FEDERAL REGISTER

Vol. 89 Friday,

No. 144 July 26, 2024

Pages 60549–60790

OFFICE OF THE FEDERAL REGISTER

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[Docket No. CFPB–2023–0033]

Interagency Guidance on Reconsiderations of Value of Residential Real Estate Valuations

AGENCY: Board of Governors of the Federal Reserve System (Board); Consumer Financial Protection Bureau (CFPB); Federal Deposit Insurance Corporation (FDIC); National Credit Union Administration (NCUA); and Office of the Comptroller of the Currency (OCC), Treasury.

ACTION: Final interagency guidance.

SUMMARY: The Board, CFPB, FDIC, NCUA, and OCC (together, the agencies) are issuing final guidance that highlights risks associated with deficient residential real estate valuations and describes how financial institutions may incorporate reconsiderations of value (ROV) processes and controls into established risk management functions. The final guidance also provides examples of policies and procedures that a financial institution may choose to implement to help identify, address, and mitigate the risk of discrimination impacting residential real estate valuations.

DATES: The guidance is final as of July 26, 2024.

FOR FURTHER INFORMATION CONTACT:

OCC: Siddarth Rao, Fair Lending Compliance Policy Specialist, (732) 635–2070; Olutoyin Falade, Fair Lending Compliance Policy Specialist, (972) 277–9551; James B. Rives, Retail Credit Risk Specialist, (202) 649–6594; Joanne Phillips, Counsel, or Marta Stewart-Bates, Counsel, Chief Counsel's Office, (202) 649–5490; Office of the Comptroller of the Currency, 400 7th Street SW, Washington, DC 20219. If you are deaf, hard of hearing, or have a speech disability, please dial 7–1–1 to access telecommunications relay services.

Board: Devyn Jeffereis, Senior Financial Institution Policy Analyst II, Division of Supervision and Regulation, (202) 452–2729; Keshia King, Lead Supervisory Policy Analyst, Division of Consumer and Community Affairs, (202) 452–2496; Trevor Feigleson, Senior Counsel, (202) 452–3274, or Derald Seid, Senior Counsel, (202) 452–2246, Legal Division. For users of telephone systems via text telephone (TTY) or any TTY-based Telecommunications Relay Services, please call 711 from any telephone, anywhere in the United States; Board of Governors of the Federal Reserve System, 20th and C Streets NW, Washington, DC 20551.

FDIC: Patrick J. Mancoske, Senior Examination Specialist, Division of Risk Management Supervision, (202) 898–7032; Stuart Hoff, Senior Policy Analyst, Division of Depositor and Consumer Protection, (202) 898–3852; Legal Division: Navid Choudhury, Counsel, (202) 898–6526, *nchoudhury@fdic.gov,* Lauren Whitaker, Counsel, (202) 898–3872, *lwhitaker@fdic.gov,* or Mark Mellon, Counsel, (202) 898–3884, *mmellon@fdic.gov.* Federal Deposit Insurance Corporation, 550 17th Street NW, Washington, DC 20429.

NCUA: Naghi Khaled, Director of Credit Markets, or Walonda Hollins, Senior Credit Specialist, Office of Examination and Insurance, (703) 216–5136; Ernestine Ward, Director, Division of Consumer Compliance Policy & Outreach, Office of Consumer Financial Protection, (703) 518–6524; National Credit Union Administration, 1775 Duke Street, Alexandria, VA 22314.

CFPB: George Karithanom, Office of Regulations, at (202) 435–7700 or *https://reginquiries.consumerfinance.gov/.* If you require this document in an alternative electronic format, please contact *CFPB_Accessibility@cfpb.gov.*

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I. Introduction

The agencies are issuing final interagency guidance (final guidance) on ROVs of residential real estate valuations.[1] The agencies considered the comments received on the proposed guidance, and as a result, made several edits to the final guidance, including clarifying the guidance's scope. The agencies are finalizing the guidance largely as proposed. This guidance is intended to highlight risks associated with deficient residential real estate valuations, describe how financial

[1] This final guidance is supervisory guidance that does not have the force and effect of law or regulation and does not impose any new requirements on supervised institutions. *See* 12 CFR part 4, subpart F, appendix A (OCC); 12 CFR part 262, appendix A (Board); 12 CFR part 302, appendix A (FDIC); 12 CFR part 1074, appendix A (CFPB); 12 CFR part 791, subpart D, appendix A (NCUA).

institutions may incorporate ROV processes and controls into risk management functions, and provide examples of ROV policies and procedures that institutions may choose to implement. Collateral valuations, including appraisals,[2] are important to the integrity of the residential real estate lending process. Deficient collateral valuations can contain inaccuracies due to errors, omissions, or discrimination [3] that affect the value conclusion and can result in either overvaluing or undervaluing real estate collateral. The Board, FDIC, NCUA, and OCC have previously issued guidance that describes actions a financial institution may take to correct deficiencies identified in collateral valuations.[4] These actions include ordering a second appraisal or evaluation or resolving the deficiency through the original appraiser or preparer of the evaluation.[5]

Prior to the efforts to adopt this joint guidance, the agencies had not, collectively, issued guidance specific to ROV processes. The agencies had received questions and comments from financial institutions and other industry stakeholders on ROVs. Stakeholders highlighted the uncertainty in the industry on how ROVs intersect with appraisal independence requirements and compliance with Federal consumer protection laws, including those related to nondiscrimination. As such, the final guidance addresses some of the questions raised by stakeholders. For purposes of the final guidance, an ROV is a request from the financial institution to the appraiser or other preparer of the valuation report to reassess the report based upon potential deficiencies or other information that may affect the value conclusion.[6]

[2] Appraisal means ''a written statement independently and impartially prepared by a qualified appraiser setting forth an opinion as to the market value of an adequately described property as of a specific date(s), supported by the presentation and analysis of relevant market information.'' 12 CFR 34.42(a) (OCC); 12 CFR 323.2(a) (FDIC); 12 CFR 225.62(a) (Board); 12 CFR 722.2 (NCUA).

[3] For the purposes of this guidance, ''discrimination'' is prohibited discrimination based on protected characteristics in the residential property valuation process. For these purposes, ''valuation'' includes appraisals, evaluations, and other means to determine the value of residential property.

[4] *See* Interagency Appraisal and Evaluation Guidelines, 75 FR 77450 (December 10, 2010).

[5] The NCUA uses the term ''written estimate of market value'' in place of the term ''evaluation.'' *See* 12 CFR 722.3.

[6] ROVs may arise from a consumer requesting a financial institution to reexamine a valuation.

II. Discussion of Comments on the Proposed Guidance

On July 21, 2023, the agencies published for comment proposed guidance on ROVs of residential real estate valuations (proposal).[7] The 60-day comment period ended on September 19, 2023. The agencies invited comment on all aspects of the proposed guidance from all interested parties. In particular, the agencies requested comment on the following: (1) to what extent the proposed guidance describes suitable considerations for a financial institution to take into account in assessing and potentially modifying its current ROV policies and procedures; (2) suggestions for ROV model forms or model policies and procedures, if any, that would be helpful for the agencies to recommend; (3) suggestions for other guidance that may be helpful to financial institutions concerning the development of ROV processes; and (4) to what extent, if any, the proposed ROV guidance conflicts with, duplicates, or complements the existing Interagency Appraisal and Evaluation Guidelines (Guidelines) or a financial institution's policies and procedures to implement those Guidelines. The agencies collectively received more than 45 unique comment letters from banking organizations, real estate companies, trade associations, nonprofits, The Appraisal Foundation (TAF),[8] an automated valuation model (AVM) developer, loan officers, appraisers, and other individuals.

A. General Comments

In general, many commenters supported the agencies' issuance of interagency guidance specific to ROV processes. Some of these commenters agreed with the proposal's focus on the importance of credible collateral valuations, compliance with nondiscrimination laws, and safeguarding appraiser independence. Other commenters asserted that additional clarity in the guidance is necessary and provided recommendations. A few commenters, including certain credit unions, trade associations, and appraisers, opposed the guidance or aspects of the guidance on the grounds that it would be overly burdensome for institutions or place undue pressure on appraisers which could lead to overvaluation.

Commenters expressed mixed views on whether ROV processes should be uniform across all institutions. Some commenters recommended adding more prescriptive elements to the guidance, while others asserted that the guidance should be broad and flexible, as proposed. Some commenters believed that many of the proposal's policies and procedures should be mandatory.

In response to comments received, the agencies made several clarifying edits to the final guidance, including clearly stating the scope of transactions covered by the guidance. The agencies underscore that supervisory guidance does not have the force and effect of law or regulation and does not impose any new requirements on supervised institutions.[9] The guidance is intended to provide a flexible, risk-based approach to ROV processes that institutions can adjust to their unique profile. The justification for and benefits of the agencies' approach, and the agencies' consideration of specific comments, are discussed further below.

B. Terminology & Scope

Commenters offered views on certain terms used in the proposal, including the terms ''ROV,'' ''comparable sale,'' and ''specific and verifiable information.'' Commenters also expressed views on the scope of transactions covered by the guidance.

i. Description of the Term ''ROV''

One commenter requested that the agencies revise the definition of ''ROV'' to remove the language ''that may affect the value conclusion.'' [10] This commenter expressed concern that including this language could result in a lender exerting pressure on an appraiser to change a value that does not satisfy the lender. Another commenter asserted that the proposal's use of the term ''ROV'' might be too limiting as it focuses on ''value'' and suggested the broader term ''Appraisal Reconsideration'' instead. A commenter

[7] ''Proposed Interagency Guidance on Reconsiderations of Value of Residential Real Estate Valuations,'' 88 FR 47071 (July 21, 2023).

[8] TAF is a not-for-profit corporation under the laws of Illinois, which sets appraisal standards and appraiser qualifications in connection with federally related transactions. *See* 12 U.S.C. 3331 *et seq.* and *https://appraisalfoundation.org/imis.* As contemplated by title XI of the Financial Institutions Reform, Recovery and Enforcement Act of 1989 (FIRREA), the Board, FDIC, NCUA, and the OCC have promulgated regulations requiring that real estate appraisals be performed in accordance with generally accepted appraisal standards as evidenced by the appraisal standards promulgated by the Appraisal Standards Board of TAF. *See* 12 U.S.C. 3339; 12 CFR part 225 (Board); 12 CFR part 323 (FDIC); 12 CFR part 722 (NCUA); 12 CFR part 34 (OCC).

[9] *See* authorities cited *supra* note 1.

[10] The proposal described the term ''ROV'' as a ''request from the financial institution to the appraiser or other preparer of the valuation report to reassess the report based upon potential deficiencies or other information that may affect the value conclusion.'' 88 FR 47071, 47073 (July 21, 2023).

suggested that the definition of ''ROV'' be amended to provide that an agent of the institution, such as an appraisal management company (AMC), could initiate an ROV request.

Alternative descriptions suggested by commenters could result in overly broad or narrow descriptions and would not capture the appropriate types of requests. Therefore, the agencies believe the description of the term ''ROV'' in the proposed guidance captures the intended scope and the final guidance does not change that description. The agencies decline to incorporate the term ''Appraisal Reconsideration'' into the final guidance, as it implies that appraisals are the sole type of valuation subject to ROVs.

ii. Description of the Terms ''Comparable Sale'' and ''Specific and Verifiable Information''

One commenter requested that the agencies clearly define the term ''comparable sale'' [11] in the context of the content of an ROV request, which may include comparable properties not previously identified. A commenter recommended that the agencies clarify the term ''specific and verifiable information'' in connection with a consumer providing specific and verifiable information that may not have been available or considered when the initial valuation and review were performed. The same commenter requested that the agencies provide clear examples of both valid and invalid data in the context of consumer-provided ''specific and verifiable information.''

The agencies considered the comments regarding ''comparable sale'' and ''specific and verifiable information.'' Under the provisions of title XI of the FIRREA, the Appraisal Standards Board (ASB) of TAF sets appraisal standards in connection with federally related transactions, which it does through the development and publication of the Uniform Standards of Professional Appraisal Practice (USPAP).[12] What constitutes a ''comparable sale'' and ''specific and verifiable information'' fall within the purview of the ASB and USPAP. Therefore, the agencies decline to provide definitions or examples related to those terms in the final guidance.

iii. Scope of Transactions Covered by the Final Guidance

Some commenters questioned the scope of the term ''residential real estate'' in connection with the types of transactions that the guidance covers. One commenter asserted that ''residential real estate'' likely encompassed single-unit dwellings like standalone homes, condos, co-ops, and townhouses. Another commenter stated that their interpretation of the proposal's scope was that it included loans for properties that borrowers plan to live in as their primary residence.

Commenters made specific suggestions regarding the type of loans the guidance should cover. In particular, a commenter suggested that the guidance should only extend to loans secured by a single 1-to-4 family residential property, excluding multi-family dwellings. Another commenter recommended that loans to small businesses, corporations, partnerships, and trusts should be covered by the guidance, because the Equal Credit Opportunity Act (ECOA) applies to any extension of credit to those entities. Finally, a commenter asserted that the guidance should cover all types of real estate-related credit, including multi-family and commercial.

The agencies considered the comments regarding the scope of ''residential real estate,'' as well as the comments in favor of expansion of the guidance's scope. In response, the agencies revised the guidance to clearly state that the scope of the final guidance is intended to be limited to real estate-related financial transactions that are secured by a single 1-to-4 family residential property.[13] The considerations and principles included in the guidance are targeted towards single 1-to-4 family residential transactions and thus are best suited for those types of transactions. Other types of transactions may involve different considerations.

C. Comments on Prescriptive Versus Principles-Based Approach

Some commenters recommended that the final guidance take a more prescriptive approach, suggesting specific amendments to the guidance, urging uniformity and standardization of ROV processes across institutions, and endorsing the development of model forms, checklists, and policies. Other commenters supported the proposal's more flexible and principles-based approach to the guidance.

i. Specific Suggestions for Added Prescriptiveness

Many commenters made specific suggestions that the agencies provide more granularity and prescriptiveness in the guidance in particular areas. With regard to second appraisals, one commenter recommended that the guidance should outline the circumstances under which a financial institution must request a second appraisal. One commenter asserted that the guidance should provide examples of when, if ever, it is reasonable to pass on the cost of a second appraisal to the consumer. A commenter recommended that, if the agencies determined that it was never acceptable to pass on the cost of a second appraisal to the consumer, the guidance should clearly state that, and should also clarify to whom the fee could be assessed. Another commenter more generally requested clear guidelines on handling second appraisals.

With regard to data submitted with an ROV request, commenters requested that the guidance define what types of data or items a consumer should or should not include. For example, one commenter suggested that alleged appraiser remarks should not be included. Another commenter requested that the guidance specify that data provided by consumers with the ROV request should not include separate valuations for the same property (*e.g.,* a separate appraisal or evaluation). A commenter recommended that information that was unavailable as of the appraisal's effective date should not be included with the ROV request. Finally, a commenter requested specificity on which alternate market data should be provided with an ROV request and whether it should be limited to sales that closed prior to the date of the appraisal.

Other commenters focused on adding detail to the guidance related to consumer and appraiser education and communication. One commenter requested that the agencies provide additional clarity on the process to inform consumers about how to raise valuation concerns early in the underwriting process. Another commenter suggested consumer education should be incorporated as a standard component in the ROV process. A commenter emphasized the importance of appraiser education and training on how to recognize and avoid bias. Another commenter requested additional examples of ROV policies and procedures to improve communications with consumers.

[11] The agencies note that the final guidance, like the proposed guidance, references ''comparable properties'' and ''comparable properties not previously identified,'' instead of ''comparable sales.''

[12] *See* 12 U.S.C. 3331 *et seq.*

[13] *See* 12 CFR 34.42(k) (OCC); 12 CFR 323.2(k) (FDIC); 12 CFR 225.62(k) (Board); 12 CFR 722.2 (NCUA).

The agencies received several comments regarding timelines of ROV processes. A commenter requested that the agencies incorporate a set timeline for an ROV process into the guidance. Another commenter requested that the agencies consider whether the guidance should set forth a specific timeframe after receipt of the original valuation during which an ROV request must be made. This commenter noted that allowing ROV requests to be made several days or more after receipt of the original valuation can have consequences on the rate lock and can be a considerable burden on financial institutions. Another commenter believed that the guidance should state that, if an institution requests data or other information to support an ROV request, and the required information is not provided by the borrower in a reasonable timeframe, the institution should have no additional responsibilities other than conducting its own internal review to ensure there were no evident omissions, errors, or discriminatory actions involved in the valuation.

The agencies considered the range of comments aimed at adding prescriptiveness to the guidance with regard to second appraisals, the types of information submitted with an ROV request, consumer and appraiser education and training, ROV timelines, and communication with consumers. The final guidance is intended for institutions of many different sizes, types, and business models. Institutions implementing the guidance have flexibility to tailor their ROV processes based on their unique risk profile.[14] The agencies determined there is no one-size-fits-all approach and that it is important to maintain a high-level, principles-based approach to help ensure the guidance will be useful and relevant for a diverse range of institutions and circumstances. In light of their decision to retain the broad, principles-based approach of this guidance, the agencies have not made revisions to address specific topics or individual situations raised by commenters in order to provide flexible guidance for institutions designing their ROV processes.

[14] Accordingly, institutions have flexibility as to the level of granularity to include in their own ROV processes. For example, an institution's ROV policies and procedures could specify what types of information the institution would accept with an ROV request (*e.g.,* comparable sales provided with an ROV request must have closed by the effective date of the appraisal).

ii. Uniformity and Standardization of ROV Processes

Some commenters asserted that ROV processes should be uniform across all institutions. Other commenters believed that certain aspects of the ROV process should not be uniform due to the wide range of institutions that would be in-scope for purposes of the guidance. Another commenter recommended that the agencies build in additional flexibility to the guidance for financial institutions to exercise discretion within their own ROV processes. The agencies also received comments related to interagency coordination in developing a uniform, industry-wide ROV process.

Several commenters recommended the adoption of a standardized, expedient appeals process that would allow any party to the transaction to appeal the valuation, similar to the United States Department of Veterans Affairs' (VA) Tidewater Procedure. The VA's Tidewater Procedure allows VA program participants to provide relevant market data to VA fee-appraisers and staff appraisers during the appraisal process.[15] One commenter suggested that the guidance confirm that an ROV process similar to the Tidewater Procedure is acceptable. Another commenter noted that the major benefit of the Tidewater Procedure is that it establishes a process for an interested party to provide relevant data to the appraiser. A commenter noted that the Tidewater Procedure may help prevent abuse of the ROV process. The commenter raised a concern regarding who would decide the number of alternative sales to review and how it would be decided which sales transactions deserve consideration.

The agencies considered the comments on uniformity and standardization of ROV processes for all institutions and recognize that institutions may find existing standardized processes, such as the Tidewater Procedure, something to consider while developing their own ROV processes. However, a standardized approach to ROV processes ignores the differences in risk profiles of institutions of varying size and complexity. The final guidance provides a principles-based approach with flexibility for implementing institutions to adopt ROV processes that are responsive to the unique profile of each institution. Thus, the agencies do not believe it would be appropriate to prescribe a rigid, one-size-fits-all ROV process across institutions.

iii. Model Forms, Checklists, & Policies

In the proposal, the agencies specifically requested comment on what model forms, or model policies and procedures, if any, related to ROVs would be helpful for the agencies to recommend. Several commenters encouraged the agencies to develop a standardized model form for ROV requests and provide model disclosure language for financial institutions to use when educating consumers about ROVs. One of these commenters also suggested that the agencies create a list of common documents needed for a consumer to initiate an ROV request.

One commenter suggested that the agencies work with TAF to develop model forms based on TAF's previous efforts in this area. This commenter also recommended that the agencies develop model policies addressing the denial of a consumer's ROV request and situations when consumer-provided information should be forwarded to the appraiser as part of an ROV. Another commenter requested that the agencies encourage the Federal Housing Administration, VA, and United States Department of Agriculture to develop consistent or shared materials for consumers to request ROVs and develop a model borrower application or checklist to standardize the process for consumers to request ROVs.

The agencies considered the comments recommending the development of model forms, model policies, checklists, and other standardized documents. The agencies agree that such documents may have

[15] The VA's Tidewater Procedure has been in existence since 2003. Under this procedure, appraisers are required to notify the requester (*i.e.,* the person who orders the appraisal) when it appears that the estimated market value will be below the sale price during the appraisal process. The requester, or any parties to the transaction contacted by the requester, has two business days to submit any additional sales data that they wish to have considered. For each potential comparable sale submitted, requesters are encouraged to provide the following information: (1) street address; (2) sales price; (3) date of sale; (4) gross living area; (5) if the property was listed, a copy of the listing with details about the property; and 6) any other information to assist the appraiser in determining whether the sale could be used as a comparable property. If the requester submits market data, the appraiser will note in the appraisal report that the Tidewater Procedure was followed and include: (1) the street address of each sale submitted; (2) whether each sale was considered and, if not, the reason; and (3) the effect of the data, if any, on the opinion of value. If the market data does not result in the value meeting or exceeding the sale price, the next step is an ROV. After two business days, if the requester does not submit market data, the appraiser will note in the appraisal report that the Tidewater Procedure was followed and complete the appraisal report. *See* VA's Lenders Handbook, Chapter 10, Section 8, available at *https://benefits.va.gov/WARMS/docs/admin26/m26-07/Chapter_10.pdf; see also* VA's presentation entitled ''Tidewater and Reconsiderations of Value'' at the 2023 Loan Guaranty Conference, available at *https://benefits.va.gov/HOMELOANS/documents/conf/2023-lender-d1-04-tidewater.pdf.*

utility and will consider future development of model forms.

D. Comments on Burden on Institutions

Several commenters stated that the proposal would add unnecessary and burdensome requirements on top of an existing ROV process that already functions well. Certain commenters noted that implementing parts of the proposal's policies and procedures may present significant challenges for smaller institutions, especially institutions with limited resources. One commenter requested an explanation of how the guidance would specifically affect small financial institutions that perform internal valuations as an alternative to formal appraisals. A commenter also expressed concern that smaller institutions do not have sufficient financial resources to support the necessary valuation staff and that many institutions will be unable to make timely and accurate ROV request decisions due to their limited access to nationwide data or analytical tools.

Several commenters expressed concerns related to burden on credit unions specifically. One commenter pointed to the cost associated with oversight and additional processes related to ROVs, which the commenter stated would be passed on to credit union members without providing additional value to their membership. Another commenter noted that applying rigid timelines for an ROV process would be difficult for certain credit unions to implement. One commenter requested that the agencies exclude from the guidance any policies and procedures that require monitoring multiple channels for ROV requests because those would be challenging for credit unions to implement. This commenter stated that monitoring multiple channels does not align with the NCUA's previous guidance on handling consumer complaints.[16] Another commenter suggested that policies and procedures that require credit unions to ensure that their lending and valuation staff are trained to identify prohibited discriminatory practices through the appraisal review process could be similarly challenging to implement.

The agencies considered these comments regarding burden on smaller institutions, credit unions, and institutions in general. The guidance is intended to provide clarity to institutions with respect to ROV processes. The agencies reiterate that the final guidance does not have the force and effect of law or regulation and does not impose any new requirements on supervised institutions.[17] The examples of policies and procedures in the final guidance are illustrative and not requirements. The final guidance clarifies that these examples may not be applicable or material to each institution or their ROV processes. Risk-based ROV-related policies, procedures, control systems, and complaint processes may vary according to the size and complexity of the financial institution. Smaller financial institutions that choose to implement the guidance may have policies and procedures that differ from those at larger and midsize institutions. Under this guidance, institutions have flexibility in their approach to their internal ROV processes and deciding the relevance of the considerations discussed in the final guidance.

This ROV guidance does not conflict with the NCUA's previous guidance on handling consumer complaints, because financial institutions can use their existing complaint resolution process to manage complaints regarding potential valuation deficiencies. ROV processes work in congruence with the NCUA's current process for consumer complaints.

E. Other Comments Submitted

Several commenters made recommendations regarding the use of automated valuation models (AVMs) in ROV processes.[18] A commenter advised that the agencies should discourage reliance solely on automatic review tools in an ROV and should identify features that AVMs should and should not include for consideration in an ROV. A few commenters encouraged the use of AVMs in ROVs and suggested the use of automated and interactive appraisal review scoring tools that could detect, correct, and minimize human error. The agencies considered these comments and neither promote nor discourage the use of a particular method or tool as part of an ROV process.

One commenter recommended that bias complaints should not be handled by an ROV. This commenter asserted that accusations of bias should trigger an alternative complaint process, either through an escalated ROV process or a review entirely independent of the ROV process. This commenter believed ROVs should be used only for correction of informational or methodological deficiencies that do not relate to discrimination.

The final guidance does not state that ROVs are the sole tool to address bias complaints, nor does the final guidance direct institutions to use a specific tool to address bias complaints. However, in response to this comment, the agencies have made a clarifying edit to the final guidance to provide that, if an ROV request includes allegations of discrimination, an institution may consider, in addition to processing the ROV, referring the allegations through a separate process that the institution may have to respond to discrimination complaints.

Other commenters requested that the guidance address the potential liability of parties who may rely on discriminatory appraisals (*e.g.,* third parties, AMCs, fee-appraisers, mortgage brokers, mortgage servicers, and appraisal firms), and appraisers' or evaluators' rights to dismiss non-factual or unverified claims and be shielded from any potential backlash or liability for doing so. The assigning or absolving of civil liability of future unknown parties is outside of the scope of this guidance.

The agencies received a few comments regarding appraiser independence in the context of ROVs. A commenter asserted that the agencies should provide suggestions in the guidance for how to manage ROV requests so that they do not affect appraiser independence. Another commenter recommended that the agencies clarify and provide examples of how appraiser independence can be maintained during an ROV of an internal evaluation when an institution has only one or two individuals on staff that are qualified to perform evaluations. Another commenter believed that the guidance, as proposed, puts appraiser independence at risk.

The agencies considered the comments received on appraiser independence and reiterate that institutions are responsible for maintaining standards of independence for all real estate lending activity, including ROVs, as required by the agencies' appraisal regulations and, as applicable, USPAP. For small institutions or branches, an institution may be able to demonstrate clearly that it has prudent safeguards in place when absolute lines of independence cannot

[16] NCUA, Responding to Consumer Complaints (June 2015), available at *https://ncua.gov/regulation-supervision/letters-credit-unions-other-guidance/improving-process-consumer-complaints* (recommending that credit unions ''[e]stablish channels to receive consumer complaints and inquiries such as telephone numbers or email addresses dedicated to receiving [consumer complaints].'').

[17] *See* authorities cited *supra* note 1.

[18] There is a separate notice of proposed rulemaking on quality control standards for AVMs that was published in the **Federal Register** for comment on June 21, 2023. *See* 88 FR 40638.

be achieved, due to, for example, limited staff.[19]

Commenters also made suggestions for further actions the agencies could take, such as developing data-sharing arrangements to collect ROV data. The agencies may take such suggestions under advisement when considering future agency initiatives on this topic. A few commenters encouraged the agencies to hold roundtables and hearings to gather stakeholder input in the development of the final guidance. The agencies note that the proposed guidance was published for notice and comment in the **Federal Register** for the purpose of gathering stakeholder input.

Lastly, one commenter asserted that the interpretation of the adequacy of an ROV process will vary and will be defined by each exam, opening banking organizations up to unnecessary criticism. Examiners will continue to review institutions' residential real estate collateral valuation programs within the framework of established safety and soundness and consumer compliance examination procedures. This examination scope includes consideration of whether institutions' risk management practices for valuations are appropriate to identify and address valuation discrimination or bias and promote credible valuations.[20]

III. Paperwork Reduction Act Analysis

In accordance with the Paperwork Reduction Act (PRA) of 1995,[21] the Board, FDIC, NCUA, and OCC reviewed the final guidance. The agencies may not conduct or sponsor, and an organization is not required to respond to, an information collection unless the information collection displays a currently valid OMB control number. The agencies have determined that certain aspects of the final guidance constitute a collection of information and are revising their information collections related to real estate appraisals and evaluations. The OMB control number for each agency is: OCC, 1557–0190; Board, 7100–0250; FDIC, 3064–0103; and NCUA, 3133–0125. These information collections will be extended for three years, with revision. In addition to accounting for the PRA burden incurred as a result of this final guidance, the Board, FDIC, NCUA, and OCC are also updating and aligning their information collections with respect to the hourly burden associated with the Guidelines. Accordingly, the tables below provide data on both the final guidance addressed in this document and the Guidelines.

The agencies did not receive any PRA-related comments. The agencies have a continuing interest in the public's opinions of information collections. At any time, commenters may submit comments regarding the burden estimate, or any other aspect of this collection of information, including suggestions for reducing the burden, to the addresses listed in the **ADDRESSES** caption in the Notice of Proposed Guidance. All comments will become a matter of public record. Written comments and recommendations for the proposed information collection should be sent within 30 days of publication of this document to *www.reginfo.gov/public/do/PRAMain.* Find this information collection by selecting ''Currently under 30-day Review—Open for Public Comments'' or using the search function.

Abstract: The final guidance describes principles for financial institutions to implement ROV policies, procedures, and control systems that identify, address, and mitigate the risk of deficient valuations. Such policies and procedures create a recordkeeping requirement.

Frequency of Response: Annual.

Affected Public: Businesses, other for-profit institutions, and other not-for-profit institutions.

Respondents:

OCC: National banks, Federal savings associations.

Board: State member banks (SMBs), bank holding companies (BHCs) and nonbank subsidiaries of BHCs.

FDIC: Insured state nonmember banks and state savings associations, insured state branches of foreign banks.

NCUA: Private Sector: Not-for-profit institutions.

Burden

OCC:

TABLE 1—SUMMARY OF ESTIMATED ANNUAL BURDEN

[OMB No. 1557–0190]

Requirement	Citations	Number of respondents	Burden hours per respondent	Total number of hours annually
Recordkeeping: Resolution stating plans for use of property.	§ 7.1024(d)	6	5	30
Recordkeeping: ARM loan documentation must specify indices to which changes in the interest rate will be linked.	§ 34.22(a); § 160.35(b)	164	6	984
Recordkeeping: Appraisals must be written and contain sufficient information and analysis to support engaging in the transaction.	§ 34.44	976	1,465 responses per respondent @5 minutes per response.	119,072
Recordkeeping: Written policies (reviewed annually) for extensions of credit secured by or used to improve real estate.	§ 34.62; appendix A to subpart D to part 34; § 160.101; appendix A to § 160.101.	1,413	30	42,390
Recordkeeping: Real estate evaluation policy to monitor OREO.	§ 34.85	9	5	45
Recordkeeping: New Information Collection (''IC'') 1—ROV Guidance—Policies and Procedures (Implementation: Applies to first year only).	N/A	907	13.3	12,093
Recordkeeping: New IC 2—ROV Guidance—Policies and Procedures (Ongoing).	N/A	907	2	1,814
Recordkeeping: New IC 3—Interagency Appraisal and Evaluation Guidelines—Policies and Procedures.	N/A	976	10	9,760

[19] *See* Interagency Appraisal and Evaluation Guidelines, 75 FR 77457, 77462 (December 10, 2010).

[20] *See* the Federal Financial Institutions Examination Council's (FFIEC) Statement on Examination Principles Related to Valuation Discrimination and Bias in Residential Lending, Attachment B (February 12, 2024), available at *https://files.consumerfinance.gov/f/documents/cfpb_ffiec-statement-on-exam-principles_2024-02.pdf.* In some situations, examiners may reference (including in writing) supervisory guidance to provide examples of safe and sound conduct, appropriate consumer protection and risk management practices, and other actions for addressing compliance with laws or regulations. *See* 12 CFR part 4, subpart F, appendix A (OCC); 12 CFR part 262, appendix A (Board); 12 CFR part 302, appendix A (FDIC); 12 CFR part 1074, appendix A (CFPB); 12 CFR part 791, subpart D, appendix A (NCUA).

[21] 44 U.S.C. 3506.

TABLE 1—SUMMARY OF ESTIMATED ANNUAL BURDEN—Continued
[OMB No. 1557–0190]

Requirement	Citations	Number of respondents	Burden hours per respondent	Total number of hours annually
Reporting: Procedure to be followed when seeking to use an alternative index.	§ 34.22(b); § 160.35(d)(3)	249	6	1,494
Reporting: Prior notification of making advances under development or improvement plan for OREO.	§ 34.86	6	5	30
Disclosure: Default notice to debtor at least 30 days before repossession, foreclosure, or acceleration of payments.	§ 190.4(h)	42	2	84
Disclosure: New IC 4—Interagency Appraisal and Evaluation Guidelines.	N/A	976	5	4,880
Total Annual Burden Hours				192,676

Board:

TABLE 2—SUMMARY OF ESTIMATED ANNUAL BURDEN
[OMB No. 7100–0250]

FR Y-30	Estimated number of respondents	Estimated annual frequency	Estimated average hours per response	Estimated annual burden hours
Recordkeeping				
Sections 225.61—225.67 for SMBs	706	498	5 minutes	29,299
Sections 225.61—225.67 for BHCs and nonbank subsidiaries of BHCs	4,516	25	5 minutes	9,408
Guidelines	5,222	1	10	52,220
Policies and Procedures ROV guidance (Initial setup)	5,591	1	13.3	74,547
Policies and Procedures ROV guidance (Ongoing)	5,591	1	2	11,182
Disclosure				
Guidelines	5,222	1	5	26,110
Total				202,766

FDIC:

TABLE 3—SUMMARY OF ESTIMATED ANNUAL BURDEN
[OMB No. 3064–0103]

Information collection (IC) (obligation to respond)	Type of burden (frequency of response)	Number of respondents	Number of responses per respondent	Time per response (HH:MM)	Annual burden (hours)
Recordkeeping Requirements Associated with Real Estate Appraisals and Evaluations (Mandatory).	Recordkeeping (On Occasion)	2,936	259	00:05	63,369
New IC 1—ROV Guidance—Policies and Procedures—Implementation (Voluntary).	Reporting (Annual)	2,887	0.33	40:00	38,120
New IC 2—ROV Guidance—Policies and Procedures—Ongoing (Voluntary).	Disclosure (Annual)	2,887	1	02:00	5,774
New IC 3—2010 Guidelines—Policies and Procedures—Ongoing.	Recordkeeping (Annual)	2,936	1	10:00	29,360
New IC 4—2010 Guidelines—Disclosure—Ongoing (Voluntary).	Reporting (Annual)	2,936	1	05:00	14,680
Total Annual Burden (Hours)					151,303

Source: FDIC.
Note: The estimated annual IC time burden is the product, rounded to the nearest hour, of the estimated annual number of responses and the estimated time per response for a given IC. The estimated annual number of responses is the product, rounded to the nearest whole number, of the estimated annual number of respondents and the estimated annual number of responses per respondent. This methodology ensures the estimated annual burdens in the table are consistent with the values recorded in OMB's consolidated information system.

NCUA:

TABLE 4—SUMMARY OF ESTIMATED ANNUAL BURDEN
[OMB No. 3133–0125]

Information collection	Type of burden	Average annual number of respondents	Number of responses per respondent	Time per response (hours)	Annual burden (hours)
Recordkeeping Requirements Associated with Real Estate Appraisals and Evaluations.	Recordkeeping (On Occasion)	2,871	517	0.0833	123,643
New IC 1—ROV Guidance—Policies and Procedures—Implementation.	Recordkeeping (Annual)	2,871	1	5	14,355
New IC 2—ROV Guidance—Policies and Procedures—Ongoing.	Recordkeeping (Annual)	2,871	1	1	2,871
New IC 3—2010 Guidelines—Policies and Procedures—Ongoing.	Recordkeeping (Annual)	2,871	1	10	28,710
New IC 4—2010 Guidelines—Disclosure—Ongoing	Disclosure (Annual)	2,871	1	5	14,355
Total Annual Burden Hours					183,934

Comments continue to be invited on:

(a) Whether the collections of information are necessary for the proper performance of the agencies' functions, including whether the information has practical utility;

(b) The accuracy of the estimate of the burden of the information collections, including the validity of the methodology and assumptions used;

(c) Ways to enhance the quality, utility, and clarity of the information to be collected;

(d) Ways to minimize the burden of the information collections on respondents, including through the use of automated collection techniques or other forms of information technology; and

(e) Estimates of capital or start-up costs and costs of operation, maintenance, and purchase of services to provide information.

IV. Text of Final Interagency Guidance on Reconsiderations of Value of Residential Real Estate Valuations

Background

Credible collateral valuations, including appraisals, are essential to the integrity of the residential real estate lending process.[22] Deficiencies identified in valuations, either through an institution's valuation review processes or through consumer-provided information, may be a basis for financial institutions to question the credibility of the appraisal or valuation report. Collateral valuations may be deficient due to prohibited discrimination;[23] errors or omissions; or valuation methods, assumptions, data sources, or conclusions that are otherwise unreasonable, unsupported, unrealistic, or inappropriate. Deficient collateral valuations can keep individuals, families, and neighborhoods from building wealth through homeownership by potentially preventing homeowners from accessing accumulated equity, preventing prospective buyers from purchasing homes, making it harder for homeowners to sell or refinance their homes, and increasing the risk of default. Deficient valuations may pose risks to the financial condition and operations of a financial institution. Such risks may include loan losses, violations of law, fines, civil money penalties, payment of damages, and civil litigation.

Applicable Statutes, Regulations, and Guidance

The Equal Credit Opportunity Act (ECOA), and its implementing regulation, Regulation B, prohibit discrimination in any aspect of a credit transaction.[24] The Fair Housing Act (FH Act) and its implementing regulation prohibit discrimination in all aspects of residential real estate-related transactions.[25] ECOA and the FH Act prohibit discrimination on the basis of race and certain other characteristics in all aspects of residential real estate-related transactions, including in residential real estate valuations. In addition, section 5 of the Federal Trade Commission Act prohibits unfair or deceptive acts or practices[26] and the Consumer Financial Protection Act prohibits any covered person or service provider of a covered person from engaging in any unfair, deceptive, or abusive act or practice.[27]

The Truth in Lending Act (TILA) and its implementing regulation, Regulation Z, establish certain Federal appraisal independence requirements.[28] Specifically, TILA and Regulation Z prohibit compensation, coercion, extortion, bribery, or other efforts that may impede upon the appraiser's independent valuation in connection with any covered transaction.[29] However, Regulation Z also explicitly clarifies that it is permissible for covered persons[30] to, among other things, request the preparer of the valuation to consider additional, appropriate property information, including information about comparable

[22] For the purposes of this guidance, the residential real estate lending process is limited to real estate-related financial transactions that are secured by a single 1-to-4 family residential property.

[23] For the purposes of this guidance, ''discrimination'' is prohibited discrimination based on protected characteristics in the residential property valuation process. For these purposes, ''valuation'' includes appraisals, evaluations, and other means to determine the value of residential property.

[24] *See* 15 U.S.C. 1691 *et seq.* and 12 CFR part 1002. While this guidance focuses on residential valuations, ECOA covers all lending, including commercial lending. In addition, Regulation B requires creditors to (1) provide an applicant a copy of all appraisals and other written evaluations developed in connection with an application for credit that is to be secured by a first lien on a dwelling; and (2) provide a copy of each such appraisal or other written valuation promptly upon completion, or three business days prior to consummation of the transaction (for closed-end credit) or account opening (for open-end credit), whichever is earlier. *See* 12 CFR 1002.14(a)(1).

[25] *See* 42 U.S.C. 3601 *et seq.* and 24 CFR part 100. The FH Act defines ''residential real estate-related transaction'' as (1) the making or purchasing of loans or providing other financial assistance for: purchasing, constructing, improving, repairing or maintaining a dwelling; or secured by residential real estate; or (2) the selling, brokering or appraising of residential real property. *See* 42 U.S.C. 3605(b); 24 CFR 100.115.

[26] *See* 15 U.S.C. 45(a)(1).

[27] *See* 12 U.S.C. 5531, 5536.

[28] *See* 15 U.S.C. 1601 *et seq.* and 12 CFR part 1026.

[29] *See* 12 CFR 1026.42(c)(1).

[30] ''Covered persons'' include creditors, mortgage brokers, appraisers, appraisal management companies, real estate agents, and other persons that provide ''settlement services'' as defined in section 3(3) of the Real Estate Settlement Procedures Act (12 U.S.C. 2602(3)) and the implementing regulation. *See* 12 CFR 1026.42(b)(1).

properties, or to correct errors in the valuation.[31]

The Board's, FDIC's, NCUA's, and OCC's appraisal regulations [32] implementing title XI of the Financial Institutions Reform, Recovery, and Enforcement Act of 1989 [33] require all appraisals conducted in connection with federally related transactions to conform with the Uniform Standards of Professional Appraisal Practice (USPAP), which requires compliance with all applicable laws and regulations including nondiscrimination requirements.

The Board's, FDIC's, NCUA's, and OCC's appraisal regulations also require appraisals for federally related transactions to be subject to appropriate review for compliance with USPAP.[34] Financial institutions generally conduct an independent review prior to providing the consumer a copy of the appraisal or evaluation; however, additional review may be warranted if the consumer provides information that could affect the value conclusion or if deficiencies are identified in the original appraisal. An appraisal does not comply with USPAP if it relies on a prohibited basis set forth in either ECOA or the FH Act [35] or contains material errors including errors of omission or commission.[36] If a financial institution determines through the appraisal review process, or after consideration of information later provided by the consumer, that the appraisal does not meet the minimum standards outlined in the agencies' appraisal regulations and if the deficiencies remain uncorrected, the appraisal cannot be used as part of the credit decision.[37]

The Board, FDIC, NCUA, and OCC have issued interagency guidance describing actions that financial institutions may take to resolve valuation deficiencies.[38] These actions include resolving the deficiencies with the appraiser or preparer of the valuation report; requesting a review of the valuation by an independent, qualified, and competent state certified or licensed appraiser; or obtaining a second appraisal or evaluation. Deficiencies may be identified through the financial institution's valuation review or through consumer-provided information. The regulatory framework permits financial institutions to implement reconsideration of value (ROV) policies, procedures, and control systems that allow consumers to provide, and the financial institution to review, relevant information that may not have been considered during the appraisal or evaluation process.[39]

Use of Third Parties

A financial institution's use of third parties in the valuation review process does not diminish its responsibility to comply with applicable laws and regulations.[40] Moreover, whether valuation review activities and the resolution of deficiencies are performed internally or via a third party, financial institutions supervised by the Board, FDIC, NCUA, and OCC are required to operate in a safe and sound manner and in compliance with applicable laws and regulations, including those designed to protect consumers.[41] In addition, the CFPB expects financial institutions to oversee their business relationships with service providers in a manner that ensures compliance with Federal consumer protection laws, which are designed to protect the interests of consumers and avoid consumer harm.[42] A financial institution's risk management practices include managing the risks arising from its third-party valuations and valuation review functions.

Reconsiderations of Value

An ROV request made by the financial institution to the appraiser or other preparer of the valuation report encompasses a request to reassess the report based upon deficiencies or information that may affect the value conclusion. A financial institution may initiate a request for an ROV because of the financial institution's valuation review activities or after consideration of information received from a consumer through a complaint, or request to the loan officer or other lender representative.[43]

A consumer inquiry or complaint regarding a valuation would generally occur after the financial institution has conducted its initial appraisal or evaluation review and resolved any issues that it has identified. Given this timing, a consumer may provide specific and verifiable information that may not have been available or considered when the initial valuation and review were performed. Regardless of how the request for an ROV is initiated, a consumer inquiry or complaint could be resolved through a financial institution's independent valuation review or other processes to ensure credible appraisals and evaluations.

An ROV request may include consideration of comparable properties not previously identified, property characteristics, or other information about the property that may have been incorrectly reported or not previously considered, which may affect the value conclusion. To resolve deficiencies, including those related to potential

[31] *See* 12 CFR 1026.42(c)(3)(iii).

[32] *See* 12 CFR part 34, subpart C (OCC); 12 CFR part 208, subpart E and 12 CFR part 225, subpart G (Board); 12 CFR part 323 (FDIC); 12 CFR part 722 and 12 CFR 701.31 (NCUA).

[33] Public Law 101–73, title XI, 103 Stat. 511 (1989), codified at 12 U.S.C. 3331 *et seq.*

[34] *See* 12 CFR 34.44(a) (OCC); 12 CFR 225.64(c) (Board); 12 CFR 722.4(c) (NCUA); and 12 CFR 323.4(c) (FDIC).

[35] *See* Nondiscrimination Section of the USPAP's Ethics Rule (2024 edition).

[36] An error of omission is neglecting to do something that is necessary, *e.g.,* failing to identify the subject property's relevant characteristics. An error of commission is doing something incorrectly, *e.g.,* incorrectly identifying the subject property's relevant characteristics.

[37] *See* 12 CFR 34.44 (OCC); 12 CFR 225.64 (Board); 12 CFR 323.4 (FDIC); and 12 CFR 722.4 (NCUA). In addition, under TILA, if at any point during the lending process the financial institution reasonably believes, through appraisal review or consumer-provided information, that an appraiser has not complied with USPAP or ethical or professional requirements for appraisers under applicable state or Federal statutes or regulations, the financial institution is required to refer the matter to the appropriate state appraisal regulatory agency if the failure to comply is material. *See* 12 CFR 1026.42(g).

[38] *See* Interagency Appraisal and Evaluation Guidelines, 75 FR 77450 (December 10, 2010).

[39] The agencies note that institutions that choose to implement ROV policies described in this guidance would not be precluded or excused from complying with other relevant legal and contractual requirements related to ROVs, as applicable.

[40] *See* OCC Bulletin 2023–17, ''Third-Party Relationships: Interagency Guidance on Risk Management'' (June 6, 2023); CFPB Compliance Bulletin and Policy Guidance; 2016–02, Service Providers (October 2016); FDIC FIL–29–2023, ''Interagency Guidance on Third-Party Relationships: Risk Management'' (June 6, 2023); Board SR Letter 23–4, ''Interagency Guidance on Third-Party Relationships: Risk Management'' (June 7, 2023). The Board, FDIC, and OCC also issued ''Third-Party Relationships: A Guide for Community Banks,'' which is intended to assist community banks when developing and implementing their third-party risk-management practices. *See* OCC Bulletin 2024–11 (May 3, 2024); FDIC FIL–19–2024 (May 3, 2024); SR Letter 24–2 (May 7, 2024). The NCUA does not currently have supervisory or enforcement authority over third-party credit union vendors and service providers. The NCUA issued LTR 07–CU–13 ''Evaluating Third Party Relationships'' to communicate guidance to examiners on a standard framework for reviewing third party relationships.

[41] *See* section 39 of the Federal Deposit Insurance Act (12 U.S.C. 1831p-1) (which requires each appropriate Federal banking agency to prescribe safety and soundness standards for insured depository institutions). The Federal banking agencies implemented section 1831p-1 by rule through the ''Interagency Guidelines Establishing Standards for Safety and Soundness.'' *See* 12 CFR part 30, appendix A (OCC); 12 CFR part 208, appendix D–1 (Board); and 12 CFR part 364, appendix A (FDIC). *See also* 12 U.S.C. 1786(b); 12 U.S.C. 1789; and 12 CFR 741.3 (NCUA).

[42] CFPB Compliance Bulletin and Policy Guidance; 2016–02, Service Providers (October 2016).

[43] *See* Interagency Appraisal and Evaluation Guidelines, 75 FR 77450, 77463 (December 10, 2010).

discrimination, financial institutions can communicate relevant information to the original preparer of the valuation and, when appropriate, request an ROV.

Complaint Resolution Process

Financial institutions can capture consumer feedback regarding potential valuation deficiencies through existing complaint resolution processes. The complaint resolution process may capture complaints and inquiries about the financial institution's products and services offered across all lines of business, including those offered by third parties, as well as complaints from various channels (such as letters, phone calls, in person, transmittal from regulators, third-party valuation service providers, emails, and social media). Depending on the nature and volume, appraisal and other valuation-based complaints and inquiries can be an important indicator of potential risks and risk management weaknesses. Appropriate policies, procedures, and control systems can adequately address the monitoring, escalating, and resolving of complaints including a determination of the merits of the complaint and whether a financial institution should initiate an ROV.

Examples of Policies, Procedures, and Control Systems

Financial institutions may consider developing risk-based ROV-related policies, procedures, control systems, and complaint resolution processes [44] that identify, address, and mitigate the risk of deficient valuations, including valuations that involve prohibited discrimination, and that:

- Consider ROVs as a possible resolution for consumer complaints or inquiries related to residential property valuations. If a complaint or inquiry includes allegations of discrimination, the institution may consider, in addition to processing the ROV, separately initiating the process the institution may have to respond to allegations of discrimination.
- Consider whether any information or other process requirements related to a consumer's request for a financial institution to initiate an ROV create unreasonable barriers or discourage consumers from requesting the institution initiate an ROV.
- Establish a process that provides for the identification, management, analysis, escalation, and resolution of valuation-related complaints or inquiries across all relevant lines of business, from various channels and sources (such as letters, phone calls, in person, regulators, third-party service providers, emails, and social media).
- Establish a process to inform consumers how to raise concerns about the valuation early enough in the underwriting process for any errors or issues to be resolved before a final credit decision is made. This may include educating consumers on the type of information they may provide when communicating with the financial institution about potential valuation deficiencies.
- Identify stakeholders and clearly outline each business unit's roles and responsibilities for processing an ROV request (*e.g.,* loan origination, processing, underwriting, collateral valuation, compliance, customer experience, or complaints).
- Establish risk-based ROV systems that route the request to the appropriate business unit (*e.g.,* requests that include concerns or inquiries that allege discrimination could be routed to the appropriate compliance, legal, and appraisal review staff that have the requisite skills and authority to research and resolve the request).
- Establish standardized processes to increase the consistency of consideration of requests for ROVs:
  - Use clear, plain language in notices to consumers of how they may request the ROV;
  - Use clear, plain language in ROV policies that provide a consistent process for the consumer, appraiser, and internal stakeholders;
  - Establish guidelines for the information the financial institution may need to initiate the ROV process;
  - Establish timelines in the complaint or ROV processes for when milestones need to be achieved;
  - Establish guidelines for when a second appraisal could be ordered and who assumes the cost; and
  - Establish protocols for communicating the status of the complaint or ROV and the lender's determination to consumers.
- Ensure relevant lending and valuation-related staff, inclusive of third parties (*e.g.,* appraisal management companies, fee-appraisers, mortgage brokers, and mortgage servicers) are trained to identify deficiencies (including practices that may result in discrimination) through the valuation review process.

[44] Risk-based ROV-related policies, procedures, control systems, and complaint processes may necessarily vary according to the size and complexity of the financial institution. Smaller financial institutions that choose to implement the guidance may have policies and procedures that differ from those at larger and midsize institutions.

Michael J. Hsu,

Acting Comptroller of the Currency.

By order of the Board of Governors of the Federal Reserve System.

Ann E. Misback,

Secretary of the Board.

Federal Deposit Insurance Corporation.

Dated at Washington, DC, on July 08, 2024.

Hina Z. Hussain,

Acting Assistant Executive Secretary.

By the National Credit Union Administration Board on June 27, 2024.

Melane Conyers-Ausbrooks,

Secretary of the Board.

Rohit Chopra,

Director, Consumer Financial Protection Bureau.

[FR Doc. 2024–16200 Filed 7–25–24; 8:45 am]

BILLING CODE 4810–33–P; 6210–01–P; 6714–01–P; 7535–01–P; 4810–AM–P

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

14 CFR Part 71

[Docket No. FAA–2024–1235; Airspace Docket No. 24–ASO–13]

RIN 2120–AA66

Amendment of Class E Airspace; Thomaston, GA

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Final rule.

SUMMARY: This action amends Class E airspace extending upward from 700 feet above the surface for Thomaston-Upson County Airport, Thomaston, GA, as the YATES Non-directional Beacon (NDB) has been decommissioned and associated instrument approaches canceled. Controlled airspace is necessary for the safety and management of instrument flight rules (IFR) operations at this airport.

DATES: Effective 0901 UTC, September 5, 2024. The Director of the Federal Register approves this incorporation by reference action under 1 CFR part 51, subject to the annual revision of FAA Order JO 7400.11 and publication of conforming amendments.

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

FAA Order JO 7400.11H, Airspace Designations, and Reporting Points, and subsequent amendments can be viewed online at *www.faa.gov/air_traffic/publications/.* For further information, you can contact the Airspace Policy Group, Federal Aviation Administration, 800 Independence Avenue SW, Washington, DC 20591; telephone: (202) 267–8783.

FOR FURTHER INFORMATION CONTACT: John Fornito, Operations Support Group, Eastern Service Center, Federal Aviation Administration, 1701 Columbia Avenue, College Park, GA 30337; telephone: (404) 305–6364.

SUPPLEMENTARY INFORMATION:

Authority for This Rulemaking

The FAA's authority to issue rules regarding aviation safety is found in Title 49 of the United States Code. Subtitle I, Section 106 describes the authority of the FAA Administrator. Subtitle VII, Aviation Programs, describes in more detail the scope of the agency's authority. This rulemaking is promulgated under the authority described in Subtitle VII, Part A, Subpart I, Section 40103. Under that section, the FAA is charged with prescribing regulations to assign the use of airspace necessary to ensure the safety of aircraft and the efficient use of airspace. This regulation is within the scope of that authority, as it amends Class E airspace extending upward from 700 feet above the surface for Thomaston-Upson County Airport, Thomaston, GA.

History

The FAA published a notice of proposed rulemaking for Docket No. FAA 2024–1235 in the **Federal Register** (89 FR 42399; May 15, 2024), proposing to amend Class E airspace extending upward from 700 feet above the surface for Thomaston-Upson County Airport, Thomaston, GA. Interested parties were invited to participate in this rulemaking effort by submitting written comments on the proposal to the FAA. No comments were received.

Incorporation by Reference

Class E airspace is published in paragraph 6005 of FAA Order JO 7400.11, Airspace Designations and Reporting Points, which is incorporated by reference in 14 CFR 71.1 on an annual basis. This document amends the current version of that order, FAA Order JO 7400.11H, dated August 11, 2023, and effective September 15, 2023. FAA Order JO 7400.11H is publicly available as listed in the **ADDRESSES** section of this document. These amendments will be published in the next update to FAA Order JO 7400.11. FAA Order JO 7400.11H lists Class A, B, C, D, and E airspace areas, air traffic service routes, and reporting points.

The Rule

This amendment to 14 CFR part 71 amends Class E airspace extending upward from 700 feet above the surface within an 8.1-mile radius (increased from a 6.5-mile radius) of Thomaston-Upson County Airport, Thomaston, GA, and within 3.7 miles on each side of the 118° bearing of the airport, extending from the 8.1-mile radius to 9.8 miles southeast of the airport. An airspace evaluation caused this action due to the decommissioning of the YATES NDB. This action also updates the airport's geographic coordinates to coincide with the FAA's database. Controlled airspace is necessary for the safety and management of instrument flight rules (IFR) operations in the area.

Regulatory Notices and Analyses

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

Environmental Review

The FAA has determined that this action qualifies for categorical exclusion under the National Environmental Policy Act in accordance with FAA Order 1050.1F, ''Environmental Impacts: Policies and Procedures,'' paragraph 5–6.5a. This airspace action is not expected to cause any potentially significant environmental impacts, and no extraordinary circumstances exist that warrant the preparation of an environmental assessment.

Lists of Subjects in 14 CFR Part 71

Airspace, Incorporation by reference, Navigation (air).

The Amendment

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

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

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

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

§ 71.1 [Amended]

■ 2. The incorporation by reference in 14 CFR 71.1 of Federal Aviation Administration Order JO 7400.11H, Airspace Designations and Reporting Points, dated August 11, 2023, and effective September 15, 2023, is amended as follows:

Paragraph 6005 Class E Airspace Areas Extending Upward From 700 Feet or More Above the Surface of the Earth.

* * * * *

ASO GA E5 Thomaston, GA [Amended]

Thomaston-Upson County Airport, GA
(Lat. 32°57′18″ N, long. 84°15′51″ W)

That airspace extending upward from 700 feet above the surface within an 8.1-mile radius of the Thomaston-Upson County Airport and 3.7 miles on each side of the 118° bearing from the airport, extending from the 8.1-mile radius to 9.8 miles southeast of the airport.

* * * * *

Issued in College Park, Georgia, on July 17, 2024.

Andreese C. Davis,

Manager, Airspace & Procedures Team South, Eastern Service Center, Air Traffic Organization.

[FR Doc. 2024–16383 Filed 7–25–24; 8:45 am]

BILLING CODE 4910–13–P

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

14 CFR Part 71

[Docket No. FAA–2024–1123; Airspace Docket No. 24–ASW–10]

RIN 2120–AA66

Amendment of Class E Airspace; Llano and Mason, TX

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Final rule.

SUMMARY: This action amends the Class E airspace at Llano, TX, and Mason, TX. This action is the result of airspace

reviews conducted due to the decommissioning of the Llano very high frequency omnidirectional range (VOR) as part of the VOR Minimum Operational Network (MON) Program. The geographic coordinates of the Llano Municipal Airport, Llano, TX, are also being updated to coincide with the FAA's aeronautical database. This action brings the airspace into compliance with FAA orders and supports instrument flight rule (IFR) operations and procedures.

DATES: Effective 0901 UTC, October 31, 2024. The Director of the Federal Register approves this incorporation by reference action under 1 CFR part 51, subject to the annual revision of FAA Order JO 7400.11 and publication of conforming amendments.

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

FAA Order JO 7400.11H, Airspace Designations and Reporting Points, and subsequent amendments can be viewed online at *www.faa.gov/air_traffic/publications/*. You may also contact the Rules and Regulations Group, Office of Policy, Federal Aviation Administration, 800 Independence Avenue SW, Washington, DC 20591; telephone: (202) 267–8783.

FOR FURTHER INFORMATION CONTACT: Jeffrey Claypool, Federal Aviation Administration, Operations Support Group, Central Service Center, 10101 Hillwood Parkway, Fort Worth, TX 76177; telephone (817) 222–5711.

SUPPLEMENTARY INFORMATION:

Authority for This Rulemaking

The FAA's authority to issue rules regarding aviation safety is found in Title 49 of the United States Code. Subtitle I, Section 106 describes the authority of the FAA Administrator. Subtitle VII, Aviation Programs, describes in more detail the scope of the agency's authority. This rulemaking is promulgated under the authority described in Subtitle VII, Part A, Subpart I, Section 40103. Under that section, the FAA is charged with prescribing regulations to assign the use of airspace necessary to ensure the safety of aircraft and the efficient use of airspace. This regulation is within the scope of that authority as it amends the Class E airspace extending upward from 700 feet above the surface at Llano Municipal Airport, Llano, TX, and Mason County Airport, Mason, TX, to support IFR operations at these airports.

History

The FAA published an NPRM for Docket No. FAA–2024–1123 in the **Federal Register** (89 FR 35019; May 1, 2024) proposing to amend the Class E airspace at Llano, TX, and Mason, TX. Interested parties were invited to participate in this rulemaking effort by submitting written comments on the proposal to the FAA. No comments were received.

Incorporation by Reference

Class E airspace designations are published in paragraph 6005 of FAA Order JO 7400.11, Airspace Designations and Reporting Points, which is incorporated by reference in 14 CFR 71.1 on an annual basis. This document amends the current version of that order, FAA Order JO 7400.11H, dated August 11, 2023, and effective September 15, 2023. FAA Order JO 7400.11H is publicly available as listed in the **ADDRESSES** section of this document. These amendments will be published in the next update to FAA Order JO 7400.11.

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

The Rule

This amendment to 14 CFR part 71:

Modifies the Class E airspace extending upward from 700 feet above the surface to within a 7.2-mile (increased from a 6.5-mile) radius of Llano Municipal Airport, Llano, TX; adds an extension within 2 miles each side of the 179° bearing from the airport extending from the 7.2-mile radius to 12.3 miles south of the airport; modifies the north extension to within 4 miles each side of the 359° bearing from the airport extending from the 7.2-mile (previously 6.5-mile) radius of the airport to 8.7 (previously 13.5) miles north of the airport; and updates the geographic coordinates of the airport to coincide with the FAA's aeronautical database;

And modifies the Class E airspace extending upward from 700 feet above the surface to within a 7.7-mile (increased from a 6.4-mile) radius of the Mason County Airport, Mason, TX; modifies the north extension to within 2 miles each side of the 001° bearing from the airport extending from the 7.7-mile (previously 6.4-mile) radius to 11.8 miles north of the airport; and adds an extension within 2 miles each side of the 181° bearing from the airport extending from the 7.7-mile radius to 10.8 miles south of the airport.

Regulatory Notices and Analyses

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

Environmental Review

The FAA has determined that this action qualifies for categorical exclusion under the National Environmental Policy Act in accordance with FAA Order 1050.1F, ''Environmental Impacts: Policies and Procedures,'' paragraph 5–6.5.a. This airspace action is not expected to cause any potentially significant environmental impacts, and no extraordinary circumstances exist that warrant preparation of an environmental assessment.

Lists of Subjects in 14 CFR 71

Airspace, Incorporation by reference, Navigation (air).

The Amendment

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

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

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

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

§ 71.1 [Amended]

■ 2. The incorporation by reference in 14 CFR 71.1 of FAA Order JO 7400.11H, Airspace Designations and Reporting Points, dated August 11, 2023, and effective September 15, 2023, is amended as follows:

Paragraph 6005 Class E Airspace Areas Extending Upward From 700 Feet or More Above the Surface of the Earth.

* * * * *

ASW TX E5 Llano, TX [Amended]

Llano Municipal Airport, TX
(Lat. 30°47′03″ N, long. 98°39′36 ″W)

That airspace extending upward from 700 feet above the surface within a 7.2-mile radius of Llano Municipal Airport; and within 2 miles each side of the 179° bearing from the airport extending from the 7.2-mile radius to 12.3 miles south of the airport; and within 4 miles each side of the 359° bearing from the airport extending from the 7.2-mile radius to 8.7 miles north of the airport.

* * * * *

ASW TX E5 Mason, TX [Amended]

Mason County Airport, TX
(Lat. 30°43′56″ N, long. 99°11′02″ W)

That airspace extending upward from 700 feet above the surface within a 7.7-mile radius of Mason County Airport; and within 2 miles each side of the 001° bearing from the airport extending from the 7.7-mile radius to 11.8 miles north of the airport; and within 2 miles each side of the 181° bearing from the airport extending from the 7.7-mile radius to 10.8 miles south of the airport.

* * * * *

Issued in Fort Worth, Texas, on July 22, 2024.

Martin A. Skinner,

Acting Manager, Operations Support Group, ATO Central Service Center.

[FR Doc. 2024–16352 Filed 7–25–24; 8:45 am]

BILLING CODE 4910–13–P

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

14 CFR Part 71

[Docket No. FAA–2024–1121; Airspace Docket No. 24–ACE–4]

RIN 2120–AA66

Amendment of Class E Airspace; Hastings, NE

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Final rule.

SUMMARY: This action amends the Class E airspace at Hastings, NE. This action is the result of an airspace review conducted due to the decommissioning of the Hastings very high frequency omnidirectional range (VOR) as part of the VOR Minimum Operating Network (MON) Program. This action brings the airspace into compliance with FAA orders to support instrument flight rule (IFR) operations.

DATES: Effective 0901 UTC, October 31, 2024. The Director of the Federal Register approves this incorporation by reference action under 1 CFR part 51, subject to the annual revision of FAA Order JO 7400.11 and publication of conforming amendments.

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

FAA Order JO 7400.11H, Airspace Designations and Reporting Points, and subsequent amendments can be viewed online at *www.faa.gov/air_traffic/publications/*. You may also contact the Rules and Regulations Group, Office of Policy, Federal Aviation Administration, 800 Independence Avenue SW, Washington, DC 20591; telephone: (202) 267–8783.

FOR FURTHER INFORMATION CONTACT: Jeffrey Claypool, Federal Aviation Administration, Operations Support Group, Central Service Center, 10101 Hillwood Parkway, Fort Worth, TX 76177; telephone (817) 222–5711.

SUPPLEMENTARY INFORMATION:

Authority for This Rulemaking

The FAA's authority to issue rules regarding aviation safety is found in Title 49 of the United States Code. Subtitle I, Section 106 describes the authority of the FAA Administrator. Subtitle VII, Aviation Programs, describes in more detail the scope of the agency's authority. This rulemaking is promulgated under the authority described in Subtitle VII, Part A, Subpart I, Section 40103. Under that section, the FAA is charged with prescribing regulations to assign the use of airspace necessary to ensure the safety of aircraft and the efficient use of airspace. This regulation is within the scope of that authority as it amends the Class E surface area and Class E airspace extending upward from 700 feet above the surface at Hastings Municipal Airport, Hastings, NE, to support IFR operations at this airport.

History

The FAA published an NPRM for Docket No. FAA–2024–1121 in the **Federal Register** (89 FR 35021; May 1, 2024) proposing to amend the Class E airspace at Hastings, NE. Interested parties were invited to participate in this rulemaking effort by submitting written comments on the proposal to the FAA. No comments were received.

Incorporation by Reference

Class E airspace designations are published in paragraphs 6002 and 6005 of FAA Order JO 7400.11, Airspace Designations and Reporting Points, which is incorporated by reference in 14 CFR 71.1 on an annual basis. This document amends the current version of that order, FAA Order JO 7400.11H, dated August 11, 2023, and effective September 15, 2023. FAA Order JO 7400.11H is publicly available as listed in the **ADDRESSES** section of this document. These amendments will be published in the next update to FAA Order JO 7400.11.

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

The Rule

This amendment to 14 CFR part 71:

Modifies the Class E surface area to within a 4.2-mile (decreased from a 4.7-mile) radius of the Hastings Municipal Airport, Hastings, NE; removes the Hastings VOR/DME and associated extension from the airspace legal description; removes the extension northwest of the airport as it is no longer required; and replaces the outdated terms ''Notice to Airmen'' and ''Airport/Facility Directory'' with ''Notice to Air Missions'' and ''Chart Supplement;''

And modifies the Class E airspace extending upward from 700 feet above the surface to within a 6.7-mile (decreased from a 7.2-mile) radius of Hastings Municipal Airport; and within 2 miles each side of the 150° bearing from the airport extending from the 6.7-mile (previously 7.2-mile) radius to 10.5 miles (previously 10.4 miles) southeast of the airport.

Regulatory Notices and Analyses

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

Environmental Review

The FAA has determined that this action qualifies for categorical exclusion under the National Environmental Policy Act in accordance with FAA Order 1050.1F, ''Environmental Impacts: Policies and Procedures,''

paragraph 5–6.5.a. This airspace action is not expected to cause any potentially significant environmental impacts, and no extraordinary circumstances exist that warrant preparation of an environmental assessment.

Lists of Subjects in 14 CFR 71

Airspace, Incorporation by reference, Navigation (air).

The Amendment

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

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

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

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

§ 71.1 [Amended]

■ 2. The incorporation by reference in 14 CFR 71.1 of FAA Order JO 7400.11H, Airspace Designations and Reporting Points, dated August 11, 2023, and effective September 15, 2023, is amended as follows:

Paragraph 6002 Class E Airspace Areas Designated as a Surface Area.

* * * * *

ACE NE E2 Hastings, NE [Amended]

Hastings Municipal Airport, NE
(Lat. 40°36′19″ N, long. 98°25′40″ W)

Within a 4.2-mile radius of Hastings Municipal Airport. This Class E airspace area is effective during the specific dates and times established in advance by a Notice to Air Missions. The effective dates and times will thereafter be continuously published in the Chart Supplement.

* * * * *

Paragraph 6005 Class E Airspace Areas Extending Upward From 700 Feet or More Above the Surface of the Earth.

* * * * *

ACE NE E5 Hastings, NE [Amended]

Hastings Municipal Airport, NE
(Lat. 40°36′19″ N, long. 98°25′40″ W)

That airspace extending upward from 700 feet above the surface within a 6.7-mile radius of Hastings Municipal Airport; and within 2 miles each side of the 150° bearing from the airport extending from the 6.7-mile radius to 10.5 miles southeast of the airport.

* * * * *

Issued in Fort Worth, Texas, on July 22, 2024.

Martin A. Skinner,

Acting Manager, Operations Support Group, ATO Central Service Center.

[FR Doc. 2024–16350 Filed 7–25–24; 8:45 am]

BILLING CODE 4910–13–P

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

14 CFR Part 71

[Docket No. FAA–2024–1147; Airspace Docket No. 24–AGL–13]

RIN 2120–AA66

Revocation of Class E Airspace; Gibson City, IL

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Final rule.

SUMMARY: This action revokes the Class E airspace at Gibson City, IL. The FAA is taking this action as the result of the instrument procedures being cancelled and the airspace no longer being required.

DATES: Effective 0901 UTC, October 31, 2024. The Director of the Federal Register approves this incorporation by reference action under 1 CFR part 51, subject to the annual revision of FAA Order JO 7400.11 and publication of conforming amendments.

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

FAA Order JO 7400.11H, Airspace Designations and Reporting Points, and subsequent amendments can be viewed online at *www.faa.gov/air_traffic/publications/*. You may also contact the Rules and Regulations Group, Office of Policy, Federal Aviation Administration, 800 Independence Avenue SW, Washington, DC 20591; telephone: (202) 267–8783.

FOR FURTHER INFORMATION CONTACT: Jeffrey Claypool, Federal Aviation Administration, Operations Support Group, Central Service Center, 10101 Hillwood Parkway, Fort Worth, TX 76177; telephone (817) 222–5711.

SUPPLEMENTARY INFORMATION:

Authority for This Rulemaking

The FAA's authority to issue rules regarding aviation safety is found in Title 49 of the United States Code. Subtitle I, Section 106 describes the authority of the FAA Administrator. Subtitle VII, Aviation Programs, describes in more detail the scope of the agency's authority. This rulemaking is promulgated under the authority described in Subtitle VII, Part A, Subpart I, Section 40103. Under that section, the FAA is charged with prescribing regulations to assign the use of airspace necessary to ensure the safety of aircraft and the efficient use of airspace. This regulation is within the scope of that authority as it revokes the Class E airspace extending upward from 700 feet above the surface at Gibson City Municipal Airport, Gibson City, IL, due to instrument procedures being cancelled and the airspace no longer being required.

History

The FAA published an NPRM for Docket No. FAA–2024–1147 in the **Federal Register** (89 FR 35022; May 1, 2024) proposing to revoke the Class E airspace at Gibson City, IL. Interested parties were invited to participate in this rulemaking effort by submitting written comments on the proposal to the FAA. No comments were received.

Incorporation by Reference

Class E airspace designations are published in paragraph 6005 of FAA Order JO 7400.11, Airspace Designations and Reporting Points, which is incorporated by reference in 14 CFR 71.1 on an annual basis. This document amends the current version of that order, FAA Order JO 7400.11H, dated August 11, 2023, and effective September 15, 2023. FAA Order JO 7400.11H is publicly available as listed in the **ADDRESSES** section of this document. These amendments will be published in the next update to FAA Order JO 7400.11.

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

The Rule

This amendment to 14 CFR part 71 removes the Class E surface area at Gibson City Municipal Airport, Gibson City, IL.

Regulatory Notices and Analyses

The FAA has determined that this regulation only involves an established body of technical regulations for which frequent and routine amendments are necessary to keep them operationally current. It, therefore: (1) is not a ''significant regulatory action'' under Executive Order 12866; (2) is not a ''significant rule'' under DOT

Regulatory Policies and Procedures (44 FR 11034; February 26, 1979); and (3) does not warrant preparation of a regulatory evaluation as the anticipated impact is so minimal. Since this is a routine matter that only affects air traffic procedures and air navigation, it is certified that this rule, when promulgated, does not have a significant economic impact on a substantial number of small entities under the criteria of the Regulatory Flexibility Act.

Environmental Review

The FAA has determined that this action qualifies for categorical exclusion under the National Environmental Policy Act in accordance with FAA Order 1050.1F, ''Environmental Impacts: Policies and Procedures,'' paragraph 5–6.5.a. This airspace action is not expected to cause any potentially significant environmental impacts, and no extraordinary circumstances exist that warrant preparation of an environmental assessment.

Lists of Subjects in 14 CFR 71

Airspace, Incorporation by reference, Navigation (air).

The Amendment

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

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

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

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

§ 71.1 [Amended]

■ 2. The incorporation by reference in 14 CFR 71.1 of FAA Order JO 7400.11H, Airspace Designations and Reporting Points, dated August 11, 2023, and effective September 15, 2023, is amended as follows:

Paragraph 6005 Class E Airspace Areas Extending Upward From 700 Feet or More Above the Surface of the Earth.

* * * * *

AGL IL E5 Gibson City, IL [Removed]

* * * * *

Issued in Fort Worth, Texas, on July 22, 2024.

Martin A. Skinner,

Acting Manager, Operations Support Group, ATO Central Service Center.

[FR Doc. 2024–16346 Filed 7–25–24; 8:45 am]

BILLING CODE 4910–13–P

DEPARTMENT OF COMMERCE

Bureau of Industry and Security

15 CFR Parts 734 and 746

[Docket No. 240723–0203]

RIN 0694–AJ75

Iran Foreign Direct Product Rule

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

ACTION: Final rule.

SUMMARY: On April 24, 2024, President Biden signed ''Making emergency supplemental appropriations for the fiscal year ending September 30, 2024, and for other purposes,'' into law. The law requires the United States to regulate the export of certain foreign-produced items destined for Iran. This rule implements the law's requirements by expanding the scope of the Export Administration Regulations' (EAR) Foreign Direct Product rule for Iran and applicable license requirements, thereby increasing restrictions under the EAR.

DATES: This rule is effective July 23, 2024.

FOR FURTHER INFORMATION CONTACT: For general questions, contact Sharron Cook, Office of Exporter Services, Bureau of Industry and Security, U.S. Department of Commerce at 202–482–2440 or by email: *Sharron.Cook@bis.doc.gov.*

SUPPLEMENTARY INFORMATION:

Background

Division N of Public Law 118–50, the No Technology for Terror Act (the Act), which is available at *https://www.congress.gov/bill/118th-congress/house-bill/815/text#*, establishes that certain foreign-produced items are subject to the Export Administration Regulations (15 CFR 730–774) (EAR) under the Export Control Reform Act (ECRA), 50 U.S.C. 4801–4852, if they are to be exported, reexported, or in-country transferred to Iran. Sponsors of H.R. 815 cited the need to restrict transfers of U.S. technology to Iran when that technology may be used for weapons systems, including drones, that threaten U.S. troops overseas or key allies. The Act is effective on July 23, 2024. Accordingly, this rule revises the Foreign-Direct Product (FDP) rule for Iran in § 734.9(j) of the EAR (Iran FDP rule).

Under the Iran FDP rule, prior to July 23, 2024, foreign-produced items were subject to the EAR when they were: (1) the direct product of U.S.-origin ''software'' or ''technology'' and specified in an EAR supplement (Supp. No. 7 to part 746) or classified under an Export Control Classification Number (ECCN) in Categories 3 through 5 and 7 of the Commerce Control List, Supp. No. 1 to part 774 (CCL), or (2) were produced by a plant or major component of a plant that is itself the direct product of such CCL-controlled ''software'' or ''technology''. Such items may have required a license from the Department of Commerce's Bureau of Industry and Security (BIS) for export, reexport, or transfer (in-country) to Iran. *See* §§ 734.9(j) and 746.7(a)(iii) of the EAR.

Effective July 23, 2024, the Act expanded the scope of the EAR's existing Iran FDP rule to require a license for additional foreign-produced items, while also providing certain exclusions from license requirements that would otherwise apply. This rule revises §§ 734.9 and 746.7 of the EAR to implement the Act's requirements in four respects.

First, BIS revises the introduction to paragraph (j) to identify the two circumstances in which foreign-produced items that meet the product scope of paragraph (j)(1) are subject to the EAR: if they fall within either the destination and end-use scope paragraphs of paragraph (j)(2) or the end-user scope set forth in new paragraph (j)(3).

Second, this rule expands the range of items in the product scope of the Iran FDP rule. Specifically, this rule revises the product scope in § 734.9(j)(1) by expanding the CCL category range of items in paragraphs (j)(1)(i) and (j)(1)(ii) from ''any ECCN in product group D or E in Categories 3 through 5 or 7'' of the CCL to include Categories 3 through 9 of the CCL. The expanded product scope now includes ''technology'' and ''software'' for Category 6—Lasers and Sensors, Category 8—Marine, and Category 9—Aerospace and Propulsion.

Third, BIS has revised paragraph (j)(2) and has made structural changes, including by breaking the revised paragraph into separate paragraphs (j)(2)(i) and (j)(2)(ii) to assist the reader in applying the scope of this paragraph correctly. As revised, the scope of paragraph (j)(2) is satisfied if there is ''knowledge'' that the foreign-produced item meets the destination scope in paragraph (j)(2)(i) or meets the combined end-use and destination scope in paragraph (j)(2)(ii). The paragraph title is accordingly expanded by adding ''and end-use'' so that it will refer to both destination and end-use scope.

Finally, BIS has added a new end-user scope in new paragraph (j)(3). This new

end-user scope applies if there is ''knowledge'' that the Government of Iran is a party to any transaction involving the foreign-produced item, *e.g.,* as a ''purchaser,'' ''intermediate consignee,'' ''ultimate consignee,'' or ''end-user.'' This ''knowledge'' standard and reference to transaction parties is consistent with language used in the Entity List FDP rule set forth in § 734.9(e) of the EAR.

Section 746.7 (Iran)

In addition to expanding the EAR's Iran FDP rule set forth in § 734.9(j), the Act made changes to the license requirements for Iran set forth in § 746.7(a)(1)(iii) of the EAR. Accordingly, this rule expands the license requirement in paragraph (a)(1)(iii), which applies to items subject to the EAR pursuant to the Iran FDP rule, to apply to in-country transfers of such items within Iran.

This rule also makes a correction to paragraph (a)(1)(iv)(A) by removing an inadvertent duplicative reference to the phrase ''from the countries described in supplement no. 3''.

This rule also redesignates paragraph (a)(1)(iv) as paragraph (a)(1)(iv)(A) and adds a new paragraph (a)(1)(iv)(B) to list exclusions from the license requirements of paragraph (a)(1)(iii). Section 2(d)(2) of the Act added certain exclusions to the Iran restrictions specified in paragraph (a)(1)(iii) for food, ''medicine,'' or ''medical devices'' designated as EAR99, and certain items necessary and ordinarily incident to communications that are specified in ECCN 5A992.c or 5D992.c and classified in accordance with § 740.17 of the EAR or designated as EAR99.

Savings Clause

Shipments of items removed from license exception eligibility or eligibility for export, reexport or transfer (in-country) without a license as a result of this regulatory action that were on dock for loading, on lighter, laden aboard an exporting carrier, or en route aboard a carrier to a port of export, on July 26, 2024, pursuant to actual orders for exports, reexports and transfers (in-country) to a foreign destination, may proceed to that destination under the previous license exception eligibility or without a license so long as they have been exported, reexported or transferred (in-country) before August 26, 2024. Any such items not actually exported, reexported or transferred (in-country) before midnight, on August 26, 2024, require a license in accordance with this final rule.

Export Control Reform Act of 2018

On August 13, 2018, the President signed into law the John S. McCain National Defense Authorization Act for Fiscal Year 2019, which included the Export Control Reform Act (ECRA), 50 U.S.C. 4801–4852. ECRA, as amended, provides the legal basis for BIS's principal authorities and serves as the authority under which BIS issues this rule.

Rulemaking Requirements

1. Executive Orders 12866, 13563, and 14094 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 distributive impacts and equity). Executive Order 13563 emphasizes the importance of quantifying both costs and benefits and of reducing costs, harmonizing rules, and promoting flexibility.

This final rule has been designated a ''significant regulatory action'' under section 3(f) of Executive Order 12866, as amended by Executive Order 14094. This rule does not contain policies with Federalism implications as that term is defined under Executive Order 13132.

2. Notwithstanding any other provision of law, no person is required to respond to, nor shall any person be subject to a penalty for failure to comply with, a collection of information subject to the requirements of the Paperwork Reduction Act of 1995 (44 U.S.C. 3501 *et seq.*) (PRA), unless that collection of information displays a currently valid Office of Management and Budget (OMB) Control Number. Although this rule makes important changes to the EAR for items controlled for national security reasons, BIS believes that the overall increases in burdens and costs associated with the following information collections due to this rule will be minimal.

- 0694–0088, ''Simplified Network Application Processing System,'' which carries a burden- hour estimate of 29.6 minutes for a manual or electronic submission;
- 0694–0137 ''License Exceptions and Exclusions,'' which carries a burden-hour estimate average of 1.5 hours per submission (Note: submissions for License Exceptions are rarely required);
- 0694–0096 ''Five Year Records Retention Period,'' which carries a burden-hour estimate of less than 1 minute; and
- 0607–0152 ''Automated Export System (AES) Program,'' which carries a burden-hour estimate of 3 minutes per electronic submission.

Additional information regarding these collections of information—including all background materials—can be found at *https://www.reginfo.gov/public/do/PRAMain* and using the search function to enter either the title of the collection or the OMB Control Number.

3. Pursuant to Section 1762 of ECRA (50 U.S.C. 4821), this action is exempt from the Administrative Procedure Act (APA) (5 U.S.C. 553) requirements for notice of proposed rulemaking, opportunity for public participation and delay in effective date.

List of Subjects

15 CFR Part 734

Administrative practice and procedure, Exports, Inventions and patents, Research, Science and technology

15 CFR Part 746

Exports, Reporting and recordkeeping requirements.

Accordingly, parts 734 and 746 of the Export Administration Regulations (15 CFR parts 730 to 774) are amended as follows:

PART 734—SCOPE OF THE EXPORT ADMINISTRATION REGULATIONS

■ 1. The authority citation for part 734 is revised to read as follows:

Authority: 50 U.S.C. 4801–4852; 50 U.S.C. 4601 *et seq.;* 50 U.S.C. 1701 *et seq.;* E.O. 12938, 59 FR 59099, 3 CFR, 1994 Comp., p. 950; E.O. 13020, 61 FR 54079, 3 CFR, 1996 Comp., p. 219; E.O. 13026, 61 FR 58767, 3 CFR, 1996 Comp., p. 228; E.O. 13222, 66 FR 44025, 3 CFR, 2001 Comp., p. 783; E.O. 13637, 78 FR 16129, 3 CFR, 2014 Comp., p. 223; Notice of November 1, 2023, 88 FR 75475 (November 3, 2023); Pub. L. 118–50.

■ 2. Section 734.9 is amended by revising paragraph (j) to read as follows:

§ 734.9 Foreign-Direct Product (FDP) Rules.

* * * * *

(j) *Iran FDP rule.* A foreign-produced item is subject to the EAR if it meets both the product scope in paragraph (j)(1) of this section and the destination and end-use scope in paragraph (j)(2) of this section or meets both the product scope in paragraph (j)(1) of this section and the end-user scope in paragraph (j)(3) of this section. See § 746.7 of the EAR for license requirements and license application review policy applicable to foreign-produced items that are subject to the EAR pursuant to this paragraph, as well as certain

exclusions from those license requirements.

(1) *Product scope of the Iran FDP rule.* The product scope applies if a foreign-produced item meets the conditions of either paragraph (j)(1)(i) or (ii) of this section.

(i) ''*Direct product*'' *of* ''*technology*'' *or* ''*software.*'' A foreign-produced item meets the product scope of this paragraph (j)(1)(i) if the foreign-produced item meets both of the following conditions:

(A) The foreign-produced item is the ''direct product'' of U.S.-origin ''technology'' or ''software'' subject to the EAR that is specified in any ECCN in product groups D or E in Categories 3 through 9 of the CCL; and

(B) The foreign-produced item is identified in supplement no. 7 to part 746 of the EAR or is specified in any ECCN on the CCL in Categories 3 through 9 of the CCL; or

(ii) *Product of a complete plant or 'major component' of a plant that is a* ''*direct product.*'' A foreign-produced item meets the product scope of this paragraph (j)(1)(ii) if it meets both of the following conditions:

(A) The foreign-produced item is produced by any plant or 'major component' of a plant that is located outside the United States, when the plant or 'major component' of a plant, whether made in the United States or a foreign country, itself is a ''direct product'' of U.S.-origin ''technology'' or ''software'' subject to the EAR that is specified in any ECCN in product groups D or E in Categories 3 through 9 of the CCL; and

(B) The foreign-produced item is identified in supplement no. 7 to part 746 of the EAR or is specified in any ECCN on the CCL in Categories 3 through 9 of the CCL.

(2) *Destination and end-use scope of the Iran FDP rule.* A foreign-produced item meets the scope of this paragraph (j)(2) if there is ''knowledge'' that the foreign-produced item:

(i) Is destined to Iran; or

(ii) Will be incorporated into or used in the ''production'' or ''development'' of any ''part,'' ''component,'' or ''equipment,'' including any modified or designed ''components,'' ''parts,'' ''accessories,'' and ''attachments'' therefor, identified in supplement no. 7 to part 746 of the EAR or specified in any ECCN in Categories 3 through 9 of the CCL, and located in or destined to Iran.

(3) *End-user scope of the Iran FDP rule.* A transaction meets the end-user scope of this paragraph (j)(3) if the reexporter or transferor has ''knowledge'' that the Government of Iran is a party to any transaction involving the foreign-produced item, *e.g.,* as a ''purchaser,'' ''intermediate consignee,'' ''ultimate consignee,'' or ''end-user.''

* * * * *

PART 746—EMBARGOES AND OTHER SPECIAL CONTROLS

■ 3. The authority citation for part 746 is revised to read as follows:

Authority: 50 U.S.C. 4801–4852; 50 U.S.C. 4601 *et seq.;* 50 U.S.C. 1701 *et seq.;* 22 U.S.C. 287c; Sec 1503, Pub. L. 108–11, 117 Stat. 559; 22 U.S.C. 2151 note; 22 U.S.C. 6004; 22 U.S.C. 7201 *et seq.;* 22 U.S.C. 7210; E.O. 12854, 58 FR 36587, 3 CFR, 1993 Comp., p. 614; E.O. 12918, 59 FR 28205, 3 CFR, 1994 Comp., p. 899; E.O. 13222, 66 FR 44025, 3 CFR, 2001 Comp., p. 783; E.O. 13338, 69 FR 26751, 3 CFR, 2004 Comp., p 168; Presidential Determination 2003–23, 68 FR 26459, 3 CFR, 2004 Comp., p. 320; Presidential Determination 2007–7, 72 FR 1899, 3 CFR, 2006 Comp., p. 325; Notice of May 8, 2024, 89 FR 40355 (May 9, 2024); Pub. L. 118–50.

■ 4. Section 746.7 is amended by revising paragraphs (a)(1)(iii) and (iv) to read as follows:

§ 746.7 Iran.

* * * * *

(a) * * *

(1) * * *

(iii) *Foreign-produced items subject to the EAR under § 734.9(j) of the EAR (Iran FDP rule).* Except as described in paragraph (a)(1)(iv) of this section, a license is required to reexport or export from abroad to, or transfer (in-country) within Iran any foreign-produced item subject to the EAR under the Iran FDP rule that is located in or destined to Iran. A Department of Commerce license is not required for transactions described in this paragraph (a)(1)(iii) that would have otherwise met all of the terms and conditions of an OFAC general license or other authorization if the transactions had been subject to OFAC jurisdiction.

(iv) *Exclusion from license requirements under paragraph (a)(1)(iii) of this section.* (A) Exports from abroad or reexports from the countries described in supplement no. 3 to this part are not subject to the license requirements described in paragraph (a)(1)(iii) of this section, unless a limit to the exclusion is described in the ''Scope'' column in supplement no. 3 to this part.

(B) An item is excluded from license requirements under paragraph (a)(1)(iii) of this section if the item is any of the following:

(*1*) Food, ''medicine,'' or ''medical devices'' designated as EAR99;

(*2*) Necessary and ordinarily incident to communications, designated as EAR99 or specified in ECCN 5A992.c or 5D992.c, and classified in accordance with § 740.17 of the EAR; and would otherwise meet all of the terms and conditions of an OFAC general license or other authorization if the transaction were subject to OFAC jurisdiction.

* * * * *

Thea D. Rozman Kendler,

Assistant Secretary for Export Administration.

[FR Doc. 2024–16566 Filed 7–24–24; 11:15 am]

BILLING CODE 3510–33–P

DEPARTMENT OF STATE

22 CFR Part 42

[Public Notice: 12462]

RIN 1400–AF53

Visas: Immigrant Visas; Correction

AGENCY: Department of State.

ACTION: Correcting amendment.

SUMMARY: The Department of State (the Department) is correcting a regulation that was amended by a final rule published in the **Federal Register** on July 14, 2023. This final rule made a typographical error in the immigrant visa classification symbols and incorrectly listed the IB1 classification for ''Self-petition Spouse of U.S. Citizen'' as ''IBI'' rather than ''IB1.'' This mistake could cause confusion.

DATES: Effective on July 26, 2024.

FOR FURTHER INFORMATION CONTACT: Jami Thompson, Senior Regulatory Coordinator, Visa Services, Bureau of Consular Affairs, 600 19th St. NW, Washington, DC 20522, (202) 485–7586, *VisaRegs@state.gov.*

SUPPLEMENTARY INFORMATION: In FR Doc. 2023–14538, at 88 FR 45072 in the **Federal Register** of Friday, July 14, 2023, in table 1 to § 42.11, the symbol for the class ''Self-petition Spouse of U.S. Citizen'' is changed from ''IBI'' to ''IB1.''

List of Subjects in 22 CFR Part 42

Administrative practice and procedure, Aliens, Fees, Foreign officials, Immigration passports and visas.

Accordingly, 22 CFR part 42 is corrected by making the following correcting amendment:

PART 42—VISAS: DOCUMENTATION OF IMMIGRANTS UNDER THE IMMIGRATION AND NATIONALITY ACT, AS AMENDED

■ 1. The authority citation for part 42 continues to read as follows:

Authority: 8 U.S.C. 1104 and 1182; Pub. L. 105–277, 112 Stat. 2681; Pub. L. 108–449, 118 Stat. 3469; The Convention on Protection of Children and Co-operation in Respect of Intercountry Adoption (done at the Hague, May 29, 1993), S. Treaty Doc. 105–51 (1998), 1870 U.N.T.S. 167 (Reg. No. 31922 (1993)); 42 U.S.C. 14901–14954 (Pub. L. 106–279, 114 Stat. 825); 8 U.S.C. 1101 (Pub L. 117–31, 135 Stat. 309); 8 U.S.C. 1154 (Pub. L. 109–162, 119 Stat. 2960); 8 U.S.C. 1201 (Pub. L. 114–70, 129 Stat. 561).

■ 2. In § 42.11, in table 1, remove the entry ''IBI'' and add the entry ''IB1'' in its place to read as follows:

§ 42.11 Classification symbols.

* * * * *

TABLE 1 TO § 42.11

Symbol	Class	Section of law
*	*	*
IB1	Self-petition Spouse of U.S. Citizen.	INA 204(a)(1)(A)(iii).
*	*	*

Julie M. Stufft,

Deputy Assistant Secretary for Visa Services, Consular Affairs, Department of State.

[FR Doc. 2024–16452 Filed 7–25–24; 8:45 am]

BILLING CODE 4710–06–P

DEPARTMENT OF STATE

22 CFR Part 51

[Public Notice: 12461]

RIN 1400–AF71

Passports: Form DS–3053 Statement of Consent

AGENCY: Department of State.

ACTION: Final rule.

SUMMARY: Pursuant to Department of State regulations, all parents or legal guardians of a U.S. passport applicant under 16 years old must appear in person to execute the minor's passport application unless the applying parent can demonstrate sole authority to obtain the passport. If one parent or legal guardian is unable to appear in person to execute the minor's application, such parent must provide a notarized statement/affidavit giving consent to the issuance of a U.S. passport to the minor. The Department will now allow a non-applying parent to sign the statement of consent before a notary public, *or* a passport specialist at one of the public passport agency/center counters located within the United States in circumstances that will be outlined by Department policy. This alternative to signing before a notary public will provide more flexibility for the non-applying parent, will improve the customer experience, and eliminate the added burden, time, and cost to the customer of seeking the services of a notary public. Department of State Form DS–3053, which is used to obtain the written consent from the parent or legal guardian of a minor passport applicant when they cannot be present at the time the application is executed, is being revised to be consistent with this rulemaking.

DATES: The final rule becomes effective August 26, 2024.

FOR FURTHER INFORMATION CONTACT: Jennifer Tinianow, Office of Adjudication, Passport Services, (202) 485–6437, or email *PassportOfficeofAdjudicationGeneral@state.gov.*

SUPPLEMENTARY INFORMATION: The Department published a proposed rule with a request for comments, Public Notice 11299 at 87 FR 63739, October 20, 2022 (the NPRM), RIN 1400–AF10, to amend 22 CFR 51.28(a)(3)(i), (a)(4)(i) and (ii) to allow the non-applying parent or legal guardian to sign a statement of consent before a passport specialist at one of the public passport counters located within the United States as an alternative to signing it before a notary public. This counter service will be offered free of charge. The Department intends to issue policy to authorize signing of the consent form in front of a passport specialist at a passport agency/center initially to those cases in which there is a passport application pending or other emergency circumstance, as appropriate. As Department systems and procedures evolve, it may be possible to expand use of this regulation in the future.

When applying for a U.S. passport on behalf of a minor under the age of 16, the minor's parents or legal guardians must both execute the passport application, unless the applying parent or legal guardian can demonstrate sole authority to obtain the passport. If one of the parents or legal guardians does not execute the passport application, that non-applying parent or legal guardian must submit an original notarized statement/affidavit consenting to the issuance of a passport for the minor, along with a photocopy of their identification. Currently, if the non-applying parent or legal guardian appears at a passport agency/center counter to complete the statement of consent, they must be turned away and sent to a notary public. Feedback from parents and legal guardians indicates that obtaining and mailing the notarized document can be a difficult requirement to meet and adds more time and expense to the application process.

This amendment will allow the non-applying parent or legal guardian to execute an original DS–3053 consent form in front of a passport specialist when authorized by Department policy as an alternative to signing to before a notary public, enabling them to immediately correct any deficiencies in any previously-submitted consent forms.

This change in procedure can help in emergencies and/or urgent travel situations when it is not always possible for the non-applying parent or legal guardian to deliver the original consent form to the Department. Currently, in these cases, the Department may accept a photocopy of the notarized consent form and issue a passport with limited validity to enable the minor applicant to complete their urgent or emergency travel. While limited validity passports may often be replaced with full validity passports at no further cost, the process is burdensome for both the Department and the applicant, as it requires the applicant to complete another application form and submit photographs, the limited passport, and an original notarized consent form within one year from the date that the limited passport was issued. Under the new procedures, when a parent or legal guardian signs the consent form in front of a passport specialist, the Department will have direct access to the original completed form and can issue a full validity passport immediately.

In the NPRM, the Department further proposed to amend § 51.28(a)(4)(ii) to clarify that when one parent authorizes a person to apply in loco parentis on behalf of a minor, they must demonstrate that they have sole legal authority to execute the passport application on behalf of that minor or that exigent or special family circumstances exist.

The Department also proposed to amend 22 CFR 51.28(a)(3)(ii) by removing from the list of acceptable documentary evidence of sole authority/custody a Consular Report of Birth Abroad (CRBA) listing only the applying parent because a CRBA is a citizenship document and not by itself evidence of sole authority/custody. This piece of the NPRM was already finalized in a separate final rule on 06/23/2023,

Public Notice 12094, 88 FR 41024. The Department is now promulgating a final rule with no substantive change from the NPRM with respect to the DS–3053 Statement of Consent.

Analysis of Comments: The Department provided 60 days for comment on the NPRM. The comment period closed December 19, 2022. The Department received two responsive comments, neither of which were opposed to this amendment. One commenter questioned why obtaining parental consent presents any difficulty to applicants at all and stated that the process is necessary to protect the minor child. This update to the regulation will provide an additional avenue for a minor applicant's parents or legal guardians to resolve consent issues, maintain the integrity of the passport issuance process, and continue to protect the welfare of minors.

Another commenter expressed concern that the proposed rule is too limited in scope to have any meaningful impact. The Department believes it will be greatly beneficial to the subset of applicants that utilize it. The non-applying parent or legal guardian will be easily able to resolve any issues with the original consent form by completing and signing a new form directly in front of a passport specialist. This practice will decrease the number of limited validity passports that are issued based on photocopies of notarized consent forms and will also expedite processing for these applications. The commentor additionally noted that this free alternative may have an adverse impact on the income of notaries public. The Department notes, first, that the issue of notary public income is not a reason to keep a requirement for passport applicants if it serves no useful purpose. Second, this rule will primarily benefit non-applying parents or legal guardians whose children already have pending applications, and in many of these cases, a notarized consent form was already submitted that had issues or deficiencies that need to be resolved. This rule provides a more efficient, cost-effective option for parents or legal guardians to correct issues with their previously submitted notarized consent document.

Lastly, the commenter recommended allowing acceptance agents at passport acceptance facilities to sign the form DS–3053. The Department is not open to expanding this option to acceptance facilities at this time. The burden on a non-applying parent is greatly reduced by allowing them to sign a consent form directly with a passport specialist at a public counter operated by the Department of State. Consent documents for pending passport applications will be directly transmitted to the adjudicating passport agency/center, which will improve security and efficiency in the passport issuance process. Direct document transmission would not be available through acceptance facilities not operated by the Department, and with the wide access and availability of notaries public, the Department does not believe there is added value in including acceptance facilities.

The Department received no comments regarding the information collection for the DS–3053 changes under the Paperwork Reduction Act.

Regulatory Findings

Administrative Procedure Act

The Department of State published this rulemaking as a proposed rule and provided 60 days for public comment.

Regulatory Flexibility Act

The Department of State, in accordance with the Regulatory Flexibility Act (5 U.S.C. 605(b)), has reviewed this regulation and, by approving it, certifies that this rule will not have a significant economic impact on a substantial number of small entities. This gives greater flexibility to the parents and legal guardians of minor children applying for U.S. passports. Only individuals, and no small entities, apply for passports.

Unfunded Mandates Act of 1995

This rule will not result in the expenditure by State, local, and tribal governments, in the aggregate, or by the private sector, of $100 million or more in any year and it will not significantly or uniquely affect small governments. Therefore, no actions were deemed necessary under the provisions of the Unfunded Mandates Reform Act of 1995.

Congressional Review Act

This rule is not a major rule as defined by the Congressional Review Act. This rule does not result in an annual effect on the economy of $100 million or more; a major increase in costs or prices; or significant adverse effects on competition, employment, investment, productivity, innovation, or on the ability of United States-based companies to compete with foreign based companies in domestic and import markets.

Executive Order 12866, as Amended by Executive Order 14094

The Department has reviewed the regulation to ensure its consistency with the regulatory philosophy and principles set forth in Executive Orders 12866 and 14094. The Department finds that the cost of this rulemaking to the public is expected to be minimal, and in fact provides a potential benefit to non-applying parents who may now sign a consent statement before a passport specialist free of charge (while retaining the option of signing before a notary). The Office of Information and Regulatory Affairs has designated this rule not significant under Executive Order 12866.

Executive Order 13563—Improving Regulation and Regulatory Review

The Department of State has considered this rule in light of Executive Order 13563 and affirms that this regulation is consistent with the guidance therein.

Executive Orders 12372 and 13132—Federalism

This regulation will not have substantial direct effects on the States, on the relationship between the national government and the States, or on the distribution of power and responsibilities among the various levels of government. Therefore, in accordance with section 6 of Executive Order 13132, it is determined that this rule does not have sufficient federalism implications to require consultations or warrant the preparation of a federalism summary impact statement. The regulations implementing E.O. 12372 regarding intergovernmental consultation on Federal programs and activities do not apply to this regulation.

Executive Order 13175—Consultation With Tribal Governments

The Department has determined that this rulemaking will not have tribal implications, will not impose substantial direct compliance costs on Indian tribal governments, and will not pre-empt tribal law. Accordingly, the requirements of E.O. 13175 do not apply to this rule.

Paperwork Reduction Act

The information collection contained in this rule is pursuant to the Paperwork Reduction Act, 44 U.S.C. Chapter 35, and relates to OMB Control Number 1405–0129.

Department of State Form DS–3053, which is used to obtain the written consent from a parent or legal guardian of a minor passport applicant when that parent cannot be present at the time the application is executed, will be revised to be consistent with this rulemaking, to allow the non-applying parent or legal guardian to sign a statement of consent before a notary public *or* a passport

specialist at one of the public passport agency/center counters located within the United States as an alternative to requiring a notarized statement, when an application is pending at a passport agency/center.

List of Subjects in 22 CFR Part 51

Passports.

Accordingly, for the reasons set forth in the preamble, 22 CFR part 51 is amended as follows:

PART 51—PASSPORTS

■ 1. The authority citation for part 51 continues to read as follows:

Authority: 8 U.S.C. 1104; 8 U.S.C. 1185; 8 U.S.C. 1185n (text of Pub. L. 108–458, 118 Stat. 3638, 3823 (Dec. 17, 2004)); 8 U.S.C. 1504; 8 U.S.C. 1714;; 22 U.S.C. 211a, 212, 212a, 212b, 213, 213n (Pub. L. 106–113 Div. B, Sec. 1000(a)(7) [Div. A, Title II, Sec. 236], 113 Stat. 1536, 1501A–430); 214, 214a, 217a, 218, 2651a, 2671(d)(3), 2705, 2714, 2714a, 2721, and 3926; 26 U.S.C. 6039E; 26 CFR 301.6039E–1; 31 U.S.C. 9701; 34 U.S.C. 21501–21510; 42 U.S.C. 652(k) ; E.O. 11295, Aug. 5, 1966, 31 FR 10603, 3 CFR, 1966–1970 Comp., p. 570; Pub. L. 114–119, 130 Stat. 15.

■ 2. In § 51.28, revise paragraphs (a)(3)(i), and (a)(4)(i) and (ii) to read as follows:

§ 51.28 Minors.

(a) * * *

(3) * * *

(i) A written statement or affidavit from the non-applying parent or legal guardian, if applicable, consenting to the issuance of the passport, and signed before a notary public or, when authorized by the Department, a passport specialist at a public passport agency/center counter operated by the Department of State.

* * * * *

(4) * * *

(i) A person may apply in loco parentis on behalf of a minor under age 16 by submitting a written statement or affidavit from all parents or each legal guardian, if any, specifically authorizing the application, and signed before a notary public or, when authorized by the Department, a passport specialist at a public passport agency/center counter operated by the Department of State.

(ii) If only one parent or legal guardian provides the written statement or affidavit, the applicant must provide documentary evidence that an application may be made by one parent or legal guardian, consistent with this regulation.

* * * * *

Donald Jacobson,

Acting Deputy Assistant Secretary, Bureau of Consular Affairs, Department of State.

[FR Doc. 2024–16363 Filed 7–25–24; 8:45 am]

BILLING CODE 4710–13–P

DEPARTMENT OF THE TREASURY

Office of Foreign Assets Control

31 CFR Chapter V

Notice of Reporting Instructions Under the Rebuilding Economic Prosperity and Opportunity for Ukrainians Act

AGENCY: Office of Foreign Assets Control, Treasury.

ACTION: Notification of reporting instructions under the Rebuilding Economic Prosperity and Opportunity for Ukrainians Act.

SUMMARY: The U.S. Department of the Treasury's Office of Foreign Assets Control (OFAC) is publishing reporting instructions in the **Federal Register**. The reporting instructions, issued pursuant to the Rebuilding Economic Prosperity and Opportunity for Ukrainians Act were published on the OFAC website on July 23, 2024.

DATES: Reporting Instructions under the Rebuilding Economic Prosperity and Opportunity for Ukrainians Act, Public Law 118–50, Division F, were issued on July 23, 2024.

FOR FURTHER INFORMATION CONTACT: OFAC: Associate Director for Global Targeting, tel.: 202–622–2420; Assistant Director for Licensing, tel.: 202–622–2480; Assistant Director for Regulatory Affairs, tel.: 202–622–4855; or Assistant Director for Compliance, tel.: 202–622–2490.

SUPPLEMENTARY INFORMATION:

Electronic Availability

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

Background

The Rebuilding Economic Prosperity and Opportunity for Ukrainians Act, Public Law 118–50, Division F (the ''REPO for Ukrainians Act'' or the ''Act''), was enacted on April 24, 2024. Section 104(a)(1) of the Act provides that ''the President shall, by means of such instructions or regulations as the President may prescribe, require any financial institution at which Russian sovereign assets are located, and that knows or should know of such assets, to provide notice of such assets, including relevant information required under section 501.603(b)(ii) [sic] of title 31, Code of Federal Regulations (or successor regulations), to the Secretary of the Treasury not later than 10 days after detection of such assets.''

On July 22, 2024, the President delegated the functions and authorities in section 104(a)(1) of the Act to the Secretary of the Treasury. On July 23, 2024, OFAC issued Reporting Instructions under the Act.

Paperwork Reduction Act

Pursuant to the Paperwork Reduction Act of 1995 (44 U.S.C. 3507), the collections of information related to the Reporting, Procedures and Penalties Regulations, 31 CFR part 501 (the ''Regulations''), have been previously approved by the Office of Management and Budget (OMB) under OMB control number 1505–0164 *Reporting, Procedures and Penalties Regulation.* These reporting instructions, issued pursuant to the REPO for Ukrainians Act, and the form used to collect that information, are substantially similar to the collections of information issued pursuant to the Regulations. Specifically, these reporting instructions require financial institutions to report on Russian sovereign assets that they hold that have not already been reported pursuant to § 501.603 of the Regulations or Directive 4 under Executive Order 14024, both of which are included within the existing collections of information related to the Regulations that have been previously approved by OMB.

These instructions, and the form available to report such information, have been submitted to OMB for review and approval under OMB control number 1505–0164 *Reporting, Procedures and Penalties Regulation.* The likely respondents and record-keepers affected by these reporting instructions are financial institutions. OFAC has reviewed its existing data on reports of blocked or immobilized property, as well as data on the number of financial institutions likely to be holding Russian sovereign assets, to estimate the reporting burden, as set forth below.

Title: Reporting, Procedures and Penalties Regulations.

OMB Control Number: 1505–0164.

Form Name: REPO For Ukrainians Act Report Form.

Form Number: TD–F 93.09.

Type of Review: Revision.

Affected Public: Private Sector—Financial Institutions.

Estimated Number of Financial Institution Respondents: 300.

Frequency of Response: On occasion.

Estimated Total Number of Annual Responses: 300.

Estimated Time per Response: 30 minutes.

Estimated Total Annual Burden Hours: 150 hours.

The text of the reporting instructions is provided below.

OFFICE OF FOREIGN ASSETS CONTROL

Reporting Instructions Under the Rebuilding Economic Prosperity and Opportunity for Ukrainians Act

Pursuant to section 104(a) of the Rebuilding Economic Prosperity and Opportunity for Ukrainians Act, Public Law 118–50, Division F (the ''REPO for Ukrainians Act,'' or the ''Act''), all financial institutions at which Russian sovereign assets are located, and that know or should know of such assets, are required to provide notice of such assets to the Office of Foreign Assets Control (OFAC) no later than August 2, 2024 or within 10 days of the detection of such assets. Financial institutions that maintain correspondent or payable-through accounts on behalf of foreign financial institutions should exercise reasonable due diligence to report any Russian sovereign assets held in such accounts.

Financial institutions may rely on reports regarding Russian sovereign assets located at the financial institution that are filed pursuant to Directive 4 under Executive Order (E.O.) 14024 or in reports of blocked property filed pursuant to 31 CFR 501.603(b) to fulfill their obligations under section 104(a) of the Act with respect to those assets and should not re-report to OFAC any such assets under this instruction. Reports provided under this instruction shall identify Russian sovereign assets not otherwise reported to OFAC pursuant to Directive 4 under E.O. 14024 or in reports of blocked property filed pursuant to 31 CFR 501.603(b).

(a) *Reports.* Reports of Russian sovereign assets shall include the following:

(1) The name and address of the person in possession or control of the property;

(2) The date the property came into the possession or control of such person;

(3) The person that owns the account or property;

(4) A description of the property and its location in the United States or otherwise, including any relevant account types, account numbers, reference numbers, dates, or other information necessary to identify the property;

(5) The actual, or if unknown, estimated value of the property in U.S. dollars. Foreign currencies must be reported in U.S. dollars with the foreign currency amount and notional exchange rate in the narrative; and

(6) A copy of the most recent relevant account statement or other documentation to support the estimated value of the property.

Reports under this instruction should be submitted using the REPO for Ukrainians Act Report Form, which is available on OFAC's website (*https://ofac.treasury.gov/*). Financial institutions with responsive information should email completed forms to *ofacreport@treasury.gov* with the subject line, ''[Name of Financial Institution] REPO for Ukrainians Act Report.''

(b) *Definitions.* Pursuant to section 2 of the Act and for purposes of these instructions:

(1) The term ''financial institution'' means a financial institution specified in subparagraph (A), (B), (C), (D), (E), (F), (G), (H), (I), (J), (M), or (Z) of section 5312(a)(2) of title 31 United States Code.

(2) The term ''Russian sovereign asset'' means any of the following, regardless of whether such asset is blocked or effectively immobilized by the Department of the Treasury: (A) Funds and other property of (i) the Central Bank of the Russian Federation, (ii) the Russian National Wealth Fund, or (iii) the Ministry of Finance of the Russian Federation; or (B) any other funds or other property that are owned by the Government of the Russian Federation, including by any subdivision, agency, or instrumentality of that government.

Bradley T. Smith,

Director, Office of Foreign Assets Control.

[FR Doc. 2024–16479 Filed 7–25–24; 8:45 am]

BILLING CODE 4810–AL–P

DEPARTMENT OF HOMELAND SECURITY

Coast Guard

33 CFR Part 100

[Docket Number USCG–2024–0359]

RIN 1625–AA08

Special Local Regulation; San Jacinto River, Houston, TX

AGENCY: Coast Guard, DHS.

ACTION: Final rule.

SUMMARY: The Coast Guard is establishing a special local regulation to provide for the safety of life on certain waters of the San Jacinto River, in Houston, TX. This regulation will be enforced during a high-speed boat race every third weekend in July. This regulation prohibits persons and vessels from being in the regulated areas unless authorized by the Captain of the Port Houston-Galveston or designated Coast Guard Patrol Commander.

DATES: This rule is effective without actual notice from July 26, 2024. For the purposes of enforcement, actual notice will be used from July 20, 2024, until July 26, 2024.

ADDRESSES: To view documents mentioned in this preamble as being available in the docket, go to *https://www.regulations.gov,* type USCG–2024–0359 in the search box and click ''Search.'' Next, in the Document Type column, select ''Supporting & Related Material.''

FOR FURTHER INFORMATION CONTACT: If you have questions about this rulemaking, call or email Lieutenant Rudy Ortega, Sector Houston-Galveston Waterways Management Division, U.S. Coast Guard; telephone 713–398–5823, email *houstonwwm@uscg.mil.*

SUPPLEMENTARY INFORMATION:

I. Table of Abbreviations

CFR Code of Federal Regulations
COTP Captain of the Port Houston-Galveston
DHS Department of Homeland Security
FR Federal Register
NPRM Notice of proposed rulemaking
§ Section
U.S.C. United States Code

II. Background Information and Regulatory History

On April 18, 2024, an organization notified the Coast Guard that it will be conducting an annual high speed boat race every third weekend in July in the navigable waters of San Jacinto River, Houston, TX. The Captain of the Port Houston-Galveston (COTP) has determined that potential hazards associated with the power boat race will be a safety concern for anyone within the Pre-Stage Zone, Approach Zone, Course Run Zone, and Shut-Down Zone before, during, and after the scheduled event. In response, on June 3, 2024, the Coast Guard published a notice of proposed rulemaking (NPRM) titled Special Local regulation; San Jacinto River, Houston, TX (89 FR 55131). There we stated why we issued the NPRM and invited comments on our proposed regulatory action related to this boat race. During the comment

period that ended July 18, 2024, we received 4 comments.

Under 5 U.S.C. 553(d)(3), the Coast Guard finds that good cause exists for making this rule effective less than 30 days after publication in the **Federal Register**. Delaying the effective date of this rule is impracticable because immediate action is needed to respond to the potential safety hazards associated with the power boat race being held on July 20 and July 21, 2024.

III. Legal Authority and Need for Rule

The Coast Guard is issuing this rule under authority in 46 U.S.C. 70041. The COTP has determined that potential hazards associated with the power boat race in San Jacinto River, Houston, TX, will be a safety concern for anyone within the Pre-Stage Zone, Approach Zone, Course Run Zone, and Shut-Down Zone before, during, and after the scheduled event. This rule is needed to protect personnel, vessels, and the marine environment in the navigable waters within these areas during the power boat race.

IV. Discussion of Comments, Changes, and the Rule

As noted above, we received four comments on our NPRM published July 3, 2024. One concern was related to environmental impact. However, during the environmental review it was determined that this event had minimal to no impact to the environment. The remaining comments raised concerns that are unrelated to the regulation and outside the scope of Coast Guard authority. There are no changes in the regulatory text of this rule from the proposed rule in the NPRM.

The COTP is establishing a special local regulation that will be enforced annually the third Saturday and Sunday of July. Annual notice of the exact dates and times of the effective period with respect to the event, the geographical area, and additional details, as needed, concerning the event will be published in local notices to mariners. The special local regulation will encompass five different zones to include the Pre-Stage Zone, Approach Zone, Course Run Zone, Shut-Down Zone, and the Spectator Zone as described below:

Pre-Stage Zone: This is the pre-staging area for participating vessels to line up. It will include all waters within 150 ft of 29°53′29.0148″ N, 095°06′39.4416″ W.

Approach Zone: 200 ft distance required for participating vessels to obtain the minimum 40 mph requirement for course entry. This will be a straight line to begin at approximately 29°53′27.3″ N, 95°06′42.6″ W and end at approximately 29°53′27.6″ N, 95°06′40.0″ W.

Course Run Zone: 600 ft distance where participating vessels will conduct their high-speed run. This will be a straight line to begin at approximately 29°53′27.6″ N, 95°06′40.0″ W and end at approximately 29°53′30.0″ N, 95°06′34.7″ W.

Shut-Down Zone: 900 ft distance where participating vessels will be allowed to slow their speeds back to an idle. This will be a straight line to begin at approximately 29°53′30.0″ N, 95°06′34.7″ W and end at approximately 29°53′34.3″ N, 95°06′24.1″ W.

Spectator Zone: All vessels that will be viewing the event will be required to stay within a designated area. The sponsor is responsible for monitoring the spectator zone and ensuring that all vessels within the area are anchored and remain in the area during all ongoing high-speed runs. The following coordinates are the approximate location of the Spectator Zone: 29°53′29.4″ N, 95°06′39.8″ W, thence to 29°53′28.5″ N, 95°06′39.6″ W, thence to 29°53′29.7″ N, 95°06′36.9″ W, thence to 29°53′30.4″ N, 95°06′37.2″ W.

No vessel or person will be permitted to enter the established zones without obtaining permission from the COTP, designated Coast Guard Patrol Commander, or designated representative.

The term ''designated representative'' means Coast Guard Patrol Commanders, including Coast Guard coxswains, petty officers, and other officers operating Coast Guard vessels, and Federal, state, and local officers designated by or assisting the Captain of the Port Houston-Galveston in the enforcement of the regulated areas.

V. Regulatory Analyses

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

A. Regulatory Planning and Review

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

This regulatory action determination is based on the size, location, duration, and time of day of this special local regulation. Vessel traffic will be able to safely transit around this safety zone, which would impact a small, designated area of the San Jacinto River, for a short duration, when vessel traffic is normally low. Moreover, the Coast Guard would issue a Broadcast Notice to Mariners about the zone via VHF–FM marine channel 16, and the rule would allow vessels to seek permission to enter the zone.

B. Impact on Small Entities

The Regulatory Flexibility Act of 1980, 5 U.S.C. 601–612, as amended, requires Federal agencies to consider the potential impact of regulations on small entities during rulemaking. The term ''small entities'' comprises small businesses, not-for-profit organizations that are independently owned and operated and are not dominant in their fields, and governmental jurisdictions with populations of less than 50,000. The Coast Guard received no comments from the Small Business Administration on this rulemaking. The Coast Guard certifies under 5 U.S.C. 605(b) that this rule will not have a significant economic impact on a substantial number of small entities.

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

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

Small businesses may send comments on the actions of Federal employees who enforce, or otherwise determine compliance with, Federal regulations to the Small Business and Agriculture Regulatory Enforcement Ombudsman and the Regional Small Business Regulatory Fairness Boards. The Ombudsman evaluates these actions annually and rates each agency's responsiveness to small business. If you wish to comment on actions by employees of the Coast Guard, call 1–888–REG–FAIR (1–888–734–3247). The

Coast Guard will not retaliate against small entities that question or complain about this rule or any policy or action of the Coast Guard.

C. Collection of Information

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

D. Federalism and Indian Tribal Governments

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

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

E. Unfunded Mandates Reform Act

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

F. Environment

We have analyzed this rule under Department of Homeland Security Directive 023–01, Rev. 1, associated implementing instructions, and Environmental Planning COMDTINST 5090.1 (series), which guide the Coast Guard in complying with the National Environmental Policy Act of 1969 (42 U.S.C. 4321–4370f), and have made a preliminary determination that this action is one of a category of actions that do not individually or cumulatively have a significant effect on the human environment. This rule involves a marine event and special local regulation lasting only 9 hours that would prohibit entry within 150 feet of the boat course. Normally such actions are categorically excluded from further review under paragraph L61 of Appendix A, Table 1 of DHS Instruction Manual 023–01–001–01, Rev. 1.

G. Protest Activities

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

List of Subjects in 33 CFR Part 100

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

For the reasons discussed in the preamble, the Coast Guard amends 33 CFR part 100 as follows:

PART 100—SAFETY OF LIFE ON NAVIGABLE WATERS

■ 1. The authority citation for part 100 continues to read as follows:

Authority: 46 U.S.C. 70041; 33 CFR 1.05–1

■ 2. In § 100.801, amend Table 3, by adding item 8 to read as follows:

§ 100.801 Annual Marine Events in the Eighth Coast Guard District.

* * * * *

TABLE 3 OF § 100.801—SECTOR HOUSTON-GALVESTON ANNUAL AND RECURRING MARINE EVENTS

*	*	*	*
8. 3rd Saturday and Sunday of July.	Shootout on the San Jac Boat Race.	San Jacinto River, Houston, TX.	All waters within 150 feet of the following area: 29°53′29.0148″ N, 095°06′39.4416″ W; the Approach Zone comprised of a straight line to begin at approximately 29°53′27.3″ N, 95°06′42.6″ W and end at approximately 29°53′27.6″ N, 95°06′40.0″ W; the Course Run Zone comprised of a straight line to begin at approximately 29°53′27.6″ N, 95°06′40.0″ W and end at approximately 29°53′30.0″ N, 95°06′34.7″ W; the Shut-Down Zone comprised of a straight line to begin at approximately 29°53′30.0″ N, 95°06′34.7″ W and end at approximately 29°53′34.3″ N, 95°06′24.1″ W; and the Spectator Zone located within the following coordinates; 29°53′29.4″ N, 95°06′39.8″ W, thence to 29°53′28.5″ N, 95°06′39.6″ W, thence to 29°53′29.7″ N, 95°06′36.9″ W, thence to 29°53′30.4″ N, 95°06′37.2″ W.

Keith M. Donohue,

Captain, U.S. Coast Guard, Captain of the Port Sector Houston-Galveston.

[FR Doc. 2024–16342 Filed 7–25–24; 8:45 am]

BILLING CODE 9110–04–P

FEDERAL COMMUNICATIONS COMMISSION

47 CFR Part 1

[MD Docket No. 24–85; MD Docket No. 24–86; FCC 24–70; FR ID 232437]

Assessment and Collection of Space and Earth Station Regulatory Fees for Fiscal Year 2024; Review of the Commission's Assessment and Collection of Regulatory Fees for Fiscal Year 2024

AGENCY: Federal Communications Commission.

ACTION: Final rule.

SUMMARY: In this document, the Federal Communications Commission (Commission or FCC) adopted a new methodology for assessing annual regulatory fees for small satellites and spacecraft, and included space stations that are principally used for Rendezvous & Proximity Operations (RPO) or On-Orbit Servicing (OOS), including Orbit Transfer Vehicles (OTV), in the existing fee category for ''small satellites'' on an interim basis until the Commission can develop more experience in how these space stations will be regulated. These changes are intended to be effective for fiscal year (FY) 2024.

DATES: Effective on September 13, 2024.

FOR FURTHER INFORMATION CONTACT: Stephen Duall, Space Bureau, at (202) 418–1103 or *Stephen.Duall@fcc.gov;* Roland Helvajian, Office of the Managing Director, at (202) 418–0444 or *Roland.Helvajian@fcc.gov.*

SUPPLEMENTARY INFORMATION: This is a summary of the Commission's Report and Order in MD Docket No. 24–85 and MD Docket No. 24–86, FCC 24–70, adopted and released on June 13, 2024 (*Report and Order*). The full text of this document is available at *https://www.fcc.gov/document/fcc-changes-certain-space-station-regulatory-fees-fy-2024.*

Final Regulatory Flexibility Analysis. The Regulatory Flexibility Act of 1980, as amended (RFA), requires that an agency prepare a regulatory flexibility analysis for notice and comment rulemakings, unless the agency certifies that ''the rule will not, if promulgated, have a significant economic impact on a substantial number of small entities.'' The Commission has prepared an Final Regulatory Flexibility Analysis (FRFA) concerning the potential impact of the proposed rule and policy changes contained in the *Report and Order.* The FRFA is set forth in the appendix of the FCC Document *https://www.fcc.gov/document/fcc-changes-certain-space-station-regulatory-fees-fy-2024* and a summary is included in the Procedural Matters section below.

Synopsis

I. Introduction

Pursuant to section 9 of the Communications Act of 1934, as amended, (Communications Act or Act), the Commission adopts a methodology change for one category of fee payors and include a type of space station in an existing category on an interim basis. These changes will be effective for the fiscal year 2024 (FY 2024) assessment and collection of regulatory fees. Specifically, the Commission adopts a new methodology for assessing regulatory fees for small satellites and spacecraft licensed under §§ 25.122 and 25.123 of the Commission's rules, and include space stations that are principally used for Rendezvous & Proximity Operations (RPO) or On-Orbit Servicing (OOS), including Orbit Transfer Vehicles (OTV), in the existing fee category for ''small satellites'' on an interim basis until the Commission can develop more experience in how these space stations will be regulated. The Commission finds that these changes better serve the requirements and purpose of section 9 of the Act, and there is unopposed support in the record for adoption of these two proposals in time for the changes to be effective for FY 2024.

The Commission defers action on other proposals made in the Notice of Proposed Rulemaking (89 FR 20582, March 25, 2024) that the Commission adopted in March 2024 (*Space and Earth Station Regulatory Fees NPRM*). The Commission is continuing to consider the other proposals in light of the record received on those issues and will decide which, if any, may benefit from further development of the record. It anticipates acting on the remaining proposals in the *Space and Earth Station Regulatory Fees NPRM* in the near term.

II. Background

Section 9 of the Act obligates the Commission to assess and collect regulatory fees each year in an amount that can reasonably be expected to equal the amount of its annual salaries and expenses (S&E) appropriation. Thus, the Commission has no discretion regarding the total amount to be collected in any given fiscal year. In accordance with the statute, each year the Commission proposes adjustments to the prior fee schedule under section 9(c) to ''(A) reflect unexpected increases or decreases in the number of units subject to the payment of such fees; and (B) result in the collection of the amount required'' by the Commission's annual appropriation. The Commission will also propose amendments to the fee schedule under section 9(d) ''if the Commission determines that the schedule requires amendment so that such fees reflect the full-time equivalent number of employees within the bureaus and offices of the Commission, adjusted to take into account factors that are reasonably related to the benefits provided to the payor of the fee by the Commission's activities.'' In administering its regulatory fee program, the agency strives to adhere to the goals of ensuring that the program is fair, administrable, and sustainable.

The Commission released the *Space and Earth Station Regulatory Fees NPRM* on March 13, 2024, which initiated an examination and review of regulatory fees for space and earth station payors that are regulated by the new Space Bureau. When the Commission adopted regulatory fees for FY 2023, it noted that it would be the last year for doing so using the nomenclature of certain fee payors being regulated by the International Bureau. The Commission noted that the creation of the Space Bureau and Office of International Affairs could result in changes in the assessment of regulatory fees for space and earth station fee payors resulting from changes in Full Time Equivalents (FTEs), due to increased oversight on various relevant industries. The Commission anticipated that the changes in the industry that resulted in the creation of the Space Bureau would likely also result in changes in the relative FTE burdens between and among space and earth station fee payors. Accordingly, the Commission sought comment in the *Space and Earth Station Regulatory Fees NPRM* on a range of proposed changes related to the assessment of regulatory fees for space and earth stations under the Commission's existing regulatory fee methodology, as well as under a proposed alternative methodology for assessing space station regulatory fees.

The Commission received 16 comments and 17 reply comments in response to the *Space and Earth Station Regulatory Fees NPRM.* In addition, several entities made presentations to the Commission pursuant to its rules governing ex parte communications.

In addition, on June 13, 2024, the Commission released the Second Notice of Proposed Rulemaking in MD Docket No. 24–86 (89 FR 53276, June 25, 2024), seeking comment on the Commission's proposed methodology and regulatory

fees for FY 2024 (*FY 2024 Regulatory Fees NPRM*). The *FY 2024 Regulatory Fees NPRM* does not seek comment again on the methodology for assessing space and earth station regulatory fees; rather, it seeks comment on the proposed regulatory fee rates for space and earth station payors for FY 2024 that were based on the existing methodology used in FY 2023 and also the proposals set forth in the *Space and Earth Station Regulatory Fees NPRM*. The proposed regulatory fee rates are set forth in appendices A, B, and E of the *FY 2024 Regulatory Fees NPRM*.

III. Discussion

The Commission adopts two proposals made in the *Space and Earth Station Regulatory Fees NPRM:* amending the methodology for assessing fees for small satellites, and including space stations that are principally used for RPO or OOS, as well as OTVs, in the existing fee category for ''small satellites'' on an interim basis. Commenters express strong support in the record for adoption of these two proposals, and no comments oppose adoption of these proposals. Accordingly, the Commission adopts these proposals to be effective for FY 2024.

A. Adoption of New Methodology for Assessing Fees for Small Satellites

The Commission adopts the proposal in the *Space and Earth Station Regulatory Fees NPRM* to set the regulatory fee for ''Space Stations (per license/call sign in non-geostationary orbit) (47 CFR part 25) (Small Satellite)'' for FY 2024 at the level set for FY 2023 ($12,215), with annual adjustments thereafter to reflect the percentage change in the FCC appropriation, unit count, and FTE allocation percentage from the previous fiscal year. Comments received in response to the *Space and Earth Station Regulatory Fees NPRM* support adoption of this proposal, and no party opposes it.

As observed in the *Space and Earth Station Regulatory Fees NPRM,* the small satellite fee rate is currently calculated by taking the average of the calculated fee rate for space stations in the Space Stations (Non-Geostationary Orbit)—Other (''NGSO-Other'') and Space Stations (Non-Geostationary Orbit)—Less Complex (''NGSO-Less Complex'') categories, multiplying this average by 5% (1/20) and rounding it to the nearest $5. The small satellite fee rate is then multiplied by the number of small satellite units and deducted from the share of space station regulatory fees allocated to non-geostationary orbit (NGSO) space stations. This remaining amount is then divided between NGSO-Other and NGSO-Less Complex based on an 80/20 split and reduced from the target goals of NGSO-Other and NGSO-Less Complex respectively. Because the small satellite fee is based on the fees assessed for NGSO-Other and NGSO-Less Complex categories, the increased fees expected for these two categories could lead to greatly increased fees for the small satellite regulatory fee category beginning in FY 2024 if the current method for assessing regulatory fees for small satellites is unchanged.

As the *Space and Earth Station Regulatory Fees NPRM* noted, the FTE burden arising from licensing and regulating small satellite matters has not increased since FY 2023. The additional FTE resources allocated to the Space Bureau are not intensively involved in the licensing and regulatory oversight of small satellites. As a result, the overall percentage of FTE burden for small satellites is less than the 1/20th burden of NGSO space stations previously estimated. For this reason, the Commission will continue to use the FY 2023 regulatory fee for FY 2024. It finds that the regulatory fee for small satellites established for FY 2023 appropriately estimates the benefits received by such fee payors from the FTEs spent on licensing and regulating small satellites, without analyzing the FTE benefits as a proportion of another category of space station. In addition, the proposals made in the *Space and Earth Station Regulatory Fees NPRM* to create subcategories within the NGSO-Other category for ''small'' and ''large'' constellations would add to the complexity of calculating the appropriate share of FTE resources allocated to small satellites, if those proposals were to be adopted. This added complexity does not correspond to any additional benefit to the calculation of FTE resources allocated to small satellites. Furthermore, separation of the methodology for assessing regulatory fees for small satellites from the regulatory fees for NGSO space stations permits freer consideration of the appropriate regulatory fee categories for NGSO space stations without necessitating consideration of potential unintended consequences for small satellite fee payors.

For FY 2024, the Commission does not make any other changes to how small satellite regulatory fees are incorporated into the existing methodology for assessing space station regulatory fees. That is, it will continue to multiply the per unit regulatory fee for small satellites by the number of small satellite units for the fiscal year and deduct this amount from the NGSO share of space station regulatory fees, divided between NGSO-Other and NGSO-Less Complex based on an 80/20 split and reduced from the target goals of NGSO-Other and NGSO-Less Complex respectively. The Commission will implement the changes to the methodology for assessing fees for small satellites made in the *Report and Order* as part of the order adopting FCC-wide regulatory fees for FY 2024.

B. Interim Assessment of Regulatory Fees on RPO, OOS, and OTV as Small Satellites

The Commission adopts the proposal made in the *Space and Earth Station Regulatory Fees NPRM* to assess regulatory fees on spacecraft primarily performing RPO and OOS by including them in the existing regulatory fee category ''Space Stations (per license/call sign in non-geostationary orbit) (Small Satellites),'' on an interim basis, regardless of the orbit in which they are designed to operate. RPO and OOS missions can include satellite refueling, inspecting and repairing in-orbit spacecraft, capturing and removing debris, and transforming materials through manufacturing while in space. The Commission also concludes that it is appropriate to assess regulatory fees on OTVs in the same manner. The record in this proceeding supports adoption of these proposals, effective for FY 2024, and no party opposes adoption.

The Commission has previously adopted the following regulatory fee categories for space stations: Space Stations (Geostationary Orbit); Space Stations (Non-Geostationary Orbit)—Less Complex; Space Stations (Non-Geostationary Orbit)—Other; and Space Station (Small Satellites). Currently, due to the nascent nature of OOS and RPO industry, or more generally ''in-space servicing'' industries, the Commission has not adopted a distinct regulatory fee category for such operations, despite that fact that spacecraft have begun to operate under part 25 of the Commission's rules for radiocommunications while conducting these types of operations. Previously, the Commission determined that the record was insufficiently complete to adopt a separate regulatory fee category for spacecraft performing OOS and RPO. In the *Space and Earth Station Regulatory Fees NPRM,* the Commission explained that it is not appropriate to assess regulatory fees on RPO, OOS, and OTV space stations under existing regulatory fee categories for Space Stations (Geostationary orbit) or Space Stations (Non-Geostationary Orbit)—Other or Less Complex because the

regulatory burden of RPO, OOS, and OTV space stations is currently far less than that of other geostationary orbit (GSO) and NGSO space stations in those existing fee categories. As the *Space and Earth Station Regulatory Fees NPRM* stated, the Commission believes that further delay in addressing the appropriate regulatory fee is no longer appropriate even where, as here, the Commission has not adopted a separate regulatory category for this type of operation. The Commission tentatively concluded in the *Space and Earth Station Regulatory Fees NPRM* that the regulatory burden of RPO, OOS, and OTV space stations is more similar to that presented by small satellite space station licensees. For instance, these type of licensees are few in number and involve a relatively small number of space stations that have limited duration and scope of use, and operate using shared spectrum resources, which require far fewer FTE resources to license and regulate. The Commission adopts its tentative conclusion that the existing small satellite regulatory fee category is the most appropriate category to apply until such time as the Commission determines that separate fee categories for RPO, OOS, and OTV space stations are appropriate. Moreover, the Commission agrees with comments that it will be in a better position to adopt separate new fee categories, if appropriate, for RPO, OOS, and OTV space stations after it gains more experience with their licensing and regulation.

Solely for the purpose of assessing regulatory fees, the Commission will include space stations primarily performing RPO and OOS, as well as OTVs, within the existing Space Stations (Small Satellite) regulatory fee category, on an interim basis, rather than creating a new regulatory fee category for RPO, OOS, and OTV space stations. The International Bureau and Space Bureau have considered applications for RPO, OOS, and OTV space stations and issued licenses for such space stations under the existing regulatory framework of part 25 of the Commission's rules, and such stations are already operational and subject to payment of regulatory fees. Given this immediate need to assess regulatory fees on RPO, OOS, and OTV space stations now and in the near future, the Commission concludes that the purposes of section 9 of the Act would be best met by assessing regulatory fees on an interim basis under the existing category of fees associated with the least-burdensome set of space station regulatees. The Commission believes this approach is preferable to waiting for additional experience and, in the interim, potentially subjecting existing RPO, OOS, and OTV space stations subject to regulatory fees that do not reflect the amount of regulatory work required by these nascent services. As the Commission gains more experience with the regulation of RPO, OOS, OTV space stations, it will be in a better position to decide if it should adopt a new, separate fee category for RPO, OOS, and OTV space stations or make any further modifications.

The Commission also adopts the proposal to assess RPO, OOS, and OTV space stations using the small satellite fee category regardless of the orbit utilized. The Commission affirms the tentative conclusion in the *Space and Earth Station Regulatory Fees NPRM,* and agrees with comments, that the rationale for using the small satellite regulatory fee category to assess fees on RPO, OOS, and OTV space stations applies regardless of whether the RPO, OOS, or OTV space stations operate in geostationary or non-geostationary orbit. The Commission also adopts the proposal to assess the regulatory fee for RPO, OOS, and OTV space stations on a ''per license/call sign'' basis as is the case for small satellites payors, rather than on the ''per system'' basis used for Space Stations (Non-geostationary Orbit). Although no party commented on this proposal, the Commission concludes that the reasons that supported assessing regulatory fees on small satellites on a ''per license/call sign'' basis support treating RPO, OOS, and OTV space stations in the same manner. The Commission will implement the changes to the methodology for assessing fees for RPO, OOS, and OTV space stations adopted in the *Report and Order* as part of the order adopting FCC-wide regulatory fees for FY 2024.

The Commission declines, at this time, to assess regulatory fees on all ''ISAM space stations'' using the small satellite fee category, as proposed in some comments in this proceeding. In 2022, the Commission initiated a Notice of Inquiry (87 FR 56365, September 14, 2022) regarding the regulatory needs related to in-space servicing, assembly, and manufacturing—or ''ISAM''—that could include such services as RPO and OOS. The Commission has since adopted a Notice of Proposed Rulemaking (89 FR 18875, March 15, 2024) seeking comment on a framework for licensing ISAM space stations. That rulemaking proceeding, which is considering the regulatory framework for such services, remains pending. The Commission finds that it is premature to make a decision regarding the assessment of regulatory fees on ISAM space stations for which the definition and regulatory framework are still being considered and for which there are no applications pending or licenses issued. The Commission expects to revisit this issue in the future, after conclusion of the ISAM rulemaking, when the framework and expected FTE burdens for licensing and regulating ISAM space stations are better known. In addition, although one commenter suggests that the Commission more clearly define RPO, OOS, and OTV by their characteristics in order to remove uncertainty by applicants with regards to their expected regulatory fees, it declines to do so at this time, because the proposed characteristics for defining RPO, OOS, and OTV, such as limited duration of operations, ability to share spectrum, and low number of stations, have not been defined in the Commission's rules and are outside the scope of a regulatory fee proceeding. The Commission also declines at this time to include missions involving 'habitable' or 'crewed' space stations in the existing fee category for small satellites, as proposed by one commenter, finding it is premature to make a decision regarding the assessment of regulatory fees for potential future types of space stations for which the FTE benefits are not reasonably known and for which there are no applications pending or licenses issued.

Finally, the Commission declines to address at this time the proposal in the *Space and Earth Station Regulatory Fees NPRM* that RPO or OOS space stations that are attached to another space station as part of servicing or mission extension operations be assessed regulatory fees separate from, and in addition to, any regulatory fees assessed on the space station that is being serviced or that is having its mission extended. The Commission had previously tentatively concluded that RPO and OOS space stations joined to GSO space stations during servicing or mission extension operations should not be assessed separate regulatory fees, despite the RPO or OOS space stations being assigned their own call signs, which is the unit usually used to assess regulatory fees for space stations. Although this tentative conclusion was never adopted, currently RPO or OOS space stations attached to another space station have not been assessed separate regulatory fees. The *Space and Earth Station Regulatory Fees NPRM* sought comment on this prior tentative conclusion and suggested that the

requirements and purpose of section 9 of the Act would be better met by assessing regulatory fees on such attached RPO or OOS space stations.

The Commission finds that consideration of this proposal would benefit from consideration of and action on the proposal in the *Space and Earth Station Regulatory Fees NPRM* to assess regulatory fees on all authorized space stations, not just on operational space stations as is currently the case because the rationale for assessing fees on authorized stations would support the rationale for assessing regulatory fees on RPO and OOS space stations regardless whether they are attached to a serviced space station. Action on this issue may benefit from the Commission's consideration of the proposal regarding assessing regulatory fees on authorized, not just operational, space stations. Thus, it plans to consider those matters at the same time in a future Commission item acting on the proposals made in the *Space and Earth Station Regulatory Fees NPRM*.

Final Regulatory Flexibility Analysis

As required by the Regulatory Flexibility Act of 1980, as amended (RFA), an Initial Regulatory Flexibility Analysis (IRFA) was incorporated in the *Space and Earth Station Regulatory Fees NPRM*. The Commission sought written public comment on the proposals in the *Space and Earth Station Regulatory Fees NPRM,* including comment on the IRFA. No comments were filed addressing the IRFA. The Final Regulatory Flexibility Analysis (FRFA) conforms to the RFA.

Need for, and Objectives of, the Report and Order

The Commission is required by Congress pursuant to section 9 of the Act to assess and collect regulatory fees each year to recover the regulatory costs associated with the Commission's oversight and regulatory activities in an amount that can reasonably be expected to equal the amount of its annual appropriation. As part of last year's adoption of regulatory fees, the Commission noted that FY 2023 would be the last year where the Commission will do so for the International Bureau, given the creation of the Space Bureau, and Office of International Affairs. The Commission also noted that an examination of the regulatory fees, and categories for NGSO space stations would be useful in light of changes resulting from the creation of the Space Bureau, and as part of a more holistic review of the FTE burden of the Space Bureau in fiscal year 2024 (FY 2024). The *Space and Earth Station Regulatory Fees NPRM* commenced the examination and review of regulatory fees for space and earth station payors regulated by the new Space Bureau, specifically seeking comment on a range of proposed changes to the assessment of regulatory fees for space and earth stations under the existing methodology. The *Space and Earth Station Regulatory Fees NPRM* also proposed an alternative methodology for assessing space station regulatory fees that would eliminate the distinction between GSO, NGSO, and all the subcategories of NGSO, while preserving a separate fee category for small satellites.

In the *Report and Order,* the Commission adopts two changes to the assessment and collection of its annual regulatory fees for space station payors for FY 2024. The adopted changes implement a new methodology for assessing fees for small satellites and spacecraft licensed under §§ 25.122 and 25.123 of the Commission's rules that sets the regulatory fee for ''Space Stations (per license/call sign in non-geostationary orbit) (47 CFR part 25) (Small Satellite)'' for FY 2024 and future fiscal years at the level set for FY 2023, annually adjusted to reflect the percentage change in the appropriation from the previous fiscal year. The Commission also implements a change that includes, on an interim basis, space stations that are principally used for RPO or OOS, including OTVs, in the existing fee category for ''small satellites'' until the Commission can develop more experience in how these space stations will be regulated. The Commission defers actions on other proposals contained in the *Space and Earth Station Regulatory Fees NPRM* to allow for further development of the record and expects to address these matters to be effective for FY 2025.

Summary of Significant Issues Raised by Public Comments in Response to the IRFA

There were no comments filed that specifically addressed the proposed rules and policies in the IRFA.

Response to Comments by the Chief Counsel for Advocacy of the Small Business Administration

Pursuant to the Small Business Jobs Act of 2010, which amended the RFA, the Commission is required to respond to any comments filed by the Chief Counsel for Advocacy of the Small Business Administration (SBA), and to provide a detailed statement of any change made to the proposed rules as a result of those comments. The Chief Counsel did not file any comments in response to the proposed rules or policies in this proceeding.

Description and Estimate of the Number of Small Entities to Which the Rules Will Apply

The RFA directs agencies to provide a description of, and where feasible, an estimate of the number of small entities that may be affected by the rules adopted. The RFA generally defines the term ''small entity'' as having the same meaning as the terms ''small business,'' ''small organization,'' and ''small governmental jurisdiction.'' In addition, the term ''small business'' has the same meaning as the term ''small business concern'' under the Small Business Act. A ''small business concern'' is one which: (1) is independently owned and operated; (2) is not dominant in its field of operation; and (3) satisfies any additional criteria established by the SBA.

Small Businesses, Small Organizations, Small Governmental Jurisdictions. The Commission's actions, over time, may affect small entities that are not easily categorized at present. The Commission therefore describes, at the outset, three broad groups of small entities that could be directly affected. First, while there are industry specific size standards for small businesses that are used in the regulatory flexibility analysis, according to data from the SBA's Office of Advocacy, in general a small business is an independent business having fewer than 500 employees. These types of small businesses represent 99.9% of all businesses in the United States, which translates to 33.2 million businesses.

Next, the type of small entity described as a ''small organization'' is generally ''any not-for-profit enterprise which is independently owned and operated and is not dominant in its field.'' The Internal Revenue Service (IRS) uses a revenue benchmark of $50,000 or less to delineate its annual electronic filing requirements for small exempt organizations. Nationwide, for tax year 2022, there were approximately 530,109 small exempt organizations in the U.S. reporting revenues of $50,000 or less according to the registration and tax data for exempt organizations available from the IRS.

Finally, the small entity described as a ''small governmental jurisdiction'' is defined generally as ''governments of cities, counties, towns, townships, villages, school districts, or special districts, with a population of less than fifty thousand.'' U.S. Census Bureau data from the 2022 Census of Governments indicate there were 90,837 local governmental jurisdictions

consisting of general purpose governments and special purpose governments in the United States. Of this number, there were 36,845 general purpose governments (county, municipal, and town or township) with populations of less than 50,000 and 11,879 special purpose governments (independent school districts) with enrollment populations of less than 50,000. Accordingly, based on the 2022 U.S. Census of Governments data, the Commission estimates that at least 48,724 entities fall into the category of ''small governmental jurisdictions.''

Direct Broadcast Satellite (DBS) Service. DBS service is a nationally distributed subscription service that delivers video and audio programming via satellite to a small parabolic ''dish'' antenna at the subscriber's location. DBS is included in the Wired Telecommunications Carriers industry which comprises establishments primarily engaged in operating and/or providing access to transmission facilities and infrastructure that they own and/or lease for the transmission of voice, data, text, sound, and video using wired telecommunications networks. Transmission facilities may be based on a single technology or combination of technologies. Establishments in this industry use the wired telecommunications network facilities that they operate to provide a variety of services, such as wired telephony services, including VoIP services, wired (cable) audio and video programming distribution; and wired broadband internet services. By exception, establishments providing satellite television distribution services using facilities and infrastructure that they operate are included in this industry.

The SBA small business size standard for Wired Telecommunications Carriers classifies firms having 1,500 or fewer employees as small. U.S. Census Bureau data for 2017 show that 3,054 firms operated in this industry for the entire year. Of this number, 2,964 firms operated with fewer than 250 employees. Based on this data, the majority of firms in this industry can be considered small under the SBA small business size standard. According to Commission data however, only two entities provide DBS service—DIRECTV (owned by AT&T) and DISH Network, which require a great deal of capital for operation. DIRECTV and DISH Network both exceed the SBA size standard for classification as a small business. Therefore, the Commission must conclude based on internally developed Commission data, in general DBS service is provided only by large firms.

Fixed Satellite Small Transmit/Receive Earth Stations. Neither the SBA nor the Commission have developed a small business size standard specifically applicable to Fixed Satellite Small Transmit/Receive Earth Stations. Satellite Telecommunications is the closest industry with an SBA small business size standard. The SBA size standard for this industry classifies a business as small if it has $38.5 million or less in annual receipts. For this industry, U.S. Census Bureau data for 2017 show that there was a total of 275 firms that operated for the entire year. Of this total, 242 firms had revenue of less than $25 million. Additionally, based on Commission data in the 2022 Universal Service Monitoring Report, as of December 31, 2021, there were 65 providers that reported they were engaged in the provision of satellite telecommunications services. Of these providers, the Commission estimates that approximately 42 providers have 1,500 or fewer employees. Consequently, using the SBA's small business size standard, a little more than half of these providers can be considered small entities.

Fixed Satellite Very Small Aperture Terminal (VSAT) Systems. Neither the SBA nor the Commission have developed a small business size standard specifically applicable to Fixed Satellite Very Small Aperture Terminal (VSAT) Systems. A VSAT is a relatively small satellite antenna used for satellite-based point-to-multipoint data communications applications. VSAT networks provide support for credit verification, transaction authorization, and billing and inventory management. Satellite Telecommunications is the closest industry with an SBA small business size standard. The SBA size standard for this industry classifies a business as small if it has $38.5 million or less in annual receipts. For this industry, U.S. Census Bureau data for 2017 show that there were a total of 275 firms that operated for the entire year. Of this total, 242 firms had revenue of less than $25 million. Additionally, based on Commission data in the 2022 Universal Service Monitoring Report, as of December 31, 2021, there were 65 providers that reported they were engaged in the provision of satellite telecommunications services. Of these providers, the Commission estimates that approximately 42 providers have 1,500 or fewer employees. Consequently using the SBA's small business size standard, a little more than half of these providers can be considered small entities.

Home Satellite Dish (HSD) Service. HSD or the large dish segment of the satellite industry is the original satellite-to-home service offered to consumers and involves the home reception of signals transmitted by satellites operating generally in the C-band frequency. Unlike DBS, which uses small dishes, HSD antennas are between four and eight feet in diameter and can receive a wide range of unscrambled (free) programming and scrambled programming purchased from program packagers that are licensed to facilitate subscribers' receipt of video programming. Because HSD provides subscription services, HSD falls within the industry category of Wired Telecommunications Carriers. The SBA small business size standard for Wired Telecommunications Carriers classifies firms having 1,500 or fewer employees as small. U.S. Census Bureau data for 2017 show that there were 3,054 firms that operated for the entire year. Of this total, 2,964 firms operated with fewer than 250 employees. Thus, under the SBA size standard, the majority of firms in this industry can be considered small.

Mobile Satellite Earth Stations. Neither the SBA nor the Commission have developed a small business size standard specifically applicable to Mobile Satellite Earth Stations. Satellite Telecommunications is the closest industry with a SBA small business size standard. The SBA small business size standard classifies a business with $38.5 million or less in annual receipts as small. For this industry, U.S. Census Bureau data for 2017 show that there were 275 firms that operated for the entire year. Of this number, 242 firms had revenue of less than $25 million. Thus, for this industry under the SBA size standard, the Commission estimates that the majority of Mobile Satellite Earth Station licensees are small entities. Additionally, based on Commission data as of February 1, 2024, there were 16 Mobile Satellite Earth Stations licensees. The Commission does not request nor collect annual revenue information, and is therefore unable to estimate the number of mobile satellite earth stations that would be classified as a small business under the SBA size standard.

Satellite Master Antenna Television (SMATV) Systems, also known as Private Cable Operators (PCOs). SMATV systems or PCOs are video distribution facilities that use closed transmission paths without using any public right-of-way. They acquire video programming and distribute it via terrestrial wiring in urban and suburban multiple dwelling units such as apartments and condominiums, and commercial multiple tenant units such as hotels and

office buildings. SMATV systems or PCOs are included in the Wired Telecommunications Carriers' industry which includes wireline telecommunications businesses. The SBA small business size standard for Wired Telecommunications Carriers classifies firms having 1,500 or fewer employees as small. U.S. Census Bureau data for 2017 show that there were 3,054 firms in this industry that operated for the entire year. Of this total, 2,964 firms operated with fewer than 250 employees. Thus, under the SBA size standard, the majority of firms in this industry can be considered small.

Satellite Telecommunications. This industry comprises firms ''primarily engaged in providing telecommunications services to other establishments in the telecommunications and broadcasting industries by forwarding and receiving communications signals via a system of satellites or reselling satellite telecommunications.'' Satellite telecommunications service providers include satellite and earth station operators. The SBA small business size standard for this industry classifies a business with $38.5 million or less in annual receipts as small. U.S. Census Bureau data for 2017 show that 275 firms in this industry operated for the entire year. Of this number, 242 firms had revenue of less than $25 million. Additionally, based on Commission data in the 2022 Universal Service Monitoring Report, as of December 31, 2021, there were 65 providers that reported they were engaged in the provision of satellite telecommunications services. Of these providers, the Commission estimates that approximately 42 providers have 1,500 or fewer employees. Consequently, using the SBA's small business size standard, a little more than half of these providers can be considered small entities.

All Other Telecommunications. This industry is comprised of establishments primarily engaged in providing specialized telecommunications services, such as satellite tracking, communications telemetry, and radar station operation. This industry also includes establishments primarily engaged in providing satellite terminal stations and associated facilities connected with one or more terrestrial systems and capable of transmitting telecommunications to, and receiving telecommunications from, satellite systems. Providers of internet services (*e.g.* dial-up ISPs) or Voice over Internet Protocol (VoIP) services, via client-supplied telecommunications connections are also included in this industry. The SBA small business size standard for this industry classifies firms with annual receipts of $35 million or less as small. U.S. Census Bureau data for 2017 show that there were 1,079 firms in this industry that operated for the entire year. Of those firms, 1,039 had revenue of less than $25 million. Based on this data, the Commission estimates that the majority of ''All Other Telecommunications'' firms can be considered small.

Description of Projected Reporting, Recordkeeping and Other Compliance Requirements for Small Entities

The *Report and Order* does not change the Commission's current information collection, reporting, recordkeeping, or compliance requirements for small entities. Small and other regulated entities are required to pay regulatory fees on an annual basis. The cost of compliance with the annual regulatory assessment for small entities is the amount assessed for their regulatory fee category and should not require small entities to hire professionals to comply.

Small entities that qualify can take advantage of the exemption from payment of regulatory fees allowed under the de minimis threshold. As discussed in the *Space and Earth Station Regulatory Fees NPRM,* small entities may also request a waiver, reduction, deferral, and/or installment payment of their regulatory fees. The waiver process provides smaller entities that may not be familiar with the Commission's procedural filing rules an easier filing process.

Steps Taken To Minimize the Significant Economic Impact on Small Entities, and Significant Alternatives Considered

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 the *Report and Order,* the Commission adopts the proposal in the *Space and Earth Station Regulatory Fees NPRM* to set the regulatory fee for ''Space Stations (per license/call sign in non-geostationary order) (47 CFR part 25) (Small Satellite)'' for FY 2024 at the level set for FY 2023 ($12,215), with annual adjustments thereafter to reflect the percentage change in the FCC appropriation, unit count, and FTE allocation percentage from the previous year. The *Report and Order* finds that the administrability and sustainability of regulatory fees for small satellites would be better served by treating them as the Commission has historically treated the regulatory fees for earth stations—that is, a fixed regulatory fee that is adjusted from year-to-year on, rather than as a percentage of the Space Bureau's overall share of regulatory fee allocation, or as a percentage of other categories of space station fee payors. This change would significantly minimize the economic impact of regulatory fees potentially faced by small satellites. Without this change, the fee amount for the small satellite category for FY 2024 could be substantially greater than the fee assessed for FY 2023. Further, the record contains no objections to this approach.

The *Report and Order* also adopts the proposal, to assess regulatory fees on spacecraft primarily performing RPO and OOS, including OTV, by including them, on an interim basis, in the existing regulatory fee category ''Space Stations (per license/call sign in non-geostationary orbit) (Small Satellites)'' regardless of the orbit in which they are designed to operate in. The record in this proceeding not only supports this proposal, but no commenting party opposed it. The Space Bureau has received relatively few applications for RPO, OOS, or OTV space stations, and although it anticipates receiving more in the near future, the amount of FTE resources required at the present time to regulate these services is more similar to that presented by small satellite space station licensees, which are also few in number, and involve a relatively small number of space stations that have limited duration and scope of use and operate using shared spectrum resources. The Commission considered the alternative of adopting a separate regulatory fee category for spacecraft performing OOS and RPO, however, the record is insufficiently complete to justify supporting such a proposal. Additionally, the Commission considered assessing regulatory fees on RPO, OOS, and OTV space stations under other existing regulatory fee categories, however space stations in those categories are subject to a much greater regulatory burden. Therefore, the *Report and Order* finds that the purposes of section 9 of the Act would be best met by erring on the side of caution and assessing regulatory fees under the category of fees associated with the least-burdensome set of space

station regulations which would result in lower regulatory fees, and have less economic impact on small entities in that sector.

The Commission considered but declined to assess regulatory fees on all ''ISAM space stations'' using the small satellite fee category, as proposed in some comments in this proceeding. In light of the current proceeding involving ISAM, the Commission finds it is premature to make a decision regarding the assessment of regulatory fees on ISAM space stations for which the definition and regulatory framework are still being considered and for which there are no applications pending or licenses issued. The Commission expects to revisit this issue in the future, after conclusion of the ISAM rulemaking, when the framework and expected FTE burdens for licensing and regulating ISAM space stations are better known. The Commission also considered the suggestion of one commenter that it more clearly define RPO, OOS, and OTV by their characteristics in order to remove uncertainty by applicants with regards to their expected regulatory fees. The Commission declined to do so at this time, because the proposed characteristics for defining RPO, OOS, and OTV, such as limited duration of operations, ability to share spectrum, and low number of stations, have not been defined in the Commission's rules and are outside the scope of a regulatory fee proceeding. The Commission also considered but declined at this time, to include missions involving 'habitable' or 'crewed' space stations in the existing fee category for small satellites, as proposed by one commenter, finding it is premature to make a decision regarding the assessment of regulatory fees for potential future types of space stations for which the FTE benefits are not reasonably known and for which there are no applications pending or licenses issued.

Federal Communications Commission.

Katura Jackson,

Federal Register Liaison Officer.

[FR Doc. 2024–16348 Filed 7–25–24; 8:45 am]

BILLING CODE 6712–01–P

DEPARTMENT OF COMMERCE

National Oceanic and Atmospheric Administration

50 CFR Part 622

[Docket No. 140722613–4908–02; RTID 0648–XE115]

Coastal Migratory Pelagic Resources of the Gulf of Mexico and Atlantic Region; Commercial Closure for Atlantic Spanish Mackerel in the Northern Zone

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

ACTION: Temporary rule; closure.

SUMMARY: NMFS implements an accountability measure (AM) for the commercial harvest of Spanish mackerel in the northern zone of the Atlantic exclusive economic zone (EEZ). NMFS projects that the commercial quota for Spanish mackerel in the northern zone of the Atlantic EEZ has been reached for the 2024–2025 fishing year. According to regulations for Spanish mackerel in the Atlantic, NMFS closes the northern zone for commercial harvest to protect this fishery resource.

DATES: This temporary rule is effective from July 28, 2024, through February 28, 2025.

FOR FURTHER INFORMATION CONTACT: Mary Vara, NMFS Southeast Regional Office, telephone: 727–824–5305, or email: *mary.vara@noaa.gov.*

SUPPLEMENTARY INFORMATION: The fishery for coastal migratory pelagic fish in the Atlantic includes king mackerel, Spanish mackerel, and cobia on the east coast of Florida, and is managed under the Fishery Management Plan for Coastal Migratory Pelagic Resources of the Gulf of Mexico and Atlantic Region (FMP). The FMP was prepared by the Gulf of Mexico and South Atlantic Fishery Management Councils and NMFS. The FMP is implemented by NMFS under the authority of the Magnuson-Stevens Fishery Conservation and Management Act (Magnuson-Stevens Act) through regulations at 50 CFR part 622. All weights described for Spanish mackerel in the Atlantic EEZ apply as either round or gutted weight.

The commercial annual catch limit (equal to the commercial quota) for the Atlantic migratory group of Spanish mackerel (Atlantic Spanish mackerel) is 3.33 million pounds (lb) or 1.51 million kilograms (kg) [50 CFR 622.384(c)(2)]. Atlantic Spanish mackerel are divided into northern and southern zones for management purposes. The commercial quota for Atlantic Spanish mackerel in the northern zone is 662,670 lb (300,582 kg) for the current fishing year, which is March 1, 2024, through February 28, 2025 [50 CFR 622.384(c)(2)(i)].

The northern zone for Spanish mackerel extends in the Atlantic EEZ from New York through North Carolina. The northern boundary of the northern zone extends from an intersection point off New York, Connecticut, and Rhode Island at 41°18′16.249″ N latitude and 71°54′28.477″ W longitude, and proceeds southeast to 37°22′32.75″ N latitude and the intersection point with the outward boundary of the EEZ. The southern boundary of the northern zone extends from the North Carolina and South Carolina state border along a line in a direction of 135°34′55″ from true north beginning at 33°51′07.9″ N latitude and 78°32′32.6″ W longitude to the intersection point with the outward boundary of the EEZ [50 CFR 622.369(b)(2)]. See figure 2 of appendix G to part 622—Spanish Mackerel for an illustration of the management zones.

Regulations at 50 CFR 622.388(d)(1)(i) require NMFS to close the commercial sector for Atlantic Spanish mackerel in the northern zone when landings reach or are projected to reach the commercial quota for that zone. NMFS projects that the commercial quota of 662,670 lb (300,582 kg) for Atlantic Spanish mackerel in the northern zone has been reached for the 2024–2025 fishing year. Accordingly, the commercial sector for Atlantic Spanish mackerel in the northern zone is closed effective on July 28, 2024, through February 28, 2025, the end of the current fishing year.

During the commercial closure, a person on a vessel that has been issued a valid Federal commercial permit to harvest Atlantic Spanish mackerel may continue to retain this species in the northern zone under the recreational bag and possession limits specified in 50 CFR 622.382(a)(1)(iii) and (2)(i), if recreational harvest of Atlantic Spanish mackerel in the northern zone has not been closed [50 CFR 622.384(e)(1)].

Also during the commercial closure, Atlantic Spanish mackerel from the northern zone, including those fish harvested under the recreational bag and possession limits, may not be purchased or sold. This prohibition does not apply to Atlantic Spanish mackerel from the northern zone that were harvested, landed ashore, and sold prior to the closure and were held in cold storage by a dealer or processor [50 CFR 622.384(e)(2)].

Classification

NMFS issues this action pursuant to section 305(d) of the Magnuson-Stevens Act. This action is required by 50 CFR 622.388(d)(1)(i), which was issued pursuant to section 304(b) of the Magnuson-Stevens Act, and is exempt from review under Executive Order 12866.

Pursuant to 5 U.S.C. 553(b)(B), there is good cause to waive prior notice and an opportunity for public comment on this action, as notice and comment are unnecessary and contrary to the public interest. Such procedures are unnecessary because the rule implementing the commercial quota and AM has already been subject to notice and public comment, and all that remains is to notify the public of the closure. Such procedures are also contrary to the public interest because of the need to immediately implement the closure to protect the Atlantic Spanish mackerel resource, because the capacity of the fishing fleet allows for rapid harvest of the commercial quota. Prior notice and opportunity for public comment would require time and could result in additional harvest that exceeds the established commercial quota.

For the same reasons, there is good cause to waive the 30-day delay in the effectiveness of this action under 5 U.S.C. 553(d)(3).

Authority: 16 U.S.C. 1801 *et seq.*

Dated: July 23, 2024.

Lindsay Fullenkamp,

Acting Director, Office of Sustainable Fisheries, National Marine Fisheries Service.

[FR Doc. 2024–16476 Filed 7–23–24; 4:15 pm]

BILLING CODE 3510–22–P

Proposed Rules

Federal Register
Vol. 89, No. 144
Friday, July 26, 2024

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

NUCLEAR REGULATORY COMMISSION

10 CFR Part 50, 52, and 100

[NRC–2024–0110]

Draft Regulatory Guides: Design-Basis Floods for Nuclear Power Plants and Guidance for Assessment of Flooding Hazards Due to Water Control Structure Failures and Incidents

AGENCY: Nuclear Regulatory Commission.

ACTION: Draft guides; extension of comment period.

SUMMARY: On July 15, 2024, the U.S. Nuclear Regulatory Commission (NRC) solicited comments on two related draft Regulatory Guides (DG) namely DG–1290, Revision 1, ''Design Basis Floods for Nuclear Power Plants,'' proposed Revision 3 of Regulatory Guide (RG) 1.59 of the same name and DG–1417, ''Guidance for Assessment of Flooding Hazards due to Water Control Structure Failures and Incidents,'' proposed new RG 1.256. The public comment period was originally scheduled to close on August 14, 2024. The NRC has decided to extend the public comment period to allow more time for members of the public to develop and submit their comments.

DATES: The due date of comments requested in the document published on July 15, 2024 (89 FR 57372) is extended. Comments should be submitted no later than September 13, 2024. Comments received after this date will be considered, if it is practical to do so, but the Commission is able to ensure consideration only for comments received on or before this date.

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

- *Federal Rulemaking Website:* Go to *https://www.regulations.gov* and search for Docket ID NRC–2024–0110. 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 individuals listed in the **FOR FURTHER INFORMATION CONTACT** section of this document.
- *Mail comments to:* Office of Administration, Mail Stop: TWFN–7–A60M, U.S. Nuclear Regulatory Commission, Washington, DC 20555–0001, ATTN: Program Management, Announcements and Editing Staff.

For additional direction on obtaining information and submitting comments, see ''Obtaining Information and Submitting Comments'' in the **SUPPLEMENTARY INFORMATION** section of this document.

FOR FURTHER INFORMATION CONTACT: Edward O'Donnell, Office of Nuclear Regulatory Research, telephone: 301–415–3317; email: *Edward.O'Donnell@nrc.gov* and Joseph Kanney, Office of Nuclear Regulatory Research, telephone: 301–414–1508; email: *Joseph.Kanney@nrc.gov*. Both are staff of the U.S. Nuclear Regulatory Commission, Washington, DC 20555–0001.

SUPPLEMENTARY INFORMATION:

I. Obtaining Information and Submitting Comments

A. Obtaining Information

Please refer to Docket ID NRC–2024–0110 when contacting the NRC about the availability of information for this action. You may obtain publicly available information related to this action by any of the following methods:

- *Federal Rulemaking Website:* Go to *https://www.regulations.gov* and search for Docket ID NRC–2024–0110.
- *NRC's Agencywide Documents Access and Management System (ADAMS):* You may obtain publicly available documents online in the ADAMS Public Documents collection at *https://www.nrc.gov/reading-rm/adams.html*. To begin the search, select ''Begin Web-based ADAMS Search.'' For problems with ADAMS, please contact the NRC's Public Document Room (PDR) reference staff at 1–800–397–4209, at 301–415–4737, or by email to *PDR.Resource@nrc.gov*.
- *NRC's PDR:* The PDR, where you may examine and order copies of publicly available documents, is open by appointment. To make an appointment to visit the PDR, please send an email to *PDR.Resource@nrc.gov* or call 1–800–397–4209 or 301–415–4737, between 8 a.m. and 4 p.m. eastern time (ET), Monday through Friday, except Federal holidays.

B. Submitting Comments

The NRC encourages electronic comment submission through the Federal rulemaking website (*https://www.regulations.gov*). Please include Docket ID NRC–2024–0110 in your comment submission.

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

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

II. Discussion

On July 15, 2024, the NRC solicited comments on two related draft Regulatory Guides namely DG–1290, Revision 1, ''Design-Basis Floods for Nuclear Power Plants'' (ADAMS Accession No. ML23320A025) and DG–1417 ''Guidance for Assessment of Flooding Hazards due to Water Control Structure Failures and Incidents'' (ADAMS Accession No. ML22278A110). DG–1290 is proposed Revision 3 of RG 1.59 of the same name and DG–1417 is proposed new RG 1.256. DG–1290 provides guidance for applicants for new nuclear power plants on acceptable methods for evaluating design-basis floods and DG–1417 provides guidance for applicants on flooding hazards due to failure or other incidents at man-made water control structures including, but not limited to, dams and levees. The public comment period was originally scheduled to close on August 14, 2024. The NRC has decided to extend the public comment period on these documents until September 13,

2024, to allow more time for members of the public to submit their comments.

As noted in the **Federal Register** on December 9, 2022 (87 FR 75671), this document is being published in the ''Proposed Rules'' section of the **Federal Register** to comply with publication requirements under chapter I of title 1 of the *Code of Federal Regulations* (CFR).

III. Submitting Suggestions for Improvement of Regulatory Guides

A member of the public may, at any time, submit suggestions to the NRC for improvement of existing Regulatory Guide (RGs) or for the development of new RGs. Suggestions can be submitted on the NRC's public website at *https://www.nrc.gov/reading-rm/doc-collections/reg-guides/contactus.html*. Suggestions will be considered in future updates and enhancements to the ''Regulatory Guide'' series.

Dated: July 19, 2024.

For the Nuclear Regulatory Commission.

Meraj Rahimi,

Chief, Regulatory Guide and Programs Management Branch, Division of Engineering, Office of Nuclear Regulatory Research.

[FR Doc. 2024–16357 Filed 7–25–24; 8:45 am]

BILLING CODE 7590–01–P

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

14 CFR Part 71

[Docket No. FAA–2024–1912; Airspace Docket No. 24–AGL–16]

RIN 2120–AA66

Amendment of Class E Airspace; South Haven, MI

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Notice of proposed rulemaking (NPRM).

SUMMARY: This action proposes to amend the Class E airspace at South Haven, MI. The FAA is proposing this action as the result of an airspace review conducted due to the decommissioning of the Pullman very high frequency omnidirectional range (VOR) as part of the VOR Minimum Operational Network (MON) Program. The geographic coordinates of the South Haven Regional Airport, South Haven, MI, and the name of Cromwell Health Watervliet Community Hospital Heliport, Watervliet, MI, would also be updated to coincide with the FAA's aeronautical database. This action will bring the airspace into compliance with FAA orders and support instrument flight rule (IFR) procedures and operations.

DATES: Comments must be received on or before September 9, 2024.

ADDRESSES: Send comments identified by FAA Docket No. FAA–2024–1912 and Airspace Docket No. 24–AGL–16 using any of the following methods:

* *Federal eRulemaking Portal:* Go to *www.regulations.gov* and follow the online instruction for sending your comments electronically.

* *Mail:* Send comments to Docket Operations, M–30; U.S. Department of Transportation, 1200 New Jersey Avenue SE, Room W12–140, West Building Ground Floor, Washington, DC 20590–0001.

* *Hand Delivery or Courier:* Take comments to Docket Operations in Room W12–140 of the West Building Ground Floor at 1200 New Jersey Avenue SE, Washington, DC, between 9 a.m. and 5 p.m., Monday through Friday, except Federal holidays.

* *Fax:* Fax comments to Docket Operations at (202) 493–2251.

Docket: Background documents or comments received may be read at *www.regulations.gov* at any time. Follow the online instructions for accessing the docket or go to Docket Operations in Room W12–140 of the West Building Ground Floor at 1200 New Jersey Avenue SE, Washington, DC, between 9 a.m. and 5 p.m., Monday through Friday, except Federal holidays. FAA Order JO 7400.11H, Airspace Designations and Reporting Points, and subsequent amendments can be viewed online at *www.faa.gov/air_traffic/publications/*. You may also contact the Rules and Regulations Group, Office of Policy, Federal Aviation Administration, 800 Independence Avenue SW, Washington, DC 20591; telephone: (202) 267–8783.

FOR FURTHER INFORMATION CONTACT: Jeffrey Claypool, Federal Aviation Administration, Operations Support Group, Central Service Center, 10101 Hillwood Parkway, Fort Worth, TX 76177; telephone (817) 222–5711.

SUPPLEMENTARY INFORMATION:

Authority for This Rulemaking

The FAA's authority to issue rules regarding aviation safety is found in Title 49 of the United States Code. Subtitle I, Section 106 describes the authority of the FAA Administrator. Subtitle VII, Aviation Programs, describes in more detail the scope of the agency's authority. This rulemaking is promulgated under the authority described in Subtitle VII, Part A, Subpart I, Section 40103. Under that section, the FAA is charged with prescribing regulations to assign the use of airspace necessary to ensure the safety of aircraft and the efficient use of airspace. This regulation is within the scope of that authority as it would amend Class E airspace extending upward from 700 feet above the surface at South Haven Regional Airport, South Haven, MI, to support IFR operations at this airport.

Comments Invited

The FAA invites interested persons to participate in this rulemaking by submitting written comments, data, or views. Comments are specifically invited on the overall regulatory, aeronautical, economic, environmental, and energy-related aspects of the proposal. The most helpful comments reference a specific portion of the proposal, explain the reason for any recommended change, and include supporting data. To ensure the docket does not contain duplicate comments, commenters should submit only one time if comments are filed electronically, or commenters should send only one copy of written comments if comments are filed in writing.

The FAA will file in the docket all comments it receives, as well as a report summarizing each substantive public contact with FAA personnel concerning this proposed rulemaking. Before acting on this proposal, the FAA will consider all comments it received on or before the closing date for comments. The FAA will consider comments filed after the comment period has closed if it is possible to do so without incurring expense or delay. The FAA may change this proposal in light of the comments it receives.

Privacy: In accordance with 5 U.S.C. 553(c), DOT solicits comments from the public to better inform its rulemaking process. DOT post these comments, without edit, including any personal information the commenter provides, to *www.regulations.gov* as described in the system of records notice (DOT/ALL–14FDMS), which can be reviewed at *www.dot.gov/privacy*.

Availability of Rulemaking Documents

An electronic copy of this document may be downloaded through the internet at *www.regulations.gov*. Recently published rulemaking documents can also be accessed through the FAA's web page at *www.faa.gov/air_traffic/publications/airspace_amendments/*.

You may review the public docket containing the proposal, any comments received, and any final disposition in

person in the Dockets Office (see the **ADDRESSES** section for the address, phone number, and hours of operations). An informal docket may also be examined during normal business hours at the Federal Aviation Administration, Air Traffic Organization, Central Service Center, Operations Support Group, 10101 Hillwood Parkway, Fort Worth, TX 76177.

Incorporation by Reference

Class E airspace is published in paragraph 6005 of FAA Order JO 7400.11, Airspace Designations and Reporting Points, which is incorporated by reference in 14 CFR 71.1 on an annual basis. This document proposes to amend the current version of that order, FAA Order JO 7400.11H, dated August 11, 2023, and effective September 15, 2023. These updates would be published subsequently in the next update to FAA Order JO 7400.11. That order is publicly available as listed in the **ADDRESSES** section of this document.

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

The Proposal

The FAA is proposing an amendment to 14 CFR part 71 by modifying the Class E airspace extending upward from 700 feet above the surface at South Haven Regional Airport, South Haven, MI, by removing the Pullman VORTAC and associated extension from the airspace legal description; updating the geographic coordinates of the airport to coincide with the FAA's aeronautical database; removing the city associated with Cromwell Health Watervliet Community Hospital Heliport, Watervliet, MI, to comply with changes to FAA Order JO 7400.2P, Procedures for Handling Airspace Matters; updating the name of Cromwell Health Watervliet Community Hospital Heliport (previously Watervliet Community Hospital) to coincide with the FAA's aeronautical database; and removing the exclusionary language as it is no longer required.

This action is the result of an airspace review conducted as part of the decommissioning of the Pullman VOR as part of the VOR MON Program and to support IFR operations at this airport.

Regulatory Notices and Analyses

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

Environmental Review

This proposal will be subject to an environmental analysis in accordance with FAA Order 1050.1F, ''Environmental Impacts: Policies and Procedures'' prior to any FAA final regulatory action.

List of Subjects in 14 CFR Part 71

Airspace, Incorporation by reference, Navigation (air).

The Proposed Amendment

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

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

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

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

§ 71.1 [Amended]

■ 2. The incorporation by reference in 14 CFR 71.1 of FAA Order JO 7400.11H, Airspace Designations and Reporting Points, dated August 11, 2023, and effective September 15, 2023, is amended as follows:

Paragraph 6005 Class E Airspace Areas Extending Upward From 700 Feet or More Above the Surface of the Earth.

* * * * *

AGL MI E5 South Haven, MI [Amended]

South Haven Area Regional Airport, MI
(Lat. 42°21′05″ N, long. 86°15′21″ W)
Cromwell Health Watervliet Community Hospital Heliport, MI, Point in Space Coordinates
(Lat. 42°11′06″ N, long. 86°15′02″ W)

That airspace extending upward from 700 feet above the surface within a 6.6-mile radius of South Haven Area Regional Airport; and within a 6-mile radius of the point in space serving the Cromwell Health Watervliet Community Hospital Heliport.

* * * * *

Issued in Fort Worth, Texas, on July 22, 2024.

Martin A. Skinner,

Acting Manager, Operations Support Group, ATO Central Service Center.

[FR Doc. 2024–16406 Filed 7–25–24; 8:45 am]

BILLING CODE 4910–13–P

DEPARTMENT OF AGRICULTURE

Office of the Secretary

48 CFR Chapter 4

[Docket No. USDA–2024–0005]

RIN 0599–AA28

Agriculture Acquisition Regulation (AGAR)

AGENCY: Office of the Secretary, USDA.

ACTION: Proposed rule.

SUMMARY: The United States Department of Agriculture (USDA) is proposing to make amendments to the Agriculture Acquisition Regulation (AGAR) to align the AGAR with changes to acquisition law, regulations, and internal USDA policies since the AGAR's last major revision in 1996.

DATES: Interested parties should submit written comments on or before August 26, 2024, to be considered in the formation of the final rule.

ADDRESSES: Submit comments in response to the proposed rule to the Federal eRulemaking portal at *https://www.regulations.gov* by searching for ''AGAR.'' Follow the instructions provided on the ''Comment Now'' screen. If your comment cannot be submitted using *Regulations.gov,* email the point of contact in the **FOR FURTHER INFORMATION CONTACT** section of this document for alternate instructions.

FOR FURTHER INFORMATION CONTACT: Crandall Watson, Procurement Policy Division, Office of Contracting and Procurement, USDA, Telephone: (202) 617–7067; Email: *Procurement.Policy@usda.gov.*

SUPPLEMENTARY INFORMATION: This rulemaking is necessary to update the AGAR located in 48 CFR parts 401 through 499.

I. Background

The AGAR implements the Federal Acquisition Regulation (FAR) (48 CFR ch. 1) where further implementation is needed, and supplements the FAR when coverage is needed for subject matter not covered by the FAR. USDA

identified parts of the AGAR which required updating or streamlining based on updates to acquisition law, regulations, and internal USDA policies. USDA's review indicated that almost all parts of the AGAR required revision. Accordingly, USDA has reviewed and revised substantially all parts of the AGAR.

What we're proposing in terms of changes?

USDA is proposing to make administrative amendments to the AGAR to align the AGAR with changes to acquisition law, regulations, and internal USDA policies since the AGAR's last major revision. There are many aspects that are no longer relevant and are consequently deleted or revised as necessary. Also, there are various parts of the FAR that have been updated since the AGAR's last revision, many of which compel USDA to establish agency-specific guidance on how to comply with the newer FAR requirements.

II. Procedural Requirements

Executive Orders 12866 and 13563

Executive Orders (E.O.s) 12866 and 13563 direct agencies to assess all costs and benefits of available regulatory alternatives and, if regulation is necessary, to select regulatory approaches that maximize net benefits (including potential economic, environmental, public health and safety effects, distributive impacts, and equity). E.O. 13563 emphasizes the importance of quantifying both costs and benefits, of reducing costs, of harmonizing rules, and of promoting flexibility. This proposed rule is an internal rule of agency procedure and therefore is not a significant regulatory action under Executive Order 12866.

Regulatory Flexibility Act

The Regulatory Flexibility Act (RFA), as amended by the Small Business Regulatory Enforcement Fairness Act of 1996 (SBREFA), 5 U.S.C. 601 *et seq.,* generally requires an agency to prepare a regulatory flexibility analysis of any rule subject to the notice and comment rulemaking requirements under the Administrative Procedure Act (5 U.S.C. 553) or any other statute. Under section 605(b) of the RFA, however, if the head of an agency certifies that a rule will not have a significant impact on a substantial number of small entities, the statute does not require the agency to prepare a regulatory flexibility analysis.

The proposed changes would update the AGAR to bring it up to date and to make sure correspondence with the FAR is maintained. The proposed rule would amend the AGAR to correct and update internal references to the FAR; to remove sections supplementing material that has been removed from the FAR; and to update designations of USDA. Therefore, pursuant to section 605(b), USDA certifies that this proposed rule, if promulgated, will not have a significant impact on a substantial number of small entities.

Paperwork Reduction Act

The proposed rule does not contain any information collection requirements that require the approval of the Office of Management and Budget under the Paperwork Reduction Act (44 U.S.C. chapter 35).

List of Subjects

48 CFR Part 401

Government procurement, Reporting and recordkeeping requirements.

48 CFR Parts 402, 405 Through 406, 411 Through 416, 434 Through 437, and 447 Through 470

Government procurement.

48 CFR Part 403

Antitrust, Conflict of interest, Government procurement.

48 CFR Part 404

Classified information, Government procurement.

48 CFR Part 408

Government procurement, Printing.

48 CFR Part 419

Government procurement, Small businesses.

48 CFR Part 422

Equal employment opportunity, Government procurement, Individuals with disabilities, Labor.

48 CFR Part 423

Air pollution control, Government procurement, Occupational safety and health, Water pollution control.

48 CFR Part 425

Foreign currencies, Foreign trade, Government procurement.

48 CFR Part 428

Government procurement, Insurance, Surety bonds.

48 CFR Parts 430 Through 432

Accounting, Government procurement.

48 CFR Part 433

Administrative practice and procedure, Government procurement.

48 CFR Part 445

Government procurement, Government property.

■ Accordingly, for the reasons set out in the preamble, and under the authority of 5 U.S.C. 301 and 40 U.S.C. 486(c), USDA proposes to revise and republish 48 CFR chapter 4 to read as follows:

CHAPTER 4—DEPARTMENT OF AGRICULTURE

SUBCHAPTER A—GENERAL

PART 400—[RESERVED]
PART 401—AGRICULTURE ACQUISITION REGULATION SYSTEM
PART 402—DEFINITIONS OF WORDS AND TERMS
PART 403—IMPROPER BUSINESS PRACTICES AND PERSONAL CONFLICTS
PART 404—ADMINISTRATIVE AND INFORMATION MATTERS

SUBCHAPTER B—ACQUISITION PLANNING

PART 405—PUBLICIZING CONTRACT ACTIONS
PART 406—COMPETITION REQUIREMENTS
PART 407—[RESERVED]
PART 408—REQUIRED SOURCES OF SUPPLIES AND SERVICES
PARTS 409 and 410—[RESERVED]
PART 411—DESCRIBING AGENCY NEEDS
PART 412—ACQUISITION OF COMMERICAL ITEMS

SUBCHAPTER C—CONTRACTING METHODS AND CONTRACT TYPES

PART 413—SIMPLIFIED ACQUISITION PROCEDURES
PART 414—SEALED BIDDING
PART 415—CONTRACTING BY NEGOTIATION
PART 416—TYPES OF CONTRACTS
PARTS 417 AND 418—[RESERVED]

SUBCHAPTER D—SOCIOECONOMIC PROGRAMS

PART 419—SMALL BUSINESS PROGRAMS
PARTS 420 AND 421—[RESERVED]
PART 422—APPLICATION OF LABOR LAWS TO GOVERNMENT ACQUISITIONS
PART 423—ENVIRONMENT, SUSTAINABLE ACQUISITION, AND MATERIAL SAFETY
PART 424—[RESERVED]
PART 425—FOREIGN ACQUISITION
PART 426—OTHER SOCIOECONOMIC PROGRAMS

SUBCHAPTER E—GENERAL CONTRACTING REQUIREMENTS

PART 427—[RESERVED]
PART 428—BONDS AND INSURANCE
PART 429—[RESERVED]
PART 430—COST ACCOUNTING STANDARDS ADMINISTRATION
PART 431—CONTRACT COST PRINCIPLES AND PROCEDURES
PART 432—CONTRACT FINANCING
PART 433—PROTESTS, DISPUTES AND APPEALS

Authority: 5 U.S.C. 301 and 40 U.S.C. 486(c).

Subpart 401.1—Purpose, Authority, Issuance

401.101 Purpose.

The United States Department of Agriculture's (USDA's) Acquisition Regulation (AGAR) provides for the codification and publication of uniform policies and procedures for acquisitions by contracting activities within USDA. The purpose of the AGAR is to implement the Federal Acquisition Regulation (FAR), where further implementation is needed, and to supplement the FAR when coverage is needed for subject matter not covered in the FAR. The AGAR is not by itself a complete document, as it must be used in conjunction with the FAR.

401.103 Authority.

The AGAR and subsequent amendments are issued under 5 U.S.C. 301 and 40 U.S.C. 486(c). The Senior Procurement Executive (SPE) has the delegated authority to transmit Departmental acquisition regulations.

401.194 Applicability.

The FAR and AGAR apply to all USDA acquisitions of supplies and services (including construction) which obligate appropriated funds, unless otherwise specified or excepted by law.

401.103 Issuance.

401.105–1 Publication and code arrangement.

(a) The AGAR is codified in the Code of Federal Regulations (CFR) as chapter 4 of title 48, Federal Acquisition Regulations System, to implement and supplement chapter 1 which constitutes the FAR. Parts 400 through 499 of this title have been assigned to USDA by the Office of the Federal Register.

(b) The AGAR and its subsequent changes are published in:

(1) Daily issues of the **Federal Register**;

(2) Cumulative form in the CFR; and

(3) Electronic form on the USDA Departmental Administration procurement website (see AGAR 401.170).

(c) Section 553(a)(2) of the Administrative Procedure Act, 5 U.S.C. 553, provides an exception from the standard public rulemaking procedures to the extent that the rule involves a matter relating to agency management or personnel or to public property, loans, grants, benefits, or contracts.

(d) The AGAR may be revised from time to time in accordance with the rulemaking procedures of the Administrative Procedure Act. The USDA is also required to publish for public comment procurement regulations in the **Federal Register**, pursuant to the Office of Federal Procurement Policy Act (41 U.S.C. 418b), and FAR 1.301.

401.105–2 Arrangement of regulations.

AGAR coverage parallels the FAR in format, arrangement, and numbering system. However, subdivisions below the section and subsection levels may not always correlate directly to FAR designated paragraphs and subparagraphs.

401.105–3 Copies.

Copies of the AGAR published in the CFR form may be purchased from the Superintendent of Documents, Government Printing Office, Washington, DC 20402. Requests should reference chapter 4 of title 48 CFR.

401.170 Electronic access to regulatory information.

The USDA procurement website provides access to the AGAR, AGAR amendments (circulars), the USDA Contracting Desk Book, and other USDA procurement policy and guidance.

Subpart 401.2—Administration

401.201 Maintenance of the FAR.

401.201–1 The two councils.

(a) USDA's representative on the Civilian Agency Acquisition Council is designated by the SPE.

(b) USDA Office of Contracting and Procurement, Procurement Policy Division will coordinate proposed FAR revisions within USDA.

Subpart 401.3—Agency Acquisition Regulations

401.301 Policy.

(a) The SPE, subject to the authorities in AGAR 401.103 and FAR 1.301, may issue and publish Departmental regulations, that together with the FAR constitute Department-wide policies, procedures, solicitation provisions, and contract clauses governing the contracting process or otherwise controlling the relationship between USDA (including any of its contracting activities) and contractors or prospective contractors.

(b) Each designated Mission Area senior contracting official is authorized to issue or authorize the issuance of, at any organizational level, internal guidance which does not have a significant effect beyond the internal

operating procedures of the activity, or a significant cost or administrative impact on offerors or contractors. Internal guidance issued by contracting activities will not be published in the **Federal Register**. Mission Area contracting leadership shall ensure that the guidance, procedures, or instructions issued—

(1) Are consistent with the policies and procedures contained in this regulation and the USDA Contracting Desk Book;

(2) Follow the format, arrangement, and numbering system of this regulation to the extent practicable;

(3) Contain no material which duplicates, paraphrases, or is inconsistent with this regulation; and

(4) Are numbered and identified by use of alphabetical suffices to the chapter number as follows:

(i) Marketing and Regulatory Programs (MRP).

(ii) Research, Education and Economics (REE).

(iii) Food, Nutrition and Consumer Services (FNCS).

(iv) Natural Resources and Environment (NRE).

(v) Farm Production and Conservation (FPAC).

(vi) Food Safety and Inspection Services (FSIS).

(vii) [Reserved]

(viii) Departmental Administration (DA) or Departmental Management (DM).

(ix) [Reserved]

(x) Rural Development (RD).

401.304 Agency control and compliance procedures.

(a) The AGAR System is under the direct oversight and control of the SPE, who is responsible for review and issuance of all Department-wide acquisition regulations published in the **Federal Register** to assure compliance with FAR part 1.

(b) The SPE is also responsible for review and issuance of unpublished, Department-wide internal guidance under the AGAR System.

(c) The Mission Area senior contracting official is responsible for establishment and implementation of formal procedures for oversight and control of unpublished internal guidance issued within the contracting activity to implement FAR or AGAR requirements. These procedures shall be subject to the review and approval by the SPE.

(d) The SPE is responsible for evaluating coverage under the AGAR system to determine applicability to other agencies and for recommending coverage to the FAR Secretariat for inclusion in the FAR.

(e) Recommendations for revision of existing FAR coverage or new FAR coverage shall be submitted by the Mission Area senior contracting official to the SPE for further action.

401.370 Exclusions.

Subject to the policies of FAR 1.3, certain USDA acquisition policies and procedures may be excluded from the AGAR under appropriately justified circumstances, such as:

(a) Subject matter which is effective for a period less than 12 months.

(b) Subject matter which is instituted on an experimental basis for a reasonable period.

(c) Acquisition procedures instituted on an interim basis to comply with the requirements of statute, regulation, Executive order, Office of Management and Budget (OMB) Circular, or Office of Federal Procurement Policy (OFPP) Policy Letter.

401.371 USDA Contracting Desk Book.

(a) The SPE may issue and update the USDA Contracting Desk Book, consistent with the policies of the FAR and the AGAR, for the following purposes:

(1) To communicate Department-wide policy and/or procedural guidance to contracting activities;

(2) To delegate to procurement officials the authority to make determinations or to take action to implement the policies of the FAR or the AGAR; and

(3) To establish internal policy and procedures on an interim basis, prior to incorporation in the AGAR or in a Departmental Directive.

(b) The USDA Contracting Desk Book is only available in electronic format on the USDA procurement website.

401.372 Departmental directives.

Subject to the policies of FAR 1.3, USDA from time to time may issue internal directives to establish procedures, standards, guidance, methods of performing duties, functions, or operations. Such directives include Departmental Regulations (DRs), Departmental Notices, and Secretary's Memoranda.

Subpart 401.4—Deviations From the FAR and AGAR

401.402 Policy.

Requests for authority to deviate from the provisions of the FAR or the AGAR shall be submitted in writing as far in advance of the situation as time will permit. Each request for deviation shall contain the following:

(a) A statement of the deviation desired, including identification of the specific paragraph number(s) of the FAR and AGAR;

(b) The reason why the deviation is considered necessary or would be in the best interest of the Government;

(c) If applicable, the name of the contractor and identification of the contract affected;

(d) A statement as to whether the deviation has been requested previously and, if so, circumstances of the previous request;

(e) A description of the intended effect of the deviation;

(f) A statement of the period of time for which the deviation is needed; and

(g) Any pertinent background information which will contribute to a full understanding of the desired deviation.

401.403 Individual deviations.

In individual cases, deviations from either the FAR or the AGAR will be authorized only when essential to effect a necessary acquisition or where special circumstances make such deviations clearly in the best interest of the Government. Except for cost principles, the Head of the Contracting Activity (HCA) may approve individual deviations from the AGAR, after coordinating with the Office of General Counsel (OGC) and the SPE. No deviations from the FAR or AGAR may be authorized by an individual contracting officer or an individual contracting office. A copy of each deviation and its supporting documents shall be provided to the SPE. Deviations from the FAR shall not be made unless such action is authorized by the SPE after consultation with the OGC and any other appropriate office, based on a written justification stating clearly the special circumstances involved.

401.404 Class deviations.

Where deviations from the FAR or AGAR are considered necessary for classes of contracts, requests for authority to deviate shall be submitted in writing to the SPE for approval. The SPE may authorize class deviations from the FAR without consulting the Chairperson of the Civilian Agency Acquisition Council (CAAC) where urgency precludes consultation. The SPE shall subsequently inform the Chairperson of the CAAC of the deviation, including the circumstances under which it was required.

Subpart 401.6—Career Development, Contracting Authority, and Responsibilities

401.601 General.

(a) The authority and responsibility vested in the Secretary to manage

USDA's acquisition function is delegated through the Assistant Secretary for Administration to the SPE. This broad authority includes, but is not limited to, the following responsibilities:

(1) Prescribing and publishing Departmental acquisition policies, regulations, and procedures.

(2) Taking any necessary actions consistent with policies, regulations, and procedures with respect to purchases, contracts, leases, and other transactions.

(3) Designating contracting officers.

(4) Establishing clear lines of contracting authority.

(5) Evaluating and monitoring the performance of USDA's acquisition system.

(6) Managing and enhancing career development of the acquisition workforce.

(7) Participating in the development of Government-wide acquisition policies, regulations, and standards; and determining specific areas where government-wide performance standards should be established and applied.

(8) Determining areas of Department—unique standards and developing unique Department-wide standards.

(9) Certifying to the Secretary that the acquisition system meets approved standards.

(b) The SPE may delegate specified contracting authority and the responsibility to manage related acquisition functions.

(c) Unless prohibited by the FAR, the AGAR, or by other applicable statutes and regulations, the SPE may redelegate specified authority to make determinations in order to implement the policies and procedures of the FAR. Such delegations shall be in writing but need not be published. Such delegations may be made by the HCA if authority has been delegated by the SPE.

401.602 Contracting officers.

401.602–3 Ratification of unauthorized commitments.

(a) *Ratification* means the signed, documented action taken by an authorized official to approve and sanction a previously unauthorized commitment.

(b) *Unauthorized commitment* means an agreement made by a Government representative who lacked the authority to enter into a contract on behalf of the Government. Procedures for unauthorized commitments are in accordance with the USDA Contracting Desk Book, part 401.602–3.

401.603 Selection, appointment, and termination of appointment for contracting officers.

401.603–1 General.

The SPE may delegate contracting authority to the extent authorized by general written delegation of acquisition authority appointing qualified individuals as contracting officers, in accordance with selection and appointment procedures as stated in the USDA Contracting Desk Book.

PART 402—DEFINITIONS OF WORDS AND TERMS

Subpart 402.1—Definitions

Sec.
402.101 Definitions.

Authority: 5 U.S.C. 301 and 40 U.S.C. 486(c).

Subpart 402.1—Definitions

402.101 Definitions.

Acquisition official means an individual who has been delegated authority to manage or to exercise acquisition functions and responsibilities.

Agency head or *head of the agency* means the Secretary of Agriculture (Secretary), Deputy Secretary, or the Assistant Secretary for Administration (ASA).

Head of the Contracting Activity (HCA) means the official with overall responsibility of one or more USDA contracting activities.

Mission Area senior contracting official means the official designated by the Senior Procurement Executive or Head of the Contracting Activity with specific responsibilities within an individual Mission Area's contracting activity.

Senior Procurement Executive (SPE) means the agency official appointed as such by the Head of the Agency pursuant to Executive Order 12931. The Director, Office of Contracting and Procurement, has been designated as the USDA SPE.

PART 403—IMPROPER BUSINESS PRACTICES AND PERSONAL CONFLICTS

Subpart 403.1—Safeguards

Sec.
403.101 Standards of conduct.

Authority: 5 U.S.C. 301 and 40 U.S.C. 486(c).

Subpart 403.1—Safeguards

403.101 Standards of conduct.

(a) The standards of conduct for USDA procurement officials are the uniform standards established by the Office of Government Ethics in 5 CFR part 2635, Standards of Ethical Conduct for Employees of the Executive Branch, and FAR 3.104, Procurement Integrity.

(b) Procurement officials and other employees who require advice concerning the application of standards of conduct to any acquisition issue shall obtain opinions from the USDA Office of Ethics or the ethics advisory officials within their agency.

PART 404—ADMINISTRATIVE AND INFORMATION MATTERS

Subpart 404.8—Government Contract Files

Sec.
404.804 Closeout of contract files.

Subpart 404.13—Personal Identity Verification

404.1303 Contract clause.

Authority: 5 U.S.C. 301 and 40 U.S.C. 486(c).

Subpart 404.8—Government Contract Files

404.804 Closeout of contract files.

The contracting officer shall insert the clause at AGAR 452.204–70, Modification for Contract Closeout, in all solicitations and contracts that use simplified acquisition procedures.

Subpart 404.13—Personal Identity Verification

404.1303 Contract clause.

FAR 4.13, Personal Identity Verification, establishes the policy and use requirements for FAR 52.204–9. The contracting officer shall insert a clause that contains language similar to that in AGAR 452.204–71 in all covered solicitations and contracts which include FAR 52.204–9.

SUBCHAPTER B—ACQUISITION PLANNING

PART 405—PUBLICIZING CONTRACT ACTIONS

Subpart 405.4—Release of Information

Sec.
405.404 Release of long-range acquisition estimates.
405.404–1 Release procedures.

Subpart 405.5—Paid Advertisements

405.502 Authority.

Authority: 5 U.S.C. 301 and 40 U.S.C. 486(c).

Subpart 405.4—Release of Information

405.404 Release of long-range acquisition estimates.

405.404–1 Release procedures.

The HCA is the agency head designee pursuant to FAR 5.404–1.

Subpart 405.5—Paid Advertisements

405.502 Authority.

The authority vested in the HCA to authorize publication of paid advertisements in newspapers (44 U.S.C. 3702) is delegated, with power of redelegation, to Mission Area senior contracting officials. A Mission Area senior contracting official's redelegation of this authority shall be in writing.

PART 406—COMPETITION REQUIREMENTS

Subpart 406.2—Full and Open Competition After Exclusion of Sources

Sec.
406.202 Establishing or maintaining alternative sources.

Subpart 406.3—Other Than Full and Open Competition

406.302 Circumstances permitting other than full and open competition.
406.302–70 Otherwise authorized by law.

Authority: 5 U.S.C. 301 and 40 U.S.C. 486(c).

Subpart 406.2—Full and Open Competition After Exclusion of Sources

406.202 Establishing or maintaining alternative sources.

The SPE is authorized to make determinations pursuant to FAR 6.202(a) and sign the determination and findings required by FAR 6.202(b).

Subpart 406.3—Other Than Full and Open Competition

406.302 Circumstances permitting other than full and open competition.

406.302–70 Otherwise authorized by law.

(a) *Authority.* Section 1472 of the National Agricultural Research, Extension, and Teaching Policy Act of 1977 (7 U.S.C. 3318) (the Act) authorizes the Secretary of Agriculture to award contracts, without competition, to further research, extension, or teaching programs in the food and agricultural sciences.

(b) *Limitations.* The use of this authority is limited to those instances where it can be determined that contracting without full and open competition is in the best interest of the Government and necessary to the accomplishment of the research, extension, or teaching program. Therefore:

(1) Contracts under the authority of the Act shall be awarded on a competitive basis to the maximum practicable extent.

(2) When full and open competition is not deemed appropriate, the contracting officer shall make a written justification on a case-by-case basis in accordance with procedures in FAR 6.303 and 6.304.

PART 407—[RESERVED]

PART 408—REQUIRED SOURCES OF SUPPLIES AND SERVICES

Subpart 408.8—Acquisition of Printing and Related Supplies

408.802 Policy.

Authority: 5 U.S.C. 301 and 40 U.S.C. 486(c).

Subpart 408.8—Acquisition of Printing and Related Supplies 408.802 Policy.

The Director, Office of Communications (OC) has been designated as the central printing authority in USDA, with the authority to represent the USDA before the Joint Committee on Printing (JCP), the Government Printing Office, and other Federal and State agencies on all matters related to printing.

PARTS 409 AND 410—[RESERVED]

PART 411—DESCRIBING AGENCY NEEDS

Subpart 411.1—Selecting and Developing Requirements Documents

Sec.
411.101 Order of precedence for requirements documents.

Subpart 411.2—Using and Maintaining Requirements Documents

411.202 Maintenance of standardization documents.

Subpart 411.6—Priorities and Allocations

411.602 General.

Authority: 5 U.S.C. 301 and 40 U.S.C. 486(c).

Subpart 411.1—Selecting and Developing Requirements Documents

411.101 Order of precedence for requirements documents.

(a) OMB Circular A–119 establishes a Federal policy requiring the use of voluntary consensus standards in lieu of government-unique standards except where inconsistent with law or otherwise impractical.

(b) An HCA is authorized to submit the determination required by OMB Circular A–119 that a voluntary standard is inconsistent with law or otherwise impracticable. The HCA must submit the determination to OMB through the National Institute of Standards and Technology (NIST) in accordance with the Circular with a copy provided to the SPE.

Subpart 411.2—Using and Maintaining Requirements Documents

411.202 Maintenance of standardization documents.

Recommendations for changes to standardization documents are to be submitted through the SPE, who will coordinate the submission of these recommendations to the cognizant preparing activity.

Subpart 411.6—Priorities and Allocations

411.602 General.

USDA has authority to issue rated orders under section 202(c) of Executive Order 13603, and the Defense Production Act of 1950, as Amended (DPA), 50 U.S.C. 4501 *et seq.*

PART 412—ACQUISITION OF COMMERICAL ITEMS

Subpart 412.3—Solicitation Provisions and Contract Clauses for the Acquisition of Commercial Items

Sec.
412.302 Tailoring of provisions and clauses for the acquisition of commercial items.

Authority: 5 U.S.C. 301 and 40 U.S.C. 486(c).

Subpart 412.3—Solicitation Provisions and Contract Clauses for the Acquisition of Commercial Items

412.302 Tailoring of provisions and clauses for the acquisition of commercial items.

The HCA is authorized to approve waivers in accordance with FAR 12.302(c). The approved waiver may be either for an individual contract or for a class of contracts for the specific item. The approved waiver and supporting documentation shall be incorporated into the contract file.

SUBCHAPTER C—CONTRACTING METHODS AND CONTRACT TYPES

PART 413—SIMPLIFIED ACQUISITION PROCEDURES

Subpart 413.3—Simplified Acquisition Methods

Sec.
413.302 Purchase orders.
413.302–5 Clauses.

Authority: 5 U.S.C. 301 and 40 U.S.C. 486(c).

Subpart 413.3—Simplified Acquisition Methods

413.302 Purchase orders.

413.302–5 Clauses.

The contracting officer shall insert the clause at AGAR 452.204–70,

Modification for Contract Closeout, in all solicitations and contracts that use simplified acquisition procedures.

PART 414—SEALED BIDDING

Subpart 414.4—Opening of Bids and Award of Contract

Sec.
414.404 Rejection of bids.
414.404–1 Cancellation of invitations after opening.
414.407 Mistakes in bids.
414.407–3 Other mistakes disclosed before award.
414.407–4 Mistakes after award.
414.409 Information to bidders.
414.409–2 Award of classified contracts.

Authority: 5 U.S.C. 301 and 40 U.S.C. 486(c).

Subpart 414.4—Opening of Bids and Award of Contract

414.404 Rejection of bids.

414.404–1 Cancellation of invitations after opening.

An acquisition official at a level above the contracting officer is authorized to request the determinations under FAR 14.404–1(c) and (e)(1).

414.407 Mistakes in bids.

414.407–3 Other mistakes disclosed before award.

The authority to make the determinations under FAR 14.407–3(a), (b), and (d) is delegated, without power of redelegation, to the HCA. The authority to make the determination under FAR 14.407–3(c) is delegated to the contracting officer. Each determination pursuant to FAR 14.407–3 shall have the concurrence of the Office of the General Counsel (OGC).

414.407–4 Mistakes after award.

If a mistake in bid is disclosed after award, the contracting officer shall make a final determination in accordance with the provisions of FAR 14.407–4(b) and (c) and shall coordinate each proposed determination with OGC. Such coordination shall, at a minimum, consist of the contracting officer providing the proposed determination and the case file to OGC for comment.

414.409 Information to bidders.

414.409–2 Award of classified contracts.

Disposition of classified information shall be in accordance with Departmental Regulation and Manual (3400–001 Series) and in accordance with direction issued by the USDA Office of Homeland Security (OHS), Personnel and Document Security Division.

PART 415—CONTRACTING BY NEGOTIATION

Subpart 415.2—Solicitation and Receipt of Proposals and Information

Sec.
415.204 Contract format.

Subpart 415.3—Source Selection

415.305 Proposal evaluation.

Subpart 415.6—Unsolicited Proposals

415.604 Agency points of contact.

Authority: 5 U.S.C. 301 and 40 U.S.C. 486(c).

Subpart 415.2—Solicitation and Receipt of Proposals and Information

415.204 Contract format.

The HCA is authorized to exempt contracts from the uniform contract format.

Subpart 415.3—Source Selection

415.305 Proposal evaluation.

Each Mission Area senior contracting official is responsible for establishing procedures regarding the release of cost information to the members of the technical evaluation team per FAR 15.305(a)(4).

Subpart 415.6—Unsolicited Proposals

415.604 Agency points of contact.

Each Mission Area senior contracting official is responsible for establishing points of contact for the control of unsolicited proposals. An unsolicited proposal must be formally submitted to the Agency by way of the point of contact.

PART 416—TYPES OF CONTRACTS

Subpart 416.1—Selecting Contract Types

Sec.
416.102 Policies.

Subpart 416.2—Fixed-Price Contracts

416.203 Fixed-price contracts with economic price adjustment.
416.203–4 Contract clauses.

Subpart 416.6—Time-and-Materials, Labor-Hour, and Letter Contracts

416.603 Letter contracts.
416.603–2 Application.

Authority: 5 U.S.C. 301 and 40 U.S.C. 486(c).

Subpart 416.1—Selecting Contract Types

416.102 Policies.

The contracting officer shall insert the clause at AGAR 452.204–70, Modification for Contract Closeout, in all solicitations and contracts that use other than cost reimbursement contract types.

Subpart 416.2—Fixed-Price Contracts

416.203 Fixed-price contracts with economic price adjustment.

416.203–4 Contract clauses.

An economic price adjustment clause based on cost indexes of labor or material may be used under the conditions listed in FAR 16.203–4(d) after HCA approval and consultation with the Office of the General Counsel (OGC).

Subpart 416.6—Time-and-Materials, Labor-Hour, and Letter Contracts

416.603 Letter contracts.

416.603–2 Application.

The HCA is authorized to extend the period for defining a letter contract required by FAR 16.603–2(c) in extreme cases where it is determined in writing that such action is in the best interest of the Government.

PARTS 417 AND 418—[RESERVED]

SUBCHAPTER D—SOCIOECONOMIC PROGRAMS

PART 419—SMALL BUSINESS PROGRAMS

Subpart 419.2—Policies

Sec.
419.201 General Policy.
419.201–71 Small business coordinators.
419.201–72 Reports.

Subpart 419.6—Certificates of Competency and Determinations of Responsibility

419.602 Procedures.
419.602–3 Resolving differences between the agency and the Small Business Administration.

Authority: 5 U.S.C. 301 and 40 U.S.C. 486(c).

Subpart 419.2—Policies

419.201 General policy.

419.201–71 Small business coordinators.

The Mission Area senior contracting official shall designate, in writing, small business coordinator(s). The number of coordinators shall be determined by the Mission Area senior contracting official and sufficient for the number of contracting officers or contracting offices.

419.201–72 Reports.

The Office of Small & Disadvantaged Business Utilization (OSDBU) Director shall be responsible for submitting reports concerning USDA's progress and achievements in the procurement preference program.

Subpart 419.6—Certificates of Competency and Determinations of Responsibility

419.602 Procedures.

419.602–3 Resolving differences between the agency and the Small Business Administration.

The HCA is authorized to appeal the issuance of a Certificate of Competency (COC) to SBA as provided by FAR 19.602–3(a).

PARTS 420 AND 421—[RESERVED]

PART 422—APPLICATION OF LABOR LAWS TO GOVERNMENT ACQUISITIONS

Subpart 422.3—Contract Work Hours and Safety Standards Act

Sec.
422.302 Liquidated damages and overtime pay.

Subpart 422.4—Labor Standards for Contracts Involving Construction

422.404 Construction Wage Rate Requirements statute wage determinations.
422.404–6 Modifications of wage determinations.
422.406 Administration and enforcement.
422.406–8 Investigations.

Subpart 422.8—Equal Employment Opportunity

422.804 Affirmative action programs.
422.804–2 Construction.
422.807 Exemptions.

Subpart 422.13—Equal Opportunity for Veterans

422.1305 Waivers.

Subpart 422.14—Employment of Workers With Disabilities

422.1403 Waivers.

Authority: 5 U.S.C. 301 and 40 U.S.C. 486(c).

Subpart 422.3—Contract Work Hours and Safety Standards Act

422.302 Liquidated damages and overtime pay.

The Mission Area senior contracting official is authorized to review determinations of liquidated damages due under section 104(c) of the Contract Work Hours and Safety Standards Act, and to recommend remedial action, if appropriate, in accordance with FAR 22.302(c). Contractors or subcontractors may request review of administrative determinations of liquidated damages by written notice to the contracting officer. The contracting officer shall promptly forward appeals of liquidated damages determinations to the Mission Area senior contracting official.

Subpart 422.4—Labor Standards for Contracts Involving Construction

422.404 Construction Wage Rate Requirements statute wage determinations.

422.404–6 Modifications of wage determinations.

The Mission Area senior contracting official is authorized to process the request for extension of the 90-day period for award after bid opening as provided in FAR 22.404–6(b)(6).

422.406 Administration and enforcement.

422.406–8 Investigations.

The HCA is authorized to submit reports of violations to the agency head in accordance with FAR 22.406–8(d).

Subpart 422.8—Equal Employment Opportunity

422.804 Affirmative action programs.

422.804–2 Construction.

The Mission Area senior contracting official shall ensure that each contracting office awarding nonexempt construction contracts maintains a current listing of covered geographical areas subject to affirmative action requirements specifying goals for minorities and women in covered construction trades, as provided in FAR 22.804–2(b).

422.807 Exemptions.

The HCA oversees exemptions of all or part of the requirements of E.O. 11246 pursuant to FAR 22.807(c).

Subpart 422.13—Equal Opportunity for Veterans

422.1305 Waivers.

The Assistant Secretary for Administration (ASA) is authorized to make the waiver determination in FAR 22.1305(b) that a contract is essential to the national security. The waiver shall be prepared for the ASA's signature and submitted by the Mission Area senior contracting official to the SPE for referral to the ASA.

Subpart 422.14—Employment of Workers With Disabilities

422.1403 Waivers.

The ASA is authorized to make the waiver determinations under FAR 22.1403(a) and FAR 22.1403(b) with the concurrence of the Deputy Assistant Secretary for Federal Contract Compliance Programs, Department of Labor. The waiver shall be prepared for the ASA's signature and submitted by the Mission Area senior contracting official to the SPE for referral to the ASA.

PART 423—ENVIRONMENT, SUSTAINABLE ACQUISITION, AND MATERIAL SAFETY

Subpart 423.1—Use of Recovered Materials

Sec.
423.107 Agency affirmative procurement programs.

Subpart 423.3—Hazardous Material Identification, Material Safety Data, and Notice of Radioactive Materials

423.303 Notice of radioactive materials.

Authority: 5 U.S.C. 301 and 40 U.S.C. 486(c).

Subpart 423.1—Use of Recovered Materials

423.107 Agency affirmative procurement programs.

The USDA affirmative procurement program (APP) policy applicable to all USDA agencies and staff offices is hereby established. Components of the APP are in the USDA Contracting Desk Book part 423.

Subpart 423.3—Hazardous Material Identification, Material Safety Data, and Notice of Radioactive Materials

423.303 Notice of radioactive materials.

The HCA shall establish a system of instructions to identify the installation/facility radiation protection officer.

PART 424—[RESERVED]

PART 425—FOREIGN ACQUISITION

Subpart 425.6—American Recovery and Reinvestment Act—Buy American Statute—Construction Materials

Sec.
425.603 Exceptions.

Authority: 5 U.S.C. 301 and 40 U.S.C. 486(c).

Subpart 425.6—American Recovery and Reinvestment Act—Buy American Statute—Construction Materials

425.603 Exceptions.

The Secretary, without power of redelegation, has the authority to make the necessary determination(s) and authorize award(s) of contract(s) in accordance with FAR 25.603(b).

PART 426—OTHER SOCIOECONOMIC PROGRAMS

Subpart 426.5—Drug-Free Workplace

Sec.
426.505 Suspension of payments, termination of contract, and debarment and suspension actions.

Authority: 5 U.S.C. 301 and 40 U.S.C. 486(c).

Subpart 426.5—Drug-Free Workplace

426.505 Suspension of payments, termination of contract, and debarment and suspension actions.

The SPE will submit the request for a waiver to the agency head with a recommendation for action per FAR 23.506(e).

SUBCHAPTER E—GENERAL CONTRACTING REQUIREMENTS

PART 427—[RESERVED]

PART 428—BONDS AND INSURANCE

Subpart 428.1—Bonds and Other Financial Protections

Sec.
428.101 Bid guarantees.
428.101–1 Policy on use.
428.106 Administration.
428.106–6 Furnishing information.

Subpart 428.2—Sureties and Other Security for Bonds

428.203 Individual sureties.

Authority: 5 U.S.C. 301 and 40 U.S.C. 486(c).

Subpart 428.1—Bonds and Other Financial Protections

428.101 Bid guarantees.

428.101–1 Policy on use.

The SPE may authorize class waivers of the requirement to obtain bid guarantees per FAR 28.101–1(c).

428.106 Administration.

428.106–6 Furnishing information.

HCAs or their designees may furnish certified copies of bonds and the contracts for which they were given as provided by FAR 28.106–6(c). Requesters may be required to pay costs of certification and copying established by the Departmental Fee Schedule for records requests (7 CFR part 1, subpart A, appendix A).

Subpart 428.2—Sureties and Other Security for Bonds

428.203 Individual sureties.

Evidence of possible criminal or fraudulent activities by an individual surety shall be reported to the OIG in accordance with Departmental Regulations (1700 series). The Mission Area senior contracting official shall establish procedures to ensure protection and conveyance of deposited securities of the types listed in FAR 28.204–1 through 28.204–3.

PART 429—[RESERVED]

PART 430—COST ACCOUNTING STANDARDS ADMINISTRATION

Subpart 430.2—CAS Program Requirements

Sec.
430.201 Contract requirements.
430.201–5 Waiver.
430.202 Disclosure requirements.
430.202–2 Impracticality of submission.
430.202–8 Subcontractor disclosure statements.

Authority: 5 U.S.C. 301 and 40 U.S.C. 486(c).

Subpart 430.2—CAS Program Requirements

430.201 Contract requirements.

430.201–5 Waiver.

The SPE, without the authority to further redelegate, is authorized to request the Cost Accounting Standards Board to waive the application of the Cost Accounting Standards (CAS) in accordance with FAR 30.201–5.

430.202 Disclosure requirements.

430.202–2 Impracticality of submission.

The Secretary, without the power to redelegate, is authorized to determine, in accordance with 48 CFR 9903.202–2, that the Disclosure Statement is impractical to secure and to authorize award without obtaining the Disclosure Statement.

430.202–8 Subcontractor disclosure statements.

The Secretary, without the power to redelegate, is authorized to determine, in accordance with 48 CFR 9903.202–2, that the Disclosure Statement for a subcontractor is impractical to secure and to authorize award without obtaining the Disclosure Statement.

PART 431—CONTRACT COST PRINCIPLES AND PROCEDURES

Subpart 431.1—Applicability

Sec.
431.101 Objectives.

Authority: 5 U.S.C. 301 and 40 U.S.C. 486(c).

Subpart 431.1—Applicability

431.101 Objectives.

(a) The SPE is designated as the official authorized to give advance approval of an individual deviation concerning cost principles.

(b) The SPE is designated as the official authorized to give advance approval of a class deviation concerning cost principles after coordination with the Civilian Agency Acquisition Council (CAAC).

PART 432—CONTRACT FINANCING

Sec.
432.001 Definitions.
432.006 Reduction or suspension of contract payments upon finding of fraud.
432.006–5 Reporting.
432.007 Contract financing payments.

Subpart 432.1—Non-Commercial Item Purchase Financing

432.114 Unusual contract financing.

Subpart 432.2—Commercial Item Purchase Financing

432.206 Solicitation provisions and contract clauses.

Subpart 432.3—Loan Guarantees for Defense Production

432.301 Definitions.

Subpart 432.4—Advance Payments for Non-Commercial Items

432.402 General.
432.406 Letters of credit.
432.407 Interest.
432.412 Contract clause.

Subpart 432.7—Contract Funding

432.703 Contract funding requirements.
432.703–3 Contracts crossing fiscal years.
432.770 USDA specific funding limitations.

Subpart 432.8—Assignment of Claims

432.802 Conditions.

Authority: 5 U.S.C. 301 and 40 U.S.C. 486(c).

432.001 Definitions.

Agency contract finance office is the office, other than the office of the requisitioner, providing funding or performing funding record keeping for the contract action.

Head of agency. For the purposes of this part, head of the agency means, exclusively, the Secretary or the Deputy Secretary.

Remedy coordination official (RCO). The USDA RCO is the Assistant Secretary for Administration.

Responsible fiscal authority is that officer in the agency contract finance office with the responsibility to ensure that adequate funds are available and usable for the intended purpose.

432.006 Reduction or suspension of contract payments upon finding of fraud.

432.006–5 Reporting.

The annual report required by FAR 32.006–5 is to be prepared by the SPE and submitted to the Secretary within 90 calendar days after the end of the fiscal year. When signed by the Secretary, the report is to be maintained by the SPE.

432.007 Contract financing payments.

The Mission Area senior contracting official may prescribe, on a case-by-case

basis, a shorter period for financing payments.

Subpart 432.1—Non-Commercial Item Purchase Financing

432.114 Unusual contract financing.

The HCA is authorized to approve unusual contract financing.

Subpart 432.2—Commercial Item Purchase Financing

432.206 Solicitation provisions and contract clauses.

The responsibility for administration of the liquidation provisions of a contract may not be transferred from the contracting officer.

Subpart 432.3—Loan Guarantees for Defense Production

432.301 Definitions.

Within this subpart, the *agency* or *guaranteeing agency* is the HCA and may not be redelegated.

Subpart 432.4—Advance Payments for Non-Commercial Items

432.402 General.

An HCA is designated as the individual responsible for making the findings and determination, and for approval of the contract terms concerning advance payments.

432.406 Letters of credit.

The HCA is designated as the individual responsible for coordination with the Department of Treasury concerning letters of credit.

432.407 Interest.

(a) The HCA is designated as the individual who may authorize, on a case-by-case basis, advance payments without interest for the contract types described in FAR 32.407(d)(1) through (4). The signed determination and findings supporting these authorizations shall be included in the contract files.

(b) The SPE is designated as the individual who may authorize advance payments without interest other than those described in paragraph (a) of this section.

432.412 Contract clause.

The decision to use Alternates I or III to FAR 52.232–12 must be supported by a determination and finding.

Subpart 432.7—Contract Funding

432.703 Contract funding requirements.

Use the clause AGAR 452.232–70, Limitation of Government's Obligation, in solicitations and resultant incrementally funded fixed-price contracts.

432.703–3 Contracts crossing fiscal years.

Funds appropriated to USDA may be used for one-year contracts which are to be performed in two fiscal years so long as the total amount for such contracts is obligated in the year for which the funds are appropriated (7 U.S.C. 2209c).

432.770 USDA specific funding limitations.

The expenditure of any USDA appropriation for any consulting service through any contract, pursuant to section 3109 of title 5 of the U.S. Code shall be limited to those contracts where such expenditures are a matter of public record and available for public inspection, except where otherwise provided under existing law, or under existing Executive order issued pursuant to existing law (7 U.S.C. 2225a).

Subpart 432.8—Assignment of Claims

432.802 Conditions.

Written notices of assignment and a true copy of the assigned instrument are to be sent to the contracting officer rather than the agency head per FAR 32.802(e)(1). Other copies are distributed as directed in FAR 32.802.

PART 433—PROTESTS, DISPUTES AND APPEALS

Subpart 433.1—Protests

Sec.
433.102 General.

Subpart 433.2—Disputes and Appeals

433.203 Applicability.

Authority: 5 U.S.C. 301 and 40 U.S.C. 486(c).

Subpart 433.1—Protests

433.102 General.

The SPE is responsible for coordinating the processing of bid protests lodged with the Government Accountability Office (GAO).

Subpart 433.2—Disputes and Appeals

433.203 Applicability.

The Assistant Secretary for Administration is authorized to determine the applicability of the Contract Disputes Act to contracts with foreign governments pursuant to FAR 33.203.

SUBCHAPTER F—SPECIAL CATEGORIES OF CONTRACTING

PART 434—MAJOR SYSTEM ACQUISITION

Sec.
434.001 Definition.
434.002 Policy.
434.003 Responsibilities.
434.005 General requirements.
434.005–6 Full production.

Authority: 5 U.S.C. 301 and 40 U.S.C. 486(c).

434.001 Definition.

Pursuant to OMB Circular No. A–11 (Circular A–11) and the definition at FAR 2.101, within USDA, a system shall be considered a *major system* if:

(a) The system has been identified as a Major IT Investment pursuant to USDA Departmental Regulation 3030–008, Definition of Major Information Technology Investments;

(b) The total non-IT acquisition costs are estimated to be $50 million or more; or

(c) The system, regardless of estimated acquisition or life cycle costs, has been specifically designated to be a major system by the USDA Acquisition Executive or by the Major Information Technology Systems Executive. The Assistant Secretary for Administration (ASA) is the USDA Acquisition Executive for major system acquisition other than acquisitions of information technology.

434.002 Policy.

In addition to the policy guidance at FAR 34.002 and other parts of the FAR, the policies outlined in part 7 of Circular A–11 should serve as guidelines for all contracting activities in planning and developing systems, major or otherwise.

434.003 Responsibilities.

(a) The key executives of USDA (Secretary, Deputy Secretary, Under Secretaries and Assistant Secretaries) individually or as a group will participate in making four key decision in each major system acquisition process.

(1) Identification and definition of a specific mission need to be fulfilled, the relative priority assigned within the agency, and the general magnitude of resources that may be invested.

(2) Selection of competitive system design concepts to be advanced to a test/demonstration phase or authorization to proceed with the development of a noncompetitive (single concept) system.

(3) Commitment of a system to full-scale development and limited production.

(4) Commitment of a system to full production.

(b) The Chief Information Officer (CIO) is the Major Information Technology Systems Executive. For acquisitions of information technology, the CIO will ensure that Circular A–11 is implemented in USDA and that the

management objectives of Circular A–11 are realized. The CIO is responsible for designating the program manager for each major information technology system acquisition, designating an acquisition to be a major information technology system acquisition, and approving the written charter and project control system for each major information technology system acquisition.

(c) The ASA will ensure that Circular A–11 is implemented in USDA and that the management objectives of Circular A–11 are realized. The SPE is responsible for designating the program manager for each major system non-IT acquisition, designating an acquisition to be a major system non-IT acquisition, and approving the written charter and project control system for each major system non-IT acquisition.

(d) The Mission Area senior contracting official must:

(1) Ensure compliance with the requirements of Circular A–11, FAR part 34, and AGAR part 434.

(2) Ensure that potential major system acquisitions are brought to the attention of the USDA Acquisition Executive or the Major Information Technology Systems Executive, as appropriate.

(3) Coordinate with Mission Area Program Managers (MASPMs) to recommend qualified candidates for designation as program managers for each major system acquisition within their jurisdiction.

(4) Coordinate with MASPMs to verify that program managers fulfill their responsibilities and discharge their duties.

(5) Cooperate with the ASA and Major Information Technology Systems Executive in implementing the requirements of Circular A–11.

(e) The program manager is responsible for planning and executing the major system acquisition, ensuring appropriate coordination with the USDA Acquisition Executive, Major Information Technology Systems Executive, and other key USDA executives.

434.005 General requirements.

434.005–6 Full production.

The Secretary or the Secretary's designee for the specific program is the agency head for the purposes of FAR 34.005–6.

PART 435—[RESERVED]

PART 436—CONSTRUCTION AND ARCHITECT-ENGINEER CONTRACTS

Subpart 436.2—Special Aspects of Contracting for Construction

Sec.
436.205 Statutory cost limitations.
436.209 Construction contracts with architect-engineer firms.
436.213 Special procedures for sealed bidding in construction contracting.
436.213–2 Presolicitation notices.

Subpart 436.5—Contract Clauses

436.500 Scope of subpart.
436.570 Emergency response, fire suppression and liability.

Subpart 436.6—Architect-Engineer Services

436.602 Selection of firms for architect-engineer contracts.
436.602–1 Selection criteria.
436.602–2 Evaluation boards.
436.602–5 Short selection process for contracts not to exceed the simplified acquisition threshold.
436.603 Collecting data on and appraising firm's qualifications.
436.609 Contract clauses.
436.609–1 Design within funding limitations.

Authority: 5 U.S.C. 301 and 40 U.S.C. 486(c).

Subpart 436.2—Special Aspects of Contracting for Construction

436.205 Statutory cost limitations.

(a) When it appears that funds may be insufficient for all the desired features of construction, the contracting officer may provide in the solicitation for a base bid item covering the work as specified and for one or more additive or deductive bid items which progressively add or omit specified features of the work in a stated order of priority.

(b) In the alternative, the contracting officer may use the policies and procedures found in FAR 17.2, Options.

436.209 Construction contracts with architect-engineer firms.

The HCA is authorized to approve a contract to construct a project, in whole or in part, to the firm that designed the project (inclusive of its subsidiaries or affiliates).

436.213 Special procedures for sealed bidding in construction contracting.

436.213–2 Presolicitation notices.

The authority to waive a presolicitation notice on any construction requirement when the proposed contract is expected to exceed the simplified acquisition threshold is restricted to the HCA.

Subpart 436.5—Contract Clauses

436.500 Scope of subpart.

This subpart prescribes clauses for insertion in USDA solicitations and contracts for construction and for dismantling, demolition, or removal of improvements or structures. The contracting officer shall use the clauses as prescribed in contracts that exceed the simplified acquisition threshold. The contracting officer may use the clauses if the contract amount is expected to be at or below the simplified acquisition threshold.

436.570 Emergency response, fire suppression and liability.

The contracting officer shall insert the clause at AGAR 452.236–70, Emergency Response, Fire Suppression and Liability, in Integrated Resource Service Contracts (IRSCs) awarded for the Forest Service. The clause AGAR 452.236–70, Emergency Response, Fire Suppression and Liability, is optional for non-IRSCs.

Subpart 436.6—Architect-Engineer Services

436.602 Selection of firms for architect-engineer contracts.

436.602–1 Selection criteria.

The Mission Area senior contracting official is authorized to approve the use of design competition under the conditions in FAR 36.602–1(b).

436.602–2 Evaluation boards.

The Mission Area senior contracting official shall establish written procedures for providing permanent or ad hoc architect-engineer evaluation boards as prescribed in FAR 36.602–2.

436.602–5 Short selection process for contracts not to exceed the simplified acquisition threshold.

The Mission Area senior contracting official may include either or both procedures in FAR 36.602–5(a) and (b) in the procedures for evaluation boards.

436.603 Collecting data on and appraising firm's qualifications.

Mission Area senior contracting officials for Mission Areas that require architect- engineer services shall establish procedures to comply with the requirements of FAR 36.603.

436.609 Contract clauses.

436.609–1 Design within funding limitations.

(a) Should the HCA appoint a designee to make the determination in FAR 36.609–1(c)(1), the appointment may be to one no lower than the official authorized to commit program funds for the work being acquired.

(b) The contracting officer, with the advice of appropriate technical representatives, may make the determination in FAR 36.609–1(c)(2) or (3).

PART 437—SERVICE CONTRACTING

Subpart 437.1—Service Contracts—General

Sec.
437.104 Personal services contracts.

Subpart 437.2—Advisory and Assistance Services

437.204 Guidelines for determining availability of personnel.

Authority: 5 U.S.C. 301 and 40 U.S.C. 486(c).

Subpart 437.1—Service Contracts—General

437.104 Personal services contracts.

USDA has the following specific statutory authorities to contract for personal services:

(a) Section 706(a) of the Organic Act of 1944 (7 U.S.C. 2225) authorizes contracting with persons or organizations on a temporary basis, without regard to civil service compensation classification standards in 5 U.S.C., chapter 51 and subchapter III of chapter 53, Provided:

(1) That no expenditures shall be made unless specifically provided for in the applicable appropriation; and

(2) Expenditures do not exceed any limitations prescribed in the appropriation.

(b) Title 7 of the U.S.C., section 1627 authorizes the Secretary of Agriculture to contract with technically qualified persons, firms or organizations to perform research, inspection, classification, technical, or other special services, without regard to the civil-service laws, if it is for a temporary basis and for a term not to exceed six months in any fiscal year.

Subpart 437.2—Advisory and Assistance Services

437.204 Guidelines for determining availability of personnel.

The HCA is authorized to request the use of non-Government evaluators in proposal evaluations. Each decision shall be supported by a written determination in accordance with FAR 37.204.

PARTS 438 THROUGH 441—[RESERVED]

SUBCHAPTER G—CONTRACT MANAGEMENT

PARTS 442 THROUGH 444—[RESERVED]

PART 445—GOVERNMENT PROPERTY

Subpart 445.1—General

Sec.
445.103 General.

Subpart 445.3—Authorizing the Use and Rental of Government Property

445.301 Use and rental.

Authority: 5 U.S.C. 301 and 40 U.S.C. 486(c).

Subpart 445.1—General

445.103 General.

The Mission Area senior contracting official is authorized to make determinations for charging rent on the basis of use under the Use and Charges clause in FAR 52.245–9 as prescribed in FAR 45.103(a)(5).

Subpart 445.3—Authorizing the Use and Rental of Government Property

445.301 Use and rental.

(a) The Mission Area senior contracting official is authorized to make determinations for providing facilities to contractors as prescribed in FAR 45.301(f).

(b) Requests for non-Government use of plant equipment as prescribed in FAR 45.301 shall be submitted by the HCA to the SPE for approval.

PARTS 446 THROUGH 448—[RESERVED]

PART 449—TERMINATION OF CONTRACTS

Subpart 449.5—Contract Termination Clauses

Sec.
449.501 General.

Authority: 5 U.S.C. 301 and 40 U.S.C. 486(c).

Subpart 449.5—Contract Termination Clauses

449.501 General.

Use of special purpose termination clauses pursuant to the authority of FAR 49.501 shall be approved in advance by the HCA.

PART 450—EXTRAORDINARY CONTRACTUAL ACTIONS AND THE SAFETY ACT

Subpart 450.1—Extraordinary Contractual Actions

Sec.
450.100 Definitions.
450.102 Delegation of and limitations on exercise of authority.
450.102–1 Delegation of authority.

Authority: 5 U.S.C. 301 and 40 U.S.C. 486(c).

Subpart 450.1—Extraordinary Contractual Actions

450.100 Definitions.

Approving authority, as used in this part, means the Assistant Secretary for Administration.

Secretarial level, as used in this part means the Assistant Secretary for Administration.

450.102 Delegation of and limitations on exercise of authority.

450.102–1 Delegation of authority.

The Assistant Secretary for Administration is authorized to approve all actions under FAR part 50 except indemnification actions listed in FAR 50.102–1(d), which must be approved by the Secretary, without power of redelegation.

PART 451—[RESERVED]

SUBCHAPTER H—CLAUSES AND FORMS

PART 452—SOLICITATION PROVISIONS AND CONTRACT CLAUSES

Subpart 452.2—Texts of Provisions and Clauses

Sec.
452.204–70 Modification for Contract Closeout
452.204–71 Personal Identity Verification of Contractor Employees.
452.232–70 Limitation of Government's Obligation.
452.236–70 Emergency Response, Fire Suppression, and Liability.

Authority: 5 U.S.C. 301 and 40 U.S.C. 486(c).

Subpart 452.2—Texts of Provisions and Clauses

452.204–70 Modification for Contract Closeout.

As prescribed in AGAR 404.804, 413.302–5, and 416.102, insert the following clause:

Modification for Contract Closeout (Month Year)

''Upon contract closeout for contracts utilizing anything other than cost reimbursement:

(a) If unliquidated funds in the amount of $1000 or less remain on the contract, the Contracting Officer (CO) shall issue a unilateral modification for deobligation. The contractor will receive a copy of the modification but will not be required to provide a signature. The CO shall immediately proceed with contract closeout upon completion of the period of performance, receipt and acceptance of supplies or services, and final payment.

(b) Upon contract closeout for contracts utilizing SAP: if unliquidated funds of more than $1000 remain on the contract, the CO shall issue a bilateral modification for deobligation. The contractor will receive a copy of the modification and will be required to provide a signature. (The CO may also request a ''Contractor Release of Claims'' be completed by the contractor, although not required for contracts and orders using SAP.) If the bilateral modification and Release of Claims are not returned to the CO within 60 days, the CO shall release the modification as unilateral and proceed with contract closeout upon completion of the period of performance, receipt and acceptance of supplies or services, and final payment.

(c) Upon contract closeout for contracts utilizing anything other than cost reimbursement, if unliquidated funds of more than $1000 remain on the contract, the CO shall issue a bilateral modification for deobligation. The contractor will receive a copy of the modification and a ''Contractor Release of Claims'' and will be required to provide a signature on both forms. If the bilateral modification and Release of Claims are not returned to the CO within 120 days, the CO shall release the modification as unilateral and proceed with contract closeout upon completion of the period of performance, receipt and acceptance of supplies or services, and final payment.

(End of Clause)

452.204–71 Personal Identity Verification of Contractor Employees.

As prescribed in AGAR 404.1303, insert the following clause:

Personal Identity Verification of Contractor Employees (Month Year)

(a) The contractor shall comply with the personal identity verification (PIV) policies and procedures established by the United States Department of Agriculture (USDA) Directives 4620–002 series.

(b) Should the USDA Directives 4620–002 require the exclusion of a contractor's employee, the contracting officer will notify the contractor in writing. The contractor must appoint a representative to manage compliance with the PIV policies established by the USDA Directives 4620–002 and to maintain a list of employees eligible for a USDA LincPass required for performance of the work.

(c) The responsibility of maintaining a sufficient workforce remains with the contractor. Contractor employees may be barred by the Government from performance of work should they be found ineligible or to have lost eligibility for a USDA LincPass. Failure to maintain a sufficient workforce of employees eligible for a USDA LincPass may be grounds for termination of the contract.

(d) The contractor shall insert this clause in all subcontracts when the subcontractor is required to have routine unaccompanied physical access to a federally controlled facility and/or routine unaccompanied access to a federally controlled information system.

(e) The PIV Sponsor for this contract is a designated program point of contact, which in most cases is the COR, unless otherwise specified in this contract. The PIV Sponsor will be available to receive contractor identity information from [hours and days to be added by CO] to [hours and days to be added by CO] at [office address for registration to be added by CO]. The Government will notify the contractor if there is a change in the PIV Sponsor, the office address, or the office hours for registration; however, it is the contractor's responsibility to meet all aspects of paragraphs (c), (d), and (e).

(End of Clause)

452.232–70 Limitation of Government's Obligation.

As prescribed in AGAR 432.703, insert the following clause:

Limitation of Government's Obligation (Month Year)

(a) Contract line item(s) listed below is/are incrementally funded. For this/these item(s), the sum of $ [Contracting Officer insert after negotiations] of the total price is presently available for payment and allotted to this contract. An allotment schedule is set forth in paragraph (j) below.

Line Item Price Currently Allotted Funding Funds Required for Complete Funding

(b) For item(s) identified in paragraph (a) as not fully funded, the Contractor agrees to perform up to the point at which the total amount payable by the Government, including reimbursement of costs in the event of termination of those item(s) for the Government's convenience, approximates the total amount currently allotted to the contract. The Contractor is not authorized to continue work on those item(s) beyond that point. The Government will not be obligated in any event to reimburse the Contractor more than the amount allotted to the contract for those item(s) regardless of anything to the contrary in the clause entitled ''Termination for Convenience of the Government''. The total amount payable by the Government in the event of termination of applicable contract line item(s) for convenience includes costs, profit, and estimated termination settlement costs for those item(s).

(c) Notwithstanding the dates specified in the allotment schedule in paragraph (j), the Contractor will notify the contracting officer in writing at least [30, 60, or 90, as appropriate] days prior to the date when, in the Contractor's best judgment, the work will reach the point at which the total amount payable by the Government, including any cost for termination for convenience, will approximate 85 percent of the total amount currently allotted to the contract for performance of the applicable item(s). The notification will state (1) the estimated date when that point will be reached and (2) an estimate of additional funding, if any, needed to continue performance of applicable line items up to the next scheduled date for allotment of funds identified in paragraph (j), or to a mutually agreed upon substitute date. The notification will also advise the contracting officer of the estimated amount of additional funds that will be required for the timely performance of the item(s) funded, for a subsequent period as may be specified in the allotment schedule in paragraph (j) or otherwise agreed to by the parties. If after such notification additional funds are not allotted by the date identified in the Contractor's notification, or by an agreed substitute date, the contracting officer will terminate any item(s) for which additional funds have not been allotted, pursuant to the clause of this contract entitled ''Termination for Convenience of the Government''.

(d) When additional funds are allotted for continued performance of the contract line item(s) identified in paragraph (a) above, the parties will agree as to the period of contract performance which will be covered by the funds. The provisions of paragraphs (b) through (d) will apply similarly to the additional allotted funds and agreed substitute date, and the contract will be modified accordingly.

(e) If, solely by reason of failure of the Government to allot additional funds, by the dates indicated below, in amounts sufficient for timely performance of the contract line item(s) identified in paragraph (a), the Contractor incurs additional costs or is delayed in the performance of the work under this contract and if additional funds are allotted, an equitable adjustment will be made in the price or prices (including appropriate target, billing, and ceiling prices where applicable) of the item(s), or in the time of delivery, or both. Failure to agree to any such equitable adjustment hereunder will be a dispute concerning a question of fact within the meaning of the clause entitled ''Disputes.''

(f) The Government may at any time prior to termination allot additional funds for the performance of the contract line item(s) identified in paragraph (a) above.

(g) The termination provisions do not limit the rights of the Government under the clauses entitled ''Default'' and ''Termination for Cause''. The provisions are limited to the work and allotment of funds for the contract line item(s) set forth in paragraph (a) above. These terms no longer apply once the contract is fully funded except with regard to the rights or obligations of the parties concerning equitable adjustments negotiated under paragraphs (e) and (f) above.

(h) Nothing herein affects the right of the Government to terminate this contract pursuant to the clause of this contract entitled ''Termination for Convenience of the Government''.

(i) Nothing herein shall be construed as authorization of voluntary services whose acceptance is otherwise prohibited under 31 U.S.C. 1342.

(j) The parties agree that the Government will allot funds to this contract in accordance with the following schedule:

On execution of contract $
(month) (day), (year) $
(month) (day), (year) $
(month) (day), (year) $

(End of Clause)

452.236–70 Emergency Response, Fire Suppression, and Liability.

As prescribed in AGAR 436.570, the following clause shall be used in Forest Service Integrated Resource Service Contracts (IRSCs), and is optional for non-IRSCs:

Emergency Response, Fire Suppression and Liability (Month Year)

(a) *Contractor's Responsibility for Responding to Emergencies.* When directed by the contracting officer, the Contractor shall allow the Government to temporarily use employees and equipment from the work site for emergency work (anticipated to be restricted to firefighting). This is considered to be within the general scope of the contract. An equitable adjustment for the temporary use of employees and equipment will be made under the CHANGES clause, FAR 52.243–4.

(b) *Contractor's Responsibility for Fire Fighting.* The Contractor, under the provisions of FAR 52.236–9, Protection of Existing Vegetation, Structures, Equipment, Utilities, and Improvements, shall immediately extinguish all fires on the work site other than those fires in use as a part of the work. The Contractor may be held liable for all damages and for all costs incurred by the Government for labor, subsistence, equipment, supplies, and transportation deemed necessary to control or suppress a fire set or caused by the Contractor or the Contractor's agents, subcontractors, or employees subject to the fire classifications listed in paragraph (c).

(c) *Fire Suppression Costs.* The Contractor's obligations for cost of fire suppression vary according to three classifications of fires as follows:

(1) *Operations Fire.* An ''operations fire'' is a fire caused by the Contractor's operations other than a negligent fire. The Contractor agrees to reimburse the Forest Service for such cost for each operations fire, subject to a maximum dollar amount of [Contracting Officer insert amount]. The cost of the Contractor's actions, supplies, and equipment expended or used on suppressing any such fire, or otherwise provided at the request of Forest Service, shall be credited toward such maximum. If the Contractor's actual cost exceeds the contractor's maximum obligation stated above, the Forest Service shall reimburse the contractor for the excess.

(2) *Negligent Fire.* A ''negligent fire'' is a fire caused by the negligence or fault of the Contractor's operations including, but not limited to, one caused by smoking by persons engaged in the Contractor's operations during the course of their employment, or during rest or lunch periods; or if the Contractor's failure to comply with requirements under this contract results in a fire starting or permits a fire to spread. Damages and the cost of suppressing negligent fires shall be borne by the Contractor.

(3) *Other Fires on Contract Area.* The Forest Service shall pay the Contractor, at firefighting rates common in the area or at prior agreed rates, for equipment or personnel furnished by the Contractor at the request of the Forest Service, on any fire on the contract area other than an operations fire or a negligent fire.

(d) *Contractor's Responsibility for Notification in Case of Fire.* The Contractor shall immediately notify the Government of any fires sighted on or in the vicinity of the work site.

(e) *Performance by the Contractor.* Where the Contractor's employees, agents, contractors, subcontractors, or their employees or agents perform the Contractor's operations in connection with fire responsibilities, the Contractor's obligations shall be the same as if performance was by the Contractor.

(f) *State Law.* The Contractor shall not be relieved by the terms of this contract of any liability to the United States for fire suppression costs recovered in an action based on State law, except for such costs resulting from operations fires. Amounts due to the Contractor for firefighting expenditures on operations fires shall not be withheld pending settlement of any such claim or action based on State law.

(End of Clause)

PARTS 453 THROUGH 469—[RESERVED]

SUBCHAPTER I—FOOD ASSISTANCE PROGRAMS

PART 470—COMMODITY ACQUISITIONS

Sec.

Authority: 5 U.S.C. 301 and 40 U.S.C. 486(c).

470.000 Scope of part.

This part sets forth the policies, procedures and requirements governing the procurement of agricultural commodities by the Department of Agriculture for use:

(a) Under child nutrition programs such as the National School Lunch Program, The Emergency Food Assistance Program, Commodity Supplemental Food Program, Food Distribution Program on Indian Reservations, and any other domestic food assistance program.

(b) Under title II of the Food for Peace Act (7 U.S.C. 1721 *et seq.*), the Food for Progress Act of 1985, the McGovern-Dole International Food for Education and Child Nutrition Program, and any other international food assistance program.

470.101 Definitions.

The following definitions are applicable to this subpart:

Commingled product means grains, oilseeds, rice, pulses, other similar commodities and the products of such commodities, when such commodity or product is normally stored on a commingled basis in such a manner that the commodity or product produced in the United States cannot be readily distinguished from a commodity or product not produced in the United States.

Foreign Agriculture Service (FAS) means such agency located within the Department of Agriculture.

Free alongside ship (f.a.s.) (* named port of shipment)* means a term of sale where the seller fulfills its obligation to deliver when the goods have been placed alongside the vessel on the quay or in lighters at the named port of shipment. The buyer bears all costs and risks of loss of or damage to the goods from that moment.

Grantee organization means an organization which will receive commodities from the United States Agency for International Development under title II of the Food for Peace Act (7 U.S.C. 1721 *et seq.*) or from the Foreign Agricultural Service under the Food for Progress Act of 1985; the McGovern-Dole International Food for Education and Child Nutrition Program; and any other international food assistance program.

Ingredient means spices, vitamins, micronutrients, desiccants, and preservatives when added to an agricultural commodity product.

Last contract lay day means the last day specified in an ocean freight contract by which the carriage of goods must start for contract performance.

Lowest landed cost means with respect to an agricultural product acquired under this part, the lowest aggregate cost for the acquisition of such product and the shipment of such product to a foreign destination.

Multi-port or multi-trip voyage charter means the charter of an ocean carrier in which the carrier will stop at two or more ports to discharge cargo.

470.102 Policy.

(a) *Policy.* USDA follows the policies and procedures set forth in the FAR as supplemented by the AGAR, in the procurement of agricultural commodities and products of

agricultural commodities that are used in domestic and international food assistance and nutrition programs.

(b) *Electronic submission.* To the maximum extent possible, the use of electronic submission of solicitation-related documents shall be used with respect to the acquisition of agricultural commodities and related freight. However, to the extent that a solicitation allows for the submission in paper or hard copy format in addition to information in an electronic format and there is a discrepancy in such submissions, the information submitted in paper or hard copy format shall prevail unless the electronic submission states that a specific existing written term is superseded by the electronic submission.

(c) *Freight.* With respect to the acquisition of freight for the shipment of agricultural commodities and products of agricultural commodities, the provisions of the FAR, including part 47, shall be utilized as applicable and various types of services to be obtained may include multi-trip voyage charters.

470.103 United States origin of agricultural products.

(a) *Products for use in international food assistance programs.* As provided by 7 U.S.C. 1732(2) and 1736o–1(a) commodities and the products of agricultural commodities acquired for use in international feeding and development programs shall be products of United States origin. A product shall not be considered to be a product of the United States if it contains any ingredient that is not produced in the United States if that ingredient is:

(1) Produced in the United States; and

(2) Commercially available in the United States at fair and reasonable prices from domestic sources.

(b) *Products for use in domestic food assistance programs.* Commodities and the products of agricultural commodities acquired by USDA for use in domestic food assistance programs shall be a product of the United States, except as may otherwise be required by law, and shall be considered to be such a product if it is grown, processed, and otherwise prepared for sale or distribution exclusively in the United States except with respect to ingredients as defined above. Ingredients from non-domestic sources will be allowed to be utilized as a United States product if such ingredients are not otherwise:

(1) Produced in the United States; and

(2) Commercially available in the United States at fair and reasonable prices from domestic sources.

(c) *Commingled product.* (1) Except as provided in paragraph (c)(2) of this section, a commingled product shall be considered to be a product of the United States if the offeror can establish that the offeror has in inventory at the time the contract for the commodity or product is awarded to the offeror, or obtains during the contract performance period specified in the solicitation, or a combination thereof, a sufficient quantity of the commodity or product that was produced in the United States to fulfill the contract being awarded, and all unfulfilled contracts that the offeror entered into to provide such commingled product to the United States.

(2) To the extent USDA has determined a commodity is one that is generally commingled but is also one which can be readily stored on an identity preserved basis with respect to its country of origin, USDA may require that the commodity procured shall be of 100 percent United States origin.

(d) *Product derived from animals.* With respect to the procurement of products derived from animals, the solicitation will set forth any specific requirement that is applicable to the country in which the animal was bred, raised, slaughtered or further processed.

470.201 Acquisition of commodities and freight shipment for Foreign Agricultural Service (FAS) programs.

(a) *Lowest landed cost and delivery considerations.* (1) Except as provided in paragraphs (a)(3) and (4) of this section, in contracts for FAS for commodities and related freight shipment for delivery to foreign destinations, the contracting officer shall consider the lowest landed cost of delivering the commodity to the intended destination. This lowest landed cost determination will be calculated on the basis of rates and service for that portion of the commodities being purchased that is determined is necessary and practicable to meet cargo preference requirements and on an overall (foreign and U.S. flag) basis for the remaining portion of the commodities being procured and the additional factors set forth in this section. Accordingly, the solicitations issued with respect to a commodity procurement, or a related freight procurement will specify that in the event an offer submitted by a party is the lowest offered price, the contracting officer reserves the right to reject such offer if the acceptance of another offer for the commodity or related freight, when combined with other offers for commodities or related freight, results in a lower landed cost.

(2) USDA may contact any port prior to award to determine the port's cargo handling capabilities, including the adequacy of the port to receive, accumulate, handle, store, and protect the cargo. Factors considered in this determination may include, but not be limited to: The adequacy of building structures, proper ventilation, freedom from insects and rodents, cleanliness, and overall good housekeeping and warehousing practices. USDA may consider the use of another coastal range or port if a situation exists at a port that may adversely affect the ability of USDA to have the commodity delivered in a safe and timely manner. Such situations include:

(i) A port is congested;

(ii) Port facilities are overloaded;

(iii) A vessel would not be able to dock and load cargo without delay;

(iv) Labor disputes or lack of labor may prohibit the loading of the cargo onboard a vessel in a timely manner; or

(v) Other similar situation that may adversely affect the ability of USDA to have the commodity delivered in a timely manner.

(3) Use of other than lowest landed cost. In order to ensure that commodities are delivered in a timely fashion to foreign destinations and without damage, the contracting officer may award an acquisition without regard to the lowest land cost process set forth in paragraph (a)(1) of this section if:

(i) The solicitation specifies that the lowest land cost process will not be followed in the completion of the contract; or

(ii) After issuance of the solicitation, it is determined that:

(A) Internal strife at the foreign destination or urgent humanitarian conditions threatens the lives of persons at the foreign destination;

(B) A specific port's cargo handling capabilities (including the adequacy of the port to receive, accumulate, handle, store, and protect commodities) and other similar factors may adversely affect the delivery of such commodities through damage or untimely delivery. Such similar factors include, but are not limited to: Port congestion; overloaded facilities at the port; vessels not being able to dock and load cargo without delay due to conditions at the port; labor disputes or lack of labor may prohibit the loading of the cargo onboard a vessel in a timely manner; and the existence of inadequate or unsanitary warehouse and other supporting facilities;

(C) The total transit time of a carrier, as it relates to a final delivery date at the

foreign destination may impair the timely delivery of the commodity;

(D) Other similar situations arise that materially affect the administration of the program for which the commodity or freight is being procured; or

(E) The contracting officer determines that extenuating circumstances preclude awards on the basis of lowest-landed cost, or that efficiency and cost-savings justify use of types of ocean service that would not involve an analysis of freight. However, in all such cases, commodities would be transported in compliance with cargo preference requirements. Other types of services may include, but are not limited to, multi-trip voyage charters, indefinite delivery/indefinite quantity (IDIQ), delivery cost and freight (C & F), delivery cost insurance and freight (CIF), and indexed ocean freight costs.

(4) If the contracting officer determines that action may be appropriate under paragraph (a)(3) of this section, prior to the acceptance of any applicable offer, the contracting officer will provide to the Head of Contracting Activity or Designee a written request to obtain commodities and freight in a manner other than on a lowest landed cost basis consistent with title 48 of the CFR. This request shall include a statement of the reasons for not using lowest landed cost basis. The HCA, or the designee one level above the contracting officer, may either accept or reject this request and shall document this determination.

(b) *Multiple offers or delivery points.* If more than one offer for the sale of commodities is received or more than one delivery point has been designated in such offers, in order to achieve a combination of a freight rate and commodity award that produces the lowest landed cost for the delivery of the commodity to the foreign destination, the contracting officer shall evaluate offers submitted on a delivery point by delivery point basis; however, consideration shall be given to prioritized ocean transport service in determining lowest landed cost.

(c) *Freight shipping and rates.* (1) In determining the lowest-landed cost, USDA shall use the freight rates offered in response to solicitations issued by USDA or, if applicable, the grantee organization.

(2) Freight rates offered must be submitted as specified in the solicitation issued by USDA or, if applicable, the grantee organization. Any such solicitation issued by a grantee organization must contain the following elements:

(i) If directed by USDA, include a closing time for the receipt of written freight offers and state that late written freight offers will not be considered;

(ii) Provide that freight offers are required to have a canceling date no later than the last contract lay day specified in the solicitation;

(iii) Provide the same deadline for receipt of written freight offers from both U.S. flag vessel and non-U.S. flag vessels; and

(iv) Be received and opened prior to any related offer for acquisition of commodities to be shipped.

(3) USDA may require organizations that will receive commodities from USDA to submit information relating to the capacity of a U.S. port, or, if applicable, a terminal, prior to the acquisition of such commodities or freight.

(d) *Freight rate notification.* If USDA is not the party procuring freight with respect to a shipment of an agricultural commodity for delivery to a foreign destination, the organization that will receive commodities from USDA, or its shipping agent, shall be notified by USDA of the vessel freight rate used in determining the commodity contract award and the organization will be responsible for finalizing the charter or booking contract with the vessel representing the freight rate.

470.202 Acquisition of commodities for United States Agency for International Development (USAID) programs.

(a) *Lowest landed cost and delivery considerations.* (1) Except as provided in paragraphs (a)(3) and (e)(2) of this section, with respect to the acquisition of agricultural commodities for delivery to foreign destinations and related freight to transport such commodities under title II of Public Law 83–480, contracts will be entered into in a manner that will result in the lowest landed cost of such commodity delivery to the intended destination. This lowest landed cost determination shall be calculated on the basis of rates and service for that portion of the commodities being purchased that is determined is necessary and practicable to meet cargo preference requirements and on an overall (foreign and U.S. flag) basis for the remaining portion of the commodities being procured and the additional factors set forth in this section. Accordingly, the solicitations issued with respect to a commodity procurement, or a freight procurement will specify that in the event an offer submitted by a party is the lowest offered price, the contracting officer reserves the right to reject such offer if the acceptance of another offer for the commodity or freight, when combined with other offers for commodities or freight, results in a lower landed cost.

(2) USDA may contact any port prior to award to determine the port's cargo handling capabilities, including the adequacy of the port to receive, accumulate, handle, store, and protect the cargo. Factors which will be considered in this determination will include, but not be limited to, the adequacy of building structures, proper ventilation, freedom from insects and rodents, cleanliness, and overall good housekeeping and warehousing practices. USDA may consider the use of another coastal range or port if a situation exists at a port that may adversely affect the ability of USDA to have the commodity delivered in a safe and/or timely manner. Such situations include:

(i) A port is congested;

(ii) Port facilities are overloaded;

(iii) A vessel would not be able to dock and load cargo without delay;

(iv) Labor disputes or lack of labor may prohibit the loading of the cargo onboard a vessel in a timely manner; or

(v) Other similar situation that may adversely affect the ability of the Department to have the commodity delivered in a timely manner.

(3) In order to ensure that commodities are delivered in a timely fashion to foreign destinations and without damage, USDA may complete an acquisition without regard to the lowest land cost process set forth in paragraph (a)(1) of this section, if:

(i) The solicitation specifies that the lowest land cost process will not be followed in the completion of the contract; or

(ii) After issuance of the solicitation, it is determined that:

(A) Internal strife at the foreign destination or urgent humanitarian conditions threatens the lives of persons at the foreign destination;

(B) A specific port's cargo handling capabilities (including the adequacy of the port to receive, accumulate, handle, store, and protect commodities) and other similar factors will adversely affect the delivery of such commodities without damage or in a timely manner. Such similar factors include, but are not limited to: Port congestion; overloaded facilities at the port; vessels would not be able to dock and load cargo without delay; labor disputes or lack of labor may prohibit the loading of the cargo onboard a vessel in a timely manner; and the existence of inadequate or unsanitary warehouse and other supporting facilities;

(C) The total transit time of a carrier, as it relates to a final delivery date at the foreign destination may impair the

ability of USDA to achieve timely delivery of the commodity; or

(D) Other similar situations arise that materially affect the administration of the program for which the commodity or freight is being procured.

(4) If the contracting officer determines that action may be appropriate under paragraph (a)(3) of this section, prior to the acceptance of any applicable offer, the contracting officer shall provide to the HCA or Designee and to USAID, a written request to obtain commodities and freight in a manner other than on a lowest landed cost basis. This request shall include a statement of the reasons for not using lowest landed cost basis. The HCA or Designee one level above the contracting officer, with the concurrence of USAID, shall, on an expedited basis, either accept or reject this request and shall document this determination in writing and provide a copy to USAID.

(b) *Freight shipping and rates.* (1) In determining lowest-landed cost as specified in paragraph (a) of this section, USDA shall use vessel rates offered in response to solicitations issued by USAID or grantee organizations receiving commodities under 7 U.S.C. 1721 *et seq.*

(2) USAID may require, or direct a grantee organization to require, an ocean carrier to submit offers electronically through a Web-based system maintained by USDA. If electronic submissions are required, USDA may, at its discretion, accept corrections to such submissions that are submitted in a written form other than by use of such Web-based system.

(c) *Delivery date.* The contracting officer shall consider total transit time, as it relates to a final delivery date, in order to satisfy program requirements for title II of Public Law 83–480.

(d) *Multiple awards or delivery points.* (1) If more than one offer for the sale of commodities is received or more than one delivery point has been designated in such offers, in order to achieve a combination of a freight rate and commodity award that produces the lowest landed cost for the delivery of the commodity to the foreign destination, the contracting officer shall evaluate offers submitted on a delivery point by delivery point basis; however, consideration shall be given to prioritized ocean transport service in determining lowest landed cost.

(2) The contracting officer may determine that extenuating circumstances preclude awards on the basis of lowest landed cost. However, in all such cases, commodities may be transported in compliance with cargo preference requirements as determined by USAID.

(3) The contracting officer shall notify USAID or, if applicable, the grantee organization, that its shipping agent will be notified of the vessel freight rate used in determining the commodity contract award. The grantee organization or USAID will be responsible for finalizing the charter or booking contract with the vessel representing the freight rate so used.

470.203 Cargo preference.

An agency having responsibility under this subpart shall administer its programs, with respect to this subpart, in accordance with regulations prescribed by the Secretary of Transportation.

PARTS 471 THROUGH 499—[RESERVED]

Donald Baker,

Senior Procurement Executive (SPE), Director, Office of Contracting and Procurement.

[FR Doc. 2024–15329 Filed 7–25–24; 8:45 am]

BILLING CODE 3410–90–P

Notices

Federal Register
Vol. 89, No. 144
Friday, July 26, 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

Submission for OMB Review; Comment Request; Correction

The Department of Agriculture has submitted the following information collection requirement(s) to OMB for review and clearance under the Paperwork Reduction Act of 1995, Public Law 104–13. Comments are requested regarding: whether the collection of information is necessary for the proper performance of the functions of the agency, including whether the information will have practical utility; the accuracy of the agency's estimate of burden including the validity of the methodology and assumptions used; ways to enhance the quality, utility and clarity of the information to be collected; and 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.

Comments regarding this information collection received by August 26, 2024 will be considered. Written comments and recommendations for the proposed information collection should be submitted within 30 days of the publication of this notice on the following website *www.reginfo.gov/public/do/PRAMain.* Find this particular information collection by selecting ''Currently under 30-day Review—Open for Public Comments'' or by using the search function.

An agency may not conduct or sponsor a collection of information unless the collection of information displays a currently valid OMB control number and the agency informs potential persons who are to respond to the collection of information that such persons are not required to respond to the collection of information unless it displays a currently valid OMB control number.

Office of Partnerships and Public Engagement

Title: Generic Clearance for Application Information and Follow-up Information for Fellowships, Scholarships, Internships, and Training Programs.

OMB Control Number: 0503–NEW.

Summary of Collection: The Department of Agriculture published a document in the **Federal Register** on July 22, 2024, 89 FR 59037, concerning a request for comments for a new Information Collection ''Generic Clearance for Application Information and Follow-up Information for Fellowships, Scholarships, Internships, and Training Program'' OMB control number 0503–NEW. In this FRN, it was issued under the program office, Office of Procurement and Property Management. The FRN belongs to the Office of Partnerships and Public Engagement and the heading of the FRN should be corrected to read as such.

Levi S. Harrell,

Departmental Information Collection Clearance Officer.

[FR Doc. 2024–16422 Filed 7–25–24; 8:45 am]

BILLING CODE 3412–88–P

DEPARTMENT OF AGRICULTURE

Submission for OMB Review; Comment Request

The Department of Agriculture has submitted the following information collection requirement(s) to OMB for review and clearance under the Paperwork Reduction Act of 1995, Public Law 104–13. Comments are requested regarding: Whether the collection of information is necessary for the proper performance of the functions of the agency, including whether the information will have practical utility; the accuracy of the agency's estimate of burden including the validity of the methodology and assumptions used; ways to enhance the quality, utility and clarity of the information to be collected; and 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.

Comments regarding this information collection received by August 26, 2024 will be considered. Written comments and recommendations for the proposed information collection should be submitted within 30 days of the publication of this notice on the following website *www.reginfo.gov/public/do/PRAMain.* Find this particular information collection by selecting ''Currently under 30-day Review—Open for Public Comments'' or by using the search function.

An agency may not conduct or sponsor a collection of information unless the collection of information displays a currently valid OMB control number and the agency informs potential persons who are to respond to the collection of information that such persons are not required to respond to the collection of information unless it displays a currently valid OMB control number.

Risk Management Agency

Title: Standard Reinsurance Agreement Plan of Operations.

OMB Control Number: 0563–0069.

Summary of Collection: The Federal Crop Insurance Act, title 7 U.S.C. chapter 36 sec. 1508(k), authorizes the Federal Crop Insurance Corporation (FCIC) to provide reinsurance to approved insurance providers who insure producers of any agricultural commodity under one or more plans acceptable to FCIC. The Standard Reinsurance Agreement (SRA) is a financial agreement between FCIC and the company to provide subsidy and reinsurance on eligible crop insurance. The SRA includes Regulatory Duties and Responsibilities, Plan of Operations, Policy Acceptance and Storage System and Quality Assurance and Program Integrity.

Need and Use of the Information: The Plan of Operations provides the information the insurer is required to file for the initial and each subsequent reinsurance year. FCIC uses the information as a basis for the approval of the insurer's financial and operational capability of delivering the crop insurance program and for evaluating the insurer's performance regarding implementation of procedures for training and quality control. If the information were not collected, FCIC

would not be able to reinsure the crop business.

Description of Respondents: Business or other for-profit; Farms.

Number of Respondents: 22,013.

Frequency of Responses: Reporting: Annually.

Total Burden Hours: 197,458.

Rachelle Ragland-Greene,

Departmental Information Clearance Officer.

[FR Doc. 2024–16441 Filed 7–25–24; 8:45 am]

BILLING CODE 3410–08–P

DEPARTMENT OF AGRICULTURE

Submission for OMB Review; Comment Request

The Department of Agriculture has submitted the following information collection requirement(s) to OMB for review and clearance under the Paperwork Reduction Act of 1995, Public Law 104–13. Comments are requested regarding; whether the collection of information is necessary for the proper performance of the functions of the agency, including whether the information will have practical utility; the accuracy of the agency's estimate of burden including the validity of the methodology and assumptions used; ways to enhance the quality, utility and clarity of the information to be collected; and 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.

Comments regarding this information collection received by August 26, 2024 will be considered. Written comments and recommendations for the proposed information collection should be submitted within 30 days of the publication of this notice on the following website *www.reginfo.gov/public/do/PRAMain.* Find this particular information collection by selecting ''Currently under 30-day Review—Open for Public Comments'' or by using the search function. An agency may not conduct or sponsor a collection of information unless the collection of information displays a currently valid OMB control number and the agency informs potential persons who are to respond to the collection of information that such persons are not required to respond to the collection of information unless it displays a currently valid OMB control number.

Food and Nutrition Service

Title: Child Nutrition Programs: Community Eligibility Provision—Increasing Options for Schools.

OMB Control Number: 0584–NEW.

Summary of Collection: The Child Nutrition rule, ''Child Nutrition Programs: Community Eligibility Provision—Increasing Options for Schools (RIN 0584–AE93)'' amends the regulations associated with the School Meals Program, which consists of the National School Lunch Program (NSLP) and the School Breakfast Program (SBP). The rule expands access to the Community Eligibility Program (CEP) by lowering the minimum identified student percentage participation threshold from 40 to 25 percent. This would give States and schools greater flexibility to choose to invest non-Federal funds so that no-cost meals can be offered to all enrolled students. Students who are classified as ''identified students'' are directly certified for free school meals and do not need to submit a household application. The proposal to lower the required identified student percentage expands access to the CEP, which provides more schools with an additional option for offering no-cost meals to students without requiring households to submit applications for the free and reduced-price meals. This rule amends existing information collection requirements that are currently approved in OMB Control Number 0584–0026 7 CFR part 245—Determining Eligibility for Free and Reduced Price Meals and Free Milk in Schools. Due to priorities for a number of high-profile rules and other workload priorities, FNS requested a new OMB control number for this collection. FNS intends to merge this new information collection into OMB Control Number 0584–0026 at a later date. Once this information collection request is approved by OMB, the agency will publish a separate notice in the **Federal Register** announcing OMB's approval.

Need and Use of the Information: FNS collects information for this collection, which contains both mandatory and required to obtain or retain benefit requirements, from State administering agencies, local education agencies (LEAs), and households. The information collected from State agencies and LEAs ensures that eligibility determinations are verified. The information collected from households is used to determine eligibility for free and reduced-price meal benefits to verify eligibility determinations. FNS uses the information to verify that the States and LEAs are eligible to elect the CEP and to ensure compliance with the regulations. Households must meet requirements to receive free or reduced-price meal benefits.

Description of Respondents: State, Local, or Tribal Government; Individuals or Households.

Number of Respondents: 3,485,189.

Frequency of Responses: Recordkeeping; Reporting: On occasion; Annually.

Total Burden Hours: 626,375.

Rachelle Ragland-Greene,

Departmental Information Collection Clearance Officer.

[FR Doc. 2024–16475 Filed 7–25–24; 8:45 am]

BILLING CODE 3410–30–P

COMMISSION ON CIVIL RIGHTS

Notice of Public Meeting of the Arkansas Advisory Committee to the U.S. Commission on Civil Rights

AGENCY: U.S. Commission on Civil Rights.

ACTION: Notice of virtual meetings.

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 Arkansas Advisory Committee (Committee) to the U.S. Commission on Civil Rights will hold a series of public meetings via Zoom. The purpose of these meetings is for the SAC to discuss the draft of their forthcoming report on the *Right to Counsel in Arkansas* and vote on related matters accordingly.

DATES:

- Monday, August 26, 2024, from 11 a.m.–12 p.m. central time
- Monday, September 16, 2024, from 10 a.m.–11 a.m. central time

ADDRESSES: These meetings will be held via Zoom.

August 26th Meeting:

- *Registration Link (Audio/Visual): https://www.zoomgov.com/meeting/register/vJItce2spzotHr68TBVmIX7M3dc3KehGDtw*
- *Join by Phone (Audio Only):* 1–833–435–1820 USA Toll Free; Webinar ID: 160 644 9174#

September 16th Meeting:

- *Registration Link (Audio/Visual): https://www.zoomgov.com/meeting/register/vJIsde-ppzkrGBkNJcvak8MnkzTF9gnKgOQ*
- *Join by Phone (Audio Only):* 1–833–435–1820 USA Toll Free; Webinar ID:161 261 9212#

FOR FURTHER INFORMATION CONTACT: Melissa Wojnaroski, Designated Federal

Officer, at *mwojnaroski@usccr.gov* or 1–202–618–4158.

SUPPLEMENTARY INFORMATION: These Committee meetings are available to the public through the registration links above. Any interested members of the public may attend these meetings. An open comment period will be provided to allow members of the public to make oral statements as time allows. Pursuant to the Federal Advisory Committee Act, public minutes of the meeting will include a list of persons who are present at these meetings. If joining via phone, callers can expect to incur regular charges for calls they initiate over wireless lines, according to their wireless 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 *csanders@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 Melissa Wojnaroski at *mwojnaroski@usccr.gov.* Persons who desire additional information may contact the Regional Programs Coordination Unit at 1–202–618–4158.

Records generated from these meetings may be inspected and reproduced at the Regional Programs Coordination Unit Office, as they become available, both before and after each meeting. Records of the meetings will be available via *www.facadatabase.gov* under the Commission on Civil Rights, Arkansas 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 *csanders@usccr.gov.*

Agenda

I. Welcome and Roll Call
II. Chair's Comments
III. Report discussion—The Right to Counsel in Arkansas
IV. Public Comment
V. Adjournment

Dated: July 22, 2024.

David Mussatt,

Supervisory Chief, Regional Programs Unit.

[FR Doc. 2024–16421 Filed 7–25–24; 8:45 am]

BILLING CODE P

COMMISSION ON CIVIL RIGHTS

Notice of Public Meeting of the Ohio Advisory Committee to the U.S. Commission on Civil Rights

AGENCY: U.S. Commission on Civil Rights.

ACTION: Notice of virtual business 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 Ohio Advisory Committee (Committee) to the U.S. Commission on Civil Rights will hold a public meeting via Zoom. The purpose of this meeting is discuss, revise, and vote, as needed, on matters related to the Committee's draft report on the source of income discrmination in Ohio housing.

DATES: Monday, August 26, 2024, from 1:30 p.m. to 3 p.m. eastern time.

ADDRESSES: This meeting will be held via Zoom.

Registration Link (Audio/Visual): https://bit.ly/4d1KnRq

Join by Phone (Audio Only): 1–833–435–1820 USA Toll Free; Webinar ID: 160 302 7028#

FOR FURTHER INFORMATION CONTACT: Melissa Wojnaroski, Designated Federal Officer, at *mwojnaroski@usccr.gov* or 1–202–618–4158.

SUPPLEMENTARY INFORMATION: This Committee meeting is available to the public through the registration link above. Any interested members of the public may attend this meeting. An open comment period will be provided to allow members of the public to make oral statements as time allows. Pursuant to the Federal Advisory Committee Act, public minutes of the meeting will include a list of persons who are present at 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 *svillanueva@usccr.gov* at least 10 business days prior to each meeting.

Members of the public are entitled to submit written comments; the comments must be received in the regional office within 30 days following the scheduled meeting. Written comments may be emailed to Sarah Villanueva at *svillanueva@usccr.gov.* Persons who desire additional information may contact the Regional Programs Coordination Unit at 1–202–618–4158.

Records generated from these meetings may be inspected and reproduced at the Regional Programs Coordination Unit Office, as they become available, both before and after each meeting. Records of the meetings will be available via *www.facadatabase.gov* under the Commission on Civil Rights, Ohio 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 *svillanueva@usccr.gov.*

Agenda

I. Welcome and Roll Call
II. Approval of Minutes
III. Annoucements and Updates
IV. Draft Report Discussion
V. Next Steps
VI. Public Comment
VII. Adjournment

Dated: July 22, 2024.

David Mussatt,

Supervisory Chief, Regional Programs Unit.

[FR Doc. 2024–16424 Filed 7–25–24; 8:45 am]

BILLING CODE P

DEPARTMENT OF COMMERCE

Foreign-Trade Zones Board

[B–41–2024]

Foreign-Trade Zone (FTZ) 52, Notification of Proposed Production Activity; Photonics Industries International Inc.; (Laser Systems); Ronkonkoma, New York

Photonics Industries International Inc. submitted a notification of proposed production activity to the FTZ Board (the Board) for its facility in Ronkonkoma, New York within FTZ 52. The notification conforming to the requirements of the Board's regulations (15 CFR 400.22) was received on July 18, 2024.

Pursuant to 15 CFR 400.14(b), FTZ production activity would be limited to the specific foreign-status material(s)/component(s) and specific finished product(s) described in the submitted notification (summarized below) and subsequently authorized by the Board. The benefits that may stem from conducting production activity under FTZ procedures are explained in the

background section of the Board's website—accessible via *www.trade.gov/ftz.*

The proposed finished products include air-cooled laser systems (green, infrared, ultraviolet, or deep-ultraviolet wavelengths) and water-cooled laser systems (green, infrared, ultraviolet, or deep-ultraviolet wavelengths) (duty rate is duty-free).

The proposed foreign-status materials/components include: hard coated aluminum enclosures; aluminum components (enclosures; screws; lens mounts; mounting plates; fixtures); gold-plated laser crystal mounts; rubber O-rings; copper components (mounting plates; fixtures; crystal mounts); stainless steel components (lens mounts; fixtures; mounting plates); brass components (lens mounts; fixtures; mounting plates); circuit board assemblies; AC–DC power supplies; water flow sensors; silica gel cartridges; laser diodes; laser crystals; laser lenses; laser mirrors; optical fiber cables; optical patch cables; optical isolators; air-cooled laser systems (green, infrared, ultraviolet, or deep-ultraviolet wavelengths); and, water-cooled laser systems (green, infrared, ultraviolet, or deep-ultraviolet wavelengths) (duty rate ranges from duty-free to 6.3%). The request indicates that certain materials/components are subject to duties under section 301 of the Trade Act of 1974 (section 301), depending on the country of origin. The applicable section 301 decisions require subject merchandise to be admitted to FTZs in privileged foreign status (19 CFR 146.41).

Public comment is invited from interested parties. Submissions shall be addressed to the Board's Executive Secretary and sent to: *ftz@trade.gov.* The closing period for their receipt is September 4, 2024.

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

For further information, contact Juanita Chen at *juanita.chen@trade.gov.*

Dated: July 22, 2024.

Camille R. Evans,

Acting Executive Secretary.

[FR Doc. 2024–16437 Filed 7–25–24; 8:45 am]

BILLING CODE 3510–DS–P

DEPARTMENT OF COMMERCE

Bureau of Industry and Security

Sensors and Instrumentation Technical Advisory Committee; Notice of Partially Closed Meeting

The Sensors and Instrumentation Technical Advisory Committee (Committee) will meet on Tuesday, August 6, 2024, at 1 p.m.–2:30 p.m., eastern daylight time. This meeting will be virtual via MS Teams. The Committee advises the Under Secretary for Industry and Security through the Assistant Secretary for Export Administration, BIS, U.S. Department of Commerce, in accordance with the Secretary's delegation of authority under Department Organization Order (DOO) 10–16 and assigned functions with BIS under DOO 50–1, on technical questions that affect the level of export controls applicable to sensors and instrumentation equipment and technology. The purpose of the meeting is to have Committee members and U.S. Government representatives mutually review updated technical data and policy-driving information that has been gathered.

Agenda

Open Session

1. Welcome and Introductions.
2. Remarks from the Bureau of Industry and Security Management.
3. Industry Presentations.
4. New Business.

Closed Session

5. Discussion of matters determined to be exempt from the open meeting and public participation requirements found in sections 1009(a)(1) and 1009(a)(3) of the Federal Advisory Committee Act (FACA) (5 U.S.C. 1001–1014). The exemption is authorized by section 1009(d) of the FACA, which permits the closure of advisory committee meetings, or portions thereof, if the head of the agency to which the advisory committee reports determines such meetings may be closed to the public in accordance with subsection (c) of the Government in the Sunshine Act (5 U.S.C. 552b(c)). In this case, the applicable provisions of 5 U.S.C. 552b(c) are subsection 552b(c)(4), which permits closure to protect trade secrets and commercial or financial information that is privileged or confidential, and subsection 552b(c)(9)(B), which permits closure to protect information that would be likely to significantly frustrate implementation of a proposed agency action were it to be disclosed prematurely. The closed session of the meeting will involve committee discussions and guidance regarding U.S. Government strategies and policies.

The open session will be accessible via teleconference. To join the conference, submit inquiries to Ms. Yvette Springer at *Yvette.Springer@bis.doc.gov,* no later than April 23, 2024.

To the extent time permits, members of the public may present oral statements to the Committee. The public may submit written statements at any time before or after the meeting. However, to facilitate distribution of materials to Committee members, the Committee suggests that members of the public forward their materials prior to the meeting to Ms. Springer. Material submitted by the public will be made public and therefore should not contain confidential information.

The Deputy Assistant Secretary for Administration Performing the non-exclusive functions and duties of the Chief Financial Officer with the concurrence of the delegate of the General Counsel, formally determined on April 9, 2024, pursuant to 5 U.S.C. 1009(d)), that the portion of the meeting dealing with pre-decisional changes to the Commerce Control List and the U.S. export control policies shall be exempt from the provisions relating to public meetings found in 5 U.S.C. 1009(a)(1) and 1009(a)(3). The remaining portions of the meeting will be open to the public.

For more information, contact Ms. Springer via email.

Yvette Springer,

Committee Liaison Officer.

[FR Doc. 2024–16519 Filed 7–25–24; 8:45 am]

BILLING CODE 3510–JT–P

DEPARTMENT OF COMMERCE

International Trade Administration

[A–570–831]

Fresh Garlic From the People's Republic of China: Affirmative Final Determination of Circumvention of the Antidumping Duty Order; Withdrawal

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

DATES: Applicable July 26, 2024, FR Doc. 2024–13378, published at 89 FR 51495 on June 18, 2024, is withdrawn.

FOR FURTHER INFORMATION CONTACT: Thomas Cloyd, AD/CVD Operations, Office VII, Enforcement and Compliance, International Trade Administration, U.S. Department of Commerce, 1401 Constitution Avenue

NW, Washington, DC 20230; telephone: (202) 482–1246.

SUPPLEMENTARY INFORMATION:

Background

On June 18, 2024, the U.S. Department of Commerce (Commerce) erroneously published a duplicate **Federal Register** notice titled *Fresh Garlic from the People's Republic of China: Affirmative Final Determination of Circumvention of the Antidumping Duty Order.* Commerce is withdrawing the above-mentioned notice, **Federal Register** Doc. 2024–13378.

Notification to Interested Parties

This notice is issued and published pursuant to sections 735(d) and 777(i)(1) of the Tariff Act of 1930, and 19 CFR 351.210(c).

Dated: July 17, 2024.

Ryan Majerus,

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

[FR Doc. 2024–16439 Filed 7–25–24; 8:45 am]

BILLING CODE 3510–DS–P

DEPARTMENT OF COMMERCE

International Trade Administration

[C–570–982]

Utility Scale Wind Towers From the People's Republic of China: Final Results of Expedited Second Sunset Review of the Countervailing Duty Order

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

SUMMARY: The U.S. Department of Commerce (Commerce) finds that revocation of the countervailing duty (CVD) order on utility scale wind towers (wind towers) from the People's Republic of China (China) would be likely to lead to continuation or recurrence of a countervailable subsidy at the levels indicated in the ''Final Results of Sunset Review'' section of this notice.

DATES: Applicable July 26, 2024.

FOR FURTHER INFORMATION CONTACT: John Conniff, AD/CVD Operations, Office III, Enforcement and Compliance, International Trade Administration, U.S. Department of Commerce, 1401 Constitution Avenue NW, Washington, DC 20230; telephone: (202) 482–1009.

SUPPLEMENTARY INFORMATION:

Background

On February 15, 2013, Commerce published the CVD order on wind towers from China.[1] On April 1, 2024, Commerce published the notice of initiation of the second sunset review of the *Order,* pursuant to section 751(c) of the Tariff Act of 1930, as amended (the Act).[2]

On April 15, 2024, Commerce received a timely notice of intent to participate from Wind Tower Trade Coalition (WTTC), within the deadline specified in 19 CFR 351.218(d)(1)(i).[3] The WTTC claimed domestic interested party status under section 771(9)(C) and (F) of the Act, as manufacturers of the domestic like product and as an association composed of producers and wholesalers.[4] On April 30, 2024, the WTTC submitted a timely substantive response within the 30-day deadline specified in 19 CFR 351.218(d)(3)(i).[5] Commerce did not receive a substantive response from the Government of China, or a respondent or any other interested party to this proceeding. As a result, pursuant to section 751(c)(3)(B) of the Act and 19 CFR 351.218(e)(1)(i)(B)(2) and (C)(2), Commerce conducted an expedited review of the *Order.*

Scope of the Order

The merchandise covered by this *Order* are certain wind towers, whether or not tapered, and sections thereof. For a full description of the scope, *see* the Issues and Decision Memorandum.[6]

Analysis of Comments Received

All issues raised in this sunset review are addressed in the Issues and Decision Memorandum, including the likelihood of continuation or recurrence of a countervailable subsidy and the net countervailable subsidy rates likely to prevail if the *Order* were revoked. A list of topics discussed in the Issues and Decision Memorandum is included as an appendix to this notice. The Issues and Decision Memorandum is a public document and is on file electronically via Enforcement and Compliance's Antidumping and Countervailing Duty Centralized Electronic Service System (ACCESS). ACCESS is available to registered users at *https://access.trade.gov.* A complete version of the Issues and Decision Memorandum can be accessed directly at *https://access.trade.gov/public/FRNotices/ListLayout.aspx.*

Final Results of Sunset Review

Pursuant to sections 751(c)(1) and 752(b) of the Act, Commerce determines that revocation of the *Order* would likely lead to the continuation or recurrence of countervailable subsidies at the following rates:

Company	Subsidy rate (percent *ad valorem*)
Tianjin Magnesium International Co., Ltd./Tianjin Magnesium Metal Co., Ltd	21.86
Titan Wind Energy (Suzhou) Co. Ltd. (Titan Wind), Titan Lianyungang, Metal Product Co. Ltd. (Titan Lianyungang), Baotou Titan Wind Power Equipment Co., Ltd. (Titan Baotou), and Shenyang Titan Metal Co., Ltd., (Titan Shenyang) (collectively, Titan Companies)	34.81
All Others	28.34

Administrative Protective Order

This notice serves as the only reminder to parties subject to administrative protective order (APO) of their responsibility concerning the destruction of proprietary information disclosed under APO in accordance with 19 CFR 351.305(a). Timely notification of the destruction of APO materials or conversion to judicial protective orders is hereby requested. Failure to comply with the regulations and terms of an APO is a violation which is subject to sanction.

[1] *See Utility Scale Wind Towers from the People's Republic of China: Countervailing Duty Order,* 78 FR 11152 (February 15, 2013) (*Order*).

[2] *See Initiation of Five-Year (Sunset) Review,* 87 FR 11416 (March 1, 2022).

[3] *See* WTTC's Letter Letter, ''Notice of Intent to Participate in Sunset Review,'' dated April 15, 2024, at 1.

[4] *Id.* at 1–3.

[5] *See* WTTC's Letter Letter, ''Substantive Response to Notice of Initiation,'' dated April 30, 2024.

[6] *See* Memorandum, ''Decision Memorandum for the Final Results of Expedited Second Sunset Review of Utility Scale Wind Towers from the People's Republic of China,'' dated concurrently with, and hereby adopted by, this notice (Issues and Decision Memorandum).

Notification to Interested Parties

Commerce is issuing and publishing these final results and this notice in accordance with sections 751(c), 752(b), and 777(i)(1) of the Act, and 19 CFR 351.218.

Dated: July 16, 2024.

Ryan Majerus,

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

Appendix

List of Topics Discussed in the Issues and Decision Memorandum

[FR Doc. 2024–16440 Filed 7–25–24; 8:45 am]

BILLING CODE 3510–DS–P

DEPARTMENT OF COMMERCE

National Oceanic and Atmospheric Administration

Agency Information Collection Activities; Submission to the Office of Management and Budget (OMB) for Review and Approval; Comment Request; Conflict of Interest Disclosure for Non-Federal Government Individuals Who Are Candidates To Conduct Peer Reviews Required by the OMB Peer Review Bulletin

AGENCY: National Oceanic & Atmospheric Administration (NOAA), Commerce.

ACTION: Notice of Information Collection, request for comment.

SUMMARY: The Department of Commerce, in accordance with the Paperwork Reduction Act of 1995 (PRA), invites the general public and other Federal agencies to comment on proposed, and continuing information collections, which helps us assess the impact of our information collection requirements and minimize the public's reporting burden. The purpose of this notice is to allow for 60 days of public comment preceding submission of the collection to OMB.

DATES: To ensure consideration, comments regarding this proposed information collection must be received on or before September 24, 2024.

ADDRESSES: Interested persons are invited to submit written comments to Adrienne Thomas, NOAA PRA Officer, at *NOAA.PRA@noaa.gov*. Please reference OMB Control Number 0648–0567 in the subject line of your comments. All comments received are part of the public record and will generally be posted on *https://www.regulations.gov* without change. Do not submit Confidential Business Information or otherwise sensitive or protected information.

FOR FURTHER INFORMATION CONTACT: Requests for additional information or specific questions related to collection activities should be directed to Jeffrey Dillen, NOAA OGC, 14th & Constitution Avenue NW, Herbert C. Hoover Bldg., Rm. 78032, Washington, DC 20230–0001, *Jeff.dillen@noaa.gov*.

SUPPLEMENTARY INFORMATION:

I. Abstract

This request is for the extension of a currently approved collection.

The Office of Management and Budget (OMB) issued government-wide guidance to enhance the practice of peer review of government science documents. OMB's Final Information Quality Bulletin for Peer Review (''Peer Review Bulletin'' or PRB) (available at *https://obamawhitehouse.archives.gov/omb/memoranda_fy2005_m05-03/*) establishes minimum peer review standards for influential scientific information that Federal agencies intend to disseminate.

The Peer Review Bulletin also directs Federal agencies to adopt or adapt the National Academy of Sciences (NAS) policy for evaluating conflicts of interest when selecting peer reviewers who are not Federal Government employees (Federal employees are subject to Federal ethics requirements). For peer review purposes, the term ''conflicts of interest'' means any financial or other interest which conflicts with the service of the individual because it could: (1) significantly impair the individual's objectivity; or (2) create an unfair competitive advantage for any person or organization. NOAA has adapted the NAS policy and developed two confidential conflict disclosure forms which the agency will use to examine prospective reviewers' potential financial conflicts and other interests that could impair objectivity or create an unfair advantage. One form is for peer reviewers of studies related to government regulation and the other form is for all other influential scientific information subject to the Peer Review Bulletin. In addition, the latter form has been adapted by NOAA's Office of Oceanic and Atmospheric Research for potential reviewers of scientific laboratories.

The forms include questions about employment as well as investment and property interests and research funding. Both forms also require the submission of curriculum vitae. NOAA is seeking to collect this information from potential peer reviewers who are not government employees when conducting a peer review pursuant to the PRB. The information collected in the conflict-of-interest disclosure is essential to NOAA's compliance with the OMB PRB, and helps to ensure that government studies are reviewed by independent, impartial peer reviewers.

II. Method of Collection

Forms may be downloaded from the internet and are fillable and signable electronically or manually. They may be submitted, along with the Curriculum Vitae, via email or regular mail.

III. Data

OMB Control Number: 0648–0567.

Form Number(s): None.

Type of Review: Regular submission [extension of a current information collection].

Affected Public: Individuals or households.

Estimated Number of Respondents: 321.

Estimated Time per Response: 30 minutes each: Conflict of Interest Disclosure For General Scientific and Technical Studies and Assistance; and Conflict of Interest Disclosure For Studies Related to Government Regulation.

Estimated Total Annual Burden Hours: 161 hours.

Estimated Total Annual Cost to Public: $0.

Respondent's Obligation: Voluntary.

Legal Authority:

IV. Request for Comments

We are soliciting public comments to permit the Department/Bureau to: (a) Evaluate whether the proposed information collection is necessary for the proper functions of the Department, including whether the information will have practical utility; (b) Evaluate the accuracy of our estimate of the time and cost burden for this proposed collection, including the validity of the methodology and assumptions used; (c) Evaluate ways to enhance the quality, utility, and clarity of the information to be collected; and (d) Minimize the reporting burden on those who are to respond, including the use of automated

collection techniques or other forms of information technology.

Comments that you submit in response to this notice are a matter of public record. We will include or summarize each comment in our request to OMB to approve this ICR. Before including your address, phone number, email address, or other personal identifying information in your comment, you should be aware that your entire comment—including your personal identifying information—may be made publicly available at any time. While you may ask us in your comment to withhold your personal identifying information from public review, we cannot guarantee that we will be able to do so.

Sheleen Dumas,

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

[FR Doc. 2024–16532 Filed 7–25–24; 8:45 am]

BILLING CODE 3510–12–P

COMMITTEE FOR PURCHASE FROM PEOPLE WHO ARE BLIND OR SEVERELY DISABLED

Procurement List; Proposed Additions and Deletions

AGENCY: Committee for Purchase From People Who Are Blind or Severely Disabled.

ACTION: Proposed additions to and deletions from the Procurement List.

SUMMARY: The Committee is proposing to add product(s) to the Procurement List that will be furnished by nonprofit agencies employing persons who are blind or have other severe disabilities, and delete service(s) previously furnished by such agencies.

DATES: *Comments must be received on or before:* August 25, 2024.

ADDRESSES: Committee for Purchase From People Who Are Blind or Severely Disabled, 355 E Street SW, Washington, DC 20024.

FOR FURTHER INFORMATION CONTACT: For further information or to submit comments contact: Michael R. Jurkowski, telephone: (703) 489–1322, or email *CMTEFedReg@AbilityOne.gov*.

SUPPLEMENTARY INFORMATION: This notice is published pursuant to 41 U.S.C. 8503(a)(2) and 41 CFR 51–2.3. Its purpose is to provide interested persons an opportunity to submit comments on the proposed actions.

Additions

If the Committee approves the proposed additions, the entities of the Federal Government identified in this notice will be required to procure the product(s) and service(s) listed below from nonprofit agencies employing persons who are blind or have other severe disabilities.

The following product(s) are proposed for addition to the Procurement List for production by the nonprofit agencies listed:

Product(s)

NSN(s)—Product Name(s):
8415–01–675–9164—Shirt, Combat, Army, Type III, FR, Female, OCP 2015, XX-Small
8415–01–675–9170—Shirt, Combat, Army, Type III, FR, Female, OCP2015, X-Small
8415–01–675–9171—Shirt, Combat, Army, Type III, FR, Female, OCP2015, Small
8415–01–675–9172—Shirt, Combat, Army, Type III, FR, Female, OCP2015, Medium
8415–01–675–9175—Shirt, Combat, Army, Type III, FR, Female, OCP2015, Large
8415–01–675–9173—Shirt, Combat, Army, Type III, FR, Female, OCP2015, X-Large
8415–01–675–9176—Shirt, Combat, Army, Type III, FR, Female, OCP2015, XX-Large
Authorized Source of Supply: Goodwill Industries of South Florida, Inc., Miami, FL
Authorized Source of Supply: Southeastern Kentucky Rehabilitation Industries, Inc., Corbin, KY
Authorized Source of Supply: Mount Rogers Community Services Board, Wytheville, VA
Authorized Source of Supply: Winston-Salem Industries for the Blind, Inc., Winston-Salem, NC
Authorized Source of Supply: Alphapointe, Kansas City, MO
Contracting Activity: DEFENSE LOGISTICS AGENCY, DLA TROOP SUPPORT

The Shirts, Combat, Army, Type III, FR, Female, OCP 2015 were administratively added to the Procurement List 04/15/2019 in accordance with 41 CFR 51–6.13(b), as an additional size, color or other variation of an existing PL product. The requirement on the PL was set at 65% of DLA Troop Support's total requirement. For the Shirt, Combat, Army, Type II, FR, Female, OCP 2015, DLA Troop Support and the authorized sources of supply, assisted by the central nonprofit agency, have agreed that the mandatory purchase requirement will be 100%. The Committee intends to amend the Procurement List to reflect the agreed percentage.

Product(s)

NSN(s)—Product Name(s):
650023201N—Face Shield, .01″ Polycarbonate, Elastic Headband, IIJA Compliant
650023202N—Face Shield, .008″ PET, Elastic Headband, IIJA Compliant
650017601N—Face Shield, with Glasses Frame, PET, One Size, IIJA Compliant
650017701N—Face Shield, with Glasses Frame, PET, One Size
Authorized Source of Supply: Association for Vision Rehabilitation and Employment, Inc., Binghamton, NY
Contracting Activity: DEFENSE LOGISTICS AGENCY, DLA TROOP SUPPORT
Distribution: B-List
Mandatory for: Total Government Requirement

Deletions

The following service(s) are proposed for deletion from the Procurement List:

Service(s)

Service Type: Mailroom Operation
Mandatory for: National Guard Bureau, Arlington Hall Building One and Two, Arlington, VA
Authorized Source of Supply: Didlake, Inc., Manassas, VA
Contracting Activity: DEPT OF THE ARMY, W39L USA NG READINESS CENTER
Service Type: Grounds Maintenance
Mandatory for: U.S. Army Reserve Center: 18791 Snouffers School Road, Gaithersburg, MD
Contracting Activity: DEPT OF THE ARMY, W6QM MICC CTR–FT DIX (RC)
Service Type: Mail and Messenger Service
Mandatory for: U.S. Army, U.S. Army Test and Evaluation Command, Aberdeen Proving Ground, MD
Authorized Source of Supply: DePaul Industries, Portland, OR
Contracting Activity: DEPT OF THE ARMY, W6QK ACC–APG
Service Type: Custodial Service
Mandatory for: U.S. Army, Des Moines Military Entrance Processing Station, Johnston, IA
Contracting Activity: DEPT OF THE ARMY, W6QM MICC–FT KNOX
Service Type: Janitorial/Custodial
Mandatory for: Automated Flight Service Station and ATC Towere: Bowman Field, Louisville, KY
Contracting Activity: TRANSPORTATION, DEPARTMENT OF, DEPT OF TRANS
Service Type: Custodial Services
Mandatory for: U.S. Capitol Building, Capitol Visitor Center, Washington, DC
Authorized Source of Supply: Fedcap Rehabilitation Services, Inc., New York, NY
Contracting Activity: Architect of the Capitol
Service Type: Janitorial/Grounds Maintenance
Mandatory for: U.S. Mint: 155 Hermann Street, San Francisco, CA
Authorized Source of Supply: Toolworks, Inc., San Francisco, CA
Contracting Activity: UNITED STATES MINT, DEPT OF TREAS/U.S. MINT
Service Type: Janitorial Service
Mandatory for: U.S. Fish and Wildlife Service, Rocky Mountain Arsenal National Wildlife Refuge, Commerce City, CO

Authorized Source of Supply: Bayaud Enterprises, Inc., Denver, CO
Contracting Activity: U.S. FISH AND WILDLIFE SERVICE, U.S. FISH AND WILDLIFE

Michael R. Jurkowski,

Director, Business Operations.

[FR Doc. 2024–16435 Filed 7–25–24; 8:45 am]

BILLING CODE 6353–01–P

COMMITTEE FOR PURCHASE FROM PEOPLE WHO ARE BLIND OR SEVERELY DISABLED

Procurement List; Additions and Deletions

AGENCY: Committee for Purchase From People Who Are Blind or Severely Disabled.

ACTION: Additions to and deletions from the Procurement List.

SUMMARY: This action adds product(s) to the Procurement List that will be furnished by nonprofit agencies employing persons who are blind or have other severe disabilities and deletes product(s) from the Procurement List previously furnished by such agencies.

DATES: *Date added to and deleted from the Procurement List:* August 25, 2024.

ADDRESSES: Committee for Purchase From People Who Are Blind or Severely Disabled, 355 E Street SW, Suite 325, Washington, DC 20024.

FOR FURTHER INFORMATION CONTACT: Michael R. Jurkowski, Telephone: (703) 489–1322, or email *CMTEFedReg@AbilityOne.gov*.

SUPPLEMENTARY INFORMATION:

Additions

On 4/19/2024 (89 FR 28752), the Committee for Purchase From People Who Are Blind or Severely Disabled published notice of proposed additions to the Procurement List. This notice is published pursuant to 41 U.S.C. 8503 (a)(2) and 41 CFR 51–2.3.

After consideration of the material presented to it concerning capability of qualified nonprofit agencies to provide the product(s) and impact of the additions on the current or most recent contractors, the Committee has determined that the product(s) listed below are suitable for procurement by the Federal Government under 41 U.S.C. 8501–8506 and 41 CFR 51–2.4.

Regulatory Flexibility Act Certification

I certify that the following action will not have a significant impact on a substantial number of small entities. The major factors considered for this certification were:

1. The action will not result in any additional reporting, recordkeeping or other compliance requirements for small entities other than the small organizations that will furnish the product(s) to the Government.

2. The action will result in authorizing small entities to furnish the product(s) to the Government.

3. There are no known regulatory alternatives which would accomplish the objectives of the Javits-Wagner-O'Day Act (41 U.S.C. 8501–8506) in connection with the product(s) proposed for addition to the Procurement List.

End of Certification

Accordingly, the following product(s) are added to the Procurement List:

Product(s)

NSN(s)—Product Name(s):
700005401N—Monitor, Desktop, 23.8″
Authorized Source of Supply: Goodwill Vision Enterprises, Rochester, NY
Contracting Activity: DEFENSE LOGISTICS AGENCY, DLA TROOP SUPPORT
Distribution: B-List
Mandatory for: Total Government Requirement

Deletions

On 6/21/2024 (89 FR 52029), the Committee for Purchase From People Who Are Blind or Severely Disabled published notice of proposed deletions from the Procurement List. This notice is published pursuant to 41 U.S.C. 8503 (a)(2) and 41 CFR 51–2.3.

After consideration of the relevant matter presented, the Committee has determined that the product(s) listed below are no longer suitable for procurement by the Federal Government under 41 U.S.C. 8501–8506 and 41 CFR 51–2.4.

Regulatory Flexibility Act Certification

I certify that the following action will not have a significant impact on a substantial number of small entities. The major factors considered for this certification were:

1. The action will not result in additional reporting, recordkeeping or other compliance requirements for small entities.

2. The action may result in authorizing small entities to furnish the product(s) to the Government.

3. There are no known regulatory alternatives which would accomplish the objectives of the Javits-Wagner-O'Day Act (41 U.S.C. 8501–8506) in connection with the product(s) deleted from the Procurement List.

End of Certification

Accordingly, the following product(s) are deleted from the Procurement List:

Product(s)

NSN(s)—Product Name(s):
4010–01–250–5428—Assembly, Chain, Single Leg, HEMTT, 12′ L
Authorized Source of Supply: NEWVIEW Oklahoma, Inc, Oklahoma City, OK
Contracting Activity: DLA AVIATION, RICHMOND, VA

Michael R. Jurkowski,

Director, Business Operations.

[FR Doc. 2024–16436 Filed 7–25–24; 8:45 am]

BILLING CODE 6353–01–P

DEFENSE NUCLEAR FACILITIES SAFETY BOARD

Notice of Public Hearing

AGENCY: Defense Nuclear Facilities Safety Board.

ACTION: Notice of public hearing.

SUMMARY: Notice is hereby given that the Defense Nuclear Facilities Safety Board (Board) will hold a public hearing on benchmarking of best practices in management of aging infrastructure.

DATES: The public hearing will be held on August 14, 2024, from 9 a.m. to 3:30 p.m. A detailed agenda is posted at *www.dnfsb.gov.*

ADDRESSES: The proceeding will take place at the Board's headquarters located at 625 Indiana Avenue NW, Room 352, Washington, DC 20004. The hearing will be open to the public.

FOR FURTHER INFORMATION CONTACT: Tara Tadlock, Associate Director for Board Operations, Defense Nuclear Facilities Safety Board, 625 Indiana Avenue NW, Suite 700, Washington, DC 20004–2901, (202) 694–7176.

SUPPLEMENTARY INFORMATION: The goal for this hearing is to gather information from relevant external organizations on best practices in the management of aging safety infrastructure to inform the development of potential safety improvements to the Department of Energy's programs. The hearing will consist of two sessions, with the first at 9 a.m. and the second at 1 p.m.

In the 9 a.m. session, the Board will hear testimony from representatives from the Government Accountability Office and the American Nuclear Society. In the 1 p.m. session, the Board will hear testimony from the U.S. Nuclear Regulatory Commission, the U.S. Army Corps of Engineers, and the National Aeronautics and Space Administration. While the Department of Energy is not a participant in this hearing, they will be invited to observe the proceeding.

This proceeding will also be broadcast via a live internet video stream.

Individuals interested in viewing the hearing may visit: *www.dnfsb.gov/public-hearings-meetings/public-hearing-benchmarking-best-practices-management-aging-safety.* On the day of the public hearing, a link to view the video stream will be posted on that page. The page may also be accessed by visiting *www.dnfsb.gov* and clicking: Public Hearing on Benchmarking Best Practices in Management of Aging Safety Infrastructure.

In addition to attending in person or watching the web stream, interested members of the public may also submit written comments to *hearing@dnfsb.gov* before the hearing record closes at 5 p.m. EDT on Friday, September 13, 2024. All comments received before the hearing record closes will be posted publicly on *www.dnfsb.gov.*

Additional details, including the detailed agenda for the hearing, are available at *www.dnfsb.gov.* A transcript of these sessions and the associated correspondence will be made available on the Board's website. The Board specifically reserves its right to further schedule and otherwise regulate the course of the hearing, to recess, reconvene, postpone, or adjourn the hearing, conduct further reviews, and otherwise exercise its authority under the Atomic Energy Act of 1954, as amended.

Authority: 42 U.S.C. 2286b(a).

Dated: July 23, 2024.

Joyce Connery,

Chair.

[FR Doc. 2024–16478 Filed 7–25–24; 8:45 am]

BILLING CODE 3670–01–P

DEPARTMENT OF EDUCATION

Financial Value Transparency and Gainful Employment: List of Approved Classification of Instructional Program (CIP) Codes for Qualifying Graduate Programs; Correction

AGENCY: Office of Postsecondary Education, Department of Education.

ACTION: Notice; correction.

SUMMARY: The Secretary corrects two codes in the list of applicable CIP codes for qualifying graduate programs that have an extended earnings measurement period under the Financial Value Transparency (FVT) and Gainful Employment (GE) regulations.

DATES: This correction is effective July 26, 2024.

FOR FURTHER INFORMATION CONTACT: Joseph Massman, U.S. Department of Education, 400 Maryland Avenue SW, Washington, DC 20202. Email: *GE24@ed.gov.* Telephone: (202) 453–7771.

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 June 28, 2024 (89 FR 53986), the Department of Education (Department) published a list in the **Federal Register** that identified graduate programs under their respective CIP codes as being potentially eligible to be considered a qualified graduate program under the FVT/GE regulations. In publishing that list, the Department inadvertently used two codes from the 2010 CIP codes list instead of the updated 2020 CIP codes list. The Department corrects those two codes below. The Department also corrects an erroneous program authority citation.

Accessible Format: On request to the 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 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.

Corrections

In FR Doc. No. 2024–14217, published in the **Federal Register** on June 28, 2024 (89 FR 53986), we make the following corrections:

1. On page 53987, in the middle column under the heading ''Medicine, Osteopathy, Dentistry'':

a. Changing ''51.1901'' to ''51.1202''.

b. Changing ''51.2101'' to ''51.1203''.

2. On page 53988, in the first column under the heading ''*Program Authority*'' changing ''20 U.S.C. 1087 *et seq.*'' to ''34 CFR 668.2 and 34 CFR part 668 subpart Q''.

Nasser Paydar,

Assistant Secretary for the Office of Postsecondary Education.

[FR Doc. 2024–16509 Filed 7–25–24; 8:45 am]

BILLING CODE 4000–01–P

DEPARTMENT OF EDUCATION

Reopening; Applications for New Awards; Education Innovation and Research (EIR) Program Early-Phase Grants

AGENCY: Office of Elementary and Secondary Education, Department of Education.

ACTION: Notice.

SUMMARY: On May 6, 2024, we published in the **Federal Register** a notice inviting applications (NIA) for the fiscal year (FY) 2024 EIR program Early-phase Grants competition, Assistance Listing Number 84.411C (Early-phase Grants). The NIA established a deadline date of July 22, 2024, for the transmittal of applications. For eligible applicants located in counties in Texas that are covered by a major disaster declaration issued by the President, this notice reopens the competition until July 31, 2024 and extends the date of intergovernmental review until September 30, 2024.

DATES:

Deadline for Transmittal of Applications: July 31, 2024.

Deadline for Intergovernmental Review: September 30, 2024.

FOR FURTHER INFORMATION CONTACT: Jamila Smith. Telephone: (202) 987–1753. *Email: eir@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 May 6, 2024, we published the NIA in the **Federal Register** (89 FR 37185). Under the NIA, applications were due on July 22, 2024. We are reopening this competition to allow affected applicants (as defined under *Eligibility*) more time—until July 31, 2024—to prepare and submit their applications. *Eligibility:* The extended application deadline applies only to eligible applicants under the FY 2024 EIR Early-phase Grants competition that are affected applicants. An eligible applicant for this competition is defined in the NIA. To qualify as an affected applicant, the applicant must have a mailing address that is located in the federally declared disaster area and

must provide appropriate supporting documentation, if requested.

The applicable federally declared disaster area under this declaration is the area in which assistance to individuals or public assistance has been authorized under FEMA's disaster declaration for Texas Hurricane Beryl DR–4798–TX. See the disaster declaration available at *https://www.fema.gov/disaster/4798.*

Affected applicants that have already timely submitted applications under the FY 2024 EIR Early-phase Grants competition may resubmit applications on or before the extended application deadline of July 31, 2024, but are not required to do so. If a new application is not submitted, the Department will use the application that was submitted by the original deadline. If a new application is submitted, the Department will consider the application that is last submitted and timely received by 11:59:59 p.m., Eastern Time, on July 31, 2024.

Any application submitted by an affected applicant under the extended deadline must contain evidence (*e.g.,* the applicant organization mailing address) that the applicant is located in the applicable federally declared disaster area and, if requested, the applicant must provide appropriate supporting documentation.

The application period is not reopened for all applicants. Applications from applicants that are not affected, as defined above, will not be accepted past the original July 22, 2024, deadline.

Note: All information in the NIA for this competition remains the same, except for the deadline for the transmittal of applications for affected applicants and the deadline for intergovernmental review.

Program Authority: 20 U.S.C. 7261.

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

Electronic Access to This Document: The official version of this document is the document published in the **Federal Register**. You may access the official edition of the **Federal Register** and the Code of Federal Regulations at *www.govinfo.gov.* At this site, you can view this document, as well as all other Department documents published in the **Federal Register**, in text or Portable Document Format (PDF). To use PDF, you must have Adobe Acrobat Reader, which is available free at the site.

You may also access Department documents published in the **Federal Register** by using the article search feature at *www.federalregister.gov.* Specifically, through the advanced search feature at this site, you can limit your search to documents published by the Department.

Adam Schott,

Principal Deputy Assistant Secretary, Delegated the Authority to Perform the Functions and Duties of the Assistant Secretary, Office of Elementary and Secondary Education.

[FR Doc. 2024–16590 Filed 7–25–24; 8:45 am]

BILLING CODE 4000–01–P

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

Combined Notice of Filings #1

Take notice that the Commission received the following electric rate filings:

Docket Numbers: ER22–983–009.

Applicants: ISO New England Inc., New England Power Pool Participants Committee.

Description: Compliance filing: ISO New England Inc. submits tariff filing per 35: Filing to Comply with May 2024 Order Regarding Order No. 2222 Compliance to be effective 11/1/2026.

Filed Date: 7/22/24.

Accession Number: 20240722–5110.

Comment Date: 5 p.m. ET 8/12/24.

Docket Numbers: ER24–1526–001; ER24–1528–001.

Applicants: New Market Solar ProjectCo 2, LLC, New Market Solar ProjectCo 1, LLC.

Description: New Market Solar ProjectCo 1, LLC et al. submit response to FERC's 05/13/2024 deficiency letter re the 03/18/2024 filing.

Filed Date: 6/12/24.

Accession Number: 20240612–5253.

Comment Date: 5 p.m. ET 7/26/24.

Docket Numbers: ER24–2560–000.

Applicants: Energy Prepay I, LLC.

Description: Baseline eTariff Filing: Baseline new 2024 to be effective 7/20/2024.

Filed Date: 7/19/24.

Accession Number: 20240719–5226.

Comment Date: 5 p.m. ET 8/9/24.

Docket Numbers: ER24–2561–000.

Applicants: PacifiCorp.

Description: 205(d) Rate Filing: Powerex Cond & Firm LT PTP (SA 1035) to be effective 7/1/2024.

Filed Date: 7/22/24.

Accession Number: 20240722–5036.

Comment Date: 5 p.m. ET 8/12/24.

Docket Numbers: ER24–2562–000.

Applicants: PacifiCorp.

Description: 205(d) Rate Filing: Powerex Cond & Firm LT PTP (SA 1036) to be effective 7/1/2024.

Filed Date: 7/22/24.

Accession Number: 20240722–5037.

Comment Date: 5 p.m. ET 8/12/24.

Docket Numbers: ER24–2563–000.

Applicants: Sheetz Energy Inc.

Description: Baseline eTariff Filing: Sheetz Initial MBRA Tariff to be effective 7/23/2024.

Filed Date: 7/22/24.

Accession Number: 20240722–5052.

Comment Date: 5 p.m. ET 8/12/24.

Docket Numbers: ER24–2564–000.

Applicants: Mid-Atlantic Offshore Development, LLC, PJM Interconnection, L.L.C.

Description: 205(d) Rate Filing: Mid-Atlantic Offshore Development, LLC submits tariff filing per 35.13(a)(2)(iii: MAOD submits OATT Attachment H–35, H–35A and H–35B to be effective 9/21/2024.

Filed Date: 7/22/24.

Accession Number: 20240722–5062.

Comment Date: 5 p.m. ET 8/12/24.

Docket Numbers: ER24–2565–000.

Applicants: Duke Energy Carolinas, LLC.

Description: 205(d) Rate Filing: DEC–CEPCI Amended NITSA SA No. 447 to be effective 10/1/2024.

Filed Date: 7/22/24.

Accession Number: 20240722–5099.

Comment Date: 5 p.m. ET 8/12/24.

Docket Numbers: ER24–2566–000.

Applicants: Northern States Power Company, a Minnesota corporation.

Description: 205(d) Rate Filing: 2024–07–22 CapX Brookings CMA—757 to be effective 6/21/2024.

Filed Date: 7/22/24.

Accession Number: 20240722–5166.

Comment Date: 5 p.m. ET 8/12/24.

Docket Numbers: ER24–2567–000.

Applicants: Northern States Power Company, a Minnesota corporation.

Description: 205(d) Rate Filing: 2024–07–22 CapX Brookings OMA—537 to be effective 6/21/2024.

Filed Date: 7/22/24.

Accession Number: 20240722–5173.

Comment Date: 5 p.m. ET 8/12/24.

Docket Numbers: ER24–2568–000.

Applicants: Northern States Power Company, a Minnesota corporation.

Description: 205(d) Rate Filing: 2024–07–22 CapX Brookings TCEA—538 to be effective 6/21/2024.

Filed Date: 7/22/24.

Accession Number: 20240722–5184.

Comment Date: 5 p.m. ET 8/12/24.

Docket Numbers: ER24–2569–000.

Applicants: PJM Interconnection, L.L.C.

Description: Tariff Amendment: Notice of Cancellation of SA No. 6529 Designated Entity Agreement to be effective 9/21/2024.

Filed Date: 7/22/24.

Accession Number: 20240722–5186.

Comment Date: 5 p.m. ET 8/12/24.

The filings are accessible in the Commission's eLibrary system (*https://elibrary.ferc.gov/idmws/search/fercgensearch.asp*) by querying the docket number.

Any person desiring to intervene, to protest, or to answer a complaint in any of the above proceedings must file in accordance with Rules 211, 214, or 206 of the Commission's Regulations (18 CFR 385.211, 385.214, or 385.206) on or before 5:00 p.m. Eastern time on the specified comment date. Protests may be considered, but intervention is necessary to become a party to the proceeding.

eFiling is encouraged. More detailed information relating to filing requirements, interventions, protests, service, and qualifying facilities filings can be found at: *http://www.ferc.gov/docs-filing/efiling/filing-req.pdf.* For other information, call (866) 208–3676 (toll free). For TTY, call (202) 502–8659.

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: July 22, 2024.

Debbie-Anne A. Reese,

Acting Secretary.

[FR Doc. 2024–16523 Filed 7–25–24; 8:45 am]

BILLING CODE 6717–01–P

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

[Docket No. ER24–2534–000]

Gravel Pit Solar III, LLC; Supplemental Notice That Initial Market-Based Rate Filing Includes Request for Blanket Section 204 Authorization

This is a supplemental notice in the above-referenced proceeding of Gravel Pit Solar III, LLC's application for market-based rate authority, with an accompanying rate tariff, noting that such application includes a request for blanket authorization, under 18 CFR part 34, of future issuances of securities and assumptions of liability.

Any person desiring to intervene or to protest should file with the Federal Energy Regulatory Commission, 888 First Street NE, Washington, DC 20426, in accordance with Rules 211 and 214 of the Commission's Rules of Practice and Procedure (18 CFR 385.211 and 385.214). Anyone filing a motion to intervene or protest must serve a copy of that document on the Applicant.

Notice is hereby given that the deadline for filing protests with regard to the applicant's request for blanket authorization, under 18 CFR part 34, of future issuances of securities and assumptions of liability, is August 12, 2024.

The Commission encourages electronic submission of protests and interventions in lieu of paper, using the FERC Online links at *http://www.ferc.gov.* To facilitate electronic service, persons with internet access who will eFile a document and/or be listed as a contact for an intervenor must create and validate an eRegistration account using the eRegistration link. Select the eFiling link to log on and submit the intervention or protests.

Persons unable to file electronically may mail similar pleadings to the Federal Energy Regulatory Commission, 888 First Street NE, Washington, DC 20426. Hand delivered submissions in docketed proceedings should be delivered to Health and Human Services, 12225 Wilkins Avenue, Rockville, Maryland 20852.

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.*

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Dated: July 22, 2024.

Debbie-Anne A. Reese,

Acting Secretary.

[FR Doc. 2024–16525 Filed 7–25–24; 8:45 am]

BILLING CODE 6717–01–P

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

[Docket No. ER24–2557–000]

Henrietta BESS LLC; Supplemental Notice That Initial Market-Based Rate Filing Includes Request for Blanket Section 204 Authorization

This is a supplemental notice in the above-referenced proceeding of Henrietta BESS LLC's application for market-based rate authority, with an accompanying rate tariff, noting that such application includes a request for blanket authorization, under 18 CFR part 34, of future issuances of securities and assumptions of liability.

Any person desiring to intervene or to protest should file with the Federal Energy Regulatory Commission, 888 First Street NE, Washington, DC 20426, in accordance with Rules 211 and 214 of the Commission's Rules of Practice and Procedure (18 CFR 385.211 and 385.214). Anyone filing a motion to

intervene or protest must serve a copy of that document on the Applicant.

Notice is hereby given that the deadline for filing protests with regard to the applicant's request for blanket authorization, under 18 CFR part 34, of future issuances of securities and assumptions of liability, is August 12, 2024.

The Commission encourages electronic submission of protests and interventions in lieu of paper, using the FERC Online links at *http://www.ferc.gov.* To facilitate electronic service, persons with internet access who will eFile a document and/or be listed as a contact for an intervenor must create and validate an eRegistration account using the eRegistration link. Select the eFiling link to log on and submit the intervention or protests.

Persons unable to file electronically may mail similar pleadings to the Federal Energy Regulatory Commission, 888 First Street NE, Washington, DC 20426. Hand delivered submissions in docketed proceedings should be delivered to Health and Human Services, 12225 Wilkins Avenue, Rockville, Maryland 20852.

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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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: July 22, 2024.

Debbie-Anne A. Reese,

Acting Secretary.

[FR Doc. 2024–16527 Filed 7–25–24; 8:45 am]

BILLING CODE 6717–01–P

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

[Docket No. CP24–491–000]

Natural Gas Pipeline Company of America LLC; Notice of Request Under Blanket Authorization and Establishing Intervention and Protest Deadline

Take notice that on July 12, 2024, Natural Gas Pipeline Company of America LLC (Natural), 3250 Lacey Road, Suite 700, Downers Grove, Illinois 60515, filed in the above referenced docket, a prior notice request pursuant to sections 157.205 and 157.211 of the Commission's regulations under the Natural Gas Act (NGA), and Natural's blanket certificate issued in Docket No. CP82–402–000, for authorization to construct, own, operate, and maintain a delivery point in Cook County, Illinois (UPS Hodgkins Delivery Meter Station Project). The project will allow Natural to deliver natural gas to United Parcel Service, Inc., which is currently being served by Nicor Gas Company, the local distribution company for the area. The estimated cost for the project is $2,200,000, 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.

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 concerning this request should be directed to Francisco Tarin, Director, Regulatory, for Kinder Morgan, Inc., as Operator of Natural Gas Pipeline Company of America LLC, 2 North Nevada Avenue, Colorado Springs, Colorado 80903, or (719) 667–7515, or at *francisco_tarin@kindermorgan.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 September 20, 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.*

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.

[1] 18 CFR 157.205.

[2] Persons include individuals, organizations, businesses, municipalities, and other entities. 18 CFR 385.102(d).

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 September 20, 2024. 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 September 20, 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.*

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 September 20, 2024. 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 CP24–491–000 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]

(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 CP24–491–000.

To file via USPS: Debbie-Anne A. Reese, Acting Secretary, Federal Energy Regulatory Commission, 888 First Street NE, Washington, DC 20426

To file via any other method: Debbie-Anne A. Reese, Acting 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 or email (with a link to the document) at: Francisco Tarin, Director, Regulatory, for Kinder Morgan, Inc., as Operator of Natural Gas Pipeline Company of America LLC, 2 North Nevada Avenue, Colorado Springs, Colorado 80903, or at *francisco_tarin@kindermorgan.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: July 22, 2024.

Debbie-Anne A. Reese,

Acting Secretary.

[FR Doc. 2024–16524 Filed 7–25–24; 8:45 am]

BILLING CODE 6717–01–P

[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.

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

[Docket No. ER24–2535–000]

Gravel Pit Solar IV, LLC; Supplemental Notice That Initial Market-Based Rate Filing Includes Request for Blanket Section 204 Authorization

This is a supplemental notice in the above-referenced proceeding of Gravel Pit Solar IV, LLC's application for market-based rate authority, with an accompanying rate tariff, noting that such application includes a request for blanket authorization, under 18 CFR part 34, of future issuances of securities and assumptions of liability.

Any person desiring to intervene or to protest should file with the Federal Energy Regulatory Commission, 888 First Street NE, Washington, DC 20426, in accordance with Rules 211 and 214 of the Commission's Rules of Practice and Procedure (18 CFR 385.211 and 385.214). Anyone filing a motion to intervene or protest must serve a copy of that document on the Applicant.

Notice is hereby given that the deadline for filing protests with regard to the applicant's request for blanket authorization, under 18 CFR part 34, of

future issuances of securities and assumptions of liability, is August 12, 2024.

The Commission encourages electronic submission of protests and interventions in lieu of paper, using the FERC Online links at *http://www.ferc.gov.* To facilitate electronic service, persons with internet access who will eFile a document and/or be listed as a contact for an intervenor must create and validate an eRegistration account using the eRegistration link. Select the eFiling link to log on and submit the intervention or protests.

Persons unable to file electronically may mail similar pleadings to the Federal Energy Regulatory Commission, 888 First Street NE, Washington, DC 20426. Hand delivered submissions in docketed proceedings should be delivered to Health and Human Services, 12225 Wilkins Avenue, Rockville, Maryland 20852.

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.*

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: July 22, 2024.

Debbie-Anne A. Reese,

Acting Secretary.

[FR Doc. 2024–16526 Filed 7–25–24; 8:45 am]

BILLING CODE 6717–01–P

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

[Docket No. ER24–2559–000]

Malaga BESS LLC; Supplemental Notice That Initial Market-Based Rate Filing Includes Request for Blanket Section 204 Authorization

This is a supplemental notice in the above-referenced proceeding of Malaga BESS LLC's application for market-based rate authority, with an accompanying rate tariff, noting that such application includes a request for blanket authorization, under 18 CFR part 34, of future issuances of securities and assumptions of liability.

Any person desiring to intervene or to protest should file with the Federal Energy Regulatory Commission, 888 First Street NE, Washington, DC 20426, in accordance with Rules 211 and 214 of the Commission's Rules of Practice and Procedure (18 CFR 385.211 and 385.214). Anyone filing a motion to intervene or protest must serve a copy of that document on the Applicant.

Notice is hereby given that the deadline for filing protests with regard to the applicant's request for blanket authorization, under 18 CFR part 34, of future issuances of securities and assumptions of liability, is August 12, 2024.

The Commission encourages electronic submission of protests and interventions in lieu of paper, using the FERC Online links at *http://www.ferc.gov.* To facilitate electronic service, persons with internet access who will eFile a document and/or be listed as a contact for an intervenor must create and validate an eRegistration account using the eRegistration link. Select the eFiling link to log on and submit the intervention or protests.

Persons unable to file electronically may mail similar pleadings to the Federal Energy Regulatory Commission, 888 First Street NE, Washington, DC 20426. Hand delivered submissions in docketed proceedings should be delivered to Health and Human Services, 12225 Wilkins Avenue, Rockville, Maryland 20852.

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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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: July 22, 2024.

Debbie-Anne A. Reese,

Acting Secretary.

[FR Doc. 2024–16528 Filed 7–25–24; 8:45 am]

BILLING CODE 6717–01–P

DEPARTMENT OF ENERGY

Federal Energy Regulatory Commission

[Docket No. PF24–3–000]

ANR Pipeline Company; Notice of Scoping Period Requesting Comments on Environmental Issues for the Planned Heartland Project, and Notice of Public Scoping Session

The staff of the Federal Energy Regulatory Commission (FERC or Commission) will prepare an environmental document that will discuss the environmental impacts of the Heartland Project involving construction and operation of facilities by ANR Pipeline Company (ANR) in Bureau, Kendall, Kane, McHenry, and

Will Counties, Illinois; Brown, Racine, Sheboygan, Waukesha, and Winnebago Counties, Wisconsin; and Iron County, Michigan. The Commission will use this environmental document in its decision-making process to determine whether the project is in the public convenience and necessity.

This notice announces the opening of the scoping process the Commission will use to gather input from the public and interested agencies regarding the project. As part of the National Environmental Policy Act (NEPA) review process, the Commission takes into account concerns the public may have about proposals and the environmental impacts that could result from its action whenever it considers the issuance of a Certificate of Public Convenience and Necessity. This gathering of public input is referred to as ''scoping.'' The main goal of the scoping process is to focus the analysis in the environmental document on the important environmental issues. Additional information about the Commission's NEPA process is described below in the NEPA Process and Environmental Document section of this notice.

By this notice, the Commission requests public comments on the scope of issues to address in the environmental document. To ensure that your comments are timely and properly recorded, please submit your comments so that the Commission receives them in Washington, DC, on or before 5:00 p.m. Eastern Time on August 21, 2024. Comments may be submitted in written or oral form. Further details on how to submit comments are provided in the Public Participation section of this notice.

Your comments should focus on the potential environmental effects, reasonable alternatives, and measures to avoid or lessen environmental impacts. Your input will help the Commission staff determine what issues they need to evaluate in the environmental document. Commission staff will consider all written or oral comments during the preparation of the environmental document.

If you submitted comments on this project to the Commission before the opening of this docket on March 28, 2024, you will need to file those comments in Docket No. PF24–3–000 to ensure they are considered.

This notice is being sent to the Commission's current environmental mailing list for this project. State and local government representatives should notify their constituents of this planned project and encourage them to comment on their areas of concern.

If you are a landowner receiving this notice, a pipeline company representative may contact you about the acquisition of an easement to construct, operate, and maintain the planned facilities. The company would seek to negotiate a mutually acceptable easement agreement. You are not required to enter into an agreement. However, if the Commission approves the project, the Natural Gas Act conveys the right of eminent domain to the company. Therefore, if you and the company do not reach an easement agreement, the pipeline company could initiate condemnation proceedings in court. In such instances, compensation would be determined by a judge in accordance with state law. The Commission does not subsequently grant, exercise, or oversee the exercise of that eminent domain authority. The courts have exclusive authority to handle eminent domain cases; the Commission has no jurisdiction over these matters.

A fact sheet prepared by the FERC entitled ''An Interstate Natural Gas Facility On My Land? What Do I Need To Know?'' addresses typically asked questions, including the use of eminent domain and how to participate in the Commission's proceedings. This fact sheet along with other landowner topics of interest are available for viewing on the FERC website (*www.ferc.gov*) under the Natural Gas, Landowner Topics link.

Public Participation

There are five methods you can use to submit your comments to the Commission. Please carefully follow these instructions so that your comments are properly recorded. The Commission encourages electronic filing of comments and has staff available to assist you at (866) 208–3676 or *FercOnlineSupport@ferc.gov.*

(1) You can file your comments electronically using the eComment feature, which is located on the Commission's website (*www.ferc.gov*) under the link to FERC Online. Using eComment is an easy method for submitting brief, text-only comments on a project;

(2) You can file your comments electronically by using the eFiling feature, which is located on the Commission's website (*www.ferc.gov*) under the link to FERC Online. 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; a comment on a particular project is considered a ''Comment on a Filing''; or

(3) You can file a paper copy of your comments by mailing them to the Commission. Be sure to reference the project docket number (PF24–3–000) on your letter. Submissions sent via the U.S. Postal Service must be addressed to: Debbie-Anne A. Reese, Acting Secretary, Federal Energy Regulatory Commission, 888 First Street NE, Room 1A, Washington, DC 20426. Submissions sent via any other carrier must be addressed to: Debbie-Anne A. Reese, Acting Secretary, Federal Energy Regulatory Commission, 12225 Wilkins Avenue, Rockville, Maryland 20852.

(4) In lieu of sending written comments, the Commission invites you to attend one of the public scoping sessions its staff will conduct in the project area, scheduled as follows:

Date and time	Location
Tuesday, August 6, 2024, 4:00–6:30 p.m. Central Daylight Time	Yorkville Public Library, 902 Game Farm Road, Yorkville, Illinois 60560, (630) 553–4354.
Wednesday, August 7, 2024, 5:00–7:00 p.m. Central Daylight Time	Pittsfield Community Center, 4862 Kunesh Road, Green Bay, Wisconsin 54313, (920) 865–7630.

The primary goal of these scoping sessions is to have you identify the specific environmental issues and concerns that should be considered in the environmental document. Individual oral comments will be taken on a one-on-one basis with a court reporter. This format is designed to receive the maximum amount of oral comments in a convenient way during the timeframe allotted.

The scoping session in Yorkville, Illinois is scheduled from 4:00 p.m. to 6:30 p.m. Central Daylight Time and the session in Green Bay, Wisconsin is scheduled from 5:00 p.m. to 7:00 p.m. Central Daylight Time. You may arrive

at any time after the scheduled start time. There will not be a formal presentation by Commission staff when the session opens. If you wish to speak, the Commission staff will hand out numbers in the order of your arrival. Comments will be taken until 6:30 p.m. in Yorkville, Illinois and 7:00 p.m. in Green Bay, Wisconsin. However, if no additional numbers have been handed out and all individuals who wish to provide comments have had an opportunity to do so, staff may conclude the session up to 30 minutes prior to the scheduled end time. Please see appendix 1 for additional information on the session format and conduct.[1]

Your scoping comments will be recorded by a court reporter (with FERC staff or representative present) and become part of the public record for this proceeding. Transcripts will be publicly available on FERC's eLibrary system (see the last page of this notice for instructions on using eLibrary). If a significant number of people are interested in providing oral comments in the one-on-one settings, a time limit of 5 minutes may be implemented for each commentor.

It is important to note that the Commission provides equal consideration to all comments received, whether filed in written form or provided orally at a scoping session. Although there will not be a formal presentation, Commission staff will be available throughout the scoping session to answer your questions about the environmental review process. Representatives from ANR will also be present to answer project-specific questions.

(5) For your convenience, the Commission also invites you to attend a virtual public scoping session its staff will conduct by telephone, scheduled as follows:

Date and time
Monday, August 12, 2024; Time: 4:00 p.m. Central Daylight Time. Call in number: (888) 810–4938. Participant passcode: 2443865.

Note that the scoping session will start at 4:00 p.m. and will end once all participants wishing to comment have had the opportunity to do so, or at 6:00 p.m., whichever comes first. Individual oral comments will be taken one at a time with a court reporter present on the line.

There will be a brief introduction by Commission staff when the session opens, so please attempt to call in at the beginning of the session. All participants will be able to hear the comments provided by other participants; however, all lines will remain closed during the comments of others and then opened one at a time for providing comments. Once you call in, the operator will provide directions on how to indicate you would like to provide a comment. A time limit of 5 minutes may be implemented for each commentor.

Your oral comments will be recorded by the court reporter and become part of the public record for this proceeding. Transcripts of all comments received during the scoping session(s) will be publicly available on FERC's eLibrary system (see the last page of this notice for instructions on using eLibrary).

Additionally, the Commission offers a free service called eSubscription, which makes it easy to stay informed of all issuances and submittals regarding the dockets/projects to which you subscribe. These instant email notifications are the fastest way to receive notification and provide a link to the document files which can reduce the amount of time you spend researching proceedings. Go to *https://www.ferc.gov/ferc-online/overview* to register for eSubscription.

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.*

Summary of the Planned Project

ANR plans to construct and operate 67.3 miles of pipeline loop,[2] three new compressor and two new meter stations, uprate one existing compressor station, upgrade and expand four existing meter stations, replace and upsize 1.5 miles of existing pipeline, and construct or modify other existing minor appurtenant facilities. The Heartland Project is designed to expand ANR's pipeline system to provide 473,000 dekatherms per day of incremental firm transportation capacity. According to ANR, its project would accommodate growing firm transportation demand driven by changes in the resource adequacy requirements for seasonal power generation within the Midwest Independent System Operator region and economic development in the midwestern U.S.

The Heartland Project would consist of the following facilities:

- 48.2 miles of 36-inch-diameter Wisconsin Loop Line 3–301 (PL–1);
- 11 miles of 42-inch-diameter Southwest Loop Line 2–100 (PL–2);
- the replacement of 1.5 miles of the existing 18-inch- and 22-inch-diameter pipeline (PL–3);
- 8.1 miles of 12-inch-diameter Two River Lateral Loop 2–380 (PL–4);
- three new compressor stations (Westfield, Laraway, and Pulaski compressor stations);
- uprate the existing Sandwich Compressor Station;
- two new meter stations (Westfield and Laraway meter stations); and
- the upgrade and expansion of four existing meter stations (Fortune Lake, Rochester, Sheboygan Falls, and Menasha meter stations).

The general location of the project facilities is shown in appendix 2.

Land Requirements for Construction

Construction of the planned facilities would disturb about 1,312.3 acres of land for the aboveground facilities and the pipeline. Following construction, ANR would maintain about 544.7 acres for permanent operation of the project's facilities; the remaining acreage would be restored. About 85 percent of the planned pipeline route parallels existing pipeline.

NEPA Process and the Environmental Document

Any environmental document issued by Commission staff will discuss impacts that could occur as a result of the construction and operation of the planned project under the relevant general resource areas:

- geology and soils;
- water resources and wetlands;
- vegetation and wildlife;
- threatened and endangered species;
- cultural resources;
- land use;
- socioeconomics;
- environmental justice;
- air quality and noise;
- cumulative impacts;
- reliability and safety; and
- climate change.

Commission staff will also evaluate reasonable alternatives to the planned

[1] The appendices referenced in this notice will not appear in the **Federal Register**. Copies of the appendices were sent to all those receiving this notice in the mail and are available at *www.ferc.gov* using the link called ''eLibrary.'' For instructions on connecting to eLibrary, refer to the last page of this notice. For assistance, contact FERC at *FERCOnlineSupport@ferc.gov* or call toll free, (886) 208–3676 or TTY (202) 502–8659.

[2] A pipeline loop is a segment of pipe constructed parallel to an existing pipeline to increase capacity.

project or portions of the project and make recommendations on how to lessen or avoid impacts on the various resource areas. Your comments will help Commission staff identify and focus on the issues that might have an effect on the human environment and potentially eliminate others from further study and discussion in the environmental document.

Although no formal application has been filed, Commission staff have already initiated a NEPA review under the Commission's pre-filing process. The purpose of the pre-filing process is to encourage early involvement of interested stakeholders and to identify and resolve issues before the Commission receives an application. As part of the pre-filing review, Commission staff will contact federal and state agencies to discuss their involvement in the scoping process and the preparation of the environmental document.

If a formal application is filed, Commission staff will then determine whether to prepare an Environmental Assessment (EA) or an Environmental Impact Statement (EIS). The EA or the EIS will present Commission staff's independent analysis of the environmental issues. If Commission staff prepares an EA, a *Notice of Schedule for the Preparation of an Environmental Assessment* will be issued. The EA may be issued for an allotted public comment period. The Commission would consider timely comments on the EA before making its determination on the proposed project. If Commission staff prepares an EIS, a *Notice of Intent to Prepare an EIS/ Notice of Schedule* will be issued once an application is filed, which will open an additional public comment period. Staff will then prepare a draft EIS that will be issued for public comment. Commission staff will consider all timely comments received during the comment period on the draft EIS, and revise the document, as necessary, before issuing a final EIS. Any EA or draft and final EIS will be available in electronic format in the public record through eLibrary [3] and the Commission's natural gas environmental documents web page (*https://www.ferc.gov/industries-data/natural-gas/environment/environmental-documents*). If eSubscribed, you will receive instant email notification when the environmental document is issued.

With this notice, the Commission is asking agencies with jurisdiction by law and/or special expertise with respect to the environmental issues related to this project to formally cooperate in the preparation of the environmental document.[4] Agencies that would like to request cooperating agency status should follow the instructions for filing comments provided under the Public Participation section of this notice.

Consultation Under Section 106 of the National Historic Preservation Act

In accordance with the Advisory Council on Historic Preservation's implementing regulations for section 106 of the National Historic Preservation Act, the Commission is using this notice to initiate consultation with the applicable State Historic Preservation Office(s), and to solicit their views and those of other government agencies, interested Indian tribes, and the public on the project's potential effects on historic properties.[5] The environmental document for this project will document our findings on the impacts on historic properties and summarize the status of consultations under section 106.

Environmental Mailing List

The environmental mailing list includes federal, state, and local government representatives and agencies; elected officials; environmental and public interest groups; Native American Tribes; other interested parties; and local libraries and newspapers. This list also includes all affected landowners (as defined in the Commission's regulations) who are potential right-of-way grantors, whose property may be used temporarily for project purposes, or who own homes within certain distances of aboveground facilities, and anyone who submits comments on the project and includes a mailing address with their comments. Commission staff will update the environmental mailing list as the analysis proceeds to ensure that Commission notices related to this environmental review are sent to all individuals, organizations, and government entities interested in and/or potentially affected by the planned project.

If you need to make changes to your name/address, or if you would like to remove your name from the mailing list, please complete one of the following steps:

(1) Send an email to *GasProjectAddressChange@ferc.gov* stating your request. You must include the docket number PF24–3–000 in your request. If you are requesting a change to your address, please be sure to include your name and the correct address. If you are requesting to delete your address from the mailing list, please include your name and address as it appeared on this notice. This email address is unable to accept comments.

OR

(2) Return the attached ''Mailing List Update Form'' (appendix 3).

Becoming an Intervenor

Once ANR files its application with the Commission, you may want to become an ''intervenor'' which is an official party to the Commission's proceeding. Only intervenors have the right to seek rehearing of the Commission's decision and be heard by the courts if they choose to appeal the Commission's final ruling. An intervenor formally participates in the proceeding by filing a request to intervene pursuant to Rule 214 of the Commission's Rules of Practice and Procedures (18 CFR 385.214). Motions to intervene are more fully described at *https://www.ferc.gov/how-intervene*. Please note that the Commission will not accept requests for intervenor status at this time. You must wait until the Commission receives a formal application for the project, after which the Commission will issue a public notice that establishes an intervention deadline.

Additional Information

Additional information about the project is available from the Commission's Office of External Affairs, at (866) 208–FERC, or on the FERC website (*www.ferc.gov*) using the eLibrary link. Click on the eLibrary link, click on ''General Search'' and enter the docket number in the ''Docket Number'' field. Be sure you have selected an appropriate date range. For assistance, please contact FERC Online Support at *FercOnlineSupport@ferc.gov* or toll free at (866) 208–3676, or for TTY, contact (202) 502–8659. The eLibrary link also provides access to the texts of all formal documents issued by the Commission, such as orders, notices, and rulemakings.

Public sessions or site visits will be posted on the Commission's calendar located at *https://www.ferc.gov/news-events/events* along with other related information.

[3] For instructions on connecting to eLibrary, refer to the last page of this notice.

[4] The Council on Environmental Quality regulations addressing cooperating agency responsibilities are at title 40, Code of Federal Regulations, part 1501.8.

[5] The Advisory Council on Historic Preservation regulations are at title 36, Code of Federal Regulations, part 800. Those regulations define historic properties as any prehistoric or historic district, site, building, structure, or object included in or eligible for inclusion in the National Register of Historic Places.

Dated: July 22, 2024.

Debbie-Anne A. Reese,

Acting Secretary.

[FR Doc. 2024–16530 Filed 7–25–24; 8:45 am]

BILLING CODE 6717–01–P

ENVIRONMENTAL PROTECTION AGENCY

[FRL OP–OFA–136]

Environmental Impact Statements; Notice of Availability

Responsible Agency: Office of Federal Activities, General Information 202–564–5632 or *https://www.epa.gov/nepa.*

Weekly receipt of Environmental Impact Statements (EIS)

Filed July 15, 2024 10 a.m. EST Through July 22, 2024 10 a.m. EST

Pursuant to 40 CFR 1506.9

Notice

Section 309(a) of the Clean Air Act requires that EPA make public its comments on EISs issued by other Federal agencies. EPA's comment letters on EISs are available at: *https://cdxapps.epa.gov/cdx-enepa-II/public/action/eis/search.*

EIS No. 20240129, Final, BLM, NV, Libra Solar, Review Period Ends: 08/26/2024, Contact: Melanie Hornsby 775–885–6024

EIS No. 20240130, Draft, BLM, NV, Esmeralda 7 Solar Project Draft Programmatic Environmental Impact Statement and Resource Management Plan Amendment, Comment Period Ends: 10/24/2024, Contact: Scott Distel 775–635–4000

EIS No. 20240131, Draft, BR, CA, Long-Term Operations of the Central Valley Project and State Water Project, Comment Period Ends: 09/09/2024, Contact: Tim Warner 916–539–9510

EIS No. 20240132, Final, NRC, VA, Site-Specific Environmental Impact Statement for Subsequent License Renewal North Anna Power Station Units 1 and 2 NUREG–1437 Supplement 7a, Second Renewal, Final Report, Review Period Ends: 08/26/2024, Contact: Ashley Waldron 301–415–7317

Dated: July 22, 2024.

Timothy Witman,

Acting Director, NEPA Compliance Division, Office of Federal Activities.

[FR Doc. 2024–16442 Filed 7–25–24; 8:45 am]

BILLING CODE 6560–50–P

ENVIRONMENTAL PROTECTION AGENCY

[EPA–HQ–OPP–2024–0094; FRL–11983–01–OCSPP]

Pesticide Registration Maintenance Fee; Notice of Receipt of Requests To Voluntarily Cancel Certain Pesticide Registrations

AGENCY: Environmental Protection Agency (EPA).

ACTION: Notice.

SUMMARY: In accordance with the Federal Insecticide, Fungicide, and Rodenticide Act (FIFRA), EPA is issuing a notice of receipt of requests by registrants through 2023 Pesticide Registration Maintenance Fee responses to voluntarily cancel certain pesticide registrations. EPA intends to grant these requests at the close of the comment period for this announcement unless the Agency receives substantive comments within the comment period that would merit its further review of the requests, or unless the registrants withdraw its requests. If these requests are granted, any sale, distribution, or use of products listed in this notice will be permitted after the registrations have been cancelled only if such sale, distribution, or use is consistent with the terms as described in the final order.

DATES: Comments must be received on or before August 26, 2024.

ADDRESSES: Submit your comments, identified by docket identification (ID) number EPA–HQ–OPP–2024–0094, through the *Federal eRulemaking Portal* at *https://www.regulations.gov.* Follow the online instructions for submitting comments. Do not submit electronically any information you consider to be Confidential Business Information (CBI) or other information whose disclosure is restricted by statute. Additional instructions on commenting and visiting the docket, along with more information about dockets generally, is available at *https://www.epa.gov/dockets.*

Submit written withdrawal request by mail to: Registration Division (7505M), Office of Pesticide Programs, Environmental Protection Agency, 1200 Pennsylvania Ave. NW, Washington, DC 20460–0001. ATTN: Brenda Minnema.

FOR FURTHER INFORMATION CONTACT: Brenda Minnema, Registration Division (7505M), Office of Pesticide Programs, Environmental Protection Agency, 1200 Pennsylvania Ave. NW, Washington, DC 20460–0001; telephone number: (202) 566–2840; email address: *minnema.brenda@epa.gov.*

SUPPLEMENTARY INFORMATION:

I. General Information

A. Does this action apply to me?

This action is directed to the public in general and may be of interest to a wide range of stakeholders including environmental, human health, and agricultural advocates; the chemical industry; pesticide users; and members of the public interested in the sale, distribution, or use of pesticides.

B. What should I consider as I prepare my comments for EPA?

1. *Submitting CBI.* Do not submit this information to EPA through *regulations.gov* or email. Clearly mark the part or all of the information that you claim to be CBI. For CBI information in a disk or CD–ROM that you mail to EPA, mark the outside of the disk or CD–ROM as CBI and then identify electronically within the disk or CD–ROM the specific information that is claimed as CBI. In addition to one complete version of the comment that includes information claimed as CBI, a copy of the comment that does not contain the information claimed as CBI must be submitted for inclusion in the public docket. Information so marked will not be disclosed except in accordance with procedures set forth in 40 CFR part 2.

2. *Tips for preparing your comments.* When preparing and submitting your comments, see the commenting tips at *https://www.epa.gov/dockets/commenting-epa-dockets.*

II. What action is the Agency taking?

This notice announces receipt by the Agency of requests from registrants to cancel 376 pesticide products registered under FIFRA section 3 (7 U.S.C. 136a) or section 24(c) (7 U.S.C. 136v(c)). These registrations are listed in sequence by registration number (or company number and 24(c) number) in Table 1 of this unit.

Unless the Agency determines that there are substantive comments that warrant further review of the requests or the registrants withdraw their requests, EPA intends to issue an order in the **Federal Register** canceling all the affected registrations.

TABLE 1—REGISTRATIONS WITH PENDING REQUESTS FOR CANCELLATION

Company No.	Registration No.	Product name	Active ingredient
100	100–1037	Clipper E 20 UL Tree Growth Regulator.	Paclobutrazol (125601/76738–62–0)—(2.51%).
100	100–885	Dividend XL	Difenoconazole (128847/119446–68–3)—(16.5%), Metalaxyl-M (113502/70630–17–0)—(1.38%).
100	100–995	Clipper 20 UL	Paclobutrazol (125601/76738–62–0)—(2.51%).
239	239–2666	Weed-B-Gon Ready-Spray Isomer Formula.	2,4–D, dimethylamine salt (030019/2008–39–1)—(3.05%), Dicamba, dimethylamine salt (029802/2300–66–5)—(1.3%), MCPP–P, DMA salt (031520/66423–09–4)—(5.3%).
239	239–2694	Ortho Season-Long Grass & Weed Killer.	Diquat dibromide (032201/85–00–7)—(.1%), Glyphosate (417300/1071–83–6)—(8%), Oxyfluorfen (111601/42874–03–3)—(1.5%).
239	239–2706	Ortho Season Long Weed & Grass Killer Plus Preventer Ready-Spray II.	Diquat dibromide (032201/85–00–7)—(.1%), Glyphosate, isopropylamine salt (103601/38641–94–0)—(8%), Oxyfluorfen (111601/42874–03–3)—(1.5%).
239	239–2707	Ortho Max Tree & Shrub Insect Control Ready-Spray II.	Imidacloprid (129099/138261–41–3)—(1.47%).
264	264–998	Four Way Peanut Seed Treatment Fungicide.	Captan (081301/133–06–2)—(49%), Metalaxyl (113501/57837–19–1)—(.8%), Thiophanate-methyl (102001/23564–05–8)—(13.6%), Trifloxystrobin (129112/141517–21–7)—(2%).
270	270–339	F793 Insecticide	Diflubenzuron (108201/35367–38–5)—(.24%).
279	279–3350	F6482 Turf and IVM	Metribuzin (101101/21087–64–9)—(27%), Sulfentrazone (129081/122836–35–5)—(18%).
279	279–3552	Accurate Herbicide	Metsulfuron (122010/74223–64–6)—(60%).
352	352–595	Dupont Chlorimuron Ethyl 54 DF.	Chlorimuron (128901/90982–32–4)—(54%).
352	352–877	Dupont DPX–121 Herbicide.	Rimsulfuron (129009/122931–48–0)—(16.7%), Thifensulfuron (128845/79277–27–3)—(16.7%).
464	464–616	Dowicide 1/PG Antimicrobial.	o-Phenylphenol (NO INERT USE) (064103/90–43–7)—(63%).
464	464–722	Aqucar(TM) OPP 63 Water Treatment Microbiocide.	o-Phenylphenol (NO INERT USE) (064103/90–43–7)—(63%).
499	499–535	LX417 Lambda-Cyhalothrin.	lambda-Cyhalothrin (128897/91465–08–6)—(9.7%).
538	538–303	Grubex 2	Imidacloprid (129099/138261–41–3)—(.2%).
577	577–558	Sherwin-Williams Seaguard Vinyl Anti-Foulant.	Cuprous oxide (025601/1317–39–1)—(66.9%).
577	577–559	Sherwin-Williams Seaguard Vinyl Anti-Foulant Black.	Cuprous oxide (025601/1317–39–1)—(55.7%).
577	577–561	Mil-P–15931F Formula 121 Anti-Foulant Red.	Cuprous oxide (025601/1317–39–1)—(69.69%).
577	577–562	Mil-P–15931F Formula-129 Antifoulant Black.	Cuprous oxide (025601/1317–39–1)—(57%).
675	675–1	Vani-Sol Bowl Cleanse.	Hydrochloric acid (045901/7647–01–0)—(23%).
777	777–108	Gattuso GP	Citric acid (021801/77–92–9)—(3.5%).
777	777–129	Phoenix Wipes	Alkyl* dimethyl benzyl ammonium chloride *(50%C14, 40%C12, 10%C16) (069105/68424–85–1)—(.355%).
961	961–368	Lebanon Crab-Buster Plus Lawn Food.	Dithiopyr (128994/97886–45–8)—(.06%).
961	961–412	Lebanon Herbicide Granules Formula D–11.	Dithiopyr (128994/97886–45–8)—(.11%).
1022	1022–594	Cusol-1	Copper ethanolamine complex (024410/14515–52–5)—(2.92%).
1258	1258–1042	Pace Spa & Hot Tub Chlorinator.	Sodium dichloroisocyanurate dihydrate (081407/51580–86–0)—(99%).
1258	1258–1066	Calcium Hypochlorite Sanitizer Granular—60.	Calcium hypochlorite (014701/7778–54–3)—(62%).
1258	1258–1075	Pace Concentrated Algaecide.	Trichloro-s-triazinetrione (081405/87–90–1)—(99%).

TABLE 1—REGISTRATIONS WITH PENDING REQUESTS FOR CANCELLATION—Continued

Company No.	Registration No.	Product name	Active ingredient
1258	1258–1245	Arch Technical Trichloro-S-Triazinetrione.	Trichloro-s-triazinetrione (081405/87–90–1)—(99.5%).
1258	1258–1246	HTH Super Sock It Shock N' Swim Shock Treatment & Superchlorinator for Swimming.	Calcium hypochlorite (014701/7778–54–3)—(62.4%).
1258	1258–1259	HTH Duration Clean Capsules.	Calcium hypochlorite (014701/7778–54–3)—(47.6%).
1258	1258–1273	Pool Breeze Pool Care System 14 Day Sanitizing Tablets.	Trichloro-s-triazinetrione (081405/87–90–1)—(99%).
1258	1258–1274	Baquacil AD	Poly(oxy-1,2-ethanediyl(dimethylimino)-1,2-ethanediyl(dimethylimino)-1,2-ethanediyl dichloride) (069183/31512–74–0)—(20%).
1258	1258–1280	Pool Breeze Pool Care System Copper Algicide.	Copper triethanolamine complex (024403/82027–59–6)—(7.1%).
1258	1258–1283	AW10	Sodium dichloroisocyanurate dihydrate (081407/51580–86–0)—(99%).
1258	1258–1321	Copper Algaecide	Copper triethanolamine complex (024403/82027–59–6)—(9%).
1258	1258–1329	AW02 Tablets	Calcium hypochlorite (014701/7778–54–3)—(47.6%), Zinc sulfate monohydrate (527200/7446–19–7)—(1.96%).
1258	1258–1331	AW01 Granular	Calcium hypochlorite (014701/7778–54–3)—(38.1%), Zinc sulfate monohydrate (527200/7446–19–7)—(11.8%).
1258	1258–1332	AW07	Calcium hypochlorite (014701/7778–54–3)—(53%).
1258	1258–1334	AW09	Calcium hypochlorite (014701/7778–54–3)—(47.1%).
1258	1258–1337	AW13	Trichloro-s-triazinetrione (081405/87–90–1)—(97.3%).
1258	1258–1349	AW79	Sodium hypochlorite (014703/7681–52–9)—(14%).
1258	1258–1361	AW91 (Pro)	Calcium hypochlorite (014701/7778–54–3)—(75%).
1258	1258–1363	SS Solid MUP	Poly(iminoimidocarbonyliminoimidocarbonyliminohexamethylene) hydrochloride (111801/32289–58–0)—(75%).
1258	1258–995	Pace 14 Day Super Tab Concentrated Pool Chlorinator.	Trichloro-s-triazinetrione (081405/87–90–1)—(99%).
2382	2382–104	Preventic Tick Collar for Dogs.	Amitraz (106201/33089–61–1)—(9%).
2724	2724–687	Security E Z E Garden Weed Killer.	Trifluralin (036101/1582–09–8)—(1.75%).
2724	2724–794	WMI 0.67% Diflubenzuron Cattle Supplement.	Diflubenzuron (108201/35367–38–5)—(.67%).
2724	2724–795	WMI 0.04% Diflubenzuron Cattle.	Diflubenzuron (108201/35367–38–5)—(.04%).
2724	2724–798	RF2128 Dry Concentrate.	Diflubenzuron (108201/35367–38–5)—(8%).
2724	2724–801	RF 2128 Dry Concentrate MUP.	Diflubenzuron (108201/35367–38–5)—(8%).
2724	2724–816	RF2163 Dry Concentrate.	Diflubenzuron (108201/35367–38–5)—(.16%).
2749	2749–591	Aceto Etoxazole 72% WSB Miticide.	Etoxazole (107091/153233–91–1)—(72%).
2749	2749–595	Aceto Etoxazole 72% WP in WSP Miticide.	Etoxazole (107091/153233–91–1)—(72%).
2749	2749–603	AG36076 2.88 SC Miticide.	Etoxazole (107091/153233–91–1)—(31.7%).
2749	2749–619	AG35814 B 30 SG Insecticide.	Acetamiprid (099050/135410–20–7)—(30%).
2749	2749–620	AG35814 B 70 WP Insecticide.	Acetamiprid (099050/135410–20–7)—(70%).
2749	2749–621	AG35814 C 70 WP Insecticide.	Acetamiprid (099050/135410–20–7)—(70%).
2749	2749–622	AG35814 C 30 SG Insecticide.	Acetamiprid (099050/135410–20–7)—(30%).
2935	2935–506	Wilbur-Ellis Ben-Sul 85.	Sulfur (077501/7704–34–9)—(85%).
2935	2935–555	Deadlock G	Zeta-Cypermethrin (129064/1315501–18–8)—(.25%).
4972	4972–23	Protexall Ant-Kil	Boric acid (011001/10043–35–3)—(6%).

TABLE 1—REGISTRATIONS WITH PENDING REQUESTS FOR CANCELLATION—Continued

Company No.	Registration No.	Product name	Active ingredient
5383	5383–202	Omniphase 678	1,2-Benzisothiazolin-3-one (098901/2634–33–5)—(4.6%), Carbamic acid, butyl-, 3-iodo-2-propynyl ester (107801/55406–53–6)—(5%), Carbendazim (128872/10605–21–7)—(15%).
5383	5383–203	Omniphase 663	1,2-Benzisothiazolin-3-one (098901/2634–33–5)—(1.1%), Carbamic acid, butyl-, 3-iodo-2-propynyl ester (107801/55406–53–6)—(3%), Carbendazim (128872/10605–21–7)—(9%), Diuron (035505/330–54–1)—(15%).
7048	7048–4	Bio-Magic Rinse	Alkyl* dimethyl benzyl ammonium chloride *(60%C14, 30%C16, 5%C18, 5%C12) (069104/53516–76–0)—(6%), Alkyl* dimethyl ethylbenzyl ammonium chloride *(50%C12, 30%C14, 17%C16, 3%C18) (069111/8045–21–4)—(6%).
7319	7319–6	Lurectron Scatterbait	Methomyl (090301/16752–77–5)—(1%), cis-9-Tricosene (103201/27519–02–4)—(.26%).
7364	7364–104	Sodium Bromide Powder.	Sodium bromide (013907/7647–15–6)—(98%).
7364	7364–105	AW Nova	Sodium dichloroisocyanurate dihydrate (081407/51580–86–0)—(99%).
7364	7364–106	AW Dart	Sodium bromide (013907/7647–15–6)—(98%).
7364	7364–89	Pool Pal 400 Algaecide.	Alkyl* dimethyl benzyl ammonium chloride *(60%C14, 25%C12, 15%C16) (069137/68424–85–1)—(10%).
7754	7754–41	Bug Barrier II	Diethyl toluamide (080301/134–62–3)—(25%), MGK 264 (057001/113–48–4)—(5%), MGK 326 (047201/136–45–8)—(2.5%).
7946	7946–31	Arborfos HP	Dipotassium phosphite (K2HPO3) (076416/13492–26–7)—(45.8%).
9009	9009–14	So-White 6.40% Hypochlorite Dairy, Farm & Home Use.	Sodium hypochlorite (014703/7681–52–9)—(6.4%).
9198	9198–115	The Andersons Turf Fungicide with 5.0% Daconil.	Chlorothalonil (081901/1897–45–6)—(5%).
9198	9198–207	Andersons Golf Products Golden Eagle Fungicide.	Myclobutanil (128857/88671–89–0)—(1%).
9198	9198–257	The Andersons 0.067% Acelepryn Insecticide Plus 0.222% Dimension Herbicide on F.	Chlorantraniliprole (090100/500008–45–7)—(.067%), Dithiopyr (128994/97886–45–8)—(.222%).
9215	9215–12	All Clear 3 Tablets Jumbo Chlorinating Tablets7.	Trichloro-s-triazinetrione (081405/87–90–1)—(99%).
10324	10324–17	Maquat MQ2525–50	25.0000% Alkyl* dimethyl benzyl ammonium chloride *(60%C14, 30%C16, 5%C18, 5%C12) (PC:69104 CAS:53516–76–0) 25.0000% Alkyl* dimethyl ethylbenzyl ammonium chloride *(50%C12, 30%C14, 17%C16, 3%C18) (PC:69111 CAS:8045–21–4).
10324	10324–26	Maquat MC 6025–50%.	50.0000% Alkyl* dimethyl benzyl ammonium chloride *(60%C14, 25%C12, 15%C16) (PC:69137 CAS:68424–85–1).
10324	10324–98	Maquat MC5815	50.0000% Alkyl* dimethyl benzyl ammonium chloride *(58%C14, 28%C16, 14%C12) (PC:69141 CAS:68424–85–1).
10707	10707–62	Biosorb 1250	23.0000% Glutaraldehyde (PC:43901 CAS:7420–89–5).
10707	10707–63	XC408 Biocide	30.0000% Alkyl* dimethyl benzyl ammonium chloride *(67%C12, 25%C14, 7%C16, 1%C18) (PC:69175 CAS:68391–01–5).
11556	11556–111	Tempo 20WP Premise Insecticide.	20.0000% Cyclopropanecarboxylic acid, 3-(2,2-dichloroethenyl)-2,2-dimethyl-, cyano(4-fluoro-3-phenoxyphenyl) methyl ester (PC:128831 CAS:68359–37–5).
11556	11556–112	Countdown EC Premise Insecticide.	24.3000% Cyclopropanecarboxylic acid, 3-(2,2-dichloroethenyl)-2,2-dimethyl-, cyano(4-fluoro-3-phenoxyphenyl) methyl ester (PC:128831 CAS:68359–37–5).
11556	11556–113	Countdown WP Premise Insecticide in Packets.	20.0000% Cyclopropanecarboxylic acid, 3-(2,2-dichloroethenyl)-2,2-dimethyl-, cyano(4-fluoro-3-phenoxyphenyl) methyl ester (PC:128831 CAS:68359–37–5).
11556	11556–140	Quickbayt Disposable Fly Bait Strip.	0.1000% (Z)-9-Tricosene (PC:103201 CAS:27519–02–4) 0.5000% Imidacloprid (PC:129099 CAS:138261–41–3).
11556	11556–153	Credo D	21.4000% Imidacloprid (PC:129099 CAS:138261–41–3).
11556	11556–180	Premise Guard Insecticide.	0.0200% Cyclopropanecarboxylic acid, 3-(2,2-dibromoethenyl)-2,2-dimethyl-, cyano(3-phenoxyphenyl) methyl ester, (1R-(1.alpha.(S*),3.alpha.))- (PC:97805 CAS:66841–25–6).
11773	11773–17	Cornbelt Trifluralin	43.0000% Trifluralin (PC:36101 CAS:1582–09–8).
45385	45385–17	Chem-Tox Pyronox Oil Concentrate #3610.	10.0000% 4,7-Methano-1H-isoindole-1,3(2H)-dione, 2-(2-ethylhexyl)-3a,4,7,7a-tetrahydro- (PC:57001 CAS:113–48–4) 6.0000% Piperonyl butoxide (PC:67501 CAS:51–03–6) 3.0000% Pyrethrins (PC:69001 CAS:8003–34–7).
45385	45385–20203	Chem-Tox Pro! Roach Kill Powder.	99.0000% Boric acid (PC:11001 CAS:11113–50–1).

TABLE 1—REGISTRATIONS WITH PENDING REQUESTS FOR CANCELLATION—Continued

Company No.	Registration No.	Product name	Active ingredient
45385	45385–24	Pyronox Dual 0.5	1.6700% 4,7-Methano-1H-isoindole-1,3(2H)-dione, 2-(2-ethylhexyl)-3a,4,7,7a-tetrahydro- (PC:57001 CAS:113–48–4) 1.0000% Piperonyl butoxide (PC:67501 CAS:51–03–6) 0.5000% Pyrethrins (PC:69001 CAS:8003–34–7).
45385	45385–30	Pyronox No.5	1.5000% Piperonyl butoxide (PC:67501 CAS:51–03–6) 0.3000% Pyrethrins (PC:69001 CAS:8003–34–7).
45385	45385–43	Chem-Tox Mal 50%-E.C..	50.0000% Malathion (NO INERT USE) (PC:57701 CAS:121–75–5).
45385	45385–48	Pyronox Oil Concentrate #1–2–3.	2.9400% 4,7-Methano-1H-isoindole-1,3(2H)-dione, 2-(2-ethylhexyl)-3a,4,7,7a-tetrahydro- (PC:57001 CAS:113–48–4) 2.0000% Piperonyl butoxide (PC:67501 CAS:51–03–6) 1.0000% Pyrethrins (PC:69001 CAS:8003–34–7) Pests (48):.
45385	45385–62	Chem-Tox Wik-Rub Insecticide Concentrate.	0.6000% Piperonyl butoxide (PC:67501 CAS:51–03–6) 0.3000% Pyrethrins (PC:69001 CAS:8003–34–7).
45385	45385–65	Chem-Tox Malathion 3%.	3.0000% Malathion (NO INERT USE) (PC:57701 CAS:121–75–5).
45385	45385–69	Perma-Tox Insecticide.	13.3000% Permethrin, mixed cis,trans (PC:109701 CAS:52645–53–1).
45385	45385–76	Cenol Mill Spray	2.0000% Piperonyl butoxide (PC:67501 CAS:51–03–6) 0.5000% Pyrethrins (PC:69001 CAS:8003–34–7).
45385	45385–8	Chem-Tox Food Plant Spray.	5.0000% Piperonyl butoxide (PC:67501 CAS:51–03–6) 0.5000% Pyrethrins (PC:69001 CAS:8003–34–7).
45385	45385–94	Iguana	26.0000% Cypermethrin (PC:109702 CAS:52315–07–8).
45385	45385–98	Cenol 0.25% Multipurpose Insecticide.	0.2500% Permethrin, mixed cis,trans (PC:109701 CAS:52645–53–1).
48302	48302–11	Sea Grand Prix 500	45.5600% Copper(I) oxide (PC:25601 CAS:1317–39–1) 2.9100% Zinc, bis(1-hydroxy-2(1H)-pyridinethionato-O,S)-, (T–4)-, (PC:88002 CAS:13463–41–7).
49547	49547–16	CLNSL	7.5000% Sodium hypochlorite (PC:14703 CAS:7681–52–9).
51032	51032–14	Micro-Sul Dusting/Wettable Sulfur.	Sulfur.
52287	52287–1	Turf Fertilizer with Ronstar(R) 0.95.	0.9500% Oxadiazon (PC:109001 CAS:19666–30–9).
52484	52484–4	Bioclear 2250 Antimicrobial.	25.0000% Glutaraldehyde (PC:43901 CAS:7420–89–5).
52484	52484–6	Bioclear 2256 Antimicrobial.	3.0000% 1-Decanaminium, N-decyl-N,N-dimethyl-, chloride (PC:69149 CAS:7173–51–5) 3.0000% Alkyl* dimethyl benzyl ammonium chloride *(50%C14, 40%C12, 10%C16) (PC:69105 CAS:68424–85–1) 25.0000% Glutaraldehyde (PC:43901 CAS:7420–89–5).
53853	53853–7	FGI–S Ready-To-Use Insecticide.	0.0250% Esfenvalerate (PC:109303 CAS:66323–04–4).
53853	53853–8	FGI PY/PBO Outdoor RTU Insecticide.	1.0000% Piperonyl butoxide (PC:67501 CAS:51–03–6) 0.1000% Pyrethrins (PC:69001 CAS:8003–34–7).
57787	57787–30	Proteam 1 High Tech Tabs.	5.0000% Boron sodium oxide (B4Na2O7), pentahydrate (PC:11110 CAS:12179–04–3) 91.5000% Trichloro-s-triazinetrione (PC:81405 CAS:87–90–1).
57787	57787–36	Proteam Power Magic AC+ Superoxidizer.	47.6000% Calcium hypochlorite (PC:14701 CAS:7778–54–3).
58401	58401–13	Stellar Three-Inch Tablets.	99.4000% Trichloro-s-triazinetrione (PC:81405 CAS:87–90–1).
59106	59106–9	Bioclear 2500 Antimicrobial.	51.1000% Glutaraldehyde (PC:43901 CAS:7420–89–5).
59682	59682–4	Bioflex	0.1570% Carbamic acid, butyl-, 3-iodo-2-propynyl ester (PC:107801 CAS:55406–53–6).
59825	59825–5	Warwick B675	99.9500% Tetraacetylethylenediamine (PC:4115 CAS:10543–57–4).
59825	59825–6	Warwick AG610	92.0000% Tetraacetylethylenediamine (PC:4115 CAS:10543–57–4).
61468	61468–6	Creosote—Manufacturing Use.	98.5000% Coal tar creosote (PC:25004 CAS:8001–58–9).
61671	61671–3	For-Mite	65.9000% Formic acid (PC:214900 CAS:64–18–6).
62719	62719–391	Kerb 50–W Selective Herbicide.	50.0000% Propyzamide (PC:101701 CAS:23950–58–5).
62719	62719–72	Dursban 50W in Water Soluble Packets.	50.0000% Chlorpyrifos (PC:59101 CAS:2921–88–2).
63269	63269–1	TMB 471C	25.0000% Copper sulfate pentahydrate (PC:24401 CAS:7758–99–8).
63838	63838–19	Biosene Granules	93.9000% Trichloro-s-triazinetrione (PC:81405 CAS:87–90–1).
63838	63838–23	Envirobrom L	20.0000% 2,2-Dibromo-3-nitrilopropionamide (PC:101801 CAS:10222–01–2).
63838	63838–31	Bio-X	34.6500% Trichloro-s-triazinetrione (PC:81405 CAS:87–90–1).
63838	63838–33	Drycide	65.0000% Ethanol (PC:1501 CAS:64–17–5).

TABLE 1—REGISTRATIONS WITH PENDING REQUESTS FOR CANCELLATION—Continued

Company No.	Registration No.	Product name	Active ingredient
63838	63838–35	EP–Q10	1.5000% 1-Decanaminium, N-decyl-N,N-dimethyl-, chloride (PC:69149 CAS:7173–51–5) 1.5000% 1-Octanaminium, N,N-dimethyl-N-octyl-, chloride (PC:69166 CAS:5538–94–3) 4.0000% Alkyl* dimethyl benzyl ammonium chloride *(50%C14, 40%C12, 10%C16) (PC:69105 CAS:68424–85–1) 3.0000% Ammonium, decyldimethyloctyl-, chloride (PC:69165 CAS:32426–11–2).
63838	63838–36	EP–Q7.5	1.1250% 1-Decanaminium, N-decyl-N,N-dimethyl-, chloride (PC:69149 CAS:7173–51–5) 1.1250% 1-Octanaminium, N,N-dimethyl-N-octyl-, chloride (PC:69166 CAS:5538–94–3) 3.0000% Alkyl* dimethyl benzyl ammonium chloride *(50%C14, 40%C12, 10%C16) (PC:69105 CAS:68424–85–1) 2.2500% Ammonium, decyldimethyloctyl-, chloride (PC:69165 CAS:32426–11–2).
63838	63838–38	GA–50	50.0000% Glutaraldehyde (PC:43901 CAS:7420–89–5).
63982	63982–1	SKL390 Disinfectant Cleaner.	0.1670% Alkyl* dimethyl benzyl ammonium chloride *(60%C14, 30%C16, 5%C18, 5%C12) (PC:69104 CAS:53516–76–0) 0.1670% Alkyl* dimethyl ethylbenzyl ammonium chloride *(68%C12, 32%C14) (PC:69154 CAS:85409–23–0).
67071	67071–108	Acticide BWL 10–F	9.0000% 1,2-Benzisothiazolin-3-one (PC:98901 CAS:2634–33–5).
67867	67867–5	Buggspray Insect Repellent for Biting Flies.	2.5000% 2,5-Pyridinedicarboxylic acid, dipropyl ester (PC:47201 CAS:136–45–8) 5.0000% 4,7-Methano-1H-isoindole-1,3(2H)-dione, 2-(2-ethylhexyl)-3a,4,7,7a-tetrahydro- (PC:57001 CAS:113–48–4) 25.0000% m-Toluamide, N,N-diethyl- (PC:80301 CAS:84603–69–0).
68539	68539–16	Agricure	85.0000% Carbonic acid, monopotassium salt (PC:73508 CAS:298–14–6).
68539	68539–19	Botry-Zen WP	45.0000% Ulocladium oudemansii (U3 Strain) (PC:102111 CAS:Unknown).
68889	68889–1	Hawaii Fly Bait Brand Olive Fruit Fly.	0.3000% Spinosad (PC:110003 CAS:168316–95–8).
69340	69340–5	Eogas AN1005	90.0000% Ethylene oxide (PC:42301 CAS:75–21–8).
69340	69340–9	AN7514	97.0000% Ethylene oxide (PC:42301 CAS:75–21–8).
69526	69526–10	PC Turf And Ornamentals.	98.0000% Mineral oil—includes paraffin oil from 063503 (PC:63502 CAS:64742–65–0).
69526	69526–11	PC Herbicide Concentrate.	0.3400% Acetic acid, (2,4-dichlorophenoxy)-, compd. with N-methylmethanamine (1:1) (PC:30019 CAS:2008–39–1) 0.0420% Dimethylamine 3,6-dichloro-o-anisate (PC:29802 CAS:2300–66–5) 0.2200% Mecoprop-P-dimethylammonium (PC:31520 CAS:66423–09–4).
69526	69526–12	PC RTU Herbicide	0.0340% Acetic acid, (2,4-dichlorophenoxy)-, compd. with N-methylmethanamine (1:1) (PC:30019 CAS:2008–39–1) 0.0042% Dimethylamine 3,6-dichloro-o-anisate (PC:29802 CAS:2300–66–5) 0.0220% Mecoprop-P-dimethylammonium (PC:31520 CAS:66423–09–4).
69526	69526–16	PC Herbicide RTU Plus.	0.0570% Acetic acid, (2,4-dichlorophenoxy)-, compd. with N-methylmethanamine (1:1) (PC:30019 CAS:2008–39–1) 0.0070% Dimethylamine 3,6-dichloro-o-anisate (PC:29802 CAS:2300–66–5) 0.0370% Mecoprop-P-dimethylammonium (PC:31520 CAS:66423–09–4).
69681	69681–28	Clor Mor Cal-Shock SWB.	47.6000% Calcium hypochlorite (PC:14701 CAS:7778–54–3).
70062	70062–4	Babolna Bio Hydroprene Technical.	95.0000% 2,4-Dodecadienoic acid, 3,7,11-trimethyl-, ethyl ester, (S-(E,E))- (PC:128966 CAS:65733–18–8).
70299	70299–10	Greenclean Tablets	42.5000% Sodium percarbonate (PC:128860 CAS:15630–89–4).
70299	70299–24	Axxe Ready to Use Herbicide.	5.0000% Nonanoic acid, ammonium salt (PC:31802 CAS:63718–65–0).
70299	70299–30	Nomas	5.0000% Capric acid (PC:128955 CAS:334–48–5) 5.0000% Caprylic acid (PC:128919 CAS:124–07–2) 5.0000% Nonanoic acid (PC:217500 CAS:112–05–0).
70506	70506–255	Harrier WDG	85.0000% Oryzalin (PC:104201 CAS:19044–88–3).
70644	70644–4	Nutrol LC	35.0000% Potassium phosphate, monobasic (PC:76413 CAS:7778–77–0).
70909	70909–5	Conceal Candle	3.5000% 3,7-Dimethyl-1,6-octadien-3-ol (PC:128838 CAS:78–70–6).
80286	80286–10	ISCA Myristyl Alcohol MP.	100.0000% Myristyl alcohol (PC:1510 CAS:112–72–1).
80286	80286–14	ISCA CLM MP	66.5000% Citrus leafminer lepidoptera pheromone (PC:29000 CAS:888042–38–4).
80286	80286–16	Splat Tuta	0.3000% 3,8,11-Tetradecatrien-1-ol, acetate, (3E,8Z,11Z)- (PC:11472 CAS:163041–94–9).
80286	80286–17	ISCA Tuta MP	96.3100% 3,8,11-Tetradecatrien-1-ol, acetate, (3E,8Z,11Z)- (PC:11472 CAS:163041–94–9).
80286	80286–24	ISCA Lobesia MP	77.6400% (E,Z)-7,9-Dodecadienyl acetate (PC:11471 CAS:55774–32–8).
80286	80286–25	Splat Lobesia	3.6000% (E,Z)-7,9-Dodecadienyl acetate (PC:11471 CAS:55774–32–8).
80286	80286–26	Hook RPW	3.0000% Cypermethrin (PC:109702 CAS:52315–07–8).
80286	80286–27	ISCA FAW MP	11.4400% (Z)-11-Hexadecenyl acetate (PC:129071 CAS:60037–58–3) 81.0000% 9-Tetradecen-1-ol, acetate, (9Z) (PC:129109 CAS:16725–53–4) 2.8590% Looplure (PC:11474 CAS:14959–86–5).
80286	80286–29	Splat FAW Gl4	0.4800% (Z)-11-Hexadecenyl acetate (PC:129071 CAS:60037–58–3) 3.4000% 9-Tetradecen-1-ol, acetate, (9Z) (PC:129109 CAS:16725–53–4).
80286	80286–32	MCH Bubble CAP	97.9000% 3-Methyl-2-cyclohexen-1-one (PC:219700 CAS:1193–18–6).

TABLE 1—REGISTRATIONS WITH PENDING REQUESTS FOR CANCELLATION—Continued

Company No.	Registration No.	Product name	Active ingredient
80286	80286–9	ISCA Lauryl Alcohol MP.	98.2000% Dodecyl alcohol (PC:1509 CAS:112–53–8).
82552	82552–2	Concrobium Mold Control (MUP).	0.9500% Sodium carbonate (PC:73506 CAS:497–19–8).
82669	82669–2	Bio-UD–8 Spray	Methyl nonyl ketone 7.75.
82940	82940–2	Elicitore	12.0000% Organic acids derived from leonardite (PC:21818 CAS:Unknown).
82940	82940–3	Pm-4300organic Acids.	18.5000% Organic acids derived from leonardite (PC:21818 CAS:Unknown).
84930	84930–23	ARC-Metolazine Herbicide.	33.1000% Atrazine (PC:80803 CAS:1912–24–9) 26.1000% Metolachlor (PC:108801 CAS:51218–45–2).
85341	85341–3	Revere Antimicrobial Copper.	96.2000% Copper as elemental (PC:22501 CAS:7440–50–8).
85493	85493–1	Browseban EC—Animal Repellent.	Capsaicin.
85678	85678–28	Captan Technical II	95.5000% Captan (PC:81301 CAS:133–06–2).
86182	86182–4	STK–53	10.0000% Tea tree oil (PC:28853 CAS:68647–73–4).
86330	86330–13	Sunspray Ultra-Fine Year-Round Pesticidal Oil.	98.8000% Aliphatic petroleum solvent (PC:63503 CAS:64742–89–8).
86330	86330–15	Sunspray 6E Western.	98.8000% Aliphatic petroleum solvent (PC:63503 CAS:64742–89–8).
86330	86330–2	Sunspray 7N	100.0000% Aliphatic petroleum solvent (PC:63503 CAS:64742–89–8).
86330	86330–3	Sunspray 7E	98.8000% Aliphatic petroleum solvent (PC:63503 CAS:64742–89–8).
86330	86330–4	Sunspray 11E	98.8000% Aliphatic petroleum solvent (PC:63503 CAS:64742–89–8).
86330	86330–6	Sunspray 6E	98.8000% Aliphatic petroleum solvent (PC:63503 CAS:64742–89–8).
86330	86330–8	Sunspray 9E	98.8000% Aliphatic petroleum solvent (PC:63503 CAS:64742–89–8).
86330	86330–9	Sunspray 9N	100.0000% Aliphatic petroleum solvent (PC:63503 CAS:64742–89–8).
87193	87193–1	Formula 691	0.3000% Cytokinin (as kinetin) (PC:116801 CAS:50868–58–1) 0.2500% Gibberellic acid (PC:43801 CAS:88–82–4) 0.1500% Indolebutyric acid (PC:46701 CAS:133–32–4).
87656	87656–4	Bio-Spear Sanitizing Spray.	0.9000% 1-Decanaminium, N-decyl-N,N-dimethyl-, chloride (PC:69149 CAS:7173–51–5) 0.5400% 1-Octadecanaminium, N,N-dimethyl-N-(3-(trimethoxysilyl)propyl)-, chloride (PC:107401 CAS:27668–52–6).
87663	87663–10	Emerion 8200 C8910 FA Dusting Powder.	2.0000% Capric acid (PC:128955 CAS:334–48–5) 10.0000% Caprylic acid (PC:128919 CAS:124–07–2) 3.0000% Nonanoic acid (PC:217500 CAS:112–05–0).
87663	87663–3	Emerion 7020 Concentrate.	40.0000% Nonanoic acid, ammonium salt (PC:31802 CAS:63718–65–0).
87845	87845–10	Colossal Pro Fungicide.	29.7300% 1H–1,2,4-Triazole, 1-((2-(2,4-dichlorophenyl)-4-propyl-1,3-dioxolan-2-yl)methyl)- (PC:122101 CAS:60207–90–1) 19.6200% 1H–1,2,4-Triazole-1-ethanol, .alpha.-(2-(4-chlorophenyl)ethyl)-.alpha.-(1,1-dimethylethyl)-, (+-), (PC:128997 CAS:107534–96–3).
88089	88089–1	Sanogiene	0.4000% Chitosan (PC:128930 CAS:9012–76–4) 22.5800% Hydantoin, 1,3-bis(hydroxymethyl)-5,5-dimethyl- (PC:115501 CAS:6440–58–0) 21.4200% Hydantoin, 1-(hydroxymethyl)-5,5-dimethyl- (PC:115502 CAS:27636–82–4).
88148	88148–2	Ethylene	98.5000% Ethylene (PC:41901 CAS:74–85–1).
89110	89110–34	Bionix BCD98	98.0000% Hydantoin, 1(or 3)-bromo-3(or 1)-chloro-5,5-dimethyl- (PC:6333 CAS:32718–18–6).
89118	89118–3	VCP–06 1.65 SC Fungicide.	18.4000% Azoxystrobin (PC:128810 CAS:131860–33–8).
89118	89118–4	VCP–07	10.9000% Azoxystrobin (PC:128810 CAS:131860–33–8) 5.8000% Bifenthrin (PC:128825 CAS:83322–02–5).
91040	91040–2	Waterworks Sulfosulf 75% WDG Herbicide.	75.0000% Sulfosulfuron (PC:85601 CAS:141776–32–1).
91069	91069–2	Roach E. Reaper	100.0000% Boric acid (PC:11001 CAS:11113–50–1).
91209	91209–3	Terra San	5.4000% Ethaneperoxoic acid (PC:63201 CAS:7722–84–1) 27.0000% Hydrogen peroxide (PC:595 CAS:7722–84–1).
91234	91234–194	A381.02	70.8700% Acetochlor (PC:121601 CAS:34256–82–1).
91374	91374–2	Horticol 75	100.0000% Aliphatic petroleum solvent (PC:63503 CAS:64742–89–8).
92068	92068–3	MVX Antimicrobial Coat.	0.1000% Silver (PC:72501 CAS:7440–22–4).
92120	92120–9	Hazel 310.1	0.1000% Cyclopropene,1-methyl- (PC:224459 CAS:3100–04–7).
92647	92647–25	Tigris Clop + Flumet	60.0000% 2-Pyridinecarboxylic acid, 3,6-dichloro-, potassium salt (PC:117423 CAS:58509–83–4) 18.5000% Flumetsulam (PC:129016 CAS:98967–40–9).
93051	93051–7	Rightline Sulfosulf 75 WDG Herbicide.	75.0000% Sulfosulfuron (PC:85601 CAS:141776–32–1).
93051	93051–9	Rightline Sulfosulf T&O.	75.0000% Sulfosulfuron (PC:85601 CAS:141776–32–1).
93507	93507–1	Bio-Tape 48	95.0000% Diiodomethyl p-tolyl sulfone (PC:101002 CAS:20018–09–1).

TABLE 1—REGISTRATIONS WITH PENDING REQUESTS FOR CANCELLATION—Continued

Company No.	Registration No.	Product name	Active ingredient
93569	93569–14	Genagri Paraquat MUP.	45.5000% Paraquat dichloride (PC:61601 CAS:39312–80–6).
93594	93594–1	GTI Shield ZP50	50.0000% Zinc, bis(1-hydroxy-2(1H)-pyridinethionato-O,S)-, (T–4)-, (PC:88002 CAS:13463–41–7).
93908	93908–3	Envirolyte Plus	Hypochlorous Acid .046.
94418	94418–1	Xitrexx	1.0000% 1-Octadecanaminium,N,N-dimethyl-N-[3-(trihydroxysilyl)propyl],chloride (PC:107403 CAS:199111–50–7).
94865	94865–2	Paracetic Acid Sanitizer.	5.3000% Ethaneperoxoic acid (PC:63201 CAS:7722–84–1) 23.0000% Hydrogen peroxide (PC:595 CAS:7722–84–1).
95393	95393–1	Quatrus Q–428	80.0000% Alkyl* dimethyl benzyl ammonium chloride *(50%C14, 40%C12, 10%C16) (PC:69105 CAS:68424–85–1).
95393	95393–10	Quatrus Q–425	50.0000% Alkyl* dimethyl benzyl ammonium chloride *(50%C14, 40%C12, 10%C16) (PC:69105 CAS:68424–85–1).
95393	95393–11	Quatrus Q–445	50.0000% 1-Decanaminium, N-decyl-N,N-dimethyl-, chloride (PC:69149 CAS:7173–51–5).
95393	95393–12	Quatrus Q–465	50.0000% Alkyl* dimethyl benzyl ammonium chloride *(60%C14, 30%C16, 5%C18, 5%C12) (PC:69104 CAS:53516–76–0).
95393	95393–13	Quatrus Q–468	80.0000% Alkyl* dimethyl benzyl ammonium chloride *(60%C14, 30%C16, 5%C18, 5%C12) (PC:69104 CAS:53516–76–0).
95393	95393–15	Quatrus Q–2125M–80.	40.0000% Alkyl* dimethyl benzyl ammonium chloride *(60%C12, 30%C14, 5%C16, 5%C18) (PC:79106 CAS:68391–01–5) 40.0000% Alkyl* dimethyl ethylbenzyl ammonium chloride *(68%C12, 32%C14) (PC:69154 CAS:85409–23–0).
95393	95393–16	Quatrus Q–2125M–50.	25.0000% Alkyl* dimethyl benzyl ammonium chloride *(60%C12, 30%C14, 5%C16, 5%C18) (PC:79106 CAS:68391–01–5) 25.0000% Alkyl* dimethyl ethylbenzyl ammonium chloride *(68%C12, 32%C14) (PC:69154 CAS:85409–23–0).
95393	95393–17	Quatrus Q–2125M–50NA.	25.0000% Alkyl* dimethyl benzyl ammonium chloride *(60%C14, 30%C16, 5%C18, 5%C12) (PC:69104 CAS:53516–76–0) 25.0000% Alkyl* dimethyl ethylbenzyl ammonium chloride *(68%C12, 32%C14) (PC:69154 CAS:85409–23–0).
95393	95393–2	Quatrus Q–448	80.0000% 1-Decanaminium, N-decyl-N,N-dimethyl-, chloride (PC:69149 CAS:7173–51–5).
95393	95393–3	Quatrus Q–15	7.5000% 1-Decanaminium, N-decyl-N,N-dimethyl-, chloride (PC:69149 CAS:7173–51–5) 7.5000% 1-Octanaminium, N,N-dimethyl-N-octyl-, chloride (PC:69166 CAS:5538–94–3) 20.0000% Alkyl* dimethyl 3,4-dichlorobenzyl ammonium chloride *(50%C14, 40%C12, 10%C16) (PC:169101 CAS:68989–02–6) 15.0000% Ammonium, decyldimethyloctyl-, chloride (PC:69165 CAS:32426–11–2).
95393	95393–4	Quatrus Q–050	12.5000% 1-Decanaminium, N-decyl-N,N-dimethyl-, chloride (PC:69149 CAS:7173–51–5) 12.5000% 1-Octanaminium, N,N-dimethyl-N-octyl-, chloride (PC:69166 CAS:5538–94–3) 25.0000% Ammonium, decyldimethyloctyl-, chloride (PC:69165 CAS:32426–11–2).
95393	95393–5	Quatrus Q–125	NO PEST.
95393	95393–6	Quatrus Q–405	NO PEST.
95393	95393–7	Quatrus Q–24	12.0000% 1-Decanaminium, N-decyl-N,N-dimethyl-, chloride (PC:69149 CAS:7173–51–5) 12.0000% 1-Octanaminium, N,N-dimethyl-N-octyl-, chloride (PC:69166 CAS:5538–94–3) 32.0000% Alkyl* dimethyl benzyl ammonium chloride *(50%C14, 40%C12, 10%C16) (PC:69105 CAS:68424–85–1) 24.0000% Ammonium, decyldimethyloctyl-, chloride (PC:69165 CAS:32426–11–2).
95393	95393–8	Quatrus Q–080	20.0000% 1-Decanaminium, N-decyl-N,N-dimethyl-, chloride (PC:69149 CAS:7173–51–5) 20.0000% 1-Octanaminium, N,N-dimethyl-N-octyl-, chloride (PC:69166 CAS:5538–94–3) 40.0000% Ammonium, decyldimethyloctyl-, chloride (PC:69165 CAS:32426–11–2).
95393	95393–9	Quatrus Q–408	48.0000% 1-Decanaminium, N-decyl-N,N-dimethyl-, chloride (PC:69149 CAS:7173–51–5) 32.0000% Alkyl* dimethyl benzyl ammonium chloride *(50%C14, 40%C12, 10%C16) (PC:69105 CAS:68424–85–1).
96041	96041–3	Sani-Spray	0.1540% Alkyl* dimethyl benzyl ammonium chloride *(60%C14, 30%C16, 5%C18, 5%C12) (PC:69104 CAS:53516–76–0) 0.1540% Alkyl* dimethyl ethylbenzyl ammonium chloride *(68%C12, 32%C14) (PC:69154 CAS:85409–23–0) 21.0000% Isopropanol (PC:47501 CAS:67–63–0).
97956	97956–1	WSK Disinfecting Wipes.	Alkyl* dimethyl benzyl ammonium chloride *(50%C14, 40%C12, 10%C16) .388.
98022	98022–1	Fresh	6.0000% Chitosan (PC:128930 CAS:9012–76–4).
100	AL120003	Gramoxone SL 2.0	Paraquat dichloride.
69681	AL120006	Avipel (Dry) Corn Seed Treatment.	Anthraquinone.
352	AL930004	Dimilin 25W for Cotton/Soybean.	Diflubenzuron.
279	AR070008	Spartan 4F	39.6000% Sulfentrazone (PC:129081 CAS:122836–35–5).
100	AR120005	Gramoxone SL 2.0	Paraquat dichloride.
66222	AR120014	Diuron 4L	40.0000% Diuron (PC:35505 CAS:330–54–1).
69681	AR130004	Avipel (Dry) Corn Seed Treatment.	Anthraquinone.
62719	AR130012	Lorsban Advanced	Diflubenzuron.

TABLE 1—REGISTRATIONS WITH PENDING REQUESTS FOR CANCELLATION—Continued

Company No.	Registration No.	Product name	Active ingredient
264	AR160002	Sivanto 200 SL	17.0900% Flupyradifurone (PC:122304 CAS:951659–40–8).
56	AZ110003	Bait Block Rodentiicde with Peanut Butter Flavorizer.	Diphacinone.
100	AZ120005	Gramoxone SL 2.0	Paraquat dichloride.
62719	CA080014	Lorsban Advanced	Chlopyrifos.
69526	CA100001	Petro-Canada Purespray Green.	Chlorpyrifos.
73049	CA100012	Dipel DF Biological Insecticide.	54.0000% Bacillus thuringiensis Subsp. Kurstaki, Strain ABTS–351,fermentaion solids, spores, and insecticidal toxins (PC:6522 CAS:68038–71–1).
71049	CA140006	Beleaf 50SG Insecticide.	50.0000% Flonicamid (PC:128016 CAS:158062–67–0).
71771	CA920002	Promalin Plant Growth Regulator.	1.8000% Adenine, N-benzyl- (PC:116901 CAS:1214–39–7) 1.8000% Gibberellin A4 mixt. with Gibberellin A7 (PC:116902 CAS:8030–53–3).
352	CA970009	Dimilin 25W for Cotton/Soybean.	Diflubenzuron.
352	CA970019	Dimilin 25W for Cotton/Soybean.	Diflubenzuron.
352	CA970021	Dimilin 25W for Cotton/Soybean.	Diflubenzuron.
264	CA980023	Gustafson Captan 400.	Captan.
62719	CO100004	Lorsban Advanced	Chlorpyrifos.
73049	DE090002	Vectobac WDG	37.4000% Bacillus thuringiensis subspecies israelensis strain AM 65–52 solids, spores and insecticidal toxins (PC:69162 CAS:68038–71–1).
69681	DE120001	Avipel (Dry) Corn Seed Treatment.	Anthraquinone.
66222	DE140001	Metribuzin 75WG	75.0000% Metribuzin (PC:101101 CAS:21087–64–9).
279	DE150003	F6482 45DF Herbicide.	27.0000% Metribuzin (PC:101101 CAS:21087–64–9) 18.0000% Sulfentrazone (PC:129081 CAS:122836–35–5).
352	FL010010	Micromite 25WS	Diflubenzuron.
62719	FL040005	Lorsban* 75WG	Chlorpyrifos.
62719	FL090002	Lorsban Advanced	Chlorpyrifos.
352	FL090010	Micromite 80WG	80.0000% Diflubenzuron (PC:108201 CAS:35367–38–5).
100	FL120004	Gramoxone SL 2.0	Paraquat dichloride.
7969	FL160001	Poast Herbicide	18.0000% Sethoxydim (PC:121001 CAS:74051–80–2).
352	FL910014	Dimilin 25W for Cotton/Soybean.	Paraquat dichloride.
352	GA060002	Dimilin 2L	Diflubenzuron.
352	GA060007	Dimilin 2L	Diflubenzuron.
59639	GA080010	Knack Insect Growth Regulator.	11.2300% Pyriproxyfen (PC:129032 CAS:95737–68–1).
62719	GA100001	Lorsban Advanced	Chlorpyrifos.
66222	GA120001	Diuron 4L	40.0000% Diuron (PC:35505 CAS:330–54–1).
62719	GA180001	Lorsban Advanced	Chlorpyrifos.
279	IA110001	Spartan 4F	39.6000% Sulfentrazone (PC:129081 CAS:122836–35–5).
69681	IA170004	Avipel (Dry) Corn Seed Treatment.	Anthraquinone.
352	ID000013	Dimilin 2L	22.0000% Diflubenzuron (PC:108201 CAS:35367–38–5).
62719	ID030006	Lorsban 50W Insecticide in Water Soluble Packets.	Chlorpyrifos.
62719	ID090002	Lorsban Advanced	Chlorpyrifos.
62719	ID090003	Lorsban Advanced	Chlorpyrifos.
62719	ID090004	Lorsban Advanced	Chlorpyrifos.
100	ID120002	Gramoxone SL 2.0	Paraquat dichloride.
66222	ID130004	Fanfare 2 ES Insecticide/Miticide.	Bifenthrin.
69681	ID130007	Avipel (Dry) Corn Seed Treatment.	Anthraquinone.
279	ID140002	F6482 45DF Herbicide.	27.0000% Metribuzin (PC:101101 CAS:21087–64–9) 18.0000% Sulfentrazone (PC:129081 CAS:122836–35–5).
279	IL140001	Authority Elite	S-Metolachlor Sulfentrazone.
279	KS140001	Authority MTZ DF	Metribuzin Sulfentrazone.
62719	KY090030	Lorsban Advanced	Chlorpyrifos.
352	LA080001	Dimilin 25W	Transferred (2021–06–09) New product: 70506–526.
62719	LA090002	Lorsban Advanced	Chlorpyrifos.
66222	LA110008	Parallel PCS	86.4000% Metolachlor (PC:108801 CAS:51218–45–2).
69681	LA120007	Avipel (Dry) Corn Seed Treatment.	Anthraquinone.

TABLE 1—REGISTRATIONS WITH PENDING REQUESTS FOR CANCELLATION—Continued

Company No.	Registration No.	Product name	Active ingredient
66222	LA120008	Diuron 4L	40.0000% Diuron (PC:35505 CAS:330–54–1).
279	LA120014	Spartan 4F	39.6000% Sulfentrazone (PC:129081 CAS:122836–35–5).
279	LA120015	F6482 45DF Herbicide.	27.0000% Metribuzin (PC:101101 CAS:21087–64–9) 18.0000% Sulfentrazone (PC:129081 CAS:122836–35–5).
279	LA140004	F9016–2 DF Herbicide.	3.8800% Chlorimuron (PC:128901 CAS:90982–32–4) 62.1200% Sulfentrazone (PC:129081 CAS:122836–35–5).
62719	LA150004	Lorsban Advanced	Chlorpyrifos.
69681	MD120001	Avipel (Dry) Corn Seed Treatment.	Anthraquinone.
279	MD150002	F6482 45DF Herbicide.	27.0000% Metribuzin (PC:101101 CAS:21087–64–9) 18.0000% Sulfentrazone (PC:129081 CAS:122836–35–5).
69681	ME120002	Avipel (Dry) Corn Seed Treatment.	Anthraquinone.
62719	MI110006	Lorsban 15G	Chlorpyrifos.
279	MN100003	Spartan Charge Herbicide.	Sulfentrazone Carfentrazone-ethyl.
279	MN150001	F7583–3 Herbicide	68.2500% S-Metolachlor (PC:108800 CAS:87392–12–9) 7.5500% Sulfentrazone (PC:129081 CAS:122836–35–5).
279	MN220006	F7127 SE Herbicide	3.5300% Carfentrazone-ethyl (PC:128712 CAS:128639–02–1) 31.7700% Sulfentrazone (PC:129081 CAS:122836–35–5).
69681	MO160004	Avipel (Dry) Corn Seed Treatment.	Anthraquinone.
62719	MS080007	Lorsban Advanced	Chlorpyrifos.
69681	MS120010	Avipel (Dry) Corn Seed Treatment.	Anthraquinone.
66222	MS120011	Diuron 4L	40.0000% Diuron (PC:35505 CAS:330–54–1).
279	MS130004	Spartan Charge Herbicide.	Sulfentrazone Carfentrazone-ethyl.
352	MS870002	Dimilin 25W for Cotton/Soybean.	Paraquat dichloride.
7969	MT120003	Liberty 280 SL Herbicide.	24.5000% Butanoic acid, 2-amino-4-(hydroxymethylphosphinyl)-, monoammonium salt (PC:128850 CAS:77182–82–2).
62719	NC090001	Lorsban Advanced	Chlorpyrifos.
62719	NC090004	Lorsban Advanced	Chlorpyrifos.
777	NC120008	Dow Agrosciences/ Profume Gas Fumigant.	Sulfuryl flouride.
7969	NC150006	Armezon Herbicide	29.7000% Topramezone (PC:123009 CAS:210631–68–8).
73049	ND010004	Dipel ES	23.7000% Bacillus thuringiensis Subsp. Kurstaki, Strain ABTS–351,fermentaion solids, spores, and insecticidal toxins (PC:6522 CAS:68038–71–1).
69681	ND130001	Avipel (Dry) Corn Seed Treatment.	Anthraquinone.
7969	NE070001	Status Herbicide	17.1000% 3-Pyridinecarboxylic acid, 2-{1-{{{(3,5-difluorophenyl)amino}carbonyl}hydrozono}ethyl}-, monosodium salt (PC:5107 CAS:109293–98–3).
279	NE140001	F6482 45DF Herbicide.	27.0000% Metribuzin (PC:101101 CAS:21087–64–9) 18.0000% Sulfentrazone (PC:129081 CAS:122836–35–5).
264	NE160001	Sivanto 200 SL	17.0900% Flupyradifurone (PC:122304 CAS:951659–40–8).
69681	NH120001	Avipel (Dry) Corn Seed Treatment.	Anthraquinone.
69681	NJ130001	Avipel (Dry) Corn Seed Treatment.	Anthraquinone.
66222	NJ140003	Metribuzin 75WG	75.0000% Metribuzin (PC:101101 CAS:21087–64–9).
66222	NV060009	Rimon 0.83 EC	Novaluron.
100	NV120001	Gramoxone SL 2.0	Paraquat dichloride.
352	NV940003	Dimilin 25W for Cotton/Soybean.	Paraquat dichloride.
8660	NY120004	AB Fluridone Aquatic Herbicide.	41.7000% Fluridone (PC:112900 CAS:59756–60–4).
69681	NY170006	Avipel Hopper Box (Dry) Corn Seed Treatment.	Anthraquinone.
279	OH130004	Spartan Charge Herbicide.	Sulfentrazone Carfentrazone-ethyl.
279	OH140002	Aim EC	22.3000% Carfentrazone-ethyl (PC:128712 CAS:128639–02–1).
69681	OH170001	Avipel Hopper Box (Dry) Corn Seed Treatment.	Sulfentrazone Carfentrazone-ethyl.
100	OH190001	Dual Magnum Herbicide.	83.7000% S-Metolachlor (PC:108800 CAS:87392–12–9).

TABLE 1—REGISTRATIONS WITH PENDING REQUESTS FOR CANCELLATION—Continued

Company No.	Registration No.	Product name	Active ingredient
8033	OK110002	F5688 11% ME Insecticide Termiticide.	Boscalid (128008/188425–85–6)—(70%).
352	OK890003	Dimilin 25W for Cotton/Soybean.	Saflufenacil (118203/372137–35–4)—(29.74%).
264	OR050025	Admire Pro Systemic Protectant.	Sulfentrazone (129081/122836–35–5)—(39.6%).
239	OR060008	Prowl H2O Herbicide	Pendimethalin.
62719	OR090007	Lorsban Advanced ..	Chlorpyrifos.
62719	OR090008	Lorsban Advanced ..	Chlorpyrifos.
62719	OR090009	Lorsban Advanced ..	Chlorpyrifos.
62719	OR090010	Lorsban Advanced ..	Chlorpyrifos.
62719	OR090011	Lorsban Advanced ..	Chlorpyrifos.
62719	OR090012	Lorsban Advanced ..	Chlorpyrifos.
62719	OR090013	Lorsban Advanced ..	Chlorpyrifos.
66222	PA130003	Metribuzin 75WG	Metribuzin.
264	SC040002	Hoelon 3EC	Diclofop.
352	SC060001	Dimilin 2L	Diflubenzuron.
100	SC120003	Gramoxone SL 2.0 ..	Paraquat dichloride.
7969	SC170001	Poast Herbicide	Sethoxydim.
7969	SD090007	Emerald Fungicide ..	Boscalid.
279	TN050002	Spartan 4F	Sulfentrazone.
279	TN070004	Spartan 4F	Sulfentrazone.
279	TN090003	Authority MTZ DF Herbicide.	Metribuzin Sulfentrazone.
279	TN100001	Spartan Charge	Sulfentrazone Carfentrazone-ethyl.
279	TN140001	Spartan Charge Herbicide.	Sulfentrazone Carfentrazone-ethyl.
73049	TX020001	Dipel ES	Bacillus thuringiensis subspecies tenebrionis, strain NB–176 (006524/68038–71–1)—(10%).
352	TX110007	Micromite 80WG	Diflubenzuron.
279	TX120011	Spartan 4F	Sulfentrazone.
279	TX120012	F6482 45DF Herbicide.	Metribuzin Sulfentrazone.
69681	TX130002	Avipel (Dry) Corn Seed Treatment.	Anthraquinone.
100	TX130009	Gramoxone SL 2.0 ..	Paraquat dichloride.
62719	TX180004	Lorsban Advanced ..	Chlorpyrifos.
228	TX200001	NUP–17063 Herbicide.	2, 4–DP-p, 2-ethylhexyl ester.
228	TX200004	Freefall SC Cotton Defoliant.	Thidiazuron.
228	TX210001	NUP–17063 Herbicide.	2, 4–DP-p, 2-ethylhexyl ester.
69681	UT180005	Avipel (Dry) Corn Seed Treatment.	Anthraquinone.
87845	UT200001	Oxamyl 24 Insecticide/Nematicide.	Oxamyl.
62719	VA090001	Lorsban Advanced ..	Chlorpyrifos.
279	VA150005	F6482 45DF Herbicide.	Metribuzin Sulfentrazone.
69681	VT120002	Avipel (Dry) Corn Seed Treatment.	Anthraquinone (122701/84–65–1)—(50%).
352	WA020008	Dimilin 2L	Diflubenzuron.
73049	WA040029	Novodor Biological Insecticide Flowable Concentrate.	Bacillus thuringiensis subspecies tenebrionis.
264	WA050013	Admire Pro Systemic Protectant.	Imidacloprid.
62719	WA090002	Lorsban Advanced ..	Chlorpyrifos.
62719	WA090004	Lorsban Advanced ..	Chlorpyrifos.
62719	WA090010	Lorsban Advanced ..	Chlorpyrifos.
62719	WA090011	Lorsban Advanced ..	Chlorpyrifos.
62719	WA090012	Lorsban Advanced ..	Chlorpyrifos.
10163	WA170003	Sonalan HFP	Ethalfluralin (113101/55283–68–6)—(35.4%).
10163	WA170004	Treflan TR–10	Trifluralin (036101/1582–09–8)—(10%).
279	WI130005	Spartan 4F	Sulfentrazone (129081/122836–35–5)—(39.6%).
62719	WI130006	Lorsban 15G	Chlorpyrifos.
100	WI170001	Reflex Herbicide	Sodium salt of fomesafen (123802/108731–70–0)—(22.8%).
69681	WI190003	Avipel	Anthraquinone (122701/84–65–1)—(50%).

TABLE 1—REGISTRATIONS WITH PENDING REQUESTS FOR CANCELLATION—Continued

Company No.	Registration No.	Product name	Active ingredient
66222	WV130001	Metribuzin 75WG	Metribuzin (101101/21087–64–9)—(75%).
100	WY120004	Gramoxone SL 2.0	Paraquat dichloride (061601/1910–42–5)—(30.1%).
279	WY140001	F6482 45DF Herbicide.	Metribuzin (101101/21087–64–9)—(27%), Sulfentrazone (129081/122836–35–5)—(18%).

Table 2 of this unit includes the names and addresses of record for all registrants of the products in Table 1 of this unit, in sequence by EPA company number. This number corresponds to the first part of the EPA registration numbers of the products listed in this unit.

TABLE 2—REGISTRANTS REQUESTING VOLUNTARY CANCELLATION

EPA company No.	Company name and address
56	J.T. Eaton & Co., Inc., 1393 E Highland Road, Twinsburg, OH 44087.
100	Syngenta Crop Protection, LLC, 410 Swing Road, Greensboro, NC 27419.
239	The Scotts Company, P.O. Box 190, Marysville, OH 43040.
264	Bayer Crop Science, LP, 800 N Lindbergh Blvd, St. Louis, MO 63141.
270	Farnam Companies, Inc., 1501 E Woodfield Road., Suite 200 West, Schaumburg, IL 60173.
352	Corteva Agriscience, LLC, 9330 Zionsville Road, Indianapolis, IN 46268.
464	MC (US) 3, LLC, 1652 Larkin Center Drive, Midland, MI 48642.
499	BASF Corporation, P.O. Box 13528, Research Triangle Park, NC 27709–3528.
538	The Scotts Company, P.O. Box 190, Marysville, OH 43040.
577	The Sherwin-Williams Company, 101 Prospect Ave, Cleveland, OH 44115.
675	Reckitt Benckiser, LLC, 399 Interpace Parkway, Parsippany, NJ 07054–0225.
777	Reckitt Benckiser, LLC, 399 Interpace Parkway, Parsippany, NJ 07054–0225.
961	Lebanon Seaboard Corporation, 1600 East Cumberland Street, Lebanon, PA 17042.
1022	IBC Manufacturing Co., 416 East Brooks Road, Memphis, TN 381092931.
1258	Innovative Water Care, LLC, 1300 Altura Road, Suite 125, Fort Mill, SC 29708.
2382	Virbac Ah, Inc., P.O. Box 162059, Fort Worth, TX 76161.
2724	Wellmark International, 1501 E Woodfield Road, Suite 200 West, Schaumburg, IL 60173.
2749	Aceto Life Sciences, LLC, 4 Tri Harbor Court, Port Washington, NY 11050.
2935	Wilbur-Ellis Company, LLC, 2903 S Cedar Ave., Fresno, CA 93725.
4972	Protexall Products, Inc., 73356 Highway 41, Pearl River, LA 70452.
5383	Troy Corporation, 8 Vreeland Road, Florham Park, NJ 07932.
7048	Edmar Chemical Company, P.O. Box 598, Chagrin Falls, OH 44022–0598.
7319	Denka Registrations BV, 4 Tar Rock Rd., Westport, CT 06880.
7364	Innovative Water Care, LLC D/B/A GLB Pool & Spa, 1400 Bluegrass Lakes Parkway, Alpharetta, GA 30004.
7754	ARI, P.O. Box 510, Orchard Hill, GA 30266.
7946	J. J. Mauget Co., 5435 Peck Road, Arcadia, CA 91006.
8660	United Industries Corp. D/B/A Sylorr Plant Corp., P.O. Box 142642, St. Louis, MO 63114–0642.
9009	Online Packaging, Inc., 4311 Liberty Lane, Plover, WI 54467.
9198	The Andersons, Inc., 1947 Briarfield Blvd., Maumee, OH 43537.
9215	Aqua Tri, 17872 Mitchell N., Irvine, CA 92614–6034.
10324	Mason Chemical Company, 9075 Centre Pointe Dr., Suite 400, West Chester, OH 45069.
10707	Baker Petrolite, LLC, 12645 West Airport Blvd., Sugar Land, TX 77478.
11556	Elanco US, Inc., 2500 Innovation Way, Greenfield, IN 46140.
11773	Van Diest Supply Company, P.O. Box 610, Webster City, IA 50595.
45385	Ctx-Cenol, Inc., 1393 East Highland Rd., Twinsburg, OH 44087.
48302	Chugoku Marine Paints (U.S.A.), Inc. D/B/A CMP Coatings, Inc., 1610 Engineers Road, Belle Chasse, LA 70037.
49547	Alen Del Norte, S.A. De C.V., c/o Delta Analytical Corp., 12510 Prosperity Drive, Suite 160, Silver Spring, MD 20904.
51032	Hondo, Inc., P.O. Box 9931, Bakersfield, CA 93389.
52287	Harrell's, LLC, P.O. Box 807, Lakeland, FL 33802.
52484	The Lubrizol Corporation, 29400 Lakeland Blvd., Wickliffe, OH 44092–8898.
53853	The Fountainhead Group, Inc. D/B/A Burgess Products, 23 Garden Street, New York Mills, NY 13417.
54555	Alzchem, LLC, 11390 Old Roswell Road, St. 124, Alpharetta, GA 30009.
57787	Haviland Consumer Products, Inc., 421 Ann Street, NW, Grand Rapids, MI 49504.
58401	Stellar Manufacturing, Co., 1647 Sauget Business Blvd., Sauget, IL 62206.
59106	The Lubrizol Corporation, 29400 Lakeland Blvd., Wickliffe, OH 44092–2298.
59682	Controlled Release Technologies, Inc., 1016 Industry Drive, Shelby, NC 28152.
59825	The Lubrizol Corporation, 29400 Lakeland Blvd., Wickliffe, OH 44092–8898.
61468	Koppers, Inc., 436 Seventh Avenue, K–1900, Pittsburgh, PA 15219–1800.
61671	Mann Lake Ltd., 501 1st Street South, Hackensack, MN 56452–2001.
63269	Thornton, Musso & Bellemin, Inc., P.O. Box 181, Zachary, LA 70791.
63838	Enviro Tech Chemical Services, Inc., 500 Winmoore Way, Modesto, CA 95358.
63982	B&B Blending, LLC, 10963 Leroy Drive, Northglenn, CO 80233.
67071	Thor Specialties, Inc., 50 Waterview Drive, Shelton, CT 06484.
67867	Bugg Products, LLC, 14505—21st Ave., N, Suite 214, Plymouth, MN 55447.
68539	Bioworks, Inc. D/B/A Bioworks, 100 Rawson Road, Suite 205, Victor, NY 14564.

TABLE 2—REGISTRANTS REQUESTING VOLUNTARY CANCELLATION—Continued

EPA company No.	Company name and address
68889	Tephritid Control, Inc., 87–3599 Mamalahoa Hwy., Captain Cook, HI 96704.
69340	Andersen Sterilizers, Inc., Health Science Park, 3154 Caroline Drive, Haw River, NC 27258.
69526	Petro-Canada Lubricants, Inc., 401 Plymouth Road Suite 350, Plymouth Meeting, PA 19462.
69681	Allchem Performance Products, 416 South Main Street, Corsicana, TX 75110.
70062	Management Contract Services, Inc., Landis International, Inc., P.O. Box 5126, Valdosta, GA 31603–5126.
70299	Biosafe Systems, LLC, 22 Meadow Street, East Hartford, CT 06108.
70644	Lidochem, Inc., 20 Village Court, Hazlet, NJ 07730.
70909	Biosensory, Inc., 620 Main Street, Ste. 3A, East Greenwich, RI 02818.
71049	Kim-C1, LLC, 726 W Barstow Avenue, Sute 108, Fresno, CA 93704.
73049	Valent Biosciences, LLC, 1910 Innovation Way, Suite 100, Libertyville, IL 60048.
80286	ISCA Technologies, Inc., 1230 W Spring Street, Riverside, CA 92507.
82552	Rust-Oleum Corporation, 11. E Hawthorn Parkway, Vernon Hills, IL 60061.
82669	Homs, LLC, 193 Lorax Lane, Pittsboro, NC 27312.
82940	Actagro, LLC, 4516 N Howard Avenue, Kerman, CA 93630.
85341	Revere Copper Products, Inc., One Revere Park, Rome, NY 13440.
85678	Redeagle International, LLC, 5143 S Lakeland Drive, Suite 4, Lakeland, FL 33813.
86182	Wagner Regulatory Associates, Inc., Agent For: Stockton (Israel) Ltd., P.O. Box 640, Hockessin, DE 19707.
86330	Hollyfrontier Refining & Marketing, LLC, 401 Plymouth Road, Suite 350, Plymouth Meeting, PA 19462.
87193	United Agricultural Services of America, Inc., Agent For: Custom Liquid Solutions, LLC, 534 CR 529A, Lake Panasoffkee, FL 33538.
87373	Argite, LLC, 940 NW Cary Parkway, Suite 200, Cary, NC 27513.
87656	Flex Ai, LLC, 5300 Derry Street, Harrisburg, PA 17111.
87663	Emery Oleochemicals, LLC, 4900 Este Avenue, Cincinnati, OH 45232.
87845	D. O'Shaughnessy Consulting, Inc., Agent For: Agromarketing Co., Inc., 206 Traditions Blvd., Bowling Green, KY 42103.
88089	Biomed Protect, LLC, 1100 Corporate Square Drive, Suite 220, St. Louis, MO 63132.
88148	Matheson, Inc., 1700 Scepter Road, Waverly, TN 37185.
89110	Isomeric Industries Incorporated, 1600 First Ave., Bldg. 1–A, Big Spring, TX 79720.
89118	Vive Crop Protection Inc., 500 Westover Dr., #10198, Sanford, NC 27330.
91069	Die Bugs, Die!, LLC, P.O. Box 9363, Daytona Beach, FL 32120.
91209	Bluetech Laboratories, Inc., 8 The Green, Suite 14582, Dover, DE 19901.
91234	Atticus, LLC, 940 NW Cary Parkway, Suite 200, Cary, NC 27513.
91374	Lubricant Marketing and Research, Inc., 12238 Kindred St., Houston, TX 77049.
92068	Miracle Titanium, LLC, 14241 Dallas Parkway, Dallas, TX 75254.
92120	Hazel Technologies, Inc., 320 N Sangamon Street, Suite 400, Chicago, IL 60607.
92647	Tigris, LLC, 10025 Hwy. 264 Alternate, Middlesex, NC 27557.
93051	Rightline, LLC, 950 Falcon Drive, Malden, MO 63863.
93507	Mayzo, Inc., 3935 Lakefield Court, Suwanee, GA 30024.
93569	Genagri, LLC, 422 Jasmine Way, Roseburg, OR 97471.
93594	Gti Chemical Solutions, Inc., P.O. Box 517, Drayton, SC 29333.
94418	Shiloh Animal Health, Inc., P.O. Box 13301, Lexington, KY 40583.
94865	Terrace Packaging Co., 2819 Southwest Blvd., Kansas City, MO 64108.
95393	Lewis & Harrison, LLC, Agent For: Quatrus, LLC, 2461 South Clark Street, Suite 710, Arlington, VA 22202.
96041	Industrial Product Formulators of America, Inc., 1790 Boyd St, Santa Ana, CA 92705.
98022	IDW Textile, LLC, Agent For: IDW Textile, LLC, 147 Bergen Court, Ridgewood, NJ 07450.

III. What is the Agency's authority for taking this action?

FIFRA section 6(f)(1) (7 U.S.C. 136d(f)(1)) provides that a registrant of a pesticide product may at any time request that any of its pesticide registrations be canceled. FIFRA further provides that, before acting on the request, EPA must publish a notice of receipt of any such request in the **Federal Register**. EPA will provide a 30-day comment period on the proposed requests. Thereafter, the EPA Administrator may approve such a request.

IV. Procedures for Withdrawal of Request

Registrants who choose to withdraw a request for cancellation should submit such withdrawal in writing to the person listed under **FOR FURTHER INFORMATION CONTACT**. If the products have been subject to a previous cancellation action, the effective date of cancellation and all other provisions of any earlier cancellation action are controlling.

V. Provisions for Disposition of Existing Stocks

Existing stocks are those stocks of registered pesticide products that are currently in the United States and that were packaged, labeled, and released for shipment prior to the effective date of the cancellation action. Upon cancellation of the products identified in Table 1 of Unit II, EPA anticipates allowing registrants to sell and distribute existing stocks of these products until January 15, 2024, or the date of that the cancellation notice is published in the **Federal Register**, whichever is later. Thereafter, registrants will be prohibited from selling or distributing the pesticides identified in Table 1 of Unit II, except for export consistent with FIFRA section 17 or for proper disposal. Persons other than registrants will generally be allowed to sell, distribute, or use existing stocks until such stocks are exhausted, provided that such sale, distribution, or use is consistent with the terms of the previously approved labeling on, or that accompanied, the canceled products.

Authority: 7 U.S.C. 136 *et seq.*

Dated: July 18, 2024.

Charles Smith,

Director, Registration Division, Office of Pesticide Programs.

[FR Doc. 2024–16486 Filed 7–25–24; 8:45 am]

BILLING CODE 6560–50–P

ENVIRONMENTAL PROTECTION AGENCY

[EPA–HQ–OGC–2024–0300; FRL–12115–01–OGC]

Proposed Consent Decree, Clean Air Act Citizen Suit

AGENCY: Environmental Protection Agency (EPA).

ACTION: Notice of proposed consent decree; request for public comment.

SUMMARY: In accordance with section 113(g) of the Clean Air Act, as amended (''CAA'' or ''the Act''), the Environmental Protection Agency (''EPA'' or ''the Agency'') is providing notice of a proposed consent decree in *State of New York* v. *Regan,* No. 1:23–cv–2767 (D.D.C.). On September 21, 2023, Plaintiffs New York, Alaska, Illinois, Maryland, Massachusetts, Minnesota, New Jersey, Oregon, Vermont, Washington, and the Puget Sound Clean Air Agency (collectively, ''Plaintiffs''), filed a complaint in the United States District Court for the District of Columbia alleging that EPA failed to perform certain non-discretionary duties pursuant to the CAA to, at least every 8 years, review and, if appropriate, revise New Source Performance Standards (''NSPS'') or to promulgate a determination that such review ''is not appropriate in light of readily available information on the efficacy of such standard[s]'' for New Residential Wood Heaters (''NSPS subpart AAA'') and New Residential Hydronic Heaters and Forced-Air Furnaces (''NSPS subpart QQQQ''). The proposed consent decree would establish deadlines for the EPA Administrator (''Administrator'') to either sign proposed and final rulemakings as to these two NSPS subparts, or sign a final determination not to review, in accordance with the Act.

DATES: Written comments on the proposed consent decree must be received by August 26, 2024.

ADDRESSES: Submit your comments, identified by Docket ID No. EPA–HQ–OGC–2024–0300, online at *https://www.regulations.gov* (EPA's preferred method). Follow the online instructions for submitting comments.

Instructions: All submissions received must include the Docket ID number for this action. Comments received may be posted without change to *https://www.regulations.gov,* including any personal information provided. For detailed instructions on sending comments and additional information on the rulemaking process, see the ''Additional Information about Commenting on the Proposed Consent Decree'' heading under the **SUPPLEMENTARY INFORMATION** section of this document.

FOR FURTHER INFORMATION CONTACT: Laura L. Cottingham, Air and Radiation Law Office, Office of General Counsel, U.S. Environmental Protection Agency; telephone: (202) 564–1038; email address: *Cottingham.Laura@epa.gov.*

SUPPLEMENTARY INFORMATION:

I. Obtaining a Copy of the Proposed Consent Decree

The official public docket for this action (identified by Docket ID No. EPA–HQ–OGC–2024–0300) contains a copy of the proposed consent decree. The official public docket is available for public viewing at the Office of Environmental Information (OEI) Docket in the EPA Docket Center, EPA West, Room 3334, 1301 Constitution Ave. NW, Washington, DC. The EPA Docket Center Public Reading Room is open from 8:30 a.m. to 4:30 p.m., Monday through Friday, excluding legal holidays. The telephone number for the Public Reading Room is (202) 566–1744, and the telephone number for the OEI Docket is (202) 566–1752.

The electronic version of the public docket for this action contains a copy of the proposed consent decree, and is available through *https://www.regulations.gov.* You may use *https://www.regulations.gov* to submit or view public comments, access the index listing of the contents of the official public docket, and access those documents in the public docket that are available electronically. Once in the system, key in the appropriate docket identification number then select ''search.''

II. Additional Information About the Proposed Consent Decree

Plaintiffs filed a complaint in the United States District Court for the District of Columbia alleging that EPA failed to perform certain non-discretionary duties in accordance with CAA section 111(b)(1)(B) to ''at least every 8 years, review and, if appropriate, revise'' NSPS subparts AAA and QQQQ, or to promulgate a determination that such review ''is not appropriate in light of readily available information on the efficacy of such standard[s].''

Under the terms of the proposed consent decree, the Administrator shall review and, if appropriate, revise NSPS subparts AAA and QQQQ, or sign a final determination not to review, by the deadlines established in the proposed consent decree, in accordance with CAA section 111(b)(1)(B). Beginning ninety (90) days after entry of the proposed Consent Decree, EPA will provide quarterly status updates to Plaintiffs regarding the Agency's progress toward meeting the deadlines in the proposed consent decree.

For a period of thirty (30) days following the date of publication of this notice, the Agency will accept written comments relating to the proposed consent decree. EPA or the Department of Justice may withdraw or withhold consent to the proposed consent decree if the comments disclose facts or considerations that indicate that such consent is inappropriate, improper, inadequate, or inconsistent with the requirements of the Act.

III. Additional Information About Commenting on the Proposed Consent Decree

Submit your comments, identified by Docket ID No. EPA–HQ–OGC–2024–0300, via *https://www.regulations.gov.* Once submitted, comments cannot be edited or removed from this docket. The EPA may publish any comment received to its public docket. Do not submit to EPA's docket at *https://www.regulations.gov* any information you consider to be Confidential Business Information (CBI) or other information whose disclosure is restricted by statute. Multimedia submissions (audio, video, etc.) must be accompanied by a written comment. The written comment is considered the official comment and should include discussion of all points you wish to make. The EPA will generally not consider comments or comment contents located outside of the primary submission (*i.e.,* on the web, cloud, or other file sharing system). For additional submission methods, the full EPA public comment policy, information about CBI or multimedia submissions, and general guidance on making effective comments, please visit *https://www.epa.gov/dockets/commenting-epa-dockets.* For additional information about submitting information identified as CBI, please contact the person listed in the **FOR FURTHER INFORMATION CONTACT** section of this document. Note that written comments containing CBI and submitted by mail may be delayed and deliveries or couriers will be received by scheduled appointment only.

If you submit an electronic comment, EPA recommends that you include your name, mailing address, and an email address or other contact information in the body of your comment. This ensures that you can be identified as the submitter of the comment and allows EPA to contact you in case EPA cannot read your comment due to technical difficulties or needs further information on the substance of your comment. Any identifying or contact information provided in the body of a comment will be included as part of the comment that is placed in the official public docket and made available in EPA's electronic public docket. If EPA cannot read your comment due to technical difficulties and cannot contact you for clarification, EPA may not be able to consider your comment.

Use of the *https://www.regulations.gov* website to submit comments to EPA electronically is EPA's preferred method for receiving comments. The electronic public docket system is an ''anonymous access'' system, which means EPA will not know your identity, email address, or other contact information unless you provide it in the body of your comment.

Please ensure that your comments are submitted within the specified comment period. Comments received after the close of the comment period will be marked ''late.'' EPA is not required to consider these late comments.

Gautam Srinivasan,

Associate General Counsel.

[FR Doc. 2024–16456 Filed 7–25–24; 8:45 am]

BILLING CODE 6560–50–P

ENVIRONMENTAL PROTECTION AGENCY

[EPA–HQ–OPP–2017–0720; FRL–12086–01–OCSPP]

Pesticide Registration Review; Draft Human Health and/or Ecological Risk Assessments for Several Pesticides; Notice of Availability

AGENCY: Environmental Protection Agency (EPA).

ACTION: Notice.

SUMMARY: The Environmental Protection Agency (EPA or Agency) is announcing the availability of and soliciting comment on the Agency's draft human health and/or ecological risk assessments for the registration review of clothianidin, imidacloprid, saflufenacil, and thiamethoxam.

DATES: Comments must be received on or before September 24, 2024.

ADDRESSES: Submit your comments, identified by the docket identification (ID) number for the specific pesticide of interest provided in table 1 of unit II., through the *Federal eRulemaking Portal* at *https://www.regulations.gov.* Follow the online instructions for submitting comments. Do not submit electronically any information you consider to be Confidential Business Information (CBI) or other information whose disclosure is restricted by statute. Additional instructions on commenting and visiting the docket, along with more information about dockets generally, is available at *https://www.epa.gov/dockets.*

FOR FURTHER INFORMATION CONTACT:

For pesticide specific information: The Chemical Review Manager for the pesticide of interest identified in table 1 of unit II.

For general questions: Melanie Biscoe, Pesticide Re-Evaluation Division (7508P), Office of Pesticide Programs, Environmental Protection Agency, 1200 Pennsylvania Ave. NW, Washington, DC 20460–0001; telephone number: (202) 566–0701; email address: *biscoe.melanie@epa.gov.*

SUPPLEMENTARY INFORMATION:

I. Does this action apply to me?

This action is directed to the public in general and may be of interest to a wide range of stakeholders including environmental, human health, farm worker, and agricultural advocates; the chemical industry; pesticide users; and members of the public interested in the sale, distribution, or use of pesticides. Since others also may be interested, the Agency has not attempted to describe all the specific entities that may be affected by this action. If you have any questions regarding the applicability of this action to a particular entity, consult the Chemical Review Manager identified in table 1 of unit II.

II. What action is the Agency taking?

Pursuant to 40 CFR 155.53(c), this notice announces the availability of EPA's human health and/or ecological risk assessments for the pesticides shown in Table 1 and opens a 60-day public comment period on the risk assessments.

TABLE 1—DRAFT RISK ASSESSMENTS BEING MADE AVAILABLE FOR PUBLIC COMMENT

Registration review case name and No.	Docket ID No.	Chemical review manager and contact information
Clothianidin, Case Number 7620	EPA–HQ–OPP–2011–0865	Matthew Khan, *khan.matthew@epa.gov,* (202) 566–2212.
Imidacloprid, Case Number 7605	EPA–HQ–OPP–2008–0844	Matthew Khan, *khan.matthew@epa.gov,* (202) 566–2212.
Saflufenacil, Case Number 7278	EPA–HQ–OPP–2019–0524	Jonathan Williams, *williams.jonathanr@epa.gov,* (202) 566–2240.
Thiamethoxam, Case Number 7614	EPA–HQ–OPP–2011–0581	Matthew Khan, *khan.matthew@epa.gov,* (202) 566–2212.

III. What is the Agency's authority for taking this action?

EPA is conducting its registration review of the chemicals listed in table 1 of unit I pursuant to the Federal Insecticide, Fungicide, and Rodenticide Act (FIFRA) section 3(g) (7 U.S.C. 136(g)) and the Procedural Regulations for Registration Review at 40 CFR part 155, subpart C. FIFRA section 3(g) provides, among other things, that pesticide registrations are to be reviewed every 15 years. Consistent with 40 CFR 155.57, in its final registration review decision, EPA will ultimately determine whether a pesticide continues to meet the registration standard in FIFRA section 3(c)(5) (7 U.S.C. 136a(c)(5)).

As part of the registration review process, the Agency has completed draft human health and/or ecological risk assessments for all pesticides listed in table 1 of unit I. Pursuant to 40 CFR 155.53(c), EPA generally provides for at least a 30-day public comment period on draft human health and/or ecological risk assessments during registration review. This comment period is intended to provide an opportunity for public input on the Agency's assessment of the human health and/or ecological risks posed by use of these pesticides.

IV. What should I consider as I prepare a comment for EPA?

1. *Submitting CBI.* Do not submit CBI to EPA through email or *https://www.regulations.gov.* 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 information that you claim to be CBI. Information so marked will not be disclosed except in accordance with procedures set forth in 40 CFR part 2.

2. *Tips for Preparing Your Comments.* When preparing and submitting your comments, see the commenting tips at *https://www.epa.gov/dockets/commenting-epa-dockets.*

3. *Environmental Justice.* EPA seeks to achieve environmental justice, the fair treatment and meaningful involvement of any group, including minority and/or low-income populations, in the development, implementation, and enforcement of environmental laws, regulations, and policies. To help address potential environmental justice issues, the Agency seeks information on any groups or segments of the population who, as a result of their location, cultural practices, or other factors, may have atypical or disproportionately high and adverse human health impacts or environmental effects from exposure to the pesticides discussed in this document, compared to the general population.

4. *Information Submission Requirements.* Anyone may submit data or information in response to this document. To be considered during a pesticide's registration review, the submitted data or information must meet the following requirements:

- To ensure that EPA will consider data or information submitted, interested persons must submit the data or information during the comment period. However, the Agency may, at its discretion, consider data or information submitted at a later date.
- The data or information submitted must be presented in a legible and useable form. For example, an English translation must accompany any material that is not in English, and a written transcript must accompany any information submitted as an audio graphic or videographic record. Written material may be submitted in paper or electronic form.
- Submitters must clearly identify the source of any submitted data or information.
- Submitters may request the Agency to reconsider data or information that the Agency rejected in a previous review. However, submitters must explain why they believe the Agency should reconsider the data or information in the pesticide's registration review.

All comments should be submitted using the methods in **ADDRESSES** and must be received by the EPA on or before the closing date. The Agency will consider all comments received during the public comment period and make changes, as appropriate, to a draft human health and/or ecological risk assessment. As appropriate, EPA may then issue a revised risk assessment, explain any changes to the draft risk assessment, and respond to comments.

Authority: 7 U.S.C. 136 *et seq.*

Dated: July 23, 2024.

Jean Overstreet,

Director, Pesticide Re-evaluation Division, Office of Pesticide Programs.

[FR Doc. 2024–16511 Filed 7–25–24; 8:45 am]

BILLING CODE 6560–50–P

FEDERAL COMMUNICATIONS COMMISSION

Federal Advisory Committee Act; Technological Advisory Council

AGENCY: Federal Communications Commission.

ACTION: Notice of public meeting.

SUMMARY: In accordance with the Federal Advisory Committee Act, this notice advises interested persons that the Federal Communications Commission's (FCC) Technological Advisory Council will hold a meeting on Thursday August 29, 2024 in the Commission Meeting Room and available to the public via the internet at *http://www.fcc.gov/live,* from 10 a.m. to 12:30 p.m.

DATES: Thursday August 29, 2024.

ADDRESSES: Federal Communications Commission, 45 L Street NE, Washington, DC 20554.

FOR FURTHER INFORMATION CONTACT: Martin Doczkat, Chief, Electromagnetic Compatibility Division, 202–418–2435; *martin.doczkat@fcc.gov*.

SUPPLEMENTARY INFORMATION: At the August 29th meeting, the TAC will consider and advise the Commission on topics such as continued efforts at looking beyond 5G advanced as 6G begins to develop so as to facilitate U.S. leadership; studying advanced spectrum sharing techniques, including the implementation of artificial intelligence and machine learning to improve the utilization and administration of spectrum; and other emerging technologies. This agenda may be modified at the discretion of the TAC Chair and the Designated Federal Officer (DFO).

Meetings are broadcast live with open captioning over the internet from the FCC Live web page at *http://www.fcc.gov/live/*. The public may submit written comments before the meeting to Martin Doczkat, the FCC's Designated Federal Officer for Technological Advisory Council by email: *martin.doczkat@fcc.gov* or U.S. Postal Service Mail (Martin Doczkat, Federal Communications Commission, 45 L Street NE, Washington, DC 20554). Open captioning will be provided for this event. Other reasonable accommodations for people with disabilities are available upon request. Requests for such accommodations should be submitted via email to *fcc504@fcc.gov* or by calling the Office of Engineering and Technology at 202–418–2470 (voice), (202) 418–1944 (fax). Such requests should include a detailed description of the accommodation needed. In addition, please include your contact information. Please allow at least five days advance notice; last minute requests will be accepted but may not be possible to fill.

Federal Communications Commission.

Ronald T. Repasi,

Chief, Office of Engineering and Technology.

[FR Doc. 2024–16485 Filed 7–25–24; 8:45 am]

BILLING CODE 6712–01–P

FEDERAL COMMUNICATIONS COMMISSION

[OMB 3060–0265; FR ID 234478]

Information Collection Being Reviewed by the Federal Communications Commission Under Delegated Authority

AGENCY: Federal Communications Commission.

ACTION: Notice and request for comments.

SUMMARY: As part of its continuing effort to reduce paperwork burdens, and as required by the Paperwork Reduction Act of 1995 (PRA), the Federal Communications Commission (FCC or Commission) invites the general public and other Federal agencies to take this opportunity to comment on the following information collection(s). Comments are requested concerning: whether the proposed collection of information is necessary for the proper performance of the functions of the Commission, including whether the information shall have practical utility; the accuracy of the Commission's

burden estimate; ways to enhance the quality, utility, and clarity of the information collected; ways to minimize the burden of the collection of information on the respondents, including the use of automated collection techniques or other forms of information technology; and ways to further reduce the information collection burden on small business concerns with fewer than 25 employees.

The FCC may not conduct or sponsor a collection of information unless it displays a currently valid Office of Management and Budget (OMB) control number. No person shall be subject to any penalty for failing to comply with a collection of information subject to the PRA that does not display a valid OMB control number.

DATES: Written comments should be submitted on or before September 24, 2024. If you anticipate that you will be submitting comments but find it difficult to do so within the period of time allowed by this notice, you should advise the contacts below as soon as possible.

ADDRESSES: Direct all PRA comments to Cathy Williams, FCC, via email to *PRA@fcc.gov* and to *Cathy.Williams@fcc.gov*.

FOR FURTHER INFORMATION CONTACT: For additional information about the information collection, contact Cathy Williams at (202) 418–2918.

SUPPLEMENTARY INFORMATION:

OMB Control Number: 3060–0265.

Title: Section 80.868, Card of Instructions.

Form Number: N/A.

Type of Review: Extension of a currently approved collection.

Respondents: Business or other for-profit entities, not-for-profit institutions and state, local or tribal government.

Number of Respondents: 49 respondents; 49 responses.

Estimated Time per Response: 10 minutes (0.167 hours).

Frequency of Response: Third party disclosure requirement.

Obligation to Respond: Required to obtain or retain benefits. Statutory authority for this information collection is contained in 47 U.S.C. 154, 303, 307(e), 309 and 332.

Total Annual Burden: 8 hours.

Total Annual Cost: No cost.

Needs and Uses: The third party disclosure requirement contained in 47 CFR 80.868 of the Commission's rules is necessary to ensure that radiotelephone distress procedures must be securely mounted and displayed in full view of the principal operating position on board certain vessels (300 gross tons) required by the Communications Act or the International Convention for Safety of Life at Sea to be equipped with a radiotelephone station.

The information is used by a vessel radio operator during an emergency situation, and is designed to assist the radio operator to utilize proper distress procedures during a time when he or she may be subject to considerable stress or confusion.

Federal Communications Commission.

Marlene Dortch,

Secretary, Office of the Secretary.

[FR Doc. 2024–16499 Filed 7–25–24; 8:45 am]

BILLING CODE 6712–01–P

FEDERAL COMMUNICATIONS COMMISSION

[OMB 3060–0824; FR ID 234721]

Information Collection Being Submitted for Review and Approval to Office of Management and Budget

AGENCY: Federal Communications Commission.

ACTION: Notice and request for comments.

SUMMARY: As part of its continuing effort to reduce paperwork burdens, as required by the Paperwork Reduction Act (PRA) of 1995, the Federal Communications Commission (FCC or the Commission) invites the general public and other Federal Agencies to take this opportunity to comment on the following information collection. Pursuant to the Small Business Paperwork Relief Act of 2002, the FCC seeks specific comment on how it might ''further reduce the information collection burden for small business concerns with fewer than 25 employees.'' The Commission may not conduct or sponsor a collection of information unless it displays a currently valid Office of Management and Budget (OMB) control number. No person shall be subject to any penalty for failing to comply with a collection of information subject to the PRA that does not display a valid OMB control number.

DATES: Written comments and recommendations for the proposed information collection should be submitted on or before August 26, 2024.

ADDRESSES: Comments should be sent 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. Your comment must be submitted into *www.reginfo.gov* per the above instructions for it to be considered. In addition to submitting in *www.reginfo.gov* also send a copy of your comment on the proposed information collection to Nicole Ongele, FCC, via email to *PRA@fcc.gov* and to *Nicole.Ongele@fcc.gov.* Include in the comments the OMB control number as shown in the **SUPPLEMENTARY INFORMATION** below.

FOR FURTHER INFORMATION CONTACT: For additional information or copies of the information collection, contact Nicole Ongele at (202) 418–2991. To view a copy of this information collection request (ICR) submitted to OMB: (1) go to the web page *http://www.reginfo.gov/public/do/PRAMain,* (2) look for the section of the web page called ''Currently Under Review,'' (3) click on the downward-pointing arrow in the ''Select Agency'' box below the ''Currently Under Review'' heading, (4) select ''Federal Communications Commission'' from the list of agencies presented in the ''Select Agency'' box, (5) click the ''Submit'' button to the right of the ''Select Agency'' box, (6) when the list of FCC ICRs currently under review appears, look for the Title of this ICR and then click on the ICR Reference Number. A copy of the FCC submission to OMB will be displayed.

SUPPLEMENTARY INFORMATION: As part of its continuing effort to reduce paperwork burdens, as required by the Paperwork Reduction Act (PRA) of 1995 (44 U.S.C. 3501–3520), the FCC invited the general public and other Federal Agencies to take this opportunity to comment on the following information collection. Comments are requested concerning: (a) Whether the proposed collection of information is necessary for the proper performance of the functions of the Commission, including whether the information shall have practical utility; (b) the accuracy of the Commission's burden estimates; (c) ways to enhance the quality, utility, and clarity of the information collected; and (d) ways to minimize the burden of the collection of information on the respondents, including the use of automated collection techniques or other forms of information technology. Pursuant to the Small Business Paperwork Relief Act of 2002, Public Law 107–198, see 44 U.S.C. 3506(c)(4), the FCC seeks specific comment on how it might ''further reduce the information collection burden for small business concerns with fewer than 25 employees.''

OMB Control Number: 3060–0824.

Title: Service Provider and Billed Entity Identification Number and Contact Information Form.

Form Number: FCC Form 498.

Type of Review: Extension of a currently approved collection.

Respondents: Business or other for-profit and Not-for-profit institutions.

Number of Respondents and Responses: 26,000 respondents; 26,000 responses.

Estimated Time per Response: 0.75 hours.

Frequency of Response: On occasion reporting requirements.

Obligation to Respond: Required to obtain or retain benefits. Statutory authority for this information collection is contained in 47 U.S.C. 151–154 and 254 the Communications Act of 1934, as amended.

Total Annual Burden: 19,500 hours.

Total Annual Cost: No cost.

Needs and Uses: One of the functions of the Universal Service Administrative Company (USAC) is to provide a means for the billing, collection and disbursement of funds for the universal service support mechanisms. On October 1998, the OMB approved FCC Form 498, the ''Service Provider Information Form'' to enable USAC to collect service provider name and address, telephone number, Federal Employer Identification Number (EIN), contact names, contact telephone numbers, and remittance information. FCC Form 498 enables participants to request a Service Provider Identification Number (SPIN) and provides the official record for participation in the universal service support mechanisms. The remittance information provided by participants on FCC Form 498 enables USAC to make payments to participants in the universal service support mechanisms.

Pursuant to 47 CFR 54.202, 54.301, 54.303, 54.307, 54.309, 54.311, 54.504, 54.407, 54.422, 54.514, 54.515, 54.679, 54.702, 54.802, and 54.902, USAC collects service provider name, phone numbers, other contact information, and remittance information for all four of the universal service support mechanisms—Schools and Libraries, Rural Health Care, High-Cost and Low-Income (commonly referred to as Lifeline). On July 23, 2014, the Commission released an Order and FNPRM (WC Docket No. 13–184, FCC 14–99; 79 FR 49160, August 19, 2014) (*E-rate Modernization Order*) modernizing the E-rate program. Specifically, the *E-rate Modernization Order* revised the Commission rules to allow an applicant that pays the full cost of the Schools and Libraries (E-rate) supported services to a service provider to receive direct reimbursement from USAC.

The Digital Accountability and Transparency Act (DATA Act) directs Federal agencies to report financial obligations and standardize the information that recipients of federal funds report to government agencies. To comply with the DATA Act, the DATA Act Business Type is reported on FCC Form 498. When completing or updating this form, service providers and billed entities are required to select up to three business types that best describes the organization.

The Commission's Public Notice released April 6, 2022 announced the transition from using the Data Universal Numbering System Number (DUNS) to a Unique Entity Identifier (UEI) for *SAM.GOV.*

Federal Communications Commission.

Katura Jackson,

Federal Register Liaison Officer.

[FR Doc. 2024–16503 Filed 7–25–24; 8:45 am]

BILLING CODE 6712–01–P

GENERAL SERVICES ADMINISTRATION

[Notice–MG–2024–03; Docket No. 2024–0002; Sequence No. 35]

Office of Federal High-Performance Green Buildings; Green Building Advisory Committee; Notification of Upcoming Public Meetings

AGENCY: Office of Government-wide Policy, General Services Administration (GSA).

ACTION: Meeting notice.

SUMMARY: In accordance with the requirements of the Federal Advisory Committee Act, as amended, this notice provides the agenda for three separate open public meetings of the Green Building Advisory Committee (GBAC or the Committee). The meetings are open to the public to observe and will be held either entirely online or include an online option. Online attendees are required to register in advance to attend as instructed below.

DATES: The Committee plans the following three meetings.

- *GBAC August 13th Public Meeting:* GSA's Green Building Certification System (GBCS) Review Briefing
  - Tuesday, August 13th from Noon–2 p.m. eastern time, (ET) (Virtual Only via Zoom)
- *GBAC September 26th Public Meeting:* Artificial Intelligence (AI) and Federal Buildings
  - Thursday, September 26th from 11:30 a.m.–3:30 p.m. ET (Virtual Only via Zoom)
- *GBAC October 22nd Public Meeting:* Green Building Advisory Committee Fall Meeting
  - Tuesday, October 22nd, 10 a.m.–4 p.m., ET (Hybrid, in person and online via Zoom)

ADDRESSES: The GBAC October 22nd Public Meeting will be held at National Academies of Science, NAS Board Room, 201 Constitution Ave., Washington, DC. The other two meetings will be virtual only.

FOR FURTHER INFORMATION CONTACT: Mr. Michael Bloom, Designated Federal Officer, Office of Federal High-Performance Green Buildings, Office of Government-wide Policy, GSA, at *gbac@gsa.gov* or 312–805–6799. Additional information about the Committee, including meeting materials and agendas, will be made available on-line at *https://www.gsa.gov/gbac.*

SUPPLEMENTARY INFORMATION:

- *GBAC August 13th Public Meeting:* GSA's Green Building Certification System (GBCS) Review Briefing
  - Agenda: GBCS Review Review
  - Opening & Welcome
  - GBCS brief—Bryan Steverson; GSA
  - Discussion—GBAC Members
  - Public Comment
  - Adjourn
  - *Details:* The public meeting will consist of a briefing by GSA's Office of Federal High-Performance Green Buildings to the Committee about the 2024 Green Building Certification System Review Findings Report (Findings Report) The Findings Report can be accessed at *https://www.gsa.gov/gbcertificationreview.* This report summarizes GSA's formal review of six green building certification systems (BOMA BEST, BREEAM, Green Globes, LEED, Living Building Challenge, and Passive House US, Inc). These systems were assessed against a set of review criteria contained in statute that evaluate how they were developed and how the systems align with current federal green building performance requirements.
- *GBAC September 26th Public Meeting:* Artificial Intelligence (AI) and Federal Buildings
  - Agenda: AI & Federal Buildings
  - Welcome & Opening Remarks
  - AI in Operations (Panel)
  - AI in Renovations (Panel)
  - AI in New Construction (Panel)
  - Public Comment
  - Closing Remarks & Adjourn
  - *Details:* This public meeting will investigate the opportunities AI offers GSA to optimize resources and improve facility operations and consider how AI technologies can accelerate building decarbonization.
- *GBAC October 22nd Public Meeting:* Green Building Advisory Committee Fall Meeting

- Agenda GBAC Fall Meeting
- Updates and Introductions
- Ethics Review
- Buy Clean Implications Task Group: Proposed Advice Letter
- AI and Federal Buildings Update
- Health and Wellbeing in Federal Buildings Update
- New Committee Topics and Directions
- Public Comment
- Next Steps and Closing Comments
- *Details:* This public meeting will serve as an annual review of GBAC activities. Members will have the opportunity to ask questions about ongoing Task Group work and suggest future topics they wish to investigate.

Procedures for Attendance and Public Comment

To register to observe any or all of these public meetings, please send the following information via email to *gbac@gsa.gov:* your first and last name, organization and email address, the meeting(s) you wish to attend, and whether you would like to provide public comment.

Requests to observe meetings must be received by 5 p.m. ET on the Tuesday before the meeting in question.

For all online meetings, web meeting attendance information will be provided following registration. Time will be provided at all meetings for public comment wherever possible.

GSA will be unable to provide technical assistance to any listener experiencing technical difficulties. Testing access to the web meeting site before the calls is recommended. To request an accommodation, such as closed captioning, or to ask about accessibility, please contact Mr. Bloom at *gbac@gsa.gov* at least five business days prior to the meeting to give GSA as much time as possible to process the request.

Background

The Administrator of GSA established the Committee on June 20, 2011 (76 FR 35894) pursuant to section 494 of the Energy Independence and Security Act of 2007 (EISA, 42 U.S.C. 17123). Under this authority, the Committee provides independent policy advice and recommendations to GSA to advance Federal building innovations in planning, design, and operations to reduce costs, enable agency missions, enhance human health and performance, and minimize environmental impacts.

Kinga Hydras,

Acting Director, Office of Federal High-Performance Green Buildings, General Services Administration.

[FR Doc. 2024–16493 Filed 7–25–24; 8:45 am]

BILLING CODE 6820–14–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Centers for Disease Control and Prevention

[30Day–24–0943]

Agency Forms Undergoing Paperwork Reduction Act Review

In accordance with the Paperwork Reduction Act of 1995, the Centers for Disease Control and Prevention (CDC) has submitted the information collection request titled ''Data Collection for the Residential Care Community and Adult Day Service Center Components of the National Post-acute and Long-term Care Study'' to the Office of Management and Budget (OMB) for review and approval. CDC previously published a ''Proposed Data Collection Submitted for Public Comment and Recommendations'' notice on May 7, 2024 to obtain comments from the public and affected agencies. CDC did not receive comments related to the previous notice. This notice serves to allow an additional 30 days for public and affected agency comments.

CDC will accept all comments for this proposed information collection project. The Office of Management and Budget is particularly interested in comments that:

(a) Evaluate whether the proposed collection of information is necessary for the proper performance of the functions of the agency, including whether the information will have practical utility;

(b) Evaluate the accuracy of the agencies' estimate of the burden of the proposed collection of information, including the validity of the methodology and assumptions used;

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

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

(e) Assess information collection costs.

To request additional information on the proposed project or to obtain a copy of the information collection plan and instruments, call (404) 639–7570. 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. Direct written comments and/or suggestions regarding the items contained in this notice to the Attention: CDC Desk Officer, Office of Management and Budget, 725 17th Street NW, Washington, DC 20503 or by fax to (202) 395–5806. Provide written comments within 30 days of notice publication.

Proposed Project

Data Collection for the Residential Care Community and Adult Day Service Center Components of the National Post-acute and Long-term Care Study (OMB Control No. 0920–0943 Exp. 07/31/2025)—Revision—National Center for Health Statistics (NCHS), Centers for Disease Control and Prevention (CDC).

Background and Brief Description

The NPALS is designed to: (1) broaden NCHS' ongoing coverage of paid, regulated long-term care (LTC) providers; (2) present alongside existing administrative data on LTC providers and service users (*i.e.,* Centers for Medicare and Medicaid Services (CMS) data on inpatient rehabilitation facilities and patients, long-term care hospitals and patients, nursing homes and residents, home health agencies and patients, and hospices and patients); (3) update data more frequently on LTC providers and service users for which nationally representative administrative data do not exist; and (4) enable comparisons across LTC sectors and timely monitoring of supply and use of these sectors over time.

Data will be collected from two types of LTC providers in the 50 states and the District of Columbia: 11,600 Residential Care Communities (RCC) and 5,500 Adult Day Service Centers (ADSC). Data were collected in 2012, 2014, 2016, 2018, 2020, and 2022. The data to be collected in 2024 include the basic characteristics, services, staffing, and practices of RCCs and ADSCs, and aggregate-level distributions of the demographics, selected health conditions and health care utilization,

physical functioning, and cognitive functioning of RCC residents and ADSC participants.

Expected users of data from this collection effort include, but are not limited to CDC; other Department of Health and Human Services (DHHS) agencies, such as the Office of the Assistant Secretary for Planning and Evaluation, The Administration for Community Living, and the Agency for Healthcare Research and Quality; associations, such as LeadingAge, National Center for Assisted Living, American Seniors Housing Association, Argentum, and National Adult Day Services Association; universities; foundations; and other private sector organizations such as the Alzheimer's Association and the AARP Public Policy Institute.

Expected burden from data collection for eligible cases is 30 minutes per respondent. An estimated 5% of RCC and ADSC respondents will have an additional five minutes of burden to complete a data retrieval call. We calculated the burden based on a 100% response rate. A two-year clearance is requested to cover the collection of data. The burden for the collection is shown in Table below and totals 4,311 hours annually. There is no cost to respondents other than their time to participate.

Estimated Annualized Burden Hours

Type of respondents	Form name	Number of respondents	Number of responses per respondent	Average burden per response (in hours)
RCC Director/Designated Staff Member	RCC Questionnaire	5,800	1	30/60
ADSC Director/Designated Staff Member	ADSC Questionnaire	2,750	1	30/60
RCC/ADSC Director/Designated Staff Member.	Data retrieval call	428	1	5/60

Jeffrey M. Zirger,

Lead, Information Collection Review Office, Office of Public Health Ethics and Regulations, Office of Science, Centers for Disease Control and Prevention.

[FR Doc. 2024–16490 Filed 7–25–24; 8:45 am]

BILLING CODE 4163–18–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Centers for Disease Control and Prevention

[60Day–24–24HP; Docket No. CDC–2024–0056]

Proposed Data Collection Submitted for Public Comment and Recommendations

AGENCY: Centers for Disease Control and Prevention (CDC), Department of Health and Human Services (HHS).

ACTION: Notice with comment period.

SUMMARY: The Centers for Disease Control and Prevention (CDC), as part of its continuing effort to reduce public burden and maximize the utility of government information, invites the general public and other Federal agencies the opportunity to comment on a proposed information collection, as required by the Paperwork Reduction Act of 1995. This notice invites comment on a proposed information collection project titled Compliance Attestation Statement for the Framework for Nucleic Acid Synthesis Screening. The project aims to assist providers and manufacturers of synthetic nucleic acids and benchtop nucleic acid synthesis equipment (providers) in making an attestation that they have instituted a process to screen nucleic acid sequences of concern and verify customer legitimacy, in accordance with the requirements outlaid in the OSTP Framework for Nucleic Acid Synthesis Screening.

DATES: CDC must receive written comments on or before September 24, 2024.

ADDRESSES: You may submit comments, identified by Docket No. CDC–2024–0056 by either of the following methods:

- *Federal eRulemaking Portal: www.regulations.gov.* Follow the instructions for submitting comments.
- *Mail:* Jeffrey M. Zirger, Information Collection Review Office, Centers for Disease Control and Prevention, 1600 Clifton Road NE, MS H21–8, Atlanta, Georgia 30329.

Instructions: All submissions received must include the agency name and Docket Number. CDC will post, without change, all relevant comments to *www.regulations.gov.*

Please note: Submit all comments through the Federal eRulemaking portal (*www.regulations.gov*) or by U.S. mail to the address listed above.

FOR FURTHER INFORMATION CONTACT: To request more information on the proposed project or to obtain a copy of the information collection plan and instruments, contact Jeffrey M. Zirger, Information Collection Review Office, Centers for Disease Control and Prevention, 1600 Clifton Road NE, MS H21–8, Atlanta, Georgia 30329; Telephone: 404–639–7570; Email: *omb@cdc.gov.*

SUPPLEMENTARY INFORMATION: Under the Paperwork Reduction Act of 1995 (PRA) (44 U.S.C. 3501–3520), Federal agencies must obtain approval from the Office of Management and Budget (OMB) for each collection of information they conduct or sponsor. In addition, the PRA also requires Federal agencies to provide a 60-day notice in the **Federal Register** concerning each proposed collection of information, including each new proposed collection, each proposed extension of existing collection of information, and each reinstatement of previously approved information collection before submitting the collection to the OMB for approval. To comply with this requirement, we are publishing this notice of a proposed data collection as described below.

The OMB is particularly interested in comments that will help:

1. Evaluate whether the proposed collection of information is necessary for the proper performance of the functions of the agency, including whether the information will have practical utility;
2. Evaluate the accuracy of the agency's estimate of the burden of the proposed collection of information, including the validity of the methodology and assumptions used;
3. Enhance the quality, utility, and clarity of the information to be collected;
4. 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 submissions of responses; and
5. Assess information collection costs.

Proposed Project

Compliance Attestation Statement for the Framework for Nucleic Acid

Synthesis Screening—New—Office of Science (OS), Centers for Disease Control and Prevention (CDC).

Background and Brief Description

This data collection form was developed pursuant to the Framework for Nucleic Acid Synthesis Screening, which was released by the Office of Science and Technology Policy (OSTP) in April of 2024. This framework was directed by the *Executive Order on the Safe, Secure, and Trustworthy Development of Artificial Intelligence,* and recommends that providers and manufacturers of synthetic nucleic acids screen their sequences and customers before fulfilling orders to prevent potential misuse.

The Attestation Form will collect basic organizational information and an attestation of compliance from providers and manufacturers of synthetic nucleic acids and benchtop nucleic acid synthesis equipment. Data collected includes organization name, location, website, and type of organization. The form also includes primary and secondary contact information such as name, location, phone number and email address to ensure there is a point of contact with the company in case of questions regarding compliance and record keeping. This data is needed to ensure the self-attestation form can be filed and logged correctly, and to ensure the government can reach out to the correct contact if clarification if necessary.

CDC requests OMB approval for an estimated 20 annual burden hours. There is no cost to respondents other than their time to participate.

ESTIMATED ANNUALIZED BURDEN HOURS

Type of respondents	Form name	Number of respondents	Number of responses per respondent	Average burden per response (in hours)	Total burden (in hours)
Providers and manufacturers of synthetic nucleic acids and bench top nucleic acid synthesis equipment.	Annual Provider and Manufacturer Self-Attestation Statement.	60	1	20/60	20
Total					20

Jeffrey M. Zirger,

Lead, Information Collection Review Office, Office of Public Health Ethics and Regulations, Office of Science, Centers for Disease Control and Prevention.

[FR Doc. 2024–16491 Filed 7–25–24; 8:45 am]

BILLING CODE 4163–18–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Centers for Disease Control and Prevention

[60Day–24–24HQ; Docket No. CDC–2024–00057]

Proposed Data Collection Submitted for Public Comment and Recommendations

AGENCY: Centers for Disease Control and Prevention (CDC), Department of Health and Human Services (HHS).

ACTION: Notice with comment period.

SUMMARY: The Centers for Disease Control and Prevention (CDC), as part of its continuing effort to reduce public burden and maximize the utility of government information, invites the general public and other Federal agencies the opportunity to comment on a proposed information collection, as required by the Paperwork Reduction Act of 1995. This notice invites comment on a proposed information collection project titled ''Division of Diabetes Translation Programmatic & Participant User Experience Data Collection'' (DDTDC). This Generic information collection, will enable CDC's Division of Diabetes Translation (DDT) to collect data required in a timely manner to support the development, refinement, and improvement of DDT's education, training, technical assistance (TA), and communication/marketing activities.

DATES: CDC must receive written comments on or before September 24, 2024.

ADDRESSES: You may submit comments, identified by Docket No. CDC–2024–0057 by either of the following methods:

- *Federal eRulemaking Portal: www.regulations.gov.* Follow the instructions for submitting comments.
- *Mail:* Jeffrey M. Zirger, Information Collection Review Office, Centers for Disease Control and Prevention, 1600 Clifton Road NE, MS H21–8, Atlanta, Georgia 30329.

Instructions: All submissions received must include the agency name and Docket Number. All relevant comments received will be posted without change to *www.regulations.gov,* including any personal information provided. For access to the docket to read background documents or comments received, go to *www.regulations.gov.*

Please note: All public comment should be submitted through the Federal eRulemaking portal (*www.regulations.gov*) or by U.S. mail to the address listed above.

FOR FURTHER INFORMATION CONTACT: To request more information on the proposed project or to obtain a copy of the information collection plan and instruments, contact Jeffrey M. Zirger, Information Collection Review Office, Centers for Disease Control and Prevention, 1600 Clifton Road NE, MS H21–8, Atlanta, Georgia 30329; Telephone: 404–639–7118; Email: *omb@cdc.gov.*

SUPPLEMENTARY INFORMATION: Under the Paperwork Reduction Act of 1995 (PRA) (44 U.S.C. 3501–3520), Federal agencies must obtain approval from the Office of Management and Budget (OMB) for each collection of information they conduct or sponsor. In addition, the PRA also requires Federal agencies to provide a 60-day notice in the **Federal Register** concerning each proposed collection of information, including each new proposed collection, each proposed extension of the existing collection of information, and each reinstatement of previously approved information collection before submitting the collection to the OMB for approval. To comply with this requirement, we are publishing this notice of a proposed data collection as described below.

The OMB is particularly interested in comments that will help:

1. Evaluate whether the proposed collection of information is necessary for the proper performance of the functions of the agency, including whether the information will have practical utility;

2. Evaluate the accuracy of the agency's estimate of the burden of the proposed collection of information,

including the validity of the methodology and assumptions used;

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

4. Minimize the burden of collecting information on those to respond, including using appropriate automated, electronic, mechanical, or other technological collection techniques or other forms of information technology, *e.g.,* permitting electronic responses; and

5. Assess information collection costs.

Proposed Project

Division of Diabetes Translation Programmatic & Participant User Experience Data Collection (DDTDC)—New—National Center for Chronic Disease Prevention and Health Promotion (NCCDPHP), Centers for Disease Control and Prevention (CDC).

Background and Brief Description

The Division of Diabetes Translation (DDT) plays a crucial role in helping prevent Type 2 diabetes, reducing diabetes complications and disability, and reducing diabetes-related disparities across the United States. DDT accomplishes this by providing education, training, technical assistance (TA), and engaging in communication/marketing activities for various key audiences. These customers include national, state, and local partners, grantees, providers (*e.g.,* lifestyle coaches, diabetes educators, healthcare providers, health/medical and community-based organizations), people with prediabetes, diabetes and their family, friends, and caregivers, and other consumers of DDT products and programs.

For DDT to be able to efficiently and effectively do this work and fulfill its mission, it needs to be able to collect information and feedback from intended audiences in a timely manner and with enough frequency to ensure DDT can deliver clear, effective, efficient, and appropriate customer service. This includes, for instance, collecting data on key audiences' needs, and on the reach, uptake, use, customer experience and satisfaction with DDT's services, products, and related programs, including its education, training, TA and communications services and products. However, in the interest of timely provision of services, DDT often forgoes the important step of getting input from its key audiences on the clarity, efficiency, effectiveness, and appropriateness of the services and resources it develops and provides for them. Skipping this information collection step, or doing so with less frequency, avoids the delay involved in the standard OMB review process increases the risk of DDT wasting both time and money developing and providing education, training, TA, and communication/marketing that will not achieve the intended objectives and will be unclear, irrelevant, or not fully meet the needs of DDT's audiences. It can also have other unintended consequences, such as jeopardizing the credibility of Federal health officials.

The Division of Diabetes Translation Programmatic & Participant User Experience Data Collection (DDTDC) will enable DDT to collect the information they require in a timely manner to:

- Provide clear, effective, efficient, appropriate, and timely education, communication, training, and technical assistance to key audiences and other interested groups, including consumer audiences (*e.g.,* people with prediabetes, diabetes, and their family, friends, and caregivers), providers (*e.g.,* lifestyle coaches, diabetes care and education specialists, healthcare and other providers, health/medical and community-based organizations); and partners (national, state, and local partners).
- Ensure quality and prevent duplication in the development and dissemination of prevention and health information and program activities by DDT to consumers, providers, and state and local partners.
- Conduct exploratory/formative assessments to inform DDT's development of education, communication/marketing, training, and programmatic materials, tools, and resources to support and improve the prevention and management of diabetes. For example, identifying key audiences' knowledge, attitudes, behaviors, motivators, and information needs.
- Assess the impact of programs, messages, educational and training materials among recipients and determine to what extent they meet relevant service-related DDT objectives and goals.

The following are examples of the areas of focus that the data collection activities under this generic information collection mechanism may include:

- Reach, uptake, use, customer experience, and satisfaction with the CDC-recognized lifestyle change programs for Type 2 diabetes prevention, as well as related outcomes (*e.g.,* participant retention and recruitment rates).
- Satisfaction with CDC-recognized lifestyle change programs toolkits, such as the Personal Success Tool and Champion toolkits.
- Reach, uptake, use, customer experience, and satisfaction with diabetes education, type 2 prevention, and diabetes management innovations (such as the Diabetes Self-Management Education and Support services promotion initiative) and related short-term effects on knowledge, awareness, practices (such as information seeking), and outcomes (such as enrollment of people with diabetes or prediabetes).
- Reach, uptake, satisfaction, customer experience, and short-term outcomes of CDC's training and technical assistance resources (such as a webinar or online toolkit).
- Needs assessments for customer experience with, utilization of, and short-term outcomes of technical assistance and trainings for diabetes prevention and management.
- Understandability, ease of use, and appropriateness of diabetes education messages, toolkits, programs, and marketing materials.
- Exploratory assessments of knowledge, attitudes, behaviors, beliefs, barriers, and facilitators to uptake and use of lifestyle change programs for diabetes type 2 prevention and diabetes management services and related innovations, resources, tools, and materials.

Data collection methods proposed include, but are not limited to in-depth individual interviews, cognitive interviews, intercept interviews, group-based discussions (including focus groups and dyads/triads), surveys or questionnaires, knowledge assessments, observational assessments, and implementation and utilization data reporting. Respondents would include key audiences and stakeholders of CDC's work, including representatives of state and local DDT-funded organizations; national, state, and local DDT partners (not CDC-funded); providers of type 2 diabetes prevention and diabetes management programs and services, including lifestyle coaches, diabetes care and educations specialists, healthcare and other providers; heath/medical and community-based organizations implementing programs and services related to type 2 diabetes prevention and diabetes management; people with—and at risk for—diabetes or with prediabetes; family, friends, and caregivers of people with—and at risk for—diabetes or with prediabetes.

As the methods for data collection and audiences may vary with each request submitted under this proposed generic clearance, for each data collection request unique instruments (*e.g.,* surveys, interview guides) will be developed to address the specific topics that information will be collected on.

Questions to be asked may focus, for example, on collecting data on the audiences' needs and on the reach, uptake, use, customer experience and satisfaction with DDT's services, products, and programs. Such information will enable DDT to identify ways to improve its services, products, and programs to better meet its audiences' needs and achieve its mission of supporting the prevention of diabetes and reducing diabetes-related complications and disparities across the United States.

The estimated annualized hourly burden anticipated for all data collection methods would total 2,000 hours and include eight to ten data collection activities over the course of a year. There is no cost to the respondents other than their time.

ESTIMATED ANNUALIZED BURDEN HOURS

Type of respondents	Data collection methods	Number of respondents	Number of responses per respondent	Average burden per response	Total burden hours
Representatives of state and local DDT-funded organizations; National, State, and Local DDT partners; Providers of type 2 Diabetes Prevention and Diabetes Management Programs and Services; People, family, friends, and caregivers of people with—and at risk for—Diabetes or with Prediabetes.	Interviews; Surveys or Questionnaires; Knowledge Assessments; Motivation Assessments, Observational Assessments; Implementation and Utilization Data Reporting.	4,000	1	30/60	2,000
Total					2,000

Jeffrey M. Zirger,

Lead, Information Collection Review Office, Office of Public Health Ethics and Regulations, Office of Science, Centers for Disease Control and Prevention.

[FR Doc. 2024–16492 Filed 7–25–24; 8:45 am]

BILLING CODE 4163–18–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Centers for Disease Control and Prevention

[30Day–24–0212]

Agency Forms Undergoing Paperwork Reduction Act Review

In accordance with the Paperwork Reduction Act of 1995, the Centers for Disease Control and Prevention (CDC) has submitted the information collection request titled ''National Hospital Care Survey (NHCS)'' to the Office of Management and Budget (OMB) for review and approval. CDC previously published a ''Proposed Data Collection Submitted for Public Comment and Recommendations'' notice on May 7, 2024 to obtain comments from the public and affected agencies. CDC did not receive comments related to the previous notice. This notice serves to allow an additional 30 days for public and affected agency comments.

CDC will accept all comments for this proposed information collection project. The Office of Management and Budget is particularly interested in comments that:

(a) Evaluate whether the proposed collection of information is necessary for the proper performance of the functions of the agency, including whether the information will have practical utility;

(b) Evaluate the accuracy of the agencies' estimate of the burden of the proposed collection of information, including the validity of the methodology and assumptions used;

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

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

(e) Assess information collection costs.

To request additional information on the proposed project or to obtain a copy of the information collection plan and instruments, call (404) 639–7570. 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. Direct written comments and/or suggestions regarding the items contained in this notice to the Attention: CDC Desk Officer, Office of Management and Budget, 725 17th Street NW, Washington, DC 20503 or by fax to (202) 395–5806. Provide written comments within 30 days of notice publication.

Proposed Project

National Hospital Care Survey (NHCS) (OMB Control No. 0920–0212, Exp. 12/31/2024)—Revision—National Center for Health Statistics (NCHS), Centers for Disease Control and Prevention (CDC).

Background and Brief Description

Section 306 of the Public Health Service (PHS) Act (42 U.S.C. 242k), as amended, authorizes that the Secretary of Health and Human Services (DHHS), acting through NCHS, shall collect statistics on the extent and nature of illness and disability of the population of the United States. This three-year clearance request for National Hospital Care Survey (NHCS) includes the collection of all inpatient and ambulatory Uniform Bill–04 (UB–04) claims data or electronic health record (EHR) data as well as the collection of hospital-level information via a questionnaire from a sample of 601 hospitals.

The National Ambulatory Medical Care Survey (NAMCS) was conducted intermittently from 1973 through 1985, and annually since 1989. The survey is conducted under authority of Section 306 of the Public Health Service Act (42 U.S.C. 242k). The National Hospital Discharge Survey (NHDS) (OMB No. 0920–0212, Exp. Date 01/31/2019), conducted continuously between 1965 and 2010, was the Nation's principal source of data on inpatient utilization of short-stay, non-institutional, non-Federal hospitals, and was the principal

source of nationally representative estimates on the characteristics of inpatients including lengths of stay, diagnoses, surgical and non-surgical procedures, and patterns of use of care in hospitals in various regions of the country. In 2011, NHDS was granted approval by OMB to expand its content and to change its name to the National Hospital Care Survey (NHCS).

In May 2011, recruitment of sampled hospitals for the NHCS began. Hospitals in the NHCS are asked to provide data on all inpatients from their UB–04 administrative claims, or EHRs. Hospital-level characteristics and information about telemedicine usage in the healthcare setting are collected through an Annual Hospital Interview. NHCS will continue to provide the same national health-care statistics on hospitals that NHDS provided.

Additionally, NHCS collects more information at the hospital level (*e.g.,* volume of care provided by the hospital), which allow for analyses on the effect of hospital characteristics on the quality of care provided. NHCS data collected from UB–04 administrative claims and EHRs include all inpatient discharges, not just a sample. The confidential collection of personally identifiable information allows NCHS to link episodes of care provided to the same patient in the Emergency Department (ED) and/or Outpatient Department (OPD) and as an inpatient, as well as link patients to the National Death Index (NDI) to measure post-discharge mortality, and Medicare and Medicaid data to leverage comorbidities. The availability of patient identifiers also makes analysis on hospital readmissions possible. This comprehensive collection of data makes future opportunities for surveillance possible, including analyzing trends and incidence of opioid misuse, acute myocardial infarction, heart failure and stroke, as well as trends and point prevalence of health care acquired infections and antimicrobial use.

Beginning in 2013, in addition to inpatient hospital data, hospitals participating in NHCS were asked to provide data on the utilization of health care services in their ambulatory settings (*e.g.,* EDs and OPDs). Due to low response rates and high level of missing data, OPD data were not collected in the last approval period (2022, 2023 and 2024). Collection of OPD may resume in future years.

Data collected through NHCS are essential for evaluating the health status of the population, for the planning of programs and policy to improve health care delivery systems of the Nation, for studying morbidity trends, and for research activities in the health field. Changes to the data collection survey include the removal of COVID–19 questions from the Annual Hospital Interview (AHI). The burden hours have been reduced due to a decrease in the sample size. The new total annualized burden is 5,826 hours.

ESTIMATED ANNUALIZED BURDEN HOURS

Type of respondents	Form name	Number of respondents	Number of responses per respondent	Average burden per response (in hours)
Hospital DHIM or DHIT	Initial Hospital Intake Questionnaire	123	1	1
Hospital CEO/CFO	Recruitment Survey Presentation	30	1	1
Hospital DHIM or DHIT	Prepare and transmit UB–04 or State File for Inpatient and Ambulatory (Monthly).	356	12	1
Hospital DHIM or DHIT	Prepare and transmit EHR for Inpatient and Ambulatory (Quarterly).	200	4	1
Hospital CEO/CFO	Annual Hospital Interview	601	1	1

Jeffrey M. Zirger,

Lead, Information Collection Review Office, Office of Public Health Ethics and Regulations, Office of Science, Centers for Disease Control and Prevention.

[FR Doc. 2024–16489 Filed 7–25–24; 8:45 am]

BILLING CODE 4163–18–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Centers for Medicare & Medicaid Services

[Document Identifiers: CMS–10123/10124]

Agency Information Collection Activities: Submission for OMB Review; Comment Request

AGENCY: Centers for Medicare & Medicaid Services, Health and Human Services (HHS).

ACTION: Notice.

SUMMARY: The Centers for Medicare & Medicaid Services (CMS) is announcing an opportunity for the public to comment on CMS' intention to collect information from the public. Under the Paperwork Reduction Act of 1995 (PRA), Federal agencies are required to publish notice in the **Federal Register** concerning each proposed collection of information, including each proposed extension or reinstatement of an existing collection of information, and to allow a second opportunity for public comment on the notice. Interested persons are invited to send comments regarding the burden estimate or any other aspect of this collection of information, including the necessity and utility of the proposed information collection for the proper performance of the agency's functions, the accuracy of the estimated burden, ways to enhance the quality, utility, and clarity of the information to be collected, and the use of automated collection techniques or other forms of information technology to minimize the information collection burden.

DATES: Comments on the collection(s) of information must be received by the OMB desk officer by August 26, 2024.

ADDRESSES: Written comments and recommendations for the proposed information collection should be sent within 30 days of publication of this notice to *www.reginfo.gov/public/do/PRAMain.* Find this particular information collection by selecting ''Currently under 30-day Review—Open for Public Comments'' or by using the search function.

To obtain copies of a supporting statement and any related forms for the proposed collection(s) summarized in this notice, please access the CMS PRA website by copying and pasting the following web address into your web browser: *https://www.cms.gov/Regulations-and-Guidance/Legislation/PaperworkReductionActof1995/PRA-Listing.*

FOR FURTHER INFORMATION CONTACT: William Parham at (410) 786–4669.

SUPPLEMENTARY INFORMATION: Under the Paperwork Reduction Act of 1995 (PRA) (44 U.S.C. 3501–3520), Federal agencies must obtain approval from the Office of Management and Budget (OMB) for each collection of information they conduct or sponsor. The term ''collection of information'' is defined in 44 U.S.C. 3502(3) and 5 CFR 1320.3(c) and includes agency requests or requirements that members of the public submit reports, keep records, or provide information to a third party. Section 3506(c)(2)(A) of the PRA (44 U.S.C. 3506(c)(2)(A)) requires Federal agencies to publish a 30-day notice in the **Federal Register** concerning each proposed collection of information, including each proposed extension or reinstatement of an existing collection of information, before submitting the collection to OMB for approval. To comply with this requirement, CMS is publishing this notice that summarizes the following proposed collection(s) of information for public comment:

1. *Type of Information Collection Request:* Revision of a currently approved collection; *Title of Information Collection:* Fast Track Appeals Notices: NOMNC/DENC; *Use:* The purpose of the NOMNC is to help a beneficiary/enrollee decide whether to pursue a fast appeal by a Quality Improvement Organization (QIO) and informs them on how to file a request. Consistent with §§ 405.1200 and 422.624, SNFs, HHAs, CORFs, and hospices must provide notice to all beneficiaries/enrollees whose Medicare-covered services are ending, no later than two days in advance of the proposed termination of service. This information is conveyed to the beneficiary/enrollee via the NOMNC.

If a beneficiary/enrollee appeals the termination decision, the beneficiary/enrollee and the QIO, consistent with §§ 405.1200(b) and 405.1202(f) for Traditional Medicare, and §§ 422.624(b) and 422.626(e)(1)–(5) for MA plans, will receive a detailed explanation of the reasons services should end. This detailed explanation is provided to the beneficiary/enrollee using the DENC, the second notice included in this renewal package. *Form Number:* CMS–10123/10124 (OMB control number: 0938–0935); *Frequency:* Yearly; *Affected Public:* Private sector, Business or other for-profits and Not-for-profit institutions; *Number of Respondents:* 32,384; *Number of Responses:* 21,322,379; *Total Annual Hours:* 3,972,305. (For policy questions regarding this collection contact Janet Miller at *janet.miller@cms.hhs.gov.*)

William N. Parham, III,

Director, Division of Information Collections and Regulatory Impacts, Office of Strategic Operations and Regulatory Affairs.

[FR Doc. 2024–16426 Filed 7–25–24; 8:45 am]

BILLING CODE 4120–01–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Centers for Medicare & Medicaid Services

[Document Identifiers: CMS–10157]

Agency Information Collection Activities: Proposed Collection; Comment Request

AGENCY: Centers for Medicare & Medicaid Services, Health and Human Services (HHS).

ACTION: Notice.

SUMMARY: The Centers for Medicare & Medicaid Services (CMS) is announcing an opportunity for the public to comment on CMS' intention to collect information from the public. Under the Paperwork Reduction Act of 1995 (PRA), Federal agencies are required to publish notice in the **Federal Register** concerning each proposed collection of information (including each proposed extension or reinstatement of an existing collection of information) and to allow 60 days for public comment on the proposed action. Interested persons are invited to send comments regarding our burden estimates or any other aspect of this collection of information, including the necessity and utility of the proposed information collection for the proper performance of the agency's functions, the accuracy of the estimated burden, ways to enhance the quality, utility, and clarity of the information to be collected, and the use of automated collection techniques or other forms of information technology to minimize the information collection burden.

DATES: Comments must be received by September 24, 2024.

ADDRESSES: When commenting, please reference the document identifier or OMB control number. To be assured consideration, comments and recommendations must be submitted in any one of the following ways:

1. *Electronically.* You may send your comments electronically to *http://www.regulations.gov.* Follow the instructions for ''Comment or Submission'' or ''More Search Options'' to find the information collection document(s) that are accepting comments.

2. *By regular mail.* You may mail written comments to the following address: CMS, Office of Strategic Operations and Regulatory Affairs, Division of Regulations Development, Attention: Document Identifier/OMB Control Number: _____, Room C4–26–05, 7500 Security Boulevard, Baltimore, Maryland 21244–1850.

To obtain copies of a supporting statement and any related forms for the proposed collection(s) summarized in this notice, please access the CMS PRA website by copying and pasting the following web address into your web browser: *https://www.cms.gov/Regulations-and-Guidance/Legislation/PaperworkReductionActof1995/PRA-Listing.*

FOR FURTHER INFORMATION CONTACT: William N. Parham at (410) 786–4669.

SUPPLEMENTARY INFORMATION:

Contents

This notice sets out a summary of the use and burden associated with the following information collections. More detailed information can be found in each collection's supporting statement and associated materials (see **ADDRESSES**).

CMS–10157 The HIPAA Eligibility Transaction System (HETS)

Under the PRA (44 U.S.C. 3501–3520), Federal agencies must obtain approval from the Office of Management and Budget (OMB) for each collection of information they conduct or sponsor. The term ''collection of information'' is defined in 44 U.S.C. 3502(3) and 5 CFR 1320.3(c) and includes agency requests or requirements that members of the public submit reports, keep records, or provide information to a third party. Section 3506(c)(2)(A) of the PRA requires Federal agencies to publish a 60-day notice in the **Federal Register** concerning each proposed collection of information, including each proposed extension or reinstatement of an existing collection of information, before submitting the collection to OMB for approval. To comply with this requirement, CMS is publishing this notice.

Information Collections

1. *Type of Information Collection Request:* Revision of a currently approved collection; *Title of Information Collection:* The HIPAA Eligibility Transaction System (HETS); *Use:* CMS created the HIPAA (Health Insurance Portability and Accountability Act of 1996) Eligibility Transaction System (HETS) to provide

HIPAA Accredited Standards Committee X12 270/271 health care eligibility inquiries (270) and responses (271) on a real-time basis. HETS allows health care providers or their designees to check Medicare beneficiary eligibility data in real-time. They use HETS to prepare accurate Medicare claims, determine beneficiary liability, or check eligibility for specific services. HETS allows users to submit HIPAA compliant 270 eligibility request over a secure connection and receive 271 responses in real-time. In creating the HETS system, Federal law requires that CMS take precautions to minimize the security risk to Federal information systems. Accordingly, CMS requires that trading partners who wish to connect to the HETS 270/271 system via the CMS Extranet and/or internet to agree to the HETS Rules of Behavior and the HETS Authorized Representative Roles and Responsibilities terms as a condition of receiving Medicare eligibility information. Applicants complete the entire Trading Partner Agreement form to indicate agreement with CMS trading partner terms and provide sufficient information to establish connectivity to the service and assure that those entities that access the Medicare eligibility information are aware of applicable provisions and penalties for the misuse of information.

CMS uses the Trading Partner Agreement Form to capture certain information whereby a person certifies that they are fully aware of all penalties related to the use of PHI and their access to this data from the HETS application. The information is an attestation by the authorized representative of an entity that wishes to access the Medicare eligibility information to conduct real-time eligibility transactions. The authorized representative is a person responsible for business decisions on behalf of the Organization who is submitting the access request. The data captured includes the authorized representative's name, title contact number and the name of the submitting entity. Other data captured is the submitter's National Provider Identifier, business name, billing address, physical address, and telephone number.

The Trading Partner Agreement Form is also used by CMS to capture certain information whereby a person identifies the particular connectivity protocol that they will use to connect to CMS and specific organization information which is reviewed and authorized prior to the access being granted. *Form Number:* CMS–10157 (OMB control number: 0938–0960); *Frequency:* Yearly; *Affected Public:* Private Sector, State, Local, or Tribal Governments, Federal Government, Business or other for-profits, Not-for-profits institutions; *Number of Respondents:* 1,000; *Total Annual Responses:* 1,000; *Total Annual Hours:* 250. (For policy questions regarding this collection contact William Mooney at 410–786–1956).

William N. Parham, III,

Director, Division of Information Collections and Regulatory Impacts, Office of Strategic Operations and Regulatory Affairs.

[FR Doc. 2024–16425 Filed 7–25–24; 8:45 am]

BILLING CODE 4120–01–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Centers for Medicare & Medicaid Services

[Document Identifiers: CMS–10116]

Agency Information Collection Activities: Proposed Collection; Comment Request

AGENCY: Centers for Medicare & Medicaid Services, Health and Human Services (HHS).

ACTION: Notice.

SUMMARY: The Centers for Medicare & Medicaid Services (CMS) is announcing an opportunity for the public to comment on CMS' intention to collect information from the public. Under the Paperwork Reduction Act of 1995 (PRA), Federal agencies are required to publish notice in the **Federal Register** concerning each proposed collection of information (including each proposed extension or reinstatement of an existing collection of information) and to allow 60 days for public comment on the proposed action. Interested persons are invited to send comments regarding our burden estimates or any other aspect of this collection of information, including the necessity and utility of the proposed information collection for the proper performance of the agency's functions, the accuracy of the estimated burden, ways to enhance the quality, utility, and clarity of the information to be collected, and the use of automated collection techniques or other forms of information technology to minimize the information collection burden.

DATES: Comments must be received by September 24, 2024.

ADDRESSES: When commenting, please reference the document identifier or OMB control number. To be assured consideration, comments and recommendations must be submitted in any one of the following ways:

1. *Electronically.* You may send your comments electronically to *http://www.regulations.gov.* Follow the instructions for ''Comment or Submission'' or ''More Search Options'' to find the information collection document(s) that are accepting comments.

2. *By regular mail.* You may mail written comments to the following address: CMS, Office of Strategic Operations and Regulatory Affairs, Division of Regulations Development, Attention: Document Identifier/OMB Control Number: ____, Room C4–26–05, 7500 Security Boulevard, Baltimore, Maryland 21244–1850.

To obtain copies of a supporting statement and any related forms for the proposed collection(s) summarized in this notice, please access the CMS PRA website by copying and pasting the following web address into your web browser: *https://www.cms.gov/Regulations-and-Guidance/Legislation/PaperworkReductionActof1995/PRA-Listing.*

FOR FURTHER INFORMATION CONTACT: William N. Parham at (410) 786–4669.

SUPPLEMENTARY INFORMATION:

Contents

This notice sets out a summary of the use and burden associated with the following information collections. More detailed information can be found in each collection's supporting statement and associated materials (see **ADDRESSES**).

CMS–10116 Medicare Program: Conditions for Payment of Power Mobility Devices, Including Power Wheelchairs and Power-Operated Vehicles

Under the PRA (44 U.S.C. 3501–3520), Federal agencies must obtain approval from the Office of Management and Budget (OMB) for each collection of information they conduct or sponsor. The term ''collection of information'' is defined in 44 U.S.C. 3502(3) and 5 CFR 1320.3(c) and includes agency requests or requirements that members of the public submit reports, keep records, or provide information to a third party. Section 3506(c)(2)(A) of the PRA requires Federal agencies to publish a 60-day notice in the **Federal Register** concerning each proposed collection of information, including each proposed extension or reinstatement of an existing collection of information, before submitting the collection to OMB for approval. To comply with this requirement, CMS is publishing this notice.

Information Collections

1. *Type of Information Collection Request:* Extension of a currently

approved collection; *Title of Information Collection:* Medicare Program: Conditions for Payment of Power Mobility Devices, including Power Wheelchairs and Power-Operated Vehicles; *Use:* We are renewing our request for approval for the collection requirements associated with the final rule, CMS–3017–F (71 FR 17021), which published on April 5, 2006, and required a face-to-face examination of the beneficiary by the physician or treating practitioner, a written prescription, and receipt of pertinent parts of the medical record by the supplier within 45 days after the face-to-face examination that the durable medical equipment (DME) suppliers maintain in their records and make available to CMS and its agents upon request. *Form Number:* CMS–10116 (OMB control number: 0938–0971); *Frequency:* Yearly; *Affected Public:* Business or other for-profits; *Number of Respondents:* 46,990; *Number of Responses:* 46,990; *Total Annual Hours:* 10,964. (For policy questions regarding this collection contact Rachel Katonak at 410–786–2118).

William N. Parham III,

Director, Division of Information Collections and Regulatory Impacts, Office of Strategic Operations and Regulatory Affairs.

[FR Doc. 2024–16513 Filed 7–25–24; 8:45 am]

BILLING CODE 4120–01–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Administration for Children and Families

Proposed Information Collection Activity; Child Support Annual Data Report and Instructions (OCSS–157) (Office of Management and Budget #: 0970–0177)

AGENCY: Office of Child Support Services; Administration for Children and Families; U.S. Department of Health and Human Services.

ACTION: Request for public comments.

SUMMARY: The Administration for Children and Families (ACF), Office of Child Support Services (OCSS), is requesting the Office of Management and Budget (OMB) to approve the Child Support Annual Data Report and Instructions (OCSS–157), with minor revisions, for an additional three years. The current OMB approval expires on March 31, 2025.

DATES: *Comments due* September 24, 2024. 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: States must annually provide OCSS with information on their case inventory, performance status, and accomplishments in the following areas: paternity establishment; services requested and provided; medical support; collections due and distributed; staff; program expenditures; non-cooperation and good cause; and administrative enforcement. The information collected from the OCSS–157 allows OCSS to (1) report child support activities to Congress as required by law; (2) calculate states' incentive measures for performance and assess performance indicators used in the program; and (3) help OCSS monitor and evaluate state child support programs. OCSS made minor revisions to the instructions and report to make them easier for the respondents to understand and complete. Additionally, OCSS updated the name of the federal child support office from the Office of Child Support Enforcement (OCSE) to the Office of Child Support Services (OCSS).

Respondents: State Child Support Agencies

ANNUAL BURDEN ESTIMATES

Information collection instrument	Total number of annual respondents	Number of annual responses per respondent	Average annual burden hour per response	Annual burden hours
OCSS Annual Data Report and Instructions (OCSS–157)	54	1	7	378

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: 42 U.S.C. 652(a)and(g)and 669

Mary C. Jones,

ACF/OPRE Certifying Officer.

[FR Doc. 2024–16432 Filed 7–25–24; 8:45 am]

BILLING CODE 4184–41–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Administration for Children and Families

Submission for Office of Management and Budget Review; Testing Identified Elements for Success in Fatherhood Programs (0970–0622)

AGENCY: Office of Planning, Research, and Evaluation, Administration for Children and Families, U.S. Department of Health and Human Services.

ACTION: Request for public comments.

SUMMARY: The Administration for Children and Families (ACF) Office of Planning, Research, and Evaluation (OPRE) launched the Testing Identified Elements for Success in Fatherhood Programs (Fatherhood TIES) project in 2022. Using a mix of research methods, this study will test ''core components'' of fatherhood programs to identify program elements that are effective at improving the lives of fathers who participate in fatherhood programs and their children. The study includes an implementation and an impact study. A request for initial data collection materials was approved by the Office of Management and Budget in December 2023. This notice provides information

about additional data collection activities to support this study.

DATES: Comments due August 26, 2024. The Office of Management and Budget (OMB) must make a decision about the collection of information between 30 and 60 days after publication of this document in the **Federal Register**. Therefore, a comment is best assured of having its full effect if OMB receives it within 30 days of publication.

ADDRESSES: Written comments and recommendations for the proposed information collection should be sent within 30 days of publication of this notice to *www.reginfo.gov/public/do/PRAMain.* Find this particular information collection by selecting ''Currently under 30-day Review—Open for Public Comments'' or by using the search function. You can also obtain copies of the proposed collection of information by emailing *OPREinfocollection@acf.hhs.gov.* Identify all requests by the title of the information collection.

SUPPLEMENTARY INFORMATION:

Description: Core components are the essential functions, principles, and elements that are judged as being necessary to produce positive outcomes. Fatherhood programs usually offer workshops and case management services for fathers to provide, for example, parenting strategies to strengthen their relationships with their children, help finding a steady job, skills to enhance their relationships, and support dealing with other life or family challenges they might experience. Five Fatherhood FIRE grant recipients are partnering with the Fatherhood TIES study team to participate in an implementation and impact study. The implementation study will examine how the core components are implemented and what fathers think of them. The impact study will rigorously evaluate whether promising core components bring about positive outcomes for fathers and their families which may include understanding effects of program engagement, economic stability, father-child relationship quality and co-parenting relationship quality.

Initial study (Phase 1) materials, including consent to participate in the study, additional baseline information from program participants, and initial implementation study data were approved and are in use by the study team. We are now requesting approval of Phase 2 data collection materials including semi-structured interviews, focus groups, and the participatory research methods of photo voice and audio journaling. Audio journaling and photo voice are participatory research methods that the study team will use with up to 60 fathers in total to generate information about how fathers are applying knowledge and skills gained through their participation in the fatherhood program.

Respondents: Fathers enrolled in the Fatherhood TIES study, co-parents of fathers enrolled, and program staff involved in supporting and implementing the Fatherhood TIES study.

Annual Burden Estimates

Data collection time frames vary by instrument. Instruments with a star (*) will be fielded in the first year. The follow-up survey is anticipated to continue into early 2027. Therefore, this request is for two and a half years of approval and annual burden estimates reflect this timeframe (total burden/2.5).

Instrument	Number of respondents (total over request period)	Number of responses per respondent (total over request period)	Average burden per response (in hours)	Total burden (in hours)	Annual burden (in hours)
Staff Interview (including consent) *	50	2	1	100	40
Co-Parent Interview (including consent) *	4	1	1	4	2
Father focus group (including consent) *	80	1	1	80	32
Photo Voice (collection + focus group + debrief) *	5	1	3.25	16	7
Audio Journaling (collection + debrief) *	55	1	1	55	22
Nine-month Follow-up survey	1369	1	0.75	1027	411
Photo Voice Training *	5	1	2	10	4
Audio Journaling Training *	55	1	0.5	28	11
Estimated Annual Burden Total					529

Authority: Section 413 of the Social Security Act, as amended by the fiscal year 2017 Consolidated Appropriations Act, 2017 (Pub. L. 115–31).

Mary C. Jones,

ACF/OPRE Certifying Officer.

[FR Doc. 2024–16431 Filed 7–25–24; 8:45 am]

BILLING CODE 4184–73–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Health Resources and Services Administration

Meeting of the CDC/HRSA Advisory Committee on HIV, Viral Hepatitis, and STD Prevention and Treatment

AGENCY: Health Resources and Services Administration (HRSA), Department of Health and Human Services (HHS).

ACTION: Notice.

SUMMARY: In accordance with the Federal Advisory Committee Act, this notice announces that the Centers for Disease Control and Prevention (CDC)/HRSA Advisory Committee on HIV, Viral Hepatitis and STD Prevention and Treatment (CHAC) has scheduled a public meeting. Information about CHAC and the meeting can be found on the CHAC website at *https://www.cdc.gov/faca/committees/chachspt.html* and the meeting website at *https://targethiv.org/events/chac.*

DATES: October 21, 2024, 9 a.m. to 5 p.m. eastern time (ET) and October 22, 2024, 9 a.m. to 3 p.m. ET.

ADDRESSES: This meeting will be hybrid, held both virtually through Zoom and in-person at 5600 Fishers Lane in Rockville, Maryland, 20857. Advance registration is required to attend. Please visit the meeting website to register. Registration will open in August. The in-person registration deadline is

Monday, October 14, 2024, at 5 p.m. ET; registration for virtual attendance will remain open. Prior to the meeting, each individual registrant will receive a registration confirmation along with an access link to the virtual meeting location.

FOR FURTHER INFORMATION CONTACT: Breana Alsworth, Public Health Analyst, HIV/AIDS Bureau, HRSA, 5600 Fishers Lane, Rockville, Maryland 20857; (301) 443–1134; or *CHACAdvisoryComm@hrsa.gov.*

SUPPLEMENTARY INFORMATION: CHAC provides advice and recommendations to the Secretary of HHS on policy, program development, and other matters of significance concerning the activities under section 222 of the Public Health Service Act, 42 U.S.C. 217a.

The purpose of CHAC is to advise the Secretary of HHS, CDC Director, and HRSA Administrator regarding objectives, strategies, policies, and priorities for the prevention and treatment of HIV, viral hepatitis, and other STDs, including surveillance, epidemiologic, behavioral, health services, and laboratory research, identification of policy issues related to professional education, patient healthcare delivery, and prevention services; agency policies regarding health care delivery, research and training; strategic issues influencing the ability of CDC and HRSA to fulfill their missions' programmatic efforts to prevent and treat HIV, viral hepatitis, and other STDs; and support to CDC and HRSA in their development of responses to emerging health needs related to these issues.

During the October 21–22, 2024, meeting, CHAC will discuss issues related to re-engaging people with HIV out of care (including data-to-care strategies and overcoming barriers to care), the use of long-acting injectables for HIV care and treatment and increasing access to mental health services for people with HIV and STDs. Agenda items are subject to change as priorities dictate. Please refer to the CHAC meeting information page listed above for any updated meeting information.

Members of the public will have the opportunity to provide comments. Public participants may also submit written statements as further described below. Oral comments will be honored in the order they are requested and may be limited as time allows. Requests to submit a written statement or make oral comments to CHAC should be sent via the meeting website at *https://targethiv.org/events/chac* after registration has opened. Requests for oral comment must be received by October 11, 2024, at 5:00 p.m. ET to be considered. Written comments may be submitted to Breana Alsworth (*CHACAdvisoryComm@hrsa.gov*) prior to and up to 10 business days after the meeting. Visit the meeting information page for additional details: *https://targethiv.org/events/chac.*

Individuals who plan to attend and need special assistance or another reasonable accommodation should notify Breana Alsworth (*CHACAdvisoryComm@hrsa.gov*) at least 10 business days prior to the meeting. Since this meeting occurs in a Federal Government building, attendees must go through a security check to enter the building. Non-U.S. Citizen attendees must notify HRSA of their planned attendance at least 20 business days prior to the meeting to facilitate their entry into the building. All attendees are required to present government-issued identification prior to entry.

Maria G. Button,

Director, Executive Secretariat.

[FR Doc. 2024–16504 Filed 7–25–24; 8:45 am]

BILLING CODE 4165–15–P

DEPARTMENT OF HEALTH AND HUMAN SERVICES

Advisory Council on Alzheimer's Research, Care, and Services; Meeting

AGENCY: Assistant Secretary for Planning and Evaluation, HHS.

ACTION: Notice of meeting.

SUMMARY: This notice announces the public meeting of the Advisory Council on Alzheimer's Research, Care, and Services (Advisory Council). The Advisory Council provides advice on how to prevent or reduce the burden of Alzheimer's disease and related dementias (ADRD) on people with the disease and their caregivers. During the meeting, the Advisory Council subcommittees will present their recommendations for adoption by the full Advisory Council. Each subcommittee will discuss new developments in their area. The meeting will also include presentations on late-breaking findings from recent research conferences, an update on the CMMI GUIDE Model, and updates from federal agencies.

DATES: The meeting will be August 5, 2024, from 9:30 a.m. to 4:30 p.m.

ADDRESSES: The meeting will be a hybrid of in-person and virtual. The meeting will be held in the Great Hall of the Hubert H. Humphrey Building, 200 Independence Avenue SW, Washington, DC 20201. It will also stream live at *www.hhs.gov/live.*

Comments: Time is allocated on the agenda to hear public comments from 4 p.m. to 4:30 p.m. on Monday, August 5. The time for oral comments will be limited to two (2) minutes per individual. To provide a public comment, please register by emailing your name to *napa@hhs.gov* by Wednesday, July 31. Registered commenters will receive both a dial-in number and a link to join the meeting virtually; individuals will have the choice to either join virtually via the link, or to call in only by using the dial-in number. *Note:* There may be a 30–45 second delay in the livestream video presentation of the conference. For this reason, if you have pre-registered to submit a public comment, it is important to connect to the meeting by 3:45 p.m. to ensure that you do not miss your name and allotted time when called. If you miss your name and allotted time to speak, you may not be able to make your public comment. Public commenters will not be admitted to the virtual meeting before 3:30 p.m. but are encouraged to watch the meeting at *www.hhs.gov/live.* Should you have questions during the session, please email *napa@hhs.gov* and someone will respond to your message as quickly as possible.

To ensure accuracy, please submit a written copy of oral comments for the record by emailing *napa@hhs.gov* by Wednesday, August 7, 2024. These comments will be shared on the website and reflected in the meeting minutes.

In lieu of oral comments, formal written comments may be submitted for the record by Wednesday, August 7, 2024, to Helen Lamont, Ph.D., OASPE, 200 Independence Avenue SW, Room 424E, Washington, DC 20201. Comments may also be sent to *napa@hhs.gov.* Those submitting written comments should identify themselves and any relevant organizational affiliations.

FOR FURTHER INFORMATION CONTACT: Helen Lamont, 202–260–6075, *helen.lamont@hhs.gov. Note:* The meeting will be available to the public live at *www.hhs.gov/live.*

SUPPLEMENTARY INFORMATION: Notice of these meetings is given under the Federal Advisory Committee Act (5 U.S.C. app. 2, section 10(a)(1) and (a)(2)). Topics of the Meeting: Alzheimer's disease-related dementias, clinical care, long term care support services, research, risk reduction,

recommendations, late breaking findings.

Procedure and Agenda: The meeting will be webcast at *www.hhs.gov/live* and video recordings will be added to the National Alzheimer's Project Act website when available after the meeting. This meeting is open to the public. Please allow 30 minutes to go through security and walk to the meeting room. Participants joining in person should note that seating may be limited. Those wishing to attend the meeting in person must send an email to *napa@hhs.gov* and put ''August 6 Meeting Attendance'' in the subject line by Wednesday, July 31 so that their names may be put on a list of expected attendees and forwarded to the security officers at the Department of Health and Human Services. Any interested member of the public who is a non-U.S. citizen should include this information at the time of registration to ensure that the appropriate security procedure to gain entry to the building is carried out. Although the meeting is open to the public, procedures governing security and the entrance to Federal buildings may change without notice. If you wish to make a public comment, you must note that within your email.

Authority: 42 U.S.C. 11225; section 2(e)(3) of the National Alzheimer's Project Act. The panel is governed by provisions of Public Law 92–463, as amended (5 U.S.C. appendix 2), which sets forth standards for the formation and use of advisory committees.

Dated: July 8, 2024.

Tisamarie B. Sherry,

Deputy Assistant Secretary for Behavioral Health, Disability, and Aging Policy, performing the delegable duties of the Assistant Secretary for Planning and Evaluation.

[FR Doc. 2024–16494 Filed 7–25–24; 8:45 am]

BILLING CODE 4150–05–P

DEPARTMENT OF HOMELAND SECURITY

Coast Guard

[Docket No. USCG–2024–0183]

Collection of Information Under Review by Office of Management and Budget; OMB Control Number 1625–0109

AGENCY: Coast Guard, DHS.

ACTION: Thirty-day notice requesting comments.

SUMMARY: In compliance with the Paperwork Reduction Act of 1995 the U.S. Coast Guard is forwarding an Information Collection Request (ICR), abstracted below, to the Office of Management and Budget (OMB), Office of Information and Regulatory Affairs (OIRA), requesting an extension of its approval for the following collection of information:1625–0109, Drawbridge Operation Regulations; without change.

Our ICR describes the information we seek to collect from the public. Review and comments by OIRA ensure we only impose paperwork burdens commensurate with our performance of duties.

DATES: You may submit comments to the Coast Guard and OIRA on or before August 26, 2024.

ADDRESSES: Comments to the Coast Guard should be submitted using the Federal eRulemaking Portal at *https://www.regulations.gov.* Search for docket number [USCG–2024–0183]. Written comments and recommendations to OIRA for the proposed information collection should be sent within 30 days of publication of this notice to *https://www.reginfo.gov/public/do/PRAMain.*

Find this particular information collection by selecting ''Currently under 30-day Review—Open for Public Comments'' or by using the search function.

A copy of the ICR is available through the docket on the internet at *https://www.regulations.gov.* Additionally, copies are available from: Commandant (CG–6P), Attn: Paperwork Reduction Act Manager, U.S. Coast Guard, 2703 Martin Luther King Jr. Ave. SE, Stop 7710, Washington, DC 20593–7710.

FOR FURTHER INFORMATION CONTACT: A.L. Craig, Office of Privacy Management, telephone 202–475–3528, fax 202–372–8405, or email *hqs-dg-m-cg-61-pii@uscg.mil* for questions on these documents.

SUPPLEMENTARY INFORMATION:

Public Participation and Request for Comments

This notice relies on the authority of the Paperwork Reduction Act of 1995; 44 U.S.C. 3501 *et seq.,* chapter 35, as amended. An ICR is an application to OIRA seeking the approval, extension, or renewal of a Coast Guard collection of information (Collection). The ICR contains information describing the Collection's purpose, the Collection's likely burden on the affected public, an explanation of the necessity of the Collection, and other important information describing the Collection. There is one ICR for each Collection.

The Coast Guard invites comments on whether this ICR should be granted based on the Collection being necessary for the proper performance of Departmental functions. In particular, the Coast Guard would appreciate comments addressing: (1) the practical utility of the Collection; (2) the accuracy of the estimated burden of the Collection; (3) ways to enhance the quality, utility, and clarity of information subject to the Collection; and (4) ways to minimize the burden of the Collection on respondents, including the use of automated collection techniques or other forms of information technology. These comments will help OIRA determine whether to approve the ICR referred to in this Notice.

We encourage you to respond to this request by submitting comments and related materials. Comments to Coast Guard or OIRA must contain the OMB Control Number of the ICR. They must also contain the docket number of this request, USCG–2024–0183, and must be received by August 26, 2024.

Submitting Comments

We encourage you to submit comments through the Federal eRulemaking Portal at *https://www.regulations.gov.* If your material cannot be submitted using *https://www.regulations.gov,* contact the person in the **FOR FURTHER INFORMATION CONTACT** section of this document for alternate instructions. Documents mentioned in this notice, and all public comments, are in our online docket at *https://www.regulations.gov* and can be viewed by following that website's instructions. Additionally, if you go to the online docket and sign up for email alerts, you will be notified when comments are posted.

We accept anonymous comments. All comments to the Coast Guard will be posted without change to *https://www.regulations.gov* and will include any personal information you have provided. For more about privacy and submissions to the Coast Guard in response to this document, see DHS's eRulemaking System of Records notice (85 FR 14226, March 11, 2020). For more about privacy and submissions to OIRA in response to this document, see the *https://www.reginfo.gov,* comment-submission web page. OIRA posts its decisions on ICRs online at *https://www.reginfo.gov/public/do/PRAMain* after the comment period for each ICR. An OMB Notice of Action on each ICR will become available via a hyperlink in the OMB Control Number: 1625–0109.

Previous Request for Comments

This request provides a 30-day comment period required by OIRA. The Coast Guard published the 60-day notice (89 FR 18425, March 13, 2024)

required by 44 U.S.C. 3506(c)(2). That notice elicited no comments. Accordingly, no changes have been made to the Collection.

Information Collection Request

Title: Drawbridge Operation Regulations.

OMB Control Number: 1625–0109.

Summary: The Bridge Program receives approximately 412 requests from bridge owners per year to change the operating schedule of various drawbridges across the navigable waters of the United States. The information needed for the change to the operating schedule can only be obtained from the bridge owner and is generally provided to the Coast Guard in either written or electronic format.

Need: 33 U.S.C. 499 authorizes the Coast Guard to change the operating schedules drawbridges that cross over navigable waters of the United States.

Forms: None.

Respondents: The public and private owners of bridges over navigable waters of the United States.

Frequency: On occasion.

Hour Burden Estimate: The estimated burden is remains 1,672 hours a year.

Authority: The Paperwork Reduction Act of 1995; 44 U.S.C. *et seq.,* chapter 35, as amended.

Dated: July 23, 2024.

Kathleen Claffie,

Chief, Office of Privacy Management, U.S. Coast Guard.

[FR Doc. 2024–16508 Filed 7–25–24; 8:45 am]

BILLING CODE 9110–04–P

DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT

[Docket No. FR–7086–N–02]

60-Day Notice of Proposed Information Collection: Use Restriction Agreement Monitoring and Compliance; OMB Control No.: 2502–0577

AGENCY: Office of the Assistant Secretary for Housing—Federal Housing Commissioner, HUD.

ACTION: Notice.

SUMMARY: HUD is seeking approval from the Office of Management and Budget (OMB) for the information collection described below. In accordance with the Paperwork Reduction Act, HUD is requesting comment from all interested parties on the proposed collection of information. The purpose of this notice is to allow for 60 days of public comment.

DATES: *Comments Due Date:* September 24, 2024.

ADDRESSES: Interested persons are invited to submit comments regarding this proposal. Written comments and recommendations for the proposed information collection can 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. Interested persons are also invited to submit comments regarding this proposal by name and/or OMB Control Number and should be sent to: Colette Pollard, Reports Management Officer, REE, Department of Housing and Urban Development, 451 7th Street SW, Room 8210, Washington, DC 20410; telephone (202) 402–3400 (this is not a toll-free number) or email: *PaperworkReductionActOffice@hud.gov*.

FOR FURTHER INFORMATION CONTACT: Colette Pollard, Reports Management Officer, REE, Department of Housing and Urban Development, 451 7th Street SW, Washington, DC 20410; email *Colette.Pollard@hud.gov* or telephone (202) 402–3400. This is not a toll-free number. HUD welcomes and is prepared to receive calls from individuals who are deaf or hard of hearing, as well as individuals with speech and communication disabilities. To learn more about how to make an accessible telephone call, please visit *https://www.fcc.gov/consumers/guides/telecommunications-relay-service-trs*.

Copies of available documents submitted to OMB may be obtained from Ms. Pollard.

SUPPLEMENTARY INFORMATION: This notice informs the public that HUD is seeking approval from OMB for the information collection described in Section A.

A. Overview of Information Collection

Title of Information Collection: Use Restriction Agreement Monitoring and Compliance.

OMB Approval Number: 2502–0577.

OMB Expiration Date: June 30, 2021.

Type of Request: Reinstatement, with change, of previously approved collection for which approval has expired.

Form Number: HUD–90060; HUD–90061; HUD–90066; HUD–90068; HUD–90069; HUD–90070; HUD–90075; HUD–93140; HUD–93142; HUD–93143; HUD–93150.

Description of the need for the information and proposed use: This information is necessary for HUD to ensure that owners of certain multifamily housing projects comply with use restriction requirements after the mortgage agreement has terminated. This information is also used to monitor owner compliance with unique provisions of the Use Agreement contract.

Respondents: Non-profit institutions; owners prepaying HUD insured loans.

Estimated Number of Respondents: 659.

Estimated Number of Responses: 200.

Frequency of Response: Various.

Average Hours per Response: 2 hours.

Total Estimated Burden: 400 hours.

B. Solicitation of Public Comment

This notice is soliciting comments from members of the public and affected parties concerning the collection of information described in Section A on the following:

(1) Whether the proposed collection of information is necessary for the proper performance of the functions of the agency, including whether the information will have practical utility;

(2) The accuracy of the agency's estimate of the burden of the proposed collection of information;

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

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

HUD encourages interested parties to submit comment in response to these questions.

C. Authority

Section 3507 of the Paperwork Reduction Act of 1995, 44 U.S.C. 3507.

Jeffrey D. Little,

General Deputy Assistant Secretary, Office of Housing.

[FR Doc. 2024–16495 Filed 7–25–24; 8:45 am]

BILLING CODE 4210–67–P

DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT

[Docket No. FR–6480–N–01]

Mortgage and Loan Insurance Programs Under the National Housing Act—Debenture Interest Rates

AGENCY: Office of the Assistant Secretary for Housing, HUD.

ACTION: Notice.

SUMMARY: This Notice announces changes in the interest rates to be paid

on debentures issued with respect to a loan or mortgage insured by the Federal Housing Administration under the provisions of the National Housing Act (the Act). The interest rate for debentures issued under Section 221(g)(4) of the Act during the 6-month period beginning July 1, 2024, is 4½ percent. The interest rate for debentures issued under any other provision of the Act is the rate in effect on the date that the commitment to insure the loan or mortgage was issued, or the date that the loan or mortgage was endorsed (or initially endorsed if there are two or more endorsements) for insurance, whichever rate is higher. The interest rate for debentures issued under these other provisions with respect to a loan or mortgage committed or endorsed during the 6-month period beginning July 1, 2024, is 4¾ percent.

FOR FURTHER INFORMATION CONTACT: Elizabeth Olazabal, Department of Housing and Urban Development, 451 Seventh Street SW, Room 5146, Washington, DC 20410–8000; telephone (202) 402–4608 (this is not a toll-free number). HUD welcomes and is prepared to receive calls from individuals who are deaf or hard of hearing, as well as individuals with speech and communication disabilities. To learn more about how to make an accessible telephone call, please visit: *https://www.fcc.gov/consumers/guides/telecommunications-relay-service-trs.* Individuals may also email *HCFACCommittee@hud.gov.*

SUPPLEMENTARY INFORMATION: Section 224 of the National Housing Act (12 U.S.C. 1715o) provides that debentures issued under the Act with respect to an insured loan or mortgage (except for debentures issued pursuant to Section 221(g)(4) of the Act) will bear interest at the rate in effect on the date the commitment to insure the loan or mortgage was issued, or the date the loan or mortgage was endorsed (or initially endorsed if there are two or more endorsements) for insurance, whichever rate is higher. This provision is implemented in HUD's regulations at 24 CFR 203.405, 203.479, 207.259(e)(6), and 220.830. These regulatory provisions state that the applicable rates of interest will be published twice each year as a notice in the **Federal Register**.

Section 224 further provides that the interest rate on these debentures will be set from time to time by the Secretary of HUD, with the approval of the Secretary of the Treasury, in an amount not in excess of the annual interest rate determined by the Secretary of the Treasury pursuant to a statutory formula based on the average yield of all outstanding marketable Treasury obligations of maturities of 15 or more years.

The Secretary of the Treasury (1) has determined, in accordance with the provisions of Section 224, that the statutory maximum interest rate for the period beginning July 1, 2024, is 4¾ percent; and (2) has approved the establishment of the debenture interest rate by the Secretary of HUD at 4¾ percent for the 6-month period beginning July 1, 2024. This interest rate will be the rate borne by debentures issued with respect to any insured loan or mortgage (except for debentures issued pursuant to Section 221(g)(4)) with insurance commitment or endorsement date (as applicable) within the next 6 months of 2024).

For convenience of reference, HUD is publishing the following chart of debenture interest rates applicable to mortgages committed or endorsed since January 1, 1980:

Effective interest rate	on or after	prior to
9½	Jan. 1, 1980	July 1, 1980.
9⅞	July 1, 1980	Jan. 1, 1981.
11¾	Jan. 1, 1981	July 1, 1981.
12⅞	July 1, 1981	Jan. 1, 1982.
12¾	Jan. 1, 1982	Jan. 1, 1983.
10¼	Jan. 1, 1983	July 1, 1983.
10⅜	July 1, 1983	Jan. 1, 1984.
11½	Jan. 1, 1984	July 1, 1984.
13⅜	July 1, 1984	Jan. 1, 1985.
11⅝	Jan. 1, 1985	July 1, 1985.
11⅛	July 1, 1985	Jan. 1, 1986.
10¼	Jan. 1, 1986	July 1, 1986.
8¼	July 1, 1986	Jan. 1. 1987.
8	Jan. 1, 1987	July 1, 1987.
9	July 1, 1987	Jan. 1, 1988.
9⅛	Jan. 1, 1988	July 1, 1988.
9⅜	July 1, 1988	Jan. 1, 1989.
9¼	Jan. 1, 1989	July 1, 1989.
9	July 1, 1989	Jan. 1, 1990.
8⅛	Jan. 1, 1990	July 1, 1990.
9	July 1, 1990	Jan. 1, 1991.
8¾	Jan. 1, 1991	July 1, 1991.
8½	July 1, 1991	Jan. 1, 1992.
8	Jan. 1, 1992	July 1, 1992.
8	July 1, 1992	Jan. 1, 1993.
7¾	Jan. 1, 1993	July 1, 1993.
7	July 1, 1993	Jan. 1, 1994
6⅝	Jan. 1, 1994	July 1, 1994.
7¾	July 1, 1994	Jan. 1, 1995.
8⅜	Jan. 1, 1995	July 1, 1995.
7¼	July 1, 1995	Jan. 1, 1996.
6½	Jan. 1, 1996	July 1, 1996.
7¼	July 1, 1996	Jan. 1, 1997.
6¾	Jan. 1, 1997	July 1, 1997.
7⅛	July 1, 1997	Jan. 1, 1998.
6⅜	Jan. 1, 1998	July 1, 1998.
6⅛	July 1, 1998	Jan. 1, 1999.
5½	Jan. 1, 1999	July 1, 1999.
6⅛	July 1, 1999	Jan. 1, 2000.
6½	Jan. 1, 2000	July 1, 2000.
6½	July 1, 2000	Jan. 1, 2001.
6	Jan. 1, 2001	July 1, 2001.
5⅞	July 1, 2001	Jan. 1, 2002.
5¼	Jan. 1, 2002	July 1, 2002.
5¾	July 1, 2002	Jan. 1, 2003.
5	Jan. 1, 2003	July 1, 2003.
4½	July 1, 2003	Jan. 1, 2004.
5⅛	Jan. 1, 2004	July 1, 2004.
5½	July 1, 2004	Jan. 1, 2005.
4⅞	Jan. 1, 2005	July 1, 2005.
4½	July 1, 2005	Jan. 1, 2006.
4⅞	Jan. 1, 2006	July 1, 2006.
5⅜	July 1, 2006	Jan. 1, 2007.
4¾	Jan. 1, 2007	July 1, 2007.
5	July 1, 2007	Jan. 1, 2008.
4½	Jan. 1, 2008	July 1, 2008.
4⅝	July 1, 2008	Jan. 1, 2009.
4⅛	Jan. 1, 2009	July 1, 2009.
4⅛	July 1, 2009	Jan. 1, 2010.
4¼	Jan. 1, 2010	July 1, 2010.
4⅛	July 1, 2010	Jan. 1, 2011.
3⅞	Jan. 1, 2011	July 1, 2011.
4⅛	July 1, 2011	Jan. 1, 2012.
2⅞	Jan. 1, 2012	July 1, 2012.
2¾	July 1, 2012	Jan. 1, 2013.
2½	Jan. 1, 2013	July 1, 2013.
2⅞	July 1, 2013	Jan. 1, 2014.
3⅝	Jan. 1, 2014	July 1, 2014.
3¼	July 1, 2014	Jan. 1, 2015.
3	Jan. 1, 2015	July 1, 2015.
2⅞	July 1, 2015	Jan. 1, 2016.
2⅞	Jan. 1, 2016	July 1, 2016.
2½	July 1, 2016	Jan. 1, 2017.
2¾	Jan. 1, 2017	July 1, 2017.
2⅞	July 1, 2017	Jan. 1, 2018.
2¾	Jan. 1, 2018	July 1, 2018.
3⅛	July 1, 2018	Jan. 1, 2019.
3⅜	Jan 1, 2019 ..	July 1, 2019.
2¾	July 1, 2019	Jan 1, 2020.
2¼	Jan 1, 2020 ..	July 1, 2020.
1¼	July 1, 2020	Jan. 1, 2021.
1⅜	Jan 1, 2021 ..	July 1, 2021.
2¼	July, 1 2021	Jan 1, 2022.
1⅞	Jan 1, 2022 ..	July 1, 2022.
3¼	July 1, 2022	Jan 1, 2023.
4¼	Jan 1, 2023 ..	July 1, 2023.
3⅞	July 1, 2023	Jan 1, 2024.
4½	Jan 1, 2024 ..	July 1, 2024.
4¾	July 1, 2024	Jan 1, 2025.

Section 215 of Division G, Title II of Public Law 108–199, enacted January 23, 2004 (HUD's 2004 Appropriations Act) amended Section 224 of the Act, to change the debenture interest rate for purposes of calculating certain insurance claim payments made in cash. Therefore, for all claims paid in cash on mortgages insured under Section 203 or 234 of the National Housing Act and endorsed for insurance after January 23, 2004, the debenture interest rate will be the monthly average yield, for the month in which the default on the mortgage occurred, on United States Treasury Securities adjusted to a constant maturity of 10 years, as found in Federal Reserve Statistical Release H–15. The Federal Housing Administration has codified this provision in HUD regulations at 24 CFR 203.405(b) and 24 CFR 203.479(b).

Similarly, Section 520(a) of the National Housing Act (12 U.S.C. 1735d) provides for the payment of an

insurance claim in cash on a mortgage or loan insured under any section of the National Housing Act before or after the enactment of the Housing and Urban Development Act of 1965. The amount of such payment shall be equivalent to the face amount of the debentures that would otherwise be issued, plus an amount equivalent to the interest which the debentures would have earned, computed to a date to be established pursuant to regulations issued by the Secretary. The implementing HUD regulations for multifamily insured mortgages at 24 CFR 207.259(e)(1) and (e)(6), when read together, provide that debenture interest on a multifamily insurance claim that is paid in cash is paid from the date of the loan default at the debenture rate in effect at the time of commitment or endorsement (or initial endorsement if there are two or more endorsements) of the loan, whichever is higher.

Section 221(g)(4) of the Act provides that debentures issued pursuant to that paragraph (with respect to the assignment of an insured mortgage to the Secretary) will bear interest at the ''going Federal rate'' in effect at the time the debentures are issued. The term ''going Federal rate'' is defined to mean the interest rate that the Secretary of the Treasury determines, pursuant to a statutory formula based on the average yield on all outstanding marketable Treasury obligations of 8- to 12-year maturities, for the 6-month periods of January through June and July through December of each year. Section 221(g)(4) is implemented in the HUD regulations at 24 CFR 221.255 and 24 CFR 221.790.

The Secretary of the Treasury has determined that the interest rate to be borne by debentures issued pursuant to Section 221(g)(4) during the 6-month period beginning July 1, 2024, is 4½ percent. The subject matter of this notice falls within the categorical exemption from HUD's environmental clearance procedures set forth in 24 CFR 50.19(c)(6). For that reason, no environmental finding has been prepared for this notice.

(Authority: Sections 211, 221, 224, National Housing Act, 12 U.S.C. 1715b, 1715l, 1715o; Section 7(d), Department of HUD Act, 42 U.S.C. 3535(d).)

Julia Gordon,

Assistant Secretary for Housing, Federal Housing Commissioner.

Legislation description	Effective start date	Effective date range	Calendar year rate (%)
National Housing Act—Section 221(g)(4)	7/1/2024	Jul–Dec 2024	4½
National Housing Act—Section 224	7/1/2024	Jul–Dec 2024	4¾
National Housing Act—Section 221(g)(4)	1/1/2024	Jan–Jun 2024	4½
National Housing Act—Section 224	1/1/2024	Jan–Jun 2024	4⅞
National Housing Act—Section 221(g)(4)	7/1/2023	Jul–Dec 2023	3½
National Housing Act—Section 224	7/1/2023	Jul–Dec 2023	3⅞
Alaska Native Claims Act—Public Law 94–204, Section 2(b)	7/1/2023	Jul–Dec 2023	5.35
National Housing Act—Section 221(g)(4)	1/1/2023	Jan–Jun 2023	3⅞
National Housing Act—Section 224	1/1/2023	Jan–Jun 2023	4¼
Alaska Native Claims Act—Public Law 94–204, Section 2(b)	1/1/2023	Jan–Jun 2023	5.32
National Housing Act—Section 221(g)(4)	7/1/2022	Jul–Dec 2022	2⅞
National Housing Act—Section 224	7/1/2022	Jul–Dec 2022	3¼
Alaska Native Claims Act—Public Law 94–204, Section 2(b)	7/1/2022	Jul–Dec 2022	4.40
National Housing Act—Section 221(g)(4)	1/1/2022	Jan–Jun 2022	1½
National Housing Act—Section 224	1/1/2022	Jan–Jun 2022	1⅞
Alaska Native Claims Act—Public Law 94–204, Section 2(b)	1/1/2022	Jan–Jun 2022	1.69
National Housing Act—Section 221(g)(4)	7/1/2021	Jul–Dec 2021	1½
National Housing Act—Section 224	7/1/2021	Jul–Dec 2021	2¼
Alaska Native Claims Act—Public Law 94–204, Section 2(b)	7/1/2021	Jul–Dec 2021	0.06
National Housing Act—Section 221(g)(4)	1/1/2021	Jan–Jun 2021	¾
National Housing Act—Section 224	1/1/2021	Jan–Jun 2021	1⅜
Alaska Native Claims Act—Public Law 94–204, Section 2(b)	1/1/2021	Jan–Jun 2021	0.05
National Housing Act—Section 221(g)(4)	7/1/2020	Jul–Dec 2020	⅝
National Housing Act—Section 224	7/1/2020	Jul–Dec 2020	1¼
Alaska Native Claims Act—Public Law 94–204, Section 2(b)	7/1/2020	Jul–Dec 2020	0.09
National Housing Act—Section 221(g)(4)	1/1/2020	Jan–Jun 2020	1¾
National Housing Act—Section 224	1/1/2020	Jan–Jun 2020	2¼
Alaska Native Claims Act—Public Law 94–204, Section 2(b)	1/1/2020	Jan–Jun 2020	0.16
National Housing Act—Section 221(g)(4)	7/1/2019	Jul–Dec 2019	2⅜
National Housing Act—Section 224	7/1/2019	Jul–Dec 2019	2¾
Alaska Native Claims Act—Public Law 94–204, Section 2(b)	7/1/2019	Jul–Dec 2019	1.55
National Housing Act—Section 221(g)(4)	1/1/2019	Jan–Jun 2019	3⅛
National Housing Act—Section 224	1/1/2019	Jan–Jun 2019	3⅜
Alaska Native Claims Act—Public Law 94–204, Section 2(b)	1/1/2019	Jan–Jun 2019	2.13
National Housing Act—Section 221(g)(4)	7/1/2018	Jul–Dec 2018	3.00
National Housing Act—Section 224	7/1/2018	Jul–Dec 2018	3⅛
Alaska Native Claims Act—Public Law 94–204, Section 2(b)	7/1/2018	Jul–Dec 2018	2.45
National Housing Act—Section 221(g)(4)	1/1/2018	Jan–Jun 2018	2⅜
National Housing Act—Section 224	1/1/2018	Jan–Jun 2018	2¾
Alaska Native Claims Act—Public Law 94–204, Section 2(b)	1/1/2018	Jan–Jun 2018	1.93
National Housing Act—Section 221(g)(4)	7/1/2017	Jul–Dec 2017	2¼
National Housing Act—Section 224	7/1/2017	Jul–Dec 2017	2⅞
Alaska Native Claims Act—Public Law 94–204, Section 2(b)	7/1/2017	Jul–Dec 2017	1.39
National Housing Act—Section 221(g)(4)	1/1/2017	Jan–Jun 2017	2⅛
National Housing Act—Section 224	1/1/2017	Jan–Jun 2017	2¾
Alaska Native Claims Act—Public Law 94–204, Section 2(b)	1/1/2017	Jan–Jun 2017	1.03
National Housing Act—Section 221(g)(4)	7/1/2016	Jul–Dec 2016	1¾
National Housing Act—Section 224	7/1/2016	Jul–Dec 2016	2½

Legislation description	Effective start date	Effective date range	Calendar year rate (%)
Alaska Native Claims Act—Public Law 94–204, Section 2(b)	7/1/2016	Jul–Dec 2016	0.51
National Housing Act—Section 221(g)(4)	1/1/2016	Jan–Jun 2016	2 1/4
National Housing Act—Section 224	1/1/2016	Jan–Jun 2016	2.78
Alaska Native Claims Act—Public Law 94–204, Section 2(b)	1/1/2016	Jan–Jun 2016	0.26
National Housing Act—Section 221(g)(4)	7/1/2015	Jul–Dec 2015	2 1/8
National Housing Act—Section 224	7/1/2015	Jul–Dec 2015	2 7/8
Alaska Native Claims Act—Public Law 94–204, Section 2(b)	7/1/2015	Jul–Dec 2015	0.16
National Housing Act—Section 221(g)(4)	1/1/2015	Jan–Jun 2015	2 1/4
National Housing Act—Section 224	1/1/2015	Jan–Jun 2015	3
Alaska Native Claims Act—Public Law 94–204, Section 2(b)	1/1/2015	Jan–Jun 2015	0.01
National Housing Act—Section 221(g)(4)	7/1/2014	Jul–Dec 2014	2 3/8
National Housing Act—Section 224	7/1/2014	Jul–Dec 2014	3 1/4
Alaska Native Claims Act—Public Law 94–204, Section 2(b)	7/1/2014	Jul–Dec 2014	0.04
National Housing Act—Section 221(g)(4)	1/1/2014	Jan–Jun 2014	2 1/2
National Housing Act—Section 224	1/1/2014	Jan–Jun 2014	3 5/8
Alaska Native Claims Act—Public Law 94–204, Section 2(b)	1/1/2014	Jan–Jun 2014	0.04
National Housing Act—Section 221(g)(4)	7/1/2013	Jul–Dec 2013	1 3/4
National Housing Act—Section 224	7/1/2013	Jul–Dec 2013	2 7/8
Alaska Native Claims Act—Public Law 94–204, Section 2(b)	7/1/2013	Jul–Dec 2013	0.07
National Housing Act—Section 221(g)(4)	1/1/2013	Jan–Jun 2013	1 3/8
National Housing Act—Section 224	1/1/2013	Jan–Jun 2013	2 1/2
Alaska Native Claims Act—Public Law 94–204, Section 2(b)	1/1/2013	Jan–Jun 2013	0.04
National Housing Act—Section 221(g)(4)	7/1/2012	Jul–Dec 2012	1 5/8
National Housing Act—Section 224	7/1/2012	Jul–Dec 2012	2 3/4
Alaska Native Claims Act—Public Law 94–204, Section 2(b)	7/1/2012	Jul–Dec 2012	0.05
National Housing Act—Section 221(g)(4)	1/1/2012	Jan–Jun 2012	1 7/8
National Housing Act—Section 224	1/1/2012	Jan–Jun 2012	2 7/8
Alaska Native Claims Act—Public Law 94–204, Section 2(b)	1/1/2012	Jan–Jun 2012	0.09
National Housing Act—Section 221(g)(4)	7/1/2011	Jul–Dec 2011	3
National Housing Act—Section 224	7/1/2011	Jul–Dec 2011	4 1/8
Alaska Native Claims Act—Public Law 94–204, Section 2(b)	7/1/2011	Jul–Dec 2011	0.02
National Housing Act—Section 221(g)(4)	1/1/2011	Jan–Jun 2011	2 1/2
National Housing Act—Section 224	1/1/2011	Jan–Jun 2011	3 7/8
Alaska Native Claims Act—Public Law 94–204, Section 2(b)	1/1/2011	Jan–Jun 2011	0.03
National Housing Act—Section 221(g)(4)	7/1/2010	Jul–Dec 2010	3 3/8
National Housing Act—Section 224	7/1/2010	Jul–Dec 2010	4 1/8
Alaska Native Claims Act—Public Law 94–204, Section 2(b)	7/1/2010	Jul–Dec 2010	0.12
National Housing Act—Section 221(g)(4)	1/1/2010	Jan–Jun 2010	3 3/8
National Housing Act—Section 224	1/1/2010	Jan–Jun 2010	4 1/4
Alaska Native Claims Act—Public Law 94–204, Section 2(b)	1/1/2010	Jan–Jun 2010	0.18
National Housing Act—Section 221(g)(4)	7/1/2009	Jul–Dec 2009	3 3/8
National Housing Act—Section 224	7/1/2009	Jul–Dec 2009	4 1/8
Alaska Native Claims Act—Public Law 94–204, Section 2(b)	7/1/2009	Jul–Dec 2009	0.06
National Housing Act—Section 221(g)(4)	1/1/2009	Jan–Jun 2009	3 3/4
National Housing Act—Section 224	1/1/2009	Jan–Jun 2009	4 1/8
Alaska Native Claims Act—Public Law 94–204, Section 2(b)	1/1/2009	Jan–Jun 2009	0.19
National Housing Act—Section 221(g)(4)	7/1/2008	Jul–Dec 2008	3 7/8
National Housing Act—Section 224	7/1/2008	Jul–Dec 2008	4 5/8
Alaska Native Claims Act—Public Law 94–204, Section 2(b)	7/1/2008	Jul–Dec 2008	0.11
National Housing Act—Section 221(g)(4)	1/1/2008	Jan–Jun 2008	4 1/8
National Housing Act—Section 224	1/1/2008	Jan–Jun 2008	4 1/2
Alaska Native Claims Act—Public Law 94–204, Section 2(b)	1/1/2008	Jan–Jun 2008	1.90
National Housing Act—Section 221(g)(4)	7/1/2007	Jul–Dec 2007	4 3/4
National Housing Act—Section 224	7/1/2007	Jul–Dec 2007	5.00
Alaska Native Claims Act—Public Law 94–204, Section 2(b)	7/1/2007	Jul–Dec 2007	3.37
National Housing Act—Section 221(g)(4)	1/1/2007	Jan–Jun 2007	4 7/8
National Housing Act—Section 224	1/1/2007	Jan–Jun 2007	4 3/4
Alaska Native Claims Act—Public Law 94–204, Section 2(b)	1/1/2007	Jan–Jun 2007	4.81

[FR Doc. 2024–16506 Filed 7–25–24; 8:45 am]

BILLING CODE 4210–67–P

DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT

[Docket No. FR–7086–N–22]

60-Day Notice of Proposed Information Collection: HUD Multifamily Rental Project Closing Documents; OMB Control No.: 2502–0598

AGENCY: Office of the Assistant Secretary for Housing—Federal Housing Commissioner, HUD.

ACTION: Notice.

SUMMARY: HUD is seeking approval from the Office of Management and Budget (OMB) for the information collection described below. In accordance with the Paperwork Reduction Act, HUD is requesting comment from all interested parties on the proposed collection of information. The purpose of this notice is to allow for 60 days of public comment.

DATES: *Comments Due Date:* September 24, 2024.

ADDRESSES: Interested persons are invited to submit comments regarding this proposal. Written comments and recommendations for the proposed information collection can 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. Interested persons are also invited to submit comments regarding this proposal by name and/or OMB Control Number and should be sent to: Colette Pollard, Reports Management Officer, REE, Department of Housing and Urban Development, 451 7th Street SW, Room 8210, Washington, DC 20410; telephone (202) 402–3400 (this is not a toll-free number) or email: *PaperworkReductionActOffice@hud.gov.*

FOR FURTHER INFORMATION CONTACT: Colette Pollard, Reports Management Officer, REE, Department of Housing and Urban Development, 451 7th Street SW, Washington, DC 20410; email; *Colette.Pollard@hud.gov* or telephone (202) 402–3400. This is not a toll-free number. HUD welcomes and is prepared to receive calls from individuals who are deaf or hard of hearing, as well as individuals with speech and communication disabilities. To learn more about how to make an accessible telephone call, please visit: *https://www.fcc.gov/consumers/guides/telecommunications-relay-service-trs.*

Copies of available documents submitted to OMB may be obtained from Ms. Pollard.

SUPPLEMENTARY INFORMATION: This notice informs the public that HUD is seeking approval from OMB for the information collection described in Section A.

A. Overview of Information Collection

Title of Information Collection: HUD Multifamily Rental Project Closing Documents.

OMB Approval Number: 2502–0598.

Type of Request: Reinstatement of approved collection for which approval has expired.

Form Numbers: HUD–91070M, HUD–91071M, HUD–91073M, HUD–91710M, HUD–91712M, HUD–91725M, HUD–91725M–CERT, HUD–91725M–INST, HUD–92023M, HUD–92070M, HUD–92223M, HUD–92408M, HUD–92412M, HUD–92414M, HUD–92434M, HUD–92441M, HUD–92442M, HUD–92450M, HUD–92452A–M, HUD–92452M, HUD–92455M, HUD–92456M, HUD–92464M, HUD–92466M, HUD–92476.M, HUD–92476a–M, HUD–92476.1M, HUD–92477M, HUD–92478M, HUD–92479M, HUD–92554M, HUD–93305M, HUD–94000M, HUD–94001M, HUD–92907M, HUD–92908M.

Description of the need for the information and proposed use: This information collection consists of numerous existing closing forms (Closing Documents) used in FHA-insured multifamily transactions.

HUD is also adding to the collection of Closing Documents twelve (12) documents, published, or referenced in Chapter 19 of the 2020 MAP Guide, 4430.G. The sample forms are not new. They were previously used in the Federal Housing Administration Multifamily Program Closing Guide, 4300.G, or available on HUD's website as sample forms. HUD will assign form numbers to each document upon PRA approval. Once published, preparers will use the OMB-approved forms and discontinue use of the ''sample'' documents. The following is a list of the names of the former ''sample'' documents that will receive HUD Form numbers.

List of New Forms: 9xxxM Borrower's Organizational Document Provisions, 9xxxM Building Code Verification, 9xxxM Certification of Architectural-Engineering Fees, 9xxxM Equity Bridge Loan Rider—LIHTC, 9xxxM Rider to Regulatory Agreement—Residual Receipts, 9xxxM Rider to Regulatory Agreement—Section 213, 9xxxM Rider to Security Instrument—Fee Joinder, 9xxxM Rider to Security Instrument—LIHTC Projects, 9xxxM Rider-Amendment to Restrictive Covenants, 9xxxM Survey Affidavit of No Change, 9xxxM Third Party Obligee Certification.

Respondents: FHA lenders, borrowers, housing finance agencies and other government agencies that support affordable housing, and HFA counsel.

Estimated Number of Respondents: 34,886.

Estimated Number of Responses: 34,886.

Frequency of Response: Once per annum.

Average Hours per Response: 1.6 hour.

Total Estimated Burdens: 18,143.

B. Solicitation of Public Comment

This notice is soliciting comments from members of the public and affected parties concerning the collection of information described in Section A on the following:

(1) Whether the proposed collection of information is necessary for the proper performance of the functions of the agency, including whether the information will have practical utility;

(2) The accuracy of the agency's estimate of the burden of the proposed collection of information;

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

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

HUD encourages interested parties to submit comment in response to these questions.

C. Authority

Section 3507 of the Paperwork Reduction Act of 1995, 44 U.S.C. chapter 35.

Jeffrey D. Little,

General Deputy Assistant Secretary, Office of Housing.

[FR Doc. 2024–16488 Filed 7–25–24; 8:45 am]

BILLING CODE 4210–67–P

DEPARTMENT OF THE INTERIOR

Fish and Wildlife Service

[Docket No. FWS–HQ–IA–2024–0124; FXIA16710900000–245–FF09A30000]

Foreign Endangered Species; Receipt of Permit Application

AGENCY: Fish and Wildlife Service, Interior.

ACTION: Notice of receipt of permit application; request for comments.

SUMMARY: We, the U.S. Fish and Wildlife Service, invite the public to comment on an application to conduct certain activities with a foreign species that is listed as endangered under the Endangered Species Act (ESA). With some exceptions, the ESA prohibits activities with listed species unless Federal authorization is issued that allows such activities. The ESA also requires that we invite public comment before issuing permits for any activity otherwise prohibited by the ESA with respect to any endangered species.

DATES: We must receive comments by August 26, 2024.

ADDRESSES:

Obtaining Documents: The application, application supporting materials, and any comments and other materials that we receive will be available for public inspection at *https://www.regulations.gov* in Docket No. FWS–HQ–IA–2024–0124.

Submitting Comments: When submitting comments, please specify the name of the applicant and the permit number at the beginning of your comment. You may submit comments by one of the following methods:

- *Internet: https://www.regulations.gov.* Search for and submit comments on Docket No. FWS–HQ–IA–2024–0124.
- *U.S. mail:* Public Comments Processing, Attn: Docket No. FWS–HQ–IA–2024–0124; U.S. Fish and Wildlife Service Headquarters, MS: PRB/3W; 5275 Leesburg Pike; Falls Church, VA 22041–3803.

For more information, see Public Comment Procedures under **SUPPLEMENTARY INFORMATION**.

FOR FURTHER INFORMATION CONTACT: Brenda Tapia, by phone at 703–358–2185 or via email at *DMAFR@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:

I. Public Comment Procedures

A. How do I comment on submitted applications?

We invite the public and local, State, Tribal, and Federal agencies to comment on this application. Before issuing the requested permit, we will take into consideration any information that we receive during the public comment period.

You may submit your comments and materials by one of the methods in **ADDRESSES**. We will not consider comments sent by email or to an address not in **ADDRESSES**. We will not consider or include in our administrative record comments we receive after the close of the comment period (see **DATES**).

When submitting comments, please specify the name of the applicant and the permit number at the beginning of your comment. Provide sufficient information to allow us to authenticate any scientific or commercial data you include. The comments and recommendations that will be most useful and likely to influence agency decisions are: (1) Those supported by quantitative information or studies; and (2) those that include citations to, and analyses of, the applicable laws and regulations.

B. May I review comments submitted by others?

You may view and comment on others' public comments at *https://www.regulations.gov* unless our allowing so would violate the Privacy Act (5 U.S.C. 552a) or Freedom of Information Act (5 U.S.C. 552).

C. Who will see my comments?

If you submit a comment at *https://www.regulations.gov,* your entire comment, including any personal identifying information, will be posted on the website. If you submit a hardcopy comment that includes personal identifying information, such as your address, phone number, or email address, you may request at the top of your document that we withhold this information from public review. However, we cannot guarantee that we will be able to do so. Moreover, all submissions from organizations or businesses, and from individuals identifying themselves as representatives or officials of organizations or businesses, will be made available for public disclosure in their entirety.

II. Background

To help us carry out our conservation responsibilities for affected species, and in consideration of section 10(c) of the Endangered Species Act of 1973, as amended (ESA; 16 U.S.C. 1531 *et seq.*), we invite public comments on permit applications before final action is taken. With some exceptions, the ESA prohibits certain activities with listed species unless Federal authorization is issued that allows such activities.

Permits issued under section 10(a)(1)(A) of the ESA allow otherwise prohibited activities for scientific purposes or to enhance the propagation or survival of the affected species. Service regulations regarding prohibited activities with endangered species, captive-bred wildlife registrations, and permits for any activity otherwise prohibited by the ESA with respect to any endangered species are available in title 50 of the Code of Federal Regulations in part 17.

III. Permit Application

We invite comments on the following application.

Applicant: Smithsonian's National Zoo and Conservation Biology Institute, Washington, DC; Permit No. PER11620248

The applicant requests a permit to import one male and one female captive-bred giant panda (*Ailuropoda melanoleuca*) from the China Conservation and Research Center for Giant Panda, Sichuan, the People's Republic of China, for the purpose of enhancing the propagation or survival of the species. This notification is for a single import.

IV. Next Steps

After the comment period closes, we will make decisions regarding permit issuance. If we issue permits to the applicant listed in this notice, we will publish a notice in the **Federal Register**. You may locate the notice announcing the permit issuance by searching *https://www.regulations.gov* for the permit number listed above in this document. For example, to find information about the potential issuance of Permit No. 12345A, you would go to *regulations.gov* and search for ''12345A''.

V. Authority

We issue this notice under the authority of the Endangered Species Act of 1973, as amended (16 U.S.C. 1531 *et seq.*), and its implementing regulations.

Brenda Tapia,

Supervisory Program Analyst/Data Administrator, Branch of Permits, Division of Management Authority.

[FR Doc. 2024–16438 Filed 7–25–24; 8:45 am]

BILLING CODE 4333–15–P

DEPARTMENT OF THE INTERIOR

Bureau of Land Management

[BLM_NV_FRN; MO4500179291]

Notice of Availability of the Final Environmental Impact Statement for the Libra Solar Project, Lyon and Mineral Counties, Nevada

AGENCY: Bureau of Land Management, Interior.

ACTION: Notice of availability.

SUMMARY: In accordance with the National Environmental Policy Act of 1969, as amended (NEPA), and the Federal Land Policy and Management Act of 1976, as amended (FLPMA), the Bureau of Land Management (BLM) announces the availability of the Final Environmental Impact Statement (EIS) for the Libra Solar Project, Lyon and Mineral Counties, Nevada.

DATES: The BLM will not issue a decision on the proposal for a minimum of 30 days after the date the Environmental Protection Agency (EPA) publishes its Notice of Availability (NOA) of the Final EIS in the **Federal Register**. The EPA usually publishes its NOAs on Fridays.

ADDRESSES: The Final EIS and documents pertinent to this proposal are available for review on the BLM National NEPA Register website at *https://eplanning.blm.gov/eplanning-ui/project/2022592/570.*

FOR FURTHER INFORMATION CONTACT: Lisa Ross, Public Affairs Specialist, telephone: (775) 885–6107; address: 5665 Morgan Mill Road, Carson City, NV 89701; email *blm_nv_ccdo_libra_solar@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. Ross. 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:

Purpose and Need for the Proposed Action

The BLM's purpose and need is to respond to the right-of-way (ROW) application submitted by the Applicant under FLPMA Title V (43 U.S.C. 1761). The need for this action is to fulfill the BLM's responsibility under FLPMA and its ROW regulations to manage the public lands for multiple uses, including the generation of electric energy. FLPMA, as amended, established a multiple-use mandate for the BLM's management of Federal lands, including ''systems for generation, transmission, and distribution of electric energy, except that the proponent shall also comply with all applicable requirements of the Federal Energy Regulatory Commission under the Federal Power Act, including part I thereof (41 Stat. 1063, 16 U.S.C. 791a–825r).'' (43 U.S.C. 1761(a)(4)). The BLM must consider compliance with FLPMA, BLM ROW regulations, the BLM NEPA Handbook, Department of the Interior NEPA regulations, and other applicable Federal and State laws and policies.

Proposed Action and Alternatives

Under the Proposed Action, the Applicant would construct, operate, maintain, and decommission a 700-megawatt alternating current (MW ac) solar photovoltaic (PV) power generating facility with battery storage and associated components on approximately 5,141 acres of public lands administered by the BLM Stillwater and Sierra Front Field Offices in the Carson City District Office. The proposal also includes the development of a 24.1-mile-long generation tie-line, of which 22.9 miles would be located on BLM managed lands, to connect the solar site to the Fort Churchill Substation in Lyon County, as well as improvement of a largely-existing access road on BLM lands providing access to the solar site. The total ROW requested for the project is 5,778 acres. The Project would result in the permanent disturbance of approximately 3,420 acres within the 5,778-acre ROW. Under the Proposed Action, the Applicant would reclaim surface disturbances and prevent unnecessary or undue degradation of the lands. The final reclamation would occur at the end of the 30-year ROW grant term, if it is not renewed.

The three action alternatives analyzed in the Final EIS are as follows: Action Alternative 1: Major Drainage Avoidance, Fenced Corridors, and Vegetation and Topography Maintenance; Action Alternative 2: Alternative Supplemental Access During Construction; and Action Alternative 3: Alternative Gen-tie Connecting to the Proposed Greenlink West Transmission Line. Action Alternative 1 includes the use of specific construction methods to reduce impacts to vegetation, drainage, and topography within the solar array areas. Action Alternative 2 focuses on reduction of impacts associated with East Walker Road (the project's mostly unpaved access road) by providing supplemental access during construction. Action Alternative 3 entails connecting the generation tie-line from the project to the proposed Greenlink West Transmission Project through a new switching station under the proposed Greenlink West line, which would reduce impacts to air, vegetation, soils, wildlife, visual resources, and other resource areas from the 24.1-mile-long generation tie-line under the Proposed Action.

Under the No Action Alternative, the solar facility, generation tie-line, battery storage, substation, and associated facilities would not be developed because the BLM would not issue the ROW grant.

Based on the analyses contained in the Final EIS for the proposed Libra Solar Project, and after carefully considering input from the public and cooperating agencies, the BLM has selected a modification of the Proposed Action that combines Action Alternative 1 and Action Alternative 2; it requires the use of specific construction methods and provides supplemental access to reduce total traffic on East Walker Road during construction. An overlay of Alternative 1 and Alternative 2 is the preferred alternative since it reduces many of the resource impacts, including to vegetation communities, wildlife, and hydrology. It also allows for faster and more successful restoration at decommissioning, allowing for future uses of the land under multiple use.

Public Participation

In addition to making the Draft EIS available for public comment and review, the BLM hosted one virtual and one in-person public meeting in Yerington, Nevada, during the public comment period. The agency received 23 written comments, some of which were verbally presented and recorded during the meeting. The responses were incorporated in the Final EIS, as appropriate. The BLM hosted additional meetings in response to comments received from Native American Tribes to discuss construction practices and methods. The BLM will continue to consult with Indian Tribal Nations on a government-to-government basis in accordance with Executive Order 13175, BLM MS 1780, and other Departmental policies. Public comments received on the Draft EIS were considered and incorporated as appropriate into the Final EIS. Public comments and internal BLM review resulted in the addition of clarifying text but did not significantly change the impact analyses.

Schedule for the Decision-Making Process

The BLM anticipates releasing a Record of Decision in the third quarter of 2024. The BLM will decide whether or not to approve and issue the ROW to build the project on 5,778 acres of public lands as proposed or with modifications.

(Authority: 40 CFR 1506.6, 40 CFR 1506.10)

Kimberly D. Dow,

District Manager, Carson City District.

[FR Doc. 2024–16258 Filed 7–25–24; 8:45 am]

BILLING CODE 4331–21–P

DEPARTMENT OF THE INTERIOR

Bureau of Land Management

[BLM_NV_FRN_MO4500178495]

Notice of Availability of the Draft Resource Management Plan Amendment and Associated Programmatic Environmental Impact Statement for the Esmeralda Seven Solar Projects, Esmeralda County, Nevada

AGENCY: Bureau of Land Management, Interior.

ACTION: Notice of availability.

SUMMARY: In compliance with the National Environmental Policy Act of 1969, as amended (NEPA), and the Federal Land Policy and Management Act of 1976, as amended (FLPMA), the Bureau of Land Management (BLM) Nevada State Director has prepared a draft Resource Management Plan (RMP) Amendment with an associated Programmatic Environmental Impact Statement (PEIS) for seven adjacent solar photovoltaic projects proposed on BLM-administered public lands in Esmeralda County, Nevada. This notice announces the opening of the 90-day comment period and provides the planning criteria for public review.

DATES: All comments on the draft RMP Amendment and PEIS must be received by October 24, 2024 or 15 days after the last public meeting, whichever is later.

ADDRESSES: You may submit comments on issues and planning criteria related to the RMP Amendment and associated PEIS by any of the following methods:

- BLM's National NEPA Register (ePlanning) at: *https://eplanning.blm.gov/eplanning-ui/project/2020804/510.*
- *Email: BLM_NV_BMDO_P&EC_NEPA@blm.gov.*
- *Fax:* (775) 635–4034.
- *Mail:* BLM, Battle Mountain District Office, 50 Bastian Road, Battle Mountain, NV 89820.

Documents pertinent to this proposal may be examined online at: *https://eplanning.blm.gov/eplanning-ui/project/2020804/510.*

FOR FURTHER INFORMATION CONTACT: For further information and/or to have your name added to the mailing list, please send requests to: Scott Distel, Supervisory Project Manager, at telephone (775) 635–4093; address: 50 Bastian Road, Battle Mountain, NV 89820; or email: *sdistel@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. 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: This document provides notice that the BLM Nevada State Director has prepared a draft RMP Amendment with an associated PEIS for the Esmeralda Seven Solar Projects in Esmeralda County, Nevada, announces the beginning of the draft PEIS review process, and seeks public input on issues and planning criteria. The RMP Amendment would change the existing 1997 Tonopah Field Office Record of Decision and Approved RMP. The RMP Amendment is being considered to change the management direction for visual resources and slope to allow for the consideration of the proposed solar development projects.

The planning area is in Esmeralda County, Nevada, and encompasses approximately 118,630.9 acres of BLM-administered public lands.

Purpose and Need

The BLM's purpose for this Federal action is to respond to the solar projects' FLPMA right-of-way applications submitted under Title V of FLPMA (43 U.S.C. 1761) and to amend the visual and slope management direction in the Tonopah RMP in compliance with the FLPMA BLM right-of-way regulations (43 Code of Federal Regulations [CFR] 2800) and other applicable Federal and State laws and policies. In accordance with FLPMA, there is a need to consider the long-term needs of future generations for renewable and non-renewable resources in the context of the multiple resource objectives in the Tonopah RMP planning area.

Preliminary Alternatives

Under Alternative A, the Proposed Action, there would be the potential for the development of seven utility-scale photovoltaic solar facilities within the planning area. The proposed projects include the development of photovoltaic solar facilities, including solar arrays, energy storage, roads, and electric generation intertie (gen-tie) lines within the seven solar ROWs, as outlined in each project's plan of development.

Alternative B, the Soils and Vegetation Conservation Alternative, would be the same as the Proposed Action; however, there would be no amendment to the Tonopah RMP to change the slope requirement for the planning area to a maximum of 10 percent. Development on slopes greater than 5 percent would be based on the additional slope criteria outlined in the 2012 Solar PEIS Record of Decision (ROD). In addition, applicants would limit traditional construction grading methods, which remove all vegetation and compact the soil, to a maximum of 35 percent of the proposed development area. Applicants would use mowing in the rest of the development area to leave vegetation intact. In mowed areas, vegetation would be mowed to a height of 24 inches but no less than 18 inches, where justified.

Under Alternative C, the No Action Alternative, the BLM would not authorize the RMP Amendment or select an action alternative. Future solar development in the planning area would require separate NEPA analyses and reviews that would not tier to this PEIS or ROD. In addition, future development could be constrained by the existing visual resources management classifications or slope requirements.

Planning Criteria

The planning criteria serve as a guide for the planning effort and lay the groundwork for effects analysis by identifying the preliminary issues and their analytical frameworks. The planning criteria are available for public review and comment on the BLM's National NEPA Register (ePlanning) website (see **ADDRESSES**).

Summary of Expected Impacts

Through the RMP Amendment and PEIS, the BLM would change the visual and slope management direction in the Tonopah RMP and consider best management practices for use in future analyses of the individual projects. Prior to decisions on the individual solar projects, subsequent site-specific NEPA analysis would be required. Preliminary issues for the planning area have been identified by BLM personnel and from feedback received during early engagement conducted for this planning effort with Federal, State, and local

agencies; Tribes; and stakeholders; as well as through the public scoping process. The PEIS analyzes the effects of the proposed changes in RMP management direction, the cumulative effects of the seven proposed solar projects, and the implementation of design features on:

- Air Resources
- Biological Resources
- Cultural and Native American Concerns
- Hydrologic Resources
- Socioeconomics and Environmental Justice
- Visual Resources

Schedule for the Decision-Making Process

The BLM will provide opportunities for public participation consistent with the NEPA and land use planning processes for a 90-day comment period on the draft RMP Amendment and PEIS. The Final PEIS is anticipated to be available for public protest in the last quarter of 2024, with an Approved RMP Amendment and Record of Decision in the first quarter of 2025.

Public Process

One in-person and one virtual public meeting will be held. The location and dates of the meetings and information on how to participate will be announced at least 15 days in advance through the BLM's National NEPA Register (ePlanning) web page (see **ADDRESSES**) and applicable local newspapers.

This notice of availability initiates the public review of the planning criteria, draft RMP Amendment, and draft PEIS.

Through the review process, the BLM is requesting input on the environmental analysis, alternatives, and issues that are analyzed, including measures to minimize and/or avoid adverse environmental impacts, and any other information relevant to the proposed area of effect.

Lead and Cooperating Agencies

The BLM Battle Mountain District Office is the lead agency for this RMP Amendment and PEIS. The Nevada Department of Wildlife, the U.S. Fish and Wildlife Service—Ecological Services, the U.S. Fish and Wildlife Service—Migratory Birds Program, the U.S. Environmental Protection Agency, and the Esmeralda County Board of County Commissioners have agreed to participate in this environmental analysis as cooperating agencies. Several Tribes, including the Moapa Band of Paiutes, have also requested to participate in the environmental analysis and may potentially agree to become cooperating agencies. Additional agencies and organizations may be identified as potential cooperating agencies to participate in the environmental analysis for the RMP Amendment and PEIS.

Responsible Official

The BLM Nevada State Director is the deciding official for this planning effort.

Nature of Decision To Be Made

The nature of the decision to be made will be the BLM Nevada State Director's selection of land use planning decisions for managing BLM-administered public lands under the principles of multiple use and sustained yield in a manner that best addresses the purpose and need.

Interdisciplinary Team

The BLM has used an interdisciplinary approach to develop the RMP Amendment to consider the variety of resource issues and concerns identified. Specialists with expertise in the following disciplines were involved in this planning effort: geology and soils, vegetation and noxious and invasive species, wildlife, hydrology, air quality, minerals, paleontology, visual resources, cultural resources, socioeconomics and environmental justice, public health and safety, land use and recreation, special designations, and others deemed necessary based on the results of the scoping process.

Additional Information

The BLM will identify, analyze, and consider mitigation to address the reasonably foreseeable effects to resources from the proposed RMP Amendment and all analyzed reasonable alternatives and, in accordance with 40 CFR 1502.14(e), include appropriate mitigation measures not already included in the draft RMP Amendment or alternatives. Mitigation may include avoidance, minimization, rectification, reduction or elimination over time, and compensation; and may be considered at multiple scales, including the landscape scale.

The BLM is utilizing and coordinating the NEPA and land use planning processes for this planning effort to help support compliance with applicable procedural requirements under the Endangered Species Act (16 U.S.C. 1536), as well as section 106 of the National Historic Preservation Act (54 U.S.C. 306108) as provided in 36 CFR 800.2(d)(3), including public involvement requirements of section 106. The information about threatened and endangered species and historic and cultural resources within the area potentially affected by the proposed plan assists the BLM in identifying and evaluating impacts to such resources.

The BLM has consulted and will continue to consult with Native American Tribes on a government-to-government basis in accordance with Executive Order 13175, BLM MS–1780, and other Departmental policies. Tribal concerns, including impacts on Indian trust assets and potential impacts to cultural resources, are being given due consideration. Federal, State, and local agencies, along with Native American Tribal Nations and other stakeholders that may be interested in or affected by the draft RMP Amendment and PEIS that the BLM is evaluating, have been invited to participate in the environmental review process and, if eligible, have been requested by the BLM to participate in the development of the environmental analysis as a cooperating agency.

Before including your address, phone number, email address, or other personal identifying information in your comment, you should be aware that your entire comment—including your personal identifying information—may be made publicly available at any time. While you can ask us in your comment to withhold your personal identifying information from public review, we cannot guarantee that we will be able to do so.

(Authority: 40 CFR 1501.7, 43 CFR 1610.2, and 43 CFR 2800)

Kimberly Prill,

Acting State Director.

[FR Doc. 2024–16280 Filed 7–25–24; 8:45 am]

BILLING CODE 4331–21–P

DEPARTMENT OF THE INTERIOR

Bureau of Land Management

[BLM_OR_FRN_MO_4500179756]

Notice of Availability of the Final Hult Reservoir and Dam Safety Environmental Impact Statement, Oregon

AGENCY: Bureau of Land Management, Interior.

ACTION: Notice of availability.

SUMMARY: In compliance with the National Environmental Policy Act of 1969, as amended (NEPA), and the Federal Land Policy and Management Act of 1976, as amended (FLPMA), the Bureau of Land Management (BLM) announces the availability of the Final Hult Reservoir and Dam Safety Environmental Impact Statement (EIS).

DATES: The BLM will not issue a decision on the proposal for a minimum

of 30 days after the date that the Environmental Protection Agency (EPA) publishes its Notice of Availability (NOA) in the **Federal Register**. The EPA usually publishes its NOAs on Fridays.

ADDRESSES: The Final EIS and documents pertinent to this proposal are available for review on the BLM ePlanning project website at *https://bit.ly/4365A9m.* They are also available for in-person examination at the BLM's Siuslaw Field Office at 3106 Pierce Parkway, Springfield, OR 97477.

FOR FURTHER INFORMATION CONTACT: Sarah Bickford, (541) 683–6767; 3106 Pierce Parkway, Springfield, OR 97477; *sbickfor@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. Bickford. 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 Hult Reservoir and Hult Pond Dam are located near the community of Horton, Oregon. The reservoir is fed by Lake Creek and smaller tributaries. The earthen embankment dam was built in the 1930s or 1940s to create a log holding pond for the Hult Lumber Company sawmill. Today, the 54-acre reservoir and surrounding area are primarily used as a recreation destination. The dam serves no other water retention purposes and provides no flood protection. The average lifespan for an earthen embankment dam is 50 years, which the Hult Dam has exceeded by over 3 decades. The BLM believes that the dam is at the end of its lifespan.

When the BLM took ownership of the reservoir and dam in a 1994 land exchange, the dam had been poorly maintained, but a 1990 Bureau of Reclamation inspection found there was no immediate danger of failing. Since then, the BLM has made improvements to the dam, including repairs, reinforcement, and installation of monitoring equipment. BLM staff continuously monitor the reservoir level and adjust the dam outlet during winter weather events to avoid overtopping.

In 2017, the U.S. Army Corps of Engineers (USACE) inspected the dam and found multiple failure points due to its age and condition. The 2018 USACE report based on this inspection described that flooding resulting from dam failure could impact 70 to 130 people downstream and cause damage to Oregon Highway 36, as well as potential loss of life.

Purpose and Need

The project's purpose and need is to decommission the current Hult Dam structure to reduce the potential for failure of the aging structure and associated loss of life and critical services, and to be fiscally responsible to the public in managing the costs associated with the dam.

Alternatives

The Draft EIS analyzed three action alternatives and a No Action alternative. It also considered eight alternatives that were not presented in detail; the Final EIS adds four more alternatives not presented in detail that came from public comments on the Draft EIS.

Alternative 1 (Continue Current Management) would leave the dam in place and continue current operations. The analysis assumes that, because of the dam's condition and age, within approximately 8 years either the dam will fail catastrophically (Alternative 1.1), or the BLM would have to drain the reservoir because a catastrophic dam failure was imminent (Alternative 1.2). Alternative 2 (Remove the Existing Dam and Build a New Dam to Maintain Hult Reservoir) would remove the current Hult Pond Dam, build a new dam in its place, and refill the reservoir. Alternative 3 (Remove Hult Reservoir; Add Little Log Pond) would remove the dam and build a smaller dam downstream on Lake Creek to create a 5-acre pond (Little Log Pond) that would be used for recreation. Alternative 4 (Remove Hult Reservoir) would permanently remove the existing dam infrastructure; Hult Reservoir would be drained, and a natural stream channel would be reestablished through the former reservoir footprint.

Preferred Alternative

The BLM's preferred alternative is Alternative 4 (Remove Hult Reservoir). In addition to removing the dam and allowing Lake Creek to flow freely, this alternative would also remove the existing poorly functioning fish ladder near the dam. Excavated dam material would fill in the current spillway. A new bridge would be built to span the stream channel near the current dam location, replacing the existing bridge and road across the dam. This work would take place during summer months when water levels would be lowest.

Project design features include:

- Riparian and wetland restoration in the former reservoir area, with the creation of habitat for fish, western pond turtles, and beavers.
- Improved recreation amenities, including a new day-use area, a developed camp host site and a group campsite, and a multi-use trail adjacent to the restoration area.
- Cultural design features including signage with information about the area's original indigenous inhabitants and the lumber mill previously located at the site.

In addition, proposed mitigation measures would reduce impacts to wetlands, western pond turtles, native fish, rare aquatic plants, and recreationists.

Public Involvement

The public scoping period for the project was held in January 2022. Issues identified by the public included changes to recreation access and opportunities such as fishing, swimming, and boating; effects to wildlife, plants, ecosystems, fish, and fish passage; effects to the local economy and community; availability of water for fire suppression; impacts on water quality, availability, and rights; and impacts on local Tribes. The BLM solicited additional public input during the EIS process by holding an open house in May 2022 and releasing a draft of EIS chapters 1 and 2 for a five-week public comment period.

The release of the complete Draft EIS in October 2023 was accompanied by two public meetings (one virtual, one in-person). The BLM received 35 comment letters during the 45-day comment period. Commenters asked the BLM to add or clarify information in the EIS and proposed additional alternatives.

Comments on the Draft EIS received from the public and internal BLM review were considered and incorporated as appropriate into the Final EIS. Public comments resulted in the addition of clarifying text but did not significantly change proposed actions.

Changes Made Between the Draft and Final EIS

The BLM addressed 48 substantive comments in the Final EIS. The BLM's responses to comments include additional information about permits required for the project, impacts to environmental justice populations, and impairment of waterbodies in the project area, along with corrections to facts and data and discussion of other alternatives.

The Final EIS includes new proposed mitigation measures that would:

- Reduce adverse impacts to environmental justice populations under Alternative 4.
- Reduce adverse impacts to special status aquatic plants under Alternative 2.
- Reduce adverse impacts to western pond turtles under Alternatives 3 and 4.

Changes include updated cost estimates for each alternative; changes to the *Comparison of the Alternatives* section and tables; and issues related to environmental justice, special status plants, and western pond turtles.

Other new information includes findings of recent surveys for archeological sites and artifacts, rare plants, and invasive plants within the project area, and a new, more accurate calculation of wetlands acres. Several EIS sections have been updated to reflect this new data.

Cooperators

Formal cooperating agencies on this EIS include:

- Confederated Tribes of Coos, Lower Umpqua, and Siuslaw Indians of Oregon
- Confederated Tribes of Grand Ronde
- Oregon Department of Fish and Wildlife
- Oregon Department of Forestry—Lane County
- U.S. Army Corps of Engineers—Regulatory Branch

(Authority: 40 CFR 1506.6, 40 CFR 1506.10)

Dennis Teitzel,

District Manager, Northwest Oregon District, Oregon/Washington.

[FR Doc. 2024–16423 Filed 7–25–24; 8:45 am]

BILLING CODE 4331–24–P

DEPARTMENT OF THE INTERIOR

Bureau of Land Management

[BLM_CA_FRN_MO4500178668]

Notice of Application for Extension of Withdrawal and Public Meeting; Notice of Legal Description and Map Availability, California

AGENCY: Bureau of Land Management, Interior.

ACTION: Notice of proposed extension.

SUMMARY: The U.S. Department of the Army (Army) filed an application with the Bureau of Land Management (BLM) for extension of the withdrawal created by the National Defense Authorization Act for Fiscal Year 2002 (2002 Act) for an additional 25-year term. The withdrawal created by the 2002 Act, enacted on December 28, 2001, expires on December 27, 2026, unless extended by Congress. The 2002 Act withdrew public land from all forms of appropriation under the general land laws, including the mining laws and mineral and geothermal leasing laws, to conduct combined arms military training and develop and test military equipment at Fort Irwin National Training Center in San Bernardino County, California, and for other defense-related purposes. This notice also provides official publication of the legal land description and location of the map for the National Training Center withdrawal created by the 2002 Act. This notice initiates a 90-day comment period on the Army's application and announces that the BLM and the Army will hold a public meeting on the application. While the BLM will process the application, only Congress can extend the withdrawal.

DATES: The BLM must receive all comments by October 24, 2024. The BLM and the Army will hold an in-person and virtual public meeting in connection with the proposed withdrawal extension on September 9, 2024, at 6:30 p.m. to 8:30 p.m. Pacific Time. The BLM will publish a notice of the time and online venue in the Press-Enterprise and the San Bernardino Sun local newspapers and the BLM California website at *https://www.blm.gov/california* for a minimum of 30 days before the scheduled date of the meeting and instructions for the public to access the meeting.

ADDRESSES: Comments should be sent to the Sarah Naranjo, Realty Specialist, BLM California State Office, Attn: Fort Irwin Withdrawal, 2800 Cottage Way, W–1623 Sacramento, CA 95825–1886 or by email at *BLM_CA_SO_FortIrwinComments@blm.gov*. For instructions on submitting public comments visit: *https://www.blm.gov/california.*

FOR FURTHER INFORMATION CONTACT: Ms. Sarah Naranjo, Realty Specialist, Bureau of Land Management, California State Office, telephone: (505) 954–2200, email: *snaranjo@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. 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: In the 2002 Act (Pub. L. 107–107 (115 Stat. 1012)), Congress withdrew approximately 117,710 acres of public lands in San Bernardino County, California, from all forms of appropriation under the general land laws, including the mining laws and mineral and geothermal leasing laws, subject to valid existing rights, and reserved the land for the Army's use at the Fort Irwin National Training Center and transferred administrative jurisdiction over the lands to the Army. This withdrawal will expire on December 27, 2026, unless extended by Congress. The Army submitted an application for extension of this withdrawal for an additional 25 years.

The legal description for public lands withdrawn for use by the Army at the Fort Irwin National Training Center is as follows:

Mount Diablo Meridian, California

T. 31 S., R. 46 E.,
- Sec. 1, lots 1 and 2 in NE¼ and SE¼;
- Sec. 2, lots 1 and 2 in NE¼;
- Sec. 3, W½ lot 1 in NW¼ and W½ lot 2 in NW¼;
- Sec. 4;
- Sec. 5, lots 1 and 2 in NE¼, lots 1 and 2 in NW¼, and SW¼;
- Sec. 8;
- Sec. 9, S½;
- Sec. 10, SE¼;
- Sec. 11;
- Sec. 12, N½ and SW¼;
- Sec. 13, NW¼ and SE¼;
- Sec. 14, N½ and S½ SE¼;
- Secs. 15 and 17;
- Sec. 20, W½NE¼ and W½SE¼;
- Sec. 21, NE¼;
- Sec. 22, SW¼ and W½SE¼;
- Sec. 23, SW¼;
- Sec. 25, N½, N½SW¼, and N½SE¼;
- Sec. 26, NE¼ and S½;
- Sec. 27, NE¼ and N½SE¼;
- Sec. 28, S½;
- Sec. 29, N½.

T. 31 S., R. 47 E.,
- Sec. 3;
- Sec. 4, lots 1 thru 4, S½NE¼, S½NW¼, and SE¼;
- Sec. 5, lots 1 thru 4, S½NE¼, S½NW¼, N½SW¼, and N½SE¼;
- Sec. 6, lots 1 thru 5, S½NE¼, and SE¼NW¼;
- Sec. 7, SE¼SW¼ and SE¼;
- Sec. 8, NW¼ and S½;
- Sec. 9, NE¼ and S½;
- Secs. 10, 15 thru 22, 27 thru 30, and 34.

T. 32 S., R. 47 E.,
- Sec. 3, all the lands in Section 3 not selected within Patent #441652 and Patent #965371 being 102.59 acres.

San Bernardino Meridian, California

T. 12 N., R. 1 E.,
- Sec. 1, lots 1 thru 4 and S½NW¼;
- Sec. 2, lots 3 thru 8, lots 1 and 2 in NW¼, SW¼NE¼, N½SW¼, and NW¼SE¼;
- Secs. 4 and 6.

T. 13 N., R. 1 E.,
- Sec. 1;
- Sec. 2, all except that portion in MS 6182;
- Sec. 3, all except that portion in MS 6182;

Secs. 4 thru 9;
Sec. 10, all except those portions in MS 6182 and MS 6297;
Sec. 11, all except those portions in MS 6182 and MS 6297;
Secs. 12 thru 15 and 17 thru 24;
Sec. 25, NE¼;
Sec. 25, W½ and SE¼ both unsurveyed;
Sec. 26, NW¼;
Sec. 26, NE¼ and S½ both unsurveyed;
Secs. 27 thru 30 and 32;
Sec. 33, N½, N½SW¼, and N½SE¼;
Sec. 34;
Sec. 35, SW¼;
Sec. 35, N½ and SE¼ both unsurveyed.
T. 14 N., R. 1 E.,
Secs. 15, 17 thru 22, and 25 thru 35.
T. 12 N., R. 5 E.,
Sec. 3, lots 5, 7, 8, 9, and 14;
Sec. 4, lots 3 thru 11, SW¼, N½SE¼, and SW¼SE¼;
Sec. 9, lots 2, 4, 6, 7, and 10, W½NW¼, and NW¼SW¼;
Sec. 17, lots 1, 3, 4, 5, 7, 9, and 10, NW¼NE¼, NW¼, and NW¼SW¼.
T. 13 N., R. 5 E.,
Sec. 13, lots 1, 3, and 4, N½NE¼, SW¼NE¼, NW¼, SW¼, and NW¼SE¼;
Sec. 24, lots 2, 3, 7, and 8, N½NW¼, and SW¼NW¼;
Sec. 25, lot 1;
Sec. 26, lots 2, 3, 5, 7, and 8, NW¼NE¼, NW¼, N½SW¼, and SW¼SW¼;
Sec. 34, lots 1, 3, 4, and 5, N½NE¼, SW¼NE¼, NW¼, and SW¼;
Sec. 35, lots 1 and 5.
T. 13 N., R. 6 E.,
Sec. 4, lot 7;
Sec. 5, lots 3, 5, 7, 9, 11, and 17;
Sec. 7, lots 4 thru 9 and 13 thru 17 and NW¼NE¼;
Sec. 18, lots 4 and 5.
T. 14 N., R. 6 E.,
Secs. 1, 2, and 11;
Sec. 12, lots 1 thru 7, W½, and NW¼SE¼;
Sec. 13, lots 1 thru 10, W½NW¼, NW¼SW¼, S½SW¼, and SW¼SE¼;
Secs. 14, 23, and 24;
Sec. 25, lots 1, 2, 5, 7, and 8, W½NE¼, NW¼, and NW¼SW¼;
Sec. 26, lots 1 thru 4, N½, and SW¼;
Sec. 33, lots 1, 3, 4, and 6, N½, N½SW¼, and NW¼SE¼;
Sec. 34, lots 1, 2, 4, 6, and 8, N½NE¼, N½NW¼, and SW¼NW¼;
Sec. 35, lots 2, 4, and 6.
T. 15 N., R. 6 E.,
Secs. 1 and 2;
Sec. 11, lots 1, 2, and 3, NE¼NE¼, W½NE¼, NW¼, SW¼, and W½SE¼;
Sec. 12, lots 3 thru 7, NE¼, N½NW¼, and SE¼;
Sec. 13, lots 3 thru 6, NE¼, S½SW¼, and SE¼;
Sec. 14, lots 2, 3, and 4, W½NE¼, NW¼, SW¼, W½SE¼, and SE¼SE¼;
Secs. 23 thru 26 and 35.
T. 14 N., R. 7 E.,
Sec. 3, lots 6, 7, and 8;
Sec. 4, lots 3 thru 10, 12, and 13, SW¼, and NW¼SE¼;
Secs. 5, 6, and 7;
Sec. 8, lots 1, 2, and 3, N½, SW¼, and NW¼SE¼;
Sec. 9, lots 2, 3, and 6 and NW¼NW¼;
Sec. 17, lots 2, 3, 6, and 7, N½NW¼, SW¼NW¼, and NW¼SW¼;
Sec. 18;
Sec. 19, lots 3 thru 9, 12, 13, and 14 and NW¼NE¼;
Sec. 20, lot 2;
Sec. 30, lot 7.
T. 15 N., R. 7 E.,
Secs. 1 thru 15 and 17;
Sec. 18, lots 3 thru 12, NE¼, and S½SE¼;
Secs. 19 thru 24;
Sec. 25, lots 1, 2, 3, 6, and 8, NW¼NE¼, NW¼, and NW¼SW¼;
Sec. 26, lot 1, N½, SW¼, N½SE¼, and SW¼SE¼;
Secs. 27 thru 33;
Sec. 34, lots 1 and 2, N½, SW¼, and NW¼SE¼;
Sec. 35, lots 2, 3, 4, and 8 and N½NW¼.
T. 15 N., R. 8 E.,
Secs. 6, 7, and 18;
Sec. 19, lots 3 thru 11 and 13, NE¼, and NW¼SE¼;
Sec. 30, lot 4.

The areas described aggregate approximately 101,326 acres.

The following description is of private lands:

Mount Diablo Meridian, California

T. 31 S., R. 46 E.,
Sec. 20, SW¼SW¼.

The areas described aggregate 40 acres.

The following description is of all acquired BLM lands:

Mount Diablo Meridian, California

T. 31 S., R. 46 E.,
Sec. 16, NE¼;
Sec. 20, NE¼NE¼NW¼ and E½NW¼NE¼NW¼;
Sec. 25, S½SW¼ and S½SE¼;
Sec. 27, W½NW¼, E½NW¼, N½SW¼, S½SW¼, and S½SE¼.

San Bernardino Meridian, California

T. 13 N., R. 1 E.,
Sec. 36 unsurveyed.

The areas described aggregate 1,376 acres.

The following description is of all Army lands (acquired):

Mount Diablo Meridian, California

T. 31 S., R. 46 E.,
Sec. 1, W½;
Sec. 2, lots 1 and 2 in NW¼ and S½;
Sec. 3, lots 1 and 2 in NE¼, E½ lot 1 in NW¼, E½ lot 2 in NW¼, SW¼, and SE¼;
Sec. 5, SE¼;
Sec. 9, N½;
Sec. 10, NE¼ and W½;
Sec. 12, SE¼;
Sec. 13, NE¼ and SW¼;
Sec. 14, SW¼ and N½SE¼;
Sec. 16, NW¼ and S½;
Sec. 20, E½NE¼, W½NW¼NE¼NW¼, S½NE¼NW¼, NW¼NW¼, SW¼NW¼, SE¼NW¼, NE¼SW¼, NW¼SW¼, SE¼SW¼, and E½SE¼;
Sec. 21, W½ and SE¼;
Sec. 22, N½ and E½SE¼;
Sec. 23, W½NE¼, E½NE¼, NW¼, and SE¼;
Sec. 24;
Sec. 26, NW¼;
Sec. 28, N½;
Sec. 29, S½.
T. 31 S., R. 47 E.,
Sec. 4, SW¼;
Sec. 5, S½SW¼ and S½SE¼;
Sec. 6, lots 6 and 7, E½SW¼, and SE¼;
Sec. 7, lots 3 and 4, NE¼, NW¼, and NE¼SW¼;
Sec. 8, W½NE¼ and E½NE¼;
Sec. 9, NW¼;
Sec. 33, NE¼, NW¼, and SE¼.
T. 32 S., R. 47 E., sec. 3, lands described in Parcel 44 in Doc. #2004–0374618 recorded in San Bernardino County.

San Bernardino Meridian, California

T. 12 N., R. 1 E.,
Secs. 3 and 5.
T. 13 N., R. 1 E.,
Secs. 16 and 31;
Sec. 33, S½SW¼ and S½SE¼;
M.S. 6182;
M.S. 6297.
T. 14 N., R. 1 E.,
Secs. 16 and 36.
T. 14 N., R. 6 E.,
M.S. 4728;
M.S. 4729.
T. 15 N., R. 6 E.,
Sec. 36;
M.S. 3869;
M.S. 3923.
T. 15 N., R. 7 E.,
Sec. 16;
M.S. 3870.

The areas described aggregate approximately 14,968.51 acres.

Total area described is approximately 117,710.37 acres.

The 2002 Act is incorporated by reference. A complete description, along with all other records and maps pertaining to the 2002 Act, can be examined by appointment during regular business hours in the BLM California State Office at the address listed in the **ADDRESSES** section.

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. Individuals who submit written comments may request confidentiality by asking us in your comment to withhold your personal identifying information from public review; however, we cannot guarantee that we will be able to do so.

The withdrawal extension application will be processed in accordance with the regulations set forth in 43 CFR 2310.4, section 3 of Public Law 85–337 (43 U.S.C. 157) (Engle Act), and Public Law 107–107.

(Authority: Pub. L. 85–337 and Pub. L. 107–107)

Gordon R. Toevs,

Acting California State Director.

[FR Doc. 2024–16507 Filed 7–25–24; 8:45 am]

BILLING CODE 4331–15–P

INTERNATIONAL TRADE COMMISSION

[Investigation Nos. 701–TA–728 and 731–TA–1697 (Preliminary)]

Vanillin From China

Determinations

On the basis of the record [1] developed in the subject investigations, the United States International Trade Commission (''Commission'') determines, pursuant to the Tariff Act of 1930 (''the Act''), that there is a reasonable indication that an industry in the United States is materially injured by reason of imports of vanillin from China, provided for in subheadings 2912.41.00 and 2912.42.00 of the Harmonized Tariff Schedule of the United States, that are alleged to be sold in the United States at less than fair value (''LTFV'') and imports of the subject merchandise from China that are alleged to be subsidized by the government of China.[2]

Commencement of Final Phase Investigations

Pursuant to section 207.18 of the Commission's rules, the Commission also gives notice of the commencement of the final phase of its investigations. The Commission will issue a final phase notice of scheduling, which will be published in the **Federal Register** as provided in § 207.21 of the Commission's rules, upon notice from the U.S. Department of Commerce (''Commerce'') of affirmative preliminary determinations in the investigations under §§ 703(b) or 733(b) of the Act, or, if the preliminary determinations are negative, upon notice of affirmative final determinations in those investigations under §§ 705(a) or 735(a) of the Act. Parties that filed entries of appearance in the preliminary phase of the investigations need not enter a separate appearance for the final phase of the investigations. Any other party may file an entry of appearance for the final phase of the investigations after publication of the final phase notice of scheduling. Industrial users, and, if the merchandise under investigation is sold at the retail level, representative consumer organizations have the right to appear as parties in Commission antidumping and countervailing duty investigations. The Secretary will prepare a public service list containing the names and addresses of all persons, or their representatives, who are parties to the investigations. As provided in section 207.20 of the Commission's rules, the Director of the Office of Investigations will circulate draft questionnaires for the final phase of the investigations to parties to the investigations, placing copies on the Commission's Electronic Document Information System (EDIS, *https://edis.usitc.gov*), for comment.

Background

On June 5, 2024, Solvay USA LLC, Baton Rouge, Louisiana, filed petitions with the Commission and Commerce, alleging that an industry in the United States is materially injured or threatened with material injury by reason of subsidized imports of vanillin from China and LTFV imports of vanillin from China. Accordingly, effective June 5, 2024, the Commission instituted countervailing duty investigation No. 701–TA–728 and antidumping duty investigation No. 731–TA–1697 (Preliminary).

Notice of the institution of the Commission's investigations and of a public conference to be held in connection therewith was given by posting copies of the notice in the Office of the Secretary, U.S. International Trade Commission, Washington, DC, and by publishing the notice in the **Federal Register** on June 11, 2024 (89 FR 49192). The Commission conducted its conference on June 26, 2024. All persons who requested the opportunity were permitted to participate.

The Commission made these determinations pursuant to §§ 703(a) and 733(a) of the Act (19 U.S.C. 1671b(a) and 1673b(a)). It completed and filed its determinations in these investigations on July 22, 2024. The views of the Commission are contained in USITC Publication 5527 (July 2024), entitled *Vanillin from China: Investigation Nos. 701–TA–728 and 731–TA–1697 (Preliminary).*

By order of the Commission.

Issued: July 22, 2024.

Lisa Barton,

Secretary to the Commission.

[FR Doc. 2024–16427 Filed 7–25–24; 8:45 am]

BILLING CODE 7020–02–P

[1] The record is defined in § 207.2(f) of the Commission's Rules of Practice and Procedure (19 CFR 207.2(f)).

[2] 89 FR 54421; 89 FR 54424 (July 1, 2024).

INTERNATIONAL TRADE COMMISSION

[Investigation Nos. 731–TA–1632, 1634–1635, 1639 (Final)]

Mattresses From India, Kosovo, Mexico, and Spain; Supplemental Schedule for the Final Phase of Antidumping Duty Investigations

AGENCY: United States International Trade Commission.

ACTION: Notice.

DATES: July 22, 2024.

FOR FURTHER INFORMATION CONTACT: Mary Messer ((202) 205–3193), Office of Investigations, U.S. International Trade Commission, 500 E Street SW, Washington, DC 20436. Hearing-impaired persons can obtain information on this matter by contacting the Commission's TDD terminal on 202–205–1810. Persons with mobility impairments who will need special assistance in gaining access to the Commission should contact the Office of the Secretary at 202–205–2000. General information concerning the Commission may also be obtained by accessing its internet server (*https://www.usitc.gov*). The public record for these investigations may be viewed on the Commission's electronic docket (EDIS) at *https://edis.usitc.gov.*

SUPPLEMENTARY INFORMATION: Effective March 1, 2024, the Commission established a general schedule for the conduct of the final phase of its countervailing duty investigation on mattresses from Indonesia and its antidumping duty investigations on mattresses from Bosnia and Herzegovina, Bulgaria, Burma, India, Italy, Kosovo, Mexico, Philippines, Poland, Slovenia, Spain, and Taiwan (89 FR 16026, March 6, 2024), following preliminary determinations by the U.S. Department of Commerce (''Commerce'') that imports of mattresses from Indonesia are not being subsidized by the Government of Indonesia (89 FR 57, January 2, 2024) and imports of mattresses from Bosnia and Herzegovina, Bulgaria, Burma, India, Italy, Kosovo, Mexico, Philippines, Poland, Slovenia, Spain, and Taiwan are being sold at less than fair value (89 FR 15121–15124, 15126–15134, 15136–15157, 15161–15164, March 1, 2024). Notice of the scheduling of the final phase of the Commission's investigations and of a public hearing held in connection therewith was given by posting copies of the notice in the Office of the Secretary, U.S. International Trade Commission, Washington, DC, and by publishing the

notice in the **Federal Register** on March 6, 2024 (89 FR 16026). The Commission conducted its in-person hearing on May 9, 2024. All persons who requested the opportunity were permitted to participate.

On May 15, 2024, Commerce issued final affirmative antidumping duty determinations with respect to mattresses from Bosnia and Herzegovina (89 FR 42448), Bulgaria (89 FR 42443), Burma (89 FR 42427), Italy (89 FR 42429), Philippines (89 FR 42432), Poland (89 FR 42435), Slovenia (89 FR 42437), and Taiwan (89 FR 42439). The Commission subsequently issued its final determinations that an industry in the United States was materially injured by reason of imports of mattresses from Bosnia and Herzegovina, Bulgaria, Burma, Italy, Philippines, Poland, Slovenia, and Taiwan provided for in subheadings 9404.21.00, 9404.29.10, and 9404.29.90 of the Harmonized Tariff Schedule of the United States (''HTSUS'') that were found by Commerce to be sold in the United States at less than fair value. (89 FR 55657, July 5, 2024).

On July 22, 2024, Commerce's final negative countervailing duty determination with respect to imports of mattresses from Indonesia (89 FR 59050) and final affirmative antidumping duty determinations with respect to imports of mattresses from India (89 FR 59047), Kosovo (89 FR 59043), Mexico (89 FR 59062), and Spain (89 FR 59059) were published in the **Federal Register**. Accordingly, the Commission currently is issuing a supplemental schedule for its antidumping duty investigations on imports of mattresses from India, Kosovo, Mexico, and Spain.

This supplemental schedule is as follows: the deadline for filing supplemental party comments on Commerce's final antidumping duty determinations is 5:15 p.m. on August 2, 2024. Supplemental party comments may address only Commerce's final antidumping duty determinations regarding imports of mattresses from India, Kosovo, Mexico, and Spain. These supplemental final comments may not contain new factual information and may not exceed five (5) pages in length. The supplemental staff report in the final phase of the current investigations will be placed in the nonpublic record on August 9, 2024, and a public version will be issued thereafter.

For further information concerning this proceeding see the Commission's notice cited above and the Commission's Rules of Practice and Procedure, part 201, subparts A and B (19 CFR part 201), and part 207, subparts A and C (19 CFR part 207).

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 investigations must be served on all other parties to the investigations (as identified by either the public or BPI service list), and a certificate of service must be timely filed. The Secretary will not accept a document for filing without a certificate of service.

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.

Authority: This proceeding is being conducted under authority of title VII of the Tariff Act of 1930; this notice is published pursuant to section 207.21 of the Commission's rules.

By order of the Commission.

Issued: July 23, 2024.

Lisa Barton,

Secretary to the Commission.

[FR Doc. 2024–16515 Filed 7–25–24; 8:45 am]

BILLING CODE 7020–02–P

INTERNATIONAL TRADE COMMISSION

[Investigation No. 731–TA–1696 (Preliminary)]

Large Top Mount Combination Refrigerator-Freezers From Thailand Determination

On the basis of the record [1] developed in the subject investigation, the United States International Trade Commission (''Commission'') determines, pursuant to the Tariff Act of 1930 (''the Act''), that there is a reasonable indication that an industry in the United States is materially injured by reason of imports of large top mount combination refrigerator-freezers from Thailand, provided for in subheading 8418.10.00 of the Harmonized Tariff Schedule of the United States, that are alleged to be sold in the United States at less than fair value (''LTFV'').[2]

Commencement of Final Phase Investigation

Pursuant to section 207.18 of the Commission's rules, the Commission also gives notice of the commencement of the final phase of its investigation. The Commission will issue a final phase notice of scheduling, which will be published in the **Federal Register** as provided in section 207.21 of the Commission's rules, upon notice from the U.S. Department of Commerce (''Commerce'') of an affirmative preliminary determination in the investigation under § 733(b) of the Act, or, if the preliminary determination is negative, upon notice of an affirmative final determination in that investigation under § 735(a) of the Act. Parties that filed entries of appearance in the preliminary phase of the investigation need not enter a separate appearance for the final phase of the investigation. Any other party may file an entry of appearance for the final phase of the investigation after publication of the final phase notice of scheduling. Industrial users, and, if the merchandise under investigation is sold at the retail level, representative consumer organizations have the right to appear as parties in Commission antidumping investigations. The Secretary will prepare a public service list containing the names and addresses of all persons, or their representatives, who are parties to the investigation. As provided in section 207.20 of the Commission's rules, the Director of the Office of Investigations will circulate draft questionnaires for the final phase of the investigation to parties to the investigation, placing copies on the Commission's Electronic Document Information System (EDIS, *https://edis.usitc.gov*), for comment.

Background

On May 30, 2024, Electrolux Consumer Products, Inc., Charlotte, North Carolina filed a petition with the Commission and Commerce, alleging that an industry in the United States is materially injured or threatened with material injury by reason of LTFV imports of large top mount combination refrigerator-freezers from Thailand. Accordingly, effective May 30, 2024, the Commission instituted antidumping duty investigation No. 731–TA–1696 (Preliminary).

Notice of the institution of the Commission's investigation and of a public conference to be held in

[1] The record is defined in § 207.2(f) of the Commission's Rules of Practice and Procedure (19 CFR 207.2(f)).

[2] 89 FR 57860, July 16, 2024.

connection therewith was given by posting copies of the notice in the Office of the Secretary, U.S. International Trade Commission, Washington, DC, and by publishing the notice in the **Federal Register** of June 5, 2024 (89 FR 48190). The Commission conducted its conference on June 21, 2024. All persons who requested the opportunity were permitted to participate.

The Commission made this determination pursuant to § 733(a) of the Act (19 U.S.C. 1673b(a)). It completed and filed its determination in this investigation on July 22, 2024. The views of the Commission are contained in USITC Publication 5528 (July 2024), entitled *Large Top-Mount Combination Refrigerator-Freezers from Thailand: Investigation No. 731–TA–1696 (Preliminary).*

By order of the Commission.

Issued: July 22, 2024.

Lisa Barton,

Secretary to the Commission.

[FR Doc. 2024–16418 Filed 7–25–24; 8:45 am]

BILLING CODE 7020–02–P

INTERNATIONAL TRADE COMMISSION

[Investigation No. 337–TA–1360]

Certain Portable Battery Jump Starters and Components Thereof (III); Notice of Commission Determination To Review in Part and, on Review, To Affirm With Modification a Final Initial Determination Finding No Violation of Section 337; Termination of the Investigation

AGENCY: U.S. International Trade Commission.

ACTION: Notice.

SUMMARY: Notice is hereby given that the U.S. International Trade Commission has determined to review in part and, on review, to affirm with modification the presiding administrative law judge's (''ALJ'') final initial determination (''FID'') finding no violation of section 337 of the Tariff Act of 1930, as amended. The investigation is terminated with a finding of no violation.

FOR FURTHER INFORMATION CONTACT: Lynde Herzbach, Office of the General Counsel, U.S. International Trade Commission, 500 E Street SW, Washington, DC 20436, telephone (202) 205–3228. Copies of non-confidential documents filed in connection with this investigation may be viewed on the Commission's electronic docket (EDIS) at *https://edis.usitc.gov.* For help accessing EDIS, please email *EDIS3Help@usitc.gov.* General information concerning the Commission may also be obtained by accessing its internet server at *https://www.usitc.gov.* Hearing-impaired persons are advised that information on this matter can be obtained by contacting the Commission's TDD terminal on (202) 205–1810.

SUPPLEMENTARY INFORMATION: On April 18, 2023, the Commission instituted this investigation under section 337 of the Tariff Act of 1930, as amended, 19 U.S.C. 1337 (''section 337''), based on a complaint filed by The NOCO Company of Glenwillow, Ohio (''NOCO''). *See* 88 FR 23688 (Apr. 18, 2023). The complaint, as amended, alleges violations of section 337 based upon the importation into the United States, the sale for importation, and the sale within the United States after importation of certain portable battery jump starters and components thereof by reason of the infringement of certain claims of U.S. Patent Nos. 9,770,992; 10,328,808; 10,981,452; 11,254,213; and 11,447,023. *Id.* The complaint also alleges violations of section 337 based upon the importation into the United States, or in the sale of certain portable battery jump starters and components thereof by reason of common law trade dress infringement, false designation of origin, and false advertising and unfair competition, the threat or effect of which is to destroy or substantially injure an industry in the United States. *Id.* The complaint also alleges that a domestic industry exists. *Id.* The Commission severed the complaint into two separate investigations: the present investigation directed to the trade dress infringement, false designation of origin, false advertising, and unfair competition allegations; and a related investigation, Inv. No. 337–TA–1359, involving the patent infringement allegations.

The notice of investigation names seven respondents, including: Shenzhen Carku Technology Co., Ltd. of Guangdong, China; Aukey Technology Co., Ltd. of Shenzhen, China; Metasee LLC of Pearland, Texas (''Metasee''); Ace Farmer LLC of Houston, Texas; Shenzhen Konghui Trading Co., Ltd., d/b/a Hulkman Direct of Guangdong, China (''Hulkman Direct''); HULKMAN LLC of Santa Clara, California; and Shenzhenshi Daosishangmao Youxiangongsi, d/b/a/Fanttik Direct of Guangdong, China (''Fanttik Direct'') (collectively, ''Respondents''). *Id.* The Office of Unfair Import Investigations is also named as a party. *Id.*

On May 17, 2024, the presiding ALJ issued the FID, finding no violation of section 337 in the importation into the United States, or in the sale of certain portable battery jump starters and components thereof. Specifically, the FID finds that: (1) Respondents did not engage in false advertising under 15 U.S.C. 1125(a)(1); (2) Respondents did not falsely designate the origin of their products or cause unfair competition; (3) Respondents do not infringe the X Design Trade Dress; (4) NOCO has demonstrated that it has a domestic industry; and (5) NOCO has not demonstrated substantial injury or a threat of substantial injury to its domestic industry.

The FID includes the ALJ's recommended determination (''RD'') on remedy, the public interest, and bonding should the Commission find a violation of section 337. Specifically, the RD recommends, if the Commission finds a violation, issuing a limited exclusion order directed to certain portable battery jump starts and components thereof imported, sold for importation, and/or sold after importation by respondents. The RD also recommends issuing cease and desist orders directed to Metasee, Hulkman Direct, and Fanttik Direct. The RD recommends that a one hundred percent (100%) bond be set for any importations of Respondents' products, which are found to violate section 337, during the period of Presidential review.

On May 28, 2024, the Commission published its post-RD **Federal Register** notice seeking submissions on public interest issues raised by the relief recommended by the ALJ should the Commission find a violation. 89 FR 46160–61 (May 28, 2024). No responses were submitted in response to the notice. The parties did not file any public interest submissions pursuant to Commission Rule 210.50(a)(4), 19 CFR 210.50(a)(4).

On May 31, 2024, Respondents filed a contingent petition for review contending that the FID is correct in all material respects and solely contesting the RD, should it become relevant. Neither NOCO nor OUII filed a petition for review. NOCO's failure to file a petition for review constitutes abandonment of all issues decided adversely to it in the FID. 19 CFR 210.43(b)(2), (b)(4). On June 5, 2024, prior to the deadline for the filing of responses, Respondents withdrew their contingent petition. *See* June 5, 2024 letter from Kevin J. Patariu (EDIS Doc. ID 823040).

The Commission, having reviewed the record in this investigation, has determined to review in part and, on review, to affirm with modification the FID's finding of no violation. In particular, the Commission has

determined to review the FID's jurisdiction findings. On review, the Commission notes that it interprets the ALJ's use of ''in personam jurisdiction'' as a shorthand to refer to the Commission's statutory authority to investigate a particular respondent's accused articles that are imported into the United States or sold after importation, and interprets the ALJ's use of ''*in rem* jurisdiction'' as a shorthand to refer to its statutory authority to investigate the importation into the United States or the sale of such articles. The Commission has also determined to review, and on review, take no position regarding the following findings in the FID: (1) the interstate commerce findings (FID at 103–105); (2) that NOCO has demonstrated that it has a domestic industry (FID at 136–149); and (3) that NOCO has not demonstrated substantial injury or a threat of substantial injury to its domestic industry (FID at 149–171). The Commission has determined not to review the remainder of the FID.

The investigation is terminated with a finding of no violation of section 337.

The Commission vote for this determination took place on July 22, 2024.

The authority for the Commission's determination is contained in section 337 of the Tariff Act of 1930, as amended (19 U.S.C. 1337), and in part 210 of the Commission's Rules of Practice and Procedure (19 CFR part 210).

By order of the Commission.

Issued: July 22, 2024.

Lisa Barton,

Secretary to the Commission.

[FR Doc. 2024–16433 Filed 7–25–24; 8:45 am]

BILLING CODE 7020–02–P

INTERNATIONAL TRADE COMMISSION

[Investigation No. 701–TA–693 (Final)]

Mattresses From Indonesia; Termination of Investigation

AGENCY: United States International Trade Commission.

ACTION: Notice.

On July 22, 2024, the Department of Commerce published notice in the **Federal Register** of a negative final determination of subsidies in connection with the subject investigation concerning mattresses from Indonesia (89 FR 59050). Accordingly, the countervailing duty investigation concerning mattresses from Indonesia (Investigation No. 701–TA–693 (Final)) is terminated.

DATES: July 22, 2024.

FOR FURTHER INFORMATION CONTACT: Mary Messer (202–205–3193), Office of Investigations, U.S. International Trade Commission, 500 E Street SW, Washington, DC 20436. Hearing-impaired individuals are advised that information on this matter can be obtained by contacting the Commission's TDD terminal on 202–205–1810. Persons with mobility impairments who will need special assistance in gaining access to the Commission should contact the Office of the Secretary at 202–205–2000. General information concerning the Commission may also be obtained by accessing its internet server (*https://www.usitc.gov*). The public record for this investigation may be viewed on the Commission's electronic docket (EDIS) at *https://edis.usitc.gov.*

Authority: This investigation is being terminated under authority of title VII of the Tariff Act of 1930 and pursuant to section 207.40(a) of the Commission's Rules of Practice and Procedure (19 CFR 207.40(a)). This notice is published pursuant to section 201.10 of the Commission's rules (19 CFR 201.10).

By order of the Commission.

Issued: July 23, 2024.

Lisa Barton,

Secretary to the Commission.

[FR Doc. 2024–16518 Filed 7–25–24; 8:45 am]

BILLING CODE 7020–02–P

DEPARTMENT OF JUSTICE

Notice of Lodging of Proposed Consent Decree Under the Comprehensive Environmental Response, Compensation, and Liability Act

On July 22, 2024 the Department of Justice lodged a proposed Consent Decree with the United States District Court for the Eastern District of Missouri in the lawsuit entitled *United States and State of Missouri* v. *BP America, Inc. and The Standard Oil Company (Ohio)* Civil Action No. 1:24–cv–0139.

The United States' and State of Missouri's joint complaint alleges that the defendants are liable under section 107(a) of the Comprehensive Environmental Response, Compensation, and Liability Act, 42 U.S.C. 9607(a) and section 311 of the Clean Water Act, 33 U.S.C. 1321, for natural resource damages resulting from releases of hazardous substances at and from the Sweetwater Mine and Mill Complex in Reynolds County, Missouri (the ''Site''). The Consent Decree requires the settling defendants, BP America, Inc. and The Standard Oil Company (Ohio) to pay $1.05 million to the United States and State of Missouri. Under the Consent Decree, the United States and State of Missouri covenant not to sue the settling defendants for natural resource damages resulting from releases of hazardous substances at or from the Site.

The publication of this notice opens a period for public comment on the Consent Decree. Comments should be addressed to the Assistant Attorney General, Environment and Natural Resources Division, and should refer to *United States and State of Missouri* v. *BP America, Inc. and The Standard Oil Company (Ohio),* D.J. Ref. No. 90–11–3–09424/4. 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.

During the public comment period, the Consent Decree may be examined and downloaded at this Justice Department website: *https://www.justice.gov/enrd/consent-decrees.* If you require assistance accessing Consent Decree, you may request assistance by email or by mail to the addresses provided above for submitting comments.

Eric D. Albert,

Assistant Section Chief, Environmental Enforcement Section, Environment and Natural Resources Division.

[FR Doc. 2024–16512 Filed 7–25–24; 8:45 am]

BILLING CODE 4410–15–P

DEPARTMENT OF JUSTICE

National Institute of Corrections

Advisory Board; Notice of Meeting

This notice announces a forthcoming meeting of the National Institute of Corrections (NIC) Advisory Board. At least one portion of the meeting will be closed to the public.

Name of the Committee: NIC Advisory Board.

General Function of the Committee: To aid the National Institute of Corrections in developing long-range

plans, advise on program development, and recommend guidance to assist NIC's efforts in the areas of training, technical assistance, information services, and policy/program development assistance to Federal, state, and local corrections agencies.

Date and Time: 12:00 p.m.–3:30 p.m. ET on Monday, August 12, 2024.

Location: Virtual.

Contact Person: Leslie LeMaster, Designated Federal Official (DFO) to the NIC Advisory Board, The National Institute of Corrections, 320 First Street NW, Room 901–3, Washington, DC 20534. To contact Ms. LeMaster, please call (202) 305–5773 or *llemaster@bop.gov*.

Agenda: On August 12, 2024, the Advisory Board will: (1) receive a brief Agency Report from the NIC Acting Director, (2) receive project-specific updates from all NIC divisions, and (3) updates from association and agency partners to the Board, who request to comment. Time for questions and counsel from the Board is built into the agenda.

Procedure: On Monday, August 12, 2024, 12:00 p.m.–2:25 p.m., and 3:05 p.m.–3:30 p.m. ET the meeting is open to the public. Interested persons and NIC association partners may request to attend virtually, and present data, information, or views, orally or in writing, on issues pending before the committee. Such requests must be made to the contact person on or before Tuesday, August 6, 2024. The public comment period is scheduled for approximately 1:55 p.m.–2:25 p.m. ET on August 12, 2024. The time allotted for each presentation and/or comment will be limited. Those who wish to make formal oral presentations should notify the contact person and submit a brief statement of the general nature of the evidence or arguments they wish to present, the names, titles, agencies, addresses, and email addresses of proposed participants, and an indication of the approximate time requested to make their presentation on or before August 6, 2024.

Closed Committee Deliberations: On August 12, 2024, between 2:25 p.m.–3:05 p.m. ET, the meeting will be closed to permit discussion of information that (1) relates solely to the internal personnel rules and practices of an agency (5 U.S.C. 552b(c) (2)), and (2) is of a personal nature where disclosure would constitute a clearly unwarranted invasion of personal privacy (5 U.S.C. 552b(c) (6)). The Advisory Board will discuss the outcomes of continuing efforts to make recommendations to the Attorney General for the NIC Director vacancy.

General Information: NIC welcomes the attendance of the public at its advisory committee meetings and will make every effort to accommodate persons with physical disabilities or special needs. If you require special accommodations due to a disability, please contact Leslie LeMaster at least 7 days in advance of the meeting. Notice of this meeting is given under the Federal Advisory Committee Act (5 U.S.C. app. 2).

Leslie LeMaster,

Designated Federal Official, National Institute of Corrections.

[FR Doc. 2024–16497 Filed 7–25–24; 8:45 am]

BILLING CODE 4410–36–P

NATIONAL CREDIT UNION ADMINISTRATION

Proposed Agency Information Collection Activities; Comment Request

AGENCY: National Credit Union Administration (NCUA).

ACTION: Notice and request for comment.

SUMMARY: The NCUA has approved the publication of a proposal to revise and extend for three years the Credit Union Profile (Form 4501A), which is a currently approved information collection, for public comment. The NCUA is submitting the following extension and revision of the currently approved information collection to the OMB for review and clearance. The revisions are proposed to take effect with the December 31, 2024 report date.

DATES: Comments must be received on or before September 24, 2024.

ADDRESSES: You may submit written comments on the information collection by any of the following methods:

Federal Register *Portal: https://www.federalregister.gov.* Find this information collection by searching for ''National Credit Union Administration'', then selecting ''Past 90 days'', and scrolling through the list of documents.

Office of Information and Regulatory Affairs: https://www.reginfo.gov/public/do/PRAMain. Find this information collection by selecting National Credit Union Administration in the ''Currently under Review'' area. Scroll until you see the Title ''Form 4501A Credit Union Profile'', then click on ''Comment''. For assistance in navigating *www.reginfo.gov,* please contact the Regulatory Information Service Center at (202) 482–7340.

Regulations.gov: https://www.regulations.gov/search?filter=ncua. Find this information collection by scrolling through the search results and looking for Profile Form 2024–Q4.

Rulemakings and Proposals for Comment: https://ncua.gov/regulation-supervision/rulemakings-proposals-comment. NCUA will post a link to the *regulations.gov* web page where you can submit a comment by selecting Comment.

Mail: 1775 Duke Street, Suite 5067, Alexandria, Virginia 22314.

Fax: 703–519–8161.

Email: PRAComments@NCUA.gov.

Instructions: All submissions must be identified by the OMB Control Number 3133–0204 or by Document Number (Please send comments by one method only).

FOR FURTHER INFORMATION CONTACT: Copies of the submission may be obtained by contacting Dacia Rogers at (703) 718–1155. You may also view the entire information collection request at *www.reginfo.gov.* Enhanced content is also available from the Notice on the **Federal Register** website (*www.federalregister.gov*). In addition, copies of the Profile Form and Instructions can be obtained at the NCUA's website (*https://ncua.gov/regulation-supervision/regulatory-reporting/cuonline*).

SUPPLEMENTARY INFORMATION: The NCUA proposes to extend for three years, with revision, the NCUA Form 4501A Credit Union Profile.

OMB Number: 3133–0204.

Title: NCUA Form 4501A Credit Union Profile.

Type of Review: Revision and extension of a currently approved collection.

Abstract: Sections 106 and 202 of the Federal Credit Union Act require federally insured credit unions (FICUs) to make financial and other reports to the NCUA. Section 741.6(a)(1) of the NCUA regulations requires all FICUs to submit a Profile within 10 days after an election or appointment of senior management or volunteer officials or within 30 days of any change of the information in the Profile. Operational information reported on the Profile is essential to NCUA's supervision of federal credit unions. This information also facilitates NCUA monitoring of other credit unions with share accounts insured by the National Credit Union Share Insurance Fund (NCUSIF).

Affected Public: Private sector: Not-for-profit institutions.

Respondents: All federally insured credit unions.

Estimated Number of Respondents: 4,572.

Estimated Average Burden per Response: 2.0 hours.

Estimated Total Annual Burden Hours: 36,576.

Reason for Change: The number of respondents decreased.

The proposed revisions to the Form 4501A instructions in this notice would not have a material impact on the existing burden estimates.

Legal Basis and Need for Collections: The Profile information collections are mandatory under 12 U.S.C. 1756, 1766, and 1782. Except for select sensitive items, the Profile Form 4501A is not given confidential treatment.

Credit union data reported on the Profile is essential to the NCUA supervision and regulation of federal credit unions. This information also facilitates the NCUA monitoring of other credit unions with share accounts insured by the National Credit Union Share Insurance Fund.

Credit unions submit Profile data to the NCUA at least quarterly. Profile data serve a regulatory or public policy purpose by assisting the NCUA in fulfilling its mission of ensuring the safety and soundness of individual credit unions and the credit union system, protecting consumer financial rights, as well as agency-specific missions affecting federal and state-chartered credit unions, such as ensuring financial stability and administering share insurance.

Form 4501A Credit Union Profile—Proposed Changes

General Information tab:

(1) Adding the name of the credit union's automated anti-money laundering (AML) monitoring system to enhance NCUA's ability to evaluate a credit union's Bank Secrecy Act/AML program.

(2) Separating the question relating to the credit union's field of membership from the Minority Depository Institution question relating to current members. The Interpretive Ruling and Policy Statement that establishes the criteria for a credit union to be considered a Minority Depository Institution was revised in March 2024.

Contacts & Roles tab:

(1) Adding an indicator for the email address that officials want to use to receive confidential credit union correspondence.

(2) Adding ''or Audit'' everywhere the Supervisory Committee is mentioned to allow for differences in terminology between federal credit unions and federally insured state-chartered credit unions.

Sites tab:

(1) Adding an indicator for credit unions that operate exclusively online and do not have a physical site for member services. Exclusively online credit unions have not been available in the NCUA's Credit Union Locator because they do not offer Public Site Functions at a physical site. By indicating the credit union operates exclusively online, the credit union's information will be available in the NCUA's Credit Union Locator.

(2) Adding ''ITM'' to the Public Site Functions to allow credit unions to report interactive teller machines, also known as ITMs. Also, adding clarifying text to the form to indicate credit union location information will be published in the NCUA's Credit Union Locator if at least one public site function is selected.

Payment System Service Provider (PSSP) Information tab:

(1) Removed EPN as a data item.

(2) To enhance the NCUA's supervision of payment systems, adding:

a. An indicator for credit unions that process electronic payments using SWIFT.

b. Adding the name of the ACH operator the credit union uses for domestic ACH processing.

c. Adding indicators for reporting participation in, or planned participation in, real-time payments or FedNow.

d. Adding the names of the agents and technology service providers used if the credit union is participating, or plans to participate, in real-time payments or FedNow. This will enable NCUA to know how the credit union is managing funding, settlement, and liquidity functions and if it is using a third-party technology service provider.

(3) Modifying the payment system service providers used by the credit union to provide specific payment services. Removing two data items. Adding seven payment services to the existing four payment services provided by payment system service providers. Modifying this question will expand the information reported and allow NCUA to focus supervision on the areas with the greatest risk.

(4) Modifying the question about changing payment system service providers within the next 12 months to 24 months and adding new payment service(s) being added within the next 24 months. Adding new services can lead to increased risk if not managed properly. Having information about adding new payment services will enhance the NCUA's ability to monitor risk.

(5) Modifying the question to collect the new payment system service providers planned to be used by the credit union to provide new payment services. Adding seven payment services to the existing four payment services planned to be provided by the new payment system service provider. Removing two data items. Adding new services can lead to increased risk if not managed properly. Having information about new payment services and payment service providers will enhance the NCUA's ability to monitor risk.

(6) Adding an indicator for the credit union to report digitally- or instant-issued cards at any credit union location to enhance NCUA's supervision of payment systems.

(7) Adding indicators for credit unions to report owning or leasing automated teller machines or interactive teller machines to enhance NCUA's supervision of payment systems.

(8) Adding an indicator for the credit union to report originating same-day ACH transactions to enhance NCUA's supervision of payment systems.

(9) Removing two data elements for the credit union to indicate if it performs domestic or international ACH transfers. These data elements were incorporated into existing questions.

(10) Removing two data elements for the credit union to indicate if it performs domestic or international wire transfers. These data elements were incorporated into existing questions.

(11) Adding three types of methods a member can use to initiate electronic payments due to the dynamic nature of payment systems.

Information Technology tab:

(1) Adding a question for credit unions to report the types of digital banking services they offer. For each service offered, the credit union will report the vendor and product name. Adding this question will expand the information reported related to digital services and allow NCUA to focus on the areas of greatest risk.

(2) Modifying the core applications question to add two new core applications (general ledger and other) and separate the core application vendor from the core application product name. Modifying this question will expand the information reported related to core applications and allow NCUA to focus on the areas of greatest risk.

(3) Adding a question for credit unions to report the Managed Security Service Provider service(s) the credit union uses. The vendor and product name will also be reported for the 24/7 network security monitoring and security operations center.

Grants tab:

(1) Removing the Grants tab. Grants awarded and received year-to-date are reported on the Call Report.

Merger Partner Registry tab:

(1) Adding a question for a Minority Depository Institution credit union to express an interest in being considered a merger partner for a Minority Depository Institution.

Request for Comment: Comments submitted in response to this notice will be summarized and included in the request for Office of Management and Budget approval. All comments will become a matter of public record. The public is invited to submit comments concerning: (a) whether the proposed revisions to the collection of information that are the subject of this notice are necessary for the proper performance of the function of the agency, including whether the information will have practical utility; (b) the accuracy of the agency's estimate of the burden of the collection of information as proposed to be revised, including the validity of the methodology and assumptions used; (c) ways to enhance the quality, utility, and clarity of the information to be collected; and (d) ways to minimize the burden of the collection of information on the respondents, including the use of automated collection techniques or other forms of information technology.

By the National Credit Union Administration Board.

Melane Conyers-Ausbrooks,

Secretary of the Board.

[FR Doc. 2024–16460 Filed 7–25–24; 8:45 am]

BILLING CODE 7535–01–P

OFFICE OF NATIONAL DRUG CONTROL POLICY

Appointment of Members of Senior Executive Service Performance Review Board

AGENCY: Office of National Drug Control Policy (ONDCP).

ACTION: Notice of appointments.

SUMMARY: The following persons have been appointed to the ONDCP Senior Executive Service Performance Review Board: Ms. Martha Gagné (as Chair), Mr. Kemp Chester, Shannon Kelly and Ms. Michele Marx.

FOR FURTHER INFORMATION CONTACT: Please direct any questions to Brian Skinner, General Counsel, (202) 881–7731, Office of National Drug Control Policy, Executive Office of the President, Washington, DC 20503.

SUPPLEMENTARY INFORMATION: The authority for this notice is 5 U.S.C. 4314(c), which also requires each agency to establish, in accordance with regulations prescribed by the Office of Personnel Management, one or more SES Performance Review Boards. The Board shall review the initial appraisal of a senior executive's performance by the supervisor and recommend final action to the appointing authority regarding matters related to senior executive performance.

Dated: July 17, 2024.

Brian Skinner,

General Counsel.

[FR Doc. 2024–16047 Filed 7–25–24; 8:45 am]

BILLING CODE 3280–F5–P

NATIONAL SCIENCE FOUNDATION

Sunshine Act Meetings

FEDERAL REGISTER CITATION OF PREVIOUS ANNOUNCEMENT: The meeting was noticed on July 22, 2024, at 89 FR 59170–59171.

PREVIOUSLY ANNOUNCED TIME AND DATE OF THE MEETING: Wednesday, July 24, 2024, from 4:10–5:25 p.m. EDT.

CHANGES IN THE MEETING: There are two additional agenda items in the meeting. They are strategic planning and roadmaps, and FY 2024 budget update.

CONTACT PERSON FOR MORE INFORMATION: Point of contact for this meeting is: Chris Blair, *cblair@nsf.gov,* 703/292–7000.

Ann Bushmiller,

Senior Counsel to the National Science Board.

[FR Doc. 2024–16576 Filed 7–24–24; 11:15 am]

BILLING CODE 7555–01–P

NATIONAL SCIENCE FOUNDATION

Notice of Permit Applications Received Under the Antarctic Conservation Act of 1978

AGENCY: National Science Foundation.

ACTION: Notice of permit applications received.

SUMMARY: The National Science Foundation (NSF) is required to publish a notice of permit applications received to conduct activities regulated under the Antarctic Conservation Act of 1978. NSF has published regulations under the Antarctic Conservation Act in the Code of Federal Regulations. This is the required notice of permit applications received.

DATES: Interested parties are invited to submit written data, comments, or views with respect to this permit application by August 26, 2024. This application may be inspected by interested parties at the Permit Office, address below.

ADDRESSES: Comments should be addressed to Permit Office, Office of Polar Programs, National Science Foundation, 2415 Eisenhower Avenue, Alexandria, Virginia 22314 or *ACApermits@nsf.gov.*

FOR FURTHER INFORMATION CONTACT: Andrew Titmus, ACA Permit Officer, at the above address, 703–292–4479.

SUPPLEMENTARY INFORMATION: The National Science Foundation, as directed by the Antarctic Conservation Act of 1978 (Pub. L. 95–541, 45 CFR 671), as amended by the Antarctic Science, Tourism and Conservation Act of 1996, has developed regulations for the establishment of a permit system for various activities in Antarctica and designation of certain animals and certain geographic areas as requiring special protection. The regulations establish such a permit system to designate Antarctic Specially Protected Areas.

Application Details

Permit Application: 2025–008

1. *Applicant:* Ethan Norris, Leidos, Inc., 7400 South Tucson Way, Centennial, CO 80112

Activity for Which Permit is Requested: Waste Management. The applicant, Leidos Inc. (hereafter ''Leidos'') proposes to conduct waste management activities associated with the implementation of the United States Antarctic Program (USAP). The USAP Master Waste permit would apply to all USAP activities, including major reconstruction and modernization efforts, conducted by all organizations supporting or supported by the Program. Leidos and other supporting organizations provide broad-based logistical support, technical support, and transportation services to the USAP. This would include the transport of both hazardous and non-hazardous waste from Antarctica to the United States. Leidos would procure, transport, and track materials containing designated pollutants required for USAP operations and for NSF-supported grantees. Leidos would be responsible for fuel operations including fuel storage, distribution, and resupply; and record-keeping of fuel use. Leidos would collect, store, and ship both hazardous and non-hazardous waste materials and would be responsible for the final disposition of these materials upon return to the United States. Leidos would provide training and technical guidance to enhance the safety and

effectiveness of U.S. waste management practices in Antarctica.

Location: Antarctica.

Dates of Permitted Activities: 1 October 2024–30 September 2029.

Kimiko S. Bowens-Knox,

Program Analyst, Office of Polar Programs.

[FR Doc. 2024–16522 Filed 7–25–24; 8:45 am]

BILLING CODE 7555–01–P

NUCLEAR REGULATORY COMMISSION

[NRC–2024–0001]

Sunshine Act Meetings

TIME AND DATE: Weeks of July 29, August 5, 12, 19, 26, and September 2, 2024. The schedule for Commission meetings is subject to change on short notice. The NRC Commission Meeting Schedule can be found on the internet at: *https://www.nrc.gov/public-involve/public-meetings/schedule.html.*

PLACE: The NRC provides reasonable accommodation to individuals with disabilities where appropriate. If you need a reasonable accommodation to participate in these public meetings or need this meeting notice or the transcript or other information from the public meetings in another format (*e.g.,* braille, large print), please notify Anne Silk, NRC Disability Program Specialist, at 301–287–0745, by videophone at 240–428–3217, or by email at *Anne.Silk@nrc.gov.* Determinations on requests for reasonable accommodation will be made on a case-by-case basis.

STATUS: Public.

Members of the public may request to receive the information in these notices electronically. If you would like to be added to the distribution, please contact the Nuclear Regulatory Commission, Office of the Secretary, Washington, DC 20555, at 301–415–1969, or by email at *Betty.Thweatt@nrc.gov* or *Samantha.Miklaszewski@nrc.gov.*

MATTERS TO BE CONSIDERED:

Week of July 29, 2024

There are no meetings scheduled for the week of July 29, 2024.

Week of August 5, 2024—Tentative

There are no meetings scheduled for the week of August 5, 2024.

Week of August 12, 2024—Tentative

There are no meetings scheduled for the week of August 12, 2024.

Week of August 19, 2024—Tentative

There are no meetings scheduled for the week of August 19, 2024.

Week of August 26, 2024—Tentative

There are no meetings scheduled for the week of August 26, 2024.

Week of September 2, 2024—Tentative

Thursday, September 5, 2024

10:00 a.m. All Employees Meeting (Public Meeting); (Contact: Sarah Turner 301–287–9058)

Additional Information: The meeting will be held in the Two White Flint North auditorium, 11555 Rockville Pike, Rockville, Maryland. The public is invited to attend the Commission's meeting live by webcast at the Web address—*https://video.nrc.gov/.*

CONTACT PERSON FOR MORE INFORMATION: For more information or to verify the status of meetings, contact Sarah Turner at 301–287–9058 or via email at *Sarah.Turner@nrc.gov.*

The NRC is holding the meetings under the authority of the Government in the Sunshine Act, 5 U.S.C. 552b.

Dated: July 24, 2024.

For the Nuclear Regulatory Commission.

Sarah A. Turner,

Information Management Specialist, Office of the Secretary.

[FR Doc. 2024–16662 Filed 7–24–24; 4:15 pm]

BILLING CODE 7590–01–P

OFFICE OF PERSONNEL MANAGEMENT

Federal Prevailing Rate Advisory Committee Virtual Public Meeting

AGENCY: Office of Personnel Management.

ACTION: Notice.

SUMMARY: According to the provisions of section 10 of the Federal Advisory Committee Act, notice is hereby given that a virtual meeting of the Federal Prevailing Rate Advisory Committee will be held on Thursday, August 15, 2024. There will be no in-person gathering for this meeting.

DATES: The virtual meeting will be held on August 15, 2024, beginning at 10 a.m. (ET).

ADDRESSES: The meeting will convene virtually.

FOR FURTHER INFORMATION CONTACT: Ana Paunoiu, 202–606–2858, or email *pay policy@opm.gov.*

SUPPLEMENTARY INFORMATION: The Federal Prevailing Rate Advisory Committee is composed of a Chair, five representatives from labor unions holding exclusive bargaining rights for Federal prevailing rate employees, and five representatives from Federal agencies. Entitlement to membership on the Committee is provided for in 5 U.S.C. 5347.

The Committee's primary responsibility is to review the Prevailing Rate System and other matters pertinent to establishing prevailing rates under 5 U.S.C. chapter 53, subchapter IV, as amended, and from time to time advise the Office of Personnel Management.

Annually, the Chair compiles a report of pay issues discussed and concluded recommendations. These reports are available to the public. Reports for calendar years 2008 to 2023 are posted at *http://www.opm.gov/fprac.* Previous reports are also available, upon written request to the Committee.

The public is invited to submit material in writing to the Chair on Federal Wage System pay matters felt to be deserving of the Committee's attention. Additional information on these meetings may be obtained by contacting the Committee at Office of Personnel Management, Federal Prevailing Rate Advisory Committee, Room 7H31, 1900 E Street NW, Washington, DC 20415, (202) 606–2858.

This meeting is open to the public, with an audio option for listening. This notice sets forth the participation guidelines for the meeting.

Meeting Agenda: The committee meets to discuss various agenda items related to the determination of prevailing wage rates for the Federal Wage System. The committee's agenda is approved one week prior to the public meeting and will be available upon request at that time.

Public Participation: The August 15, 2024, meeting of the Federal Prevailing Rate Advisory Committee is open to the public through advance registration. Public participation is available for the meeting. All individuals who plan to attend the virtual public meeting to listen must register by sending an email to *paypolicy@opm.gov* with the subject line ''August 15, 2024'' no later than Tuesday, August 13, 2024.

The following information must be provided when registering:

- Name.
- Agency and duty station.
- Email address.
- Your topic of interest.

Members of the press, in addition to registering for this event, must also RSVP to *media@opm.gov* by August 13, 2024.

A confirmation email will be sent upon receipt of the registration. Audio teleconference information for participation will be sent to registrants the morning of the virtual meeting.

Office of Personnel Management.

Kayyonne Marston,

Federal Register Liaison.

[FR Doc. 2024–16477 Filed 7–25–24; 8:45 am]

BILLING CODE 6325–39–P

POSTAL SERVICE

Privacy Act of 1974; System of Records

AGENCY: Postal Service®.

ACTION: Notice of a modified system of records.

SUMMARY: The United States Postal Service® (USPS®) is proposing to revise three Customer Privacy Act Systems of Records (SOR). These modifications are being made to provide further identity verification services for business customers and to mitigate fraud.

DATES: These revisions will become effective without further notice on August 26, 2024, unless, in response to comments received on or before that date result in a contrary determination.

ADDRESSES: Comments may be submitted via email to the Privacy and Records Management Office, United States Postal Service Headquarters (*uspsprivacyfedregnotice@usps.gov*). To facilitate public inspection, arrangements to view copies of any written comments received will be made upon request.

FOR FURTHER INFORMATION CONTACT: Janine Castorina, Chief Privacy and Records Management Officer, Privacy and Records Management Office, 202–268–3069 or *uspsprivacyfedregnotice@usps.gov*.

SUPPLEMENTARY INFORMATION: This notice is in accordance with the Privacy Act requirement that agencies publish their systems of records in the **Federal Register** when there is a revision, change, or addition, or when the agency establishes a new system of records. The Postal Service has determined that Customer Privacy Act System of Records USPS 810.100 *www.usps.com* Registration, USPS 860.000 Financial Transactions, and USPS 910.000 Identity and Document Verification Services, should be revised to provide further identity verification services for business customers and to mitigate fraud.

I. Background

As the Postal Service continues its mission to serve the people of the United States, it continues to innovate to find products and solutions that will benefit its customers. To this end, USPS has introduced the Business Customer Gateway, a platform that allows businesses of all types quick and easy access to postal services. As part of this initiative, to protect the safety of its customers and to combat fraudulent activity, Business Customers will be required to provide their Employer Identification Number (EIN) when registering for an account. This EIN will be processed through USPS' existing identity verification methodology to validate these accounts, further enhancing the security of these new systems.

II. Rationale for Changes to USPS Privacy Act Systems of Records

The Postal Service will modify three Privacy Act Systems of Records accordingly to implement these changes:

USPS 810.100 will update category of records 1 and 2 to include Employer Identification Number (EIN)

USPS 860.000 will include a new purpose, 5, and will update category of records 1 to include Employer Identification Number (EIN)

USPS 910.000 will update category of records 1 to include Employer Identification Number (EIN)

III. Description of the Modified System of Records

Pursuant to 5 U.S.C. 552a(e)(11), interested persons are invited to submit written data, views, or arguments on this proposal. A report of the proposed revisions to this SOR has been sent to Congress and to the Office of Management and Budget for their evaluations. The Postal Service does not expect this modified system of records to have any adverse effect on individual privacy rights. Accordingly, for the reasons stated above, the Postal Service proposes revisions to this system of records. SORs 810.100 *www.usps.com* Registration, Financial Transactions 860.000, and 910.000 Identity and Document Verification are provided below in their entirety.

SYSTEM NAME AND NUMBER:

USPS 810.100, *www.usps.com* Registration.

SECURITY CLASSIFICATION:

None.

SYSTEM LOCATION:

Computer Operations Service Centers.

SYSTEM MANAGER(S):

Chief Customer and Marketing Officer and Executive Vice President, United States Postal Service, 475 L'Enfant Plaza SW, Washington, DC 20260–5005, (202) 268–7536.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

39 U.S.C. 401, 403, and 404.

PURPOSE(S) OF THE SYSTEM:

1. To provide online registration with single sign-on services for customers.

2. To facilitate online registration, provide enrollment capability, and administer internet-based services or features.

3. To maintain current and up-to-date address information to assure accurate and reliable delivery and fulfillment of postal products, services, and other material.

4. To obtain accurate contact information in order to deliver requested products, services, and other material.

5. To authenticate customer logon information for *usps.com*.

6. To permit customer feedback in order to improve *usps.com* or USPS products and services.

7. To enhance understanding and fulfillment of customer needs.

8. To verify a customer's identity when the customer establishes or attempts to access his or her account.

9. To identify, prevent, and mitigate the effects of fraudulent transactions.

10. To enhance the customer experience by improving the security of Change of Address (COA) and Hold Mail processes.

11. To protect USPS customers from becoming potential victims of mail fraud and identity theft.

12. To identify and mitigate potential fraud in the COA and Hold Mail processes.

13. To verify a customer's identity when applying for COA and Hold Mail services.

14. To provide online registration for Informed Address platform service for customers.

15. To authenticate customer logon information for Informed Address platform services.

16. To verify the name and address of the sender or the authority of the sender's representative when submitting an online International inquiry for a lost or damaged package on *usps.com,* such as the use of the International Assistant tool.

17. To link *usps.com* customer accounts with authorized third-party vendor accounts that allow customers to purchase postage and/or fees and print labels for USPS shipping and mailing services.

18. To facilitate the transmission of customer shipping information from third-party vendors to Click-n-Ship®.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

Customers who register via the USPS website at *usps.com*.

CATEGORIES OF RECORDS IN THE SYSTEM:

1. Customer information: Name; customer ID(s); company name; job title and role; home, business, and billing address; phone number(s) and fax number; email(s); URL; text message number(s) and carrier; Automated Clearing House (ACH) information, Employer Identification Number (EIN), and account-linking identifier.

2. Identity verification information: Question, answer, username, user ID, password, email address, text message address and carrier, Employer Identification Number (EIN), and results of identity proofing validation.

3. Business specific information: Business type and location, business IDs, annual revenue, number of employees, industry, nonprofit rate status, mail owner, mail service provider, PC postage user, PC postage vendor, product usage information, annual and/or monthly shipping budget, payment method and information, planned use of product, age of website, and information submitted by, or collected from, business customers in connection with promotional marketing campaigns.

4. Customer preferences: Preferences to receive USPS marketing information, preferences to receive marketing information from USPS partners, preferred means of contact, preferred email language and format, preferred on-screen viewing language, product and/or service marketing preference.

5. Customer feedback: Method of referral to website.

6. Registration information: Date of registration.

7. Online user information: internet Protocol (IP) address, domain name, operating system versions, browser version, date and time of connection, Media Access Control (MAC) address, device identifier, information about the software acting on behalf of the user (*i.e.,* user agent), and geographic location.

8. International Inquiries: Name and address in Customer Registration account profile used to match with Sender name and address or Sender's representative authority to file an international inquiry for a lost or damaged package.

9. Click-n-Ship Account Linking Information: Customer Address Details, Authentication, Customer Contact Name, Currency, Label Metadata, Marketplace Label data, Order ID, Order Status, Shipping Code, Value, IP Address, MAC Address, Device Type, Browser Type, OAuth accessToken, OAuth expiry, OAuth refreshToken, OAuth refreshTokenExpiry, OAuth tokenType, Marketplace Data ID, Marketplace Data Version, Marketplace Data Account Type, Marketplace Data Account Identifier, Marketplace Data Reference ID, Marketplace Data Labels.

RECORD SOURCE CATEGORIES:

Customers, Individual Sender and Sender's representative filing an international inquiry for lost or damaged packages.

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND PURPOSES OF SUCH USES:

Standard routine uses 1. through 7., 10., and 11. apply.

POLICIES AND PRACTICES FOR STORAGE OF RECORDS:

Automated database, computer storage media, and paper.

POLICIES AND PRACTICES FOR RETRIEVAL OF RECORDS:

By customer name, customer ID(s), phone number, mail, email address, IP address, text message address, and any customer information or online user information.

By tracking number for International package shipments for which an individual sender or sender's representative is filing an online International inquiry for loss or damage.

POLICIES AND PRACTICES FOR RETENTION AND DISPOSAL OF RECORDS:

1. ACH records are retained up to 2 years.

2. Records stored in the registration database are retained until the customer cancels the profile record, 3 years after the customer last accesses records, or until the relationship ends.

3. For small business registration, records are retained 5 years after the relationship ends.

4. Online user information may be retained for 6 months.

Records existing on paper are destroyed by burning, pulping, or shredding. Records existing on computer storage media are destroyed according to the applicable USPS media sanitization practice.

ADMINISTRATIVE, TECHNICAL, AND PHYSICAL SAFEGUARDS:

Paper records, computers, and computer storage media are located in controlled-access areas under supervision of program personnel. Access to these areas is limited to authorized personnel, who must be identified with a badge.

Access to records is limited to individuals whose official duties require such access. Contractors and licensees are subject to contract controls and unannounced on-site audits and inspections. Computers are protected by mechanical locks, card key systems, or other physical access control methods. The use of computer systems is regulated with installed security software, computer logon identifications, and operating system controls including access controls, terminal and transaction logging, and file management software. Online data transmissions are protected by encryption.

For small business registration, computer storage tapes and disks are maintained in controlled-access areas or under general scrutiny of program personnel. Access is controlled by logon ID and password as authorized by the Marketing organization via secure website. Online data transmissions are protected by encryption.

RECORD ACCESS PROCEDURES:

Requests for access must be made in accordance with the Notification Procedure above and USPS Privacy Act regulations regarding access to records and verification of identity under 39 CFR 266.5.

CONTESTING RECORD PROCEDURES:

See Notification Procedures and Record Access Procedures.

NOTIFICATION PROCEDURES:

Customers wanting to know if information about them is maintained in this system of records must address inquiries in writing to the system manager. Inquiries must contain name, address, and other identifying information.

EXEMPTIONS PROMULGATED FOR THE SYSTEM:

None.

HISTORY:

March 8, 2023, 88 FR 14400; December 27, 2018, 83 FR 66768; August 25, 2016, 81 FR 58542; June 30, 2016, 81 FR 42760; June 20, 2014, 79 FR 35389; January 23, 2014, 79 FR 3881; July 11, 2012, 77 FR 40921; October 24, 2011, 76 FR 65756; May 08, 2008, 73 FR 26155; April 29, 2005, 70 FR 22516.

SYSTEM NAME AND NUMBER:

USPS 860.000 Financial Transactions.

SECURITY CLASSIFICATION:

None.

SYSTEM LOCATION:

USPS Headquarters; Integrated Business Solutions Services Centers;

Accounting Service Centers; Bank Secrecy Act (BSA) Anti-Money Laundering (AML) Compliance group; and contractor sites.

SYSTEM MANAGER(S):

Chief Financial Officer and Executive Vice President, United States Postal Service, 475 L'Enfant Plaza SW, Washington, DC 20260.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

39 U.S.C. 401, 403, and 404; 31 U.S.C. 5318, 5325, 5331, and 7701.

PURPOSE(S) OF THE SYSTEM:

1. To provide financial products and services.

2. To respond to inquiries and claims related to financial products and services.

3. To fulfill requirements of BSA, AML statutes and regulations and Office of Foreign Assets Control (OFAC).

4. To support investigations related to law enforcement for fraudulent financial transactions.

5. To provide additional verification procedures to combat fraudulent financial transactions.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

1. Customers who use online payment or funds transfer services.

2. Customers who file claims or make inquiries related to online payment services, funds transfers, money orders, and stored-value cards.

3. Customers who purchase financial instruments in an amount of $3000 or more per day. Financial instruments are limited to money orders, gift cards and international wire transfer service.

4. Customers who purchase or redeem financial instruments in a manner requiring collection of information as potential suspicious activities under anti-money laundering requirements.

5. Beneficiaries from financial instruments totaling more than $10,000 in 1 day.

6. Specially Designated Nationals and Blocked Persons List (SDNs) as defined and mandated by the OFAC.

CATEGORIES OF RECORDS IN THE SYSTEM:

1. Customer information: Name, customer ID(s), mail and email address, telephone number, occupation, type of business, Employer Identification Number (EIN), and customer history.

2. Identity verification information: Date of birth, username and/or ID, password, Social Security Number (SSN) or tax ID number, and driver's license number (or other type of ID if driver's license is not available, such as Alien Registration Number, Passport Number, Military ID, Tax ID Number). (Note: For online payment services, SSNs are collected, but not retained, in order to verify ID.)

3. Billers registered for online payment services: Biller name and contact information, bill detail, and bill summaries.

4. Transaction information: Name, address, and phone number of purchaser, payee, and biller; amount, date, and location; credit and/or debit card number, type, and expiration; sales, refunds, and fees; type of service selected and status; sender and recipient bank account and routing number; bill detail and summaries; transaction number, serial number, and/or reference number or other identifying number, pay out agent name and address; type of payment, currency, and exchange rate; Post Office information such as location, phone number, and terminal; employee ID numbers, license number and state, and employee comments.

5. Information to determine credit-worthiness: Period at current residence, previous address, and period of time with same phone number.

6. Information related to claims and inquiries: Name, address, phone number, signature, SSN, location where product was purchased, date of issue, amount, serial number, and claim number.

7. Online user information: internet Protocol (IP) address, domain name, operating system version, browser version, date and time of connection, and geographic location.

8. Funds Transaction Report (FTR) Postal Service (PS) Form 8105–A:

a. Type of Transaction (completed by customer): on behalf of self, on behalf of another individual, on behalf of a business/organization, law enforcement agent or government representative on behalf of an agency, private courier on behalf of individual, private courier on behalf of a business/organization, armored car service on behalf of a business/individual.

b. Customer Information (completed by customer): last name/first name, address (number, street, box, suite/apt no.), city, state, ZIP CodeTM, country, date of birth (MM/DD/YYYY), SSN, telephone number (include area code); Photo ID: driver's license no. (U.S. only—must indicate state), resident alien/permanent resident ID no., other ID (U.S./state government-issued IDs, including tribal, and Mexican matricular consular), state ID no. (U.S. only—must indicate state), military ID no. (U.S. only), passport no. (must indicate country); Describe other ID: ID number, issuing state, issuing country (passport), occupation (be as specific as possible); (Completed by Postal ServiceTM employee): round date stamp.

c. Other Person/Business/Organization on Whose Behalf Transaction Is Being Conducted (completed by customer): last name/first name or business name or organization name (no acronyms), SSN or employer ID number (EIN), North American Industry Classification System (NAICS) (if business), type of business/organization/occupation, address (number, street, box, suite/apt no.), city, state, ZIP CodeTM, country, date of birth (MM/DD/YYYY), telephone number (include area code), ID type, ID number, issuing state;

d. Completed by Postal Service TMEmployee: type of transaction (check one)—purchased ($3,000.00 or more) or redeemed/cashed (over $10,000.00), total face value (excluding fee), transaction date (MM/DD/YYYY), beginning serial no. thru ending serial no. money order ranges 1–2, number of money orders sold, number of money orders redeemed/cashed, number of gift cards sold (provide numbers in section on back of form), funds transfer 1 Sure MoneyTM/Dinero Seguro, signature of USPS® employee, Post OfficeTM ZIP CodeTM;

e. Law Enforcement Agent of Government Representative on Behalf of an Agency (completed by customer): last name/first name, date of birth (MM/DD/YYYY), work telephone number (include area code), law enforcement agent/government representative photo ID number (if photo ID does not have a number please use agent/representative driver's license number), type of ID: law enforcement ID, government representative ID, driver's license number (must note state if using driver's license), state, agency name (no acronyms), address (number, street, box, suite/apt. no.), city, state, ZIP CodeTM, occupation, agency EIN, NAICS;

f. Armored Car Service Information (completed by customer): armored car business name (no acronyms), EIN, telephone number (include area code), address (number, street, box, suite/apt no.), city, state, ZIP CodeTM; and

g. Completed by Postal Service Employee (Continued): type of transaction (check one)—purchased ($3,000.00 or more) or redeemed/cashed (over $10,000.00), additional transaction numbers for money orders, funds transfer Sure MoneyTM/Dinero Seguro, and gift cards—beginning serial no. thru ending serial no. money order ranges 3–6, Sure MoneyTM/Dinero Seguro 2–5, and gift card numbers 1–4.

9. Suspicious Transaction Report (STR) PS Form 8105–B (completed by Postal ServiceTMemployee): activity

type—purchased, redeemed/cashed, other (describe in comments section), begin serial no. thru end serial no. money order ranges 1–3, transaction amount, transaction date, transaction time, recorded by camera, check box if a debit/credit card was used in the transaction (do not include any information from the debit/credit card on this form), description of customer(s) 1–4—sex (M/F), approximate age, height, weight, ethnicity, round date stamp, Post OfficeTM ZIP CodeTM, comments (check all that apply), vehicle description (if available)—make, type, color, license number, license state, comments, money order ranges 4–5, gift cards 1–2, funds transfer Sure Money®/ Dinero Seguro® 1–2, business name/ customer last name, first name, address (number, street, box, suite/apt. no.), city, state, ZIP CodeTM, country, type of business, date of birth (MM/DD/YYYY), SSN, driver's license no., state, other ID no., type of other ID, mailpiece information (if available)—mailpiece number, mailpiece type, additional comments.

RECORD SOURCE CATEGORIES:

Customers, recipients, financial institutions, and USPS employees.

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND THE PURPOSES OF SUCH USES:

Standard routine uses 1. through 7., 10., and 11. apply. In addition;

a. Legally required disclosures to agencies for law enforcement purposes include disclosures of information relating to money orders, funds transfers, and stored-value cards as required by BSA, OFAC and anti-money laundering statutes, regulations and requirements.

POLICIES AND PRACTICES FOR STORAGE OF RECORDS:

Automated database, computer storage media, microfiche, and paper.

POLICIES AND PRACTICES FOR RETRIEVAL OF RECORDS:

For online payment and funds transfer services, information is retrieved by customer name, customer ID(s), transaction number, or address.

Claim information is retrieved by name of purchaser or payee, claim number, serial number, transaction number, check number, customer ID(s), or ZIP Code.

Information related to BSA, OFAC and AML is retrieved by customer name; SSN; alien registration, passport, or driver's license number; serial number; transaction number; ZIP Code; transaction date; data entry operator number; and employee comments, and individuals that appear on the Specially Designated Nationals and Blocked Persons List (SDNs) as defined and mandated by the OFAC.

POLICIES AND PRACTICES FOR RETENTION AND DISPOSAL OF RECORDS:

1. Summary records, including bill due date, bill amount, biller information, biller representation of account number, and the various status indicators, are retained 2 years from the date of processing.

2. For funds transfers, transaction records are retained 3 years.

3. Records related to claims are retained up to 3 years from date of final action on the claim.

4. Forms related to fulfillment of BSA, anti-money laundering requirements are retained for a 5-year and one-month period.

5. Related automated records are retained the same 5-year and one-month period and purged from the system quarterly after the date of creation.

6. Enrollment records related to online payment services are retained 7 years after the subscriber's account ceases to be active or the service is cancelled.

7. Account banking records, including payment history, Demand Deposit Account (DDA) number, and routing number, are retained 7 years from the date of processing.

8. Online user information may be retained for 6 months.

Records existing on paper are destroyed by burning, pulping, or shredding. Records existing on computer storage media are destroyed according to the applicable USPS media sanitization practice.

ADMINISTRATIVE, TECHNICAL, AND PHYSICAL SAFEGUARDS:

Paper records, computers, and computer storage media are located in controlled-access areas under supervision of program personnel. Access to these areas is limited to authorized personnel, who must be identified with a badge.

Access to records is limited to individuals whose official duties require such access. Contractors and licensees are subject to contract controls and unannounced on-site audits and inspections. Computers are protected by mechanical locks, card key systems, or other physical access control methods. The use of computer systems is regulated with installed security software, computer logon identifications, and operating system controls including access controls, terminal and transaction logging, and file management software. Online data transmissions are protected by encryption.

RECORD ACCESS PROCEDURES:

Requests for access must be made in accordance with the Notification Procedure above and USPS Privacy Act regulations regarding access to records and verification of identity under 39 CFR 266.5.

CONTESTING RECORD PROCEDURES:

See Notification Procedure below and Record Access Procedures above.

NOTIFICATION PROCEDURES:

For online payment services, funds transfers, and stored-value cards, individuals wanting to know if information about them is maintained in this system must address inquiries in writing to the Chief Marketing Officer and Executive Vice President. Inquiries must contain name, address, and other identifying information, as well as the transaction number for funds transfers.

For money order claims, or BSA, OFAC and anti-money laundering documentation, inquiries should be addressed to the Chief Financial Officer and Executive Vice President. Inquiries must include name, address, or other identifying information of the purchaser (such as driver's license, Alien Registration Number, Passport Number, etc.), and serial or transaction number. Information collected for anti-money laundering purposes will only be provided in accordance with Federal BSA, OFAC, anti-money laundering laws, regulations and requirements.

EXEMPTIONS PROMULGATED FOR THE SYSTEM:

Systems Exempted From Certain Provisions of the Act:

USPS has established regulations at 39 CFR 266.9 that exempt information contained in this system of records from various provisions of the Privacy Act in order to conform to the prohibition in the Bank Secrecy Act, 31 U.S.C. 5318(g)(2), against notification of the individual that a suspicious transaction has been reported.

HISTORY:

May 8, 2008, 73 FR 26155; April 29, 2005, 70 FR 22516.

SYSTEM NAME AND NUMBER:

USPS 910.000, Identity and Document Verification Services.

SECURITY CLASSIFICATION:

None.

SYSTEM LOCATION:

USPS Marketing, Headquarters; Integrated Business Solutions Services Centers; and contractor sites.

SYSTEM MANAGER(S):

Chief Information Officer and Executive Vice President, United States Postal Service, 475 L'Enfant Plaza SW, Washington, DC 20260–1500.

AUTHORITY FOR MAINTENANCE OF THE SYSTEM:

39 U.S.C. 401, 403, 404, and 411.

PURPOSE(S) OF THE SYSTEM:

1. To provide services related to identity and document verification services.

2. To issue and manage public key certificates, user registration, email addresses, and/or electronic postmarks.

3. To provide secure mailing services.

4. To protect business and personal communications.

5. To enhance personal identity and privacy protections.

6. To improve the customer experience and facilitate the provision of accurate and reliable delivery information.

7. To identify, prevent, or mitigate the effects of fraudulent transactions.

8. To support other Federal Government Agencies by providing authorized services.

9. To ensure the quality and integrity of records.

10. To enhance the customer experience by improving the security of Change-of-Address (COA) and Hold Mail processes, along with other products, services and features that require identity proofing and document verification.

11. To protect USPS customers from becoming potential victims of mail fraud and identity theft.

12. To identify and mitigate potential fraud in the COA and Hold Mail processes, along with other products, services and features that require identity proofing and document verification.

13. To verify a customer's identity when applying for COA and Hold Mail services, along with other products, services and features that require identity proofing and document verification.

14. To provide an audit trail for COA and Hold Mail requests (linked to the identity of the submitter).

15. To enhance remote identity proofing with a Phone Verification and One-Time Passcode solution.

16. To enhance remote identity proofing, improve fraud detection and customer's ability to complete identity proofing online with a Device Reputation Remote Identity Verification solution.

17. To verify a customer's Identity using methods and Identity Proofing standards that voluntarily align with NIST Special Publication 800.63 and support other Federal Agency partner security requirements.

18. To enhance In-Person identity proofing, improve Identity Document fraud detection and enable a customer to successfully complete identity proofing activities required for access to Postal Service products, services and features.

19. To enhance In-Person identity proofing, improve Identity Document fraud detection and enable a customer to successfully complete identity proofing activities as required by partnering Federal Agencies to authorize or allow individual customer access to a privilege, system, or role.

20. To facilitate the In-Person enrollment process for the Informed Delivery® feature.

21. To provide customers with the option to voluntarily scan the barcode on the back of government issued IDs to capture name and address information that will be used to confirm eligibility and prefill information collected during the In-Person Informed Delivery enrollment process.

22. To provide identity verification documents to United States government agencies and third parties, with customer consent, for validation and security.

CATEGORIES OF INDIVIDUALS COVERED BY THE SYSTEM:

1. Customers who apply for identity and document verification services.

2. Customers who may require identity verification for Postal products, services and features.

3. USPS customers who sign-up, register or enroll to participate as users in programs, request features, or obtain products and/or services that require document or identity verification.

4. Individual applicants and users that require identity verification or document verification services furnished by the Postal Service in cooperation with other Government agencies.

CATEGORIES OF RECORDS IN THE SYSTEM:

1. Customer information: Name, address, customer ID(s), telephone number, text message number and carrier, mail and email address, date of birth, place of birth, company name, title, role, Employer Identification Number (EIN), and employment status.

2. Customer preference information: Preferred means of contact.

3. Authorized User Information: Names and contact information of users who are authorized to have access to data.

4. Verification and payment information: Credit or debit card information or other account number, government issued ID type and number, verification question and answer, and payment confirmation code. (Note: Social Security Number and credit or debit card information may be collected, but not stored, in order to verify ID.)

5. Biometric information: Fingerprint, photograph, height, weight, and iris scans. (Note: Information may be collected, secured, and returned to customer or third parties at the request of the customer, but not stored.)

6. Digital certificate information: Customer's public key(s), certificate serial numbers, distinguished name, effective dates of authorized certificates, certificate algorithm, date of revocation or expiration of certificate, and USPS-authorized digital signature.

7. Online user information: Device identification, device reputation risk and confidence scores.

8. Transaction information: Clerk signature; transaction type, date and time, location, source of transaction; product use and inquiries; Change of Address (COA) and Hold Mail transactional data.

9. Electronic information: Information related to encrypted or hashed documents.

10. Recipient information: Electronic signature ID, electronic signature image, electronic signature expiration date, and timestamp.

11. In-Person Proofing and Enhanced Identity Verification Attributes: Contents of Valid Identification (ID) Documents; High resolution images of front and back of ID documents, bar code on ID Document and the content of displayed and encoded fields on ID documents that may be collected and stored in order to facilitate security validation and Identity Proofing of an applicant, participant or customer's ID; Facial Image; Name, Address, and Unique ID Document number; Birthdate, Eye Color, Height and Weight; Signature; Organ donation preference.

12. Strong ID Documents used for In-Person Identity Proofing: Photo ID, unique ID Number and the name of the Individual being identified; Passports, Passport cards; State ID Cards, State Driver's Licenses: Uniformed Service ID's, and Government ID documents.

13. Fair ID Documents used for In-Person Identity Proofing: Residential Lease, Real Estate Deed of Trust, Voter Registration Card, Vehicle Registration Card, Home Insurance Policy Documents, Vehicle Insurance Policy Documents.

RECORD SOURCE CATEGORIES:

Individual Customers, Users, Participants and Applicants.

ROUTINE USES OF RECORDS MAINTAINED IN THE SYSTEM, INCLUDING CATEGORIES OF USERS AND PURPOSES OF SUCH USES:

Standard routine uses 1. through 7., 10., and 11. apply.

POLICIES AND PRACTICES FOR STORAGE OF RECORDS:

Automated databases, computer storage media, and paper.

POLICIES AND PRACTICES FOR RETRIEVAL OF RECORDS:

By customer name, customer ID(s), distinguished name, certificate serial number, receipt number, transaction date, and email addresses.

POLICIES AND PRACTICES FOR RETENTION AND DISPOSAL OF RECORDS:

1. Records related to Pending Public Key Certificate Application Files are added as received to an electronic database, moved to the authorized certificate file when they are updated with the required data, and records not updated within 90 days from the date of receipt are destroyed.
2. Records related to the Public Key Certificate Directory are retained in an electronic database, are consistently updated, and records are destroyed as they are superseded or deleted.
3. Records related to the Authorized Public Key Certificate Master File are retained in an electronic database for the life of the authorized certificate.
4. When the certificate is revoked, it is moved to the certificate revocation file.
5. The Public Key Certificate Revocation List is cut off at the end of each calendar year and records are retained 30 years from the date of cutoff. Records may be retained longer with customer consent or request.
6. Other records in this system are retained 7 years, unless retained longer by request of the customer.
7. Records related to electronic signatures are retained in an electronic database for 3 years.
8. Other categories of records are retained for a period of up to 30 days.
9. Driver's License data will be retained for 5 years.
10. COA and Hold Mail transactional data will be retained for 5 years.
11. Records related to Phone Verification/One-Time Passcode and Device Reputation assessment will be retained for 7 years.
12. Records collected for Identity Proofing at the Identity Assurance Level 2 (IAL–2), including ID document images, Identity Verification Attributes, and associated data will be retained up to 5 years, or as stipulated within Interagency Agreements (IAAs) with partnering Federal Agencies.

Records existing on paper are destroyed by burning, pulping, or shredding. Records existing on computer storage media are destroyed according to the applicable USPS media sanitization practice.

ADMINISTRATIVE, TECHNICAL, AND PHYSICAL SAFEGUARDS:

Paper records, computers, and computer storage media are located in controlled-access areas under supervision of program personnel. Access to these areas is limited to authorized personnel, who must be identified with a badge.

Access to records is limited to individuals who need the information to perform their job and whose official duties require such access.

Contractors and licensees are subject to contract controls and unannounced on-site audits and inspections.

Computers are protected by mechanical locks, card key systems, or other physical access control methods. The use of computer systems is regulated with installed security software, computer logon identifications, and operating system controls including access controls, terminal and transaction logging, and file management software.

Key pairs are protected against cryptanalysis by encrypting the private key and by using a shared secret algorithm to protect the encryption key, and the certificate authority key is stored in a separate, tamperproof, hardware device. Activities are audited, and archived information is protected from corruption, deletion, and modification.

For authentication services and electronic postmark, electronic data is transmitted via secure socket layer (SSL) encryption to a secured data center. Computer media are stored within a secured, locked room within the facility. Access to the database is limited to the system administrator, database administrator, and designated support personnel. Paper forms are stored within a secured area within locked cabinets.

RECORD ACCESS PROCEDURES:

Requests for access must be made in accordance with the Notification Procedure above and USPS Privacy Act regulations regarding access to records and verification of identity under 39 CFR 266.5.

CONTESTING RECORD PROCEDURES:

See Notification Procedure and Record Access Procedures above.

NOTIFICATION PROCEDURES:

Customers wanting to know if other information about them is maintained in this system of records must address inquiries in writing to the system manager. Inquiries must contain name, address, email, and other identifying information.

EXEMPTIONS PROMULGATED FOR THE SYSTEM:

None.

HISTORY:

December 15, 2021; 86 FR 71294; March 16, 2020, 85 FR 14982; December 13, 2018, 83 FR 64164; December 22, 2017, 82 FR 60776; August 29, 2014, 79 FR 51627; October 24, 2011, 76 FR 65756; April 29, 2005, 70 FR 22516.

Christopher Doyle,

Attorney, Ethics & Legal Compliance.

[FR Doc. 2024–16505 Filed 7–25–24; 8:45 am]

BILLING CODE 7710–12–P

SECURITIES AND EXCHANGE COMMISSION

[SEC File No. 270–346, OMB Control No. 3235–0392]

Submission for OMB Review; Comment Request; Extension: Rule 15g–3

Upon Written Request, Copies Available From: Securities and Exchange Commission, Office of FOIA Services, 100 F Street NE, Washington, DC 20549–2736

Notice is hereby given that pursuant to the Paperwork Reduction Act of 1995 (''PRA'') (44 U.S.C. 3501 *et seq.*), the Securities and Exchange Commission (''Commission'') has submitted to the Office of Management and Budget (''OMB'') a request for approval of extension of the existing collection of information provided for in Rule 15g–3—Broker or dealer disclosure of quotations and other information relating to the penny stock market (17 CFR 240.15g–3) under the Securities Exchange Act of 1934 (15 U.S.C. 78a *et seq.*).

Rule 15g–3 requires that brokers and dealers disclose to customers current quotation prices or similar market information in connection with transactions in penny stocks. The purpose of the rule is to increase the level of disclosure to investors concerning penny stocks generally and specific penny stock transactions.

The Commission estimates that approximately 170 broker-dealers will each spend an average of approximately 87.0833333 hours annually to comply with this rule. Thus, the total time

burden is approximately 14,804 hours per year.

Rule 15g–3 contains record retention requirements. Compliance with the rule is mandatory. The required records are available only to the examination staff of the Commission and the self regulatory organizations of which the broker-dealer is a member.

An agency may not conduct or sponsor, and a person is not required to respond to, a collection of information under the PRA unless it displays a currently valid OMB control number.

The public may view background documentation for this information collection at the following website: *www.reginfo.gov.* Find this particular information collection by selecting ''Currently under 30-day Review—Open for Public Comments'' or by using the search function. Written comments and recommendations for the proposed information collection should be sent by August 26, 2024 to (i) *www.reginfo.gov/public/do/PRAMain* and (ii) Austin Gerig, Director/Chief Data Officer, Securities and Exchange Commission, c/o Oluwaseun Ajayi, 100 F Street NE, Washington, DC 20549, or by sending an email to: *PRA_Mailbox@sec.gov.*

Dated: July 22, 2024.

Sherry R. Haywood,

Assistant Secretary.

[FR Doc. 2024–16416 Filed 7–25–24; 8:45 am]

BILLING CODE 8011–01–P

DEPARTMENT OF STATE

[Public Notice: 12469]

Industry Advisory Group: Notice of Open Meeting

The U.S. Department of State Bureau of Overseas Buildings Operations (OBO) will host the Industry Advisory Group (IAG) Annual Meeting from 8:30 a.m. to 5:30 p.m. on Wednesday, September 18, 2024. The meeting will be hybrid and open to the public from 1:30 p.m.–5:30 p.m., including a networking session starting at 4:30 p.m., at the U.S. Department of State, located at 2201 C Street NW, Washington, DC.

The meeting will primarily be devoted to discussions between the Department's senior management and IAG members regarding industry and academia's latest concepts, methods, best practices, innovations, and ideas supporting OBO's mission to provide the most effective facilities for United States diplomacy abroad. Additionally, time will be provided for public members to ask questions and provide comments.

The public may attend this meeting in-person as seating capacity allows. Admittance to the State Department building will be through a pre-arranged clearance list. OBO External Affairs will post an open registration announcement on OBO's website (*www.state.gov/obo*) and social media and email the announcement to OBO's distribution list approximately 60 days before the event date. We encourage those interested in attending the IAG Annual Meeting to sign up for OBO's Distribution List.

Please forward any requests for reasonable accommodation to *OBOExternalAffairs@state.gov* by August 29, 2024. Request for reasonable accommodation made after that date will be considered but may not be fulfilled.

For further information, please contact External Affairs at *OBOExternalAffairs@state.gov.*

William H. Moser,

Director, Bureau of Overseas Buildings Operations, Department of State.

[FR Doc. 2024–16420 Filed 7–25–24; 8:45 am]

BILLING CODE 4710–51–P

SURFACE TRANSPORTATION BOARD

[Docket No. FD 36787]

Alameda Belt Line—Operation Exemption—Board of Harbor Commissioners of the Port of Los Angeles, Board of Harbor Commissioners (Long Beach), and Alameda Corridor Transportation Authority

Under 49 CFR 1011.7(a)(2)(x)(A), the Director of the Office of Proceedings (Director) is delegated the authority to determine whether to issue notices of exemption under 49 U.S.C. 10502 for operation transactions under 49 U.S.C. 10901. However, the Board reserves to itself the consideration and disposition of all matters involving issues of general transportation importance. 49 CFR 1011.2(a)(6). Accordingly, the Board will revoke the delegation to the Director with respect to issuance of the notice of exemption for dispatching operations of the rail line at issue in this case. The Board determines that this notice of exemption should be issued, and does so here.[1]

Notice

Alameda Belt Line (ABL), a noncarrier, has filed a verified notice of exemption pursuant to 49 CFR 1150.31 ''to assume by subcontract the dispatching operations'' over the Alameda Corridor, an approximately 16.1-mile railroad corridor between milepost 0.0 at CP East Redondo in Los Angeles, Cal., and milepost 16.1 at CP West Thenard in Los Angeles (the Line). According to the verified notice, BNSF Railway Company (BNSF) and Union Pacific Railroad Company (UP) have operating rights over the Line. The verified notice states that UP currently handles Line dispatching with BNSF oversight pursuant to an agreement among BNSF, UP, and the Alameda Corridor Transportation Authority, the Line's administrator. ABL is a private entity owned in equal parts by BNSF and UP.

ABL certifies that its annual projected revenues as a result of the transaction will not exceed those that would qualify it as a Class III carrier and will not exceed $5 million. ABL also states that the transaction does not involve any interchange commitments.

By decision served on July 11, 2024, the effective date of the exemption was postponed until further order of the Board, to provide sufficient time for evaluation of the matters raised by the verified notice.

On July 19, 2024, ABL filed a letter (Letter) requesting that the Board take immediate action on the verified notice. ABL states that the Federal Railroad Administration's (FRA) issuance of 49 CFR part 245—Certification of Dispatchers, effective July 22, 2024, imposes a 120-day approval process for a new railroad's dispatching training program. (Letter 2.) ABL states that it must begin dispatching operations by July 22, 2024, to avoid substantial delays resulting from the FRA's approval process under the new regulation. (*See id.*)

The Board determines that the notice of exemption should be published. In light of the need for expedited effectiveness as described in the Letter, the Board finds good cause to permit the exemption to become effective on the date of service of this decision.[2]

If the verified notice contains false or misleading information, the exemption is void ab initio. Petitions to revoke the exemption under 49 U.S.C. 10502(d) may be filed at any time. The filing of a petition to revoke will not

[1] Should it choose to do so, the Board retains the ability to revisit its precedent in *Rail-Term Corp.—Petition for Declaratory Order,* FD 35582 (STB served Nov. 19, 2013), in an appropriate proceeding. It chooses not to do so here because of the facts and circumstances—in particular, timing needs—presented by ABL.

[2] For the same reasons, the Board will waive the provision at 49 CFR 1150.32(c) regarding the filing of stay petitions prior to effectiveness.

automatically stay the effectiveness of the exemption.

All pleadings, referring to Docket No. FD 36787, 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 ABL's representative, Robert A. Wimbish, Fletcher & Sippel LLC, 29 North Wacker Drive, Suite 800, Chicago, IL 60606–3208.

According to ABL, this action is categorically excluded from environmental review under 49 CFR 1105.6(c) and from historic preservation reporting requirements under 49 CFR 1105.8(b).

Decisions of the Board are available at *www.stb.gov.*

It is ordered:

1. The delegation of authority to the Director of the Office of Proceedings under 49 CFR 1011.7(a)(2)(x)(A) to determine whether to issue a notice of exemption in this proceeding is revoked.

2. ABL's notice of exemption is issued and is effective on the service date of this decision.

3. The provision at 49 CFR 1150.32(c) regarding the filing of stay petitions prior to effectiveness is waived for purposes of this decision.

4. This decision will be published in the **Federal Register**.

5. This decision is effective on its service date.

Decided: July 22, 2024.

By the Board, Board Members Fuchs, Hedlund, Primus, and Schultz.

Kenyatta Clay,

Clearance Clerk.

[FR Doc. 2024–16430 Filed 7–25–24; 8:45 am]

BILLING CODE 4915–01–P

OFFICE OF THE UNITED STATES TRADE REPRESENTATIVE

Fiscal Year 2025 Tariff-Rate Quota Allocations for Raw Cane Sugar, Refined and Specialty Sugar, and Sugar-Containing Products

AGENCY: Office of the United States Trade Representative.

ACTION: Notice.

SUMMARY: The Office of the United States Trade Representative is providing notice of allocations of the Fiscal Year (FY) 2025 (October 1, 2024 through September 30, 2025) in-quota quantity of the tariff-rate quotas (TRQs) for imported raw cane sugar, certain sugars, syrups and molasses (also known as refined sugar), specialty sugar, and sugar-containing products.

DATES: The changes made by this notice are applicable as of July 26, 2024.

FOR FURTHER INFORMATION CONTACT: Erin Nicholson, Office of Agricultural Affairs, at 202–395–9419, or *Erin.H.Nicholson@ustr.eop.gov.*

SUPPLEMENTARY INFORMATION: Pursuant to Additional U.S. Note 5 to Chapter 17 of the Harmonized Tariff Schedule of the United States (HTSUS), the United States maintains TRQs for imports of raw cane sugar and refined sugar. Pursuant to Additional U.S. Note 8 to Chapter 17 of the HTSUS, the United States maintains a TRQ for imports of sugar-containing products.

Section 404(d)(3) of the Uruguay Round Agreements Act (19 U.S.C. 3601(d)(3)) authorizes the President to allocate the in-quota quantity of a TRQ for any agricultural product among supplying countries or customs areas. The President delegated this authority to the U.S. Trade Representative under Presidential Proclamations 6763 (60 FR 1007) and 7235 (64 FR 55611).

On June 14, 2024, the Acting Administrator of the Foreign Agricultural Service of the U.S. Department of Agriculture (Administrator) announced the sugar program provisions for FY2025. The Administrator announced an in-quota quantity of the TRQ for raw cane sugar for FY2025 of 1,117,195 metric tons raw value (MTRV) (conversion factor: 1 metric ton raw value = 1.10231125 short tons raw value), which is the minimum amount to which the United States is committed under the World Trade Organization (WTO) Agreement. The U.S. Trade Representative is allocating this quantity (1,117,195 MTRV) to the following countries in the amounts specified below:

Country	FY 2025 TRQ allocations (metric tons raw value)
Argentina	46,260
Australia	89,293
Barbados	7,531
Belize	11,834
Bolivia	8,606
Brazil	155,993
Colombia	25,819
Congo (Brazzaville)	7,258
Costa Rica	16,137
Cote d'Ivoire	7,258
Dominican Republic	189,343
Ecuador	11,834
El Salvador	27,971
Eswatini (Swaziland)	17,213
Fiji	9,682
Gabon	7,258
Guatemala	51,639
Guyana	12,910
Haiti	7,258
Honduras	10,758
India	8,606
Jamaica	11,834
Madagascar	7,258
Malawi	10,758
Mauritius	12,910
Mexico	7,258
Mozambique	13,986
Panama	31,199
Papua New Guinea	7,258
Paraguay	7,258
Peru	44,108
Philippines	145,235
South Africa	24,744
St. Kitts & Nevis	7,258
Taiwan	12,910
Thailand	15,061
Trinidad-Tobago	7,531
Uruguay	7,258
Zimbabwe	12,910

The allocations of the in-quota quantities of the raw cane sugar TRQ to countries that are net importers of sugar are conditioned on receipt of the appropriate verifications of origin. Certificates for quota eligibility must accompany imports from any country for which an allocation has been provided.

On June 14, 2024, the Administrator also announced the establishment of the in-quota quantity of the FY2025 refined sugar TRQ at 232,000 MTRV, for which the sucrose content, by weight in the dry state, must have a polarimeter reading of 99.5 degrees or more. This amount includes the minimum level to which the United States is committed under the WTO Agreement (22,000 MTRV of which 1,656 MTRV is reserved for specialty sugar) and an additional 210,000 MTRV for specialty sugars. The U.S. Trade Representative is allocating the refined sugar TRQ as follows: 10,300 MTRV to Canada, 2,954 MTRV to Mexico, and 7,090 MTRV to be administered on a first-come, first-served basis.

Imports of all specialty sugar will be administered on a first-come, first-served basis in five tranches. The Administrator has announced that the total in-quota quantity of specialty sugar will be the 1,656 MTRV reserved within the WTO minimum commitment plus an additional 210,000 MTRV. The first tranche of 1,656 MTRV will open on October 1, 2024. All types of specialty sugars are eligible for entry under this tranche. The second tranche of 75,000 MTRV will open on October 8, 2024. The third tranche of 45,000 MTRV will open on January 21, 2025. The fourth tranche of 45,000 MTRV will open on

April 14, 2025. The fifth tranche of 45,000 MTRV will open on July 14, 2025. The second, third, fourth, and fifth tranches will be reserved for organic sugar and other specialty sugars not currently produced commercially in the United States or reasonably available from domestic sources.

With respect to the in-quota quantity of 64,709 metric tons of the TRQ for imports of certain sugar-containing products maintained under Additional U.S. Note 8 to chapter 17 of the HTSUS, the U.S. Trade Representative is allocating 59,250 metric tons to Canada. The remainder of the in-quota quantity, 5,459 metric tons, is available for other countries on a first-come, first-served basis.

Raw cane sugar, refined and specialty sugar, and sugar-containing products for FY2025 TRQs may enter the United States as of October 1, 2024.

Douglas McKalip,

Chief Agricultural Negotiator, Office of the United States Trade Representative.

[FR Doc. 2024–16487 Filed 7–25–24; 8:45 am]

BILLING CODE 3390–F4–P

DEPARTMENT OF TRANSPORTATION

Federal Aviation Administration

Notice of Request To Release Property at the Laurinburg-Maxton Airport, Maxton, NC (MEB)

AGENCY: Federal Aviation Administration (FAA), DOT.

ACTION: Notice.

SUMMARY: The Federal Aviation Administration is requesting public comment on a request by the Southeast Regional Airport Authority (SRAA) on behalf of the Town of Laurinburg-Maxton, to release of land (1.57 acres) at the Laurinburg-Maxton Airport from Federal obligations.

DATES: Comments must be received on or before August 26, 2024.

ADDRESSES: Comments on this notice may be emailed to the FAA at the following email address: FAA/Memphis Airports District Office, Attn: Jamal R. Stovall, Lead Community Planner, *Jamal.Stovall@faa.gov*.

In addition, one copy of any comments submitted to the FAA must be mailed or delivered to Mr. Seth Hatchell, Executive Director, Laurinburg-Maxton Airport at the following address: 16701 Airport Rd., Maxton, NC 28364.

FOR FURTHER INFORMATION CONTACT: Jamal R. Stovall, Lead Community Planner, Federal Aviation Administration, Memphis Airports District Office, 2600 Thousand Oaks Boulevard, Suite 2250, Memphis, TN 38118–2482, *Jamal.Stovall@faa.gov* or 901–322–8185. The application may be reviewed in person at this same location, by appointment.

SUPPLEMENTARY INFORMATION: The FAA proposes to rule and invites public comment on the request to release property for disposal at the Laurinburg-Maxton Airport (MEB), 16701 Airport Rd, Maxton, NC 28364, under the provisions of 49 U.S.C. 47107(h)(2). The FAA determined that the request to release property at Laurinburg-Maxton Airport (MEB) submitted by the Sponsor meets the procedural requirements of the Federal Aviation Administration and the release of these properties does not and will not impact future aviation needs at the airport. The FAA may approve the request, in whole or in part, no sooner than thirty days after the publication of this notice.

The request consists of the following:

SRAA has proposed a land swap to release ''Parcel 1'' (1.57 acres) and acquire ''Parcel 2'' (3.22 acres) at the Laurinburg-Maxton Airport (MEB) located in Maxton, North Carolina. The City of Laurinburg and Town of Maxton jointly own the tract of land formerly known as the Laurinburg-Maxton Airbase. ''Parcel 1'' is a part of the aforementioned lands which were conveyed to the City of Laurinburg and Town of Maxton by the United States of America by Deed dated October 27, 1947, and recorded in Book 2–D, at Page 367, Scotland County Registry, and also by Deed dated May 7, 1948, and recorded in Book 2–E, at Page 49, Scotland County Registry. The land swap is being proposed so MEB can release ''Parcel 1'' to the Richmond Community College (RCC) to develop a CDL driving training facility and acquire ''Parcel 2'' from Scottland County, NC. The land for ''Parcel 1'' is no longer required for current or future aeronautical purposes and would not prevent the accomplishment of the public airport purpose for which the airport facilities were obligated. This request will release this property from Federal obligations. This action is taken under the provisions of 49 U.S.C. 47107(h)(2).

Any person may inspect the request in person at the FAA office listed above under **FOR FURTHER INFORMATION CONTACT.**

In addition, any person may, upon request, inspect the request, notice and other documents germane to the request in person at the Laurinburg-Maxton Airport.

Issued in Memphis, Tennessee, on July 22, 2024.

Rans Black,

Acting Manager, Memphis Airports District Office, Southern Region.

[FR Doc. 2024–16429 Filed 7–25–24; 8:45 am]

BILLING CODE 4910–13–P

DEPARTMENT OF TRANSPORTATION

Federal Transit Administration

Announcement of Fiscal Year 2024 Low or No Emission Program and Grants for Buses and Bus Facilities Program and Project Selections

AGENCY: Federal Transit Administration (FTA), Department of Transportation (DOT).

ACTION: Notice of project selections and implementation guidance.

SUMMARY: The U.S. Department of Transportation's (DOT) Federal Transit Administration (FTA) announces the award of a total of $1,497,553,559, including $1,107,355,187 to projects under the Fiscal Year (FY) 2024 Low or No Emission Grant Program (Low-No) and $390,198,372 to projects under the Grants for Buses and Bus Facilities Program (Buses and Bus Facilities Program) and provides administrative guidance on project implementation.

FOR FURTHER INFORMATION CONTACT: Successful applicants should contact the appropriate FTA Regional Office for information regarding applying for the funds or program-specific information. A list of Regional Offices can be found at *https://www.transit.dot.gov/about/regional-offices/regional-offices.* Unsuccessful applicants may contact Kirsten Wiard-Bauer, Office of Program Management, at 202–366–7052 or email *ftalownobusnofo@dot.gov* within 30 days of this announcement to arrange a proposal debriefing. Unsuccessful applicants that received an overall rating of Highly Recommended may potentially only receive feedback via email. A TDD is available at 1–800–877–8339 (TDD/FIRS).

SUPPLEMENTARY INFORMATION: Federal public transportation law (49 U.S.C. 5339(b)) authorizes FTA to make competitive grants for the Buses and Bus Facilities Program. Federal public transportation law (49 U.S.C. 5339(c)) authorizes FTA to make competitive grants for the Low-No Program.

Federal public transportation law (49 U.S.C. 5338(a)(2)(M)) authorized $393,559,749 in FY 2024 funds for the Buses and Bus Facilities Program. After the oversight takedown of $3,513,926, the total funding available is

$390,045,823 for the Buses and Bus Facilities Program. FTA is also making additional prior year funding available for this round, bringing the total available funding to $390,198,372.

Federal public transportation law (49 U.S.C. 5338(a)(2)(M)) authorized $74,963,762 in FY 2024 funds for the Low or No Emission Grant Program. An additional $1,029,000,000 was appropriated under the 2021 Infrastructure Investment and Jobs Act (also known as the ''Bipartisan Infrastructure Law''), Public Law 117–58, after accounting for the authorized takedown for administrative and oversight expenses and the Office of Inspector General (OIG). After the oversight takedown and transfer to the OIG and the addition of prior year funding, a total of $1,108,489,337 was made available for the Low-No program in FY 2024.

On February 8, 2024, FTA published a joint Notice of Funding Opportunity (NOFO) announcing the availability of approximately $390 million in FY 2024 Buses and Bus Facilities Program funds and approximately $1.10 billion in Low-No funds (89 FR 8741). Consistent with the NOFO, which stated that FTA ''may award additional funding that is made available to the programs prior to the announcement of project selections,'' FTA is electing to add prior years' unallocated funds for Buses and Bus Facilities Program and Low-No to this funding opportunity. These funds will provide financial assistance to states and eligible public agencies to replace, rehabilitate, purchase, or lease buses, vans, and related equipment; and for capital projects to rehabilitate, purchase, construct, or lease bus-related facilities. For the Low-No Program, projects must be directly related to the low or no-emission vehicles within the fleet. In response to the NOFO, FTA received 477 eligible project proposals totaling approximately $9.0 billion in Federal funds. Project proposals were evaluated based on each applicant's responsiveness to the program evaluation criteria outlined in the NOFO.

Based on the criteria in the NOFO, FTA is funding 62 projects, as shown in Tables 1 and 2, for a total of $1,107,355,187 for the Low-No Program and 55 projects, as shown in Table 3, for a total of $390,198,372 for the Buses and Bus Facilities Program. A minimum of 15 percent of the amount made available for the Buses and Bus Facilities Program is set aside for projects located in rural areas, which is reflected in FTA's selections. A statutory cap of 10 percent for any one applicant in the Buses and Bus Facilities Program is reflected as well. A minimum of 25 percent of the amount made available for the Low-No Program is set aside for projects related to the acquisition of low emission buses or bus facilities. Recipients selected for funding under the low-emission set-aside are designated in Table 2, and may implement only low emission projects.

Recipients selected for competitive funding are required to work with their FTA Regional Office to submit a grant application in FTA's Transit Award Management System (TrAMS) for the projects identified in the attached table to quickly obligate funds. Grant applications must include only eligible activities applied for in the original project application. Funds must be used consistent with the competitive proposal and for the eligible capital purposes described in the NOFO. Recipients selected for funding must implement the project in accordance with any additional considerations/priority considerations that the applicant indicated their intent to comply with in Section IV of the application's Supplemental Form, unless otherwise permitted by FTA. This includes, but is not limited to, the use of progress payments unless the vehicle manufacturer identifies to the recipient that it will provide a more advantageous price in their absence.

In cases where the allocation amount is less than the proposer's total requested amount, recipients are required to fund the scalable project option as described in the application. If the award amount does not correspond to the scalable option, the recipient should work with the Regional Office to reduce scope or scale the project such that a complete phase or project is accomplished. Recipients may also provide additional local funds to complete a proposed project. A discretionary project identification number has been assigned to each project for tracking purposes and must be used in the TrAMS application.

Selected projects are eligible to incur costs under pre-award authority no earlier than the date projects were publicly announced. Pre-award authority does not guarantee that project expenses incurred prior to the award of a grant will be eligible for reimbursement, as eligibility for reimbursement is contingent upon other requirements, such as planning and environmental requirements, having been met. For more about FTA's policy on pre-award authority, please see the current FTA Apportionments, Allocations, and Program Information at *https://www.transit.dot.gov/funding/apportionments.* Post-award reporting requirements include submission of Federal Financial Reports and Milestone Progress Reports in TrAMS (see FTA Circular 5010.1E). Recipients must comply with all applicable Federal statutes, regulations, executive orders, FTA circulars, and other Federal requirements in carrying out the project supported by the FTA grant. FTA emphasizes that recipients must follow all third-party procurement requirements set forth in Federal public transportation law (49 U.S.C. 5325(a)) and described in the FTA Third Party Contracting Guidance Circular (FTA Circular 4220.1). Funds allocated in this announcement must be obligated in a grant by September 30, 2027.

Technical Review and Evaluation Summary: FTA assessed all project proposals that were submitted under the FY 2024 Buses and Bus Facilities Program and the Low-No Program competition according to the following evaluation criteria. The specific metrics for each criterion were described in the February 2024 NOFO:

1. Demonstration of Need
2. Demonstration of Benefits
3. Planning/Local Prioritization
4. Local Financial Commitment
5. Project Implementation Strategy
6. Technical, Legal, and Financial Capacity

For each project, a technical review panel assigned a rating of Highly Recommended, Recommended, or Not Recommended for each of the six criteria. The technical review panel then assigned an overall rating of Highly Recommended, Recommended, Not Recommended, or Ineligible to the project proposal.

New in FY 2024, FTA introduced a streamlined application for Tribal applicants requesting less than $1 million in order to reduce the burden of application for Tribes with smaller requests and encourage more Tribal applications. Such applicants were only required to provide a full response to Demonstration of Need and Local Financial Commitment, and a shortened response to Project Implementation Strategy. Tribes with requests of less than $1 million had to meet statutory requirements, such as attaching a fleet transition plan to zero-emission applications, but did not need to provide responses related to any Administration priorities described as additional considerations or priority considerations in the NOFO or application Supplemental Form.

Projects were assigned a final overall rating of Highly Recommended if they were rated Highly Recommended in at least four categories overall, with no Not Recommended ratings. Projects were

assigned a final overall rating of Recommended if the projects had three or more Recommended ratings and no Not Recommended ratings. Projects were assigned a rating of Not Recommended if they received a Not Recommended rating in any criteria. A summary of the final overall ratings for all 477 eligible project proposals is shown in the table below.

OVERALL PROJECT RATINGS

[Eligible submissions]

	Bus	Low-No	Total
Highly Recommended	179	163	342
Recommended	34	21	55
Not Recommended	50	30	80
Total	263	214	477

As outlined in the NOFO, FTA made the final selections based on the technical ratings as well as geographic diversity, diversity in the size of transit systems receiving funding, additional considerations/priority considerations, including procurement methods to reduce customization, intent to use advance or progress payments, climate change and sustainability, an application's zero-emission fleet transition plan supporting a full fleet transition, workforce involvement, the creation of good-paying jobs, and the Justice40 initiative.

As further outlined in the NOFO, in some cases, due to funding limitations, proposers who were selected for funding received less than the amount originally requested.

Veronica Vanterpool,

Acting Administrator.

TABLE 1—FY 2024 LOW OR NO EMISSION PROJECT SELECTIONS

[These projects are funded with funding other than the low emission set aside and may be low or zero emission consistent with their application]

[Note: Some projects have multiple project IDs]

State	Recipient	Project ID	Project description	Award
CA	Alameda-Contra Costa Transit District	D2024–LWNO–002	Purchase battery electric buses to replace diesel buses and infrastructure to support charging and maintenance.	$15,000,000
CA	City of Commerce Transit	D2024–LWNO–003	Construct new zero emission facility and purchase battery electric buses to replace CNG and gasoline buses.	14,229,180
CA	Los Angeles County Metropolitan Transportation Authority.	D2024–LWNO–005	Purchase battery electric buses to replace CNG buses and charging infrastructure.	77,536,675
CA	Omnitrans	D2024–LWNO–006	Purchase battery-electric buses and charging equipment.	8,447,217
CA	Sacramento Regional Transit District	D2024–LWNO–007	Convert existing facility into a zero-emission maintenance facility and purchase hydrogen fuel cell buses to replace CNG buses.	76,847,678
CA	Western Contra Costa Transit Authority	D2024–LWNO–008	Purchase hydrogen fuel cell buses to replace diesel buses and mobile fueling infrastructure.	20,646,189
CO	Colorado Department of Transportation, on behalf of Eagle Valley Transportation Authority.	D2024–LWNO–010 and D2024–LWNO–011.	Purchase of replacement buses	4,573,000
CO	Colorado Department of Transportation, on behalf of Roaring Fork Transportation Authority.	D2024–LWNO–012	Convert existing facility to support zero emission buses.	32,837,664
CT	State of Connecticut Department of Transportation	D2024–LWNO–013	Purchase battery electric buses and charging infrastructure to replace diesel and diesel-hybrid buses.	38,888,800
FL	Broward County	D2024–LWNO–014	Purchase battery electric buses and charging infrastructure to replace diesel hybrid buses.	25,000,000
FL	City of Tallahassee	D2024–LWNO–017	Purchase battery electric buses and charging infrastructure.	11,374,042
FL	Escambia County Board of County Commissioners	D2024–LWNO–018	Purchase battery electric buses and charging infrastructure.	21,272,962
FL	Pinellas Suncoast Transit Authority	D2024–LWNO–019	Purchase battery electric buses and charging infrastructure.	27,805,012
IA	University of Iowa	D2024–LWNO–021	Purchase battery electric buses to replace diesel buses and convert existing facility to support electric buses.	16,376,762
ID	Idaho Department of Transportation, on behalf of Mountain Rides Transportation Authority.	D2024–LWNO–022	Purchase battery electric buses and charging infrastructure.	4,228,500
IL	Greater Peoria Mass Transit District	D2024–LWNO–023	Purchase battery electric buses and charging infrastructure to replace diesel buses.	14,415,095
IL	Rock Island County Metropolitan Mass Transit District	D2024–LWNO–025	Convert facility to support charging infrastructure and other elements specific to existing battery electric bus fleet.	10,000,000
IN	Fort Wayne Public Transportation Corporation	D2024–LWNO–027	Purchase diesel-electric hybrid buses to replace diesel buses.	10,987,062
IN	Greater Lafayette Public Transportation Corporation	D2024–LWNO–028	Purchase hydrogen and CNG buses and install a hydrogen fueling station.	10,531,030
MA	Massachusetts Bay Transportation Authority	D2024–LWNO–033	Purchase battery electric buses	40,000,000
MA	Massachusetts Department of Transportation, on behalf of the Martha's Vineyard Transit Authority.	D2024–LWNO–034	Purchase battery electric buses and charging infrastructure.	3,882,375

TABLE 1—FY 2024 LOW OR NO EMISSION PROJECT SELECTIONS—Continued

[These projects are funded with funding other than the low emission set aside and may be low or zero emission consistent with their application]

[Note: Some projects have multiple project IDs]

State	Recipient	Project ID	Project description	Award
MD	Prince George's County Government	D2024–LWNO–035	Purchase battery electric buses and related charging infrastructure.	25,475,520
MI	Ann Arbor Area Transportation Authority	D2024–LWNO–036	Purchase of hydrogen fuel cell buses and charging infrastructure, along with hybrid buses to replace diesel buses.	25,000,000
MI	Detroit Department of Transportation	D2024–LWNO–037	Purchase electric hybrid buses to replace diesel buses	30,794,240
NC	City of Fayetteville	D2024–LWNO–040	Purchase battery electric buses and charging infrastructure to replace diesel buses.	6,667,462
NC	City of Greensboro	D2024–LWNO–041	Purchase of battery electric and electric-diesel hybrid buses to replace diesel buses.	22,411,172
NJ	New Jersey Transit Corporation	D2024–LWNO–044	Purchase of battery electric buses to replace diesel buses and convert existing facility to support electric buses.	99,499,531
NV	Tahoe Transportation District	D2024–LWNO–045	Purchase electric hybrid buses	7,901,826
NY	Broome County Department of Public Transportation	D2024–LWNO–046	Purchase battery electric buses, charging infrastructure, and an energy storage system.	8,883,743
NY	Central New York Regional Transportation Authority	D2024–LWNO–047	Purchase hydrogen fuel cell buses and fueling infrastructure.	7,260,435
OH	Central Ohio Transit Authority	D2024–LWNO–050	Purchase battery electric, hydrogen fuel cell buses, and related charging infrastructure to replace diesel buses.	22,849,800
OR	Tri-County Metropolitan Transportation District of Oregon.	D2024–LWNO–053	Purchase hydrogen fuel cell buses, mobile fueling station and update existing facility.	39,000,000
UT	Utah Department of Transportation on behalf of High Valley Transit District.	D2024–LWNO–058	Purchase battery electric buses to replace diesel buses and charging infrastructure.	16,275,560
UT	Utah Transit Authority	D2024–LWNO–059	Purchase of battery electric buses to replace diesel buses.	18,112,632
VT	Vermont Agency of Transportation, in partnership with three rural transit agencies.	D2024–LWNO–061	Rehabilitate existing facility to support battery electric buses.	2,300,542
WA	Chelan Douglas Public Transportation Benefit Area dba Link Transit.	D2024–LWNO–062	Purchase battery electric buses to replace gasoline buses.	4,462,500
WI	City of Green Bay Transit System	D2024–LWNO–063	Purchase battery electric buses and charging infrastructure.	3,112,663
Total				824,886,869

TABLE 2—FY 2024 LOW OR NO EMISSION PROJECT SELECTIONS

[These projects are funded through the low emission set aside and must be low emission only]

State	Recipient	Project ID	Project description	Award
AR	Rock Region Metropolitan Transit Authority	D2024–LWNO–001	Purchase CNG Buses to replace diesel buses	$3,149,667
CA	Kings County Area Public Transit Agency	D2024–LWNO–004	Rehabilitation of CNG fueling station	1,610,875
CO	City of Greeley	D2024–LWNO–009	Purchase of expansion CNG buses	3,508,404
FL	Central Florida Regional Transportation Authority dba LYNX.	D2024–LWNO–015	Purchase CNG buses to replace diesel buses	27,609,656
FL	City of Gainesville dba Gainesville Regional Transit System.	D2024–LWNO–016	Purchase diesel hybrid buses and charging infrastructure to replace diesel buses.	26,490,000
FL	Volusia Transit Management	D2024–LWNO–020	Purchase of replacement propane paratransit buses	1,625,564
IL	Pace, the Suburban Bus Division of the Regional Transportation Authority.	D2024–LWNO–024	Purchase electric hybrid buses to replace diesel buses	30,911,000
IL	Springfield Mass Transit District	D2024–LWNO–026	Purchase diesel-hybrid buses to replace diesel and CNG buses.	17,807,630
KY	Transit Authority of the Lexington-Fayette Urban County Government.	D2024–LWNO–029	Purchase CNG buses	4,223,340
LA	Jefferson Parish Transit	D2024–LWNO–030	Purchase replacement electric hybrid buses and rehabilitate bus stops.	5,459,550
LA	SporTran	D2024–LWNO–031	Purchase CNG buses to replace gasoline buses	11,169,846
MA	Cape Cod Regional Transit Authority	D2024–LWNO–032	Purchase of electric hybrid buses to replace diesel buses.	14,613,149
MN	Minnesota Department of Transportation, on behalf of two rural transit systems.	D2024–LWNO–038	Purchase of replacement propane buses	2,303,200
MO	Bi-State Development Agency of the Missouri-Illinois Metropolitan District, Inc.	D2024–LWNO–039	Purchase of diesel-electric hybrid buses to replace diesel buses.	10,380,591
NC	City of Winston-Salem	D2024–LWNO–042	Purchase electric-diesel hybrid buses	4,444,757
NH	University of New Hampshire	D2024–LWNO–043	Purchase of replacement CNG buses	2,720,000
NY	County of Westchester	D2024–LWNO–048	Replace Bee-Line Diesel Coach Fleet with Hybrid Electric Buses.	12,431,250
NY	Tompkins County, New York on behalf of Tompkins Consolidated Area Transit.	D2024–LWNO–049	Purchase of electric hybrid buses to replace diesel buses.	1,215,776
OK	City of Lawton	D2024–LWNO–051	Purchase electric hybrid buses to replace diesel buses	6,116,854
OK	Metropolitan Tulsa Transit Authority	D2024–LWNO–052	Purchase CNG buses to replace diesel buses	1,314,090
SC	City of Clemson dba Clemson Area Transit	D2024–LWNO–054	Purchase CNG buses to replace diesel buses	4,671,859
SD	South Dakota Department of Transportation, on behalf of three rural transit systems.	D2024–LWNO–055	Purchase of propane buses to replace diesel buses	1,615,000
TX	City of El Paso Mass Transit Department	D2024–LWNO–056	Purchase low emission buses and convert existing facility to support low emission fleet.	30,597,000

TABLE 2—FY 2024 LOW OR NO EMISSION PROJECT SELECTIONS—Continued

[These projects are funded through the low emission set aside and must be low emission only]

State	Recipient	Project ID	Project description	Award
TX	Corpus Christi Regional Transportation Authority	D2024–LWNO–057	Purchase CNG buses	5,888,040
VA	County of Fairfax, Virginia	D2024–LWNO–060	Purchase electric-diesel hybrid buses	50,591,220
Total				282,468,318

TABLE 3—FY 2024 BUSES AND BUS FACILITIES PROJECT SELECTIONS

[Note: Some projects have multiple project IDs]

State	Recipient	Project ID	Project description	Award
AK	City and Borough of Juneau	D2024–BUSC–001	Purchase battery electric buses and charging infrastructure.	$11,855,112
AL	City of Montgomery	D2024–BUSC–002	Purchase battery electric buses, charging infrastructure, and an energy storage system.	16,941,377
AZ	City of Tucson	D2024–BUSC–003	Rehabilitation of existing transit facilities	11,385,600
AZ	Salt River Pima-Maricopa Indian Community	D2024–BUSC–004	Purchase replacement buses	425,001
CA	City of Davis	D2024–BUSC–005	Purchase infrastructure and chargers related to battery electric buses and make improvements to existing facility.	1,600,000
CA	California Department of Transportation, on behalf of Humboldt Transit Authority.	D2024–BUSC–006	Purchase replacement buses	639,000
CA	California Department of Transportation, on behalf of Lassen Transit Service Agency.	D2024–BUSC–007	Purchase replacement bus	154,367
CA	California Department of Transportation, on behalf of Morongo Basin Transit Authority.	D2024–BUSC–008	Purchase a battery electric bus to replace a CNG bus	131,168
CA	California Department of Transportation, on behalf of Redwood Coast Transit Authority.	D2024–BUSC–009	Purchase replacement buses	474,478
CA	San Luis Obispo Regional Transit Authority	D2024–BUSC–010	Purchase battery electric buses to replace diesel and gasoline buses.	2,572,888
CA	Santa Barbara Metropolitan Transit District	D2024–BUSC–011	Purchase battery electric buses to replace diesel buses.	2,894,131
CA	Twenty-Nine Palms Band of Mission Indians	D2024–BUSC–012	Construct a new facility and purchase expansion buses.	3,226,457
CO	City of Fort Collins	D2024–BUSC–013	Construct ADA upgrades to existing bus stops	2,411,550
CO	City of Loveland Transit	D2024–BUSC–014 and D2024–BUSC–015.	Construct a new facility	3,967,007
CO	Colorado Department of Transportation, on behalf of Archuleta County.	D2024–BUSC–016	Construction of new park and ride facility	418,359
CO	Colorado Department of Transportation, on behalf of Gunnison Valley Rural Transportation Authority.	D2024–BUSC–017	Purchase expansion buses	1,516,108
CO	Colorado Department of Transportation, on behalf of the City of Durango.	D2024–BUSC–018	Rehabilitation of transit stop facilities and purchase of replacement buses.	659,089
CO	Colorado Department of Transportation, on behalf of the Town of Telluride.	D2024–BUSC–019	Construct upgrades to existing administrative and maintenance facility.	1,951,080
DE	Delaware Transit Corporation	D2024–BUSC–020 and D2024–BUSC–021.	Rehabilitate existing facility to support battery electric buses.	4,953,697
GA	Augusta-Richmond County	D2024–BUSC–022	Purchase battery electric buses	12,080,384
GA	Chatham Area Transit Authority	D2024–BUSC–023	Purchase battery electric buses and charging infrastructure.	7,889,840
GA	Metropolitan Atlanta Rapid Transit Authority	D2024–BUSC–024	Construct a new transfer hub for multimodal transportation.	25,347,982
HI	Hawaii Department of Transportation	D2024–BUSC–025	Purchase electric hybrid buses to replace diesel buses	5,000,000
ID	Shoshone-Bannock Tribes Public Transit Program	D2024–BUSC–026	Purchase replacement buses	722,400
ID	Valley Regional Transit	D2024–BUSC–027	Refurbish existing facility to provide on-route charging infrastructure and passenger amenities.	16,723,347
KS	Johnson County Transit	D2024–BUSC–028	Purchase replacement buses	7,650,000
KY	Transit Authority of River City	D2024–BUSC–029	Purchase battery electric buses	3,643,825
MD	Howard County, Maryland	D2024–BUSC–030	Purchase expansion buses	960,000
ME	Maine Department of Transportation, on behalf of four transit agencies.	D2024–BUSC–031	Refurbish facilities and replace buses at four transit agencies.	3,243,434
MI	Harbor Transit Multi-Modal Transportation System	D2024–BUSC–032	Construct new multimodal operations center	16,252,400
MI	Nottawaseppi Huron Band of the Potawatomi	D2024–BUSC–033	Purchase replacement bus	539,750
MN	Minnesota Department of Transportation, on behalf of Cedar Valley Services.	D2024–BUSC–034	Construct two new transit facilities in rural areas	6,282,400
MN	SouthWest Transit	D2024–BUSC–035	Rehabilitation of existing facility	520,436
MS	City of Jackson	D2024–BUSC–036	Purchase hybrid and propane replacement and expansion buses to replace gasoline and diesel buses.	13,717,447
MT	City of Billings	D2024–BUSC–037	Purchase of replacement paratransit buses	910,300
NE	Santee Sioux Nation	D2024–BUSC–038	Purchase of replacement buses	193,033
NH	Manchester Transit Authority	D2024–BUSC–039	Construct new transit center for service expansion	19,922,891
NM	New Mexico Department of Transportation, on behalf of two regional transit districts.	D2024–BUSC–040	Rehabilitate existing operations facility and purchase replacement bus.	9,812,622
NV	Walker River Paiute Tribe	D2024–BUSC–041	Purchase expansion buses and rehabilitate existing facility.	1,040,902
NY	Rochester Genesee Regional Transportation Authority	D2024–BUSC–042	Rehabilitate existing operations facility and purchase hydrogen fuel cell buses to replace diesel buses.	18,113,192

TABLE 3—FY 2024 BUSES AND BUS FACILITIES PROJECT SELECTIONS—Continued
[Note: Some projects have multiple project IDs]

State	Recipient	Project ID	Project description	Award
OH	Greater Cleveland Regional Transit Authority	D2024–BUSC–043	Purchase battery electric buses and charging infrastructure.	10,633,105
OH	Stark Area Regional Transit Authority	D2024–BUSC–044	Rehabilitate existing facility and purchase charging infrastructure to support battery electric buses.	17,254,229
OH	Western Reserve Transit Authority	D2024–BUSC–045	Rehabilitation of existing facility to accommodate battery electric buses.	1,312,000
OK	Cherokee Nation	D2024–BUSC–046	Purchase replacement buses	458,250
PA	Washington County Transportation Authority	D2024–BUSC–047	Construction of new maintenance facility	15,000,000
RI	Rhode Island Public Transit Authority	D2024–BUSC–048	Rehabilitate existing maintenance facility	7,407,963
TN	Regional Transportation Authority	D2024–BUSC–049	Rehabilitate existing facility into multimodal transit center.	10,000,000
TN	Tennessee Department of Transportation, on behalf of the Southwest Human Resources Agency.	D2024–BUSC–050	Construct new operations facility	7,790,400
TX	Texas Department of Transportation, on behalf of thirty rural transit districts.	D2024–BUSC–051	Construct new facilities and purchase replacement buses throughout the state.	26,880,000
WA	King County Metro Transit	D2024–BUSC–052	Rehabilitate existing facility to support battery electric buses and purchase battery electric buses and charging infrastructure.	6,680,083
WA	Pierce County Public Transportation Benefit Area Corporation.	D2024–BUSC–053	Purchase expansion battery electric buses and related charging infrastructure.	14,784,753
WA	Washington State Department of Transportation, on behalf of Clallam Transit System.	D2024–BUSC–054	Purchase replacement buses	3,655,000
WA	Washington State Department of Transportation, on behalf of Grays Harbor Transit Authority.	D2024–BUSC–055	Rehabilitate existing operations facility	2,639,564
WA	Washington State Department of Transportation, on behalf of Island Transit.	D2024–BUSC–056	Purchase hydrogen fuel cell buses	14,959,971
WI	City of Appleton	D2024–BUSC–057	Rehabilitate existing operations facility	12,000,000
Total				390,198,372

[FR Doc. 2024–16434 Filed 7–25–24; 8:45 am]
BILLING CODE 4910–57–P

DEPARTMENT OF TRANSPORTATION

National Highway Traffic Safety Administration

[Docket No. NHTSA–2022–0101; Notice 1]

AROW Global Corp., Receipt of Petition for Decision of Inconsequential Noncompliance

AGENCY: National Highway Traffic Safety Administration (NHTSA), Department of Transportation (DOT).

ACTION: Receipt of petition.

SUMMARY: AROW Global Corp. (AROW) has determined that certain glass panes for use as original equipment and replacement service parts of side window assemblies on transit buses do not fully comply with Federal Motor Vehicle Safety Standard (FMVSS) No. 205, *Glazing Materials.* AROW filed a noncompliance report dated September 19, 2022, and later amended the report on September 20, 2022. AROW subsequently petitioned NHTSA (the ''Agency'') on October 12, 2022, for a decision that the subject noncompliance is inconsequential as it relates to motor vehicle safety. This document announces receipt of AROW's petition.

DATES: Send comments on or before August 26, 2024.

ADDRESSES: Interested persons are invited to submit written data, views, and arguments on this petition. Comments must refer to the docket and notice number cited in the title of this notice and may be submitted by any of the following methods:

- *Mail:* Send comments by mail addressed to the 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 comments by hand to the U.S. Department of Transportation, Docket Operations, M–30, West Building Ground Floor, Room W12–140, 1200 New Jersey Avenue SE, Washington, DC 20590. The Docket Section is open on weekdays from 10 a.m. to 5 p.m. except for Federal Holidays.
- *Electronically:* Submit comments electronically by logging onto the Federal Docket Management System (FDMS) website at *https://www.regulations.gov/.* Follow the online instructions for submitting comments.
- Comments may also be faxed to (202) 493–2251.

Comments must be written in the English language, and be no greater than 15 pages in length, although there is no limit to the length of necessary attachments to the comments. If comments are submitted in hard copy form, please ensure that two copies are provided. If you wish to receive confirmation that comments you have submitted by mail were received, please enclose a stamped, self-addressed postcard with the comments. Note that all comments received will be posted without change to *https://www.regulations.gov,* including any personal information provided.

All comments and supporting materials received before the close of business on the closing date indicated above will be filed in the docket and will be considered. All comments and supporting materials received after the closing date will also be filed and will be considered to the fullest extent possible.

When the petition is granted or denied, notice of the decision will also be published in the **Federal Register** pursuant to the authority indicated at the end of this notice.

All comments, background documentation, and supporting materials submitted to the docket may be viewed by anyone at the address and times given above. The documents may also be viewed on the internet at *https://www.regulations.gov* by following the online instructions for accessing the dockets. The docket ID number for this petition is shown in the heading of this notice.

DOT's complete Privacy Act Statement is available for review in a **Federal Register** notice published on April 11, 2000 (65 FR 19477–78).

FOR FURTHER INFORMATION CONTACT: Jack Chern, General Engineer, NHTSA,

Office of Vehicle Safety Compliance, (202) 366–0661.

SUPPLEMENTARY INFORMATION:

I. Overview: AROW determined that certain glass panes for use as orginal equipment and replacement service parts of side window assemblies on transit buses, do not fully comply with paragraph S6.2 of FMVSS No. 205, Glazing Materials (49 CFR 571.205).

AROW filed a noncompliance report dated September 19, 2022, and later amended the report on September 20, 2022, pursuant to 49 CFR part 573, *Defect and Noncompliance Responsibility and Reports.* AROW petitioned NHTSA on October 12, 2022, for an exemption from the notification and remedy requirements of 49 U.S.C. chapter 301 on the basis that this noncompliance is inconsequential as it relates to motor vehicle safety, pursuant to 49 U.S.C. 30118(d) and 30120(h) and 49 CFR part 556, *Exemption for Inconsequential Defect or Noncompliance.*

This notice of receipt of AROW's petition is published under 49 U.S.C. 30118 and 30120 and does not represent any agency decision or another exercise of judgment concerning the merits of the petition.

II. Equipment Involved: Approximately 1,600 certain glass panes for use as orginal equipment and replacement service parts of side window assemblies on transit buses, manufactured between March 31, 2022, and September 9, 2022, were reported by the manufacturer.

III. Noncompliance: AROW explains that the subject glass panes are marked with the incorrect manufacturer's code, and therefore, do not comply with paragraph S6.2 of FMVSS No. 205. Specifically, the subject glass panes are marked ''DOT 1187'' when they should be marked ''DOT 1178.''

IV. Rule Requirements: Paragraph S6.2 of FMVSS No. 205 includes the requirements relevant to this petition. A prime glazing manufacturer certifies its glazing by adding to the marks required by section 7 of ANSI/SAE Z26.1–1996, in letters and numerals of the same size, the symbol ''DOT'' and a manufacturer's code mark that NHTSA assigns to the manufacturer. NHTSA will assign a code mark to a manufacturer after the manufacturer submits a written request which must include the company name, address, and a statement from the manufacturer certifying its status as a prime glazing manufacturer as defined in paragraph S4 of FMVSS No. 205.

V. Summary of AROW's Petition: The following views and arguments presented in this section, ''V. Summary of AROW's Petition,'' are the views and arguments provided by AROW. They have not been evaluated by the Agency and do not reflect the views of the Agency. AROW describes the subject noncompliance and contends that the noncompliance is inconsequential as it relates to motor vehicle safety.

AROW explains that the subject glass panes contain the manufacturer's code mark ''DOT 1187,'' which incorrectly identifies Glass Industry PLC as the manufacturer. AROW says that while the manufacturer code on the subject glass panes is incorrect, the certification mark contains the correct AS item number and the glass panes meet the FMVSS No. 205 technical requirements as applicable to tempered glass for use in motor vehicles.[1]

AROW states that the subject glass panes are intended for use in the North American transit bus market, where there are only a few glazing suppliers, and the production volume of vehicles are relatively low. The manufacturer indicated by the incorrect manufacturer code on the subject glass panes, Glass Industry PLC, is not known to supply the affected side window assemblies during the specified time period the noncompliance may exist. Furthermore, AROW believes that it is unlikely that the manufacturer code marked on the subject glass panes would be used to obtain new or replacement parts. Instead, AROW believes that the bus manufacturer would be contacted to obtain replacement parts, and the part numbers and part sources would be identified from the original build contract. Moreover, AROW states that all parts contain its corporate logo, which indicates AROW as the supplier of the part.

AROW contends that NHTSA has granted prior petitions for similar noncompliances. Specifically, AROW refers to a petition submitted by Custom Glass Solution Upper Sandusky Corporation [2] that involved glass panes that were ''labeled with the incorrect manufacturer's code mark, incorrect Manufacturer's trademark, and incorrect manufacturer's model number, and were incorrectly marked as Tempered.'' AROW cited the following from NHTSA's decision: NHTSA believes that the subject labeling errors are inconsequential to motor vehicle safety because the marking of glazing as ''Tempered'' or ''Laminated'' is not required by FMVSS No. 205, the probability of anyone in the United States obtaining the subject incorrectly marked glazing as replacement glazing is very unlikely since the affected glazing is specifically designed for use in mining vehicles manufactured by Atlas Copco in Australia. In addition, there is no concern that the wrong model number on the subject glazing would result in an incorrect replacement part being used because replacement parts are ordered by referring to the glazing part number or by identifying the vehicle for which the replacement glazing is intended.

AROW concludes by stating its belief that the subject noncompliance is inconsequential as it relates to motor vehicle safety and its petition to be exempted from providing notification of the noncompliance, as required by 49 U.S.C. 30118, and a remedy for the noncompliance, as required by 49 U.S.C. 30120, should be granted.

NHTSA notes that the statutory provisions (49 U.S.C. 30118(d) and 30120(h)) that permit manufacturers to file petitions for a determination of inconsequentiality allow NHTSA to exempt manufacturers only from the duties found in sections 30118 and 30120, respectively, to notify owners, purchasers, and dealers of a defect or noncompliance and to remedy the defect or noncompliance. Therefore, any decision on this petition only applies to the subject equipment that AROW no longer controlled at the time it determined that the noncompliance existed. However, any decision on this petition does not relieve equipment distributors and dealers of the prohibitions on the sale, offer for sale, or introduction or delivery for introduction into interstate commerce of the noncompliant equipment under their control after AROW notified them that the subject noncompliance existed.

(Authority: 49 U.S.C. 30118, 30120: delegations of authority at 49 CFR 1.95 and 501.8)

Otto G. Matheke, III,

Director, Office of Vehicle Safety Compliance.

[FR Doc. 2024–16482 Filed 7–25–24; 8:45 am]

BILLING CODE 4910–59–P

[1] AROW's petition includes supporting test reports issued by a third part testing services provider.

[2] *See* Custom Glass Solutions Upper Sandusky Corporation, Grant of Petition for Decision of Inconsequential Noncompliance, 80 FR 3737 (January 23, 2015).

DEPARTMENT OF TRANSPORTATION

National Highway Traffic Safety Administration

[Docket No. NHTSA–2024–0009; Notice 1]

Ineos Automotive Americas, LLC, Receipt of Petition for Decision of Inconsequential Noncompliance

AGENCY: National Highway Traffic Safety Administration (NHTSA), Department of Transportation (DOT).

ACTION: Receipt of petition.

SUMMARY: Ineos Automotive Americas, LLC, (IAA) has determined that certain model year (MY) 2024 Ineos Automotive Grenadier light vehicles do not fully comply with Federal Motor Vehicle Safety Standard (FMVSS) No. 110, *Tire Selection and Rims and Motor Home/Recreation Vehicle Trailer Load Carrying Capacity Information for Motor Vehicles with a GVWR of 4,536 kilograms (10,000 Pounds) or Less.* IAA filed a noncompliance report dated December 4, 2023, and subsequently petitioned NHTSA (the ''Agency'') on December 8, 2023, for a decision that the subject noncompliance is inconsequential as it relates to motor vehicle safety. This document announces receipt of IAA's petition.

DATES: Send comments on or before August 26, 2024.

ADDRESSES: Interested persons are invited to submit written data, views, and arguments on this petition. Comments must refer to the docket and notice number cited in the title of this notice and may be submitted by any of the following methods:

- *Mail:* Send comments by mail addressed to the 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 comments by hand to the U.S. Department of Transportation, Docket Operations, M–30, West Building Ground Floor, Room W12–140, 1200 New Jersey Avenue SE, Washington, DC 20590. The Docket Section is open on weekdays from 10 a.m. to 5 p.m. except for Federal Holidays.
- *Electronically:* Submit comments electronically by logging onto the Federal Docket Management System (FDMS) website at *https://www.regulations.gov/.* Follow the online instructions for submitting comments.
- Comments may also be faxed to (202) 493–2251.

Comments must be written in the English language, and be no greater than 15 pages in length, although there is no limit to the length of necessary attachments to the comments. If comments are submitted in hard copy form, please ensure that two copies are provided. If you wish to receive confirmation that comments you have submitted by mail were received, please enclose a stamped, self-addressed postcard with the comments. Note that all comments received will be posted without change to *https://www.regulations.gov,* including any personal information provided.

All comments and supporting materials received before the close of business on the closing date indicated above will be filed in the docket and will be considered. All comments and supporting materials received after the closing date will also be filed and will be considered to the fullest extent possible.

When the petition is granted or denied, notice of the decision will also be published in the **Federal Register** pursuant to the authority indicated at the end of this notice.

All comments, background documentation, and supporting materials submitted to the docket may be viewed by anyone at the address and times given above. The documents may also be viewed on the internet at *https://www.regulations.gov* by following the online instructions for accessing the dockets. The docket ID number for this petition is shown in the heading of this notice.

DOT's complete Privacy Act Statement is available for review in a **Federal Register** notice published on April 11, 2000 (65 FR 19477–78).

FOR FURTHER INFORMATION CONTACT: Kamna Ralhan, General Engineer, NHTSA, Office of Vehicle Safety Compliance, (202) 366–6443.

SUPPLEMENTARY INFORMATION:

I. *Overview:* IAA determined that certain MY 2024 Ineos Automotive Grenadier light vehicles do not fully comply with paragraph S4.3(a) of FMVSS No. 110, *Tire Selection and Rims and Motor Home/Recreation Vehicle Trailer Load Carrying Capacity Information for Motor Vehicles with a GVWR of 4,536 Kilograms (10,000 Pounds) or Less* (49 CFR 571.110).

IAA filed a noncompliance report dated December 4, 2023, pursuant to 49 CFR part 573, Defect and Noncompliance Responsibility and Reports. IAA petitioned NHTSA on December 8, 2023, for an exemption from the notification and remedy requirements of 49 U.S.C. chapter 301 on the basis that this noncompliance is inconsequential as it relates to motor vehicle safety, pursuant to 49 U.S.C. 30118(d) and 30120(h) and 49 CFR part 556, *Exemption for Inconsequential Defect or Noncompliance.*

This notice of receipt of IAA's petition is published under 49 U.S.C. 30118 and 30120 and does not represent any agency decision or another exercise of judgment concerning the merits of the petition.

II. *Vehicles Involved:* Approximately 1,125 MY 2024 Ineos Automotive Grenadier light vehicles, manufactured between September 7, 2023, and October 10, 2023, were reported by the manufacturer.

III. *Rule Requirements:* Paragraph S4.3(a) of FMVSS No. 110 includes the requirements relevant to this petition. Paragraph S4.3(a) provides that each vehicle, except for a trailer or incomplete vehicle, must show the vehicle capacity weight expressed as ''The combined weight of occupants and cargo should never exceed XXX kilograms or XXX pounds.''

IV. *Noncompliance:* IAA explains that the subject vehicles are equipped with a vehicle placard that provides an incorrect maximum vehicle capacity weight, and therefore does not comply with paragraph S4.3(a) of FMVSS No. 110. Specifically, the vehicle placard states that the maximum vehicle capacity weight is 604 pounds when it should state that it is 1,889 pounds. FMVSS 110, S4.3(a) provides that each vehicle contains a placard that is permanently attached to the B-Pillar or nearby location that includes a series of information related to the vehicle's weight capacity (cargo and occupants), tire size and inflation information and maximum number of occupants. Under FMVSS 110, S4.3(f), the placard must also include a statement that owner's manual should be consulted for further information.

V. *Summary of IAA's Petition:* The following views and arguments presented in this section, ''V. Summary of IAA's Petition,'' are the views and arguments provided by IAA. They have not been evaluated by the Agency and do not reflect the views of the Agency. IAA describes the subject noncompliance and contends that the noncompliance is inconsequential as it relates to motor vehicle safety.

IAA explains that, due to a calculation error, the vehicle placard on the subject vehicles provides the incorrect maximum vehicle capacity weight. IAA contends that this error does not pose a safety risk because the subject vehicles are functionally capable of carrying significantly more weight in both cargo and occupants thus,

preventing any risk of vehicle overloading.

IAA believes that the subject noncompliance does not cause any increased safety risk to vehicle occupants because the maximum vehicle capacity weight is understated rather than overstated. Consequently, IAA argues, adhering to the maximum vehicle capacity weight provided on the vehicle placard would not lead to vehicle overloading.

IAA says that the purpose of the vehicle placard is to convey accurate information for the vehicle to be operated in a safe manner and to reduce the potential for crashes due to overloading. The vehicle placard contains information that includes the subject vehicle's maximum weight capacity that should not be exceeded.

IAA explains that the placard for the subject vehicles lists the weight capacity as 604 pounds or 274 kg which is lower than the actual maximum weight capacity of the subject vehicles. According to IAA, the subject vehicles are designed and engineered to carry a maximum weight of 1,889 pounds (857 kg), which is more than three times the maximum weight capacity listed on the vehicle placard. Consequently, IAA believes that the noncompliant placard does not pose a risk of overloading the subject vehicles, even if the consumers do not reference any other sources of information, like the owner's manual.

IAA notes that if the vehicle operator questions the maximum vehicle weight capacity, they can refer to additional sources for information. The Grenadier owner's manual provides additional information on the vehicle's weight carrying capacity and explains how to calculate it correctly, including an example of how to perform the calculation. The owner's manual also includes information on safe handling when the subject vehicle is loaded with occupants and cargo, such as where to place the cargo within the vehicle and instructions on properly securing cargo.

Further, IAA says that the vehicle's certification label, per 49 CFR part 567, is permanently affixed on each vehicle's B-Pillar. This label contains the subject vehicle's Gross Vehicle Weight Rating (GVWR) and Gross Axle Weight Rating (GAWR). IAA explains that if a consumer notices an unusually low maximum weight capacity listed on the vehicle placard required by FMVSS No. 110 label, it is reasonable for them to consult the certification label, along with the owner's manual, to clarify the vehicle weight capacity value. IAA highlights a prior petition by Mercedes-Benz USA, LLC, that NHTSA granted (82 FR 33547 July 12, 2017). In that case, the GVWR and GAWR values listed on the certification label were accurate and provided an additional resource for consumers to reference maximum vehicle weight capacity.

IAA cites other prior petitions NHTSA granted involving noncompliances where information on the vehicle placard was inaccurate, but the manufacturer demonstrated that there was no risk of vehicle overloading:

- *BMW of North America, LLC, a Subsidiary of BMW AG, Grant of Petition for Decision of Inconsequential Noncompliance,* 78 FR 38799, June 27, 2013 (The number of rear and maximum vehicle occupants on the vehicle placard was understated and found to be inconsequential because there was little to no risk of vehicle overloading.),
- *BMW North America, LLC, Grant of Petition for Decision of Inconsequential Noncompliance,* 88 FR 14245, March 7, 2023. (The noncompliant vehicle was designed to withstand a larger capacity weight than was stated on its tire loading label and would not present a consequential safety problem.),
- *Grant of Petition to Mercedes-Benz USA, LLC,* 82 FR 33547 July 12, 2017, (The maximum vehicle weight capacity was overstated, but the vehicle's tire loading capacities were sufficient to handle the additional weight.).

IAA highlights another petition that NHTSA granted, submitted by FCA US LLC (FCA), which IAA says has nearly identical facts. In FCA's petition, the vehicle placard displayed a combined occupant and cargo weight of 1,150 lbs. rather than 1,240 lbs. and misstated the maximum number of occupants that the vehicle could carry. (See *Grant of Petition of FCA US, LLC,* 88 FR 84393, December 5, 2023). IAA contends that, unlike in the FCA petition, all information on the subject vehicles' is accurate except the maximum vehicle capacity weight.

IAA states that it has corrected the subject noncompliance in its production, and all of the remaining information on the vehicle placard is accurate, including the maximum number of vehicle passengers, tire size and tire pressure.

IAA concludes by stating its belief that the subject noncompliance is inconsequential as it relates to motor vehicle safety and its petition to be exempted from providing notification of the noncompliance, as required by 49 U.S.C. 30118, and a remedy for the noncompliance, as required by 49 U.S.C. 30120, should be granted.

NHTSA notes that the statutory provisions (49 U.S.C. 30118(d) and 30120(h)) that permit manufacturers to file petitions for a determination of inconsequentiality allow NHTSA to exempt manufacturers only from the duties found in sections 30118 and 30120, respectively, to notify owners, purchasers, and dealers of a defect or noncompliance and to remedy the defect or noncompliance. Therefore, any decision on this petition only applies to the subject vehicles that IAA no longer controlled at the time it determined that the noncompliance existed. However, any decision on this petition does not relieve vehicle distributors and dealers of the prohibitions on the sale, offer for sale, or introduction or delivery for introduction into interstate commerce of the noncompliant vehicles under their control after IAA notified them that the subject noncompliance existed.

(Authority: 49 U.S.C. 30118, 30120: delegations of authority at 49 CFR 1.95 and 501.8)

Otto G. Matheke, III,

Director, Office of Vehicle Safety Compliance.

[FR Doc. 2024–16483 Filed 7–25–24; 8:45 am]

BILLING CODE 4910–59–P

DEPARTMENT OF TRANSPORTATION

National Highway Traffic Safety Administration

[Docket No. NHTSA–2024–0019; Notice 1]

Tesla, Inc., Receipt of Petition for Decision of Inconsequential Noncompliance

AGENCY: National Highway Traffic Safety Administration (NHTSA), Department of Transportation (DOT).

ACTION: Receipt of petition.

SUMMARY: Tesla, Inc. (Tesla) has determined that certain model year (MY) 2017–2023 Tesla Model and Tesla Model Y motor vehicles do not fully comply with Federal Motor Vehicle Safety Standard (FMVSS) No. 108, *Lamps, Reflective Devices, And Associated Equipment.* Tesla filed a noncompliance report dated March 15, 2024, and subsequently petitioned NHTSA (the ''Agency'') on April 8, 2024, and amended its petition on May 3, 2024, for a decision that the subject noncompliance is inconsequential as it relates to motor vehicle safety. This document announces receipt of Tesla's petition.

DATES: Send comments on or before August 26, 2024.

ADDRESSES: Interested persons are invited to submit written data, views, and arguments on this petition. Comments must refer to the docket and notice number cited in the title of this

notice and may be submitted by any of the following methods:

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Comments must be written in the English language, and be no greater than 15 pages in length, although there is no limit to the length of necessary attachments to the comments. If comments are submitted in hard copy form, please ensure that two copies are provided. If you wish to receive confirmation that comments you have submitted by mail were received, please enclose a stamped, self-addressed postcard with the comments. Note that all comments received will be posted without change to *https://www.regulations.gov,* including any personal information provided.

All comments and supporting materials received before the close of business on the closing date indicated above will be filed in the docket and will be considered. All comments and supporting materials received after the closing date will also be filed and will be considered to the fullest extent possible.

When the petition is granted or denied, notice of the decision will also be published in the **Federal Register** pursuant to the authority indicated at the end of this notice.

All comments, background documentation, and supporting materials submitted to the docket may be viewed by anyone at the address and times given above. The documents may also be viewed on the internet at *https://www.regulations.gov* by following the online instructions for accessing the dockets. The docket ID number for this petition is shown in the heading of this notice.

DOT's complete Privacy Act Statement is available for review in a **Federal Register** notice published on April 11, 2000 (65 FR 19477–78).

FOR FURTHER INFORMATION CONTACT: Leroy Angeles, General Engineer, NHTSA, Office of Vehicle Safety Compliance, (202) 366–5304.

SUPPLEMENTARY INFORMATION:

I. Overview: Tesla determined that certain MY 2017–2023 Tesla Model 3 and MY 2020–2023 Tesla Model Y do not fully comply with paragraph S10.14.6 of FMVSS No. 108, *Lamps, Reflective Devices, And Associated Equipment* (49 CFR 571.108).

Tesla filed a noncompliance report dated March 15, 2024, pursuant to 49 CFR part 573, *Defect and Noncompliance Responsibility and Reports.* Tesla petitioned NHTSA on April 9, 2024, for an exemption from the notification and remedy requirements of 49 U.S.C. chapter 301 on the basis that this noncompliance is inconsequential as it relates to motor vehicle safety, pursuant to 49 U.S.C. 30118(d) and 30120(h) and 49 CFR part 556, *Exemption for Inconsequential Defect or Noncompliance.*

This notice of receipt of Tesla's petition is published under 49 U.S.C. 30118 and 30120 and does not represent any agency decision or another exercise of judgment concerning the merits of the petition.

II. Vehicles Involved: Approximately 19,917 MY 2017–2023 Tesla Model 3 and MY 2020–2023 Tesla Model Y motor vehicles, manufactured between October 27, 2017, and December 24, 2023, were reported by the manufacturer.

III. Rule Requirements: Paragraph S10.14.6 of FMVSS No. 108 includes the requirements relevant to this petition. Specifically, when tested according to the test procedure provided by paragraph S14.2.5 of FMVSS No. 108, each integral beam headlamp must be designed to conform to the photometry requirements of Table XIX of FMVSS No. 108 for lower beam, as specified in Table II–c for the specific headlamp unit and aiming method. As it relates to this petition, the maximum photometric intensity in the 10°U to 90°U zone for the lower beam is 125 cd.

IV. Noncompliance: Tesla explains that the subject vehicles are equipped with headlamps that have a low-beam output that exceeds the maximum photometric intensity stated in paragraph S10.14.6 of FMVSS No. 108. Specifically, the affected right and left-hand headlamp lower beams may measure as much as 230.1 candela (cd) in the 10°U to 90°U zone, which exceeds the maximum photometric intensity allowed by 105.1 cd.

V. Summary of Tesla's Petition: The following views and arguments presented in this section, ''V. Summary of Tesla's Petition,'' are the views and arguments provided by Tesla. They have not been evaluated by the Agency and do not reflect the views of the Agency. Tesla describes the subject noncompliance and contends that the noncompliance is inconsequential as it relates to motor vehicle safety.

Tesla's headlamp supplier, Marelli Automotive Lighting, tested 25 right-hand and 25 left-hand lamps, and for this sample, found the maximum photometric intensity measured at the 10°U to 90°U zone was between 136.2 cd and 230.1 cd for the right-hand lamps and between 117.5 cd and 160.3 cd for the left-hand lamps. According to Tesla, these tests revealed that the photometric intensity of the right-hand and left-hand headlamp lower beam on the subject vehicles may measure as much as 230.1 cd in the 10°U to 90°U zone, exceeding the maximum photometric intensity by 105.1 cd. Additionally, a left-hand lamp tested by a Transport Canada recognized laboratory measured a maximum of 171.27 cd in the 10°U to 90°U zone. Despite these measurements exceeding the photometric maximum, Tesla believes that the subject noncompliance is inconsequential to motor vehicle safety.

Tesla argues that the noncompliant illuminated area of the subject headlamp in the 10°U to 90°U zone is positioned off the roadway both horizontally and vertically, keeping it outside of the driver's and other road users' natural line of vision. Therefore, Tesla believes there is no increased risk of glare for surrounding traffic or the driver of the subject vehicle in any driving conditions.

Tesla's petition provides a plan view, side and orthogonal view (Figure 1) of the emitted light exceeding 125 cd overlaid onto the 10°U to 90°U zone. For a left-hand headlamp, the affected area is in the 30° inboard and 20° upward zone, and this is symmetrical for the right-hand headlamp.

Figure 2 in Tesla's petition shows the subject noncompliance from the view of the driver of the subject vehicle. Tesla explains that it simulated the illumination of the noncompliant 10°U to 90°U zone to demonstrate how the subject noncompliance affects the roadway. The simulation in Figure 2 shows that the left-hand headlamp exceeds the 125 cd maximum by 35.3 cd (totaling 160.3 cd), while the right-hand headlamp exceeds it by 105.1 cd (totaling 230.1 cd). Tesla explains that these figures represent the largest

measurements from the 25 sets of headlamps tested by Marelli Automotive Lighting.

Tesla asserts that the area illuminated by the noncompliant headlamps in the 10°U to 90°U zone does not affect the driver of the subject vehicle because its high and outboard position falls outside the driver's line of vision. Furthermore, Tesla believes that this illuminated area does not impact the field of vision of oncoming drivers or other road users due to its extreme location. The light from the subject headlamp in this zone is projected off and above the roadway. Therefore, Tesla argues that subject noncompliance is inconsequential as it relates to motor vehicle safety.

On May 3, 2024, Tesla amended its petition to provide details of the low beam testing they conducted. Using the Adaptive Driving Beam (ADB) protocol test method provided in FMVSS No. 108, S14.9.3.12, Tesla conducted low beam tests on a proving ground. Tesla explains that the study aimed to characterize and quantify the low beam glare in the 10°U to 90°U zone on the subject vehicles compared to the same vehicles equipped with compliant headlamps.

The test involved one Model 3 and one Model Y vehicle, each equipped with the noncompliant left-hand and right-hand headlamps that exceeded the FMVSS No. 108 maximum permissible candela in the 10°U to 90°U zone. Tesla followed the test procedure described in Scenario #1 of FMVSS No. 108, Table XXII, at 60 mph and opposite direction.

Tesla argues that meeting the low beam maximum illuminance permitted by FMVSS No. 108, despite having noncompliant headlamps, makes the noncompliance at issue inconsequential to motor vehicle safety. This, according to Tesla, ensures that drivers of vehicles equipped with the subject headlamps and other road users would not experience glare or distraction from them.

Tesla, in their amended petition, says that the subject vehicles did not exceed the permitted maximum illuminance values required by FMVSS No. 108, Table XXI. Tesla believes that these test results demonstrate that the subject noncompliance does not create glare for the driver of the subject vehicle or other road users. Therefore, Tesla contends that the noncompliance is inconsequential as it relates to motor vehicle safety.

Tesla adds that they are not aware of any complaints, accidents, or injuries related to the subject noncompliance.

Tesla has not found any complaints or reports of accidents or injuries related to this noncompliance in its records or NHTSA Vehicle Owner Questionnaires. While Tesla acknowledges that this fact is not dispositive in the consideration of a petition for inconsequential noncompliance, it mentions this to illustrate that customers have not reported issues such as excessively bright or glare, and no accidents or injuries have been attributed to the subject headlamps.[1]

Tesla references a 2022 denial of a petition submitted by General Motors, LLC, (GM) in which Tesla says GM argued that certain noncompliant lower beam headlamps exceeding the photometry requirements of S10.15.6 and Table XIX of FMVSS No. 108 were inconsequential to motor vehicles safety.[2] Tesla explains that GM could not demonstrate that the noncompliant headlamps, which measured 450–470 cd and exceeded the photometric requirement by more than three times, did not cause glare or were not distracting to other road users. (*Id.)* Tesla believes that the subject noncompliance is distinguishable from GM's petition because the subject headlamps measure 230.1 cd at most. Tesla also uses the ADB testing it conducted to distinguish its petition from the GM petition by demonstrating that it believes the subject noncompliance does not create glare for the driver and other road users.

Tesla concludes by stating its belief that the subject noncompliance is inconsequential as it relates to motor vehicle safety and its petition to be exempted from providing notification of the noncompliance, as required by 49 U.S.C. 30118, and a remedy for the noncompliance, as required by 49 U.S.C. 30120, should be granted.

NHTSA notes that the statutory provisions (49 U.S.C. 30118(d) and 30120(h)) that permit manufacturers to file petitions for a determination of inconsequentiality allow NHTSA to exempt manufacturers only from the duties found in sections 30118 and 30120, respectively, to notify owners, purchasers, and dealers of a defect or noncompliance and to remedy the defect or noncompliance. Therefore, any decision on this petition only applies to the subject vehicles that Tesla no longer controlled at the time it determined that the noncompliance existed. However, any decision on this petition does not relieve vehicle distributors and dealers of the prohibitions on the sale, offer for sale, or introduction or delivery for introduction into interstate commerce of the noncompliant vehicles under their control after Tesla notified them that the subject noncompliance existed.

(Authority: 49 U.S.C. 30118, 30120: delegations of authority at 49 CFR 1.95 and 501.8)

Otto G. Matheke, III,

Director, Office of Vehicle Safety Compliance.

[FR Doc. 2024–16481 Filed 7–25–24; 8:45 am]

BILLING CODE 4910–59–P

[1] *See* North American Subaru, Inc., Denial of Petition for Decision of Inconsequential Noncompliance; 87 FR 48764, August 10, 2022.

[2] *See* General Motors, LLC, Denial of Petition for Decision of Inconsequential Noncompliance; 87 FR 12546, March 4, 2022.

DEPARTMENT OF TRANSPORTATION

National Highway Traffic Safety Administration

[Docket No. NHTSA–2024–0007; Notice 1]

FCA US LLC, Receipt of Petition for Decision of Inconsequential Noncompliance

AGENCY: National Highway Traffic Safety Administration (NHTSA), Department of Transportation (DOT).

ACTION: Receipt of petition.

SUMMARY: FCA US LLC (FCA) has determined that the pedestrian alert rear speakers and service parts (''Quiet Vehicle Protection Module'' or ''QVPM'') for certain MY 2022–2024 Jeep Grand Cherokee motor vehicles do not fully comply with Federal Motor Vehicle Safety Standard (FMVSS) No. 141, *Minimum Sound Requirements for Hybrid and Electric Vehicles*. FCA filed two noncompliance reports dated October 26, 2023, and subsequently petitioned NHTSA (the ''Agency'') on November 16, 2023, for a decision that the subject noncompliance is inconsequential as it relates to motor vehicle safety. This document announces receipt of FCA's petition.

DATES: Send comments on or before August 26, 2024.

ADDRESSES: Interested persons are invited to submit written data, views, and arguments on this petition. Comments must refer to the docket and notice number cited in the title of this notice and may be submitted by any of the following methods:

- *Mail:* Send comments by mail addressed to the 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 comments by hand to the U.S. Department of Transportation, Docket Operations, M–30, West Building Ground Floor, Room W12–140, 1200 New Jersey Avenue SE, Washington, DC 20590. The Docket Section is open on weekdays from 10

a.m. to 5 p.m. except for Federal Holidays.

• *Electronically:* Submit comments electronically by logging onto the Federal Docket Management System (FDMS) website at *https://www.regulations.gov/*. Follow the online instructions for submitting comments.

• Comments may also be faxed to (202) 493–2251.

Comments must be written in the English language, and be no greater than 15 pages in length, although there is no limit to the length of necessary attachments to the comments. If comments are submitted in hard copy form, please ensure that two copies are provided. If you wish to receive confirmation that comments you have submitted by mail were received, please enclose a stamped, self-addressed postcard with the comments. Note that all comments received will be posted without change to *https://www.regulations.gov,* including any personal information provided.

All comments and supporting materials received before the close of business on the closing date indicated above will be filed in the docket and will be considered. All comments and supporting materials received after the closing date will also be filed and will be considered to the fullest extent possible.

When the petition is granted or denied, notice of the decision will also be published in the **Federal Register** pursuant to the authority indicated at the end of this notice.

All comments, background documentation, and supporting materials submitted to the docket may be viewed by anyone at the address and times given above. The documents may also be viewed on the internet at *https://www.regulations.gov* by following the online instructions for accessing the dockets. The docket ID number for this petition is shown in the heading of this notice.

DOT's complete Privacy Act Statement is available for review in a **Federal Register** notice published on April 11, 2000 (65 FR 19477–78).

FOR FURTHER INFORMATION CONTACT: Frederick Smith, General Engineer, NHTSA, Office of Vehicle Safety Compliance, (202) 366–7487.

SUPPLEMENTARY INFORMATION:

I. *Overview:* FCA determined that the pedestrian alert rear speakers installed in certain MY 2022–2024 Jeep Grand Cherokee motor vehicles and several QVPM rear speaker service parts do not fully comply with paragraph S5.4 and Table 7 of FMVSS No. 141, *Minimum Sound Requirements for Hybrid and Electric Vehicles* (49 CFR 571.141).

FCA filed two noncompliance reports (Recalls 23V–721 and 23E–083) for the non-compliant pedestrian alert speakers on October 26, 2023, pursuant to 49 CFR part 573, *Defect and Noncompliance Responsibility and Reports.* FCA petitioned NHTSA on November 16, 2023, for an exemption from the notification and remedy requirements of 49 U.S.C. chapter 301 on the basis that the noncompliances are inconsequential as it relates to motor vehicle safety, pursuant to 49 U.S.C. 30118(d) and 30120(h) and 49 CFR part 556, *Exemption for Inconsequential Defect or Noncompliance.*

This notice of receipt of FCA's petition is published under 49 U.S.C. 30118 and 30120 and does not represent any agency decision or another exercise of judgment concerning the merits of the petition.

II. *Vehicles Involved:* Approximately 72 QVPMs, manufactured between May 01, 2021, and October 15, 2023, and approximately 49,654 MY 2022–2024 Jeep Grand Cherokee motor vehicles, manufactured between July 23, 2021, and October 18, 2023, were reported by the manufacturer.

III. *Noncompliance:* FCA explains that the subject vehicles do not meet the minimum volume change requirements to signify acceleration and deceleration. Specifically, the sound produced by the subject vehicle changes by less than 3 decibels (dB) when operating between 20 km/h and 30 km/h.

IV. *Rule Requirements:* Paragraph S5.4 and Table 7 of FMVSS No. 141 include the requirements relevant to this petition. The sound produced by the vehicle, as specified in paragraph S5, must change in volume between critical operating conditions, as outlined in Table 7 and calculated in paragraph S7.6 of FMVSS No. 141.

V. *Summary of FCA's Petition:* The following views and arguments presented in this section, ''V. Summary of FCA's Petition,'' are the views and arguments provided by FCA. They have not been evaluated by the Agency and do not reflect the views of the Agency. FCA describes the subject noncompliance and contends that the noncompliance is inconsequential as it relates to motor vehicle safety.

FCA explains that during certification testing, there was an issue capturing a portion of the sound curve at 20 km/h, which led to the maximum sound volume being missed.[1] As a result, the actual volume at 20 km/h exceeded the intended level. If the loudest data point had been captured, FCA says it would have revealed an excessive volume level at 20 km/h. In that case, FCA would have reduced the output to ensure compliance with the required 3 dB relative volume change between 20 and 30 km/h.

On August 3, 2023, NHTSA notified FCA of the noncompliance found during testing of the MY 2023 Jeep Grand Cherokee. FCA conducted additional testing at various speeds: 11, 17, 18, 19, 20, 21, 22, 27, 28, 29, 30, 31, and 32 km/h. According to paragraph S5.4 and Table 7 of FMVSS No. 141, a 3 dB minimum relative volume change is required at each of the following intervals: between 0 km/h and 10 km/h, between 10 km/h and 20 km/h, and between 20 km/h and 30 km/h. However, S5.4 specifies that these changes be measured in accordance with paragraph S7.6 of FMVSS No. 141, which specifies that the 10 km/h should be measured at 111 km/h, the 20 km/h interval at 211 km/h, and the 30 km/h interval at 311 km/h. Thus, FCA suggests that, within the parameters of FMVSS No. 141, the 3 dB relative volume change can be measured with a vehicle speed difference ranging from as low as 8 km/h to as high as 12 km/h, depending on the chosen vehicle speed within the allowable range for each interval.

FCA adds that the subject vehicle consistently meets the minimum requirements for the two-band sum dB(A) sound pressure level. However, FCA clarifies that the reason for not meeting the minimum relative volume change requirement is the excessive sound level produced at 20 km/h.[2]

After analyzing the data collected at the additional speeds, FCA compared the relative volume change between all speed combinations near 20 km/h and 30 km/h and graphed the results.[3] According to FCA, the data demonstrates that the relative volume change between 18 km/h and 30 km/h exceeds 3 dB, and the relative volume change between 17 km/h and all five increments between 27 and 32 km/h falls between the range of 5.9 to 7.4.

FCA cites the FMVSS No. 141 final rule (81 FR 90416, December 14, 2016) and highlights the following points:

• According to FCA, NHTSA explained that the minimum relative volume change requirement was necessary because it enables pedestrians to determine if an EV or HV is accelerating or decelerating based on the increase or decrease in sound level emitted from the vehicle, just as they

[1] See Figure 1 in FCA's petition for the measurement taken during certification testing.

[2] See Figure 2 in FCA's petition.

[3] See Figure 3 in FCA's petition.

would be able to in the case of an ICE vehicle.

• FCA says NHTSA further explained that the relative volume change requirement will ensure a minimum sound level increase and decrease as a vehicle reaches each successive higher or lower speed operating condition, and NHTSA developed the speed intervals to incorporate flexibility. As FCA previously noted, the actual test procedure allows a 2 km/h variation at 10, 20, and 30 km/h, allowing for the relative volume change between speeds that are up to 12 km/h apart.

FCA asserts that the subject vehicles meet the intent of the minimum relative volume change requirement by providing the intended audible alert to pedestrians indicating that the vehicle speed is either increasing or decreasing.

FCA contends that while the subject vehicle's volume exceeds the 3 dB limit between 18 and 30 km/h, if this same 12 km/h were measured between 20 and 32 km/h, the vehicles would comply with FMVSS No. 118. Further, FCA asserts that when measured between 17 and 27 km/h, the relative volume change is nearly 6 dB, and it is nearly 7.5 dB between 17 and 30 km/h, which FCA believes is consistent with the intent of the standard.

Figure 2 of FCA's petition shows that the volume between 20 and 22 km/h exceeds the minimum requirement. FCA says that the remedy for the subject noncompliance is to reduce the volume emitted within the 20 to 22 km/h range, ensuring the vehicle is quieter at those speeds. The volume would not change at higher speeds and would maintain the same relative volume change but shifted to a slightly higher speed interval.

FCA contends that the proposed remedy will reduce the subject vehicle's noise level, making it less noticeable when traveling between 20 and 22 km/h. Additionally, FCA believes that the slight shift in the relative volume change speed range will be practically imperceptible to pedestrians.

FCA notes that it could not locate any prior petitions for inconsequential noncompliance relating to a safety recall due to the same or similar noncompliance with the relative volume change requirement, for its own vehicles or those of other automakers.

FCA states that it started vehicle production with compliant QVPM software on October 18, 2023. FCA is not aware of any crashes, injuries, or customer complaints associated with the subject noncompliance.

FCA concludes by stating its belief that the subject noncompliance is inconsequential as it relates to motor vehicle safety and its petition to be exempted from providing notification of the noncompliance, as required by 49 U.S.C. 30118, and a remedy for the noncompliance, as required by 49 U.S.C. 30120, should be granted.

NHTSA notes that the statutory provisions (49 U.S.C. 30118(d) and 30120(h)) that permit manufacturers to file petitions for a determination of inconsequentiality allow NHTSA to exempt manufacturers only from the duties found in sections 30118 and 30120, respectively, to notify owners, purchasers, and dealers of a defect or noncompliance and to remedy the defect or noncompliance. Therefore, any decision on this petition only applies to the subject vehicles that FCA no longer controlled at the time it determined that the noncompliance existed. However, any decision on this petition does not relieve vehicle distributors and dealers of the prohibitions on the sale, offer for sale, or introduction or delivery for introduction into interstate commerce of the noncompliant vehicles under their control after FCA notified them that the subject noncompliance existed.

(Authority: 49 U.S.C. 30118, 30120: delegations of authority at 49 CFR 1.95 and 501.8)

Otto G. Matheke, III,

Director, Office of Vehicle Safety Compliance.

[FR Doc. 2024–16480 Filed 7–25–24; 8:45 am]

BILLING CODE 4910–59–P

DEPARTMENT OF TRANSPORTATION

National Highway Traffic Safety Administration

[Docket No. NHTSA–2022–0103; Notice 1]

Hercules Tire & Rubber Company, Receipt of Petition for Decision of Inconsequential Noncompliance

AGENCY: National Highway Traffic Safety Administration (NHTSA), Department of Transportation (DOT).

ACTION: Receipt of petition.

SUMMARY: Hercules Tire & Rubber Company, (Hercules), has determined that certain Ironman iMove PT radial tires do not fully comply with Federal Motor Vehicle Safety Standard (FMVSS) No. 139, *New Pneumatic Radial Tires for Light Vehicles.* Hercules filed an original noncompliance report on October 26, 2022, and amended the report on November 28, 2022. Hercules subsequently petitioned NHTSA on October 27, 2022, and amended its petition on December 1, 2022, for a decision that the subject noncompliance is inconsequential as it relates to motor vehicle safety. This document announces receipt of Hercules' petition.

DATES: Send comments on or before August 26, 2024.

ADDRESSES: Interested persons are invited to submit written data, views, and arguments on this petition. Comments must refer to the docket and notice number cited in the title of this notice and may be submitted by any of the following methods:

• *Mail:* Send comments by mail addressed to the 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 comments by hand to the U.S. Department of Transportation, Docket Operations, M–30, West Building Ground Floor, Room W12–140, 1200 New Jersey Avenue SE, Washington, DC 20590. The Docket Section is open on weekdays from 10 a.m. to 5 p.m. except for Federal Holidays.

• *Electronically:* Submit comments electronically by logging onto the Federal Docket Management System (FDMS) website at *https://www.regulations.gov/.* Follow the online instructions for submitting comments.

• Comments may also be faxed to (202) 493–2251.

Comments must be written in the English language, and be no greater than 15 pages in length, although there is no limit to the length of necessary attachments to the comments. If comments are submitted in hard copy form, please ensure that two copies are provided. If you wish to receive confirmation that comments you have submitted by mail were received, please enclose a stamped, self-addressed postcard with the comments. Note that all comments received will be posted without change to *https://www.regulations.gov,* including any personal information provided.

All comments and supporting materials received before the close of business on the closing date indicated above will be filed in the docket and will be considered. All comments and supporting materials received after the closing date will also be filed and will be considered to the fullest extent possible.

When the petition is granted or denied, notice of the decision will also be published in the **Federal Register** pursuant to the authority indicated at the end of this notice.

All comments, background documentation, and supporting materials submitted to the docket may be viewed by anyone at the address and

times given above. The documents may also be viewed on the internet at *https://www.regulations.gov* by following the online instructions for accessing the dockets. The docket ID number for this petition is shown in the heading of this notice.

DOT's complete Privacy Act Statement is available for review in a **Federal Register** notice published on April 11, 2000 (65 FR 19477–78).

FOR FURTHER INFORMATION CONTACT: Jayton Lindley, Safety Compliance Engineer, Office of Vehicle Safety Compliance, NHTSA, (325) 366–0547.

SUPPLEMENTARY INFORMATION:

I. *Overview:* Hercules determined that certain Ironman iMove PT radial tires do not fully comply with paragraph S5.5.1(b) of FMVSS No. 139, *New Pneumatic Radial Tires for Light Vehicles* (49 CFR 571.139).

Hercules filed an original noncompliance report dated October 26, 2022, and amended the report on November 28, 2022, pursuant to 49 CFR part 573, *Defect and Noncompliance Responsibility and Reports.* Hercules petitioned NHTSA on October 27, 2022, and amended its petition on December 1, 2022, for an exemption from the notification and remedy requirements of 49 U.S.C. Chapter 301 on the basis that this noncompliance is inconsequential as it relates to motor vehicle safety, pursuant to 49 U.S.C. 30118(d) and 30120(h) and 49 CFR part 556, *Exemption for Inconsequential Defect or Noncompliance.*

This notice of receipt of Hercules's petition is published under 49 U.S.C. 30118 and 30120 and does not represent any agency decision or another exercise of judgment concerning the merits of the petition.

II. *Tires Involved:* Approximately 5,146 Ironman iMove PT radial tires, size 215/55R17, manufactured between March 7, 2022, and May 16, 2022, were reported by the manufacturer.

III. Non*compliance:* Hercules explains that the date code portion of the Tire Identification Number (TIN) on the subject tires inaccurately identifies the week of manufacture and, therefore, does not comply with paragraph S5.5.1(b) of FMVSS No. 139 and 49 CFR part 574.5(b)(3). Specifically, the TIN on the subject tires contains a date code in which the first symbol is ''7'' when it should be ''1.''

IV. *Rule Requirements:* Paragraph S5.5.1(b) of FMVSS No. 139 and 49 CFR 574.5(b)(3) include the requirements relevant to this petition. Each tire (manufactured on or after September 1, 2009) must be labeled with the TIN, as required by 49 CFR part 574.5(b)(3), on the intended outboard sidewall of the tire. The date code, consisting of four numerical symbols, is the final group of the TIN and must identify the tire's week and year of manufacture. The first and second symbols of the date code must identify the week of the year by using ''01'' for the first full calendar week in each year, ''02'' for the second full calendar week, and so on. The third and fourth symbols of the date code must identify the last two digits of the year of manufacture.

V. *Summary of Hercules's Petition:* The following views and arguments presented in this section, ''V. Summary of Hercules's Petition,'' are the views and arguments provided by Hercules. They have not been evaluated by the Agency and do not reflect the views of the Agency. Hercules describes the subject noncompliance and contends that the noncompliance is inconsequential as it relates to motor vehicle safety.

Hercules explains that the subject tires were manufactured in calendar weeks 10–19 of calendar year 2022, therefore the first symbol of the date code portion of the TIN should be ''1.'' However, the tires contain a TIN in which the first symbol of the date code is ''7,'' indicating that the tire was manufactured in calendar weeks 70–79, which do not exist.

Hercules states that other than the incorrect first digit of the date code, all other content within the TIN is accurate and the tires comply with the applicable FMVSS No. 139 performance requirements.

Hercules believes that subject noncompliance will not cause consumers to be misled because the incorrect date code indicates a calendar week that does not exist. For example, if the date code listed on the subject tire is ''7322,'' it indicates that the tire was manufactured in calendar week 73 of the year 2022, which does not exist.

According to Hercules, NHTSA has granted prior petitions in which the noncompliance involves mislabeled or inaccurate date codes because the noncompliance will not confuse or mislead the consumer. Hercules believes that NHTSA's main concern with TINs that are mislabeled or inaccurate is the potential for adverse safety consequences due to consumers using aged tires that are beyond the manufacturer's recommended service life, regardless of the condition of the tire.[1]

Hercules says that the incorrect date code ''cannot be confused with any other reasonably related date code that would lead a consumer to question the accuracy of the week of manufacture.'' Further, Hercules says the date code indicates the correct year that the tire was manufactured, thus the consumer would not be misled about the overall age of the tire.

Hercules says the subject noncompliance is similar to noncompliances in prior petitions that were granted by NHTSA that involved discrepancies in the TIN.[2] Hercules states that there is no risk a consumer would use the subject tire beyond the recommended maximum service life because the year of manufacture indicated by the date code is correct. In the worst-case scenario, Hercules expects that a consumer would contact them or their local tire distributor regarding the accuracy of the date code on the subject tires.

Hercules states that in the event of a recall, it is able to identify the subject tires and notify consumers. Hercules contends that NHTSA has granted prior petitions in which the manufacturer had the ability to identify affected tires if a recall were to occur.[3] Hercules quotes NHTSA as stating, ''The purpose of the date code is to identify the tire so that, if necessary, the appropriate action can be taken in the interest of public safety—such as, a safety recall notice.'' Hercules notes that NHTSA has previously granted a petition for a noncompliance in a which date code was not provided but the manufacturer was able to notify consumers using that TIN with a missing date code.

Hercules concludes by stating its belief that the subject noncompliance is inconsequential as it relates to motor vehicle safety and its petition to be exempted from providing notification of the noncompliance, as required by 49 U.S.C. 30118, and a remedy for the noncompliance, as required by 49 U.S.C. 30120, should be granted.

NHTSA notes that the statutory provisions (49 U.S.C. 30118(d) and 30120(h)) that permit manufacturers to file petitions for a determination of inconsequentiality allow NHTSA to exempt manufacturers only from the duties found in sections 30118 and 30120, respectively, to notify owners, purchasers, and dealers of a defect or noncompliance and to remedy the

[1] *See* Cooper Tire & Rubber Company, 86 FR 47726 (August 26, 2021).

[2] *See* Bridgestone/Firestone, Inc., Grant of Petition, 71 FR 4396 (January 26, 2006), Bridgestone/Firestone, Inc., Grant of Petition, 66 FR 45076 (August 27, 2001).

[3] *See* Bridgestone/Firestone Grant of Inconsequentiality Petition, 64 FR 20090 (May 28, 1999); *see also* Cooper Tire & Rubber Co., Grant of Inconsequentiality Petition, 68 FR 16115 (April 2, 2003).

defect or noncompliance. Therefore, any decision on this petition only applies to the subject tires that Hercules no longer controlled at the time it determined that the noncompliance existed. However, any decision on this petition does not relieve tire distributors and dealers of the prohibitions on the sale, offer for sale, or introduction or delivery for introduction into interstate commerce of the noncompliant tires under their control after Hercules notified them that the subject noncompliance existed.

(Authority: 49 U.S.C. 30118, 30120: delegations of authority at 49 CFR 1.95 and 501.8)

Otto G. Matheke, III,

Director, Office of Vehicle Safety Compliance.

[FR Doc. 2024–16484 Filed 7–25–24; 8:45 am]

BILLING CODE 4910–59–P

DEPARTMENT OF THE TREASURY

Office of Foreign Assets Control

Notice of OFAC Sanctions Actions

AGENCY: Office of Foreign Assets Control, Treasury.

ACTION: Notice.

SUMMARY: The U.S. Department of the Treasury's Office of Foreign Assets Control (OFAC) is publishing the names of one or more persons that have been placed on OFAC's Specially Designated Nationals and Blocked Persons List (SDN List) based on OFAC's determination that one or more applicable legal criteria were satisfied. All property and interests in property subject to U.S. jurisdiction of these persons are blocked, and U.S. persons are generally prohibited from engaging in transactions with them.

DATES: See Supplementary Information section for applicable date(s).

FOR FURTHER INFORMATION CONTACT: OFAC: Bradley Smith, Director, tel.: 202–622–2490; Associate Director for Global Targeting, tel.: 202–622–2420; Assistant Director for Licensing, tel.: 202–622–2480; Assistant Director for Regulatory Affairs, tel.: 202–622–4855; or Assistant Director for Sanctions Enforcement, Compliance & Analysis, tel.: 202–622–2490.

SUPPLEMENTARY INFORMATION:

Electronic Availability

The SDN List and additional information concerning OFAC sanctions programs are available on OFAC's website (*ofac.treasury.gov*).

Notice of OFAC Action(s)

On July 23, 2024, OFAC determined that the property and interests in property subject to U.S. jurisdiction of the following persons are blocked under the relevant sanctions authority listed below.

Individuals

1. GANGAT, Zayd, South Africa; DOB 05 Jun 1994; POB South Africa; nationality South Africa; Gender Male; Secondary sanctions risk: section 1(b) of Executive Order 13224, as amended by Executive Order 13886 (individual) [SDGT] (Linked To: ISLAMIC STATE OF IRAQ AND THE LEVANT).

Designated pursuant to section 1(a)(iii)(C) of Executive Order 13224 of September 23, 2001, ''Blocking Property and Prohibiting Transactions With Persons Who Commit, Threaten to Commit, or Support Terrorism,'' 66 FR 49079, as amended by Executive Order 13886 of September 9, 2019, ''Modernizing Sanctions To Combat Terrorism,'' 84 FR 48041 (E.O. 13224, as amended), for having materially assisted, sponsored, or provided financial, material, or technological support for, or goods or services to or in support of, ISLAMIC STATE OF IRAQ AND THE LEVANT, a person whose property and interests in property are blocked pursuant to E.O. 13224.

2. NABAGALA, Hamidah (a.k.a. NABAGGALA, Hamida; a.k.a. NABAGGALA, Hamidah), Congo, Democratic Republic of the; DOB 09 Mar 1996; nationality Uganda; Gender Female; Secondary sanctions risk: section 1(b) of Executive Order 13224, as amended by Executive Order 13886; Passport A00044599 (Uganda) expires 19 Mar 2029 (individual) [SDGT] (Linked To: ISLAMIC STATE OF IRAQ AND THE LEVANT).

Designated pursuant to section 1(a)(iii)(C) of E.O. 13224, as amended, for having materially assisted, sponsored, or provided financial, material, or technological support for, or goods or services to or in support of, ISLAMIC STATE OF IRAQ AND THE LEVANT, a person whose property and interests in property are blocked pursuant to E.O. 13224.

3. SWALLEH, Abubakar (a.k.a. ABUBAKAR, Swalleh; a.k.a. SWALLEH, Abubaker), South Africa; Lusaka, Zambia; DOB 13 Jan 1992; POB Mengo, Uganda; nationality Uganda; Gender Male; Secondary sanctions risk: section 1(b) of Executive Order 13224, as amended by Executive Order 13886; Passport A00195974 (Uganda) expires 16 Dec 2029; National ID No. CM920231090NZA (Uganda) (individual) [SDGT] (Linked To: ISLAMIC STATE OF IRAQ AND THE LEVANT).

Designated pursuant to section 1(a)(iii)(C) of E.O. 13224, as amended, for having materially assisted, sponsored, or provided financial, material, or technological support for, or goods or services to or in support of, ISLAMIC STATE OF IRAQ AND THE LEVANT, a person whose property and interests in property are blocked pursuant to E.O. 13224.

Dated: July 23, 2024.

Bradley T. Smith,

Director, Office of Foreign Assets Control, U.S. Department of the Treasury.

[FR Doc. 2024–16516 Filed 7–25–24; 8:45 am]

BILLING CODE 4810–AL–P

DEPARTMENT OF THE TREASURY

Office of Foreign Assets Control

Notice of OFAC Sanctions Actions

AGENCY: Office of Foreign Assets Control, Department of the Treasury.

ACTION: Notice.

SUMMARY: The U.S. Department of the Treasury's Office of Foreign Assets Control (OFAC) is publishing the names of one or more persons that have been placed on OFAC's Specially Designated Nationals and Blocked Persons List (SDN List) based on OFAC's determination that one or more applicable legal criteria were satisfied. All property and interests in property subject to U.S. jurisdiction of these persons are blocked, and U.S. persons are generally prohibited from engaging in transactions with them.

DATES: This action takes effect on the date listed in Supplementary Information.

FOR FURTHER INFORMATION CONTACT: OFAC: Associate Director for Global Targeting, tel: 202–622–2420; Assistant Director for Licensing, tel.: 202–622–2480; Assistant Director for Regulatory Affairs, tel.: 202–622–4855; or Assistant Director for Compliance, tel.: 202–622–2490.

SUPPLEMENTARY INFORMATION:

Electronic Availability

The SDN List and additional information concerning OFAC sanctions programs are available on OFAC's website (*https://ofac.treasury.gov*).

Notice of OFAC Actions

On July 23, 2024, OFAC determined that the property and interests in property subject to U.S. jurisdiction of the following persons are blocked under the relevant sanctions authority listed below.

Individuals

1. BANUELOS RAMIREZ, Juan Carlos (a.k.a. ''Pistones''; a.k.a. ''Prada''; a.k.a. ''PRADA, Juan Carlos''), Mexico; DOB 05 Oct 1977; POB Jalisco, Mexico; nationality Mexico; Gender Male; C.U.R.P. BARJ771005HJCXMN05 (Mexico) (individual) [ILLICIT–DRUGS–EO14059].

Designated pursuant to section 1(a)(i) of Executive Order 14059 of December 15, 2021, ''Imposing Sanctions on Foreign Persons

Involved in the Global Illicit Drug Trade,'' 86 FR 71549 (December 17, 2021) (E.O. 14059) for having engaged in, or attempted to engage in, activities or transactions that have materially contributed to, or pose a significant risk of materially contributing to, the international proliferation of illicit drugs or their means of production.

2. RIVERA IBARRA, Gerardo (a.k.a. ''Compadre''; a.k.a. ''El Guerito''), Mexico; DOB 29 Nov 1969; POB Jalisco, Mexico; nationality Mexico; Gender Male; C.U.R.P. RIIG691129HJCVBR16 (Mexico) (individual) [ILLICIT–DRUGS–EO14059] (Linked To: CARTEL DE JALISCO NUEVA GENERACION).

Designated pursuant to section 1(b)(iii) of E.O. 14059 for having acted or purported to act for or on behalf of, directly or indirectly, Cartel De Jalisco Nueva Generacion, a person sanctioned pursuant to E.O. 14059.

Entities

1. FORNELY LAB S.A. DE C.V. (a.k.a. KARMANI LAB S.A. DE C.V.), Naucalpan de Juarez, Mexico, Mexico; Organization Established Date 10 Apr 2014; Organization Type: Non-specialized wholesale trade; Folio Mercantil No. 23513 (Mexico) [ILLICIT–DRUGS–EO14059] (Linked To: RIVERA IBARRA, Gerardo).

Designated pursuant to section 1(b)(iii) of E.O. 14059 for being owned, controlled, or directed by, or having acted or purported to act for or on behalf of, directly or indirectly, Gerardo Rivera Ibarra, a person sanctioned pursuant to E.O. 14059.

2. INMOBILIARIA UNIVERSAL DEJA VU S.A. DE C.V., Puebla, Puebla, Mexico; Organization Established Date 18 Oct 2006; Organization Type: Real estate activities with own or leased property; Folio Mercantil No. 36681 (Mexico) [ILLICIT–DRUGS–EO14059] (Linked To: BANUELOS RAMIREZ, Juan Carlos).

Designated pursuant to section 1(b)(iii) of E.O. 14059 for being owned, controlled, or directed by, or having acted or purported to act for or on behalf of, directly or indirectly, Juan Carlos Banuelos Ramirez, a person sanctioned pursuant to E.O. 14059.

Dated: July 23, 2024.

Bradley T. Smith,

Director, Office of Foreign Assets Control, U.S. Department of the Treasury.

[FR Doc. 2024–16510 Filed 7–25–24; 8:45 am]

BILLING CODE P

DEPARTMENT OF VETERANS AFFAIRS

[OMB Control No. 2900–0222]

Agency Information Collection Activity Under OMB Review: Application for Standard Government Headstone or Marker for Installation in Private or State Veterans Cemetery

AGENCY: National Cemetery Administration, Department of Veterans Affairs.

ACTION: Notice.

SUMMARY: In compliance with the Paperwork Reduction Act (PRA) of 1995, this notice announces that the National Cemetery Administration, Department of Veterans Affairs, will submit the collection of information abstracted below to the Office of Management and Budget (OMB) for review and comment. The PRA submission describes the nature of the information collection and its expected cost and burden, and it includes the actual data collection instrument.

DATES: Comments and recommendations for the proposed information collection should be sent within 30 days of publication of this notice by clicking on the following link *www.reginfo.gov/public/do/PRAMain,* select ''Currently under Review—Open for Public Comments'', then search the list for the information collection by Title or ''OMB Control No. 2900–0222.''

FOR FURTHER INFORMATION CONTACT: VA PRA information: Maribel Aponte, 202–461–8900, *vacopaperworkreduact@va.gov*.

SUPPLEMENTARY INFORMATION:

Title: VA Form 40–1330, Claim for Standard Government Headstone or Marker, and VA Form 40–1330M, Claim for Government Medallion for Placement in a Private Cemetery.

OMB Control Number: 2900–0222 *https://www.reginfo.gov/public/do/PRASearch*.

Type of Review: Revision of a currently approved collection.

Abstract: The major use of the VA40–1330 and 40–1330M forms is to evaluate an applicant's claim for the benefit. VA Form 40–1330 and 40–1330M are required to provide data regarding the number of requests for a Government-furnished headstone or marker, or medallion, respectively each year.

An agency may not conduct or sponsor, and a person is not required to respond to a collection of information unless it displays a currently valid OMB control number. The **Federal Register** Notice with a 60-day comment period soliciting comments on this collection of information was published at 89 FR 45748, May 23, 2024.

Affected Public: Individuals or Households.

Estimated Annual Burden: 45,759 hours.

Estimated Average Burden per Respondent: 15 minutes.

Frequency of Response: One time.

Estimated Number of Respondents: 183,035.

Authority: 44 U.S.C. 3501 *et seq.*

Dorothy Glasgow,

VA PRA Clearance Officer (Alt), Office of Enterprise and Integration, Data Governance Analytics, Department of Veterans Affairs.

[FR Doc. 2024–16531 Filed 7–25–24; 8:45 am]

BILLING CODE 8320–01–P

FEDERAL REGISTER

Vol. 89 Friday,
No. 144 July 26, 2024

Part II

Environmental Protection Agency

40 CFR Parts 260, 261, 262, et al.
Integrating e-Manifest With Hazardous Waste Exports and Other Manifest-Related Reports, PCB Manifest Amendments, and Technical Corrections; Final Rule

ENVIRONMENTAL PROTECTION AGENCY

40 CFR Parts 260, 261, 262, 263, 264, 265, 267, 270, 271, and 761

[EPA–HQ–OLEM–2021–0609; FRL–7308–02–OLEM]

RIN 2050–AH12

Integrating e-Manifest With Hazardous Waste Exports and Other Manifest-Related Reports, PCB Manifest Amendments, and Technical Corrections

AGENCY: Environmental Protection Agency (EPA).

ACTION: Final rule.

SUMMARY: The Environmental Protection Agency (EPA) or (the Agency) is finalizing certain amendments to the hazardous waste manifest regulations, and the hazardous waste electronic manifest (e-Manifest) regulations under the Resource Conservation and Recovery Act (RCRA) to increase utility of the e-Manifest system in delivering benefits to reduce administrative burden and improve tracking of hazardous waste shipments, and to various related regulations. Among other things, EPA is finalizing changes to manifest regulations for shipments of hazardous waste that are exported for treatment, storage, and disposal. EPA is also finalizing regulatory changes to the hazardous waste export and import shipment international movement document-related requirements to more closely link the manifest data with the international movement document (hereafter referred to as ''movement document'') data. In addition, EPA is finalizing regulatory amendments to three manifest-related reports (*i.e.,* Discrepancy, Exception, and Unmanifested Waste Reports). EPA is also finalizing conforming regulatory changes to the manifest regulations under the Toxic Substances and Control Act (TSCA) for polychlorinated biphenyls (PCB) wastes to better align these requirements with the RCRA manifest regulations and the e-Manifest program. Lastly, this action makes technical corrections to fix typographical errors in the e-Manifest and movement document regulations.

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

ADDRESSES: The docket for this action, identified by docket identification (ID) number, EPA–HQ–OLEM–2021–0609, is available at *https://www.regulations.gov* or at the Office of Land and Emergency Management Docket (OLEM Docket), Environmental Protection Agency Docket Center (EPA/DC), William Jefferson Clinton West Bldg., Rm. 3334, 1301 Constitution Ave. NW, Washington, DC. The Public Reading Room is open from 8:30 a.m. to 4:30 p.m., Monday through Friday, excluding Federal holidays. The telephone number for the Public Reading Room is (202) 566–1744, and the telephone number for the OLEM Docket is (202) 566–0270. Please review the visitor instructions and additional information about the docket available at *https://www.epa.gov/dockets.*

FOR FURTHER INFORMATION CONTACT: For further information regarding specific aspects of this document, contact Bryan Groce, Program Implementation and Information Division, Office of Resource Conservation and Recovery, (202) 566–0339; email address: *groce.bryan@epa.gov* or David Graham, Program Implementation and Information Division, Office of Resource Conservation and Recovery (202) 566–2847; email address: *graham.david@epa.gov.* In addition, please refer to EPA's e-Manifest web page for further information *www.epa.gov/e-manifest.*

SUPPLEMENTARY INFORMATION:

Table of Contents

The information presented in this preamble is organized as follows:

The hazardous waste manifest program affects approximately 106,617 federally regulated entities and almost an equal number of entities handling State-only regulated wastes in at least 750 industries. These industries are involved in the off-site shipping, transporting, and receiving of several million tons of wastes that are required under either Federal or State regulation to use the RCRA hazardous waste manifest. EPA estimates that these entities currently use between 1,834,512 hazardous waste manifests (EPA Form 8700–22) and continuation sheets (EPA Form 8700–22A) annually to track RCRA hazardous wastes, TSCA polychlorinated biphenyls (PCB) wastes, and State-only regulated wastes from generation sites to destination facilities designated on a manifest for treatment, storage, or disposal. The affected entities include hazardous waste generators, hazardous waste transporters, owners or operators of treatment, storage, and disposal facilities (TSDFs), as well as the corresponding entities that handle State-only regulated wastes and PCB wastes subject to tracking with the RCRA manifest.

Additionally, this final rule affects entities (including exporter, importer, disposal facility owner/operator, or recovery facility owner/operator) who are involved in transboundary movements of hazardous waste for recovery or disposal that are subject to the manifest regulations to track their import or export shipments in the United States, or to the movement document requirements to track their import or export shipments both inside and outside of the United States.

Finally, this final rule affects entities who are required to complete any of the following manifest-related reports: (1) An Exception Report when the generator has not received a final manifest from the receiving facility; (2) a Discrepancy Report when the materials received do not match with the quantities or types of materials indicated as being shipped by generators; or (3) an Unmanifested Waste Report when hazardous wastes that should have been manifested arrive at a facility without a manifest.

Potential affected entities include, but are not limited to:

Industrial sector	NAICS code(s)
Agriculture, Forestry, Fishing, and Hunting	11
Mining	21
Utilities	22
Construction	23
Manufacturing	31–33
Wholesale Trade	42
Retail Trade	44–45
Transportation and Warehousing	48–49
Information	51
Waste Management & Remediation Services	562
Public Administration	92

This table is not intended to be exhaustive, but rather provides a guide for readers regarding entities that EPA is now aware could potentially be regulated by this action. Other types of entities not listed in the table could also be regulated. To determine whether your entity is regulated by this action, you should carefully examine the applicability criteria found in the title 40 of the Code of Federal Regulations (CFR) parts 262, 263, 264, 265, and 761. If you have questions regarding the applicability of this action to a particular entity, consult the person listed in the **FOR FURTHER INFORMATION CONTACT** section.

B. What action is the Agency taking?

EPA is finalizing regulatory amendments to the RCRA manifest regulations, e-Manifest regulations, and other related regulations. Among other things, EPA is finalizing regulatory amendments to require hazardous waste exporters of manifested hazardous waste

shipments out of the U.S. to submit the export manifests to EPA's e-Manifest system and pay the requisite user fee to process these export manifests. With respect to the movement document requirements, EPA is finalizing regulatory amendments to allow movement document confirmations to link to RCRA manifest tracking for export and import shipments. In addition, EPA is finalizing regulatory amendments to integrate existing Discrepancy Reports, Exception Reports, and Unmanifested Waste Reports into the e-Manifest system which would allow entities to use the e-Manifest system to complete these reports electronically. Also, the Agency is finalizing conforming changes to the TSCA manifest regulations for PCB wastes to align them with the RCRA manifest regulations and the e-Manifest program. Finally, this action fixes typographical errors and makes other technical corrections to certain e-Manifest, movement document, and PCB regulations.

Although this final rule becomes effective on January 22, 2025, EPA needs additional time to implement e-Manifest system changes related to the final rule and is, thus, establishing a compliance date for certain final regulations. Specifically, EPA's final regulations associated with the collection of hazardous waste export manifests in the e-Manifest system, use of electronic manifests for hazardous waste export shipments, and use of electronic Exception, Discrepancy, and Unmanifested Waste Reports will not go into effect until December 1, 2025. Affected entities must continue to comply with the existing manifest requirements until and on November 30, 2025, for hazardous waste export shipments and the manifest requirements for exception, discrepancy, and unmanifested waste reporting. EPA is implementing a delayed compliance for these revised requirements so that the Agency can ensure completion of the system updates and necessary preparations for collection of hazardous waste export manifests and Exception, Discrepancy, and Unmanifested Waste Reports in the system. The compliance date is also needed so that EPA has adequate time to work with State regulating agencies to ensure that these manifest related reports are disseminated immediately to the appropriate staff (*e.g.,* enforcement) in authorized State agencies.

EPA intends that the provisions of this rule be severable. In the event that any individual provision or part of the rule is invalidated, EPA intends that this would not render the entire rule invalid, and that any individual provisions that can continue to operate will be left in place.

C. What is the Agency's authority for taking this action?

The authority to finalize this rule is found in sections 1002, 2002(a), 3001–3004, and 3017 of the Solid Waste Disposal Act, as amended by the Resource Conservation and Recovery Act (RCRA), and as amended by the Hazardous and Solid Waste Amendments, 42 U.S.C. 6901, 6906 et. seq., 6912, 6921–6925, 6937, and 6938, and further amended by the Hazardous Waste Electronic Manifest Establishment Act, Public Law 112–195, section 6939g, and in sections 6, 8, 12, 15, and 17 of the Toxic Substances Control Act, 15 U.S.C. 2605, 2607, 2611, 2614, and 2616.

D. What are the incremental costs and benefits of this action?

EPA prepared an economic analysis of the potential costs and benefits associated with this proposed action. The Regulatory Impact Analysis for EPA's Final Rule Integrating e- Manifest with Hazardous Waste Exports and Other Manifest-related Reports, PCB Manifest Amendments and Technical Corrections (RIA), is available in the docket for this rulemaking. EPA estimates that these regulatory changes will decrease the aggregate burden across all entities manifesting waste by approximately $4.71 million annually. However, this rulemaking consists of a series of provisions that affect the various regulated entity types differently (see chapter 2 of the RIA). See RIA Exhibit 3–10 for a summary of annual costs across all regulatory changes.

II. Detailed Discussion of the Final Rule

A. Background

On April 1, 2022, EPA published a notice of proposed rulemaking (hereafter referred to as ''NPRM'') to revise the hazardous waste manifest regulations.[1] The proposed revisions aimed to increase the utility of the e-Manifest system to reduce overall burden on the regulated community while enhancing the effectiveness of the manifest forms and e-Manifest system as tools to track Federal and State waste shipments as required under Federal or State laws. EPA proposed to accomplish this by amending the manifest regulations to: (1) Incorporate hazardous waste export manifests into the e-Manifest system; (2) incorporate three manifest-related reports (*e.g.,* Discrepancy, Exception, and Unmanifested Waste reports) in the e-Manifest system; (3) expand the required international shipment data elements on the manifest form; (4) revise certain aspects of the manifest form to improve compliance with import and export consents and tracking requirements; (5) allow for greater precision in waste data reported on the manifest; (6) make conforming changes to the PCB manifest regulations under TSCA; and (7) make other technical corrections to remove obsolete requirements, correct typographical errors, establish definitions, and/or improve alignment with the e-Manifest program. In addition, EPA included in the proposed rule a discussion regarding potential future integration of the e-Manifest system with Biennial Reporting requirements.

EPA received 17 sets of public comments in response to the April 2022 NPRM from hazardous waste generators, transporters, waste management firms, consultants, and State hazardous waste agencies. Commenters generally supported the proposals for the collection of export manifests in the e-Manifest system and use of electronic exception, discrepancy, and unmanifested wastes reports to satisfy the manifest-related reporting requirements. Commenters also generally supported the proposals regarding conforming changes to the PCB manifest regulations under TSCA and other technical corrections to address obsolescence of certain RCRA and TSCA requirements and typographical errors. Commenters had differing opinions regarding EPA's proposed revisions to remove the requirement for the receiving facility to transmit completed manifest paper copies to unregistered generators, which included the addition of an email address field in the generator block of the manifest so that the e-Manifest system can email copies of completed paper manifests to the generator's email address.

Moreover, there were a substantial number of comments that took issue with EPA's conceptual approach regarding integration of the Biennial Report (BR) with the e-Manifest system, particularly with respect to the feasibility of EPA's BR conceptual approach and BR integration in general. EPA believes that commenters raised significant substantive issues that merit further analysis and external outreach prior to adopting a final approach. These issues include but are not limited to: (1) How to address challenges and data gaps that exist between the current approach and the BR conceptual data

[1] 87 FR 19290; April 1, 2022.

collection approach; (2) What additional BR data elements such as form codes, source codes, waste descriptions, etc., should be recorded on paper manifests; (3) What quantity formats (*e.g.,* decimals) should be used to ensure better accuracy of manifest data; (4) What units of measure should be required for BR so that they match those for manifests; (5) Should EPA require large quantity generators (LQGs) and receiving facilities to document the BR information on manifests for each shipment every year, or for each shipment only during each odd-numbered year (called the ''collection year'' or ''reporting year''); (6) Should EPA establish a similar conceptual approach for e-Manifest integration with the Generation and Management (GM) Form and would such an approach would work for the GM Form; (7) How should EPA revise the conceptual approach to better integrate facility workflows and data management to minimize differences between facility in-house systems and the e-Manifest system; and (8) Should EPA replace the BR in its current format with a report produced directly from the e-Manifest system using the information currently available in e-Manifest to satisfy the BR requirements under §§ 264.75 and 265.75 for permitted and interim status hazardous waste treatment, storage, and disposal facilities, respectively. EPA appreciates public comments received on its BR conceptual approach as part of the April 2022 NPRM and will be considering these comments in developing future approaches related to BR integration. Any further action on BR integration will be addressed in separate action, as needed; the Agency is not further considering BR integration in this final rulemaking.

B. Collection of Export Manifests in the e-Manifest System

1. Submission of Export Manifests and Payment of User Fees

To date, the e-Manifest system's submission and fee collection requirements have applied to receiving facilities in the United States that are clearly within the jurisdiction of EPA's manifest regulations. Export manifests track wastes that are received at foreign consignees, and EPA lacks jurisdiction to require these foreign destination facilities to submit manifests to e-Manifest and pay user fees to EPA. Therefore, the e-Manifest system has not previously tracked export manifests.

What EPA Proposed on This Issue

In the April 2022 NPRM, EPA proposed regulatory changes to require hazardous waste exporters to submit export manifests to the system and pay the requisite manifest processing fee. EPA cited practicality and efficiency reasons to focus fee collections and payments in the system on exporters rather than working to allow foreign transporters who have obtained an EPA ID number to transport manifested hazardous waste in the U.S with access to the system. These transporters may not be domiciled in the U.S but are allowed to transport export shipments to and across the U.S. border; thus, these foreign transporters close out the manifest at the U.S. port of exit. EPA also explained other EPA programs have encountered regulatory challenges imposing Federal regulations on foreign entities. The Agency also noted in the NPRM that although transporters, under current regulations, close out the export manifest at a U.S. port of exit, EPA believes the exporter is better suited to submit the manifest and continuation sheet to the system. EPA considered the following regulatory amendments to require an exporter to submit the manifest form and continuation sheet (whether paper or electronic manifests are used) to EPA and pay the requisite processing fee for the submission.

- EPA proposed revisions to paragraph (c) under § 262.83 to adopt the existing manifest provisions at §§ 262.20(a)(3) and 262.24 for electronic manifest use and the electronic signature requirements at § 262.25 for export manifests.
- EPA proposed new paragraph (c)(4) under § 262.83 that would require an exporter to submit manifests (whether paper or electronic manifests are used) to the e-Manifest system within 30 days of receipt of the export manifest signed by the last transporter who carried the export shipment to a U.S. seaport for loading onto an international carrier or to a U.S. road or rail port of exit.
- EPA proposed new paragraph (c)(5) under § 262.83 to adopt the fee provisions of the electronic hazardous waste manifest program under part 265, subpart FF for hazardous waste export shipments.
- EPA proposed new paragraphs (c)(6) through (8) under § 262.83 to require electronic signature requirements in § 262.25; address special procedures applicable to replacement manifests; and address post-receipt data corrections.
- EPA proposed to modify § 263.20(g)(3) to require the transporter who transports the hazardous waste export shipment out of the U.S. via road or rail border crossing or delivers the export shipment to a seaport for loading onto an international carrier to send paper copies of the manifest and continuation sheet (or images of the paper copies) to the exporter instead of to the generator, or transmit the export manifest and continuation sheet electronically to the exporter via the e-Manifest system in accordance with the existing manifest requirement for electronic manifest use at § 263.20(a)(4).
- EPA proposed to remove the current transporter requirement in § 263.20(g)(4)(i) because transporters are not best suited for submitting the export manifest to the system and paying the requisite processing fee based on the above modification to § 263.20(g)(3).

Description of Public Comments

Generally, EPA did not receive adverse comment on the proposals to collect export manifests (whether paper or electronic manifests are used) in the e-Manifest system and charge user fees for their submission. Several commenters strongly supported the proposed amendments to the manifest regulations that would require export manifests to be collected in the e-Manifest system. One commenter stated support for the proposed manifest fee and the fee formula and methodology and fee revisions to calculate the fees based on the exporter's manifest activities in the system.

One commenter concurred with EPA that transporters are not best suited for submitting the export manifest to the system and paying the requisite processing fee. Another commenter noted that exporters and traders who export hazardous waste are fewer in number, are reasonably expected to be more sophisticated and able to consistently manage manifest submissions and are more knowledgeable about the hazardous waste being exported than the transporters who currently close out export manifests. This commenter reasoned that applying the primary regulatory responsibility to exporters and traders who are already required to be domiciled in the U.S. would reduce the difficulty in communications with and regulatory oversight over entities domiciled in a foreign country.

However, one industry commenter who supported requiring exporters to submit export manifests to the system did not support making the last transporter who carried the export shipment to a U.S. seaport for loading onto an international carrier or to a U.S. road or rail port of exit solely accountable for returning the paper copy of the manifest to the exporter or transmitting the electronic manifest electronically to the exporter via the e-Manifest system. This commenter

recommended that, instead, EPA require the foreign receiving facility to return the manifest to the exporter and suggested EPA incorporate into the final rule a mandatory requirement that all export contracts or equivalent legal arrangements established among all parties (*e.g.,* exporter, foreign importer, and foreign receiving facility) require that the foreign receiving facility return the manifest to the exporter.

Discussion of Final Rule

EPA did not receive adverse comment on the proposals to require exporters to submit export manifests into the e-Manifest system; therefore, EPA is finalizing the proposed changes to the introductory text of paragraph (c) under § 262.83 to adopt the existing manifest provisions at §§ 262.20(a)(3) and 262.24 for electronic manifest use and the electronic signature requirements at § 262.25 for export manifests. EPA is also finalizing the proposed export manifest requirements under paragraphs (c)(4) through (8) to collect export manifests (whether paper or electronic manifests are used) in the e-Manifest system, charge user fees for their submission, and submit manifest corrections to the EPA e-Manifest system. This final rule codifies these proposals as revised § 262.83(c)(4). EPA notes that the new post-receipt manifest data corrections procedures for hazardous waste export shipments are discussed under section II.H.4 of this final rule. Finally, EPA is finalizing the proposed changes to the transporter regulations for hazardous waste export shipments under § 263.20(g).

Although this final rule will be effective on January 22, 2025, implementation of the revised manifest requirements for the collection of export manifests in the e-Manifest system, use of electronic manifests for tracking of hazardous waste export shipments, imposition of user fees on hazardous waste exporters, and the revised transporter manifest requirement for returned export manifest manifests and continuation sheets to the exporter will have a delayed compliance date that begins on December 1, 2025. As stated above, this compliance date will provide EPA time to implement the necessary e-Manifest system changes to incorporate these final requirements.

Prior to December 1, 2025, hazardous waste exporters will not be required to submit paper manifests to the e-Manifest system and pay user fees, nor will exporters be able to use electronic manifests to track their hazardous waste export shipments. Additionally, prior to December 1, 2025, transporters who transport hazardous waste out of the United States must continue to return a signed copy of the manifest to the generator. (In addition, such transporters must also submit the continuation sheet to the generator during this period of time.)

Beginning on December 1, 2025, regulated entities must comply with the revised hazardous waste export regulations discussed below.

Regarding the exporter requirements under § 262.83(c)(4), collectively, these new provisions require that exporters submit export manifests and manifest continuation sheets (whether electronic or paper manifests are used) to the e-Manifest system and pay the requisite fees for those submissions. Therefore, any entity acting as the U.S. exporter that originated the manifest for an export shipment of hazardous waste in accordance with the manifest requirements under part 262, subpart B and § 262.83(c), whether they be a generator, receiving facility, or recognized trader, must submit the export manifests and manifest continuation sheets to the e-Manifest system and pay the requisite fees. Further, in accordance with § 262.83(c) (per §§ 262.20(a)(3) and 262.24 for electronic manifest use and the electronic signature requirements at § 262.25 for export manifests), a person exporting a shipment out of the U.S. (*e.g.,* a generator or a recognized trader located separate from the site initiating the shipment) may, in lieu of using a paper manifest form, use an electronic manifest to track the export shipment within the United States. These electronic manifests are considered the legal equivalent of paper manifests signed with conventional ink signatures.

Therefore, per § 262.83(c)(4), an exporter who elects to use an electronic manifest and continuation sheet for an export shipment, must complete, sign, and submit the manifest and continuation sheet electronically in the e-Manifest system for the waste shipment within 30 days of receipt of the electronic manifest signed by the last transporter who carried the export shipment to a U.S. seaport for loading onto an international carrier or to a U.S. road or rail port of exit.

Revised § 262.83(c)(4) also provides an exporter the same options as a U.S. receiving facility to submit the original paper manifests to the system. Per § 265.71(a)(2)(v)(B), if the waste shipment was transported within and then exited the U.S. under a paper manifest and continuation sheet, the exporter must submit images of the paper forms, or uploaded data plus images of the paper forms. EPA notes that exporters may also use hybrid manifests to track export shipments under this final rule. If an export shipment was initiated by the initial transporter under a hybrid manifest in accordance with § 262.24(c), then an exporter must complete and sign that manifest electronically in the system.

To submit export manifests (whether paper or electronic manifests are used) to the system, exporters will need a registered user with at least Certifier level permissions in the e-Manifest module (a permission level that requires identity proofing and an electronic signature agreement). Exporters may also register users to view their manifest records in the e-Manifest system. Such viewer-only users of the e-Manifest system are only required to obtain Viewer level permissions (or equivalent) to access the manifests for their site.

Pursuant to the new provisions under paragraph (c)(4), an exporter must pay the requisite use fee for manifest submissions. The fee provisions of the electronic hazardous waste manifest program are codified under part 265, subpart FF (§§ 265.1300, 265.1311, 265.1312, 265.1313, 265.1314, 265.1315, and 265.1316). EPA finalized these provisions in the User Fee Final Rule (83 FR 420, January 3, 2018) and utilizes them for domestic receiving facilities of hazardous waste and other Federal or State regulated wastes. Currently, EPA sets user fees based on the Highly Differentiated Fee Formula (§§ 264.1312(b) and 265.1312(b)). EPA refreshes its user fees every two years based on the manifest usage projections and processing costs for each manifest type.

Exporters of a waste shipment subject to the manifest requirements must make payments to EPA for manifest activities conducted during the prior month per § 265.1314. Under § 265.1311, EPA will impose a per manifest fee for each manifest submitted to the system based on the mode of submission (data upload, image file upload, or electronic). Exporters will receive an electronic invoice or bill displaying their manifest activity during the prior month and must make payments in full within 30 days from the date of the invoice. Exporters must submit electronic payments to the U.S. Department of Treasury through the e-Manifest system using one of the acceptable electronic payment options, which include commercial credit cards, commercial debit cards, and Automated Clearinghouse (ACH) debits. An exporter's Site Managers will be able to receive and pay invoices for their site(s). These invoices cannot be forwarded to or paid by someone other than a Site Manager. Therefore, exporters must

register a user(s) for the e-Manifest module within the RCRAInfo Industry Application with the Site Manager permission level to submit payment. Further information regarding e-Manifest user fees and payment information is discussed on EPA's ''User Fees/Payments'' web page.[2] Per the late fee and collection provisions at § 265.1315, exporters who do not pay their invoices in full and on time will be charged late fees. Late fees begin to accrue for bills not paid in full within 30 days from the date of the invoice. The fees include a penalty (currently 1% annualized of the billable invoice total) and a handling charge (currently $15) for each month the bill is unpaid. A one-time increase of this penalty is charged if a bill is not paid four months after the invoice has been issued; currently this charge is a one-time increase of the penalty to 6%. After four months, the unpaid invoice is forwarded to the U.S. Treasury Department for collection and further action. Per § 265.1316, exporters can dispute an invoice using the informal dispute process, if they believe an invoice to be in error (*e.g.,* the invoice does not accurately describe the numbers of manifests submitted in the prior billing period, the types of manifests (paper vs. electronic) submitted in the prior billing period, or, because the invoice appears to have made a mathematical error in generating the amount of fees due under the invoice).

Regarding the proposed changes to the transporter provisions under § 263.20(g)(3) and (4), this final rule finalizes the proposed changes but finalizes them with slight modifications. Specifically, this final rule revises the proposed paragraph (g)(3) slightly to reflect the fact that EPA will not implement the new hazardous waste export requirements under § 262.83(c)(4) until December 1, 2025. As a result, EPA will finalize the proposed paragraph (g)(3) with a slight modification to reflect that a transporter must submit the manifest and continuation sheet to the generator (and not to the exporter) until December 1, 2025. This proposed paragraph (g)(3) has also been revised to no longer apply on December 1, 2025 (and thus will end through November 30, 2025). Starting on December 1, 2025, revised paragraph (g)(4) will apply, at which time the transporter must submit the manifest and continuation sheet to the exporter.

EPA appreciates the commenter's suggestion that EPA establish a new requirement making the foreign facility return the manifest to the exporter and accepts the commenter's claim that foreign facilities generally return completed manifests along with the movement document. EPA, however, is not persuaded to establish the new requirement for a few reasons. First, EPA believes this approach is common practice if the foreign transporter hauls the hazardous waste out of the U.S. to a foreign facility located in Canada or Mexico via road or rail border crossing. However, EPA notes that waste exported to foreign facilities in Asia or Europe generally are transported by an international carrier. In such instances, the transporter delivers export shipments to a seaport for loading onto an international carrier and leaves the export manifest at the seaport. Therefore, in this instance, the foreign facility could not return the manifest to the exporter. Second, EPA explained in the NPRM that foreign entities have posed regulatory challenges including challenges verifying the identity of foreign users for electronic signatures as the current e-signature methods are designed to be used in the United States.[3] Third, EPA also points out that the Agency did not provide notice and opportunity to comment on this approach in the NPRM.

Therefore, this final rule modifies § 263.20(g)(3) to require that beginning on December 1, 2025, the last transporter (who transports the hazardous waste export shipment out of the U.S. via road or rail border crossing or delivers the export shipment to a seaport for loading onto an international carrier) must send a signed copy of the manifest and continuation sheet to the exporter, instead of the generator. EPA notes that beginning on December 1, 2025, transporters will be able to use electronic manifests in lieu of paper manifests to transport RCRA-manifested waste shipments out of the U.S. in accordance with § 263.20(a)(4). Transporters would need to obtain a RCRAInfo Industry Application account to access and use the e-Manifest system.

This final rule also removes the current transporter requirement under § 263.20(g)(4)(i). As explained in the NPRM, transporters are not best suited for submitting the export manifest to the system and paying the requisite processing fee based on the above modification to § 263.20(g)(3).[4]

2. Changes to Manifest Form and Continuation Sheet and Manifest Requirements for Hazardous Waste Export and/or Import Shipments

EPA proposed a few changes to the manifest form and manifest continuation sheet to align the forms with the proposals to capture export manifests in the e-Manifest system and to better track hazardous waste export and import shipments using the manifest forms. As mentioned previously, EPA proposed exporters submit the manifest to EPA's e-Manifest system and pay the appropriate per manifest fee to EPA for each export manifest submitted to the e-Manifest system. The existing manifest requirements under § 262.83(c) require a hazardous waste exporter comply with the manifest requirements at §§ 262.20 through 262.23 which require the exporter use the manifest—and if necessary, the manifest continuation sheet—when exporting hazardous waste out of the U.S. Generally, the current manifest form does not provide adequate space to provide the exporter's EPA ID Number on the manifest unless the exporter is the generator or the site from where the export manifest is initiated. In such instances, the manifest instructions require the exporter to list its EPA ID number in Item 1 of the manifest and its name, mailing address, and phone number is Item 5. However, if the exporter is a recognized trader located separate from the site initiating the export shipment, then while the exporter must ensure that the items noted above are recorded on the manifest, Item 1 and Item 5 will reflect the generator or shipping site's information rather than the exporter's information. An exporter's EPA ID number is needed to ensure that the exporter can use electronic manifests, upload paper manifests to its site account in the system, track its manifest activity (for both electronic and paper manifests) in the system, and receive accurate invoices for each billing cycle.

Regarding other manifest form changes, currently, § 262.83(c)(2) requires the exporter to check the export box and enter the U.S. port of exit (city and State) from which the hazardous waste export shipment exits the U.S. In addition, § 262.83(c)(3) requires hazardous waste exporters to list the consent numbers for each waste stream entered in Item 9b, the U.S. Department of Transportation (DOT) shipping description, on the export manifest. Similarly, §§ 264.71(a)(3)(i) and 265.71(a)(3)(i) require domestic receiving facilities list the consent numbers on import manifests.

[2] *https://www.epa.gov/e-manifest/e-manifest-user-fees-and-payment-information#upcoming.*

[3] Ibid.

[4] 87 FR 19290; April 1, 2022. See page 19298.

Currently, these consent numbers are recorded generally in Item 14 ''Special Handling Instructions and Additional Information'' on the paper manifest form due to the lack of dedicated fields for listing such numbers. This is problematic for data key entry of manifest data from paper manifests because consent numbers typically are not listed clearly in Item 14 and often are grouped together with other manifest information. As a result, it can be difficult for the paper processing center (PPC) to match the relevant consent numbers with the correct waste streams. The addition of a separate data field to the paper and electronic manifests for consent numbers would facilitate the electronic upload or manual data entry of data from paper export and import manifests as the manifest would more clearly list the consent number for each waste stream. The additional field would also facilitate the retrieval of export and import manifest data from the e-Manifest system for all manifested hazardous waste export and import shipments.

What EPA Proposed on This Issue

EPA proposed changes to the manifest forms, manifest instructions, and the hazardous waste manifest requirements corresponding to completion of the manifest forms for international shipments. Regarding proposed changes to the manifest forms, EPA proposed and/or requested comment on several changes to the manifest form and continuation sheet related to hazardous waste international shipments in a February 2019 **Federal Register** notice and more recently in the April 2022 NPRM. First, EPA proposed to add a new data field on the paper and electronic manifest so hazardous waste stream consent numbers can be recorded in a separate, distinct field on a manifest.[5] Second, EPA requested comment in the February 2019 FRN whether the Agency should add space to the International Shipment field (Item 16) on the paper manifest to accommodate the consent numbers corresponding to each of the waste streams listed in Item 9 of the manifest.[6] Finally, as a second option, EPA requested comment on whether the Agency should revise the manifest continuation sheet so that the International Shipment Field is removed from the paper manifest and appears instead on the manifest continuation sheet with an expanded area that is able to more easily accommodate four 12-digit consent numbers and the primary exporter's EPA ID number, if the exporter is not the generator or is a recognized trader located separate from the site initiating the export shipment.[7] The February 2019 FR explained in both options, the exporter would enter its EPA ID Number in Item 1 and its name and address on the left side of Item 5 and supply the name and address of the generator site on the right side of Item 5, if not the same as the primary exporter.

Lastly, EPA discussed whether the Agency should modify the instructions under both options to clarify that the exporter must enter its EPA ID number in a separate new data field so that the generator site's EPA ID number is retained in Item 1 of the manifest.

Except for the alternative option regarding designating a new, distinct field in Item 16 of the manifest to accommodate the recording of consent numbers in it, EPA requested comment in the NPRM seeking further input on the addition of new fields for consent numbers and the exporter's EPA ID Number on the manifest continuation sheet and proposed re-designating Item 16 on the manifest continuation sheet as Items 33a and 33b on the continuation sheet. In addition, EPA proposed to add an email address to the International Shipments field. EPA explained in the proposed rule that if these proposed form changes are finalized, then EPA also would revise the current manifest instructions for completing the International Shipments field to reflect these new changes.

Regarding changes to the hazardous waste export requirements corresponding to the proposed manifest form revisions, EPA proposed conforming changes under § 262.83(c)(2) and (3) as follows:

- Moving the existing requirements under paragraph (c)(2) to new paragraphs (c)(2)(i) and (iii). Provisions (c)(2)(i) and (iii) would continue to require the exporter to check the export box and enter the U.S. port of exit (city and State) from the United States, respectively, on the manifest. However, this information would be entered in the new International Shipments Field (Item 33a) of the proposed Continuation Sheet.
- Revising (c)(2) to reflect the new requirement that exporters must complete both the manifest and the International Shipment Field of the new manifest continuation sheet for export shipments.
- Adding a new paragraph (c)(2)(ii) to require that the exporter enter its EPA ID number, if the exporter is not identified in Item 5 of the manifest (EPA Form 8700–22) for the export shipment, and email address in the new email address field in Item 33a of the Continuation Sheet.
- Noting that the requirement under the existing manifest instruction for the final transporter to sign the manifest on the date the waste departs the country would be removed.
- Moving the existing paragraph (c)(3) to new paragraph (c)(2)(iv) and revising it to require that the exporter list each consent number from the Acknowledgment of Consent (AOC) for each waste stream recorded on the manifest form(s) in the new designated field of the International Shipment Field (Item 33b) of the Continuation Sheet. EPA also proposed to move the existing requirement under § 262.83(c)(4) to paragraph (c)(3). This requirement indicates that exporters may be able to obtain paper manifest forms from any source that is registered with the U.S. EPA as a supplier of manifests (*e.g.,* States, waste handlers, and/or commercial forms printers).

Description of Public Comments

Commenters strongly supported the proposed manifest form changes related to export and import hazardous waste shipments. EPA did not receive adverse comment regarding moving the International Shipment field (Item 16) from the manifest to the continuation sheet and adding new fields for the consent number and exporter's EPA ID Number and email address to the International Shipments field. Some of these commenters reasoned that moving Item 16 (International Shipments field) from the manifest to the continuation sheet would be much clearer and easier for the regulated community and noted that one field (*i.e.,* Item 5) would not be used for two different sets of required information (information for waste generator and information for the waste exporter).

One commenter suggested collecting all the export information, including the exporter name and address in Item 5, on the manifest continuation sheet, rather than having it on both the manifest and continuation sheet. The commenter reasoned that using Item 5 to collect two distinct types of information (*i.e.,* generator and exporter name and address) would create confusion for manifest users. This commenter also stated that a clearly defined area for the collection of exporter information is their preferred option. Finally, this commenter recommended that, for

[5] 84 FR 2854; February 9, 2019. See pages 2855–2856.

[6] 84 FR 2854; February 9, 2019. See page 2856.

[7] Ibid.

imports, the instructions for the manifest form and continuation sheet should include the importer's requirements for Items 1 and 5 of EPA Form 8700–22 that are relevant to § 262.84(c)(1)(i). This commenter stated that for hazardous waste shipments entering the U.S., the manifest regulations for importers are similar to the requirements for exporters. The importer must also comply with manifest requirements at §§ 262.20 through 262.23, and the importer is considered the RCRA generator whose EPA ID Number will be entered in Item 1. Additionally, the importer's information must be entered in Item 5, except that the importer must enter the name and site address of the foreign facility on the right side of Item 5 of the manifest in lieu of entering its physical site address. The importer must also enter the name, site address, and EPA ID Number of the domestic designated facility in Item 8 of the manifest. If the domestic designated facility is also the importer, then its information would be entered in both locations on the manifest.

Discussion of Final Form Changes and Corresponding Manifest Requirements

Commenters strongly supported the proposed changes to the manifest forms, instructions, and the manifest requirements for export shipments, and EPA did not receive adverse comment to the proposals. Therefore, EPA is finalizing the proposed changes to the manifest forms and instructions. EPA is also finalizing the proposed conforming changes to the previous hazardous waste export requirements under § 262.83(c) but with slight modification. EPA accepts one commenter's suggestion that EPA should not require the exporter to enter its name and site address on the left side of Item 5 and the generator's information on the right side of Item 5. EPA agrees with the commenter's suggestion that a clearly defined area on the manifest continuation sheet for the collection of exporter information is a better approach than entering it on the right side of Item 5. However, like the manifest form, the manifest continuation sheet is a one-page paper form that is already full of many data elements, and thus it does not have adequate space left for the addition of exporter information normally recorded in Item 5 of the manifest (*i.e.,* the exporter's name, mailing address, and phone number).

Therefore, in establishing a clearly defined area for exporter information, this final rule removes the International Shipments field (Item 16) from the manifest form, re-designates it as Items 33a and 33b on the continuation sheet and adds new fields for consent numbers and the exporter's EPA Identification (ID) Number to the International Shipments field. EPA is also revising the current manifest instructions for completing the International Shipments field to reflect these new changes. Under the new manifest form and manifest continuation sheet, if the exporter is the generator or is the site from where the export manifest is initiated, then the exporter must record its information—name, address, and phone number—in Items 1 and 5 of the manifest form. Such exporters are not required to provide its EPA ID number on the manifest continuation sheet. However, if the exporter is a recognized trader located separate from the site initiating the export shipment, then the exporter must enter its EPA ID number in the new exporter EPA ID space in the International Shipment field (Item 33a) of the manifest continuation sheet. However, such exporters will not be required to enter their name, mailing address, and telephone number in Item 33a. EPA notes that exporters must submit an export notification and the AOC associated with the manifested export shipment to the Waste Import Export Tracking System (WIETS) module in the RCRAInfo application. The consent numbers recorded on the manifest are linked to the AOC document in WIETS. Since exporters must register and obtain an account in the RCRAInfo for access to both the e-Manifest and WIETS modules, EPA will obtain the name, mailing address, and telephone number of the recognized trader from the AOC using the consent numbers recorded on the manifest. For Item 33a, the exporter must check the box indicating an export shipment and enter the port of exit (city and State) from the U.S. In addition, if located separate from the site initiating the shipment, then the exporter must enter its EPA ID Number in this field.

EPA is not finalizing the proposed form change to add an exporter email address field in Item 33a of the Continuation Sheet. In addition, EPA is not finalizing the removal of the requirement under the existing manifest instruction for the final transporter to sign the manifest on the date the waste departs the country. EPA has decided that these form changes are not needed. Thus, in this final rule, the final transporter must sign and date Item 33a to indicate the day the shipment left the U.S. via a road or rail border crossing or the date the shipment was delivered to a seaport of exit for loading onto an international carrier. The exporter will not be required to record its email address in Item 33a. For import shipments, the importer must check the box indicating an import shipment and enter the port of entry (city and State) into the U.S. in new Item 33a of the continuation sheet. For Item 33b, destination facilities of import shipments and exporters must record the consent numbers on the manifest for each waste stream listed in Items 9b and 27b of the manifest and continuation sheet.

However, based on the Agency's final decision not to include the generator email address field on the manifest, EPA is not finalizing the proposed requirement that exporters must enter their email address in the International Shipment Field (Item 33a) of the manifest continuation sheet. Finally, EPA accepts the one commenter's recommendation about revising the manifest instructions of Items 1 and 5 of the manifest form for hazardous waste import shipments. EPA agrees that the manifest instructions for these fields should align with the existing importer requirement at § 262.84(c)(1)(i) and has revised the manifest instructions accordingly.

3. Other Changes to Manifest Requirements for Hazardous Waste International Shipments

EPA is finalizing its proposal to remove the requirement in § 262.84(c)(4) that the importer must provide an additional copy of the manifest to the transporter to be submitted by the receiving facility to EPA. EPA explained in the proposed rule that this additional copy of the manifest is no longer necessary because the receiving facility is now required to always submit the top copy of the paper manifest and any continuation sheets to the e-Manifest system. EPA did not receive adverse comment to this proposal.

C. Removal of Requirement for Receiving Facility To Return Final Copy of Manifest to Unregistered Generators

4. What EPA Proposed on This Issue: Mailing Back Final Copies of Manifests

EPA proposed to revise §§ 264.71(a)(2)(iv) and 265.71(a)(2)(iv) so that, rather than mailing generator copies of completed manifests (Page 2) to generators, receiving facilities would only need to submit the top copies (Page 1) of manifests to the e-Manifest system. Generators would thus receive their completed manifests directly from the e-Manifest system via email, or they

would access them directly in the e-Manifest system.

EPA proposed to add an email address field to Item 5 of the generator block of the paper manifest (*i.e.,* the Generator's Name and Mailing Address block). This would allow the e-Manifest system to send automated emails to unregistered generators containing copies of completed paper manifests in lieu of receiving facilities having to mail final copies back to generators. Thus, generators who track their wastes using a paper manifest or a hybrid manifest but are not registered for the e-Manifest system would be required to record an email address in the email address field. The e-Manifest system would also send automated emails alerting generators about manifests from receiving facilities that are late (Exceptions), and when materials received by the facility designated on the manifest do not match with the quantities or types of materials indicated as being shipped by generators (Discrepancies). (See sections II.D and II.E, respectively, for further details).

To ensure that the automated email is not undelivered or left unnoticed or unopened, EPA proposed to require the generator to enter an email address associated with the company site and shared among site employees who are directly, or indirectly, involved with arranging the waste shipment for off-site transportation, or who have day-to-day responsibilities of the site's operations. In addition, the system-generated email to the generator would also provide a link to EPA's e-Manifest user registration web page and encourage the generator to register at least two Site Managers in RCRAInfo to access their manifests in the e-Manifest system.

EPA also requested comment on an alternative option to the proposed email approach. Under the alternative option, EPA would mandate that generators register for access to the e-Manifest system so that generators could receive completed manifests in their registered accounts in e-Manifest rather than from system-generated emails. Under the alternative approach, EPA would not need to collect generator email addresses on the manifest form because individual personnel for the generator would be providing a verifiable email address upon registration. Registered generators would then access final copies of manifests from e-Manifest and receive notification emails from e-Manifest regarding their sites' recent manifest activity. Finally, under this alternative approach, as with the proposed approach, receiving facilities would not be required to mail hard copies of manifests to generators as all generators would be required to register in the system and have access to their manifests.

Finally, EPA proposed conforming changes to requirements for printing paper manifests at § 262.21(f)(6). The printing distribution of the five-copy form is as follows:

Page 1 (top copy): ''Designated facility to EPA's e-Manifest system;'';

Page 2: ''Designated facility to generator;'';

Page 3: ''Designated facility copy;'';

Page 4: ''Transporter copy;''; and,

Page 5 (bottom copy): ''Generator's initial copy.''

Under EPA's proposal, Page 2 (Designated facility to generator) would no longer be needed and thus would be removed from the five-copy set of forms. As a result, the proposed rule would create a new four-copy form as follows:

Page 1 (top copy): ''Designated facility to EPA's e-Manifest system;'';

Page 2: ''Designated facility copy;'';

Page 3: ''Transporter copy;''; and

Page 4 (bottom copy): ''Generator's initial copy.''

EPA also requested comment on removing Page 3 (Designated facility copy) from the manifest form and continuation sheet since submission of paper manifests to the e-Manifest system via postal mail are no longer permissible. The manifest form could then be a new three-copy form as follows:

Page 1 (top copy): ''Designated facility to EPA's e-Manifest system;''

Page 2: ''Transporter facility copy;'' and

Page 3: (bottom copy): ''Generator's initial copy.''

5. Description of Public Comments: Mailing Back Final Copies of Manifests

Commenters supported the removal of the requirement that receiving facilities mail paper manifests to generators. One commenter stated that removing the existing requirement that receiving facilities mail paper manifests to the generators would improve e-Manifest functionality by allowing generators to receive final manifest copies from the system, rather than continuing to impose costs on receiving facilities to mail or email paper manifest copies back to their customers. Another commenter stated that this proposal would facilitate lowering receiving facilities' burden by allowing the elimination of any need to mail or otherwise return final signed manifest copies to generators.

Most commenters supported EPA's proposed approach to add a new generator email address field to the manifest form; however, some expressed concerns about the part of the proposal in which the e-Manifest system would email copies of completed paper manifests to the generator's email address. One commenter stated that the collection of a generator email address on manifest forms is beneficial as it creates another avenue for ensuring generator receipt of final manifest copies via the e-Manifest system, assists generators with accessing these forms electronically, and reinforces the electronic copy as the primary source of information for all parties involved. Another commenter wrote that requiring an email address to be entered each time a generator initiates a shipment of hazardous waste would be a *de minimis* burden on generators and result in a significant benefit for both the regulated generators and relevant regulatory agencies alike.

Some commenters expressed concerns about requiring generators to use an email address, including allowing generators to use a shared email box associated with the company site, as an option for completing the generator email address field citing that there is a possibility that email addresses could be entered on the manifest or into the e-Manifest system incorrectly, leading to manifests being sent to the wrong entity or sent to email addresses that do not exist. One commenter indicated that hand-written email addresses on paper manifests can be of poor quality and may result in frequent errors when uploaded to the e-Manifest system and that generator personnel may not know the correct email address to write on the manifest. A few opposing commenters stated that providing copies of the final manifests directly to generators without requiring them to register for e-Manifest will run directly counter to EPA's goal of increasing the adoption of e-Manifest by the regulated community. These commenters further stated if copies of the manifests are provided directly to generators, then it will remove the main incentive for generators to register for e-Manifest.

Several commenters supported EPA's alternative option that would mandate that generators register with the e-Manifest system. One commenter stated that requiring all generators (including very small quantity generators (VSQGs)) to register in the e-Manifest system would aid in finding and evaluating manifests for a particular generator. The commenter also stated that doing so would make it easier to use the data in the e-Manifest system to replace State systems used for generator reporting.

One commenter who supported the idea of requiring all generators to register with the e-Manifest system

indicated that it had some concerns with the option because: (1) It would require VSQGs to have EPA ID Numbers, which is a major departure from the current Federal program that extends beyond the scope of e-Manifest, and (2) the description of how it would work seems to be inconsistent with the RCRAInfo Industry Application's user account requirement. RCRAInfo restricts user accounts to one person; a registered account cannot be shared or transferred. One supporting commenter stated that, if EPA decides to not require generators to register with e-Manifest, then a very simple method should be developed for unregistered generators to view their manifests. This commenter described providing generators 'one-button' access to their manifests, such as a web page that functions much like checking into an airline reservation. This website would request simple information, such as the manifest number, generator ID number, and/or zip code, to allow the generator to see the completed manifest. If the generator wanted to do more than simply see the manifest, then the website can direct the generator to register for e-Manifest.

One commenter stated that they oppose any element of the proposed rule that would require generators (whether under the RCRA or TSCA PCB program) to register and obtain an account in the e-Manifest system. This commenter indicated that this does not address the fundamental concern that waste handlers, particularly generators, are not able to universally adopt the e-Manifest program and thus should not be compelled to do so under any final rule.

One commenter supported elimination of only the designated facility copy (Page 3) of the manifest forms, but most commenters supported elimination of both the designated facility to generator copy (Page 2) and the designated facility copy (Page 3). One commenter stated that it makes sense to eliminate the designated facility copy of the manifest form because designated facilities who want to keep a paper copy can (and should) keep the top copy (Page 1), which is the copy scanned and uploaded to the e-Manifest system. This commenter stated that it is good business practice to keep this paper copy (Page 1) in case there is any problem with the data upload and/or scan and upload of the PDF.

One commenter supported removal of the designated facility copy of the manifest forms urging EPA to adopt a 3-page form that eliminates the copy sent by the receiving facility to the generator (Page 2), as well as the designated facility copy (Page 3). This commenter stated that the generator copy is not needed because EPA intends to revise the regulations to remove the requirement that receiving facilities mail a paper copy back to the generator, and instead would provide generators with electronic access to all completed manifests. Further, receiving facilities do not need the designated facility copy which is routinely discarded when the image copy of the final manifest is uploaded to the e-Manifest database. The receiving facility only needs the top copy to submit the image file to the system, and that data file is then the manifest of record.

A few commenters who supported electronic manifest adoption favored removal of the generator and designated facility copy of the manifest form. One commenter stated that removal of the generator and designated facility copies (Pages 2 and 3, respectively) of the paper manifest is sound and will further encourage generators to use the e-Manifest system. This commenter also stated removing these obsolete pages reduces the administrative costs of managing the paper pages and reduces the costs and paper material resources associated with printing manifests. Furthermore, removing these obsolete pages in no way impedes the usability of the paper manifest nor impacts hazard communication. Another supporting commenter stated that the removal of manifest copy Pages 2 and 3 is logical and justified by EPA's proposal to make manifest final copies available electronically in the e-Manifest system. Further, this paper copy reduction would continue to incentivize e-Manifest adoption due to the ease of accessing manifest copies electronically, as well as a presumption that final manifest copies would likely be available for viewing sooner than by current methods. Finally, one commenter indicated that beyond the reduction in printing burden, unnecessary paperwork, and simplicity, each sufficient reasons on their own for making this change, reducing the copies in a multi-part 'carbon copy' form consistently results in increased transfer and legibility of handwritten and even impact-printed information on sheets below the top.

In addition to comments discussed above, EPA received recommendations on the following issues:

• *Recordkeeping of original paper manifest.* One commenter stated that, considering the massive data quality problems that state regulators have documented, EPA should take into account adding a regulatory requirement for receiving facilities to retain the original paper manifest for three years. If generators receive completed manifests only by email or through the e-Manifest system, it will be even more important for receiving facilities to be required to retain the original paper manifest to deal with any data errors or other manifest corrections because they will be the only party with access to the original.

• *Arrangements between receiving facilities and generators that have unreliable internet connection.* One commenter stated that generators without on-site internet can plan to visit a nearby facility that has internet, such as a local business, municipal building, or community library.

• *Burden and costs to waste handlers.* Three State commenters provided comment on the proposal's burden impact. One State commenter stated that the proposed changes would provide a process efficiency and cost savings for the receiving facility. Another State commenter stated that the receiving facility's burden of providing a manifest copy to generators would be exchanged for a large burden on generators (to figure out how to properly set up individual user accounts from a very confusing starting point of being required to provide a shared email address that cannot be used to set up those accounts) and on State regulators (to help generators navigate the account setup problem to handle assigning EPA ID Numbers to VSQGs) or at the expense of EPA's ability to incentivize generators to register for the e-Manifest system. Finally, one State commenter stated that elimination of Pages 2 and 3 of the manifest form would facilitate lowering receiving facilities' burden by allowing the elimination of any need to mail or otherwise return final signed manifest copies to generators.

1. Background: Mailing Back Final Copies of Manifests

The current manifest requirements under §§ 264.71(a)(2)(iv) and 265.71(a)(2)(iv) require permitted and interim status treatment and storage facilities to mail final copies of paper manifests to generators if those generators do not yet have access (*i.e.,* are not registered) to view their final manifests in the e-Manifest system.[8] In

[8] Currently, §§ 264.71(a)(2)(iv) and 265.71(a)(2)(iv) can be satisfied if a generator initiates the manifest electronically in the e-Manifest system and thus will automatically receive the completed electronic manifest in its account once the designated facility electronically signs and submits the electronic manifest in the system. Generators who elect to use paper or hybrid manifests to track their hazardous waste may also register with the e-Manifest system and use their e-Manifest account to store and retrieve scanned copies of paper manifests in the system. In such

the NPRM, EPA cited that the e-Manifest Advisory Board stated in their 2019 meeting and reiterated in their 2020 meeting that the inability or reluctance of generators to register in the e-Manifest system has caused lasting burden to receiving facilities because they must continue to incur the cost of mailing paper manifest copies to generators, in addition to submitting copies to EPA's e-Manifest system. To mitigate this problem, the Advisory Board recommended that EPA: (1) Mandate generators register for access to the e-Manifest system, and (2) design the system to generate automated emails that could notify and encourage generators to register for e-Manifest so that they can access their completed manifests in the system. The Advisory Board asserted automated email notifications could eliminate the need of receiving facilities to mail paper copies of manifests to generators and could incentivize generators to register in the e-Manifest system for access to initiate fully electronic manifests or to view uploaded images of their paper manifests if they continue to track their shipments using paper. EPA accepts the Advisory Board's recommendations and considered proposals and requested comment on approaches in the NPRM that could reduce receiving facilities' burden and possibly increase electronic manifest adoption. The sections below detail the options considered in the NPRM.

2. Discussion of Final Rule: Mailing Back Final Copies of Manifests

EPA appreciates the numerous comments favoring the removal of the existing requirement under §§ 264.71(a) and 265.71(a) that receiving facilities must mail the completed manifests to generators. EPA agrees with comments asserting that removal of the existing paragraph (a)(2)(iv) of these sections would improve e-Manifest functionality by allowing generators to receive final manifest copies from the system. Therefore, this final rule removes the existing final copy transmittal requirements at §§ 264.71(a)(2)(iv) and 265.71(a)(2)(iv) for designated receiving facilities and commercial storage and disposal facilities, respectively, to send paper copies of manifests to the generator.

EPA is also making conforming changes to the manifest discrepancy requirements for hazardous waste rejected shipments and container residues at §§ 264.72 and 265.72. EPA overlooked proposing changes in the NPRM for paragraph (g) of those sections. These manifest discrepancy regulations require a receiving facility to send signed copies of amended manifests for rejected waste or container residues to the generator or transporter, if a facility rejects a waste—or identifies a container residue that exceeds the quantity limits for ''empty'' containers set forth in § 261.7—after it has signed, dated, and returned a copy of the manifest to the delivering transporter or to the generator. This final rule makes conforming changes to §§ 264.72(g) and 265.72(g) so that these sections are consistent with EPA's decision to finalize the proposed changes to paragraph (a)(2)(iv) under §§ 264.71 and 265.71. The final rule also revises paragraph (g) to clarify that facilities must continue to send hazardous waste transporters amended copies of manifests for rejected waste shipments or container residues unless the transporter is registered with EPA's e-Manifest system. Registered transporters may obtain the signed and dated copy of an amended completed manifests from the EPA e-Manifest system in lieu of receiving the manifest through U.S. postal mail.

In this final rule, the Agency is not finalizing its proposal to use generator email addresses collected on paper manifests to send completed copies of manifests to generators. Rather, in § 262.20(a), EPA is requiring large and small quantity generators (LQGs and SQGs) to register for the e-Manifest module in the RCRAInfo Industry Application to access completed copies of manifests.

EPA is not requiring VSQG and PCB generators to register for the e-Manifest module. VSQGs are generally exempt from the Federal manifest requirements and the EPA identification numbers and re-notification requirements, provided certain conditions described in § 262.14 are met. EPA notes, however, a few RCRA authorized States administer their hazardous waste programs more stringently than the Federal program; thus, these States require VSQGs use manifests and obtain EPA ID numbers. PCB generators are required to use manifests under Federal law but are not required to obtain EPA ID numbers. If the VSQG or PCB generator has a registered user, receiving facilities may use the e-Manifest system to send completed copies in lieu of sending completed manifest copies via postal mail. Otherwise, receiving facilities must continue to send completed manifests copies to unregistered VSQGs and PCB generators via postal mail. However, EPA notes that VSQGs and PCB generators can voluntarily register with e-Manifest. VSQG and PCB generators that have registered with e-Manifest can use their e-Manifest account to store and retrieve their completed manifest copies from the EPA e-Manifest system; thus, receiving facilities would not be required to send completed manifest copies to registered VSQG and PCB generators via postal mail.

EPA is not removing Page 2 (''Designated Facility to Generator'' Copy) of the manifest forms in this final rule because VSQGs and PCB generators who elect to not register with e-Manifest must continue to receive Page 2 of the manifest form or manifest continuation sheet to verify shipment receipt by the designated facility. EPA is, however, removing Page 3 (''Designated Facility'' Copy) in § 262.21(f)(6) as this copy is redundant with the top copy that can be retained by the receiving facility, if needed.

EPA's decision not to implement its proposed approach to use generator email addresses collected on paper manifests to send completed copies of manifests to generators is based on two factors. First, EPA is persuaded by several State and/or industry commenters asserting use of a recorded email address on the paper manifest may cause completed manifests to be misdirected or undelivered due to incorrect entry of the email addresses. Further, illegible handwritten email addresses recorded on manifests may prevent the EPA's paper processing center (PPC) from processing this recorded data properly in the system. Thus, causal effects of the generators' inability to verify receipt of their waste by the designated receiving facility may result in generators overreporting unverified shipments via exception reporting. Second, EPA accepts and agrees with opposing State commenters' viewpoint that providing copies of the final manifests directly to generators without requiring them to register for e-Manifest will disincentivize generators to register for e-Manifest, thus reducing the likelihood or delaying the transition to electronic manifest adoption in the future.

In lieu of its proposed approach, EPA is instead implementing its alternative approach in the NPRM to require LGQs and SQGs to register for e-Manifest. EPA is revising § 262.20(a)(1) to reflect that LQGs and SQGs must obtain their manifests from the e-Manifest system rather than receive them from designated receiving facilities identified in Item 8 of manifests. The final rule also revises paragraph (a)(2) to indicate

instances, the generator will receive a scanned copy of the completed manifest in its account once the designated facility uploads the top copy (Page 1) of the paper manifest in the e-Manifest system.

that LQGs and SQGs, transporters, and receiving facilities must electronically submit manifest data corrections for their manifest records if they receive correction notifications from EPA or States requesting that manifest records must be corrected. The new post-receipt manifest data correction requirements for generators are discussed in preamble section II.H.4.

To obtain completed and signed manifests in the e-Manifest system, generators need to register personnel to access the manifest records for their site. EPA recommends that each generator site register at least two employees as Site Managers. The ''Site Manager'' permission level enables LQGs and SQGs to verify shipment receipts per § 262.42(a)(1) and (b), respectively, as well as satisfy the other electronic exception reporting and other mandatory reporting requirements (*i.e.,* post-receipt manifest data corrections) established in this final rule. Generators should also designate a limited number of personnel with only ''Viewer'' permission levels in the e-Manifest module. Unlike the Site Manager permission level, persons with ''Viewer'' permissions would be restricted to only accessing manifests in their registered accounts to verify that shipments arrived at designated facilities.[9] In other words, the ''Viewer'' permission level would ensure LQGs and SQGs can verify shipment receipts by the receiving facility but would not afford them the ability to prepare and submit electronic Exception Reports (whether for electronic or paper manifests) in the event that a shipment cannot be verified. LQGs and SQGs must still verify receipt of their shipments by the designated receiving facilities per the exception reporting requirements under § 262.42.[10]

As mentioned previously, the EPA is not requiring registration for VSQGs and PCB generators who are required under Federal or State law to track their hazardous waste or PCB wastes, respectively, under a manifest. The EPA agrees with one commenter's claim that mandating all generators to register for access to their manifests in e-Manifest would also require VSQGs and PCB generators to obtain EPA ID numbers; these generators are not currently required to obtain EPA ID numbers, and they would not be able to access manifests for their site without one. VSQGs and PCB generators without EPA ID numbers generally record the generic identification number ''VSQG,'' or ''CESQG,'' or ''40 CFR PART 761'' on paper or hybrid electronic manifests, but this identification number is not suitable for locating manifests within e-Manifest for a specific site. The EPA accepts the commenter's concern that such a requirement is a major departure from the current Federal program and extends beyond the scope of e-Manifest.

Since VSQGs and PCB generators currently are not federally required to obtain EPA ID numbers, and the EPA has not provided VSQGs nor PCB generators adequate notice and opportunity to comment on a new notification requirement to obtain EPA ID numbers for e-Manifest purposes, this final rule does not require VSQGs nor PCB generators to register in the system to monitor manifest activity for their site. As mentioned previously, this final rule removes the existing final copy transmittal requirements at §§ 264.71(a)(2)(iv) and 265.71(a)(2)(iv). However, the EPA is not removing the existing requirement at section § 761.213(a)(2)(iv) for designated receiving facilities and commercial storage and disposal facilities to send paper copies of manifests to PCB generators via postal mail; however, this final rule makes conforming changes to paragraph (a)(2)(iv) under § 761.213 for PCB manifest shipments. These Commercial storage and disposal facilities must continue to send signed and dated copies of (Page 2) of completed manifests and any continuation sheets to PCB generators who are exempt from obtaining an EPA ID number under the TSCA PCB manifest regulations. The changes also clarify that commercial storage and disposal facilities would not be required to send completed manifests to a PCB generator if the generator is registered in the EPA's e-Manifest system.

Although the EPA is not requiring PCB generators register in the EPA's e-Manifest system, the EPA encourages those generators to register with e-Manifest so that receiving facilities and commercial storage and disposal facilities may transmit completed copies of manifests to them via the e-Manifest system. The EPA notes that while the final manifest return requirement is unchanged for VSQG and PCB generators, EPA may consider in a separate rulemaking whether to require them to obtain EPA ID numbers and thus register in the e-Manifest system so that their manifest records can be accessed in their registered system accounts.

The EPA is implementing the alternative approach to require LQGs and SQGs to register to receive completed manifests rather than implementing the proposed email option for several reasons. First, like the proposed email option, the alternate option ensures that LQGs and SQGs receive final manifest copies via the e-Manifest system, enables generators to access their manifests, and reinforces that images of paper manifests uploaded in the system are the primary source of information for all parties involved with the shipment. However, unlike the proposed option, completed manifests would not be misdirected or undelivered due to incorrect email addresses nor would paper manifest uploads be prevented due to illegible handwritten emails recorded on the manifests. In this final rule, LQGs and SQGs must register with the e-Manifest system and maintain an accurate email address in their registered accounts. Further, commenter's concerns regarding uncertainty of appropriate email use are unlikely under the alternative approach. Under the alternative approach, the generator companies' personnel who register in e-Manifest must use an individual email address to access their site's completed manifests in the system. The registered emails should not be shared with others. In other words, a person could not use a shared email address to register in the e-Manifest system. Thus, commenter's concerns regarding receipt of the completed copy under the proposed email option are improbable under the alternative approach.

Second, the EPA finds that mandating registration for LQGs and SQGs assists in implementing its final rule regarding integration of exception reporting in the e-Manifest system (see section II.D.4). Third, the EPA is persuaded by commenters' recommendation that entities (*e.g.,* generators and designated receiving facilities) on a paper manifest must correct errors to the manifests, if the EPA or States identify and require corrections. Generators must be registered in e-Manifest to make post-receipt corrections in the e-Manifest system; and thus, mandating registration for LQGs and SQGs enables implementation of this requirement.

Fourth, the EPA is not persuaded by commenters' concerns about this alternative approach. Some opposing commenters indicated that some generators do not have adequate internet connections to register in e-Manifest. The EPA believes it is nearly impossible to operate modern business in the U.S.—taking payments, reaching customers and/vendors, and otherwise

[9] Ibid.

[10] For explanations regarding how to register and the different permissions available to users of the e-Manifest system, please refer to the EPA's e-Manifest user registration web page; *https://www.epa.gov/e-manifest/e-manifest-user-registration.*

facilitating commerce—without internet service. The EPA accepts one industry commenter's recommendation that generators who do not have reliable internet connections or email accounts should plan to visit a nearby facility that has internet capabilities (*e.g.,* a local business, municipal building, or community library) to access their manifests in e-Manifest. In addition, the EPA notes that email accounts are free, easy to establish, and nearly universal for businesses and commercial enterprises. However, to the extent that there are actually some generators who do not have adequate internet access, the EPA points to the Biden-Harris administration's announcement of the Broadband Equity Access and Deployment (BEAD) program in June 2023—a $42.45 billion grant program created in the Bipartisan Infrastructure Law and administered by the Department of Commerce—which was established to connect small businesses and families in the U.S. with reliable, affordable high-speed internet by the end of 2029. As part of the program announcement, the Biden-Harris Administration stated that with these allocations and other Biden administration investments, all 50 States, DC, and the territories now have the resources to connect every resident and small business to reliable, affordable high-speed internet by 2030.[11] Thus, the EPA finds that high-speed internet access should be more accessible in the future.

In addition, the EPA is not persuaded by the one opposing industry commenter's assertion that the alternative approach does not address the fundamental concern that waste handlers, particularly generators, are not able to universally adopt the e-Manifest program and thus should not be compelled to do so under any final rule. The EPA also is not persuaded by the State commenter stating receiving facilities' burden of providing a manifest copy to generators would be exchanged for a large burden on generators (to figure out how to properly set up individual user accounts from a very confusing starting point of being required to provide a shared email address that cannot be used to set up those accounts). The EPA points out that the current registration process for e-Manifest is similar to the current notification process for obtaining an EPA ID number, which LQGs and SQGs already must do according to the existing RCRA regulations under § 262.18.

The registration requirement established in this final rule only requires LQGs and SQGs to obtain accounts in the RCRAInfo application so that the generators can access their completed manifests in the e-Manifest system using their registered accounts. Therefore, the new registration requirement is not intended to mandate generators use electronic manifests to track their waste shipments. In fact, registered generators may continue to opt out of completing and transmitting electronic manifests via the e-Manifest system and may continue to track their hazardous waste shipments using the paper manifest forms. The EPA acknowledges obtaining registered accounts with the e-Manifest system may cause incremental burden to generators. However, the EPA notes that approximately 63% and 50% of LQGs and SQGs, respectively, have registered users with access to the e-Manifest system and thus already satisfy the final rule requirement. Thus, the EPA believes that the benefits of registration for e-Manifest—including receiving and retrieving manifests, electronic manifest-related reporting, and post-receipt manifest data corrections—outweigh the costs of registering for access to the e-Manifest system. Regarding this commenter's concern about the shared email approach, the EPA notes its proposed shared email was not intended for user registration with e-Manifest and was only intended to provide manifest copies back to unregistered generators. However, as explained above in this preamble section, the EPA is not finalizing this approach.

In response to other comments on this issue, the EPA does not accept one State commenter's recommendation that the EPA consider the addition of a new recordkeeping requirement that designated facilities retain the original paper manifest for three years if generators receive completed manifests by email or through accessing the e-Manifest system. The EPA believes addition of such a requirement would significantly increase receiving facilities' regulatory recordkeeping burden, substantially reduce cost savings to receiving facilities, and would not move the needle towards improving the quality of manifest data captured in the system. Therefore, the EPA is sustaining its current policy that receiving facilities need only retain their on-site paper copy, which is now Page 1, until such time as a legible scanned image of the manifest is entered in the system and accessible to the facility in e-Manifest.

The EPA acknowledges that the poor quality of paper manifest data captured in the system has adversely impacted compliance monitoring of waste shipments by the EPA and State regulators. However, the EPA continues to believe the best approach to dramatically improve data quality and compliance monitoring is use of electronic manifests rather than the continual use of paper manifests. However, the EPA appreciates the commenter's concern about manifest errors/omissions of data currently recorded on paper manifests and ultimately captured in the e-Manifest system. Therefore, through this final rulemaking, the EPA has codified new manifest data correction requirements for paper and electronic manifests under parts 262, 263, 264, and 265 for generators, transporters, and permitted or interim status treatment, storage, and disposal facilities, respectively. The EPA has also made conforming changes to the proposed manifest data corrections requirements for PCB manifests under part 761, subpart K to align with the new manifest corrections requirements under the RCRA manifest regulations. The EPA believes these regulatory additions will significantly improve the data quality of paper manifests. The new manifest data corrections process and requirements are discussed in this final rule under preamble sections II.H.4 for hazardous waste and II.I.2 for PCB waste.

Finally, the EPA appreciates one industry commenter's support for an alternative approach for an EPA website for unregistered generators to view their manifests if the EPA decides not to implement the proposed alternative option (required generator registration). However, the EPA is not persuaded to adopt this approach for a few reasons. First, the EPA did not provide generators adequate notice and opportunity to comment on using a website to verify shipment receipt by designated facilities. Second, the EPA believes this approach may have unintended consequences such as enabling access for entities not named on a manifest before the EPA's existing 90-day public release policy. Lastly, this approach would require system amendments that would bypass necessary security related to 90-day manifest information restrictions. Instead, the EPA is implementing the alternative approach to require LQGs and SQGs to register with e-Manifest to access completed manifests for their site.

[11] *https://www.whitehouse.gov/briefing-room/statements-releases/2023/06/26/fact-sheet-biden-harris-administration-announces-over-40-billion-to-connect-everyone-in-america-to-affordable-reliable-high-speed-internet/#:~:text=President%20Biden's%20American%20Rescue%20Plan,internet%20is%20an%20eligible%20use.*

The EPA is not finalizing its proposal to remove Page 2 (''Designated Facility to Generator'' Copy) of the manifest forms in this final rule. As explained above, the EPA is not requiring that VSQGs, nor certain PCB generators, register with e-Manifest to access completed manifests for their site. Therefore, VSQGs and PCB generators who elect to not register with e-Manifest must continue to receive Page 2 of the manifest form or manifest continuation sheet to verify shipment receipt by the designated facility. Regarding the designated facility copy (Page 3), the EPA is persuaded by commenters favoring removal of Page 3 (''Designated Facility'' copy). The EPA agrees with commenters that this copy is no longer needed since a completed, top paper copy of the manifest which is uploaded to the e-Manifest system by the receiving facility can just be retained, if needed, by the receiving facility. Therefore, the EPA is revising § 262.21(f)(5) through (7) in this final rule to align these provisions with the removal of the designated facility copy of the manifest form and manifest continuation sheet. The EPA is also revising the marginal words pre-printed in the bottom margins of Page 1 to read as follows: ''Designated facility or U.S. Exporter to the EPA's e-Manifest system.'' These marginal words indicate copy distribution for Page 1 of the paper manifest form and reflect that an exporter is now required to supply the EPA the top copy via the e-Manifest system. Therefore, these provisions together announce the revised printing specification for the now four-copy paper manifest and continuation sheet paper forms, the revised copy distribution requirements to be printed on each copy of the form, and the revised specification for printing the appropriate manifest instructions on the back of the form copies. Specifically, the new four-copy manifest form (EPA Form 8700–22) and manifest continuation sheet (EPA Form 8700–22A) will be distributed as follows:

Page 1 (top copy): ''Designated facility or U.S. Exporter to the EPA's e-Manifest system'';

Page 2: ''Designated Facility to Generator'';

Page 3: ''Transporter facility copy;'' and;

Page 4: (bottom copy): ''Generator's initial copy.''

The EPA is also revising paragraph (f)(7) by removing the words ''and published to the e-Manifest program's website'' from the end of the first sentence of the paragraph. The EPA does not publish the manifest forms to its website. Therefore, the statement that the EPA publishes them on our website is inaccurate and misleading. Paper manifests must be obtained from an EPA authorized printing source and cannot be obtained from the EPA's Manifest Registry nor e-Manifest website.[12]

D. Exception Report Requirements

1. Background: Exception Reports

Exception Reports are intended to address the situation in which the generator does not receive timely confirmation that their hazardous or PCB wastes, tracked with a manifest, arrived at the facility designated by the generator to receive its waste. Exception Reports are required in the Federal regulations at § 262.42 (Hazardous Waste) and § 761.217 (PCBs). For LQGs and all PCB waste generators, exception reporting is a two-step process under the existing regulations. In the first step, if the generator has not received the signed, returned copy of the manifest from the designated facility within 35 days from the date the transport of the waste shipment began, the generator must contact the transporter and/or the designated facility to determine the status of the generator's waste and document their efforts. In the second step, if the status of that waste is not resolved within 45 days (from the start of transport), the generator must file an Exception Report with their EPA Regional Administrator (or State Director in authorized States). The Exception Report, as currently implemented by regulation, is a written report that consists of: (1) A legible copy of the manifest for which the generator does not have confirmation of delivery; and (2) a cover letter signed by the generator explaining its efforts to locate the waste and the results of those efforts. There is a similar exception reporting requirement applicable to SQGs at § 262.42(b), except that SQGs do not have to initiate contact before 35 days and have an additional 15 days (60 days total) to reconcile the status of their waste before an Exception Report must be submitted. SQGs must provide a legible copy of the manifest with some indication that the generator has not received confirmation of delivery (a separate cover letter is not required for SQGs).

2. What EPA Proposed on This Issue: Exception Reports

During the e-Manifest Advisory Board meeting in June 2019, titled ''Increasing Adoption of the e-Manifest system,'' the Advisory Board recommended that EPA integrate Exception Reports into the e-Manifest system. EPA accepted the Advisory Board's recommendation and proposed in the NPRM regulatory amendments to the existing Exception Report requirements in § 262.42 by adding new paragraphs (d) and (e) and amending § 761.217 by adding new paragraphs (c) and (d). The proposed paragraph (d) under § 262.42 and paragraph (c) under § 761.217 establish the legal and policy framework for the use of electronic Exception Reports for hazardous waste and PCB waste, respectively. Under the proposal, Exception Reports originating in the e-Manifest system would be considered the legal equivalent of paper Exception Reports signed with conventional ink signatures. Further, wherever the existing regulations require an Exception Report to be completed, signed, provided, and sent to the EPA Regional Administrator (or the State Director in authorized States), the execution of an electronic Exception Report would be deemed to comply with the requirements to complete, sign, provide, send, or otherwise use the Exception Report.

The proposed regulatory amendments would not apply to exporters of waste shipments subject to the manifest requirements. Exporters must file export Exception Reports, in lieu of the requirements of § 262.42, according to the existing requirements specified at § 262.83(h). Electronic export Exception Reports under § 262.83(h) will be developed as part of the WIETS module in the RCRAInfo Industry Application (see section below on changes to related international shipment requirements for further details).

Under §§ 262.42(e) and 761.217(d), EPA proposed to restrict electronic exception reporting to manifested shipments using electronic manifests (hybrid or fully electronic) pursuant to § 262.24(c). This was proposed because in order to leverage the e-Manifest system to assist with exception reporting, the system must ''know'' the date of shipment from the generator. When an electronic manifest is used, this information is readily available. Conversely, paper manifests are not submitted to the e-Manifest system until after the signed, final manifest is uploaded and submitted by the receiving facility, rendering it impossible for the system to identify

[12] The four-copy paper manifest and manifest continuation sheet may be obtained from one of the EPA approved sources authorized by the EPA to produce and sell the forms. See the EPA's web page at *https://www.epa.gov/hwgenerators/approved-registered-printers-epas-manifest-registry.*

paper manifests initiated by the generator but not yet completed by the receiving facility.

For hybrid manifests, a generator would be required to register for e-Manifest to take advantage of electronic exception reporting in the e-Manifest system. EPA also requested comment on whether all generators should be required to register for access to the e-Manifest system (see preamble section II.C for a discussion of requiring generators to register).

EPA explained in the proposed rule that that Agency was not proposing to collect, and upload written, paper-copies of Exception Reports in the e-Manifest system. EPA stated that maintaining paper Exception Report submissions would be more expensive and thus would result in the need for EPA to contemplate a distinct or additional fee premium related to entering Exception Reports into e-Manifest to ensure related costs are recovered. Therefore, to avoid incurring costs related to paper processing and data entry activities necessary to enter the Exception Report information into the e-Manifest system, EPA would require LQGs and SQGs who use paper manifests to comply with the existing exception reporting requirements at § 262.42(a) and (b) respectively for written, hard copy Exception Reports sent to EPA or the authorized State.

Under the proposed approach for electronic exception reporting, the NPRM explained that EPA would upgrade the e-Manifest system's functionality to alert LQGs and SQGs based on their notified Federal generator category, as well as PCB waste generators, if a receiving facility designated on their manifests had not submitted final, signed manifests to the system for confirmation of delivery within the required timeframes at §§ 262.42(a)(1), 262.42(b), or 761.217(a)(1), respectively. Additionally, the system could alert the respective receiving facility on the manifest. The system would allow generators to submit Exception Reports electronically (for hybrid and fully electronic manifests) and disseminate the Exception Report to the relevant EPA Region or the authorized State Agency. LQGs and PCB waste generators would still be required to contact the transporter and/or the owner or designated facility per §§ 262.42(a) or 761.217(a) to determine the status of the hazardous or PCB waste and provide an explanation of their efforts to locate the hazardous or PCB waste and the results of those efforts. Such generators, however, would not be required to mail the report to EPA or the States, but instead would be required to submit the report electronically to the e-Manifest system (to which EPA and States have access).

EPA also proposed to revise the current 35/45-day timeframes for LQGs in §§ 262.42(a) and (c)(2), and 761.217(a) and (b) to better conform to timeframes for submittal and processing of paper manifests in the e-Manifest system. For example, for entities using paper manifests, receiving facilities have 30 days from receipt of a generator's shipment to submit the final, signed paper manifest to EPA. In addition, EPA's PPC needs time to enter data, *e.g.,* from image copies of paper manifests, especially if the paper manifests contain incorrect, illegible, or incomplete data. Thus, the Agency realized that LQGs may not be able to access the final, signed paper manifest in e-Manifest until past the first 35-day exception reporting timeframe in the regulations.

Therefore, EPA proposed that all LQGs have five additional days to verify receipt of the shipment, reconcile the late manifests with the transporter and/or destination facility, and complete and submit Exception Reports to the EPA Regional Administrator or authorized State. Under the proposed amendments, LQGs and PCB waste generators would have up to 40 days to verify that their waste was received by the facility designated on the manifest. The 40-day timeframe would begin from the date the manifest was accepted by the initial transporter for off-site transportation; if an LQG did not receive notification from the e-Manifest system that the final, signed manifest was received within this timeframe, then the LQG would be required to contact the transporter and/or the designated facility to determine the status of the waste. If the status of the shipment is not resolved within 50 days (from the start of transport), then the LQG must file an Exception Report with the EPA Regional Administrator or authorized State. EPA did not propose any changes to the timeframe for SQGs to verify receipt of their shipments by the destination facility (§ 262.42(b)).

3. Description of Public Comments: Exception Reports

Commenters unanimously supported the idea of integrating exception reporting into the e-Manifest system; however, some commenters did not fully agree with or support certain aspects of EPA's proposed approach for the implementation of electronic exception reporting. One commenter supported the proposal because it would allow for a uniform submission format that is efficient and quick to process and allow for greater transparency between all impacted parties. Another commenter noted that use of electronic exception reporting would both eliminate paper processing and consolidate all manifest-related communications within the e-Manifest system, thereby enhancing utility to the regulated community and allowing for easier access to these records for regulators.

Commenters were not in agreement on EPA's proposal to restrict electronic exception reporting to manifested shipments using electronic manifests (hybrid or fully electronic). Some commenters noted that requiring offline submission (*i.e.,* paper submission) of Exception Reports for paper manifests was counter to the e-Manifest Program's goal of burden reduction. They also noted that, currently, electronic manifests comprise a very small fraction of all manifests and that limiting exception reporting to only electronic manifests would not incentivize generators to register and use the e-Manifest system. EPA, instead, should, require generators to register with the e-Manifest system. The commenter further stated that EPA should amend the regulations to require registered generators to submit electronic Exception Reports whenever they do not receive a notification from the e-Manifest system of a completed manifest within the required timeframe. The commenter asserted that the responsibility should clearly be on the generator to monitor the manifests and determine if, and when, an Exception Report should be electronically filed.

Three commenters generally agreed with EPA's proposal to adjust the exception reporting timeframes; however, these commenters also suggested that EPA consider aligning the exception reporting timeframe for both LQGs and SQGs to make the timeframes the same. One commenter added that the risk presented by each shipment cannot be assumed by the 'size' of the generator, and the exception reporting timeframe differential serves only to add unnecessary complexity to generators attempting to understand if, and when, they must file an Exception Report.

Two commenters stated that they do not believe that modifying the exception reporting timeframe is necessary. One commenter noted that as more handlers adopt electronic manifesting, the time to identify issues with shipments should decrease, not increase. Another commenter asserted that increasing the timeframe would disincentivize receiving facilities to complete data

entry in a timely manner and add to existing e-Manifest data quality issues.

4. Discussion of Final Rule: Exception Reports

EPA appreciates the numerous comments favoring integration of exception reporting into e-Manifest to allow generators to submit Exception Reports electronically. EPA also appreciates comments recommending that EPA not restrict usage of electronic exception reporting to electronic manifests that originate in the system. The Agency agrees with commenters who assert that allowing users of paper manifests to submit electronic Exception Reports would decrease the amount of paper processing required by States and provide a unified format for reporting regardless of the manifest type (*i.e.,* paper or electronic). Therefore, EPA is not finalizing the proposed addition of new paragraph (e) to § 262.42 to restrict electronic exception reporting to manifested shipments using electronic manifests. EPA is finalizing revisions to allow LQGs and SQGs to submit electronic exception reporting in e-Manifest for both paper and electronic manifests. However, EPA is delaying implementation of the electronic exception reporting requirements under § 262.42(a) and (b) until December 1, 2025. Prior to December 1, 2025, LQGs and SQGs must continue to supply Exception Reports directly to EPA Regional Administrators or authorized States via postal mail. However, beginning on December 1, 2025, LQGs and SQGs must comply with the electronic reporting requirements discussed below, including the requirement that LQGs and SQGs must submit Exception Reports directly in EPA's e-Manifest system. Beginning December 1, 2025, LQGs and SQGs will no longer have the option to supply written, paper Exception Reports to the EPA Regional Administrators or authorized States via postal mail.

EPA is modifying existing § 262.42(a)(2) and (b) to require LQGs and SQGs to submit Exception Reports to the e-Manifest system in lieu of supplying them directly to Federal or State regulatory agencies. The final rule also revises paragraph (a) by removing the existing requirement that LQGs must sign the cover letter of an Exception Report ''by hand''. A separate cover letter is no longer necessary since an explanation of the efforts taken to locate the hazardous waste and the results of those efforts will be prepared directly in EPA's e-Manifest system as part of the electronic Exception Report. The final rule also revises paragraph (b) to clarify that VSQGs that meet the conditions under § 262.232(a) for managing hazardous waste from an episodic event may continue to submit the Exception Reports directly to EPA or the States in lieu of submitting them via the e-Manifest system. The final rule also finalizes the proposed additions of § 262.42(d)(3) and (4) in this final rule. However, these new requirements are codified under § 262.42(d) as new paragraphs (d)(1) and (2). New paragraphs (d)(1) and (2) clarify that: (1) Retention of electronic Exception Reports in the e-Manifest system satisfy any requirement for a generator to keep or retain a copy of an Exception Report; and (2) Generators may not be held liable for the inability to produce an Exception Report through the e-Manifest system for inspection if the report is inaccessible due to the system being down and thus a denial of services occurs.

For shipments accompanied by paper manifests, LQGs and SQGs must prepare the Exception Reports according to § 262.42(a)(2) and (b), respectively, by uploading an image file of their initial copy of the manifest (Page 4 of the new manifest form) for which the generator does not have confirmation of delivery and entering select information from the manifest. LQGs must also provide an explanation in the e-Manifest system describing the efforts the LQG has taken to locate the waste shipment and the results of those efforts. Per revised § 262.42(b), SQGs only need to upload an image file of their initial copy of the manifest along with a statement that the return copy was not received. EPA notes that the PPC will not process the image file of the manifest uploaded by the generator for the Exception Reports as these manifests are not the final, completed copies that receiving facilities must submit to the system to satisfy the paper manifest submission requirements under §§ 264.71(a)(2)(v)(B) and 265.71(a)(2)(v)(B) for hazardous waste and § 761.213(a)(2)(v) for PCB waste. For fully electronic and hybrid manifests, the generator will be able to use the information already in the e-Manifest system to fill out the electronic Exception Report. EPA will provide access to Exception Reports to EPA and State personnel through the e-Manifest system.

EPA notes that only generators with an EPA ID number and a registered user for access to e-Manifest will be able to submit an Exception Report electronically. Federally, EPA only requires LQGs and SQGs to submit Exception Reports, and these generators are already required to have an EPA ID number and, with today's rule, are now required to have a registered user (see section II.C for further discussion on the requirements for generators to register). To submit electronic Exception Reports, generators will need a registered user with at least Certifier level permissions in the e-Manifest module (a permission level that currently requires identity proofing and an electronic signature agreement).

PCB generators are subject to exception reporting requirements under § 761.217; however, PCB generators are not currently required to obtain an EPA ID number or register for access to e-Manifest. PCB generators, however, who choose to obtain an EPA ID number and register for e-Manifest can also choose to submit electronic Exception Reports through the e-Manifest system. In lieu of having an EPA ID number and a registered user, a PCB generator must continue to submit paper reports to the EPA Regional Administrator.

EPA is persuaded by comments asserting that EPA should take this opportunity to streamline the exception reporting timeframes and remove unnecessary complexity in the regulations. The Agency believes that a uniform exception reporting timeframe for all generators, regardless of their status (*i.e.,* LQG, SQG), would benefit all parties. Therefore, EPA is amending the proposed timeframes for which an LQG or PCB generator must initiate contact with other parties on a manifest to determine the status of the waste shipment. The finalized revisions under §§ 262.42(a)(1) and 761.217(a)(1) for LQG and PCB generators, respectively, state that the generator must contact the transporter and/or the owner or operator of the designated facility within 45 days to determine the status of the hazardous waste after not receiving a final copy of the manifest. This is an additional 10 days beyond the proposed 35-day requirement. (SQGs are not subject to this requirement in the existing regulations.) The final 45/60-day timeframes for LQGs and PCB generators provide additional time for the receiving facility to submit final copies of the manifest to the e-Manifest system and for the EPA paper processing center to enter the paper manifest, if necessary, in order for the generator to receive its final copy. The 45/60-day timeframes also serve to simplify the exception reporting regulations for generators: all generators must submit an Exception Report after 60 days. EPA has also made a conforming change to §§ 262.42(c)(2) and 761.217(b)(2) to reflect the 45/60-day timeframe. EPA notes that the Agency is not delaying compliance of the new 45/60-day exception reporting timeframes for LQGs and PCB

generators to submit Exception Reports. Thus, these new timeframes shall apply on the final rule's effective date, January 22, 2025.

E. Discrepancy Report Requirements

1. Background

The regulations governing manifest discrepancies are at §§ 264.72, 265.72, and 761.215. The manifest form enables the receiving facility to flag several types of ''discrepancy'' events on the manifest. Under the existing regulations and on the manifest form, the designated facility must check boxes in the discrepancy field (Item 18) when the designated facility finds or produces one of these shipment irregularities:

- Significant differences in the quantity of waste shown on the manifest as having been shipped, and what the designated facility determines to have been received. By regulation, significant quantity discrepancies occur when there is any variation in piece count (*e.g.,* four drums received instead of five), as well as when there is a variance of 10% or more by weight for any bulk or batch wastes shipped on a manifest.
- Significant differences between the type of waste shown as shipped and what the designated facility received. Significant type discrepancies are defined as obvious differences which can be discovered by inspection or waste analysis, such as a solvent substituted for an acid, or toxic constituents that were not listed on the manifest.
- A full rejection by the designated facility of an entire waste shipment, which typically occurs when the materials received do not meet the facility's waste acceptance criteria, or, when the facility lacks the capacity to manage the waste.
- A partial rejection of waste, which occurs when a facility rejects some portion of the wastes shipped to it on the manifest but accepts some other portion at its facility.
- Container residues, meaning that the facility could not remove all the waste from a container (*e.g.,* drum or rail car), and the amount that remains in the container is sufficient to cause the residue to be considered a regulated hazardous waste.[13]

While five types of discrepancies can be checked off on the manifest form, only significant discrepancies in quantity and type are treated as major irregularities requiring additional, separate reporting requirements. The RCRA regulations refer to these reporting requirements as Discrepancy Reports. Under the existing Federal regulation, §§ 264.72, 265.72, and 761.215 provide a two-step process for handling significant quantity and type discrepancies in hazardous and PCB waste shipments, respectively. First, upon discovering a significant quantity or type discrepancy, the receiving facility must attempt to reconcile the discrepancy with the generator or transporter. Second, if the significant discrepancy remains unresolved on the date 15 days after receipt of the waste, the receiving facility must immediately send a letter to the EPA Regional Administrator or to the authorized State describing the discrepancy and attempts to reconcile it. This letter report must also include a copy of the manifest at issue.

During the June 2019 Advisory Board meeting, the Advisory Board recommended that EPA integrate Discrepancy Reports into the e-Manifest system. EPA accepts the Advisory Board's recommendation and believes integration of Discrepancy Reports in the e-Manifest system would reduce paperwork burden and may incentivize users to transition to fully electronic or hybrid manifests by increasing the value of the system. Accordingly, in the NPRM, EPA proposed two changes related to Discrepancy Reports.

2. What EPA Proposed on This Issue: Discrepancy Reports

In the NPRM, EPA proposed changes to integrate Discrepancy Reports with the e-Manifest system by adding requirements under §§ 264.72(c) and 265.72(c) (Hazardous Waste) and 761.215(c) (PCBs) that would address the legal equivalency of the electronic reports to the written, paper reports and allow for electronic discrepancy reporting for wastes shipped on electronic or hybrid manifests. The proposed new §§ 264.72(c)(1) and (2), 265.72(c)(1) and (2), and 761.215(c)(1) and (2) establish that wherever the existing regulations require a Discrepancy Report to be completed, signed, and sent to the EPA Regional Administrator (or the authorized State), the execution of an electronic Discrepancy Report in the national e-Manifest system would be deemed to comply with the requirements to complete, sign, provide, send, or otherwise use the Discrepancy Report.

EPA proposed to allow electronic reporting of Discrepancy Reports to all manifest types, including paper manifests (which are submitted to the system as image only or image plus data) and electronic manifests. EPA believes this approach is appropriate for discrepancy reporting because Discrepancy Reports must be completed by receiving facilities, and receiving facilities already are registered in the e-Manifest system, *e.g.,* for billing purposes.

However, EPA acknowledged in the NPRM the challenges with electronic discrepancy reporting for paper manifests. The existing regulations currently require receiving facilities to submit final, signed manifests to EPA, or the authorized State, within 30 days after a shipment is received. In addition, time is needed for EPA's PPC to process paper manifests, which can be extended due to data quality and submission errors. Consequently, facilities may be unable to submit the final, signed paper manifests to the e-Manifest system until past the 15-day discrepancy reporting timeframe in the existing regulations. A receiving facility then would be required to submit a written report to the EPA or State. To mitigate this issue, EPA proposed revisions to §§ 264.72(c) and 265.72(c) to adjust the current 15-day reporting timeframe for significant discrepancies to allow receiving facilities up to 20 days to reconcile a shipment with the generator and/or transporter for such discrepancies. EPA's proposed timeframe is also consistent with the average number of days that pass before receiving facilities upload copies of paper manifests to the e-Manifest system. The proposed 20-day timeframe would begin at the date of receipt of the shipment by the receiving facility and would apply to users of both paper and electronic manifests.

EPA requested comment on whether EPA should limit electronic discrepancy reporting only to electronic manifests (*i.e.,* fully electronic or hybrid). EPA also requested comment on other approaches that should be considered for electronic discrepancy reporting associated with digital copies of paper manifests.[14]

EPA also requested comment on an alternate approach that would eliminate the requirement to submit Discrepancy Reports altogether, and instead, address discrepancy events through the e-Manifest corrections process. Under this approach, receiving facilities or EPA's PPC would upload/enter discrepancies identified under Item 18. Generators would receive alerts regarding Item 18 discrepancies, review the final manifest in e-Manifest, and submit post-receipt manifest corrections. Thus, disagreements would be worked out by handlers via the current e-Manifest

[13] The Federal RCRA regulation at 40 CFR 261.7 specifies criteria for determining when a container is ''empty'' or when the residues are sufficient to render them non-empty and thus regulated hazardous wastes.

[14] 87 FR 19290 at page 19305.

corrections process in lieu of a formal Discrepancy Report to Federal or State regulators. All manifest corrections would be available to regulators through e-Manifest.

3. Description of Public Comments: Discrepancy Reports

Most commenters supported the Agency proposal to integrate Discrepancy Reports with the e-Manifest system to allow receiving facilities to fulfill their discrepancy reporting requirement electronically. Commenters stated that such changes would help to facilitate more effective communication between the receiving facility and the generator. Another commenter remarked that electronic Discrepancy Reports would be more efficient and fulfill all the environmental protection needs currently met by hard copy reports. Most commenters opposed limiting electronic Discrepancy Reports to only manifests that originated in the e-Manifest system (fully electronic and hybrid manifests). Commenters reasoned that receiving facilities have all the necessary information available in their systems, regardless of the manifest submission type, and should be able to file Discrepancy Reports electronically.

Two commenters supported the alternate proposed approach of eliminating formal Discrepancy Reports and, instead, relying solely on the e-Manifest corrections process to address discrepancies. These commenters reasoned that such an approach would reduce reporting burdens, and the corrections process is well suited to track and resolve discrepancies as receiving facilities already use the corrections process to address most discrepancies. The commenter also remarked that eliminating the Discrepancy Reports underscores the need for EPA to require generators to register with the e-Manifest system and delivers benefits to both State agencies and the regulated community. One of the two commenters that generally supported the alternate approach to eliminate formal discrepancy reporting also concluded that the approach does not address scenarios in which disagreements cannot be resolved by the relevant waste handlers.

Two commenters opposed the alternate approach to eliminate discrepancy reporting. One opposing commenter reasoned that discrepancy corrections must be easily identified, tracked, investigated, and evaluated by State and EPA enforcement personnel and a requirement for a formal acknowledgement of discrepancies should be retained. The other commenter urged EPA not to adopt the alternate approach stating that Discrepancy Reports serve a vital function of indicating critical compliance issue(s) with the generator or receiving facility and often serve as a clue of improper waste management or shipment of hazardous waste to facilities that cannot safely handle it. This commenter also stated that the alternate approach would cause regulatory agencies to spend considerable time and effort searching the e-Manifest system for numerous manifest corrections to determine if any indicate a larger compliance or systemic issues and could result in many hazardous waste management problems going unresolved.

Commenters generally supported the Agency's proposal to allow receiving facilities an additional 5 days to submit electronic Discrepancy Reports to the e-Manifest system. One commenter supported EPA's proposal to allow up to 20 days to reconcile discrepancies stating that the extra 5 days would allow for much needed extra time to resolve issues with unresponsive generators. The commenter requested that EPA clarify that the requirement is measured in calendar days, not business days.

Another commenter stated concern that some TSDF permits have a 15-day timeline incorporated into the permit conditions, potentially creating a reporting conflict with the proposed 20-day timeline. The commenter requested a transition period be created requiring permitted facilities to adhere to their current permit requirements until such time as the permit is modified or renewed to incorporate the new manifest discrepancy reporting timeframe.

4. Discussion of Final Rule: Discrepancy Reports

EPA appreciates the numerous comments favoring integration of Discrepancy Reports into e-Manifest to allow receiving facilities to submit reports electronically. In this final rule, EPA is finalizing most of the proposed revisions and additions to §§ 264.72(c), 265.72(c) (Hazardous Waste) and 761.215(c) (PCB Waste). This final rule modifies existing paragraph (c) of those sections by requiring that a receiving facility must submit a Discrepancy Report to the e-Manifest system in lieu of submitting written reports to Federal or State regulatory agencies. This requirement applies to both paper and electronic manifests. EPA is delaying implementation of the electronic discrepancy requirements under §§ 264.72(c) and 265.72(c) for Federal or State-regulated hazardous waste and under 761.215(c) for TSCA PCBs for electronic discrepancy reporting until December 1, 2025. Prior to December 1, 2025, receiving facilities of Federal or State-regulated hazardous waste and commercial disposal or storage facilities of TSCA PCB waste must continue to supply Discrepancy Reports directly to EPA Regional Administrators or authorized States via postal mail., Beginning on December 1, 2025, however, TSDFs must comply with the electronic reporting requirements in this final rule. Beginning December 1, 2025, receiving facilities of RCRA Federal or State-regulated hazardous waste and commercial disposal or storage facilities of TSCA PCB waste must submit Discrepancy Reports directly in EPA's e-Manifest system. Beginning December 1, 2025, these facilities will no longer have the option to supply written, paper Discrepancy Reports to the EPA Regional Administrators or authorized States via postal mail.

EPA is also revising the timeframe requirement under paragraph (c) from 15 days to 20 days after receipt of shipment for when Discrepancy Reports must be submitted by the receiving facility. EPA agrees with commenters who support the proposed extension in timing to more align with typical timeframes needed by receiving facilities to upload final paper manifests to EPA's e-Manifest system. In response to a comment requesting that EPA clarify whether we mean 20 calendar days or business days, EPA confirms that the 20-day period in this regulation means 20 calendar days. The 20-day timeframe would begin at the date of receipt of the shipment by the receiving facility. This timeframe applies to users of both paper and electronic manifests. EPA notes that the Agency is not delaying compliance of the new 20-day timeframe for receiving facilities to submit Discrepancy Reports. Thus, this new discrepancy reporting timeframe will apply on the final rule's effective date, January 22, 2025.

Receiving facilities that are required in their permit to submit Discrepancy Reports 15 days after receipt of shipment must continue to comply with that 15-day timeframe unless or until their permit is modified.

EPA notes that the revisions and additions to paragraph (c) do not change the manifest discrepancy reconciliation procedures specified in paragraph (c). Thus, upon discovering a significant difference in quantity or type for Federal hazardous and PCB waste and State-only regulated waste shipments, the owner or operator of the receiving facility must attempt to reconcile the discrepancy with the generator or

transporter by the timeframe specified under §§ 264.72(c) and 265.72(c) for hazardous waste shipments and 761.215 for PCB shipments. If a facility must prepare a Discrepancy Report for an irregular shipment using a paper manifest, the facility must upload the image file of the top copy of the manifest (Page 1 of the new manifest form) and must provide an explanation in EPA's e-Manifest system detailing the efforts taken to reconcile the manifest discrepancy(s). The Discrepancy Report will include the manifest tracking number so that the report can be connected to the manifest when submitted prior to the paper manifest submission deadline. EPA notes that Discrepancy Reports submitted in this manner satisfy the discrepancy reporting requirements under §§ 264.72(c), 265.72(c), and 761.215(c). However, the e-Manifest PPC will not process the image file of the paper manifest used for the Discrepancy Report. To satisfy the paper submission requirement for hazardous waste and PCB waste under sections §§ 264.71(a)(2)(v)(B), 265.71(a)(2)(v)(B), and 761.213(a)(2)(v), respectively, facilities must still upload the image file of the manifest and any continuation sheet, or upload both a data file and the image file corresponding to the manifest and any continuation sheet within 30 days of delivery of the waste shipment. For fully electronic and hybrid manifests, the receiving facility will be able to use the information already in the e-Manifest system to fill out the electronic Discrepancy Report. The e-Manifest system will make Discrepancy Reports available to State and EPA personnel through RCRAInfo upon completion.

This final rule does not codify the proposed addition of paragraphs (c)(1) through (4) under §§ 264.72 and 265.72. These proposed provisions prescribed the conditions under which electronic Discrepancy Reports are the full legal equivalent of written, paper Discrepancy Reports and satisfy record retention requirements for all RCRA purposes. As explained above, this final rule removes the existing requirements under which receiving facilities can supply Discrepancy Reports directly to EPA or States via postal mail. However, unlike Exception Reports, there is no separate recordkeeping requirement for receiving facilities to keep these reports. Therefore, the proposed additions of paragraphs (c)(1) through (4) are no longer needed. EPA notes that the revisions to paragraph (c) do not change the manifest discrepancy reconciliation procedures specified in paragraph (c).

EPA is also making conforming changes to the discrepancy reporting requirement under part 270, subpart C regarding RCRA permits (40 CFR 270.30(l)(7)). EPA did not propose changes to § 27.30(l)(7) in the NPRM. However, as explained above, this final rule revises the manifest discrepancy requirements under § 264.72. Therefore, this final rule makes conforming changes to the manifest discrepancy requirements under § 270.30(l)(7) so that they are consistent with the revisions to § 264.72(c) regarding the conditions under which the permitted facility must submit Discrepancy Reports to EPA via the EPA e-Manifest system in lieu of supplying hard copy reports to Federal or State regulatory agencies via postal mail.

In the final rule, EPA is not persuaded by comments supporting adoption of the alternative approach that would eliminate the requirement for Discrepancy Reports altogether. As mentioned previously, the alternative approach would address/resolve significant discrepancy events through the current e-Manifest manifest data corrections process in lieu of a formal Discrepancy Report to Federal or State regulators. EPA accepts State commenters' opposition to the alternative particularly the one State commenter who asserted that the e-Manifest corrections process does not fulfill the necessary requirements for all scenarios that the Discrepancy Report supports, such as when the generator and receiving facility cannot come to an agreement through the e-Manifest corrections process. EPA agrees with State commenters that asserted, in these instances, the Discrepancy Report acts as a crucial piece of evidence for State and Federal regulators. EPA also accepts one State commenter's concern that superseding the Discrepancy Report with the alternative approach would cause regulatory agencies to spend considerable time and effort searching the e-Manifest system for numerous manifest corrections to determine if any indicate a larger compliance or systemic issue and may result in many hazardous waste management problems going unresolved. Therefore, EPA is not eliminating the manifest Discrepancy Report.

F. Unmanifested Waste Report Requirements

1. Background: Unmanifested Waste Reports

If a receiving facility accepts for treatment, storage, or disposal any hazardous waste from an off-site source without an accompanying manifest, or without an accompanying shipping paper, and is not excluded from the manifest requirements, then the owner or operator must prepare and submit an Unmanifested Waste Report to EPA. Under the existing regulations, the Unmanifested Waste Report must be submitted within 15 days of receipt and contain all the information required under §§ 264.76(a)(1) through (7) and 265.76(a)(1) through (7).

In their recommendations from the June 2019 Advisory Board meeting, the Advisory Board recommended that the Agency also integrate Unmanifested Waste Reports into the e-Manifest system, in addition to the previously discussed Exception and Discrepancy Reports, as a method to incentivize electronic manifest adoption. The Discrepancy, Exception, and Unmanifested Waste Reports generally serve similar purposes and are all required when specific, unresolved problems or irregularities occur to waste shipments that are subject to manifesting. However, electronic reporting in the e-Manifest system for unmanifested waste shipments presents unique implementation issues that do not arise with the other reports.

Unlike manifested shipments that require Discrepancy or Exception Reports, there is no existing manifest in the system, or on paper, when an unmanifested report is required. The system cannot readily accommodate electronic Unmanifested Waste Reports, like it can Discrepancy Reports and Exception Reports, because there is no existing manifest data captured in the e-Manifest system that can support flagging, tracking, and follow-up actions. In addition, EPA must determine whether a user fee is required for the manifest that was required for the unmanifested shipments.

2. What EPA Proposed on This Issue: Unmanifested Waste Reports

EPA proposed to revise §§ 264.76 and 265.76 for hazardous waste and 761.216 for PCB waste submissions of Unmanifested Waste Reports by the receiving facility. Under the proposed regulations, EPA would accept only electronic submissions of Unmanifested Waste Reports; written, hard copy reports would no longer be accepted. These proposed revisions would require an electronic reporting format that would be very similar to the current electronic form for manifests, except that the receiving facility would not be expected to complete all the fields currently required on the manifest.

For the electronic Unmanifested Waste Report, receiving facilities would submit the generator information,

similar to what is currently required on manifests (*i.e.,* Items 1, 5, and 10 thru 13), if available; the transporter information (*i.e.,* Items 6 and 7), if available; and the receiving facility information (*i.e.,* Items 8 and 19) to the e-Manifest system. The receiving facility would be required to provide the density or specific gravity information for a waste if it is reporting volumetric measures (gallons, liters, or cubic yards). Finally, the receiving facility must provide a brief explanation of why the waste was unmanifested, if known, as well as a certification by the owner/operator of the facility or authorized representative. Receiving facilities would not be expected to obtain generator signatures (Item 15 of the manifest) nor transporter signatures (Item 17 of the manifest), nor would they be expected to provide the DOT shipping description of the waste, which would normally appear in Items 9a and 9b (*i.e.,* the identification number, the proper shipping name, the hazard class or division number, and the packing group). Upon completion of the electronic Unmanifested Waste Report, the e-Manifest system would distribute the electronic report to the appropriate EPA Regional Administrator (or appropriate authorized State). Thus, submission of the Unmanifested Waste Report would be completed electronically in lieu of written reports to Federal or State regulatory agencies; hard copy reports would no longer be an option for submission to EPA or the States.

EPA requested comment on whether Unmanifested Waste Reports should incur a user fee, equivalent to the user fees for electronic manifests, that would be applicable to receiving facilities for each submission of an Unmanifested Waste Report. Specifically, EPA proposed to modify §§ 264.76, 265.76, and 761.216 by adding new paragraph (b) to assess a user fee on a per report basis that is electronically signed and submitted to the e-Manifest system by receiving facilities. The Agency noted that receiving facilities are already required to register and set up a billing account for the submission of manifests to the e-Manifest system. The Agency also noted that unmanifested waste shipments would have incurred a user fee had the shipment used a manifest in compliance with the RCRA regulations and thus imposing a user fee for unmanifested wastes would not impose any new burden.

3. Description of Public Comments: Unmanifested Waste Reports

Commenters generally agreed with the Agency's proposal to accept only electronic submissions of Unmanifested Waste Reports; however, some did not agree with the Agency's approach to completely eliminate a paper version of the report. Commenters who favored electronic report submission believed that the integration would aid the accuracy and completeness of the e-Manifest system's data. Commenters that did not support the Agency's proposal noted that confining the submission of Unmanifested Waste Reports to electronic format would likely not support all edge cases (scenarios outside normal use cases where problems may arise), such as instances where an unmanifested shipment was sent to a destination that was not a permitted receiving facility (and therefore would not be registered in the RCRAInfo Industry Application with a billing account).

Commenters provided varying support for implementing a user fee for the electronic submissions of Unmanifested Waste Reports. Two commenters stated that a user fee would disincentivize receiving facilities from submitting reports, and reports would often simply go unmade. One commenter stated that the receiving facility should be allowed, but not required, to create a manifest, identifying the generator and transporter(s) if known instead of a submitting a report. Another commenter opposed a user fee requirement, stating that many of the incurred user fee costs to the receiving facility are often passed onto the generator, often at a marked-up rate.

4. Discussion of Final Rule: Unmanifested Waste Reports

EPA appreciates input it has received on whether the Agency should integrate the Unmanifested Waste Report into the e-Manifest system in lieu of written, hard copy reports. EPA believes that eliminating written, hard copy Unmanifested Waste Reports will alleviate the burden associated with processing and will aid e-Manifest users by providing a more accurate and complete picture of hazardous waste shipments. Therefore, the Agency is finalizing revisions in section §§ 264.76 and 265.76 for hazardous waste and 761.216 for PCB wastes that will require all Unmanifested Waste Reports to be submitted electronically through the e-Manifest system, as proposed in the NPRM.

However, like the electronic exception and discrepancy reporting requirements, EPA is delaying implementation of the electronic unmanifested waste discrepancy requirements under §§ 264.76(b) and 265.76(b) for Federal or State-regulated hazardous waste and under 761.216(b) until December 1, 2025. Prior December 1, 2025, receiving facilities of Federal or State-regulated hazardous waste and commercial disposal or storage facilities of TSCA PCB waste must continue to supply Unmanifested Waste Reports directly to EPA Regional Administrators or authorized States via postal mail. On December 1, 2025, regulated entities must comply with the electronic reporting requirements in this final rule. Beginning December 1, 2025, receiving facilities of RCRA Federal or State-regulated hazardous waste and commercial disposal or storage facilities of TSCA PCB waste must submit Unmanifested Waste Reports directly in EPA's e-Manifest system. Beginning December 1, 2025, these facilities will no longer have the option to supply written, paper Unmanifested Waste Reports to the EPA Regional Administrators or authorized States via postal mail.

EPA acknowledges comments that did not support eliminating paper versions of the Unmanifested Waste Reports, but EPA believes that the commenters' concerns are addressable. Regarding one commenter's concern for unsupported edge cases, the Agency expects that the number of edge case instances will represent a small portion of the unmanifested shipments. EPA estimates that approximately 491 Unmanifested Waste Reports need to be filed every two years. The Agency believes that the number of Unmanifested Waste Reports that cannot be submitted electronically, for example, the edge case scenario described by the commenter, can be directly managed by EPA.

EPA is finalizing the procedures for submitting electronic Unmanifested Waste Reports through the e-Manifest system under §§ 264.76(a), 265.76(a) and 761.216(a) for hazardous waste and PCB waste shipments, respectively. As explained in the NPRM, the electronic Unmanifested Waste Report requires an electronic reporting format that is very similar to the current electronic form for manifests. The report includes information on the handlers involved (generator, transporter, receiving facility), the date the waste was received, management method, in addition to a brief explanation of why the waste was unmanifested, if known, and a certification by the owner or operator of the receiving facility.

The Agency is persuaded by comments that assessing a user fee for the electronic submission of Unmanifested Waste Reports would disincentivize receiving facilities from submitting these reports. Based on the

FY2024/2025 manifest usage projections, EPA estimates the e-Manifest system will process 4,909,578 manifests during the two-year fee cycle. EPA also estimates that approximately 0.01% of waste shipments will require an Unmanifested Waste Report (approximately 491 reports for the FY2024/2025 fee cycle). In the NPRM, EPA proposed requiring user fees that are equivalent to the user fees for electronic manifests; the FY2024/2025 user fee for an electronic manifest is $6 per manifest. As a result, the EPA projects that approximately $2,946 would be collected in revenue over two years if the Agency finalized the proposal to collect user fees for electronic Unmanifested Waste Reports. The relatively small number of unmanifested shipments and the resulting negligible impact on revenue will not affect the Agency's ability to recover the full cost of operating the e-Manifest System. The Agency also believes that incentivizing the submission of Unmanifested Waste Reports, and the resulting benefits for the quality of e-Manifest data, far outweigh the small potential uncovered costs. Therefore, EPA is not finalizing a user fee for Unmanifested Waste Reports.

EPA is also making conforming changes to the unmanifested waste reporting requirement under part 270, subpart C regarding RCRA permits (40 CFR 270.30(l)(8)). EPA did not propose changes to § 270.30(l)(8) in the NPRM. However, as explained above, this final rule revises the Unmanifested Waste Report requirements under § 264.76. Therefore, this final rule makes conforming changes to the manifest unmanifested waste report requirements under § 270.30(l)(8) so that they are consistent with the revisions to § 264.76(a) regarding the conditions under which the permitted facility must prepare an electronic Unmanifested Waste Report in the EPA e-Manifest system for submission to the EPA within 15 days after receiving the waste.

G. International Shipment Requirements

1. What EPA Proposed on This Issue: International Shipment Requirements

EPA proposed revisions to the export and import shipment movement document-related requirements to more closely link the manifest data with the movement document data (see 87 FR 19290; April 1, 2022. See pages 19300–19301). The proposed changes would also enable future linking of the manifest data with the confirmation of receipt and confirmation of recovery or disposal for an individual export or import shipment. On January 18, 2022, EPA transitioned WIETS to a module integrated within the RCRAInfo Industry Application (RCRAInfo WIETS) that allows more efficient data sharing between WIETS and the other modules and improved access by State agencies and the public to export and import final data. The RCRAInfo WIETS module currently includes industry-created and submitted export notices, import notices, and export annual reports; allows for EPA review and processing of such submittals; and an Application Programing Interface-based electronic exchange of notice and response data with Mexico and Canada. The next stage of RCRAInfo WIETS development intends to add functionality to enable the establishment of an electronic import-export reporting compliance date discussed in the November 28, 2016, final rule revising hazardous waste import and export requirements (81 FR 85700). Once the second stage is fully completed, EPA intends RCRAInfo WIETS to include the additional electronic documents such as: export confirmations of receipt, export Exception Reports, export confirmations of recovery or disposal, import confirmations of receipt, receiving facility notifications of the need to arrange alternate management or the return of an import shipment, and import confirmations of recovery or disposal. Lastly, EPA proposed revisions that reflect potential future electronic data exchange of movement document data, confirmation of receipt data, and confirmation of recovery or disposal data between the U.S. and another country such as Canada. Should such an electronic data exchange agreement be established, facilities in both countries could utilize the exchange to transmit required data more efficiently (see 87 FR 19290; April 1, 2022. See page 19301).

2. Description of Public Comments: International Shipment Requirements

Two commenters expressed support for EPA's proposed revisions to the export and import shipment movement document-related requirements to more closely link the manifest data with the movement document data. No commenters opposed the proposed requirements.

One of the commenters expressed support for EPA's proposal to capture international shipment information and to assign roles and responsibilities, reasoning that incorporating this information into the system would complete the shipment records for both industry and regulatory users of the system and simultaneously increase its utility for both groups. The other commenter stated support for: (1) Revisions to require the movement document to list the RCRA manifest tracking number from Item 4 of the manifest form if the shipment is required to be manifested while being transported in the U.S. and (2) revisions to add the unique movement document tracking number as an acceptable alternative to listing the shipment number and total number of shipments for the EPA AOC or the foreign export permit number on the generic movement document. This commenter, however, suggested EPA provide industry with a reasonable amount of time to make changes in their data management systems. The commenter also requested that industry be allowed to use their current paper forms until the supplies are exhausted. The same commenter stated that the bulk of imports and exports of hazardous wastes occurs between Canada and the United States, and therefore recommended that the Canadian system be responsible for submitting the confirmation of receipt and confirmation of recovery or disposal for each export shipment after a data exchange was established. The commenter supported establishing a data exchange for shipments between the U.S. and Canada. Lastly, the commenter supported requiring U.S. receiving facilities to submit confirmations of receipt and confirmations of recovery or disposal to EPA using RCRAInfo WIETS but cautioned that this will only be possible if EPA ensures that the compliance dates do not go into effect until the industry application in RCRAInfo for submittal of such confirmations and the data exchange are operational.

3. Discussion of Final Rule: International Shipment Requirements

In today's action, EPA is finalizing the proposed revisions to §§ 262.83(d)(2)(i) and 262.84(d)(2)(i) to require the movement document to list the RCRA manifest tracking number from Item 4 of the manifest if the shipment is required to be manifested while being transported in the United States. Additionally, since Canadian movement documents have unique tracking numbers similar to manifest tracking numbers, EPA is finalizing its proposed revisions to §§ 262.83(d)(2)(ii) and 262.84(d)(2)(ii) to add the unique movement document tracking number as an acceptable alternative to listing the shipment number and total number of shipments from the EPA Acknowledgement of Consent (AOC) or

the foreign export permit on the generic movement document available at *https://www.basel.int/Procedures/NotificationMovementDocuments/tabid/1327/Default.aspx.*

Parallel to the manifest submittal requirements, EPA is also finalizing the proposed revisions to §§ 262.83(d)(2)(xv) and 262.84(d)(2)(xv) to require the exporter and U.S. receiving facility to submit a copy of the signed movement document to WIETS. Exporters are required to submit the copy to WIETS within three days of receiving the copy from the foreign facility, and U.S. receiving facilities would be required to submit the copy to WIETS within three days of shipment delivery to confirm receipt of the shipment for shipments occurring on or after the electronic import-export reporting compliance date. Revised § 262.83(d)(2)(xvi) requires exporters to submit a copy of the signed confirmations of recovery or disposal that it receives from the foreign receiving facility to WIETS within three days of the exporter's receiving the copy of the signed confirmation of recovery or disposal for shipments occurring on or after the electronic import-export reporting compliance date. To reflect the possible establishment of an electronic exchange of shipment tracking data with another country like Canada, The EPA is also finalizing the proposed revisions to §§ 262.83(f)(4) and (5), 262.83(f)(6)(ii), 262.84(d)(2)(xv), 262.84(g)(1) and (2), and new § 262.83(d)(2)(xvii) to allow an established data exchange to be used to comply with the transmittal of shipment confirmations for export and import shipments between the exporter or receiving facility and the foreign receiving facility or foreign exporter, respectively, and between the receiving facility and the competent authority for the country of export for import shipments. In parallel, the EPA is finalizing the proposed new requirements §§ 262.83(f)(3)(iii) and 262.84(f)(4)(iii) to allow the use of an established data exchange to comply with the transmittal of notifications across borders concerning the need to arrange for the alternate management or return of an individual shipment for export and import shipments per §§ 262.83(f)(3)(i) and 262.84(f)(4)(i).

Lastly, the EPA is finalizing the following proposed technical corrections and conforming amendment to import and export requirements. First, the EPA is finalizing the proposed revisions to §§ 261.39(a)(5)(v)(B) and (a)(5)(xi), 262.83(a)(6) and (g), and 263.20(g)(4) to reflect that the AES compliance date of December 31, 2017 (which was specified in an announcement in a **Federal Register** notice dated August 28, 2017 (82 FR 41015)) has passed and requirements concerning shipments made prior to that date no longer apply. Next, the EPA is finalizing the proposed revisions to § 262.84(b)(1) to reflect that all import notices are submitted electronically using WIETS at this time. Electronic import notices have made EPA's processing more efficient and allows importers and receiving facilities to store and download EPA AOC letters and import consent documentation within WIETS rather than keeping paper copies for recordkeeping on site. Additionally, the EPA is finalizing the proposed revisions to the text in §§ 261.6(a)(3)(i)(A) and (B) and 262.20(a)(2) to reflect that part 262, subparts E and F no longer exist as of December 31, 2016, and part 262, subpart H now applies. The EPA is also finalizing the proposed revisions to §§ 262.83(d)(2)(xv), (f)(4) and (5), (f)(6)(ii), and 262.84(d)(2)(xv), (g)(1) and (2) to clarify that confirmations of receipt and confirmations of recovery or disposal for export and import shipments are only required to be sent to the competent authorities of the countries that control such shipments as exports, transits, or imports of hazardous wastes, consistent with existing text in §§ 264.12(a)(2) and (4) and 265.12(a)(2) and (4). EPA is also finalizing the proposed revisions to §§ 261.4(a)(25)(i)(A) and (H), 261.39(a)(5)(i)(A) and (F), 262.83(b)(1)(i) through (iv), (b)(3), (d)(2)(iii) through (v), (viii) and (ix), 262.84(b)(1)(i) through (iv), (b)(2), (c)(1)(i), (d)(2)(iii) through (v), (viii) and (ix), to specify the listing of the site address in notices, manifests and movement documents in place of the existing requirement to list ''address'' in order to facilitate country review of the documents. The EPA also finalizing the proposed revisions to §§ 260.2(d)(1) and (2) and 261.4(a)(25)(v) to make hazardous secondary material export documents prepared, used, and submitted under § 261.4(a)(25) available to the public when these electronic documents are considered by the EPA to be final documents which is March 1 of the calendar year after the related hazardous secondary material exports occur. The EPA is finalizing this conforming change to make hazardous secondary material exports, reinstated as part of the EPA's response to vacatur of certain provisions of the definition of solid waste rule effective May 30, 2018 (83 FR 24664), consistent with the EPA's earlier rule regarding confidentiality determinations related to all exports, imports or transits of hazardous waste and exports of conditionally excluded materials (*i.e.,* cathode ray tubes) subject to export, import, or transit requirements (82 FR 60894) when the final rule was published on December 26, 2017.

The compliance date for the electronic submittal of confirmations of receipt and confirmations of recovery or disposal to the EPA by the U.S. exporter for completed export shipments and by the U.S. receiving facility for completed import shipments is defined in the regulations as the ''electronic import-export reporting compliance date'' that will be established in a future **Federal Register** document. The date will not be established until the industry application in RCRAInfo for such submittals is operational. The electronic import-export reporting compliance date is separate from the future establishment of a data exchange with Canada, although such an exchange would facilitate future submittals related to shipments with Canada. Since December 31, 2016, U.S. exporters have been required to receive confirmations of receipt and confirmations of recovery or disposal from the foreign receiving facilities, and U.S. receiving facilities have been required to send out confirmations of receipt and confirmations of recovery or disposal to the foreign exporter and relevant countries of export and transit. Additionally, while many exports are shipped to Canada, exports of hazardous waste are also shipped to other countries, so the requirements need to be implementable regardless of the destination country. The U.S. exporter and U.S. receiving facility will therefore need to submit the confirmations into RCRAInfo WIETS on the electronic import-export reporting compliance date once it has been established. If, and when, a country-to-country data exchange is established for shipment tracking, the regulations will allow use of the exchange to meet the transmittal requirements more efficiently between the two countries. Lastly, there is no required movement document form, so use of older forms is not prohibited so long as all the required data items are included.

H. Manifest Data Corrections

1. Background: Manifest Data Corrections

Since launching the e-Manifest system in June 2018, the EPA has collected more than 9,000,000 manifests in e-Manifest. Since that time, EPA has identified data quality issues associated

with paper manifests submitted to the EPA that reduce the overall effectiveness of the system. Paper manifests submitted to the e-Manifest system often have inaccurate or missing EPA ID numbers and errors in the manifest tracking number. Manifest errors also occur during the paper digitization process while converting the paper manifests to digital format for submission. These errors may be due to typographical errors or illegible information on the paper manifest that result in major discrepancies between the hazardous waste shipment and what is reflected in the e-Manifest system. Other data issues arise when industry systems upload manifest data that do not match the image file of the paper manifest; in this case, it's difficult to tell if there is an error or not and whether the error lies with the data upload or image file.

EPA established post-receipt manifest data correction requirements in the January 2018 User Fee Final Rule.[15] The post-receipt data correction procedures for generators, transporters, and permitted and interim treatment, storage, and disposal facilities are found in §§ 262.24(h), 263.20(a)(9), 264.71(l), and 265.71(l), respectively. Based on certain revisions made under this final action, these regulations state that, after facilities have certified that the manifest is complete, by signing it at the time of submission to the e-Manifest system, any post-receipt corrections may be submitted at any time by any interested handler (*e.g.,* waste handler) shown on the manifest. These regulations also require that post-receipt corrections be submitted electronically via e-Manifest.

Although EPA established a post-receipt manifest data corrections process, these regulations do not actually require that waste handlers make corrections when errors are identified (*i.e.,* the regulations state corrections ''may be'' submitted). Consequently, waste handlers have often refused requests from EPA or States to correct errors. As a result, the quality of manifest data captured in the system has been adversely impacted to some extent.

EPA believes that several of these types of data errors pre-date the e-Manifest system and that use of e-Manifest has simply shone a light on errors that have been associated with paper manifests all along. However, ensuring high data quality is important to EPA and State regulators who rely on e-Manifest for compliance monitoring of waste shipments. EPA continues to believe that widespread adoption of electronic manifests would be the surest way to improve data quality; however, in the meantime, EPA is focused on addressing errors associated with paper manifests.

2. What EPA Proposed on This Issue: Manifest Data Corrections

EPA requested comment on several issues regarding improvement of the quality of data collected in the e-Manifest system and establishment of mandatory data correction procedures to ensure such improvement. Specifically, the EPA requested comment on whether the post-receipt data corrections procedures should be mandatory. In addition, EPA requested comment on: (1) What types of errors should be required for correction; (2) Should the manifest discrepancies regulated under §§ 264.71, 265.71, 264.72, and 265.72 be subject to mandatory data correction procedures; and (3) Should other types of errors be brought under mandatory correction procedures, such as missing or invalid EPA ID numbers, and, if not, how can EPA more effectively encourage facilities to correct these errors.

EPA also proposed post-receipt manifest data procedures for export manifests and PCB manifests under §§ 262.83(c)(8) and 761.207(g)(2)(v), respectively. These proposed procedures are equivalent to the manifest data corrections procedures for generators, transporters, and receiving facilities established in the 2018 User Fee Final Rule, described above.[16] In addition, EPA proposed and requested comments in the February 2019 **Federal Register** notice and information to improve the precision of waste quantities and units of measure reported in Items 11 and 12 of the hazardous waste manifests (both paper and electronic), respectively.[17] EPA sought additional input and requested comment in the NPRM on these proposals and/or suggestions and also requested comment on whether additional clarification should be added to the manifest's instructions that generators and/or designated facilities must report all waste quantities in Item 11 of the manifest by net weight when they complete the manifest form.[18]

3. Description of Public Comments: Manifest Data Corrections

A few State agencies and one State association raised concerns about data quality in the e-Manifest system stating that inaccurately entered data is pervasive in e-Manifest and inconsistencies between scanned paper manifests and uploaded/entered manifest data are common. These State commenters further asserted that they support the e-Manifest program but have found that its implementation is much more burdensome than initially anticipated. In addition, these commenters stated that State programs have had to invest considerable staff resources in areas including account administration, end user training, quality assurance/quality control (QA/QC) and corrections of the e-Manifest data, work which is not covered by any former task or funding source. They also point out that many State RCRA programs have experienced significant cuts in Federal funding in recent years and have fewer staff resources than ever to conduct the activities that are needed to support an effective hazardous waste management program. According to these commenters, the added work on e-Manifest has stretched limited program resources and may not be sustainable without revisiting funding levels. These commenters stated that EPA should continue to work on fixing the known data quality issues with the current e-Manifest system, reporting and participation issues at some receiving facilities, and other complex cross-state/Region enforcement issues before implementing many of the changes outlined in EPA's proposal (*e.g.,* electronic reporting functions, notifications, BR integration). One industry commenter, however, stated that all data quality concerns would go away if the e-Manifest database is used to produce the BR. This commenter, however, did not elaborate on this viewpoint.

Several State commenters and State associations strongly supported EPA mandating that waste handlers use the post-receipt data corrections process to correct manifest errors. However, one trade association affiliated with the waste management industry opposed making post-receipt data corrections mandatory asserting mandatory post-receipt data corrections should not be required because quality data should be submitted the first time and should not have to be reviewed line-by-line. This commenter further stated that, if there were questions about the manifest, then the EPA PPC should contact the facility.

A few State commenters generally supported making post-receipt corrections mandatory for all errors and inconsistencies between scanned paper manifests and uploaded/entered manifest data, particularly generator and waste information (essentially, everything on a manifest other than

[15] 83 FR 420; January 3, 2018. See page 434.

[16] Ibid.

[17] 84 FR 2854; February 8, 2019. See page 2855.

[18] 87 FR 19290; April 1, 2022. See page 19314.

transporter information). Some State commenters recommended using manifest data corrections procedures for discrepancies in quantities and units of measure, to the extent possible. A few State commenters supported mandatory data corrections procedures for generator EPA ID numbers by the receiving facility to the extent possible. A subset of these commenters suggested an on-screen warning when there is not a valid EPA ID number entered in the generator EPA ID field of a manifest. One State commenter expressed support for mandating corrections process procedures and suggested EPA conduct outreach to the data entry staff of receiving facilities to improve e-Manifest data quality (*e.g.,* training data entry staff to look in Items 1, 14 and 18 on the paper manifest for manifest correction information).

State commenters and State associations overwhelmingly supported making the post-receipt data corrections process mandatory for discrepancy requirements specified under §§ 264.71 and 265.71 (*e.g.,* significant differences in waste quantities or waste types). One State commenter recommended that EPA promulgate data quality requirements for receiving facilities that include making updates and corrections. One trade association representing industry that did not support mandatory use of the post-receipt data corrections process conceded that this manifest discrepancy process should be used for manifest discrepancies of weight or waste type as specified in the regulations.

Commenters were divided on EPA's proposed or alternative changes to the manifest form related to improving precision of waste quantities reported on the manifest. For example, regarding reporting waste quantities using decimals (*e.g.,* allowing use of tenths and hundredths), one State and State association supported the addition of decimals or fractions. These commenters stated use of decimals or fractions would significantly improve the accuracy of data reported, particularly for acute hazardous wastes. These commenters further stated that this improved data quality would save time and reduce workload for both regulators and the regulated community related to manifest corrections, generator category disputes, and the administration of State fee programs. Two commenters (one State and one industry commenter), however, did not support reporting waste quantities using decimals. The industry commenter stated use of decimals or fractions would lead to more data errors, mistaken interpretations of waste quantities, conflicts with biennial report protocols, and additional programming and quality control costs to States, generators, and receiving facilities. The State commenter stated mandating decimal or fractional reporting, or even allowing it on the manifest, would not bring any further relevant accuracy to the data. Instead, the commenter expressed support for EPA's alternative option to amend the units of measure currently required for the Biennial Report so that they match those for manifests.

Regarding using smaller units of measure, a few industry and State commenters support using smaller units of measure on manifests. These commenters also support amending the units of measure currently required for BR so that the e-Manifest can be used to populate the corresponding fields of the WR Form as part of the Biennial Report.

State and industry commenters support use of net weights on manifest forms. However, a State and State association each noted that they support the use of net weights without the weight of the container in box Item 11 if it is supported by the U.S. Department of Transportation requirements. Another supporting State commenter stated that use of net weight should be mandatory if EPA integrates manifest data into BR reporting. However, this commenter acknowledged that use of net weight should not be required for generators because they typically do not have the capability to measure waste quantities accurately at their sites. One industry commenter recommended that receiving facilities be given the option of reporting the net weight for the final manifest information in the e-Manifest system. This commenter noted that, for bulk shipments, receiving facilities weigh bulk transfer containers upon receipt and subtract the container weight to determine net weight of the hazardous waste. The commenter stated that adding a clarification that when units of weight are used on the manifest for bulk shipments, that the quantity must be net weight is consistent with current practice. However, this commenter noted that, for drum shipments, it is not feasible to weigh each drum and then subtract the weight of the drum which can be metal, fiber, composite, etc. Therefore, for drum shipments it is not possible to report net weight. Finally, one commenter representing the retail industry did not support use of net weight for generators. This commenter noted switching from gross weight to net weight could present challenges for retailers. The commenter further stated that the weight of lab pack drums used to store and transport waste will vary. Therefore, it would be difficult to determine net weight in many instances. This commenter also recommended that EPA consult with the waste hauling industry for a better understanding of the implications of reporting net or gross weight amounts.

4. Discussion of Final Rule: Manifest Data Corrections

EPA appreciates States' concerns regarding the quality of data currently in the e-Manifest system and agrees that inaccuracy of manifest data reduces overall system effectiveness and prevents proper identification of mismanaged waste. Accurate e-Manifest data allows handlers to easily store and retrieve records, receive automatically updated manifest information, and reduces the time spent producing reports. In addition, accurate data assists EPA and States to make important resource decisions about hazardous waste management. Unfortunately, the effect of tracking Federal and State hazardous wastes using paper manifests will invariably have data quality problems due to varying QA/QC practices of the regulated community. Therefore, EPA strongly encourages handlers to transition from paper manifests to electronic manifests, which are faster, easier, space-saving, and more convenient than paper submissions. Unlike paper manifests, electronic manifests already exist in digital format with built-in data quality checks. Users of the e-Manifest system have immediate access to up-to-date information that can be used when completing electronic manifests.

EPA, however, acknowledges that scant use of electronic manifests causes EPA to require generators, transporters, and receiving facilities using paper manifests to correct data errors/omissions via the post-receipt data corrections process to satisfy manifest completion requirements under §§ 262.20(a), 263.20(a), 264.71(a), and 265.71(a) for generators, transporters, permitted and interim status facilities, respectively, as well as the manifest instructions corresponding to their copy of the manifest form and, if necessary, the manifest continuation sheet. Therefore, EPA accepts State commenters' recommendations to establish requirements that handlers must correct manifest errors when requested by State regulatory agencies, EPA and/or the EPA PPC.

EPA is not finalizing its proposal or alternative options to improve the precision of waste quantities listed in Items 11 (Total Quantity) and 12 (Units

of Measure) of the manifest form [19] to allow the reporting of decimals or fractions in Item 11 or using smaller units of measure in Item 12 for both paper and electronic manifests.

EPA, however, is not persuaded by some State commenters' recommendations to require receiving facilities to make all corrections to errors/omissions recorded on manifests, including in the generator portion of the manifest form. Generators, transporters, and receiving facilities are all responsible for completing certain portions of the manifest. In fact, the manifest requirements under §§ 264.71(a) and 265.71(a) and/or the instructions for receiving facilities require receiving facilities to complete Items 18–20 of the manifests form and, if necessary, the corresponding data fields of the manifest continuation sheet. The manifest instructions for generators and transporters require them to complete Items 1–15 and Item 17, respectively, of the manifest and if necessary, the corresponding fields of the manifest continuation sheet. For these reasons, this final rule requires receiving facilities to correct errors specified under the manifest discrepancy regulations and manifest instructions. For manifest errors specified by the manifest discrepancy regulations, such errors are found in Items 10–13 of the manifest and per the manifest instructions for receiving facilities are noted under Item 18a and if necessary, under Item 14 (Special Handling Instructions and Additional Information Block) of the manifest. Other errors are found in Item 19 of the manifest. Receiving facilities must also make corrections to errors in this field.

This final rule generally maintains the current post-receipt manifest data corrections process. In fact, after facilities have certified that the manifest is complete, by signing it at the time of submission to the e-Manifest system, any interested persons (*e.g.,* waste handler) named on the manifest may continue to submit voluntarily any post-receipt data corrections at any time, except as described below in this preamble section. Further, there is no limit to the number of corrections that may be entered, and the last submitted correction is presumed valid and accurate unless corrected by a subsequent data correction. The correction submission may relate to an individual record or to an identified batch of records and must be accompanied by a CROMERR-compliant certification that to the person's knowledge and belief, the data as corrected will cause the affected data records to be true, accurate, and complete. Further, the correction submissions must indicate the record being corrected by its Manifest Tracking Number, the Item Number of the manifest data fields affected by the correction, and for each data field corrected, must show the previously entered data and the data as corrected.

The final rule, however, revises the post-receipt data manifest corrections requirements by adding new provisions under the existing requirements under §§ 262.20(a), 263.20(a)(9), 264.71(l), and 265.71(l) and making conforming changes to the proposed manifest corrections requirements for PCB manifested shipments. (Post-receipt manifest data corrections for PCB manifests under § 761.207(g)(2)(v) are discussed in the next section.) These new provisions require generators, transporters, and receiving facilities to make data correction submissions within 30 days from receipt of a corrections request from EPA or a State. These data correction submissions must be made electronically in the system via the post-receipt data corrections process by following the corrections process described in § 264.71(l). This requirement applies to corrections made to either paper or electronic manifest records. This final rule also revises §§ 262.20(h), 263.20(a)(9), 264.71(l), 265.71(l), and 761.207(g)(2)(v) to clarify that receiving facilities must make mandatory/voluntary post-receipt manifest corrections via the e-Manifest system after they sign the manifest, and any manifest continuation sheet, for purposes of submitting the final manifest to the EPA e-Manifest system. The previous language of the existing requirements incorrectly stated that facilities could make post-receipt manifest corrections after the facility signed Item 20 of the manifest. The signature in Item 20 of a manifest (whether paper or electronic manifests are used) applies to signatures for initial receipt of shipments by receiving facilities and occurs prior to manifest submission to the system. Manifest correction submissions must be transacted using a CROMERR-compliant certification that to the person's knowledge and belief, the data as corrected will cause the affected data records to be true, accurate, and complete.

This final rule also makes conforming changes to the proposed manifest data corrections requirement for exporters under § 262.83(c)(8). Like the manifest data corrections process for domestic and import manifests, post-receipt data corrections for export manifests may be submitted at any time by any interested person (*e.g.,* domestic waste handler) shown on the manifest. The distinction between export and domestic and imports shipments is the voluntary corrections for export shipments must be made after foreign facilities have certified to the receipt of hazardous wastes by sending a copy of the movement document to the exporter per paragraph (d)(2)(xvii) unless corrections are requested by the EPA or a State for export manifests. EPA notes that for hazardous waste export shipments, data correction submissions must be made electronically in the e-Manifest system via the post-receipt data corrections process by following the corrections process described in § 265.71(l).

For generators, the EPA is revising the post-receipt manifest data corrections requirements by moving previous § 262.24(h) into § 262.20, specifically replacing § 262.20(a)(2). (Section 262.20(a)(2) previously referred to a compliance deadline that has long passed relating to the March 2005 uniform hazardous waste manifest forms rule. Thus, this previous language is no longer needed); also, since the EPA is moving § 262.24(h) into § 262.20, this final rule removes § 262.24(h). The EPA is also revising the previous language by removing the reference to the 40 CFR 264.71(l) citation and adding, in its place, the more appropriate citation of 40 CFR 265.71(l). the EPA is also revising § 262.20(a)(2) to reflect revisions to the post-receipt manifest corrections requirements under § 264.71(l); please see changes to paragraph (l) below for further discussion.

First, the final rule in paragraph (a)(2) indicates that after facilities have certified that the manifest is complete, by signing it at the time of submission to the e-Manifest system, any post-receipt data corrections may be submitted at any time by LQGs and SQGs. In addition, the final rule requires LQGs and SQGs to address data correction requests by the EPA or States within 30 days of the date of the request. Further, paragraph (a)(2) states that data correction submissions must be made electronically in the post-receipt data corrections process by following the process described in § 264.71(l) of this chapter, which applies to corrections made to either paper or electronic manifest records.

As explained previously, VSQGs subject to the manifest requirements are not required under today's action to register in the e-Manifest system. (However, if a State requires VSQGs to manifest and requires them to register in the e-Manifest system, those VSQGs

[19] 84 FR 2854; February 8, 2019. See page 2855.

must do so. Those VSQGs must also correct errors if requested by States.) Therefore, VSQGs who do not choose to register for e-Manifest should arrange with other waste handlers named on the manifest to make corrections to manifest data on their behalf. LQGs and SQGs, on the other hand, are required to register under today's action and must make and submit data corrections electronically in the e-Manifest system for generator information recorded in Items 1–15, except as noted below, and if necessary, the corresponding items of a continuation sheet, of their manifest records.

Finally, any waste handler named on a manifest must submit corrections to Item 14 of the manifest. Although this field is contained in the generator information block of the manifest, typically all waste handlers involved with a waste shipment and named on the manifest record information in it. EPA points out that LQGs and SQGs may continue to make and submit corrections to manifest data electronically without prior notification from the EPA or States as an interested party of the manifest data.

The EPA is aware that it is a common practice for an entity or individual other than the generator to perform the steps necessary to prepare a waste shipment for transportation, including the steps associated with preparing the manifest paperwork. Often, the transporter or the facility designated on the manifest by the generator to manage their waste shipment prepares the manifest paperwork as a part of the service it provides to its generator customers. In these situations, the EPA and the States will still require LQGs and SQGs to correct errors/omissions to the portions of the manifest requiring their completion. Therefore, if there is transporter or designated facility that prepared the manifest for the LQGs and SQGs, or prepared and signed the generator's certification on behalf of the LQG or SQG, the EPA strongly recommends that LQGs and SQGs arrange through contracts or other legal arrangements to have the transporter or designated facility make and submit post-receipt manifest data correction submissions to the EPA or a State on their behalf. The EPA is aware that e-Manifest brokers also prepare paper manifests or electronic manifests in the e-Manifest system for its generator clients. However, brokers cannot submit data corrections to the EPA on behalf of their generator clients, unless the broker is operating at the generator site and can sign the manifest as an offeror of the waste shipment.

For transporters, the EPA is revising the existing post-receipt manifest data correction requirements in § 263.20(a)(9) to reflect the conforming changes to §§ 264.71(l) and 265.71(l); please refer to the preamble discussion below regarding post-receipt data correction requirements for receiving facilities. Like generators, transporters must follow the data corrections process described in § 264.71(l). Thus, after receiving facilities have certified that the manifest is complete, by signing it at the time of submission to the e-Manifest system, any post-receipt data corrections may be submitted at any time by the transporter. If the EPA or a State request a data correction to manifests, then the transporter must make and electronically submit manifest data corrections to transporter information recorded in Items 14 and 17 of manifest records and corresponding data of manifest continuation sheets via the post-receipt manifest data correction process within 30 days from the date of the corrections request. Further, transporters who changed the routing of the shipment per § 263.21(b)(2) and (3), must submit manifest data corrections to Items 6 and 7, and if necessary, the corresponding items of the manifest continuation sheet, if requested by the EPA or a State. Transporters, of course, may continue to make and submit corrections to manifest data electronically without prior notification from the EPA or States as an interested party of the manifest data. Such transporters must also follow the data corrections process described in § 264.71(l).

The EPA explained previously that the current e-signature methods are designed to be used in the United States. The headquarters of foreign transporters of hazardous waste import shipments are located outside the U.S. These transporters generally have EPA ID numbers, and therefore, can register as users in the e-Manifest system, allowing them to prepare, view, and store import manifests (whether paper or electronic) in their registered accounts. However, these foreign transporters cannot electronically sign manifests in the system nor electronically submit the corrections to the system. Therefore, a registered user named on the import manifest other than the foreign transporter must submit manifest data corrections to the system. Similarly, foreign transporters exporting hazardous waste shipments out of the country will not be able to submit manifest data corrections for export manifests to the system. Manifest data corrections for export manifests are discussed below.

For receiving facilities, the EPA is making conforming changes to the existing manifest data corrections requirements under §§ 264.72(l) and 265.72(l) for receiving facilities. Like generators and transporters, receiving facilities may continue to voluntarily submit post-manifest data corrections electronically via the e-Manifest system at any time as described in revised §§ 264.71(l) and 265.71(l) for permitted and interim status treatment, storage, and disposal facilities, respectively. This final rule makes regulatory amendments to §§ 264.71(l) and 265.71(l) by adding a new provision under paragraph (l) which requires receiving facilities to submit manifest data corrections electronically to the system within 30 days from receipt of the corrections request by the EPA or a State. Receiving facilities must electronically submit manifest data corrections to manifest data recorded in Items 14 (as previously discussed) and 18–20 of the manifest records as well as to the corresponding manifest continuation sheet and data file, if applicable.

Regarding Item 18 of the manifest, the existing manifest requirements at §§ 264.71(a)(2)(ii) and 265.71(a)(2)(ii) and manifest instructions require receiving facilities to note manifest discrepancies (as defined in §§ 264.72(a) and 265.72(a)) on the manifest (Item 18a of the manifest). The EPA notes that neither the existing Federal regulations under these sections nor Item 18 of the current manifest form instructions require receiving facilities to make corresponding changes to Items 10–13 of the manifest when facilities note discrepancies in Item 18a. However, unlike the Federal manifest program, authorized States may require generators or receiving facilities to correct Items 10 and 13 of manifests as part of a manifest discrepancy resolution. Therefore, under this final rule receiving facilities must also submit corrections electronically to the e-Manifest system for Items 10–13 of the manifest if an authorized State requests such corrections to address the discrepancy information recorded in Item 18a.

For exporters, the EPA is finalizing the proposed post-receipt manifest data correction requirements for exporters under § 262.83(c)(8) with slight modification. The revisions to the proposed changes align with the existing post-receipt data correction requirements for generators, transporters, receiving facilities, and PCB commercial storage and disposal

facilities. Like other waste handlers, exporters may voluntarily make manifest data corrections at any time using the post-receipt corrections process. Further, exporters also must make manifest data corrections within 30 days from receipt of a correction request notification from the EPA or a State. An exporter must make corrections to any manifest data recorded on the export manifest so that the data matches manifest information recorded on the completed movement document submitted to the WIETS module in RCRAInfo by the foreign facility. This final rule modifies the proposed post-receipt manifest data corrections requirements to reflect these changes.

The EPA believes it is appropriate to require that the exporter correct all manifest data of an export manifest for several reasons. First, exporters are required to be domiciled in the U.S. Therefore, the EPA has jurisdiction to require exporters make corrections to export manifest data and submit the corrections electronically to e-Manifest system. Second, exporters are responsible for ensuring that the export shipments are accompanied by the movement document and the RCRA manifest unless the exported waste is exempted from RCRA manifest requirements (*e.g.,* universal waste). Third, exporters are additionally required to have a contract with the foreign facility that requires it to send to the exporter either: (1) A copy of the signed movement document to confirm the foreign facility's acceptance of the export shipment per § 262.83(f)(4), or (2) documentation from the foreign facility informing the exporter of the foreign facility's rejection of the waste in the export shipment and the need to arrange alternate management or the return of the waste in the export shipment per § 262.83(f)(3)(i). In cases where the foreign facility rejects waste from an export shipment or if the shipment status cannot be confirmed within certain timeframes, the exporter is required to submit an export Exception Report per § 262.83(h).

Lastly, by March 1st of every year, the exporter is required to submit an export annual report detailing the actual amounts of hazardous waste exported the previous calendar year per § 262.83(g). Based on the documentation that the foreign facility is required to send back to the exporter, the exporter is in the best position to make any necessary corrections to the RCRA manifest data in the e-Manifest system. If the foreign facility notes significant differences in the movement document or other documentation concerning the waste they received or rejected with respect to data elements required in both the movement document and the RCRA manifest, then the exporter will be required to make those corrections. Examples of such corrections include but are not limited to changes to waste quantity, applicable RCRA hazardous waste code(s), applicable DOT/UN identification number, waste stream consent number, or exporter's EPA identification number.

The EPA appreciates comments and recommendations on its proposals and suggestions regarding improving the accuracy and precision of waste quantities and units of measure recorded in Items 11 and 12, respectively, on manifests. Based on comments, the EPA has decided at this time to not finalize these proposals or suggestions in this final rule. The EPA agrees with commenters that matching the units of measure in the BR with the manifest and requiring use of net weight for bulk shipments would make for a more streamlined process and would make it easier to transfer information from the manifest to the BR. However, revisions to the units of measure currently required for the BR are beyond the scope of this final rule and require a separate Agency action. The EPA also accepts one commenter's concern about the possible causal effects to States, generators, and receiving facilities if the EPA mandates use of decimals or fractions for reporting of waste quantities on manifests. The EPA also accepts the comment from the trade association, representing the retail, industry, suggesting that the EPA should consult with the waste hauling industry prior to making a final determination about reporting net or gross weight amounts on manifests. As mentioned previously, the EPA believes that comments addressing BR raised significant substantive issues that merit further analysis and outreach prior to adopting a final approach. The EPA also believes comments to the Agency's proposals considering data accuracy and precision improvements of waste quantities merit further analysis. For these reasons, the EPA is not finalizing the proposals and/or requested comment on alternative suggestions in this final rule.

I. PCB Manifests

1. Background and What the EPA Proposed on This Issue: PCB Manifests

Toxic Substances Control Act (TSCA)-regulated Polychlorinated Biphenyls (PCBs) waste is subject to the disposal requirements under part 761, subpart D and must be manifested unless it is specifically exempted from the requirements in part 761, subpart K. Therefore, like RCRA and State-only hazardous wastes, TSCA-regulated PCB waste subject to manifesting requirements must be tracked from the point the PCB waste leaves the facility where it is generated until it reaches the facility where it is stored or disposed. The PCB manifest regulations also require manifest-related reporting akin to the RCRA manifest regulations, *i.e.,* exception, discrepancy, and unmanifested waste reporting. However, the PCB manifest regulations in part 761 have not been updated since the launch of the e-Manifest system and thus make no reference to the use of electronic manifests and still require ''handwritten'' signatures.

The EPA proposed several conforming changes to the TSCA PCB regulations at part 761 to clarify the ability to use electronic manifests and the e-Manifest system to fulfill PCB waste tracking and recordkeeping requirements.[20] The EPA also proposed conforming changes to the exception, discrepancy, and unmanifested waste reporting requirements for PCB waste. Additionally, EPA proposed the addition of manifest data correction procedures under § 761.207(g)(2)(v) for PCB generators, PCB transporters, and PCB commercial storage and disposal facilities. The proposed procedures are equivalent to the existing post-receipt manifest data correction procedures in §§ 262.24(h), 263.20(a)(9), 264.71(l), and 265.71(l) for RCRA hazardous wastes. EPA also proposed changes to other TSCA PCB requirements to allow for the future use of an approved electronic system, such as the RCRAInfo industry application, for the submission of Forms 7710–53 and 6200–025, Certificates of Disposal, and One-Year Exception Reports.[21]

2. Public Comments and Discussion of Final Rule: PCB Manifests

Except as described in sections II.D.3, II.E.3, and II.F.3 with respect to discrepancy, exception, and unmanifested waste reporting requirements, the EPA did not receive adverse public comment on the proposed changes related to the PCB regulations; therefore, the EPA is finalizing these changes largely as proposed. The EPA is revising certain aspects of the discrepancy, exception, and unmanifested waste reporting requirements for the PCB regulations. This rule also finalizes changes related to post-receipt manifest data correction

[20] 87 FR 19290; April 1, 2022. See page 19307.

[21] 87 FR 19290; April 1, 2022. See page 19308.

procedures and makes additional conforming changes related to electronic manifesting that were inadvertently omitted from the April 2022 NPRM.

The EPA is finalizing several conforming changes to the TSCA PCB manifest regulations at part 761, subpart K to better align these requirements with the RCRA manifest regulations and the e-Manifest program. First, the EPA is finalizing the proposal to add the Hazardous Waste Electronic Manifest Establishment Act to the Authority section for part 761. As explained in the NPRM, the e-Manifest Act and current manifest regulations have always applied to all hazardous waste manifests as well as manifests for PCB waste, but the PCB regulations had not been updated to reflect this. The EPA is finalizing the proposed, conforming change in the regulation as a clarification that the e-Manifest Act applies to manifests for PCB waste. Second, the EPA is finalizing the definition for ''electronic manifest'' in § 761.3. However, the EPA is modifying the proposed definition to clarify that electronic manifests must be obtained from the EPA's national e-Manifest system and transmitted electronically through the EPA's national e-Manifest system. Third, the EPA is finalizing its proposals to strike several instances of the words ''written,'' ''handwritten,'' and ''by hand'' from the PCB regulations at §§ 761.210(a)(1) and (2), 761.211(d)(1), (e)(3), (f)(3)(i), (f)(4)(i), 761.213(a)(2)(i), and 761.217(a)(1) that could be interpreted to require the use of paper manifests. Fourth, the EPA is finalizing the proposal to add proposed paragraph (g) to § 761.207. New § 761.207(g) consists of two paragraphs. The first paragraph [§ 761.207(g)(1)] is adapted from § 262.20(a)(3) and clarifies that any person required to prepare a manifest may use an electronic manifest as long as the electronic manifest complies with specific EPA requirements. The second paragraph [§ 761.207(g)(2)] is adapted from § 262.24(a) and establishes the legal equivalence of electronic manifests to paper manifests. The proposed approach is in line with the other text of subpart K. Fifth, the EPA is finalizing the proposed changes in § 761.209 to clarify how the requirement to provide copies of the manifest to each of the regulated parties is fulfilled by the EPA's e-Manifest system. Sixth, the EPA is finalizing the proposed changes in § 761.213 to add two new paragraphs to this section. The first paragraph, (d), is adapted from § 265.71(h) and clarifies that a commercial storage or disposal facility must follow certain manifest tracking procedures using paper manifests as replacements for the electronic manifest, if the electronic manifest becomes unavailable and cannot be completed. From the point at which the electronic manifest is no longer available for tracking the PCB shipment, the paper replacement manifest must be completed and managed just as it would be completed and managed with the standard paper manifest form. The second paragraph, (e), states that a commercial storage or disposal facility who is a user of the electronic manifest system shall be assessed a user fee by the EPA for the submission and processing of each electronic and paper manifest. Seventh, the EPA is finalizing the proposals to add new paragraphs to §§ 761.211 for transporters and 761.213 for commercial storage or disposal facilities to clarify that they must follow special manifest tracking procedures for manifests that are initiated electronically, but, for whatever reason, cannot be completed electronically.

The EPA is also finalizing conforming changes to the TSCA PCB regulations for Discrepancy Reports under § 761.215, Unmanifested Waste Reports under § 761.216, and Exception Reports under § 761.217. This final rule modifies the proposed changes to these requirements so that they align with the requirements finalized for the RCRA manifest-related reports, as described in sections II.D.4, II.E.4, and II.F.4 above. However, the EPA is not finalizing the proposed change to § 761.215(f)(6). This change would have required a commercial storage or disposal facility to mail or submit initial copies of manifests to the e-Manifest system, for rejected shipments returned to the generator. This proposed change is not needed because initial manifests are not final signed manifests. The EPA e-Manifest system only stores final signed manifests for waste that must be manifested under Federal or State law; thus, facilities must submit final copies of signed and dated manifests to the EPA e-Manifest system and pay any applicable fees associated with those manifests. Manifests are not complete and thus final until the transportation phase of the manifested shipment ends. For rejected shipments returned to the generator, a rejecting facility initiates the transportation phase of the returned shipment using the initial manifest. Transportation of the rejected shipment ends when the shipment arrives back at the original generator site and the generator closes out the manifest by signing Item 20 of the manifest.[22]

The EPA, however, is making conforming changes to the existing manifest discrepancy requirements under § 761.215(g). If a commercial storage or disposal facility rejects a waste after it has signed, dated, and returned a copy of the manifest to the generator or delivering transporter, § 761.215(g) requires the facility to amend its copy of the manifest to indicate that a waste was rejected and mail the amended manifest to the generator and delivering transporter. The EPA did not propose changes to § 761.215(g) in the NPRM. However, as explained below, this final rule revises § 761.213(a)(2)(iv) to clarify that receiving facilities are only required to mail signed manifests to a generator if the generator is not registered in the EPA's e-Manifest system. Those generators who are registered would be able to obtain signed and dated copies of completed manifests from the EPA e-Manifest system rather than mailed from the commercial storage or disposal facility. Therefore, this final rule makes conforming changes to the manifest discrepancy requirements under § 761.215(g) so that they are consistent with the revisions to § 761.213(a)(2)(iv) regarding the conditions under which the transmittal requirement for the final manifest is satisfied if the recipient of the manifest is registered and can obtain the signed and dated manifest from the EPA e-Manifest system.

Regarding the Exception Report requirements for manifested PCB wastes, this final rule finalizes revisions for PCB wastes under existing § 761.217(a)(1) to align the shipment verification timeframe for PCB generators with the new 45-day timeframe for RCRA LQGs (previously 35 days of the date the waste was accepted by the initial transporter). This final rule makes conforming changes to § 761.217(a)(2) to require Exception Reports be submitted for PCB manifest shipments no later than 60 days of the date the waste was accepted by the initial transporter, which is the same timeframe for RCRA LQGs. The EPA is also making conforming changes to § 761.217(b)(2) to reflect the 45- and 60-

[22] For return shipments to generators, the rejecting facility (*e.g.,* the commercial storage or disposal facility) is typically listed as the generator on the return manifest, while the original generator of the waste receiving its waste as a return is shown as the designated or receiving facility. Therefore, the original generator (now listed as receiver) must send the completed signed copy of the return manifest to the rejecting facility (now listed as generator). Upon receipt of the return manifest, the rejecting facility must submit the return manifest to the EPA e-Manifest system.

day timeframes. This final rule also finalizes the proposed requirements at § 761.217(c) for electronic exception reporting as proposed. New paragraph (c) prescribes the conditions under which electronic Exception Reports are the full legal equivalent of written, paper Exception Reports for all TSCA purposes.

The EPA reiterates that, unlike RCRA hazardous waste LQGs and SQGs, PCB generators are not required to register with e-Manifest. Thus, this final rule does not affect a PCB generator's ability to submit Exception Reports for paper-based manifests to the EPA via postal mail. However, PCB generators with RCRA-issued EPA ID numbers may register with e-Manifest so that they can prepare and submit Exception Reports in the system. PCB generators with RCRA-issued EPA ID numbers may also opt into electronic manifesting which would enable them to track their waste shipment electronically in the system. Otherwise, PCB generators may continue to submit the manifest-related report to the EPA via postal mail. For further information regarding leveraging the e-Manifest system to satisfy the exception reporting requirements, refer to preamble section II.D.4.

Regarding Discrepancy Reports, this final rule finalizes changes to § 761.215 to allow PCB commercial storage and disposal facilities to use the e-Manifest system to satisfy discrepancy reporting requirements. However, this final rule modifies existing paragraph (c) of the discrepancy reporting requirements by restricting submission of these Discrepancy Reports to the e-Manifest system. Thus, PCB commercial storage and disposal facilities will no longer have the option to submit Discrepancy Reports to the EPA via postal mail. (For additional discussion regarding the final decisions for electronic discrepancy reporting and the date on which these new requirements become effective, refer to preamble section II.E.4). Since submission of Discrepancy Reports is restricted to electronic formats (regardless of whether paper or electronic manifests are used), the EPA is removing the requirement that commercial storage and disposal facilities provide a separate cover letter describing the discrepancy and attempts to reconcile the discrepancy. Instead, facilities will be required to provide this description in the EPA's e-Manifest system as part of the electronic Discrepancy Report.

In addition, the EPA is not finalizing proposed paragraphs (c)(1) through (4), which would have addressed the legal equivalency of the electronic reports to the written, paper reports, and allow for electronic discrepancy reporting for wastes shipped on electronic or hybrid manifests.

Regarding Unmanifested Waste Reports, the EPA is finalizing its proposals with slight modification. This final rule makes conforming changes to the unmanifested waste reporting requirements based on public comments, as discussed in preamble section II.F. This final rule also establishes a delayed compliance date that begins on December 1, 2025, on which regulated entities must comply with the electronic unmanifested reporting requirements for PCB manifested shipments. The delayed compliance date is discussed in preamble section II.F.4. Today's rule finalizes the proposals under § 761.216 that require PCB commercial storage or disposal facilities to submit Unmanifested Waste Reports electronically in the e-Manifest system. Thus, this final rule removes the option allowing PCB commercial storage and disposal facilities to submit Unmanifested Waste Reports via postal mail. Based on the final rule decisions described in the preamble section II.F.4, this rule does not finalize the proposed unmanifested waste requirement under paragraph (c) where the EPA would assess a user fee, equivalent to the user fees for electronic manifests, on commercial storage and disposal facilities for each submission of an electronic Unmanifested Waste Report.

The EPA is finalizing the manifest data correction procedures proposed under § 761.207(g)(2)(v), with modifications to conform with final revisions to the existing post-receipt manifest data correction requirements in §§ 262.24(h), 263.20(a)(9), 264.71(l)(1) and 265.71(l)(1), as described in section II.H.4 of this preamble. Data correction submissions must be made electronically in the system via the post-receipt data corrections process by following the process described in § 264.71(l), which applies to corrections made to either paper or electronic manifest records. However, as explained previously in preamble section II.C.4, PCB generators are not required to register in the e-Manifest system. Therefore, this final rule further revises the proposed requirement of § 761.207(g)(2)(v) to clarify that PCB generators are required to electronically submit manifest data corrections via the e-Manifest system within 30 days from receipt of a notification request from EPA or States and that PCB generators who are not registered with the EPA e-Manifest system must arrange with other waste handlers named on the manifest (*e.g.,* through contracts or other legal arrangements) to electronically submit corrections on their behalf. Transporters and commercial storage and disposal facilities are expected to make and submit data corrections electronically for transporter information recorded in Item 17 and Items 18–20 of manifests, respectively, and any corresponding corrections to manifest continuation sheets, if applicable. Additionally, commercial storage and disposal facilities must submit corrections to Items 10–13 of the manifest so that the corrections address manifest data discrepancies reported in Item 18a of the manifest. (See preamble section III.G.4 for further explanation). The EPA points out that PCB waste handlers may continue submitting corrections to manifest data electronically without prior notification from the EPA or States as an interested party of the manifest data. Such generators must also follow the data corrections process described in § 264.71(l).

The EPA is also finalizing the proposed changes to the PCB regulations at §§ 761.205, 761.218, and 761.219, respectively. EPA is finalizing these changes to allow the submission of these documents in the future through an EPA-approved electronic system, such as the RCRAInfo Industry Application.

The EPA is not finalizing the proposed changes to § 761.180(b)(3). This is because EPA has already finalized revisions to this requirement in the August 2023 PCB Final Rule.[23] Therefore the proposed changes discussed in the NPRM are no longer needed.

As mentioned previously, the EPA proposed many conforming changes to the TSCA PCB regulations at part 761 clarifying the ability to use electronic manifests and the e-Manifest system to fulfill waste tracking and recordkeeping requirements. This final rule makes additional conforming changes to existing TSCA PCB manifest regulations that were inadvertently omitted from the proposed rule. First, this final rule makes conforming changes to § 761.213(a)(2)(iv) and (v) to codify that receiving facilities send a signed and dated copy of Page (1) of the manifest to the EPA e-Manifest system. This final rule also modifies these paragraphs in a couple of ways. The final rule revises § 761.213(a)(2)(iv) to clarify that generators who are registered with the EPA's e-Manifest system may obtain their signed and dated copies of completed manifests from the EPA e-Manifest system. The final rule makes

[23] 88 FR 59662; August 29, 2023. See page 59677.

conforming changes to paragraph (a)(2)(v) so that it is consistent with the revisions to the manifest paper submission requirements revisions for RCRA hazardous waste (see preamble discussion in section II.I.2 regarding conforming changes to §§ 264.71(a)(2)(v)(B) and 265.71(a)(2)(v)(B)).

Second, this final rule makes conforming changes to § 761.215(c) to reflect the new 20-day submission timeframe for manifest discrepancy reporting. The EPA revised the manifest discrepancy reporting timeframe under §§ 264.72(c) and 265.72(c) to allow receiving facilities up to 20 days to reconcile a shipment with the generator and/or transporter for manifest discrepancies. The EPA inadvertently omitted revising the equivalent TSCA PCB discrepancy reporting requirements under § 761.215(c). Therefore, this final rule modifies paragraph (c) to reflect that commercial storage and disposal facilities also have up to 20 days to reconcile a shipment with the generator and/or transporter for manifest discrepancies.

J. Technical Corrections

The EPA proposed a few technical corrections to various RCRA and TSCA regulations. The EPA did not receive adverse comment to the proposed technical corrections; therefore, this final rule is finalizing the changes as proposed. The following is a list of the final changes:

- Revise §§ 264.71(a) and 265.71(a) by removing the obsolete requirement under paragraph (a)(2)(v)(A) and reserving it for future use. This requirement is obsolete since as of June 30, 2021, the EPA no longer accepts paper manifest submissions—and any paper manifest continuation sheets—to the e-Manifest system for purposes of data entry and processing via postal mail. Currently, receiving facilities must submit paper manifests to the e-Manifest system in accordance with §§ 264.71(a)(2)(v)(B) and 265.71(a)(2)(v)(B).
- Revise paragraphs (a) and (b) of §§ 264.1311 and 265.1311 to remove the mention of ''by mail/in lieu of submitting mailed paper forms'' from the requirements. As mentioned above the EPA no longer accepts paper manifest submissions—and any paper manifest continuation sheets—to the e-Manifest system for purposes of data entry and processing via postal mail.
- Revise minor typographical misspelling errors to change ''eManfiest'' to ''e-Manifest'' in the Operations and Maintenance (O&M) Cost portion of the user fee formulas in paragraphs (a) and (b) of §§ 264.1312 and 265.1312.
- Revise a typographical error found in paragraph (e) of § 761.60. Paragraph (e) accurately refers to ''an incinerator approved under § 761.70 or a high-efficiency boiler operating in compliance with § 761.71'' twice in the first sentence. However, the fifth sentence uses incorrect citations in a similar reference to ''a § 761.60 incinerator or a § 761.61 high-efficiency boiler.'' The EPA is correcting the regulatory citations in the fifth sentence to read ''a § 761.70 incinerator or a § 761.71 high efficiency boiler.''

In addition to the final changes listed above, the EPA is making conforming changes to §§ 264.71(a) and 265.71(a) by revising the language in paragraph (a)(2)(v)(B) to further clarify that receiving facilities can only submit scanned images upload or data plus image uploads of the top copy (Page 1) of the manifest and any continuation sheet to the EPA's e-Manifest system. Further, the EPA is revising paragraph (a)(2)(V)(B) by removing the obsolete regulatory language in paragraph (a)(2)(v)(B) which reads, ''Submissions of copies to the e-Manifest system shall be made to the electronic mail/submission address specified at the e-Manifest program website's directory of services.'' As explained above, the EPA proposed deletion of paragraph (a)(2)(v)(A) but overlooked including these conforming changes to paragraph (a)(2)(V)(B) in the NPRM.

III. State Implementation

A. Applicability of Rules in Authorized States

Under section 3006 of RCRA, the EPA may authorize a State hazardous waste program to operate in lieu of the Federal program within the State. Following authorization, the EPA maintains its enforcement authorities, although authorized States have primary enforcement responsibility for their authorized programs. The standards and requirements for State authorization are found in part 271.

Prior to the enactment of the Hazardous and Solid Waste Amendments of 1984 (HSWA), an authorized State hazardous waste program operated entirely in lieu of the Federal program in that State. The Federal requirements no longer applied in the authorized State, and the EPA could not issue permits for any facilities in that State. When new, more stringent or broader Federal requirements were promulgated, the State was obligated to adopt equivalent authorities under State law within specified time frames.

However, new requirements did not take effect in an authorized State until the State adopted such equivalent authorities, and these requirements did not become part of the authorized program enforceable by the EPA until the EPA authorized them.

In contrast, with the enactment of RCRA section 3006(g), which was added by HSWA, new Federal requirements and prohibitions imposed pursuant to HSWA authority take effect in authorized States at the same time that they take effect in unauthorized States. The EPA is directed by section 3006(g) to implement HSWA-based requirements and prohibitions in authorized States until the EPA authorizes equivalent State authorities. While States must still adopt State-law equivalents to HSWA-based requirements and prohibitions to retain final authorization, until the States do so, and the EPA authorizes the State-law equivalents, the EPA implements and enforces these provisions in authorized States.

Authorized States are required to modify their programs when the EPA promulgates Federal requirements that are more stringent or broader in scope than existing Federal requirements. RCRA section 3009 allows the States to impose standards more stringent than those in the Federal program (see also § 271.1). If the EPA promulgates a Federal requirement that is less stringent or narrower in scope than an existing requirement or of equivalent stringency, authorized States may, but are not required to, adopt a new equivalent requirement regardless of whether or not it is promulgated under HSWA authority.

The e-Manifest Act contains similar authority to HSWA with respect to Federal and State implementation responsibilities in RCRA authorized States. Section 2(g)(3) of the e-Manifest Act, entitled Administration, provides that the EPA shall carry out regulations promulgated under the Act in each State unless the State program is fully authorized to carry out such regulations in lieu of the EPA. Also, section 2(g)(2) of the Act provides that any regulation promulgated by the EPA under the e-Manifest Act shall take effect in each State (under Federal authority) on the same effective date that the EPA specifies in its promulgating regulation. Thus, the result is that regulations promulgated by the EPA under the e-Manifest Act, like HSWA-based regulations, are implemented and enforced by the EPA until the States are authorized to carry them out.

Because the RCRA manifest requires strict consistency in its implementation,

the EPA changes to Federal manifest form requirements must be implemented consistently in the States and on the same effective date. See 70 FR 10776 at 10810 (March 4, 2005). This is true whether the manifest form change is based on RCRA or on e-Manifest Act authority and whether the changes are more or less stringent than the existing Federal program.

TSCA does not grant the EPA authority to authorize States to administer the PCB program. The EPA directly implements the Federal PCB regulations in all States and territories. Because TSCA is not administered by State programs, all changes to 40 CFR part 761 become effective in all States and territories on the effective date of the rule.

While the revised manifest requirements for collection of export manifests and Exception, Discrepancy, and Unmanifested Waste Reports in the e-Manifest system will be implemented on a delayed compliance date, RCRA and TSCA entities in all States must comply with these requirements on and after the compliance date of December 1, 2025.

The remainder of this section discusses the State authorization implications for today's revised manifest requirements.

B. Effect on State Authorization

There are various authorities on which the provisions of this final rule are based; these authorities affect State implementation of these provisions. First, some of the provisions in this final rule are based on the authority of the e-Manifest Act and are listed in the table below. The EPA will implement, and regulated entities must comply with, these provisions in all States consistently either on the effective date of the rule or on the delayed compliance date, December 1, 2025, for certain provisions. States must adopt the authorizable e-Manifest Act-based provisions of this final rule in order to enforce them under State law, and to maintain manifest program consistency. However, the EPA will continue to implement and enforce these provisions until such time as the State modifies its authorized program to adopt these provisions and receives authorization from the EPA for the program modification.

Regulation	Subject
§ 262.42(a)(1) through (4), (b), (c)(2)	Submission of Electronic Exception Reports to the e-Manifest system.
§ 262.83(4)	Exporters' submission of required electronic or paper manifest to the system.
§ 262.83(c)(4)(i)	Imposition of fees on exporters for their manifest submission.
§ 262.83(c)(4)(iv)	Exporters' replacement manifests.
§ 262.83(c)(4)(v)	Exporters' post receipt data corrections.
§ 264.72(c), § 265.72(c)	Submission of Electronic Discrepancy Reports to the e-Manifest System.
§ 264.76(b), § 265.76(b)	Submission of Electronic Unmanifested Waste Reports to the e-Manifest system.

In the EPA's proposed rule, we had originally described certain manifest-related report provisions as based on RCRA (non-HSWA) authority (*i.e.,* 40 CFR 262.42(a)(1) and (2), 262.42(b), 262.42(c)(2), 264.72(c), and 265.72(c)). We have since re-evaluated this description and have concluded in this final rule that these amendments are being promulgated under the e-Manifest Act. That is, even if certain manifest-related report provisions at §§ 262.42(a)(1) and (2), 262.42(b), 262.42(c)(2), 264.72(c), and 265.72(c) were originally promulgated under the RCRA base statutory authority, given the specific amendments in today's rule, these amendments are in fact being promulgated under the e-Manifest Act authority and therefore will be effective, implemented and enforced as described above. Section 2(g)(1) of the e-Manifest Act, RCRA section 3024(g)(1), 42 U.S.C. 6939g(g)(1), authorizes the EPA to promulgate regulations ''to be necessary to facilitate the transition from the use of paper manifests to the use of electronic manifests, or to accommodate the processing of data from paper manifests in the electronic manifest system, including a requirement that users of paper manifests submit to the system.'' The EPA interprets this authority to extend also to the promulgation of regulations for manifest-related report submissions to the e-Manifest system because such reports are directly tied into manifests. Specifically, these manifest-related reports would not exist if not for manifests in the first place, and therefore would similarly be part of the transition to use of the e-Manifest system. As a result, these particular provisions appear in the above table.

Second, some of the provisions in this final rule are promulgated under HSWA authority. These HSWA provisions are the import/export provisions discussed in section II.B.1 and II.B.3, as well as §§ 262.83(c)(3), 264.71(a)(3), 265.71(a)(3), and 267.71(a)(6). They are also the import/export provisions discussed in section II.G as proposed amendments to movement document regulations and certain technical corrections and conforming amendments to import and export requirements. As the EPA discussed in section II.G.3, the EPA will finalize all these provisions as proposed. Because these provisions are promulgated under HSWA authority, these provisions will be implemented and enforced by the EPA in all States consistently on the effective date of the final rule. Although States do not receive authorization to administer the Federal Government's import/export functions in part 262, subpart H, or the import/export related functions in certain other RCRA hazardous waste regulations, State programs are still required to adopt the provisions in this rule to maintain their equivalency with the Federal program (see 40 CFR 271.10(a) and (d)).

Finally, as discussed above, the Federal provisions promulgated under the e-Manifest Act must be adopted by States with strict consistency. Likewise, the import/export provisions promulgated under HSWA must also be adopted by States without modification. Thus, these Federal provisions will apply in all States on the effective date, and States will still need to adopt these provisions under State law. Because the TSCA PCB program is administered by the EPA and not States, all regulatory changes to part 761 become effective in all States and territories on the effective date of the rule.

C. Conforming Changes to 40 CFR 271.10 and 271.12

This final rule also includes conforming changes to §§ 271.10 and 271.12, addressing the requirements for hazardous waste generators and exporters, and receiving facilities, respectively, that must be included in authorized State programs to maintain consistency with the Federal program. The conforming changes to § 271.10 regarding regulatory amendments to the hazardous waste export and import regulations are discussed in preamble section II.B. The first change, at

§ 271.10(f)(4), clarifies that authorized State programs must include requirements for electronic Exception Reports submitted to the EPA's e-Manifest system, in lieu of sending signed copies to the EPA Regional Administrator or the States.

The second change, at § 271.10(h)(2), clarifies that a State may only collect a generator's initial copy of a manifest when a paper manifest is used (*i.e.,* manifests that do not originate in the e-Manifest system). This is because the EPA system collects only the receiving facilities' paper copies, and not the initial paper manifest copy from generators, thus the generator's initial paper copy will not be available to States from the e-Manifest system. The EPA established requirements in the 2014 One Year Final Rule for designated facilities to submit copies of paper manifests to the e-Manifest system in lieu of supplying them directly to States at §§ 264.71(a)(2)(v) and 265.71(a)(2)(v). However, the EPA noted in the 2014 final rule that designated facilities must continue to supply paper copies of manifests to States until the Agency determines when the e-Manifest system becomes operational. At that time, the EPA explained that the requirement for designated facilities to supply paper manifest copies directly to States was intended to be replaced eventually with a requirement for designated facilities to submit their paper manifest copies to the EPA e-Manifest System for data processing once that the system was operational. Thus, the EPA stated in the One Year Rule that the current provisions of paragraph (h)(2) would remain unchanged and effective until the EPA announced the schedule for the receipt of facility copies and then amended these provisions accordingly.[24] The EPA also noted at that time that States could still require the collection of generator copies as a component of State programs under State law. The EPA announced the launch of the e-Manifest system and the schedule under which designated facilities would be required to submit paper manifest copies to the e-Manifest system in the 2018 User Fee Final Rule. However, the EPA neglected revisions to paragraph (h)(2). This final rule modifies § 271.10(h)(2) accordingly as originally intended.

The third change, at § 271.10(j), clarifies that authorized State programs must include a requirement that hazardous waste exporters submit a signed copy of each paper manifest and continuation sheet (or the data from paper manifests) to the EPA's e-Manifest system, in lieu of providing additional copies of the manifest to the hazardous waste transporters. Revisions to § 271.10(j) also clarify that authorized State programs must include requirements for hazardous waste exporters to pay user fees to the EPA to recover all costs related to the operation of an electronic hazardous waste manifest system (e-Manifest system). These modifications are necessary to effectuate the intent of Congress that under the e-Manifest Act, the e-Manifest system will operate as a national, one-stop reporting hub for manifests and data, and manifest-related reports such as Exception Reports, Discrepancy Reports and Unmanifested Waste reports.

The EPA is not finalizing the proposed conforming change to § 271.12(k) that would have clarified that authorized State programs must include requirements for hazardous waste management facilities and facilities submitting electronic Unmanifested Waste Reports in the e-Manifest system to pay user fees to the EPA. Since the EPA is not finalizing a user fee requirement for the submission of Unmanifested Waste Reports to the e-Manifest system (see section II.F.4), this provision is no longer necessary.

Finally, the e-Manifest-related amendments at § 271.12(l) and (m) must be included in authorized State programs for electronic Discrepancy Reports and Unmanifested Waste Reports to maintain consistency with the Federal program. The amendments to § 271.12(l) and (m) clarify that authorized programs must include requirements that designated or receiving facilities submit electronic Discrepancy Reports and Unmanifested Waste Reports in the EPA's e-Manifest system, in lieu of sending signed copies to the States.

The EPA notes that the Agency the revised manifest provisions for collection of export manifests (§ 271.10(j)), Exception Reports (§ 271.10(f)(4)), Discrepancy Reports (§ 271.12(l)) and Unmanifested Waste Reports (§ 271.12(m)) in the e-Manifest system will be implemented in all States on the delayed compliance date beginning on December 1, 2025.

D. Provisions of the Proposed Rule That Are Not Authorizable

There are some provisions in this final rule that are ''not authorizable.'' By this term, the EPA means those provisions in this final rule that can be administered only by the EPA, and not by authorized States. The first group of non-authorizable requirements included in this final rule are § 262.21(f)(5) through (7). These provisions together announce the revised printing specification for the final four-copy paper manifest and continuation sheet paper forms, the revised copy distribution requirements to be printed on each copy of the form, and the revised specification for printing the appropriate manifest instructions on the back of the form copies. State programs are not required to take any action respecting these regulatory changes to the printing specifications, and they will take effect in all States on the effective date of this rule. See generally 83 FR 420 at 448 (January 3, 2018). As discussed in section IV.A. above, the RCRA manifest requires strict consistency in its implementation, so that an EPA change to Federal manifest form requirements must be implemented consistently in the States. See generally 70 FR 10776 at 10810 (March 4, 2005). States are not authorized to administer or enforce these RCRA manifest form provisions.

The second group of non-authorizable requirements in this final rule are regulatory amendments to certain fee methodology and related fee implementation provisions set forth in subpart FF of parts 264 and 265. These requirements include definitions relevant to the program's fee calculations (§§ 264.1311, 265.1311), and the user fee calculation methodology (§§ 264.1312, 265.1312). These user fee provisions in subpart FF are based on the authority of the e-Manifest Act and will be implemented and enforced by the EPA on the effective date of the final rule and perpetually thereafter. The user fee provisions of subpart FF describe the methods and processes that the EPA alone will use in setting fees to recover its program costs, and in administering and enforcing the user fee requirements. Therefore, States cannot be authorized to implement or enforce any of the subpart FF provisions.

Although States cannot receive authorization to administer or enforce the Federal government's e-Manifest program user fees, authorized State programs must still include the content of or references to the subpart FF requirements. This is necessary to ensure that members of their regulated communities will be on notice of their responsibilities to pay user fees to the EPA e-Manifest system when they utilize the system. Authorized State programs must either adopt or reference appropriately the user fee requirements of this final rule. However, when a State adopts the user fee provisions of this rule, the State must not replace Federal or EPA references with State references

[24] 79 FR 7518; February 7, 2014. See page 7555.

or terms that would suggest the collection or implementation of these user fees by the State.

The last group of non-authorizable provisions in this final rule are regulatory amendments to certain export and import regulations detailed in preamble sections II.B.1 and II.G.3. Because of the Federal Government's special role in matters of foreign policy, the EPA does not authorize States to administer Federal import/export functions in the regulations discussed in those preamble sections. This approach of having Federal, rather than State, administration of the import/export functions promotes national coordination, uniformity, and the expeditious transmission of information between the United States and foreign countries.

Although States do not receive authorization to administer the Federal government's import/export functions in part 262, subpart H, or the import/export related functions in certain other RCRA hazardous waste regulations, State programs are still required to adopt the provisions in this rule to maintain their equivalency with the Federal program (see 40 CFR 271.10(a) and (d)).

This rule contains many amendments to the export and import shipment movement document-related requirements under 262, subpart H to more closely link the manifest data with the movement document data. The rule also contains conforming import and export-related amendments to parts 260, 261, 262, 263, 264, 265, 267, and 271, all of which are more stringent.

The States that have already adopted parts 262, subpart H, 263, 264, part 265, and any other import/export related regulations discussed in this final rule must adopt the revisions to those provisions in this final rule. When a State adopts the import/export provisions in this rule, they must not replace Federal or international references or terms with State references or terms.

IV. Statutory and Executive Orders Reviews

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

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

This action is not a significant regulatory action as defined in Executive Order 12866, as amended by Executive Order 14094, and was therefore not subject to a requirement for Executive Order 12866 review. The EPA prepared an economic analysis of the potential costs and benefits associated with this action. This analysis (titled ''The Regulatory Impact Analysis for the EPA's Final Rule Integrating e-Manifest with Hazardous Waste Exports and Other Manifest-related Reports, PCB Manifest Amendments and Technical Corrections'') is available in the docket.

B. Paperwork Reduction Act (PRA)

The information collection activities in this final rule will be submitted for approval to the Office of Management and Budget (OMB) under the PRA. The Information Collection Request (ICR) document that the EPA prepared has been assigned EPA ICR number 2712.02. You can find a copy of the ICR in the docket for this rule, and it is briefly summarized here. The information collection requirements are not enforceable until OMB approves them.

Implementation of this e-Manifest rule will impose new information collection requirements on the regulated community who must use the manifest for tracking hazardous waste export shipments, and who must prepare manifest-related reports such as exception, discrepancy, and Unmanifested Waste Reports to address specific problems that arise in the use of the manifest. The rule also consists of a series of clarifications to the manifest regulations under RCRA and TSCA that are not expected to result in behavior changes by the regulated community, and therefore do not have associated costs.

Generally, the generators, transporters, designated facilities, and emergency response teams (in the case of accidents) are the primary users of manifests. However, the EPA may review these documents during a facility inspection to make sure proper records are being kept and regulations are complied with. The EPA also reviews and responds to Exception Reports, Discrepancy Reports, and Unmanifested Waste Reports. The public will also have access to data in the e-Manifest system.

Although the primary effect of this final rule is to replace current paper-based information requirements with electronic-based requirements to submit or retain the same shipment information, there could be minor additions or changes to the information collection requirements, such as information that may be provided to establish user accounts and fee payment accounts, information submitted for identity management, as well as waste profile or other information that may be useful for the creation and submission of electronic manifests, manifest-related reports, or manifest corrections.

Respondents/affected entities: Business or other for-profit.

Respondent's obligation to respond: The recordkeeping and notification requirements are required for parties performing relevant manifest activities (*e.g.,* submitting export manifests, generators registering for e-Manifest). These requirements are described in detail in the ICR Supporting Statement.

Estimated number of respondents: 199,796.

Frequency of response: Per Shipment.

Total estimated burden: 2,585,955 hours (per year). Burden is defined at 5 CFR 1320.3(b).

Total estimated cost: $135,404,144 (per year), includes $23,173,452 annualized capital or operation & maintenance costs.

An agency may not conduct or sponsor, and a person is not required to respond to, a collection of information unless it displays a currently valid OMB control number. The OMB control numbers for the EPA's regulations in 40 CFR are listed in 40 CFR part 9. When OMB approves this ICR, the Agency will announce that approval in the **Federal Register** and publish a technical amendment to 40 CFR part 9 to display the OMB control number for the approved information collection activities contained in this final rule.

C. Regulatory Flexibility Act (RFA)

I certify that this action will not have a significant economic impact on a substantial number of small entities under the RFA. The small entities subject to the requirements of this action are hazardous waste exporters. The Agency has determined that, at the upper bounds of two ''worst-case'' scenarios, 174 exporters may experience an impact that will not exceed one percent to three percent of annual revenues. Details of this analysis are presented in the section 4.2 Regulatory Flexibility of the Regulatory Impact Analysis of the EPA's Final Rule Integrating e-Manifest with Hazardous Waste Exports and Other Manifest-related Reports, PCB Manifest Amendments and Technical Corrections.

D. Unfunded Mandates Reform Act (UMRA)

This action does not contain an unfunded mandate of $100 million (adjusted annually for inflation) or more (in 1995 dollars) as described in UMRA, 2 U.S.C. 1531–1538, and does not

significantly or uniquely affect small governments. The costs involved in this action are estimated not to exceed $183 million in 2023$ ($100 million in 1995$ adjusted for inflation using the GDP implicit price deflator) or more in any one year.

E. Executive Order 13132: Federalism

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

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

This action does not have Tribal implications as specified in Executive Order 13175. It will not impose any new requirements on Tribal officials, nor will it impose substantial direct compliance costs on them. This action will not create a mandate for Tribal governments, *i.e.,* there are no authorized Tribal programs that will require revision and reauthorization on account of the e-Manifest system and regulatory program requirements. Nor do we believe that the e-Manifest system will impose any enforceable duties on these entities. Thus, Executive Order 13175 does not apply to this action.

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

Executive Order 13045 directs Federal agencies to include an evaluation of the health and safety effects of the planned regulation on children in Federal health and safety standards and explain why the regulation is preferable to potentially effective and reasonably feasible alternatives. This action is not subject to Executive Order 13045 because it is not a significant regulatory action under section 3(f)(1) of Executive Order 12866, and because the EPA does not believe the environmental health or safety risks addressed by this action present a disproportionate risk to children.

This action is not an economically significant regulatory action as defined by Executive Order 12866. In addition, because the rule will not increase risk related to exposure to hazardous materials, the Agency does not believe the environmental health or safety risks addressed by this action present a disproportionate risk to children.

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

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

I. National Technology Transfer and Advancement Act (NTTAA)

This rulemaking does not involve technical standards.

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

The EPA believes that the human health and environmental conditions that exist prior to this action do not result in disproportionate and adverse effects on communities with EJ concerns. The e-Manifest system, and its data, is publicly available and results in greater transparency of hazardous waste activity in communities.

The EPA believes that this action is not likely to result in new disproportionate and adverse effects on communities with environmental justice concerns. This action provides greater access to information regarding hazardous waste shipments exported out of the U.S. and information regarding irregularities in the manifest process, *e.g.,* manifest exception, discrepancy, and unmanifested waste reporting. The information supporting this Executive order review is contained in the Regulatory Impact Analysis for the EPA's Final Rule Integrating e-Manifest with Hazardous Waste Exports and Other Manifest-related Reports, PCB Manifest Amendments and Technical Corrections found in the docket.

K. Congressional Review Act

This action is subject to the CRA, 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).

List of Subjects in 40 CFR Parts 260, 261, 262, 263, 264, 265, 267, 270, 271, and 761

Environmental protection, Administrative practice and procedure, Air pollution control, Confidential business information, Electronic reporting requirements, Exports, Hazardous materials transportation, Hazardous substances, Hazardous waste, Imports, Indians-lands, Insurance, Intergovernmental relations, Labeling, Licensing and registration, Packaging and containers, Penalties, Polychlorinated biphenyls (PCBs), Recycling, Reporting and recordkeeping requirements, Security measures, Surety bonds, Water supply.

Michael S. Regan,

Administrator.

For the reasons set forth in the preamble, the EPA is amending 40 CFR parts 260, 261, 262, 263, 264, 265, 267, 271, and 761 as follows:

PART 260—HAZARDOUS WASTE MANAGEMENT SYSTEM: GENERAL

■ 1. The authority citation for part 260 continues to read as follows:

Authority: 42 U.S.C. 6905, 6912(a), 6921–6927, 6930, 6934, 6935, 6937, 6938, 6939, 6939g and 6974.

■ 2. Amend § 260.2, in paragraphs (d)(1) and (2), by adding a sentence at the end of each paragraph to read as follows:

§ 260.2 Availability of information; confidentiality of information.

* * * * *

(d)(1) * * * After January 22, 2025, no claim of business confidentiality may be asserted by any person with respect to information contained in hazardous secondary material export documents prepared, used and submitted under § 261.4(a)(25) of this chapter, whether submitted electronically into the EPA's Waste Import Export Tracking System or in paper format.

(2) * * * After January 22, 2025, the EPA will make available to the public under this section any hazardous secondary material export documents prepared, used and submitted under § 261.4(a)(25) of this chapter on March 1 of the calendar year after the related hazardous secondary material exports occur, when these documents are considered by the EPA to be final documents.

PART 261—IDENTIFICATION AND LISTING OF HAZARDOUS WASTE

■ 3. The authority citation for part 261 continues to read as follows:

Authority: 42 U.S.C. 6905, 6912(a), 6921, 6922, 6924(y), and 6938.

■ 4. Amend § 261.4 by revising paragraphs (a)(25)(i)(A) and (H) and (a)(25)(v) to read as follows:

§ 261.4 Exclusions.

(a) * * *

(25) * * *

(i) * * *

(A) Name, site address, telephone number and EPA ID number (if

applicable) of the hazardous secondary material generator;

* * * * *

(H) The name and site address of the reclaimer, any intermediate facility and any alternate reclaimer and intermediate facilities; and

* * * * *

(v) The EPA will provide a complete notification to the country of import and any countries of transit. A notification is complete when EPA receives a notification which EPA determines satisfies the requirements of paragraph (a)(25)(i) of this section.

* * * * *

■ 5. Amend § 261.6 by revising paragraphs (a)(3)(i)(A) and (B) to read as follows:

§ 261.6 Requirements for recyclable materials.

(a) * * *

(3) * * *

(i) * * *

(A) The person initiating a shipment for reclamation in a foreign country, and any intermediary arranging for the shipment, must comply with the requirements applicable to an exporter in § 262.83 of this chapter with the exception of § 262.83(c);

(B) Transporters transporting a shipment for export or import must comply with the movement document requirements listed in § 263.20(a)(2) and (c) of this chapter.

* * * * *

■ 6. Amend § 261.39 by revising paragraphs (a)(5)(i)(A) and (F), (a)(5)(v)(B) introductory text, and (a)(5)(xi) to read as follows:

§ 261.39 Conditional Exclusion for Used, Broken Cathode Ray Tubes (CRTs) and Processed CRT Glass Undergoing Recycling.

* * * * *

(a) * * *

(5) * * *

(i) * * *

(A) Name, site address, telephone number and EPA ID number (if applicable) of the exporter of the CRTs.

* * * * *

(F) The name and site address of the recycler or recyclers and the estimated quantity of used CRTs to be sent to each facility, as well as the names of any alternate recyclers.

* * * * *

(v) * * *

(B) The exporter or a U.S. authorized agent must:

* * * * *

(xi) Annual reports must be submitted to the EPA using the allowable methods specified in paragraph (a)(5)(ii) of this section. Exporters must keep copies of each annual report for a period of at least three years from the due date of the report. Exporters may satisfy this recordkeeping requirement by retaining electronically submitted annual reports in the CRT exporter's account on the EPA's Waste Import Export Tracking System (WIETS), or its successor system, provided that a copy is readily available for viewing and production if requested by any the EPA or authorized State inspector. No CRT exporter may be held liable for the inability to produce an annual report for inspection under this section if the CRT exporter can demonstrate that the inability to produce the annual report is due exclusively to technical difficulty with the EPA's Waste Import Export Tracking System (WIETS), or its successor system for which the CRT exporter bears no responsibility.

* * * * *

PART 262—STANDARDS APPLICABLE TO GENERATORS OF HAZARDOUS WASTE

■ 7. The authority citation for part 262 continues to read as follows:

Authority: 42 U.S.C. 6906, 6912, 6922–6925, 6937, 6938 and 6939g.

■ 8. Amend § 262.20 by revising paragraphs (a)(1) and (2) to read as follows:

§ 262.20 General requirements.

(a)(1) *Paper manifest.* A generator that transports, or offers for transport a hazardous waste for offsite treatment, storage, or disposal, or a treatment, storage, or disposal facility that offers for transport a rejected hazardous waste load, must prepare a Manifest (OMB Control number 2050–0039) on EPA Form 8700–22, and, if necessary, EPA Form 8700–22A. Large and small quantity generators must register with the EPA's e-Manifest system to obtain signed and dated copies of completed manifests from the EPA e-Manifest system and comply with paragraph (a)(2) of this section.

(2) *Post-receipt manifest data corrections.* After facilities have certified that the manifest is complete, by signing it at the time of submission to the EPA e-Manifest system, any post-receipt data corrections may be submitted at any time by any interested person (*e.g.,* waste handler) named on the manifest. If corrections are requested by the Director for portions of the manifest that a generator is required to complete, the generator must address the data correction within 30 days from the date of the request. Data correction submissions must be made electronically via the post-receipt data corrections process as described in § 265.71(l) of this chapter, which applies to corrections made to either paper or electronic manifests.

* * * * *

■ 9. Amend § 262.21 by revising paragraphs (f)(5) through (7) to read as follows:

§ 262.21 Manifest tracking numbers, manifest printing, and obtaining manifests.

* * * * *

(f) * * *

(5) The manifest and continuation sheet must be printed as four-copy forms. Copy-to-copy registration must be exact within 1/32nd of an inch. Handwritten and typed impressions on the form must be legible on all four copies. Copies must be bound together by one or more common stubs that reasonably ensure that they will not become detached inadvertently during normal use.

(6) Each copy of the manifest and continuation sheet must indicate how the copy must be distributed, as follows:

(i) Page 1 (top copy): ''Designated facility or exporter to the EPA's e-Manifest system'';

(ii) Page 2: ''Designated facility to generator'';

(iii) Page 3: ''Transporter copy''; and

(iv) Page 4 (bottom copy): ''Generator's initial copy''.

(7) The instructions for the manifest form (EPA Form 8700–22) and the manifest continuation sheet (EPA Form 8700–22A) shall be printed in accordance with the content that is currently approved under OMB Control Number 2050–0039. The instructions must appear legibly on the back of the copies of the manifest and continuation sheet as provided in this paragraph (f). The instructions must not be visible through the front of the copies when photocopied or faxed.

(i) Manifest Form 8700–22.

(A) The ''Instructions for Generators'' on Copy 4;

(B) The ''Instructions for Transporters'' on Copy 3; and

(C) The ''Instructions for Treatment, Storage, and Disposal Facilities'' on Copy 2.

(ii) Manifest Form 8700–22A.

(A) The ''Instructions for Generators'' on Copy 4;

(B) The ''Instructions for International Shipment Block'' and ''Instructions for Transporters'' on Copy 3; and

(C) The ''Instructions for Treatment, Storage, and Disposal Facilities'' on Copy 2.

* * * * *

§ 262.24 [Amended]

■ 10. Amend § 262.24 by removing paragraphs (g) and (h).

■ 11. Amend § 262.42 by:

■ a. Revising paragraphs (a)(1) and (a)(2) introductory text;

■ b. Adding paragraph (a)(3);

■ c. Revising paragraph (b); and

■ d. Adding paragraphs (c)(2) and (d).

The revisions and additions read as follows:

§ 262.42 Exception reporting.

(a)(1) A large quantity generator who does not receive a copy of the manifest with the signature of the owner or operator of the designated facility within 45 days of the date the waste was accepted by the initial transporter must contact the transporter and/or the owner or operator of the designated facility to determine the status of the hazardous waste.

(2) A large quantity generator must submit an Exception Report to the EPA Regional Administrator for the Region in which the generator is located if he has not received a copy of the manifest with the handwritten signature of the owner or operator of the designated facility within 60 days of the date the waste was accepted by the initial transporter. The Exception Report must include:

* * * * *

(3) Beginning on December 1, 2025, the EPA will no longer accept mailed paper Exception Reports from large quantity generators. Beginning on December 1, 2025, a large quantity generator must submit an Exception Report to the EPA e-Manifest system if the generator has not received a copy of the manifest with the signature of the owner or operator of the designated facility within 60 days of the date the waste was accepted by the initial transporter. The Exception Report must include:

(i) A legible copy of the manifest for which the generator does not have confirmation of delivery.

(ii) An explanation of the efforts taken to locate the hazardous waste and the results of those efforts.

(b) A small quantity generator of hazardous waste who does not receive a copy of the manifest with the handwritten signature of the owner or operator of the designated facility within 60 days of the date the waste was accepted by the initial transporter must:

(1) Submit a legible copy of the manifest, with some indication that the generator has not received confirmation of delivery, to the EPA Regional Administrator for the Region in which the generator is located.

Note 1 to paragraph (b)(1): The submission to the EPA need only be a handwritten or typed note on the manifest itself, or on an attached sheet of paper, stating that the return copy was not received.

(2) Beginning on December 1, 2025, the EPA will no longer accept mailed paper Exception Reports from small quantity generators. Beginning on December 1, 2025, a small quantity generator must submit a legible copy of the manifest, with some indication that the generator has not received confirmation of delivery, to the EPA e-Manifest system. Generators that are normally VSQGs but are subject to the SQG provisions of this paragraph (b) because of an episodic generation event pursuant to § 262.232(a)(5), must submit a legible copy of the manifest, with some indication that the generator has not received confirmation of delivery, to the EPA Regional Administrator for the Region in which the generator is located.

(c) * * *

(2) The 45/60-day timeframes begin the date the waste was accepted by the initial transporter forwarding the hazardous waste shipment from the designated facility to the alternate facility.

(d)(1) Beginning on December 1, 2025, any requirement in § 262.40 for a generator to keep or retain a copy of an Exception Report is satisfied by retention of a signed electronic Exception Report in the generator's account on the EPA e-Manifest system, provided that the Exception Report is readily available if requested by the EPA.

(2) Beginning on December 1, 2025, no generator may be held liable for the inability to produce an electronic Exception Report for inspection under this section if the generator can demonstrate that the inability to produce the electronic Exception Report is due exclusively to a technical difficulty with the e-Manifest system for which the generator bears no responsibility.

■ 12. Amend § 262.83 by:

■ a. Revising paragraphs (a)(6), (b)(1)(i) through (iv), and (b)(3);

■ b. Revising paragraphs (c) introductory text and (c)(2) through (4);

■ c. Revising paragraphs (d)(2)(i) through (v), (viii), (ix), and (xv) ;

■ d. Adding paragraphs (d)(2)(xvi) and (xvii);

■ e. In paragraph (f)(3)(i), removing the word ''and'' at the end of the paragraph;

■ f. In paragraph (f)(3)(ii), removing the period at the end of the paragraph and adding in its place the text ''; and'';

■ g. Adding paragraph (f)(3)(iii).

■ h. Revising paragraphs (f)(4) and (5), (f)(6)(ii), (g) introductory text, (i)(1) introductory text, and (i)(1)(v); and

■ i. Adding paragraph (i)(1)(vi).

The revisions and additions read as follows:

§ 262.83 Exports of hazardous waste.

(a) * * *

(6) The exporter or a U.S. authorized agent submits Electronic Export Information (EEI) for each shipment to the Automated Export System (AES) or its successor system, under the International Trade Data System (ITDS) platform, in accordance with 15 CFR 30.4(b), and includes the following items in the EEI, along with the other information required under 15 CFR 30.6:

* * * * *

(b) * * *

(1) * * *

(i) Exporter name and EPA identification number, site address, telephone, fax numbers, and email address;

(ii) Foreign receiving facility name, site address, telephone, fax numbers, email address, technologies employed, and the applicable recovery or disposal operations as defined in § 262.81;

(iii) Foreign importer name (if not the owner or operator of the foreign receiving facility), site address, telephone, fax numbers, and email address;

(iv) Intended transporter(s) and/or their agent(s); site address, telephone, fax numbers, and email address;

* * * * *

(3) Notifications listing interim recycling operations or interim disposal operations. If the foreign receiving facility listed in paragraph (b)(1)(ii) of this section will engage in any of the interim recovery operations R12 or R13 or interim disposal operations D13 through D15, or in the case of transboundary movements with Canada, any of the interim recovery operations R12, R13, or RC3, or interim disposal operations D13 to D14, or D15, the notification submitted according to paragraph (b)(1) of this section must also include the final foreign recovery or disposal facility name, site address, telephone, fax numbers, email address, technologies employed, and which of the applicable recovery or disposal operations R1 through R11 and D1 through D12, or in the case of transboundary movements with Canada, which of the applicable recovery or disposal operations R1 through R11, RC1 to RC2, D1 through D12, and DC1 to DC2 will be employed at the final foreign recovery or disposal facility. The

recovery and disposal operations in this paragraph (b)(3) are defined in § 262.81.

* * * * *

(c) *RCRA manifest instructions for export shipments.* The exporter must comply with the manifest requirements of §§ 262.20 through 262.25 except that:

* * * * *

(2) In the International Shipments block on the continuation sheet (EPA Form 8700–22A), the exporter must:

(i) Check the export box and enter the U.S. port of exit (city and State) from the United States;

(ii) Enter the exporter's EPA ID number, if the exporter is not identified in Item 5 of the manifest (EPA Form 8700–22) for the export shipment; and

(iii) List the waste stream consent number from the AOC for each hazardous waste listed on the manifest, matched to the relevant list number for the hazardous waste from block 9b. If additional space is needed, the exporter should use an additional Continuation Sheet(s) (EPA Form 8700–22A).

(3) The exporter may obtain the manifest from any source so long as the source of the printed form has received approval from the EPA to print the manifest in accordance with § 262.21(g)(1).

(4) Beginning on December 1, 2025, within 30 days of receiving an export manifest from the final domestic transporter to carry the export shipment to or across the U.S. port of exit, the exporter must submit the top copy (Page 1) of the signed and dated manifest (whether electronic or paper) and all continuation sheets (whether electronic or paper) to the EPA e-Manifest system. The exporter must submit the paper manifest and all paper continuation sheets to the EPA e-Manifest system for purposes of data entry and processing by transmitting to the EPA e-Manifest system an image file of Page 1 of the manifest and all continuation sheets, or by transmitting to the EPA e-Manifest system both a data file and the image file corresponding to Page 1 of the manifest and all continuation sheets.

(i) As prescribed in § 265.1311 of this chapter, and determined in § 265.1312 of this chapter, an exporter who is a user of the electronic manifest system shall be assessed a user fee by the EPA for the submission and processing of each electronic and paper manifest. The EPA shall update the schedule of user fees and publish them to the user community, as provided in § 265.1313 of this chapter.

(ii) An exporter subject to user fees under this section shall make user fee payments in accordance with the requirements of § 265.1314 of this chapter, subject to the informal fee dispute resolution process of § 265.1316 of this chapter, and subject to the sanctions for delinquent payments under § 265.1315 of this chapter.

(iii) Electronic manifest signatures shall meet the criteria described in § 262.25.

(iv) Within 30 days of receiving a paper replacement manifest from the last transporter carrying the shipment to or across the U.S. border for a manifest that was originated electronically, the exporter must send a signed and dated copy of the paper replacement manifest to the EPA e-Manifest system.

(v) After foreign facilities have certified to the receipt of hazardous wastes by sending a copy of the movement document to the exporter per paragraph (d)(2)(xvii) of this section, any post-receipt data corrections may be submitted at any time by any interested person (*e.g.,* domestic waste handler) shown on the manifest. If requested by the Director, an exporter must address manifest data corrections within 30 days from the date of the request. Data correction submissions must be made electronically via the post-receipt data corrections process as described in § 265.71(l) of this chapter, which applies to corrections made to either paper or electronic manifests.

(d) * * *

(2) * * *

(i) The corresponding consent number(s) and hazardous waste number(s) for the listed hazardous waste from the relevant EPA AOC(s) and if required to be accompanied by a RCRA Uniform Hazardous Waste Manifest within the United States, the manifest tracking number from block 4;

(ii) The shipment number and the total number of shipments from the EPA AOC or the movement tracking number;

(iii) Exporter name and EPA identification number, site address, telephone, fax numbers, and email address;

(iv) Foreign receiving facility name, site address, telephone, fax numbers, email address, technologies employed, and the applicable recovery or disposal operations as defined in § 262.81;

(v) Foreign importer name (if not the owner or operator of the foreign receiving facility), site address, telephone, fax numbers, and email address;

* * * * *

(viii) Name (if not exporter), site address, telephone, fax numbers, and email of company originating the shipment;

(ix) Company name, EPA ID number, site address, telephone, fax numbers, and email address of all transporters;

* * * * *

(xv) As part of the contract requirements per paragraph (f) of this section, the exporter must require that the foreign receiving facility send a copy of the signed movement document to confirm receipt within three working days of shipment delivery to the exporter, and to the competent authorities of the countries of import and transit that control the shipment as an import and transit of hazardous waste respectively. For shipments occurring on or after the electronic import-export reporting compliance date, the exporter must:

(A) Initiate the movement document using the allowable methods listed in paragraph (b)(1) of this section; and

(B) Close out the movement document within three working days of receiving a copy of the signed movement document sent from the foreign receiving facility to confirm receipt using the allowable methods listed in paragraph (b)(1) of this section;

(xvi) As part of the contract requirements per paragraph (f) of this section, the exporter must require that the foreign receiving facility send a copy of the confirmation of recovery or disposal, as soon as possible, but no later than thirty days after completing recovery or disposal on the waste in the shipment and no later than one calendar year following receipt of the waste, to the exporter and to the competent authority of the country of import. If the movement includes shipment to a foreign interim receiving facility, the exporter must additionally require that the interim receiving facility promptly send copies of the confirmation of recovery or disposal that it receives from the final recovery or disposal facility within one year of shipment delivery to the final recovery or disposal facility that performed one of recovery operations R1 through R11, or RC1, or one of disposal operations D1 through D12, DC1 or DC2 as defined in § 262.81 to the competent authority of the country of import and to the exporter. For shipments occurring on or after the electronic import-export reporting compliance date, the exporter must submit each confirmation of recovery or disposal to the EPA within three working days of receiving the confirmation of recovery or disposal from the foreign receiving facility using the allowable methods listed in paragraph (b)(1) of this section; and

(xvii) For shipments sent to a country with which the EPA has established an

electronic exchange of movement document tracking data, foreign receiving facility transmittal to the exporter of the confirmation of receipt and the confirmation of recovery or disposal may be sent via the electronic exchange.

* * * * *

(f) * * *

(3) * * *

(iii) Transmittals made by the transporter or foreign receiving facility under paragraph (i) of this section being sent to the exporter or the EPA from a country with which the EPA has established an electronic exchange of movement document tracking data may be sent via the electronic exchange.

* * * * *

(4) Contracts must specify that the foreign receiving facility send a copy of the signed movement document to confirm receipt within three working days of shipment delivery to the exporter and to the competent authorities of the countries of import and transit that control the shipment as an import and transit of hazardous waste respectively. For shipments sent to a country with which the EPA has established an electronic exchange of movement document tracking data, foreign receiving facility transmittal to the exporter of the confirmation of receipt may be sent via the electronic exchange.

(5) Contracts must specify that the foreign receiving facility shall send a copy of the signed and dated confirmation of recovery or disposal, as soon as possible, but no later than thirty days after completing recovery or disposal on the waste in the shipment and no later than one calendar year following receipt of the waste, to the exporter and to the competent authority of the country of import that controls the shipment as an import of hazardous waste. For shipments sent to a country with which the EPA has established an electronic exchange of movement document tracking data, foreign receiving facility transmittal to the exporter of the confirmation of recovery or disposal may be sent via the electronic exchange.

(6) * * *

(ii) Promptly send copies of the confirmation of recovery or disposal that it receives from the final foreign recovery or disposal facility within one year of shipment delivery to the final foreign recovery or disposal facility that performed one of recovery operations R1 through R11, or RC1, or one of disposal operations D1 through D12, DC1 or DC2 to the competent authority of the country of import that controls the shipment as an import of hazardous waste and to the exporter. For shipments sent to a country with which the EPA has established an electronic exchange of movement document tracking data, foreign receiving facility transmittal to the exporter of the confirmation of recovery or disposal may be sent via the electronic exchange.

* * * * *

(g) *Annual reports.* The exporter shall file an annual report with the EPA no later than March 1 of each year summarizing the types, quantities, frequency, and ultimate destination of all such hazardous waste exported during the previous calendar year. The exporter must submit annual reports to the EPA using the allowable methods specified in paragraph (b)(1) of this section. The annual report must include all of the following paragraphs (g)(1) through (6) of this section specified as follows:

* * * * *

(i) * * *

(1) The exporter shall keep the following records in paragraphs (i)(1)(i) through (vi) of this section and provide them to the EPA or authorized State personnel upon request:

* * * * *

(v) A copy of each contract or equivalent arrangement established per paragraph (f) of this section for at least three (3) years from the expiration date of the contract or equivalent arrangement.

(vi) A copy of each manifest sent by the last transporter in the United States per § 263.20(g) of this chapter.

* * * * *

■ 13. Amend § 262.84 by:

■ a. Revising paragraphs (b)(1)(i) through (iv), (b)(2), (c)(1)(i), and (c)(3);

■ b. Removing paragraph (c)(4);

■ c. Redesignating paragraph (c)(5) as new paragraph (c)(4);

■ d. Revising paragraphs (d)(2)(i) through (v), (viii), (ix), and (xv);

■ e. Adding paragraph (f)(4)(iii); and

■ f. Revising paragraphs (g)(1) and (2).

The revisions and additions read as follows:

§ 262.84 Imports of hazardous waste.

* * * * *

(b) * * *

(1) * * *

(i) Foreign exporter name, site address, telephone, fax numbers, and email address;

(ii) Receiving facility name, EPA ID number, site address, telephone, fax numbers, email address, technologies employed, and the applicable recovery or disposal operations as defined in § 262.81;

(iii) Importer name (if not the owner or operator of the receiving facility), EPA ID number, site address, telephone, fax numbers, and email address;

(iv) Intended transporter(s) and/or their agent(s); site address, telephone, fax numbers, and email address;

* * * * *

(2) Notifications listing interim recycling operations or interim disposal operations. If the receiving facility listed in paragraph (b)(1)(ii) of this section will engage in any of the interim recovery operations R12, R13 or RC3 or interim disposal operations D13 through D15, the notification submitted according to paragraph (b)(1) of this section must also include the final recovery or disposal facility name, site address, telephone, fax numbers, email address, technologies employed, and which of the applicable recovery or disposal operations R1 through R11, RC1, and D1 through D12, will be employed at the final recovery or disposal facility. The recovery and disposal operations in this paragraph are defined in § 262.81.

* * * * *

(c) * * *

(1) * * *

(i) In place of the generator's name, mailing and site addresses and EPA identification number, the name and site address of the foreign generator and the importer's name, mailing address and EPA identification number must be used.

* * * * *

(3) In the International Shipments block on the Continuation Sheet (EPA Form 8700–22A), the importer must check the import box and enter the port of entry (city and State) into the United States.

* * * * *

(d) * * *

(2) * * *

(i) The corresponding AOC number(s) and waste number(s) for the listed waste and if required to be accompanied by a RCRA uniform hazardous waste manifest within the United States, the manifest tracking number from block 4;

(ii) The shipment number and the total number of shipments under the AOC number or the movement tracking number;

(iii) Foreign exporter name, site address, telephone, fax numbers, and email address;

(iv) Receiving facility name, EPA ID number, site address, telephone, fax numbers, email address, technologies employed, and the applicable recovery or disposal operations as defined in § 262.81;

(v) Importer name (if not the owner or operator of the receiving facility), EPA

ID number, site address, telephone, fax numbers, and email address;

* * * * *

(viii) Name (if not the foreign exporter), site address, telephone, fax numbers, and email of the foreign company originating the shipment;

(ix) Company name, EPA ID number (for transporters carrying RCRA manifested hazardous waste within the U.S. only), address, telephone, fax numbers, and email address of all transporters;

* * * * *

(xv) The receiving facility must send a copy of the signed movement document to confirm receipt within three working days of shipment delivery to the foreign exporter and to the competent authorities of the countries of export and transit that control the shipment as an export and transit of hazardous waste respectively. For shipments received on or after the electronic import-export reporting compliance date, the receiving facility must close out the movement document to confirm receipt within three working days of shipment delivery using the EPA's Waste Import Export Tracking System (WIETS), or its successor system. For shipments sent from a country with which the EPA has established an electronic exchange of movement document tracking data, the receiving facility may use WIETS or its successor system to send movement document confirmation data back through the electronic exchange to the foreign exporter and the country of export.

(f) * * *

(4) * * *

(iii) Transmittals made by the transporter or receiving facility under paragraph (i) of this section being sent to a competent authority or foreign exporter in a country with which the EPA has established an electronic exchange of movement document tracking data may be sent via the electronic exchange.

* * * * *

(g) * * *

(1) Send copies of the signed and dated confirmation of recovery or disposal, as soon as possible, but no later than thirty days after completing recovery or disposal on the waste in the shipment and no later than one calendar year following receipt of the waste, to the foreign exporter, to the competent authority of the country of export that controls the shipment as an export of hazardous waste, and for shipments recycled or disposed of on or after the electronic import-export reporting compliance date, to the EPA electronically using the EPA's WIETS, or its successor system. For shipments sent from a country with which the EPA has established an electronic exchange of movement document tracking data, the receiving facility may use WIETS or its successor system to send confirmation of recovery or disposal data back through the electronic exchange to the foreign exporter and the country of export.

(2) If the receiving facility performed any of recovery operations R12, R13, or RC3, or disposal operations D13 through D15, the receiving facility shall promptly send copies of the confirmation of recovery or disposal that it receives from the final recovery or disposal facility within one year of shipment delivery to the final recovery or disposal facility that performed one of recovery operations R1 through R11, or RC1 to RC2, or one of disposal operations D1 through D12, or DC1 to DC2, to the competent authority of the country of export that controls the shipment as an export of hazardous waste, and for confirmations received on or after the electronic import-export reporting compliance date, to the EPA electronically using the EPA's WIETS, or its successor system. The recovery and disposal operations in this paragraph (g)(2) are defined in § 262.81. For shipments sent from a country with which the EPA has established an electronic exchange of movement document tracking data, the receiving facility may use WIETS or its successor system to send confirmation of recovery or disposal data back through the electronic exchange to the country of export.

* * * * *

PART 263—STANDARDS APPLICABLE TO TRANSPORTERS OF HAZARDOUS WASTE

■ 14. The authority citation for part 263 continues to read as follows:

Authority: 42 U.S.C. 6906, 6912, 6922–6925, 6937, 6938, and 6939g.

■ 15. Amend § 263.20 by revising paragraphs (a)(2) and (9), (c), and (g)(1), (3), and (4) to read as follows:

§ 263.20 The manifest system.

(a) * * *

(2) *Exports.* For exports of hazardous waste subject to the requirements of 40 CFR part 262, subpart H a transporter may not accept hazardous waste without a manifest signed by the generator in accordance with this section, as appropriate, and a movement document that includes all information required by § 262.83 of this chapter.

* * * * *

(9) *Post-receipt manifest data corrections.* After facilities have certified that the manifest is complete, by signing it at the time of submission to the EPA e-Manifest system, any post-receipt data corrections may be submitted at any time by any interested person (*e.g.,* waste handler) named on the manifest. If corrections are requested by the Director for portions of the manifest that a transporter is required to complete, the transporter must address the data correction within 30 days from the date of the request. Data correction submissions must be made electronically via the post-receipt data corrections process as in described in § 265.71(l) of this chapter, which applies to corrections made to either paper or electronic manifests.

* * * * *

(c) The transporter must ensure that the manifest accompanies the hazardous waste. For exports, the transporter must ensure that a movement document that includes all information required by § 262.83(d) of this chapter also accompanies the hazardous waste. For imports, the transporter must ensure that a movement document that includes all information required by § 262.84(d) of this chapter also accompanies the hazardous waste.

* * * * *

(g) * * *

(1) Sign and date the manifest in the International Shipments block on the Continuation Sheet (EPA Form 8700–22A) to indicate the date that the shipment left the United States or has been delivered to a seaport of exit for loading onto an international carrier;

* * * * *

(3) Compliance date for manifest returns on January 22, 2025. Beginning on January 22, 2025, return signed, top copies of the manifest and continuation sheet to the generator. On December 1, 2025, this paragraph (g)(3) no longer applies, and paragraph (g)(4) of this section applies instead.

(4) Compliance date for manifest returns on December 1, 2025. Beginning on December 1, 2025, return signed, top copies of the manifest and continuation sheet to the exporter.

* * * * *

PART 264—STANDARDS FOR OWNERS AND OPERATORS OF HAZARDOUS WASTE TREATMENT, STORAGE, AND DISPOSAL FACILITIES

■ 16. The authority citation for part 264 continues to read as follows:

Authority: 42 U.S.C. 6905, 6912(a), 6924, 6925, and 6939g.

■ 17. Amend § 264.12 by revising paragraphs (a)(2) and (a)(4)(i) and (ii) to read as follows:

§ 264.12 Required notices.

(a) * * *

(2) As per 40 CFR 262.84(d)(2)(xv), a copy of the movement document bearing all required signatures within three (3) working days of receipt of the shipment to the foreign exporter and to the competent authorities of the countries of export and transit that control the shipment as an export and transit shipment of hazardous waste respectively. For shipments received on or after the electronic import-export reporting compliance date, the receiving facility must close out the movement document to confirm receipt within three working days of shipment delivery using the EPA's Waste Import Export Tracking System (WIETS), or its successor system. For shipments sent from a country with which the EPA has established an electronic exchange of movement document tracking data, the receiving facility may use WIETS or its successor system to send movement document confirmation data back through the electronic exchange to the foreign exporter and the country of export. The original of the signed movement document must be maintained at the facility for at least three (3) years. The owner or operator of a facility may satisfy this recordkeeping requirement by retaining electronically submitted documents in the facility's account on WIETS, or its successor system, provided that copies are readily available for viewing and production if requested by any the EPA or authorized State inspector. No owner or operator of a facility may be held liable for the inability to produce the documents for inspection under this section if the owner or operator of a facility can demonstrate that the inability to produce the document is due exclusively to technical difficulty with WIETS, or its successor system for which the owner or operator of a facility bears no responsibility.

* * * * *

(4) * * *

(i) Send copies of the signed and dated confirmation of recovery or disposal, as soon as possible, but no later than thirty days after completing recovery or disposal on the waste in the shipment and no later than one calendar year following receipt of the waste, to the foreign exporter, to the competent authority of the country of export that controls the shipment as an export of hazardous waste, and for shipments recycled or disposed of on or after the electronic import-export reporting compliance date, to the EPA electronically using WIETS, or its successor system. For shipments sent from a country with which the EPA has established an electronic exchange of movement document tracking data, the receiving facility may use WIETS or its successor system to send confirmation of recovery or disposal data back through the electronic exchange to the foreign exporter and the country of export.

(ii) If the facility performed any of recovery operations R12, R13, or RC3, or disposal operations D13 through D15, promptly send copies of the confirmation of recovery or disposal that it receives from the final recovery or disposal facility within one year of shipment delivery to the final recovery or disposal facility that performed one of recovery operations R1 through R11, or RC1, or one of disposal operations D1 through D12, or DC1 to DC2, to the competent authority of the country of export that controls the shipment as an export of hazardous waste, and on or after the electronic import-export reporting compliance date, to the EPA electronically using WIETS, or its successor system. The recovery and disposal operations in this paragraph (a)(4)(ii) are defined in § 262.81 of this chapter. For shipments sent from a country with which the EPA has established an electronic exchange of movement document tracking data, the receiving facility may use WIETS or its successor system to send confirmation of recovery or disposal data back through the electronic exchange to the country of export.

* * * * *

■ 18. Amend § 264.71 by:
■ a. Revising paragraph (a)(2)(i);
■ b. Removing and reserving paragraphs (a)(2)(iv) and (a)(2)(v)(A); and
■ c. Revising paragraphs (a)(2)(v)(B), (a)(3)(i) and (ii), (b)(4), (d), and (l) introductory text.

The revisions read as follows:

§ 264.71 Use of manifest system.

(a) * * *

(2) * * *

(i) Sign and date, by hand, each copy of the manifest;

* * * * *

(v) * * *

(B) *Options for compliance on June 30, 2021.* Send to the EPA e-Manifest system an image file of the top copy (Page 1) of the manifest and any continuation sheet, or send to the EPA e-Manifest system both a data file and the image file corresponding to Page 1 of the manifest and any continuation sheet, within 30 days of the date; of delivery; and

* * * * *

(3) * * *

(i) Additionally, list the relevant waste stream consent number from consent documentation supplied by EPA to the facility for each waste listed on the manifest in the International Shipments block on the Continuation Sheet (EPA Form 8700–22A), matched to the relevant list number for the waste from block 9b. If additional space is needed, the owner or operator should use an additional Continuation Sheet(s) (EPA Form 8700–22A); and

(ii) Send a copy of the manifest within thirty (30) days of delivery to the EPA e-Manifest system per paragraph (a)(2)(v) of this section.

(b) * * *

(4) Within 30 days of delivery, send a copy (Page 1) of the signed and dated manifest to the EPA e-Manifest system; and

* * * * *

(d) *International movement documents.* As per 40 CFR 262.84(d)(2)(xv), within three (3) working days of the receipt of a shipment subject to 40 CFR part 262, subpart H, the owner or operator of a facility must provide a copy of the movement document bearing all required signatures to the foreign exporter and to the competent authorities of the countries of export and transit that control the shipment as an export and transit of hazardous waste respectively. For shipments received on or after the electronic import-export reporting compliance date, the receiving facility must close out the movement document to confirm receipt within three working days of shipment delivery using EPA's Waste Import Export Tracking System (WIETS), or its successor system. For shipments sent from a country with which EPA has established an electronic exchange of movement document tracking data, the receiving facility may use WIETS or its successor system to send movement document confirmation data back through the electronic exchange to the foreign exporter and the country of export. The original copy of the movement document must be maintained at the facility for at least

three (3) years from the date of signature. The owner or operator of a facility may satisfy this recordkeeping requirement by retaining electronically submitted documents in the facility's account on WIETS, or its successor system, provided that copies are readily available for viewing and production if requested by any EPA or authorized State inspector. No owner or operator of a facility may be held liable for the inability to produce the documents for inspection under this section if the owner or operator of a facility can demonstrate that the inability to produce the document is due exclusively to technical difficulty with WIETS, or its successor system, for which the owner or operator of a facility bears no responsibility.

* * * * *

(l) *Post-receipt manifest data corrections.* After facilities have certified that the manifest is complete, by signing it at the time of submission to the EPA e-Manifest system, any post-receipt data corrections may be submitted at any time by any interested person (*e.g.,* waste handler) named on the manifest. If corrections are requested by the Director for portions of the manifest that a designated facility is required to complete, the facility must make the data correction within 30 days from the date of the request.

* * * * *

■ 19. Amend § 264.72 by revising paragraphs (c) and (g) to read as follows:

§ 264.72 Manifest discrepancies.

* * * * *

(c) Upon discovering a significant difference in quantity or type, the owner or operator must attempt to reconcile the discrepancy with the waste generator or transporter (*e.g.,* with telephone conversations). If the discrepancy is not resolved within 20 days after receiving the waste, the owner or operator must:

(1) Immediately submit to the Regional Administrator a letter describing the discrepancy and attempts to reconcile it, and a copy of the manifest or shipping paper at issue.

(2) Beginning on December 1, 2025, immediately submit a Discrepancy Report to the EPA e-Manifest system describing the discrepancy and attempts to reconcile it, and a copy of the manifest or shipping paper at issue. Beginning on December 1, 2025, the EPA will no longer accept mailed paper Discrepancy Reports from facilities.

* * * * *

(g) If a facility rejects a waste or identifies a container residue that exceeds the quantity limits for ''empty'' containers set forth in § 261.7(b) of this chapter after it has signed, dated, and returned a copy of the manifest to the delivering transporter or to the generator, the facility must amend its copy of the manifest to indicate the rejected wastes or residues in the discrepancy space of the amended manifest. The facility must also copy the manifest tracking number from Item 4 of the new manifest to the Discrepancy space of the amended manifest and must re-sign and date the manifest to certify to the information as amended. The facility must retain the amended manifest for at least three years from the date of amendment, and must within 30 days, send a copy of the amended manifest to the transporter that received copies prior to their being amended. Facilities are not required to send the amended manifest to any transporter who is registered in the EPA's e-Manifest system. Registered transporters may obtain the signed and dated copy of a completed manifest from the EPA e-Manifest system in lieu of receiving the manifest through U.S. postal mail.

■ 20. Amend § 264.76 by adding paragraph (b) to read as follows:

§ 264.76 Unmanifested waste report.

* * * * *

(b) Beginning on December 1, 2025, if a facility accepts for treatment, storage, or disposal any hazardous waste from an off-site source without an accompanying manifest, or without an accompanying shipping paper as described by § 263.20(e) of this chapter, and if the waste is not excluded from the manifest requirement by this chapter, then the owner or operator must prepare an electronic Unmanifested Waste Report in the EPA e-Manifest system for submission to the EPA within 15 days after receiving the waste. The Unmanifested Waste Report must contain the following information:

(1) The EPA identification number, name and address of the facility;

(2) The date the facility received the waste;

(3) The EPA identification number, name and address of the generator and the transporter, if available;

(4) A description and the quantity of each unmanifested hazardous waste the facility received;

(5) The method of treatment, storage, or disposal for each hazardous waste;

(6) The certification signed by the owner or operator of the facility or his authorized representative; and

(7) A brief explanation of why the waste was unmanifested, if known.

■ 21. Amend § 264.1310 by revising the definition of ''Paper manifest submissions'' to read as follows:

§ 264.1310 Definitions applicable to this subpart.

* * * * *

Paper manifest submissions mean submissions to the paper processing center of the EPA e-Manifest system by facility owners or operators, of the data from the designated facility copy of a paper manifest, EPA Form 8700–22, or a paper Continuation Sheet, EPA Form 8700–22A. Such submissions may be made by submitting image files from paper manifests or continuation sheets in accordance with § 264.1311(b), or by submitting both an image file and data file in accordance with the procedures of § 264.1311(c).

* * * * *

■ 22. Amend § 264.1311 by revising paragraphs (a)(2), (b) introductory text, and (c) introductory text to read as follows:

§ 264.1311 Manifest transactions subject to fees.

(a) * * *

(2) The submission of each paper manifest submission to the paper processing center signed by owners or operators of receiving facilities, with the fee assessed according to whether the manifest is submitted to the system by the upload of an image file or by the upload of a data file representation of the paper manifest; and

* * * * *

(b) *Image file uploads from paper manifests.* Receiving facilities may submit image file uploads of completed, ink-signed manifests to the EPA e-Manifest system. Such image file upload submissions may be made for individual manifests received by a facility or as a batch upload of image files from multiple paper manifests received at the facility:

* * * * *

(c) *Data file uploads from paper manifests.* Receiving facilities may submit data file representations of completed, ink-signed manifests in lieu of submitting image files to the EPA e-Manifest system. Such data file submissions from paper manifests may be made for individual manifests received by a facility or as a batch upload of data files from multiple paper manifests received at the facility.

* * * * *

■ 23. Amend § 264.1312, in paragraphs (a) and (b)(1), by revising the formulas to read as follows:

§ 264.1312 User fee calculation methodology.

(a) * * *

$$Fee_i = \left(Marginal\ Cost_i + \frac{System\ Setup\ Cost}{Years \times N_t} + \frac{O\&M\ Cost}{N_t}\right) \times (1 + Indirect\ Cost\ Factor)$$

$$System\ Setup\ Cost = Procurement\ Cost + EPA\ Program\ Cost$$

$$O\&M\ Cost = Electronic\ System\ O\&M\ Cost + Paper\ Center\ O\&M\ Cost + Help\ Desk\ Cost + EPA\ Program\ Cost + CROMERR\ Cost + LifeCycle\ Cost\ to\ Modify\ or\ Upgrade\ e - Manifest\ System\ Related\ Services$$

* * * * * (b)(1) * * *

$$Fee_i = \left(Marginal\ Cost_i + \frac{System\ Setup\ Cost}{Years \times N_t} + \frac{O\&M_i\ Cost}{N_i}\right) \times (1 + Indirect\ Cost\ Factor)$$

$$System\ Setup\ Cost = Procurement\ Cost + EPA\ Program\ Cost$$

$$O\&M_{fully\ electronic} Cost = Electronic\ System\ O\&M\ Cost + Help\ Desk\ Cost + EPA\ Program\ Cost + CROMERR\ Cost + LifeCycle\ Cost\ to\ Modify\ or\ Upgrade\ e - Manifest\ System\ Related\ Services$$

$$O\&M_{all\ other} Cost = Electronic\ System\ O\&M\ Cost + Paper\ Center\ O\&M\ Cost + Help\ Desk\ Cost + EPA\ Program\ Cost + CROMERR\ Cost + LifeCycle\ Cost\ to\ Modify\ or\ Upgrade\ e - Manifest\ System\ Related\ Services$$

* * * * *

PART 265—INTERIM STATUS STANDARDS FOR OWNERS AND OPERATORS OF HAZARDOUS WASTE TREATMENT, STORAGE, AND DISPOSAL FACILITIES

■ 24. The authority citation for part 265 continues to read as follows:

Authority: 42 U.S.C. 6905, 6906, 6912, 6922, 6923, 6924, 6925, 6935, 6936, 6937, and 6939g.

■ 25. Amend § 265.12 by revising paragraphs (a)(2) and (a)(4)(i) and (ii) to read as follows:

§ 265.12 Required notices.

(a) * * *

(2) As per 40 CFR 262.84(d)(2)(xv), a copy of the movement document bearing all required signatures within three (3) working days of receipt of the shipment to the foreign exporter and to the competent authorities of the countries of export and transit that control the shipment as an export and transit shipment of hazardous waste respectively. For shipments received on or after the electronic import-export reporting compliance date, the receiving facility must close out the movement document to confirm receipt within three working days of shipment delivery using the EPA's Waste Import Export Tracking System (WIETS), or its successor system. For shipments sent from a country with which the EPA has established an electronic exchange of movement document tracking data, the receiving facility may use WIETS or its successor system to send movement document confirmation data back through the electronic exchange to the foreign exporter and the country of export. The original of the signed movement document must be maintained at the facility for at least three (3) years. The owner or operator of a facility may satisfy this recordkeeping requirement by retaining electronically submitted documents in the facility's account on WIETS, or its successor system, provided that copies are readily available for viewing and production if requested by any EPA or authorized State inspector. No owner or operator of a facility may be held liable for the inability to produce the documents for inspection under this section if the owner or operator of a facility can demonstrate that the inability to produce the document is due exclusively to technical difficulty with WIETS, or its successor system, for which the owner or operator of a facility bears no responsibility.

* * * * *

(4) * * *

(i) Send copies of the signed and dated confirmation of recovery or disposal, as soon as possible, but no later than thirty days after completing recovery or disposal on the waste in the shipment and no later than one calendar year following receipt of the waste, to the foreign exporter, to the competent authority of the country of export that controls the shipment as an export of hazardous waste, and on or after the electronic import-export reporting compliance date, to the EPA electronically using WIETS, or its successor system. For shipments sent from a country with which the EPA has established an electronic exchange of movement document tracking data, the receiving facility may use WIETS or its successor system to send confirmation of recovery or disposal data back through the electronic exchange to the foreign exporter and the country of export.

(ii) If the facility performed any of recovery operations R12, R13, or RC3, or disposal operations D13 through D15, promptly send copies of the confirmation of recovery or disposal

that it receives from the final recovery or disposal facility within one year of shipment delivery to the final recovery or disposal facility that performed one of recovery operations R1 through R11, or RC1, or one of disposal operations D1 through D12, or DC1 to DC2, to the competent authority of the country of export that controls the shipment as an export of hazardous waste, and on or after the electronic import-export reporting compliance date, to the EPA electronically using WIETS, or its successor system. The recovery and disposal operations in this paragraph are defined in § 262.81 of this chapter. For shipments sent from a country with which the EPA has established an electronic exchange of movement document tracking data, the receiving facility may use WIETS or its successor system to send confirmation of recovery or disposal data back through the electronic exchange to the country of export.

* * * * *

■ 26. Amend § 265.71 by:
■ a. Revising paragraph (a)(2)(i);
■ b. Removing and reserving paragraphs (a)(2)(iv) and (a)(2)(v)(A);
■ c. Revising paragraph (a)(2)(v)(B);
■ d. Adding paragraph (a)(2)(vi); and
■ e. Revising paragraphs (a)(3)(i) and (ii), (b)(4), (d), and (l) introductory text.

The revisions and additions read as follows:

§ 265.71 Use of manifest system.

(a) * * *

(2) * * *

(i) Sign and date, by hand, each copy of the manifest;

* * * * *

(v) * * *

(B) *Options for compliance on June 30, 2021.* Send to the EPA e-Manifest system an image file of the top copy (Page 1) of the manifest and any continuation sheet, or send to the EPA e-Manifest system both a data file and the image file corresponding to Page 1 of the manifest and any continuation sheet, within 30 days of the date of delivery; and

(vi) Retain at the facility a copy of each manifest for at least three years from the date of delivery.

(3) * * *

(i) Additionally, list the relevant waste stream consent number from consent documentation supplied by the EPA to the facility for each waste listed on the manifest in the International Shipments block on the Continuation Sheet (EPA Form 8700–22A), matched to the relevant list number for the waste from block 9b. If additional space is needed, the owner or operator should use an additional Continuation Sheet(s) (EPA Form 8700–22A); and

(ii) Send a copy of the manifest to the EPA e-Manifest system per paragraph (a)(2)(v) of this section.

(b) * * *

(4) Within 30 days of delivery, send a copy (Page 1) of the signed and dated manifest to the EPA e-Manifest system.

* * * * *

(d) International movement documents. As per 40 CFR 262.84(d)(2)(xv), within three (3) working days of the receipt of a shipment subject to 40 CFR part 262, subpart H, the owner or operator of a facility must provide a copy of the movement document bearing all required signatures to the foreign exporter and to the competent authorities of the countries of export and transit that control the shipment as an export and transit shipment of hazardous waste respectively. For shipments received on or after the electronic import-export reporting compliance date, the receiving facility must close out the movement document to confirm receipt within three working days of shipment delivery using WIETS, or its successor system. For shipments sent from a country with which the EPA has established an electronic exchange of movement document tracking data, the receiving facility may use WIETS or its successor system to send movement document confirmation data back through the electronic exchange to the foreign exporter and the country of export. The original copy of the movement document must be maintained at the facility for at least three (3) years from the date of signature. The owner or operator of a facility may satisfy this recordkeeping requirement by retaining electronically submitted documents in the facility's account on WIETS, or its successor system, provided that copies are readily available for viewing and production if requested by any EPA or authorized State inspector. No owner or operator of a facility may be held liable for the inability to produce the documents for inspection under this section if the owner or operator of a facility can demonstrate that the inability to produce the document is due exclusively to technical difficulty with the EPA's Waste Import Export Tracking System (WIETS), or its successor system, for which the owner or operator of a facility bears no responsibility.

* * * * *

(l) *Post-receipt manifest data corrections.* After facilities have certified that the manifest is complete, by signing it at the time of submission to the EPA e-Manifest system, any post-receipt data corrections may be submitted at any time by any interested person (*e.g.,* waste handler) named on the manifest. If corrections are requested by the Director for portions of the manifest that a designated facility is required to complete, the facility must address the data correction within 30 days from the date of the request.

* * * * *

■ 27. Amend § 265.72 by revising paragraphs (c) and (g) to read as follows:

§ 265.72 Manifest discrepancies.

* * * * *

(c) Upon discovering a significant difference in quantity or type, the owner or operator must attempt to reconcile the discrepancy with the waste generator or transporter (*e.g.,* with telephone conversations). If the discrepancy is not resolved within 20 days after receiving the waste, the owner or operator must:

(1) Immediately submit to the Regional Administrator a letter describing the discrepancy and attempts to reconcile it, and a copy of the manifest or shipping paper at issue.

(2) Beginning on December 1, 2025, immediately submit a Discrepancy Report to the EPA e-Manifest system describing the discrepancy and attempts to reconcile it, and a copy of the manifest or shipping paper at issue. Beginning on December 1, 2025, the EPA will no longer accept mailed paper Discrepancy Reports from facilities.

* * * * *

(g) If a facility rejects a waste or identifies a container residue that exceeds the quantity limits for ''empty'' containers set forth in § 261.7(b) of this chapter after it has signed, dated, and returned a copy of the manifest to the delivering transporter or to the generator, the facility must amend its copy of the manifest to indicate the rejected wastes or residues in the discrepancy space of the amended manifest. The facility must also copy the manifest tracking number from Item 4 of the new manifest to the Discrepancy space of the amended manifest and must re-sign and date the manifest to certify to the information as amended. The facility must retain the amended manifest for at least three years from the date of amendment, and must within 30 days, send a copy of the amended manifest to the transporter that received copies prior to their being amended. Facilities are not required to send the amended manifest to any transporter who is registered in the EPA's e-Manifest system. Registered transporters may obtain the signed and dated copy

of a completed manifest from the EPA e-Manifest system in lieu of receiving the manifest through U.S. postal mail.

■ 28. Amend § 265.76 by adding paragraph (b) to read as follows:

§ 265.76 Unmanifested waste report.

* * * * *

(b) Beginning on December 1, 2025, if a facility accepts for treatment, storage, or disposal any hazardous waste from an off-site source without an accompanying manifest, or without an accompanying shipping paper as described by § 263.20(e) of this chapter, and if the waste is not excluded from the manifest requirement by this chapter, then the owner or operator must prepare an electronic Unmanifested Waste Report in the EPA e-Manifest system for submission to the EPA within 15 days after receiving the waste. The Unmanifested Waste Report must contain the following information:

(1) The EPA identification number, name and address of the facility;

(2) The date the facility received the waste;

(3) The EPA identification number, name and address of the generator and the transporter, if available;

(4) A description and the quantity of each unmanifested hazardous waste the facility received;

(5) The method of treatment, storage, or disposal for each hazardous waste;

(6) The certification signed by the owner or operator of the facility or his authorized representative; and

(7) A brief explanation of why the waste was unmanifested, if known.

■ 29. Amend § 265.1310 by revising the definition of ''Paper manifest submissions'' to read as follows:

§ 265.1310 Definitions applicable to this subpart.

* * * * *

Paper manifest submissions mean submissions to the paper processing center of the EPA e-Manifest system by facility owners or operators, of the data from the designated facility copy of a paper manifest, EPA Form 8700–22, or a paper Continuation Sheet, EPA Form 8700–22A. Such submissions may be made by submitting image files from paper manifests or continuation sheets in accordance with § 264.1311(b) of this chapter, or by submitting both an image file and data file in accordance with the procedures of § 264.1311(c) of this chapter.

* * * * *

■ 30. Amend § 265.1311 by revising paragraphs (a)(2), (b) introductory text, and (c) introductory text to read as follows:

§ 265.1311 Manifest transactions subject to fees.

(a) * * *

(2) The submission of each paper manifest submission to the paper processing center signed by owners or operators of receiving facilities, with the fee assessed according to whether the manifest is submitted to the system by the upload of an image file or by the upload of a data file representation of the paper manifest; and

* * * * *

(b) *Image file uploads from paper manifests.* Receiving facilities may submit image file uploads of completed, ink-signed manifests to the EPA e-Manifest system. Such image file upload submissions may be made for individual manifests received by a facility or as a batch upload of image files from multiple paper manifests received at the facility:

* * * * *

(c) *Data file uploads from paper manifests.* Receiving facilities may submit data file representations of completed, ink-signed manifests in lieu of submitting image files to the EPA e-Manifest system. Such data file submissions from paper manifests may be made for individual manifests received by a facility or as a batch upload of data files from multiple paper manifests received at the facility.

* * * * *

■ 31. Amend § 265.1312, in paragraphs (a) and (b)(1), by revising the formulas to read as follows:

§ 265.1312 User fee calculation methodology.

(a) * * *

$$Fee_i = \left(Marginal\ Cost_i + \frac{System\ Setup\ Cost}{Years \times N_t} + \frac{O\&M\ Cost}{N_t}\right) \times (1 + Indirect\ Cost\ Factor)$$

$$System\ Setup\ Cost = Procurement\ Cost + EPA\ Program\ Cost$$

$$O\&M\ Cost = Electronic\ System\ O\&M\ Cost + Paper\ Center\ O\&M\ Cost + Help\ Desk\ Cost + EPA\ Program\ Cost + CROMERR\ Cost + LifeCycle\ Cost\ to\ Modify\ or\ Upgrade\ e-Manifest\ System\ Related\ Services$$

* * * * *

(b)(1) * * *

$$Fee_i = \left(Marginal\ Cost_i + \frac{System\ Setup\ Cost}{Years \times N_t} + \frac{O\&M_i\ Cost}{N_i}\right) \times (1 + Indirect\ Cost\ Factor)$$

$$System\ Setup\ Cost = Procurement\ Cost + EPA\ Program\ Cost$$

$$O\&M_{fully\ electronic} Cost = Electronic\ System\ O\&M\ Cost + Help\ Desk\ Cost + EPA\ Program\ Cost + CROMERR\ Cost + LifeCycle\ Cost\ to\ Modify\ or\ Upgrade\ e - Manifest\ System\ Related\ Services$$

$$O\&M_{all\ other} Cost = Electronic\ System\ O\&M\ Cost + Paper\ Center\ O\&M\ Cost + Help\ Desk\ Cost + EPA\ Program\ Cost + CROMERR\ Cost + LifeCycle\ Cost\ to\ Modify\ or\ Upgrade\ e - Manifest\ System\ Related\ Services$$

* * * * *

PART 267—STANDARDS FOR OWNERS AND OPERATORS OF HAZARDOUS WASTE FACILITIES OPERATING UNDER A STANDARDIZED PERMIT

■ 32. The authority citation for part 267 continues to read as follows:

Authority: 42 U.S.C. 6902, 6912(a), 6924–6926, and 6930.

■ 33. Amend § 267.71 by revising paragraphs (a)(6)(i) and (ii) and (d) to read as follows:

§ 267.71 Use of the manifest system.

(a) * * *

(6) * * *

(i) Additionally, list the relevant waste stream consent number from consent documentation supplied by the EPA to the facility for each waste listed on the manifest in the International Shipments block on the Continuation Sheet (EPA Form 8700–22A), matched to the relevant list number for the waste from block 9b. If additional space is needed, the receiving facility should use an additional Continuation Sheet(s) (EPA Form 8700–22A); and

(ii) Submit a copy of the manifest to the e-Manifest system per 40 CFR 264.71(a)(2)(v) or 265.71(a)(2)(v).

* * * * *

(d) As per 40 CFR 262.84(d)(2)(xv), within three (3) working days of the receipt of a shipment subject to 40 CFR part 262, subpart H, the owner or operator of a facility must provide a copy of the movement document bearing all required signatures to the foreign exporter and to the competent authorities of the countries of export and transit that control the shipment as an export and transit shipment of hazardous waste respectively. For shipments received on or after the electronic import-export reporting compliance date, the receiving facility must close out the movement document to confirm receipt within three working days of shipment delivery using the EPA's Waste Import Export Tracking System (WIETS), or its successor system. For shipments sent from a country with which the EPA has established an electronic exchange of movement document tracking data, the receiving facility may use WIETS, or its successor system, to send movement document confirmation data back through the electronic exchange to the foreign exporter and the country of export. The original copy of the movement document must be maintained at the facility for at least three (3) years from the date of signature. The owner or operator of a facility may satisfy this recordkeeping requirement by retaining electronically submitted documents in the facility's account on the EPA's Waste Import Export Tracking System (WIETS), or its successor system, provided that copies are readily available for viewing and production if requested by any the EPA or authorized State inspector. No owner or operator of a facility may be held liable for the inability to produce the documents for inspection under this section if the owner or operator of a facility can demonstrate that the inability to produce the document is due exclusively to technical difficulty with the EPA's Waste Import Export Tracking System (WIETS), or its successor system, for which the owner or operator of a facility bears no responsibility.

PART 270—EPA ADMINISTERED PERMIT PROGRAMS: THE HAZARDOUS WASTE PERMIT PROGRAM

■ 34. The authority citation for part 270 continues to read as follows:

Authority: 42 U.S.C. 6905, 6912, 6924, 6925, 6927, 6939, and 6974.

■ 35. Amend § 270.30 by revising paragraphs (l)(7) and (8) to read as follows:

§ 270.30 Conditions applicable to all permits.

* * * * *

(l) * * *

(7) *Manifest discrepancy report.* If a significant discrepancy in a manifest is discovered, the permittee must:

(i) Attempt to reconcile the discrepancy. If not resolved within 20 days, the permittee must submit a letter report, including a copy of the manifest, to the Director. (See 40 CFR 264.72.)

(ii) Beginning on December 1, 2025, attempt to reconcile the discrepancy. If not resolved within 20 days, the permittee must immediately submit a Discrepancy Report to the EPA e-Manifest System describing the discrepancy and attempts to reconcile it, and a copy of the manifest or shipping paper at issue. (See 40 CFR 264.72.)

(8) *Unmanifested waste report.* A permittee must:

(i) Submit the Unmanifested Waste Report to the Director within 15 days of receipt of unmanifested waste. (See 40 CFR 264.76.)

(ii) Beginning on December 1, 2025, submit an electronic Unmanifested Waste Report in the EPA e-Manifest system for submission to the EPA within 15 days of receipt of unmanifested waste. (See 40 CFR 264.76.)

* * * * *

PART 271—REQUIREMENTS FOR AUTHORIZATION OF STATE HAZARDOUS WASTE PROGRAMS

■ 36. The authority citation for part 271 continues to read as follows:

Authority: 42 U.S.C. 6905, 6912(a), 6926, and 6939g.

■ 37. Amend § 271.1, in paragraph (j)(2), by:

■ a. In table 1, adding an entry in chronological order by ''Promulgation date''; and

■ b. In table 2, adding an entry in chronological order by ''Effective date''.

The additions read as follows:

§ 271.1 Purpose and scope.

* * * * *

(j) * * *

(2) * * *

TABLE 1—REGULATIONS IMPLEMENTING THE HAZARDOUS AND SOLID WASTE AMENDMENTS OF 1984

Promulgation date	Title of regulation	**Federal Register** reference	Effective date
*	*	*	*
July 26, 2024	Integrating e-Manifest with Hazardous Waste Exports and Other Manifest-Related Reports, PCB Manifest Amendments, and Technical Corrections.	[INSERT *FIRST PAGE OF* ***FEDERAL REGISTER*** *CITATION*].	January 22, 2025.

* * * * *

TABLE 2—SELF-IMPLEMENTING PROVISIONS OF THE HAZARDOUS AND SOLID WASTE AMENDMENTS OF 1984

Effective date	Self-implementing provision	RCRA citation	**Federal Register** reference
*	*	*	*
January 22, 2025	e-Manifest user fees for hazardous waste exporters, related export/import revisions, manifest-related reporting, manifest requirements.	3017	[INSERT *FIRST PAGE OF* ***FEDERAL REGISTER*** *CITATION.*

* * * * *

■ 38. Amend § 271.10 by:

■ a. Adding paragraph (f)(4)(i);

■ b. Adding and reserving paragraph (f)(4)(ii);

■ c. Revising paragraph (h)(2); and

■ d. Adding paragraph (j).

The additions and revisions read as follows:

§ 271.10 Requirements for generators of hazardous wastes.

* * * * *

(f) * * *

(4) * * *

(i) Beginning on December 1, 2025, investigate instances where manifests have

not been returned by the owner or operator of the designated facility and report such instances by electronic submission in the EPA's e-Manifest system to the State in which the shipment originated.

* * * * *

(h) * * *

(2) The State in which the generator is located (generator State) may require that the initial generator copy of the paper manifest form be submitted to the State.

* * * * *

(j) The State shall have standards for hazardous waste exporters which are equivalent to 40 CFR part 262. These standards shall include:

(1) Compliance with the manifest system including the requirements that:

(i) Beginning on December 1, 2025, the exporter submits a signed copy of the manifest and continuation sheet to the EPA e-Manifest system.

(ii) The exporter lists the relevant consent number from consent documentation supplied by the EPA facility for each waste listed on the manifest in the International Shipments block on the Continuation Sheet (EPA Form 8700–22A), matched to the relevant list number for the waste from block 9b; and

(2) Beginning on December 1, 2025, the exporter pays user fees to the EPA to recover the EPA's costs related to the development and operation of an electronic hazardous waste manifest system, in the amounts specified by the user fee methodology included in 40 CFR part 265, subpart FF for all paper and electronic manifests submitted to the EPA e-Manifest system.

■ 39. Amend § 271.12 by adding paragraphs (l) and (m) to read as follows:

§ 271.12 Requirements for hazardous waste management facilities.

* * * * *

(l) Beginning on December 1, 2025, requirements for owners and operators of facilities to submit electronic Discrepancy Reports to the EPA e-Manifest system; and

(m) Beginning on December 1, 2025, requirements for owners and operators to submit electronic Unmanifested Waste Reports to the EPA e-Manifest system.

PART 761—POLYCHLORINATED BIPHENYLS (PCBs) MANUFACTURING, PROCESSING, DISTRIBUTION IN COMMERCE, AND USE PROHIBITIONS

■ 40. The authority citation for part 761 is revised to read as follows:

Authority: 15 U.S.C. 2605, 2607, 2611, 2614, and 2616 and 42 U.S.C. 6939g.

■ 41. Amend § 761.3 by adding in alphabetical order the definition for ''Electronic manifest'' to read as follows:

§ 761.3 Definitions.

* * * * *

Electronic manifest means the electronic equivalent of the manifest (which is defined in this section as the shipping document EPA form 8700–22 and any continuation sheet attached to EPA form 8700–22) that is obtained from the EPA's national e-Manifest system and transmitted electronically to the system in accordance with the instructions included with the form, and subpart K of this part, and also in accordance with §§ 262.20, 262.24, and 262.25 of this chapter.

* * * * *

Subpart D—Storage and Disposal

■ 42. Amend § 761.60 by revising paragraph (e) to read as follows:

§ 761.60 Disposal requirements.

* * * * *

(e) Any person who is required to incinerate any PCBs and PCB items under this subpart and who can demonstrate that an alternative method of destroying PCBs and PCB items exists and that this alternative method can achieve a level of performance equivalent to an incinerator approved under § 761.70 or a high efficiency boiler operating in compliance with § 761.71, must submit a written request to the EPA Regional Administrator or the Director, Office of Resource Conservation and Recovery, for a waiver from the incineration requirements of § 761.70 or § 761.71. Requests for approval of alternate methods that will be operated in more than one Region must be submitted to the Director, Office of Resource Conservation and Recovery, except for research and development activities involving less than 500 pounds of PCB material (see paragraph (i)(2) of this section). Requests for approval of alternate methods that will be operated in only one Region must be submitted to the appropriate the EPA Regional Administrator. The applicant must show that their method of destroying PCBs will not present an unreasonable risk of injury to health or the environment. On the basis of such information and any available information, the EPA may, in its discretion, approve the use of the alternate method if it finds that the alternate disposal method provides PCB destruction equivalent to disposal in a § 761.70 incinerator or a § 761.71 high efficiency boiler and will not present an unreasonable risk of injury to health or the environment. Any approval must be stated in writing and may include such conditions and provisions as the EPA deems appropriate. The person to whom such waiver is issued must comply with all limitations contained in such determination. No person may use the alternate method of destroying PCBs or PCB items prior to obtaining permission from the appropriate the EPA official.

* * * * *

■ 43. Amend § 761.205 by revising paragraph (d) to read as follows:

§ 761.205 Notification of PCB waste activity (EPA Form 7710–53).

* * * * *

(d) Persons required to notify under this section shall file EPA Form 7710–53 with the EPA in accordance with the instructions on the form.

* * * * *

■ 44. Amend § 761.207 by adding paragraph (g) to read as follows:

§ 761.207 The manifest—general requirements.

* * * * *

(g)(1) *Electronic manifest.* A person required to prepare a manifest under this section may prepare and use an electronic manifest, provided that the person:

(i) Complies with the requirements in § 262.24 of this chapter for use of electronic manifests; and

(ii) Complies with the requirements of 40 CFR 3.10 for the reporting of electronic documents to the EPA.

(2) *Legal equivalence to paper manifests.* Electronic manifests that are obtained, completed, and transmitted in accordance with § 262.20(a)(3) of this chapter, and used in accordance with §§ 262.20, 262.24, and 262.25 of this chapter in lieu of EPA Forms 8700–22 and 8700–22A, are the legal equivalent of paper manifest forms bearing handwritten signatures, and satisfy for all purposes any requirement in subpart K of this part to obtain, complete, sign, provide, use, or retain a manifest.

(i) Any requirement in subpart K of this part to sign a manifest or manifest certification by hand, or to obtain a handwritten signature, is satisfied by signing with or obtaining a valid and enforceable electronic signature within the meaning of § 262.25 of this chapter.

(ii) Any requirement in subpart K of this part to give, provide, send, forward, or return to another person a copy of the manifest is satisfied when an electronic manifest is transmitted to the other person by submission to the EPA e-Manifest system.

(iii) Any requirement in subpart K of this part for a generator to keep or retain a copy of each manifest is satisfied by retention of a signed electronic manifest in the generator's account on the EPA e-Manifest system, provided that such copies are readily available for viewing and production if requested by any the EPA or authorized State inspector.

(iv) No generator may be held liable for the inability to produce an electronic manifest for inspection under this section if the generator can demonstrate that the inability to produce the electronic manifest is due exclusively to a technical difficulty with the e-Manifest system for which the generator bears no responsibility.

(v) After facilities have certified that the manifest is complete, by signing it at the time of submission to the EPA e-Manifest system, any post-receipt data corrections may be submitted at any time by any interested person (*e.g.,* waste handler) named on the manifest. If corrections are requested by the Director for portions of the manifest that a generator, transporter, or a commercial storage or disposal facility is required to complete, those PCB waste handlers must address the data correction within 30 days from the date of the request. Data corrections must be made electronically via the post-receipt data corrections process described in § 265.71(l) of this chapter, which applies to corrections made to either paper or electronic manifests. Generators who are not registered with the EPA e-Manifest system must arrange with interested persons shown on the manifest to electronically submit manifest data corrections on their behalf within 30 days of the date of the correction request.

■ 45. Revise § 761.209 to read as follows:

§ 761.209 Number of copies of a manifest.

The manifest consists of at least the number of copies which will provide the generator, the transporter, and the owner or operator of the designated facility with one copy each for their records and a copy to be submitted to the EPA e-Manifest system as indicated in the instructions included with EPA form 8700–22. Any requirement in subpart K of this part to give, provide, send, forward, or return to another person a copy of the manifest is satisfied when an electronic manifest is transmitted to the other person by submission to the EPA e-Manifest system. All parties using electronic manifests must do so in accordance with §§ 262.20, 262.24, and 262.25 of this chapter.

■ 46. Amend § 761.210 by revising paragraphs (a)(1) and (2) to read as follows:

§ 761.210 Use of the manifest—Generator requirements.

(a) * * *

(1) Sign the manifest certification; and

(2) Obtain the signature of the initial transporter and date of acceptance on the manifest; and

* * * * *

■ 47. Amend § 761.211 by revising paragraphs (d)(1), (e)(3), (f)(3)(i) and (f)(4)(i), and adding paragraph (g) to read as follows:

§ 761.211 Manifest system—Transporter requirements.

* * * * *

(d) * * *

(1) Obtain the date of delivery and the signature of that transporter or of the owner or operator of the designated facility on the manifest; and

* * * * *

(e) * * *

(3) The delivering transporter obtains the date of delivery and signature of the

owner or operator of the designated facility on either the manifest or the shipping paper; and

(f) * * *

(3) * * *

(i) Obtain the date of delivery and signature of the owner or operator of the designated facility on the manifest or the shipping paper (if the manifest has not been received by the facility); and

* * * * *

(4) * * *

(i) Obtain the date of delivery and the signature of the next non-rail transporter on the manifest; and

* * * * *

(g) If after a manifest has been originated electronically and signed electronically by the initial transporter, and the electronic manifest system should become unavailable for any reason, then the transporter must follow the replacement manifest procedures in accordance with § 263.20(a)(6) of this chapter.

■ 48. Amend § 761.213 by revising paragraphs (a)(2)(i), (iv), and (v), and adding paragraphs (d) and (e) to read as follows:

§ 761.213 Use of manifest–Commercial storage and disposal facility requirements.

(a) * * *

(2) * * *

(i) Sign and date each copy of the manifest;

* * * * *

(iv) Within 30 days of delivery, send a copy (Page 2) of the manifest to the generator, if the generator is not registered in the EPA's e-Manifest system. Any generator who is registered with the EPA's e-Manifest system may obtain their signed and dated copies of completed manifests from the EPA e-Manifest system; and

(v) Send to the EPA e-Manifest system an image file of the top copy (Page 1) of the manifest and any continuation sheet or send to the EPA e-Manifest system both a data file and the image file corresponding to Page 1 of the manifest and any continuation sheet, within 30 days of the date of delivery.

* * * * *

(d) If a commercial storage or disposal facility receives hazardous waste that is accompanied by a paper replacement manifest for a manifest that was originated electronically, the facility must follow the replacement manifest procedures in accordance with § 265.71(h) of this chapter.

(e)(1) As prescribed in § 265.1311 of this chapter, and determined in § 265.1312 of this chapter, a commercial storage or disposal facility who is a user of the electronic manifest system shall be assessed a user fee by the EPA for the submission and processing of each electronic and paper manifest. The EPA shall update the schedule of user fees and publish them to the user community, as provided in § 265.1313 of this chapter.

(2) A commercial storage or disposal facility subject to user fees under this section shall make user fee payments in accordance with the requirements of § 264.1314 of this chapter, subject to the informal fee dispute resolution process of § 264.1316 of this chapter, and subject to the sanctions for delinquent payments under § 264.1315 of this chapter.

■ 49. Amend § 761.215 by revising paragraphs (c) and (g) to read as follows:

§ 761.215 Manifest discrepancies.

* * * * *

(c) Upon discovering a significant difference in quantity or type, the owner or operator must attempt to reconcile the discrepancy with the waste generator or transporter (*e.g.,* with telephone conversations). If the discrepancy is not resolved within 20 days after receiving the waste, the owner or operator must:

(1) Immediately submit to the Regional Administrator a letter describing the discrepancy and attempts to reconcile it, and a copy of the manifest or shipping paper at issue.

(2) Beginning on December 1, 2025, immediately submit to the EPA e-Manifest system a Discrepancy Report describing the discrepancy and attempts to reconcile it using forms and procedures defined by the EPA, and a copy of the manifest or shipping paper at issue. Beginning December 1, 2025, the EPA will no longer accept mailed paper Discrepancy Reports from facilities.

* * * * *

(g) If a facility rejects a waste after it has signed, dated, and returned a copy of the manifest to the delivering transporter or to the generator, the facility must amend its copy of the manifest to indicate the rejected wastes in the discrepancy space of the amended manifest. The facility must also copy the manifest tracking number from Item 4 of the new manifest to the Discrepancy space of the amended manifest and must re-sign and date the manifest to certify to the information as amended. The facility must retain the amended manifest for at least three years from the date of amendment, and must within 30 days, send a copy of the amended manifest to the transporter and generator that received copies prior to their being amended. Facilities are not required to send the amended manifest to any generator or transporter who is registered in the EPA's e-Manifest system. Registered generators or transporters may obtain the signed and dated copy of a completed manifest from the EPA e-Manifest system in lieu of receiving the manifest through U.S. postal mail.

■ 50. Amend § 761.216 by adding paragraph (b) to read as follows:

§ 761.216 Unmanifested waste report.

* * * * *

(b) Beginning on December 1, 2025, if a facility accepts for storage or disposal any PCB waste from an offsite source without an accompanying manifest, or without an accompanying shipping paper as described by § 761.211(e), and the owner or operator of the commercial storage or disposal facility cannot contact the generator of the PCB waste, then they shall notify the Regional Administrator of the EPA region in which their facility is located of the unmanifested PCB waste so that the EPA Regional Administrator can determine whether further actions are required before the owner or operator may store or dispose of the unmanifested PCB waste, and additionally the owner or operator must prepare and submit an electronic Unmanifested Waste Report in the EPA e-Manifest system to the EPA Regional Administrator within 15 days after receiving the waste. The Unmanifested Waste Report must contain the following information:

(1) The EPA identification number, name and address of the facility;

(2) The date the facility received the waste;

(3) The EPA identification number, name and address of the generator and the transporter, if available;

(4) A description and the quantity of each unmanifested hazardous waste the facility received;

(5) The method of treatment, storage, or disposal for each hazardous waste;

(6) The certification signed by the owner or operator of the facility or their authorized representative;

(7) A brief explanation of why the waste was unmanifested, if known; and

(8) The disposition made of the unmanifested waste by the commercial storage or disposal facility, including:

(i) If the waste was stored or disposed by that facility, was the generator identified and was a manifest subsequently supplied.

(ii) If the waste was sent back to the generator, why and when.

■ 51. Amend § 761.217 by revising paragraphs (a)(1), (a)(2) introductory

text, and (b)(2), and adding paragraph (c) to read as follows:

§ 761.217 Exception reporting.

* * * * *

(a) * * *

(1) A generator of PCB waste, who does not receive a copy of the manifest with the handwritten signature of the owner or operator of the designated facility within 45 days of the date the waste was accepted by the initial transporter, shall immediately contact the transporter and/or the owner or operator of the designated facility to determine the status of the PCB waste.

(2) A generator of PCB waste subject to the manifesting requirements shall submit an Exception Report to the EPA Regional Administrator for the Region in which the generator is located if the generator has not received a copy of the manifest with the signature of the owner or operator of the designated facility within 60 days of the date the waste was accepted by the initial transporter. The Exception Report shall be submitted to the EPA no later than 60 days from the date on which the generator should have received the manifest. The Exception Report shall include the following:

* * * * *

(b) * * *

(2) The 45- and 60-day timeframes begin the date the waste was accepted by the initial transporter forwarding the PCB waste shipment from the designated facility to the alternate facility.

(c) Electronic Exception Reports that are originated in the EPA e-Manifest system in accordance with paragraph (a) of this section and used in accordance with this section in lieu of paper Exception Reports are the legal equivalent of paper Exception Reports bearing handwritten signatures and satisfy for all purposes any requirement in this section to complete, sign, provide, and retain an Exception Report.

(1) Any requirement in this section to sign an Exception Report certification by hand is satisfied by signing with a valid and enforceable electronic signature within the meaning of § 262.25 of this chapter.

(2) Any requirement in this section to give, provide or send an Exception Report to the EPA Regional Administrator is satisfied when an electronic Exception Report is transmitted to the EPA Regional Administrator by submission to the e-Manifest system.

(3) Any requirement in § 761.214 for a generator to keep or retain a copy of an Exception Report is satisfied by retention of a signed electronic Exception Report in the generator's account on the national e-Manifest system, provided that the Exception Report is readily available for viewing and production if requested by any EPA or authorized State inspector.

(4) No generator may be held liable for the inability to produce an electronic Exception Report for inspection under this section if the generator can demonstrate that the inability to produce the electronic Exception Report is due exclusively to a technical difficulty with the e-Manifest system for which the generator bears no responsibility.

■ 52. Amend § 761.218 by adding paragraphs (e) and (f) to read as follows:

§ 761.218 Certificate of disposal.

* * * * *

(e) Electronic certificates of disposal that are originated in an EPA-approved electronic system in accordance with this section and used in accordance with this section in lieu of paper certificates of disposal are the legal equivalent of paper certificates of disposal bearing handwritten signatures and satisfy for all purposes any requirement in this section to complete, sign, provide, and retain a certificate of disposal.

(1) Any requirement in this section to sign a certificate of disposal by hand is satisfied by signing with a valid and enforceable electronic signature within the meaning of § 262.25 of this chapter.

(2) Any requirement in this section to give, provide or send a certificate of disposal to the EPA Regional Administrator is satisfied when an electronic certificate of disposal is transmitted to the EPA Regional Administrator by submission to an EPA-approved electronic system.

(3) Any requirement in this section for a generator or disposer to keep or retain a copy of a certificate of disposal is satisfied by retention of a signed electronic certificate of disposal in the generator's or disposer's account, respectively, on an EPA-approved electronic system, provided that the certificate of disposal is readily available for viewing and production if requested by any EPA or authorized State inspector.

(4) No generator or disposer may be held liable for the inability to produce an electronic certificate of disposal for inspection under this section if the generator or disposer can demonstrate that the inability to produce the electronic certificate of disposal is due exclusively to a technical difficulty with the EPA-approved electronic system for which the generator or disposer bears no responsibility.

(f) *Restriction on use of electronic certificates of disposal.* The owner or operator of a disposal facility may participate in electronic certificates of disposal if it is known at the time the certificate of disposal is originated that:

(1) The manifest at issue originated in the EPA e-Manifest system in accordance with §§ 262.24(c) and 262.25 of this chapter; and

(2) For mixed paper and electronic manifests (*i.e.,* hybrid manifests), the generator has registered in the EPA e-Manifest system and has access to the electronic manifests for the site.

■ 53. Amend § 761.219 by adding paragraphs (e) and (f) to read as follows:

§ 761.219 One-year exception reporting.

* * * * *

(e) Electronic One-year Exception Reports that are originated in an EPA-approved electronic system in accordance with paragraph (a) of this section and used in accordance with this section in lieu of paper One-year Exception Reports are the legal equivalent of paper One-year Exception Reports bearing handwritten signatures and satisfy for all purposes any requirement in this section to complete, sign, provide, and retain a One-year Exception Report.

(1) Any requirement in this section to sign a One-year Exception Report certification by hand is satisfied by signing with a valid and enforceable electronic signature within the meaning of § 262.25 of this chapter.

(2) Any requirement in this section to give, provide or send a One-year Exception Report to the EPA Regional Administrator is satisfied when a One-year electronic Exception Report is transmitted to the EPA Regional Administrator by submission to an EPA-approved electronic system.

(3) Any requirement in this section for a generator or disposer to keep or retain a copy of a One-year Exception Report is satisfied by retention of a signed electronic One-year Exception Report in the generators or disposer's respective account on an EPA-approved electronic system, provided that the One-year Exception Report is readily available for viewing and production if requested by any EPA or authorized State inspector.

(4) No generator or disposer may be held liable for the inability to produce an electronic One-year Exception Report for inspection under this section if the generator or disposer can demonstrate that the inability to produce the electronic One-year Exception Report is due exclusively to a technical difficulty with the EPA-approved electronic system for which the generator or disposer bears no responsibility.

(f) *Restriction on use of electronic One-year Exception Reporting.* A generator or disposer may participate in electronic One-year Exception Reporting if it is known at the time the One-year Exception Report is originated that:

(1) The manifest at issue originated in the EPA e-Manifest system in accordance with §§ 262.24(c) and 262.25 of this chapter; and

(2) For mixed paper and electronic manifests (*i.e.,* hybrid manifests), the generator has registered in the EPA e-Manifest system and has access to the electronic manifests for the site.

[FR Doc. 2024–14694 Filed 7–25–24; 8:45 am]

BILLING CODE P

FEDERAL REGISTER

Vol. 89 Friday,
No. 144 July 26, 2024

Part III

Federal Trade Commission

16 CFR Part 456
Ophthalmic Practice Rules (Eyeglass Rule); Final Rule

FEDERAL TRADE COMMISSION

16 CFR Part 456

RIN 3084–AB37

Ophthalmic Practice Rules (Eyeglass Rule)

AGENCY: Federal Trade Commission.

ACTION: Final rule.

SUMMARY: The Federal Trade Commission (''FTC'' or ''Commission'') is publishing a final rule to implement amendments to the Ophthalmic Practice Rules (''Eyeglass Rule'' or ''Rule''). These amendments require that prescribing eye care practitioners obtain a signed confirmation after releasing an eyeglass prescription to a patient and maintain each such confirmation for a period of not less than three years. The Commission is permitting prescribers to comply with automatic prescription release via electronic delivery if they first obtain verifiable affirmative consent from the patient and maintain a record of such consent for a period of not less than three years. The amendments further clarify that the presentation of proof of insurance coverage shall be deemed to be a payment for the purpose of determining when a prescription must be provided. Finally, the Commission amends the term ''eye examination'' to ''refractive eye examination'' throughout the Rule.

DATES: This rule is effective September 24, 2024.

FOR FURTHER INFORMATION CONTACT: Alysa S. Bernstein, Attorney, (202) 326–3289; Sarah Botha, Attorney, (202) 326–2036; or Paul Spelman, Attorney, (202) 326–2487, Division of Advertising Practices, Bureau of Consumer Protection, Federal Trade Commission, 600 Pennsylvania Avenue NW, Washington, DC 20580.

SUPPLEMENTARY INFORMATION:

Statement of Basis and Purpose

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I. Background

A. Overview of the Eyeglass Rule

The Eyeglass Rule (16 CFR part 456) declares it an unfair practice for an optometrist or ophthalmologist to fail to provide a patient with a copy of the patient's eyeglass prescription immediately after an eye examination is completed.[1] The prescriber may not charge the patient any fee in addition to the prescriber's examination fee as a condition of releasing the prescription to the patient.[2] The Rule defines a prescription as the written specifications for lenses for eyeglasses which are derived from an eye examination, including all of the information specified by State law, if any, necessary to obtain lenses for eyeglasses.[3]

The Rule prohibits an optometrist or ophthalmologist from conditioning the availability of an eye examination on a requirement that the patient agree to purchase ophthalmic goods from the ophthalmologist or optometrist.[4] The Rule also prohibits the prescriber from placing on the prescription, or requiring the patient to sign, or deliver to the patient, a waiver or disclaimer of prescriber liability or responsibility for the accuracy of the exam or the ophthalmic goods and services dispensed by another seller.[5]

The Rule was implemented after findings that many consumers were being deterred from comparison shopping for eyeglasses because eye care practitioners would not release prescriptions, even when requested to do so, or charged an additional fee for release of the prescription. The Rule's operative provision, which requires prescription release and prohibits fees and waivers for prescription release, is entitled ''Separation of Examination and Dispensing.'' [6] Keeping the exam process and prescription separate from the retail sale of eyeglasses is the key underpinning of the Rule.

B. Background of Prescribers' Failure To Release Prescriptions and the Commission's Automatic-Release Remedy

The FTC has been regulating the optical goods industry for more than six decades, and this experience continues to inform and guide the Rule. As early as 1962, the Commission took steps to protect consumers and competition by adopting the ''Guides for the Optical Products Industry,'' declaring it an unfair practice to ''tie in or condition'' refraction services to eyeglass sales when there was a ''reasonable probability'' of harming competition.[7] However, the Guides were not binding, the FTC never sought to enforce them, and prescribers did not comply with them.[8] In light of such non-compliance, on June 2, 1978, the Commission issued the Advertising of Ophthalmic Goods and Services Rule (the ''Eyeglass I Rule''), which, among other things, contained the provision ''Separation of Examination and Dispensing'' requiring prescribers to automatically release prescriptions—regardless of whether or not patients requested them—so as to draw a line between exams and eyeglass sales, and ensure consumers had unconditional access to prescriptions.[9] The Commission found that consumers suffered substantial economic loss and lost opportunity costs due to an inability to comparison-shop for glasses,[10] and that such practices offended public policy and inhibited competition by denying consumers the ability to use available information.[11] The Commission explained that while it considered requiring prescriptions be released only upon request, it chose ''automatic release'' due to consumers' lack of awareness of their prescription rights, and to immunize such rights from an ''evidentiary squabble'' over whether a consumer did or did not request their prescription.[12]

Upon issuance of the Eyeglass I Rule, the American Optometric Association (''AOA'') filed suit, and the D.C. Circuit upheld the automatic-release requirement, finding there was ''extensive'' evidence that withholding prescriptions harmed consumers.[13] The court also noted there was considerable evidence that prescribers used certain practices ''to frighten consumers'' into purchasing from the prescriber.[14]

In 1985, the Commission re-reviewed the Rule and held public hearings, after which FTC staff proposed changing to release-upon-request,[15] due to what staff perceived to be altered market conditions and increased public awareness, and the challenges staff faced trying to enforce the automatic-release provision.[16] According to staff at that time, automatic release had not prevented evidentiary squabbles,[17] but rather increased them, since whether a prescriber released a prescription could not, in most cases, be ascertained without documentary evidence.[18] In contrast, the hearing officer recommended the automatic-release requirement remain in effect, since prescribers were still not releasing prescriptions to consumers.[19] The Commission sided with the presiding officer's recommendation and issued the ''Eyeglass II Rule,'' which preserved automatic release.[20] The Rule was again challenged in court and parts of it were vacated, but not the automatic-release component, which remained lawful and in effect.[21]

In 1997, the Commission again sought input on the Rule's prescription-release requirement but withheld taking action while it evaluated whether contact lenses should be covered by the Rule.[22] That question was resolved by Congress, which passed the Fairness to Contact Lens Consumers Act (''FCLCA''),[23] directing the FTC to issue a separate rule with automatic prescription-release requirements for contact lenses that were similar to those required by the Eyeglass Rule.[24]

When the Commission looked again at the Eyeglass Rule in 2004, it determined that prescribers continued to withhold prescriptions, and consumers were still not sufficiently aware of their rights.[25] The Commission felt that were it to eliminate the automatic-release remedy, even more prescribers might fail to release prescriptions. Due to this, and because the Commission found that prescription-release enhanced consumer choice at minimal cost, the Commission opted to again retain the automatic-release remedy.[26] By retaining the requirement, the Commission also ensured that prescription-release requirements for eyeglasses and contact lenses would be largely aligned.[27]

C. Evidentiary Standard for Promulgating or Amending the Rule

The Commission promulgated the Eyeglass Rule under section 18 of the FTC Act, which grants the Commission

the authority to adopt rules defining unfair or deceptive acts or practices in or affecting commerce.[28] When amending or repealing the Rule, the Commission follows the same section 18 procedures governing the adoption of rules [29] and, in doing so, engages in a multi-step inquiry. To make a determination that an act or practice is unfair, the Commission evaluates the following questions: (1) Does the act or practice cause or is it likely to cause substantial injury to consumers? (2) Is the injury to consumers outweighed by countervailing benefits that flow from the act or practice at issue? and (3) Can consumers reasonably avoid the injury? [30]

If an act or practice is deemed unfair, the Commission may issue a notice of proposed rulemaking under section 18 only where it has ''reason to believe'' that the unfair act or practice at issue is ''prevalent.'' [31] The Commission can find prevalence where information available to it indicates a widespread pattern of conduct.[32] The evidence necessary to answer the aforementioned questions will vary depending on the circumstances of each rulemaking and the characteristics of the industry involved.[33] When inviting public comment, the Commission requests that commenters provide useful factual data, and, in particular, empirical data such as surveys or other methodologically sound quantitative analyses.[34] The Commission may also consider other reliable evidence and input from experts.[35] Documentary and testimonial evidence, and the absence of any substantial or persuasive contrary evidence, may also be considered.[36] Once the Commission finds that an unfair act or practice is prevalent, the Commission has wide latitude in fashioning a remedy, and need only show a ''reasonable relationship'' between the unfair act or practice and the remedy.[37]

D. The Current Eyeglass Rule Review

1. Advance Notice of Proposed Rulemaking

In 2015, as part of a periodic review of its rules and regulations, the Commission simultaneously published notices in the **Federal Register** initiating reviews of both the Eyeglass Rule and the Contact Lens Rule. The Commission published a request for comment (''RFC'') seeking public input on the efficiency, costs, benefits, and regulatory impact of the Contact Lens Rule, including its prescription release requirement.[38] The Commission published an advance notice of proposed rulemaking (''ANPR'') for the Eyeglass Rule inviting comments on, among other things: the continuing need for the Rule; the Rule's economic impact and benefits; and the effect on the Rule of any technological, economic, or other industry changes.[39] The Commission also sought comment on whether: the definition of ''prescription'' should be modified to include pupillary distance, to require that a prescriber provide a duplicate copy of a prescription to a patient who does not have access to the original, and to require that a prescriber provide a copy to or verify a prescription with third parties authorized by the patient.[40]

In response to its Eyeglass Rule ANPR, the Commission received and considered 868 comments from a variety of individuals and entities, including ophthalmologists, optometrists, opticians, trade associations, consumers (and consumer-advocacy representatives), and eyeglass sellers.[41] Virtually all comments supported retaining the Rule. Some commenters, including trade associations representing opticians and retailers who employ optometrists and opticians, stated that the Rule is needed because some prescribers are still not automatically releasing prescriptions, and some consumers face resistance when they try to obtain their prescriptions.[42] The AOA, on the other hand, questioned the continued need for the Rule based on its view that optometrists widely comply with the Rule's requirements, but also commented that the Rule—as currently codified—is not necessarily harmful.[43]

2. The Contact Lens Rule Review

The Commission focused on finalizing changes to the Contact Lens Rule (CLR) before considering amendments to the Eyeglass Rule. During its CLR review, the Commission considered over 8,000 comments and issued both a notice of proposed rulemaking [44] and a supplemental notice of proposed rulemaking [45] (''SNPRM'') before issuing a final rule on August 17, 2020.[46] While the CLR differs from the Eyeglass Rule in some respects, many of the issues and concerns regarding prescription release and portability are the same, and therefore, some of the comments and data submitted during the CLR review are pertinent to the Commission's review of the Eyeglass Rule.

In its CLR final rule, the Commission determined that the evidentiary record, as well as the Commission's enforcement and oversight experience, demonstrated that prescriber compliance with the automatic-prescription-release requirement was deficient, and as a result, millions of consumers were not receiving their contact lens prescriptions as required by law.[47] The Commission further found that many consumers remained unaware that they have a right to their prescriptions.[48] To remedy this, the Commission implemented a confirmation-of-prescription-release provision, requiring that prescribers request that patients confirm receipt of their contact lens prescription.[49] According to the Commission, the patient confirmation requirement was intended to, among other things, increase the number of patients in possession of their contact lens prescription, improve flexibility and choice for consumers, foster improved competition in the market, and result in lower prices and more efficient contact lens sales for consumers.[50] The Commission noted that the requirement would also increase the Commission's ability to enforce and assess the CLR.[51]

The final CLR included an additional amendment addressing a concern relevant to the Eyeglass Rule review, in that the Commission recognized the value in allowing prescribers to deliver prescriptions to patients digitally, so long as prescribers provide the prescription in a format that can be accessed, downloaded, and printed by the patient, and the patient agrees to receive their prescription in the format identified by the prescriber.[52] The final CLR expressly made this permissible by adding a definition of the term ''provide to the patient a copy'' to allow the prescriber to provide the patient with a digital copy of the prescription in lieu of a paper copy, so long as the prescriber adheres to certain requirements.[53]

3. The Notice of Proposed Rulemaking and Eyeglass Rule Workshop

After the amended CLR final rule took effect, the Commission resumed its review of the Eyeglass Rule. Based on a review of comments received in response to the ANPR, a regulatory review of the CLR, and the Commission's enforcement experience, the Commission issued a notice of proposed rulemaking (''NPRM'') on January 3, 2023.[54] In the NPRM, the Commission proposed to: (1) require that prescribers obtain a signed confirmation after releasing an eyeglass prescription to a patient, and maintain each such confirmation for a period of not less than three years; (2) permit prescribers to comply with automatic prescription release via electronic delivery if the prescription is provided in a digital format that can be accessed, downloaded, and printed by the patient,

and if the prescriber obtains the patient's verifiable affirmative consent to the electronic delivery method; (3) clarify that the presentation of proof of insurance coverage shall be deemed to be a payment for the purpose of determining when a prescription must be provided; and (4) amend the term ''eye examination'' to ''refractive eye examination'' throughout the Rule.

In response to the NPRM, the Commission received 27 comments from various individuals and entities, including consumers, optometrists, ophthalmologists, opticians, trade associations, consumer advocates, and eyeglass sellers.[55] The Commission also announced it would hold a public workshop to consider: the proposed confirmation-of-prescription-release requirement for eyeglass prescriptions; consumers' and prescribers' experiences with the implementation of the similar requirement for contact lens prescriptions; other proposed changes to the Rule; and other issues raised in response to the NPRM.[56] The workshop notice invited interested parties to request to participate as a panelist or to file a comment.[57] Staff convened the workshop, titled ''A Clear Look at the Eyeglass Rule,'' with three panels and a total of 13 panelists in Washington, DC, on May 18, 2023, and the discussion was transcribed.[58] At the conclusion of the workshop, panelists, audience members, and the general public were invited to share additional views, data, and other information related to the NPRM and the subjects discussed, after which the Commission received an additional 20 comments, providing further perspectives from consumers, prescribers, opticians, trade associations, and retailers, as well as a U.S. Congressman.[59]

4. Overview of the Final Rule

The Commission now issues this final rule that largely adopts the amendments proposed in the NPRM, with some minor modifications based on public comments and other considerations, as discussed below. In issuing this final rule, the Commission has relied on an extensive record that includes comments received in response to the ANPR, the NPRM, and the workshop notice. The Commission also relies on the discussion at the May 2023 workshop, the Commission's experience enforcing the Eyeglass Rule and Contact Lens Rule, and the rulemaking record for the 2020 amendments to the CLR, to the extent that such record is pertinent to the Eyeglass Rule.[60] The Commission has also examined the current state of the marketplace, and the content of consumer complaints about prescriber practices. Further, the Commission remains cognizant of the lengthy regulatory history and evidentiary record pertaining to prescribers' failure to release prescriptions, and eyewear-specific market incentives (such as that many eye doctors sell the same items that they prescribe) that provided the initial impetus for both the Eyeglass Rule and the CLR.

Based on the entirety of the record, the Commission finds that prescribers' failure to provide consumers with prescriptions at the completion of an eye exam—held to be an unfair act or practice when the Eyeglass Rule was enacted[61]—remains prevalent, and tens of millions of Americans every year are not receiving their eyeglass prescriptions as required.[62] The Commission also finds that significant harm to consumers continues to exist and that, without the Rule's requirements, consumers could not reasonably avoid the injury resulting from the unfair acts and practices prohibited by the Rule. The Commission further determines that the Rule's automatic-release requirement remains the best remedy for failure to release prescriptions, and that documentation of prescription release is necessary to better effectuate and enforce this remedy. Consequently, the Commission is amending the Rule to implement a confirmation-of-prescription-release requirement similar to that already in place under the amended CLR, albeit a simpler version.[63] Pursuant to these amendments, prescribers will be required to do one of the following:

(i) If a paper copy of the prescription was provided to the patient, request that the patient acknowledge receipt of the prescription by signing a separate statement on paper or in a digital format confirming receipt of the prescription; or

(ii) If a digital copy of the prescription was provided to the patient (via methods including an online portal, electronic mail, or text message), retain evidence that such prescription was sent, received, or made accessible, downloadable, and printable.

As with the CLR provision, this final rule provides sample language for the confirmation option, but also allows prescribers to craft their own confirmation wording if they so desire. As with the CLR's confirmation requirement, the requirement for eyeglass prescriptions would apply only to prescribers with a financial interest in the sale of eyeglasses.

The Commission believes that revising the automatic-release remedy to require a confirmation of prescription release will provide an educational benefit to consumers and prevent consumer harm. This amendment is necessary due to demonstrated failures of prescribers to comply with the automatic-release remedy, and to ensure the separation of eye examination and eyeglass dispensing, which engenders a competitive marketplace for eyeglasses. The Commission is sensitive to any additional burden that this rule change imposes. However, it finds that this amendment maximizes the benefits of comparison-shopping while imposing a relatively small cost. The potential benefit of increasing the number of patients in possession of their prescriptions is substantial: namely, increased flexibility and choice for consumers; increased competition among eyeglass sellers; a reduced likelihood of errors associated with incorrect, invalid, and expired prescriptions, and consequently, improved patient safety; and an improved ability for the Commission to enforce and monitor prescriber compliance.

The confirmation requirement also brings the prescription-release-related provisions of the Rule into congruence with those of the CLR, thereby reducing the confusion and complexity that arise for both consumers and prescribers from having inconsistent requirements for eyeglass and contact lens prescriptions. In addition, because the CLR already obligates ophthalmologists and optometrists to obtain a confirmation and maintain a record, their marginal cost associated with the confirmation requirement in the Eyeglass Rule should be extremely low. Prescribers in compliance with the CLR should already have in place forms, systems, and staff training for prescription release, and should only need to make minor adjustments for eyeglass prescriptions.

The Commission is also amending the Rule to permit prescribers to comply with automatic prescription release via electronic delivery in certain circumstances. In order to do so, the prescriber must identify the delivery method to be used—such as portal, text, or email—and the prescription must be provided in a format that can be accessed, downloaded, and printed by the patient. Further, a prescriber may only opt for digital delivery after obtaining the patient's verifiable affirmative consent, and must maintain evidence of that consent for a period of not less than three years. The Commission is also revising the Rule to clarify that presentation of proof of insurance coverage shall be deemed a payment for the purpose of determining when a prescription must be provided

under 16 CFR 456.2(a). Again, these revisions harmonize the Eyeglass Rule with the existing Contact Lens Rule, which should reduce confusion and complexity. And lastly, the Commission is further clarifying that the term ''eye examination'' in the Rule refers to a refractive eye exam, and is amending that term accordingly.

This final rule summarizes the public comments the Commission received, and explains why the Commission continues to believe that the Rule and its automatic-prescription-release provision are necessary. It also explains the Commission's rationale for adopting the amendments previously proposed in the NPRM, with some minor modifications.[64] Finally, this final rule sets forth the Commission's regulatory burden analyses under the Regulatory Flexibility and Paperwork Reduction Acts, as well as the regulatory text of the final rule.

5. The Eyeglass Marketplace

The retail vision care industry in the United States consists of several types of participants, namely ophthalmologists, optometrists, opticians, and eyewear retailers. The services provided by these different participants often overlap, and different participants often have business affiliations with each other.

Ophthalmologists are medical doctors who specialize in treating diseases of the eye. They are the only eye care professionals who can treat all eye and vision-system diseases, perform eye surgery, prescribe nearly all manner of drugs, and use any treatment available to licensed physicians. Ophthalmologists can prescribe and sell eyeglasses and contact lenses, and their offices may be attached to an associated optical dispensary. Ophthalmologists have typically completed four years of college, four years of medical school, a year of general internship, and three years of specialized hospital residency training in ophthalmology. It is estimated that there are approximately 18,000 active ophthalmologists in the United States.[65] Many ophthalmologists, especially those who specialize in surgery or particular eye conditions, do not sell eyewear, although some do.

Optometrists are doctors of optometry. They have not completed medical school, but have instead completed four years of medical training in optometry school, typically following a four-year college degree. They are trained and licensed to examine eyes, diagnose refractive problems, prescribe and dispense eyeglasses and contact lenses, and detect eye disease.[66] As with ophthalmologists, optometrists can prescribe and sell eyeglasses and contact lenses, and their offices are often attached to, or part of, an associated optical dispensary. A government estimate reports that in 2020 there were some 43,000 active optometrists in the United States.[67] While professional services—such as eye health and refraction examinations—generate significant revenue for optometrists, the majority of optometrists still derive a larger percentage of their income from product sales, including the sale of eyeglasses and contact lenses.[68] According to some estimates, product sales typically account for roughly 45 to 60% of optometrist revenue.[69]

Opticians, also known as dispensing opticians or ophthalmic dispensers, act primarily as retail providers of eyeglasses and contact lenses. Opticians fabricate, fit, adjust, and repair eyeglasses, primarily on the basis of prescriptions issued by optometrists and ophthalmologists. Opticians typically are not authorized to examine eyes to determine prescriptions, but may conduct pupillary distance examinations in order to fit a pair of eyeglasses to an individual. According to one source, twenty-one States currently require opticians to obtain licenses,[70] usually through a State-approved course of study and completion of an exam. The remaining States have no formal requirements for practice, but many opticians in these States complete some form of apprenticeship or training. A 2020 estimate put the number of active opticians in the United States at approximately 73,000.[71] Opticians sometimes co-locate their optical dispensaries with examination offices of optometrists or ophthalmologists and, sometimes, although not always, share revenue from the sale of eyeglasses and contact lenses.

Eyewear retailers are companies and independent merchants that sell glasses. They often are owned by, employ, or associate themselves with, ophthalmologists, optometrists, and opticians. Some are considered independent optical retailers (defined as a retailer with three or fewer locations that has either an ophthalmologist, optometrist, optician, or optical retailer on site [72]), while others may be optical chain stores, such as LensCrafters and America's Best, mass merchandisers, such as Costco and Sam's Club, department stores, such as Macy's, or online entities, such as Zenni Optical and *GlassesUSA.com*.

The overall retail eyeglass market continues to grow in both the number of eyeglass wearers as well as the number of eyeglasses purchased. It is currently estimated that approximately 165 million American adults regularly wear prescription eyeglasses, representing nearly two-thirds of the country's adult population,[73] and the overall market for eyeglass frames and lenses is estimated at $35.6 billion.[74] That represents an 18% increase in value from 2019.[75]

An industry report found that more than half of Americans surveyed between January 10 and March 19, 2023 had had an eye exam within the previous twelve months, and of those who had an eye exam in the previous three months and use eyeglasses, 50% purchased new eyewear.[76] While online eyeglass sales have increased significantly (in just the four years of 2019–2022, online sales of frames and lenses nearly doubled from $1.82 billion to $3.24 billion),[77] roughly four out of five eyeglass purchases still occur in person.[78] Furthermore, of those who have an eye exam and proceed to purchase eyeglasses, the vast majority purchase from their prescriber on the day of the exam.[79] This is often referred to as a prescriber's ''capture rate,'' [80] and remains relatively high for a variety of reasons, even though the average unit price for frames and lenses in 2022 was $360 from independent optical retailers and prescribers compared to just $183 from online eyewear sellers.[81] For many consumers, the convenience of being able to shop at the same location that they have their exam makes it worthwhile to buy glasses from their prescriber, even if they are more expensive. Many consumers also find it advantageous to try on glasses in person and have an expert tell them, based on their prescription and physical characteristics, the pros and cons of particular eyewear.[82] In-person optical dispensaries can also perform precise facial measurements to provide a more personalized fit.[83] Buying from one's prescriber can also make it simpler to have glasses adjusted post-purchase, if necessary.[84] As discussed *infra,* however, some consumers buy eyeglasses from their prescriber because they feel pressured or obligated to, or are unaware that they can take their prescription and shop elsewhere for glasses.

Final Rule Pertaining to the Automatic-Prescription-Release Provision

A. Separation of Examination and Dispensing

Section 456.2(a) of the Eyeglass Rule provides that it is an unfair act or practice for a prescriber to fail to provide to the patient one copy of the patient's prescription immediately after

the eye examination is completed. This provision allows, however, that a prescriber may refuse to give the patient a copy of the patient's prescription until the patient has paid for the eye examination, but only if that prescriber would have required immediate payment from that patient had the eye examination revealed that no ophthalmic goods were required.[85] Sections 456.2(b) and (c) prohibit prescribers from imposing conditions for patients to receive eye examinations and prescriptions. Section 456.2(b) provides that it is an unfair act or practice for a prescriber to condition the availability of an eye examination on a requirement that the patient agree to purchase any ophthalmic goods from the prescriber. Section 456.2(c) provides that it is an unfair act or practice for a prescriber to charge any fee in addition to the examination fee as a condition for releasing the prescription to the patient. Section 456.2(d) provides that it is an unfair act or practice for a prescriber to waive or disclaim prescriber liability for the accuracy of the eye examination or the accuracy of the ophthalmic goods and services dispensed by another seller.

These provisions, often referred to as the automatic-prescription-release requirement (also referred to as the required ''separation of examination and dispensing''),[86] were intended to make it clear that the purchase of eyeglasses is separate and distinct from the act of obtaining an eye exam, and to ensure consumers have possession of their ophthalmic prescriptions so they are able to ''price shop'' for eyeglasses.[87] Absent physical possession of their prescriptions, consumers do not have the ability—and in some cases, the knowledge—to buy eyeglasses wherever they want. Consequently, there is less comparison-shopping, and less incentive for eyeglass sellers to advertise or compete with each other on price or service.[88]

1. Comments and Evidence Regarding the Automatic-Prescription-Release Provision

In response to the Commission's NPRM, and during and after the Eyeglass Rule workshop, numerous commenters addressed the Rule's automatic-prescription-release provision, weighing in on whether (a) prescribers comply with the requirement and consumers receive their prescriptions, and (b) compliance is still necessary and beneficial for consumers.

a. Prescriber Compliance With Automatic Release, and Consumer Receipt of Their Prescriptions

Several commenters stated that even though the automatic-release provision has been in effect for decades, prescribers still do not adhere to this requirement, and thus consumers often do not receive a copy of their prescription. Longtime eyewear consumer and ER workshop panelist Felecia Neilly, for instance, recounted how she has visited various eye doctors at least 50 times over the course of her life, and yet has rarely been handed her prescription without having to request it.[89] ''It just always felt like there was a reluctance [on the part of the prescriber] in getting the complete information needed to fill the prescription, always,'' commented Neilly, adding that if the Rule has been in effect since the '70s, it should be automatic.[90] Neilly added that even when she did request her prescription, she did not always receive the complete copy, thus making it a challenge for her to purchase eyewear.[91]

Likewise, the National Association of Retail Optical Companies (''NAROC''),[92] a trade association comprised of retail optical companies with co-located eye care services (such as LensCrafters, Costco Optical, and Walmart Vision Center), submitted a comment stating, ''We have no evidence to contradict the [previous Commission] finding that prescribers' failure to automatically provide customers with prescriptions at the completion of an eye exam—held to be an unfair act or practice when the Eyeglass Rule was enacted—remains prevalent, and millions of Americans every year are not receiving their eyeglass prescriptions as required by law.'' [93] One Michigan optometrist, Dr. David Durkee, commented that ''the far majority of my colleagues do not engage in such practices [automatic release of prescriptions] out of fear of losing [retail] business.'' [94]

Other members of the ophthalmic community, on the other hand, typically felt that compliance with the automatic-prescription-release provision is routine and common practice. Workshop panelist Dr. Jeffrey Michaels, a Virginia optometrist, commented, ''I think that the automatic compliance with this [prescription release] is so ingrained in optometrists and ophthalmologists that it's just a normal part of their day.'' [95] He noted that in his optometric office, 100% of prescriptions are automatically uploaded to a patient portal ''the very second the prescription is finalized.'' [96] The American Academy of Ophthalmology (''AAO'') volunteered that ophthalmology practices ''have a tremendous track record of compliance with existing prescription release requirements,'' [97] and the Opticians Association of America (''OAA'') and American Optometric Association both noted that online eyeglass sales have been steadily increasing year over year, which they believe indicates that consumers have copies of their prescriptions.[98]

The American Optometric Association also pointed to the fact that, over the past five years, there had been fewer than fifty prescribers warned by the FTC for potential violations of the Eyeglass Rule (such as failure to release prescriptions).[99] The dearth of complaints was also emphasized by other optometrists, such as Dr. Michaels,[100] who said, ''Well, we heard that there were 30-some-odd letters [relating to complaints of non-compliance] out of 55,000 doctors who prescribe,'' and Dr. Scott Sanders, a Mississippi optometrist, who commented, ''The FTC is trying to fix something that is not broken . . . Prescriber compliance is 99.99999%.'' [101] Additionally, the American Optometric Association cited a consumer survey, performed at its behest by NERA Economic Consulting, which purportedly found that only 3 of 1072 eyeglass consumers polled mentioned a possible Eyeglass Rule automatic-release compliance issue, and this, according to the American Optometric Association, indicates that non-compliance is not prevalent.[102]

However, the NERA survey did not specifically address prescription-release compliance,[103] did not directly ask consumers whether they received their prescription from their prescriber, and did not ask consumers if they were aware of their right to their prescription.[104] Rather, the survey focused on where consumers purchased their eyeglasses and contact lenses, and why they purchased from that particular location. When consumers were asked to select the reasons that they purchased from that location, none of the 17 options offered included the availability or unavailability of their prescription (such as ''Because my prescriber didn't give me my prescription.''). The only way for survey respondents to reference prescription availability or unavailability was when asked open-ended questions such as ''In your own words, why did you purchase glasses from [the location that you did]?'' and ''Why did you ONLY consider purchasing glasses from [the location that you did]?'' In response to these questions, three consumers volunteered that they either thought they were required to buy from their doctor, or

that they bought from their doctor because the prescriber would not provide them with a copy of their prescription.[105] Since only three consumers mentioned the lack of prescription release, the American Optometric Association contends that noncompliance must not be an issue.[106]

Though the NERA survey provides some insights discussed later in this document, the Commission does not find the survey to be probative as to whether prescribers are releasing prescriptions (either automatically or on request). The fact that only three consumers [107] proactively mentioned that prescribers had not provided them with their prescriptions could, perhaps, suggest that prescribers typically comply, but cannot be accorded significant evidentiary weight since consumers were not actually asked whether they received their prescriptions.

The Commission also notes, as it has repeatedly in the past, that the raw number of consumer complaints about prescriber non-compliance is an unreliable barometer of prescriber compliance. As discussed in some detail during the Contact Lens Rule review, the Commission's experience has shown that the vast majority of injured or impacted consumers do not typically register complaints with the government, and even fewer are likely to submit a complaint about an FTC rule violation such as a prescriber's failure to release their prescription.[108] This is especially true when—as will be discussed later in this final rule—evidence shows that many consumers remain unaware that they have an unconditional right to their prescription and should be receiving them automatically after each refractive exam. As workshop panelist Neilly commented, the lack of consumer complaints may correlate to the lack of knowledge about the prescription-release requirement ''because people don't even know there's an Eyeglass Rule.'' [109] And even if consumers are aware that they have a right to their prescription and should have received it, they might not know to whom to complain in instances when it wasn't given to them.

Apart from the NERA survey, none of the commenters to the NPRM or Eyeglass Rule workshop supplied new or updated empirical evidence. The extensive evidentiary record, however, includes two previously submitted surveys that shed light on the percentage of patients that do or do not receive their prescriptions. A survey conducted on behalf of Warby Parker by the polling firm SurveyMonkey reported that, of consumers who had purchased eyeglasses within the last three years, 47% of those who saw optometrists and 31% of those who visited ophthalmologists were not automatically provided with a physical copy of their eyeglass prescription.[110] The survey also found that 14% of consumers had to pay their prescriber for a copy of their prescription when they requested a copy at a later time.[111]

Another survey—conducted on behalf of 1–800 CONTACTS by the polling firm Survey Sampling International (''SSI'')—found that only 34% of eyeglass wearers automatically received their prescriptions on the day of their office visit, with another 19% receiving it during their visit, but only after asking for it.[112] According to the SSI survey, some consumers were able to obtain their prescription at a later point by returning to their prescriber's office, but 39% of consumers never received their prescription at all.[113]

It is important to note that these surveys reveal more than simply that many prescribers fail to always comply with the automatic-release requirement. The surveys reveal that, even if prescribers will provide prescriptions *when asked,* a significant percentage of consumers leave their prescriber's office without their prescriptions. Which means that, for the next year or two (until their next eye exam), those consumers might be unable to shop for eyeglasses at an alternative location without having to contact their prescriber and ask for their prescription (and possibly have to pay for it). Although it is possible for other eyeglass sellers to call prescribers' offices and request patient prescriptions, this can lead to delays, and—in sharp contrast to the Contact Lens Rule—there is no legal requirement under the Eyeglass Rule that prescribers comply with requests to verify patient eyeglass prescriptions to third-party sellers.

The two surveys cited herein have been criticized by optometrists and the American Optometric Association, which contend the Commission should disregard their results because the surveys were submitted by retail competitors with a financial stake in the outcome of the rulemaking,[114] and were submitted as part of the FTC's Contact Lens Rule review, and the markets and patient experiences for eyeglasses and contact lenses are not the same.[115] The American Optometric Association cited to NERA's survey and comment for the premise that ''Commission conclusions and decisions regarding regulation in the contact lenses market cannot be presumed to apply to the eyeglasses market.'' [116] As evidence of this dissimilarity, AOA has pointed to the NERA survey finding that eyeglass users are more likely than contact lens users to buy their corrective eyewear from someone other than their prescriber.[117] AOA also noted that because contact lens fittings are not always complete in office due to patients taking home trial lenses to test, surveys of contact lens users may produce imperfect results in that consumers may report that they didn't receive their prescriptions at the end of their exam when, in fact, their contact lens fittings hadn't been finalized and so they weren't actually entitled to receive their prescriptions at that point.[118]

With respect to AOA's first argument, the Commission acknowledges that both Warby Parker and 1–800 CONTACTS have a financial interest in the outcome of the Rulemaking. The Commission recognizes, however, that nearly all commenters have some form of interest in the outcome. And thus, as a general practice, the Commission does not simply disregard data or opinions submitted by interested parties. Rather, the Commission takes into account the financial interests of submitting parties, but also, when possible, examines the underlying data and methodology submitted to gauge a survey's usefulness, and considers factors such as how many people are queried, how the questions are phrased, and whether the surveys are conducted in-house (by the interested parties themselves) or by independent and established third-party polling firms. Lastly, the Commission recognizes that all surveys are likely to have some methodological limitations, and thus the Commission will often decide not to treat any single survey as controlling or dispositive. The Commission is also aware, however, that multiple surveys conducted by different sources at different times with similar results tend to bolster the credibility of each individual survey.[119] In this case, the surveys submitted by Warby Parker and 1–800 CONTACTS are not flawless or immune to criticism, but were performed by reputable third-party polling firms and appear sufficiently reliable based on an examination of their questions and methodology.

As for AOA's assertion that the two surveys were submitted during the Contact Lens Rule review and thus are not relevant to this Eyeglass Rule review, the Commission cannot concur. The contention that the SurveyMonkey survey was submitted during the Contact Lens Rule review is incorrect. While the Survey Monkey data was referenced during the Contact Lens Rule review, it was submitted in response to

the Commission's Eyeglass Rule Advance Notice of Proposed Rulemaking in 2015 and was a survey of eyeglass wearers.[120] As for the SSI survey, that was indeed included as part of a submission during the Contact Lens Rule review, but that particular survey polled *both* contact lens users and eyeglass users about their experiences with prescription release, and distinguished between the two in its results. The SSI results cited above—showing that approximately only 34% of eyeglass wearers automatically received their prescriptions following their refractive eye exam, and 39% did not receive their prescription at all—are results *solely* of eyeglass users' experiences.[121] Any impact or effect caused by a dissimilarity in eyeglass and contact lens markets or experiences would not apply.[122] Thus, criticism that these surveys do not reflect the appropriate target group or take into account differences between eyeglass and contact lens users is misdirected, and these surveys merit the Commission's full consideration.

Moreover, the Commission cannot agree that other surveys detailing how contact lens users have not received their prescriptions do not have relevance in the context of the Eyeglass Rule. As noted above, there are, admittedly, differences in the examination and prescription processes for eyeglasses and contact lenses,[123] but the mandatory prescription-release requirements are similar, and there is little evidence to indicate that prescribers release eyeglass prescriptions in dramatically different numbers than they release contact lens prescriptions. And while the NERA survey indicates that contact lens users are less likely than eyeglass wearers to purchase from someone other than their prescriber, this has little or no bearing on whether consumers are receiving their prescriptions from their prescriber (although it may have some bearing on whether automatic release is necessary or beneficial, as discussed below).

The Commission therefore views the five additional consumer surveys submitted and considered during the CLR review—which found that between 21 and 34% of contact lens users did not receive their prescriptions when they were supposed to—as additional indications that prescriber compliance with prescription release, and overall consumer receipt of their prescriptions (whether contact lens prescription or eyeglass prescription), is sub-optimal.[124]

Furthermore, the Commission notes, as it did in the CLR final rule, that despite multiple opportunities and requests for comment since 2015, the Commission has yet to locate or receive any reliable consumer-survey data rebutting or contradicting the prescription-release data in the record for either contact lens users or eyeglass wearers, or establishing, other than anecdotally, that consumers consistently receive their prescriptions from prescribers as they are supposed to under the applicable FTC rule.[125] Based on the evidence in the record, it is thus the conclusion of the Commission that tens of millions of American consumers in need of corrective vision wear are not receiving their eyeglass prescriptions after visiting their prescriber each year.[126]

b. Whether the Automatic-Release Provision is Still Necessary and Beneficial for Consumers

Having determined that prescriber compliance with the Rule's automatic-release provision is deficient, and that many eyeglass consumers do not receive their prescriptions, the Commission next considers the impact of this deficiency, and whether such failure remains an unfair act or practice in need of remedial action, as originally determined by the FTC when it formulated the Rule.[127] Again, opinions on the need for, and benefit from, automatic prescription release, varied significantly in the comments received by the Commission. NAROC, for instance, opined that the automatic-release requirement—when complied with—provides a substantial benefit to consumers as it enables comparative shopping, and added there is ''no evidence to support a conclusion that the automatic release provision is no longer needed; to the contrary, the substantial expansion of consumer choice in recent years is strong evidence that this requirement has helped consumers and that it is more necessary than ever.'' [128] In a subsequent comment, the organization added, ''There is widespread agreement that the Commission should continue the 'automatic-prescription-release requirement' for eyeglasses,'' but evidence demonstrates that not all consumers are aware they should receive their prescription automatically, and some prescribers are not providing it.[129] Wallace Lovejoy from NAROC opined during the workshop that, while some people have their mind made up before they go to the eye doctor, and want to get an exam and buy glasses at the same time and place, ''there's a significant number of people who get an eye exam and wait to shop and go somewhere else. It's useful to have the prescription released and I would agree that the automatic release seems to make the most sense.'' [130]

Some other commenters endorsed this view. 1–800 CONTACTS, for example, stated, ''automatic prescription release is critical to promoting consumer choice and competition in the market for prescription eyewear,'' and ''prescribers are unlikely to comply with their automatic release obligations absent a credible threat of enforcement and fines. Prescribers have a strong financial incentive to withhold a prescription to discourage comparison shopping and pressure patients to purchase lenses inhouse.'' [131] One anonymous commenter submitted, ''Being able to have a prescription in your hands as soon as your examination is done would be very beneficial to a lot of people for many reasons. This would allow people to shop for different resources for their lenses and find the best price for them. It shouldn't be a hassle for someone to get their prescription . . .'' [132] Likewise, Sara Brown, from the advocacy organization Prevent Blindness, stated during the workshop, ''I think not having [automatic release] would make a major impact on patient access.'' [133] She noted that millions of Americans have difficulty affording eyewear, and not having information that makes it easier for them to comparison-shop would be detrimental.[134]

On the other hand, some commenters felt that, irrespective of whether prescribers automatically release prescriptions, prescribers no longer withhold prescriptions if directly asked for them. Dr. Arlan Aceto, a Connecticut Professor of Ophthalmic Design and Dispensing, for example, said during the workshop that he and his optician colleagues have not had a problem obtaining prescriptions from prescribers in instances where the patients failed to bring them,[135] and panelist Dr. Artis Beatty, a North Carolina optometrist, commented that oftentimes patients are issued a prescription but fail to have it on hand when they need it.[136] These comments suggest there may be less need for, and consequently less benefit from, the automatic-release requirement.

The most extensive criticism of the automatic-release requirement came from workshop panelist and NERA consultant Dr. Andrew Stivers,[137] who submitted a survey and lengthy comment that challenged the underlying basis for the requirement, noting, ''It's not just how much compliance, it's how impactful that compliance or lack of compliance is on consumers.'' [138] According to Dr. Stivers, the relevant issue is whether, and how much, consumers have their eyeglass-shopping options curtailed by failure of

prescribers to automatically provide patients with their prescriptions, since some consumers would not have shopped elsewhere even if they had received their prescriptions, and some consumers might have been offered their prescription and declined.[139]

Dr. Stivers argued that the Rule's automatic-release provision was meant to address a lack of competition resulting from market conditions that do not exist in today's ''information rich, dynamic market,'' and thus the Commission should reexamine whether automatic release still benefits consumers in light of two fundamental changes that have occurred in the market.[140] First, said Dr. Stivers, mass merchandisers and wholesale clubs have ''transformed'' the eyeglass shopping experience, and second, internet search and shopping has created a new, competitive channel for eyewear.[141] The original rule's finding of unfairness, according to Dr. Stivers, rested on a context of advertising restrictions [of eyeglass sellers], State restraints on trade, limited shopping options for consumers, and overt prescription-withholding behavior by prescribers, that rarely exists today.[142] Therefore, he contended, the Commission's ''determination of unfairness from 40 years ago cannot be presumed to apply today and thus there is no rationale or basis for new regulation in the prescription eyeglass market.'' [143] Furthermore, Dr. Stivers explained, ''Today, consumers can choose to shop before getting an exam, which increases incentives to provide information and increases competition in ways that the Commission of 1978 could not imagine,'' [144] and this change has made automatic release less likely to generate substantial benefit. And absent such benefits, per Dr. Stivers, lack of compliance with automatic release cannot be the basis for a determination of unfairness, or the proposed changes to the Rule.[145]

As evidence of the altered market and changed consumer behavior, both Dr. Stivers and the American Optometric Association pointed to the NERA survey, which found, among other things: that consumers have numerous options for eyeglass purchases; that one in three eyeglass purchasers consider alternatives to where they ultimately purchase; that consumers purchase glasses from alternative channels such as retail chains and online stores more than 50% of the time; that consumers choose purchasing locations for a variety of reasons (including price, service, familiarity, location), with convenience valued over all others; and that eyeglass purchasers are more likely than contact lens users to know about and consider alternative purchasing channels.[146] According to the American Optometric Association, these results demonstrate that consumers are aware of, and utilize, their eyeglass-purchasing options, and that there is a ''well-functioning and competitive market for eyeglasses,[147] thus calling into question the ''underlying premise that more must be done to encourage competition and choice in the eyeglass market.'' [148] The AOA further quoted Dr. Stivers' NERA report for the premise that the survey results ''do not support or uncover any systemic market failures requiring additional rulemaking that would benefit consumers.'' [149]

2. Analysis of Evidence Regarding Failure To Release Prescriptions

Having considered the evidence in the record—including the written submissions and workshop comments, empirical surveys of prescription-release and consumer knowledge, ongoing and historical patterns of consumer complaints and anecdotal reports, and other relevant evidence submitted during the CLR review (and the Commission's determinations in that regard), along with the industry's long-documented history of failing to release prescriptions in order to capture consumer eyewear purchases in-house—in context of the intent, purpose, and history of the Eyeglass Rule, the Commission finds that, regardless of the increased information and availability of purchasing alternatives in today's eyeglass marketplace, it remains an unfair act or practice for prescribers to fail to release a prescription to consumers. The practice denies consumers the ability to effectively use the information available, and continues to result in substantial economic loss and lost opportunity costs due to an impaired ability to comparison-shop for eyeglasses. The Commission finds that such conduct remains pervasive, is likely to cause consumers substantial injury, is not outweighed by countervailing benefits that flow from such conduct, and cannot reasonably be avoided by a substantial number of consumers.

The Commission does not dispute that mass merchandisers, wholesale clubs, and internet search and shopping have dramatically altered the overall retail landscape for eyeglass shopping. But these changes relate primarily to aspects of eyeglass shopping that occur *once a consumer already has a prescription in hand.* The initial experience of having an eye exam and obtaining a prescription remains much the same as it was when the Rule was created in that a consumer still has to be examined by an optometrist or ophthalmologist in order to obtain a prescription with which to buy eyeglasses. While Dr. Stivers has suggested that consumer emphasis on convenience when deciding where to buy glasses suggests they ''likely consider both where to get an exam and where to shop for glasses ahead of time for an efficient shopping experience,'' [150] the NERA survey does not reveal to what extent this pre-exam shopping occurs, and Dr. Stivers acknowledged that he was unaware of any survey evidence establishing that many consumers comparison-shop *before* choosing their eyecare provider.[151] The Commission is not aware of any empirical evidence showing whether pre-exam shopping is prevalent, nor—even if it is—whether that means consumers no longer want or need a copy of their prescriptions. It also would not aid consumers who are hesitant to ask for their prescription, or feel pressured to buy glasses from their prescriber—whom they may view as a respected medical ''authority figure'' [152]—even if consumers' pre-exam intention was to take their prescription and buy glasses elsewhere. Furthermore, even if consumers decide pre-examination that they want to buy glasses from their prescriber, and thus do not need a copy of their prescription, they could still be harmed by a prescriber's failure to release their prescription if, at a later date, those consumers want to purchase additional or replacement eyeglasses, and lack a copy of their prescription. In addition, as Dr. Michaels noted during the workshop, many consumers go in for an eye exam every year without any intention of buying glasses,[153] only to learn during their exam that they now need vision correction, or that their vision correction has changed.

Dr. Stivers is correct in that not all consumers necessarily benefit from receiving a copy of their prescription. Some consumers prefer buying glasses from their prescriber for convenience, or trust the expertise of their prescriber's staff to help fit them with the most appropriate eyewear. Some consumers simply favor the prescriber's frame options. But in trying to calculate how much consumer eyeglass-shopping options are, or are not, curtailed by the failure to receive their prescriptions, the Commission faces a dilemma in that consumer decisions and preferences with respect to buying eyeglasses are impacted by the fact that so many consumers are not given a copy of their

prescription. Widespread lack of automatic prescription-release renders it difficult, if not impossible, to determine what percentage of consumers opted to buy glasses from their prescriber because they favored the prescriber's convenience, selection, and expertise, and what percentage opted to buy from their prescriber because they did not have a copy of their prescription, did not feel comfortable asking for one, or did not even know that they could. In sum, it is unlikely that consumers' current conduct and preferences regarding where they purchase eyeglasses can fully establish how much is or is not to be gained from improving compliance with the Rule's automatic-prescription-release requirement because current consumer conduct and preferences are colored (and perhaps unfairly influenced) by current prescriber non-compliance with automatic prescription release.[154]

Ultimately, it is the Commission's view that, regardless of the widespread availability of information and alternative opportunities to buy eyeglasses, not possessing a prescription continues to impede consumer options and comparison-shopping for eyeglasses. By many accounts, the Eyeglass Rule, and the removal of State restrictions, have played a major role in significantly altering and improving the information and alternatives available to eyeglass consumers.[155] But possession of the prescription remains the key that unlocks the door to this altered and improved marketplace. As workshop panelist Lovejoy commented, ''[t]he ability to advertise doesn't matter if you don't get a copy of your prescription.'' [156] The Commission noted this when promulgating the Eyeglass I Rule, declaring that the injury arising from failure to release prescriptions is clear in that consumers are denied ''the ability to effectively use available information, and inhibit the functioning of the competitive market model,'' and therefore, the failure to release prescriptions immediately after the eye examination is completed is, in and of itself, an unfair act or practice.[157] This holds true irrespective of other changes and improvements in the eyeglass marketplace.

Furthermore, it remains evident that many consumers are still not fully knowledgeable about their unconditional right to their prescriptions, and thus their ability to avoid or self-remedy harm arising from not possessing their prescriptions. While prescribers have often asserted that consumers are well-aware of their purchasing options,[158] the Commission continues to receive communications evidencing that some consumers do not even realize they are entitled to their prescriptions.[159] As workshop panelist Brown noted, ''there was a question that was [asked] earlier about why don't patients ask for this information? Because they don't know.'' [160]

Indeed, some surveys have found that consumer awareness of prescription rights remains less than ideal. According to a 2015 survey—performed on behalf of 1–800 CONTACTS—49% of prescription eyeglass wearers are not aware that they have a right to receive their eyeglass prescription, and 51% are not aware that their eye exam provider cannot charge for their eyeglass prescription.[161] Multiple consumer surveys reviewed during the Contact Lens Rule review reinforce this by showing that a high percentage of contact lens users (46 to 60%, according to submitted data) still do not realize they are entitled to receive their contact lens prescription,[162] and it is probable that many of these consumers are also unaware they are entitled to their eyeglass prescription. The percentages of consumers unaware of their rights have been found to be even higher for traditionally underserved groups such as African Americans and Hispanics,[163] and due to less English language proficiency, non-native speakers may also be less likely to speak up and request their prescription—even if they know they can—if it is not automatically provided by their prescriber. There are also significant numbers of consumers each year who are new to the need for corrective eyewear, and thus have little experience with eye examinations, including whether they should receive a copy of their prescription. Therefore, the Commission concludes that while the NERA survey may suggest that some percentage of consumers is now aware of their option to obtain eyeglasses from a source other than their prescriber, the number of consumers fully informed of their prescription rights, and of their ability to take their prescription and shop elsewhere, remains sub-optimal.

Furthermore, as noted previously, the Commission is also aware that some consumers know they have the right to their prescription but may feel pressure to purchase from their prescriber, or feel uncomfortable asking for their prescriptions since it signals to the prescriber that they plan to purchase eyewear at a different location.[164] Consumers often like and respect their prescribers, and are hesitant to do something that might be perceived as disloyal.[165] Other consumers may be reluctant to acknowledge to their prescriber that they are cost-conscious and have concerns about their ability to afford eyewear at the price charged by their prescriber.[166]

After considering all of the evidence, the Commission concludes that when prescribers do not release prescriptions, it still harms consumers and puts them at a disadvantage in the marketplace, and thus continues to require remedial regulation.

B. The Remedy for Failure To Release Prescriptions Remains the Automatic-Release Requirement

In fashioning a remedy for an unfair act or practice, the Commission has wide latitude, and need only show a ''reasonable relation'' between the unfair act or practice and the remedy.[167] When, in the past, the Commission has considered how to remedy failure to release, it evaluated a variety of options, including, among other things, release-upon-request, offer-to-release, and increased signage and consumer education, and yet the Commission repeatedly determined that the most effective remedy is to require automatic release of prescriptions regardless of whether a consumer requests one following an examination. The Commission still finds this to be true and concludes that automatic release as a remedial measure continues to have a reasonable relationship to the unfair act or practice of withholding prescriptions. The Commission continues to find that automatic release remains the optimal remedy for prescribers' failure to release prescriptions because absent the requirement: (1) even more doctors would not always provide patients with their prescriptions, as demonstrated by surveys indicating that they often do not presently, even though required to do so; (2) large numbers of patients would not ask for their prescriptions due to a lack of awareness of their unconditional right to their prescription; (3) some patients would be reluctant to ask for their prescriptions (particularly underserved groups); and (4) release-upon-request would inappropriately place the burden on the consumer. Release-upon-request would also be difficult for the Commission to enforce because, absent documentary evidence, it would likely turn into a debate as to whether a patient did or did not ask for their prescription.

While the Commission concludes that automatic prescription release remains the best remedy for the unfair practice of failure to release, it is also evident from the record that the remedy has not fulfilled its potential. The remedy has been in effect for over forty years, and yet a significant number of consumers are still not receiving their

prescriptions. The Commission therefore turns next to examine ways to improve the automatic-release remedy via amendments and clarifications to the Rule.

C. Commission Determination To Update the Rule To Clarify Requirements for Prescription Release

One prescription-release issue that is periodically brought to the attention of the Commission relates to the timing of the Rule's required automatic prescription release—*i.e.,* at what point that release must occur during a patient's office visit to their prescriber. The Rule, as presently written, states that it must occur ''immediately after'' the eye examination is completed, but that a prescriber may withhold the prescription until the patient has paid for the examination if the prescriber also requires immediate payment from patients for whom the examination revealed that no ophthalmic goods were required.[168] The words ''immediately after,'' however, have not previously been discussed or clarified in detail, and some non-prescribing eyewear sellers have raised concerns that prescribers who also sell eyewear have a tendency to lead patients into the prescriber-owned optical dispensaries and offer to sell them eyeglasses immediately following an examination and *before* providing their patients with their prescriptions.[169] Some prescribers and optometric consultants even recommend such an approach as a way of increasing customer ''capture rate.'' [170] When this occurs, the prescription copy is only released to the patient after they have already shopped for eyeglasses, when they are checking out and paying their total bill (a bill that would include the cost of the examination, as well as the cost for new glasses).

As noted during the Eyeglass Rule workshop, the Commission believes that prescribers holding onto a prescription until after they have already made an eyeglass sale runs contrary to both the letter and purpose of the Rule.[171] The letter of the Rule is clear. The prescriber must provide the prescription ''immediately after the eye examination is completed.'' [172] The policy of the Rule, as it relates to the timing of prescription release, is also clear in several ways. First, the regulatory history makes evident that two of the foundational purposes of the Rule have been to (a) separate the eye examination from the purchase of eyeglasses, and (b) ensure that consumers have possession of their ophthalmic prescriptions so they are able to comparison-shop for glasses.[173] The singular fact that eyeglass prescribers sell what they prescribe [174] (a practice that some members of Congress have called an ''inherent conflict of interest'') [175] already blurs the distinction between eye examination and the purchase of eyeglasses, and when a prescriber offers to sell consumers glasses before releasing their prescriptions, it blurs that distinction even further.

Additionally, as noted at the time the Commission first created the Rule, the prescription itself is ''the means by which consumers can comparison shop.'' [176] Absent a prescription in hand, (whether that be physically in hand, or digitally uploaded to a patient portal and readily accessible to the consumer), consumers might not even realize they have an option to comparison-shop for their glasses. They may be confused, or misled, into thinking that the examination and purchase of eyeglasses are part of a unitary, or ''total vision care'' process, a once-common practice in the ophthalmic community in which the sale of eyeglasses was tied to the examination, and by scheduling an eye exam, a patient was essentially committing to purchase eyewear (if they needed it) from the same location at which they were examined.[177]

While there is nothing inherently wrong with consumers buying eyewear from the prescriber who conducted their refractive examination, and there may be benefits to it,[178] the Eyeglass Rule was created because the Commission determined it was an unfair practice when consumers did not at least have the option to buy glasses from someone other than their prescriber. The Commission believes it is problematic if patients are confused about whether they have, or do not have, the option to separate the examination process from the commercial purchase of eyeglasses. And even if patients recognize that by coming for an examination they are not committing to buy glasses from their prescriber, they may feel pressure to do so, a pressure heightened by the fact that until they possess a copy of their prescription, they cannot shop at any other locations.

Lastly, the practice of not providing prescriptions until after the patient has selected eyeglasses can lead consumers to believe that they are receiving their prescription because it comes with the eyeglasses, or to believe that what they are paying for is their prescription copy, when, in fact, they are paying for their examination, and the prescription copy is free per the Rule. The Commission periodically receives complaints from consumers who believe they were charged for their prescription when, in actuality, consumers were charged for their examination, but the confusion arose because the prescriptions were only handed over after the consumers paid.[179]

Ultimately, of course, the consumer is free to buy eyeglasses from their prescriber. Many consumers prefer to do so,[180] and the Commission has no interest in preventing this. But to fully realize the intent and purpose of the Rule, consumers must have the unfettered option to buy from wherever they choose, and must not be confused or misled about their unconditional prescription rights, and whether their examination is connected to the purchase of glasses. To achieve this, consumers must have the prescription in their possession—whether physically or digitally—as soon as the prescription is finalized and before they are offered eyeglasses for sale.

For this reason, the Commission is revising § 456.2 to clarify that the prescription must be provided after the refractive eye examination is completed ''and before offering to sell the patient ophthalmic goods.'' This does not mean that a patient is not permitted to walk through a prescriber's eyeglass dispensary, or browse available eyeglass frames, before receiving a copy of their prescription. Nor does it cancel the Rule provision that a prescriber may make consumers pay for their exam before releasing their prescriptions, so long as that prescriber would have required immediate payment from the patient had the examination revealed that no ophthalmic goods were required.[181] But it does mean that if a prescriber (or the prescriber's staff) is ready and willing to sell that patient eyeglasses, the prescriber must release a copy of the prescription to the patient before moving forward with any aspect of the sale. If the prescription is released electronically (with the patient's consent), it must be uploaded to a patient portal or transmitted to the patient via email or text, and thus fully accessible to the patient before that patient is offered an opportunity to purchase eyewear. It also means that if the prescriber makes a medical determination to not write and release a prescription to a patient,[182] or withholds a prescription pending payment by the patient for the examination, the prescriber may not offer to sell that patient eyeglasses at that time.[183] The prescriber may only offer to sell the patient eyeglasses after the prescription is released.[184]

Furthermore, per the discussion above regarding automatic prescription release, the Commission still concludes—as it concluded multiple

times in the past—that the burden of ensuring prescriptions are released must rest on the prescriber and not the patient.[185] And thus automatic release must occur regardless of whether or not the prescription is requested by the patient. This has always been the intent of the Rule—and is already reflected in the existing requirement that the patient's prescription must be provided ''immediately'' after the examination—but, unlike with the Contact Lens Rule, it has never been specifically stated in the Rule text. To ensure that is clear, and to bring the Eyeglass Rule prescription-release requirement into concordance with that of the Contact Lens Rule, thereby simplifying compliance, the Commission is further revising § 456.2 to clarify that the prescription must be provided ''whether or not the prescription is requested by the patient.'' This does not mean that a prescriber must force the prescription on a patient who does not want a copy. The patient is always free to refuse a copy, in which case the prescriber should merely note that in their files. But prescribers and their staff must at least attempt to give the patient a copy of the prescription, rather than merely offer to provide a copy, or just wait and see if the patient asks for it.

Neither of these clarifications alter the burden on prescribers, they merely make clearer what is already required by the Rule, and what should already be occurring in practice.

III. Final Rule Pertaining to Affirmative Consent to Digital Delivery of Eyeglass Prescriptions

A. Digital Delivery Option in the NPRM and the Basis for Such Amendment

As discussed above, § 456.2(a) of the Eyeglass Rule provides that it is an unfair act or practice for a prescriber to fail to provide to the patient one copy of the patient's prescription immediately after the eye examination is completed. The Rule, as currently codified, does not expressly permit electronic delivery of prescriptions as a means for automatic prescription release. In the NPRM, the Commission considered technological advances, such as the proliferation of patient portals, along with prescriber-to-patient communication via email or text, that could facilitate the transmission of the prescription to the patient once the eye exam is completed, and thereby enhance prescription portability.[186] The Commission opined that permitting electronic delivery in certain circumstances could provide benefits to consumers, and proposed amending the Rule to permit such delivery after the prescriber obtains the patient's verifiable affirmative consent.[187]

To ensure that patients are able to make an informed choice about whether to agree to electronic delivery, the proposal required that the prescriber identify the particular delivery method to be used, such as portal, text, or email, and the prescription would need to be provided in a digital format that can be accessed, downloaded, and printed by the patient.[188] This could enable patients to have easier access to and use of a prescription, reduce requests for additional copies and calls from sellers to verify a prescription, and potentially lower costs while providing flexibility for prescribers and patients. To aid Commission enforcement efforts to monitor compliance with the Rule, the Commission proposed that prescribers be required to keep a record or evidence of a patient's affirmative consent for a period of not less than three years.[189]

This proposed amendment to the Eyeglass Rule mirrored a change made to the CLR in 2020, allowing prescribers to satisfy the CLR's automatic-release requirement by providing the patient with a digital copy of his or her contact lens prescription in lieu of a paper copy, provided the prescriber first identified the specific method of delivery to be used and obtained the patient's verifiable affirmative consent to this method of delivery.[190] In the CLR SNPRM, the Commission noted that providing patients with an electronic copy of their prescriptions could enable patients to share prescriptions more easily with sellers when purchasing eyewear, and this in turn could potentially reduce the number of patient and seller requests for verification or additional copies of the prescription. To enhance portability, the Commission noted that electronic delivery methods should allow patients to download, save, and print the prescription.[191]

B. Comments on the NPRM and Discussion at the Workshop Regarding the Proposal To Permit Digital Delivery of the Eyeglass Prescription With Patient's Affirmative Consent

In addition to seeking general comments on the benefits and burdens of this proposed change, the Commission invited public comment on whether prescribers would choose to satisfy the automatic-prescription-release requirement through electronic delivery if permitted by the Rule, and whether patient portals, emails, or text messages would be feasible methods for the provision of digital prescription copies. The Commission also asked what other technologies are available that could be implemented to improve prescription portability, and thereby increase benefits and decrease burdens related to prescription release.

1. Comments About the Benefits and Burdens of the Proposed Affirmative Consent to Digital Delivery Provision

The Commission received generally positive feedback on the proposed digital delivery provision, with commenters noting that it would allow the Rule to keep pace with technology and it would help patients understand their rights under the Rule.[192] The AOA opined that this would be a ''commonsense update'' that would ''ensure [ ] that the FTC's regulatory language is keeping pace with updates in technology.''[193] NAROC suggested that the ''impact of allowing a prescriber to release the [prescription] in digital form will be to increase patient understanding of their rights, because every instance of receipt of a digital copy of the prescription will require affirmative consent to such delivery and will help build an expectation on the part of consumers that they are entitled to the prescription.''[194]

Other commenters who objected generally to the burden of other proposed changes, including the proposed confirmation requirement, pointed to the widespread transition to electronic health records (''EHRs'') or electronic medical records (''EMRs'') and argued in favor of prescription availability via a portal as being wholly sufficient to address the FTC's concerns about prescription release, and ensure patient access to their prescription.[195] Another commenter, an ophthalmic technician, expressed concerns over the added recordkeeping burden from the proposed confirmation requirement, noting that their practice already has a record of the prescription on file for the patient and that most EHRs track when prescriptions are printed out.[196]

Although having a prescription available on file upon request (either in a paper record or accessible through an online portal) would not satisfy the automatic-prescription-release requirement, the Commission considered the proliferation of patient portals and EHR systems in the NPRM, and discussed both the potential benefits available to consumers, prescribers, and sellers through the use of such systems, as well as the possible drawbacks. On the benefit side, a patient using a portal could have direct access to a current, exact copy of the eyeglass prescription, reducing the chance of errors caused by an inaccurate or expired prescription, and the need for follow-up corrections by prescribers.[197] The use of health information

technologies, such as patient portals, could also reduce costs for prescribers, patients, and sellers by making it easier and more efficient for patients to obtain and share eyeglass prescriptions, and by reducing the number of requests placed on prescribers to verify prescription information or provide duplicate copies of prescriptions. In addition, it is likely that patient portals do not raise the same privacy concerns expressed by some prescribers about sharing patient prescription information with third parties because patient portals can enable the secure sharing of such information directly with the patients themselves, who may then provide the prescription to the third-party seller.[198]

The Commission is aware, however, of potential drawbacks in relying on electronic records exclusively for prescription delivery. In the recent CLR rulemaking, commenters expressed concerns that: (1) online portals are not widely used; (2) patients may not always be aware of the portal or may have difficulty accessing or printing documents online; and (3) some prescribers and patients prefer paper copies.[199]

Recent data shows that the number of prescribers offering patients access to their health information through an EHR system or patient portal has increased significantly. A survey from 2022 found that nearly 3 out of 5 U.S. adults reported they were offered and accessed their online medical record or patient portal, which was a 50% increase since 2020.[200] Patients also increased their use of apps to access online medical records, and patients using apps to view their online medical records accessed them more frequently than those who used only a web-based method.[201] Available information suggests, however, that disparities still exist in the availability and use of patient portals among some populations, including older patients.[202] A variety of factors may influence the limited portal use in such populations, including lack of access to technology and personal preference, and some groups (including Black and Hispanic individuals) may be less likely to report being offered access to a portal in the first place, suggesting a need for improvement in provider communication and clinic practices.[203] In addition, of those patients who access their online medical records through an app or web-based patient portal, relatively low numbers are downloading and transmitting their health information, which ''suggests a need for further education of both individuals and providers on these features,'' according to the Office of the National Coordinator for Health Information Technology.[204]

2. Comments in Favor of Allowing Prescribers to Choose Whether To Offer Digital Delivery of Prescriptions

A number of commenters supported making the decision to offer digital prescription delivery—either at all or using particular delivery methods—a voluntary one on the part of prescribers.[205] For example, NAROC approved of not requiring prescribers to provide prescriptions electronically, but noted that some prescribers may already be complying with the CLR prescription-release requirement through digital prescription delivery and, for these prescribers, permitting compliance with the Eyeglass Rule in the same manner would create efficiencies for prescribers' offices.[206] Some commenters also suggested that compliance with the automatic-release requirement is made easier by the digital delivery option due to the ease of emailing either the prescription itself or a link to a portal on which the prescription is available.[207]

One anonymous commenter questioned whether portals would need to be configured to require a patient signature whenever a patient accesses the portal to print a prescription.[208] Workshop panelist Dr. Michael Repka, Medical Director for Governmental Affairs at the AAO, described an intricate process his office undertakes to attempt to obtain a signature of prescription-receipt from a patient who accesses their contact lens prescription via a portal.[209] The Commission, however, notes that this represents a misunderstanding of the CLR's digital-prescription-delivery provision, which specifically removes the signature-requirement when prescriptions are digitally delivered, and likewise, confirmation signatures would not be required when prescriptions are delivered digitally under the amended Eyeglass Rule. Using a digital delivery method to comply with § 456.2 would relieve the prescriber of having to collect a signature from the patient confirming their receipt of the prescription.[210] Under the new § 456.4(a)(1)(ii), prescribers using a digital delivery method would not need to request that the patient sign a separate statement confirming receipt of the prescription.[211] Instead, prescribers would need merely to retain evidence that the prescription was sent, received, or made accessible, downloadable, and printable, which commenters have acknowledged EHRs generally are configured to do.[212] Similarly, an emailed or texted prescription should create its own record of transmission, and therefore involve minimal burden to the prescriber.

Other commenters shared that the existence of electronic health records in a medical practice does not automatically result in a patient having access to their prescription on a portal,[213] and that some prescribers may be using simplified websites to provide prescription delivery without giving a patient full access to all of their exam information, in order to make access simpler for patients.[214] Some prescribers may be hesitant to offer EHR systems because of concerns about cost, functionality, and data security.[215] For these reasons, the Commission believes it is important to allow prescribers the choice of whether to offer a digital delivery method to comply with the automatic-release requirement in the Eyeglass Rule, rather than mandating it.[216] The final rule neither compels prescribers to offer prescription-release by an electronic method nor requires that patients accept their prescription by electronic method when offered by the prescriber.

3. Comments Regarding Giving Patients a True Choice as to How To Have Their Prescription Delivered

Some commenters expressed concerns that not all patients may benefit from electronic access to their prescription, both as a result of limitations in broadband capabilities and due to differences in patient needs and health literacy that might affect patients' ability to access their prescriptions online.[217] Commenters asserted that patients must retain the ability to receive a paper copy of their prescription.[218] The challenges in educating patients on how to access their prescription on a portal were also noted by Workshop panelist Dr. Stephen Montaquila, a Rhode Island optometrist, who acknowledged that some patients prefer a paper copy.[219]

Other commenters described their experience with patients frequently losing or forgetting their prescription when going to order glasses. The commenters pointed to the remedy of having the prescription available on the portal, or noted that the patient could request a duplicate copy of the prescription or the seller could call to verify a prescription with the prescriber, and argued that these solutions should resolve concerns over prescription access and portability.[220] The Eyeglass Rule does not, however, require prescribers to respond to seller verification requests or provide duplicate copies of prescriptions, as is required by the CLR. The Commission also remains concerned about the

ongoing lack of understanding and limitations in patient access to portals or other health technology, and concludes that requiring all patients agree to digital delivery is not appropriate at this time.[221]

C. Additional Discussion and Commission Determination Regarding the Affirmative Consent to Digital Delivery

1. Final Rule Determination To Add Option for Digital Delivery of Eyeglass Prescriptions

The Commission agrees with the comments in favor of permitting, but not requiring, electronic delivery of the eyeglass prescription, provided consumers are informed about, and consent to, the delivery method. Based on its review of the record, the Commission is hereby modifying the Rule to require that prescribers provide patients with a copy of their prescription either (a) on paper or (b) after obtaining verifiable affirmative consent to digital delivery, in a digital format that can be accessed, downloaded, and printed by the patient. Obtaining such consent to digital delivery will require the prescriber to identify the specific method or methods of electronic delivery that will be used, and collect the patient's affirmative consent to the specified delivery method in a way that is verifiable, *i.e.,* can later be confirmed, such as through a signed consent form or electronic approval (as discussed below). Prescribers must then keep evidence of a patient's affirmative consent for a period of not less than three years. Patients who decline to consent, for any reason, must be given a paper copy of their prescription. Likewise prescribers who prefer to provide paper copies to their patients need not offer an electronic option.

Importantly, providing the option for digital delivery does not alter the prescriber's obligation to automatically provide the eyeglass prescription regardless of whether a patient requests it, but merely the method by which the patient will receive the prescription. It also does not impact the timing of prescription delivery. Whether the patient consents to digital delivery or opts for a paper copy of the prescription, prescribers must provide the prescription immediately after the eye examination is completed. As discussed above, it is critical that the patient be in receipt of their prescription before a prescriber offers to sell them eyeglasses, so as to ensure the separation of examination and dispensing under § 456.2, and to ensure that patients are able to freely comparison-shop for eyeglasses.[222] Accordingly, if a patient consents to the prescriber emailing or texting the prescription, or placing it on a portal, this method of delivery must take place at the end of the examination, and before the prescriber or prescriber's staff attempts to sell the patient eyeglasses.

The digital delivery option includes a recordkeeping provision, but, as the Commission concluded in the CLR final rule, the burden of retaining a record of patient consent should be minimal, ''since prescribers who opt for electronic delivery of prescriptions will, in all likelihood, obtain and/or store such consent electronically.'' [223] As detailed below, the Commission is modifying the proposed rule text to expressly recognize that consent to digital delivery can be obtained either on paper or in a digital format. In any case, obtaining and storing a record of patient consent should not take longer than obtaining and storing a patient's confirmation of prescription release,[224] and prescribers who use digital delivery to provide the prescription would not need to request that the patient acknowledge receipt of the prescription by signing a separate confirmation statement. Finally, offering a prescription in a digital format would be an option for prescribers, but is not mandatory, so prescribers can choose not to offer electronic delivery of prescriptions if they find the recordkeeping provision overly burdensome.[225]

One related issue raised by some commenters is whether prescribers could obtain a patient's consent to digital delivery a single time rather than at every visit, and only need to obtain consent again if the prescriber changes their digital-delivery policy, a practice permitted by the Department of Health and Human Services with regard to its Notice of Privacy Practices signed-acknowledgement requirement.[226] Dr. Montaquila, for one, noted that allowing prescribers to obtain consent just once, when the patient first visits a practice, would lessen the Rule's burden for prescribers and yet still allow for the patient to be educated, opt-in knowingly, and have the opportunity to withdraw consent at a later time.[227]

The Commission notes that the Rule, as proposed in the NPRM and hereby adopted, does not specify that the verifiable affirmative consent must be obtained at every appointment. Instead, it requires the prescriber to provide the prescription on paper or ''in a digital format that can be accessed, downloaded, and printed by the patient, after obtaining verifiable affirmative consent, pursuant to § 456.3.'' The Commission clarifies that if the prescriber identifies the digital method that will be used for prescription delivery and allows the patient to choose whether to consent to that delivery method (rather than making it the default), then allowing patients to sign an authorization just once would satisfy the Rule's requirements. But as noted by the commenters, if the prescriber changes their digital delivery policies (for example, by switching from email delivery of prescriptions to access on a portal), they would need to re-obtain the patient's digital delivery consent. Additionally, prescribers should allow a patient to revoke consent at any time.

Further, the Commission believes that prescribers could use a single document to obtain verifiable consent to digital delivery of both contact lens and eyeglass prescriptions so long as it is clear to consumers that they are consenting to digital delivery for both. Ensuring that patients are aware of where to locate their prescriptions, and how to access them, should be a priority for prescribers, so regular re-education on these points is appropriate.[228]

Furthermore, § 456.3(c) requires that prescribers maintain records or evidence of a patient's affirmative consent for a period of *not less than* three years. It is important to note that if a prescriber intends to provide digital delivery to a patient for more than three years following that patient's signed consent, they should not dispose of the consent record after three years. Rather, the prescriber should retain the patient's signed consent for as long as the prescriber relies on it to authorize digital delivery of the prescription, plus another three years.[229]

2. Final Rule Moves Requirement for Obtaining Patient's Verifiable Affirmative Consent for Digital Delivery to a New Section and Out of Definitions

In the NPRM, the Commission proposed adding the digital delivery provision to the Rule as a new definition of the phrase ''provide to the patient one copy'' in § 456.1.[230] This definition would have stated both the option for the prescriber to offer the patient a digital copy of their prescription, and the requirements for obtaining verifiable affirmative consent to the digital delivery and maintaining a record or evidence of the patient's affirmative consent for a period of not less than three years. Adding this definition to the Rule would have mirrored the Commission's amendment of the CLR in 2020 to provide a similar

option for digital prescription delivery.[231]

Upon further consideration, the Commission has decided to move the digital delivery provision out of the definitions section and into § 456.2. By moving this language to § 456.2, the Commission seeks to ensure prescribers do not overlook the requirements for providing prescriptions digitally. Moving the digital delivery provision to this section may also make the requirement more noticeable and understandable to consumers. The FTC is also cognizant that the preferred drafting practice for regulations is to set out requirements in the body of the rule, rather than in the definitions.[232]

Accordingly, the Commission is amending § 456.2(a), ''Separation of examination and dispensing,'' to state that the automatic prescription release shall be provided on paper; or in a digital format that can be accessed, downloaded, and printed by the patient, after obtaining verifiable affirmative consent, pursuant to § 456.3. The Commission is then adding a new § 456.3 to the Rule titled, ''Verifiable affirmative consent to providing the prescription in a digital format.'' [233] New § 456.3 sets out the remainder of the text proposed in the NPRM as § 456.1(h)(2). It requires that when a prescription copy is provided in a digital format, the prescriber shall inform the patient of the specific method(s) of electronic delivery that will be used; obtain, on paper or in a digital format, the patient's verifiable affirmative consent to receive a digital copy through the identified method or methods; and maintain records or evidence of a patient's affirmative consent for a period of not less than three years, as specified in the new § 456.3.

Since the digital delivery provision, as adopted herein as § 456.3, was clearly proposed as § 456.1(h)(2) in the NPRM, moving the requirement to a new section in the Rule complies with the rulemaking requirements of both the Administrative Procedure Act and the FTC Act, while ensuring that regulated entities and the general public do not overlook the requirements because they were included in the definitions.[234] The Commission recognizes that the placement of the digital delivery provision in a new, dedicated section differs from the CLR, where it appears in the definitions. The requirements in each rule, however, are effectively the same. The Commission can amend the CLR during the next periodic rule review to mirror the Eyeglass Rule and, in the meantime, can provide clarity to prescribers through guidance materials.

3. Final Rule Adds Explicit Recognition of the Ability To Obtain Affirmative Consent on Paper or in a Digital Format

In this final rule, the Commission is amending the Rule to explicitly permit prescribers to obtain a patient's verifiable affirmative consent either ''on paper or in a digital format.'' This clarification comes in response to comments relating to permitting digital consent.

Participants at the workshop discussed that some EHR companies haven't updated their systems in light of the new CLR requirements to allow prescribers to collect signatures electronically, which would reduce the record-keeping burden.[235] Nevertheless, commenters suggested that the Rule should expressly permit prescribers to obtain patient signatures digitally or on paper.[236] For example, regarding the confirmation of prescription release, NAROC wrote, ''[t]he Commission may want to specifically allow for the signature to be an electronic signature by means of either a handwritten signature input onto an electronic signature pad or a handwritten signature input on a display screen with a stylus device. . . . While it is not clear to us how many optometry or ophthalmology offices use electronic signatures today, this clarification may pave the way for more offices to adopt this method of collecting a signature, making the confirmation process more efficient and less reliant on paper receipts in the future.'' [237] Dr. Montaquila acknowledged that some practices are already using electronic methods to capture patient signatures required by the CLR.[238]

Throughout the process of updating the CLR to permit digital prescription delivery and require confirmation of prescription release, the Commission acknowledged that prescribers may obtain a patient's signature either on paper or digitally. In the NPRM for the Contact Lens Rule review, the Commission proposed, ''[t]he acknowledgment form shall be in a format that allows either conventional or electronic signatures. Prescribers may maintain copies of the acknowledgment forms in paper or electronically.'' [239] In the SNPRM for the CLR, the Commission stated, ''[t]he precise wording of such confirmations would be left to the prescriber's discretion, but for prescribers opting for (a), (b), or (c), a patient's written or electronic signature would always be required.'' [240] Similarly, when proposing changes to the Eyeglass Rule in its NPRM, the Commission noted the ''recordkeeping burden could be reduced to the extent that prescribers have adopted electronic medical record systems, especially those where patient signatures can be recorded electronically and inputted automatically into the electronic record.'' [241]

The Commission finds the Rule is improved by explicitly permitting prescribers to obtain a patient's verifiable affirmative consent either ''on paper or in a digital format.'' Accordingly, §§ 456.3 and 456.4, setting forth the requirement for obtaining a patient signature confirming prescription receipt, allow prescribers to meet the requirements of these provisions by obtaining the patients signature either ''on paper or in a digital format.'' [242] This will resolve prescriber confusion regarding the need to print out digital forms and collect wet signatures that might then need to be scanned and stored electronically in an EHR system. Alleviating prescriber misunderstanding regarding signature collection should help reduce waste and facilitate faster, more efficient Rule compliance.[243]

4. Final Rule Clarifies That Digital Delivery Methods Identified in Affirmative Consent Request Must in Fact Be Used

The Commission recently sent cease and desist letters to prescribers of contact lens prescriptions and eyeglass prescriptions in response to consumer complaints that the prescribers did not release their prescriptions at the end of the contact lens fitting or eye examination, or otherwise violated the CLR or Eyeglass Rule.[244] As discussed at the workshop, in subsequent communications with letter recipients, Commission staff obtained samples of forms some prescribers were using to comply with the CLR consent-to-digital-delivery and confirmation-of-prescription-release requirements. Staff noted, ''[w]e've seen forms where there's not a separate signature about digital consent. We've also seen forms where the information is included in an intake form among a lot of other information that the patient may not see. And in some cases, the specific method of electronic delivery is not necessarily identified. It may say, 'We will provide you with your prescription digitally either by text, email, or portal.' '' [245]

The Commission is concerned that patients cannot provide informed consent to digital delivery if prescribers do not identify the delivery method that will be used. Patients will not know where to locate their prescription if they are not told which delivery method the prescriber plans to use. This can result

in the patient effectively not receiving the prescription, as required by the Rule. Similarly, providing a disclosure about digital delivery as part of a long form containing unrelated information, such as privacy practices and payment policies, and then requesting one signature at the end of the form might not be an effective way of obtaining the ''verifiable affirmative consent'' required by the Rule. Dr. Beatty noted that decoupling information during intake related to patient consent may be appropriate to ensure patients are understanding and agreeing to digital delivery.[246]

In addition, providing a copy of the prescription electronically by default while notifying patients that they can request a paper copy if they want one undermines the automatic-prescription-release requirement by converting it to a release-upon-request model that the Commission has rejected.[247] As an example, one of the sample forms shown at the workshop stated, ''I acknowledge the [Prescription Access] policy and note I can (i) access my eyeglass and contact lens prescriptions digitally at [website redacted] or (ii) obtain a paper copy at any time as well.'' [248] This language essentially transforms it into a notice of digital delivery rather than a true patient consent to digital delivery. In satisfying the Eyeglass Rule's automatic-prescription-release requirement, the patient must be given an actual choice to select an identified electronic delivery method or to receive the prescription on paper automatically. Prescribers are free to also place prescriptions on a portal, but this action would not satisfy the requirements of § 456.2 if the patient did not opt-in to the digital delivery option.

To provide clarity to prescribers, the final rule, in § 456.3(a), states that the prescriber shall, ''identify to the patient the specific method or methods of electronic delivery *that will* be used,'' rather than ''to be used,'' as was proposed.[249] The digital delivery method or methods the prescriber identifies to the patient when seeking consent should be the method the prescriber actually uses. It would not be appropriate, for example, for a consent form to state, ''I authorize my eye doctor to provide me with a digital copy of my prescription via email, text, and/or the secure online patient portal at the completion of my contact lens fitting and/or refractive eye examination,'' unless the prescriber did in fact deliver the prescription using all of the referenced methods.

IV. Final Rule Pertaining to Confirmation of Prescription Release

A. Proposed Confirmation Requirement in the NPRM and the Basis for Such Proposal

After considering the evidence discussed in sections I and II, *supra,* including comments submitted in response to the ANPR, the Commission proposed in the NPRM to amend the Rule to add a confirmation-of-prescription-release requirement. In so doing, the Commission stated its belief that such confirmation would increase the number of patients who receive their prescriptions, inform patients of the Rule and of their right to their prescriptions, reduce the number of seller requests to prescribers for eyeglass prescriptions, improve the Commission's ability to monitor overall compliance and target enforcement actions, reduce evidentiary issues, complaints and disputes between prescribers and consumers, and bring the Eyeglass Rule into congruence with the confirmation-of-prescription-release requirements of the Contact Lens Rule.[250]

As a result, in the NPRM, the Commission proposed a new § 456.3 [251] to require that upon completion of a refractive eye examination, and after providing a copy of the prescription, the prescriber shall do one of the following:

(i) Request that the patient acknowledge receipt of the prescription by signing a separate statement confirming receipt of the prescription;

(ii) Request that the patient sign a prescriber-retained copy of a prescription that contains a statement confirming receipt of the prescription;

(iii) Request that the patient sign a prescriber-retained copy of the sales receipt for the examination that contains a statement confirming receipt of the prescription; or

(iv) If a digital copy of the prescription was provided to the patient (via methods including an online portal, electronic mail, or text message), retain evidence that such prescription was sent, received, or made accessible, downloadable, and printable.

Proposed § 456.3 further provided that if the prescriber elects to confirm prescription release via paragraphs (a)(i), (ii), or (iii), the prescriber may, but is not required to, use the statement, ''My eye care professional provided me with a copy of my prescription at the completion of my examination'' to satisfy the requirement. In the event the patient declines to sign a confirmation requested under paragraphs (a)(i), (ii), or (iii), the prescriber shall note the patient's refusal on the document and sign it. A prescriber shall maintain the records or evidence of confirmation for not less than three years. Such records or evidence shall be available for inspection by the Federal Trade Commission, its employees, and its representatives. The prescription confirmation requirements shall not apply to prescribers who do not have a direct or indirect financial interest in the sale of eye wear, including, but not limited to, through an association, affiliation, or co-location with an optical dispenser.'' [252]

The Commission then sought public comment on the benefits and burdens of its confirmation-of-prescription-release proposal.[253] The Commission also invited comment on whether the proposed change would affect Rule compliance, the Commission's ability to enforce the Rule, or patient's understanding of their rights under the Rule.[254]

B. Comments on the NPRM and Discussion at the Workshop Regarding Confirmation of Prescription Release

1. Comments in Favor of Confirmation-of-Prescription-Release Proposal

The record contains numerous comments in support of the confirmation-of-prescription-release amendment, with these comments detailing the need for, and benefits of, the proposed amendment. Reasons given in support of the amendment include: that it will bring greater awareness of a consumer's right to their prescription, greater compliance with automatic prescription release,[255] and a greater ability for the Commission to enforce the Rule; that the acknowledgment will serve as evidence of compliance for prescribers; and that benefits flow from having the Eyeglass Rule's confirmation requirement match that of the Contact Lens Rule. Other commenters generally support the Rule, but did not provide specific reasons for their support.[256]

NAROC, calling the confirmation proposal needed and simple,[257] stated that it would result in greater compliance and wider consumer understanding of their rights.[258] In addition, according to NAROC, the proposal would allow all sellers in the market for corrective eyeglasses to participate. Specifically, NAROC stated support for requiring confirmation since ''evidence demonstrates that despite the many years that the [automatic prescription release] requirement has been in effect, not all consumers are aware that they should receive an eyeglass prescription without requesting it.'' [259] Consumer Action, likewise,

called the confirmation proposal ''consumer-friendly'' and discussed it as a way to remedy a lack of compliance, a lack of consumers awareness of their automatic right to a copy of a prescription, a lack of competition, and a reduced ability to shop around for lower prices.[260]

Other commenters reiterated that the confirmation proposal would increase compliance with automatic prescription release. The advocacy organization National Taxpayers Union supported requiring confirmation to ''strengthen the process of providing consumers with a copy of their eyeglass prescription,'' which will benefit consumers.[261] 1–800 CONTACTS stated the ''confirmation proposal will bolster prescription portability, promoting consumer choice and competition in the evolving market for prescription eyewear.'' [262]

Commenters specifically spoke to the proposed amendment's ability to assist the Commission in enforcing the Rule's automatic-release requirement. 1–800 CONTACTS stated its desire for greater enforcement of the Rule and expressed disappointment that the Commission has only issued warning letters since enacting a similar requirement for the Contact Lens Rule in 2021.[263] NAROC commented that both the confirmation of prescription release and the three-year recordkeeping requirement will make the Rule easier for the FTC to enforce. The organization stated that prescribers have a responsibility to provide evidence that the patient received a copy of the eyeglass prescription at the end of the exam, and that confirmations of prescription release are helpful to prescribers to show their compliance in instances when patient complaints of non-compliance are brought before them.[264] At the workshop, Joseph Neville of NAROC added that, if the FTC was going to regularly enforce the Rule, the prescriber needs proof they actually complied, and the acknowledgment will serve that purpose.[265] NAROC likened the confirmation proposal to prescribers asking their patients to acknowledge receipt of privacy practices, to give consent to certain treatments or procedures, and to allow providers to share protected health information in certain situations.[266] According to NAROC, such acknowledgments benefit the prescriber by averting disputes as to what the patient agreed.

At the workshop, Wallace Lovejoy opined that it is appropriate to encourage some sort of recordkeeping that the prescription was in fact delivered to the patient due to ''the unique nature of the market and a significant amount of financial interest on the part of prescribing and dispensing optometrists'' [267] Indeed, NAROC commented that prescribers have a powerful incentive to improve the ''capture rate'' of in-office eyewear sales to their patients since they still make most of their revenue from selling the eyewear that they prescribe.[268]

NAROC also stated that the significant benefits of the proposed confirmation would exceed the minimal burdens. Its comment stated that the ''amendments should not have significant or disproportionate impact on prescribers' costs'' and that its member experience and observation indicates that ''thousands of optometrists affiliated in co-location with NAROC member companies regularly comply with the current Eyeglass Rule and the Contact Lens Rule [which already contains a confirmation-of-prescription-release requirement] with little added cost or other burden on the eye care practice.'' [269] NAROC said it has not seen any credible evidence that the requirement is overly burdensome or will result in anything more than a trivial expense. In response to requests from their members for information as to whether the added effort of confirmations for contact lens prescriptions was a problem, they heard that compliance is occurring with little or no disruption or expense.[270]

Pete Sepp, the president of the National Taxpayers Union, said he supports the Rule and the confirmation proposal, but is very cognizant of regulatory burdens imposed on prescribers. He said the key question for him is whether the extra burden the confirmation brings is a problem, or alternatively, whether the problem may derive rather from the overall burden from all regulations imposed on prescribers.[271]

The National Taxpayers Union (NTU) suggested that the Commission may have underestimated the confirmation burden, particularly the 10-second estimate for how long it takes for consumers to read and sign the confirmation statement.[272] It also stated it was likely the burden would have a disproportionate impact on smaller, less sophisticated, prescribers who lack economies of scale and equipment, and thus merely averaging the burden cost among all of the nation's eyecare prescribers was an ''oversimplification.'' [273] According to NTU's estimate, a ''modest optometry establishment'' performing 3,000 examinations a year would—based on the Commission's NPRM estimates for time and labor—increase the paperwork burden by 167 hours and incur an additional labor compliance cost of $4,123, ''not an inconsiderable burden for a small establishment.'' [274] Sepp of the NTU did suggest, however, that compliance with the confirmation-of-prescription-release proposal ''might not be quite as burdensome'' when comparing it to the overall regulatory burdens on prescribers, and that perhaps the real focus should be on reducing overall burdens that hamper small businesses.[275]

One factor worth noting for the confirmation proposal, according to NAROC, is that having a similar confirmation requirement for the Eyeglass Rule, as already codified in the Contact Lens Rule, should lessen the additional incremental burden of the proposed amendment to the Eyeglass Rule, since most contact lens wearers also receive eyeglass prescriptions and should get them at the same time.[276] NAROC also stated that the similar requirement for the Eyeglass Rule should ease issues with compliance and staff training.[277]

2. Comments Against the Confirmation-of-Prescription-Release Proposal

Some commenters, largely prescribers and prescriber trade associations, were critical of the confirmation-of-prescription-release proposal, stating that existing strong compliance with the automatic-prescription-release requirement of the Eyeglass Rule makes the proposed confirmation requirement unnecessary, and that the confirmation proposal is burdensome.[278]

The American Optometric Association opposed the proposed confirmation requirement for a number of reasons. As noted above in the discussion regarding automatic-release compliance, the AOA asserts that the requirement is unnecessary because it disputes that there is any issue with prescription-release compliance.[279] In addition, the AOA asserted that a confirmation requirement would not have a significant and meaningful impact on competition and choice and in support cited the (previously discussed) NERA survey for the propositions that: (1) three in five Americans do not believe that additional paperwork requirements in their doctor's offices would make them more aware of their rights; (2) nearly half indicated the amount of paperwork they currently do is overwhelming; (3) 41% indicated that the complexity of the paperwork is overwhelming; and (4) approximately 20% of those surveyed did not even remember the purpose of the paperwork they have to complete at a doctor's appointment.[280] Based on these results, the AOA concluded that

''it is inaccurate to say that a new paperwork requirement for eyeglass prescriptions can lead to increased competition and choice.'' [281]

Further, the AOA expressed concern that the confirmation requirement would have a disproportionate burden on small business, given the fact that many of its members have a small staff, high staff turnover, and face challenging economic pressures, including increased overhead and costs.[282] In fact, according to AOA, the NERA survey data supports its position that the FTC ''significantly underestimated'' how long it takes to confirm prescription release.[283] According to the AOA, a large percentage of its members report that it takes 30 seconds or more to obtain the patient's signed confirmation and ''[e]ssentially, doctors of optometry have reported that the time burden is *at least* 3 times the FTC's estimated burden.'' [284] (emphasis in original). The AOA requested that the Commission reconsider whether there is an urgent need at this time for the confirmation-of-prescription-release amendment.[285]

Individual prescribers share some of the same concerns voiced by the AOA. At least two commenters stated that the proposed confirmation is a burdensome solution to a problem that does not exist.[286] A number of commenters, some of whom commented anonymously, stated that the confirmation is unnecessary, costly, intrusive, and would be time-consuming and take away from patient care.[287] Optometrist Dr. David Durkee suggested that adding the burden of another confirmation requirement would be counterproductive and likely just lead to more prescriber non-compliance.[288] At the workshop, Dr. Michaels stated that there is a lot of time, effort, and discussion required when prescribers ask their patients to sign confirmations.[289] Dr. Montaquila explained at the workshop that for contact lens prescriptions, it takes his ''very best staff about four minutes to complete the [confirmation and prescription release] process, from explaining why we're doing it to the patient, providing them with their prescription, making the copies, providing their prescription back to them, and ultimately storing it.'' [290] He stated that the office devotes about 1.5 full time employees to all of the office's compliance issues and that adding more rules [to the Eyeglass Rule] will only increase costs to the practice.[291] Dr. Montaquila also noted that the burden is recurring (as opposed to a one-time expense) since each time prescribers provide a prescription, a confirmation will be needed.[292] Dr. Masoudi questioned whether multiple confirmations are needed when multiple prescriptions are provided, and claimed that that would also increase the burden of compliance.[293]

The AAO also disagreed that the burden would be minimal, noting that it would particularly hit hard on small practices that may not utilize electronic health record systems.[294] AAO further argued that, without better evidence of non-compliance, the confirmation-of-prescription-release amendment should not be imposed, and asked the Commission to identify alternative mechanisms to address actions of noncompliant prescribers.[295] Dr. Repka also noted at the workshop that he has not seen a benefit for either the prescriber or the consumer in the contact lens space since enactment of the confirmation requirement in the Contact Lens Rule.[296]

Some commenters pointed to differences between the eyeglass and contact lens markets to support their position that the Eyeglass Rule should not contain the same confirmation requirement as exists in the Contact Lens Rule. Dr. Montaquila argued that there is a greater burden associated with the Eyeglass Rule proposal due to the greater volume of eyeglass wearers—165 million eyeglass wearers versus 45 million contact lens wearers.[297] Dr. Repka pointed out that the average eyeglass wearer is much older than the average contact lens wearer and that the older population may be more easily concerned about multiple signature lines.[298]

3. Comments About the Exemption for Prescribers Who Do Not Have a Direct or Indirect Financial Interest in the Sale of Eyeglasses

In the NPRM, the Commission proposed to exempt prescribers who do not have a direct or indirect financial interest in the sale of eyeglasses from the proposed signed confirmation-of-prescription-release requirement.[299] Direct or indirect interest in the sale of eyeglasses would include, but not be limited to, an association, affiliation, or co-location with prescription-eyewear sellers.[300] The Commission requested input on the question, ''Aside from associations, affiliations, and co-locations with prescription-eyewear sellers, what other indirect financial interests exist in the sale of prescription eyewear that should disqualify a prescriber from the proposed exemption?'' [301] There were no written comments in response to the NPRM or workshop on this point.[302]

At the workshop, Joseph Neville floated the idea of applying the exemption more broadly. Specifically, he said that for the Contact Lens Rule, NAOO, the predecessor to NAROC, suggested that prescribers who were affiliated in a co-location situation should be exempt from the signed acknowledgment requirement.[303] He explained that when an optical company leases space to a prescriber, the prescriber does not sell the eyeglasses, and thus, the exemption should apply. Yet, he acknowledged that the Commission previously rejected that position and in concluding his comments, he supported the Commission's proposal to limit the exemption to those who are solely involved in clinical and not connected in any way with sales.[304]

4. Comments About Alternatives to the Confirmation-of-Prescription-Release Proposal

As possible alternatives to the signed acknowledgement proposal, commenters at the ANPR stage recommended conspicuous signage regarding consumers' right to a copy of their prescription, or an eye care patients' bill of rights, notifying consumers of their rights under the Rule.[305] Some commenters seemed to suggest that there is a greater need for the FTC or prescribers to educate consumers or to enforce the Rule as is, as opposed to amending the Rule to include a confirmation of prescription release.[306] For instance, the AOA opposed the Commission's NPRM proposal, and asserted that the Commission should focus its energies on scrutinizing the sales of online retailers, and advising the public about ''risks'' arising from purchasing glasses online.[307] Meanwhile optometrist David Durkee recommended that instead of adding the confirmation requirement, the Commission should increase enforcement through random audits, inspections, fines, and increased publicity about such penalties.[308]

C. Additional Discussion and Commission Determination Regarding the Confirmation-of-Prescription-Release Proposal

1. Final Rule Determination To Amend the Rule To Require Confirmation of Prescription Release

The Commission has carefully reviewed and analyzed all of the evidence in the record, including the 868 comments submitted in response to its ANPR, 27 comments submitted in response to its NPRM, the discussion at the 2023 Eyeglass Rule workshop, 20 comments after the workshop, and when appropriate, the record from the

Commission's recent review of the Contact Lens Rule. This record, in conjunction with the historical impetus for the Rule and the Commission's enforcement and oversight experience, has led to a Commission determination to amend the Rule to add a confirmation-of-prescription-release requirement.

The evidence demonstrates that the automatic-release requirement remains the optimal remedy for prescribers' continued failure to release prescriptions, and yet lack of compliance with the automatic-release provision hampers the effectiveness of this remedy.[309] The evidence also demonstrates that consumers lack an awareness of their rights to a copy of their eyeglass prescription, and thus may be unable to remedy a prescriber's failure to release prescriptions on their own.[310] Having determined that it would be beneficial to increase compliance with, and awareness of, the automatic-release provision, the Commission has determined that the best way to achieve this goal is to amend the Rule to add a new requirement to the existing automatic-release remedy. By modifying and improving the remedy for prescribers' failure to release a prescription, it will not only increase the number of patients who receive their prescriptions and learn of their right to possess their prescriptions, but will also: reduce the number of seller requests to prescribers for eyeglass prescriptions, improve the Commission's ability to monitor overall compliance and target enforcement actions, reduce evidentiary issues, complaints and disputes between prescribers and patients, and substantively bring the Eyeglass Rule into congruence with the Contact Lens Rule in terms of the confirmation-of-prescription-release requirement.

This remedy also solves the ''evidentiary squabbles'' issue as to whether a prescriber complied in a specific instance, or complies routinely with prescription release. As explained in the NPRM, the absence of documentation often makes it difficult in an enforcement investigation to determine whether, in any particular case, a prescriber provided a patient with a prescription. The lack of documentation also makes it difficult to determine how many times, or how frequently, a particular noncompliant prescriber has violated the Rule.[311] In fact, due in part to the difficulty of ascertaining whether a prescriber violated the Rule, the Commission has only brought one enforcement action against an eyeglass prescriber for failure to comply with the automatic prescription release.[312] The confirmation-of-prescription-release requirement will improve and simplify its ability to assess and verify compliance with the Rule's automatic prescription release requirement. It will also make it easier for prescribers to prove that they did, in fact, provide prescriptions to patients who claim otherwise.

a. Alternatives to Confirmation of Prescription Release Not Adopted

The Commission is not adopting the alternative remedies proposed by some commenters. First, as explained above, no new comments or evidence was submitted following the NPRM regarding the proposal to require conspicuous signage in prescribers' offices stating consumers' rights to their prescriptions, and, likewise, no new comments or evidence submitted with respect to a consumer Bill of Rights.[313] Since the Commission had previously decided, for the reasons outlined in the NPRM,[314] not to adopt these measures, the Commission has no reason to revisit and alter its decision.

For a number of reasons, the Commission also declines to adopt the proposal that the Commission focus on additional consumer education in lieu of adopting the signed confirmation of prescription release. First, relying on such an approach would improperly shift the burden of prescription-release compliance and enforcement to the consumer, an approach the Commission has repeatedly rejected in the past.[315] Second, the Commission resolves that educating consumers at their appointment about their right to their prescription is more targeted and impactful than other methods of consumer education alone in which a consumer is not asked to read and provide a signature. Lastly, the AOA's suggestion in its NPRM comment to educate consumers about the potential risks from purchasing eyeglasses online would do nothing to increase prescription release. In fact, the suggestion appears unrelated to the issues under discussion in the NPRM or this final rule.

Although the Commission declines commenters' suggestions that it rely on greater consumer education in lieu of a signed confirmation requirement, as discussed in section IV.B.4, *supra,* the Commission agrees there is a need to bolster its existing guidance on the Eyeglass Rule, as an added measure to inform consumers of their rights, and businesses of their obligations, under the Rule.

As for the suggestion that the Commission increase enforcement of the existing automatic-release provision in lieu of adding a confirmation requirement, the Commission addressed this in the NPRM, noting that the Commission recognizes the need for increased enforcement, but that the absence of documentation often makes it difficult in an enforcement investigation to determine whether, in any particular case, a prescriber provided a patient with a prescription.[316] The lack of documentation also makes it difficult to determine how many times, or how frequently, a particular noncompliant prescriber has violated the Rule. Instead, allegations and denials of non-compliance often become a matter of a patient's word against that of the prescriber, making violations difficult to prove.[317]

b. The Burdens of the Confirmation of Prescription Release Are Not Substantial

The evidentiary record does not establish that the burden of the confirmation-of-prescription-release requirement will have a substantial financial impact on prescribers. Prescribers already comply with a similar requirement for contact lens prescriptions, and it should require a minimum of additional time, effort, and training to include eyeglass prescriptions. Some prescribers may already be getting patient confirmations for eyeglass prescriptions, since it does not make much sense to obtain confirmations for contact lenses but not for eyeglasses, and the patient confirmation provides the prescriber with tangible proof that they complied with the existing prescription-release requirement. In its Paperwork Reduction Act (''PRA'') analysis, the Commission doubled the previously estimated time it takes for prescribers' offices to obtain a signed patient confirmation, and yet even doubled, it is still merely 20 seconds. In reality, it may even take less, and some industry estimates appear to be based on faulty presumptions.[318] Furthermore, the ongoing transition to digital recordkeeping will continue to reduce the burden, both in terms of record preservation and obtaining patient signatures. The final rule's overall estimated financial burden for the confirmation-of-prescription-release requirement of $38,389,993 amounts by one estimate to approximately $629 in additional annual administrative costs per eye care provider.[319]

The Commission also does not find the AOA's paperwork survey, summarized in its comment, as compelling evidence for its position that ''it is inaccurate to say that a new

paperwork requirement for eyeglass prescriptions can lead to increased competition and choice.'' [320] A review of appendix A attached to its comment shows that the following survey question was asked of 1,063 respondents: ''Thinking about your experience, both virtual and in-person, with doctors in general, please select your level of agreement with the following statements.'' The statements included in the survey were: (1) ''I generally remember the purpose of the paperwork I complete at a doctor's appointment''; (2) ''The amount of paperwork I have to complete at a doctor's appointment is overwhelming''; (3) ''The complexity of the paperwork I have to complete at a doctor's appointment is overwhelming''; and (4) ''Having to sign more paperwork at a doctor's appointment would make me more aware of my patient's rights.'' The options provided to the respondents for each statement are: ''Completely agree,'' ''Somewhat agree,'' ''Neutral,'' ''Somewhat disagree,'' and ''Completely disagree.'' [321]

These questions, and the extent to which consumers agree or disagree with them, may reveal the unsurprising fact that most people do not appreciate doing ''paperwork,'' but do not display anything of import related to this rulemaking. By asking generalized questions about ''paperwork''—a term with a negative connotation—and ''patient's rights,'' without explaining to respondents the context or what rights they are referring to, the survey loses its informational value. It does not reveal what consumers think about a confirmation-of-prescription-release requirement, about whether they would appreciate having a copy of their prescription, about whether they understand their right to their prescription, or even about their experiences with any particular documents provided to them by eye care prescribers.[322]

Aside from the fact that these survey questions are too vague and generalized to serve as a gauge as to the usefulness of a confirmation-of-prescription-release requirement, the survey questions may even indicate that some paperwork can serve a purpose. According to the survey, 62% of Americans respond that they generally remember the purpose of the paperwork they complete at a doctor's appointment, with another 19% remaining neutral on this question; and 40% agree with the statement, ''having to sign more paperwork at a doctor's appointment would make me more aware of my patient rights,'' with another 30% responding neutrally.[323] While these percentages do not reveal anything about the confirmation-of-prescription-release requirement, they could, in fact, support the general position that many Americans do remember information from the paperwork they fill out at their doctors' offices, and that the paperwork can serve to make them somewhat more aware of their general rights. Of greater significance for this rulemaking, however, is the fact that the confirmation-of-prescription-release requirement is not solely intended to educate consumers about their rights. While that is one purpose, the requirement is also intended to remind prescribers' offices to provide patients with their prescriptions, and to create a mechanism for prescription-release verification and enforcement. Therefore, the Commission finds that the signed confirmation of prescription release (a form of ''paperwork'') will increase prescriber compliance, and that will lead to increased competition that benefits consumers.

The Commission also carefully considered information and comments on the record that question the Commission's estimate of time for confirming prescription release, including the separately conducted AOA survey of its members submitted in support of its statement that the FTC ''significantly underestimated'' the length of time it would take for prescribers to confirm prescription release. As discussed more fully in the Paperwork Reduction Act section (section VIII of this SBP), the Commission has decided to increase the estimated time to obtain a patient confirmation signature.[324]

Although the Commission does not find the burdens of the confirmation of prescription release to be substantial, the Commission is sensitive to the concerns raised by the AOA and others regarding the burden on prescribers, many of whom are small businesses. In an attempt to minimize these burdens, the Rule provides prescribers with both digital and paper options for methods to comply,[325] and provides one-sentence sample language that prescribers can use when providing paper copies of prescriptions should they wish to use it. As for concerns that the burden is ongoing since each time a prescriber provides a prescription a confirmation is needed, the Commission notes that many prescribers may offer and consumers may accept a digital delivery of the prescription, and as previously discussed, may not need to ask for affirmative consent to digital delivery for every new visit.[326] As for paper copies of prescriptions, over time consumers should become more familiar with the request for their signature to confirm prescription receipt and thus, the staff time to handle possible questions or to otherwise comply with the confirmation of prescription release should decrease.[327] The Rule also has an exemption for those without a direct or indirect financial interest in the sale of eyeglasses. Moreover, this amendment aligns with the prescription release related provisions of the Contact Lens Rule, thereby reducing the confusion and complexity that might arise for consumers and prescribers from having different confirmation-of-prescription-release requirements for contact lens and eyeglass prescriptions. In addition, the marginal cost of the amendment to the Eyeglass Rule should be relatively low because the CLR already requires prescribers to obtain confirmation of prescription release and to maintain records of such. Some prescribers likely have forms and systems in place already, which may need only minor adjustments to accommodate confirmations for eyeglass prescriptions.[328]

c. Exemption for Prescribers Who Do Not Have a Direct or Indirect Financial Interest in the Sale of Eyeglasses

The Commission also adopts without modification proposed § 456.3(c), which provides an exemption to the confirmation-of-prescription-release requirements for prescribers who do not have a direct or indirect financial interest in the sale of eyeglasses.[329] Direct or indirect financial interest in the sale of eyeglasses includes, but is not limited to, an association, affiliation, or co-location with prescription-eyewear sellers.[330] The Contact Lens Rule contains a parallel exemption.[331] The purpose of such an exemption is to reduce the burden on prescribers who do not sell lenses, and therefore, have no incentive to withhold prescriptions.[332] Although Joseph Neville of NAROC questioned whether co-location arrangements should be considered as having an interest in the sale of eyeglasses, the Commission finds that co-location arrangements could create a financial incentive for prescribers to withhold a prescription, and thus, should be required to comply with the confirmation requirement. If a prescriber has uncertainty as to whether the exemption applies, they should err on the side of caution by complying with the confirmation-of-prescription-release requirement.[333] Since there was no opposition to the proposal relating to the exemption, the Commission adopts § 456.3(c) as proposed.[334]

2. Comments About Options for Obtaining the Confirmation and Commission Determination

The Eyeglass Rule NPRM proposed in § 456.3(a) the same options to confirm prescription release of eyeglass prescriptions as the options available to confirm prescription release of contact lens prescriptions in the Contact Lens Rule. They consist of: (i) a signed statement confirming receipt of the prescription; (ii) a prescriber-retained copy of a contact lens prescription that contains a statement confirming receipt of the prescription; (iii) a prescriber-retained copy of the receipt for the examination containing a statement confirming receipt of the prescription; and (iv) if a digital copy of the prescription was provided to the patient, retain evidence that the prescription was sent, received, or made accessible, downloadable and printable.[335] Workshop participants discussed these options in the context of the Contact Lens Rule in order to recommend for or against their inclusion in the Eyeglass Rule's confirmation requirement.

a. Comments at the Eyeglass Rule Workshop

At the workshop, Dr. Montaquila discussed the ''range of approaches'' prescribers use to comply with the CLR's confirmation-of-prescription-release requirements and provided concrete examples of the way some of the options are currently in use. He called option (a)(1)(i), the signed statement option, a flexible option currently in use. But, he stated that, for some offices that have electronic health records, offices must print the prescription from the electronic health records systems, request a signature, scan or retain the prescription with the acknowledgment, and store the acknowledgment.[336] He provided an example of a template form that he said is in use by many offices.[337] This form, entitled ''Contact Lens Prescription Signed Acknowledgment Form'' is recommended by the AOA to its members and is in its ''Contact Lens Rule Compliance Toolkit.'' [338] The form contains six paragraphs, with the first stating, ''Included below is important information to review prior to receiving your contact lens prescription.'' The middle three paragraphs consist of advice, attributed to the Centers for Disease Control and the Food and Drug Administration, on healthy contact lens wearing habits, and include recommendations such as ''Schedule a visit with your eye doctor at least once a year'' and ''Understand that eye infections that go untreated can lead to eye damage or even blindness,'' among others. The fifth paragraph presents five bullet points listing common symptoms of an eye infection, such as ''Irritated, red eyes,'' ''Light sensitivity,'' and ''Sudden blurry vision.'' The last paragraph, directly above a patient signature and date line, states, ''Sign below to acknowledge that you were provided with a copy of your contact lens prescription at the completion of your contact lens fitting.''

As for proposed § 456.3(a)(1)(ii), in which prescribers retain signed copies of contact lens prescriptions that contain a statement confirming receipt of the prescriptions, Dr. Montaquila stated that the AOA assists prescribers who use this option by providing carbon-copy prescription pads.[339] With this method, the prescriber writes the prescription, the patient signs the confirmation statement on the prescription, and the patient and prescriber each retain a copy. Dr. Montaquila then implied that this paper option was less convenient or accurate because 88% of office-based physicians have transitioned to EHRs.[340] According to Dr. Montaquila, some prescribers are handwriting prescriptions after generating a prescription in an electronic health record, and this duplication increases cost, time, and the possibility for errors.[341] In support of his assertion about greater errors from handwritten prescriptions, he cited to a Weill Cornell Medical College study of drug prescriptions finding error rates in 30 per 100 written prescriptions versus seven per hundred in electronic prescriptions.[342] He stated that some EHRs permit prescriptions containing statements of confirmation to be printed, but this creates a different problem because once it is signed by the patient, the office ''needs to take that prescription back, copy and perhaps scan it and then retain that for three years.'' [343]

Section 456.3(a)(1)(iii) of the NPRM Eyeglass Rule confirmation proposal (and existing Contact Lens Rule confirmation requirement) allows prescribers to retain a signed statement confirming prescription receipt on a copy of the examination payment receipt. According to a 2023 AOA survey of optometrists, about 15% of prescribers said they use this method,[344] but Dr. Montaquila stated that he had not found that any of his colleagues had a payment system in place that would allow for the use of this method with respect to the confirmation of contact lens prescription release.[345]

Dr. Montaquila also addressed the digital release option, proposed § 456.3(a)(1)(iv), which allows a prescriber, with the patient's affirmative consent, to release the prescription digitally so long as they retain evidence that the prescription was sent, received, or made accessible, downloadable and printable. In discussing this option, he displayed a model consent form used by many practices for contact lens prescription release entitled ''prescription access notice policy statement.'' The model form states that access to prescriptions is available to patients digitally and that physical copies of prescriptions are available, and provides a place for a patient signature. He noted that the electronic prescription-release approach can take many forms depending on what's available to the practice, and that some forms default to the patient agreeing to receive the prescription digitally, with a paper version available upon request.[346]

b. Commission Determination Regarding Options for Obtaining the Confirmation

The final rule, § 456.4(a)(1), replaces the four options from the NPRM with two broader options in paragraphs (a)(1)(i) and (ii) that encompass the options proposed in the NPRM, but also ensure prescribers have flexibility and choice in how they obtain their confirmations. The first option, § 456.4(a)(1)(i), covering instances where prescribers provide a *paper copy* of the prescription, provides that the prescriber must request that the patient acknowledge receipt of the prescription by signing a separate statement confirming receipt of the prescription. Section 456.4(a)(1)(i) adopts the proposed § 456.3(a)(1)(i) with modifications so that it encompasses the proposed § 456.3(a)(1)(ii) (where a prescriber can retain a copy of a prescription that contains a signed statement confirming receipt of the prescription) and proposed § 456.3(a)(1)(iii) (where a prescriber can retain a signed copy of the sales receipt for the examination that contains a statement confirming receipt of the prescription). The NPRM's proposed § 456.3(a)(1)(ii) and (iii) are essentially examples of documents—prescriptions and sales receipts—that can contain separate statements confirming receipt of the prescription, and these methods of obtaining confirmation continue to be permitted under the final rule's broader option § 456.4(a)(1)(i).

The Commission adopts § 456.4(a), which requires that the statement confirming receipt be separate. Prescribers should provide a signature line that clearly and conspicuously applies to a statement of confirmation that the patient has received their

prescription. If instead it is part of a multi-paragraph form containing unrelated information, such as advice about contact lens wear and care habits or the symptoms of eye infections, which then requests a signature at the end of the form, it may not be a valid method to request confirmation of prescription release. While additional information supplied on the model form may be useful to patients, it can confuse patients as to what it is they are signing for, and add additional time to the confirmation obligation. Indeed, as discussed in this document's PRA analysis section, the use of a model template from AOA containing several additional paragraphs unrelated to the confirmation requirement may well contribute to some prescribers' claims that it takes more than 10 seconds to obtain a contact lens prescription confirmation from a patient.[347]

Section 456.4(a)(1)(ii) applies to instances where the prescriber provides a digital copy of the prescription to the patient and is, with one minor alteration,[348] the same as the NPRM's proposed § 456.3(a)(1)(iv). If a prescriber provides the prescription digitally, after obtaining verifiable affirmative consent, the prescriber need not request the patient sign a separate statement confirming receipt. However, the prescriber does need to retain evidence that the prescription was sent, received, or made accessible, downloadable, and printable. In the final rule's § 456.4(a)(1)(ii), that evidence serves as the ''confirmation of prescription release.''

The Commission recognizes that by altering its NPRM proposal in this manner, the options for obtaining confirmation of prescription release in the Eyeglass Rule will not precisely mirror the language of the options provided in the Contact Lens Rule, but these are differences in textual language, not the Rules' policy or effects. The obligations for prescribers with respect to when and how to offer a prescription, and how prescribers can obtain and store a confirmation of receipt, are essentially the same for contact lens and eyeglass prescriptions. For clarity purposes, the Commission may address the language differences in the CLR's next periodic rule review. For these reasons, the Commission adopts § 456.4(a) as set out in this final rule.

The full text of the Rule amendment is located at the end of this document.

3. Final Rule Modification To Add Explicit Recognition of a Prescriber's Ability To Obtain a Confirmation on Paper or in a Digital Format

If the prescriber provides a paper copy of the prescription to the patient, the prescriber must request that the patient acknowledge receipt by signing a separate statement confirming receipt of the prescription. As discussed above with respect to obtaining signatures of affirmative consent to digital delivery, participants at the workshop discussed that some EHR companies haven't updated their systems in light of the new CLR requirements to allow prescribers to collect signatures electronically, which would reduce the record-keeping burden, and suggested that the Rule should expressly permit prescribers to obtain patient signatures digitally or on paper.[349] Specifically, at the workshop, Dr. Repka stated that the electronic medical records of the future will be able to accept electronic signatures that will be stored in ways other than on paper and says, ''if there's an option to do that, it would be nice. If you still needed it to be on a printable PDF, then not as convenient.'' [350]

When proposing changes to the Eyeglass Rule, the Commission noted the ''recordkeeping burden could be reduced to the extent that prescribers have adopted electronic medical records systems, especially those where patient signatures can be recorded electronically and inputted automatically into the electronic record.'' [351] The Commission resolves therefore to change the Rule to explicitly state that obtaining patient signatures ''on paper or in a digital format'' is permissible and complies with the Rule. Accordingly, § 456.4 of the final rule sets forth this language. The Commission believes this will resolve prescriber confusion regarding the need to print out digital forms and collect wet signatures that might then need to be scanned and stored electronically in an EHR system. As with electronic collection of patient consent to digital delivery, alleviating prescriber misunderstanding regarding signature collection should help reduce waste and facilitate faster, more efficient, Rule compliance.[352]

V. Final Rule Pertaining to Proof of Insurance Coverage as Payment

A. Proposed Requirement in the NPRM To Treat Proof of Insurance Coverage as Payment and the Basis for Such Proposal

The Eyeglass Rule requires that prescribers provide consumers with a copy of their prescription immediately after the eye examination is completed, but also contains a long-standing exception to allow a prescriber to refuse to give the patient a copy of their prescription until the patient has paid for the eye examination, so long as the prescriber would have required immediate payment had the eye examination revealed that no ophthalmic goods were required.[353] The CLR contains a similar provision, permitting the collection of fees for an eye examination, fitting, and evaluation before the release of a contact lens prescription, but also provides clarification that for purposes of this exception, a patient's presentation of proof of insurance coverage for those services shall be deemed to constitute a payment.[354] The Eyeglass Rule does not contain this insurance clarification, and staff has received questions from the public about this issue. The Commission proposed that such a proviso, which was initially formulated by Congress in drafting the FCLCA,[355] be added to the Eyeglass Rule, both because it is appropriate that a patient's proof of insurance coverage equates to payment, and to bring the two rules into conformity and eliminate unnecessary confusion.[356] Accordingly, in the NPRM the Commission proposed to amend § 456.2(a) to add the sentence, ''For purposes of the preceding sentence, the presentation of proof of insurance coverage for that service shall be deemed to be a payment.'' [357] The Commission invited public comment on the potential benefits and burdens of such an amendment.[358]

B. Comments on NPRM and Discussion at Workshop Regarding the Insurance Coverage as Payment Proposal

The Commission received a few public comments addressing this proposed amendment. NAROC supported the Commission's clarification that proof of insurance coverage shall be deemed to constitute a payment under § 456.2(a), and opined that this clarification will generally increase compliance with the Rule's prescription release requirement.[359] 1–800 CONTACTS also supported ''amending the [Rule] to follow the CLR in requiring that prescribers accept proof of insurance coverage as payment for purposes of automatic prescription release.'' [360]

The AAO expressed concern that the provision could create challenges for, and ultimately result in financial impacts to, ophthalmology practices, such as instances where a patient has already utilized their insurance benefit and would thus be ineligible at the time of the visit to be covered by

insurance.[361] Requiring the prescriber to accept proof of insurance as payment in such a situation would be problematic for the prescriber, since the insurance would not be obligated to pay anything. The AAO noted that a ''remedy for this would be to instead allow for insurance to be used as payment if the insurance carrier confirms that the patient is eligible for the benefit at the time of their visit.'' [362] An anonymous commenter stated there can be a problem with vision plans showing authorizations for services but not guaranteeing payment, which takes advantage of the prescriber.[363]

C. Additional Discussion and Commission Determination Regarding the Insurance Coverage as Payment Proposal

The Commission has decided that the proposed clarification in the NPRM's § 456.2(a) will aid prescribers' compliance with the Rule and help ensure that patients and prescribers understand when a prescription should be released. Accordingly, the Commission is adopting the provision as proposed in the NPRM as § 456.2(a)(2). Regarding the AAO's concern that prescribers should be allowed to wait until an insurance carrier confirms a patient's eligibility for a benefit at the time of service, the Commission notes that this is, in fact, what the provision would permit. Section 456.2(a)(2) states that proof of insurance coverage—not merely possession of an optical or health insurance policy—will be deemed to constitute payment. For the anonymous commenter who was concerned about vision plans that show authorizations for services but do not guarantee payment, this prescriber could withhold the prescription pending payment if coverage cannot be conclusively established. But in such a case, the prescriber also could not offer to sell the patient eyeglasses until after releasing the prescription to the patient.[364]

Participants at the workshop discussed that some patients may prefer not to have to make two separate payments—one for the examination fee, prior to receiving the prescription, and a separate one for the purchase of eyeglasses, if they choose to purchase from their prescriber's office.[365] Commission staff noted that the Eyeglass Rule does not mandate when prescribers collect payment for examination fees or eyeglasses, but instead merely requires that the prescription be released immediately after the exam and before offering to sell the patient eyeglasses.[366] Prescribers may decide to wait to collect the examination fee until a purchase is completed, if they believe their patients have a strong preference for a single transaction, so long as they already released the prescription prior to making that sale.[367]

VI. Final Rule Regarding ''Eye Examination'' Terminology

A. Proposed Revision in the NPRM To Change ''Eye Examination'' Term to ''Refractive Eye Examination'' and the Basis for Such Proposal

The Rule defines an ''eye examination'' as ''the process of determining the refractive condition of a person's eyes or the presence of any visual anomaly by the use of objective or subjective tests.'' [368] As discussed above, the Rule currently allows eye care prescribers to refuse to provide the patient with their prescription when the patient has not paid for the ''eye examination''—which refers back to the definition describing the refraction—as long as the prescriber does not have different policies for those whose examination revealed that no ophthalmic goods were required.[369] In response to the ANPR, the AOA and several individual prescribers requested that the Commission modify the Rule to change the term ''eye examination'' to ''refraction.'' [370] These commenters stated that an eye examination determines the health of the eye and includes many components that are not used to determine the refractive condition. According to some commenters, the Rule's definition for, and use of, the phrase ''eye examination'' more accurately describes refractive services rather than the full scope of an eye examination.[371] Commenters stated that the Rule should reflect that a comprehensive eye examination and a refraction are separate services,[372] and that while eye health exams are typically covered by Medicare, the testing required to produce the refractive prescription may not be a covered service under Medicare or other insurance plans, and therefore patients may be required to pay out of pocket for the service.[373] The commenters suggested that changing the Rule to reflect the separate services and payments involved would reduce consumer confusion.

In the NPRM, the Commission responded to the ANPR commenters by proposing to replace the term ''eye examination'' with ''refractive eye examination'' throughout the Rule, noting that the Eyeglass Rule's purpose is to ensure that prescribers provide patients with a copy of their prescription at the completion of an eye examination determining the patient's refraction, and that this prescription must be provided free of any additional charge, without obligation, and without a waiver.[374] The Commission opined that clarifying that the eye examination referred to in the Rule is a refractive examination would likely increase consumer understanding of their rights and prescriber compliance with the Rule. The Commission invited further public comment on the potential benefits and burdens of such an amendment; and asked whether the current definition in the Rule is a clear and accurate way of describing a refractive eye examination, whether using the term ''refractive eye examination'' in place of ''eye examination'' could help avoid confusion over when the prescriber must release the prescription, and whether prescribers should be allowed to withhold release of the prescription subject to any charges other than the one due for the refractive eye examination.[375]

B. Comments on NPRM and Discussion at Workshop Regarding the ''Refractive Eye Examination'' Proposal

1. Comments About the Proposed Terminology Change

The FTC received some comments in support of the proposed terminology change. 1–800 CONTACTS agreed with the Commission's proposal to replace the term ''eye examination'' with the term ''refractive eye examination'' throughout the Rule.[376] The National Taxpayers Union asserted that clarifying that an ''examination'' triggering the prescription release requirement is ''one involving a refractive diagnostic . . . should provide some reduction in overhead for providers, who might otherwise spend time and effort explaining to the consumer those conditions under which a prescription is not automatically furnished.'' [377] NAROC stated that it was not aware of compliance concerns arising from the use of the term ''eye examination'' versus ''refractive eye examination,'' and had never heard the complaint that a prescriber did not understand the context of the prescription-release requirement, but acknowledged that the proposed change would eliminate the issues described in the NPRM.[378] NAROC further recognized that prescribers also conduct examinations that are not related to prescribing corrective eyewear, and noted that the proposed change might improve the FTC's ability to enforce the Rule, in that the prescriber would not have the

excuse that they did not understand scope of the term.[379]

While not expressly taking a position on the NPRM proposal to change the terminology, the American Academy of Ophthalmology did express concern—in relation to insurance payments—that many patients are confused as to the difference between health exams that are covered by insurance and refractive exams which often are not.[380] The association said the Commission could be ''more proactive'' in explaining that eye health exams and exams that lead to eyeglass prescriptions are not the same services.[381]

AOA, while in favor of the proposed change in 2015, noted that its position had ''evolved'' since then,[382] and opined that the terminology change ''may not truly address any confusion that exists,'' noting that the results of a refractive examination do not necessarily provide all the information needed to determine and devise an optical prescription.[383] The AOA asked that if the FTC chooses to update the language as proposed, it should clarify that the update does not impact any State or Federal definitions of a comprehensive eye examination.[384]

At the workshop, Dr. Beatty echoed the AOA's concern that consumers benefit most from a comprehensive eye examination, and worried that labeling the exam that results in a prescription a ''refractive exam'' starts to ''confuse patients as to what the value is for having a full eye exam, and can start to make that feel the same as having some exam that you are getting online without the presence of the doctor.'' [385] At the same time, Dr. Beatty confirmed that the definition in the Eyeglass Rule accurately describes a refraction.[386]

2. Comments About the Need To Allow Prescribers To Make a Medical Decision To Withhold the Prescription, Where Appropriate

Commenters also noted that while a refraction may be provided to a patient for the purpose of determining their most current and appropriate eyeglass prescription, it may also be ''completed as a 'diagnostic tool' to assist in the determination of visual status when there are comorbidities in the visual system.'' [387] In this case, the intent of the refraction may not be to create and provide a prescription for eyeglasses or contact lenses, but rather to understand how the patient's refractive error may be a factor in decreased vision, and to help diagnose medical conditions in the eye, such as macular degeneration or a cataract.[388] In the latter scenario, the eye care professional may even determine that it is not appropriate to provide a prescription for corrective eyewear, if the refractive error is not the cause of the decreased vision and comorbidities are present. Commenters felt that the eye care provider should, in their discretion, be free to make the medical decision of whether to dispense the diagnostic refraction, and not be required by the Rule to release a copy of the prescription solely because they had tested the patients' refractive error.[389] Commenters also stated that regardless of whether the provider releases the prescription in that case, they should be able to charge the patient for the diagnostic examination that was completed.[390]

3. Comments About the Permissibility To Charge for the Refraction, as Opposed To Charging for the Prescription Release

Although the Rule allows eye care prescribers to withhold a patient's prescription until the patient has paid for the ''eye examination''—so long as the prescriber would have required immediate payment even if the exam had revealed that no ophthalmic goods were required—the Rule also prohibits prescribers from ''charg[ing] the patient any fee in addition to the ophthalmologist's or optometrist's examination fee as a condition to releasing the prescription to the patient.'' [391] This provision is intended to prevent a once-common practice whereby prescribers would charge their patients a separate fee for releasing the prescription, which could, in turn, dissuade patients from taking their prescription to shop elsewhere for eyeglasses. Some commenters discussed that consumers can be confused about whether a fee is being charged for the exam or for the prescription, and that the Rule language has resulted in some patients believing that they do not have to pay for the refractive exam.[392] Commission staff noted, based on their experience enforcing the Eyeglass Rule, that some practices may tell patients that there is a charge for the prescription, without indicating that the charge is actually for the refractive exam, rather than for receiving the prescription, and that this can lead to consumer confusion about their rights under the Rule.[393]

C. Additional Discussion and Commission Determination Regarding the ''Refractive Eye Examination'' Proposal

After considering all of the comments in the record on the question of the appropriate terminology for the ''eye examination'' definition, the Commission has decided to amend this term to ''refractive eye examination'' throughout the Rule.[394] Both the comments the Commission received in 2015 and the panel discussion at the 2023 workshop confirmed that the definition in the Rule most accurately describes a refraction. A refractive eye examination can be a portion of a more comprehensive exam, but by changing the terminology, the Rule will provide a clear indication to the consumer and prescriber that if the refraction has been completed, the prescription should be provided, barring a medical decision by the prescriber.

By making this change, the Commission is not suggesting that consumers would not benefit from a comprehensive eye examination, or that it would be preferable for consumers to seek out solely a refraction in order to obtain their prescription. But the Commission is aware that a refraction can be completed in a variety of contexts, and wishes to clarify that regardless of the purpose of the examination, the prescription should always be released whenever the optometrist or ophthalmologist determines the patient's refractive error.[395] The Commission is mindful, however, that in some cases in which the refraction may be used as a diagnostic tool, the provider may make a medical decision that it would not be appropriate for a patient to obtain eyeglasses. The Commission does not intend the Rule to override the provider's medical judgment in such cases. If a prescriber determines it is not medically appropriate for the results of a refractive exam to result in a prescription for a particular patient, the prescriber may choose not to release the prescription. But, in such cases, the prescriber may not then offer to sell the patient eyeglasses.[396] Moreover, the prescription should not be withheld merely due to it being inconvenient for the prescriber to provide it.

The Commission concludes that changing the term to ''refractive eye examination'' may help consumers understand that they may be required to pay for the refraction if it is not covered by a vision plan or other health insurance. Furthermore, this terminology change will help prescribers understand that while they may withhold the prescription pending receipt of payment for the refraction, it is not appropriate to make prescription-release contingent upon the payment for any additional service.

The Commission plans to undertake additional consumer education after the Rule is amended to help patients understand that they may be charged for the exam, but not for the prescription

itself. Revised business education materials can also advise prescribers on the types of fees that may be assessed as a condition of prescription release, as well as advise them to train staff to communicate the purpose of fees to patients.

VII. Miscellaneous Issues Raised in Comments

A. Pupillary Distance

1. Background and Comments

In the NPRM, the Commission explored whether to amend the Rule to require the inclusion of pupillary distance on eyeglass prescriptions. Pupillary distance is the measurement (in millimeters) of the distance between the pupils of a person's eyes and is typically needed to properly fit a pair of eyeglasses.[397] The Rule has historically left it to the States to determine what measurements constitute a complete refractive prescription, and thus, it has been up to the States to determine whether pupillary distance is required to be included on prescriptions.[398] In the NPRM, the Commission analyzed comments received in response to the ANPR in favor of and against adding a pupillary distance requirement and concluded that there was not adequate evidence in the rulemaking record at this time to determine that the failure to provide a pupillary distance on a prescription is an unfair practice.[399] As a result, in the NPRM the Commission did not propose to require prescribers to include the pupillary distance measurement on prescriptions.[400] However, since it had last invited comment on the question of whether to require the inclusion of pupillary distance in a prescription in 2015, and the market for optometry and eyeglasses may have evolved since then, the Commission, in the NPRM, again invited comment on this issue. Specifically, the Commission asked for input and information about changes to State regulation on the content of prescriptions, or to changes in the marketplace, or to changes in technology, that might affect and alter the Commission's prior conclusion that pupillary distance on prescriptions should not be required by rule.[401]

In response, the Commission did not receive any comments addressing changes to State regulations on the content of prescriptions, or changes in the marketplace, or changes to technology pertaining to pupillary distance. Commenters in favor of and against the inclusion of pupillary distance on prescriptions largely reiterated viewpoints previously expressed in response to the ANPR.

The Commission received a number of comments in favor of the Commission's NPRM determination not to require the inclusion of pupillary distance on prescriptions from optometry, ophthalmology, and optician trade groups (the AOA, AAO, and OAA, respectively). The AOA, for instance, agreed with the Commission's concern, as discussed in the NPRM, that requiring pupillary distance measurements on prescriptions could place the patient in the optical dispensary—where pupillary distance measuring devices are typically located and operated—prior to the patient receiving their prescription, thereby undercutting the Rule's long-standing principle (a foundation of the Rule) of separating a patient's eye examination from the retail dispensing of eyeglasses. The AOA and the OAA added further that, historically, taking pupillary distance measurements is not a standard part of an eye examination by an optometrist or ophthalmologist (it is typically performed by an optical goods dispenser, such as an optician, in the dispensary *after* a patient decides to purchase glasses), and stated that there was no reason to require that prescriptions from refractive eye exams, written by optometrists and ophthalmologists, should include pupillary distance.[402] The AOA also pointed to Commission language in the NPRM stating that there are zero-cost and relatively-low-cost alternative methods for consumers to obtain their pupillary distance if they wish to shop for glasses online.[403] The trade association NAROC also agreed with the Commission's NPRM determination, stating that if the pupillary distance requirement was added, prescribers and opticians might end up at odds over whose pupillary distance measurement should control.[404]

The OAA further expressed concern that if pupillary distance is required on prescriptions, opticians filling the prescription would have to abide by the exact measurements written on the prescription by the prescriber, regardless of the accuracy of the information or their own measurement, and stated that opticians—who have a long history of performing pupillary distance measuring tests—may consider several factors such as: whether the current pupillary distance measurement matches the previous measurement, changes that may have occurred since the issuance of the prescription, and the complexity of the prescription.[405]

The AAO also agreed with the Commission's decision not to mandate the inclusion of pupillary distance measurements on eyeglass prescriptions.[406] The group said that because many ophthalmologists do not take this measurement, and not all ophthalmic practices have an optician on staff to perform these measurements, if pupillary distance were required on prescriptions, ophthalmologists would be forced to make difficult practice decisions over the hiring of additional staff or the elimination of refractive services.[407]

On the other hand, some sellers and consumers said they would like the Commission to reconsider its decision and require prescribers to include pupillary distance on prescriptions. Online seller Eyeglasses.com stated that it receives hundreds of prescriptions from consumers each day and about half of them do not include the pupillary distance measurement, making it challenging to provide them with eyeglasses.[408] The seller contended that the failure to provide pupillary distance is an obstacle to consumer choice, and expressed its belief that prescribers do not add this measurement because they either do not want to take the extra time to take the measurement, or because such prescribers sell eyeglasses themselves, and withhold the measurement to make it more difficult for consumers to buy eyeglasses elsewhere. According to Eyeglass.com, consumers are frequently too embarrassed to ask for the pupillary distance measurement, and if they do ask the prescriber, it gives the prescriber an opportunity to discourage the patient from buying online or elsewhere. The seller also noted that some prescribers charge a fee to measure the pupillary distance, which is not prohibited by the Rule.[409]

1–800 CONTACTS, which also sells eyeglasses, reiterated the view that not giving consumers their pupillary distance measurement could discourage online shopping and result in diminished competition and less consumer choice.[410] It opined that the elements of unfairness are met when a prescriber's office takes the pupillary distance measurement during the patient's visit but fails to automatically provide that measurement to the patient, and reiterated that patients may not know to ask for their pupillary distance, may not want to offend the prescriber by asking for that measurement, or may be refused or charged for that measurement.[411] According to 1–800 CONTACTS, obtaining the pupillary distance measurement on their own may be a costly or time-consuming hassle for some consumers, and some consumers may not be aware of the ways in which they can obtain their pupillary distance

measurement. Moreover, in response to the Commission's stated concern that a pupillary distance requirement could have the unintended and undesirable consequence of placing the patient in the dispensary prior to them having their prescription in hand, 1–800 CONTACTS proposed that the pupillary distance measurement should be released in some other format, separate from the refractive prescription itself.[412] For this scenario, the commenter explained, the prescriber would release the prescription prior to the patient entering the dispensary, and the patient would then automatically receive their pupillary distance measurement separately after having it measured in the dispensary.[413] 1–800 CONTACTS asserted that an appropriately tailored amendment to automatically release a pupillary distance measurement is critical to creating prescription portability and promoting competition in the evolving market for prescription eyewear.[414]

Another commenter, a consumer, stated that pupillary distance measurements are needed to order glasses online, where glasses are much cheaper than in the optometrist's shop.[415] The commenter said that, when they ask their prescriber for the measurement, the prescriber does not provide it, and instead tells them that the measurement will be taken when they buy eyeglasses. The commenter felt this was a way to force consumers to buy their eyeglasses at their prescriber's office, or at the least, discourage them from buying glasses online.[416]

2. Pupillary Distance Requirement Determination

After considering the comments and evidence regarding pupillary distance, the Commission does not disturb its conclusion, reached in the NPRM and previous Eyeglass Rule rulemakings, not to mandate the inclusion of pupillary distance on prescriptions in States that do not otherwise include such a requirement. To determine an act or practice is unfair, the Commission must find that the act or practice causes or is likely to cause substantial injury to consumers; the injury is not reasonably avoidable by consumers themselves; and, the injury is not outweighed by countervailing benefits to consumers or to competition.[417] The comments submitted in response to the NPRM did not reveal any relevant changes in the marketplace, technology, or State regulations that sufficiently alter the landscape such that not providing a pupillary distance measurement is generally unfair. The comments largely raise the same points as those submitted in response to the ANPR,[418] indicating that requiring the inclusion of pupillary distance measurements on prescriptions could potentially increase consumer convenience and improve competition, but could also impose burdens on prescribers, hamstring opticians, and undercut other pro-competitive aspects of the Rule. On balance, upon review of the record, the Commission finds again that there is not sufficient evidence that the practice of not providing pupillary distance is an unfair act or practice.

Purchasing eyeglasses online can, indeed, be more convenient and less costly for consumers, and consumers can find it more difficult to shop online if their pupillary distance is not provided by prescribers. But every State determines what is required to be included in an eyeglass prescription, and only four require the inclusion of pupillary distance measurements.

Based on the record developed, the Commission concludes that preempting these State determinations by imposing a requirement to include pupillary distance on the prescription may have a detrimental overall effect for prescribers and consumers. Some prescribers—particularly ophthalmologists—would be required to take a measurement they do not ordinarily take, or might feel obligated, for professional and liability reasons, to hire new staff or acquire new equipment to take this measurement, which could result in higher costs passed on to patients in the form of higher prices.[419] Particularly for smaller practices, the costs to these providers could be considerable.

In addition, imposing such a requirement could undermine the pro-competitive aim of the Rule. If the Commission required the inclusion of pupillary distance, some prescribers might lead patients to the dispensary for the measurement, instead of adding expensive pupillary distance measurement equipment to the exam room.[420] As noted above, such a shift would place the patient in the dispensary prior to the patient receiving their prescription, a result that would blur the important distinction between the clinical eye exam and the retail dispensing process, a distinction that is central to the Rule, and that the Commission has consistently attempted to preserve.

Although commenters point to circumstances under which the act of not providing a pupillary distance measurement can be injurious, consumers have alternative means to obtain eyeglasses from a seller other than their prescriber. Other methods are available for consumers to obtain this measurement, and many of these methods—while possibly not as precise as a measurement taken with expensive equipment by an optician in a dispensary—are low-cost or no-cost. For instance, one seller stated that all you need is a mirror and a printable ruler,[421] and another provided instructions for using their digital ruler.[422] Consumers can also obtain this measurement at an in-person optical dispensary, though it may come at a small cost if the consumer is not purchasing eyeglasses at that shop.[423] Although some consumers reported problems with their vision when using eyeglasses made with pupillary distances they measured themselves using online tools,[424] NAROC stated that many online sellers have developed accurate alternative ways to measure pupillary distance.[425] Moreover, a new pupillary distance measurement does not have to be obtained every year or office visit. Obtaining it once is usually sufficient, since for most people, the measurement does not change significantly from one year to the next. The widespread availability of these alternative methods make it difficult to conclude at this time that the injury to consumers from prescribers failing to take and provide pupillary distance measurements is both substantial and not reasonably avoidable.

Importantly, the Commission's determination does not preclude States from defining prescriptions to include pupillary distance measurements. Indeed, in the handful of States that already do so, the Rule, by its operation, requires dispensing of such measurements. But the Commission is mindful that the vast majority of States have not required prescribers to include pupillary distance measurements, and the Commission is reluctant to override the determinations of local jurisdictions without a clearer record establishing that the status quo is unfair.

For these reasons and others described in the Commission's NPRM,[426] the Commission has decided at this time to retain its prior conclusion not to amend the Rule to add a pupillary distance requirement for prescriptions.[427]

B. Consumer and Business Education

Commenters and workshop participants stated that the Commission should better educate consumers about their rights to their prescription, or the confirmation process. Dr. Masoudi stated that consumers should be made more aware of their rights before they walk in the door.[428] This point was illustrated at the workshop by Felecia Neilly, who stated that before she became involved with this Rule review

process, she ''wasn't even aware of an eyeglass rule'' and did not know she had the option to receive the prescription.[429] As to the confirmation requirement, Dr. Montaquila stated that there is widespread confusion by his patients as to why they are signing a prescription.[430] One anonymous commenter stated that the burden should be on the FTC to provide education to the consumer.[431] The AAO added its concern that patients misunderstand that services resulting in a prescription, in addition to the prescription, are to be provided free of charge.[432]

Some commenters also mentioned that in addition to a need to educate consumers, there is a need to educate prescribers about their responsibilities under the Rule. NAROC requested the Commission work with industry to develop useful guidance or templates relating to patients' rights and prescribers' responsibilities with respect to eyewear prescription release.[433]

The Commission has existing guidance on the Eyeglass Rule on its website and has engaged in outreach to both consumers and prescribers at periodic intervals, including through press releases, consumer alerts, and business blogs announcing warning letters to prescribers.[434] Nevertheless, it agrees it should bolster its existing guidance on the Rule as an added measure to inform consumers of their rights, and businesses of their obligations, especially given the amendments to the Rule.

VIII. Paperwork Reduction Act

The Paperwork Reduction Act (''PRA''), 44 U.S.C. 3501 *et seq.,* requires Federal agencies to obtain Office of Management and Budget (''OMB'') approval before undertaking a collection of information directed to ten or more persons. Pursuant to the regulations implementing the Paperwork Reduction Act,[435] an agency may not collect or sponsor the collection of information, nor may it impose an information collection requirement unless it displays a currently valid OMB control number.

In this final rule, the Commission is amending a rule that contains recordkeeping and other collection of information requirements as defined by OMB regulations that implement the PRA. First, the Commission is modifying the Rule to require that: (i) if a paper copy of the prescription was provided to the patient, the prescriber must request that the patient acknowledge receipt of the prescription by signing a separate statement on paper or in a digital format confirming receipt of the prescription, and retain the confirmation for not less than three years; or (ii) if a digital copy of the prescription was provided to the patient (via methods including an online portal, electronic mail, or text message), the prescriber must retain evidence that such prescription was sent, received, or made accessible, downloadable, and printable.[436]

Section 456.4(a)(2) provides sample language for option paragraph (a)(2)(i) in that prescribers may use the single-sentence statement, ''My eye care professional provided me with a copy of my prescription at the completion of my examination,'' but also allows prescribers to craft their own wording of the signed confirmation if they so desire. For prescribers who choose to offer an electronic method of prescription delivery, the Rule will require that such prescribers identify the specific method or methods to be used and maintain records or evidence of affirmative consent by patients to such digital delivery for at least three years. For instances where a consumer refuses to sign the confirmation or accept digital delivery of their prescription, the Rule (§ 456.4(a)(3)) directs the prescriber to note the refusal and preserve this record as evidence of compliance. None of these new requirements, however, would apply to prescribers who do not have a direct or indirect financial interest in the sale of eyeglasses.

Below, the Commission describes and discusses the changes between the proposed rule regulatory text and this final rule, the public comments received relating to the collection of information burden, and the Commission's ultimate determination of the burden generated by the final rule.

A. Comments Regarding the NPRM Estimate for the Confirmation-of-Prescription-Release Requirement

In its NPRM, the Commission put forth estimates for the burden on individual prescribers' offices to generate and present to patients the confirmations of prescription release, and to collect and maintain the confirmations of prescription release for a period of not less than three years. Based on an estimate that there are 165 million eyeglass wearers in the United States, the Commission calculated the total disclosure and recordkeeping burden from the new requirement at 2,979,167 hours for prescribers and their staff (1,375,000 disclosure hours + 1,604,167 recordkeeping hours).[437] These totals were based on estimates that it would take prescribers' offices one minute to hand out a prescription, ten seconds for the patients to read and sign a confirmation-of-prescription-release statement or consent-to-electronic-prescription-delivery, and one minute for prescribers' offices to store (or scan and save) the signed confirmation or consent in their files.[438] The Commission's time estimates were based on previously-approved estimates for a nearly identical confirmation-of-prescription-release requirement added to the Contact Lens Rule in 2020.[439]

In its NPRM, the Commission requested comment on, among other things, the accuracy of the FTC's burden estimates, including whether the methodology and assumptions used were valid.[440] In response, the Commission received various comments from prescribers opining, among other things, that a confirmation requirement for eyeglass prescriptions would ''take an immense amount of time and take away from patient care,'' [441] be ''very time consuming,'' [442] and ''add a significant burden to small business optometry practices that already are enduring financial challenges and staffing issues.'' [443] More specifically, some commenters, such as the American Optometric Association and Eyeglass workshop panelist Dr. Jeffrey Michaels stated that the Commission had previously underestimated the time it takes to perform the confirmation requirement,[444] and commenter Coast Eyes Pllc suggested the paperwork cost would be $18,000 per provider per year.[445] Another workshop panelist, Dr. Stephen Montaquila concurred with Dr. Michaels, commenting that it takes his staff four minutes to complete the entire Contact Lens Rule process of printing out a patient's prescription, handing it to the patient, explaining why it needs to be signed, having the patient sign it, making a copy of it, and storing the signed copy as a record.[446] In addition, the National Taxpayers Union submitted a comment stating that while it generally supports the confirmation requirement, ''[G]iven the various reading speeds of customers who may be elderly or have limited proficiency in English, the 10-second estimate [to read and sign the statement] could prove low.'' [447] As noted previously in the discussion of the proposed confirmation requirement, the NTU also suggested that smaller optometry practices might bear a disproportionate share of the burden, which it estimated—based on the NPRM proposal and the estimate that that a ''modest optometry establishment'' might perform 3000 examinations per year—at an additional 167 hours and $4,123 per year for such an establishment.[448]

Some commenters, however, disagreed that it would take a significant amount of time to obtain a patient's signed confirmation. The NAROC commented that thousands of optometrists affiliated in co-location with NAROC member companies ''regularly comply with [Contact Lens Rule confirmation-of-prescription-release requirements, as well as other requirements of the CLR and Eyeglass Rule] with little or no added cost or other burden on the eye care practice.'' [449] According to NAROC representative and Eyeglass Rule workshop panelist Joseph Neville, ''I've personally witnessed a couple of situations where the process for contact lenses seemed very easy. . . . the prescription was handed over at the front desk by the staff person, and the staff person maybe a bit simplistically said, 'We'd like to ask you to sign this receipt for your prescription. We're required to get your signature acknowledging that you've received it.' And a couple of people, and again, anecdotes here that I witnessed on this, just said, 'Okay, fine, thank you.' '' [450]

All of the above comments, however, are, as Mr. Neville acknowledged, anecdotal in nature.[451] The only new empirical evidence that the Commission is aware of regarding the time it will take prescribers and their staff to comply with a confirmation-of-prescription-release requirement comes from an American Optometric Association submission filed in response to a 2023 request for comment about extending Office of Management and Budget (''OMB'') clearance for the information collection requirements of the Contact Lens Rule.[452] In that submission, the AOA said that the Commission ''significantly underestimated'' how long it would take prescribers to confirm prescription release for the Contact Lens Rule requirement, and cited a 2023 survey it conducted of some of its member optometrists which found that 84.8% report it takes 30 seconds or more to obtain the patient's signed confirmation for contact lens prescriptions, not counting additional time necessary to address patient questions about the form they are signing, and 69.9% of prescribers said patients ''typically'' have questions regarding the acknowledgment.[453] Since the confirmation-of-prescription-release requirement adopted herein is very similar to that for the Contact Lens Rule, the Commission regards AOA's comment regarding the CLR's burden as on point.

The Commission cannot, however, accord the AOA survey significant weight. As explained in the Commission's notice responding to public comments on extending OMB's approval for CLR collection of information for another three years,[454] it is very likely the AOA survey overestimates the average time necessary to obtain a confirmation because of the manner in which the survey solicited prescribers to respond. AOA emailed a newsletter to members and included an invitation to ''Voice your concerns'' about complying with the Contact Lens Rule. A small number of prescribers self-selected in response, and took part in the survey. Because the poll only included prescribers who responded to this invitation, it is questionable whether its findings are truly representative of the average prescriber.[455] Furthermore, framing the survey as an invitation for concerned prescribers to air their grievances rather than as a disinterested information-gathering tool affects the objective reliability of survey responses, making it much harder for the Commission to accord it significant weight.

The Commission also reiterates concerns—previously detailed in the Commission's CLR PRA Notice [456]—that the amount of time prescribers ascribe to patients reading and signing that Rule's confirmation statement may, in fact, be due largely to non-mandated choices with respect to the design of the statement. The Contact Lens Rule requires that patients read and sign a simple statement confirming receipt of their prescription, and allows that the one-sentence statement, ''My eye care professional provided me with a copy of my contact lens prescription at the completion of my contact lens fitting,'' fully satisfies the requirement. However, the Contact Lens Rule also permits prescribers to design their own confirmation form and statement, and the survey did not specify or ask prescribers what form or wording of the confirmation statement that patients were reading and signing, making it difficult to determine a true average time it would take to comply with the requirements of the rule. Even more concerning (from the standpoint of assessing the burden) is that the AOA has supplied its members with a model template confirmation form that includes several additional paragraphs consisting of ''important information to review prior to receiving your contact lens prescription.'' [457] This information includes various recommendations from the Centers for Disease Control (''CDC'') and the Food and Drug Administration (''FDA'') about healthy contact lens use (such as ''Take out your contacts and call your eye doctor if you have eye pain, discomfort, redness, or blurry vision'') as well as five bullet points listing some of the symptoms for an eye infection (''Irritated, red eyes, worsening pain in or around the eyes,'' etc.).[458] While the template document is titled ''Contact Lens Prescription Acknowledgment Form,'' only at the very end is there a statement, ''Sign below to acknowledge that you were provided a copy of your contact lens prescription at the completion of your contact lens fitting.'' [459]

According to workshop panelist Dr. Montaquila, the AOA template is a common form that eye doctors are using to obtain patient confirmations.[460] If this is indeed the case, it calls into question the relevance of AOA's survey results finding that it takes patients 30 seconds or longer to comply with the Contact Lens Rule requirements, since the majority of those 30 seconds would likely be taken up by patients reading information that the rule does *not* require, or even suggest, that they read. Widespread use of AOA's model template confirmation form might also account for why prescribers report that patients have questions, or are confused, as to why they need to sign a new form, since patients are being asked not merely to confirm they received their prescription, but that they received other information from the CDC and FDA.[461] While the additional information from these two Federal agencies may very well be useful to provide to patients, it is not required by the FTC, and the time it takes patients to read it is not part of the Rule's burden of compliance.

Despite the aforementioned concerns about the reliability of the AOA's survey in establishing the time it takes for a patient confirmation, the Commission does not wholly discount the survey, but rather views it as suggestive, and an additional indication that many prescribers sincerely believe the Commission's 10-second estimate does not accurately reflect the time required to obtain a patient's signed confirmation. The Commission has therefore decided to increase its estimate for the time required to obtain a patient confirmation signature (and the time to collect an affirmative consent to electronic delivery, in instances where the prescription is provided digitally rather than in paper) for the Eyeglass Rule from 10 seconds—as proposed in the NPRM—to 20 seconds for this final rule. The Commission concludes that 20 seconds may better reflect the time required for a patient to not just read a one-sentence confirmation, but also to physically sign

and return the document to prescriber's staff, and for any necessary staff explanation as to why the patient's signature is required.[462] The 20-second estimate may also better align with the original HIPAA estimate that was a basis for the initial CLR confirmation estimate, since the original HIPAA proposal accorded 10 seconds to hand out the acknowledgment and another 10 seconds to obtain a patient's signature and collect the document.[463]

The Commission hereby provides PRA burden estimates, analysis, and discussion for the existing Eyeglass Rule burden of automatically releasing a prescription at the completion of a refractive eye exam, as well as the new requirement to collect patient signatures as confirmation of prescription release or as consent to electronic prescription delivery. The Commission estimates these PRA burdens based on the comments and submissions discussed above, in conjunction with its long-standing knowledge and experience with the eye care industry. The Commission is submitting these amendments and a Supporting Statement to OMB for review.

B. Commission Estimate of the Total Burden = 3,208,333 Hours

1. Estimated Hour Burden of 1,375,000 Hours for Prescribers To Release Prescriptions

The number of adult eyeglass wearers in the United States is currently estimated to be approximately 165 million.[464] Assuming a biennial refractive eyeglass exam for each eyeglass wearer,[465] approximately 82.5 million people would receive a copy of their eyeglass prescription every year. Historically, the Commission has estimated that it takes one minute to provide the patient with a prescription copy.[466] It is possible that one minute is an overestimate of the amount of time required, particularly as more doctors move to digital delivery. As of now, however, we have not seen sufficient evidence to merit making a change to the approach we have taken in the past. We therefore estimate an annual disclosure burden for prescribers to formulate and release prescriptions of approximately 1,375,000 hours (82.5 million annual exams × 1 min/60 mins).

2. Estimated Hour Burden of Prescribers' Staff To Obtain and Store Patient Confirmation of Prescription Release = 1,375,000 Hours (343,750 Hours for Patients To Read and Sign Confirmations, 1,031,250 Hours for Prescribers' Offices To Scan and Store Such Confirmations)

The requirement to generate and present the confirmation of prescription release will not require significant time or effort. The requirement is flexible in that it allows different modalities and delivery methods at the discretion of the prescriber. The requirement is also flexible in that it does not dictate other details, such as the precise content or language of the patient confirmation. At the same time, prescribers and their staff would not be obligated to spend time formulating their own content for the confirmation, since the amended Rule provides draft language that prescribers are free to use, should they so desire. Furthermore, prescribers likely have forms and systems in place to maintain confirmation records already, since they already must comply with the similar confirmation requirement of the Contact Lens Rule, and may need make only minor adjustments to accommodate confirmations for eyeglasses prescriptions. As a result, the marginal cost of the Confirmation amendment to the Eyeglass Rule should be extremely low, possibly lower than that estimated herein.

As noted above, the requirement of § 456.4(a)(1)(i) to collect a patient's signature on the confirmation of prescription release and preserve it constitutes a new information collection as defined by OMB regulations that implement the PRA. Nonetheless, the Commission determines it will require minimal time for a patient to read the confirmation and provide a signature. As noted above, the Commission estimated in the Contact Lens Rule and the NPRM that it would take patients 10 seconds to read the one-sentence confirmation of prescription release and provide a signature.[467] However, for the reasons discussed above, the Commission now believes that 20 seconds is an appropriate estimate for this task.[468]

The second option, § 456.4(a)(1)(ii), involves digital delivery of the prescription and does not, in and of itself, constitute an information collection under the PRA, since no new information that would not otherwise be provided under the Rule is provided to or requested from the patient.[469]

In its NPRM, the Commission assumed that prescribers would elect digital prescription delivery 25% of the time, and thus would be required to obtain a signed confirmation for the other 75% of patients receiving prescriptions.[470] That assumption was based on the premise that the NPRM offered prescribers four options (confirmation on a stand-alone document, confirmation on a prescription copy, confirmation on a sales receipt, or digital delivery with no confirmation required). With no specific details that clearly show which option prescribers would prefer, the Commission employed the assumption that prescribers would choose each of four options in equal numbers.

The current Rule amendment has only two options, paper delivery or digital delivery, and thus if the Commission used the same equal-share assumption it followed in the NPRM, the percentage attributed to digital delivery (and thereby not implicating the burden of a confirmation) for PRA purposes would be 50%. However, based on conversations with prescribers and the industry, the Commission has reason to believe that regardless of widespread EHR adoption, many prescribers still do not provide patient portals or deliver prescriptions digitally to patients, and thus it would not be correct to designate 50% of all prescription releases as digital delivery. Further supporting this view, the aforementioned AOA survey found that only 35% of prescribers said they provided prescriptions electronically.[471] Even that might overcount the number of prescriptions delivered digitally, since the prescribers surveyed by AOA about their method for either obtaining patient confirmations and delivering prescriptions were permitted to select more than one option, so some of the 35% who chose digital delivery of prescription (and thus no confirmation) may also have responded that they use other options, meaning that the overall percentage of prescriptions released electronically is actually less than 35%.[472] Furthermore, as discussed above, there are questions as to the reliability of AOA's survey findings, and whether they are truly representative of the average prescriber. Therefore, in order to ensure that the PRA burden for the Rule is not underestimated, the Commission will retain the previously used assumption that just 25% of prescribers employ digital-prescription delivery, and the other 75% of approximately 82.5 million annual prescription releases require a consumer reading and signing a confirmation statement. Thus, assuming twenty seconds for each such release, prescribers' offices would devote

343,750 hours, cumulatively (75% × 82.5 million prescriptions yearly × 20 seconds each/60 secs/60 mins) to obtaining patient signatures as confirmations of prescription release.[473]

Maintaining those signed confirmations for a period of not less than three years should not impose substantial new burdens on individual prescribers and office staff. Since the Rule allows flexibility in how prescribers craft the confirmation statement, prescribers may add it to documents that they would already be saving, such as prescription copies (and the majority of States already require that optometrists keep records of eye examinations for at least three years[474]) or customer sales receipts (which are normally preserved for financial accounting and recordkeeping purposes). Even if the prescriber chooses to create and use a separate confirmation statement, storing a one-page document per patient per year should not require more than a few seconds, and an inconsequential, or *de minimis,* amount of record space. Some prescribers might also present the confirmation of prescription release in electronic form, enabling patients to sign a computer screen or tablet directly, and have their confirmation immediately stored as an electronic document.

For other prescribers, however, the recordkeeping requirement would likely require that office staff electronically scan the signed confirmation and save it as a digital document. For prescribers who preserve the confirmation by scanning it, Commission staff estimates that preserving such a document would consume approximately one minute of staff time.

The Commission does not possess information on the percentage of prescribers' offices that currently use and maintain paper records versus electronic records, or that scan paper files and maintain them electronically. Thus, for purposes of this PRA analysis, and to again guard against possibly underestimating the Rule's burden, the Commission will assume that all prescriber offices who opt for § 456.4(a)(1)(i) (who do not dispense prescriptions electronically) require a full minute per confirmation statement for storing such recordkeeping.

Assuming—as the Commission did above—that 25% of prescriptions will be delivered electronically, and thus 75% of prescriptions require a patient confirmation that must be scanned and saved, the recordkeeping burden for all prescribers' offices to scan and save such confirmations amounts to 1,031,250 hours (75% × 82.5 million prescriptions yearly × one minute for scanning and storing/60 mins) per year.

3. Estimated Hour Burden on Prescribers' Offices To Obtain and Store Patient Consents to Electronic Delivery = 458,333 Hours (114,583 Hours To Obtain Signed Consents and 343,750 Hours To Store Same)

As noted previously, § 456.4(a)(1)(ii), the second option for satisfying the confirmation-of-prescription-release requirement, involves digital delivery of prescriptions, and thus does not necessitate that prescribers obtain or maintain a record of the patient's signature confirming receipt of a prescription. However, this option does require that prescribers obtain and maintain records or evidence of the patients' affirmative consent to electronic delivery for three years. Based on the previous estimate that 25% of patients will receive digital delivery of their prescriptions, the Commission will use the assumption that consumers sign such consents for electronic delivery for one quarter of the 82.5 million prescriptions released per year,[475] and that this task would take the same amount of time as to obtain and preserve a signature of the patient's confirmation of prescription release. Thus, the Commission will assign 114,583 hours for the time required for prescribers' offices to obtain patients' affirmative consent to electronic delivery of their prescriptions[476] and 343,750 hours for the time to store and maintain such records.[477]

In total, the estimated incremental PRA recordkeeping burden for prescribers and their staff resulting from adding the confirmation-of-prescription-release requirement to the Rule amounts to 1,833,333 total hours (343,750 and 114,583 hours, respectively, to obtain signatures confirming release and consenting to electronic delivery, plus 1,031,250 and 343,750 hours, respectively, to maintain records of confirmation and consent for three years) for prescribers' offices. Adding this incremental PRA burden to the 1,375,000-hours burden resulting from the existing prescription-release requirement yields a total PRA disclosure and recordkeeping burden from the Rule of 3,208,333 hours for prescribers and their staff.

C. Estimated Labor Cost

The Commission derives labor costs by applying appropriate hourly-cost figures to the burden hours described above. Since prescribers conduct patient examinations and formulate the prescriptions, the time spent releasing prescriptions to patients has traditionally been attributed for PRA purposes to prescribers, rather than their office staff. As for the task of obtaining patient confirmations and consent to electronic delivery, this could be performed by prescribers or their support staff. In the past, the task of collecting patient signatures was attributed to prescribers, but based on more recent conversations with prescribers and others in the industry, it has become evident that this task is more appropriately designated as performed by prescribers' office staff.[478] Therefore, the Commission will continue to assume that prescribers release prescriptions to patients, but that prescribers' office staff perform the task of collecting patient signatures on confirmations and digital-release consents, as well as the labor pertaining to printing, scanning, and storing of both documents.

According to the U.S. Bureau of Labor Statistics (''BLS''), general office clerks earn an average wage of $20.94 per hour, optometrists earn an average wage of $68.75 per hour, and ophthalmologists—which are listed by BLS under ''surgeons''—earn an average wage of $150.06 per hour.[479] Using the average wage for office clerks, and the aforementioned estimate of 1,833,333 total hours for office staff to obtain signed patient confirmations and consents to digital prescription delivery and to store such documents, the Commission calculates an incremental burden of $38,389,993 from adding the confirmation of prescription release to the Eyeglass Rule.[480]

Based on our knowledge of the industry, we assume that of the 1,375,000 prescriber-labor hours relating to the Rule's requirement to release a copy of the prescription to the patient, optometrists are performing 85% (1,168,750) of such hours and ophthalmologists are performing the remaining 15% (206,250) of such hours. Applying this to the BLS wage figures results in a prescriber-labor burden for the existing burden of releasing prescriptions of $111,301,438 ($80,351,563 for optometrists + $30,949,875 for ophthalmologists).

Adding the $38,389,993 staff burden from the confirmation-of-prescription-release requirement to the $111,301,438 prescriber burden from the automatic prescription-release requirement already in place yields a total estimated annual labor cost burden for the Eyeglass Rule of $149,691,431. While not insubstantial, this amount constitutes less than one half of one percent of the estimated $35.6 billion retail market for eyeglass sales in the United States in 2022.[481] Furthermore, the actual burden

is likely to be less, because, as noted *supra,* prescribers who do not have a financial interest in the sale of eyewear will not be required to obtain patient confirmations, many prescribers' offices will require less than a minute to store the confirmation form, prescribers can use the same document to obtain confirmations for eyeglass prescriptions and contact lens prescriptions, and, as digital prescription delivery increases over time, the overall burden should correspondingly decrease.

D. Capital and Other Non-Labor Costs

The recordkeeping requirements detailed above regarding prescribers impose negligible capital or other non-labor costs, as prescribers likely have already the necessary equipment and supplies (*e.g.,* prescription pads, patients' medical charts, scanning devices, recordkeeping storage) to perform those requirements.

IX. Final Regulatory Analysis and Regulatory Flexibility Act Analysis

Under section 22 of the FTC Act, 15 U.S.C. 57b–3, the Commission must issue a final regulatory analysis related to a final rule only when it: (1) estimates that the amendment will have an annual effect on the national economy of $100,000,000 or more; (2) estimates that the amendments will cause a substantial change in the cost or price of certain categories of goods or services; or (3) otherwise determines that the amendments will have a significant effect upon covered entities and upon consumers. The Commission has determined that this final rule will not have such an annual effect on the national economy, on the cost or prices of goods or services, or on covered businesses or consumers.

The amendments adopted in this final rule require that prescribers obtain from patients, and maintain for a period of no less than three years, a signed confirmation of prescription release acknowledging that patients received their eyeglass prescriptions at the completion of their eye examination. The amendments also require some prescribers to obtain and maintain for three years a patient's consent to deliver prescriptions electronically, but only for prescribers who elect to offer this method of delivery as an alternative to providing prescriptions in paper, and only if the patient agrees.

As discussed in the Paperwork Reduction Act section of this document, the Commission approximates that collecting a patient's signature on the confirmation of prescription release (giving time for the patient to read the confirmation) in accordance with § 456.4 will take approximately 20 seconds. Providing the patient with the confirmation of prescription release in accordance with this provision will require prescribers' offices to present a statement of prescription release and request a patient signature. The amendment provides prescribers with language that they can use on a confirmation form, which will relieve prescribers of the burden of coming up with such language. This requirement may also involve some staff training, which should be minimal, particularly since prescribers' staff will already be trained in obtaining patient confirmation of prescription releases under the Contact Lens Rule.[482] As a result, complying with § 456.4(a) will impose only minimal incremental costs on prescribers' offices.[483]

The PRA section of this document also addresses the burden under § 456.4(b) for prescribers to maintain, for at least three years, records confirming their patients' receipt of prescriptions, and estimates it will take one minute for prescribers' staff to meet their recordkeeping obligations. This likely overstates the recordkeeping burden, since, as noted above, storing a one-page document per patient per year should not require more than a few seconds, and an inconsequential, or *de minimis,* amount of record space. Prescribers who decide to collect or maintain signatures electronically may already have electronic health records in place. Some prescribers might also present the confirmation of prescription release in electronic form, enabling patients to sign a computer screen or tablet directly, and have their confirmation immediately stored as an electronic document.

As further noted in the Paperwork Reduction Act section of this final rule, the estimated cost to prescribers of complying with all of the requirements of the Eyeglass Rule is just .0042 of the total retail market for prescription eyeglass sales, with the cost of this final rule representing less than a third of that amount. In sum, the burdens imposed on small entities are likely to be relatively small.

The Regulatory Flexibility Act (''RFA''), 5 U.S.C. 601–612, requires an agency to provide an Initial Regulatory Flexibility Analysis (''IRFA'') with a proposed rule and a Final Regulatory Flexibility Act (''FRFA'') with the final rule, if any, unless the agency certifies that the rule will not have a significant impact on a substantial number of small entities.

In the NPRM, the Commission determined the proposed amendments should not have a significant or disproportionate impact on prescribers' costs, and based on available information, the Commission certified that amending the Rule as proposed in the NPRM, would not have a significant impact on a substantial number of small entities. Nonetheless, the Commission determined that it was appropriate to publish an IRFA to inquire into the impact of the proposed rule on small entities. Based on the IRFA set forth in the Commission's NPRM, a review of the public comments submitted in response to that notice and the workshop notice, and the discussions from the Workshop itself, the Commission submits this FRFA. This document serves as notice to the Small Business Administration of the agency's certification of no significant impact.

A. Need for and Objectives of the Final Rule

The Commission has concluded that millions of American consumers in need of corrective vision wear are not receiving their eyeglass prescriptions after visiting their prescriber. It has also concluded that a rulemaking to add a confirmation-of-prescription-release requirement is necessary to increase the number of patients who receive their prescriptions, to inform patients of the Rule and of their right to their prescriptions, and to ensure the separation of eye examination and eyeglass dispensing, which fosters a competitive marketplace for eyeglasses. The Commission notes that prescribers who currently comply with the automatic-release provision of the Rule may presently face a competitive disadvantage because of widespread non-compliance by other prescribers. This creates an unlevel playing field and undermines fair competition. In addition, the Commission expects that this final rule will: reduce the number of seller requests to prescribers for eyeglass prescriptions; improve the Commission's ability to monitor overall compliance and target enforcement actions; reduce evidentiary issues, complaints, and disputes between prescribers and consumers; and bring the Eyeglass Rule into congruence with the confirmation-of-prescription-release requirements of the Contact Lens Rule, reducing confusion for prescribers and consumers, and easing compliance and enforcement for both rules.

B. Significant Issues Raised by Public Comments in Response to the IRFA and the Agency's Response, Including Any Changes Made in the Final Rule

In crafting the final rule, the Commission carefully considered the comments received throughout the Rule

review process. This document contains a detailed discussion of the comments received by the Commission and the Commission's response to those comments. The Commission did not receive any comment from the Chief Counsel for Advocacy of the Small Business Administration.

The Commission received 47 comments in response to the NPRM and Workshop notices. Some of the comments, from prescribers and prescriber groups, strongly opposed the confirmation-of-prescription-release requirement indicating that such a change was not needed or would be burdensome to comply with. Specifically, those commenters stated that there was not a compliance problem with the Eyeglass Rule's automatic-release provision and the confirmation requirement was therefore an attempt to ''fix something that was not broken.'' Some also commented that the Rule changes, if finalized, would add a burden to small business optometry practices that already are enduring financial challenges and staffing issues. A few commenters contended that compliance with the proposed amendments would take longer than the Commission estimated in its NPRM, as demonstrated by the amount of time it currently takes prescribers to comply with the existing Contact Lens Rule requirements that are similar to those proposed for the Eyeglass Rule.

In contrast to the position expressed above, commenters from NAROC said that it is their understanding—based on responses from their prescriber members—that compliance with the current Contact Lens Rule confirmation-of-prescription-release requirement is occurring with little or no disruption or expense.[484] And as explained in the PRA section of this document, the Commission has concerns about the reliability of some of the evidence, cited by those critical of the Rule's confirmation proposal, as to the burden of the existing contact lens confirmation requirement. The Commission did not ignore or dismiss any comments and evidence outright, however, and evaluated the evidentiary record as a whole in making a final determination.

The Commission is sensitive to the additional burden or cost that this final rule imposes on businesses. However, after weighing all of the comments and evidence, it finds that this final rule will provide many benefits with a relatively small burden or cost. In particular, the Commission determines that the potential benefit of increasing the number of patients in possession of their eyeglass prescriptions is substantial: namely, increased flexibility and choice for consumers; increased competition among eyeglass sellers; a reduced likelihood of errors associated with incorrect, invalid, and expired prescriptions, and consequently, improved patient safety; and an improved ability for the Commission to enforce and monitor prescriber compliance with the Rule's prescription-release requirements. The Commission concludes that revising the existing remedy of automatic prescription release by adding the confirmation-of-prescription-release mechanism is necessary and beneficial due to demonstrated failures of prescribers to comply with the automatic-release remedy, and to ensure the separation of eye examination and eyeglass dispensing, which engenders a competitive marketplace for eyeglasses. As a result, this final rule adopts the amendments proposed in the NPRM with the modifications discussed in this document.

In response to comments that the Commission, in its NPRM, underestimated the amount of time it takes to comply with the CLR confirmation-of-prescription-release requirements, and for other reasons noted in the PRA section of this document, the Commission increased its time estimate for complying with the new requirements.[485]

C. Description and Estimate of the Number of Small Entities to Which the Amendments Will Apply or Explanation Why No Estimate Is Available

This final rule applies to eyeglass prescribers, and many prescribers will fall into the category of small entities (*e.g.,* offices of optometrists with $9 million or less in annual receipts).[486] Determining a precise estimate of the number of small entities covered by the Rule's prescription release requirements is not readily feasible because most prescribers' offices do not release the underlying revenue information necessary to make this determination. In the NPRM, the Commission sought comment on the number or nature of small business entities for which the proposed amendments would have a significant impact.[487] In response, the AOA commented that ''doctors of optometry reported collecting $826,612, on average, in gross receipts in 2021.'' The AOA also stated that 91.9% of optometry practices have fewer than 25 employees.[488] Based on the AOA comment, and staff's knowledge of the eye care industry, including meetings with industry members and a review of industry publications, staff expects that a substantial number of these entities likely qualify as small businesses.[489]

D. Description of the Projected Reporting, Recordkeeping and Other Compliance Requirements of the Amendments, Including an Estimate of the Classes of Small Entities That Will Be Subject to the Requirement and the Type of Professional Skills That Will Be Necessary To Comply

The final rule will impose a confirmation-of-prescription-release requirement on all optometrists or ophthalmologists who have a direct or indirect financial interest in the sale of eyewear. If a paper copy of the prescription was provided to the patient, the prescriber must request that the patient acknowledge receipt of the prescription by signing a separate statement on paper or in a digital format confirming receipt of the prescription. If a digital copy of the prescription was provided to the patient, the prescriber must retain evidence that such prescription was sent, received or made accessible, downloadable, and printable. Prescribers are required to maintain the records or evidence associated with the confirmation of prescription release, or digital delivery of the prescription for at least three years. In addition, if a prescriber elects to provide a digital copy of the prescription to comply with the Rule, the prescriber is required to identify to the patient the specific method or methods of electronic delivery that they will use and to obtain the patient's verifiable affirmative consent to receive a digital copy through the identified method or methods. The prescriber must maintain records or evidence of the patient's affirmative consent for at least three years.

As discussed in section C of section IX., Final Regulatory Analysis and Regulatory Flexibility Act Analysis, we assume that many of the estimated 43,000 active optometrists and 18,000 active ophthalmologists fall within the definition of a small entity. As discussed in the PRA section of this document, we estimate that prescribers' office staff perform the task of collecting patient signatures on confirmations and digital-release consents, as well as the labor pertaining to printing, scanning, and storing of both documents. Prescribers' offices will have to train staff on, and set up procedures for complying with, the new requirements of the Eyeglass Rule. However, as discussed in the PRA section of this document, prescribers likely have forms and systems in place to maintain confirmation records already, since they already must comply with the similar confirmation requirement of the Contact

Lens Rule, and may need make only minor adjustments to accommodate confirmations for eyeglasses prescriptions.

E. Steps Taken To Minimize the Significant Impact, if Any, of the Amendments, Including Why Any Significant Alternatives Were Not Adopted

Commenters at the ANPR stage recommended, as alternatives to the signed acknowledgment proposal, conspicuous signage declaring consumers' right to a copy of their prescription, or an eye care patients' bill of rights notifying consumers of their rights under the Rule. As explained in the NPRM, the Commission ultimately decided against a signage provision, after determining that the benefits were limited and that requiring signage would be significantly less effective at ensuring contact lens prescription release than requiring a written patient confirmation.[490] As explained in the NPRM, the Commission also decided against another proposed alternative, an eye care patients' bill of rights, for reasons including that the bill of rights proposal does not require the type of prescriber recordkeeping that would allow for better Rule monitoring and enforcement, and would not help resolve disputes between patients and prescribers over whether a prescription had been released.[491]

In an attempt to minimize the burdens associated with the confirmation-of-prescription-release requirement, the Rule provides prescribers with different compliance options depending on whether they release a paper or digital copy of the prescription, and provides one-sentence sample language that prescribers can elect to use should they release paper copies of prescriptions. Moreover, this amendment aligns with the prescription-release-related provisions of the Contact Lens Rule, thereby reducing the confusion and complexity that might arise for consumers and prescribers from having different confirmation-of-prescription-release requirements for contact lens and eyeglass prescriptions. In addition, the marginal cost of the amendment to the Eyeglass Rule should be relatively low because the Contact Lens Rule already requires prescribers to obtain confirmation of prescription release and to maintain records of such. Some prescribers likely have forms and systems in place already, which may need only minor adjustments to accommodate confirmations for eyeglass prescriptions.

The Commission also adopts the proposed exemption to the confirmation-of-prescription-release requirements for prescribers who do not have a direct or indirect financial interest in the sale of eyeglasses as § 456.4(c).[492] The purpose of such an exemption is to reduce the burden on prescribers who do not sell lenses.

X. 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 final rule as not a ''major rule,'' as defined by 5 U.S.C. 804(2).

List of Subjects in 16 CFR Part 456

Advertising, Medical devices, Ophthalmic goods and services, Trade practices.

For the reasons stated in the preamble, the Federal Trade Commission amends 16 CFR part 456 as follows:

PART 456—OPHTHALMIC PRACTICE RULES (EYEGLASS RULE)

■ 1. The authority citation for part 456 is revised to read as follows:

Authority: 15 U.S.C. 57a.

■ 2. Amend § 456.1 by revising paragraphs (a), (b), (d), (e) and (g) to read as follows:

§ 456.1 Definitions.

(a) A *patient* is any person who has had a refractive eye examination.

(b) A *refractive eye examination* is the process of determining the refractive condition of a person's eyes or the presence of any visual anomaly by the use of objective or subjective tests.

* * * * *

(d) *Ophthalmic services* are the measuring, fitting, and adjusting of ophthalmic goods subsequent to a refractive eye examination.

(e) An *ophthalmologist* is any Doctor of Medicine or Osteopathy who performs refractive eye examinations.

* * * * *

(g) A *prescription* is the written specifications for lenses for eyeglasses which are derived from a refractive eye examination, including all of the information specified by State law, if any, necessary to obtain lenses for eyeglasses.

■ 3. Revise § 456.2 to read as follows:

§ 456.2 Separation of examination and dispensing.

It is an unfair act or practice for an ophthalmologist or optometrist to:

(a)(1) Fail to provide to the patient one copy of the patient's prescription immediately after the refractive eye examination is completed and before offering to sell the patient ophthalmic goods, whether or not the prescription is requested by the patient. Such prescription shall be provided:

(i) On paper; or

(ii) In a digital format that can be accessed, downloaded, and printed by the patient, after obtaining verifiable affirmative consent, pursuant to § 456.3.

(2) Provided: An ophthalmologist or optometrist may refuse to give the patient a copy of the patient's prescription until the patient has paid for the refractive eye examination, but only if that ophthalmologist or optometrist would have required immediate payment from that patient had the examination revealed that no ophthalmic goods were required. For purposes of the preceding sentence, the presentation of proof of insurance coverage for that service shall be deemed to be a payment;

(b) Condition the availability of a refractive eye examination to any person on a requirement that the patient agree to purchase any ophthalmic goods from the ophthalmologist or optometrist;

(c) Charge the patient any fee in addition to the ophthalmologist's or optometrist's refractive eye examination fee as a condition to releasing the prescription to the patient. Provided: An ophthalmologist or optometrist may charge an additional fee for verifying ophthalmic goods dispensed by another seller when the additional fee is imposed at the time the verification is performed; or

(d) Place on the prescription, or require the patient to sign, or deliver to the patient a form or notice waiving or disclaiming the liability or responsibility of the ophthalmologist or optometrist for the accuracy of the refractive eye examination or the accuracy of the ophthalmic goods and services dispensed by another seller.

§§ 456.3 through 456.5 [Redesignated as §§ 456.5 through 456.7]

■ 4. Redesignate §§ 456.3 through 456.5 as §§ 456.5 through 456.7, respectively.

■ 5. Add new § 456.3 to read as follows:

§ 456.3 Verifiable affirmative consent to providing the prescription in a digital format.

For a prescription copy provided in a digital format, the prescriber shall:

(a) Identify to the patient the specific method or methods of electronic delivery that will be used, such as text message, electronic mail, or an online patient portal;

(b) Obtain, on paper or in a digital format, the patient's verifiable affirmative consent to receive a digital

copy through the identified method or methods; and

(c) Maintain records or evidence of a patient's affirmative consent for a period of not less than three years. Such records or evidence shall be available for inspection by the Federal Trade Commission, its employees, and its representatives.

■ 6. Add new § 456.4 to read as follows:

§ 456.4 Confirmation of prescription release.

(a)(1) Upon completion of a refractive eye examination, and after providing a copy of the prescription to the patient, the prescriber shall do one of the following:

(i) If a paper copy of the prescription was provided to the patient, request that the patient acknowledge receipt of the prescription by signing a separate statement on paper or in a digital format confirming receipt of the prescription; or

(ii) If a digital copy of the prescription was provided to the patient (via methods including an online portal, electronic mail, or text message, and pursuant to § 456.3), retain evidence that such prescription was sent, received, or made accessible, downloadable, and printable.

(2) If the prescriber elects to confirm prescription release via paragraph (a)(1)(i) of this section, the prescriber may, but is not required to, use the statement, ''My eye care professional provided me with a copy of my prescription at the completion of my examination'' to satisfy the requirement.

(3) In the event the patient declines to sign a confirmation requested under paragraph (a)(1)(i) of this section, the prescriber shall note the patient's refusal on the document and sign it.

(b) A prescriber shall maintain the records or evidence required under paragraph (a) of this section for a period of not less than three years. Such records or evidence shall be available for inspection by the Federal Trade Commission, its employees, and its representatives.

(c) Paragraphs (a) and (b) of this section shall not apply to prescribers who do not have a direct or indirect financial interest in the sale of eye wear, including, but not limited to, through an association, affiliation, or co-location with an optical dispenser.

* * * * *

By direction of the Commission.

April J. Tabor,

Secretary.

Endnotes

[1] 16 CFR 456.2(a). A prescriber may withhold a patient's prescription until the patient has paid for the eye examination, but only if the prescriber would have required immediate payment if the examination had revealed that no ophthalmic goods were needed. *Id.* The Rule defines an ''eye examination'' as ''the process of determining the refractive condition of a person's eyes or the presence of any visual anomaly by the use of objective or subjective tests.'' 16 CFR 456.1. The Commission is changing this term in the final rule text to ''refractive eye examination,'' in order to make it more precise, and differentiate between eye health exams and refractive exams. *See infra* section VI, Final Rule Regarding ''Eye Examination'' Terminology. However, the meaning of the defined term remains the same, and since it has previously been referred to as ''eye exam'' or ''eye examination''—including by commenters—it is frequently referred to as such throughout the SBP.

[2] 16 CFR 456.2(c).

[3] 16 CFR 456.1(g).

[4] 16 CFR 456.2(b). The Rule thereby also prohibits conditioning the release of the prescription on the requirement that the patient purchase ophthalmic goods from the ophthalmologist or optometrist.

[5] 16 CFR 456.2(d).

[6] 16 CFR 456.2.

[7] 16 CFR part 192 (rescinded); *see also* ''Staff Report on Advertising of Ophthalmic Goods and Services and Proposed Trade Regulation Rule,'' at 235–36 (May 1977), *https://www.ftc.gov/reports/staff-report-advertising-ophthalmic-goods-services-proposed-trade-regulation-rule-16-cfr-part-456* [hereinafter Eyeglass I Report].

[8] *See* Eyeglass I Report, *supra* note 7, at 240–48 (detailing myriad accounts of prescribers refusing to release eyeglass prescriptions to their patients); *see also* Final Trade Regulation Rule, Advertising of Ophthalmic Goods and Services, 43 FR 23992, 23998 (June 2, 1978) [hereinafter Eyeglass I Rule] (finding that in nearly every survey of practicing optometrists considered in the rulemaking record, more than 50% imposed a restriction on the availability of eyeglass prescriptions to patients).

[9] Eyeglass I Rule, 43 FR 23998, 24007–08.

[10] *Id.* at 24003.

[11] *Id.*

[12] *Id.* at 23998.

[13] *Am. Optometric Ass'n* v. *FTC,* 626 F.2d 896, 915 (D.C. Cir. 1980). The Court held that the harm arose by making comparison-shopping harder, removing seller incentives to advertise, and reducing opticians' ability to compete. The Court overturned other provisions of the Rule related to bans on State advertising restrictions. *Id.* at 910–11.

[14] *Id.* at 916. Following the court's remand, FTC staff conducted additional investigation and recommended the Commission seek new comment on whether to keep the automatic-prescription-release requirement or change it to release-upon-request. Fed. Trade Comm'n, State Restrictions on Vision Care Providers: The Effects on Consumers (1980), *https://www.ftc.gov/reports/state-restrictions-vision-care-providers-effects-consumers-eyeglasses-ii.* The Commission then sponsored a survey—commonly known as the ''Market Facts Study''—to determine to what extent prescribers were complying with the Rule. The Study found that only a little more than one-third of prescribers were in ''technical compliance'' with the Rule's prescription-release requirement, and only 38% of consumers knew they were entitled to automatically receive their prescription. *See* Fed. Trade Comm'n, Ophthalmic Practice Rules: State Restrictions on Commercial Practice at 256–58 (Oct. 1986), *https://www.ftc.gov/reports/ophthalmic-practice-rules-state-restrictions-commercial-practice-eyeglasses-ii-report-staff* [hereinafter Eyeglass II Report]. Following the Market Facts Study, the Commission did not take any action to revise the Rule.

[15] Eyeglass II Report, *supra* note 14, at 249.

[16] *Id.* at 249, 274–76.

[17] Eyeglass I Rule, 43 FR 23992, 23998.

[18] Eyeglass II Report, *supra* note 14, at 275–76.

[19] Report of the Presiding Officer on Proposed Trade Regulation Rule: Ophthalmic Practice Rules, Public Record No. 215–63 (1986), *https://www.ftc.gov/reports/report-presiding-officer-proposed-trade-regulation-rule-ophthalmic-practice-rules-eyeglass-rule-16* [hereinafter Presiding Officer's Report].

[20] Eyeglass II Rule, 54 FR 10285, 10286–87. In addition to relying on the Market Facts Study, hearing testimony, and the Presiding Officer's Report, the Commission also cited a survey by the American Association of Retired Persons, which found significant non-compliance and continued lack of consumer awareness of their rights, particularly among older consumers. *Id.* at 10303 & nn.180 & 181; *see also* Eyeglass II Report, *supra* note 14, at 263 n.682 (noting that 32% of consumers who did not receive a prescription stated that they did not know to ask for one).

[21] *See Cal. State Bd. of Optometry* v. *FTC,* 910 F.2d 976 (D.C. Cir. 1990). The court overturned provisions related to certain State laws of optometry, which the court found could not be overridden by the FTC without more explicit authority from Congress. Following the court decision, in 1992, the Commission reissued the Eyeglass Rule, but without the portions declared invalid, and with renumbered designations pertaining to prescription release. *See* Final Trade Regulation Rule, Ophthalmic Practice Rules, 57 FR 18822 (May 1, 1992).

[22] Ophthalmic Practice Rules, Request for Comments, 62 FR 15865, 15867 (Apr. 3, 1997).

[23] 15 U.S.C. 7601–7610 (Pub. L. 108–164).

[24] Pursuant to the FCLCA, the Commission promulgated the Contact Lens Rule (''CLR'') on July 2, 2004. Contact Lens Rule, Final Rule, 69 FR 40482 (July 2, 2004) (codified at 16 CFR part 315).

[25] Ophthalmic Practice Rules, Final Rule, 69 FR 5451, 5453 (Feb. 4, 2004) (''2004 ER''). The Commission also made findings that: release of prescriptions enhances consumer choice; no evidence had been submitted that the Rule's restrictions on disclaimers and waivers were no longer needed; the automatic-release provision imposed only a minimal burden on prescribers; and retaining automatic release would keep the Eyeglass Rule consistent with the automatic-release provision of the Contact Lens Rule, 16 CFR part 315.

[26] 2004 ER, 69 FR 5453.

[27] *Id.; see also* Contact Lens Rule, Final Rule, 69 FR 40482.

[28] 15 U.S.C. 57a(a)(1)(B).

[29] 15 U.S.C. 57a(d)(2)(B) (''A substantive amendment to, or repeal of, a rule promulgated under subsection (a)(1)(B) shall be prescribed, and subject to judicial review, in the same manner as a rule prescribed under such subsection.'').

[30] 15 U.S.C. 45(n); *see also* Eyeglass II Rule, 54 FR 10285, 10287; Letter from the FTC to Hon. Wendell Ford and Hon. John Danforth, Committee on Commerce, Science and Transportation, U.S. Senate, Commission Statement of Policy on the Scope of Consumer Unfairness Jurisdiction (Dec. 17, 1980), *appended to Int'l Harvester Co.,* 104 F.T.C. 949, 1070, 1073 (1984) (also referred to as ''FTC Policy Statement on Unfairness'': *https://www.ftc.gov/legal-library/browse/ftc-policy-statement-unfairness*).

[31] 15 U.S.C. 57a(b)(3).

[32] 15 U.S.C. 57a(b)(3)(B).

[33] Ophthalmic Practice Rules, Final Trade Regulation Rule, Statement of Basis and Purpose, 54 FR 10285, 10288 (1989) (citing Credit Practices Rule, Statement of Basis and Purpose, 49 FR 7740, 7742 (1980)).

[34] *See* Ophthalmic Practice Rules, Final Trade Regulation Rule, Statement of Basis and Purpose, 54 FR 10288.

[35] *Id.*

[36] *Id.*

[37] *Am. Fin. Servs. Ass'n* v. *FTC,* 767 F.2d 957, 988 (D.C. Cir. 1985) (quoting *Jacob Siegel Co.* v. *FTC,* 327 U.S. 608, 612–13 (1946)).

[38] Contact Lens Rule, Request for Comment, 80 FR 53272 (Sept. 3, 2015) [hereinafter CLR RFC].

[39] Ophthalmic Practice Rules (Eyeglass Rule), Advance Notice of Proposed Rulemaking; Request for Comment, 80 FR 53274 (Sept. 3, 2015) [hereinafter ANPR].

[40] ANPR, 80 FR 53276.

[41] The public comments responding to the ANPR are posted on *Regulations.gov* at *https://www.regulations.gov/document/FTC-2015-0095-0001* (ANPR Comments). *Regulations.gov* has assigned each comment an identification number appearing after the name of the commenter. This final rule cites comments using the last name of the individual submitter, or the name of the organization and the individual within the organization who submitted the comment, along with the last four digits of the comment identification number assigned by *Regulations.gov*. For instance, the full comment number assigned by *Regulations.gov* to the comment submitted by an individual named Publi is FTC–2015–0095–0040. In this document, that comment is cited as ''Publi (ANPR Comment #0040).'' This SBP will use this same identification method when discussing comments submitted in response to other rulemaking notices.

[42] *See, e.g.,* Opticians Association of Virginia (ANPR Comment #0647 submitted by Nelms) (stating that patients are led into the dispensary before paying for their exam and requesting the Rule be amended to include language that the prescription be given to the patient without additional sales pressure or intimidation); Burchell (ANPR Comment #0866); National Association of Optometrists and Opticians (''NAOO'') (ANPR Comment #0748 submitted by Cutler); Professional Opticians of Florida (ANPR Comment #0803 submitted by Couch). Other commenters more generally stated their support for the Rule. *See* Publi (ANPR Comment #0040); Santini (ANPR Comment #0047); Costa (ANPR Comment #0068); Ellis (ANPR Comment #0189); Hildebrand (ANPR Comment #0220); Prevent Blindness (ANPR Comment #0385 submitted by Parry); DiBlasio (ANPR Comment #0441); Pulido (ANPR Comment #0019); Stuart (ANPR Comment #0841).

[43] AOA (ANPR Comment #0849 submitted by Peele); *see also* Barnes (ANPR Comment #0043) (stating she complies with the Rule although it is unnecessary since any ethical doctor will release a non-expired prescription to a patient); Kanevsky (ANPR Comment #0364) (optometrist states she and the prescribers she knows comply with the Rule).

[44] Contact Lens Rule, Notice of Proposed Rulemaking, 81 FR 88526 (Dec. 7, 2016) [hereinafter CLR NPRM].

[45] Contact Lens Rule, Supplemental Notice of Proposed Rulemaking, 84 FR 24664 (May 28, 2019) [hereinafter CLR SNPRM].

[46] Contact Lens Rule, Final Rule, 85 FR 50668 (Aug. 17, 2020) [hereinafter CLR Final Rule].

[47] *Id.* at 50687.

[48] *Id.*

[49] 16 CFR 315.3(c).

[50] CLR Final Rule, 85 FR 50687.

[51] *Id.* at 50687–88.

[52] CLR SNPRM, 84 FR 24668–69; CLR Final Rule, 85 FR 50681–83.

[53] CLR Final Rule, 85 FR 50717; 16 CFR 315.2.

[54] Ophthalmic Practice Rules (Eyeglass Rule), Notice of Proposed Rulemaking, Request for Public Comment, 88 FR 248 (Jan. 3, 2023) [hereinafter NPRM].

[55] The public comments submitted in response to the NPRM are available on *Regulations.gov* at *https://www.regulations.gov/document/FTC-2023-0001-0001* (''NPRM Comments''). There are 47 comments available at this link. Twenty-seven comments were received in response to the Commission's NPRM, and 20 comments were submitted in response to a subsequent public notice. *See infra* note 59.

[56] Public Workshop Examining Proposed Changes to the Ophthalmic Practice Rules (Eyeglass Rule), Public Workshop and Request for Public Comment, 88 FR 18266 (Mar. 28, 2023) [hereinafter WS Notice].

[57] *Id.* at 18268.

[58] The workshop transcript (along with the agenda and a video recording) is available on the FTC website at *https://www.ftc.gov/news-events/events/2023/05/clear-look-eyeglass-rule* [hereinafter WS Transcript].

[59] The public comments submitted in response to the WS Notice are available on *Regulations.gov* at *https://www.regulations.gov/document/FTC-2023-0001-0029* [hereinafter WS Comments]. There are 47 comments available at this link. Twenty-seven comments were received in response to the Commission's NPRM, and 20 comments were submitted in response to the WS Notice.

[60] The 2020 Contact Lens Rulemaking record includes comments to the CLR RFC; the CLR NPRM; the Public Workshop Examining Contact Lens Marketplace and Analyzing Proposed Changes to the Contact Lens Rule, Public Workshop and Request for Public Comment, 82 FR 57889 (Dec. 8, 2017) [hereinafter CLR WS Notice]; and the CLR SNPRM. Public comments received in response to these notices are available on *Regulations.gov: https://www.regulations.gov/document/FTC-2015-0093-0001* (CLR RFC Comments); *https://www.regulations.gov/document/FTC-2016-0098-0001* (CLR NPRM Comments); *https://www.regulations.gov/document/FTC-2017-0099-0001* (CLR WS Comments); and *https://www.regulations.gov/document/FTC-2019-0041-0001* (CLR SNPRM Comments). *Regulations.gov* has assigned each comment an identification number appearing after the name of the commenter. This document cites comments using the last name of the individual submitter, or the name of the organization and the individual within the organization who submitted the comment, along with the last four digits of the comment identification number assigned by *Regulations.gov*.

[61] The Commission has determined not to disturb that finding, even after analyzing comments suggesting it should do so. *See* section II.A, *infra.*

[62] *See* section II.A.1.a, *infra* note 126 and text, noting that two third-party surveys of eyeglass wearers reveal that the number of consumers not receiving their eyeglass prescription automatically after a refractive exam ranges from 25.6 million to 55.3 million a year (based on the Commission's estimate that 82.5 million consumers visit their eye care prescriber for a refractive exam each year). These figures are generally consistent with multiple prior surveys of contact lens users, which found significant percentages of contact lens users were not receiving their prescriptions from their prescribers following their exams, and provided an impetus for the adoption of a confirmation-of-prescription-release requirement in the CLR amendments of 2020. *See* section II.A.1.a, *infra* note 124; *see also* CLR Final Rule, 85 FR 50687.

[63] *See* 16 CFR 315.3.

[64] This final rule does not revisit some amendments that the Commission previously determined not to propose; namely, amending the Rule to require prescribers provide additional copies of eyeglass prescriptions; to require that prescribers respond to third-party seller requests for copies of, or verification of, prescriptions; or to set an expiration date for eyeglass prescriptions. In the NPRM, the Commission determined it did not need to seek further comment on these issues, and explained its rationale for not proposing these amendments. *See* NPRM, 88 FR 266–67 (additional copy), 271–73 (third-party seller requests), and 277–79 (expiration date).

[65] American Academy of Ophthalmology (''AAO''), ''Eye Health Statistics,'' *https://www.aao.org/newsroom/eye-health-statistics.* Estimates as to the number of

ophthalmologists vary, with some putting the number at closer to 17,000. Richard Edlow, ''By the Numbers: How Many ODs Are Actually Practicing Medical Eyecare,'' Rev. of Optm. Bus. (Nov. 3, 2021), *https://reviewob.com/by-the-numbers-how-many-ods-are-actually-practicing-medical-eyecare/.*

[66] In some States, optometrists can prescribe medicine and perform certain surgeries. AOA, ''What's a doctor of optometry?'' *https://www.aoa.org/healthy-eyes/whats-a-doctor-of-optometry*?

[67] Bureau of Labor Statistics, U.S. Dep't of Labor, Occupational Outlook Handbook, Optometrists, *https://www.bls.gov/ooh/healthcare/optometrists.htm.* Estimates as to the number of optometrists vary, with some putting the number at closer to 48,000. Edlow, *supra* note 65.

[68] Management & Bus. Acad. for Eye Care Prof'ls, ''Best Practices of Spectacle Lens Mgmt'' 2 (2015) (estimating revenue from prescription eyewear sales at 44% of total practice revenue, with contact lens sales revenue at 16%, eye exam revenue at 21%, and medical eye care revenue at 17%), *https://files.optometrybusiness.com/Best%20Practices%20Spectacle%20Lenses.pdf, see also infra* note 174, Lovejoy (WS Transcript at 19) (noting that data he has seen over the years shows that between 50–60% of gross revenues for practitioners who dispense eyewear is derived from product sales).

[69] *Id., see also* Margery Weinstein, ''Key Practice Metrics: Numbers to Track & Grow to Help Speed Practice Recovery,'' Rev. of Optm. Bus. (Aug. 5, 2020), *https://www.reviewob.com/key-practice-metrics-numbers-to-track-grow-to-speed-practice-recovery/* (noting that product sales in 2019 continued to account for the majority of gross revenue (54%), with eyewear at 37%) (citing Glimpse & Care Credit, ''Independent Optometry Key Performance Metrics: 2019 Trend Report'' at 5, 9)).

[70] OpticianEDU.org, ''Optician Certification,'' *https://www.opticianedu.org/optician-certification/.* The Commission has not independently verified the precise number of States that currently require opticians to obtain licenses.

[71] Bureau of Labor Statistics, U.S. Dep't of Labor, Occupational Outlook Handbook, Opticians, *https://www.bls.gov/ooh/healthcare/opticians-dispensing.htm.*

[72] Vision Council, ''VisionWatch—The Vision Council Market Analysis Report,'' at 17 (Dec. 2019) [hereinafter VisionWatch Report].

[73] Determining the precise number of adults, and adult eyeglass wearers, in the United States at any given time, is not possible, and estimates will change every year. According to the U.S. Census Bureau, in 2020 there were 258.3 million adults in the United States. ''U.S. Census Bureau, Age and Sex Composition: 2020,'' 2020 Census Briefs (2023), *https://www2.census.gov/library/publications/decennial/2020/census-briefs/c2020br-06.pdf.* Meanwhile, four different surveys of U.S. residents in 2021 and 2022 by The Vision Council found that 61–65% of adults wear glasses, which equates to approximately 158–168 million adults who wear eyeglasses, based on the 2020 census. Vision Council Consumer inSights reports 2022 Q1, Q2, Q3, Q4. In its NPRM, the Commission used a prior Vision Council estimate of 165 million adult eyeglass wearers, NPRM, 88 FR 252, which is within the 158–168 million range.

[74] The Vision Council, Market inSights 2022.

[75] The Vision Council, Market inSights 2019–2022.

[76] Vision Council Consumer inSights Report Q1 2023 at 23, 42.

[77] *See* Opticians Association of America (NPRM Comment #20) (noting that according to Optics Magazine, the online eyewear industry will continue to experience a compound annual growth rate of 6.96% between 2022 and 2027).

[78] Vision Council Consumer inSights Report Q2 2023 at 39, 42.

[79] Vision Council Consumer inSights Report Q2 2023 at 41.

[80] *See, e.g.,* Practice Tips by First Insight Corporation, ''How to Calculate and Increase Your Optical Capture Rate,'' (July 6, 2021), *https://www.first-insight.com/blog/calculate-increase-optical-capture-rate/*; Eric Rettig, ''How We Increased Frame Capture Rate by 20% in 3 Years,'' Rev. of Optm. Bus. (Sept. 7, 2022), *https://reviewob.com/how-we-increased-frame-capture-rate-20-in-3-years/.*

[81] Vision Council Market inSights 2022 at 11.

[82] Catherine Roberts, ''Get Great Glasses For Way Less,'' Consumer Reports, Oct. 2023, at 36.

[83] *Id.*

[84] *Id.*

[85] 16 CFR 456.2(a).

[86] 16 CFR 456.2; *see also* Presiding Officer's Report, *supra* note 19, at 17–24, 206.

[87] Eyeglass I Rule, 43 FR 23992; Eyeglass II, 54 FR 10302; *see also* Eyeglass I Report, 261, 265. (''[W]ith prescription in hand, consumers would be free to seek out the price, quality and other features which best suit their needs and capabilities.'' The ophthalmic prescription is ''the means by which consumers can comparison shop,'' and thus ''[i]f the Commission does not act to guarantee consumers their prescriptions, consumers may be unable to take full advantage of this competition.'').

[88] *See* 2004 ER, 69 FR 5453.

[89] Neilly (WS Transcript at 4–5).

[90] *Id.* at 5.

[91] *Id.*

[92] Formerly known as the National Association of Optometrists and Opticians, or NAOO.

[93] NAROC (NPRM Comment #0024 submitted by Neville).

[94] Durkee (NPRM Comment #0015).

[95] Michaels (WS Transcript at 14).

[96] *Id.* at 7; *see also* Cooper (NPMR Comment #0009) (asserting that patients are receiving their prescriptions, the problem lies with inaccurate filling of these prescriptions by ''unlicensed, untrained people'').

[97] AAO (NPRM Comment #0027 submitted by Repka).

[98] OAA (NPRM Comment #0020 submitted by Allen); AOA (WS Comment #0047 submitted by Benner).

[99] AOA (NPRM Comment #0023 submitted by Benner).

[100] Michaels (WS Transcript at 11).

[101] Sanders (WS Comment #0043) (Dr. Sanders' calculation is based on comparing his assumptions about the number of complaints received by the FTC to his estimate that prescribers perform 236 million refractions every year, an estimate the FTC has not seen evidence supporting); *see also* Coast Eyes Pllc (WS Comment #0046) (''Nothing is broken here. Patients get their prescription without conflict. . . . Prescribers are historically >99.9% compliant in the market's current state.'') Coast Eyes Pllc is operated by Dr. Sanders.

[102] AOA (WS Comment #0047 submitted by Benner).

[103] While the ophthalmic community has repeatedly stated that overall prescriber compliance with prescription release is extremely high, the community has not offered the FTC a consumer survey on this issue, despite repeated comments from the Commission noting the absence of empirical evidence to support their claim of substantial compliance, or to rebut the multiple consumer surveys in the record which show prescriber non-compliance. *See* NPRM, 88 FR 260 (''the Commission notes, as it did in the CLR Final Rule, that despite multiple opportunities and requests for comment since 2015, the Commission has yet to find or receive any reliable consumer-survey data rebutting or contradicting the submitted findings [showing compliance problems] for either contact lens users or eyeglass wearers, or establishing (other than anecdotally) that consumers consistently receive their prescriptions from prescribers.''). Indeed, when suggesting that the Commission consider the NERA survey, the AOA referenced the repeated comments from the Commission about the lack of survey data evidencing compliance. AOA (WS Comment #0047 submitted by Benner).

[104] AOA (WS Comment #0047 submitted by Benner).

[105] *Id.* According to Dr. Andrew Stivers from NERA Consulting, the survey did not specifically ask about compliance with the Rule's automatic-prescription-release requirement because the survey was not designed to examine compliance, but rather to examine consumer conduct and shopping habits for eyewear and, consequently, explore the ongoing *need* for consumers to possess a copy of their prescription. According to Dr. Stivers, whether prescribers are automatically providing patients with their prescriptions is not as relevant if the manner in which consumers purchase eyewear indicates that they don't suffer harm (or as great a harm) from not having their prescriptions released automatically. ''I do not address the Commission's contention of significant non-compliance with automatic release, although the provided evidence suggests a relatively limited problem, and does not provide evidence linking such a problem to harm today.'' Stivers (NPRM Comment #0018).

[106] AOA (WS Comment #0047 submitted by Benner).

[107] It is also not certain that there were not more than three respondents who mentioned a prescriber's failure to release their prescription. According to NERA, due to budgetary constraints, responses to open-

ended questions were not formally coded and reviewed. Rather, NERA searched all open-ended responses for variations of the words ''prescription,'' ''Rx,'' ''had to,'' ''forced,'' ''made to,'' ''choice,'' and ''pressure.'' AOA (WS Comment #0047 submitted by Benner). The three consumers who raised the issue of failure to release the prescription were identified via this search. It is possible, however, that additional respondents may have referenced a prescriber's failure to release prescriptions but used words or phrases that did not show up during NERA's targeted search, and the Commission did not receive the responses to the open-ended questions. This adds to the challenge of ascribing weight to, or drawing conclusions from, responses (or the lack of responses) to open-ended survey questions.

[108] *See* CLR Final Rule, 85 FR 50676; CLR SNPRM, 84 FR 24674–75. By some estimates, less than 5% of actual fraud victims file complaints, and for consumer complaints about FTC rule violations the percentage drops even further, perhaps because filing a complaint requires that consumers know what an FTC rule specifies, that it has been violated, and how to complain to the FTC about it. *Id.* It has generally been the Commission's experience that while a large number of complaints can indicate a rule compliance problem, a dearth of complaints does not necessarily indicate that there isn't a rule compliance problem.

[109] Neilly (WS Transcript at 16).

[110] Warby Parker (ANPR Comment #0817 submitted by Kumar). The October 2015 SurveyMonkey online survey was comprised of 1,329 respondents recruited from a sample that was U.S. Census-balanced and representative of the national distribution of major demographic factors, including age, gender, geography, and income. Respondents were not informed of the identity of the survey sponsor. Survey respondents who had purchased eyeglasses within the last three years (65% of the total respondents) answered questions about prescription information, purchase behavior, and prescriber experience. Within the set of respondents who had purchased within the last three years, 54% had purchased within the last 12 months. There were no significant differences in responses regarding automatic prescription release between those who had purchased within the last year and those who had purchased between one and three years prior to the survey. The significant difference in automatic-release compliance between optometrists and ophthalmologists may be due to the fact that fewer ophthalmologists sell eyeglasses, and might thus have less incentive to withhold a consumer's prescription, but the survey did not directly explore this issue. *See* ER NPRM, 88 FR 260 note 174.

[111] *Id.*

[112] ''FCLCA Study, Focus on Prescription (Rx)'' at 2, 9, attached as Exhibit B to 1–800 CONTACTS's comment in response to the FTC's 2015 Request For Comment (CLR RFC Comment #0555 submitted by Williams), *https://www.regulations.gov/comment/FTC-2015-0093-0555,* showing that of 303 eyeglass wearers surveyed, only 61% reported receiving a ''hard copy'' of their prescription at their last eye exam. Of that 61% who received a copy of the prescription, the poll found that 55% were given the copy automatically (in other words, approximately 34%—55% of 61%—of the total eyeglass wearers surveyed were given a copy in full compliance with the Rule), 31% of the 61% were not given a copy automatically but requested their prescription and were given it immediately in response (19% of the total surveyed), and 14% of the 61% were not given a copy of their prescription, asked for it, and were told to call the office or return for it at a later time (8.5% of the total surveyed). 39% of the total eyeglass users surveyed were not given a copy and did not ask for it, and thus never received a copy of their prescription. The survey was sponsored by 1–800 CONTACTS but conducted by an independent third-party polling firm, SSI, and respondents were not informed of the identity of the survey sponsor. As explained *infra* note 124, the Commission has recognized some concerns about the methodology used for this survey, particularly the use of the word ''hard copy,'' and the lack of an ''I don't know'' response option for some questions, but believes that the information remains strongly suggestive of non-compliance, particularly when viewed in conjunction with information from other sources and the absence of contradictory data.

[113] *Id.*

[114] *See* Coast Eyes Pllc (WS Comment #0046) (''The 'data/surveys' provided to the FTC that they are guiding their decision on come from online retailers who have a HUGE conflict of interest.'').

[115] AOA (WS Comment #0047 submitted by Benner) (''We [ ] question the FTC deriving much of its eyeglass rulemaking from its rulemaking on contact lenses. The eyeglass market and contact lens market have unique characteristics.'').

[116] *Id.* (quoting NERA Report). It was also noted that the median age of eyeglass patients is likely to be higher than that for contact lenses, and older patients are more likely to be confused or bothered by the need to sign a confirmation document. Repka (WS Transcript at 38–39).

[117] AOA (WS Comment #0047 submitted by Benner) at 25 (''[G]lasses purchasers are 10 percentage points more likely to consider other options for where to purchase.'').

[118] *Id.* A primary difference between eyeglass and contact lens examinations and prescriptions is that contact lens exams involve a lens ''fitting,'' in which consumers try on the lenses, and prescriptions are only provided after the fitting is complete. Fittings can sometimes entail sending consumers home with a set of lenses to try out for a few days, and thus sometimes the prescriber will not provide the prescription until after this process. This can lead some consumers to think they should have been provided their prescriptions when, in fact, the fitting was not yet complete. There is no such fitting for eyeglass prescriptions. *See also infra* note 123 (discussing how the different processes can affect survey results about prescription release).

[119] *See* CLR Final Rule, 85 FR 50675; CLR SNPRM, 84 FR 24673.

[120] Warby Parker (ANPR Comment #0817 submitted by Kumar).

[121] ''FCLCA Study, Focus on Prescription (Rx)'' at 2, 9, *supra* note 112.

[122] In particular, these survey results could not have been affected by some consumers erroneously thinking they should have received their prescriptions when, in fact, their contact lens fitting had not been finalized, since eyeglass prescriptions do not entail a fitting, and there is little or no reason for a consumer to think their eyeglass prescription had been finalized when, in fact, it hadn't been.

[123] *See supra,* note 118, explaining the fitting process for contact lenses. In theory, the differences between the contact lens prescription process and the eyeglass prescription process should mean that fewer eyeglass patients are confused as to whether they did or did not receive their prescriptions when they were supposed to. The fact that the percentage of eyeglass users surveyed who said they did not receive their prescriptions is similar, or even higher than that of contact lens wearers surveyed adds considerable credence to both types of surveys, and provides further support for the conclusion that a substantial number of consumers are not automatically receiving their prescriptions from prescribers as the Eyeglass Rule requires.

[124] The results from the individual consumer contact lens surveys are as follows: (1) June 2019 survey by Dynata (formerly known as SSI) on behalf of 1–800 CONTACTS of 1,011 contact lens users found that 21% said they never received their prescriptions (1–800 CONTACTS (CLR SNPRM Comment #0135 submitted by Montclair)); (2) January 2017 survey by Caravan ORC International on behalf of Consumer Action of 2,018 adults found that 31% of contact lens users said that at their last eye exam, their doctor did not provide them with a paper copy of their prescription (Consumer Action (CLR NPRM Comment #2954 submitted by Sherry)); (3) December 2016 survey of 1,000 contact lens users by SSI on behalf of 1–800 CONTACTS found that 24% of consumer respondents said they did not receive their prescription (1–800 CONTACTS (CLR NPRM Comment #2738 submitted by Williams)); (4) May 2015 SSI survey of 2,000 contact lens wearers found that 34% said they did not receive their prescription (1–800 CONTACTS (CLR RFC Comment #0555 submitted by Williams, Ex. C)); and (5) November 2014 SSI survey of 2,000 contact lens wearers found that 34% said they did not receive their prescription (1–800 CONTACTS (CLR RFC Comment #0555 submitted by Williams, Ex. C)). As noted in the CLR SNPRM, the manner in which a few of the questions were phrased in the 2014 and 2015 surveys raised some Commission concerns, since some questions were leading, lacked an ''I don't know'' response option, and used a term—''hard copy''—which not all consumers may understand. The more recent surveys represented an improvement because they included an option for respondents to acknowledge that they do not recall whether they received their prescriptions, and used the term ''paper copy'' rather than ''hard copy.'' CLR SNPRM, 84 FR 24672.

[125] *See* CLR Final Rule, 85 FR 50675.

[126] *See* section I.D.4, *supra* note 62. Since it is estimated that 165 million Americans regularly wear prescription glasses, and that each patient visits their eye care prescriber every two years for a refractive exam, the number of consumers not receiving their prescription automatically could be as high as 55.3 million a year, based on the Survey Sampling International survey, or 25.6 million, based on the SurveyMonkey poll. Multiple surveys in the record of contact lens users find similar non-compliance with prescription release requirements.

[127] Eyeglass I Rule, 43 FR 24003 (''[I]t is the Commission's finding that the failure to release ophthalmic prescriptions and related practices are unfair acts or practices,'' and such practices ''offend public policy in that they deny consumers the ability to effectively use available information and inhibit the functioning of the competitive market model.'').

[128] NAROC (NPRM Comment #0024 submitted by Neville).

[129] NAROC (WS Comment #0049 submitted by Neville).

[130] Lovejoy (WS Transcript at 14).

[131] 1–800 CONTACTS (NPRM Comment #0025 submitted by Montclair); *see also* Durkee (NPRM Comment #15) (calling it a ''borderline unethical practice'' not to automatically release prescriptions, and favoring more robust enforcement of the existing automatic-release requirement rather than adding a confirmation requirement.)

[132] Anonymous (WS Comment #0030).

[133] Brown (WS Transcript at 13).

[134] *Id.*

[135] Aceto (WS Transcript at 45–46).

[136] Beatty (WS Transcript at 46).

[137] Dr. Stivers, a former Deputy Director for Consumer Protection in the FTC's Bureau of Economics, now an economics consultant with NERA, submitted a comment (NPRM Comment #0018) in response to the NPRM. That comment, and his research into consumer experience with eyeglass purchases, was sponsored by the American Optometric Association. His appearance as a workshop panelist, however, was on his own behalf.

[138] Stivers (WS Transcript at 17).

[139] *Id.* at 18–19; *see also* Beatty (WS Transcript at 46) (noting that many patients are given a copy but do not still have it later on when they need it. And therefore he recommends merely ensuring that patients can request a copy of their prescription and access it electronically).

[140] Stivers (WS Transcript at 10, 17); Stivers (NPRM Comment #0018).

[141] Stivers (NPRM Comment #0018).

[142] *Id.*

[143] *Id.*

[144] *Id; see also* Stivers (WS Transcript at 12) (''[T]he big thing that has really changed is the ability of consumers to find prices, to shop to find competitors, before they even leave their house. Before the internet, before good information availability, really the only way to price compare, if there was also these advertising restrictions was to actually go to the establishment.''); Montaquila (WS Transcript at 32) (stating that people often come to his office knowing beforehand where they plan to purchase eyewear); Michaels (WS Transcript at 14) (agreeing that most patients today are evaluating their options before they wind up in a brick-and-mortar establishment). *But see* Michaels (WS Transcript at 13) (noting that many patients come in for an eye health examination even if they do not think they need glasses, and thus would not have decided beforehand where to purchase).

[145] Stivers (NPRM Comment #0018).

[146] *Id.*

[147] AOA (WS Comment #0047 submitted by Benner) (quoting NERA report).

[148] *Id.*

[149] *Id.*

[150] *Id.* (''Consumer emphasis on convenience suggests that consumers likely consider both where to get an exam and where they want to shop for glasses ahead of time for an efficient shopping experience.'') (quoting NERA survey).

[151] Stivers (WS Transcript at 20).

[152] Some prescribers are known to engage in a practice referred to as ''prescribing from the chair,'' in which prescribers recommend certain eyewear purchases to patients while the patients are still in the exam room. This is touted as a means of increasing prescribers' eyewear-sale capture rate. *See, e.g.,* Dr. Gayle Karanges, ''The 4 Most Powerful Ways I Prescribe from the Chair and Contribute to an 82% Eyewear Capture Rate,'' Rev.of Optm. Bus. (Apr. 7, 2021) (''Patients often view doctors, including optometrists, as authority figures. With that status, you have an opportunity to influence patients in their decision to follow your treatment plan and purchase the eyewear you have prescribed.''), *https://reviewob.com/the-4-most-powerful-ways-i-prescribe-from-the-chair-contribute-to-an-82-eyewear-capture-rate/*; Practice Tips by First Insight Corporation, ''How to Calculate and Increase Your Optical Capture Rate,'' Jul. 6, 2021 (describing how one doctor ''recommends and prescribes the eyewear needs while the patient is still in the exam chair . . . [and] then invites and guides the patient to the optical department, introducing the eyewear layout''), *https://www.first-insight.com/blog/calculate-increase-optical-capture-rate/.* The FTC is unaware how widespread this practice is, but it has concerns that such practices can further blur the line between medical practice and retail sales, and increase the risk that patients may feel undue pressure to purchase eyewear from their prescriber.

[153] Michaels (WS Transcript at 13).

[154] As an example, surveys from The Vision Council have found that 83% of consumers who recently had an eye exam and bought glasses said they purchased the glasses from their prescriber. The Vision Council, Consumer inSights Q1 2022. One interpretation of this might be that only 17% of consumers benefit from having a copy of their prescription with which to shop elsewhere. This seems supported by the NERA survey showing convenience is the most important factor in a consumer's decision as to where to buy glasses. On the other hand, another interpretation is that 83% of consumers buy glasses from their prescriber because many were not given their prescription, and they either felt uncomfortable demanding it or did not know that they could. This interpretation could also be supported by the NERA survey, since the survey found that price is the second-most important factor for consumers deciding where to purchase glasses, and buying glasses from a prescriber is often more expensive than other options. Because so many consumers do not currently receive their prescription after each exam, looking to their current conduct and behavior to determine what would happen if they did receive their prescription involves a great degree of speculation.

[155] *See, e.g.,* Lovejoy (WS Transcript at 15); National Taxpayers Union (NPRM Comment #0028 submitted by Sepp) (stating that the Eyeglass Rule has been a huge ''boon'' to competition in the marketplace).

[156] Lovejoy (WS Transcript at 15).

[157] Eyeglass I Rule, 43 FR 24003 (declaring that Rule § 456.7 (now § 456.2), which provides it is an unfair act or practice for a refractionist to fail to release a prescription immediately after the eye examination is completed, is justified ''both as a specific delineation of an unfair act or practice as well as a remedy to implement the right to advertise.'').

[158] *See, e.g.,* Montaquila (WS Transcript at 32) (patients already understand what their choices are before they even come in for an exam); Michaels (WS Transcript at 14) (noting that most patients seem to be evaluating their purchase options before they visit their prescriber).

[159] *See, e.g.,* Neilly (WS Transcript at 16) (''Before I got this notification [about the Eyeglass Rule workshop], I wasn't even aware of an eyeglass rule.''); Anonymous (WS Comment #0030) (''Being able to have a prescription in your hands as soon as the examination is done would be very beneficial.'').

[160] Brown (WS Transcript at 17). Dr. Stivers noted in a comment that a Commission-sponsored survey in 1981 (the Market Facts Survey) found that a significant percentage of consumers, even then, were aware that they did not have to buy eyeglasses from their examining eye doctor and could ask for their prescription. Stivers (NPRM Comment #0018) at 9. This is not incorrect (the Market Facts Survey results indicated that ''a large majority of consumers are knowledgeable enough to request an eyeglass prescriptions if they want one,'' Eyeglass II Report, *supra* note 14, at 262), but it should be noted that another survey conducted around that time (in 1985, by the American Association of Retired People) found that 83% of consumers—particularly the elderly—remained unaware of their right to ask for their prescription. Presiding Officer's Report at 22. It may also be worth noting that the format and phrasing of the Market Facts Survey questions may have been flawed (and came under criticism) because consumers were simply asked whether it was true or false that ''once a person decides where to have his eye examined, he must purchase his eyeglasses from his doctor,'' creating the possibility that some consumers answered ''false'' not because they understood they were free to take their prescription and shop elsewhere, but rather because they knew they

could not be forced to buy eyeglasses if they didn't want to. Eyeglass II Report, *supra* note 14, at 259–61. The Commission, after reviewing both the Market Facts and AARP surveys, and other evidence in the record, ultimately concluded at that time that ''there continues to be a lack of consumer awareness about prescription rights.'' Eyeglass II, 54 FR 10303. The two surveys are now roughly 40 years old, and more recent surveys show that many consumers are not fully aware of their prescription rights. *See infra* notes 161–163 and text.

[161] As with the SSI survey referenced above, the 2015 survey performed on behalf of 1–800 CONTACTS was submitted during the Contact Lens Rule review, but it was a poll of eyeglass wearers and is therefore on point. 1–800 CONTACTS (CLR NPRM Comment #2738 submitted by Williams). As noted during the Contact Lens Review, the manner in which the consumer awareness questions were phrased in the survey submitted by 1–800 CONTACTS did raise some concerns about the weight that should be accorded to the results. In particular, the questions were leading and used a term—''hard copy''—that some consumers might not understand. On the other hand, the question's phrasing may have led to under-reporting by consumers who did not want to acknowledge that they were unaware of their rights under Federal law (this is known as social-desirability bias). *See* Diamond, *Reference Guide on Survey Research,* in Reference Manual on Scientific Evidence, 2nd. ed., 248–64 (Federal Judicial Center 2000), *https://wwws.law.northwestern.edu/faculty/fulltime/diamond/papers/referenceguidesurveyresearch.pdf;* Floyd Jackson Fowler, Jr., *How Unclear Terms Affect Survey Data,* The Public Opinion Quarterly (Summer 1992), *https://www.jstor.org/stable/2749171; see generally,* Carl A. Latkin, et al., *The relationship between social desirability bias and self-reports of health, substance use, and social network factors among urban substance users in Baltimore, Maryland,* 73 Addictive Behaviors 133–36 (2017), *https://www.sciencedirect.com/science/article/abs/pii/S0306460317301752?via%3Dihub* (social desirability bias is the tendency of survey respondents to answer questions in a manner that will be viewed favorably by others, and can skew survey results by over-reporting attitudes and behaviors that may be considered desirable attributes, while underreporting less desirable attributes). Social-desirability bias in this instance likely serves to artificially lower the number of patients unaware of their right to their prescription. In other words, the way the question was phrased could lead to results that make it appear that more patients are aware of their rights than is, in fact, the case. *See* ''FCLCA Study, Focus on Prescription (Rx),'' attached as Exhibit B to 1–800 CONTACTS (CLR RFC Comment #0555 submitted by Williams) (One question was phrased, ''Are you aware that it is your right under federal law, as a patient to receive a hard copy of your contact lens/eye glasses prescription from your eye exam provider?'' and the other asked, ''Are you aware of the following . . .—Your eye exam provider cannot charge you for an actual hard copy of your prescription?'').

[162] CLR SNPRM, 84 FR 24675 (citing a Caravan ORC International survey submitted by Consumer Action (CLR NPRM Comment #2954 submitted by Sherry) and SSI survey submitted by 1–800 CONTACTS (CLR NPRM Comment #2738 submitted by Williams)).

[163] *See* Consumer Action (CLR NPRM Comment #2954 submitted by Sherry) (noting survey results showing that 65% of Hispanics and 63% of African Americans were unaware of their prescription rights, compared to 58% of white Americans surveyed, and that Hispanics were less likely to be given copies of their prescriptions after their contact lens exams); National Hispanic Med. Ass'n & League of United Latin Am. Citizens (CLR SNPRM Comment #0146 submitted by Benavides) (''Our community continually has been victimized and denied their prescriptions by prescribers and doctors at a higher rate than most other Americans''); League of United Latin Am. Citizens (CLR NPRM Comment #2336 submitted by Wilkes) (noting that many ''working families'' take time off from work to visit their eye doctor because they believe their eye doctor is the only place to buy eyewear).

[164] CLR SNPRM, 84 FR 24675; *see also supra* note 152 and text, noting that some prescribers blur the separation between exams and retail dispensing as a means of improving their eyeglass sales ''capture rate.''

[165] CLR SNPRM, 84 FR 24675.

[166] *Id.*

[167] *Am. Fin. Servs. Ass'n* v. *FTC,* 767 F.2d 957, 988 (D.C. Cir. 1985) (quoting *Jacob Siegel Co.* v. *FTC,* 327 U.S. 608, 612–13 (1946)).

[168] 16 CFR 456.2.

[169] *See* Aceto (WS Transcript at 52); Santini (ANPR Comment #0047) (prescribers should be required to provide a copy of the eyeglass prescription before the consumer is led or enters the prescriber's optical dispensary); Opticians Ass'n of VA (ANPR Comment #0647 submitted by Nelms) (''More often than should be occurring, patients are led into the dispensary before paying for the exam, and shown their options for eyewear. We would ask the Rule be amended to include language that the prescription must be given to the patient on completion of the exam without additional sales pressure or intimidation.'').

[170] *See* Practice Tips by First Insight Corporation, ''How to Calculate and Increase Your Optical Capture Rate'' (Jul. 6, 2021) (describing how one doctor ''recommends and prescribes the eyewear needs while the patient is still in the exam chair . . . [and] then invites and guides the patient to the optical department, introducing the eyewear layout''), *https://www.first-insight.com/blog/calculate-increase-optical-capture-rate/*; Nicole Lovato, ''3 Things We Did to Increase Capture Rate by 15%,'' Rev. of Optm. Bus. (Oct. 27, 2021) (describing how after each exam visit, the doctor or a technician will walk the patient to the optical dispensary to try and sell them glasses, and ''pulls out a chair from the table and tells the patient, 'Have a seat, someone will be right over to get you finished up.' It is important to state it this way. If you say anything about purchasing it gives the patient an opportunity to say they are not interested.''), *https://reviewob.com/3-things-we-did-to-increase-capture-rate-by-15/. See also supra* notes 80, 152.

[171] Botha (WS Transcript at 53).

[172] 16 CFR 456.2(a).

[173] Eyeglass I Rule, 43 FR 23992. *See* section I.B, *supra* (discussing the history and purpose of the Rule).

[174] In most medical fields, a prescriber is prohibited from selling the product that they prescribe so as to prevent potential conflicts of interest. *See generally* Limitation on Certain Physician Referrals (commonly known as the ''Stark Law'') 42 U.S.C. 1395nn, (prohibiting physician self-referral, including for outpatient prescription medications); Anti-Kickback Statute, 42 U.S.C. 1320a–7b(b) (prohibiting physicians from receiving compensation for a prescription referral). While there are a few other medical professions apart from eyecare—such as veterinary care—in which the prescriber may sell what they prescribe, the Commission is unaware of another field in which prescribers generate such a substantial share of their income from commercial product sales. *See* Lovejoy (WS Transcript at 19) (''I do think that optometry is unique among the healthcare professions in the amount of revenue, the percentage of the total revenue that comes from product sales, the products that they prescribe. The surveys that I've seen and information over the years shows it consistently staying over 50%, maybe as high as 55 or 60% of gross revenues comes from product sales in the practitioners that are dispensing optometrists.''); NAROC (WS Comment #0049 submitted by Neville) (''Private dispensing optometrists today still make most of their revenue from selling the eyewear that they prescribe. These optometrists have a strong incentive to improve the 'capture rate' of in-office eyewear sales to their patients.'').

[175] H.R. Rep. No. 108–318 at 5 (2003); *see also* Letter from Senators Richard Blumenthal and Orrin G. Hatch of the U.S. Senate Regarding the Contact Lens Rule Rulemaking Proceeding & the Proposed Rule Set Forth in the Notice of Proposed Rulemaking (Aug. 11, 2017), *https://www.ftc.gov/system/files/filings/initiatives/677/public_comment_from_senators_blumenthal_and_hatch_re_contact_lens_rulemaking.pdf* (these comments were made in reference to the contact lens marketplace, but the same potential conflict of interest exists when eyeglass prescribers also sell eyeglasses to their patients).

[176] Eyeglass I Report, *supra* note 7, at 265.

[177] The ophthalmic community and its representative associations were once fervent advocates for the ''total vision care'' approach to eyecare, and argued that patients received the best care when they obtained glasses and contacts from the same eye doctor who examined them and determined their prescription. *See* Eyeglass I Report at 236–39. While the AOA no longer publicly advocates for ''total vision care,'' some prescribers still occasionally comment to the FTC that patients would be best served by a total-vision-care approach.

[178] *See* section I.D.5, *supra,* discussing the benefits of in-person eyeglass fittings.

[179] This is a different situation from patients complaining that they did not

receive their prescription from their prescriber even after paying for their exam, or had to ask for their prescription in order to get a copy. There is much less room for consumer confusion with respect to those types of complaints than for complaints that consumers had to pay for their prescription.

[180] The majority of patients who go in for an eye exam and need new glasses do end up purchasing them from their prescriber. According to data from The Vision Council, 83% of consumers surveyed who recently had an eye exam and bought glasses said they purchased the eyewear from their prescriber. The Vision Council, Consumer inSights Q1 2022. This is true even though, on average, prescribers charge significantly higher prices for eyeglasses than other alternatives such as online eyeglass sellers. The Vision Council, Market inSights 2019–2022.

[181] 16 CFR 456.2(a).

[182] There are situations where a doctor may conduct a refractive exam on a patient but then use his or her professional judgment to refrain from writing a prescription for corrective eyewear. *See* Lovejoy (WS Transcript at 56) (''[C]onsumers may want a prescription when they shouldn't have one [for medical reasons], and the potential prescriber, the physician or optometrist, ought to have the ability to say, 'No, I'm not prescribing eyewear for you for the following reasons.' And make a note of that in the record.''). In such situations, the prescriber would have no reason to offer to sell the patient eyewear and would be prohibited from doing so under the Rule.

[183] Panelists at the workshop discussed whether greater clarity in the Rule could help ensure that patients have their prescription in hand before being invited to purchase eyeglasses. *See* Aceto (WS Transcript at 52) (''That's one concern that some of our optician members have had some concerns with, and that is at the end of the actual doctor's exam, oftentimes they're directed to the dispensary just as a matter of course, and they purchase [eyeglasses] at the end of the actual [exam]. And the copays, the exam fees, the glasses are all taken [together]. Then they said, here's your eyeglass prescription. And some of our members have asked, is there a way that we could clarify that the prescription should come to them at the end of the doctor's experience?'').

[184] The Commission realizes that some eye care practices advertise a bundle where the consumer pays a fixed price for an eye examination and one or more pairs of frames, or complete eyeglasses. Such an offer may also be advertised as an opportunity to obtain a free eye exam with the purchase of eyeglasses. The amendment to the Rule's wording is not intended to change those practices' ability to make, and lawfully deliver upon, such offers. However, the prescriber must still provide the prescription to the patient before offering to sell them eyeglasses. By doing so, the patient should have the choice to take advantage of the advertised bundle, or to pay the practice's routine cost of an examination and walk away with no eyeglasses, but with their prescription. The exam cannot be contingent on the purchase of eyeglasses, as stated in the Rule. *See* 16 CFR 456.2. The Commission has provided guidance with respect to the Contact Lens Rule for similar bundles of eye exams offered with contact lenses, instead of eyeglasses. In that context, the Commission has stated that a prescriber is not prohibited from offering a bundled package of an eye examination and contact lenses, provided that consumers have an option to purchase the eye examination separately and still receive their prescription. Contact Lens Rule, Final Rule, 69 FR 40482, 40494. A similar result is appropriate here.

[185] CLR SNPRM, 84 FR 24675; Eyeglass I Rule, 43 FR 23998.

[186] NPRM, 88 FR 268–69.

[187] NPRM, 88 FR 268.

[188] *Id.*

[189] *Id.*

[190] CLR Final Rule, 85 FR 50717; 16 CFR 315.2.

[191] CLR SNPRM, 84 FR 24668.

[192] OAA (NPRM Comment #0020 submitted by Allen) (''OAA believes that this revision ensures that the FTC's regulatory language is keeping pace with updates in technology.''); 1–800 CONTACTS (NPRM Comment #0025 submitted by Montclair) (''1–800 also supports . . . allowing prescribers to release a prescription in digital format with a patient's verifiable affirmative consent to a specific method for digital delivery.''); Aceto (WS Transcript at 42) (''[F]rom the optician standpoint and those who fill the prescription, it's sort of brilliant. Because again, we're keeping up with our current status of technology. It helps people, it's an all about an access type thing, and I think that that's a really, really good option.'').

[193] AOA (NPRM Comment #0023 submitted by Benner).

[194] NAROC (NPRM Comment #0024 submitted by Neville).

[195] Anonymous (NPRM Comment #0007) (''Most practices have an EMR system that also has a patient portal. Most of these patient portals provide access to the eye glass prescription. This new 'rule' is not necessary. If there is ever a question, the EMR system will always have a copy of the prescription available for anyone that wants it.''); Anonymous (NPRM Comment #0011) (''In 2009 The Hitech Act was passed which assured the use of electronic medical records. The EMR (The Electronic Medical Records Mandate) requires healthcare providers to convert all medical charts to a digital format. Incurring more costs on businesses for storage, paper, ink, private and government payroll, etc., is not an [ ] economically intelligent idea in a recession driven economy.''); Michaels (WS Transcript at 7) (''in my experience, 100% of the prescriptions that are coming out of our offices are automatically uploaded electronically to a portal the very second that the prescription is finalized. . . . That was the most important piece of the MIPS program that Medicare had. It mandated that patients get access to their portals. And so, in our experience, the vast majority of our patients don't want paper copies of the prescription. They want electronic copies so that they can have access in their phone and access at 2:00 in the morning, whenever they want it.'').

[196] Anonymous (NPRM Comment #0006). *See also* Rosemore (WS Comment #0045) (''As an optometrist, the added requirements would be a significant burden on my practice. Requiring more paperwork, consents, data storage, and time makes the cost of doing business go up significantly.'').

[197] One workshop participant suggested that prescribers who use electronic health records should not be required to transcribe an electronic prescription into a handwritten one, as this could introduce errors into the prescription. *See* Montaquila (WS Transcript at 22) (''Handwriting prescriptions after generating one in an electronic format increases time and cost, and is not risk-free. Researchers at Weill Cornell Medical College found error rates of 30 per 100 written prescriptions, and only seven per 100 electronic prescriptions. Now, that of course was from medications, but I would propose that contact lenses are no less complex when written on a sheet of paper.''). The FTC's requirement that patients be given the option to receive a paper copy would not necessitate a prescription to be converted from an electronic record to a handwritten one; instead the prescription could be printed out on paper, as was described by other workshop participants. *See* Hyder (WS Transcript at 53) (''If it's coming from the EHMR, I tend to get that when I'm checking out because it's being printed someplace other than the exam room.'').

[198] *See, e.g.,* U.S. Dep't of Health & Human Servs., The Office of the National Coordinator for Health Information Technology (''ONC''), ''Do I Need to Obtain Consent From My Patients to Implement a Patient Portal?,'' *https://www.healthit.gov/faq/do-i-need-obtain-consent-my-patients-implement-patient-portal* (noting that the Health Insurance Portability and Accountability Act (''HIPAA'') permits the disclosure of health information to the patient without requiring the patient's express consent and that portals are ''an excellent way to afford patients access to their own information and to encourage them to be active partners in their health care.'').

[199] CLR SNPRM, 84 FR 24668.

[200] U.S. Dep't of Health & Human Servs., ONC, ''Individuals' Access and Use of Patient Portals and Smartphone Health Apps, 2022,'' Data Brief: 69 (2023), *https://www.healthit.gov/sites/default/files/2023-10/DB69_IndividualsAccess-UsePatientPortals_508.pdf.*

[201] *Id.*

[202] National Institutes of Health, National Cancer Institute, Health Information National Trends Survey, Hints Brief Number 52, ''Disparities in Patient Portal Communication, Access, and Use'' (2020), *https://hints.cancer.gov/docs/Briefs/HINTS_Brief_52.pdf* (''[S]ignificant disparities exist in patient portal use, with underserved groups (including racial and ethnic minorities, those with lower socioeconomic status, older individuals, and persons with disabilities) using these tools less often.'').

[203] *Id.*

[204] U.S. Dep't of Health & Human Servs., ONC, ''Individuals' Access and Use of Patient Portals and Smartphone Health Apps, 2022,'' *supra* note 200.

[205] *See, e.g.,* Hyder (WS Transcript at 43) (''I would say that we're supportive of giving the option for digital prescriptions. But again, we would agree with not mandating that every type of digital option be available.''); Beatty (WS Transcript at 42) (''I think we do have to be careful with how we consider that delivery though. Requirements for that delivery to include all of the methods, including SMS and MMS, would or could actually produce new burden. Not everyone who delivers these things electronically has access to an SMS system or an MMS system. And so we'd want to be able to provide the possibility of delivering them electronically, but also allow for the provider to have the choice of how the electronic delivery would occur.'').

[206] NAROC (NPRM Comment #0024 submitted by Neville) (''We note with approval that the prescriber will not be required to offer a digital copy of the prescription, which some prescribers may not be able to offer. But we also suspect that those prescribers using digital release for contact lenses will likely use it for eyeglass prescriptions as well, again, adding efficiency to office operations.'').

[207] Lovejoy (WS Transcript at 45) (''Well, I do think it is easier . . . if a patient can get a prescription through email either directly of the prescription itself or to a link to a website or a portal where they can obtain it. And anecdotally I've heard reports of being able to be standing at the office desk checking out and having the prescription emailed to you before you leave the office. It's in your iPad or your iPhone and ready to be used wherever you might want to use it.''); Hyder (WS Transcript at 45) (''I would say that it gives providers more ability to comply, but I can't say that we have data to show that it improves compliance.'').

[208] NPRM Comment #0006 (''What happens when they access their portal and print the prescription off from there? Will our portals have to update to require a signature as well?'').

[209] Repka (WS Transcript at 26) (''And then if a patient gets it in the portal, which in our portal is simple, they just go on if they have it, they can download it. They don't actually need to provide a signature. So we send a note asking for a signature, and we never get those returned because the patient doesn't have to. And the modules aren't set up in the EMR to be compliant with that. So they get a notification. If they happen to send it back, of course they have to print it, sign it, scan it, and then figure out how to upload it into the portal. And then the staff have to actually take it from the portal and put it into the right record so that it can be retained.'').

[210] Prescribers are also not required to obtain signed confirmations for contact lens prescriptions that are delivered digitally, provided the prescriber complied with the CLR's requirement for obtaining and storing a record of a patient's verifiable affirmative consent to digital delivery. 16 CFR 315.3(c)(1)(i)(D). Instead, the prescriber need only retain evidence that the prescription was sent, received, or made accessible, downloadable, and printable—evidence that will typically be electronic and automatic via the email, text, or portal method used by the prescriber. *Id.*

[211] *See* section III, *infra.*

[212] Anonymous (NPRM Comment #0006) (''We already have a record of the prescription on file for the patient and most EHRs track when they are printed out.''); Lovejoy (WS Transcript at 10) (the requirement, as proposed, ''sounds like it would not be difficult to have a record of the patient receiving access to their prescription through [the] portal, so that would not seem like a significant burden.'').

[213] Lovejoy (WS Transcript at 10).

[214] Beatty (WS Transcript at 43) (''So if a portal could possibly be confusing, having a website where the patient can enter rudimentary data and then get back just the prescription information that they were looking for should be acceptable too.'').

[215] Montaquila (WS Transcript at 23) (''[The electronic] approach is not without challenges. The method requires many steps and a secure system for data transmission. Additionally, some electronic health record systems cannot automatically transmit the eyeglass or contact lens prescription to the patient portal. So when a patient requests an electronic copy of their prescription in those scenarios, the doctor must first print the prescription, attach it to an email, and then send it to the patient. For storage, it is possible to attach the information to the patient's medical record, but colleagues report that some electronic health record systems impose costs to store data over time. So using this method for them would increase the doctor's cost in perpetuity.'').

[216] Through the 21st Century Cures Act, Congress authorized HHS to take action to promote the interoperability of health IT, support the use, exchange, and access of electronic health information, and limit information blocking. 21st Century Cures Act, Public Law 114–255, Title IV (2016). The Cures Act Final Rule, promulgated by the U.S. Dep't of Health & Human Servs., ONC, requires healthcare providers to enable patient access to enumerated classes of data in their electronic health record systems. ONC, 21st Century Cures Act: Interoperability, Information Blocking, and the ONC Health IT Certification Program, Final Rule, 85 FR 25642 (May 1, 2020). These data classes include providers' clinical notes and information on medications, and the ONC noted in the latest update (Version 4 from July 2023) to the United States Core Data for Interoperability (USCDI) that the definition of ''clinical tests'' includes ''visual acuity exam.'' ONC, *HealthIT.gov,* Interoperability Standards Advisory (ISA), Clinical Tests, USCDI V4, *https://www.healthit.gov/isa/uscdi-data-class/clinical-tests#uscdi-v4.* While this decision may result in consumers having greater access to their prescription information in their EHRs, it does not directly impact prescribers' obligations for automatic prescription release under the Eyeglass Rule.

[217] Brown (WS Transcript at 7) (''it is very concerning that patients might not understand how to access their prescriptions. It's wonderful that patients are . . . requesting or desiring these prescriptions to be available to them online. But from the Prevent Blindness perspective and the patient's perspective, not every single patient is the same. Not everybody has the same access. Not everybody has the same broadband capabilities, the same smartphone technologies. And a lot of patients lack health literacy that encourages us as a completely available use to, or available avenue for them to receive access to their prescriptions.''); Aceto (WS Transcript at 42) (''My only concern with [technology] is not everybody, as we talked about with different clientele and different patients and different modalities, not everybody's as well versed.''); Hyder (WS Transcript at 45) (''ophthalmology patients who are older[—for the] digital option, they may not even want or have any idea of how to access [it].'').

[218] Brown (WS Transcript at 7) (''So it is encouraging, but it seems [] that there's a missed opportunity if patients can access their records digitally, but if they're not also given other means to access their prescriptions.''); Beatty (WS Transcript at 42) (''And so we'd want to be able to provide the possibility of delivering [prescriptions] electronically, but also allow for the provider to have the choice of how the electronic delivery would occur. And then the patient to consent to whether they want that electronic delivery or if they would prefer to have a paper version.'').

[219] Montaquila (WS Transcript at 26) (Once the prescription is on the portal, ''we have to then teach them, if they want to use the portal, how to find it. They have to go in, they have to log in, they have to download it. It's not that difficult to do, but they still need the education as you would for any new system you'd use. But then we have plenty of patients who say, 'I'm not electronic, just give me a copy.' '').

[220] Aceto (WS Transcript at 45) (''I will say that a good amount of the time that we spend oftentimes as opticians is sometimes calling for verification. But I do worry that some of these other burdensome regulations like the affirmative consent, for example, isn't going to change that. Because if [patients] forget [the prescription] at home, if they don't have it, we end up calling. And I don't know that it's that much of a burden to [prescribers]. Because as we've called optometrist's office and ophthalmologist's office, I will tell you that without fail because of the great work of the FTC since 1978, there hasn't been as much pushback as before those rules were instigated.''); Beatty (WS Transcript at 46) (''I think that the number of patients who are issued a paper prescription only, to just not have it when they need it is relatively high. And so a simple request from the patient to have a paper copy should they need one I think is a really simple request on their side and not really burdensome. I think that as long as that prescription is issued at the request and there's an electronic version available to that patient, then it should be ample.'').

[221] The Commission notes that for some telemedicine exams, digital delivery might be the only practical way for a prescriber to transmit the prescription immediately after the exam; in such cases, medical practices may need to obtain patient consent during the intake process. If a patient is in a medical office, however, and only the prescriber is remote, the office could print a paper copy

of the prescription for the patient. *See* Lovejoy (WS Transcript at 45) (''And more and more we're seeing some of those prescriptions being written after a telemedicine eye exam where the doctor and the patient are in a real time communication, but the doctor's remote. And the only way for the doctor to prescribe and get the prescription to the patient is electronically. It can be then printed out at the office and the patient can use it either there at the location or take it someplace else, but the patient then has access to it electronically as well.'').

[222] *See* section II.C., *supra.*

[223] CLR Final Rule, 85 FR 50683.

[224] *See* section VIII.A, *infra.*

[225] The digital delivery provision also does not alter or pre-empt existing State and Federal requirements pertaining to the electronic delivery of records and consumer consent, such as the Electronic Signatures in Global and National Commerce Act, 15 U.S.C. 7001.

[226] 45 CFR 164.520; AOA (WS Comment #0047 submitted by Benner) (''Greater analysis of the overall burden [of] regulations on doctors would also be helpful to inform how best to streamline rule changes and explore alternative options, FTC could consider mirroring some of the acknowledgement requirements after the Department of Health and Human Services (HHS) Notice of Privacy Practices which does not require acknowledgment to be obtained at every visit. Seeking authorization to provide a prescription electronically could follow the same approach.'').

[227] Montaquila (WS Transcript at 35) (Allowing the consent form to be signed once ''would make it much easier for all of us to implement because we could educate [the patient] as to what the office policy is, whether that's paper or electronic or a combination thereof. It could happen at the outset when they first establish their relationship with us and only if we change policy or they make a request, because the patients could understand, 'I know your policy and I'm happy with it.' Or, 'I'm not happy with it, I want it done a different way.' And that could all be documented when we first meet them or at any time at [a] time [of] their choosing. So putting it in the patient's hands to have control.'').

[228] *See, e.g.,* 45 CFR 164.520(c)(1)(ii) (''No less frequently than once every three years, the health plan must notify individuals then covered by the plan of the availability of the notice and how to obtain the notice.'').

[229] For example, consider an instance where a prescriber obtains a patient's affirmative consent to digital prescription delivery via email in September 2024, and the prescriber relies on that consent to email prescriptions until and including the patient's September 2028 appointment. In 2029 the prescriber changes the digital delivery policy to delivery via patient portal, and the consumer signs a new affirmative consent during their annual 2029 appointment. The prescriber's office should retain the original affirmative consent to email delivery at least through September 2031 (September 2028 appointment plus three years), and should retain the 2029 consent to delivery via portal for three years, or for as long as the prescriber relies on that consent to provide prescriptions via portal, plus another three years.

[230] NPRM, 88 FR 268.

[231] CLR Final Rule, 85 FR 50682–50684; 16 CFR 315.2.

[232] *See* Office of the Federal Register, Regulatory Drafting Guide, Definitions, *https://www.archives.gov/federal-register/write/legal-docs/definitions.html* (''5. Do not include a substantive rule within a definition. A reader can easily miss a rule placed within a definition.'').

[233] Old Rule §§ 456.3, 456.4, and 456.5 are redesignated as new §§ 456.5, 456.6, and 456.7, respectively.

[234] 5 U.S.C. 553; 15 U.S.C. 57a(b)(1).

[235] *See* WS Transcript at 27–28, 36; Repka (WS Transcript at 28) (''The question [ ] was why the EMR companies haven't followed? Well, the new rule, it takes time to get a consumer base or a user base that goes and asks the big company to prioritize that development over 500 other development requests that they get. I think we clearly need one because a signature pad or a checkoff box, which just rolled out in Epic for procedure consents would make this easier.''); Montaquila (WS Transcript at 36) (''You mentioned Epic. I worked with one of the first Epic implementations in the country, believe it or not, way back. And they have a really good system with a signature pad. The system I use now has an iPad. You can open up, they can sign on the iPad. But I am talking to other colleagues who say that their EHR system has no option similar to this. All of them are probably moving in the same direction, right?'').

[236] *See, e.g.,* Repka (WS Transcript at 36) (''it still seems to me that the EMRs of the future will be able to accept this as an electronic signature, that it will store in some fashion other than necessarily on a paper that says any of the three things that you've had there. So that if there's an option to do that, it would be nice. If you still needed it to be on a printable PDF, then not as convenient.'').

[237] NAROC (NPRM Comment #0024 submitted by Neville). NAROC also requested the Commission be open to petitions from prescribers to allow additional digital methods of verifications as technology evolves and provided examples including the use of a personal identification number by the patient in an EHR, a fingerprint, a retinal scan, voice recognition or other verifiable consent documentation. WS Comment #0049 submitted by Neville. The FTC is open to new digital methods of verifications such as biometric data so long as the processes are optional, secure, there are methods in place to confirm and verify the identity of the signatory, and the signatures are designed such that they cannot be used by anyone other than their genuine owners.

[238] Montaquila (WS Transcript at 23) (''For the approach on screen, the consent is obtained on paper, but then other practices will use an electronic means to collect that signature.'').

[239] CLR NPRM, 81 FR 88535.

[240] CLR SNPRM, 84 FR 24667.

[241] NPRM, 88 FR 265.

[242] *See* sections I.D.4 *supra,* IV.C.3 *infra.*

[243] Although prescribers may similarly comply with the CLR by obtaining digital signatures, the Commission recognizes that, for the time being, the CLR will differ from the Eyeglass Rule by not expressly permitting signature collection in a digital format. The Commission can amend the CLR to include this express permission during its next rule review and, in the meantime, can provide clarity to prescribers through guidance materials.

[244] Press Release, Fed. Trade Comm'n, FTC Sends Cease and Desist Letters to Prescribers Regarding Potential Violations of the Commission's Contact Lens Rule (Feb. 21, 2023), *https://www.ftc.gov/news-events/news/press-releases/2023/02/ftc-sends-cease-desist-letters-prescribers-regarding-potential-violations-commissions-contact-lens*; Press Release, Fed. Trade Comm'n, FTC Sends 37 New Cease and Desist Letters Regarding Agency's Eyeglass Rule (Apr. 20, 2023), *https://www.ftc.gov/news-events/news/press-releases/2023/04/ftc-sends-37-new-cease-desist-letters-regarding-agencys-eyeglass-rule.*

[245] Botha (WS Transcript at 44).

[246] Beatty (WS Transcript at 44) (''While I think there are things that can be coupled together to decrease the amount of forms that a patient is having to sign, I do think that there are certain aspects of that intake process that should be separate so that we can make sure that the patient is acknowledging things appropriately . . . in this case, whether or not we separate the acknowledgement for the availability of the prescription.'').

[247] *See* section I.B, *supra.*

[248] Montaquila presentation, FTC Eyeglass Rule Workshop at 7, *https://www.ftc.gov/system/files/ftc_gov/pdf/Stephen-Montaquila-OD-Presentation.pdf.*

[249] *See* NPRM, 88 FR 286 (previously proposed as § 456.1(h)(2)).

[250] NPRM, 88 FR 265.

[251] The NPRM proposed to redesignate the provisions currently codified at §§ 456.3 through 456.5 as §§ 456.4 through 456.6, respectively, and add a new Section 456.3.

[252] *Id.* at 266.

[253] *Id.* at 280.

[254] *Id.* at 280–81.

[255] These comments are in addition to the comments detailed above on the need for automatic prescription release due to a lack of compliance and patient awareness of their rights to a prescription. *See* section II.A, *supra.*

[256] Williams (NPRM Comment #0002) (''This is a great idea and will protect patients!''); Wolin (NPRM Comment #0003) (''I support the proposed rule changes as a smart and efficient update''); Riffle (NPRM Comment #0013) (''I agree with the proposed rule''); Anonymous (NPRM Comment #0017) (''I support the proposal to require eye doctors to obtain signed confirmation of prescription release.'').

[257] NAROC also points out that more prescriptions in the hands of consumers might reduce the number of requests for additional copies. NPRM Comment #0024 submitted by Neville; WS Comment #0049 submitted by Neville.

[258] NAROC (NPRM Comment #0024 submitted by Neville; WS Comment #0049 submitted by Neville).

[259] NAROC (WS Comment #0049 submitted by Neville).

[260] Consumer Action (NPRM Comment #0026 submitted by McEldowney).

[261] NPRM Comment #0028 submitted by Sepp.

[262] 1–800 Contacts (NPRM Comment #0025 submitted by Montclair).

[263] *Id.* Another commenter stated that he approves of the Rule and hopes the Rule is enforced. White (NPRM Comment #0022).

[264] NAROC (NPRM Comment #0024 submitted by Neville). It encourages the Commission to report on how its access to prescribers' confirmation of prescription release has been used and whether it can demonstrate that the cost to prescribers associated with the confirmations is justified by improved enforcement. *Id.*

[265] WS Transcript at 32–33. *See also* Consumer Action (NPRM Comment #0026 submitted by McEldowney) (''In fact, providers should welcome this record-keeping as a way to prove that they are following the law if challenged.'').

[266] NAROC (WS Comment #0049 submitted by Neville).

[267] WS Transcript at 19.

[268] WS Comment #0049 submitted by Neville. *See also supra* note 174 (citing Lovejoy (WS Transcript at 19) noting the high percentage of optometrists' gross revenue that comes from the product sales)).

[269] NAROC (WS Comment #0049 submitted by Neville). Consumer Action does not believe it is a burden on prescribers to obtain, document, and retain a consumer's affirmative receipt of their prescription. NPRM Comment #0026 submitted by McEldowney.

[270] NAROC (WS Comment #0049 submitted by Neville). At the workshop, Joseph Neville said that he's been talking over the last two years with their members and they ''said they're not having problems [complying] with the Contact Lens Rule.'' WS Transcript at 28.

[271] WS Transcript at 31.

[272] National Taxpayers Union (WS Comment #0028).

[273] *Id.*

[274] *Id.* The Commission has not been able to replicate NTU's cost calculation. Based on NTU's estimate that a ''modest optometry establishment'' might conduct 3000 examinations per year, and using the NPRM burden estimate of 10 seconds to obtain a patient's confirmation and one minute to store it, the requirement would impose an additional paperwork burden on such a practice of 58.3 hours per year ($3{,}000 \times 70$ seconds $\div 60 \div 60$). Using the NPRM estimated wage rates for optometrists and office staff, such an additional burden would amount to an incremental burden of $1,439.88. However, staff does not know how accurate NTU's estimate for a ''modest optometry establishment'' is, and does not possess information about typical practices. As explained in this document's PRA section, staff based its ultimate burden calculations on the expected overall number of refractive exams that would result in a written prescription every year rather than trying to determine a number for a typical practice. *See* Paperwork Reduction Act, section VIII, *infra,* for an updated estimate for the amended Rule.

[275] WS Transcript at 40.

[276] NPRM Comment #0024 submitted by Neville.

[277] *Id.*

[278] Some of these comments were discussed above with respect to the Commission's determination that the failure to provide a prescription continues to be an unfair act or practice. *See* section II.A *supra.* One other commenter expressed disfavor with the proposal, but did not provide specific reasons for the opposition. Anonymous (NPRM Comment #0004).

[279] AOA (WS Comment #0047 submitted by Benner).

[280] AOA (WS Comment #0047 submitted by Benner). Appendix A to this comment contains a summary it created of the purported study results.

[281] AOA (WS Comment #0047 submitted by Benner). Similarly, at the workshop, Dr. Stivers suggested that most consumers sign papers at the doctor's office without reading them and questioned whether the confirmation of prescription release ''accomplish[es] anything in the broader context of all of the information that the patient is trying to absorb in that kind of environment.'' WS Transcript at 10.

[282] *See also* Stivers, WS Transcript at 11 (noting that regulations like the Eyeglass Rule require businesses to hire expensive attorneys and consultants to advise them, and the Commission should take into account the burden placed on ''the vast majority of practitioners or businesses in general that are absolutely law abiding.''

[283] *See* section VIII, *infra.*

[284] During the pendency of the Eyeglass Rulemaking, the American Optometric Association filed a comment in response to the Commission's Paperwork Reduction Act (''PRA'') notice for the Contact Lens Rule. That comment, CLR PRA Comment #0007 (submitted by Benner), is available at: *https://www.regulations.gov/comment/FTC-2023-0049-0007* (emphasis in original).

[285] AOA (NPRM Comment #0023 submitted by Benner; WS Comment #0047 submitted by Benner).

[286] Rosemore (WS Comment #0045) ''As an optometrist, the added requirements would be a significant burden on my practice . . . I'm not sure what sort of issue the Commission believes it is solving here.'' Dr. Rosemore added, ''I am disturbed that my profession continues to get treated like a punching bag. It appears to me that we are viewed by some at the Commission as predators to consumers instead of the doctors we are to our patients. I did nothing to deserve that treatment.'' Coast Eyes Pllc (WS Comment #0046) (''Nothing is broken here. Patients get their prescriptions without conflict. The financial/time/paper (material) burden on small business is not justified by the number of complaints.)''.

[287] Anonymous (NPRM Comment #0006) (''something that would take an immense amount of time and take away from patient care.''); Anonymous (NPRM Comment #0007) (isn't ''necessary'' and would be ''very time consuming.''); Cooper (NPRM Comment #0009) (''yet another example of an unnecessary, time consuming, and intrusive requirement [that would] add to cost of doing business which ultimately gets passed on to the patient (consumer)''); Anonymous (NPRM Comment #0011) (costly, time consuming, and redundant). WS Transcript at 23–24.

[288] Durkee (NPRM Comment #15).

[289] WS Transcript at 9. Voicing a similar concern, Dr. Montaquila said he's seen widespread confusion from patients as to why they are signing a prescription or confirmation of prescription release and he states that ''they don't understand the process.'' WS Transcript at 24. Dr. Masoudi raised communication issues surrounding the form when language barriers exist between the patient and staff. WS Transcript at 27.

[290] WS Transcript at 23.

[291] WS Transcript at 23–24.

[292] WS Transcript at 29.

[293] WS Transcript at 29.

[294] AAO (NPRM Comment #27).

[295] *Id.* The AAO recommended the Commission exempt from the confirmation-of-prescription-release amendment ophthalmology practices with fewer than ten full-time employees because they often operate with limited administrative support and may not use electronic health records. *Id.*

[296] WS Transcript at 31. Dr. Montaquila stated that he has not seen much difference since the Contact Lens Rule confirmation requirement was put in place andthat he'll give prescriptions whether or not there is a confirmation requirement in place.

[297] WS Transcript at 29.

[298] WS Transcript at 37–38.

[299] NPRM, 88 FR 287.

[300] NPRM, 88 FR 287.

[301] *Id.* at 281.

[302] The Commission has determined not to add an exemption for ophthalmology practices with fewer than ten full-time employees, as requested by the AAO. *See supra* note 295. It is equally important for patients at these practices to be aware of their right to receive their prescriptions and receive their prescriptions as it is for patients at larger practices. If the practices sell eyeglasses or have a direct or indirect financial interest in the sale of eyeglasses, they must comply with the confirmation-of-prescription-release amendments.

[303] WS Transcript at 34.

[304] WS Transcript at 34.

[305] Warby Parker (ANPR Comment #0817 submitted by Kumar) (bill of rights and signage); Tedesco (ANPR Comment #0042) (signage).

[306] AOA (NPRM Comment #0023 submitted by Benner); Masoudi (WS Transcript at 38) (suggesting that the FTC should be more active in making consumers more aware of their rights ''before they even walk in our door.''). Other commenters discussed a need for greater education generally in this area. *See* section VII.B, *infra.*

[307] NPRM Comment #0023 submitted by Benner. According to the AOA, these include: (1) online retailers cannot guarantee the glasses purchased will meet the consumers' visual needs; (2) if the eyeglasses do not fit well, the online retailer is not required to adjust the glasses in person, but will often instruct the consumer how to self-

adjust the glasses; and (3) the online retailer is not obligated to respond to any complaints or issues surrounding the purchase. *Id. See also* American Optometric Association, ''AOA: No letting up on Eyeglass Rule advocacy,'' Nov. 2, 2023, *https://www.aoa.org/news/advocacy/federal-advocacy/aoa-no-letting-up-on-eyeglass-rule-advocacy.*

[308] Durkee (NPRM Comment #15). At the workshop, panelist Pete Sepp of NTU inquired about the FTC not enforcing the Rule against prescribers who take actions aimed at improving automatic prescription release and suggested such actions be treated as ''safe harbors'' from FTC enforcement. One example he provided was for prescribers to show a training video to their employees on prescription release and retain evidence of the training. WS Transcript at 33. As explained in response, although every instance where a prescription is not automatically provided to a patient is a civil penalty violation, the Commission is generally not looking for one-off instances of non-compliance in its enforcement actions. *See* Bernstein (WS Transcript at 34). Nevertheless, the Commission does not believe expressly establishing ''safe harbors'' of the type described by Pete Sepp would sufficiently counter the significant non-compliance detailed elsewhere in this document.

[309] *See* section II, *supra.*

[310] *Id.*

[311] NPRM, 88 FR 263. This inquiry is particularly relevant in that, as the Commission has stated, it is primarily interested in bringing actions against repeat offenders, not prescribers who may make a one-off mistake in forgetting to release a prescription.

[312] *U.S.* v. *Doctors Eyecare Ctr., Inc.,* No. 3:96–cv–01224–D (N.D. Tex. June 24, 1996). The complaint alleged that the eye care center only released prescriptions when patients asked for them, and included waivers of liability on patients when doing so. The prescriber paid a $10,000 civil penalty and was enjoined from future violations of the Eyeglass Rule. *See* Press Release, Fed. Trade Comm'n, Dallas Eyecare Center Agrees to Settle Charges That They Failed to Give Consumers Copies of Their Eyeglass Prescriptions (May 3, 1996), *https://www.ftc.gov/news-events/press-releases/1996/05/dallas-eyecare-center-agrees-settle-charges-they-failed-give.*

[313] NAROC's comment mentions that, while a requirement for signage in the office was rejected as inadequate, industry members might use the option of making information easily available to customers in other formats, such as websites or point of sale handouts about patients' rights or prescriber responsibilities. NPRM Comment #0024 submitted by Neville. NAROC proffered these ideas as additive to, and not instead of, the confirmation proposal, which it supports. An anonymous commenter suggests that the FTC should educate the consumer and ''[m]aybe provide a template to the providers so that the consumer gets the same info, presented the same way at every provider?'' WS Comment #0037. It is unclear whether the commenter is suggesting this action in addition to, or instead of, the signed acknowledgment proposal. The Commission discusses business and consumer education as an additional method to increase business and consumer awareness of responsibilities and rights, respectively, in section VII.B, *infra.*

[314] NPRM, 88 FR 264 (signage), 263–64 (bill of rights).

[315] *See* CLR SNPRM, 84 FR 24675; Eyeglass I Rule, 43 FR 23998.

[316] NPRM, 88 FR 263.

[317] Commission staff first identified this issue in its Eyeglass II Report, where it explained that the automatic release requirement had not helped to prevent ''evidentiary squabbles''—as the Commission had hoped it would—but instead had increased them, because whether or not a prescriber had released a prescription could not, in most cases, be ascertained absent documentary evidence. Eyeglass II Report, *supra* note 14, at 275–76.

[318] *See* sections IV.C.2.a and VIII.A, *infra* (describing how many prescribers are using confirmation forms that contain extraneous information and thus, likely take far longer to read and sign than actually required under the rule).

[319] This calculation is based on estimates that there are 165 million eyeglass wearers who get exams every other year, and that there are 18,000 ophthalmologists and 43,000 optometrists in the United States. As discussed above, section I.D.5, *supra* note 67, this may undercount the number of optometrists, which could mean the per-provider burden is even less. On the other hand, the burden may fall differently on different providers (depending on their size, or volume, or electronic-records adoption, for instance), and at least one commenter, the National Taxpayers Union, felt it might be disproportionally felt by small providers. *See* section IV.B, *supra.*

[320] AOA (WS Comment #0047 submitted by Benner).

[321] *Id.*

[322] AOA's appendix A to its workshop comment (WS Comment #0047 submitted by Benner) does not contain information about the methodology of the survey or the representativeness of the surveyed population. This analysis assumes the methodology is sound and the population surveyed is appropriately representative—assumptions which may or may not be correct.

[323] Moreover, 28% of respondents disagree with the statement that the amount of paperwork they have to complete at a doctor's appointment is overwhelming (with another 25% responding neutrally) and 34% of respondents disagree with the statement that the complexity of the paperwork they have to complete at a doctor's appointment is overwhelming (with another 25% responding neutrally).

[324] However, the Commission notes that some of the burden that commenters suggest has resulted from the CLR confirmation-of-prescription-release requirement appears to be wrongfully attributed to that requirement. *See* sections IV.C.2.a, *infra,* and section VIII.A, *infra* (describing how in one form in use by many prescribers' offices, and recommended in the AOA's online toolkit for complying with the CLR, five out of six paragraphs are extraneous to the confirmation-of-prescription-release proposal).

[325] These options include permitting electronic delivery of eyeglass prescriptions, in which case prescribers would not need to request that the patient acknowledge receipt of the prescription. Yet, flexibility exists for prescribers who prefer to provide paper copies to their patients, as they do not need to offer an electronic option. *See* section III.C, *supra.* For instances in which a patient refuses to confirm prescription release, the prescriber shall note the patient's refusal on the document and sign it.

[326] *See* section III.C, *supra.*

[327] If multiple eyeglass prescriptions are provided on paper at the same time, the prescriber can obtain confirmation of prescription release with one signature, and need not obtain separate signatures for each prescription confirmation.

[328] To reduce the burden associated with prescription release, a prescriber could create a document requesting a single signature to confirm receipt of both an eyeglass and a contact lens prescription (in cases where both prescriptions are finalized at the same time). Such a document could meet the requirements of both rules so long as it is clear and conspicuous what the patient is signing for, and that the signature requested confirms receipt of *both* the contact lens and eyeglass prescriptions. Similarly, as mentioned above, a prescriber could use one document to obtain verifiable affirmative consent to digital prescription release of both contact lens and eyeglass prescriptions.

[329] NPRM, 88 FR 287.

[330] *Id.*

[331] 16 CFR 315.3(c)(3).

[332] *See* NPRM, 88 FR 260–61. The same purpose is stated for the exemption in the Contact Lens Rule. CLR Final Rule, 85 FR 50687.

[333] Current guidance issued by the Commission in connection with the Contact Lens Rule states the same. FTC, FAQs: Complying with the Contact Lens Rule, *https://www.ftc.gov/business-guidance/resources/faqs-complying-contact-lens-rule* (''If you're not sure if your interest qualifies, err on the side of caution and ask your patients to confirm receipt of their prescriptions.'').

[334] One commenter requested an exemption in long-term care settings for the confirmation requirement, as well as for affirmative consent for digital delivery. This commenter said that, in the long-term care setting, the parties responsible for the patients are almost never present during the exam and the patients themselves are not able to give consent and as a result, prescribers coordinate care with, and provide prescriptions to, facility staff. Morer (NPRM Comment #0021). In such situations, the Commission recommends the prescriber note in their records to whom the prescription was provided (*e.g.,* staff or caregiver), and whether it was provided on paper, or made available digitally and by what method. As with the instance where a patient refuses a copy of a prescription, *see supra* note 325,

the prescriber could relay that information to the Commission should questions about compliance arise.

[335] 16 CFR 315.3(c)(1) (CLR); NPRM, 88 FR 266.

[336] Montaquila (WS Transcript at 22). The Commission notes that other offices using EHRs could collect and store signatures electronically, as Dr. Montaquila noted they do for the consent to digital delivery. *Id.* at 23.

[337] Montaquila presentation, FTC Eyeglass Rule Workshop, *https://www.ftc.gov/system/files/ftc_gov/pdf/Stephen-Montaquila-OD-Presentation.pdf*.

[338] AOA, Contact Lens Rule Compliance Toolkit (July 2020), *https://www.aoa.org/AOA/Documents/doctor%20resources/Contact-Lens-Rule-Compliance-Toolkit.pdf*.

[339] WS Transcript at 22. Dr. Montaquila shared an example of a what the prescription pad looks like. *See* Montaquila presentation, FTC Eyeglass Rule Workshop, *https://www.ftc.gov/system/files/ftc_gov/pdf/Stephen-Montaquila-OD-Presentation.pdf*. This pad is also shown in the AOA's toolkit, with a note that doctors should contact the AOA Marketplace if interested in obtaining the product. *See* AOA, Contact Lens Rule Compliance Toolkit at 9 (July 2020), *https://www.aoa.org/AOA/Documents/doctor%20resources/Contact-Lens-Rule-Compliance-Toolkit.pdf*. At the bottom of each prescription sheet, after a statement in bright blue declaring, ''Contact lenses are medical devices which require ongoing medical care for optimal performance and safety. Please contact our office if you experience any signs of complications including pain, redness, loss of vision,'' there is a statement in black for patients to ''Sign below to indicate you were provided a copy of your contact lens prescription at the completion of your contact lens fitting,'' with a space for a signature and the date.

[340] WS Transcript at 22. Dr. Montaquila referenced *HealthIT.gov* data, as of 2021. *See* U.S. Dep't of Health & Human Servs., ONC, ''Office-based Physician Electronic Health Record Adoption,'' *https://www.healthit.gov/data/quickstats/office-based-physician-electronic-health-record-adoption*. The 88% figure, however, pertains to U.S. office-based physicians, but not specifically to optometrists or ophthalmologists. Moreover, this figure relates to adoption of EHR by doctors for their recordkeeping, but does not necessarily cover the use of EHR, and specifically portal-use, by patients themselves. There may be instances where doctors retain their records in electronic format but do not make them available via portal for their patients to access. And even when records are available electronically, many patients may opt not to use prescriber portals. *See* section III.B.1, *supra* (discussing patient portal access and usage) and section VIII.B.2, *infra* (discussing AOA survey of a small sample of optometrists showing that just 35% provided prescriptions electronically).

[341] WS Transcript at 22.

[342] WS Transcript at 22. Dr. Montaquila did not produce this study to staff. A news article on the study is available at: Cornell Chronicle, ''Study: E-prescribing cuts medication errors by seven-fold'' (2010), *https://news.cornell.edu/stories/2010/03/e-prescribing-cuts-medication-errors-seven-fold*.

[343] WS Transcript at 22.

[344] AOA (CLR PRA Comment #0007 submitted by Benner), *https://www.regulations.gov/comment/FTC-2023-0049-0007* (filed in response to FTC Request For Comment, 88 FR 55044 (Aug. 14, 2023), *https://www.regulations.gov/document/FTC-2023-0049-0001*). As discussed more fully in the PRA section of this document (section VIII, *infra* notes 452–55 and accompanying text.), the Commission has doubts about the methodology used for this survey,and does not rely on it for any determinations.

[345] WS Transcript at 22–23. Dr. Montaquila stated that EHR or practice management systems were not flexible enough to accommodate this functionality. *Id.*

[346] The Commission points out that if the prescriber delivers the prescription digitally, but the patient has not opted-in to the digital delivery option, the prescriber has not satisfied the requirements of § 456.2. *See* section III.B.1, *supra.*

[347] *See* Section VIII, *infra.*

[348] Section 456.4(a)(1)(ii) relating to digital prescription release, now cross references § 456.3, requiring verifiable affirmative consent to providing the prescription in digital format.

[349] *See* section III.B, *supra.*

[350] WS Transcript at 36.

[351] NPRM, 88 FR 265. *See* section III.C.3, *supra* notes 239–40 and text (citing Commission language from the CLR NPRM and CLR SNPRM supporting the position that, for the CLR, prescribers may obtain a patient's signature either on paper or digitally.).

[352] Although prescribers may similarly comply with the CLR by obtaining digital signatures, the Commission recognizes that, for the time being, the text of the CLR will differ from that of the Eyeglass Rule by not expressly permitting signature collection in a digital format. The Commission can amend the CLR to include this express permission during its next rule review and, in the meantime, can provide clarity to prescribers through guidance materials.

[353] 16 CFR 456.2(a).

[354] 16 CFR 315.4.

[355] 15 U.S.C. 7602.

[356] NPRM, 88 FR 271.

[357] *Id.* at 286.

[358] *Id.* at 281.

[359] NAROC (NPRM Comment #0024 submitted by Neville); NAROC (WS Comment #0049 submitted by Neville). NAROC noted, however, that it was not aware of significant instances in which prescribers had refused to automatically provide prescriptions until receiving payment from the insurance company. NAROC (NPRM Comment #0024 submitted by Neville); Lovejoy (WS Transcript at 48).

[360] NPRM Comment #0025 submitted by Montclair.

[361] NPRM Comment #0027 submitted by Repka.

[362] *Id.*

[363] WS Comment #0039. *See also* Hyder (WS Transcript at 47) (recommending that the FTC clarify the difference between covered services—such as eye health exams—and non-covered services—such as refractive exams—because ''insurance is complex and I think sometimes it can be a challenge to confirm whether or not the coverage is available for a patient.'').

[364] *See* section II.C, *supra.*

[365] Beatty (WS Transcript at 52); Lovejoy (WS Transcript at 52–53).

[366] Botha (WS Transcript at 53).

[367] However, prescribers who wait to collect payment for the examination until the eyeglass purchase is completed are precluded from using a confirmation method in which the statement confirming receipt of the prescription is included on the sales receipt.

[368] 16 CFR 456.1(b).

[369] 16 CFR 456.2(a).

[370] *See* AOA (ANPR Comment #0849 submitted by Peele); Brauer (ANPR Comment #0045); Yadon (ANPR Comment #0046); Bolenbaker (ANPR Comment #0633). Some of these commenters also stated that the defined term in the Rule is at odds with the definition of eye examination in the American Medical Association's Current Procedural Terminology codes to bill outpatient and office procedures, because that definition does not include a refraction. AOA (ANPR Comment #0849 submitted by Peele); Bolenbaker (ANPR Comment #0633).

[371] AOA (ANPR Comment #0849 submitted by Peele); Lunsford (ANPR Comment #0346); Bolenbaker (ANPR Comment #0633).

[372] Bolenbaker (ANPR Comment #0633).

[373] Lehman (ANPR Comment #0610).

[374] NPRM, 88 FR 279.

[375] NPRM, 88 FR 281.

[376] NPRM Comment #0025 submitted by Montclair.

[377] NPRM Comment #0028 submitted by Sepp.

[378] NPRM Comment #0024 submitted by Neville.

[379] *Id.*

[380] AAO (WS Comment #0027).

[381] *Id.*

[382] AOA (WS Comment #0047).

[383] NPRM Comment #0023 submitted by Benner (''The refractive error measured should be analyzed with other testing data, and an assessment of the patient's visual needs obtained during an in-person examination. This information is used to determine if, and in what amount, an optical correction is needed to provide optimal vision and comfort for all viewing distances.''); *see also* OAA (NPRM Comment #0020 submitted by Allen) (''A refraction may include objective and subjective assessment of the patient's refractive status; however, the results of a refraction do not provide all the information needed to determine an optical prescription.''); AOA (WS Comment #0047 submitted by Benner) (''we believe that the market has significantly evolved . . . thereby negating the need for any language adjustments in the rule. We believe the original language should stand without revision.'').

[384] AOA (WS Comment #0047 submitted by Benner).

[385] Beatty (WS Transcript at 54).

[386] *Id.* at 55–56.

[387] Boatner (WS Comment #0036); *see also* Lovejoy (WS Transcript at 49) (describing a

scenario where an ophthalmologist may ''want to do a measure of whether or not there is a refractive error to help with the medical diagnosis, but may not want to write a prescription at the end of that because that's not what the chief complaint is about and they don't see a need for the patient to have a prescription for corrective eyewear.'').

[388] Boatner (WS Comment #0036); Beatty (WS Transcript at 49).

[389] Boatner (WS Comment #0036); Lovejoy (WS Transcript at 51, 56) (stating that an exemption for use of medical judgment to withhold the prescription should be written into the Rule).

[390] Boatner (WS Comment #0036); *see also* Hyder (WS Transcript at 50).

[391] 16 CFR 456.2(c).

[392] *See* Hyder (WS Transcript at 50) (noting that some ophthalmologists have reported having patients say, ''you're not allowed to charge me for my refraction,'' and opining, ''there needs to be something that states in the rule that refraction services are different than the cost of a prescription.'').

[393] Botha (WS Transcript at 49).

[394] The term has been revised in the following sections of the final rule: (1) Definitions, Section 456.1(a), (b), (d), (e) and (g); (2) Separation of examination and dispensing, § 456.2(a)(1) and (2) and (b) through (d); and (3) Confirmation of prescription release, § 456.4(a)(1).

[395] The Commission also makes clear that requirement to release prescriptions does not depend on how prescribers label their exams, and whether a prescriber charges a fee for that particular practice. The definition for the amended refractive eye exam terminology remains ''the process of determining the refractive condition of a person's eyes or the presence of any visual anomaly by the use of objective or subjective tests.'' § 456.1(b). A prescriber who charged a patient only one fee—designated as for an eye health exam—but also performed an exam that determined the refractive condition of a person's eyes or the presence of any visual anomaly, is still required to automatically release the prescription upon completion of the exam. A prescriber is only permitted to not release a prescription automatically following a refractive exam if the prescriber makes a medical determination that the patient should not be given a prescription for eyeglasses.

[396] Workshop panelists who spoke on this issue were unanimous in agreeing that if a prescriber decides not to provide the prescription in their medical judgment, then it is appropriate that they do not sell eyewear to that patient. WS Transcript at 57.

[397] *See, e.g.,* ACLens, ''Measuring Pupillary Distance (PD),'' *https://www.aclens.com/measuring-pupillary-distance*.

[398] The Rule, as amended, defines a prescription as the ''written specifications for lenses for eyeglasses which are derived from a refractive eye examination, including all of the information specified by state law, if any, necessary to obtain lenses for eyeglasses.'' 16 CFR 456.1(g). As of the date of the NPRM, only four States, Alaska, Kansas, Massachusetts, and New Mexico, required the inclusion of pupillary distance measurements on prescriptions. NPRM, 88 FR 273.

[399] NPRM, 88 FR 276–77.

[400] NPRM, 88 FR 276–77.

[401] NPRM, 88 FR 277.

[402] OAA (NPRM Comment #0020 submitted by Allen); AOA (NPRM Comment #0023 submitted by Benner).

[403] AOA (NPRM Comment #0023 submitted by Benner); *see* NPRM, 88 FR 276.

[404] NAROC (Comment #0024).

[405] OAA (NPRM Comment #0020 submitted by Allen).

[406] AAO (NPRM Comment #0027 submitted by Repka).

[407] AAO (NPRM Comment #0027 submitted by Repka). Others also expressed favor with the Commission's decision not to require pupillary distance on prescriptions. Anonymous (NPRM Comment #0012) (the only way to ensure accurate measurement is by having the patient try on the desired frame and it is impossible to determine segment height and optical center without fitting the frame on the patient's face and marking the lens center); Anonymous (WS Comment #0034) (requiring pupillary distance on prescriptions would be the ''absolute death of the optical industry'' and it would be unfair to ''require people who properly train their staff to freely give the expertise so the consumer can go to another provider that has no such staff and get glasses.'').

[408] *Eyeglasses.com* (WS Comment #0040).

[409] *Id. Eyeglasses.com* also stated that, for purchases of bifocal, trifocal, or progressive lenses, a segment height is required and that consumers should be able to get a segment height measurement from an optical professional so they can include it when ordering eyeglasses online. *Id.*

[410] 1–800 CONTACTS (NPRM Comment #0025 submitted by Montclair).

[411] *Id.*

[412] *Id.*

[413] This commenter urged the Commission to require prescribers to ask patients to confirm receipt of the PD measurement, in addition to receipt of the prescription. 1–800 CONTACTS (NPRM Comment #0025 submitted by Montclair).

[414] *Id.*

[415] Beckman (WS Comment #0041).

[416] *Id.* An unidentified commenter agreed, indicating that when the optometrist fails to measure and include pupillary distance measurements on the prescription, they are preventing the consumer from shopping around and discovering lower prices elsewhere. Anonymous (NPRM Comment #0010). Another consumer comment does not explicitly mention pupillary distance, but stated it is their right to receive all of their personal medical information, and states they have to go to other sellers to be able to afford eyeglasses. Crete (WS Comment #0035).

[417] *See* section I.C, *supra.*

[418] *See* NPRM, 88 FR 274.

[419] As explained in the NPRM, pupillary distance measuring systems vary in cost and precision, and ''if the Commission required prescribers to include pupillary distance measurements on prescriptions, it is unlikely that prescribers would use less expensive rulers and the like, but instead—for professional and liability reasons—would select more technologically sophisticated methods, such as a digital centration device, to take the measurement. Such devices, and the training, staff, and exam time necessary to operate the devices, could be costly.'' 88 FR 276.

[420] The Commission recognizes that there is a tension between the fact that there are zero and low-cost methods to measure pupillary distance and the fact that prescribers claim providing the measurement requires expensive equipment and potential increases in staff. However, both things can be true. Consumers are able to ascertain serviceable pupillary distance measurements without expensive training and equipment, while medical professionals will likely want—and perhaps even feel professionally obligated—to provide a measurement that meets higher standards of technical precision.

[421] EyeBuyDirect, ''How to Measure Pupillary Distance (PD),'' *https://www.eyebuydirect.com/guides/how-to-measure-your-pd*.

[422] Zenni, ''Measure your pupillary distance (PD),'' *https://www.zennioptical.com/measuring-pd-infographic*. The Commission has not analyzed whether the various methods consumers may use to determine their pupillary distance, or whether sellers manufacturing eyeglasses in accordance with self-measured pupillary distances, are permitted in all jurisdictions. The Commission noted this in the NPRM, 88 FR 274, but did not receive any comments on this topic in response to the NPRM.

[423] The FTC has heard from consumers that they have been charged between $15 and $40 to obtain an in-person pupillary distance measurement.

[424] Bailer (ANPR Comment #0191); Emanuel (ANPR Comment #0282); Land (ANPR Comment #0311).

[425] ANPR Comment #0748 submitted by Cutler.

[426] NPRM, 88 FR 276.

[427] Because the Commission did not find adequate evidence of unfairness, it need not consider alternative ways to remedy that unfairness. Thus, it does not address seller 1–800 CONTACTS' alternate methods for providing pupillary distance to patients.

[428] WS Transcript at 38.

[429] WS Transcript at 4–6, 16.

[430] WS Transcript at 23–24.

[431] Anonymous (WS Comment #0037).

[432] NPRM Comment #0027 submitted by Repka.

[433] NPRM Comment #0024 submitted by Neville. In addition, at the workshop, Mr. Lovejoy stated that the FTC should give prescribers some guidance on how to educate their own customers and make sure the message is consistent throughout the industry. WS Transcript at 58.

[434] *See, e.g., https://www.ftc.gov/business-guidance/resources/complying-eyeglass-rule* (for prescribers); *https://consumer.ftc.gov/articles/buying-prescription-glasses-or-contact-lenses-your-rights* (for consumers); *https://www.ftc.gov/news-events/news/press-releases/2020/12/ftc-sends-28-warning-letters-regarding-agencys-eyeglass-rule* (press release); *https://consumer.ftc.gov/consumer-alerts/2020/12/ftc-warns-eye-care-prescribers-follow-law-or-else* (consumer

alert); *https://www.ftc.gov/business-guidance/blog/2023/04/required-action-after-refraction-ftc-staff-sends-cease-desist-letters-about-eyeglass-rule-compliance* (business guidance).

[435] 5 CFR 1320.8(b)(3)(vi).

[436] 16 CFR 456.4(a)(1).

[437] NPRM, 88 FR 283.

[438] *Id.* at 282–83.

[439] CLR Final Rule, 85 FR 50709. The estimates for the Contact Lens Rule's confirmation requirement were, in turn, based on a (1) survey of how long it took consumers to read a proposed Contact Lens Rule confirmation statement, and (2) previously approved burden estimates for a similar patient-acknowledgment requirement under HIPAA rules, found at 45 CFR 164.520(c)(2)(ii).

[440] 88 FR 284.

[441] Anonymous (NPRM Comment #0006).

[442] Anonymous (NPRM Comment #0007).

[443] AOA (NPRM Comment #0023). *See also* Rep. Williams, House Committee on Small Business (WS Comment #0044) (''The Committee fears that this rule will have a disproportionate impact on small businesses by adding redundant requirements to already understaffed practices.'').

[444] Michaels (WS Transcript at 9) (''I don't think that it's a burden to provide the prescription. Where I see the burden is to ask for paperwork, to say, 'Sign this piece of paper acknowledging that we've already given you a prescription.' There's a lot of time, effort, discussion around that. I think that that is something that is greatly underestimated in terms of how long it takes.''); AOA (WS Comment #0047 submitted by Benner).

[445] Coast Eyes Pllc (WS Comment #46).

[446] Montaquila (WS Transcript at 23–24). Dr. Montaquila did not break down his 4-minute estimate by task, so it is unclear how long he estimates it takes for a consumer to simply read and sign the confirmation statement, as opposed to the time it takes for his staff to print out the prescription and confirmation and store the patient confirmation as a record. In its NPRM, the Commission allowed a total of two minutes and 10 seconds for the entire process (one minute for prescribers to print out the prescription, 10 seconds for the confirmation signature, and an additional minute for staff to store the signed confirmation.).

[447] National Taxpayers Union (NPRM Comment #0028 submitted by Sepp).

[448] *See* section IV.B, *supra* note 274 and text. As noted previously, the Commission has not been able to replicate the NTU estimate. Accepting NTU's assumption that a small practice performs 3000 refractive eyeglass examinations per year, the confirmation requirement would add a paperwork burden of $1,439.88 for such a practice based on the proposal and PRA analysis applied in the NPRM, and an increased paperwork burden of $1,318.73 based on the amendment and PRA analysis of this Final Rule. While the AOA has stated that approximately 92% of optometry practices have fewer than 25 employees and average $826,612 in gross receipts per annum (AOA NPRM Comment #23), the Commission does not have information detailing how many refractive eyeglass examinations a typical practice performs—or even what a ''typical practice'' is and whether it is advisable to weigh the burden based on a typical practice experience—and finds it preferable to calculate the burden based on the overall number of eyeglass wearers in the United States, and the estimate that each wearer obtains a refractive eye exam for eyeglasses every two years.

[449] NAROC (NPRM Comment #0024 submitted by Neville); *see also* Consumer Action (NPRM Comment #0026 submitted by McEldowney) (''we do not believe it is a burden on providers to obtain, document, and retain a consumer's affirmative receipt of their prescription.'').

[450] Neville (WS Transcript at 28–29).

[451] Coast Eyes Pllc did not provide any evidence in support of its $18,000 estimate, and it is not clear where this calculation comes from.

[452] AOA (CLR PRA Comment #0007 submitted by Benner), *https://www.regulations.gov/comment/FTC-2023-0049-0007* (filed in response to FTC Request For Comment, 88 FR 55044 (Aug. 14, 2023), *https://www.regulations.gov/document/FTC-2023-0049-0001*).

[453] *Id.* According to the AOA, the survey was conducted in-house by its Health Policy Institute and Research Departments, and distributed to member optometrists via AOA's weekly email newsletter with a link and invite to the survey titled, ''Voice your concerns by Oct. 9: Complying with the FTC Contact Lens Rule.'' Of members who responded to the AOA's link request, 327 completed the survey.

[454] FTC Notice, Proposed Collection, 88 FR 88076, 88079, Dec. 20, 2023 (''2023 CLR PRA''). Following this notice and response to commenters, on Jan. 26. 2024, OMB approved the extension request for CLR clearance. Notice of Office and Management and Budget Action, OMB Control No. 3084–0127.

[455] The Commission notes that while the AOA claims to represent some 50,000 optometric professionals, only 327 members responded to the AOA's invitation and completed the survey, which could indicate that many of those who self-selected and took part in the survey were those who have concerns about the confirmation requirement, while most other AOA members do not have such concerns. However, there could be other reasons for the relatively small number of prescribers (in proportion to the total membership) who responded, so the Commission will not draw inferences from the low response rate.

[456] 2023 CLR PRA, 88 FR 88079.

[457] *See* section IV.C.2.a, *supra,* discussing the AOA model form exhibited by Dr. Montaquila at the workshop. A copy of the model form is available at *https://www.aoa.org/AOA/Documents/doctor%20resources/Contact-Lens-Rule-Compliance-Toolkit.pdf*.

[458] *Id.*

[459] *Id.*

[460] Montaquila (WS Transcript at 23).

[461] The Commission has never subscribed to the belief that consumers will be greatly confused as to why they are signing a straightforward confirmation statement such as, ''My eye care professional provided me with a copy of my contact lens prescription at the completion of my contact lens fitting.'' The Commission's understanding is based on a common sense reading of the statement, but is also supported by a survey submitted during the Contact Lens Rule rulemaking showing that 90% of consumers responded they understood the proposed confirmation statement, and 94% responded that they had no follow-up questions. Laurence C. Baker, ''Analysis of Costs and Benefits of the FTC Proposed Patient Acknowledgment and Recordkeeping Amendment to the Contact Lens Rule,'' 13 (2017), *https://www.ftc.gov/system/files/summaries/initiatives/677/10192017_meeting_summary_from_mko_for_the_contact_lens_rule_rulemaking_proceeding.pdf*.

[462] The Commission recently made a similar revision to its estimate of the time required to obtain confirmation for the Contact Lens Rule, and the revised burden figures received clearance by the Office of Management and Budget. *See supra* note 454.

[463] Standards for Privacy of Individually Identifiable Health Information, Final Rule, 67 FR 53182, 53261 (Aug. 14, 2002) (implementing 45 CFR 164.520(c)(2)(ii)).

[464] *See* section I.D.5, *supra* note 73.

[465] The Commission relies on industry sources for its estimate that eyeglass wearers typically obtain one refractive eye exam every two years. *See, e.g.,* AOA, Excel and Jobson Medical Information, The State of the Optometric Profession: 2013, at 4, *https://www.reviewob.com/wp-content/uploads/2016/11/8-21-13stateofoptometryreport.pdf* (showing an average interval between exams of 25 months); AOA, Comprehensive Eye Exams, *https://www.aoa.org/healthy-eyes/caring-for-your-eyes/eye-exams?* (showing recommended examination frequency for adult patients 18–64 of ''at least every two years'' for asymptomatic/low risk patients). In contrast to the CLR, which establishes a one-year minimum term for most contact lens prescriptions (16 CFR 315.6(a)) (a term-length mirrored by a majority of States, *see* CLR NPRM, 81 FR 88545, n.245) the Eyeglass Rule does not discuss or define prescription expiration terms, and many States do not set any limit for eyeglass prescriptions. Some eyeglass wearers, therefore, can legally go many years between refractive eye examinations. But the Commission will use two years as a basis for purposes of this assessment, since that is recommended interval for the majority of eyeglass wearers.

[466] *See, e.g.,* CLR SNPRM, 84 FR 24693 n.347.

[467] CLR Final Rule, 85 FR 50709. This estimate was based on responses to a consumer survey regarding how long it would take consumers to read the form, and a prior PRA estimate for consumers to complete a similar signed acknowledgment. *See* CLR SNPRM, 84 FR 24693; NPRM, 88 FR 282.

[468] *See supra* note 462–63 and accompanying text.

[469] In order to utilize § 456.4(a)(1)(ii) however, a prescriber must obtain and maintain records or evidence of affirmative consent by patients to electronic delivery of

their prescriptions. The burden to do so is included in the recordkeeping burden calculation of this PRA section.

[470] NPRM, 88 FR 283.

[471] AOA (CLR PRA Comment #0007 submitted by Benner).

[472] The survey found that approximately 57% said they used a separate signed confirmation form, 35% said they opted for digital delivery, 15% used a confirmation statement on a signed sales receipt, 27% used a confirmation statement on a signed prescription copy, and 9% selected ''other.'' As noted, prescribers were permitted to choose more than one option, so these percentages add up to more than 100%.

[473] Section 456.3(a)(3) also requires that in the event that a patient declines to sign a confirmation requested under paragraph (a)(1)(i) the prescriber must note the patient's refusal on the document and sign it. However, the Commission has no reason to believe that such notation should take any longer than for the patient to read and sign the document, so the Commission will maintain its calculation as if all confirmations requested under paragraph (a)(1)(i) require the same amount of time. It is worth noting that using the 82.5 million figure here is an overestimate by the Commission, since it does not deduct for the number of patients who visit a prescriber who does not have a direct or indirect financial interest in the sale of eye wear and would not be required to confirm receipt of prescriptions under Rule amendment § 456.4(c). However, staff does not currently possess information as to what number of prescribers will qualify for the exception in § 456.4(c), and so has assumed that all patients receiving a prescription will either sign a confirmation of prescription release or a consent to receive their prescription electronically every year.

[474] *See, e.g.,* 246 Mass. Code Regs. § 3.02 (requiring optometrists to maintain patient records for at least seven years); Wash. Admin. Code § 246–851–290 (requiring optometrists to maintain records of eye exams and prescriptions for at least five years); Iowa Admin. Code r. 645–182.2(2) (requiring optometrists to maintain patient records for at least five years).

[475] 20,625,000 prescriptions (82.5 million prescriptions × 25%). As noted in section III.C., *supra,* prescribers may not need to obtain patient consents at every visit. But the Commission does not have reliable information as to the percentage of consumers that are new to their prescribers as opposed to being repeat visitors or how often prescribers' practices with digital prescription delivery will change and require new consents, and thus how many will or will not have to sign a consent-to-electronic-delivery. Thus, the Commission will assume, for PRA calculation purposes, that every time a consumer receives a digital prescription, the prescriber's staff has collected a signed consent. This very likely results in a significant overestimation of the consent burden.

[476] 20,625,000 prescriptions yearly × 20 seconds/60 secs/60 mins.

[477] 20,625,000 affirmative consents × one minute/60 mins) for storing such records.

[478] This is further supported by comments during the Eyeglass Rule Workshop, such as that of panelist Dr. Montaquila, who noted that his staff completes the process ''from explaining why we're doing it to the patient, providing them with their prescription, making copies, providing their prescription back to them, and ultimately storing it. . . . Our staff has to explain, 'You're signing this for this reason' '' Montaquila (WS Transcript at 22, 28). *See also* Neville (WS Transcript at 28) (commenting that he has observed situations where the doctor pushed a button to have the prescription printed out at the front desk, the prescription was handed over at the desk by the staff person, and the staff person obtained the patient's signature on the confirmation); AOA Report for Complying with the FTC Contact Lens Rule, (survey to prescribers, Question 3, ''Have you experienced challenges in training staff on the new requirements for the Contact Lens Rule?''; Question 9 ''How much time per day does your staff spend on addressing patient questions with the acknowledgment form and process?'').

[479] Bureau of Labor Statistics, U.S. Department of Labor, Occupational Employment Statistics, *https://www.bls.gov/news.release/ocwage.t01.htm.*

[480] Based on information that there are approximately 61,000 optometrists and ophthalmologists in the United States, this averages to $629 per prescriber per year.

[481] The Vision Council, Market inSights 2022. Total market value of eyeglass frames and lenses. Does not include exams, reading glasses, or contact lenses. The $149,691,431 cost of the Eyeglass Rule is 0.0042 of the total $35.6 billion market value.

[482] It is possible that bringing the prescription confirmation requirements for eyeglass prescriptions into conformity with those for contact lenses will ease staff training burdens rather than increase them, since prescribers' staff will not have to learn to differentiate between the two types and treat them differently for rule purposes.

[483] As explained in the PRA Section, *supra,* the Commission calculates an incremental burden of $38,389,993 from adding the confirmation of prescription release to the Eyeglass Rule. The Commission need not issue a final regulatory analysis under section 22 of the FTC Act because this amount does not meet the threshold of an annual effect on the national economy from the amendment of $100 million or more or cause the other changes or effects described in section 22(a)(1)(B) and (C). *See* 15 U.S.C. 57b–3.

[484] NAROC (WS Comment #0049 submitted by Neville).

[485] *See* section VIII, *supra.*

[486] See 13 CFR 121.201 (Small Business Size Regulations).

[487] *See* NPRM, 88 FR 285.

[488] AOA (NPRM Comment #0023 submitted by Benner).

[489] According to one publication, 65% of optometrists work in a practice owned by an optometrist or ophthalmologist, practices that are likely small businesses. *See* AOA, ''An Action-Oriented Analysis of the State of the Optometric Profession: 2013,'' at 7 *https://reviewob.com/wp-content/uploads/2016/11/8-21-13stateofoptometryreport.pdf.* This publication also reported that although it could not ascertain the precise number of independent optometric practices, it estimated that as of 2012, there were 14,000 to 16,000 optometric businesses with no corporate or institutional affiliation. *Id.*

[490] NPRM, 88 FR 264.

[491] *Id.* at 263.

[492] NPRM, 88 FR 287.

[FR Doc. 2024–15620 Filed 7–25–24; 8:45 am]

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Federal Register

Vol. 89, No. 144

Friday, July 26, 2024

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