87 percent of disabled OASDI beneficiaries will have also provided this authorization.[90] We base this estimate on current rates of adoption as we have sought authorization from beneficiaries during both new enrollment and disability review processes since late 2017. Since 2017, about 98 percent of OASDI disability beneficiaries and SSI recipients who have been asked have provided authorization—this corresponds to about 35 percent of all current OASDI disability beneficiaries as of the end of fiscal year 2024. As of July 2024, 64 percent of all current SSI recipients and 72 percent of SSI deemors have provided an active authorization as of that time.[91]

We estimate that there are about 1,100,000 OASDI disability beneficiaries, between 200,000 and 300,000 SSI recipients, and another 500,000 to 600,000 deemors of SSI recipients who work in a given year. Because employers representing approximately two-thirds of the non-farm workforce provide payroll data to Equifax, and we will be able to receive payroll data from Equifax for anyone who has authorized us to do so, we expect individuals will submit fewer wage reports to us.[92]

[90] The projected period in the NPRM extended through 2033. The revised projected period in this final rule extends through 2034.

[91] We have not conducted any analysis to investigate why a higher share of all SSI deemors have provided authorization compared to all SSI recipients. It is possible this is a result of the non-medical redetermination process. If a redetermination is initiated, and a recipient or deemor has not previously provided authorization, we request authorization. SSI recipients with deemors are relatively more likely to have a redetermination initiated.

[92] As stated in the preamble, neither SSA nor Equifax has analyzed whether working disability benefit recipients are represented in a similar

Continued

Additionally, we estimate that there are about 100,000 OASDI disability beneficiaries who are overpaid due to working at or above the SGA level. Based on the most recent data available, over FYs 2019 through 2023, these individuals were overpaid an annual average of $729 million. We estimate that, through the information exchange, we will be able to identify both wages we otherwise would not have known about, as well as wages that will be identified timelier than under current processes. Additionally, we estimate that we will identify and assess approximately an additional 10 percent of overpayments due to working at or above SGA (OASDI) or having wages from employment (SSI) which we would likely not have assessed through our current processes.[93]

Anticipated Costs to the Public

As discussed in the NPRM, there are minor costs to the public associated with this rulemaking.[94] For example, individuals who apply for or are receiving OASDI disability, individuals who apply for or are receiving SSI, and SSI deemors, will need to spend a minimal amount of time to complete the authorization to allow us to obtain wage and employment information from payroll data providers through an information exchange. As another example, there is a potential burden on the public to correct any inaccurate data reported to us from a payroll data provider if an individual identifies an error in the information we receive through an information exchange. See the NPRM for more explanation.[95]

Anticipated Benefit to the Public

As discussed in the NPRM,[96] an information exchange has many benefits. For example, it will reduce wage reporting responsibilities for some individuals. PIE would also help us obtain timelier wage and employment information, which we anticipate will also help us reduce improper payments, which is a potential source of confusion for the public and may cause individuals to spend time addressing errors associated with improper payments or filing appeals or waiver requests. See the NPRM for more explanation.[97]

Anticipated Transfers to Our Program

Our Office of the Chief Actuary estimates that implementation of this proposed rule would result in a total net reduction in OASDI benefit payments of $1.1 billion [98] and a total net reduction in Federal SSI payments of $1.8 billion over fiscal years 2025 through 2034. The estimates assume implementation of this rule on March 11, 2025, and that SSA will not, during the estimate period, contract with any other payroll data provider beyond Equifax. We note that the increase in the amount of overpayments identified or prevented in this period would be larger than the reduction in actual benefits paid in this period. First, regarding overpayments newly identified, as discussed in our Assumptions section, these estimates assume that 50 percent of work-related overpayments identified for OASDI beneficiaries and 80 percent of earned-income related overpayments for SSI recipients will be recovered within 10 years after they are identified. Thus, much of the overpayments newly identified, especially those identified late in this 10-year period, will be only partially recovered with subsequent reductions in payments through fiscal year 2034. Second, while potential overpayments that would be prevented due to implementation of this rule will immediately reduce benefit payments, such early identification of earnings will also avoid subsequent potential overpayments through fiscal year 2034 and beyond.

Anticipated Administrative Costs to the Social Security Administration

The Office of Budget, Finance, and Management estimates that this proposal will result in a net administrative cost of $846 million for the 10-year period from FY 2025 to FY 2034. The net administrative cost is mainly a result of the contract and IT costs to administer the information exchange. The total costs are offset by some administrative savings from a shorter wage development process in affected cases during Title XVI pre-effectuation reviews, redeterminations, post-eligibility actions, and overpayments, as well as during Title II work continuing disability reviews.

Congressional Review Act

Pursuant to the Congressional Review Act (5 U.S.C. 801 *et seq.*), the Office of Information and Regulatory Affairs designated this rule as meeting the criteria in 5 U.S.C. 804(2).

Executive Order 13132 (Federalism)

We analyzed this final rule in accordance with the principles and criteria established by Executive Order 13132 and determined that the final rule will not have sufficient Federalism implications to warrant the preparation of a Federalism assessment. We also determined that this final rule will not preempt any State law or State regulation or affect the States' abilities to discharge traditional State governmental functions.

Regulatory Flexibility Act

We certify that this final rule will not have a significant economic impact on a substantial number of small entities because it primarily affects individuals. In some instances, this final rule may reduce the burden on employers because we may need to contact employers for information less frequently when we receive wage and employment information from payroll data providers through an information exchange. Because our contact with employers for this reason is limited now, we do not expect a significant difference. Therefore, a regulatory flexibility analysis is not required under the Regulatory Flexibility Act, as amended. We discuss the time burden savings for employers stemming from this final rule in the Paperwork Reduction Act section of the preamble.

Paperwork Reduction Act Statement

SSA already has existing OMB approved information collection tools relating to this proposed rule: the Letter to Employer Requesting Information About Wages Earned by Beneficiary

proportion in the database, but we assume it for the purposes of this analysis.

[93] We do not have data to specifically support the assumption that we will identify 10% more overpayments. However, we do know certain small overpayments may be currently overlooked through our current systems. Through review processes such as the Master Earnings File, SSA is generally able to identify overpayments from unreported wage changes at least on an annual basis. In certain circumstances, however, annual earnings as identified on the Master Earnings File or on a quarterly match may be below the threshold for identifying an overpayment even though the beneficiary's monthly earnings in certain months would have resulted in changes to the amount they were owed. For example, if an OASDI disability beneficiary worked at $50 above SGA for 11 months of the year, and worked $0 in the 12th month, they would generally be passed over in the annual match because their total annual wages would be below 12 times the monthly SGA amount. Having the monthly data would give SSA more exact information and the agency would be able to compare on a monthly basis whether earnings exceeds SGA. As another example, certain *de minimis* changes in benefit payment rates due to changes in income may not be assessed under current policy because of required efforts under current processes; because these processes will be automated through PIE, these changes will be made in a timely manner.

[94] 89 FR 11783.

[95] *Id.*

[96] *Id.*

[97] *Id.*

[98] We note that in the NPRM, we estimated this figure would be $1.8 billion. The new estimated amount of $1.1 billion reflects updated information that is used to develop our actuarial estimates.

(SSA–L725, OMB Control No. 0960–0034); Letter to Employer Requesting Wage Information (SSA–L4201, OMB Control No. 0960–0138); Monthly SSI Wage Reporting (SSA's Mobile Wage Reporting, Telephone Wage Reporting, and internet myWage Report application, OMB Control No. 0960–0715); the Authorization for the Social Security Administration to Obtain Wage and Employment Information from Payroll Data Providers (Form SSA–8240, OMB Control No. 0960–0807); and the Notice to Electronic Information Exchange Partners to Provide Contractor List (SSA–731, OMB Control No. 0960–0820). While we previously obtained OMB approval for the new form (under OMB Control No. 0960–0807) to collect the authorization for the wage and employment information from payroll providers, SSA has not utilized this information through an automated exchange, because those exchanges have not, yet gone live. The final rule provides additional information on OASDI and SSI reduced reporting requirements, as well as the effects of beneficiaries, recipients, and deemors authorizing us to obtain records from payroll data providers. In addition, the final rule describes the establishment of the requirements to enter into an information exchange with payroll data providers. SSA established the information collection for the Authorization for the Social Security Administration to Obtain Wage and Employment Information from Payroll Data Providers (0960–0807) prior to the creation of this new rule. We will include the appropriate CFR citations under that OMB approved information collection upon publication of the final rule. In addition, we will obtain OMB approval for revisions to the collection instruments as needed 30 days after publication of the final rule. Finally, the implementation of this final rule will decrease the time burden for the public, as it removes the need for individuals or employers to submit wages to SSA when we receive them through payroll data providers through an information exchange instead. While we acknowledge that there is a burden on the public for 20 CFR 422.150(a)(3), we did not include it in the chart below because fewer than 10 providers submit this information to SSA. The following chart shows the anticipated burden reduction due to the other regulatory requirements from this rule:

OMB #; Form #; CFR citations	Number of respondents	Frequency of response	Current average burden per response (minutes)	Current estimated total burden (hours)	Anticipated new number of respondents under regulation	Anticipated new burden per response under regulation (minutes)	Anticipated estimated total burden under regulation (hours)	Estimated burden savings (hours)
0960–0034—SSA–L725	170,000	1	40	113,333	170,000	40	113,333	*0
0960–0138—SSA–L4201	133,000	1	30	66,500	133,000	30	66,500	*0
0960–0715—Mobile Wage reporting 404.703(a), 416.708(c), 416.709 (new)	88,382	12	6	106,058	36,237	6	43,484	62,574
0960–0715—Telephone Wage reporting 404.703(a), 416.708(c), 416.709 (new)	16,341	12	5	16,341	6,700	5	6,700	9,641
0960–0715—myWage Report 404.703(a), 416.708(c), 416.709 (new)	3,557	12	7	4,980	1,458	7	2,041	**2,939
0960–0807—SSA–8240, 404.703(b), 404.1588(a), 404.1588(b)(3)(iii), 404.1588(b)(4), 416.988(a)	150,000	1	8	20,000	150,000	8	20,000	*0
0960–0807—MCS/SSI Claim System 404.703(b), 404.1588(a), 404.1588(b)(3)(iii), 404.1588(b)(4), 416.988(a)	697,580	1	3	34,879	697,580	3	34,879	*0
0960–0807—Internet 404.703(b), 404.1588(a), 404.1588(b)(3)(iii), 404.1588(b)(4), 416.988(a)	147,820	1	3	7,391	147,820	3	7,391	*0
Totals	1,406,680			369,482	1,342,795		294,328	75,154

*This final rule will not significantly affect the burden for this information collection; therefore, we do not anticipate any burden reduction for this information collection due to the implementation of this rule.

**SSA is providing this figure as a current best estimate for burden reduction under this final rule. We will not have accurate data until we implement the rule.

The following chart shows the reduction in theoretical cost burdens associated with the rule:

OMB #; Form #; CFR citations	Anticipated new number of respondents	Estimated burden per response from chart above (minutes)	Anticipated estimated total burden under regulation (hours)	Average theoretical hourly cost amount (dollars)*	Average combined wait time in field office and/or teleservice centers (minutes)**	Anticipated annual opportunity cost (dollars)***
0960–0034—SSA–L725	170,000	40	113,333	*$26.29	0	***$2,979,525
0960–0138—SSA–L4201	133,000	30	66,500	*26.29	0	***1,784,285
0960–0715—Mobile Wage reporting, 404.703(a), 416.708(c), 416.709 (new)	36,237	6	43,484	*22.39	0	***973,607
0960–0715—Telephone Wage reporting, 404.703(a), 416.708(c), 416.709 (new)	6,700	5	6,700	*22.39	0	***150,013
0960–0715—myWage Report, 404.703(a), 416.708(c), 416.709 (new)	1,458	7	2,041	*22.39	0	***45,698
0960–0807—SSA–8240, 404.703(b), 404.1588(a), 404.1588(b)(3)(iii), 404.1588(b)(4), 416.988(a)	150,000	8	20,000	*22.39	**24	***1,791,200
0960–0807—MCS/SSI Claim System, 404.703(b), 404.1588(a), 404.1588(b)(3)(iii), 404.1588(b)(4), 416.988(a)	697,580	3	34,879	*22.39	**21	***6,247,526

OMB #; Form #; CFR citations	Anticipated new number of respondents	Estimated burden per response from chart above (minutes)	Anticipated estimated total burden under regulation (hours)	Average theoretical hourly cost amount (dollars) *	Average combined wait time in field office and/or teleservice centers (minutes) **	Anticipated annual opportunity cost (dollars) ***
0960–0807—Internet, 404.703(b), 404.1588(a), 404.1588(b)(3)(iii), 404.1588(b)(4), 416.988(a)	147,820	3	7,391	* 22.39	** 21	*** 1,323,876
Totals	1,342,795		294,328			*** 15,295,730

* We based this figure on the average Payroll and Timekeeping Clerks hourly salary, as reported by the Bureau of Labor Statistics data (*https://www.bls.gov/oes/current/oes433051.htm*); as well as the averaging of DI payments based on SSA's current FY 2024 data (*https://www.ssa.gov/legislation/2023factsheet.pdf*) and the average U.S. citizen's hourly salary, as reported by Bureau of Labor Statistics data (*https://www.bls.gov/oes/current/oes_nat.htm*).

** We based this figure on the average FY 2024 wait times for field offices and hearings office, as well as by averaging both the average FY 2024 wait times for field offices and teleservice centers, based on SSA's current management information data.

*** This figure does not represent actual costs that SSA is imposing on recipients of Social Security payments to complete this application; rather, these are theoretical opportunity costs for the additional time respondents will spend to complete the application. *There is no actual charge to respondents to complete the application.*

SSA submitted a single new Information Collection Request which encompasses revisions to information collections currently under OMB Numbers 0960–0034, 0960–0138, 0960–0715, 0960–0807) to OMB for the approval of the changes due to the final rule. After approval, we will adjust the figures associated with the current OMB numbers for these forms to reflect the new burden. We are soliciting comments on the burden estimate; the need for the information; its practical utility; ways to enhance its quality, utility, and clarity; and ways to minimize the burden on respondents, including the use of automated techniques or other forms of information technology. In addition, we are specifically seeking comment on whether you have any questions or suggestions for edits to the forms referenced above in the context of this regulatory change. If you would like to submit comments, please send them to the following locations:

Office of Management and Budget, Attn: Desk Officer for SSA, Social Security Administration, OLCA, Attn: Reports Clearance Director, Mail Stop 3253 Altmeyer, 6401 Security Blvd., Baltimore MD 21235, Fax: 410–966–2830, Email address: *OR.Reports.Clearance@ssa.gov*.

Or you may submit your comments online through *https://www.reginfo.gov/public/do/PRAmain* [99] by clicking on Currently under Review—Open for Public Comments and choosing to click on one of SSA's published items. Please reference Docket ID Number SSA–2016–0039 in your submitted response.

You can submit comments until January 30, 2025, which is 30 days after the publication of this rule. To receive a copy of the OMB clearance package, contact the SSA Reports Clearance Officer using any of the above contact methods. We prefer to receive comments by email or fax.

List of Subjects

20 CFR Part 404

Administrative practice and procedure. Blind; Disability benefits, Old-age, survivors, and disability insurance, Reporting and recordkeeping requirements, Social Security.

20 CFR Part 416

Administrative practice and procedure, Aged, Blind, Disability benefits, Public Assistance programs, Reporting and recordkeeping requirements, Supplemental Security Income (SSI).

20 CFR Part 422

Administrative practice and procedure, Organization and functions (Government agencies), Operational effectiveness, Social Security.

The Acting Commissioner of Social Security, Carolyn W. Colvin, having reviewed and approved this document, is delegating the authority to electronically sign this document to Erik Hansen, a Federal Register Liaison for the Social Security Administration, for purposes of publication in the **Federal Register**.

Erik Hansen,

Associate Commissioner for Legislative Development and Operations, Social Security Administration.

For the reasons set out in the preamble, we amend 20 CFR chapter III parts 404, 416, and 422 as set forth below:

PART 404—FEDERAL OLD-AGE, SURVIVORS AND DISABILITY INSURANCE

Subpart H—Evidence

■ 1. The authority citation for subpart H of part 404 is revised to read as follows:

Authority: 42 U.S.C. 405(a), 902(a)(5), and 1320e–3.

■ 2. In § 404.702, add in alphabetical order definitions for ''Participating payroll data provider'' and ''Payroll data provider'' to read as follows:

§ 404.702 Definitions.

* * * * *

Participating payroll data provider means a payroll data provider that has established an information exchange with us to provide wage and employment information.

Payroll data provider means payroll providers, wage verification companies, and other commercial or non-commercial entities that collect and maintain information regarding employment and wages.

* * * * *

■ 3. Revise § 404.703 to read as follows:

§ 404.703 When evidence is needed

(a) *Evidence.* When you apply for benefits, we will ask for evidence that you are eligible for them. After you become entitled to benefits, we may ask for evidence showing whether you continue to be entitled to benefits; or evidence showing whether your benefit payments should be reduced or stopped. See § 404.401 for a list showing when benefit payments must be reduced or stopped.

(b) *Authorization to obtain data from a payroll data provider.* (1) We will ask you for a written authorization to obtain information about you from a payroll data provider whenever we determine the information is needed in connection with a determination of initial or ongoing entitlement to benefits.

[99] Please note that the link to the specific ICR connected to this regulation will only become active the day after the final rule publishes in the **Federal Register**.

(2) When we ask for your authorization, we will explain the authorization's scope and duration.

(i) We will explain to you that we will use the information obtained from a payroll data provider when it is needed in connection with a determination of initial or ongoing entitlement to title II benefits based on disability, or for eligibility or the amount of benefits under the Supplemental Security Income program of title XVI of the Social Security Act, and to prevent improper payments. We will explain to you that we may also use the authorization to obtain wage and employment information from a payroll data provider for claims associated with the claim filed, such as a claim for benefits by a spouse or child. We will also explain that we may use and disclose your information consistent with applicable Federal law (see, *e.g.,* part 401 of this chapter) and any privacy notices we provide to you.

(ii) We will also inform you that your authorization will remain effective until the earliest of one of the following occurrences:

(A) You revoke your authorization in writing (see § 404.1588(b)(4));

(B) We have terminated all entitlement for benefits, you have no other claims or appeals pending under this title, and the period for appealing the determination or decision terminating entitlement has lapsed; or

(C) There has been an adverse determination or decision on your claim, you have no other claims or appeals pending under this title, and the period for appealing the adverse determination or decision has lapsed.

Subpart P—Determining Disability and Blindness

■ 4. The authority citation for subpart P of part 404 is revised to read as follows:

Authority: 42 U.S.C. 402, 405(a)–(b) and (d)–(h), 416(i), 421(a) and (h)–(j), 422(c), 423, 425, 902(a)(5), and 1320e–3; sec. 211(b), Pub. L. 104–193, 110 Stat. 2105, 2189; sec. 202, Pub. L. 108–203, 118 Stat. 509 (42 U.S.C. 902 note).

■ 5. Revise § 404.1588 to read as follows:

§ 404.1588 Your responsibility to tell us of events that may change your disability status.

(a) *Your responsibility to report changes to us.* If you are entitled to cash benefits or to a period of disability because you are disabled, you should promptly tell us if—

(1) Your condition improves;

(2) You return to work;

(3) You have a new employer;

(4) You increase the amount of your work; or

(5) Your earnings increase.

(b) *Effect of authorizing us to obtain your information from payroll data providers.* (1) We will reduce your reporting responsibilities as described in paragraphs (a)(4) and (5) of this section if we have your authorization to obtain wage and employment information from a payroll data provider (see § 404.703), and we receive your wage and employment information from your employer(s) through a participating payroll data provider (see § 404.702). You will not be subject to a penalty described in § 404.459 related to any wage and employment information we receive from a payroll data provider.

(2) We will notify you in writing whenever there is a change in your reporting responsibilities relating to the authorization described in § 404.703. You are always required to submit any changes described in paragraphs (a)(1) through (3) of this section.

(3) When your reporting requirements will change—

(i) If we have your authorization to obtain wage and employment information from a payroll data provider (see § 404.703), and we receive your wage and employment information from your employer through a participating payroll data provider, you will not have to report an increase in the amount of work for that employer or an increase in earnings from that employer.

(ii) If we have your authorization to obtain wage and employment information from a payroll data provider (see § 404.703), but we do not receive your wage and employment information from your employer through a participating payroll data provider, we will not reduce your reporting responsibilities.

(iii) If we have your authorization to obtain wage and employment information from a payroll data provider (see § 404.703) and you have more than one employer:

(A) You do not need to report an increase in the amount of work or an increase in earnings for an employer if we receive your wage and employment information for that employer through a participating payroll data provider; and

(B) You must still report an increase in the amount of work or an increase in earnings for an employer if we do not receive your wage and employment information for that employer through a participating payroll data provider.

(4) You may revoke your authorization at any time, but you must do so in writing. We will apply the revocation to all pending or approved disability claims under this title, as well as all pending or approved claims under title XVI, from the time we process your revocation. If you revoke your authorization, all your reporting responsibilities will resume, and you will again be subject to all related penalties. We will notify you in writing of these changes.

(c) *Our responsibility when you report your work to us.* When you or your representative report changes in your work activity to us under paragraphs (a)(2) through (5) of this section, we will issue a receipt to you or your representative.

PART 416—SUPPLEMENTAL SECURITY INCOME FOR THE AGED, BLIND, AND DISABLED

Subpart G—Reports Required

■ 6. The authority citation for subpart G of part 416 is revised to read as follows:

Authority: 42 U.S.C. 902(a)(5), 1320a–8a, 1320e–3, 1382, 1382a, 1382b, 1382c, and 1383; sec. 211, Pub. L. 93–66, 87 Stat. 154 (42 U.S.C. 1382 note); sec. 202, Pub. L. 108–203, 118 Stat. 509 (42 U.S.C. 902 note).

■ 7. In § 416.701, revise the third sentence of paragraph (a) to read as follows:

§ 416.701 Scope of subpart.

(a) * * * This subpart tells you what events you must report; what your reports must include; when reports are due; and when certain reporting requirements, and penalties relating to reporting requirements, do not apply.

* * *

* * * * *

■ 8. In § 416.702, add in alphabetical order definitions for ''Participating payroll data provider'' and ''Payroll data provider'' to read as follows:

§ 416.702 Definitions.

* * * * *

Participating payroll data provider means a payroll data provider that has established an information exchange with us to provide wage and employment information.

Payroll data provider means payroll providers, wage verification companies, and other commercial or non-commercial entities that collect and maintain information regarding employment and wages.

* * * * *

■ 9. In § 416.708, revise paragraph (c) to read as follows:

§ 416.708 What you must report.

* * * * *

(c) *A change in income.* (1) Unless the circumstances in § 416.709(a) and (c) apply, you must report to us any

increase or decrease in your income and any increase or decrease in the income of—

(i) Your ineligible spouse who lives with you;

(ii) Your essential person;

(iii) Your parent, if you are an eligible child and your parent lives with you; or

(iv) An ineligible child who lives with you.

(2) However, you need not report an increase in your Social Security benefits if the increase is only a cost-of-living adjustment. (For a complete discussion of what we consider income, see subpart K of this part. See § 416.1323 regarding suspension because of excess income.) If you receive benefits based on disability, when you or your representative report changes in your earned income, we will issue a receipt to you or your representative.

* * * * *

■ 10. Add § 416.709 to read as follows:

§ 416.709 Reduced reporting requirements when you authorize us to obtain your information from payroll data providers.

(a) *Authorization to obtain data from a payroll data provider.* We will ask you for written authorization to obtain information about you from a payroll data provider whenever we determine the information is needed in connection with a determination of initial or ongoing eligibility for benefits.

(b) *Scope and duration.* When we ask for your authorization, we will explain the authorization's scope and duration.

(1) We will explain to you that we will use information obtained from a payroll data provider, when it is needed, in connection with a determination of eligibility or the amount of benefits under this title, or for the initial or ongoing entitlement to disability benefits under title II of the Social Security Act, and to prevent improper payments. We will explain to you that we may also use the authorization to obtain wage and employment information from a payroll data provider for claims associated with the claim filed, such as an SSI claim by a spouse or child. We will also explain that we may use and disclose your information consistent with applicable Federal law (see part 401 of this chapter) and any privacy notices we provide to you.

(2) We will also inform you that your authorization will remain effective until the earliest of one of the following occurrences:

(i) You revoke your authorization in writing (see paragraph (c)(4) of this section);

(ii) We have terminated all eligibility for benefits and you have no other claims or appeals pending under this title, and the period for appealing the determination or decision terminating entitlement has lapsed;

(iii) There has been an adverse determination or decision on your claim, you have no other claims or appeals pending under this title, and the period for appealing the determination or decision terminating eligibility has lapsed; or

(iv) Your deeming relationship ends.

(c) *When reporting requirements will change.* We will notify you in writing whenever there is a change in your reporting responsibilities relating to the authorization described in paragraph (a) of this section. Whenever we are getting your wage and employment information from a payroll data provider, we will tell you that you are not subject to a penalty of ineligibility for cash benefits described in § 416.1340 related to any wage and employment information we get from a payroll data provider. We will also tell you when we will find good cause, under § 416.732, for a failure or delay in reporting a change in employer.

(1) If we have your authorization to obtain wage and employment information from a payroll data provider as described in paragraph (a) of this section, and we receive your wage and employment information from your employer(s) through a participating payroll data provider, you will not have to report changes in your wages paid in cash, as defined in § 416.1110(a), from that employer(s). Also, you will not have to report an increase in the amount of work from that employer or an increase in earnings from that employer, as described in § 416.988(a)(4) and (5). All other reporting requirements still apply.

(2) If we have your authorization to obtain wage and employment information from a payroll data provider as described in paragraph (a) of this section, but we do not receive your wage and employment information from your employer(s) through a participating payroll data provider, we will not reduce your reporting responsibilities.

(3) If we have your authorization to obtain wage and employment information from a payroll data provider as described in paragraph (a) of this section, and you have more than one employer,

(i) You do not need to report wages paid in cash, or an increase in the amount of work or earnings, for an employer if we receive your wage and employment information for that employer through a participating payroll data provider, and

(ii) You must still report wages paid in cash, or an increase in the amount of work or earnings, for an employer if we do not receive your wage and employment information for that employer through a participating payroll data provider.

(4) You may revoke your authorization at any time, but you must do so in writing. We will apply the revocation to all pending or approved claims under this title as well as all pending or approved disability claims under title II from the time we process your revocation. If you revoke your authorization, all your reporting responsibilities will resume; you will again be subject to all related penalties; and we may not find good cause, under § 416.732, for a failure to report timely a change in employer. We will notify you in writing of these changes.

Subpart I—Determining Disability and Blindness

■ 11. The authority citation for subpart I of part 416 is revised to read as follows:

Authority: 42 U.S.C. 421(m), 902(a)(5), 1382, 1382c, 1382h, 1383, and 1383b; secs. 4(c) and 5, 6(c)–(e), 14(a), and 15, Pub. L. 98–460, 98 Stat. 1794, 1801, 1802, and 1808 (42 U.S.C. 421 note, 423 note, and 1382h note).

■ 12. Revise § 416.988 to read as follows:

§ 416.988 Your responsibility to tell us of events that may change your disability or blindness status.

(a) If you are entitled to payments because you are disabled or blind, you should promptly tell us if—

(1) Your condition improves;

(2) You return to work;

(3) You have a new employer;

(4) You increase the amount of your work; or

(5) Your earnings increase.

(b) If we have your authorization to obtain wage and employment information (see § 416.709(a)) from a payroll data provider (see § 416.702), and we receive your wage and employment information from your employer(s) through a participating payroll data provider, your reporting requirements under paragraphs (a)(4) and (5) will be reduced as described in § 416.709(c).

PART 422—ORGANIZATION AND FUNCTIONS OF THE SOCIAL SECURITY ADMINISTRATION

Subpart B—General Procedures

■ 13. The authority citation for subpart B of part 422 is revised to read as follows:

Authority: 42 U.S.C. 405, 432, 902(a)(5), 1320b–1, 1320b–13, and 1320e–3, and sec. 7213(a)(1)(A) of Pub. L. 108–458.

■ 14. Add § 422.150 to read as follows:

§ 422.150 Guidelines for establishing and maintaining an information exchange with payroll data providers.

(a) *Guidelines for establishing an information exchange with payroll data providers.* In establishing an information exchange under section 1184 of the Social Security Act, we will do the following:

(1) Identify the payroll data providers (as defined in §§ 404.702 and 416.702 of this chapter) that may be interested in participating in an information exchange with us.

(2) Review the payroll data providers and consider factors such as: whether a payroll data provider is able and willing to engage in an information exchange; what data the payroll data provider could provide; whether the data from the payroll data provider is sufficiently accurate, complete, and up to date; and any conditions and limitations associated with our receipt of the data.

(3) Consistent with applicable law and regulations, establish an information exchange with the selected payroll data provider. The arrangement between us and the selected payroll data provider will describe:

(i) The records that will be matched;

(ii) The procedures for the match;

(iii) Any requirements established related to accuracy, completeness, and up-to-date records;

(iv) The procedures for ensuring the administrative, technical, and physical security of the records matched; and

(v) Such other provisions as are necessary.

(4) Prior to receiving payroll data provider information, publish a notice in the **Federal Register** that describes the information exchange and the extent to which the information received through such exchange is:

(i) Relevant and necessary to:

(A) Accurately determine initial and ongoing entitlement to, and the amount of, disability benefits under title II of the Social Security Act;

(B) Accurately determine eligibility for, and the amount of, benefits under the Supplemental Security Income program under title XVI of the Social Security Act; and

(C) Prevent improper payments of such benefits; and

(ii) Sufficiently accurate, up to date, and complete.

(b) *Guidelines for maintaining an information exchange with payroll data providers.* We will perform the following activities while we maintain an established information exchange with a payroll data provider described in paragraph (a) of this section:

(1) Periodically assess whether the data we receive under the information exchange continues to be accurate, complete, and up to date; and

(2) Monitor compliance with the requirements of the information exchange described in paragraph (a)(3) of this section.

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Proposed Rules:
148.....107045
149.....107045

10 CFR

2.....106234
20.....106234
26.....106234
50.....106234
51.....106234
55.....106234
73.....106234
140.....106234
170.....106234
171.....106234
207.....105403
218.....105403
420.....100301
429.....100302, 105403
430 ....100722, 105188, 105408
431 ...103631, 104616, 104859, 105403
490.....105403
501.....105403
601.....105403
810.....105403
820.....105403
824.....105403
851.....105403
1008.....101846, 101850
1013.....105403
1017.....105403
1050.....105403

Proposed Rules:
50.....100921
52.....100921

11 CFR

Proposed Rules:
104.....103701
110.....103701
400.....103701

12 CFR

Ch. X.....106277
701.....104865
741.....104865
1003.....105429
1005.....106768
1026 ....95080, 104398, 106768
1090.....99582
1282.....106253

Proposed Rules:
Ch. I.....99751
Ch. II.....99751
Ch. III.....99751
1022.....100922, 101402
1102.....96912

13 CFR

120.....102697
121.....102448
124.....96089, 102448
125.....102448
126.....96089, 102448
127.....96089, 102448
128.....96089, 102448
134.....96089, 102448

Proposed Rules:
125.....103709

14 CFR

13.....106282
25.....100723, 100727
27.....100730
33.....101854, 105432
39 .....95086, 95088, 95090, 95092, 95095, 95098, 95717, 96517, 96863, 97477, 97480, 97482, 97484, 97492, 97494, 97497, 97499, 97502, 97505, 97507, 99696, 100734, 103631
61.....105446
71 .....95100, 95719, 96520, 96521, 96522, 96866, 96868, 96870, 96871, 97510, 99064, 99700, 100302, 100737, 100738, 104402, 104403, 104405, 104406, 104877
91.....106301
95.....97512
97 .....99065, 99067, 101463, 101464
107.....106307, 106308
120.....103416, 105447
129.....101870
135.....105447
382.....102398
383.....106282
406.....106282
742.....104408
774.....104408

Proposed Rules:
25.....104455
39 .....95139, 96618, 97562, 97564, 99169, 100923, 100926, 102016, 102019, 104067, 104459, 104462, 104465, 104900, 105483, 105485, 105487, 107063, 107067, 107069
71 .....95141, 96619, 97567, 97569, 97572, 97574, 99172, 99173, 101545, 103715, 103719, 103720, 104468, 106375
141.....104904
183.....96621
Ch. II.....99706

15 CFR

3.....102701
6.....106308
29.....102703
732.....96095, 96790
734.....96095, 96790
736.....96095, 96790
740.....96095, 96790
742 .....96095, 96790, 105448
743.....105448
744 .....96095, 96790, 96830, 99702
746.....96095, 96790
748.....96095, 96830
758.....96095, 96790
762.....96095, 96790
772.....96095, 96790
774 .....96095, 96790, 105448
791.....96872
922.....95101
1400.....101466

16 CFR

310.....99069

Proposed Rules:
461.....104905

17 CFR

40.....96897
200.....101467
232.....106168
239.....106168
249.....106168
269.....106168
274.....106168
275.....96095

Proposed Rules:
Ch. II.....99175

18 CFR

4.....96524
5.....96524
6.....96524
7.....96524
35.....97174
284.....97518
1304.....104878

19 CFR

Ch. 1.....96898
351.....101694, 103633
356.....100303

20 CFR

402.....102704
404.....107236
416.....107236
422.....107236
655.....95626
726.....100304

21 CFR

101.....106064, 106996
201.....105288
314.....105288
510.....95101
520.....95101
522.....95101
524.....95101
558.....95101
1308.....106311

Proposed Rules:
172.....104908
179.....100404
730.....105490
1308.....106376, 106384

22 CFR

42.....99076
122.....99081
129.....99081
518.....99695

24 CFR

5 .....96898, 101880, 106998
92.....106998
93.....106998
200.....100739
203.....99705
206.....99705
247.....101270
291.....99705
570.....106998
574.....106998
576.....106998
578.....106998
880.....101270
883.....96096
884.....101270
886.....101270
891.....101270
966.....101270

Proposed Rules:
4.....107072
5.....107072
75.....107072
92.....107072
93.....107072
200.....107072
570.....107072
574.....107072
576.....107072
578.....107072
700.....107072
880.....107072
881.....107072
883.....107072
884.....107072
886.....107072
905.....107072
964.....107072
965.....107072
970.....107072
990.....107072
1000.....107072
1003.....107072
1005.....107072
1006.....107072
1007.....107072

25 CFR

1000.....100228

26 CFR

1 .....95108, 99782, 100598, 101881, 102721, 105450, 106315, 106848, 106928
5.....106848
301.....104419, 106848
602.....106848

Proposed Rules:
1 .....95362, 95727, 96143, 100138, 102841, 104468, 104909, 106884
54.....106393
301.....96622

27 CFR

5.....102726
26.....96901
31.....96901

Proposed Rules:
9.....96623

28 CFR

50.....97525
543.....101881, 101882

Proposed Rules:
25.....100404, 100424
545.....102022

29 CFR

531.....101884
1926.....100321
4044.....104040, 104425
4902.....96531

Proposed Rules:
29.....105504
30.....105504
525.....96466
2590.....106393

30 CFR

18.....99085
74.....99085

31 CFR

1.....101887
323.....102735
510.....103641
515.....103641

526.....103641
536.....103641
544.....103641
547.....103641
548.....103641
549.....103641
550.....103641
551.....103641
552.....103641
553.....103641
555.....103641
558.....103641
569.....103641
570.....103641
576.....103641
578.....103641
579.....103641
582.....103641
583.....103641
584.....103641
585.....103641
587.....102742, 103641
588.....96901, 103641
589.....103641
590.....103641
591.....103641, 103651
594.....103641
597.....103641
598.....103641
599.....103641

Proposed Rules:

10.....104915

32 CFR

Proposed Rules:

310.....104069, 104468

33 CFR

100 .....96098, 96902, 97538, 100743, 101468
110.....96099, 101469
165 .....95720, 96101, 96533, 97539, 97541, 100346, 100743, 101471, 101473, 101475, 101889, 101892, 104882, 105451, 105453, 105454, 106320, 106322, 106323, 106325, 106999, 107000
181.....97356
234.....103992
401.....106282

34 CFR

685.....107000

Proposed Rules:

30.....104934, 104939
75.....104935
76.....104935
106.....104936
Ch. III.....102841
300.....105505
600.....104937
602.....104937
668.....104937
682.....104939

36 CFR

1.....96535
7.....104427
14.....96535

Proposed Rules:

7.....106393
73.....96144

37 CFR

201.....100348

380.....96904

Proposed Rules:

1.....96152
201.....100439
383.....103722

38 CFR

38.....107001

Proposed Rules:

17.....102031
9.....96627
71.....97404

39 CFR

111.....100745, 107003

Proposed Rules:

3041.....100440

40 CFR

9.....100361
50.....103652, 105692
52 .....95117, 95121, 95126, 96103, 96554, 96905, 97543, 99105, 100377, 101475, 101477, 101479, 101894, 101896, 102744, 104043, 104059, 104431, 104433, 104884, 104886, 105456, 105459, 105461, 105463, 106328, 106330, 106332, 106357, 107012
55.....105465
58.....103652
62 .....100092, 101481, 105468
63.....96106
68.....102773
70.....106360
75.....99105
78.....99105
81 .....97545, 101483, 101896, 101901, 101910, 103657, 106357
82.....99720
84.....100381
97.....99105
123.....103454
124.....103454
131.....101914
174 ....100746, 100749, 101938
180 .....95131, 96566, 105470
232.....103454
233.....103454
261.....99727
262.....99727
266.....99727
271.....104435
272.....104435
282.....97550
300.....100751
372.....102773
703.....102773
716.....100756
720.....102773
721.....100361, 102773
723.....102773
725.....102773
745.....101489
751 ....102568, 103512, 103560
761.....102773

Proposed Rules:

Ch. I.....104486
51.....104471
52 .....96152, 99177, 99180, 99790, 102034, 103726, 103734, 103737, 104476, 104941, 104943, 104944, 104946, 105506, 106398
60.....101306
61.....104481
62.....102847
63.....104481, 105986
70.....106399
81.....99790
122.....100929
180.....97577, 99184
205.....104486
271.....97578, 104486
272.....10448
700.....107099
721.....95688, 102046
1515.....99799
1516.....99799

41 CFR

105–70.....103662

Proposed Rules:

102–175.....104493

42 CFR

11.....97558
52i.....96119
73.....101941, 104888
93.....95136
401.....97710
405.....97710, 106362
410.....97710
411.....97710
414.....97710
423.....97710
424.....97710, 104064
425.....97710
427.....97710
428.....97710
483.....104064
484.....104064
491.....97710
512.....96280

Proposed Rules:

417.....99340
422.....99340
423.....99340
460.....99340
1000.....95143
1001.....95143

43 CFR

2800.....104889
8360.....103663, 103672

45 CFR

5b.....104450
46.....95136
73.....95136
162.....100763
170.....101772
171.....101772, 102512
172.....101772
301.....107015
302.....100789, 107015
303.....100789, 107015
304.....100789, 107015
305.....107015
307.....107015
308.....107015
309.....100789, 107015
310.....107015
412.....104890
1355.....96569, 106364

Proposed Rules:

147.....106393
156.....106393
2550.....100456
2551.....100456
2552.....100456
2553.....100456

46 CFR

1.....102298
10.....102298, 105473
11.....102298, 105473
12.....102298, 105473
13.....102298, 105473
14.....102298
15.....102298, 105473
16.....102298, 105473
25.....97356
28.....97356
30.....105473
35.....105473
39.....105473
67.....101490
108.....97356
117.....97356
133.....97356
141.....97356
160.....97356
169.....97356
180.....97356
199.....97356
221.....106282
307.....106282
340.....106282
356.....106282
401.....100810

47 CFR

1.....95136, 100838
2.....96590, 100856
4.....101500
11.....100868
14.....100878
20.....105473
25 .....96124, 96590, 100898
30.....100856
36.....105473
54.....101358, 107196
64.....100878, 105474
73.....100392, 100868
74.....100868
90.....97559, 100838
95.....100838
97.....100838

Proposed Rules:

26.....104499, 104502
54.....96166
73.....101547

48 CFR

Ch. 1.....101820, 101832
1.....101821, 106364
2.....101828
4.....106364
6.....101828
9.....101828
12.....101821, 106364
13.....101831, 106364
18.....101828
19.....101828
22.....101821, 106364
25.....101831
36.....101831
39.....106364
40.....106364
47.....101821, 106364
49.....101831
52 .....101821, 101828, 101831, 106364
212.....103338

LIST OF PUBLIC LAWS

This is a continuing list of public bills from the current session of Congress which have become Federal laws. This list is also available online at *https://www.archives.gov/federal-register/laws/current.html*.

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H.R. 5009/P.L. 118–159
Servicemember Quality of Life Improvement and National Defense Authorization Act for Fiscal Year 2025 (Dec. 23, 2024; 138 Stat. 1773)

H.R. 663/P.L. 118–160
Native American Child Protection Act (Dec. 23, 2024; 138 Stat. 2567)

H.R. 1097/P.L. 118–161
Everett Alvarez, Jr. Congressional Gold Medal Act of 2023 (Dec. 23, 2024; 138 Stat. 2572)

H.R. 1607/P.L. 118–162
To clarify jurisdiction with respect to certain Bureau of Reclamation pumped storage development, and for other purposes. (Dec. 23, 2024; 138 Stat. 2575)

H.R. 1727/P.L. 118–163
Chesapeake and Ohio Canal National Historical Park Commission Extension Act (Dec. 23, 2024; 138 Stat. 2578)

H.R. 2468/P.L. 118–164
Mountain View Corridor Completion Act (Dec. 23, 2024; 138 Stat. 2579)

H.R. 3254/P.L. 118–165
First Responder Access to Innovative Technologies Act (Dec. 23, 2023; 138 Stat. 2581)

H.R. 3324/P.L. 118–166
To extend the authority to collect Shasta-Trinity Marina fees through fiscal year 2029. (Dec. 23, 2024; 138 Stat. 2583)

H.R. 3797/P.L. 118–167
Paperwork Burden Reduction Act (Dec. 23, 2024; 138 Stat. 2584)

H.R. 3801/P.L. 118–168
Employer Reporting Improvement Act (Dec. 23, 2024; 138 Stat. 2586)

H.R. 4094/P.L. 118–169
Great Salt Lake Stewardship Act (Dec. 23, 2024; 138 Stat. 2588)

H.R. 4385/P.L. 118–170
Drought Preparedness Act (Dec. 23, 2024; 138 Stat. 2589)

H.R. 4467/P.L. 118–171
DHS Border Services Contracts Review Act (Dec. 23, 2024; 138 Stat. 2590)

H.R. 5301/P.L. 118–172
Eliminate Useless Reports Act of 2024 (Dec. 23, 2024; 138 Stat. 2593)

H.R. 5646/P.L. 118–173
Stop Campus Hazing Act (Dec. 23, 2024; 138 Stat. 2597)

H.R. 5770/P.L. 118–174
Water Monitoring and Tracking Essential Resources (WATER) Data Improvement Act (Dec. 23, 2024; 138 Stat. 2602)

H.R. 6826/P.L. 118–175
To designate the visitor and education center at Fort McHenry National Monument and Historic Shrine as the Paul S. Sarbanes Visitor and Education Center. (Dec. 23, 2024; 138 Stat. 2604)

H.R. 6829/P.L. 118–176
Cardiomyopathy Health Education, Awareness, and Research, and AED Training in the Schools Act of 2024 (Dec. 23, 2024; 138 Stat. 2605)

H.R. 6843/P.L. 118–177
To expand the boundaries of the Atchafalaya National Heritage Area to include Lafourche Parish, Louisiana. (Dec. 23, 2024; 138 Stat. 2611)

H.R. 6960/P.L. 118–178
Emergency Medical Services for Children Reauthorization Act of 2024 (Dec. 23, 2024; 138 Stat. 2612)

H.R. 7177/P.L. 118–179
To amend title 28, United States Code, to consolidate certain divisions in the Northern District of Alabama. (Dec. 23, 2024; 138 Stat. 2613)

H.R. 7213/P.L. 118–180
Autism Collaboration, Accountability, Research, Education, and Support Act of 2024 (Dec. 23, 2024; 138 Stat. 2614)

H.R. 7332/P.L. 118–181
Utah State Parks Adjustment Act (Dec. 23, 2024; 138 Stat. 2620)

H.R. 7524/P.L. 118–182
GSA Technology Accountability Act (Dec. 23, 2024; 138 Stat. 2623)

H.R. 7872/P.L. 118–183
Colorado River Salinity Control Fix Act (Dec. 23, 2024; 138 Stat. 2625)

H.R. 8219/P.L. 118–184
Lahaina National Heritage Area Study Act (Dec. 23, 2024; 138 Stat. 2628)

H.R. 8413/P.L. 118–185
Swanson and Hugh Butler Reservoirs Land Conveyances Act (Dec. 23, 2024; 138 Stat. 2629)

H.R. 8663/P.L. 118–186
Detection Equipment and Technology Evaluation to Counter the Threat of Fentanyl and Xylazine Act of 2024 (Dec. 23, 2024; 138 Stat. 2636)

H.R. 9566/P.L. 118–187
Source code Harmonization And Reuse in Information Technology Act (Dec. 23, 2024; 138 Stat. 2638)

S. 59/P.L. 118–188
Chance to Compete Act of 2024 (Dec. 23, 2024; 138 Stat. 2644)

S. 223/P.L. 118–189
To amend the Controlled Substances Act to fix a technical error in the definitions. (Dec. 23, 2024; 138 Stat. 2652)

S. 709/P.L. 118–190
Federal Agency Performance Act of 2024 (Dec. 23, 2024; 138 Stat. 2653)

S. 759/P.L. 118–191
Beagle Brigade Act of 2023 (Dec. 23, 2024; 138 Stat. 2658)

S. 932/P.L. 118–192
No Congressionally Obligated Recurring Revenue Used as Pensions To Incarcerated Officials Now Act (Dec. 23, 2024; 138 Stat. 2660)

S. 1147/P.L. 118–193
Jenna Quinn Law (Dec. 23, 2024; 138 Stat. 2662)

S. 1351/P.L. 118–194
Stop Institutional Child Abuse Act (Dec. 23, 2024; 138 Stat. 2664)

S. 2414/P.L. 118–195
Working Dog Health and Welfare Act of 2023 (Dec. 23, 2024; 138 Stat. 2669)

S. 2513/P.L. 118–196
Veterans Benefits Improvement Act of 2024 (Dec. 23, 2024; 138 Stat. 2671)

S. 3448/P.L. 118–197
Never Again Education Reauthorization Act of 2023 (Dec. 23, 2024; 138 Stat. 2677)

S. 3791/P.L. 118–198
America's Conservation Enhancement Reauthorization Act of 2024 (Dec. 23, 2024; 138 Stat. 2678)

S. 3857/P.L. 118–199
Jamul Indian Village Land Transfer Act (Dec. 23, 2024; 138 Stat. 2684)

S. 3938/P.L. 118–200
To designate the community-based outpatient clinic of the Department of Veterans Affairs in Lynchburg, Virginia, as the ''Private First Class Desmond T. Doss VA Clinic''. (Dec. 23, 2024; 138 Stat. 2686)

S. 3946/P.L. 118–201
To designate the facility of the United States Postal Service located at 1106 Main Street in Bastrop, Texas, as the ''Sergeant Major Billy D. Waugh Post Office''. (Dec. 23, 2024; 138 Stat. 2687)

S. 3959/P.L. 118–202
Transportation Security Screening Modernization Act of 2024 (Dec. 23, 2024; 138 Stat. 2688)

S. 3998/P.L. 118–203
Federal Judiciary Stabilization Act of 2024 (Dec. 23, 2024; 138 Stat. 2693)

S. 4077/P.L. 118–204
To designate the facility of the United States Postal Service located at 180 Steuart Street in San Francisco, California, as the ''Dianne Feinstein Post Office''. (Dec. 23, 2024; 138 Stat. 2696)

S. 4107/P.L. 118–205
Think Differently Transportation Act (Dec. 23, 2024; 138 Stat. 2697)

S. 4610/P.L. 118–206
To amend title 36, United States Code, to designate the bald eagle as the national bird. (Dec. 23, 2024; 138 Stat. 2699)

S. 4716/P.L. 118–207
Financial Management Risk Reduction Act (Dec. 23, 2024; 138 Stat. 2701)

S. 5314/P.L. 118–208
To designate the medical center of the Department of

Veterans Affairs in Tulsa, Oklahoma, as the James Mountain Inhofe VA Medical Center. (Dec. 23, 2024; 138 Stat. 2704)

S. 5355/P.L. 118–209

National Advisory Council on Indian Education Improvement Act (Dec. 23, 2024; 138 Stat. 2705)

Last List December 26, 2024

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